



**FRUITA CITY COUNCIL
MAY 19, 2020
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**

A. PROCLAMATION: Proclaiming May 17 – 23, 2020 as “National Public Works Week” (“It Starts Here”) in the City of Fruita to be accepted by Public Works Director Ken Haley

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. These items will be approved by a single motion of the Council. Members of the Council may 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. MINUTES:

- 1) A request to approve the minutes of the April 23, 2020 Special City Council Virtual Meeting
- 2) A request to approve the minutes of the May 5, 2020 Regular City Council Virtual Meeting

B. LIQUOR LICENSE RENEWAL: A request to approve the renewal of a Hotel & Restaurant – Malt, Vinous and Spirituous for Karma Kitchen located at 229 E. Aspen Avenue

C. LIQUOR LICENSE RENEWAL: A request to approve the renewal of a Beer & Wine (City) Liquor License for Pablo’s Pizza Fruita located at 456 Kokopelli Blvd, Unit C

D. FINANCIAL REPORTS – A request to approve the April 2020 Financial Reports

E. ORDINANCE 2020-03 – First Reading – An introduction to an Ordinance vacating certain street right-of-way along North Sycamore Street located within the City of Fruita for publication of public hearing on June 2, 2020

7. PUBLIC HEARINGS

Public hearings are held to obtain input from the public on various items. Public hearings are either Legislative in nature or Quasi-Judicial in nature. Each is described as follows:

- **LEGISLATIVE** – Legislative public hearings are held when the City Council is considering an item that establishes legislation such as an ordinance amending or establishing laws of the city. Interactions by members of the public with the City Council or individual members is permissible on items of a legislative nature.
- **ORDINANCES – SECOND READING.** After introduction of an Ordinance (First Reading), a public hearing date is set and notice of the hearing is published in the newspaper. Staff presents the ordinance and the hearing is opened to the public for comment. After comment from the public, the Mayor will close the hearing to the public and bring the Ordinance back to the City Council for discussion and potential action. The Council will make a motion to approve the Ordinance or take no action. In the event the ordinance is approved, it will become effective 30 days after adoption.
- **QUASI-JUDICIAL** – Quasi-judicial public hearings are held when the City Council is acting in a judicial or judge like manner and a person with a legitimate interest is entitled to an impartial decision made on the basis of information presented and laws in effect. Quasi-judicial hearings are commonly held for land use hearings and liquor license hearings. Since the City Council is acting in a fair and impartial manner, it is NOT permissible for City Council members to have any ex-parte communication (contact between the applicant, members of the public, or among other members of the City Council) outside of the Public Hearings and meetings on the subject application. The City Council must limit its consideration to matters which are placed into evidence and are part of the public record. Quasi-judicial hearings are held in the following manner:
 - 1) **Staff presentation** (15 minutes max) Staff will present the comments and reports received from review agencies and offer a recommendation.
 - 2) **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.
 - 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) **The public hearing is closed to public comments.**
 - 5) **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.
 - 6) **Make a motion.** A member of the City Council will make a motion on the issue.
 - 7) **Discussion on the motion.** The City Council may discuss the motion.
 - 8) **Vote.** The City Council will then vote on the motion.

A. QUASI-JUDICIAL HEARINGS

- 1) Dwell PUD Concept Plan approval – Dan Caris, Planning & Development Director

8. ADMINISTRATIVE AGENDA

A. COVID-19 Update

- 1) Financial Update – Margaret Sell, Finance Director
- 2) General COVID Update – Michael Bennett, City Manager

9. CITY MANAGER’S REPORT

10. COUNCIL REPORTS AND ACTIONS

11. ADJOURN

Proclamation for “Public Works Week”
May 17 – 23, 2020
“It Starts Here”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Fruita; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Fruita to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2020 marks the 60th annual National Public Works Week sponsored by the American Public Works Association Public Works Association; and,

WHEREAS, Public Works employees in the City of Fruita are an integral part of the providing core services that enhance the Quality of Place, Lifestyle, and Economic Health of the community.

NOW THEREFORE BE IT RESOLVED that The Fruita City Council does hereby designate the week of May 17 – 23, 2020 as “Public Works Week” in the City of Fruita and urges all citizens to join with representatives of the American Public Works Association and government agencies to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Fruita to be affixed this 19th day of May, 2020.

Joel Kincaid
Mayor of the City of Fruita



**FRUITA CITY COUNCIL
SPECIAL MEETING (VIRTUAL)
APRIL 23, 2020
5:00 P.M.**

Public Link to Meeting

When: April 23, 2020 at 5:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 4/23/2020

The link to join the meeting electronically will be posted on 4/20/2020 prior to the meeting at www.fruita.org/covid19 under City Council meetings. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Kincaid gave the Invocation and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Mayor Joel Kincaid called the Regular Meeting of the Fruita City Council to order at 5:03 p.m. Pursuant to Resolution 2020-19 adopted by the City Council on March 17, 2020 (which adopted an Electronic Participation Policy allowing the Council to hold meetings electronically), the meeting was held with virtual access provided through Zoom.

Present via teleconference:

Mayor Joel Kincaid
City Councilor Ken Kreie
City Councilor Karen Leonhart
City Councilor Matthew Breman
City Councilor Kyle Harvey
City Councilor Heather O'Brien
Mayor Pro Tem Lori Buck

Absent:

None

Also present:

City Manager Mike Bennett
City Clerk/Finance Director Margaret Sell
Management Analyst Shannon Vassen
Executive Director of Business Incubator Center Jon Maraschin
Members of the public

3. AGENDA – ADOPT/AMEND

Mayor Kincaid asked if there were any changes to the agenda. Management Analyst Shannon Vassen stated that there were no changes to the agenda.

- **COUNCILOR O'BRIEN MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR BUCK SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. ADMINISTRATIVE AGENDA

A. FRUITA SMALL BUSINESS EMERGENCY ASSISTANCE FUND

1) RESOLUTION 2020-23 – AUTHORIZING A SHORT-TERM INTERFUND LOAN FROM THE GENERAL FUND TO THE ECONOMIC DEVELOPMENT FUND AND AUTHORIZING THE ESTABLISHMENT OF THE FRUITA SMALL BUSINESS EMERGENCY ASSISTANCE FUND

Mayor Kincaid noted that Jon Maraschin from the Business Incubator Center (BIC) was also present in the virtual meeting.

The City of Fruita allocated \$30,000 in the 2020 Budget for economic development purposes. Staff is proposing that the City borrow \$33,900 from the 2021 Lodger's Tax revenue from an increase of 3% that was recently passed by voters at the City's 2020 Municipal Election. In addition, there is \$15,000 that remains in a loan fund through the BIC that was set aside for economic development five or six years ago. The lendable amount of money could potentially amount to \$75,000.

Mr. Bennett reviewed the loan provisions and eligibility criteria outlined in Exhibit A of Resolution 2020-23 and explained that the text in red includes discussion points and alternatives for the Council to consider.

Mr. Maraschin pointed out that many of Fruita's businesses are seasonal and rely heavily on the tourist season, which is not going to come in 2020. He said that the businesses who have made efforts such as finding other income, selling inventory and making hard choices like changing their business model will likely require \$3,000 to \$4,000 to get through the next couple of months.

Mr. Maraschin noted that the BIC expects to have 40 to 50 businesses apply for loan funds and Mr. Bennett added that there are probably more than twenty that would qualify for a \$3,000 loan.

Mr. Maraschin clarified that the loans through the BIC will not be publicly disclosed and it will not be the City Council that will approve them. He added that the fiduciary responsibility will lie completely with the BIC, who will not be influenced by any elected official.

After lengthy discussion, the Council reached consensus on the following:

- The loan fund should not include forgivable loans.
- Loan amounts will be equal to or the lesser of: 1) operating expenses over a two-month period or, 2) \$3,000.
- The loans will be payment- and interest-free until 2021.
- The terms on the loans will be for 24 months.
- The interest rate on the loans will be prime plus 2%.

- The business will have to document how they are going to get through the pandemic.
- Eligibility criteria of the loans will include:
 - Applicants must have been “adversely impacted” due to the COVID19 pandemic
 - Applicants must meet all other criteria listed in Exhibit A of Resolution 2020-23.
 - No elected officials or senior management of the City of Fruita will be eligible to qualify for a loan from these emergency funds.
- The total amount of \$60,000 will be available to lend out while the \$15,000 that remains in the loan fund that was previously given to the BIC will stay where it is.
- The red paragraph in Exhibit A will be deleted.
- The word “less” (than 20 full-time employees) will be replaced with the word “fewer” (under “Eligibility for Loan).

- **COUNCILOR BUCK MOVED TO APPROVE RESOLUTION 2020-23 – AUTHORIZING A SHORT-TERM INTERFUND LOAN FROM THE GENERAL FUND TO THE ECONOMIC DEVELOPMENT FUND AND AUTHORIZING THE ESTABLISHMENT OF THE FRUITA SMALL BUSINESS EMERGENCY ASSISTANCE LOAN FUND. COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

2) RESOLUTION 2020-24 – AMENDING THE 2020 BUDGET AND TRANSFERRING BUDGETED AND APPROPRIATED MONEYS IN THE GENERAL FUND AND APPROPRIATING A PORTION OF THE GENERAL FUND OPERATING RESERVE FUND BALANCE FOR TRANSFER FROM THE GENERAL FUND TO THE ECONOMIC DEVELOPMENT FUND TO ESTABLISH THE FRUITA SMALL BUSINESS EMERGENCY ASSISTANCE LOAN FUND

- **COUNCILOR BUCK MOVED TO APPROVE RESOLUTION 2020-24 - AMENDING THE 2020 BUDGET AND TRANSFERRING BUDGETED AND APPROPRIATED MONEYS IN THE GENERAL FUND AND APPROPRIATING A PORTION OF THE GENERAL FUND OPERATING RESERVE FUND BALANCE FOR TRANSFER FROM THE GENERAL FUND TO THE ECONOMIC DEVELOPMENT FUND TO ESTABLISH THE FRUITA SMALL BUSINESS EMERGENCY ASSISTANCE LOAN FUND. COUNCILOR O’BRIEN SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

Mr. Maraschin explained the BIC’s process moving forward as follows:

1. The BIC will create a fillable pdf loan fund application and put it on their webpage by the following Monday or Tuesday (April 27 – 28, 2020).
2. By Wednesday, April 29th, the BIC will do a Press Release and post on social media as well as work with the Chamber and FWorks to notify as many business owners as possible.

3. The BIC will number the applications as they come in and the money will be available on a first-come, first-served basis to maintain integrity.

Mr. Bennett added that staff would put the information out through all its channels including the City's website. He requested that the BIC work with City staff on creating the application and the timeframe of when it would be made available.

5. ADJOURN

With no further business before the Council, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita

**FRUITA CITY COUNCIL
VIRTUAL MEETING
MAY 5, 2020
5:00 P.M.**

Public Link to Meeting

When: May 5, 2020 7:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 5/5/2020

The link to join the meeting electronically will be posted on 5/5/20 prior to the meeting at www.fruita.org/covid19 under City Council meetings. You may also contact the City of Fruita at (970) 858-3663 for information to connect to the meeting.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Kincaid gave the Invocation and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Mayor Joel Kincaid called the Regular Meeting of the Fruita City Council to order at 7:00 p.m. The meeting was held with virtual access provided through Zoom.

Present via teleconference:

Mayor Joel Kincaid
City Councilor Ken Kreie
City Councilor Karen Leonhart
City Councilor Heather O'Brien
City Councilor Kyle Harvey
City Councilor Matthew Breman
Mayor Pro Tem Lori Buck

Absent:

None

Also present via teleconference:

City Manager Mike Bennett
City Clerk/Finance Director Margaret Sell
Deputy City Clerk Deb Woods
Management Analyst Shannon Vassen
Members of the public

3. AGENDA – ADOPT/AMEND

Mayor Kincaid asked if there were any changes to the agenda. Deputy City Clerk Deb Woods noted that the Proclamation for Judy White was inserted into the packet; however, it didn't alter the agenda because as it was already listed there. She added that re-uploaded the packet to the City's website and re-sent it to all Council packet subscribers earlier in the day.

- **COUNCILOR BUCK MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

- A. PROCLAMATION – PROCLAIMING THE WEEK OF MAY 10 – 16, 2020 AS “POLICE WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY FRUITA POLICE CHIEF DAVE KROUSE, MESA COUNTY SHERIFF MATT LEWIS AND GRAND JUNCTION CHIEF OF POLICE DOUG SHOEMAKER**

Councilor Harvey read the Proclamation. Chief Krouse thanked the City Council for the annual recognition of “Police Week” and the entire Grand Valley community for its support. Sheriff Lewis echoed his thanks to the City of Fruita and expressed appreciation for the partnership between all area law enforcement agencies.

- B. PROCLAMATION – PROCLAIMING THE WEEK OF MAY 4 – 8, 2020 AS “TEACHER APPRECIATION WEEK” IN THE CITY OF FRUITA TO BE ACCEPTED BY MESA COUNTY SCHOOL DISTRICT 51 EXECUTIVE DIRECTOR ANGELA CHRISTENSEN AND DISTRICT 51 EXECUTIVE BOARD MEMBERS DR. DIANA SIRKO AND DR. BRIAN HILL**

Councilor O’Brien read the Proclamation. On behalf of School District 51 Foundation, Angela Christensen thanked the City of Fruita and noted that this is the fourth year that all Mesa County municipalities have issued the Proclamation, which she said is sincerely appreciated by the District’s teachers. In addition, she thanked the community for its support of the 2017 mill and bond measure. With the funds from that, the District was able to provide students with over 8,000 Chromebooks to use at home so they can stay connected with their classrooms. Dr. Brian Hill also extended his thanks and said the District is very proud of all their teachers for all they do.

- C. PRESENTATION – RECOGNIZING RIM ROCK ELEMENTARY WITH A CERTIFICATE OF APPRECIATION FROM THE FRUITA CITY COUNCIL TO BE ACCEPTED BY PRINCIPAL SHARON KALLUS AND ASSISTANT PRINCIPAL ZACHARY MOORE**

Councilor Leonhart read the Certificate of Appreciation. Principal Kallus acknowledged Rim Rock’s students and their families for their hard work and thanked the Council and the Fruita community.

- D. PROCLAMATION – PROCLAMATION FOR JUDY’S RESTAURANT FROM THE CITY OF FRUITA AND THE FRUITA AREA CHAMBER OF COMMERCE**

Councilor Kreie read the Proclamation. Judy thanked everyone in Fruita for their loyal support over the years. The Fruita Chamber’s Kayla Brown expressed sincere appreciation for everything that Judy has done for Fruita and wished her the best in her retirement.

E. PROCLAIMING FRIDAY, APRIL 24, 2020 AS ARBOR DAY IN THE CITY OF FRUITA

Councilor Buck read the Proclamation. Parks and Recreation Director Ture Nycum thanked Councilor Buck and noted that due to having to respond to the COVID-19 pandemic, the Proclamation got on a Council agenda a little bit late; it should have been read at an April meeting instead.

Mr. Nycum added that his department had intended to celebrate Arbor Day in a way that was a little more meaningful but that they do intend to celebrate later in 2020. He also said that the Fruita Rotary is donating a tree to be planted at Monument Ridge Elementary School.

F. PROCLAMATION – PROCLAIMING 4 – 9, 2020 AS “ECONOMIC DEVELOPMENT WEEK” IN THE CITY OF FRUITA

Councilor Breman read the Proclamation. City Manager Mike Bennett said that the original Proclamation would be given to Diane Schwanke, President/CEO of the Grand Junction Chamber of Commerce, who is collecting them throughout the valley and sending them on to the Economic Development Council. Executive Director of the Fruita Area Chamber of Commerce Kayla Brown thanked the City of Fruita for its continued partnership and efforts in economic development.

5. PUBLIC PARTICIPATION

Management Analyst Shannon Vassen gave attendees who had joined the meeting virtually instructions on how to submit public comments to the meeting. He confirmed that there were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES - A REQUEST TO APPROVE THE MINUTES OF THE APRIL 21, 2020 CITY COUNCIL MEETING**
- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A RETAIL LIQUOR STORE LICENSE FOR SOENG, LLC DBA JACKALOPE LIQUORS LOCATED AT 404 JURASSIC AVE., UNIT B**
- C. BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF DAVE KARISNY TO THE LIVABILITY COMMISSION FOR A THREE-YEAR TERM TO EXPIRE IN MAY OF 2023**

Mayor Kincaid opened the public hearing on the Consent Agenda. After Mr. Vassen verified that there were no public comments on the Consent Agenda, Mayor Kincaid closed the public hearing and referred back to the Council.

- **COUNCILOR KREIE MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH SIX YES VOTES.**

7. ADMINISTRATIVE AGENDA

A. COVID-19 RESPONSE UPDATE – MIKE BENNETT, CITY MANAGER

Mr. Bennett outlined the updates to the COVID-19 timeline that were included in the Council packet. Those updates since the last Council meeting are as follows:

1. The Business Incubator Center, Inc. (BIC) is administering a small business loan fund that was approved by the City Council. The application form became available online on April 29th but no applications have been received as of yet. The BIC has received many callers asking questions and had a total of 77 page visits to the downloadable application.
2. The City of Fruita continues to coordinate with the Unified Response Team in Mesa County which consists of:
 - a) All Hospital Administrators
 - b) Public Health Department
 - c) Mesa County Sheriff's Office
 - d) All area law enforcement agencies
 - e) All City Managers and Administrators
 - f) Superintendent of the School District
3. The City continues to coordinate with its Economic Development Partners including:
 - a) Public Lands agencies
 - b) State agencies
 - c) Federal Government
4. School District #51 made the decision to not have any graduation driving parades but are trying to be creative and stay within the restrictions while looking at multiple options.
5. City staff have been receiving many questions from the public about the Governor's Safer-at-Home Order related to bars, breweries, distilleries, wineries, tap rooms and restaurants. Mr. Bennett said that in the State of Colorado and in Mesa County, all those establishments (with the exception of restaurants) are to remain closed for the time being (except for takeout and delivery). The County Health Department will be putting out clarifications because staff has been receiving questions about being able to order only alcohol at a restaurant (that is able to seat people at 30% capacity with a number of precautions). The answer is that people can order alcohol *with food*, but they cannot have alcohol alone. This applies to restaurants who have a primarily food-based business. Other clarifications to the Mesa County Health Order are related to whether outdoor seating has its own 30% capacity (it does) and what the mask requirements for fitness gyms are (must be worn at all times).

Mr. Bennett reviewed the City of Fruita's Coronavirus (COVID-19) Reopening Plan with particular attention to staff's specific recommendations to Phase 1, the end date of which will be based on how the medical data trends over the next two-week periods.

Mr. Bennett said he would be meeting with area City Managers, the County Administrator and the Public Health Department the following week to plan and coordinate the re-openings of city halls and the county administration building. The group will also be in contact with the Mesa County Department of Motor Vehicles to coordinate with them on reopening their office in the Fruita Civic Center. Mr. Bennett reviewed all specific recommendations to Phase 1 and noted that there will be another update in two weeks regarding the status and progress the City has made on cutting costs and preparing for any possible reductions in revenues.

One of the recommendations is the reopening of the Fruita Community Center on Monday, May 4th with May 11th as a backup date. The current Mesa County Public Health Order does allow for fitness gyms to reopen with several precautions.

Parks and Recreation Director Ture Nycum reviewed the many aspects of the plan to reopen the FCC. He pointed out that the policies that the City of Fruita is rolling out are very similar to what a lot of other communities will be doing as they reopen their recreation centers. He also pointed out that the FCC is one of two recreation centers in the state opening first because Mesa County and Eagle County were both granted variances by the Governor's Office.

There will be one point of entrance on the north side of the building that will have an attendant on the outside who will be checking for reservations for pieces of equipment in zones within the facility. The attendant will also be asking individuals if they have any symptoms of illness such as coughing, shortness of breath, fever, etc.

Reservations are made in 45-minute increments but are reserved on the hour. This will allow patrons to come inside the facility, get set up and go to their zone/piece of equipment.

Once a patron's workout has been completed, they will be asked to leave the FCC through the doors on the west entrance, which will remain locked so that people may exit but cannot enter.

Mr. Nycum explained that it will only be the fitness areas that will be open at the FCC. He reviewed details about equipment locations, spacing between pieces of equipment, age requirements (no one under 14 years of age may use the fitness equipment), cleaning procedures, mask-wearing requirements (patrons must wear one at all times), how and when reservations can be made, location of stretching and cool-down areas and the continuous monitoring of the plan for effectiveness and use. Mr. Nycum's presentation of the reopening plan also included layouts of various sections of the FCC as well as diagrams showing exactly how patrons will go through the facility step-by-step and physical changes (such as the addition of plexiglass barriers) that have been made to help in protecting the public's safety.

Mr. Nycum added that aquatics, locker rooms and family change areas, Senior Center, front play area, vending machines and childcare rooms will all remain closed at the FCC. All couches, benches and chairs throughout the facility have been removed and are being stored in the Senior Center to minimize the ability for people to congregate.

The Parks and Recreation Department is also not taking any activity registrations, facility reservations or pass registrations at this point.

Mr. Nycum also mentioned some other areas that they are currently working on:

- Youth Activity Areas – Brittany is busy working with the Fruita Youth Action Council and is still accepting applications for the 2020-2021 year.
- Brittany is spending the majority of her time working on Dynamites Summer Day Camp, which is still being offered at Shelledy Elementary and she is planning for 30 slots.
- The Day Camp has significantly changed with many new regulations that Brittany is working through to ensure compliance.
- Tyler is working on future plans for future programs, but currently is looking deeply into a new virtual sports program.
- Tyler is also partially deployed in the Parks Department to help with field conditioning and general maintenance of the City's parks.
- Jackie is working with Brittany in Youth Activities to create a volunteer program where they are pairing up people in the community who need help with things such as yard work or household chores with people who can help. Right now, they have about four to six pairings and are working to get more.
- Jackie is also delivering Meals on Wheels and checking on seniors when available.
- Aquatics has made preparations to reopen with the spacing of swimmers in the lap lanes, Lazy River and general pool area. They are not allowed to open yet, so they are also working on items such as the pool re-plaster project, which has been moved up from late August to the end of June/first of July.
- Aquatics is looking for a new play feature for the shallow area at the same time the pool is being re-plastered.
- Aquatics is also helping with FCC maintenance projects in general and prepping the facility to reopen.

This concluded Mr. Nycum's presentation.

Councilor O'Brien asked what the FCC's plan was if a patron of the facility were to contract COVID-19. Mr. Nycum responded that staff would work closely with the Mesa County Public Health Department to see if it would require closing the facility or not. Mr. Bennett added that with the reservation software, it would help staff identify when and who was at the FCC.

Councilor Kreie asked for confirmation that guests at the FCC must wear a mask the whole time they are there. Mr. Bennett stated that when the plan was originally created, the MMesa county Public Health Order required masks to be worn in and out of fitness facilities, but not while working out while spaced out; however, staff received word earlier in the day from the Mesa county Public Health Department that masks are required for fitness facilities as noted in the updated order posted on their website.

Councilor Kreie pointed out that a lot of businesses are struggling with people who want to come inside and not wear a mask. He asked if City staff is ready to ensure compliance by having a plan if someone decides they don't want to comply.

Mr. Nycum said that only experienced, full-time adult staff will be checking people in. They will be going over the compliance information with them and in addition, there will also be staff scheduled to work upstairs on the fitness floor as well as downstairs. Mr. Bennett added that staff will handle it just like in normal times when someone will not adhere to any other facility rule. He also pointed out that the City is not at the point of being able to bring back the furloughed part-timers (the high school kids) until the facility is fully operational and the City has the revenues to pay them.

B. QUASI-JUDICIAL HEARINGS AND ETHICS TRAINING – PAUL WISOR, CITY ATTORNEY

City Attorney Paul Wisor explained the difference between the three different capacities in which Council members may act:

- Legislative
- Administrative
- Quasi-judicial

State law provides that quasi-judicial decisions are made on the following applications:

- Re-zonings
- Subdivisions
- Development Plans
- Variances
- Liquor Licenses
- Special Assessments

Mr. Wisor also reviewed:

- Ex parte contacts
- Conflicts of interest under state law
- Conflicts of interest under the Fruita Municipal Code
- Appearance of impropriety

Mr. Wisor emphasized that anytime there is a quasi-judicial matter in front of the Council, Council members are asked to refrain from talking about the issue with people in the public. He said if someone does try to engage them in a conversation about a quasi-judicial matter, Council members should stop them and tell them that they just can't talk about it, but encourage them to come to the hearing where the entire Council will be more than happy to hear what they have to say (with all members at the same time).

Mr. Wisor instructed Council members to contact him and copy in City Manager Mike Bennett should there be a situation where a Council member was unable to stop a conversation with someone in the public or where a Council member has already had conversations with the public about a particular development/application months before the Council member realizes it is going

to be an issue before the City. He and Mr. Bennett will then figure out whether or not the Council member needs to disclose a conversation or general knowledge of the issue. After that, Mr. Wisor and Mr. Bennett will help to decide whether or not the Council member needs to recuse themselves if there was no way that the Council member could be unbiased for that particular issue.

Mr. Wisor pointed out that if an applicant finds out that a Council member was predisposed to vote a certain way, they can appeal the Council's decision to a District Court and put the decision of the City Council in jeopardy.

Mr. Wisor said there are certain instances where a Council member could incur some personal liability for failure to disclose their bias or to not act properly within a quasi-judicial capacity.

Mr. Wisor also warned the Council about asking staff questions about an application directly without the applicant being able to give input. There are some instances where Council members have gone so far as to ask staff to revise an application, recommend denial or make the process more difficult for a developer. This happened recently in Denver and a Council person is now facing personal liability and damages of approximately \$1.5 million.

Mr. Wisor advised that there is also liability attached to conflicts of interest and violating the Code of Ethics. On the criminal side, these are a first- or third-class misdemeanor and there are potentially monetary damages that accrue to elected officials personally and if it's such that there's damage to the City or to another business, those organizations could also sue elected officials personally.

In addition, Mr. Wisor cautioned Council members about developers trying to unveil any new or additional aspects to their application during a public hearing on that application.

Mr. Wisor explained that Fruita is a home-rule municipality, meaning that the City has the ability to create its own laws as long as they are not in conflict with state law. Some municipalities have decided that as long as their Ethics Code is not in conflict with state law, they can pass their own Ethics laws that will supersede the state's. Fruita's Code does not currently say that, but Mr. Wisor said it is something that the City of Fruita could think about doing.

Mr. Wisor reminded the Council to keep in mind the Colorado Open Records Act (CORA), which applies to every written communication Councilors may have. He told them to treat every communication as if it were going to be made public. He also explained that there is an Open Meetings Law that requires that the Council members cannot get together as a group and start making decisions without public notice. If more than three Council members get together, that is an open meeting. He discouraged the Councilors from discussing any city business while gathered together in a social setting.

Mr. Wisor told the City Council members to feel free to email or call him anytime with any questions or concerns, even if it is necessary to do that during a public hearing. He said that as the City Attorney, anything he discusses with Council members would fall under attorney/client privilege, so what is discussed would remain with him.

Mr. Bennett reminded the Council that the step of adding "do not reply all" at the beginning of email messages has been helpful in complying with the Open Meetings law of the state. He also

pointed out that this not only applies to City Council, but to all the City's Boards and Commissions, although the consequences may not be as serious. Finally, Mr. Bennett stated that if a Council member has a personal device that contains City business, it can still be subject to the Open Records Act where all records and communications on that device could be made public at any time.

Mr. Wisor encouraged all Council members to give out their City contact information when corresponding with the public.

8. CITY MANAGER'S REPORT

Mr. Bennett reminded all of the Land Use Code Update virtual meeting on Thursday, May 7th from 4:00 to 6:00 p.m. to be attended by representatives of the Planning Commission, development community, consultants and others who are on the Steering Committee. The meeting has already been noticed to the community.

9. COUNCIL REPORTS AND ACTIONS

A. PLANNING ADDITIONAL CITY COUNCIL TRAINING, TEAM BUILDING AND GOAL SETTING SCHEDULE

City Manager Mike Bennett stated that after every municipal election every two years, the Fruita City Council traditionally does training, team building and reviewing and/or establishing new City goals.

Mr. Bennett reviewed the trainings that have provided to the Council members since just prior to the City of Fruita's 2020 Election. In the past, staff and Council have spent a lot of time in workshop meetings doing a lot of those things.

Mr. Bennett noted that the City's liability insurance carrier, CIRSA, requires that each Council member view the video titled, "*In the Scope of Your Authority: Preventing Public Officials' Liability*" and then send an email to him or Margaret Sell before the end of May 2020 confirming that they have watched it.

Mr. Bennett noted that the City Attorney's presentation earlier also serves as training for the Council. For team building, Mayor Kincaid had sent an email to all Council members concerning a plan to move forward with doing a Myers-Briggs personality-type test through a local consultant who has sent the assessment in an email to the Councilors. Mr. Bennett asked the Council members to complete the assessment by Monday, May 11th in order to be ready to have a discussion about it at the May workshop session. The consultant will be available the evening of Tuesday, May 26 as well as the fourth Tuesday in June for this agenda item and Mr. Bennett said it will likely not be as effective virtually. He pointed out that the Council has the ability to meet in person *now* as a local government; the City has just been taking precautions instead. He said it was up to the Council whether they feel comfortable about meeting in person (while practicing six-foot social distancing) on either May 26th or June 23rd.

Mr. Bennett added that each Council member will also receive an individual phone call from the consultant to discuss individual results in a 17-page report.

Mr. Bennett pointed out that in his coversheet in the packet, he had posed the following questions to the Mayor and Council members:

1. What other areas of interest do you have for training or discussion in the future that staff should schedule?
2. What are your feelings about scheduling the next workshop to have a group discussion on the Myers-Briggs personality type test results?

The Mayor and Council reached consensus that they would like to meet in person on May 26th as opposed to virtually.

Councilors Buck and Leonhart stated that they did not receive the email from the Myers-Briggs consultant, so Mr. Bennett said he would follow up and have her resend them.

Mayor Kincaid said he thought that there were some Council members who were interested in doing a tour of either the Wastewater Treatment Facility or the City Shops building. Mr. Bennett asked that the Council members who were interested in touring any of the City facilities to let him know.

Mr. Bennett gave a brief history of the process of goal setting by the City Council. He stated that as staff went through a year-long process with the community in 2019, there was unprecedented participation to establish the Comprehensive Plan and the City Council goals were reiterated in that plan, giving staff the sense that the City was going in the right direction. The goals were incorporated into the Comprehensive Plan, which was adopted by the City Council in February of 2020.

In addition to those, the Comprehensive Plan addressed the community's values to make sure the City is doing everything it can to sustain and not lose those values. A community vision was also constructed and the document itself breaks down into very specific areas to address the planned themes of: 1) Efficient development, 2) Community first, tourism second, 3) Thriving downtown, 4) Connectivity and 5) Strategic economic development.

It is Council's role to set that long-term vision and to direct the City Manager from an operational standpoint of where the City wants to go and what it wants to become. Mr. Bennett said it was his job to work with City staff to bring recommendations to the City Council on how to get there and how to make sure each Council member is kept updated.

Mr. Bennett said he still thinks the City Council may want to identify some very specific ideas, although he cautioned them on not straying too far from what the community has already bought into and established in the Comprehensive Plan. He continued that typically, he and staff come back to the Council to share all of the action items, a lot of which are established during the budget process each year.

Right now, the main goals that staff is working on are:

- Update the Land Use Code
- Update the Parks, Health, Recreation, Open Space and Trails Master Plan
- Creating a Circulation Plan (for which the City just received grant funding)
- Update Engineering design standards that go along with the Land Use Code Update
- Responding to and helping the community get through the COVID-19 pandemic currently being faced

Mr. Bennett said he wanted to hear what the City Council would like to do moving forward.

Mayor Kincaid said he would like the Council to see a refresher on the list of current and future projects that are categorized by the most recently set of adopted goals including Quality of Place, Economic Health, Core Services and Lifestyle.

The Council came to a consensus that they want to discuss ideas for new goals and/or adjustments to existing goals at the workshop meeting of June 23, 2020.

B. COUNCIL REPORTS AND ACTIONS

COUNCILOR LORI BUCK

Lori reported that the first meeting attended by the new board members of the Grand Valley Regional Transportation Committee (GVRTC) was held the previous week and they discussed their CARES Act award of \$5.4 million and how the board will need to meet more often to figure out what to do with the money. The GVRTC will go into an Executive Session on May 6, 2020 to do some contract negotiations with Transdev and address some issues that could potentially tie into those CARES funds.

COUNCILOR MATTHEW BREMAN

Matthew had nothing to report.

COUNCILOR KAREN LEONHART

Karen reported that last week she had her first Museums of Western Colorado (MWC) board meeting and they discussed their Strategic Plan, in which many people are involved. There will be some survey questions from the board that Karen will be bringing to the rest of the Council to get their input. She added that she would forward the meeting minutes to the other Council members once she receives them.

COUNCILOR HEATHER O'BRIEN

Heather had nothing to report yet because all her meetings were coming up the following week.

COUNCILOR KYLE HARVEY

Kyle reported that all of his meetings have been postponed until June, so he had nothing to report yet.

COUNCILOR KEN KREIE

Ken reported that the Downtown Advisory Board would be meeting the following week. He mentioned that he had been out walking around town and thought that it would be a good idea to include an article in the next issue of the City Link newsletter about the many overgrown sidewalks and how it is property owners' responsibility to keep trees and shrubs trimmed away from the sidewalk.

MAYOR JOEL KINCAID

Joel reported that there would be a Chamber of Commerce Board meeting the following week where they will be discussing this year's plans for Farmers' Market, which are deemed essential by the Governor. The board will meet in person utilizing the practice of six-foot distancing. They will also be talking about Fruita Fall Festival and having a backup plan for it.

10. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita



FRUITA COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: MAY 19, 2020
RE: LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL & RESTAURANT - MALT, VINOUS AND SPIRITUOUS LIQUOR LICENSE FOR KARMA KITCHEN LOCATED AT 229 E ASPEN AVENUE

BACKGROUND

The Hotel/Restaurant Liquor License for Karma Kitchen located at 229 E. Aspen Ave. is up for renewal. Their current license expires on **June 17, 2020**.

The Police Department report indicates there has been nothing of concern that would hinder the renewal. There are no current TIPS certificates on file in the City Clerk's Office.

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

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 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 Hotel/Restaurant Liquor License
- 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 HOTEL AND RESTAURANT LIQUOR LICENSE FOR KARMA KITCHEN LOCATED AT 229 E. ASPEN AVENUE

Submit to Local Licensing Authority

**KARMA KITCHEN
229 EAST ASPEN AVENUE
Fruita CO 81521**

Fees Due	
Renewal Fee	500.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$ 75.00
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 575.00

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.

Retail Liquor or Fermented Malt Beverage License Renewal Application

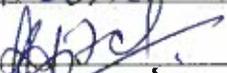
Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name KARMA KITCHEN INC		Doing Business As Name (DBA) KARMA KITCHEN		
Liquor License # 03-11803	License Type Hotel & Restaurant	Sales Tax License # 36156816-0000	Expiration Date 06/17/2020	Due Date 05/03/2020
Business Address 229 EAST ASPEN AVENUE Fruita CO 81521				Phone Number 970-639-2150
Mailing Address 229 EAST ASPEN AVENUE Fruita CO 81521			Email 229 Karma@gmail.com	
Operating Manager Amil K LUTCH	Date of Birth 01-03-68	Home Address 657 GARRETT WAY Grand Junction 81505	Phone Number 970-208-5948	
1. Do you have legal possession of the premises at the street address above? <input type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease _____				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
7. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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
Anil K. Lutch Karma Kitchen	President
Signature	Date
	5/11/2020

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 44, Articles 4 and 3, C.R.S., and Liquor Rules. **Therefore this application is approved.**

Local Licensing Authority For	Date
The City of Fruita	
Signature	Title
	JOEL KENCAID, MAYOR
	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, Lok B. Kunwar am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of KARMA KITCHEN (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>KARMA KITCHEN</u>		Social Security Number/Tax Identification Number <u>362-65-3758</u>	
Address <u>229 E ASPEN AVE</u>			
City <u>FRUITA</u>		State <u>CO</u>	Zip <u>81521</u>
Home Phone Number <u>(970) 208-5373</u>		Business/Work Phone Number <u>(970) 639-2150</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Lok B. Kunwar</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>[Signature]</u>			Date signed <u>5/12/2020</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT – PAULA RAJEWICH
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	MAY 12, 2020
RE:	HOTEL/RESTAURANT LIQUOR LICENSE RENEWAL
License Information	
Licensee:	Karma Kitchen
Location:	229 E. Aspen Ave.
Type of License:	Hotel/Restaurant
Expiration Date of Current License:	June 17, 2020
City Council Hearing Date:	May 19, 2020
DUE DATE FOR POLICE REPORT:	May 15, 2020

TIPS CERTIFICATES ON FILE

Employee:			
(No current certificates on file)			
Report of Fruita Police Department			
A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No
Please attach documentation to support the above noted violation(s), incidents or comments.			
Signed <i>Paula Rajewich</i>		Date <i>5-12-2020</i>	

Please fax to: (970) 858-0210
Or e-mail: dwoods@fruita.org



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: DEBRA WOODS, DEPUTY CITY CLERK

DATE: MAY 19, 2020

RE: LIQUOR LICENSE RENEWAL - A REQUEST TO APPROVE THE RENEWAL OF A BEER AND WINE – MALT AND VINOUS - LIQUOR LICENSE FOR PABLO’S PIZZA LOCATED AT 456 KOKOPELLI BLVD. UNIT C

BACKGROUND

The Beer and Wine Liquor License for Pablo’s Pizza located at 456 Kokopelli Boulevard is up for renewal. Their current license expires on **May 20, 2020**. 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 TIPS certificates on file for the owners or employees of Pablo’s Pizza.

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

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 Beer and Wine Liquor License for the Pablo's Pizza of Fruita.

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 BEER AND WINE LIQUOR LICENSE FOR PABLO'S PIZZA OF FRUITA LOCATED AT 456 KOKOPELLI BOULEVARD

Submit to Local Licensing Authority

Fees Due	
Renewal Fee	351.25
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 351.25

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.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name LEAP ENTERPRISE, LLC			Doing Business As Name (DBA) PABLO'S PIZZA OF FRUITA		
Liquor License # 43029790000	License Type BEER & WINE (CITY)	Sales Tax License # 43029790000	Expiration Date 05/20/2019	Due Date 04/05/2019	
Business Address 456 KOKOPELLI BLVD, UNIT C, FRUITA, CO 81521				Phone Number (970) 858-8300	
Mailing Address 456 KOKOPELLI BLVD UNIT C, FRUITA, CO 81521			Email pablosfruta@yahoo.com		
Operating Manager DAWN DAVIS	Date of Birth 7/20/58	Home Address 713 LOCKWOOD CT GRAND JCT CO 81505		Phone Number (970) 433-2546	
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>07/2020</u>					
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
4. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
6. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
7. 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	DAWN E. DAVIS	Title OWNER
Signature		Date 5/14/2020
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 44, Articles 4 and 3, C.R.S., and Liquor Rules. Therefore this application is approved.		
Local Licensing Authority For	THE CITY OF FRUITA	Date
Signature	Title JOEL KINCAID, MAYOR	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, DAWN DAVIS am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of PABLO'S PIZZA (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) PABLO'S PIZZA OF FRUITA		Social Security Number/Tax Identification Number 43029790000	
Address 456 KOKOPELLI BLVD.			
City FRUITA		State CO	Zip 81521
Home Phone Number (970) 433-2546		Business/Work Phone Number (970) 858-8300	
Printed name of person signing on behalf of the Applicant/Licensee DAWN E. DAVIS			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <i>Dawn E Davis</i>			Date signed 5/14/2020

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

**CITY OF FRUITA
MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	MAY 14, 2020
RE:	BEER AND WINE LIQUOR LICENSE RENEWAL

License Information

Licensee :	Pablos's Pizza of Fruita
Location :	456 Kokopelli Blvd Unit C
Type of License :	Beer and Wine License
Expiration Date of Current License :	May 20, 2020
City Council Hearing Date :	May 19, 2020
DUE DATE FOR POLICE REPORT:	May 15, 2020

Tips certificates on File

Employee:	Expiration Date:
(None current)	

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No

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

Signed <i>Paula Rayenich</i>	Date <i>5-14-20</i>
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FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR/CITY CLERK
DATE: MAY 19, 2020
RE: FINANCIAL REPORTS FOR APRIL 2020

BACKGROUND

Sales, Use Tax and Lodging Tax Revenues – March 2020.

The following chart provides a comparison between 2019 and 2020 sales tax, use tax and lodging tax revenues thru March 2020. Overall tax revenues are up \$213,076 from the prior year and up \$246,138 over budgeted amounts. The month indicated represents the month of sales, not when collected by the City.

Summary of Sales and Use Tax Revenues					
Type	Month	Percent (%) Change		Dollar (\$) Change	
		Month	Y-T-D	From prior year	Between actual and budget
City Sales Tax (2%)	Mar-20	46.96%	38.37%	\$ 166,631	\$ 183,132
Use tax on Motor Vehicles (2%)	Mar-20	-5.92%	4.26%	\$ 6,454	\$ 2,212
Use tax on Building Materials (2%)	Mar-20	317.00%	39.17%	\$ 18,938	\$ 32,476
Lodging Tax - (3%)	Mar-20	-43.30%	-16.17%	\$ (2,366)	\$ (3,273)
County Sales Tax	Mar-20	-5.09%	3.71%	\$ 19,616	\$ 26,496
Public Safety Tax	Feb-20	10.54%	7.65%	\$ 3,803	\$ 5,095
				\$ 213,076	\$ 246,138

The following table shows a 5-year history of sales and use tax revenues by business type. Retail trade, including remote retailers and the oil and gas industry have seen significant increases. Utilities, communications, lodging and rental/leasing have decreased from the prior year.

Sales and Use Tax Revenues by Category (3%) January thru March								
Description	2016	2017	2018	2019	2020	1 yr % Chg	1 yr \$ Chg	% of 2020 Total
Sales taxes								
Other Services	9,641	11,166	10,144	11,741	12,288	5%	547	1%
Other Miscellaneous	8,185	7,328	8,308	10,821	22,753	110%	11,932	2%
Manufacturing	3,832	9,228	4,733	10,892	21,745	100%	10,853	2%
Wholesale Trade	2,602	1,175	6,615	11,996	32,611	172%	20,615	3%
Rental and Leasing	23,547	20,278	37,301	34,533	30,550	-12%	(3,983)	2%
Communications	38,736	39,442	51,246	37,254	34,306	-8%	(2,948)	3%
Oil and Gas	3,191	3,511	15,337	19,604	88,862	353%	69,258	7%
Utilities	77,649	79,127	66,034	95,459	78,864	-17%	(16,595)	6%
Lodging	17,090	19,457	22,688	23,508	21,091	-10%	(2,417)	2%
Food	105,837	112,137	115,752	131,707	137,303	4%	5,596	11%
Retail Trade	210,951	231,848	235,399	263,837	420,924	60%	157,087	34%
Subtotal	501,261	534,697	573,557	651,352	901,297	38%	249,945	73%
Use taxes								
Vehicles	157,685	212,524	195,829	227,243	236,923	4%	9,680	19%
Building materials	48,886	28,971	155,356	72,527	100,934	39%	28,407	8%
Subtotal	206,571	241,495	351,185	299,770	337,857	13%	38,087	27%
Total	707,832	776,192	924,742	951,122	1,239,154	30%	288,032	100%

Online sales 24,965 78,209 213% 53,244 9%

Community Center Fund – March 2020. The combination of the 1% city sales and use tax revenues for the month of March reflect a 45% increase from 2019 revenues and a 30% year to date increase.

Revenue vs Expense by Account Type – April 2020. This report presents summary information on revenues and expenses and budget comparisons for all funds. The report includes revenues and expenses by category or type of revenue/expense and by department. The following is a summary of the report by fund showing actual revenues and expenses as a percentage of budget.

Revenues and Expenses as Percentage of Budget April 2020		
Column	Revenues as a % Budget	Expenses as a % of Budget
General Fund	36%	30%
Conservation Trust Fund	23%	0%
Marketing	12%	35%
Community Center	28%	27%
Capital Projects	6%	17%
Debt Service	25%	28%
Devils Canyon Center	0%	0%
Irrigation Water	2%	44%
Sewer	32%	48%
Trash	25%	25%
Fleet Maintenance Fund	100%	34%
Total	31%	33%

Lodger's Tax Detail – February 2020

The following chart shows a breakdown of the Lodger's Tax collected from hotels, motels and campgrounds, and vacation rentals by owner (VRBO's).

2020 City Lodging Tax - 3% (125-3134)					
	Hotels & Campgrounds		VRBO'S		Monthly Total
	Revenue	% of Total	Revenue	% of Total	
Jan	3,261	91%	313	9%	3,573
Feb	3,657	91%	362	9%	4,019
Mar	4,457	95%	220	5%	4,677
TOTAL	11,375	93%	895	7%	12,269

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

These reports provide financial information to the Council to monitor the City's financial position and may be used as a tool to hold staff accountable for accomplishing goals and objectives set forth in the Budget.

OPTIONS AVAILABLE TO COUNCIL

Approval of Financial Reports

Approval of Financial Reports with clarification on specific items

RECOMMENDATION

It is the recommendation of staff that the Council by motion:

ACCEPT THE APRIL 2020 FINANCIAL REPORTS AS PRESENTED



CITY SALES AND USE TAX REPORTS

City Sales Tax - 2% General Fund (110-3131)							
	2016	2017	2018	2019	2020	\$ Variance	% Variance
Jan	102,654.47	110,073.96	116,622.91	124,973.08	190,392.44	65,419.36	52.35%
Feb	109,027.57	106,532.67	106,634.80	144,100.65	167,749.86	23,649.21	16.41%
Mar	122,491.87	139,574.31	159,114.23	165,160.52	242,722.55	77,562.03	46.96%
Apr	130,968.87	143,147.33	158,126.49	191,027.30			
May	146,283.09	164,468.58	167,938.47	198,826.37			
Jun	143,707.98	160,573.33	174,498.93	197,471.05			
Jul	119,795.39	142,369.41	163,430.68	190,974.84			
Aug	142,278.27	144,989.26	175,336.63	200,644.07			
Sep	126,602.05	148,777.11	181,109.36	193,024.68			
Oct	128,845.80	147,596.93	204,845.74	205,934.68			
Nov	116,101.47	144,996.46	153,890.31	192,966.14			
Dec	120,203.83	137,020.73	159,113.63	208,689.86			
TOTAL	1,508,961	1,690,120.08	1,920,662.18	2,213,793.24	600,864.85	166,630.60	38.37%
%	3.09%	12.01%	13.64%	15.26%			

2020 Budget= \$2,130,000, 3.8% decrease from 2019 Actual Revenues

March	334,173.91	356,180.94	382,371.94	434,234.25	600,864.85	166,630.60	38.37%
3%	501,260.87	534,271.41	573,557.91	651,351.38	901,297.28	249,945.90	38.37%

Use Tax on Motor Vehicles - 2% General Fund (110-3132)							
	2016	2017	2018	2019	2020	Variance	% Change
JAN	28,122.91	43,562.42	41,597.40	59,067.65	44,776.20	-14,291.45	-24.20%
FEB	36,471.71	45,398.99	42,294.19	35,431.97	59,554.07	24,122.10	68.08%
MAR	40,528.67	52,721.40	46,660.84	56,995.69	53,618.86	-3,376.83	-5.92%
APR	47,068.73	30,578.05	60,910.43	58,679.47			
MAY	43,755.86	67,716.13	36,802.77	90,700.80			
JUN	63,513.86	51,241.39	74,048.50	52,822.10			
JUL	54,218.60	52,317.23	72,501.97	67,463.71			
AUG	45,673.29	61,190.50	37,103.59	66,028.27			
SEP	44,344.61	71,360.98	62,407.47	46,789.04			
OCT	36,179.44	62,492.61	75,929.88	51,469.53			
NOV	43,817.97	39,313.29	41,987.01	58,715.01			
DEC	49,627.81	61,912.59	36,418.95	46,583.89			
YTD	533,323.46	639,805.58	628,663.00	690,747.13	157,949.13	6,453.82	4.26%
%	-3.59%	19.97%	-1.74%	9.88%			

2020 Budget = \$710,000 - 2.8% increase from 2019 Actual revenues

	105,123.29	141,682.81	130,552.43	151,495.31	157,949.13	6,453.82	4.26%
March	105,123.29	141,682.81	130,552.43	151,495.31	157,949.13	6,453.82	4.26%
3%	157,684.94	212,524.22	195,828.65	227,242.97	236,923.70	9,680.73	4.26%



CITY SALES AND USE TAX REPORTS

Use Tax on Building Materials - 2% General Fund (110-3133)							
	2016	2017	2018	2019	2020	Variance	% Change
JAN	3,256	11,966.68	40,827.15	19,357.85	14,922.55	-4,435.30	-22.91%
FEB	14,608	3,788.29	24,414.67	19,056.71	10,930.68	-8,126.03	-42.64%
MAR	14,726	3,558.90	38,328.55	9,936.56	41,435.81	31,499.25	317.00%
APR	34,284	13,173.71	20,911.52	24,173.95	10,766.83	-13,407.12	-55.46%
MAY	29,705	11,216.84	37,147.62	32,410.86			
JUN	12,847	4,893.13	105,602.45	26,190.88			
JUL	13,948	7,689.06	15,634.23	16,836.31			
AUG	8,117	32,557.34	18,073.99	8,864.92			
SEP	49,757	7,864.41	19,407.92	3,865.13			
OCT	7,553	11,756.71	12,148.65	16,537.07			
NOV	10,586	35,906.06	19,278.98	12,122.45			
DEC	3,731	2,702.11	9,762.50	19,073.22			
YTD	203,118	147,073.24	361,538.23	208,425.91	78,055.87	5,530.80	7.63%
%	93.87%	-27.59%	145.82%	-42.35%			

2020 Budget = \$150,000 - 28% decrease from 2019 Actual revenues

	66,874.78	32,487.58	124,481.89	72,525.07	78,055.87	5,530.80	7.63%
March	32,590.74	19,313.87	103,570.37	48,351.12	67,289.04	18,937.92	39.17%
3%	48,886.11	28,970.81	155,355.56	72,526.68	100,933.56	28,406.88	39.17%

City Lodging Tax - 3% (125-3134)							
	2016	2017	2018	2019	2020	Difference	%
Jan	3,010	2,341.15	3,540.60	2,611.13	3,573.20	962.07	36.84%
Feb	3,650	3,694.45	3,635.19	3,774.09	4,018.26	244.17	6.47%
Mar	7,755	7,910.90	8,698.52	8,249.09	4,677.20	-3,571.89	-43.30%
Apr	9,031	10,908.40	10,215.52	8,046.43			
May	14,534	15,483.31	17,781.52	15,242.71			
Jun	14,672	16,653.43	17,755.34	22,312.67			
Jul	12,858	12,908.87	10,384.16	15,335.70			
Aug	12,210	13,751.20	17,768.30	12,712.49			
Sep	14,162	15,445.86	16,495.92	9,427.07			
Oct	7,155	10,637.39	10,668.75	18,400.75			
Nov	7,801	6,251.33	7,492.25	6,398.12			
Dec	4,009	4,895.53	4,288.01	4,558.22			
TOTAL	110,846	120,881.82	128,724.08	127,068.47	12,268.66	-2,365.65	-16.17%
	3.89%	9.05%	6.49%	-1.29%			

2020 Budget = \$135,000 - 6.2% increase from 2019 actual revenues

March	14,415.34	13,946.50	15,874.31	14,634.31	12,268.66	-2,365.65	-16.17%
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CITY SALES AND USE TAX REPORTS

County Sales Tax - 2% (110-3130)							
	2016	2017	2018	2019	2020	\$ Variance	% Variance
Jan	143,234	136,307.24	146,939.45	168,991.80	178,526.13	9,534.33	5.64%
Feb	140,143	142,434.80	176,530.32	161,231.36	181,438.93	20,207.57	12.53%
Mar	155,984	172,028.79	185,516.49	198,980.47	188,855.00	-10,125.47	-5.09%
Apr	159,418	173,380.86	189,469.26	197,897.18			
May	162,276	178,328.17	193,958.66	209,011.45			
Jun	177,343	193,003.33	208,276.71	213,850.33			
Jul	150,781	178,723.35	189,768.49	210,475.42			
Aug	173,860	188,794.09	199,733.45	216,142.51			
Sep	164,869	186,027.87	195,797.26	206,870.89			
Oct	156,670	173,689.04	188,033.02	210,951.31			
Nov	157,683	174,721.72	184,074.04	204,326.68			
Dec	182,095	203,167.47	215,052.48	233,401.07			
TOTAL	1,924,355	2,100,606.73	2,273,149.63	2,432,130.47	548,820.06	19,616.43	3.71%
%	-2.79%	9.16%	8.21%	6.99%			

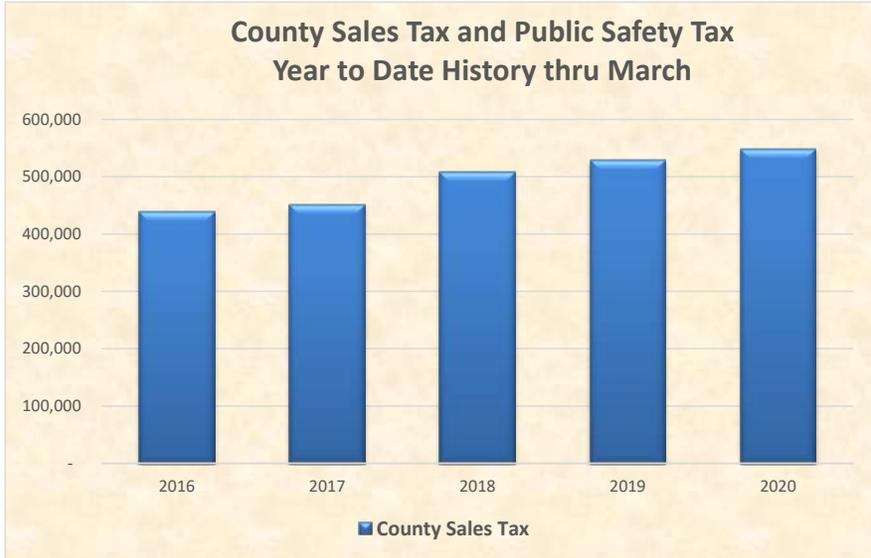
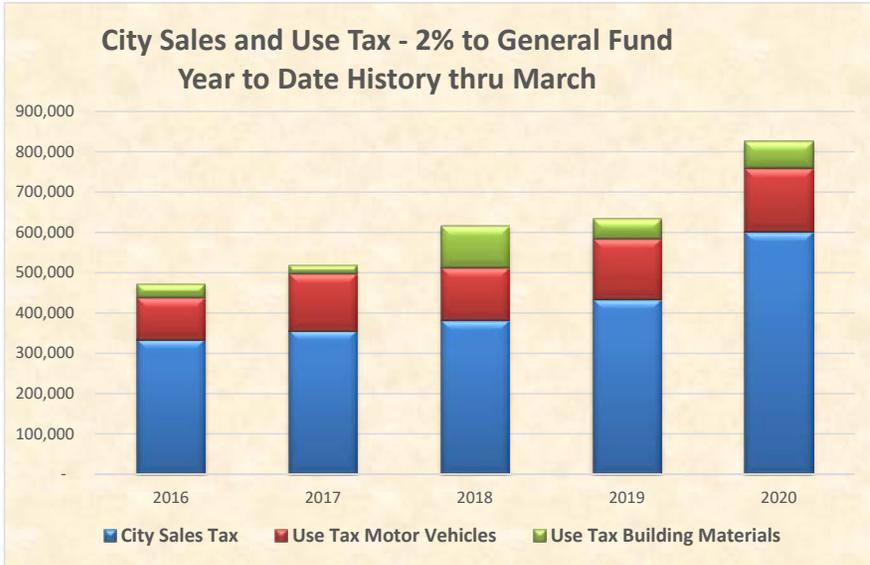
2020 Budget=\$2,400,000, 1.3% decrease from 2019 actual revenue

March	439,360.94	450,770.83	508,986.26	529,203.63	548,820.06	19,616.43	3.71%
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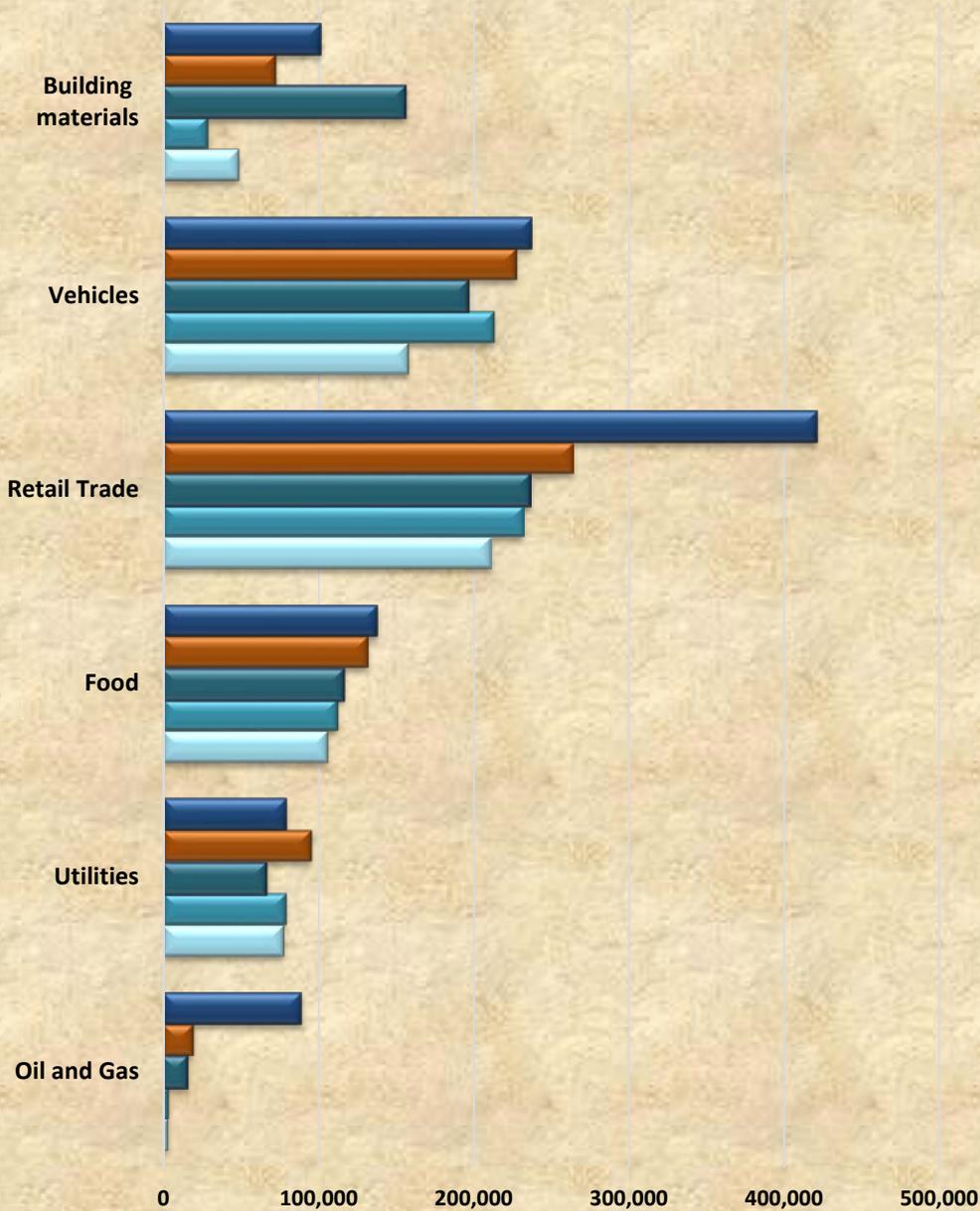
County Sales Tax - 0.37% Public Safety Tax (110-3129)							
	2016	2017	2018	2019	2020	\$ Variance	% Variance
Jan			23,704.20	25,508.99	26,762.07	1,253.08	4.91%
Feb			23,956.30	24,195.07	26,744.72	2,549.65	10.54%
Mar			25,560.92	30,317.68			
Apr			28,690.41	30,643.86			
May			29,288.65	32,085.32			
Jun			30,517.49	32,143.50			
Jul			28,181.20	31,495.72			
Aug			29,822.85	32,200.79			
Sep			29,235.41	31,197.04			
Oct			27,412.35	31,996.22			
Nov			27,259.12	30,373.05			
Dec			32,203.19	35,263.78			
TOTAL	0.00	0.00	335,832.09	367,421.02	53,506.79	3,802.73	7.65%
%				9.41%			

2020 Budget=\$358,000, 2.6% decrease from 2019 actual revenue

Feb	0.00	0.00	47,660.50	49,704.06	53,506.79	3,802.73	7.65%
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City 3% Sales and Use Tax by Top 6 Industries Year to Date History thru March 2020



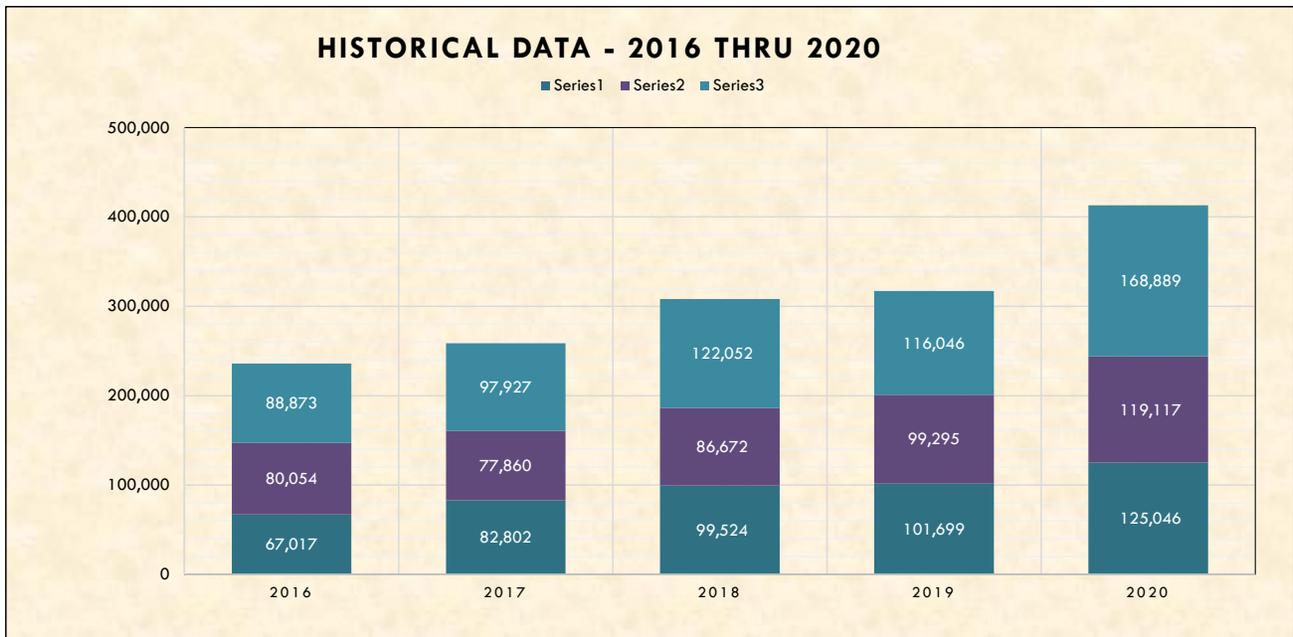
	Oil and Gas	Utilities	Food	Retail Trade	Vehicles	Building materials
2020	88,862	78,864	137,303	420,924	236,923	100,934
2019	19,604	95,459	131,707	263,837	227,243	72,527
2018	15,337	66,034	115,752	235,399	195,829	155,356
2017	3,511	79,127	112,137	231,848	212,524	28,971
2016	3,191	77,649	105,837	210,951	157,685	48,886

■ 2020
 ■ 2019
 ■ 2018
 ■ 2017
 ■ 2016

2020 COMMUNITY CENTER FUND TAX REVENUES

March 2020 Report

2020 Tax Revenues										
Month	2016 Total	2017 Total	2018 Total	2019 Total	City Sales	Use Tax Motor Vehicles	Use Tax Building Materials	Total	\$ Change	% Chg
January	67,017	82,802	99,524	101,699	95,196.22	22,388.10	7,461.27	125,045.59	23,346	22.96%
February	80,054	77,860	86,672	99,295	83,874.93	29,777.03	5,465.34	119,117.30	19,823	19.96%
March	88,873	97,927	122,052	116,046	121,361.27	26,809.43	20,717.91	168,888.61	52,842	45.54%
April	106,161	93,450	119,974	136,940						
May	109,872	121,701	120,944	160,969						
June	110,034	108,354	177,075	138,242						
July	93,981	101,188	125,783	137,637						
August	98,034	119,369	115,257	137,769						
September	110,352	114,001	131,462	121,839						
October	86,289	110,923	146,462	136,971						
November	85,253	110,108	107,578	131,902						
December	86,781	100,818	102,648	137,173						
TOTAL	1,122,701	1,238,499	1,455,432	1,556,483	300,432.42	78,974.56	33,644.52	413,051.50	96,011	30.28%
% Change	5.83%	10.31%	17.52%	6.94%						
2020 Budget					1,065,000	361,500	75,000	1,501,500		
% of Budget					28.21%	21.85%	44.86%	27.51%		
	235,944	258,589	308,247	317,040				413,052	96,011	30.28%



General Ledger
Actual vs Budget Report

User: msell
Printed: 05/12/20 11:52:15
Period 04 - 04
Fiscal Year 2020



FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
110	General Fund					
000						
R01	Taxes	-586,403.30	-2,798,799.32	-7,763,300.00	-4,964,500.68	36.05
R02	Licenses and permits	-602.50	-11,155.00	-32,750.00	-21,595.00	34.06
R03	Intergovernmental revenue	-43,945.28	-162,649.76	-679,500.00	-516,850.24	23.94
R04	Charges for services	4,187.42	-46,814.52	-183,350.00	-136,535.48	25.53
R05	Fines and forfeitures	-718.09	-4,883.92	-18,900.00	-14,016.08	25.84
R06	Interest	-4,969.53	-25,800.65	-60,000.00	-34,199.35	43.00
R07	Donations	-15,000.00	-58,422.07	-14,500.00	43,922.07	402.91
R08	Miscellaneous	-45.40	-24,904.70	-3,000.00	21,904.70	830.16
R09	Transfers from other funds	0.00	-60,125.00	-240,500.00	-180,375.00	25.00
R10	Other financing sources	-29.15	-29.15	0.00	29.15	0.00
R12	Rents	-13,899.01	-24,951.04	-36,000.00	-11,048.96	69.31
000		-661,424.84	-3,218,535.13	-9,031,800.00	-5,813,264.87	35.64
410	<i>General Government Department</i>					
E01	Personnel services, salaries	19,734.80	85,120.26	257,075.00	171,954.74	33.11
E02	Personnel services, benefits	5,098.72	24,335.56	65,300.00	40,964.44	37.27
E03	Purchased professional service	11,227.33	32,268.20	155,750.00	123,481.80	20.72
E04	Purchased property services	369.24	1,661.58	7,450.00	5,788.42	22.30
E05	Other purchased services	247.59	1,096.63	7,100.00	6,003.37	15.45
E06	Supplies	-1,802.82	8,156.41	24,600.00	16,443.59	33.16
E08	Special projects	0.00	29,153.00	39,200.00	10,047.00	74.37
410	<i>General Government Department</i>	34,874.86	181,791.64	556,475.00	374,683.36	32.67
415	<i>Administration Department</i>					
E01	Personnel services, salaries	30,050.91	127,484.36	395,150.00	267,665.64	32.26
E02	Personnel services, benefits	10,535.14	45,051.89	132,425.00	87,373.11	34.02
E03	Purchased professional service	2,323.70	6,637.77	60,150.00	53,512.23	11.04
E04	Purchased property services	10,084.34	67,774.85	150,175.00	82,400.15	45.13
E05	Other purchased services	3,519.63	6,700.20	35,850.00	29,149.80	18.69
E06	Supplies	1,869.91	8,370.24	45,025.00	36,654.76	18.59
E07	Capital	0.00	8,700.00	26,800.00	18,100.00	32.46

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
415	<i>Administration Department</i>	58,383.63	270,719.31	845,575.00	574,855.69	32.02
418	<i>Engineering Department</i>					
E01	Personnel services, salaries	17,302.48	76,989.12	232,600.00	155,610.88	33.10
E02	Personnel services, benefits	6,799.16	36,194.46	88,650.00	52,455.54	40.83
E03	Purchased professional service	0.00	30.00	8,900.00	8,870.00	0.34
E04	Purchased property services	0.00	1,500.00	4,200.00	2,700.00	35.71
E05	Other purchased services	94.02	292.54	3,250.00	2,957.46	9.00
E06	Supplies	54.18	467.12	4,700.00	4,232.88	9.94
418	<i>Engineering Department</i>	24,249.84	115,473.24	342,300.00	226,826.76	33.73
419	<i>Community Development Dpmt</i>					
E01	Personnel services, salaries	16,421.62	73,049.61	214,100.00	141,050.39	34.12
E02	Personnel services, benefits	6,873.62	33,853.38	86,325.00	52,471.62	39.22
E03	Purchased professional service	0.00	342.15	5,500.00	5,157.85	6.22
E04	Purchased property services	0.00	3,900.00	3,900.00	0.00	100.00
E05	Other purchased services	19.55	1,679.65	7,800.00	6,120.35	21.53
E06	Supplies	116.23	459.39	7,575.00	7,115.61	6.06
E08	Special projects	8,986.23	20,722.75	112,600.00	91,877.25	18.40
419	<i>Community Development Dpmt</i>	32,417.25	134,006.93	437,800.00	303,793.07	30.61
421	<i>Police Department</i>					
E01	Personnel services, salaries	93,181.67	424,542.25	1,315,450.00	890,907.75	32.27
E02	Personnel services, benefits	39,401.97	216,989.28	554,925.00	337,935.72	39.10
E03	Purchased professional service	0.00	1,284.96	22,025.00	20,740.04	5.83
E04	Purchased property services	1,465.35	78,829.59	100,150.00	21,320.41	78.71
E05	Other purchased services	25,808.20	101,182.83	348,400.00	247,217.17	29.04
E06	Supplies	3,205.69	12,002.94	75,900.00	63,897.06	15.81
E07	Capital	38,039.00	113,103.00	148,300.00	35,197.00	76.27
421	<i>Police Department</i>	201,101.88	947,934.85	2,565,150.00	1,617,215.15	36.95
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	34,563.93	159,070.40	563,500.00	404,429.60	28.23
E02	Personnel services, benefits	14,497.15	92,833.82	224,875.00	132,041.18	41.28
E03	Purchased professional service	185.00	3,257.98	8,200.00	4,942.02	39.73
E04	Purchased property services	9,752.94	197,312.17	480,275.00	282,962.83	41.08
E05	Other purchased services	190.31	567.16	4,150.00	3,582.84	13.67
E06	Supplies	19,421.39	80,005.31	348,500.00	268,494.69	22.96
E07	Capital	15,496.92	18,413.92	168,300.00	149,886.08	10.94
431	<i>Public Works Department</i>	94,107.64	551,460.76	1,797,800.00	1,246,339.24	30.67
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	39,098.39	172,417.24	602,275.00	429,857.76	28.63

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% ExpendCollect
E02	Personnel services, benefits	13,708.02	75,739.14	188,450.00	112,710.86	40.19
E03	Purchased professional service	345.53	15,854.68	41,850.00	25,995.32	37.88
E04	Purchased property services	1,781.77	75,094.38	148,850.00	73,755.62	50.45
E05	Other purchased services	114.06	1,167.66	9,750.00	8,582.34	11.98
E06	Supplies	14,256.99	41,834.41	145,525.00	103,690.59	28.75
E07	Capital	0.00	6,582.00	46,000.00	39,418.00	14.31
E08	Special projects	97.42	21,530.68	137,300.00	115,769.32	15.68
451	<i>Parks and Recreation Dept</i>	<i>69,402.18</i>	<i>410,220.19</i>	<i>1,320,000.00</i>	<i>909,779.81</i>	<i>31.08</i>
490	<i>Non-Departmental Expenses</i>					
E02	Personnel services, benefits	308.88	308.53	0.00	-308.53	0.00
E03	Purchased professional service	33,097.09	47,558.52	81,500.00	33,941.48	58.35
E04	Purchased property services	681.30	2,244.49	8,200.00	5,955.51	27.37
E05	Other purchased services	0.00	127,988.23	155,000.00	27,011.77	82.57
E08	Special projects	0.00	13,750.00	73,000.00	59,250.00	18.84
E11	Contingency	0.00	0.00	227,900.00	227,900.00	0.00
E12	Transfers to other funds	0.00	23,750.00	1,014,450.00	990,700.00	2.34
490	<i>Non-Departmental Expenses</i>	<i>34,087.27</i>	<i>215,599.77</i>	<i>1,560,050.00</i>	<i>1,344,450.23</i>	<i>13.82</i>
Revenue Total		-661,424.84	-3,218,535.13	-9,031,800.00	-5,813,264.87	-0.3564
Expense Total		548,624.55	2,827,206.69	9,425,150.00	6,597,943.31	0.3000
110	General Fund	-112,800.29	-391,328.44	393,350.00	784,678.44	-99.49

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
121	Conservation Trust Fund					
000						
R03	Intergovernmental revenue	0.00	-32,867.50	-140,000.00	-107,132.50	23.48
R06	Interest	-10.87	-60.32	-100.00	-39.68	60.32
000		-10.87	-32,927.82	-140,100.00	-107,172.18	23.50
Revenue Total		-10.87	-32,927.82	-140,100.00	-107,172.18	-0.2350
Expense Total		0.00	0.00	0.00	0.00	0.0000
121	Conservation Trust Fund	-10.87	-32,927.82	-140,100.00	-107,172.18	23.50

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
124	Economic Development Fund					
<i>000</i>						
R09	Transfers from other funds	0.00	0.00	-69,600.00	-69,600.00	0.00
<i>000</i>		<i>0.00</i>	<i>0.00</i>	<i>-69,600.00</i>	<i>-69,600.00</i>	<i>0.00</i>
<i>465</i>	<i>Marketing Operations</i>					
E03	Purchased professional service	0.00	0.00	9,600.00	9,600.00	0.00
E08	Special projects	0.00	0.00	60,000.00	60,000.00	0.00
<i>465</i>	<i>Marketing Operations</i>	<i>0.00</i>	<i>0.00</i>	<i>69,600.00</i>	<i>69,600.00</i>	<i>0.00</i>
Revenue Total		0.00	0.00	-69,600.00	-69,600.00	0.0000
Expense Total		0.00	0.00	69,600.00	69,600.00	0.0000
124	Economic Development Fund	0.00	0.00	0.00	0.00	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
125	Marketing and Promotion Fund					
000						
R01	Taxes	-4,677.20	-16,826.88	-135,000.00	-118,173.12	12.46
R04	Charges for services	0.00	-112.00	0.00	112.00	0.00
R06	Interest	-4.24	-23.51	0.00	23.51	0.00
R09	Transfers from other funds	0.00	0.00	-12,000.00	-12,000.00	0.00
000		-4,681.44	-16,962.39	-147,000.00	-130,037.61	11.54
465	<i>Marketing Operations</i>					
E01	Personnel services, salaries	1,263.01	5,631.40	16,450.00	10,818.60	34.23
E02	Personnel services, benefits	295.80	1,414.74	3,850.00	2,435.26	36.75
E03	Purchased professional service	0.00	0.00	2,500.00	2,500.00	0.00
E04	Purchased property services	27.28	107.77	1,800.00	1,692.23	5.99
E05	Other purchased services	17,500.00	17,500.00	70,000.00	52,500.00	25.00
E06	Supplies	0.00	0.00	7,000.00	7,000.00	0.00
E08	Special projects	0.00	26,500.00	36,000.00	9,500.00	73.61
E11	Contingency	0.00	0.00	9,400.00	9,400.00	0.00
465	<i>Marketing Operations</i>	19,086.09	51,153.91	147,000.00	95,846.09	34.80
Revenue Total		-4,681.44	-16,962.39	-147,000.00	-130,037.61	-0.1154
Expense Total		19,086.09	51,153.91	147,000.00	95,846.09	0.3480
125	Marketing and Promotion Fund	14,404.65	34,191.52	0.00	-34,191.52	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
127	Community Center Fund					
000						
R01	Taxes	-116,067.78	-521,193.61	-1,501,500.00	-980,306.39	34.71
R04	Charges for services	-9,238.86	-238,407.83	-1,275,000.00	-1,036,592.17	18.70
R06	Interest	-777.61	-2,415.07	-1,250.00	1,165.07	193.21
R07	Donations	0.00	-2,625.00	0.00	2,625.00	0.00
R08	Miscellaneous	0.00	-123.74	-1,000.00	-876.26	12.37
R09	Transfers from other funds	0.00	-23,750.00	-95,000.00	-71,250.00	25.00
R12	Rents	-2,235.42	-21,917.49	-71,200.00	-49,282.51	30.78
000		-128,319.67	-810,432.74	-2,944,950.00	-2,134,517.26	27.52
451	<i>Parks and Recreation Dept</i>					
E01	Personnel services, salaries	60,411.98	350,388.34	1,264,950.00	914,561.66	27.70
E02	Personnel services, benefits	15,955.88	103,661.31	265,725.00	162,063.69	39.01
E03	Purchased professional service	1,194.04	13,439.69	49,050.00	35,610.31	27.40
E04	Purchased property services	5,794.73	51,046.27	122,700.00	71,653.73	41.60
E05	Other purchased services	610.02	27,363.68	56,500.00	29,136.32	48.43
E06	Supplies	11,099.12	58,776.16	279,775.00	220,998.84	21.01
E07	Capital	8,008.80	44,626.02	279,100.00	234,473.98	15.99
E08	Special projects	0.00	5,508.54	25,000.00	19,491.46	22.03
E11	Contingency	0.00	0.00	40,000.00	40,000.00	0.00
E12	Transfers to other funds	0.00	179,525.00	718,100.00	538,575.00	25.00
451	<i>Parks and Recreation Dept</i>	103,074.57	834,335.01	3,100,900.00	2,266,564.99	26.91
Revenue Total		-128,319.67	-810,432.74	-2,944,950.00	-2,134,517.26	-0.2752
Expense Total		103,074.57	834,335.01	3,100,900.00	2,266,564.99	0.2691
127	Community Center Fund	-25,245.10	23,902.27	155,950.00	132,047.73	15.33

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130	Capital Projects Fund					
000						
R06	Interest	-1,377.58	-7,923.29	0.00	7,923.29	0.00
000		-1,377.58	-7,923.29	0.00	7,923.29	0.00
733	<i>Sidewalk Replacement</i>					
E07	Capital	0.00	0.00	30,000.00	30,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-30,000.00	-30,000.00	0.00
733	<i>Sidewalk Replacement</i>	0.00	0.00	0.00	0.00	0.00
735	<i>Overlays</i>					
E07	Capital	0.00	0.00	200,000.00	200,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-200,000.00	-200,000.00	0.00
735	<i>Overlays</i>	0.00	0.00	0.00	0.00	0.00
737	<i>K.4 Road Improvements</i>					
E07	Capital	14,842.12	17,263.29	698,000.00	680,736.71	2.47
R09	Transfers from other funds	0.00	0.00	-340,500.00	-340,500.00	0.00
R11	Development impact fees	0.00	0.00	-157,500.00	-157,500.00	0.00
737	<i>K.4 Road Improvements</i>	14,842.12	17,263.29	200,000.00	182,736.71	8.63
742	<i>Hwy 340 and I-70 Improvements</i>					
E03	Purchased professional service	0.00	0.00	23,700.00	23,700.00	0.00
E07	Capital	0.00	0.00	55,525.00	55,525.00	0.00
R09	Transfers from other funds	0.00	0.00	-79,225.00	-79,225.00	0.00
742	<i>Hwy 340 and I-70 Improvements</i>	0.00	0.00	0.00	0.00	0.00
749	<i>Department</i>					
E03	Purchased professional service	0.00	0.00	410,000.00	410,000.00	0.00
R03	Intergovernmental revenue	0.00	0.00	-205,000.00	-205,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-205,000.00	-205,000.00	0.00
749	<i>Department</i>	0.00	0.00	0.00	0.00	0.00
783	<i>Civic Center Improvements</i>					

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
E07	Capital	0.00	0.00	17,000.00	17,000.00	0.00
R09	Transfers from other funds	0.00	0.00	-17,000.00	-17,000.00	0.00
783	<i>Civic Center Improvements</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>
790	<i>Kokopelli Trail</i>					
E07	Capital	194,558.04	297,746.00	590,000.00	292,254.00	50.47
R03	Intergovernmental revenue	-103,187.96	-103,187.96	-590,000.00	-486,812.04	17.49
790	<i>Kokopelli Trail</i>	<i>91,370.08</i>	<i>194,558.04</i>	<i>0.00</i>	<i>-194,558.04</i>	<i>0.00</i>
841	<i>Big Salt Wash Trail</i>					
E07	Capital	15,438.75	25,173.47	27,000.00	1,826.53	93.24
R09	Transfers from other funds	0.00	0.00	-27,000.00	-27,000.00	0.00
841	<i>Big Salt Wash Trail</i>	<i>15,438.75</i>	<i>25,173.47</i>	<i>0.00</i>	<i>-25,173.47</i>	<i>0.00</i>
Revenue Total		-104,565.54	-111,111.25	-1,851,225.00	-1,740,113.75	-0.0600
Expense Total		224,838.91	340,182.76	2,051,225.00	1,711,042.24	0.1658
130	Capital Projects Fund	120,273.37	229,071.51	200,000.00	-29,071.51	114.54

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140	Debt Service Fund					
000						
R06	Interest	-840.08	-4,169.76	-13,000.00	-8,830.24	32.08
R09	Transfers from other funds	0.00	-178,025.00	-712,100.00	-534,075.00	25.00
000		-840.08	-182,194.76	-725,100.00	-542,905.24	25.13
470	<i>Debt Service</i>					
E09	Debt service principal	0.00	0.00	320,000.00	320,000.00	0.00
E10	Debt interest & bond issuance	0.00	202,300.00	405,100.00	202,800.00	49.94
470	<i>Debt Service</i>	0.00	202,300.00	725,100.00	522,800.00	27.90
Revenue Total		-840.08	-182,194.76	-725,100.00	-542,905.24	-0.2513
Expense Total		0.00	202,300.00	725,100.00	522,800.00	0.2790
140	Debt Service Fund	-840.08	20,105.24	0.00	-20,105.24	0.00

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
210	Devils Canyon Center Fund					
000						
R06	Interest	-31.46	-174.56	0.00	174.56	0.00
000		-31.46	-174.56	0.00	174.56	0.00
450	DCC Administration					
E12	Transfers to other funds	0.00	0.00	43,875.00	43,875.00	0.00
450	DCC Administration	0.00	0.00	43,875.00	43,875.00	0.00
	Revenue Total	-31.46	-174.56	0.00	174.56	0.0000
	Expense Total	0.00	0.00	43,875.00	43,875.00	0.0000
210	Devils Canyon Center Fund	-31.46	-174.56	43,875.00	44,049.56	-0.40

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
211	Irrigation Water Fund					
000						
R04	Charges for services	-42.31	-2,925.81	-122,000.00	-119,074.19	2.40
R06	Interest	-4.23	-23.48	0.00	23.48	0.00
000		-46.54	-2,949.29	-122,000.00	-119,050.71	2.42
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	4,624.18	21,635.39	58,400.00	36,764.61	37.05
E02	Personnel services, benefits	2,437.26	13,732.31	24,275.00	10,542.69	56.57
E04	Purchased property services	0.00	2,100.00	2,100.00	0.00	100.00
E05	Other purchased services	219.86	1,571.22	8,400.00	6,828.78	18.71
E06	Supplies	50.00	10,672.42	15,125.00	4,452.58	70.56
E12	Transfers to other funds	0.00	2,625.00	10,500.00	7,875.00	25.00
431	<i>Public Works Department</i>	7,331.30	52,336.34	118,800.00	66,463.66	44.05
Revenue Total		-46.54	-2,949.29	-122,000.00	-119,050.71	-0.0242
Expense Total		7,331.30	52,336.34	118,800.00	66,463.66	0.4405
211	Irrigation Water Fund	7,284.76	49,387.05	-3,200.00	-52,587.05	-1,543.35

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Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
212	Sewer Fund					
000						
R03	Intergovernmental revenue	-307,037.93	-307,037.93	-342,225.00	-35,187.07	89.72
R04	Charges for services	-23,385.35	-1,012,282.02	-3,780,000.00	-2,767,717.98	26.78
R06	Interest	-3,244.01	-17,114.65	-45,000.00	-27,885.35	38.03
R08	Miscellaneous	-1,620.00	-1,620.00	-1,500.00	120.00	108.00
000		-335,287.29	-1,338,054.60	-4,168,725.00	-2,830,670.40	32.10
433	<i>Sewer</i>					
E01	Personnel services, salaries	40,739.29	195,134.35	618,150.00	423,015.65	31.57
E02	Personnel services, benefits	17,267.60	103,671.70	265,100.00	161,428.30	39.11
E03	Purchased professional service	2,489.28	6,219.18	52,500.00	46,280.82	11.85
E04	Purchased property services	1,761.94	34,963.58	56,000.00	21,036.42	62.43
E05	Other purchased services	1,737.61	53,072.38	159,100.00	106,027.62	33.36
E06	Supplies	5,201.23	81,842.00	327,600.00	245,758.00	24.98
E07	Capital	0.00	0.00	106,800.00	106,800.00	0.00
E09	Debt service principal	0.00	422,500.00	845,000.00	422,500.00	50.00
E10	Debt interest & bond issuance	0.00	237,063.34	474,150.00	237,086.66	50.00
E11	Contingency	0.00	0.00	6,100.00	6,100.00	0.00
E12	Transfers to other funds	0.00	41,250.00	165,000.00	123,750.00	25.00
433	<i>Sewer</i>	69,196.95	1,175,716.53	3,075,500.00	1,899,783.47	38.23
600	<i>Treatment System</i>					
E03	Purchased professional service	4,670.00	4,670.00	27,125.00	22,455.00	17.22
E07	Capital	0.00	0.00	350,000.00	350,000.00	0.00
600	<i>Treatment System</i>	4,670.00	4,670.00	377,125.00	372,455.00	1.24
601	<i>Lift Stations</i>					
E07	Capital	0.00	380.34	83,200.00	82,819.66	0.46
601	<i>Lift Stations</i>	0.00	380.34	83,200.00	82,819.66	0.46
602	<i>Lagoons</i>					
E07	Capital	0.00	0.00	100,000.00	100,000.00	0.00
602	<i>Lagoons</i>	0.00	0.00	100,000.00	100,000.00	0.00

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
603	<i>Sewer Line Upgrades</i>					
E07	Capital	0.00	0.00	225,000.00	225,000.00	0.00
603	<i>Sewer Line Upgrades</i>	0.00	0.00	225,000.00	225,000.00	0.00
605	<i>Sewer Line Extensions</i>					
E07	Capital	191,023.04	1,470,347.73	1,625,750.00	155,402.27	90.44
605	<i>Sewer Line Extensions</i>	191,023.04	1,470,347.73	1,625,750.00	155,402.27	90.44
Revenue Total		-335,287.29	-1,338,054.60	-4,168,725.00	-2,830,670.40	-0.3210
Expense Total		264,889.99	2,651,114.60	5,486,575.00	2,835,460.40	0.4832
212	Sewer Fund	-70,397.30	1,313,060.00	1,317,850.00	4,790.00	99.64

General Ledger
Actual vs Budget Report

User: msell
Printed: 05/12/20 11:52:16
Period 04 - 04
Fiscal Year 2020



FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
215	Trash Fund					
000						
R04	Charges for services	-627.68	-205,169.07	-805,000.00	-599,830.93	25.49
R06	Interest	-4.80	-26.64	0.00	26.64	0.00
000		-632.48	-205,195.71	-805,000.00	-599,804.29	25.49
432	<i>Sanitation Department</i>					
E05	Other purchased services	61,984.17	186,342.53	746,000.00	559,657.47	24.98
E12	Transfers to other funds	0.00	14,750.00	59,000.00	44,250.00	25.00
432	<i>Sanitation Department</i>	61,984.17	201,092.53	805,000.00	603,907.47	24.98
Revenue Total		-632.48	-205,195.71	-805,000.00	-599,804.29	-0.2549
Expense Total		61,984.17	201,092.53	805,000.00	603,907.47	0.2498
215	Trash Fund	61,351.69	-4,103.18	0.00	4,103.18	0.00

General Ledger
Actual vs Budget Report

User: msell
Printed: 05/12/20 11:52:16
Period 04 - 04
Fiscal Year 2020



FRUITA

COLORADO

Sort Level	Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
220	Fleet Maintenance Fund					
000						
R04	Charges for services	0.00	-329,775.00	-329,775.00	0.00	100.00
000		0.00	-329,775.00	-329,775.00	0.00	100.00
431	<i>Public Works Department</i>					
E01	Personnel services, salaries	9,074.26	43,260.62	137,400.00	94,139.38	31.49
E02	Personnel services, benefits	4,417.57	26,170.60	64,825.00	38,654.40	40.37
E03	Purchased professional service	367.00	481.00	1,500.00	1,019.00	32.07
E04	Purchased property services	911.66	5,990.15	32,300.00	26,309.85	18.55
E06	Supplies	8,052.56	34,623.05	91,750.00	57,126.95	37.74
E07	Capital	0.00	1,900.00	2,000.00	100.00	95.00
431	<i>Public Works Department</i>	22,823.05	112,425.42	329,775.00	217,349.58	34.09
Revenue Total		0.00	-329,775.00	-329,775.00	0.00	-1.0000
Expense Total		22,823.05	112,425.42	329,775.00	217,349.58	0.3409
220	Fleet Maintenance Fund	22,823.05	-217,349.58	0.00	217,349.58	0.00

General Ledger
Actual vs Budget Report

User: msell
Printed: 05/12/20 11:52:16
Period 04 - 04
Fiscal Year 2020



FRUITA

COLORADO

<u>Sort Level</u>	<u>Description</u>	<u>Period Amt</u>	<u>End Bal</u>	<u>Budget</u>	<u>Variance</u>	<u>% Expend/Collect</u>
<i>Revenue Total</i>		-1,235,840.21	-6,248,313.25	-20,335,275.00	-14,086,961.75	-0.3073
<i>Expense Total</i>		1,252,652.63	7,272,147.26	22,303,000.00	15,030,852.74	0.3261



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: MAY 19, 2020

RE: ORDINANCE 2020-03, 1ST READING, AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY ALONG NORTH SYCAMORE STREET LOCATED WITHIN THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JUNE 2, 2020.

BACKGROUND

This is a request for approval of a vacation of right-of-way along the east side of the unimproved portion of North Sycamore Street. The request is to vacate the eastern 8 feet from East Pabor Avenue to East Columbine Avenue. The right-of-way is currently 60 feet in width and was created by the Fruita 1st Addition Plat in 1905 (reception #56174). Currently, this portion of North Sycamore Street has a temporary asphalt pedestrian trail connecting East Columbine Avenue to East Pabor Avenue. It should be noted that this section of right-of-way is designated as a local residential street which has 44 feet of right-of-way with 28 feet of asphalt with curb/gutter and sidewalk on both sides. Collector roads that have 60 feet of right-of-way would have 44 feet of asphalt with curb/gutter and sidewalks on both sides and typically function like North Pine Street.

Vacation of this right-of-way will not be in violation of any local or state law because it does not create any landlocked parcels, does not negatively affect adjacent properties, does not reduce quality of public services and does not violate the city's master plan. It is Staff's recommendation that this 8 foot portion be reserved as a utility easement. Utility easements are typically required along all street frontages for placement of electric, telephone, and similar lines and appurtenances.

At the May 12, 2020 Planning Commission virtual public hearing, there were members of the public that had some concerns. The draft Planning Commission meeting minutes are not yet available, however it appeared that the main concerns raised by the public were in relation to making sure connectivity between East Columbine Avenue and East Pabor Avenue remained. After a good deal of discussion amongst the Planning Commission, the recommendation to the City Council was approval of the proposed vacation of right-of-way by a vote of 6-0.

FISCAL IMPACT

Maintaining less right-of-way would imply a positive fiscal impact to the city. The cost to

maintain 44 feet of improved right-of-way is less than the cost to maintain 60 feet of improved right-of-way.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

It is important to the city council that decisions of applications align with the three strategic outcomes of Quality of Place, Economic Health, and Lifestyle built upon a base of providing quality Core Services. Based on the review of this application, Staff feels that no negative impacts to Quality of Place, Economic Health, and Lifestyle will be a result of the decision to approve this Ordinance.

OPTIONS AVAILABLE TO THE COUNCIL:

1. Publish a synopsis of Ordinance 2020-03, 1st reading of an Ordinance of the City of Fruita, Colorado, vacating certain street right-of-way along North Sycamore Street located within the City of Fruita for publication of public hearing on June 2, 2020.
2. Denial of the proposed Ordinance.
3. Advise Staff to revise any portion of the Ordinance.

RECOMMENDATION:

It is the recommendation of staff that the Council by motion:

PUBLISH A SYNOPSIS OF ORDINANCE 2020-03, 1ST READING, AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY ALONG NORTH SYCAMORE STREET LOCATED WITHIN THE CITY OF FRUITA FOR PUBLICATION OF PUBLIC HEARING ON JUNE 2, 2020.

ORDINANCE 2020-03

AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, VACATING CERTAIN STREET RIGHT-OF-WAY ALONG NORTH SYCAMORE STREET LOCATED WITHIN THE CITY OF FRUITA.

WHEREAS, Pabor Serenity LLC (the “Owner”) is the owner of that certain property described as Lot 5 of the Ryan’s Minor Subdivision and recorded with the Mesa County Clerk and Recorder as Reception No. 1997615 located within the City (the “Property”).

WHEREAS, that certain public street, as further described in Exhibit A attached hereto (the “Right-of-Way”), adjacent to the Property was dedicated to the City; and

WHEREAS, Owner has requested the City vacate the Right-of-Way, which Right-of-Way is not used or developed by the City as a public street; and

WHEREAS, Section 31-15-702 (1) (a) (I), C.R.S, and Section 43-2-303(1)(a), C.R.S., permit the City of Fruita to vacate any platted or dedicated public street, road or other public way, whether or not it has been used as such, following certain findings of facts; and

WHEREAS, pursuant to Section 43-2-303(3), C.R.S., in the event of a vacation, the City may reserve a multi-purpose easement for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

WHEREAS, Section 43-2-303, C.R.S., requires that public roadways and other public ways must be vacated by ordinance; and

WHEREAS, the Fruita Planning Commission recommended approval of the right-of-way vacation at their May 12, 2020 public meeting.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. That the real property described in Exhibit A, which constitutes a portion of a public right-of-way dedication to the City of Fruita, situate in the County of Mesa, State of Colorado, be, and the same hereby is, vacated as public right-of-way and this vacated right-of-way shall merge with the adjacent property as provided by §42-3-302, C.R.S.; provided, however, there is hereby reserved by the City a non-exclusive easement in, over, under and across the real property vacated, including the perpetual right to enter upon said property at a time that it may see fit, and to construct City-owned infrastructure systems in, over, under and across the real property vacated and to repair, replace, relocate, inspect, operate, and maintain said systems (the “Reserved Utility Easement”). As such, no permanent structures shall be placed on the Reserved Utility Easement and Owner shall be required to remove any temporary structures or fencing in the event the City needs to enter upon and work in the Reserved Utility Easement.

Section 2. The right-of-way vacation provided for herein shall not become effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Mesa County by the City..

Section 3. Upon adoption of this Ordinance, the City Clerk shall, within thirty (30) days, file for record in the Office of the Mesa County Clerk and Recorder a certified copy of the written Ordinance.

Section 4. In executing this document, Owner waives all objections it may have over the final disposition of the right-of-way vacation and its merger pursuant to state statute, defects, if any, in the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances or resolutions adopting this document.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL

THIS ____ DAY OF _____, 2020

ATTEST:

CITY OF FRUITA

City Clerk

Joel Kincaid, Mayor

OWNER:

PABOR SERENITY LLC

By: _____

Name: _____

Its: _____

Exhibit A
Legal Description

A tract of land situate in the Northeast Quarter of the Northeast Quarter of Section 17, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

Commencing at the North 1/16 Corner on the East Line of said Section 17, from whence the Northeast Corner of said Section 17 bears N0°02'40"E a distance of 1319.24 feet for a Basis of Bearings, all bearings herein related thereto; thence N89°55'46"W a distance of 1309.42 feet to a City of Fruita Monument located at the centerline intersection of East Pabor Avenue and North Sycamore Street; thence N36°38'30"E a distance of 49.78 feet to the North Right of Way for East Pabor Avenue and the West Right of Way for North Sycamore Street and the Point of Beginning:

thence N89°53'20"W a distance of 4.81 feet;
thence N45°09'43"W a distance of 4.53 feet;
thence N00°25'08"W a distance of 614.11 feet;
thence S89°55'08"E a distance of 8.00 feet to the intersection of the South Right of Way for East Columbine Avenue and West Right of Way for North Sycamore Street;
thence S00°25'08"E along said West Right of Way a distance of 617.30 feet to the Point of Beginning

Said tract of land contains 4,933 square feet as described.

Legal description written by:
Patrick W. Click
Colorado licensed surveyor number 37904
3194 Mesa Ave #B
Grand Junction, CO 81504



**Planning & Development Department
Staff Report
May 4, 2020**

Application #: 2020-08
Project Name: Sycamore Street
Application Type: Vacation of Right-of-Way
Representative: Dane Griffin
Location: The eastern portion of North Sycamore Street, north of East Pabor Avenue and south of East Columbine Avenue.
Request: This is a request for approval of a right-of-way vacation. More specifically the eastern 8 feet of the portion of North Sycamore Street, north of East Pabor Avenue and south of East Columbine Avenue.

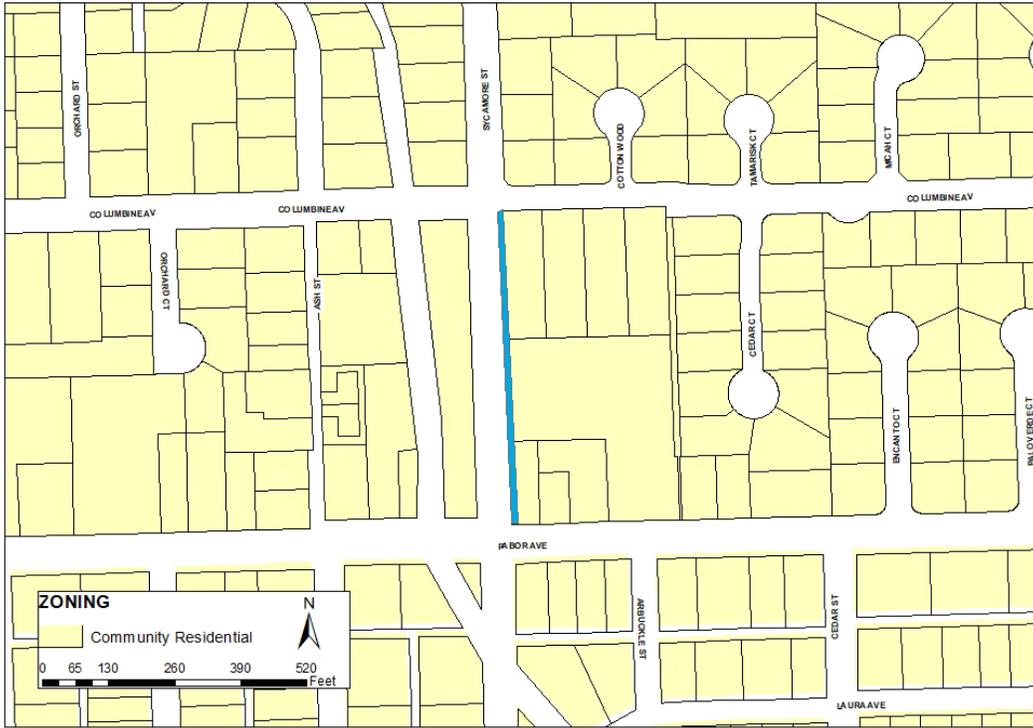
DESCRIPTION:

This is a request for approval of a vacation of right-of-way along the east side of the unimproved portion of North Sycamore Street. The request is to vacate the eastern 8 feet from East Pabor Avenue to East Columbine Avenue. The right-of-way is currently 60 feet in width and was created by the Fruita 1st Addition Plat in 1905 (reception #56174). Currently, this portion of North Sycamore Street has a temporary asphalt pedestrian trail connecting East Columbine Avenue to East Pabor Avenue. It should be noted that this section of right-of-way is designated as a local residential street which has 44 feet of right-of-way with 28 feet of asphalt with curb/gutter and sidewalk on both sides. Collector roads that have 60 feet of right-of-way would have 44 feet of asphalt with curb/gutter and sidewalks on both sides and typically function like North Pine Street or Aspen Avenue.

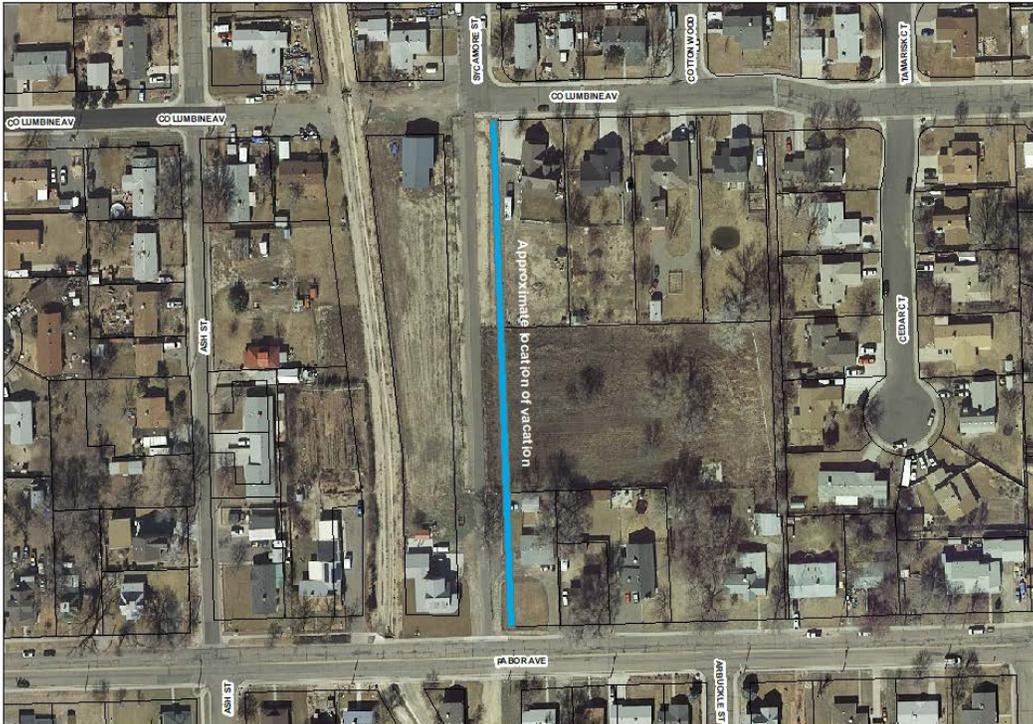
SURROUNDING LAND USES/ZONING AND CITY UTILITIES:

Surrounding land uses consist of single family residential and surrounding zoning consists of Community Residential (CR).

ZONING MAP



AERIAL PHOTO



CITY UTILITY MAP



REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

Section 17.13.080, Vacation of Public Right-of-Way, of the Land Use Code (2009, as amended) states that the City Council may approve the vacation of a public right-of-way, after recommendation by the Planning Commission, upon finding that the vacation will not:

1. Create any landlocked parcels;

This is not a complete vacation of the entire portion of right-of-way. The 8 foot portion of right-of-way currently does not provide primary access to any parcel of land, so no parcel of land will be landlocked if this right-of-way is vacated. The 3 properties east of this portion of Sycamore Street have access from either Columbine Avenue or Pabor Avenue. This criterion has been met.

2. Negatively impact adjacent properties;

The subject right-of-way should not negatively impact adjacent properties. There are utilities within the right-of-way, however, it doesn't appear that this vacation will impact those utilities. This criterion has been met.

3. Reduce the quality of public services to any parcel of land; and

Public services are provided by both the City of Fruita and outside agencies such as Ute Water, Excel Energy, and others. Based on review comments received by outside agencies, it does not appear that public services will be reduced with this application.

In order to maintain a certain level of appropriate public services, the city is requiring that the 8 feet of right-of-way be reserved as a multi-purpose easement. Multi-purpose easements are required along all street frontages for the purpose of city approved utilities and public providers. This easement will allow for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, sanitary wastewater lines, storm sewer, water lines, telephone and telecommunications lines, and also for landscaping, trees and grade structures. This criterion can be met.

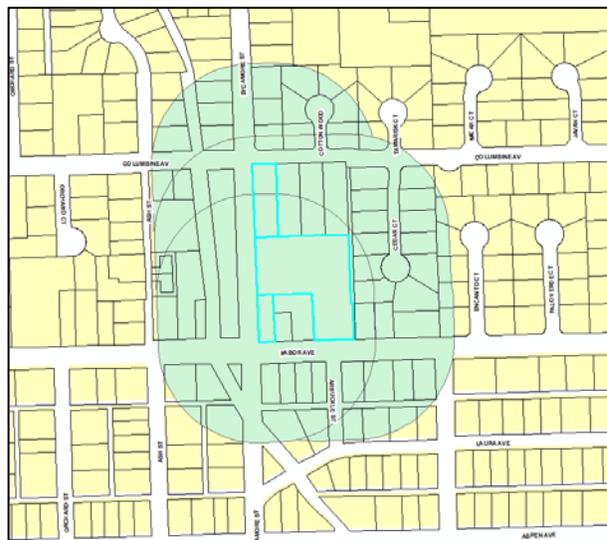
4. Be inconsistent with any transportation plan adopted by the city.

The subject right-of-way is not specifically shown on an adopted transportation Master Plan. It does not appear that there is a need to retain the current 60 feet. As long as there is up to 44 feet available, this street section will meet the local residential street standards. Based on this information, this criterion has been met.

Vacation of this right-of-way will not be in violation of any local or state law because it does not create any landlocked parcels, does not negatively affect adjacent properties, does not reduce quality of public services and does not violate the city's master plan.

LEGAL NOTICE:

	Y	N	DATE
Postcards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020
Paper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020
Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020



The original legal notice postcards sent had invited the public to an in-person Planning Commission public hearing at the Civic Center. Due to the in-person restrictions related to

COVID-19, Staff sent revised notices explaining that the public hearing for Planning Commission would be held by virtual meeting. Attached with the Staff Report is the revised notice letter that was sent to the public on May 4, 2020.

REVIEW COMMENTS:

All review comments received are included with the Staff Report.

PUBLIC COMMENTS:

Staff has received written public comments on this item and are included with the Staff Report.

STAFF RECOMMENDATION:

Staff recommends approval of application 2020-08 with the condition that all review comments and issues identified in the Staff Report be adequately resolved prior to the recording of the Ordinance to vacate the right-of-way.

<u>FRUITA PLANNING COMMISSION:</u>	MAY 12, 2020
<u>FRUITA CITY COUNCIL:</u>	JUNE 2, 2020



NOTICE OF VIRTUAL PUBLIC HEARING

Dear City of Fruita resident,

You had originally received a public notice postcard which invited you to an in-person Planning Commission public hearing scheduled for Tuesday, May 12, 2020 for the application item listed below. Due to public gathering limitations and to be respectful of the safety of the public health, this public hearing will be held VIRTUALLY.

If you have an interest on the item below, please call 858-0786 or if you have any comments you would like to enter into the public record, you are strongly encouraged to submit your comments in **writing** and mail them to the Planning & Development Department at 325 East Aspen Avenue or email them to kmclean@fruita.org prior to the meeting and your comments will be presented to the Planning Commission. Visit our website <https://www.fruita.org/pc/page/planning-commission-meeting-43> for more information on how to participate in this virtual meeting.

Application #: 2020-08
Application Name: Sycamore Street
Application Type: Right-of-way Vacation

We apologize for any inconvenience and we thank you for understanding. If you have any questions regarding this letter, please contact the Planning & Development Department at 970-858-0786.

CITY OF FRUITA
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

PROJECT: N. Sycamore Street ROW Vacation

Petitioner: Pabor Serenity, LLC (Dane Griffin)
Austin Civil Group, Scott Sorensen, 970.242.7540
Polaris Surveying, Pat Click

Reviewer: Sam Atkins

Date: April 20, 2020

REVIEW TYPE: ___ Minor Subdivision ___ Major Subdivision - Preliminary Plan
(Check One) ___ Lot Line Adjustment ___ Final Plat
 ___ Site Design Review ___ Conditional Use Permit
 X Other: Right of Way Vacation

REVIEW COMMENTS

1. The legal description refers to the west right of way of Sycamore in three (3) locations but should be called out as the east right of way.
2. There should be a corner clip on both ends of the vacation. You are showing one a Pabor but not Columbine. Additionally, the geometry of the corner for the curb ramp should be configured to verify the corner clip is large enough to accommodate the ramp.
3. The 8-ft of vacation should then have a multipurpose easement overlaid on it for future utilities. An additional 6-ft will be required from 945 E. Pabor once the parcel is subdivided so that the standard 14-ft MPE is achieved.

***2020-08 Sycamore Street ROW Vacation
Consolidated Review Comments***

Lower Valley Fire District

Re: Review comments for Sycamore Street ROW -2020-08

No objection.

Ute Water

- No objection
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

**General Project Report
For
Right-of-Way Vacation
N Sycamore Street Between E Columbine Avenue & E Pabor Avenue
Application Submittal**

Project Description (Location, Acreage, Proposed Use):

The purpose of this submittal is to request right-of-way vacation along N Sycamore Street located between E Columbine Avenue and E Pabor Avenue in Fruita, Colorado. The location of the project site is depicted below:



General Project Report
For
Right-of-Way Vacation
N Sycamore Street Between E Columbine Avenue & E Parbor Avenue
Application Submittal

Guidelines for Right-of-Way Vacations

1. Describe the right-of-way to be vacated including what is located in the right-of-way at this time.
 - The portion of N Sycamore Street being vacated is located between E Columbine Avenue and E Pabor Avenue in Fruita, CO. Currently there is sixty (60) feet of road right-of-way in the project area in which the eastern eight (8) feet is being requested for vacation. Currently an asphalt drive lane/path, gravel private drive lane, City of Fruita 12-inch sanitary sewer main and Ute Water District 6-inch water main are located within the current N Sycamore Street right-of-way. In addition, field and yard fencing is located within the right-of-way.
2. How was the right-of-way originally created (plat, deed, proclamation, etc.)
 - N Sycamore Street right-of-way was created by First Addition to Fruita Plat with Reception #56174.
3. Why is the right-of-way not considered necessary now?
 - According to the Fruita Area Street Classifications and Traffic Control Plan N Sycamore Street in the project area is classified as a “residential” street classification. According to Table 4.7(A) “Street and Driveway Standards” in the City of Fruita Design Criteria and Construction Specifications Manual local / residential streets with a 0-1000 ADT shall be provided with (forty-four) 44 feet of road right-of-way. Therefore, the sixty (60) feet currently provided is in excess of what is required.
4. Will the vacation create any land-locked parcels? If so, describe how access will be provided without the right-of-way.
 - Right-of-Way vacation will not create any land-locked parcels. The vacation will only vacate the eastern eight (8) feet of the current N Sycamore Street right-of-way.
5. Will the vacation reduce the quality of public services to any parcel of land?
 - Vacation of the eastern eight (8) feet will not reduce the quality of public services to any parcel of land. The existing City of Fruita sanitary sewer main and Ute Water District water main will remain within right-of-way and continue to function as they did prior to the vacation.
6. Is the requested vacation consistent with transportation plans adopted by the City of Fruita?
 - Yes the requested vacation is consistent with the Fruita Area Street Classifications and Traffic Control Plan and the City of Fruita Design Criteria and Construction Specifications Manual.

General Project Report
For
Right-of-Way Vacation
N Sycamore Street Between E Columbine Avenue & E Pabor Avenue
Application Submittal

7. Describe what adjacent properties will acquire the right-of-way to be vacated.
- 936 E Columbine Avenue (2697-171-27-004), 945 E Pabor Avenue (2697-171-27-008) and 909 E Pabor Avenue (2697-171-00-047) will acquire the vacated right-of-way.

In addition to the current sixty (60) feet of N Sycamore Street being in surplus of what is typically required for a residential street classification, the vacation of the eastern eight (8) feet and the future vacation of the ‘western’ eight (8) feet right-of-way provides much needed property to aid in “in-fill” development projects. Upon approval of the N Sycamore Street right-of-way vacation the property owners of 945 E Pabor anticipate submitting a Major Subdivision application to the City of Fruita for a 9-lot residential subdivision. Without the additional eight (8) feet the development of the 9-lot subdivision becomes limiting and hinders meeting certain City of Fruita Land Use zoning criteria. This is even more evident for 833 E Pabor which is a long ‘skinny’ parcel that could benefit greatly from an additional eight (8) feet of property.

Exhibit A
Legal Description

A tract of land situate in the Northeast Quarter of the Northeast Quarter of Section 17, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

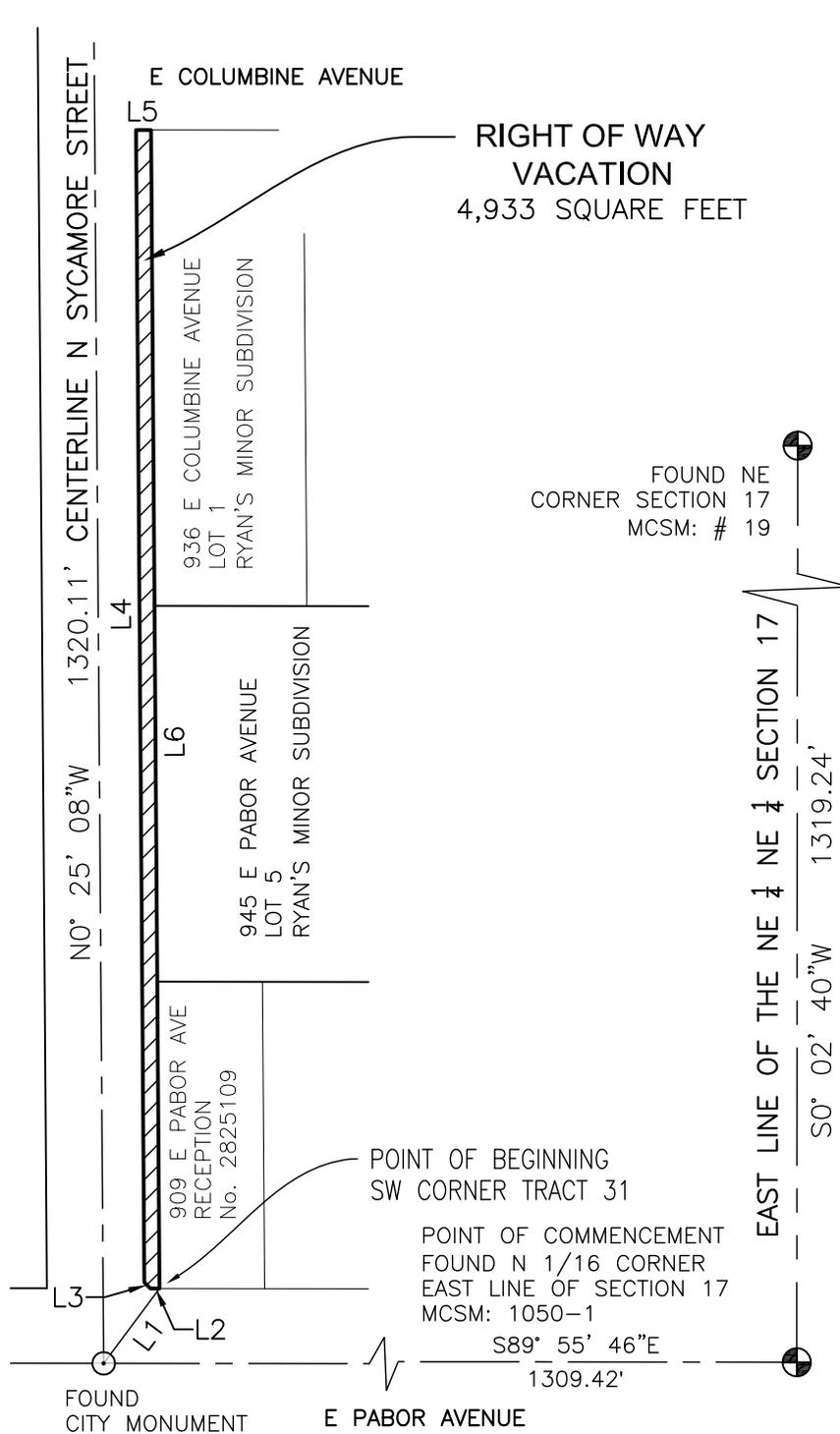
Commencing at the North 1/16 Corner on the East Line of said Section 17, from whence the Northeast Corner of said Section 17 bears N0°02'40"E a distance of 1319.24 feet for a Basis of Bearings, all bearings herein related thereto; thence N89°55'46"W a distance of 1309.42 feet to a City of Fruita Monument located at the centerline intersection of East Pabor Avenue and North Sycamore Street; thence N36°38'30"E a distance of 49.78 feet to the North Right of Way for East Pabor Avenue and the West Right of Way for North Sycamore Street and the Point of Beginning:

thence N89°53'20"W a distance of 4.81 feet;
thence N45°09'43"W a distance of 4.53 feet;
thence N00°25'08"W a distance of 614.11 feet;
thence S89°55'08"E a distance of 8.00 feet to the intersection of the South Right of Way for East Columbine Avenue and West Right of Way for North Sycamore Street;
thence S00°25'08"E along said West Right of Way a distance of 617.30 feet to the Point of Beginning

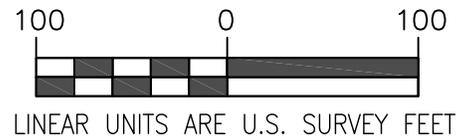
Said tract of land contains 4,933 square feet as described.

Legal description written by:
Patrick W. Click
Colorado licensed surveyor number 37904
3194 Mesa Ave #B
Grand Junction, CO 81504

EXHIBIT B



GRAPHIC SCALE:
1"=100'



Line Table		
Line #	Direction	Length
L1	N36° 38' 30"E	49.78
L2	N89° 53' 20"W	4.81
L3	N45° 09' 43"W	4.53
L4	N00° 25' 08"W	614.11
L5	S89° 55' 08"E	8.00
L6	S00° 25' 08"E	617.30

LEGAL DESCRIPTION SKETCH

RIGHT OF WAY VACATION

N. SYCAMORE STREET

E PABOR AVENUE - E COLUMBINE AVENUE

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE

GRAND JUNCTION, CO 81504

PHONE (970)434-7038

Kelli McLean

From: Tracey Garchar <tracey.garchar@gmail.com>
Sent: Wednesday, May 6, 2020 6:32 AM
To: Kelli McLean
Subject: Comment for Public Record - 2020-08

Please consider this our public record comment regarding the notice of virtual meeting being held on May 12th regarding the Right of Way Vacation for Sycamore Street due to the proposed development.

If we understand this correctly, because of the proposed development, the right of way for Sycamore Street between East Columbine Avenue and E Pabor Avenue will be VACATED. Currently, that section of undeveloped street is represented by a bike path that allows a very critical connection to the Little Salt Wash Sports Park.

My family, and hundreds of other adults, children, and families also use that path way to connect to a very important and critical piece of our communities resource to recreate.

I am not against the development of the area between Pabor, Sycamore, E Columbine and North Cedar Court, I do have a huge issue if that connective pathway does not remain.

All other developments in Fruita are very thoughtfully designed around safe physical mobility and connectivity. There should be no exception for this project.

Per Attached: The red line represents the current pathway that should remain. Blue circle simply denotes the red line.

thank you,
Tracey and Angela Garchar
260 N Cedar Court
Fruita, CO 81521

--

Tracey Garchar
970-250-8044

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Kelli McLean

From: stu janz <stewj53@yahoo.com>
Sent: Thursday, May 7, 2020 6:34 AM
To: Kelli McLean
Subject: Re: 2020-08 Sycamore Street ROW Vacation

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Kelli

Thank you for passing my concerns on this matter to Henry. I had a nice discussion about this, but as any other person that has time to think; I have come up with a few more concerns

Is there a reason or purpose that this vacation request is only for 8' on the east side, but his request for vacation is to bring the street width down to 44'. Shouldn't this request be for both sides be done at the same time so-as to conclude this reassignment of Street and Driveway Standards is met.

In my conversation with Henry (on the phone) the other day, one concern was the alignment of the 300 block and the vacation request area of Scyamore Street (200 block) If in fact alignment of this were to be an interest, the aerial print included with this request shows that the 44' would align better completely from the East to the West rather than half and half.

thank you Stew

On Monday, May 4, 2020, 08:03:45 AM MDT, stu janz <stewj53@yahoo.com> wrote:

I'm starting to have concerns myself about this entire request though.

His request states there is water and sewer in this so-called (Right-of-way) Actually Sycamore Street but as I know there is also a main gas line that runs through as well. Wouldn't the best decision be to complete the street as a city street. I don't understand the request except that giving the 8' would give the petitioner the the extra footage so he can put units on his present land-locked parcel.

As for the impression that giving 8' of property on the West would improve 833 E. Pabor's property is speculation of error. I personally would like to see the proper street installed and maintained instead of just the way the city presently works this area.

As in the final statement of this right-of-way vacation request where-as the petitioner wants to use me to better make his request appear. I am sorry but the presentation of me needing it also is very wrong. My parcel is 100' wide and the extra 8' is not of any benefit or desire unless it's a street.

In my opinion this proposal needs to be further researched, I have been trying to find out what is meant by there is water in this STREET and I have checked with Ute Water and have come to the conclusion that it's not service water but designated storm sewer markings.

N. Sycamore Street has been a street on all city maps since plot books have been written. It's never been a right-of-way to my knowledge

Kelli; I would really like to sit down with you and discuss this. My door is open and the front porch is comfortable.

thanks for your time

Stew

On Thursday, April 30, 2020, 01:32:12 PM MDT, Kelli McLean <kmclean@fruita.org> wrote:

You are most welcome Stu. Please pass this information along to your neighbors that were also inquiring about this project.

KELLI McLEAN

PLANNING TECHNICIAN

CITY OF FRUITA

970-858-0786



From: stu janz <stewj53@yahoo.com>
Sent: Thursday, April 30, 2020 1:21 PM
To: Kelli McLean <kmclean@fruita.org>
Subject: RE: 2020-08 Sycamore Street ROW Vacation

Thank you Kelli. I received your email and I learned how to say thank you Thank you

Sent from [Mail](#) for Windows 10

From: [Kelli McLean](#)
Sent: Thursday, April 30, 2020 12:30 PM
To: [stewj53@yahoo.com](#)
Subject: 2020-08 Sycamore Street ROW Vacation

Hello Stew,

Here is a direct link to the project you inquired about. My email address is kmclean@fruita.org. Please email any comments you have to me before Friday May 8 so that I can include them in the Planning Commissioners Packets.

<https://www.fruita.org/cd/page/2020-08-sycamore-street-row-vacation>

If you want to mail in comments, please mail them to:

City of Fruita

Kelli McLean

325 E. Aspen Avenue

Fruita, CO 81521

KELLI MCLEAN

PLANNING TECHNICIAN

CITY OF FRUITA

970-858-0786



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FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: MAY 19, 2020

RE: DWELL PLANNED UNIT DEVELOPMENT CONCEPT PLAN APPLICATION.

BACKGROUND

This is Land Development Application #2020-03, Dwell PUD Concept Plan. A Concept Plan, is an optional first step in a Planned Unit Development (PUD) proposal. This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space. The purpose of a Concept Plan and the intentions of the applicant is to submit a plan to get valuable feedback from the public, the Planning Commission, City Council and Staff on the project.

This proposed subdivision will provide 2 access points from both Wildwood Drive connecting to an existing street stub in the Wildwood Acres subdivision and have another access onto North Maple Street. Internal streets within the subdivision are proposed to have approximately 25 feet of asphalt with a detached sidewalk on one side with landscaping between the street and the sidewalk. This application proposes 53 attached dwelling units and 17 detached dwelling units with the intent to construct modern row houses that make efficient use of the site for an overall density of about 7.95 dwelling units per acre. In addition to housing, the proposed PUD Guide contains preliminary design standards of what the dwelling units will look like. It appears that from the application that the overall intent of this subdivision is to create an inviting and pleasant subdivision while incorporating open space, trails, a mix of housing types, and alternative street sections.

Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development which would otherwise be standard with other zone districts. The purpose of the Concept Plan is to get an overall idea of the concept of a proposed subdivision and whether the modifications proposed meet the intent of the Land Use Code and Master Plan. This is not a technical review of the subdivision, the more technical portion of the subdivision review will be accomplished at the Preliminary PUD Plan application and Final PUD Plan application stages. However, there are some elements within the initial review of the application that will have to be addressed and are included with the Consolidated Review Comments. Additionally, since the applicant is proposing a Planned Unit Development zone, a

Rezone application will need to be submitted along with or prior to the Preliminary PUD Plan application. This is to ensure the property is zoned accordingly.

At their March 10, 2020 public hearing, the Planning Commission recommended approval of this application with conditions to the City Council by a vote of 4-0. At this meeting, there were a number of concerns from members of the public and members of the Planning Commission. Building height, traffic, parking, affordability of the homes, density, fencing, and universal building design were the concerns of both the public and the Planning Commission.

This application was originally on track to be presented to the City Council on April 7, 2020. Due to unforeseen circumstances related to COVID-19, the application was continued to the May 19, 2020 City Council meeting. Because the public notice had already advertised the April 7th City Council date, Staff sent a letter to all those who received the legal notice postcard informing them of the continuance of this application to the May 19th date. A follow-up letter was also sent out to all said property owners informing them that the May 19th City Council meeting was going to be held virtually. Copies of these letters are included.

FISCAL IMPACT

A Concept Plan is an optional first step in a Planned Unit Development proposal. The Concept Plans, much like Preliminary Plans, do not generate any positive or negative fiscal impacts on the City of Fruita.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This Concept Plan meets a number of the goals and policies set forth in the Fruita In Motion: Plan Like a Local Comprehensive Plan (the City's Master Plan).

OPTIONS AVAILABLE TO THE COUNCIL:

1. Approve the proposed Concept Plan.
2. Approve the proposed Concept Plan with conditions.
3. Deny the proposed Concept Plan.

RECOMMENDATION:

It is the recommendation of staff that the Council by motion:

APPROVE THE PROPOSED DWELL PLANNED UNIT DEVELOPMENT CONCEPT PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED BE ADEQUATELY RESOLVED WITH THE PRELIMINARY PLAN APPLICATION.



Dear Property Owner,

The City of Fruita Planning & Development Department is sending you this courtesy letter to inform you about upcoming City Council meetings. You are receiving this letter because you have already received a legal notice postcard for the Dwell Concept Plan application (Land Development Application #2020-03). The postcard invited you to a City Council public hearing on this item for April 7, 2020 at the Civic Center at 7:00pm. Due to unforeseen circumstances with the Coronavirus (COVID-19) and to prevent the potential spread of this virus, this application has been continued and will be held on **Tuesday, May 19, 2020** at the Civic Center at 7:00pm.

We apologize for any inconvenience and we thank you for understanding. If you have any questions regarding this letter, please contact the Planning & Development Department at 970-858-0786.

Respectfully,

City of Fruita
Dan Caris, Planning & Development Director
325 E. Aspen Avenue. Fruita, CO. 81521.
970-858-0786



NOTICE OF VIRTUAL PUBLIC HEARING

Dear City of Fruita resident,

You are receiving this letter because you had originally received a legal notice and a letter of continuance for the application item listed below. This letter is to inform you that the Tuesday, May 19, 2020 City Council meeting will be held virtually at 7pm.

If you made public comments at the March 10th Planning Commission meeting, your comments will be given to the City Council.

If you have an interest on the item below, please call 970-858-0786 or if you have any comments you would like to enter into the public record, you are strongly encouraged to submit your comments in writing and mail them to the Planning & Development Department at 325 East Aspen Avenue or email them to kmclean@fruita.org prior to the meeting and your comments will be presented to the City Council. Visit our website <https://www.fruita.org/citycouncil/page/city-council-meeting-virtual-0> for more information on how to participate in this virtual meeting.

Application #: 2020-03

Application Name: Dwell PUD

Application Type: Concept Plan

We apologize for any inconvenience and we thank you for understanding. If you have any questions regarding this letter, please contact the Planning & Development Department at 970-858-0786.



**Planning & Development Department
Staff Report
March 3, 2020**

Application #: 2020-03
Application Name: Dwell Planned Unit Development
Application Type: Concept Plan
Applicant: Vortex Engineering, Inc.
Location: 1136 17 ½ Road & 796 N. Maple Street
Zone: Community Residential
Description: This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

PROJECT DESCRIPTION:

This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space. The purpose of a Concept Plan and the intentions of the applicant is to submit a plan to get valuable feedback from the public, the Planning Commission, City Council and Staff on the project.

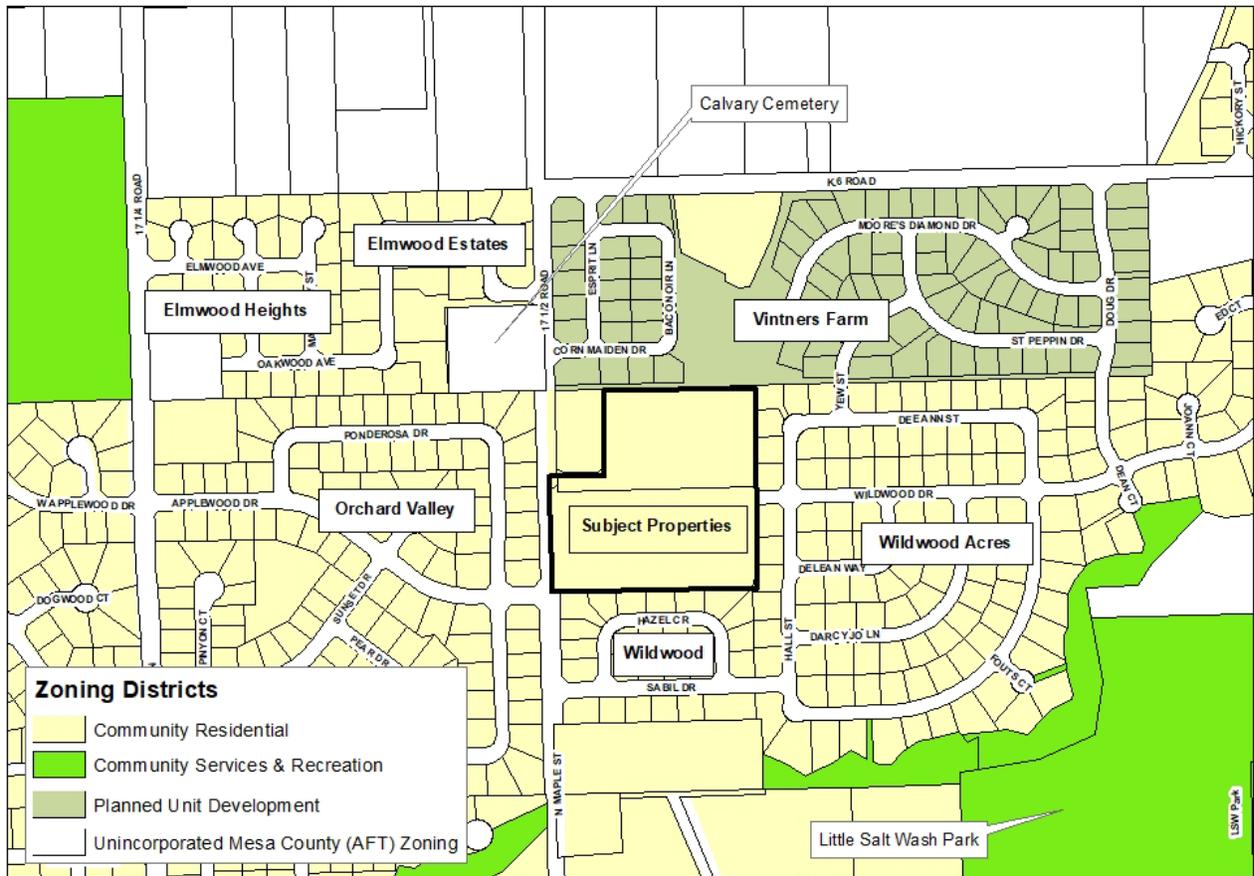
This proposed subdivision will provide 2 access points from both Wildwood Drive connecting to an existing street stub in the Wildwood Acres subdivision and have another access onto North Maple Street. Internal streets within the subdivision are proposed to have approximately 25 feet of asphalt with a detached sidewalk on one side with landscaping between the street and the sidewalk. This application proposes 53 attached dwelling units and 17 detached dwelling units with the intent to construct modern row houses that make efficient use of the site for an overall density of about 7.95 dwelling units per acre. In addition to housing, the proposed PUD Guide contains preliminary design standards of what the dwelling units will look like. It appears that from the application that the overall intent of this subdivision is to create an inviting and pleasant subdivision while incorporating open space, trails, a mix of housing types, and alternative street sections.

Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development which would otherwise be standard with other zone districts. The purpose of the Concept Plan is to get an overall idea of the concept of a proposed

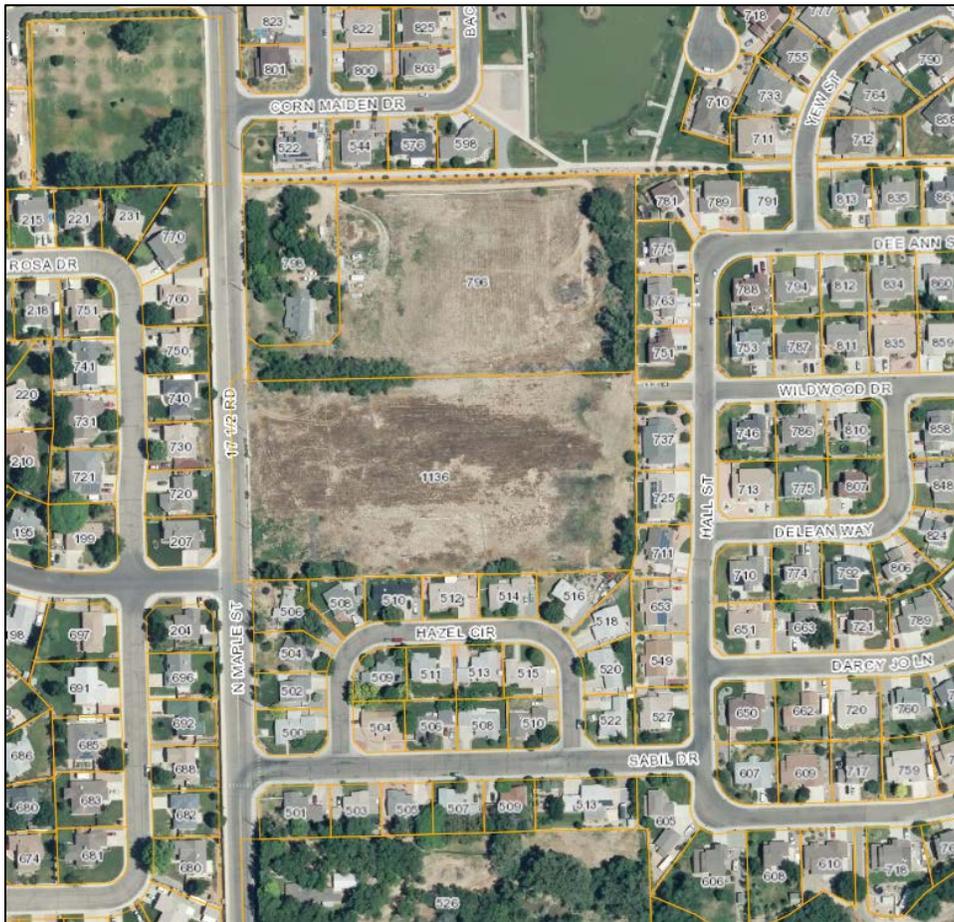
subdivision and whether the modifications proposed meet the intent of the Land Use Code and Master Plan. This is not a technical review of the subdivision, the more technical portion of the subdivision review will be accomplished at the Preliminary PUD Plan application and Final PUD Plan application stages. However, there are some elements within the initial review of the application that will have to be addressed and are included with the Consolidated Review Comments. Additionally, since the applicant is proposing a Planned Unit Development zone, a Rezone application will need to be submitted along with or prior to the Preliminary PUD Plan application. This is to ensure the property is zoned accordingly.

SURROUNDING LAND USES AND ZONING:

The property is surrounded by single family detached residential land uses, open space, and the Calvary Cemetery to the northwest. The cemetery is outside of the city limits and is zoned Agricultural Forestry Transitional (AFT) in the County. Community Residential (CR) zoning is to the south, east and west of the subject property with a Planned Unit Development (PUD) for residential land uses to the north.



2019 AERIAL PHOTO



REVIEW OF THE APPLICABLE SECTIONS WITHIN THE LAND USE CODE AND THE MASTER PLAN (FRUITA IN MOTION: PLAN LIKE A LOCAL COMPREHENSIVE PLAN):

LAND USE CODE:

17.17.030 CRITERIA FOR REVIEW AND DECISIONS. Recommendations of the Planning Commission to the City Council and decisions by the City Council concerning a proposed Planned Unit Development shall be based upon the following criteria. In no case shall the approval of a Planned Unit Development vary the health and safety requirements contained in Title 8, requirements concerning public peace, morals and welfare contained in Title 9, requirements concerning public improvements contained in Title 12, requirements concerning

water and wastewater service contained in Title 13, or the requirements of the city's building codes as set forth in Title 15 of the Municipal Code.

The following approval criteria shall be considered by the Planning Commission and City Council in its review of a proposed Planned Unit Development and no Planned Unit Development shall be approved unless the Council is satisfied that each of these approval criteria has been met, can be met or does not apply to the proposed Planned Unit Development:

1. Conformance to the Fruita Master Plan;

Recently the City of Fruita adopted the Fruita In Motion: Plan Like a Local Comprehensive Plan. With that said, the following is a review of how this proposed Concept Plan relates to the plan.

The Fruita In Motion plan encourages Efficient Development as one of its Plan Themes. The Plan Themes section is found in the 1st Chapter of the plan and states that, "The City of Fruita encourages infill over sprawl and development within the existing city limits and Urban Growth Boundary (UGB). Efficient development reduces the demand for infrastructure and city services, supports community connectivity, and encourages a thriving downtown core." This proposed subdivision is and has been within the city limits for a number of years and is considered as being an infill type of development.

Connectivity is another Plan Theme that this proposed Concept Plan has been found to meet. This Plan Theme reads, "It is easy for vehicles, cyclists, and pedestrians to get around Fruita and to visit local destinations. The City of Fruita offers safe, intuitive, and well connected on- and off-street trail networks for pedestrians and cyclists." Dwell is proposing to provide trail opportunities within the subdivision while making another trail connection to the Vintners Farm subdivision. Also, this subdivision is utilizing an existing street stub from the Wildwood Acres subdivision. As long as the streets and trails are designed in a safe manner, this portion of the Master Plan can be met.

Chapter 3 within the City's Master Plan speaks to Land Use and Growth. The ideas contained within this chapter were developed from conversations reflecting on lessons learned in the last ten to twenty years, an analysis of existing land uses and market conditions, and public meetings discussing the desired character of Fruita and how it should grow and change in the future. This Chapter also contains the Future Land Use Map (FLUM), informed by core concepts that are meant to guide Fruita's future growth. The goal of the FLUM is to turn the Community Values from Chapter 1 and the Land Use Vision for the Future into changes on the ground. The FLUM shows and supports residential densities of 4-8 dwelling units per acre for these properties, however, since the Land Use Code doesn't currently have any language to help guide property owners or developers on how to achieve the supported densities, the best current solution is a Planned Unit Development zone. Additional support for infill developments comes from the analysis of vacant parcels within the existing city limits and comparing it to the

FLUM, the plan shows that there is enough land within both the city limits and the UGB to grow from within rather than continue to expand beyond our borders.

Continuing in Chapter 3 of the Fruita In Motion Comprehensive Plan, the Residential 4-8 category is defined as a “land use category intended for undeveloped areas where public infrastructure and services are available and proximal.” This section continues to state that, “Innovative neighborhood designs in this land use category are encouraged. Neighborhoods in this area can be developed up to 8 units per acre in order to incentivize developers to provide amenities such as parks and trail connections and different types of housing.”

Additionally, Goal #2 within Chapter 3 states that the City needs to “Prioritize infill development over development at the edge of the city limits.” This is because development within the city boundary is typically less costly for both the developer and those providing infrastructure and services such as sewer and roads. Residential development within the city will be able to take advantage of existing nearby roads, parks, trails and community resources. Infill development, typically, will create more customers for the existing downtown and commercial centers. Additional support in the Comprehensive Plan states, “Infill development at a minimum of 4 dwelling units/acre will likely produce more affordable house products than what has typically been built out over the last ten years.”

Also, Goal #4 within Chapter 3 states that the City “Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse ‘funky’ character that is treasured by residents.” This goal was created because Fruita’s housing stock is getting more homogenous and more expensive. As a community that prides itself on being inclusive, this ethos should extend to providing types of housing for people of different ages, income ranges, family structures, and aesthetic preference. Additionally, allowing and encouraging more apartments and/or townhomes in appropriate locations could contribute to more affordable housing options.

A portion of the vision of Chapter 5 - Parks, Health, Recreation, Open Space and Trails of the Comprehensive Plan states, “The City provides unparalleled recreational programming and events, well-maintained parks and recreational facilities that are accessible to all residents, and a well-connected network of bike and pedestrian facilities.” While Goal #3 states, “Enhance the city’s trail system to allow residents and visitors to walk and ride safely within the city and to surrounding trail systems.” With the application as proposed, the Dwell PUD Subdivision supports the intention of this Chapter of the Comprehensive Plan.

The vision of Chapter 6 – Transportation states, “The City of Fruita has well-maintained and safe roadways, intersections, sidewalks, and trails. It has a transportation system that balances access and mobility through multimodal improvements on existing roads as well as coordinated planning with new development. Transportation facilities contribute to the character of the community by providing inviting streetscapes, off-street connections, and

attractive gateways to the community.” It is clear from the plan submitted that the application is supporting the vision of Chapter 6. This application also supports the intentions of the goals set forth in this Chapter. However, the alternative street sections being proposed are going to require additional review from the City Engineer in order to ensure they will be safe for both vehicular and pedestrian traffic.

Chapter 7 – Services and Infrastructure provides for context on the level of importance of Fruita’s ability to provide efficient and effective public services to its residents. Providing efficient and effective public services to its residents directly meets the City Council’s goals of providing strong Core Services. The primary goal of this plan as stated under Goal #2 is, “to promote efficient development and infill in order to keep Fruita from sprawling...” Infill development allows the City and other public service agencies to continue to provide efficient services without expanding the city limits.

Based on this Concept Plan review, it appears that this plan does meet the applicable Chapters within City’s Comprehensive Plan. The subdivision is proposing to create an infill neighborhood that incorporates nearly 20% of its overall acreage into open space. This neighborhood, much like the Vintners Farm PUD Subdivision directly to the north, is proposing to develop the majority of its open space into a neighborhood park with a playground and trail connections throughout. It also appears that approximately half of the dwelling units in this subdivision, once built out, will have either its front or rear portion of the house facing this park. In addition to innovative neighborhood design, the subdivision is proposing alternative street sections along with an alley. These street sections will be incorporating modified widths and proposing detached sidewalks on one side with landscaping between the street and the sidewalk. It would appear that the proposed alternative street section can work as long as there are no major objections from the Fire Department or from the City Engineering Division which could constitute any safety concerns. From a housing perspective, it would appear from the project narrative and the proposed PUD Guide that the developer is planning to incorporate housing types that differ from the homogenous housing inventory that has been built within the city over the last ten to twenty years.

In conclusion, the following Dwell PUD Plan can meet the Fruita In Motion: Plan Like A Local Comprehensive Plan.

2. Consistency with the purposes as set out in Section 17.17.010, above;

Subsections A-H below are directly from Section 17.17.010 of the current Land Use Code.

- A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;*

Based on the application submitted and the fact that this is an infill development, this purpose has been met. Additionally, the lot layout in relation to the open space makes for efficient use of space. The application and the location of the development is proposing to utilize existing infrastructure which would not require an extension of city services beyond the existing city limits. However, from the density proposed, this project will place more pressure on existing roads as the subdivision gets built out over time.

B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;

Based on the project narrative and draft PUD Guide, it appears that the developers overall intent is to create a variety of housing types by incorporating attached and detached dwelling units. Further design standards within the PUD Guide will need to be accomplished, however, from what has been submitted, it appears to Staff that the developer intends to use a variety of building materials and colors for this neighborhood. As far as providing housing of varying income levels, this can be difficult to achieve with the real estate market changes that occur overtime. Although not expressed in the PUD Guide, the project narrative states that, “The applicant’s intent is to construct modern row houses that make efficient use of the site and provide *attainable housing* with both attached and detached single family dwelling units.” However, it does appear that this PUD meets the majority of this general purpose criteria.

C. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;

There does not appear to be any natural features, wildlife, vegetation or natural drainage features on the subject properties that have any significant importance that Staff feels is necessary for preservation. However, it’s important that scenic characteristics be preserved as best as possible. There is a 35 foot maximum height restriction for a dwelling unit in the Community Residential zone district in which both these properties are currently zoned. The PUD Guide is proposing a 40 foot maximum height of the dwelling units. The properties have been vacant for a long time and the current scenic views have been preserved thus far, however, under current regulations a 35 foot tall dwelling unit could still be built in this area. The additional 5 feet in height should not adversely affect what is currently allowed with the 35 foot tall maximum. It appears that this criteria can be met.

D. To conserve and make available open space;

The Dwell PUD Concept Plan is proposing nearly 20% open space within the subdivision. Within the proposed open space, the large park is centrally located while incorporating trail connections to sidewalks. Additionally, the park is proposed to have benches and playground equipment as part of the overall design. There doesn’t appear to

be any natural features on the properties that Staff would recommend the developer conserve. This criteria has been met.

E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;

The proposed Dwell PUD Concept Plan is proposing to deviate from a number of conventional zoning restrictions that are available under the Community Residential zoning classification. Such deviations include, but are not limited to, building height, setbacks, and lot size. It appears that they are proposing these alternatives in order to achieve the maximum density suggested from the Future Land Use Map (FLUM) in the Fruita In Motion Comprehensive Plan. There are a number of Planned Unit Developments in the City of Fruita, each have their own unique characteristics, however, most of them do not propose densities over the maximum for which an underlying zone is called out.

The Dwell PUD Guide also contains information about Uses. Allowed Uses within PUD's should follow an underlying zone district in case there are elements within the PUD Guide that are not addressed (example, a PUD could call out an underlying zone of Community Residential for anything the PUD Guide does not address). This is important when it comes to types of Land Uses in the particular zone. It is Staff's recommendation that the PUD Guide be very specific when it comes to allowed uses. In this case, page 10 of the Dwell PUD Guide states that Home Occupations, Home Childcare, Home Daycare and Residential accessory uses are all allowed. The applicants have provided Staff with responses to review comments for this particular aspect of the project. It appears the Uses will align with the Community Residential Use Standards with certain sections of the Land Use Code being called out. For example, if a home owner wants to have a home based business, the home owner would need to comply with the Home Occupation Standards contained in Section 17.07.070 (B).

F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;

This Concept Plan appears to make efficient use of the land as it is an infill project. The project narrative does not address the latter portion of this criteria resulting in more information needed from the applicant.

G. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics, and;

The Dwell Concept Plan, when the development is complete, should add value to the land. With regards to the Concept Plan and the FLUM (Future Land Use Map), the density is represented as 4-8 dwelling units per acre in this area. Since the Comprehensive Plan was recently adopted, Staff has not had an opportunity to amend the Land Use Code accordingly. With that said, the Planned Unit Development section of the Land Use Code provides an opportunity in flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions.

When it comes to the Dwell PUD Guide (the zone district regulation guide), there needs to be more clarification on the design standards and a process established on how the proposed design standards actually get constructed. Establishing clear design standards and establishing a clear process for how the design standards get constructed will only preserve the intentions set forth in the PUD Guide and the intentions stated by the applicant.

H. To encourage integrated planning in order to achieve the above purposes.

If the applicant can meet the above criteria without compromising all applicable sections of the Land Use Code and Municipal Code, then Staff believes the Dwell PUD Concept Plan can be consistent with Section 17.17.010 of the Fruita Land Use Code.

3. Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where Adjustments to the standards of this Title are allowed, and;

Subsections 1-5 below are directly from Chapter 15 of the Current Land Use Code.

1. Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;

As stated previously in the Staff Report, this Concept Plan application does appear to meet the Master Plan and Land Use Code. Since this is not a technical review of the subdivision, the Design Criteria and Construction Specifications Manual and other city policies and regulations will be involved during the Preliminary PUD Plan Review. For example, the request for modified street sections will be reviewed in more detail with the Preliminary PUD Plan application. Additionally, irrigation design and sewer design will also be part of the next step in the review process for this application.

2. Compatibility with the area around the subject property in accordance with Section 17.07.080;

17.07.080 LAND USE COMPATIBILITY CRITERIA.

The purpose of this Section is to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Master Plan, existing adjacent land uses, applicable zoning district requirements, and other city codes and regulations. Nothing in this Section shall prevent the City of Fruita from denying a land use application based on relevant Code requirements or taking enforcement action against a property owner where a nuisance or other Code violation occurs.

For all land uses, “compatibility” is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved, and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone. The review authority may require conditions of approval to promote compatibility between uses.

The single family land uses and open space will be compatible with the current surrounding residential and open space land uses. Additionally, the types of Uses called out in the PUD Guide should align with the surrounding neighborhoods that are zoned Community Residential. With that said, there does not appear to be any unusual land use types being proposed that would conflict with adjacent neighborhoods.

3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc.);

All required services and facilities appear to be available to the proposed subdivision. Further information will be needed with the Preliminary PUD Plan application from more of a technical aspect.

4. Preservation of natural features and adequate environmental protection; and

As stated previously in the Staff Report, there doesn't not appear to be any natural features that are in need of preservation. However, adequate environmental protection practices should take place pre- and post-construction.

5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

Since this application is not a technical review of the subdivision. This criteria does not apply with this Concept Plan.

- 4. Where the applicant proposes one or more Adjustments to the standards of this Title, consistency with the Adjustment criteria set forth in Section 17.11.020(B), is required.**

This subdivision will need to meet Section 17.11.050 of the Land Use Code. This section of the Code speaks to the Design Standards of attached single family residential, multi-family residential and single family residential lots measuring less than 7,000 square feet in size and lots less than 60 feet in width.

The primary purposes of this section is promote the incorporation of larger portions of open space, trail connections, encourage safe alley access and shared driveways.

During the course of reviewing this Concept Plan, it does not appear that the applicants are requesting any adjustments. The Guiding Principles within Section 17.11.050 are as follows:

- 1. New development and redevelopment should support walkable and attractive neighborhoods with a variety of housing types that are designed to be compatible with adjacent uses.*
- 2. Architecture should provide for compatibility with historic structures where applicable.*
- 3. Provide for street connectivity and pedestrian access and safety both within new developments and between new and existing subdivisions.*
- 4. Integrate open space and parks into the design of new neighborhoods and subdivisions.*

As supported in this Staff Report, this Concept Plan proposal appears to meet all of these Guiding Principles and thus meets this criteria.

In conclusion of this Concept Plan Review, it appears that the Dwell PUD Subdivision Concept Plan meets or can meet all applicable review criteria that must be considered for approval of a Concept Plan. It should be noted that this is not a technical review of the subdivision and lot layout/configuration could be modified upon further review of the Preliminary PUD Plan application.

It is important to note the next steps in the process if the application were to continue. Following the Concept Plan, a Rezone Application and a Preliminary PUD Plan Application are required. The Land Use Code requires the properties to be zoned in order for City Staff, Planning Commission and City Council to have the authority to approve a project in accordance with any applicable zoning regulations. With that said, the Rezone Application must happen prior to or run concurrent with the Preliminary PUD Plan application.

REVIEW COMMENTS:

All review comments are included with the Staff Report.

PUBLIC COMMENTS:

No written public comments have been received by Staff at this time.

LEGAL NOTICE:

All Legal Notice regarding this application was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code.

Paper – February 5, 2020 (34 days prior to Planning Commission)

Property – January 28, 2020 (42 days prior to Planning Commission)

Postcards – January 31, 2020 (39 days prior to Planning Commission)

Public Notice Sign at the Wildwood Drive Street Stub.



Public Notice Sign along Maple Street.



NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, March 10, 2020 at 7:00 p.m.** at the Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, April 7, 2020** at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers. If you have an interest in an item on the agenda, please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

Application #: 2020-03
Project Name: Dwell PUD
Application: Concept Plan
Representative: Vortex Engineering and Architecture, Inc.
Location: 1136 17 ½ Road & 796 N. Maple Street

Description: This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

Physically disadvantaged persons who wish to obtain information or need assistance in attending the Public Hearing, may call (970) 858-0786, the hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: www.fruita.org

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Dwell PUD Concept Plan application with the condition that all review comments and issues identified in the Staff Report are adequately resolved with the Preliminary PUD Plan application.

PLANNING COMMISSION HEARING DATE: March 10, 2020

CITY COUNCIL HEARING DATE: April 7, 2020

**Due to COVID-19, the April 7, 2020 City Council meeting was rescheduled to the May 19, 2020 meeting. Letters were sent to neighboring property owners informing them of this hearing date change as well as notifying them that the meeting was going to be held virtually. The letter provided guidance on how to participate in the public meeting.*



Application Type: Concept Plan
Application Name: Dwell Planned Unit Development
Application Number: 2020-03
Location: 1136 17 ½ Road & 796 N. Maple Street
Current Zone: Community Residential (CR)

-
- Pre-Application meeting: None
 - Application submitted: 1/16/2020
 - Letter of acceptance: 1/17/2020
 - Application sent out for review: 1/21/2020
 - Legal Notice –
 - Paper – 2/5/2020; Postcards – 1/31/2020; Sign – 1/28/2020
 - Planning Commission: 3/10/2020
 - City Council: 4/7/2020
-

DESCRIPTION: This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

GENERAL:

1. The application needs to state what sections of the Land Use Code are being deviated from and why it's a public benefit.
 - a. Justification to the deviations also needs to be made.
 - b. Justification should be made with regards to the General Purposes section within the Planned Unit Development chapter. These General Purposes have been copied below.
2. The Project Narrative is requesting a credit against the Parks, Open Space, and Trails Impact fee for the construction of Tract D along North Maple Street. To following is justification to the request:
 - a. 17.29.030 (A) (13) states that Tract D can be eligible for credits against the otherwise parks, open space and trails impact fee. Both the land area and the improvements to the land are eligible for credit. The minimum required width is 5 feet and the minimum required landscaping must consist of 1 large tree for every 40 linear feet along the public right-of-way and appropriate groundcover and irrigation. This Outlot must be owned and maintained by a Homeowners Association and contain a public access easement in order to receive credit.

- i. Tract D is approximately 330 linear feet which would require, at a minimum, 8 trees in order to be considered for POST credits. The proposed landscaping within Tract D contains 8 trees and appears to have appropriate groundcover. Credit is supported with what is proposed.
 - ii. Based on the project narrative, Tract D is approximately 14 feet in width. Credit is supported with this proposal as well.
 - iii. In order to calculate the Credits, a cost estimate of the improvements and installation of said improvements for Tract D must be submitted.
- 3. Typically when a subdivision is proposed, there is an area set aside for an irrigation vault or pond. It doesn't appear that any room has been set aside for this purpose. Incorporating room for irrigation may alter the lot layout.
- 4. The proposed trail connection to the south is owned and maintained by the Vintners Farm HOA, you will need to coordinate with them in order to make the connection to the existing trail.
- 5. There is a 32 foot Grand Junction Drainage Easement (Book 3604 Page 183) along the north part of this subdivision.
- 6. Are the Parking Areas maintained by the HOA or the City of Fruita?
- 7. Will the HOA be maintaining the landscaping between the street and detached sidewalk?
- 8. Street Names and Addressing:
 - a. Looks like the streets are named after bike trails.
 - i. These street names can't have the exact same name. Calling a street a trail or a run won't work with addressing standards. You will need to call out the roads as; street, avenue, circle, lane, drive, way.
 - b. It does appear that addressing can work.

THE FOLLOWING IS A REVIEW OF THE PUD GUIDE:

- 1. Page 5-9 contains the Overall Phasing Plan (aka Filing Plan).
 - a. Staff does not support the Park (Park 1) as being completed in the last Filing. According to the Filing Plan, it could take 15 years before the park is completed. Staff Recommends this Park be completed entirely in Filing 2.
- 2. Page 10 contains the Bulk Standards.
 - a. Under allowed residential uses, Staff recommends you take a position on Short-Term Rentals.
 - b. Under allowed residential uses, Home Childcare and Home Daycare should not be allowed outright. Staff Recommends that this section refer to the Fruita Land Use Code to determine what would be allowed, not allowed, or conditionally allowed. Maybe this section could call out a limit to the number of children allowed so that it may be clear for whomever wanting to operate a home childcare business. The current Land Use Code allows up to 8 children without any special permitting.

- c. Under allowed residential uses, what's the difference between Home Occupations and Residential accessory uses? Section 17.07.070 (B) of the Land Use Code contains language about Home Occupation uses.
 - d. Under allowed residential uses, if something isn't listed and specific, you need to refer to an underlying zone in order for property owners and the City of Fruita to know what may be allowed, not allowed, or conditionally allowed.
 - e. Setbacks for Single Family Detached Homes (principle/accessory), is the side setback for both sides, or just one side?
 - f. Setbacks for Single Family Detached Homes (principle/accessory), Lot Coverage should be better defined. Is it impervious surface or covered structure %?
3. Page 11-12 Architectural Design Standards.
- a. More detail about the design standards of the dwelling units must be provided.
 - i. Materials and colors.
 - ii. Who is going to review the architecture of every building when a Planning Clearance is submitted?
4. Page 14-15 Master Fence Plan.
- a. This fencing plan proposes either wood or vinyl fencing. Staff recommends that, in order for the subdivision to have its own fluid identity, pick one material. This needs to be consistent throughout the entire subdivision, whether the fencing is developer installed or property owner installed.
 - b. The Fencing Plan should show fencing blocking the trail connection to the south through Tract C.
 - c. The Fencing along the North Side shows that it's going to be 6 feet in height. Have you thought about making this fence match the 4 foot height similar to the properties to the north in Vintners Farm? It's common for properties similar to these to have shorter fencing in the City of Fruita.
 - d. For safety purposes this plan should also come with a note that states that no fence obstruct the view of traffic or cause a clear site issue.
 - e. Why is there a 5 foot horizontal wood fence detail on page 15? A 5 foot fence isn't mentioned on the fencing plan. This could cause some confusion so please remove if this is not the intention.
 - f. Once one material is picked for the entire subdivision, the fencing details should correlate with the fencing master plan.
 - g. If any existing fencing is removed and or replaced, what would the materials be to replace it?
 - h. Take a position on fencing along property lines. Property owners are going to want fencing.
5. Page 16 Typical Street Sections.
- a. What does this represent and does it need to be in the PUD Guide?
-

Section 17.17 of the Land Use Code call out specific sections of the Municipal Code that cannot be deviated from. In no case shall the approval of a Planned Unit Development vary from the following sections:

- Title 8 – Healthy and Safety
 - Title 9 – Public Peace, Morals and Welfare
 - Title 12 – Public Improvements
 - Title 13 – Water and Sewer
 - Title 15 – Building and Construction
-

Reference from General Review Comment #1:

17.17.010 GENERAL PURPOSES. Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the following purposes:

- A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;**
- B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;**
- C. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;**
- D. To conserve and make available open space;**
- E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;**
- F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;**
- G. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the**

particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics, and;

H. To encourage integrated planning in order to achieve the above purposes.

CITY OF FRUITA
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

PROJECT: Dwell PUD Sketch Plan

Petitioner: Michael D. Maves, 234-0659
Vortex Engineering, Inc. Robert W. Jones, II 245-9051

Reviewer: Sam Atkins

Date: February 11, 2020

REVIEW TYPE: Minor Subdivision Sketch Plan
(Check One) Lot Line Adjustment Final Plat
 Site Design Review Conditional Use Permit
 Other:

REVIEW COMMENTS

1. **General:** This application is for a new Planned Unit Development located at 1136 17 ½ Road and 796 N. Maple Street combining single-family residential subdivision of 70 Lots on 4 lots on approximately 9 acres.

2. **Site Plan:**
 - a. Notes from Hawks Landing Minor Subdivision and Hawks Landing II Minor Subdivision require that access to Lot 1 of Hawks Landing II Minor Subdivision be relocated to an internal street once development of Lot 2 occurs.
 - b. Is there a reason why you are placing the irrigation storage at the SW corner and pump up to the rest of the subdivision?
 - c. What is the depth of the parking stalls that are located along the street? That was not labeled on the typical sections. Longer vehicles could overhang the adjacent drive lane depending on the depth. Applicant narrative states there will be only parking allowed on one side of the street. Suggestion would be to allow that parking on the park side of the road.
 - d. On local streets, driveways are to be located 50 feet from the flowline of the intersecting street as well as not be closer to a lot line than 5 feet. Provide evidence you will meet this requirement for the corner lots having driveway access to the street.
 - e. There is no multi-purpose easement being proposed along the north side of Wildwood Drive along the frontage to the parcel at 798 N. Maple St. Additionally, the proposed right of way location appears to create a setback to the existing house of approx. 10 feet.
 - f. Maintenance of parking areas, alleys, and walks/trails will need to be identified moving forward.
 - g. What is the justification for the narrower section?
 - h. What are the widths of the trails internal to the park as well as the connector trails?
 - i. There is a GVDD drainage easement along the north property line that may affect the use of those proposed lots.

3. **Utility Composite Plan:**
 - a. Ultimately, show the irrigation system on your utility composite plan.

CITY OF FRUITA
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

4. **Grading Plan/Drainage Report:**

- a. Looks like a drain or swale with trough drain will be required to drain the back of Lots 24-28 as well as 798 N. Maple St.
- b. The facility that the detention pond outfall connects to is a GVDD drain. The applicant will need to address any issues from GVDD related to its use.

RECOMMENDATION:

The Engineering and Public Works Departments recommends approval of this Subdivision Sketch Plan upon the satisfactory resolution of the items cited above.

2020-03 Dwell PUD Concept Plan Consolidated Review Comments

Grand Valley Drainage District

1. The Drainage Check Sheet does not include existing GVDD easement on 796 N Maple.
2. Same easement is poorly indicated on the Concept Plans. We believe this easement will have significant effects to lots 29-35 & 69 as the easement is the only access the District has to that section of the Denton Drain due to no access from the Vintners' Farm side of the Drain.
3. The District will need an easement for 1196 17-1/2 Rd, 30ft to be prepared by the District for our Denton Drain.
4. The proposed detention pond will require a Discharge License.

Lower Valley Fire District

Review comments:2020-03 Dwell PUD Concept Plan

1. Rename all streets that have bike trail names. Duplicate names create confusion to emergency responders and result in delayed response times.
2. Relocate fire hydrant from Lot 27 area to Wildwood Drive on the SE corner of Lot 24.
3. Relocate fire hydrant from Lot 36 to between Lots 33 and 34 to provide coverage of alley.
4. Relocate fire hydrant by Lot 53 to West side of alley by Lot 54.
5. Install fire hydrant at intersection of Edge Loop and Wildwood at SW corner of Lot 41.

Mesa County Building Department

MCBD has no objections to this project. The following must be provided to our office in paper form. The city approved Soil report, Drainage plan & TOF tabulation sheet. All building code items will be addressed during plan review.

5-2-1 Drainage Authority

This project will require both CDPHE and 5.2.1 Construction Stormwater permits.

A Construction Stormwater Management Plan (CSWMP) to the CDPHE COR4000000 WQCD permit is required. See the checklist found on the CDPHE website for guidance.

An original City of Fruita Operations and Maintenance Agreement, signed and notarized, in single page, not-double-sided, in BLACK INK ONLY, is required.

A complete 5.2.1 application with permit fees, payable by check. Fees are based on the project's ground disturbance. See page 4 of the permit application.

All appropriate forms and templates can be found on the 5.2.1 website.

Prior to ANY disturbance, please contact Mark Barslund @ (970) 201-1362

These documents can be turned into the GJ City Hall Planning Department, the 5-2-1 office at 333 West Avenue, Bldg. C, (Grand Junction City Shops) or mailed to: 5-2-1 Drainage Authority, P.O. Box 3389, Grand Junction, CO 81502.

Ute Water

1. Show proposed dry utilities for further review.
2. Use bends to replace 90° elbows as shown.
3. ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
4. If you have any questions concerning any of this, please feel free to contact Ute Water.



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Dwell PUD
 Project Location: 1136 17 1/2 Road & 796 N. Maple Street
 Current Zoning District: Community Residential Requested Zone: PUD
 Tax Parcel Number(s): 2697-084-77-002 & 2697-084-00-140 Number of Acres: Approx. 9 acres
 Project Type: PUD Rezone & Sketch Plan

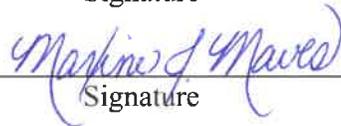
Property Owner: Michael D. Maves Developer: Michael Maves
 Property Owner: Maxine J. Maves & Darrin Wade Contact: Same as above
 Address: 560 S. Commercial Dr. Unit 5 Address: 560 S. Commercial Drive Unit 5
 City/State/Zip: Grand Junction, CO 81505 City/State/Zip: Grand Junction, CO 81505
 Phone: (970) 234-0659 Fax: _____ Phone: (970) 234-0659 Fax: _____
 E-mail: mmaves@mavesinc.com E-mail: mmaves@mavesinc.com

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Vortex Engineering, Inc. Engineer: Same as Owner Representative
 Contact: Robert W. Jones II Contact: _____
 Address: 861 Rood Avenue Address: _____
 City/State/Zip: Grand Junction, CO 81501 City/State/Zip: _____
 Phone: (970) 245-9051 Fax: (970) 245-7639 Phone: _____ Fax: _____
 E-mail: rjones@vortexeng.us E-mail: _____

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

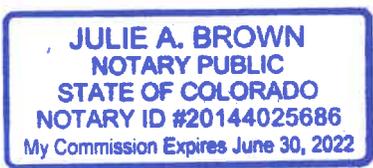
<u>Michael D. Maves</u>		<u>1-14-2020</u>
Name of Legal Owner	Signature	Date
<u>Maxine J. Maves</u>		<u>1-14-2020</u>
Name of Legal Owner	Signature	Date
<u>Darrin Wade</u>	_____	_____
Name of Legal Owner	Signature	Date

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 14th day of January, 2020

My Commission expires: June 30, 2022


 Notary Public





FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Dwell PUD
 Project Location: 1136 17 1/2 Road & 796 N. Maple Street
 Current Zoning District: Community Residential Requested Zone: PUD
 Tax Parcel Number(s): 2697-084-77-002 & 2697-084-00-140 Number of Acres: Approx. 9 acres
 Project Type: PUD Rezone & Sketch Plan

Property Owner: Michael D. Maves Developer: Michael Maves
 Property Owner: Maxine J. Maves & Darrin Wade Contact: Same as above
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 Contact: Robert W. Jones II Contact: _____
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This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Michael D. Maves

 Name of Legal Owner Signature Date

Maxine J. Maves

 Name of Legal Owner Signature Date

Darrin Wade

 Name of Legal Owner Signature Date

[Handwritten Signature] 1/14/2020

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 14th day of January, 20 20

My Commission expires: May 15, 2023

[Handwritten Signature]
 Notary Public

LESLIE SWETT
 NOTARY PUBLIC - STATE OF COLORADO
 NOTARY ID 20154019369
 MY COMMISSION EXPIRES MAY 15, 2023

Date: March 3, 2020

To: City of Fruita Planning Department
Attn: Dan Caris, Director
325 E. Aspen Avenue
Fruita, CO 81521
File #: 2020-003

RE: Response to Comments, Round 1
Dwell PUD – Concept Plan/Rezone Request
1136 17 ½ Rd and 796 N. Maple Street
Fruita, CO 81521
VEI #: F19-095

Dear Mr. Caris,

The Dwell PUD is proposed at the above-referenced location in the City of Fruita. The following information is provided in response to agency review comments received February 4, 2020, from various City/County Departments and outside agencies.

MESA COUNTY BUILDING DEPARTMENT

Comments:

1. MCBBD has no objections to this project. The following must be provided to our office in paper form:
The City approved Soil report, Drainage report and TOF tabulation sheet.

Response: Comment acknowledged. Once approved, the Soil report, Drainage report and TOF tabulation sheet shall be provided to the Mesa County Building Department in a paper form.

LOWER VALLEY FIRE DEPARTMENT

Comments:

1. Rename all streets that have bike trail names. Duplicate names create confusion to emergency responders and result in delayed response times.

Response: Comment acknowledged. The street names have been revised.

2. Relocate fire hydrant from Lot 27 area to Wildwood Drive on the SE corner of Lot 24.

Response: Comment acknowledged. The fire hydrant has been relocated.

3. Relocate fire hydrant from Lot 36 to between Lots 33 and 34 to provide coverage of alley.

Response: Comment acknowledged. The fire hydrant has been relocated.

4. Relocate fire hydrant by Lot 53 to West side of alley by Lot 54.

Response: Comment acknowledged. The fire hydrant has been relocated.

5. Install fire hydrant at intersection of Edge Loop and Wildwood at SW corner of Lot 41.

Response: Comment acknowledged. Fire hydrant has been added.

CITY OF FRUITA PLANNER

Comments:

GENERAL:

1. The application needs to state what sections of the Land Use Code are being deviated from and why it's a public benefit.
 - a. Justification to the deviations also needs to be made.
 - b. Justification should be made with regards to the General Purposes section within the Planned Unit Development chapter. These General Purposes have been copied below.

Response: Comment acknowledged.

2. The Project Narrative is requesting a credit against the Parks, Open Space and Trails Impact fee for the construction of Tract D along N. Maple Street. The following is justification to the request:
 - a. 17.29.030(A)(13) states that Tract D can be eligible for credits against the otherwise parks, open space and trails impact fee. Both the land area and the improvements to the land are eligible for credit. The minimum required width is 5 feet and the minimum required landscaping must consist of 1 large tree for every 40 linear feet along the public right-of-way and appropriate groundcover and irrigation. This Outlot must be owned and maintained by a Homeowners Association and contain a public access easement in order to receive credit.
 - i. Tract D is approximately 330 linear feet which would require, at a minimum, 8 trees in order to be considered for POST credits. The proposed landscaping within Tract D contains 8 trees and appears to have appropriate groundcover. Credit is supported with what is proposed.
 - ii. Based on the project narrative, Tract D is approximately 14 feet in width. Credit is supported with this proposal as well.
 - iii. In order to calculate the Credits, a cost estimate of the improvements and installation of said improvements for Tract D must be submitted.

Response: Comment acknowledged.

3. Typically when a subdivision is proposed, there is an area set aside for an irrigation vault or pond. It doesn't appear that any room has been set aside for this purpose. Incorporating room for irrigation may alter the lot layout.

Response: Comment acknowledged.

4. The proposed trail connection to the south is owned and maintained by the Vintners Farm HOA, you will need to coordinate with them in order to make the connection to the existing trail.

Response: Comment acknowledged. We will coordinate so access connection can be made.

5. There is a 32-foot Grand Junction Drainage Easement (Book 3604 Page 183) along the north part of this subdivision.

Response: Comment acknowledged. The easement has been added to the plans.

6. Are the Parking Areas maintained by the HOA or the City of Fruita?

Response: Comment acknowledged. The parking areas will be maintained by the HOA.

7. Will the HOA be maintaining the landscaping between the street and detached sidewalk?

Response: Comment acknowledged. No, the individual home owners will be responsible for the tree lawn area.

8. Street Names and Addressing:

- a. Looks like the streets are named after bike trails.
 - i. These street names can't have the exact same name. Calling a street, a trail or a run won't work with addressing standards. You will need to call out the roads as: street, avenue, circle, lane, drive, way.
- b. It does appear that addressing can work.

Response: Comment acknowledged. The street names have been revised.

PUD GUIDE:

1. Page 5-9 contains the Overall Phasing Plan (aka Filing Plan).

- a. Staff does not support the Park (Park 1) as being completed in the last Filing. According to the Filing Plan, it could take 15 years before the park is completed. Staff Recommends this Park be completed entirely in Filing 2.

Response: Comment acknowledged. The filing lines have been revised to construct the park amenities primarily in Filing #2.

2. Page 10 contains the Bulk Standards.

- a. Under allowed residential uses, Staff recommends you take a position on Short-Term Rentals.
- b. Under allowed residential uses, Home Childcare and Home Daycare should not be allowed outright. Staff Recommends that this section refer to the Fruita Land Use Code to determine what would be allowed, not allowed, or conditionally allowed. Maybe this section could call out a limit to the number of children allowed so that it may be clear for whomever wanting to operate a home childcare business. The current Land Use Code allows up to 8 children without any special permitting.
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- e. Setbacks for Single Family Detached Homes (principle/accessory), is the side setback for both sides, or just one side?
- f. Setbacks for Single Family Detached Homes (principle/accessory), Lot Coverage should be better defined. Is it impervious surface or covered structure %?

Response: Comment acknowledged. Responses to the comments on bulk standards have been addressed in the revised project narrative report dated March 3, 2020.

3. Page 11-12 Architectural Design Standards.

- a. More detail about the design standards of the dwelling units must be provided.
 - i. Materials and colors.
 - ii. Who is going to review the architecture of every building when a Planning Clearance is submitted?

Response: Comment acknowledged. The Concept Plan for the Dwell PUD is intended to provide an overview of the proposed development. Specific information related to architectural design standards, building materials and colors will be provided with the Preliminary-Final Plan application where a more detailed and technical review for compliance will be completed. The Architectural Review Committee of the HOA will be responsible for reviewing the architectural design for buildings prior to a Planning Clearance being issued.

4. Page 14-15 Master Fence Plan.

a. This fencing plan proposes either wood or vinyl fencing. Staff recommends that, in order for the subdivision to have its own fluid identity, pick one material. This needs to be consistent throughout the entire subdivision, whether the fencing is developer installed or property owner installed.

Response: All fences shall be constructed of vinyl material.

b. The Fencing Plan should show fencing blocking the trail connection to the south through Tract C.

Response: The fencing plan will be revised with the Preliminary-Final Plan application.

c. The Fencing along the North Side shows that it's going to be 6 feet in height. Have you thought about making this fence match the 4-foot height similar to the properties to the north in Vintners Farm? It's common for properties similar to these to have shorter fencing in the City of Fruita.

Response: Comment acknowledged and will be considered.

d. For safety purposes this plan should also come with a note that states that no fence obstruct the view of traffic or cause a clear site issue.

Response: The note will be placed on the final plans.

e. Why is there a 5-foot horizontal wood fence detail on page 15? A 5-foot fence isn't mentioned on the fencing plan. This could cause some confusion so please remove if this is not the intention.

Response: The side yard fences between homes will be limited to a 5-foot fence. The Fencing Detail in the PUD Guide will be revised to reflect this.

f. Once one material is picked for the entire subdivision, the fencing details should correlate with the fencing master plan.

Response: The Fencing Detail in the PUD Guide will be revised to reflect this.

g. If any existing fencing is removed or replaced, what would the materials be to replace it?

Response: The PUD Guide states what the allowable fencing materials are (vinyl materials only).

h. Take a position on fencing along property lines. Property owners are going to want fencing.

Response: Comment acknowledged. See revised project narrative for information related to fencing.

5. Page 16 Typical Street Sections.

a. What does this represent and does it need to be in the PUD Guide?

Response: This is provided as additional information and easy reference in the PUD Guide.

Section 17.17 of the Land Use Code call out specific sections of the Municipal Code that cannot be deviated from. In no case shall the approval of a Planned Unit Development vary from the following sections:

Title 8 – Healthy and Safety

Title 9 – Public Peace, Morals and Welfare

Title 12 – Public Improvements

Title 13 – Water and Sewer

Title 15 – Building and Construction

Response: Comment acknowledged.

Reference from General Review Comment #1:

17.17.010 GENERAL PURPOSES. Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the following purposes:

A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;

Response: Comment acknowledged. See revised project narrative.

B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;

Response: Comment acknowledged. See revised project narrative.

C. To relate development of particular site to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;

Response: Comment acknowledged. See revised project narrative.

D. To conserve and make available open space;

Response: Comment acknowledged. See revised project narrative.

E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;

Response: Comment acknowledged. See revised project narrative.

F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;

Response: Comment acknowledged. See revised project narrative.

G. To conserve the value of land and to provide a procedure which relates the type, design and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics, and;

Response: Comment acknowledged. See revised project narrative.

H. To encourage integrated planning in order to achieve the above purposes.

Response: Comment acknowledged. See revised project narrative.

Vortex Engineering, Inc. looks forward to working with the City of Fruita to successfully permit this property.

Upon your review of the responses provided, should you have any questions or require additional information, please do not hesitate to contact me at 970-245-9051 or by email at rjones@vortexteng.us. Thank you.

Sincerely,
Vortex Engineering & Architecture, Inc.

A handwritten signature in black ink, appearing to read "Robert W. Jones II". The signature is written in a cursive, flowing style.

Robert W. Jones II, P.E.

Cc: File

Revised Project Report
for
Dwell Planned Unit Development
Concept Plan and
Rezone Request from CR to PUD

Date: January 14, 2020
March 3, 2020

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering and Architecture, Inc.
861 Rood Avenue
Grand Junction, CO 81501
(970) 245-9051
VEI# F19-095

Submitted to: Fruita Planning & Development Department
325 E. Aspen Street
Fruita, CO 81521

Type of Design: Planned Unit Development Concept Plan and Rezone Request

Property Owner: Michael Maves, Maxine Maves, Darrin Wade
560 S. Commercial Drive, Unit 1
Grand Junction, CO 81505

Scott Curry
798 N. Maple Street
Fruita, CO 81521

Property Address: 1136 17 ½ Road and 796 N. Maple Street
Fruita, CO 81521

Tax Parcel No: 2697-084-00-140
2697-084-77-002

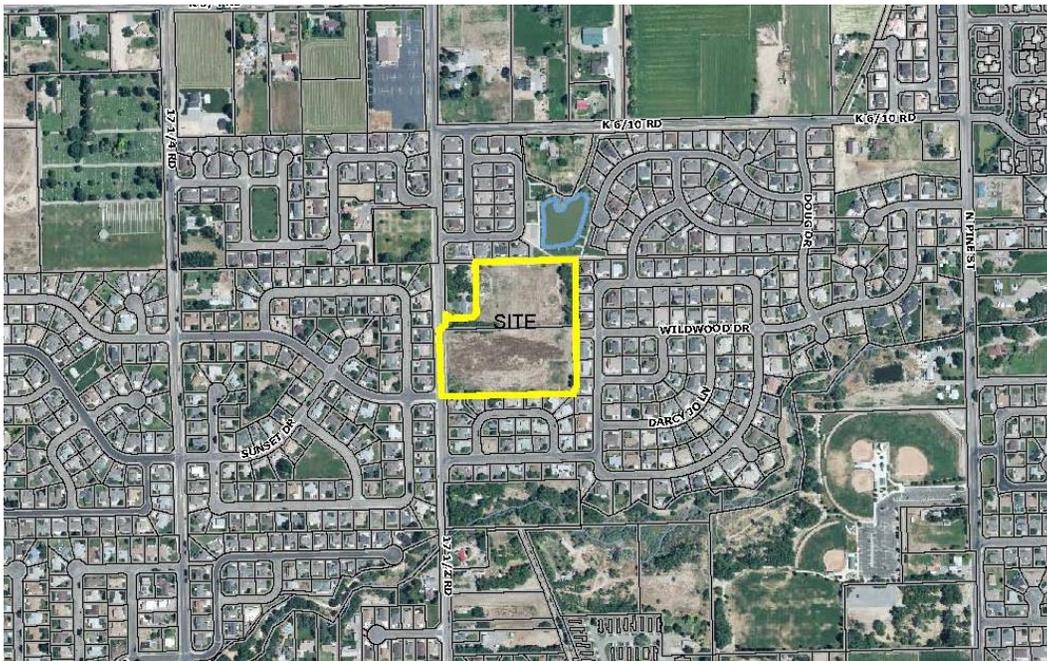
1. Project Intent

This application is to request Concept Plan approval for the Dwell Planned Unit Development (PUD) and a rezone from the CR (Community Residential) zone to the PUD (Planned Unit Development) zone district. These requests support the Fruita Master Plan's goal for a variety of housing types and infill development. The owner's intent is to construct a modern community with a hometown feel that embraces the uniqueness of Fruita.

The applicants' intent with this application is to gain valuable feedback and comments from the City of Fruita on the Concept Plan which will be incorporated into the subsequent Preliminary-Final Plan designs and application for Filing 1.

2. Project Description

The subject property is located at 1136 17 ½ Road and 796 N. Maple Street, Fruita and is approximately 8.8 acres. The proposed 70 lot subdivision will feature single family detached and attached housing types with unique architectural designs that will be found only in this special community. Attached single family dwelling units will include two, four and five dwelling unit buildings which are located throughout the development. A large park with amenities and pedestrian trails will enhance the sense of neighborhood in this mixed housing development.

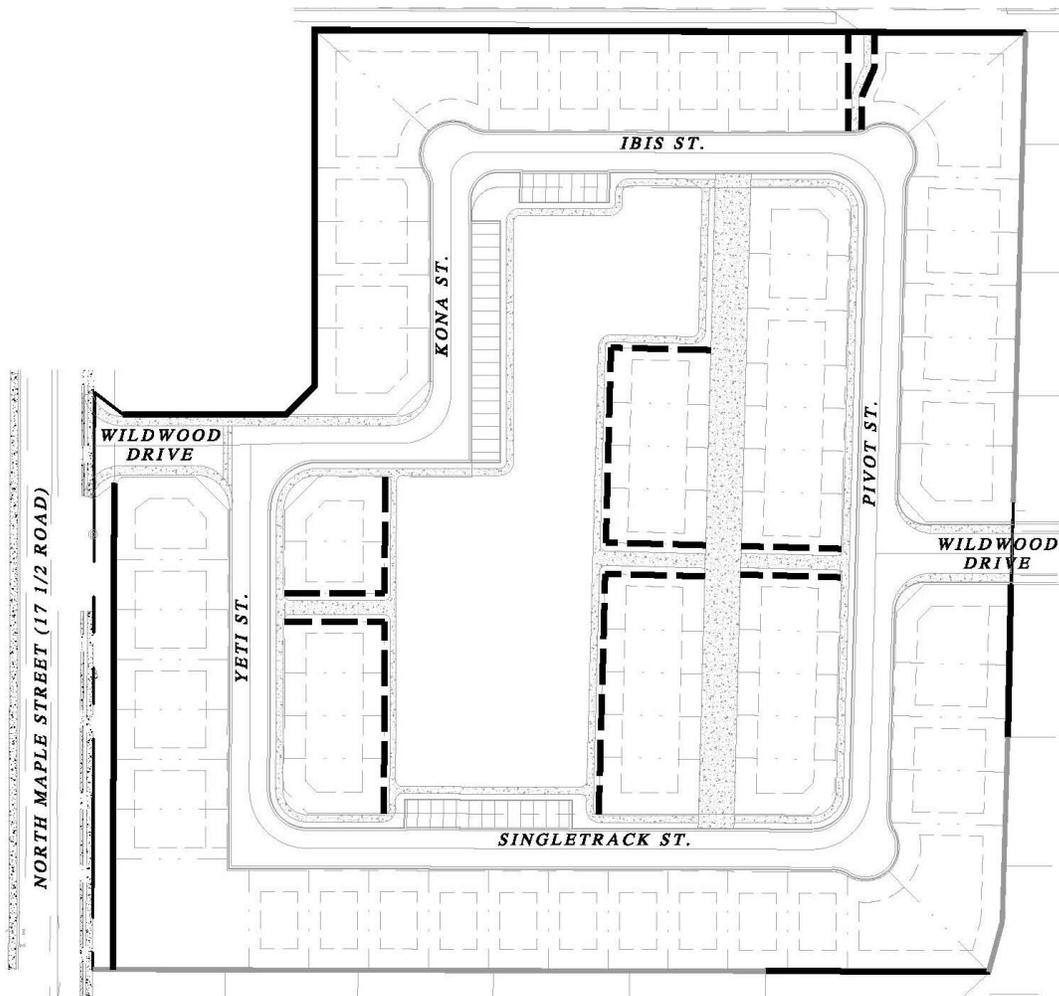


The Dwell Planned Unit Development (PUD) is being developed with an intent to create a special feeling of home and space; a community with welcoming porches, tree lined streets and a large, open space park for community activities such as community movie nights, youth sports practices with picnic and playground areas for families to gather together. The applicants are graduates of Fruita Monument High School who have raised two children who have also graduated from the hometown high school. Their goal is to create a modern community where neighbors know each other and residents are proud to call this community their HOME.

The development is considered infill development because it is surrounded by existing development and will tie into existing infrastructure such as water and sewer services. Infill development is the most efficient use of development and helps reduce urban sprawl.

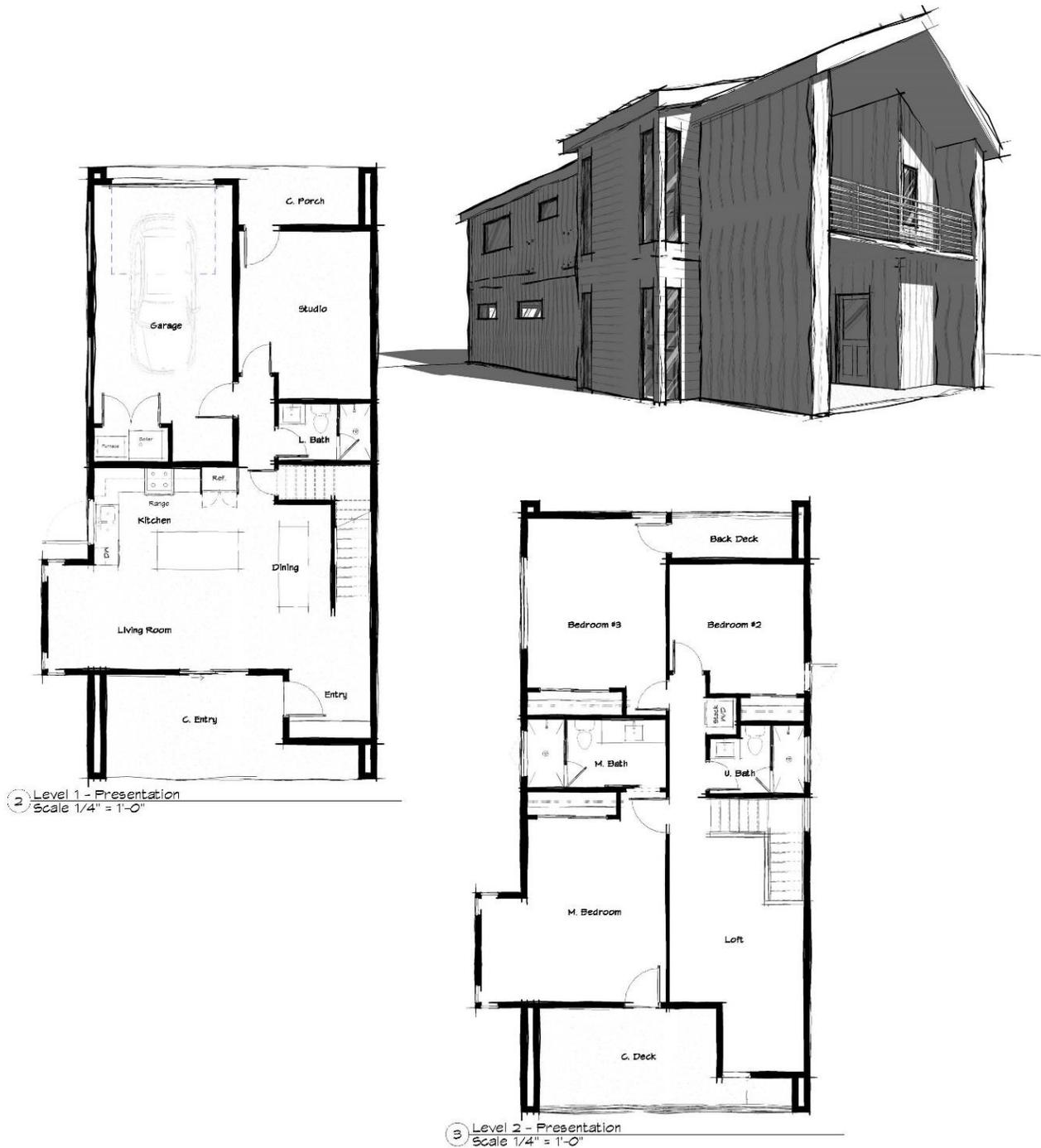
Tree lined streets will create an inviting and pleasant experience for pedestrians; the open space and park amenities will help make this a high quality, desirable community to live and call home. Approximately half of the new homes will have frontage on the park or a direct view of the park and amenities.

Alley loaded homes facing the park have access to additional off-street parking that has been provided on three sides of the park. Pedestrian trails connect residents to the park and provide interconnectivity within the development and adjacent subdivisions. Perimeter fencing will be constructed by the applicants as well as fencing within the park where homes face the open space or have a backyard that is oriented to the park. **Revised street names/fence materials on graphic below:**



The applicant's intent is to construct modern row houses that make efficient use of the site and provide attainable housing with both attached and detached single family dwelling units. Below are several examples of the type of homes that could be constructed with a sample floor plan. Architectural design standards will be included as part of the proposed Dwell PUD to maintain a consistent architectural theme throughout the development.





The exterior of all dwelling units shall be that of a modern urban cottage design. Clean lines with interaction with the street will be emphasized. All dwellings shall have at least one front facing porch or deck with a minimum of 60 square feet. Roof pitch shall be a minimum of 6/12; flat roof accents will be allowed. Roofs on all structures shall be asphalt architectural shingles, metal, tile or slate material.

The outside façade of each structure shall be constructed of primarily wood or wood composite siding (such as Hardi) but not vinyl or other siding; wood, stone, brick, metal and/or stucco accents are allowed and encouraged. Exterior color schemes will be primarily earthen tones.

Community guidelines contained in the CC&Rs will include a limitation such that no recreational vehicle, camping trailer, snowmobile, boat trailer, hauling trailer, boat or truck larger than a 1 ton pickup truck shall be allowed to park on any lot, private street or private drive at any time other than for the construction or repair of structures on lots or within lots or common areas. The HOA will remove snow accumulations from all sidewalks and other impervious surface in or on common areas.

All design standards related to construction of homes and related improvements on each lot shall be governed by the CC&Rs and an HOA Architectural Review Committee which shall review and approve proposed plans for compliance with all PUD design standards prior to issuance of a Planning Clearance and Building Permit for construction. The CC&Rs will be provided with the Preliminary-Final Plan application for Filing 1 for review.

Allowed Uses and Bulk Standards

The proposed Dwell PUD is based on an underlying Community Residential (CR) zone district for purposes of allowed uses and the majority of bulk standards. There are some elements of the Dwell PUD bulk standards that are based on the Downtown Mixed Use (DMU) zone district as they relate to the minimum lot size for townhomes and zero setbacks with a common wall. Deviations from the underlying bulk standards have been shown in the table below.

Allowed uses are limited to single-family attached and detached dwelling units, residential accessory uses, home occupations and child care/day care within the dwelling unit (home) and short-term residential property uses.

Home occupations shall be permitted as accessory to any permitted residential use subject to the Home Occupational standards of Section 17.07.070(B) of the Fruita Land Use Code in effect on January 1, 2020. Home childcare, home daycare and residential accessory uses shall be allowed as defined and regulated by the Fruita Land Use Code in effect on January 1, 2020.

Any home owner wishing to operate a short-term residential property shall be subject to the permitting requirements of the Fruita Land Use Code in effect on January 1, 2020. It shall be the responsibility of the home owner to comply with all application and permitting requirements prior to operation of a short-term residential property.

Bulk standards for the Dwell PUD are based on a combination of the CR (Community Residential) and DMU (Downtown Mixed Use) zone districts. See the Dwell PUD Guide for specific information on the proposed bulk standards and allowed uses. The following chart compares the bulk standards between the proposed Dwell PUD and the CR and DMU zone districts:

Standards by zone:	<u>Dwell PUD</u>	<u>Community Residential</u>	<u>Downtown Mixed Use – Outside Core</u>
<u>Min. Lot Area:</u> SF Detached SF Attached	2900 sf 2100 sf	7000 sf 10,000 sf – 2 unit attached or 15,000 sf – 3 unit attached	5000 sf or 6000 sf corner lots 7500 sf duplex 10,000 sf multifamily 2500 sf/each townhouse
<u>Setbacks</u> (Principal/Accessory) SF Detached: Front Side Rear Max. Lot Coverage* Max. Height * <i>Max. Lot coverage</i> means that area of the lot or parcel which may be occupied by principal and accessory structures	15'/25' 8'/3' 15'/3' 40%/4% 40'/16'	Front: 15; with alley or porch or 20'/25' (for garage) Side: 16' total: 5'/3' min. Rear: 15'/3' Max. Lot Coverage: 50% Max. Height: 35'/16'	Front: 15; with alley or porch or 20'/25' (for garage) Side: 15' total: 5'/3' min. Rear: 15'/3' Max. Lot Coverage: 35% or 60% with mixed use, alley and front porch Max. Height: 35'/16'
<u>Setbacks</u> (Principal/Accessory) SF Attached: Front Side-detached Side-attached Rear Max. Lot Coverage* Max. Height * <i>Max. Lot coverage</i> means that area of the lot or parcel which may be occupied by principal and accessory structures	15'/3' 8'/3' 0'/3' 15'/3' 60%/4% 40'/16'	Front: 15; with alley or porch or 20'/25' (for garage) Side: 16' total: 5'/3' min. Rear: 15'/3' Max. Lot Coverage: 50% Max. Height: 35'/16'	Front: 15; with alley or porch or 20'/25' (for garage) Side: 15' total: 5'/3' min. except 0' with common wall or zero lot line dev. allowed Rear: 15'/3' Max. Lot Coverage: 35% or 60% with mixed use, alley and front porch Max. Height: 35'/16'
Density	7.9 du/ac	No Specific Standards* *One duplex unit or two-unit attached sf on a lot of at least 10,000 sf is permitted for each 10 single family detached units; one triplex unit on 15,00 sf allowed for each 15 single family detached units; one four-plex unit on 20,000 sf allowed for each 20 single family detached units.	12 du/ac

Proposed Deviations

Minimum Lot Area:

One of the key goals of the Dwell PUD is to create a community with a variety of housing types that meets the new R 4-8 land use classification of the Comprehensive Plan. In order to achieve this density and variety of housing types, smaller lot sizes are necessary. This allows for greater use of infrastructure such as streets, sidewalks, water and sewer lines and drainage facilities and is consistent with the type of urban design that the City of Fruita hopes to achieve through the new Comprehensive Plan. Smaller lot sizes are also necessary and typical of attached housing types such as townhomes, which will be included in the Dwell PUD.

The minimum lot sizes proposed for the Dwell PUD are 2900 square feet for single-family detached homes and 2100 square feet for single-family attached homes. The minimum lot size for a townhouse in the Downtown Mixed Use (DMU) zone is 2500 square feet. The Dwell PUD is comprised largely of single-family attached dwelling units (with zero side setbacks with common walls) and with nearly 20% open space; as a result, the minimum lot sizes have been designed for modern row houses that are consistent with urban design.

Setbacks:

Front yard setback (single-family detached and attached) – Front yard setbacks in the Dwell PUD have been set at 15 feet in order to bring the homes closer to the street and to create a greater sense of community which is typically found in traditional neighborhoods. The Community Residential (CR) and the DMU zones allow a 15-foot front yard setback for homes that are alley loaded. Almost one third of the homes in the Dwell PUD are alley loaded, therefore the proposed front yard setback is consistent with the underlying zones. The applicant would like to create a consistent streetscape with homes which is another reason for the proposed 15-foot front yard setback.

Side yard setback (single-family detached and attached) – There is no deviation proposed for the side yard setbacks for single-family detached and attached dwelling units. The DMU zone is actually more restrictive for side yard setbacks by allowing a 15-foot side yard setback. The DMU zone also allows a zero side yard setback for common walls which is consistent with the proposed Dwell PUD side yard setback for attached dwelling units that are not an end unit.

Rear yard setback (single-family detached and attached) – There is no deviation proposed for the rear yard setbacks for single-family detached and attached dwelling units.

Maximum Lot Coverage:

The Dwell PUD is proposing 40% maximum lot coverage (defined as that area of the lot or parcel which may be occupied by principal and accessory structures) for single-family detached dwelling units and 60% maximum lot coverage for single-family attached dwelling units. The reason for this is once again related to the smaller lot size and desire to make more efficient use of the lot area,

especially with attached dwelling units. The 40% is more restrictive than the allowed lot coverage of 50% with the underlying CR zone district. The 60% lot coverage proposed for attached dwelling units is similar to the 60% lot coverage allowed in the DMU zone for alley loaded homes. There is very little difference between the proposed lot coverage of the Dwell PUD and the underlying DMU zone.

Maximum Height:

The maximum height of 40 feet proposed for the Dwell PUD (for both single-family detached and attached homes) is specifically requested to accommodate the architectural style of modern row homes that utilize steep roofs with a pitch of 6/9 or 8/12. The current trend in modern home construction also utilizes nine-foot ceilings which contributes to the need for additional building height.

The maximum height for accessory structures is proposed to be 16 feet.

Legal Description

The legal description of **2697-084-00-140** is:

S2NW4NW4SE4 SEC 8 1N 2W & BEG S 63DEG17'25SEC E 737.53FT FR C4 COR SD SEC 8 S 89DEG51'41SEC E 15.13FT S 01DEG18'39SEC W 294.82FT S 15DEG01' W 36.32FT N 0DEG10'42SEC E 329.86FT TO POB - 5.09AC

The legal description of **2697-084-77-002** is:

LOT 2 HAWKS LANDING II MINOR SUBDIVISION LOC SEC 8 1N 2W UM RECD R- 2777802 MESA CO RECDS - 3.97 AC

3. Public Notice

Public notice shall be provided in accordance with Section 17.01.130, Public Notices, of the Fruita Land Use Code, including mailed notice, published notice and posting of the subject property.

4. Fruita Master Plan

The Fruita Master Plan shows the subject property as Community Residential (CR, 4 dwelling units per acre), however City Council will consider a new Comprehensive Plan for adoption within the next 4-6 weeks which will expand the residential density to 4-8 dwelling units per acre if adopted. The proposed Dwell PUD has been designed to support the new vision of the Fruita Comprehensive Plan that anticipates greater residential density in an effort to take advantage of existing infrastructure, efficient infill development within the City limits and to provide a broader range of housing types and price points.

The proposed development meets many aspects of the new Comprehensive Plan's Vision Statement that was crafted by the Plan Advisory Committee:

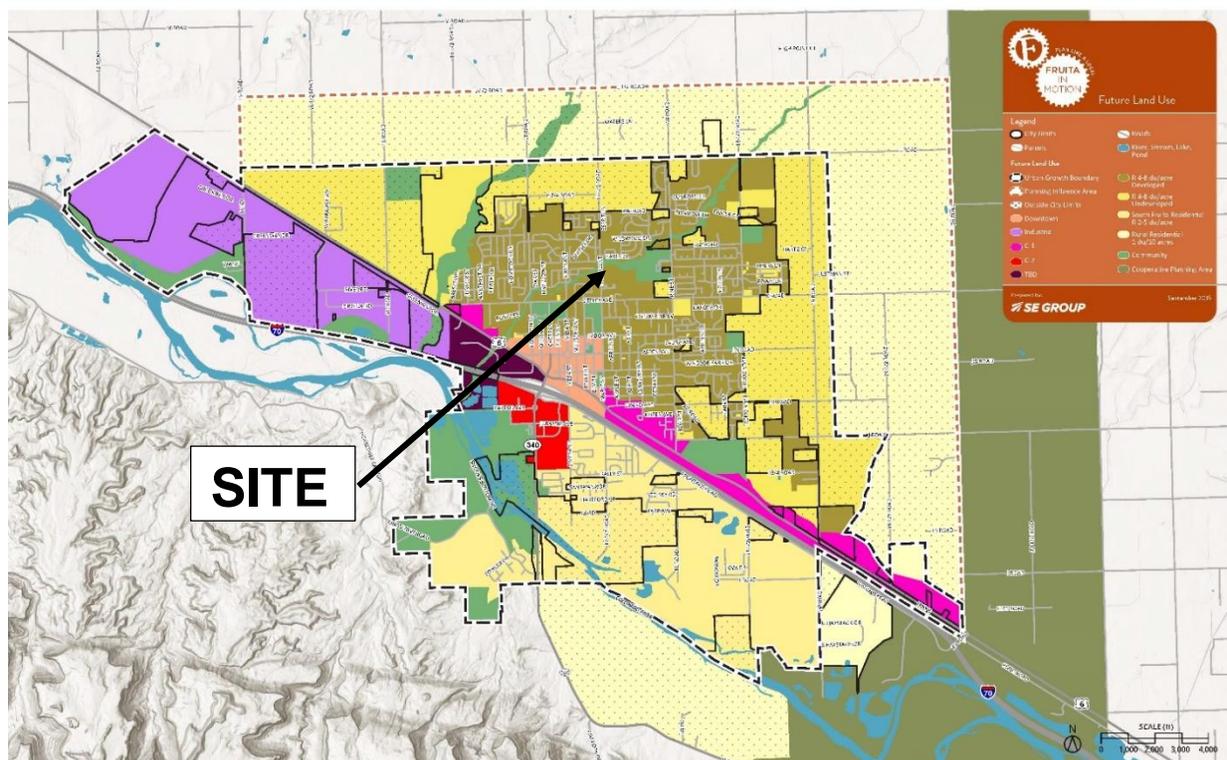
“The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live and play in Fruita because the city facilitates community, safe neighborhoods, family-friendly events and walking and biking. The city governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture and recreation.”

The Dwell PUD strives to create a unique sense of place with centrally located open space with amenities for residents, visitors and the public. Tree lined streets with detached sidewalks create a safe, inviting environment for pedestrians to stroll through the community and visit with their neighbors. The large park will be used by youth sport teams for practice, family gatherings and picnics and for community events like neighborhood movie night.

The Dwell PUD meets the following goals of the new Comprehensive Plan:

Goal #2: Prioritize infill development over development at the edge of the city limits.

Goal #4: Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse “funky” character that is treasured by residents.



In the new Comprehensive Plan, “the Future Land Use Map supports infill over sprawling residential development at the city’s edge.” To accomplish this, a new land use category has been created to encourage infill development that makes efficient use of infrastructure in proximity to the proposed development.

The R 4-8 (Residential) land use category is intended for underdeveloped areas where public infrastructure and services are available and proximal. This land use category is also recommended for developed or semi-developed areas that are built out at a minimum of 2 units per acre. It is expected that areas currently built out at below the minimum density of this zone would achieve the minimum density (4 units per acre) when redevelopment occurs. Innovative neighborhood designs are encouraged.

5. Zoning and Surrounding Areas

The applicant is requesting a rezone from the current Community Residential (CR) zone district to the Planned Unit Development (PUD) zone district **at the time of Concept Plan review. As such, the review criteria of Section 17.13.060.B have been addressed in this report.** The rezone request is consistent with the new Fruita Comprehensive Plan which anticipates 4-8 dwelling units per acre (if adopted in February, 2020). The proposed development contains 70 dwelling units on approximately 8.8 acres for a total density of 7.9 dwelling units per acre, **which supports the Fruita Comprehensive Plan’s Future Land Use Map classification of R 4-8.**

Surrounding area zoning and land uses include:

- North – Planned Unit Development (PD) with single family residential land uses
- South – Community Residential (CR) with single family residential land uses
- West – Community Residential (CR) with single family residential land uses
- East – Community Residential (CR) with single family residential land uses



6. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the development have the capacity and willingness to serve the development.

Public facilities such as medical, schools, parks, public library, retail sales and services and public safety are available to serve development within 1.5 miles of the site.

Utility providers for the site are as follows:

- Sewer: City of Fruita
- Water: Ute Water Conservation District
- Electric: Xcel Energy
- Drainage: Grand Junction Drainage District
- Irrigation: Grand Valley Irrigation Company

All utilities shall be constructed to the design specifications and standards of the utility providers.

7. Access, Circulation and Streets

Access is provided from 17 ½ Road/N. Maple Street on the west, and from a connection to Wildwood Drive on the east. A publicly maintained interior loop road surrounds a large park with mixed housing types; a private alley located within a tract to be owned and maintained by the HOA will provide access to approximately nine dwelling units with park frontage and twelve dwelling units with street frontage.

There are ~~three~~ four street sections proposed with the Concept Plan as follows:

1. Standard urban residential street (shown as Type A in the PUD Guide): 44' right-of-way with 28' asphalt, vertical curb, gutter and 5' attached sidewalk.
2. Modified urban residential street (shown as Type B in the PUD Guide): 40' right-of-way with 25' asphalt, drive over curb and gutter with detached sidewalk with parking allowed on one side of street only.
3. Modified urban residential street (shown as Type C in the PUD Guide): 40' right-of-way with 25.5' asphalt, drive over curb and gutter on one side and vertical curb and gutter with detached 5' sidewalk on the other side located at back of parking spaces in the open space tract. Parking pods located between the V-pan and detached sidewalk.
4. Private alleys with 25' concrete (shown as Type D in the PUD Guide).

Parking will be permitted on one side only for the modified urban residential street; no parking will be permitted in the alley.

The PUD Guide provides the proposed alternate street designs for review and feedback with the Concept Plan. The alternate street types (Types B and C) will be formally reviewed by the City Engineer with the Preliminary-Final Plan application for Filing 1.

The alternate street designs are only located in areas where there are parking pods provided for open space parking. The alternate street designs provide slightly narrower drive lanes and include a detached sidewalk located on one side of the street (Type B) or along the parking pod (Type C). There is on-street parking allowed for Type B alternate streets and no on-street parking for Type C alternate streets (because parking pods have been provided instead).

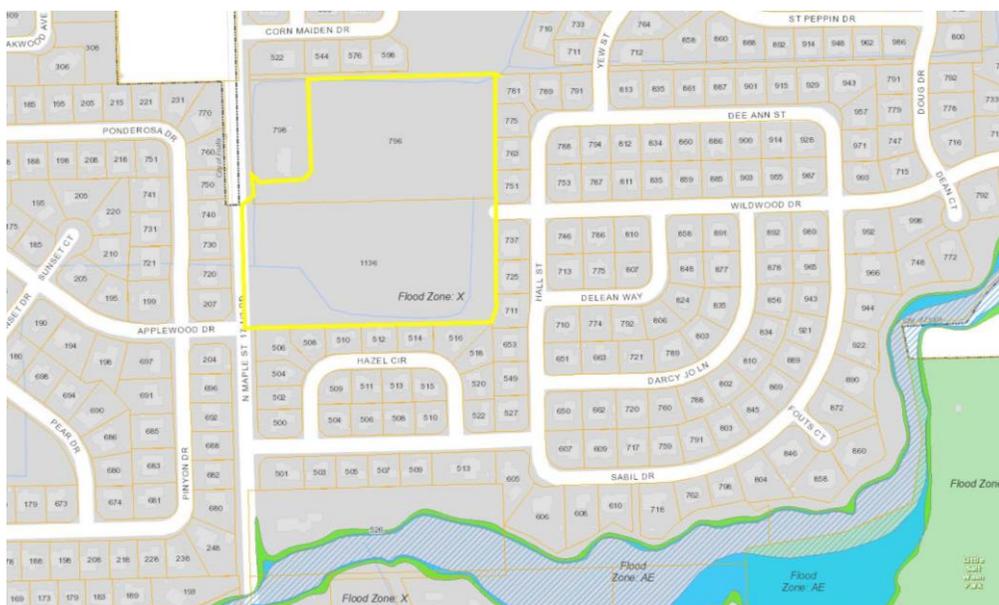
In no way has the full carrying capacity of the alternate street designs been diminished from the standard urban residential street which is 1,000 ADT (average daily trips). Safe pedestrian facilities have also been provided with the alternate street designs.

8. Drainage

The subject property has a gentle slope toward the southwest corner of the site. Drainage will be detained onsite in a detention facility for the Water Quality volume and released to the City's stormwater system in 17 ½ Road. The larger storm event runoff will be conveyed directly to the City's storm sewer system. The detention facility will be landscaped and maintained by the Home Owners Association. See the Grading and Drainage plan sheet for additional details.

9. Wetlands and Floodplain

The subject property is located in Zone X – outside the 0.2% annual chance floodplain on FIRM Panel #08077C0436F. There are no wetlands on the subject property that are identified on the City and Mesa County's GIS website maps.



10. Open Space, Trails and Landscaping

Sections 17.19.090 and 17.29.020 provide the open space requirements and formulas used to calculate the required open space and trails for new subdivisions. Based on 70 dwelling units, the Dwell PUD will be required to provide .35 acres for neighborhood parks, .70 acres for community parks (combined total of 1.05 acres) and 924 linear feet of trails. The Dwell PUD has provided 1.55 acres of park space and 1,468 linear feet of trails, exceeding the requirements of the Fruita Land Use Code.

The large central park will be in a tract owned and maintained by the HOA. In addition, the park amenities will include a tot lot with play equipment, picnic table with shade shelter and a bench. The landscape plan sheet below illustrates examples of amenities that will be included with the park space. Additional parking has been provided in three places along the perimeter of the park for use by guests of alley loaded residential units as well as those using the park space. The open space will be a focal point for recreation and social gatherings and will anchor this modern community.

Park land dedication and construction of park amenities will be completed with Filing 2 of the development. A parking pod with thirteen parking spaces will be constructed as part of Filing 2; seven parking spaces will be constructed with the streets as part of Filing 3 and the remaining nineteen parking spaces will be constructed as part of Filing 4. Please see the Filing Plan for details. Primary park amenities such as the irrigation system, landscaping, tot lot with play equipment and the picnic table with shade shelter and bench will be constructed with Filing 2. The parking spaces will be constructed in logical phases as the street access to the park on the north and west sides are constructed in Filings 3 and 4.



The developer intends to construct all perimeter fencing as well as the fencing of front yards that face the park. All fences, whether developer or home owner installed, shall be constructed of vinyl fencing materials. Residents will be responsible for installing fencing in side yards in conjunction with the PUD Guide and Architectural Standards (included in the CC&Rs) established for the community. Fences in side yards between homes shall be limited to 5-foot fences and shall be owner installed (see the Fence Details within the PUD Guide for more detailed information).

In accordance with Section 17.29.030.A.13, a 14' wide tract owned and maintained by the HOA along 17 ½ Road (classified as a Minor Collector) will be constructed and is eligible for credit against the required parks, open space and trails impact fee/dedication. The applicant requests credit for the landscaped area in accordance with Section 17.29.030.A.13.

11. Approval Criteria

Section 17.17 of the Land Use Code call out specific sections of the Municipal Code that cannot be deviated from. In no case shall the approval of a Planned Unit Development vary from the following sections:

- Title 8 – Healthy and Safety
- Title 9 – Public Peace, Morals and Welfare
- Title 12 – Public Improvements
- Title 13 – Water and Sewer
- Title 15 – Building and Construction

The Concept Plan provides an overview of the proposed Dwell PUD without the specific and technical detail of engineered plans. The design standards shall not be reduced or varied for Titles 8, 9, 12, 13 and 15 without specific approval from the City of Fruita (if a slight deviation is required).

The approval criteria of Section 17.17.030, Criteria for Review and Decisions, are used to determine compliance with Chapter 17 of the Fruita Land Use Code. The following criteria shall be considered by the Planning Commission and City Council in its review of a proposed Planned Unit Development and no Planned Unit Development shall be approved unless the Council is satisfied that each of these approval criteria has been met, can be met or does not apply to the proposed Planned Unit Development:

1. Conformance to the Fruita Master Plan;

Response: The Fruita Master Plan shows the subject property as Community Residential (CR, 4 dwelling units per acre), however City Council will consider a new Comprehensive Plan for adoption within the next 4-6 weeks which will expand the residential density to 4-8 dwelling units per acre if adopted. The proposed Dwell PUD has been designed to

support the new vision of the Fruita Comprehensive Plan that anticipates greater residential density in an effort to take advantage of existing infrastructure, efficient infill development within the City limits and to provide a broader range of housing types and price points.

The Dwell PUD meets the following goals of the new Comprehensive Plan:

Goal #2: Prioritize infill development over development at the edge of the city limits.

Goal #4: Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse “funky” character that is treasured by residents.

Update: The City of Fruita recently adopted the Fruita in Motion: Plan Like a Local Comprehensive Plan. The proposed Dwell PUD supports the vision of the new Comprehensive Plan through the efficient use of infill development which discourages sprawl development on the City’s edges and makes better use of existing infrastructure by tying into existing City water, sewer and drainage facilities instead of extending new infrastructure out on the City edges. The Dwell is proposing infill development that develops the City’s “holes” inside City limits.

The Dwell also provides open space and trails that will connect to existing trails in adjacent subdivisions and to City streets with public sidewalks which provides interconnectivity from one development to another within the City and extends the City’s pedestrian facilities. The proposed streets shall be designed in a safe manner that meets City’s standards and/or has been approved as an alternate street design with sufficient pedestrian facilities.

2. Consistency with the purposes as set out in Section 17.17.010 above;

Response: Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the purposes as noted in Section 17.17.010, General Purposes. The proposed development is consistent with the noted purposes, including the following:

- a. infill development that makes efficient use of infrastructure and is in close proximity to public facilities, services and the Fruita downtown core
- b. provision of greater variety and innovation in residential design
- c. provision of open space with amenities for residents and the public
- d. provision of greater flexibility with bulk standards that permit a variety of housing types to be construction for the community

3. Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where Adjustments to the standards of the Title are allowed; and

Response: Section 17.15.060(C)(1-5) provides review criteria for a Sketch/Concept Plan for a Planned Unit Development. The proposed Dwell PUD is consistent with the review criteria in the following ways:

- a. The proposed PUD meets the goals and vision of the new Comprehensive Plan and Land Use Code (with specific bulk standards as noted in the PUD Guide). Design Criteria and Construction Specifications Manual and other city policies and regulations shall be met with the preliminary and final design of the development.
- b. The proposed development is consistent with the anticipated residential development and the existing single-family developments in the area.
- c. Adequate provision of all required services and facilities shall be provided concurrently with construction and development of the subdivision.
- d. Adequate environmental protection shall be provided concurrent with construction and development of the subdivision.
- e. The applicant shall resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

4. Where the applicant purposes one or more Adjustments to the standards of this Title, consistency with the Adjustment criteria set forth in Section 17.11.020(B) is required.

Response: The proposed Dwell PUD is consistent with Section 17.11.020(B) through the proposed bulk standards that have been adapted for the Dwell PUD to create the unique modern community with single family attached and detached dwelling units. Because a Planned Unit Development is unique and created apart from a straight zoning district, adjustments are made through the PUD process to create the specific requirements of each PUD thereby making it a stand alone zone district.

In no case have the health and safety requirements contained in Title 8, the requirements concerning public peace, morals and welfare contained in Title 9, the requirements concerning public improvements contained in Title 12, the requirements concerning water and wastewater service contained in Title 13, or the requirements of the city's building codes as set forth in Title 15 of the Municipal Code been diminished. While alternative streets have been proposed, they have been designed to function safely and to provide for the minimum ADT as required by the City of Fruita as well as provide pedestrian facilities.

Section 17.13.060.B, Approval Criteria, states the Official Zoning Map may be amended when the following findings are made:

1. The proposed rezone is compatible with surrounding land uses, pursuant to Section 17.17.080, and is consistent with the city's goals, policies and Master Plan; and

Response: The surrounding land uses are single-family residential subdivisions which is what has been proposed with the Dwell PUD. The proposed density supports the new future land use classification of R 4-8 (residential dwelling units per acre) which is intended to create more urban design and development, which also makes more efficient use of infrastructure and reduces urban sprawl.

2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city's goals, policies and Master Plan; or

Response: The land was not zoned in error; however the City of Fruita recently adopted a new Comprehensive Plan that seeks to increase the overall density of development within City limits in order to reduce sprawl, make more efficient use of infrastructure (which reduces overall maintenance costs to the City and citizens) and to provide a broader range of housing types. The Dwell PUD has been designed to support many of the goals and policies of the new Comprehensive Plan as noted throughout this report.

3. The area for which the rezone is requested has changed substantially such that the proposed zoning better meets the needs of the community; or

Response: The area has not necessarily changed substantially, however, the City Council's intention for development has changed substantially with the adoption of the new Comprehensive Plan. The goals and policies that seek to encourage more infill development, higher density and a broader range of housing types are the basis for the Dwell PUD's design. The overall design of the Dwell PUD supports many of the new goals of the Comprehensive Plan which will better meet the needs of the community.

4. The rezone is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions; or

Response: The requested rezone is incidental to a comprehensive revision of the city's Official Zoning Map because it seeks to implement the newly adopted goals and policies of the Comprehensive Plan. Because the current Fruita Land Use Code has not been updated or revised to implement the goals and policies of the Comprehensive Plan, the Dwell PUD has been created to implement the new Plan. If the Land Use Code had already been updated and a new straight zone was available for use to implement the new Comprehensive Plan, the applicants would have utilized that option without the need for a rezone request.

5. The rezone is incidental to the annexation of the subject property.

Response: The subject property is located within the City limits of Fruita and is not being annexed. **This criterion is not applicable.**

12. Development Schedule

The Dwell PUD will be developed in four phases with the first filing to begin construction in fall of 2020. Each subsequent filing shall be constructed within 5 years of the previous filing.

13. Conclusion

After demonstrating how the proposed Concept Plan for the Dwell Planned Unit Development meets the goals and policies of the Fruita Master Plan and standards of Title 17 of the Fruita Land

Use Code, we respectfully request approval of the Concept Plan for the Dwell Planned Unit Development.

14. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Fruita, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.



Revised Dwell

Planned Unit Development Guide



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Overall Fence Plan.....	14
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Typical Street Sections.....	17

Dwell Planned Unit Development

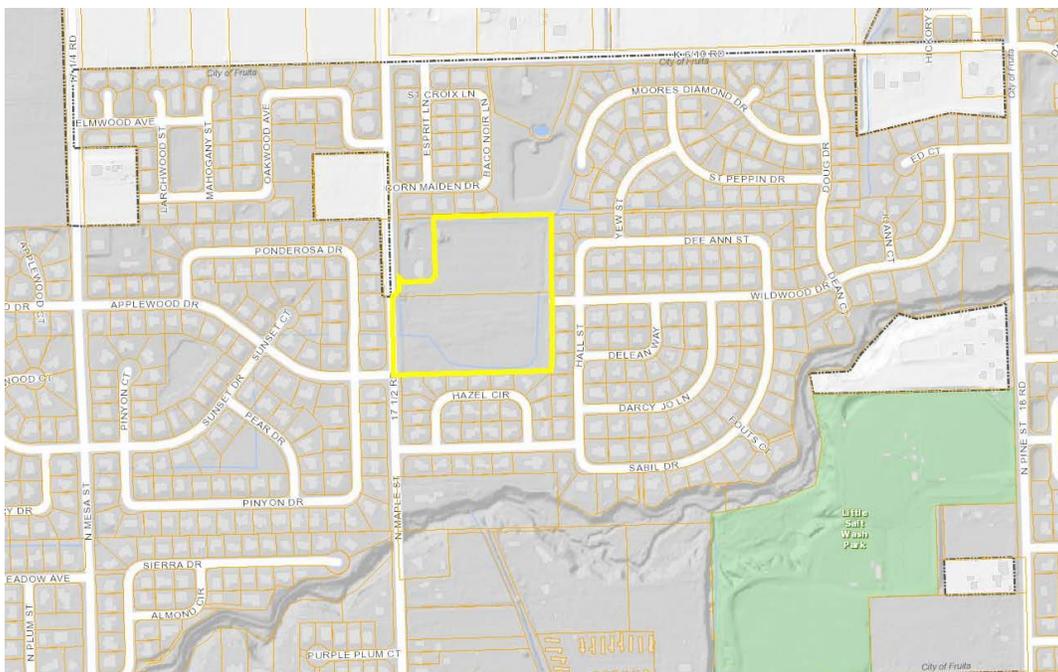
The purpose of the Dwell Planned Unit Development Guide is to serve as the governing regulations which will control the development of Dwell PUD. The guide will serve as the “zone district regulations” for the PUD and is in conformance with the Fruita Municipal Code.

The Dwell PUD is located on the east side of N. Maple Street between the Vintners Farm Subdivision on the north side Wildwood Estates on the south side and Wildwood Acres Subdivision, Filing 2 on the east side. The boundary is highlighted in the figure below.

The Dwell Planned Unit Development is being developed with an intent to create a special feeling of home and space; a community with welcoming porches, tree lined streets and a large, open space park for community activities such as community movie nights, youth sports practices with picnic and playground areas for families to gather together. The developers are graduates of Fruita Monument High School who have raised two children who have also graduated from the hometown high school. Their goal is to create a modern community where neighbors know each other and residents are proud to call this community their HOME.

The definition of Dwell is:

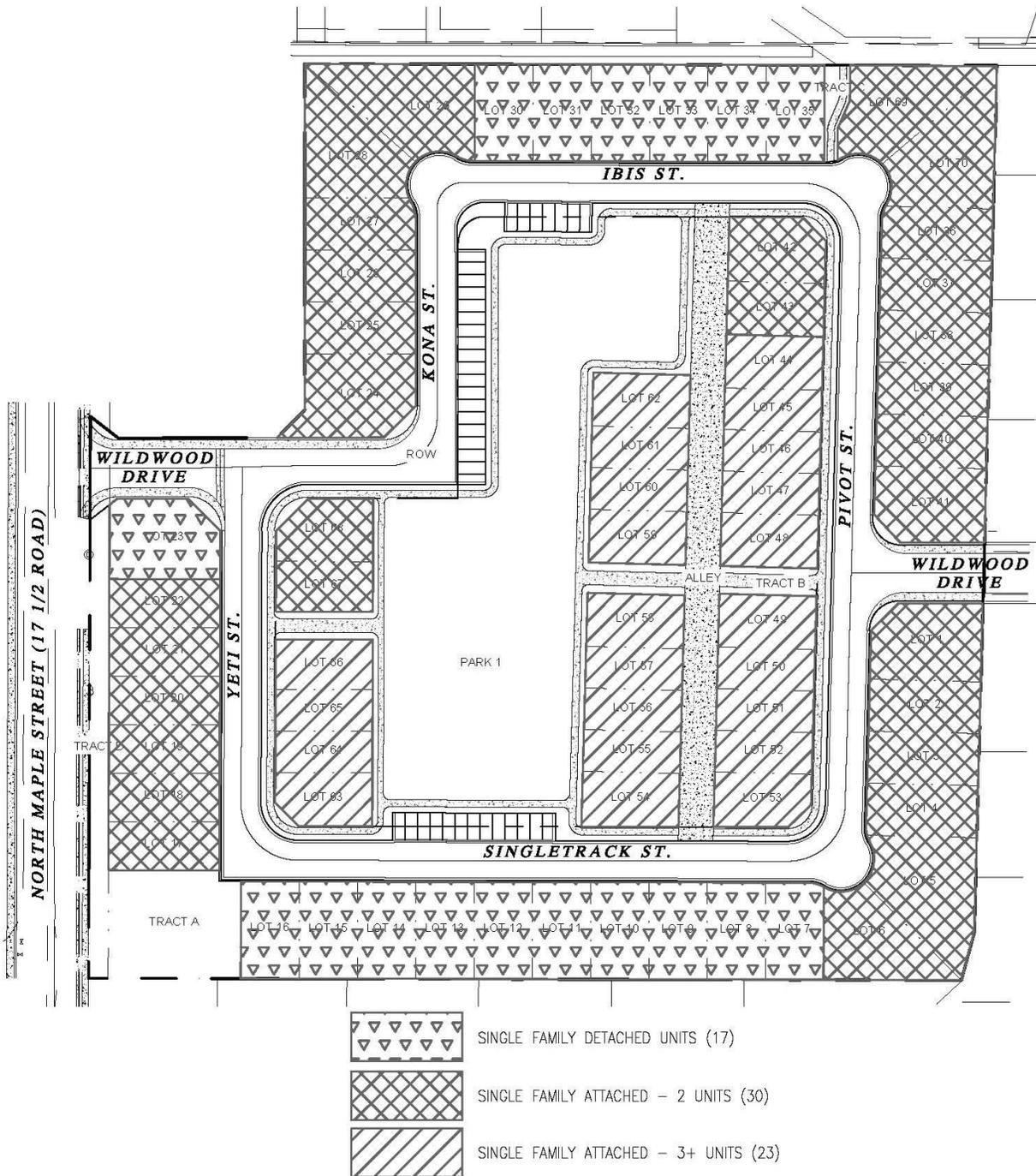
- “to remain for a time, to live as a resident”
 - Synonyms are listed as “abide, hang around, remain, stay, stick around, tarry”
- Community
 - a unified body of individuals: such as
 - the people with common interests living in a particular area broadly: the area itself
 - a group of people with a common characteristic or interest living together within a larger society
 - joint ownership or participation
 - social activity



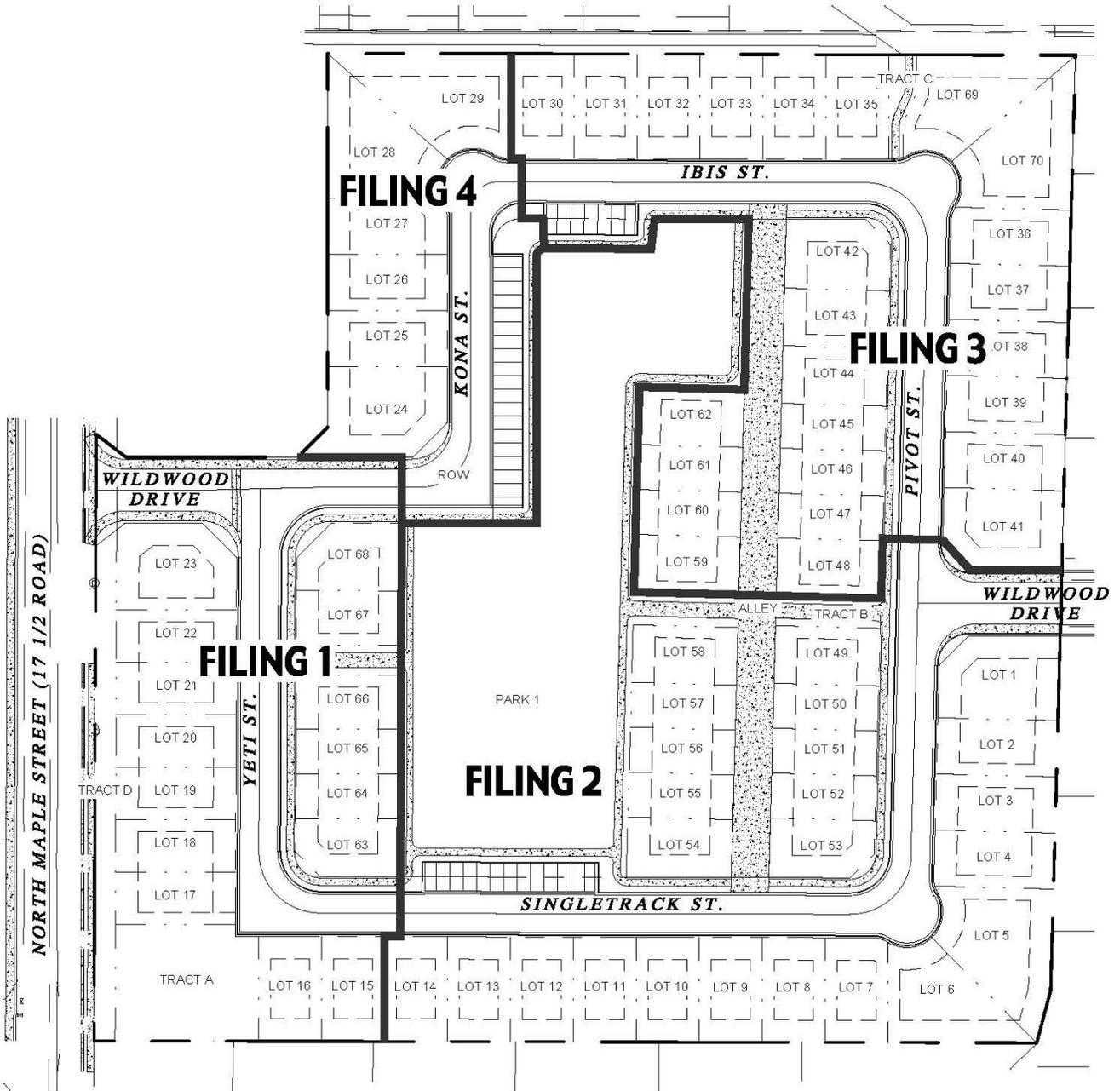
Context Plan

The Dwell PUD is a community consisting of single-family housing mixed with open space and public trails. The housing types include single family detached homes, 2-unit single family attached homes, 4-unit single family attached homes and 5-unit single family attached homes.

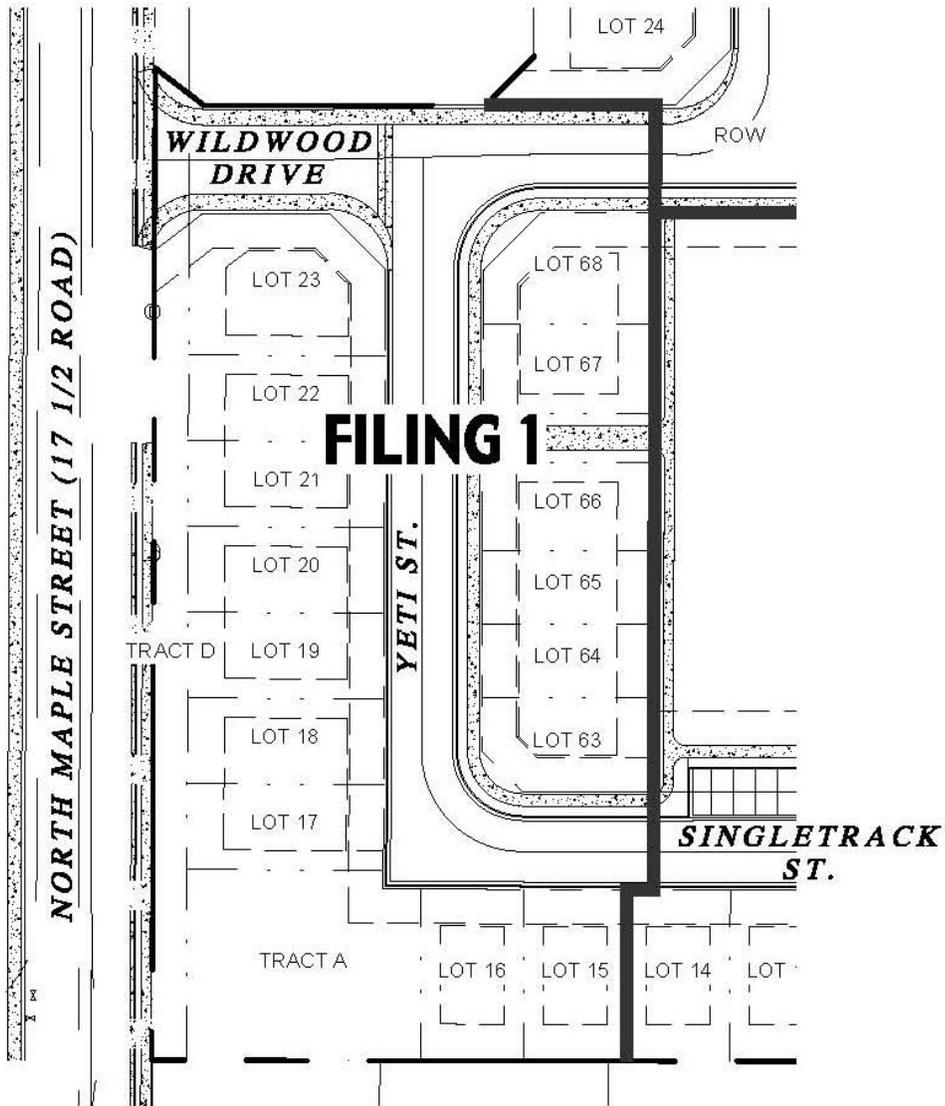
There is a centrally located park in the development with trail interconnectivity within the community and connections to trails adjacent to the community.



Overall Phasing Plan



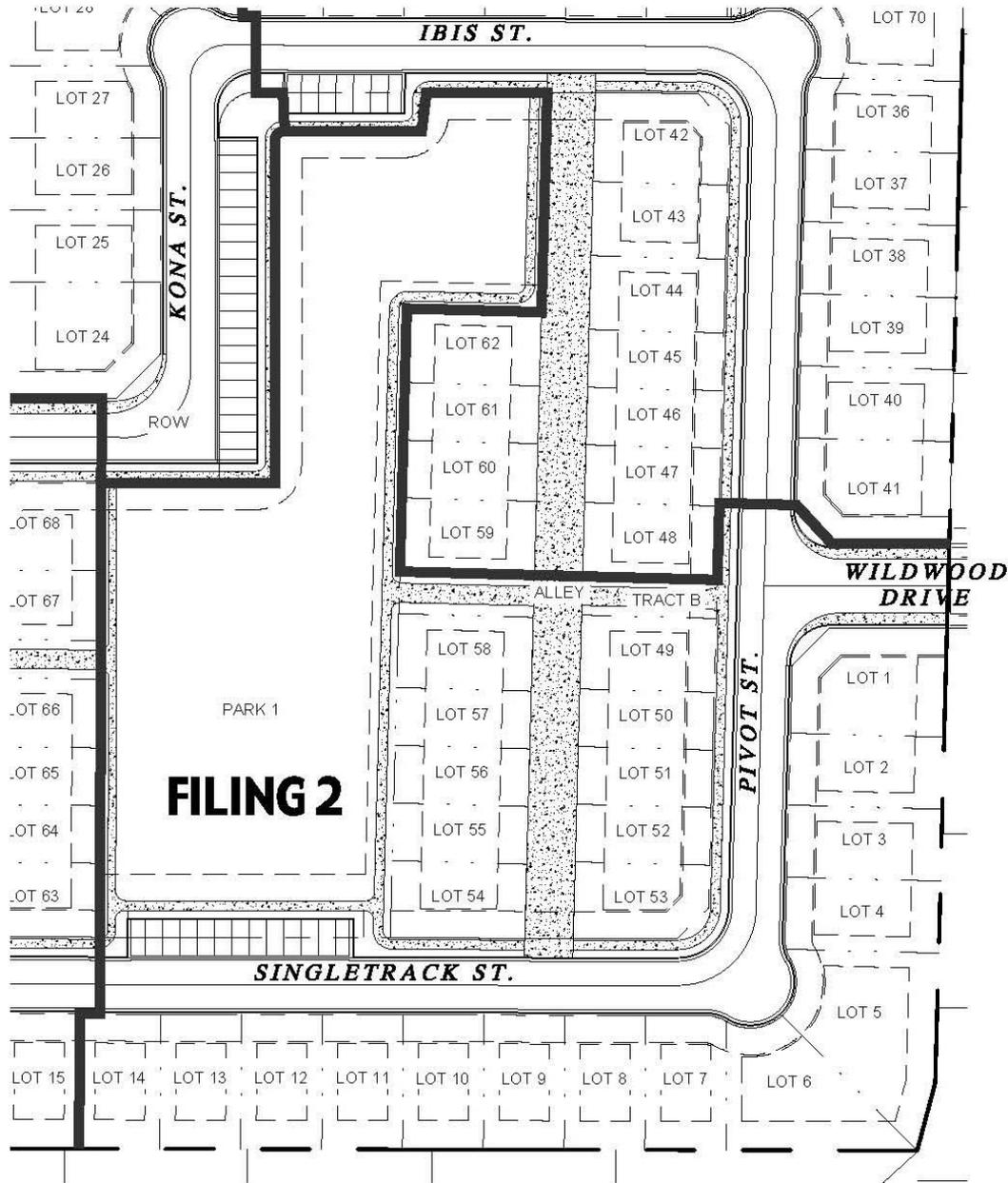
FILING PLAN	
FILING 1 AREA =	1.81 ACRES
FILING 2 AREA =	3.72 ACRES
FILING 3 AREA =	2.37 ACRES
FILING 4 AREA =	0.92 ACRES



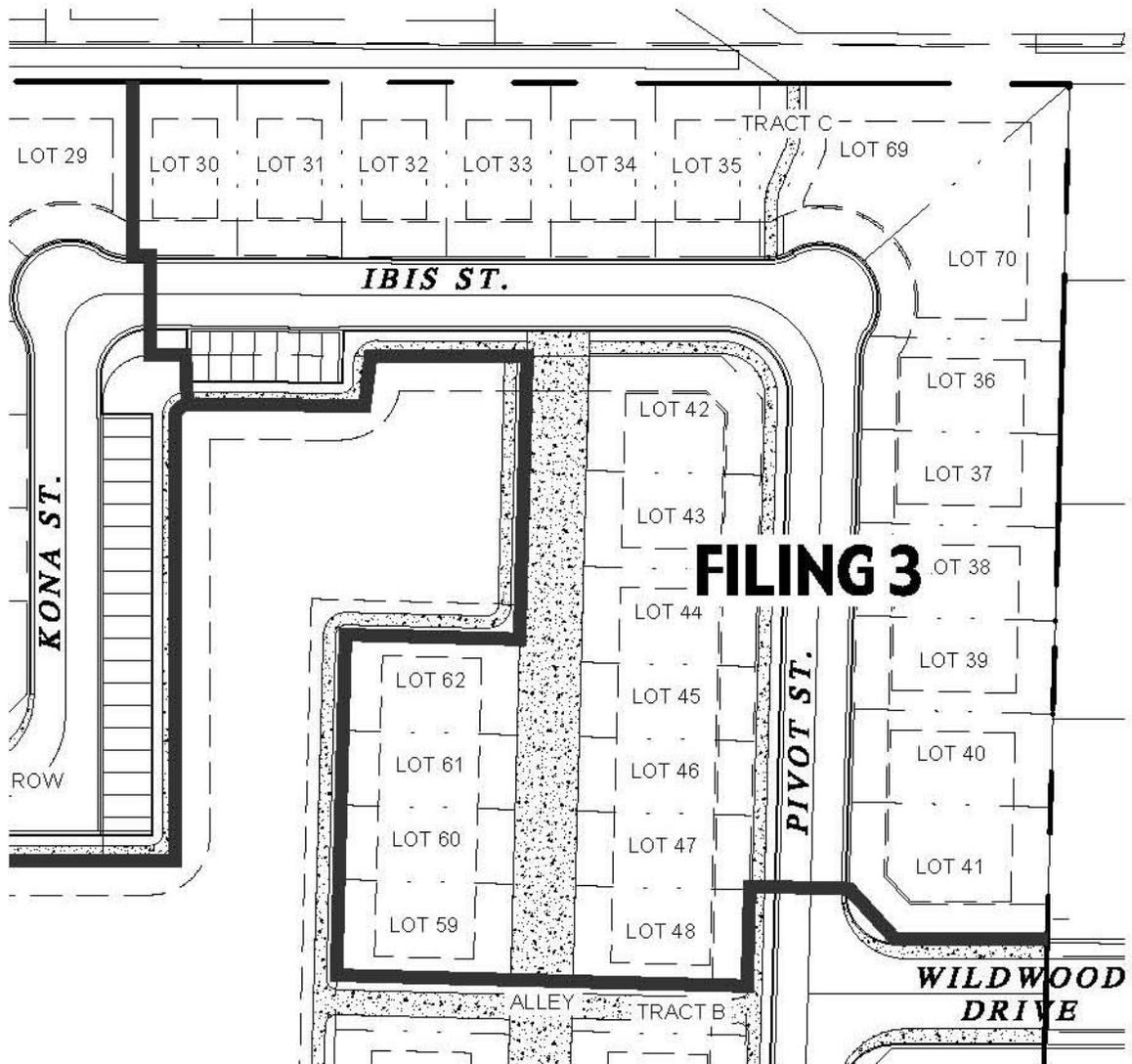
FILING 1 DETAILS

- 1. FILING 1 AREA = 1.81 ACRES
- 2. NUMBER OF DWELLING UNITS
 - SINGLE FAMILY - DETACHED = 3 UNITS
 - SINGLE FAMILY - 2 ATTACHED = 8 UNITS
 - SINGLE FAMILY - 3+ ATTACHED = 4 UNITS

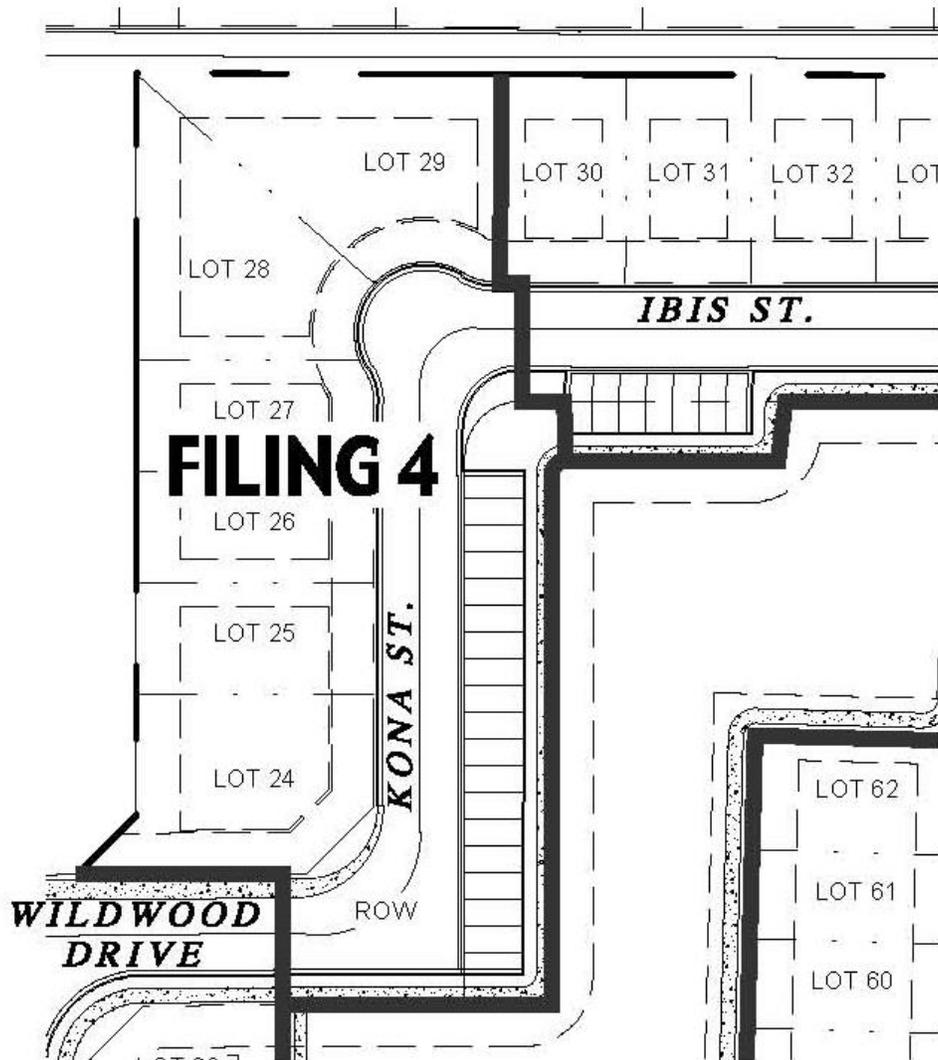
Filing 2 Details



FILING 2 DETAILS	
1. FILING 2 AREA =	3.72 ACRES
2. NUMBER OF DWELLING UNITS	
SINGLE FAMILY - DETACHED =	8 UNITS
SINGLE FAMILY - 2 ATTACHED =	6 UNITS
SINGLE FAMILY - 3+ ATTACHED =	10 UNITS



FILING 3 DETAILS		
1.	FILING 3 AREA =	2.37 ACRES
2.	NUMBER OF DWELLING UNITS	
	SINGLE FAMILY – DETACHED =	6 UNITS
	SINGLE FAMILY – 2 ATTACHED =	10 UNITS
	SINGLE FAMILY – 3+ ATTACHED =	9 UNITS



FILING 4 DETAILS	
1. FILING 4 AREA =	0.92 ACRES
2. NUMBER OF DWELLING UNITS	
SINGLE FAMILY – DETACHED =	0 UNITS
SINGLE FAMILY – 2 ATTACHED =	6 UNITS
SINGLE FAMILY – 3+ ATTACHED =	0 UNITS

Bulk Standards and Allowed Uses

Dwell PUD Residential Standards:

Minimum Lot Area:

Single-Family Detached:	2900 Sq. Ft.
Single-Family Attached:	2100 Sq. Ft.

Setbacks for Single-Family Detached Homes (principal/accessory):

Front:	15'/25'
Side:	8'/3'
Back:	15'/3'
Max. Lot Coverage:	40%/4%
Max. Height:	40'/16'

Setbacks for Single-Family Attached Homes (principal/accessory):

Front:	15'/25'
Side (detached):	8'/3'
Side (attached):	0'/3'
Back:	15'/3'
Max. Lot Coverage:	60%/4%
Max. Height:	40'/16'

Individual Lot Guidelines/Requirements:

- Landscaping and accessory structure restrictions apply within all drainage easements. See covenants and Composite Site Plan for additional restrictions and locations.
- There is a 14' multi-purpose easement along right-of-way lines
- Architectural review of property landscaping is required prior to homeowner placement

Allowed Residential Uses:	Single-Family Detached Homes
	Single-Family Attached Homes
	Home Occupations*
	Home Childcare**
	Home Daycare**
	Residential accessory uses**
	Short Term Residential Property Rental***

* Permitted as accessory to any permitted residential use subject to the Home Occupational standards of Section 17.07.070(B) of the Fruita Land Use Code in effect on January 1, 2020

** As defined and regulated by the Fruita Land Use Code in effect on January 1, 2020

*** Short term rental of property shall be allowed subject to the permitting requirements of the Fruita Land Use Code in effect on January 1, 2020.

Architectural Design Standards

Typical Floor Plan



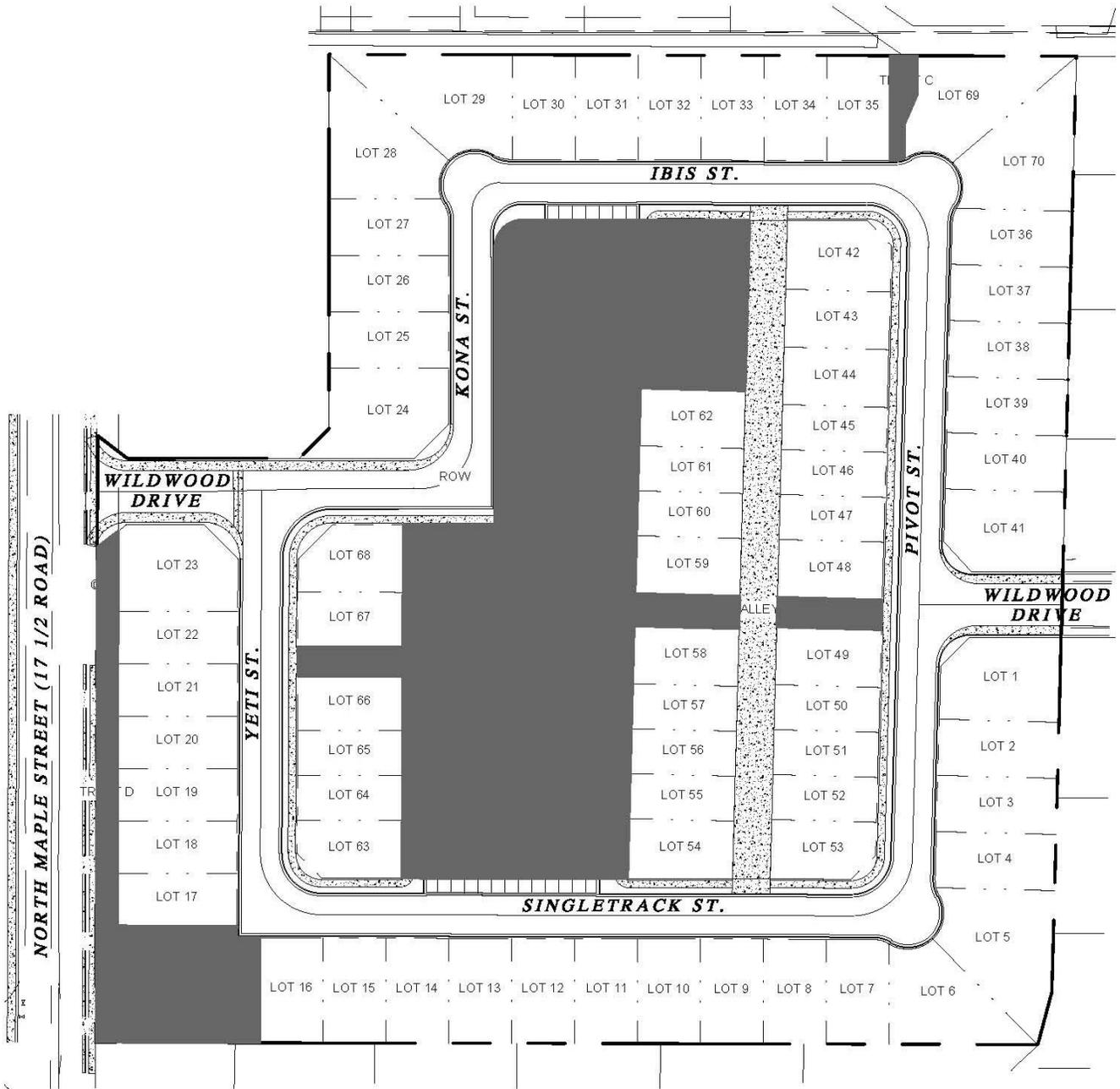
Typical Architectural Style – Single Family Home – Detached



Typical Architectural Style – Single Family Home – Attached



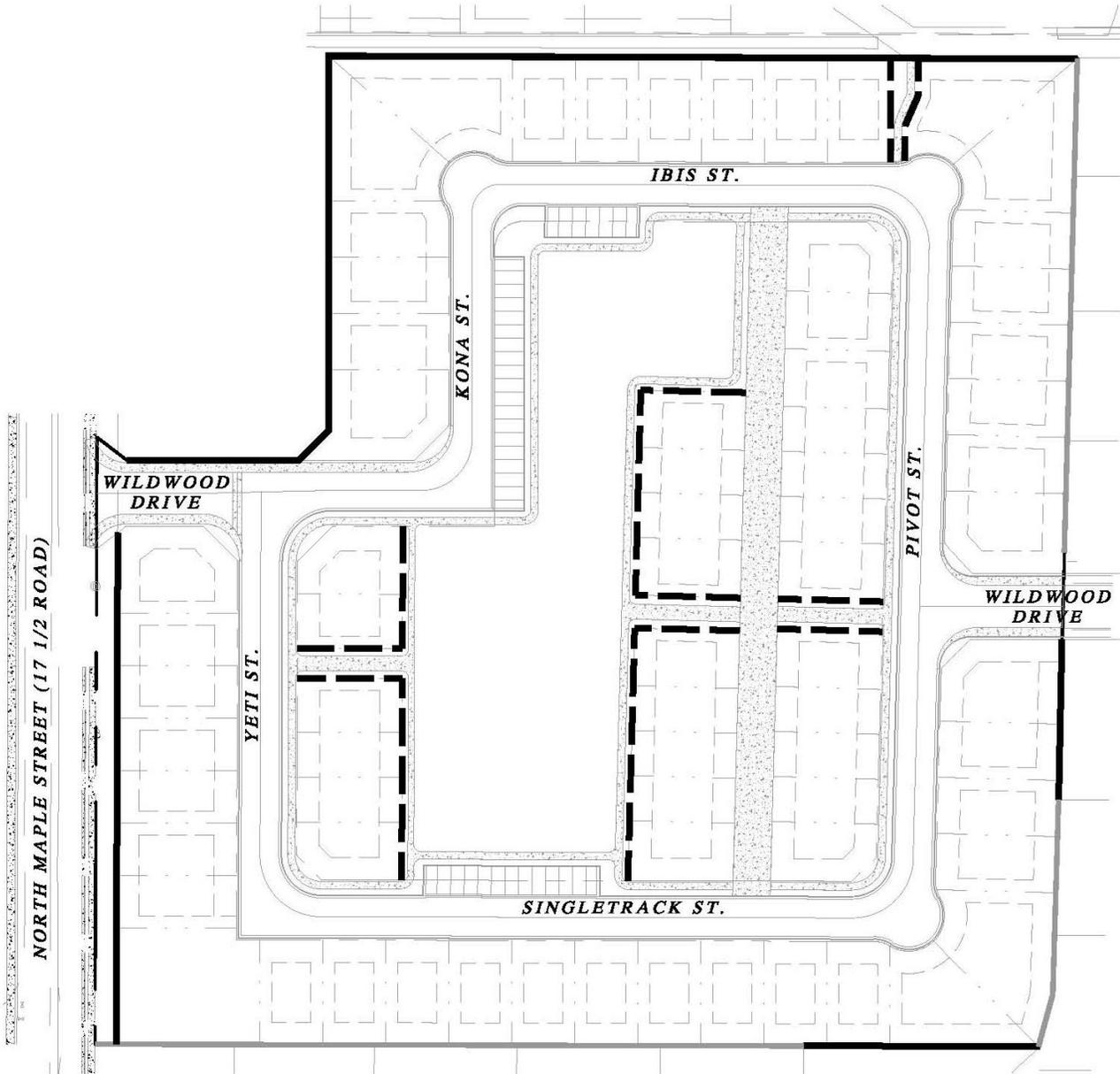
Open Space and Trails



OPEN SPACE AND TRAILS
 1.868 ACRES
 1468 LINEAR FEET OF TRAIL

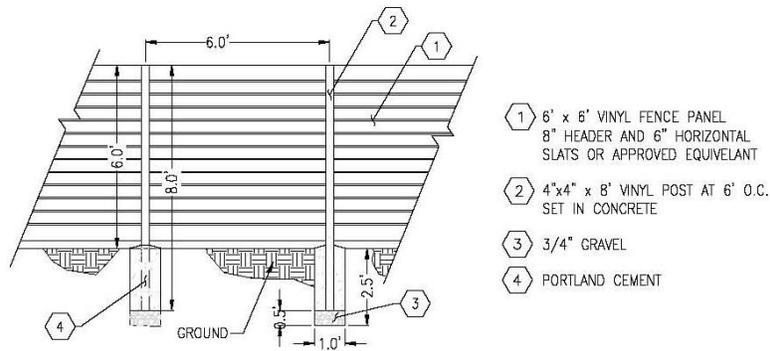
Master Fence Plan

Developer Installed Fence Plan



- EXISTING 6' VINYL FENCE
- PROPOSED 6' VINYL HORIZONTAL SLAT FENCE – DEVELOPER INSTALLED
- - - PROPOSED 3' VINYL SPACED PICKET FENCE – DEVELOPER INSTALLED

Fence Details



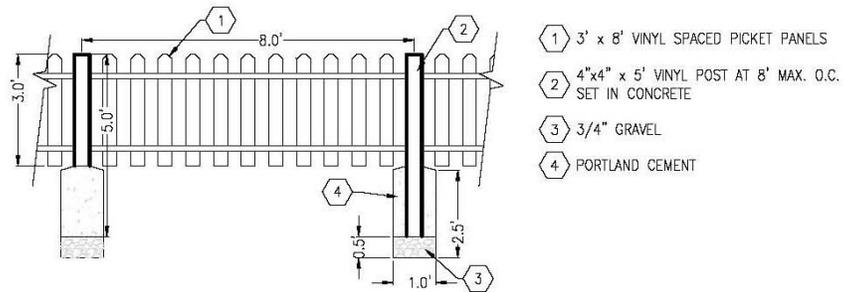
- 1 6' x 6' VINYL FENCE PANEL
8" HEADER AND 6" HORIZONTAL
SLATS OR APPROVED EQUIVELANT
- 2 4"x4" x 8' VINYL POST AT 6' O.C.
SET IN CONCRETE
- 3 3/4" GRAVEL
- 4 PORTLAND CEMENT

6' VINYL HORIZONTAL SLAT FENCE

(SHOWN FROM BACK SIDE)

PERIMETER FENCE - DEVELOPER INSTALLED

N.T.S.



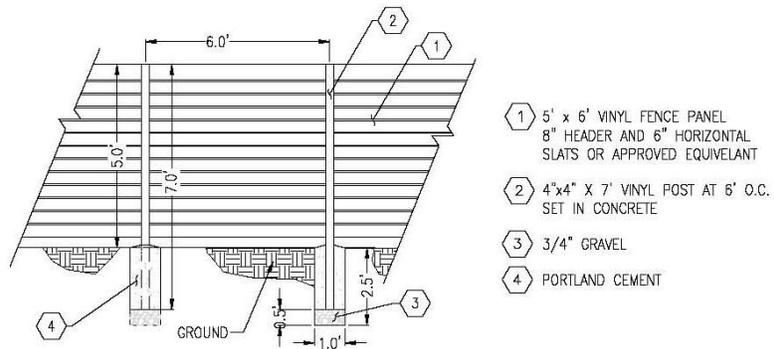
- 1 3' x 8' VINYL SPACED PICKET PANELS
- 2 4"x4" x 5' VINYL POST AT 8' MAX. O.C.
SET IN CONCRETE
- 3 3/4" GRAVEL
- 4 PORTLAND CEMENT

3' VINYL SPACED PICKET FENCE

(SHOWN FROM BACK SIDE)

OPEN SPACE BOUNDARY - DEVELOPER INSTALLED

N.T.S.



- 1 5' x 6' VINYL FENCE PANEL
8" HEADER AND 6" HORIZONTAL
SLATS OR APPROVED EQUIVELANT
- 2 4"x4" x 7' VINYL POST AT 6' O.C.
SET IN CONCRETE
- 3 3/4" GRAVEL
- 4 PORTLAND CEMENT

5' VINYL HORIZONTAL SLAT FENCE

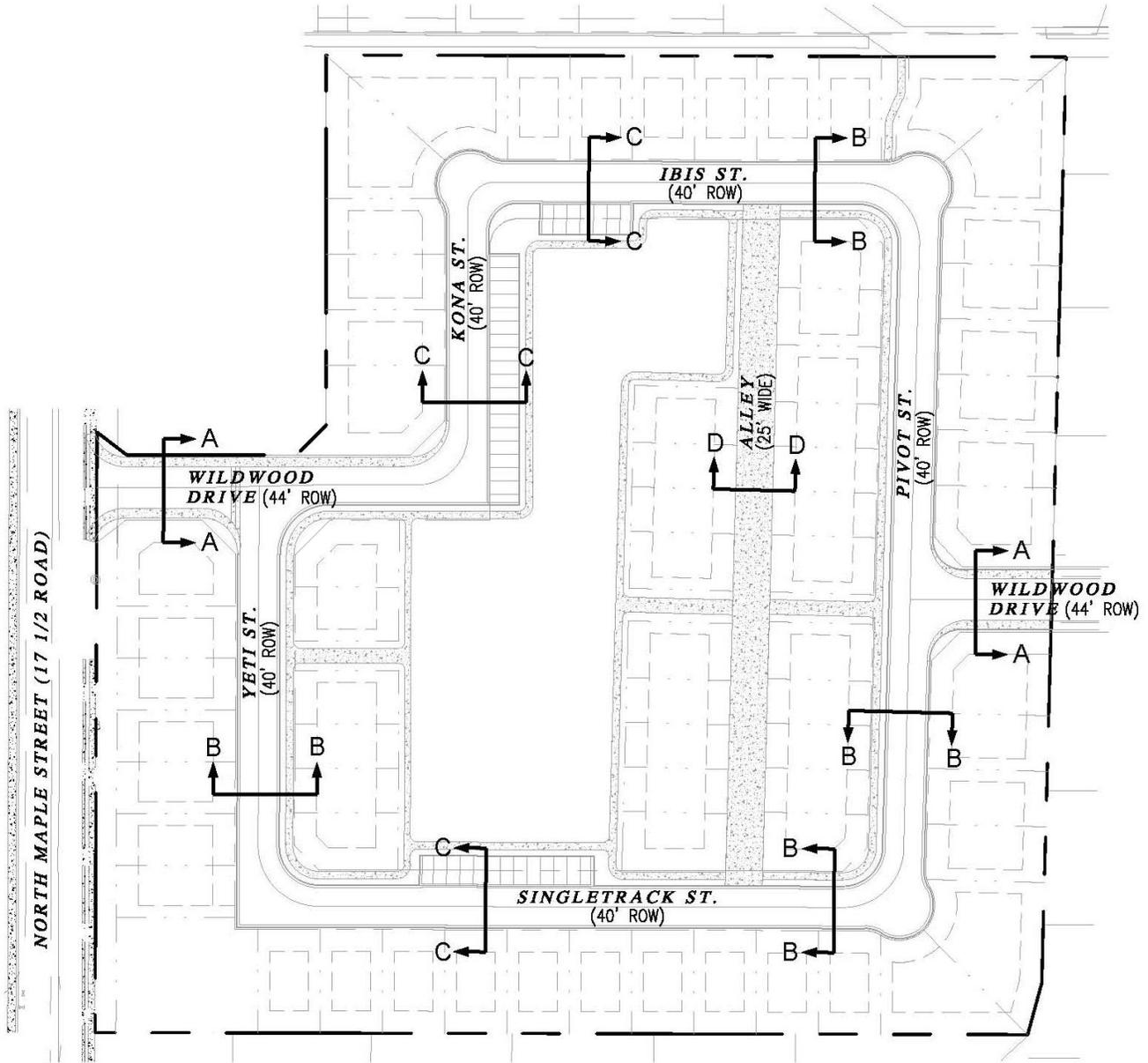
(SHOWN FROM BACK SIDE)

PROPERTY LINES BETWEEN HOMES - HOMEOWNER INSTALLED

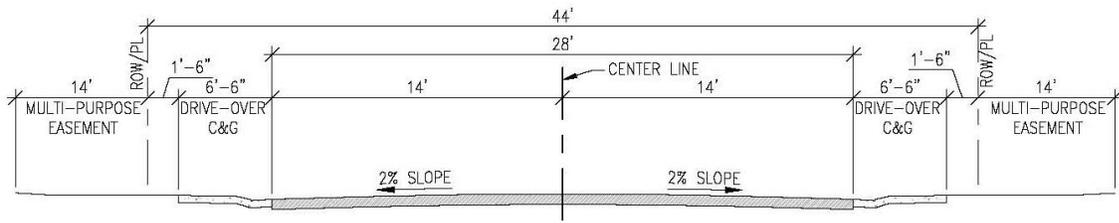
N.T.S.

Typical Street Sections

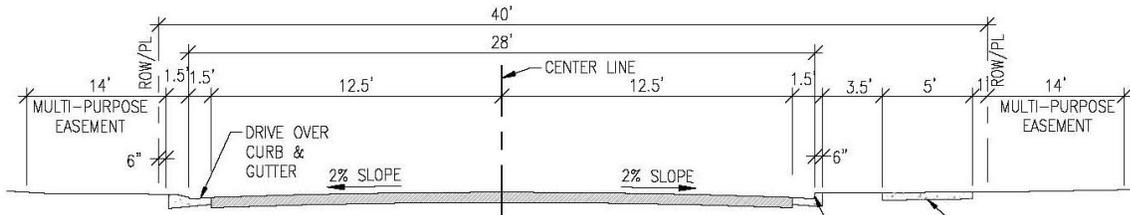
Street Section Plan



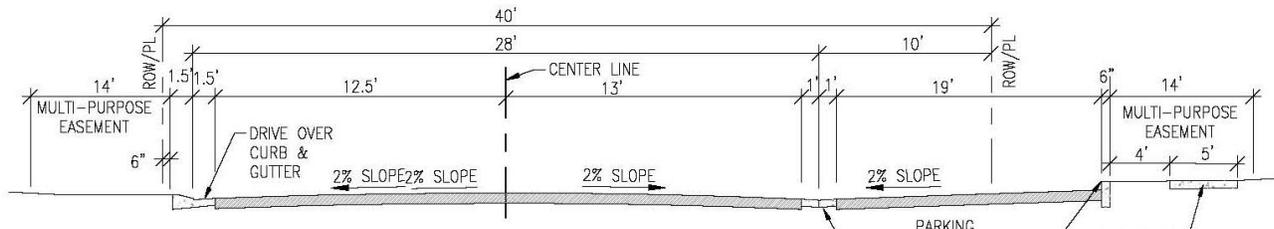
Typical Street Sections



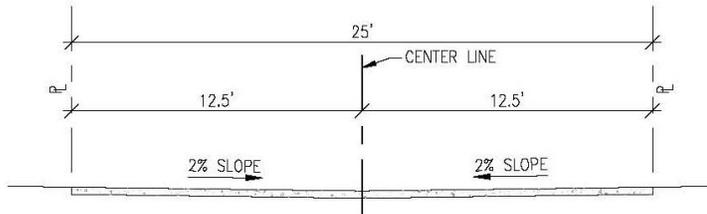
SECTION A-A WILDWOOD DRIVE
 URBAN RESIDENTIAL STREET
 N.T.S.



SECTION B-B INTERNAL STREETS
 ONE SIDE ON-STREET PARKING
 N.T.S.



SECTION C-C INTERNAL STREETS
 PARKING PODS
 NO ON-STREET PARKING
 N.T.S.

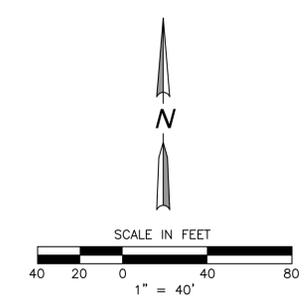
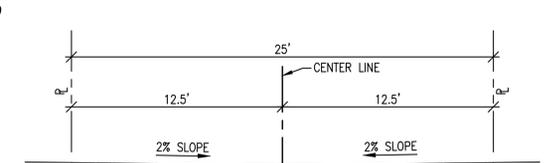
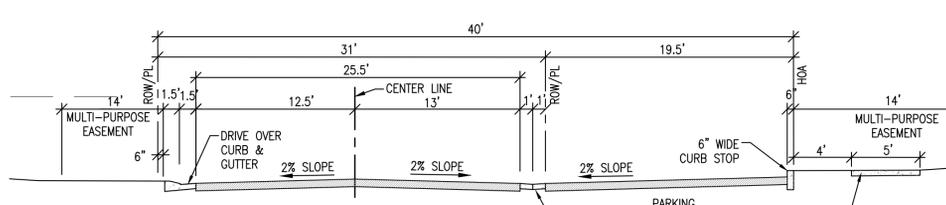
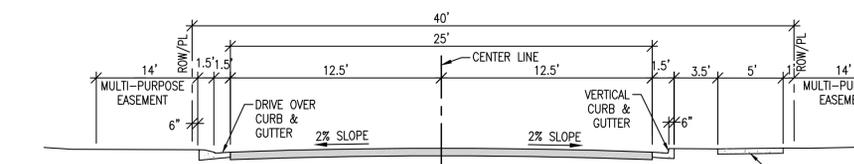
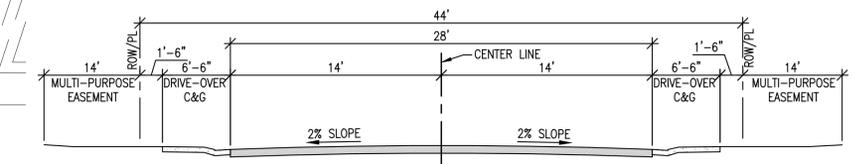
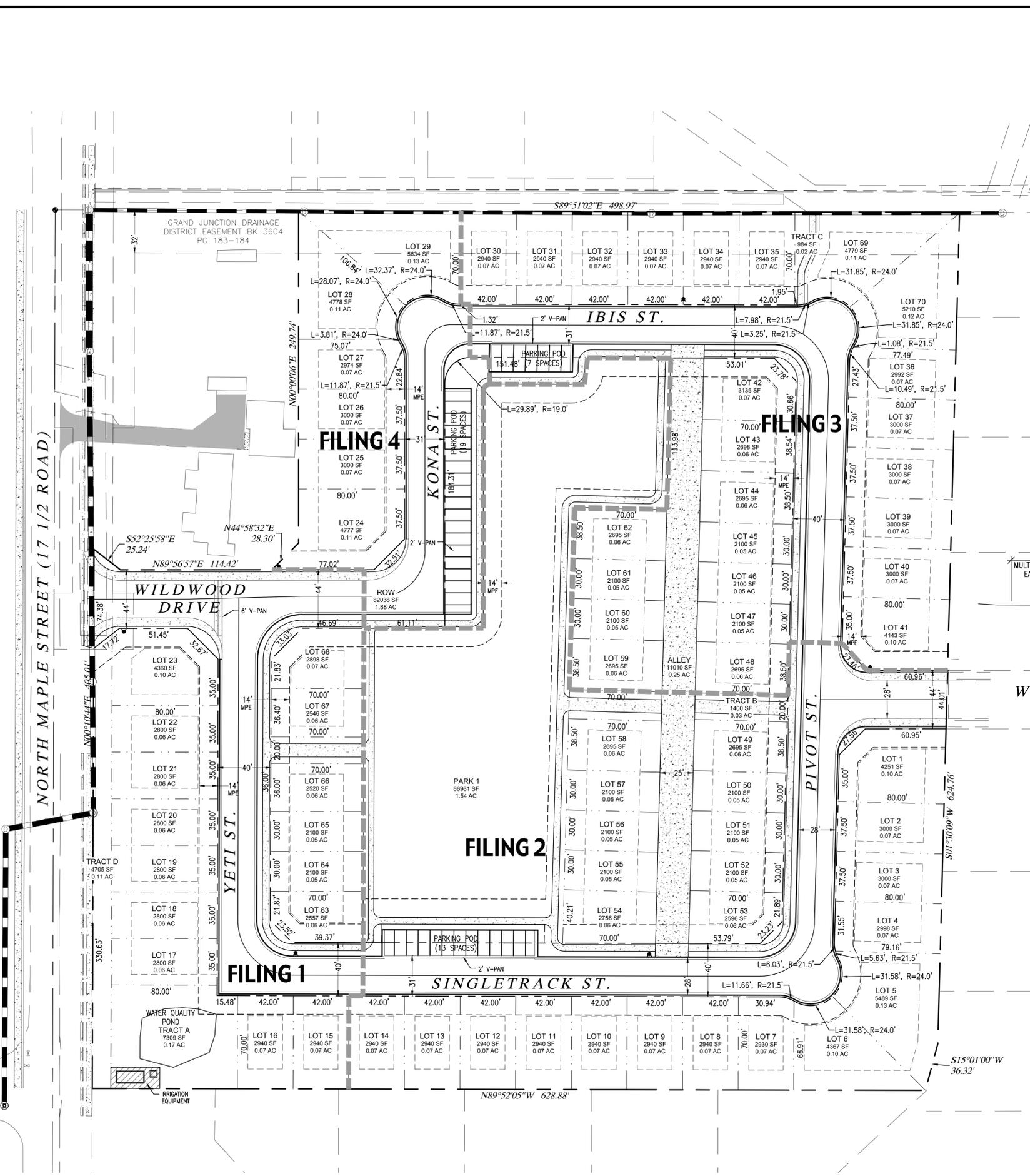


SECTION D-D ALLEY
 N.T.S.

FOR REVIEW - NOT FOR CONSTRUCTION

REV. NO.	REV. DATE	CITY REVIEW COMMENT NO.	BY
1	10/27/20	1	JS

Site Plan
Dwell P.U.D.
Concept
 1136 1/2 Road
 Fruita, Colorado, 81521



PROPOSED LAND USE TABLE				
USE	AREA	AC	% OF TOTAL	OWNER
SINGLE FAMILY - ATTACHED (53 UNITS)	158,366 S.F.	3.636	41.22%	PRIVATE
SINGLE FAMILY - DETACHED (17 TOTAL)	51,390 S.F.	1.180	13.38%	PRIVATE
HOUSING UNITS (70 TOTAL)	209,756 S.F.	4.816	54.60%	PRIVATE
RIGHT-OF-WAY	82,038 S.F.	1.883	21.35%	PUBLIC
ALLEY	11,010 S.F.	0.253	2.87%	HOA
OPEN SPACE/PARKS (INC. TRACTS B & C)	69,345 S.F.	1.592	18.05%	HOA
DETENTION AREA (TRACT A)	7,309 S.F.	0.168	1.90%	HOA
LANDSCAPE (TRACT D)	4,705 S.F.	0.108	1.22%	HOA
GRAND TOTAL	384,163 S.F.	8.819 AC		

CORN MAIDEN DRIVE

MCSM #888-1
CENTER 1/4 CORNER
SECTION 8
T1N, R2W, UTE

STORM MH
RIM=4524.40
INV (N)=
INV (S)

STORM MH
RIM=4524.12
INV (E)=4515.19
INV (S)=4515.26
INV (N)=4515.52

STORM MH
RIM=4523.73
INV (E)=4515.65
INV (W)=4515.62

STORM MH
RIM=4524.41
INV (E)=4516.22
INV (W)=4516.14

SEWER MH
RIM=4524.91
INV (NW)=4518.97
INV (E)=4519.20

SEWER MH
RIM=4525.72
INV (N)=4520.07
INV (E)=4520.01
INV (W)=4519.84

SEWER MH
RIM=4523.97
INV (N)=4515.46
INV (S)=4515.46

SEWER MH
RIM=4523.22
INV (N)=4514.99
INV (S)=4514.98

STORM MH
RIM=4521.31
INV (E)=4512.12
INV (S)=4512.01

SEWER MH
RIM=4522.22
INV (N)=4514.40
INV (S)=4514.39

GRAND JUNCTION DRAINAGE
DISTRICT EASEMENT BK 3604
PG 183-184

GRAND JUNCTION DRAINAGE
DITCH EASEMENT
BOOK 1316 PAGE 12

EX WOOD
FRAME HOUSE
TO REMAIN

WILDWOOD
DRIVE

YETI ST.

SINGLETRACK ST.

IBIS ST.

KONA ST.

PIVOT ST.

WILDWOOD
DRIVE

NORTH MAPLE STREET (17 1/2 ROAD)

TRACT A

TRACT B

TRACT C

TRACT D

TRACT E

TRACT F

TRACT G

TRACT H

TRACT I

TRACT J

TRACT K

TRACT L

TRACT M

TRACT N

TRACT O

TRACT P

TRACT Q

TRACT R

TRACT S

TRACT T

TRACT U

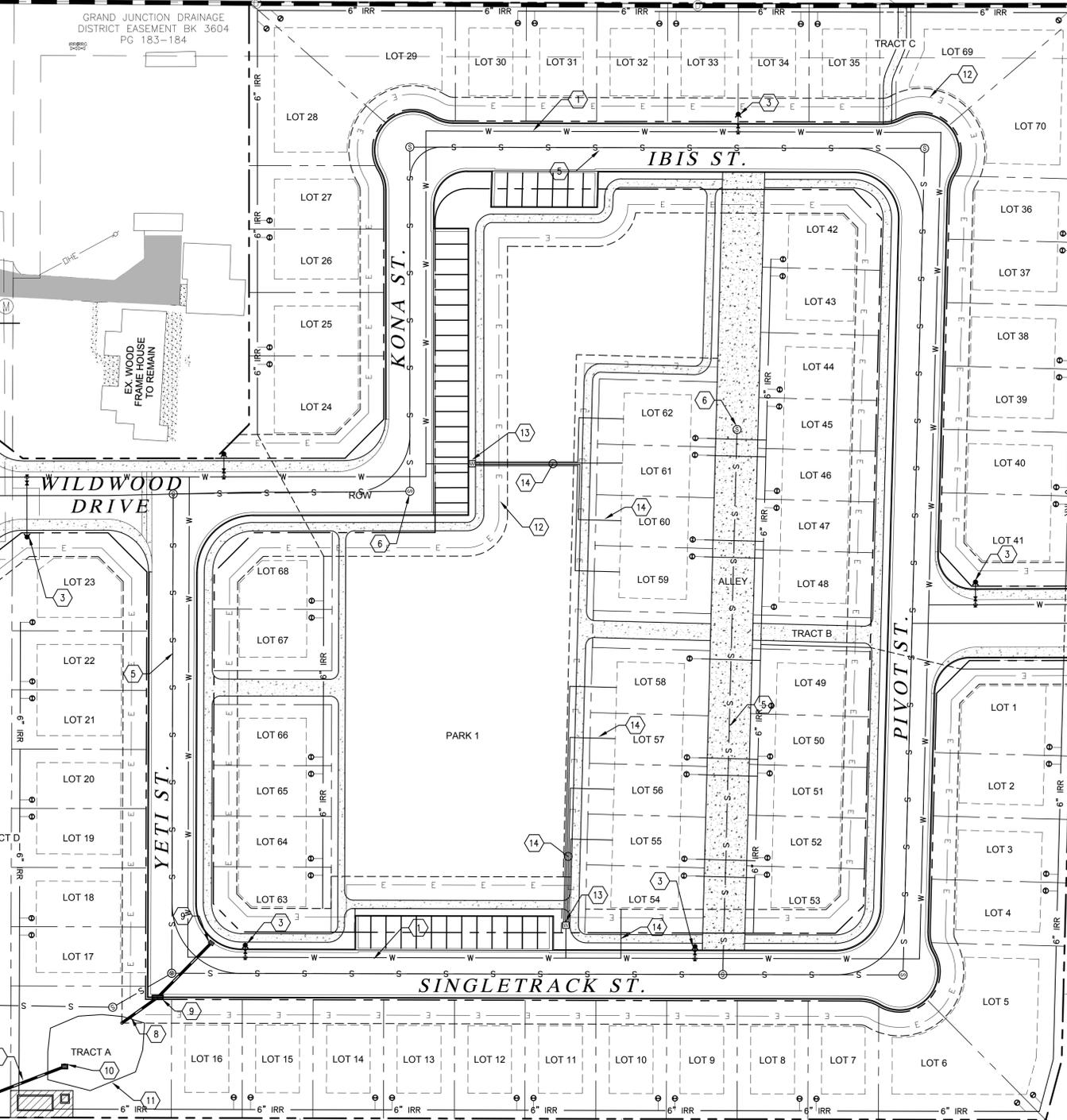
TRACT V

TRACT W

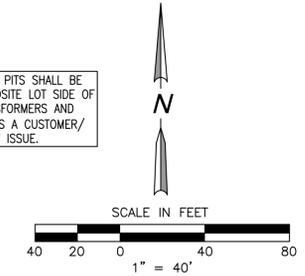
TRACT X

TRACT Y

TRACT Z



ALL WATER METER PITS SHALL BE
LOCATED ON OPPOSITE LOT SIDE OF
DRY UTILITY TRANSFORMERS AND
PEDESTALS. THIS IS A CUSTOMER/
CONSUMER SAFETY ISSUE.



CONSTRUCTION NOTES:

- 1 PROPOSED WET TAP TO EX. WATER MAIN
- 2 PROPOSED 8" C-900 PVC WATER MAIN (TYPICAL)
- 3 PROPOSED FIRE HYDRANT
- 4 PROPOSED SANITARY SEWER CONNECTION
- 5 PROPOSED SANITARY SYSTEM PIPE (TYPICAL)
- 6 PROPOSED SANITARY MANHOLE (TYPICAL)
- 7 PROPOSED STORM DRAIN PIPE CONNECTION
- 8 PROPOSED RCP STORM DRAIN WATER PIPE
- 9 PROPOSED CURB INLET
- 10 PROPOSED STORM DRAIN OUTLET STRUCTURE
- 11 PROPOSED STORM WATER QUALITY POND
- 12 DRY UTILITY TRENCH AREA (TYPICAL)
- 13 4-WAY (GANG) WATER METER (NOT ALL SHOWN)
- 14 WATER SERVICE (NOT ALL SHOWN)

FOR REVIEW - NOT FOR CONSTRUCTION

VORTEX ENGINEERING, INC.
 CONSTRUCTION MANAGERS & SITE PLANNERS
 PROJECT MANAGERS
 CIVIL & CONSULTING ENGINEERS

861 Rood Avenue
 Grand Junction, CO 81501
 Phone: (970) 245-9051
 Fax: (970) 245-7639

James C. Atkinson
PROFESSIONAL ENGINEER
COLORADO LICENSE No. 18828

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REV. DATE	REV. COMMENT	NO.	BY
1/02/17/20	CITY REVIEW COMMENT NO. 1	1	

Utility Composite Plan
Dwell P.U.D.
Concept
 1136 17 1/2 Road
 Fruita, Colorado, 81521

PROJECT NO: F19-095
DATE: 12/27/19
SCALE: 1" = 40'
concept utilities.dwg

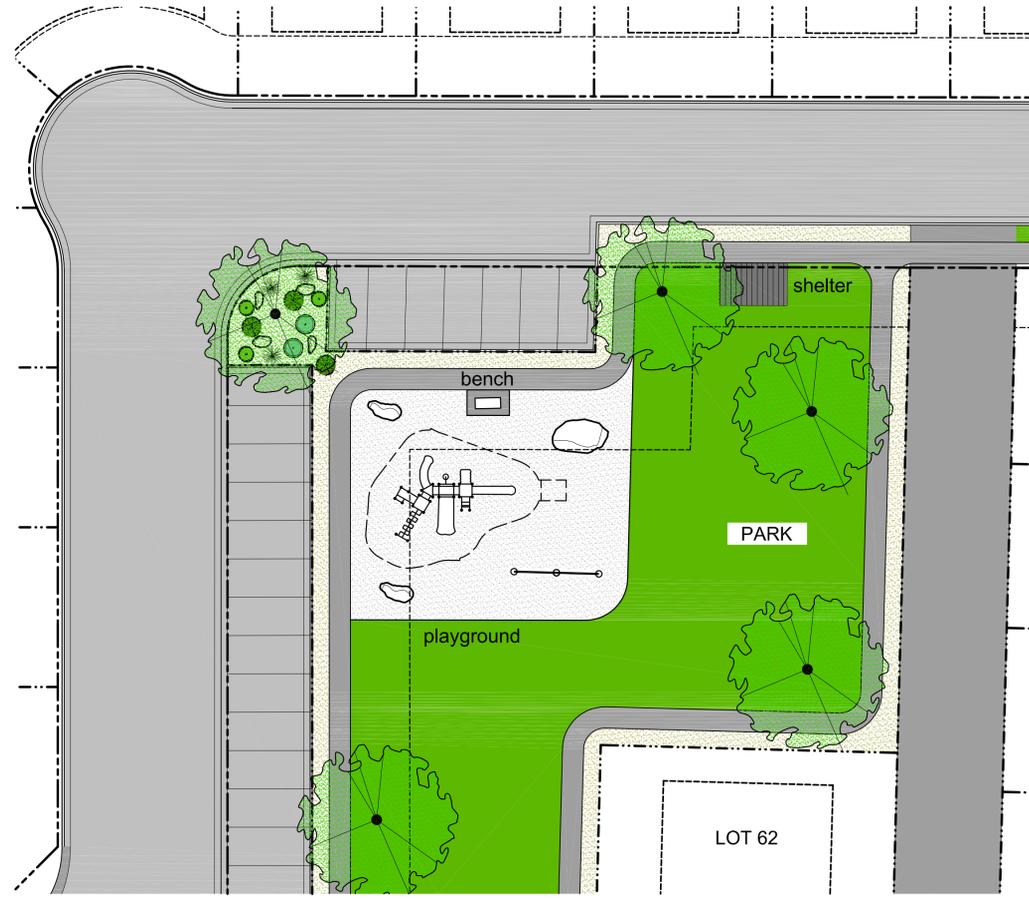
~SHEET~
C2.0

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REV.	DATE	COMMENT	BY

LANDSCAPE PLAN
Dwell P.U.D.
Concept
1136 17 1/2 Road
Fruita, Colorado, 81521

PROJECT NO: F19-095
DATE: 01/09/19
SCALE: 1"=40'-0"
CAD ID: L-1LANDSCAPE.DWG



2 Park Plan
0 20' 40'
SCALE: 1" = 20'-0" NORTH



Shade Structure



Park Benches

EX. WOODS FRAME TO REMAIN



1 Overall Landscape Plan
0 40' 80'
SCALE: 1" = 40'-0" NORTH



Climbing Boulder
Evolve Play - Little Foot



Play Structure
UltraPlay - Slide Mountain



Climbing Boulder
Evolve Play - Giant Chair



Post Swings

A. CALL TO ORDER

Four Planning Commissioners were in attendance. (Justin Gollob, JP Nisley, Dave Karisny, Cullen Purser were present).

B. PLEDGE OF ALLEGIANCE

Dave Karisny led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

COMMISSIONER GOLLOB MOVED TO APPROVE THE AGENDA

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSES 4-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

February 11, 2020 Planning Commission meeting

COMMISSIONER NISLEY MADE A MOTION TO APPROVE THE CONSENT AGENDA.

COMMISSIONER PURSER SECONDED THE MOTION

MOTION PASSED 4-0 IN FAVOR TO APPROVE THE CONSENT AGENDA

H. HEARING ITEMS

Application #:	2020-03
Application Name:	Dwell Planned Unit Development
Application Type:	Concept Plan
Applicant:	Vortex Engineering, Inc.
Location:	1136 17 ½ Road & 796 N. Maple Street
Zone:	Community Residential
Description:	This is a request for approval of a Concept Plan for a 70-lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

Commissioner Karisny gave the attendees an overview of how the procedures work for the hearing portion of the meeting. He read the description of application 2020-03 Dwell Planned Unit Development.

Dan Caris, Planning and Development Director went up to give the Staff presentation. Mr. Caris entered his Power Point into the record.

Slide 1 - Introduction – Dwell PUD

Slide 2 - Application Information

Slide 3 - Project Description

- This is a Concept Plan for a proposed Planned Unit Development Subdivision. The purpose of a Concept Plan and the intentions of the applicant is to submit a plan to get valuable feedback from the public, the Planning Commission, City Council and Staff on the project.
- Total project acreage of 8.8 acres with a density of approximately 7.95 dwelling units/acre (53 attached units and 17 detached units).
- Primary access from Wildwood Drive (existing street stub) and North Maple Street (17 ½ Road).
- Internal streets within the subdivision are proposed to have approximately 25 feet of asphalt with a detached sidewalk on one side with landscaping between the street and the sidewalk.
 - Alley Access proposed as well for approximately 21 of the units.
- Approximately 1.59 acres of open space proposed (nearly 20% of the overall acreage).
 - Open Space consists of benches, trails, and playground equipment.
 - A large park is centrally located in the subdivision. Approximately 50% of the homes will have views of this park.

Mr. Caris pointed out that Title 17 was the Chapter and the Municipal Code that encompasses the Land Use Code. He continued that Chapter 17 is the Planned Unit Development application and submittal process and how it gets reviewed. He said a Concept Plan is a what they call in Major Subdivisions a Sketch Plan. It is an opportunity to bring a plan proposal in front of the Planning Commission and City Council to get feedback and disseminate the information that the Planning Commission submits to the applicant and the same with City Council and be able to move through a Preliminary Plan application. He continued that all of these are encompass a Preliminary Planned Unit Development and a Final Planned Unit Development. In the final stages the code speaks to how the zoning entitlements get flushed out for the entirety of the subdivision. Something that is unique to the City of Fruita is that they have a Concept Plan, a Preliminary Plan, a Final Plan, and the zoning taking place at the latter stages of the development. What they see is the zoning entitlements are a part of the Concept Plan and Preliminary Plan. They establish what the zoning perimeters will be if the project is viable and if it gets approved by the Planning Commission and City Council and there is a filing plan associates with those. They are not platting the entire subdivision without any of the

infrastructure in place to support those legally entitled lots. He said that this is where there is a little deviation from how they see it happen with those conventionally zoned districts.

Commissioner Karisny said it would be helpful to point out they are looking at an idea and a Sketch Plan. It will be approved or not approved. There are steps that follow that before it would become a real project. He continued that one of those steps would be moving on to City Council and then it would then go to a Preliminary Plan which would be another meeting for Planning Commission and City Council to approve or not approve. Then it would become an administrative process for the Final Plat.

Mr. Caris said that the improvements agreements would be approved by Council. He said that with a Planned Unit Development there are deviations from what is already conventionally residential zoned district. He said that typically a request for a PUD is going to have adjustments to the zoning code. The burden of proof is on the applicant that the public benefit is articulated and adheres to their guiding principals and Master Plan in order to establish the zoning entitlements. He said that this is a great first step for the public to engage the project and a useful step for the applicant to see if the project is viable moving forward. Mr. Caris said that there is a definition in the Land Use Code that defines a Sketch Plan. He said it is maps of a proposed subdivision and supporting documents submitted to evaluate concept, feasibility and design characteristics at an early stage in the planning subdivision.

Slide 4 - Project Description

- Planned Unit Developments (PUD's) allow for modification of the normal use, density, size or other zoning restrictions for the development which would otherwise be standard with other zone districts.
- The purpose of the Concept Plan is to get an overall idea of the concept of a proposed subdivision and whether the modifications proposed meet the intent of the Land Use Code and Master Plan.
- Since the applicant is proposing a Planned Unit Development zone, a Rezone application will need to be submitted along with or prior to the Preliminary PUD Plan application. This is to ensure the property is zoned accordingly.

Slide 5 - Planned Unit Development Process

1. Concept Plan Review.
2. Rezone the property to Planned Unit Development along with or prior to Preliminary PUD Plan.
 - The zoning of the property prior to or along with the Preliminary PUD Plan will ensure the Preliminary PUD Plan meets the zoning criteria.
3. Preliminary PUD Plan.
4. Final PUD Plan.

Slide 6 - Map of Zoning Districts

Mr. Caris described the map and points of location.

Slide 7 - Aerial View of the Subject Property

Slide 8 - Review of Land Use Code and Master Plan

- For Planned Unit Development Subdivisions, the Land Use Code sets forth 15 criteria that must be considered during the review.
- The following approval criteria shall be considered by the Planning Commission and City Council in its review of a proposed Planned Unit Development and no Planned Unit Development shall be approved unless the Council is satisfied that each of these approval criteria has been met, can be met or does not apply to the proposed Planned Unit Development.

Slide 9 - Review of Land Use Code and Master Plan

1. Conformance to the Fruita Master Plan;

- The following portions of the Master Plan - Fruita In Motion: Plan Like a Local Comprehensive Plan can or have been met:
 - Plan Themes of Efficient Development and Connectivity.
 - Chapter 3 - Land Use and Growth
 - Chapter 5 - Parks, Health, Recreation, Open Space and Trails
 - Chapter 6 - Transportation
 - Chapter 7 - Services and Infrastructure

Slide 10 - Review of Land Use Code and Master Plan

2. Consistency with the purposes as set out in Section 17.17.010, above.

Subsections A-H below are directly from Section 17.17.010 of the current Land Use Code.

17.17.010 GENERAL PURPOSES. Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the following purposes:

A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;

- This purpose has been met

Mr. Caris added that one of the elements that is not specific to this application was an employment center. He said that you see a lot of Planned Unit Developments that set aside commercial lots as a part of being a neighborhood centers or amenities for coffee shops or shopping services or things of that nature. He said that this was not being proposed in this application. He continued that as the staff evaluated that they felt that there were other amenities that were encompassed into the project that met the intent of that approval criteria.

B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;

- It appears that the majority of this purpose either has been met or can be met.

C. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;

- It appears this purpose can be met.

Mr. Caris said that in some fashions this could be interpreted as not applying because it is an infill lot.

D. To conserve and make available open space;

- This purpose has been met.

Mr. Caris said that setting aside 20% of the development for a park amenity specific to this development this approval criteria has been met.

Slide 11 - Review of Land Use Code and Master Plan

E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;

- It appears this purpose can be met.

Mr. Caris added that they want projects like this to go through the proper vetting process in order to make sure that the amenities that are going to be in the subdivision warrant the densities that are being requested.

F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;

- This purpose can be met.

Mr. Caris talked about highest and best land use and from a cost perspective that this makes sense. The amenities and type of development and location and its compatibility is a subjective component of this process. He continued that from public services and infrastructure it seems the proposed development can meet this.

G. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics, and;

- This purpose can be met.

Mr. Caris said that part of the Planning Commission and Council process for PUDs, those architectural renderings, floor plans, how the building address the street matter and are elements that are riddled throughout their packets as far as what that is going to look like.

H. To encourage integrated planning in order to achieve the above purposes.

- This purpose can be met.

Slide 12 - Review of Land Use Code and Master Plan

3. Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where Adjustments to the standards of this Title are allowed, and;

Subsections 1-5 below are directly from Chapter 15 of the Current Land Use Code.

1. Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;

- This criteria can be met.
 - 2. Compatibility with the area around the subject property in accordance with Section 17.07.080;
 - This criteria can be met.
- Mr. Caris spoke to compatibility and said that there was no commercial or industrial identified in the PUD but they are residential units that are attached, detached and multifamily units. They believe the variety of housing is important in the community and this was heard in the Master Planning process. They feel that attached units can be intermixed with and around Community Residential subdivisions.
- 3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc.);
 - This criteria can be met.
 - 4. Preservation of natural features and adequate environmental protection; and
 - This criteria can be met.
 - 5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.
 - Since this application is not a technical review of the subdivision. This criteria does not apply with this Concept Plan.

Slide 13 - Review of Land Use Code and Master Plan

4. Where the applicant proposes one or more Adjustments to the standards of this Title, consistency with the Adjustment criteria set forth in Section 17.11.020(B), is required. This subdivision will need to meet Section 17.11.050 of the Land Use Code. During the course of reviewing this Concept Plan, it does not appear that the applicants are requesting any adjustments. The Guiding Principles within Section 17.11.050 are as follows:

- 1. New development and redevelopment should support walkable and attractive neighborhoods with a variety of housing types that are designed to be compatible with adjacent uses.
- 2. Architecture should provide for compatibility with historic structures where applicable.
- 3. Provide for street connectivity and pedestrian access and safety both within new developments and between new and existing subdivisions.
- 4. Integrate open space and parks into the design of new neighborhoods and subdivisions.

As supported in this Staff Report, this Concept Plan proposal appears to meet all of these Guiding Principles and thus meets this criteria.

Slide 14 - Review Comments & Public Comments

Review Comments

- All review comments have been provided. No significant concerns on the Concept Plan submittal.

Public Comments

- No written public comments have been received by Staff at this time.

Mr. Caris said that although there have been no written comments there have been conversations at the front counter.

Slide 15 - Legal Notice

All Legal Notice regarding this application was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code.

- Paper – February 5, 2020 (34 days prior to Planning Commission)
- Property – January 28, 2020 (42 days prior to Planning Commission)
- Postcards – January 31, 2020 (39 days prior to Planning Commission)

Slide 16 - Staff Recommendation

- Staff recommends approval of the proposed Dwell PUD Concept Plan application with the condition that all review comments and issues identified in the Staff Report are adequately resolved with the Preliminary PUD Plan application.
- CITY COUNCIL HEARING DATE: Tuesday, April 7, 2020

Commissioner Karisny thanked Mr. Caris and they moved onto the petitioner’s presentation.

Mr. Robert Jones II of Vortex Engineering at 861 Rood Avenue in Grand Junction. He said that he is the owners for the Concept Plan review. He presented a Power Point presentation.

Slide 1 – Introduction Dwell Planned Unit Development Concept Plan Project 2020-03

Slide 2 – Location Map

Slide 3 – Future Land Use Map

Mr. Jones pointed out that this map is from the Comprehensive Plan Update and the map’s classification is 4-8 residential. He said that the goal was to encourage infill development within the city to limit and make more efficient use of existing infrastructure and encourage a variety of housing types and discouraging sprawl development at the edge of the city limits. He said that those densities identified in the community range from 4-8 were done in an effort to achieve the community goals of the new Comprehensive Plan that was recently adopted.

Slide 4 – Zoning Map

Mr. Jones said that the zoning map depicts the current zones. He said that this property is presently zoned Community Residential (CR). The applicant is seeking to rezone the site from CR to Planned Unit Development in an effort to achieve the goals and policies of the new Comprehensive Plan. He said that the Land Use Code has not been updated, the only avenue for them is to provide for this Planned Unit Development to implement those new goals and policies. He continued that there are various PUD zoned properties to the northeast, south, and west. They believe that Dwell provides infill development with that variety of attached and detached single family homes with open space and trails for the community and the general public.

Slide 5 – Map of the proposed Concept Plan for the Dwell PUD

Mr. Jones said that this map shows the proposed 70 attached and detached single family homes which would be constructed in 4 plan filings. He said that there are 2 points of access, Wildwood Drive to the east and North Maple to the west side. He said that Dwell would include

attached and detached units in a variety of configurations shown above. He pointed out pictures of each on the slide. He said it was discussed that Staff wanted the central amenity of the Planned Unit Development, the large park which is 20% of the site, be constructed sooner rather than later. The applicant agreed that the park would be constructed by filing 2.

Slide 6 – Map of the filing plan

Mr. Jones said that this map shows the filings. Filings coming in on the west side of the development off of North Maple going in a counterclockwise pattern.

Slide 7 – Map of the Landscape Plan

Mr. Jones said that this slide depicted as stated approximately 1.59 acres of open space and trails which does exceed the requirements of the Fruita Land Use Code. He said that the park amenities will include a tot lot with play equipment, picnic table and shade shelter and a bench. He said that there have also been designed within the project parking lots which will provide for guest parking for residents and the general public that would be coming to the park. He said that on the north end they could see the tot lot area, some of the playground structures and items that were designed into this and the shade structures and benches. He said that there are trail connections throughout, there is an east west trail connection and detached sidewalks on the east side into the park and to the west as well as a trail connection to the northeast corner which would tie into Vintner’s Farm trail system. He continued that in the southwest corner there is a stormwater quality basin that would be landscaped. He pointed out another potential connection and a landscape buffer adjacent to North Maple Street.

Slide 8 & 9 – Pictures of architectural depictions

Mr. Jones said that the exterior of all the dwelling units would be that of a modern urban cottage type roadhouse design. He stated that the developer, who will also be the builder within the project, plans for clean lines with interaction with the street will be emphasized. He said that all of the dwellings would have at least one front facing porch or deck with a minimum of 60 square feet. He said that the roof pitches shall be a minimum of 6/12. He said that flat roof accents would not be allowed. He said that roofs for all structures will be asphalt or architectural shingles, metal tile or slate material. The outside façade of each structure shall be constructed of primarily wood or wood composite siding but not vinyl or other siding. Wood, stone, brick, metal and/or stucco accents are allowed and encouraged. Exterior color schemes will be primarily of earthen tones. Mr. Jones said that the pictures give them some illustrative examples of the type of architectural standards that are envisioned within the project. All design standards related to construction of homes and relating to improvements on each lot will be governed by the CCR’s and an HOA architectural committee which shall review and approve proposed plans for compliance for all PUD design standards prior to issuance of approval for a planning clearance and building permit for construction.

Slide 10 – Proposed Dwell PUD Standards

Minimum Lot Area:

Single-Family Detached:	2900 Sq. Ft.
Single-Family Attached:	2100 Sq. Ft.

Setbacks for Single-Family Detached Homes (principal/accessory):

Front: 15’/25’
 Side: 8’/3’
 Back: 15’/3’
 Max. Lot Coverage: 40%/4%
 Max. Height: 40’/16’

Setbacks for Single-Family Attached Homes (principal/accessory):

Front: 15’/25’
 Side (detached): 8’/3’
 Side (attached): 0’/3’
 Back: 15’/3’
 Max. Lot Coverage: 60%/4%
 Max. Height: 40’/16’

Allowed Residential Uses:

- Single-Family Detached Homes
- Single-Family Attached Homes
- Home Occupations*
- Home Childcare**
- Home Daycare**
- Residential accessory uses**
- Short Term Residential Property Rental***

*Permitted as accessory to any permitted residential use subject to the Home Occupational standards of Section 17.07.070(B) of the Fruita Land Use Code in effect on January 1, 2020

** As defined and regulated by the Fruita Land Use Code in effect on January 1, 2020

***Short term rental of property shall be allowed subject to the permitting requirements of the Fruita Land Use Code in effect on January 1, 2020.

Commissioner Karisny asked about the figures that had slashes. He used the front setback of 15’/25’ as an example and asked if that meant that the house could be as close as 15’ and 25’ means a front driveway and that would be that setback?

Mr. Jones said that the slashes was for those accessory uses. For example, for a side setback the primary structure has a minimum of 8’ side setback and accessory is 3’ which is pretty standard in typical Community Residential zone.

Slide 11 – Continuation from Slide 10

Dwell PUD Residential Standards:

Community Residential (CR):

Downtown MU (DMU):

Minimum Lot Area:

Single-Family Detached:	2900 Sq. Ft.	7000 sf	5000 sf or 6000 sf corner lot
Single-Family Attached:	2100 Sq. Ft.	10,000 sf - 2 unit attached	7500 sf duplex/10,000 sf MF
		15,000 sf – 3 unit attached	2500 sf each Townhouse

Setbacks:

Single-Family Detached Homes (principal/accessory):

Front:	15’/25’	15’ w/alley or porch or 20’ regular setback	Same as CR
Side:	8’/3’	16’ total; 5’/3’ minimum	15’ total; 5’/3’ minimum
Back (Rear):	15’/3’	15’/3’	Same as CR
Max. Lot Coverage:	40%/4%	50%	35% or 60% w/Mixed Use, alley, porch

Max. Height: 40’/16’ 35’/16’ Same as CR

Setbacks:

Single-Family Attached Homes (principal/accessory):

Front:	15’/25’	15’ w/alley or porch or 20’ regular setback	Same as CR
Side (detached):	8’/3’	16’ total; 5’/3’ minimum	15’ total; 5’/3’ min; 0’ w/ common wall
Side (attached):	0’/3’	16’ total; 5’/3’ minimum	15’ total; 5’/3’ min; 0’ w/ common wall
Back (Rear):	15’/3’	15’/3’	Same as CR
Max. Lot Coverage:	60%/4%	50%	35% or 60% w/Mixed Use, alley, porch
Max. Height:	40’/16’	35’/16’	Same as CR

Allowed Residential Uses:

- Single-Family Detached Homes
- Single-Family Attached Homes
- Home Occupations*
- Home Childcare**
- Home Daycare**
- Residential accessory uses**
- Short Term Residential Property Rental***

Mr. Jones said that this is slide that is meant to show a comparison of what the proposed Dwell PUD residential setbacks are, what the Community Residential setbacks are, and the Downtown DMU setbacks. He said that they did this for a couple of reasons. He said as Mr. Caris pointed out that in PUD’s there is an underlying base zone to call back. He said that this one is somewhat of a hybrid. He continued that the minimum lot areas of single family detached in Dwell is 2900 square feet, it is 7000 in CR and Downtown is between 5-6000. Single family attached is 2100 and what closely mirrors this project would be what the Downtown DMU standards are which is 2500 square feet for townhomes. Setbacks is all standard. He said that the maximum lot coverage is for single family detached what is being proposed as a restriction, which is more restricted than what is allowed in the current CR zone of 50%, they are at 40% and Downtown DMU fluctuates between 35-60%. Maximum height that is being requested is 40’ and that is a deviation from the Community Residential zone and the Downtown DMU zone. Mr. Jones said that the developer does plan to utilize and accommodate for efficient use of space and townhomes are likely to be 2 story and they have that desire for that steep pitch, thus the minimum 6/12 that they had placed in the architectural control guidelines within the PUD guide. Mr. Jones continued that given the current desire for taller ceilings, 9-10-foot ceilings, when you stack those and start putting 6/12, 8/12 pitches on roofs you exceed that 35’ and thus the request for 40’ maximum height. Mr. Jones went on to the setbacks for the single family attached, he said that they closely mirror what is presently allowed in either the CR or DMU zone.

Slide 12 – Analysis of Proposed Deviations

Minimum Lot Area:

One of the key goals of the Dwell PUD is to create a community with a variety of housing types that meets the new R 4-8 land use classification of the Comprehensive Plan. In order to achieve this density and variety of housing types, smaller lot sizes are necessary. This allows for greater use of infrastructure such as streets, sidewalks, water and sewer lines and drainage facilities and is consistent with the type of urban design that the City of Fruita hopes to achieve through the new Comprehensive Plan. Smaller lot sizes are also necessary and typical of attached housing types such as townhomes, which will be included in the Dwell PUD.

The minimum lot sizes proposed for the Dwell PUD are 2900 square feet for single-family detached homes and 2100 square feet for single-family attached homes. The minimum lot size for a townhouse in the Downtown Mixed Use (DMU) zone is 2500 square feet. The Dwell PUD is comprised largely of single-family attached dwelling units (with zero side setbacks with common walls) and with nearly 20% open space; as a result, the minimum lot sizes have been designed for modern row houses that are consistent with urban design.

Mr. Jones said that one of the key goals of the Dwell PUD is to create a community with that variety of housing types that meets the new R4-8 land use classification from the Comprehensive Plan. He said that in order to achieve that, this density and variety of housing types, smaller lot sizes are necessary. He continued that this allows for greater use of infrastructure such as streets, sidewalks, water and sewer lines, and drainage facilities and is consistent with the type of urban design that they believe the City of Fruita hopes to achieve through the new Comprehensive Plan. He said that the smaller lot sizes were also necessary and typical of attached housing types such as townhomes which are included within the Dwell PUD. He said that those minimum lot sizes proposed Dwell PUD is 2900 square foot for single family, 2100 for single family attached and minimum lot sizes closely representing the DMU zone of 2500 square feet.

Slide 13 - Analysis of Proposed Deviations

Setbacks:

Front yard setback (single-family detached and attached) – Front yard setbacks in the Dwell PUD have been set at 15 feet in order to bring the homes closer to the street and to create a greater sense of community which is typically found in traditional neighborhoods. The Community Residential (CR) and the DMU zones allow a 15-foot front yard setback for homes that are alley loaded. Almost one third of the homes in the Dwell PUD are alley loaded, therefore the proposed front yard setback is consistent with the underlying zones. The applicant would like to create a consistent streetscape with homes which is another reason for the proposed 15-foot front yard setback.

Mr. Jones said that one of the items that was proposed with this was an alternative street. He continued that the alternative street does incorporate a detached sidewalk for the loop road and that was important to the developer, the detached sidewalk, the requirements for the mandatory front porches, that type of thing.

Side yard setback (single-family detached and attached) – There is no deviation proposed for the side yard setbacks for single-family detached and attached dwelling units. The DMU zone is actually more restrictive for side yard setbacks by allowing a 15-foot side yard setback. The DMU zone also allows a zero-side yard setback for common walls which is consistent with the proposed Dwell PUD side yard setback for attached dwelling units that are not an end unit.

Rear yard setback (single-family detached and attached) – There is no deviation proposed for the rear yard setbacks for single-family detached and attached dwelling units.

Slide 14 – Analysis of Proposed Deviations

Maximum Lot Coverage:

The Dwell PUD is proposing 40% maximum lot coverage (defined as that area of the lot or parcel which may be occupied by principal and accessory structures) for single-family detached dwelling units and 60% maximum lot coverage for single-family attached dwelling units. The reason for this is once again related to the smaller lot size and desire to make more efficient use of the lot area, especially with attached dwelling units. The 40% is more restrictive than the allowed lot coverage of 50% with the underlying CR zone district. The 60% lot coverage proposed for attached dwelling units is similar to the 60% lot coverage allowed in the DMU zone for alley loaded homes. There is very little difference between the proposed lot coverage of the Dwell PUD and the underlying DMU zone.

Maximum Height:

The maximum height of 40 feet proposed for the Dwell PUD (for both single-family detached and attached homes) is specifically requested to accommodate the architectural style of modern row homes that utilize steep roofs with a pitch of 6/12 or 8/12. The current trend in modern home construction also utilizes nine-foot ceilings which contributes to the need for additional building height.

The maximum height for accessory structures is proposed to be 16 feet.

Slide 15 – Approval Criteria

The review and approval criteria for the following Land Use Code sections have been addressed. The Dwell PUD meets, or can meet, all of the individual criterion for the relevant Code sections:

Sec. 17.11.020(B), Adjustments

Sec. 17.15.060(C 1-5), Sketch Plan Review

Sec. 17.13.060(B), Rezone

Sec. 17.17.010, General Purpose

Sec. 17.17.030 (1-4), Planned Unit Development and compliance with Titles 8, 9, 12, 13 and 15

Slide 16 – Review Agency Comments and Public Comments

- All review agency comments have been addressed or will be addressed through the subdivision review process.
- To date there have been no public comments received.

Slide 17 – Conclusion

After demonstrating how the Dwell PUD meets the goals and policies of the recently adopted Comprehensive Plan, and how the Concept Plan meets, or can meet, the Fruita Land Use Code for a Planned Unit Development, the applicant respectfully requests approval of the Concept Plan.

Slide 18 – Questions?

Mr. Jones concluded his presentation and turned it back over to the Planning Commission for Public Hearing.

Commissioner Karisny thanked him and opened up the hearing to the public. He wanted to clarify that this was heavily reliant on the Comprehensive Plan which is called Fruita in Motion and was worked on this past year and just recently completed. He said that it would be helpful to who the audience the link or to show them where they can see it on the website. He asked Mr. Caris to comment on what part they might be looking at to get a better sense of what this is all about.

Mr. Caris responded that if he would like, after the conclusion of the public hearing, to go on our website to show everyone where they could find it so they can review it or would you like me to do that?

Commissioner Karisny thought it would be helpful now and then they would go into the public participation part of the meeting. He reiterated that the concepts and ideas of the Concept Plan rely heavily upon the Fruita in Motion Comprehensive Plan. He continued that in the past year the city went through many public meetings, outreach, stake holder meetings, citizen meetings, park gatherings, board displays talking about the Comprehensive Plan, and a professional consultant that helped with it and it was just recently completed.

Mr. Caris showed the audience how to access the Fruita in Motion Comprehensive Plan on the City of Fruita website. He said that the chapter that they are paying particularly close attention to is the Land Use and Growth chapter. He continued, this chapter sets the stage for a Future Land Use map and the context for some of the variety of housing types that they have already had when residential and commercial was built over the last few decades. It also talks about the process and then he talks about the currently adopted Land Use map that the applicant's representative shared. Mr. Caris brought up the Future Land Use map to show them. He said that it serves as a guiding document to govern growth on the City's edges and the streets that you see that are currently residing within the dark black line is areas that have already been annexed into the City and placed in zone districts. Areas outside of that line are areas that are currently in the county that the City is planning to grow into in the future and a growth management area beyond that. He pointed to an area on the map that the requested development would be going into and explained that it was within the city limits and has a Future Land Use with associated densities as a result of which is 4 units per acre to 8 units per acre.

Commissioner Karisny thanked him. He wanted to suggest that it be put on the homepage and a quicker link to find it. Commissioner Karisny summarized that the Concept that they were hearing falls under the recommendations of this land use plan. The idea was that Fruita has become a very expensive place for new people to live and the intent of the 4-8 is to create other opportunities for people, such as cops, teachers, etc. to be able to live in our community.

Commissioner Purser said that every 10 years the City of Fruita goes to the public that will participate and requests their vision of the next 10 years. The Comprehensive Plan is built on that feedback. He continued that this is the 10 year mark and they are saying that there are some

ideas that are perhaps reflected by this applicant. This applicant has looked at what a public process has said is important for the next 10 years in Fruita.

Commissioner Karisny opened the hearing to public comment. He gave a brief overview on the procedure for this portion of the hearing.

Ms. Kathy VanDoozer who lives at 513 Sabil Drive went up to speak. She said that she is in Wildwood Estates which is directly south of the new proposed subdivision. She thanked everyone for their time. She said that she had a couple of concerns. She was concerned about the street width. She understood it to be 25'. She said that Sabil Drive is considered an urban collector street and the speed limit on that road is 25 mph. She said that Wildwood Drive is basically putting people in the subdivision down around the roundabouts. She felt that the traffic would continue to flow down south onto Sabil Drive which is directly south of the subdivision. She continued that the density of the whole plan seemed outrageous to her. She asked if anything in Fruita that is 8 units per acre and if so, where is it at? She asked if anyone knew and if there was anything with this high of density in Fruita?

Commissioner Karisny said that other than the apartment complexes, no.

Ms. Van Doozer asked if that was on 18 Road and Harrison? And then said perhaps. She also said that her son lived over there on 18 and Harrison in a 2 story 4 unit building over there. She said that most of those units were rentals. She said that concerns her living in this neighborhood with all of the density of the rental properties. She talked about the 15-foot setbacks from the front yard. She said that she thought her cousin's truck was longer than 15 feet and it just a single car garage and she said that most people have 2 vehicles and a lot of people drive trucks in their neighborhood and in the City of Fruita itself. She thought that visually it is going to look like a parking lot with the tiny front areas and no additional parking. She talked about single story versus two story. She said that Wildwood Estates that is south of the subdivision are all single-story homes. She continued that directly across the street on Maple the first homes are all single story. Everything to the east of Wildwood is single story until you get to Wildwood Drive, excluding one home next to hers, is a two story. She said it was a funky, small lot. She would like to see some harmony in closing into the neighborhood, to keep the single stories if possible. She said the two-story next to her house stands out like a sore thumb. She said that north of Ottley are all single-story homes with very few exceptions over in Wildwood Acres. She said that she didn't know that they were encouraged to submit community comments before, or she would have. She continued, corners and parking, she asked in the corners that they have, how wide are the streets? Are they 25 feet, 28 feet?

Commissioner Karisny said that this will be answered after she is done.

Ms. Van Doozer talked about Hazel Circle which is directly south of the subdivision is a very tiny street with the same configuration. She said that when people park on both sides of the road it is really tight. She said that she could guarantee that the fire department, any kind of emergency vehicles coming through there, even the school bus to pick up a handicapped child has difficulty going around those corners.

Commissioner Karisny thanked her for her testimony.

Commissioner Gollob asked if he could ask a question.

Mr. Caris said that there will be additional questions from the Public hearing and that they would write them down and either the Staff or applicant can answer them. He felt that this would be a most effective way to answer the questions.

Commissioner Karisny encouraged Commissioner Gollob to go ahead and ask the question.

Commissioner Gollob asked Ms. VanDoozer if she could explain to him her concern about traffic flowing down onto Sabil Drive?

Ms. Van Doozer said that Wildwood Acres is directly south of this. She said that single family homes are on the side that the retention pond is at. She pointed out Hazel Circle that she has the concern about the driveways. She said that Sabil Drive is a main street that connects Maple to Wildwood Acres which is where Wildwood Drive is which is the new connector to the new subdivision. Sabil Drive is considered an urban collector street and she thinks that is 40 feet wide, but she didn't know. She said that she is concerned about people utilizing Sabil Drive more for traffic and there are only 7 houses along Sabil Drive, and they go fast.

Commissioner Gollob said that it will increase the capacity along Sabil Drive. He thanked Ms. VanDoozer.

Commissioner Nisley asked for clarification, he said that it looked like on the map, it looked like the roads are 40 foot right of way and just the alleyway is the 25 foot? He continued, 40 foot right of way around the edges and the only 25 foot is the alley.

Mr. Sam Atkins responded said that the entrance into the subdivision would be the standard local street which is 44' of right of way, 28' of asphalt. He said that the other roads that loop are 25 or 25 ½ feet of asphalt. He continued that the proposal is to limit parking to one side, they have 28 feet standard road section, they are going with 25 but they would eliminate parking on one side.

Commissioner Karisny asked if there were others that wanted to give testimony.

Mr. Dave Burgess who lives at 508 Hazel Circle went up to give testimony. He said that he opposes the project, it isn't a good plan for Fruita, even the people that are going to live there are going to have 2 cars, they are going to have guests, and the traffic is going to be congested. He said that the homes that are going along the south road the single homes are all two stories. He said that all of the homes on that side are ranch homes. He said it would be a better thing if they made the ones on the outside perimeter single story homes to blend in with the rest of the single-story homes that are in the neighborhood. He said that this looks like something that is really going to be a big congestion, twice as big and twice as many homes that should be in there. He said that Fruita shouldn't plan something like this. He said that this is going to be a crime scene. He said 70 homes. He continued that he bought his house and they told him that this was going to stay open space, a rural park, which it isn't now. He said that seeing this here, if they made it

half as many homes people would have a place to park in front of their house. He went on to say that it looked like the back yard are 15 feet from the fence. He felt that this was poor planning. He felt that the developer wasn't thinking about anybody that lived around there.

Commissioner Karisny thanked him.

Ms. Helen Robinson who lived at 512 Hazel Circle went up to speak. She said that she understood that she was not supposed to repeat what others have said. She wanted to make a point that her house does face filing 2 where the field is. Her back yard is 100 feet long. She said that this means that she will have at least 2 ½ homes in her back yard, all two stories and all 40 feet high. She said that this was very invasive, and it will completely take away her views of the Bookcliffs and she didn't think that she will be able to see anything again. She said that she is not against growth but to have ranches on the perimeter would be great. She continued, to have a common area up against the fence maybe a sidewalk and then start a side street and then the homes. It would probably take away from the 70 homes, it might have to be 50. She said it seemed like a lot. She said that her husband and she came here from Denver to get away from all of the construction and the cities and areas that they are building. She came to a nice small town and to live out the rest of their years and now the reason that they moved here to this small town, she felt that Denver was right in her back yard again and that is what they moved away from. She said her quiet neighborhood isn't going to be quiet anymore. She said it is quiet and peaceful and everything as a two story is not going to blend in. She talked about the funky vibe that Fruita is trying to bring in these days. She understands that they want more modern. She doesn't think this area for modern is really going to fit in. Her biggest concern is her back yard and her privacy which she will have none of.

Commissioner Karisny thanked her and asked if there were others in the audience that wanted to speak.

Mr. Jerry Mack who lives at 1837 L Road went up to speak. He said that he didn't see a lot right about this development, the PUD and trying to increase the density. He saw a lot wrong with it. He said that it seemed to him that one of the glaring problems would be traffic and parking and the narrow streets. He said that he just travelled to Texas for a while and visited a few developments of this nature. He said he didn't see any parking, really designated parking for visitors around here. He said that was one of the biggest problems he saw down in Texas was these style developments. He continued that with something like this they were sacrificing livability for density which doesn't seem right to him. He said that he didn't know if it is up to the City to make money for the developer. He thinks that making the density a little lower and making it fit into the surrounding community is more of the City's job than trying to up the density, the 4-8 currently seems better suited than the 10-20 or whatever they are going for in the PUD. He said that this is a cute development and some of the developments he saw in Texas were really cute, but they weren't really practical. They were not that livable. He continued that he would like to reiterate what was said previously that not all growth is good growth. He anticipates parking problems; he wasn't sure how to address those with a high density like this. He said it is a disturbing trend that he is seeing going around right now.

Commissioner Karisny thanked him. He asked if anyone else would like to speak.

There was no one else.

Someone in the audience asked if they could still send in comments online?

Commissioner Karisny said yes. He then closed the public comment portion of the hearing. He said that they would like to answer some of the questions that they had heard before the Planning Commissioners would give their comments.

This was agreed upon by the Planning Commissioners.

Commissioner Karisny asked Mr. Caris to talk about the questions he had jotted down and that they would start there.

Mr. Caris started with saying that a member of the public asked about not necessarily what the pavement width was but what the right of way width was. He went onto the GIS map and go through Sabil and Hazel Court to answer the questions. He asked Mr. Atkins to explain to the audience the process for an alternative street section and conventional road classifications are for residentially zoned areas.

Mr. Atkins referred to the map saying that this shows Sabil Drive south of the project. He said that Sabil Drive from Maple to Hall Street is a residential collector that is 52 feet of right of way, 36 feet of asphalt. Sabil Drive east of there is a standard local road. He said that traffic has the ability to disburse within the subdivision once one gets to Hall Street. He continued that once this subdivision comes in the Wildwood is going to circle up and around either direction and have another connection over. The only other connection to the east is Wildwood because of the wash. He said that there shouldn't be any traffic from this subdivision that would want to come south to Sabil and up if they were headed east. Otherwise they would just head across Wildwood. He said that there is traffic from the west that uses Sabil and K 6/10 to get over to Pine Street.

Mr. Caris added that the typical local street is 44 feet of right of way and 28 feet of asphalt, which is curb, gutter and sidewalk on both sides of the street.

Mr. Atkins said that this allow parking on both sides.

Commissioner Gollob said that the concern about emergency services accessing that off of 17 ½, is that a concern?

Mr. Atkins said that they would have just as much width to maneuver as they do on a local street with parking on both sides.

Commissioner Gollob then added with parking on one side.

Mr. Atkins said slightly more actually.

Commissioner Karisny made the point that Lower Valley Fire does have the opportunity to comment on any plan that is made, and they will. He continued that this is a concept plan and if it doesn't work for them, they will say so and it would need to be changed.

Someone from the audience asked about the school district having a say.

Commissioner Karisny told them that the school district has the ability to comment on this. He continued to ask questions about the road width. He said that they are talking about standard which is 28 feet.

Mr. Atkins said that standard is 28. He said that the internal roads with the exception of Wildwood to the west is 25 feet of asphalt. Wildwood to the west would be the standard 44 feet with the 28 feet of asphalt.

Commissioner Karisny asked if there were additional questions about the roads.

There were none.

Mr. Caris said that one of the other questions was in relation to parking. He continued that as Mr. Atkins and the applicant had articulated that the plan is to limit parking to one side of the street that would be enforced and would have signs that would indicate that there would be no parking on one side of the road.

Commissioner Purser asked who would enforce that?

Mr. Caris said the Code Enforcement Officer.

Commissioner Purser asked if it would be the Homeowner's Association?

Mr. Atkins said that there would be no parking signs on one side of the street, it wouldn't be just a code, they would have MUTDC signage that says no parking on one side of the road.

Commissioner Karisny asked about the setback for parking in front of the home that has a driveway, they are talking about 15, 25-foot setbacks. He said that when we have a garage that is front facing, is that a 25-foot setback?

Mr. Caris asked if he was speaking to what was in their dimensional standards?

Commissioner Karisny said that he was speaking to the concept plan.

Mr. Caris said that 15 feet was what was being proposed, if there is front facing garages it is 25 feet. He said that was in the proposed PUD plan guide.

Commissioner Karisny asked if there were other questions.

Mr. Caris said that the public asked about the 40-foot building height. He said that in the neighborhoods that surround this proposed development are community residential where the building height is 35 feet. He added that even though there are some ranch homes that are no where near that, they could have been two story houses and up to 35 feet. That is the way the zoning code reads for community residential. That is why a number of new houses being built and a number of houses that were built from 2002 to 2007 had that entitlement as a part of that community residential zone district. They are asking for 40 feet. He wanted to explain that 35 feet is what is allowed.

Commissioner Karisny added that this was under community residential which is what the surrounding neighborhoods are. He asked if the commission wanted to start asking questions?

Commissioner Nisley asked if Lower Valley had looked at it?

Mr. Caris said that they were sent the application but until there is a more formal development to give them the details, the applicant because this is a concept plan, went around to Ute Water, the irrigation company, and to Lower Valley. He said that Mr. Jones will explain that to them.

Commissioner Nisley then asked about public safety for lots 54 – 62 where the access is the alley. He said he thinks there is no offsite parking for any of those units, they have the driveway and the 15-foot driveway space.

Mr. Jones said that this was correct. He said that this section follows what is allowed under current and standard codes. He said that it exceeds it presently with a 20-foot-wide alley access is required. He said that the developer of this project wanted a wider access so he went with a 25 foot alley. He added that this plan was submitted to Lower Valley Fire and discussions ensued with them and their emergency services looked at it and did not have any issues with the transportation network road widths as at had been presented to them. He also said that he wanted to touch upon something some of the neighbor's concerns, there are almost 40 off street parking spaces that are designed as elements on the north, south and west of those areas as a joint use for those wanting to go to the park as well as guest parking spaces and he felt that this was important to note.

Commissioner Nisley asked if most of the units would be 3 bed, 2 bath? He was just trying to figure out parking spaces per family occupied.

Mr. Jones said that the development was looking at a range of sizes and with some smaller homes potentially 1000 - 1100 square foot. They could see some 2-bedroom, 2 bath homes as well.

Mr. Caris said that to explain this more thoroughly, the burden of proof is on the applicant to provide the amenities that drive the request. He said that a part of the PUD guide would have floor plans where those attached units and for the single-family detached units. This is an opportunity to get feedback to see if pursuing in more detail, getting an architect, designing the project is feasible. He said that there will be a lot more detail what each of those units will look like for a floor plan standpoint and they will have an opportunity to evaluate the ability for the

interaction to take place as the project moves forward in greater detail. They will have to provide that because they are creating their own standards that they will have to adhere to each time that they request a planning clearance and each time they request a building permit.

Commissioner Nisley asked if in the Comprehensive Plan they are calling this an R4-8, four units to eight per acre, once the Code is updated to reflect that change, if they came after that process was done they wouldn't need a PUD to conform with the zone area with the density, they would meet that density?

Mr. Caris said yes, the only thing that would change is that they would have dimensional standards. They are proposing those restrictions on themselves that the setbacks, for each one of those zoning designations R4, R5, R6, R7, and R8, they would have their own dimensional standards. He added that those are gross densities, if it were an R8 they typically see these built out at R6 and if it were R6 you typically see it built out at R4. He said that this was another reason why they are petitioning for a PUD because their gross densities are higher than that.

Commissioner Purser said he was seeing at average in the home square footage to be 2100-2900 and that is just a concept at this point. He said that the small house is no longer an option for a young family. He said that the minute these are up for sale they are purchased for above market value and made into a vacation rental. He said that he saw a need for affordable, desirable small homes. He also sees a desire for a smaller home to have a smaller footprint. He said he is excited about the innovative presentation that he is seeing here. His biggest concern is that it actually will be affordable. If it is not then it is not affordable and makes the neighbors unhappy. He said that for this to benefit Fruita, it truly needs to offer options to the young family, single professional, etc. He asked if there will likely to be an 1100 square foot option that is not an luxury 1100 square feet, but an affordable one?

Mr. Jones asked if this was something that the Commission desires to see?

Commissioner said he did, and it would be a reflection of their discussions about the Comprehensive Plan.

Commissioner Nisley said that affordable housing was brought up in the Comprehensive Plan and that this was a big issue that they were having. He continued that having 1100 square feet that is still \$300,000-\$350,000 for the house doesn't meet that affordable definition.

Commissioner Purser said that he is concerned how it affects the neighbors and what he was hearing is what anyone of them would feel when there is an open field next to them and then they no longer do. He said that what he hears is that the transition was uncomfortable. He felt that this could be creatively responded to. His biggest concern is that this will have affordable housing.

Commissioner Gollob said on one hand this is a Concept Plan that checks many of the boxes in the Comprehensive Plan that they spent time going through. He said that seeing that in action here was a good first step. On the other hand, he saw a lot of community concern, especially the neighbors surrounding this that have similar problems. He said that there is something there, but

he is unsure if it is just this. He asked, what accommodations could be made for blocking views especially on the outside versus the inside of the development? He brought up the concerns about parking. He then spoke about the density and traffic concerns. He reiterated Commissioner Pursers question about what creative ways could these be addressed? He said that he applauded the effort to match what they had talked about in the Comprehensive Plan, but there are some issues that he is hearing, and he would like to see those issues addressed to be fully supportive of this.

Commissioner Karisny went back to the general concept of this. He said that it was talked about in the Comprehensive Plan, this was the process that was done over the last 9 months and many of these ideas came from that. He said that this was a Planned Unit Development and it was uniquely different, in the Community Residential that they are living in and these ideas are based upon that. He continued, that some of these ideas are based upon that it has become very expensive to live in Fruita and these are opportunities for young professionals, for us it is the medical people who live here, teachers, cops, those kinds of folks who are starting their careers to come and be able to live in Fruita. He said that the idea of the large open space the developer had a concept that this whole neighborhood and this green space would be the community connecting that green space together. They aren't giving these people back yards, but they are giving them a large space to play in. He said that there is some good research that says that kids that grow up who have access to things like green space, access to neighbors who are their teachers or cops, that they create neighborhoods that are good for kids and this makes a difference in their lives. He said that there are a lot of good ideas in this. He mentioned that when something like this goes into an existing neighborhood 30 years later it is shocking. He said some of the ways this has been mitigated in other subdivisions that they have done; fencing is one of those things. He said that there is a perimeter that goes around the whole thing, a transition of housing types that go from the perimeter and then get denser in the center and denser towards the major street, which would be 17 ½ Road. He said that there is a sensitivity to transitioning from a Community Residential to a higher density multifamily subdivision plan. He said that these are some of the ways to help mitigate that. He said that this is called infill. He said that the entrance and exit is primarily off of 17 ½ Road. He said he wasn't sure that traffic would be the issue. He said that the review authority may require conditions of approval to promote compatibility between uses. He said that the type of uses called out in the PUD guide should align with the surrounding neighborhoods that are zoned Community Residential. He said that he understood that the Community Residential can be 35 feet tall, most of it is not. He also understood for the roof pitch that they need to go to 40 feet. He added that when the Community Plan was looking at the downtown area, they divided it into 6 quadrants, there was a single quadrant that was looking at allowing that based on the input from the community. He said that a 35-foot height limit is a reasonable thing to ask or to expect. He said that there are a number of subdivisions that front collector streets like 17 ½ Road that have 6 foot wooden or plastic fences. He said that they become difficult to see out of. He said they could have an open fence or a lower fenced area. He said that one thing he sees missing is that there is a community of older adults who are moving from their larger single-family homes and moving into smaller homes. He mentioned universal design house, single level, flat threshold, wide doors, so that these older adults can age in place. This may be a great product to put next to the existing subdivisions, Vintner's Farm, Wildwood Estates, that would be single stories, older adults. He thought that there is a need for this and that there is a place for th

at within this. He continued that the concept is what the Community Plan has been talking about but there are a number of tweaks that need to happen. He wanted to know why they are jumping right to 8 and maybe have some single-family homes that are more universal design would eliminate some of the density but would also bring additional generations of people into that neighborhood. He said that the viewshed is something that will be talked about a lot and he is unsure how to preserve that. He talked about row homes that are in the Community Plan that looked like townhomes. He talked more about the quadrants downtown and only one of those had townhomes in it.

Mr. Caris brought up cottage wee homes that were in there also.

Commissioner Karisny said that duplexes were in that area and mixed use. His point was pushing back on the 40-foot-tall row houses or townhomes. He said a better place to do that would be pushing them out to 17 ½ Road and keeping them further away from the existing homes. He said this would help in the transition.

Commissioner Gollob said that he felt this was something that had some promise but with tweaks. He said that with given the ideas that were talked about that it his hope was that he could go back, take those into account, think about what they heard there and see if they could address those comments and concerns as it moves forward.

Mr. Caris said that he bulleted out the comments. He said it was important to not just land on the topics that were discussed but if they are going to formulate a motion in whatever direction he thought it would be prudent for them to put all of that on record even if it is a lengthy motion and so that they were sending a clear message about the areas that have potential concerns from the Planning Commission and from the public. He wanted to be sure that it was articulated correctly and get feedback from the Planning Commission.

Mr. Caris continued that one of the main questions was that they would potentially have under 1200 square foot housing units with no guarantee that they will be affordable units. The Comprehensive plan wasn't tangential or bifrocated, they wanted a mix of housing alternatives but they also wanted them to be affordable. He continued that there is little support for the 40 foot tall, 35 foot is already a by right in the CR zone was talked about, more detail on the parking is going to work within the development and requesting that the applicant come up with a parking plan and enforcement plan, alternative street design questions and how that is going to work and interface as far as the different housing alternatives. With regard to fencing, potentially see into the development rather than having vinyl 6-foot fences. He also mentioned the universal building design and transitioning of density.

Commissioner Gollob asked if traffic was encompassing the street design?

Mr. Caris confirmed this.

Commissioner Gollob asked if that would be added with that?

Mr. Caris said that this should be added.

Commissioner Gollob added especially spill over traffic to neighboring communities.

Commissioner Karisny said in clarifying on the fencing that his comments had to do with 17 ½ Road. He isn't saying to take down the fences and put up smaller ones, but do not put a 6 foot fence along 17 ½ Road to barricade the subdivision. But attention to fencing, as part of the transition.

Mr. Atkins said that there is a 14-foot landscape strip along Maple, so they wouldn't have a fence immediately on the right of way.

Commissioner Karisny that it said the homeowners being responsible for that area between the sidewalk and that strip. He said that what they have learned in the past is that this doesn't work. He said it would need to be an HOA responsible for that area and it works more efficiently that way. He said he would include the fencing as part of the transition. He made an additional point that the addition of housing types reduces the density.

COMMISSIONER PURSER MOVED THAT THEY APPROVE TO RECOMMEND DWELL PUD IF IT MEETS THE FOLLOWING CONDITIONS; TO TAKE A LOOK AT MAKING SURE THE UNITS DRASTICALLY AND OBVIOUSLY PROVIDE SOME AFFORDABLE HOUSING TO THE MARKET, THAT THE HOUSES ARE NO HIGHER THAN 35 FEET TO REMAIN SIMILAR TO THE SURROUNDING ZONING, THAT THE DEVELOPER SHOWS A PARKING PLAN, THAT THEY WOULD AVOID A FENCE CANYON MEANING PUTTING A FENCE ON 17 ½ ROAD LEAVING THAT OPEN AND USING LANDSCAPING AS A BUFFER TO THE STREET BUT THAT THEY WOULD USE FENCING AS A BUFFER BETWEEN THE EXISTING NEIGHBORHOODS AND THAT THEY WOULD PUSH THE HIGHER STRUCTURES IN DESIGN CLOSER TO 17 ½ ROAD AND THE INTERIOR OF THE DEVELOPMENT AND THAT ON THE HOUSING THAT IS CLOSE TO THE EXISTING NEIGHBORS THAT THEY WOULD CONSIDER UNIVERSAL DESIGN SINGLE STORY HOMES TO MEET THE NEEDS OF OLDER INDIVIDUALS AND TO USE THESE HOMES AS TRANSITIONAL STRUCTURES FROM THE EXISTING NEIGHBORHOOD AND MOVING ON INTO THE INTERIOR.

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 4-0 IN FAVOR TO APPROVE THE MOTION WITH THE CONDITIONS

I. OTHER BUSINESS

Commissioner Karisny asked if there were any community development activities.

Mr. Caris said that the Land Use Code Kick Off date would be sent to them. He invited them to participate in certain segments or all of it, whatever worked for their schedules. He talked about the consultant, how often and times they could be meeting, what was included in it and how they would be adopting it.

Adjournment 9:07 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita



FRUITA
COLORADO

MEMORANDUM

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR/CITY CLERK
DATE: MAY 19, 2020
RE: COVID 19 UPDATE

The Finance Director will present an update to the City Council on the current and potential impacts of the COVID-19 pandemic on the City's financial condition using various scenarios. This model will continue to be refined as additional financial data becomes available.

The City Manager will give the Council a general update on new information and impacts of the COVID-19 pandemic on the City's operations.