



**FRUITA CITY COUNCIL  
JUNE 2, 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 Monday, May 25, 2020 as Memorial Day in the City of Fruita to be accepted by American Legion Post 2006 Post Commander KJ Kline
  - B. PROCLAMATION** – Proclaiming Saturday, May 16, 2020 as Armed Forces Day in the City of Fruita to be accepted by American Legion Post 2006 Post Commander KJ Kline
- 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** - A request to approve the minutes of the May 19, 2020 Regular City Council Virtual Meeting
  - B. MINI GRANT AWARD** – A request to approve a recommendation from the Tourism Advisory Council for one mini grant award to Colorado Canyons Association for trail maps

## 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. LEGISLATIVE HEARINGS

- 1) **ORDINANCE 2020-03 – Second Reading – A request to vacate certain street right-of-way along North Sycamore Street located within the City of Fruita**

### B. QUASI-JUDICIAL HEARINGS

- 1) **CIDER MILL PRELIMINARY PLAN – A request to approve a Preliminary Plan application from Cider Mills – Henry Hemphill, City Planner**
- 2) **RESOLUTION 2020-25 – A request for approval of a Site Design Review with an adjustments application for 158 South Park Square and approval of Vested Rights (Lithic Arts building project) – Dan Caris, Planning & Development Director**

## 8. ADMINISTRATIVE AGENDA

- A. **Overview of Fruita Community Center Phase 2 Re-opening Plan – Parks and Recreation Director Ture Nycum**

Revised 6/1/20

9. CITY MANAGER'S REPORT
10. COUNCIL REPORTS AND ACTIONS
11. ADJOURN

# *Proclamation*

## **Memorial Day in the City of Fruita Monday, May 25, 2020**

**WHEREAS**, Memorial Day each year serves as a solemn reminder of the scourge of war and its bitter aftermath of sorrow; and

**WHEREAS**, the Congress, in a joint resolution approved May 11, 1950, provided that Memorial Day should be set aside as a day of prayer for permanent peace; and

**WHEREAS**, today, and every day, let us remember the servicemen and women we have lost and let us honor them by rededicating ourselves to strengthening our Nation's promise. With love, grace, and reflection, let us honor our fallen fellow Americans, known and unknown, who sacrificed their freedom to ensure our own; and

**WHEREAS**, the citizens of the City of Fruita desire to honor and acknowledge those who serve in uniform for their sacrifice and preservation of our American way of life;

**NOW, THEREFORE, BE IT RESOLVED** that the Fruita City Council hereby proclaims

**Monday, May 25, 2020 as Observance of Memorial Day**

in the City of Fruita and urges all citizens of this community to honor those have served and are serving today..

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 2<sup>nd</sup> day of May, 2020.

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Joel Kincaid, Mayor, City of Fruita



# PROCLAMATION

## *Armed Forces Day in the City of Fruita Saturday, May 16, 2020*

**WHEREAS**, Throughout the history of the United States of America, the sacrifices necessary to maintain our liberty and freedom have consistently been borne by citizen soldiers; and

**WHEREAS**, countless men and women of our great city have proudly worn the uniform of the United States Armed Forces; and

**WHEREAS**, many of our fellow citizens are serving today in the war on terror as members of the active military, National Guard or Reserves; and

**WHEREAS**, on Armed Forces Day 2020, it is appropriate for individuals and families to reflect upon the sacrifices of our fellow citizens and to celebrate their dedication; and

**WHEREAS**, the citizens of the City of Fruita desire to honor and acknowledge those who serve in uniform for their sacrifice and preservation of our American way of life;

**THEREFORE**, We, the Fruita City Council, on behalf of Mayor Kincaid, do hereby proclaim May 16, 2020 as Armed Forces Day in the City of Fruita and urge all citizens of this community to honor those who have served and are serving today.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause to be affixed the official seal of the City of Fruita this 2<sup>nd</sup> day of June, 2020.

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Joel Kincaid, Mayor of the City of Fruita



**FRUITA CITY COUNCIL  
VIRTUAL MEETING  
MAY 19, 2020  
5:00 P.M.**

**Public Link to Meeting**

When: May 19, 2020 7:00 PM Mountain Time (US and Canada)

Topic: City Council Meeting – 5/19/2020

The link to join the meeting electronically will be posted on 5/19/20 prior to the meeting at [www.fruita.org/covid19](http://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 7:02 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  
Planning & Development Director Dan Caris  
City Planner Henry Hemphill  
Public Works Director Ken Haley  
Members of the public

**3. AGENDA – ADOPT/AMEND**

Mayor Kincaid asked if there were any changes to the agenda. Deputy City Clerk Deb Woods answered that there were no changes to the agenda.

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

#### **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**

Mayor Kincaid read the Proclamation, which was accepted by Public Works Director Ken Haley on behalf of all his employees, with whom he pledged to share the Proclamation. Mr. Haley expressed his thanks for everyone’s support.

#### **5. PUBLIC PARTICIPATION**

Mayor Kincaid gave attendees who had joined the meeting virtually instructions on how to submit public comments. The City’s Management Analyst/Zoom meeting host Shannon Vassen confirmed that there were no comments from the public.

#### **6. CONSENT AGENDA**

- A. MINUTES:**

- 1) A REQUEST TO APPROVE THE MINUTES OF THE APRIL 23, 2020 SPECIAL CITY COUNCIL MEETING**
- 2) A REQUEST TO APPROVE THE MINUTES OF THE MAY 5, 2020 REGULAR CITY COUNCIL MEETING**

- B. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A HOTEL & RESTAURANT – MALT, VINOUS & SPIRITUOUS LIQUOR LICENSE FOR KARMA KITCHEN LOCATED AT 229 E. ASPEN AVENUE**

- C. LIQUOR LICENSE RENEWAL – A REQUEST TO APPROVE THE RENEWAL OF A BEER & WINE LIQUOR LICENSE FOR PABLO’S PIZZA OF 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 OF 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**

Mayor Kincaid opened the public hearing on the Consent Agenda. After Mr. Vassen confirmed that there were no public comments, Mayor Kincaid closed the public hearing and invited the Council to ask questions, comment, remove Consent items for further discussion or make a motion to approve.

Councilor Buck explained that because the City had heard some concerns about the vacation of the North Sycamore right-of-way, she wanted to reiterate that all the Council was currently doing was setting a hearing date for the Council to hear the full project on June 2, 2020.

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

**7. PUBLIC HEARINGS**

**A. QUASI-JUDICIAL HEARINGS**

**1) DWELL PUD CONCEPT PLAN APPROVAL – DAN CARIS, PLANNING & DEVELOPMENT DIRECTOR**

Mayor Kincaid explained the quasi-judicial public hearing process and gave the public meeting attendees instructions on how to virtually participate. The Mayor also pointed out that there were written public comments received by staff in the last two days that would be read into the record.

Planning & Development Director Dan Caris gave a PowerPoint presentation on the Dwell PUD Concept Plan application - a request for a 70-lot subdivision consisting of over approximately 8.8 acres with density of 7.95 dwelling units per acre with 53 attached units and 17 detached units located at 1136 17 ½ Road and 796 N. Maple Street in a Community Residential Zone. The overall plan contains four filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

Mr. Caris reviewed all dates and methods of legal notices of public hearings on the project, the project description, the Planned Unit Development (PUD) process, zoning map, aerial photograph of the subject property, concept drawings and data concerning traffic impacts. The primary access is proposed to be off Wildwood Drive, which is an existing stub from the Wildwood Acres Subdivision as well as North Maple, otherwise known as 17 ½ Road.

All internal streets within the subdivision are proposed to have 25 feet of asphalt with a detached sidewalk on one side landscaped between the street and the sidewalk. There's also a proposed alley access that will provide primary access for 21 of the units. In addition, there are 1.59 acres of open space, which is nearly 20% of the overall acreage and will contain benches, trails and playground

equipment. A large park is centrally located in the subdivision and approximately 50% of the homes will have views of this park.

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 to ensure the property is zoned accordingly.

City Engineer Sam Atkins reviewed the traffic impacts based upon the ITE Trip Generation Manual and the proposed access points of the proposed subdivision. He concluded that there would not be a tremendous amount of additional traffic that will be generated within the subdivision, although there will be additional traffic on collector streets, which is where the City wants them.

Mr. Caris then provided an overview of the fifteen (15) Land Use Code approval criteria that, according to staff, the project has either met or can be met and the portions of the Fruita Master Plan to which the project conforms. He pointed out that the range of lot sizes that are being proposed go up to 7.9 dwelling units per acre and it is staff's position that Fruita's Comprehensive Plan and future Land Use Map support that kind of density in that area. Staff believes that the development will create some housing alternatives or mixes that the City doesn't otherwise presently have.

At the Planning Commission meeting, there were a number of concerns from members of the public and members of the Planning Commission regarding building height, parking, affordability of the homes, density, fencing and universal building design. Mr. Caris acknowledged that staff had also received written comments the previous day and even earlier in the same day as the public hearing.

Mr. Caris stated that 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 Attorney Paul Wisor explained that a PUD application is different from the typical application because the applicant is looking to step outside the zoning criteria within the Land Use Code and essentially negotiate with the City Council looking for flexibility to find a development that works for the developer and the City within the broad concepts of the Comprehensive Plan. He advised that with this type of application, the Council has greater flexibility to ask questions, provide input or suggestions and encouraged them to do so because the developer is going to expend a significant amount of resources in order to move forward.

Mr. Robert Jones, II with Vortex Engineering entered a PowerPoint presentation into the record as the owner's representative. The presentation consisted of Mr. Jones' review of a location map, the City's future Land Use Map (contained in the newly adopted Comprehensive Plan), zoning map, concept drawings and (Concept) Site Plan. He emphasized that the recently adopted Comprehensive Plan has the property classified as residential with four to eight dwelling units per acre and the goal of the Land Use classification was to encourage infill development such as the subject property to make more efficient use of existing infrastructure and a variety of housing types.

Mr. Jones’ also presented his report on examples of the types of housing that may be built, proposed Dwell PUD Standards, analysis of proposed deviations, approval criteria and Review Agency and public comments. Proposed deviations from the Fruita Land Use Code include:

- Minimum Lot Area: (2,900 sf for single-family detached homes and 2,100 sf for single-family attached homes designed for modern row houses that are consistent with urban design)
- Front Yard Setback: Front yards set at 15 feet (with a consistent streetscape in order to bring the homes closer to the street to create a greater sense of community)
- Side Yard Setback: No deviation
- Rear Yard Setback: No deviation
- Maximum Lot Coverage: (40% for single-family detached homes and 60% maximum for single-family attached homes)
- Maximum Height: 40 feet is being proposed for both single-family detached and attached homes and 16 feet is being proposed for accessory structures.

Mr. Jones stated that the following relevant Land Use Code sections have been addressed and that the Dwell PUD meets or can meet all of the individual criterion for them:

- Section 17.11.020(B): Adjustments
- Section 17.15.060(C 1-5): Sketch Plan Review
- Section 17.13.060(B): Rezone
- Section 17.17.010: General Purpose
- Section 17.17.030 (1-4): Planned Unit Development and compliance with Titles 8, 9, 12, 13 and 15

Mr. Jones affirmed that all review comments have either been addressed or will be addressed through the subdivision review process. He added that at the time he prepared his presentation, no public comments had been received, but he understood that some had been received by staff very recently.

At the March 10, 2020 meeting, the Fruita Planning Commission made a recommendation of approval to the City Council with conditions after a finding that the Dwell PUD meets or can meet the approval criteria of the Fruita Land Use Code.

Mr. Jones requested approval of the Dwell PUD Concept Plan.

Mayor Kincaid opened the public hearing by reading into the record three (3) separate written public comments received by staff the preceding day (May 18, 2020):

	Name	Address	Summary of Comments
1.	Laura Cantrell	520 Hazel Circle Fruita, CO 81521	<ul style="list-style-type: none"> <li>• Density is too high</li> <li>• Setbacks are too short from street</li> <li>• Buildings are too tall (looking down on Sabil Dr.)</li> <li>• Buildings are too close together</li> </ul>

			<ul style="list-style-type: none"> <li>• Streets are too narrow</li> <li>• Houses are too small</li> </ul>
2.	Sue Holmes	775 Hall Street Fruita, CO 81521	<ul style="list-style-type: none"> <li>• Number of housing units should be reduced</li> <li>• Consider restricting density to R 4 maximum</li> <li>• Setbacks should be wider or longer</li> <li>• Streets should be widened</li> <li>• Driveways should be lengthened</li> <li>• Maximum height of homes should be no more than that of surrounding homes in neighborhood</li> <li>• Parking is too limited; does not allow for more than one car per household, large vehicles or visitors</li> </ul>
3.	Jason Haire	Orchard Valley Subdivision, Fruita (exact address not given)	<ul style="list-style-type: none"> <li>• Increased traffic burden on N. Maple Dr.</li> <li>• Bridge crossing LSW might not be capable of supporting weight</li> <li>• Increase risk to pedestrians (particularly children) on bridge</li> <li>• Asked if LVFPD had been consulted regarding required fire flows, hydrant(s) and emergency vehicle access</li> <li>• Asked if owner and/or staff have considered appropriate layout for improved access and suitable safer construction materials or methods</li> </ul>

Deputy City Clerk Deb Woods noted that there was one additional written public comment that staff had received earlier in the day (May 19, 2020) and she read it into the record.

	Name	Address	Summary of Comments
4.	Doug & Helen Robinson	512 Hazel Circle Fruita, CO 81521	<ul style="list-style-type: none"> <li>• Two-story homes will affect their privacy and view immensely.</li> <li>• Suggested having the perimeter that backs up to all existing houses as a common area first with landscaping and sidewalk, then add the street and houses.</li> <li>• Suggested reducing number of homes by one-third.</li> <li>• “Look” of development does not blend in and will look out of place.</li> </ul>

			<ul style="list-style-type: none"> <li>• Consider having outer perimeter contain “small ranches” of affordable housing for aging community.</li> <li>• Proposed housing not affordable.</li> <li>• Proposed community will ruin their sense of “small town-feel.”</li> <li>• Development feels like American “greed.”</li> </ul>
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Mayor Kincaid asked if there were any further comments from the public. Management Analyst Shannon Vassen noted that Zoom meeting attendee Sherry White has raised her hand to speak, but due to technical difficulties, Sherry’s comments were not heard.

Mayor Kincaid asked Mr. Jones for his rebuttal to the written comments that were read into the record. Mr. Jones responded that in his opinion and in terms of the concept of density, this type of project is exactly what the Comprehensive Plan envisions after the City and community underwent the entire process of establishing the Plan and its goals for the City.

Mr. Jones continued that concerning parking, the Dwell PUD project exceeds the Land Use Code requirements for parking and the parking pods that were developed to the northwest and south of the park weren’t required but were added as an amenity. The project consists of 29 parking spaces in the one parking area alone and the homes would have garages as standard for single-family attached and detached structures.

Mr. Jones stated that he had no concerns about the durability of the bridge on 17 ½ Road and that the Lower Valley Fire Department did review the Dwell PUD project and provided comments, which were already addressed by Vortex Engineering.

Concerning the concept of some kind of perimeter landscape instead of a more centralized park theme, Mr. Jones said that the central park was done in an effort to have as many units as possible directly face the park. He added that the perimeters to the north and south of the subject property are primarily single-family detached units just like those that exist to the north and south on the other side of the fence. On the east side, there will be single-family attached because those are duplex units which frequently coexist with single-family detached structures.

Mr. Jones addressed the comments about affordable housing and “ranches” by saying that these were already integrated into the project; there will be homes that will be as small as 1,000 square feet and will range up to 2,500 or 2,600 square feet maximum. He reiterated that one of the goals in the Comprehensive Plan is to provide a wider variety of housing types, which is what the Dwell PUD will do.

Mayor Kincaid called upon the Council members for their questions and input.

Councilor Breman asked what the current maximum building height is for the Community Residential zone. Mr. Caris answered that it is 35 feet.

Councilor O'Brien asked Mr. Jones what the sale price and monthly rent of the homes will be. Mr. Jones responded that the price range of the homes has not yet been established, but because there will be smaller homes within the project, the sale prices will be reflective of that.

Councilor O'Brien said she needs to know this information in order to make a decision. City Attorney Paul Wisor explained that the Land Use Code speaks to "attainable housing," but it doesn't really define exactly what that means, so it is tough within a PUD context to mandate that there is a price point at which houses are going to be sold. He wondered if Mr. Jones could provide some sort of a range or estimate in house pricing, even if he couldn't do it at this meeting. He added that this wasn't incumbent upon the applicant at this point given that it was just a Concept Plan.

Councilor O'Brien asked if the developer has an intention to create attainable housing or if the developer is just trying to maximize the number of units on a lot for capital gain. Mr. Jones replied that in all reality, the market is what will determine sale price of structures and homes. He reiterated that the homes of 1,000 square feet will have pricing that will be reflective of that, but that it was too soon to establish home sales price ranges right now.

Councilor O'Brien asked how many units will be in the 1,000-square foot range and how many will be in the 2,500-range. Mr. Jones responded that at this point, that is also unknown but that the developer does want to provide attainable housing with the project.

Councilor O'Brien noted that Mr. Jones had said in his presentation that there will be the possibility for rentals to happen in the subdivision. Mr. Jones said this was to allow homeowners to have Vacation Rentals by Owners (VRBOs).

Mr. Caris added that there could be more discussion about the City's short-term rental regulations when the project is in the zoning stage.

Mayor Kincaid said he had just received a text from Sherry White (who was attempting to join the meeting virtually earlier) and she wanted him to read the following into the record:

"Mr. Kincaid, My name is Sherry White. For some reason, I cannot get through via the computer or phone, I'm not sure what's going on. I just wanted to basically concur with the three letters that were written. I thought the last two in particular were particularly eloquent, well-studied and addressed many of the points of concern that I have. And I am sincerely hoping that our Planning Commission and City Council would take a very hard look at this development as now presented. (Mayor Kincaid said he asked Sherry for her address for the record) Yes, certainly I would like for it to be read for the record and I'm so sorry about that. Anyway, my address is 231 Ponderosa Drive in Orchard Valley East."

Mr. Jones did not have any rebuttal for Ms. White as she basically concurred with the other public comments that he had already addressed.

Hearing no further public comments, Mayor Kincaid closed the public hearing. He returned to the City Council for their questions and/or comments.

Councilor Kreie said that he likes the idea of a new subdivision that allows short-term rentals outside of the downtown and the idea that the development could bring attainable housing. He also liked the style and density of the houses, noting that he went there to see how views might be impacted and he didn't really see too much of an issue. He asked if the developer might be building three-story houses considering the Concept Plan proposes that they are going to be 40 feet in height. Mr. Jones said that there would not be any three-leveled houses but with the pitches of the roofs proposed, fitting them in under 35 feet becomes a real struggle.

Councilor Kreie stated that based on the types of architecture shown and descriptions provided in Mr. Jones presentation, he is excited about the project. He also liked the infill aspect versus building on the outside edges of Fruita, but acknowledged that the short-term rental component would be something the Council would need to further discuss down the road.

Mr. Jones asked if it was City Council's opinion that building a three-story development would be detrimental if it was kept underneath the 40 feet. Councilor Kreie said it really wasn't that; he just wondered if the height was proposed as such to give the developer some flexibility. He added that he spoke to several people who don't want any tall structures there and so he wondered how important the extra five feet are.

Councilor Harvey pointed out that in the past, the City has stressed trying to "feather" the boundaries of new developments so that they are of similar height and size lots to those that are directly adjacent to them. He said that he is also excited to see something different for Fruita and that there's probably a market for those smaller lots, but he wondered if they are going to get snatched up by people that live in Denver or Aspen that just want to buy vacation homes or VRBOs.

Councilor Leonhart said she had the same concerns as the Planning Commissioners and the Council members that had already spoken about such as the height issue. She pointed out that she has lived on both Hazel Circle, Sabil Drive and in Orchard Valley Subdivision, so she is very familiar with the area.

Councilor Leonhart continued that she sees it as a great, innovative project that really connects to the Fruita Comprehensive Plan. She asked if the last PUD that the Council saw was Windsor Park. Mr. Caris responded that the last one was actually the Gewont Townhomes PUD Subdivision and prior to that it was many of the projects that were done between 2005 and 2008 with the final filing of Adobe Falls in the south Fruita area.

Councilor Leonhart recalled how Windsor Park was so different but turned out to be an okay place that provides opportunities in housing. She added that the City really needs to furnish smaller houses and yards and that the houses she lived in in Orchard Valley were 1,200 square feet, which is still a pretty small footprint, so she sees the Dwell PUD as being very compatible and that the parking issues are going to be okay.

Councilor Leonhart also said that she foresaw potential traffic issues in the future on K.6 Road at the section where there are county properties on the north side and no sidewalk. Mr. Jones responded that it is likely that the traffic on J 6/10 Road will increase, but that it will be relatively minimal. Councilor Leonhart thanked Mr. Jones for putting forth the project because although different, the City really needs it.

Councilor Buck said she thinks the property is the perfect space for a project of this density and that it will be very unique and popular. She said she wants to see a change on the perimeter lots to reduce the building height from 40 feet. She also wants to know what kind of fill dirt would be used to raise those lots because this could add to the height and when somebody is looking down into someone else's backyard, that destroys a person's sense of home and place more than anything. Councilor Buck noted that she had no problems with 40-foot heights on interior structures where there could be a feathering effect implemented, but that the perimeter homes should be shorter for sure and perhaps even be required to be ranch-style homes to minimize the impact.

Councilor Buck added that her only other concern was the short-term rental component. She wondered if there could be something in the covenants that the HOA could enforce to ensure that there are not several absentee landowners using homes strictly as VRBOs because that could lead to properties not being taken care of. Mr. Wisor advised that the PUD Guide could disallow short-term rentals but Councilor Buck said she did not want to prohibit them, either, and then wondered if there could be a covenant stipulation that absentee homeowners would not be allowed to participate in the HOA. Mr. Wisor advised that this would be difficult to do.

Mayor Kincaid asked if the park would be maintained by the City or the HOA. Mr. Jones answered that as designed, the park would be owned and maintained by the HOA.

Mayor Kincaid asked for confirmation that all of the 2+ units would be on the interior of the project. Mr. Jones confirmed this to be true and added that limiting the perimeter homes to 35 feet in height could be incorporated into the plan. He also pointed out (addressing Councilor Buck's second concern) that it is absolutely necessary for VRBOs to be kept up because they depend upon good comments, ratings and reviews, so he did not foresee that as being an issue with the development.

Mayor Kincaid said he agreed with the perimeter houses having lower height restrictions. He said he liked all the parking, trails and connectivity but did not want to see any three-story structures as part of the development. Otherwise, he thought the architectural style fits very well and that the project will be new and unique.

Councilor Kreie asked if the Land Use Code would allow for the building of a 35-foot tall house eight feet away from the property line if the subject property were zoned Community Residential (CR). Mr. Caris responded that in the CR zone, what is allowed is a 16-foot total side setback with a maximum building height of 35 feet. For example, lots can split the difference with an 8-foot side setback, or provide a maximum of 11 feet on one side setback and a minimum of 5 on the other side setback.

Councilor Kreie pointed out that there are many houses on the outer edge of the existing developments that have mature trees that are much taller than 40 feet, so he thinks there are some areas where a two-story home can still work and still provide plenty of privacy.

Councilor Breman commended Mr. Jones and his team, saying he feels that they captured the spirit of the Comprehensive Plan quite well and added that it will be interesting to see how much the 1,000-square foot homes will be with market-driven pricing.

Councilor Buck reiterated that in her opinion, the Council should encourage ranch-style homes, especially when the density is being increased so much compared to existing neighborhood homes. She said she would like to see homes that are even a lot shorter than 35 feet tall encouraged while allowing the 40-foot homes that are not adjacent to existing structures to be built in the center of the subdivision.

Councilor O'Brien said she would still like more information on how many of the homes will be 1,500 to 2,000-square feet and asked if any other Council members were interested in putting conditions on short-term rentals because she thinks there are other concerns and considerations besides keeping them up.

Councilor Kreie asked if the City would be revisiting short-term rentals in the Land Use Code update soon and if the issue could be addressed for this project then.

City Manager Mike Bennett responded that staff does have short-term rentals listed as a section of the Land Use Code that will be addressed in the update, but that discussions in the past have been focused more on Fruita's downtown core and not in HOA- or covenant-based subdivisions.

Mr. Caris explained that the Council didn't really need to look at conditions yet because that would be taking place as a part of the zoning application in the future. He said quite frankly, PUDs make their own rules and with an underlying zone of CR, the Council would be seeing all the applications for each short-term rental anyway. Mr. Bennett agreed and added that the applicant is mainly seeking feedback and guidance in order to design the project to bring it back to the Council again. Mr. Wisor agreed that there was no need to adopt any conditions right now but that it is helpful for the applicant to know which direction the Council is heading and where they will be coming from in the future.

Councilor Breman said it was clear that there was some consternation about short-term rentals and asked Mr. Jones if either allowing or denying them would impact the design of the project moving forward. Mr. Jones responded that he would prefer to reserve the right of allowing short-term rentals just like the right anyone else who owns a home in the City of Fruita has and reiterated what Mr. Caris had said about the Council having to see Conditional Use Permit applications for each VRBO anyway. He added that he would assume that the Council would enact amendments to the Municipal Code if the members felt like the City was getting too many of them.

Councilor Breman again asked if the VRBO issue impacts the designing of the project. Mr. Jones said that it is important to the project because a potential buyer should be able to do what they want with their home as a homeowner. He stated that the developer is not planning to keep homes to turn into short-terms rentals and that he is a local, long-time Fruita resident with an excellent reputation for building quality developments. Mr. Jones added that allowing short-term rentals is an important part of the business model for the proposed development.

- **COUNCILOR BUCK MOVED TO APPROVE THE PROPOSED DWELL PLANNED UNIT DEVELOPMENT CONCEPT PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY**

**RESOLVED WITH THE PRELIMINARY PLAN APPLICATION WHICH WILL INCORPORATE PERIMETER HOMES THAT ARE MORE COMPATIBLE WITH EXISTING ADJACENT RANCH HOMES (IN HEIGHT) AND INTERIOR HOMES HAVING THE 40 FEET (IN HEIGHT) EXEMPTION.**

Councilor Breman asked for clarification on the motion that the perimeter homes either be less than 35 feet or max out at the current zone requirement of 35 feet. Councilor Buck responded that because the density would be doubled, she was asking for less than 35 feet in height.

- **COUNCILOR KREIE SECONDED THE MOTION. THE MOTION PASSED WITH SIX VOTES.**

## **8. ADMINISTRATIVE AGENDA**

### **A. COVID-19 UPDATE**

#### **1) FINANCIAL UPDATE – MARGARET SELL, FINANCE DIRECTOR/CITY CLERK**

City Clerk/Finance Director Margaret Sell provided the financial update. Mayor Kincaid noted that he and the Council members received a copy of her PowerPoint presentation earlier in the day. Mrs. Sell reviewed the following:

#### **GENERAL FUND:**

- 2019 additional revenues of just under \$1 million and reductions in expenses of \$1.5 million (\$317,000 of these reductions have been re-appropriated for use in 2020 for completion of projects and equipment purchases)
- City sales tax for the month of March was up 47%.
- Use tax on motor vehicles was down about 6% in March over the prior year.
- Use tax on building materials saw a 317% increase but a 55% decrease in April.
- County sales tax is down 5% in March.
- Increase of \$165,000 in sales tax revenues for March over last year
- Sales tax revenues increase in March of 2020 due to oil and gas activity
- Strong growth shown in grocery, drug, liquor and hardware stores of about 48% in March of 2020 compared to 2019
- Losses in revenues compared to prior years in communications, other services, rental & leasing and restaurants/fast food, utilities and lodging
- An additional \$22,000 in sales tax revenue for the month of March 2020 in remote sales (online retail)
- \$435,000 identified by staff in expense reductions and/or savings in the 2020 General Fund Budget consisting of \$175,000 in personnel services, \$130,000 in other expenses, purchased services \$67,000, capital \$54,000 and supplies \$8,300 - \$8,900

- Seasonal and part-time employee reductions of \$174,485 (mainly Parks, Public Works, vacancies/reclass and Recreation)
- Expense reductions for cancelling the fireworks show, purchased services, professional development, Fruita Municipal Code outsourcing, postponement of capital expenses and supplies
- Three General Fund projected scenarios for Unassigned funds, revenue loss, expense reductions, ending of Fund Balance (Unassigned) and use of Fund Balance
- Use of Fund Balance could range anywhere from -\$105,624 to -\$825,810.

#### **COMMUNITY CENTER FUND:**

- 2019 addition of \$1.2 million – an \$844,000 variance to what was budgeted, resulting from increases in city sales and use taxes and reductions in expenses for operations, capital and debt service
- COVID-19 significant impacts from the FCC being closed to the public effective March 15, 2020 as a preventative measure against the potential spread of the corona virus
- Suspension of monthly fees for passes and memberships and refunds of fees for cancelled programs and activities
- Fitness area reopened effective May 11 on a very limited basis and daily use fees have been implemented in lieu of monthly passes due to the limited access to facility amenities.
- Three Community Center Fund projected shortfall scenarios (based on lengths of closures) for Use and Sales tax revenues, passes, program fees, room rentals and other
- Reductions in expenses at the FCC of \$303,975 for personnel services, capital, purchased services and supplies
- Three Community Center Fund projected scenarios for Unassigned funds, revenue loss, expense reductions, ending of Fund Balance (Unassigned) and use of Fund Balance
- Use of Fund Balance could range anywhere from -\$114,663 to -\$522,610.

#### **MARKETING AND PROMOTION FUND:**

- Addition of \$19,683 to fund balances in 2019 as a result of additional revenues and reductions in expenses
- Lodging tax revenues decrease of 43% for the month of March over the prior year
- Expense reductions identified in marketing contract with Slate Communications, postponement of billboard improvements, postponement of special events and mini grants
- Five projected scenarios with reductions ranging from -25% to -50% (April to December), -50% through June/-25% July to December) and -40% through June/30% July to December

- Use of Fund Balance could range anywhere from -\$1,200 to -\$31,000 but Mrs. Sell anticipates it will probably be around -\$13,000 to -\$14,000.

### **LOOKING FORWARD:**

- Actual and forecast numbers will be reviewed on an ongoing basis and will be updated as needed.
- Forecast numbers are focused on major revenue sources and are not intended to be comprehensive.
- Impact to reserves assumes budgeted expenses except where noted differently.
- Enterprise Funds are not forecasted to decline significantly but will continue to be monitored. Budget reductions of \$70,000 have been identified in the Sewer Fund and result mainly from personnel vacancy savings and postponement of capital equipment purchases.
- Formal budget amendments will be brought to the City Council for action in June.

## **2) GENERAL COVID UPDATE – MICHAEL BENNETT, CITY MANAGER**

City Manager Mike Bennett provided the general COVID-19 update for the City. He went over the following:

- Federal COVID-19 update
- State COVID-19 update
- County COVID-19 update
  - ❖ Mesa County Health Department (2<sup>nd</sup>) waiver request
- City COVID-19 update
  - ❖ Civic Center open for appointments only while practicing social distancing measures, masks & sanitization of areas
  - ❖ FCC week one of being open
- Messaging
- Road projects
- May 26 Workshop meeting
- June Council meetings
- June Workshop – Goals/Action Items

Mr. Bennett explained that everyone is waiting for May 25<sup>th</sup> or soon after for the next steps related to the Governor's Safer-at-Home Executive Order. County updates include:

- Mesa County remains at 53 positive tests, 53 recovered
- 0 of 8 remain hospitalized (under 30 threshold)
- 2.5% positive (under 10% threshold)
- Testing (widely open now, County encouraging more testing)
- Waiver request to Governor is being sent asking for all businesses in Mesa County to have the ability to be open at 50% capacity no matter

what type of business they are if they follow up to 17 health safety precautions.

- Letters of support throughout the valley of Mesa County's waiver request have been sent to the Governor's office. The hope is that there will be an approval much quicker than what was had on the first waiver request.
- An email from the Council will be sent in addition to the letters of support advocating for the County's waiver request.

Mr. Bennett mentioned the good news that because construction pricing has come in so favorable, the City is able to do a nine-foot wide sidewalk on the full length of K.4 Road. The original scope allowed for only some sidewalk and road improvements on the east side of the road. The City still does not have the funds to do the road improvements, but can do the sidewalk with drainage improvements underneath it that will not have to be sacrificed when the drainage in the road needs repaired in the future. The project is currently under Budget and construction has already begun.

In addition, the City recently entered into a Chip Seal Contract and those prices came in so advantageous that additional chip sealing in more areas has been added to the scope of work.

At the end of the discussion, the Council came to consensus on the following:

1. The May 26, 2020 City Council workshop meeting will be held in person at 6:30 p.m. using social distancing requirements (the only agenda item is a team-building discussion).
2. The June City Council meetings on the first and third Tuesdays will be held virtually via Zoom.
3. The Council will send an email supporting Mesa County's waiver request the ability to open businesses to 50% capacity with the implementation of the Health Department's list of precautionary measures.

## **9. COUNCIL REPORTS AND ACTIONS**

### COUNCILOR LORI BUCK

Lori reported that the Grand Valley Regional Transportation Committee (GVRTC) met two weeks prior to mandate wearing masks. The board will meet again to discuss the CARES Act funding and how the GVRTC may spend those funds. She said that she needed to get with Mike and Ken Haley to discuss it because it is important to Fruita.

Lori asked Matthew if he planned to attend the Grand Junction Economic Partnership (GJEP) meeting the follow day and he said he was. Matthew asked if GJEP knows that the City of Fruita appointed him to replace Lori as a member of the board and Lori said she received an email containing the agenda so she didn't know if GJEP was aware of the change or not.

Mike said he knew that Executive Director of GJEP Robin Brown was aware of the change but he didn't know if she shared that with the board or not. Mike told Matthew that he planned to attend the meeting as he is on the board as an ex-officio member.

Lori announced that she was asked to participate in a Congressional Briefing to support the Land and Water Conservation Fund (LWCF) and added that she was happy about it because Fruita's story is really interesting in how the City managed to diversify the economy and what all that means. She said it will be a great opportunity to highlight Fruita and that it was well-received.

COUNCILOR HEATHER O'BRIEN

Heather explained that she had forgotten her notes from the Planning Commission meeting since she had to come to City offices because the internet at her house was not working. She said there were a lot of agenda items, many of which will come before the Council on June 2<sup>nd</sup>.

COUNCILOR KAREN LEONHART

Karen reported that the following week there would be a Museum of Western Colorado's board meeting.

COUNCILOR KYLE HARVEY

Kyle said he has yet to have any meetings for the Arts and Culture and Historic Preservation Boards, so he had nothing to report.

COUNCILOR KEN KREIE

Ken reported that the Downtown Advisory Board met virtually the previous week but there wasn't much to report about it.

He also reported that the Associated Governments of Western Colorado (AGNC) will be having their monthly meeting the following day via Zoom and he asked if anyone wanted the meeting link sent to them because he could not attend. The board will be discussing a state legislative update. In addition, former Senator Ray Hanes and Rose Pugliese will speak about the National Popular Vote bill and will give an update from the Congressman and Senator's offices.

COUNCILOR MATTHEW BREMAN

Matthew replied to Ken by saying that he wished he could attend the AGNC meeting but that his schedule wouldn't allow it.

Matthew had nothing else to report yet as his GJEP meeting was the following day at 7:30 a.m.

MAYOR JOEL KINCAID

Joel stated that the Tourism Advisory Council had met but that Mike had already reported on it and covered everything that needed to be shared with the Council.

**10. ADJOURN**

With no further business before the Council, the meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Debra Woods  
Deputy City Clerk  
City of Fruita

DRAFT



# FRUITA

COLORADO

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## AGENDA ITEM COVER SHEET

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**TO:** FRUITA MAYOR AND CITY COUNCIL

**FROM:** SHANNON VASSEN, MANAGEMENT ANALYST

**DATE:** JUNE 2, 2020

**RE:** A REQUEST TO APPROVE A RECCOMENDATION FROM THE FRUITA TOURISM ADVISORY COUNCIL FOR ONE MINI GRANT AWARD TO COLORADO CANYONS ASSOCIATION FOR TRAIL MAPS

### **BACKGROUND**

In the 2020 Budget, the Fruita City Council approved \$4,000 in funding in the Marketing and Promotion Fund to be used for mini grants that support smaller events and promote tourism in Fruita. These mini grants are recommended for funding by the Fruita Tourism Advisory Council (“FTAC”) after an application process and are awarded on a first-come first serve basis. These grants are paid on a reimbursement basis.

The FTAC recently received and reviewed one mini-grant application from the Colorado Canyons Association (“CCA”). CCA is requesting a \$500 mini grant to help fund maps for visitors at McInnis Canyons National Conservation Area trailheads. The application states that “these maps contain detailed knowledge of the trail systems and facilities at the Devils Canyon, Pollock Bench, and Rabbit Valley Areas, which are complex system of trails that may be confusing to visitors and locals”. CCA is requesting reimbursement for the printing costs of the maps.

At a special remote meeting on May 14, 2020 the FTAC discussed the application and made the following recommendation to the City Council: CCA receive up to \$500 in mini grant funding to be used for reimbursement of printing costs for maps. This recommendation was approved unanimously by the FTAC.

### **FISCAL IMPACT**

If this recommendation is approved, the balance of the mini-grant line-item will decrease from \$2,500 to \$2,000 for the rest of this year.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

This project promotes quality of place by providing a free resource to locals and visitors that helps with wayfinding when recreating.

### **OPTIONS AVAILABLE TO THE COUNCIL**

1. Approve the recommendation from the Fruita Tourism Advisory Council and award \$500 from the mini-grant line item of the Marketing and Promotion Fund to CCA for maps.
2. Advise staff to revise grant funding amount/request.

### **RECOMMENDATION**

Staff recommends approving the recommendations from the Fruita Tourism Advisory Council for one mini-grant award to Colorado Canyons Association for \$500 to be used on maps.



## 2020 Mini-Grant Application Form

### Contact Information

**Name:** Sara Brooker

**Affiliation/Organization:** Colorado Canyons Association

**Contact Person:** Sara Brooker

**Phone Number(s):** (970) 263-7902

**Address:** 543 Main St Ste. #4, Grand Junction, CO 81501

**Email(s):** sara@canyonsassociation.org

### Type of Project/Event

**Please provide a summary describing your project or event. Please address the following (if applicable) in the description: type of event/project (block party, marketing materials), event location, material distribution, event dates, products, impact on the local community and surrounding area, estimated number of attendees, and printed materials.**

For the past 4 years, Colorado Canyons Association has been providing free tear-off maps to visitors at the Fruita front country trailheads in McInnis Canyons National Conservation Area (NCA). These maps contain detailed knowledge of the trail systems and facilities at the Devils Canyon, Pollock Bench, and Rabbit Valley areas. These areas are known to have a complex system of trails that may be confusing to many visitors without a map, especially tourists. The goal of our maps is to help clarify the trail systems and provide a fun, recreational, and safe experience to *all* visitors, locals and non-locals alike.



Over time, the trails in McInnis Canyons NCA have changed and evolved. In order to provide visitors with the most accurate and current information, we have received the latest graphics from the Bureau of Land Management and would like to print new, up-to-date maps.

Since 2016, CCA has been providing maps at the aforementioned trailheads. The City of Fruita helped fund our initial project in 2016 and it has been a huge success over the past 4 years. Every year, roughly 4,000 maps are supplied to the public at no cost to them. With a map in hand, visitors can enjoy many of the beautiful trails and landscapes that Fruita has to offer. With the past success of this project and the public's desire for accessible trail maps, CCA is confident this project will be a continued success.

### **Budget**

**Please provide a summary of your proposed budget for the event/project:**

The entirety of the funding needed for this project will be for printing the trail maps. There are no other associated costs.

<u>Description:</u>	<u>Total:</u>	<u>Cash Match Request</u>
Supplies/Material:	n/a	
Printing:	\$1,000	\$500
Entertainment:	n/a	
Other:	n/a	



### **Supplemental Questions**

**Please provide brief responses to the following questions:**

**How is this event unique and how will this event benefit the City of Fruita?**

Our tear-off trail maps provide detailed and accurate information at various trailheads in McInnis Canyons NCA, supplying accessible information to all visitors on-site rather than them having to go elsewhere or rely on spotty phone service to get the same information. This project would not only benefit tourism for the City of Fruita, but the local community as well. By having the necessary tools to access the outdoors (in this case a map), visitors are more likely to repeatedly return to these recreation areas. In partnership with CCA, the City of Fruita will help foster connections between the community and the unique public lands in our backyard.

**Is there anything else that you would like to add?**

An example of the tear-off maps (front and back) is included with the application materials. We will continue to feature the City of Fruita's logo on the map and any other sponsorship materials you provide. We are excited for the opportunity to continue our partnership with the City of Fruita!

Applications are due no later than 5 p.m. 60 days before the event. Please submit completed applications to:

ATTN: Fruita Tourism Advisory Council  
City of Fruita, Colorado  
325 E. Aspen Ave  
Fruita, Co 81521  
Obrach@fruita.org

**FRUITA TOURISM ADVISORY COUNCIL  
REGULAR MEETING - VIRTUAL  
MAY 14, 2020  
11:00 a.m. – 12:00 p.m.**

**Members in Attendance:** Eric Mello, Kodi Imondi, Orilee Witte, Denise Hight, Joel Kincaid, Sally D’Agostino, Kristy Driver

**Members Absent:** None

**Staff in Attendance:** Mike Bennett, Odette Brach, Shannon Vassen

**Guest in Attendance:** Ryan Burke, Liz Cassi, and Anna Hrovat-Staedter of Slate Communications; Kayla Brown of the Fruita Chamber of Commerce.

**1. Call to Order/Roll Call**

The meeting of the Fruita Tourism Advisory Council (“FTAC”) was called to order at 11:01 a.m. A quorum was present at the meeting.

**2. Introduction of Kristy Driver – New FTAC Member**

Kristy Driver provided a brief introduction of herself. She is the owner of VisitFruita.com and has been in the lodging/hospitality businesses for over 30 years. Ms. Driver explained that Visit Fruita owns a number of properties around town that are rented out on a short-term basis. The FTAC welcome Kristy to the committee and group.

**3. Consider Minutes from February 27, 2020 Meeting**

The FTAC discussed the minutes from the previous meeting, on February 27, 2020, and recommended the following changes to the minutes: (1) Denise Hight stated that there was an additional guest in attendance, and that was Arlene Jackson from the Colorado National Monument; and (2) Sally D’Agostino stated that she did not second any of the motions at the previous meeting, and that Orilee Witte was the member who seconded the motions. Joel Kincaid motioned to approve the minutes as presented with these changes, Ms. Witte seconded that motion. All were in favor of the approving the minutes with the corrections and the motion carried.

**4. Consideration of Mini-Grant – Colorado Canyons Association – Map Project**

The FTAC then discussed the mini-grant application from the Colorado Canyons Association (“CCA”). CCA requested a \$500 grant to help fund maps for trailheads throughout the McInnis National Conservation Area (Devil’s Canyon, Pollock Bench, and Rabbit Valley).

Ms. Hight began the discussion with stating that she really liked the project. Odette Brach, Human Resources Director for the City of Fruita, then described that in the past, the FTAC has help fund these maps for CCA. She stated that it has been many years since CCA last received funding, so that the funding lasts for a few years. Ms. Witte then described that the Visitor's Center uses the maps a lot, and that she is in support of the application.

Ms. Driver asked a few questions about the maps and wanted to reach out to CCA about how often the maps are stocked and where they are typically located. Mike Bennett, the City Manager for the City of Fruita, explained that the CCA partners with the Bureau of Land Management to distribute the maps, and the maps typically go quick. The FTAC agreed that they would reach out to CCA for the additional information and get back.

After the discussion, Mr. Kincaid made a motion that the FTAC recommend approval of the mini grant to CCA in the amount of \$500. Eric Mello seconded the motion. All were in favor of the motion and it passed unanimously.

## **5. Update from Slate Communications/Update on Budget and Overview of Lodging Projections/Messaging Moving Forward**

Mr. Bennett began the discussion on the next agenda item and stated that they will be combining agenda items five, six, and seven into one item. Mr. Bennett began by providing an overview of the City of Fruita's response to the COVID-19 pandemic. For all City updates on COVID-19, Mr. Bennett recommended that the group visit [fruita.org/covid19](http://fruita.org/covid19).

Mr. Bennett also described that he participates in a weekly call with various Public Land Agencies (such as the Bureau of Land Management, Colorado Parks and Wildlife, etc). These agencies are reporting, Mr. Bennett stated, increased traffic and use on public lands as well as increases in dispersed camping. A lot of this traffic came from people visiting from out of area, Mr. Bennett explained. With that in mind, Mr. Bennett described previous marketing efforts from Slate and the City of Fruita. Previous marketing efforts have asked visitors to stay home or not to recreate more than 10 miles from their home, to practice social distancing on trails, and to avoid large groups on trails or at trailheads.

After that discussion, Ryan Burke, Chief Communications Officer for Slate Communications, provided an introduction to the update from Slate Communications. Mr. Burke described the FTAC retreat from last year and identified a few areas where Slate wanted to focus efforts on this year. For example, Slate wanted to focus on storytelling, sustainability and environmentally, education, and putting the community first. Mr. Burked stated that Slate is shifting their marketing plan, cutting their budget, and really focusing on amenities for the regional residents to explore.

Following the introduction, Liz Cassi, Communications and Account Manager for Slate Communication, continued the update. Ms. Cassi described that Slate had three goals entering the year, and these were to educate, inspire, and invite people to Fruita. Since the pandemic started, Ms. Cassi stated, the focus has been more on education and the inspiring piece and has shifted away from inviting piece. She stated that there has been a lot of positive feedback from

locals and visitors on this. Slate has also paused efforts on SoJern and made the decision to postpone that until next year.

For the first quarter recap from Slate Communications, Anna Hrovat-Staedter, Marketing Specialist, provided the overview. A few highlights from the beginning of the year include that page views to the website increased significantly, the Elevation Outdoors awards did well to showcase Fruita, and that the GoFruita Social Media is also doing well.

After the first quarter update, Mr. Burke discussed ways that Slate may change current marketing efforts. An example, Mr. Burke discussed promoting more staycations for Mesa County residents. He offered a suggestion of looking more locally, and using these same resources in the future. In addition, Mr. Burke stated that Slate will use this time to stockpile and build video library – basically, to get all material necessary to really push marketing when it is acceptable to travel.

Ms. Hrovat-Staedter then presented the updated budget and marketing implementation plan to the FTAC. Slate has identified around \$20,000 in budget cuts in anticipation of reduced revenues. Most of these cuts were identified in the digital marketing and collaborative partnerships line items of the budget and can be resumed next year.

Shannon Vassen, Management Analyst for the City of Fruita, presented on lodging tax projections. Mr. Vassen provided a brief overview of the Marketing and Promotion Fund/Budget and explained that the year started out well for lodging taxes. Both January and February lodging tax revenues were up when compared to the previous year. Mr. Vassen detailed, however, that revenues in March decreased significantly. Mr. Vassen described that after working with the Finance Department, and looking at other communities, Fruita came up with several scenarios or projections for lodging taxes for the remainder of the year. The City is projecting that lodging taxes will decrease 40% April through June, and 30% each month for the remainder of the year. This will result in a decrease of roughly \$44,000 through the end of the year. Mr. Vassen explained that tourism fund does have a healthy fund balance or savings account, and even if revenues decrease significantly, the fund should be able to sustain those decreases.

After that, the FTAC discussed future marketing ideas, and these included staycation ideas (for Mesa County residents), advertising more remote or less traveled trails, and new areas. The group discussed that these ideas are relevant currently and Slate will be able to use these in the future for marketing efforts. The group then discussed specific strategies moving forward, and how to respond as new phases of the reopening plans become implemented.

## **6. Additional Items**

There were two additional items that the FTAC discussed following the previous agenda items. First, is that at the next meeting, the FTAC will be having a policy discussion on what to do regarding special event funding if events are cancelled (and the funding has been paid). Mr. Kincaid reiterated that he wanted to have a full discussion about this and did not want to make any decisions on it at the current meeting.

Second, the group discussed the FTAC meeting schedule moving forward. The FTAC agreed to return to monthly meetings, and that the next meeting in June, will be held virtually. That meeting will be on June 25, 2020 at 11:00 a.m.

There were no other items that were discussed.

## **7. Adjourn**

The meeting adjourned at 1:05 p.m.

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# FRUITA

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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: JUNE 2, 2020**

**RE: ORDINANCE 2020-03, 2<sup>ND</sup> 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.**

### **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 1<sup>st</sup> 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 attached with the City Council packet. 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. Approve Ordinance 2020-03, 2<sup>nd</sup> 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.
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:

**APPROVE ORDINANCE 2020-03, 2<sup>ND</sup> 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.**

**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 2<sup>ND</sup> DAY OF JUNE, 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 situated 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:

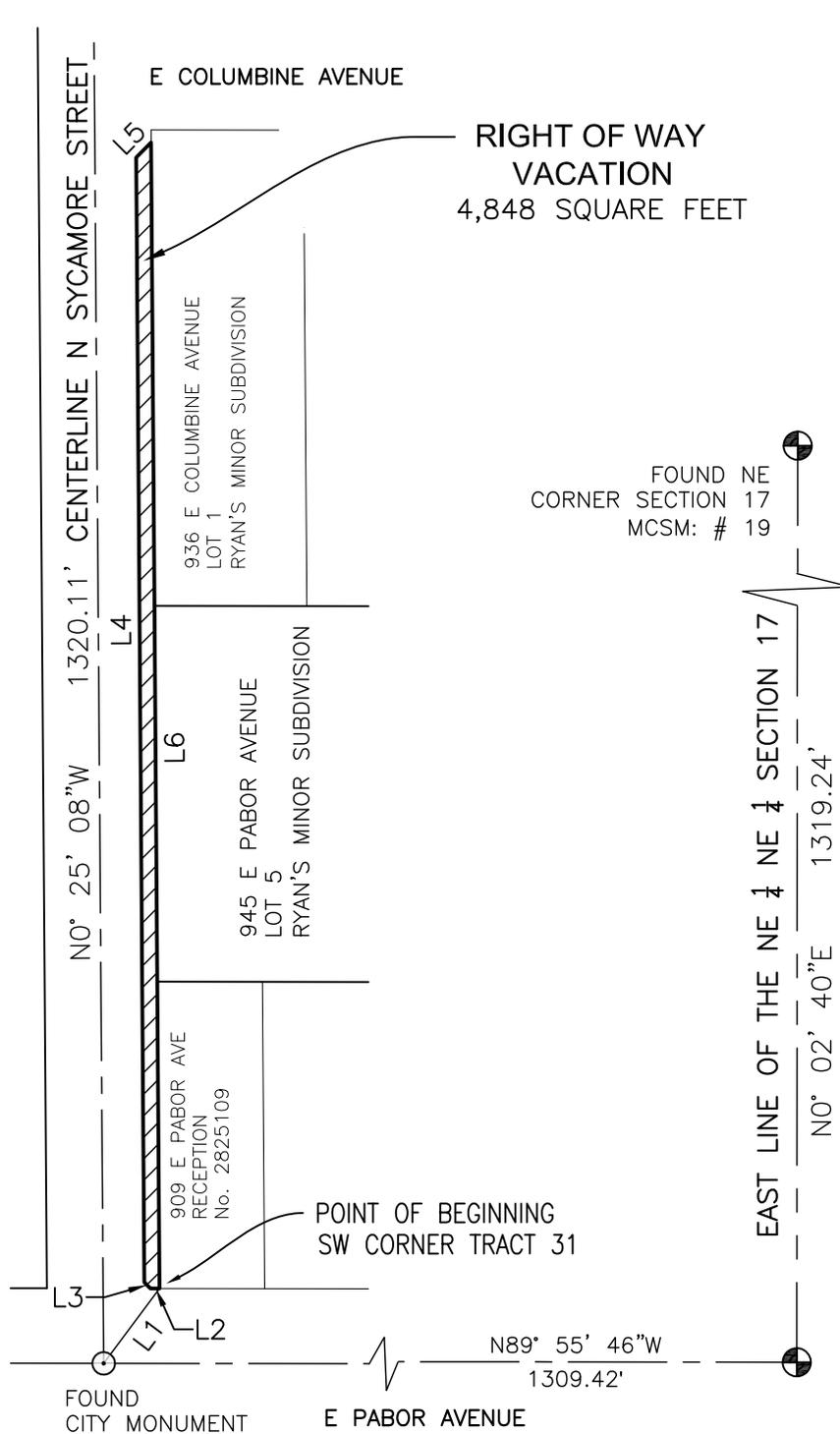
Commencing at the North 1/16 Corner on the East Line of said Section 17, from whence the Northeast Corner of said Section 17 bears N0°02'40"E a distance of 1319.24 feet for a Basis of Bearings, all bearings herein related thereto; thence N89°55'46"W a distance of 1309.42 feet to a City of Fruita Monument located at the 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 East 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 599.43 feet;  
thence N44°43'20"E a distance of 11.29 feet to the East Right of Way for North Sycamore Street;  
thence S00°25'08"E along said East Right of Way a distance of 610.65 feet to the Point of Beginning.

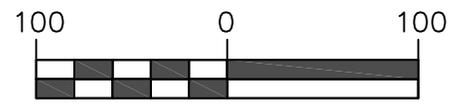
**Said tract of land contains 4,848 square feet as described.**

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	599.43
L5	N44° 43' 20"E	11.29
L6	S00° 25' 08"E	610.65

## 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



**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.

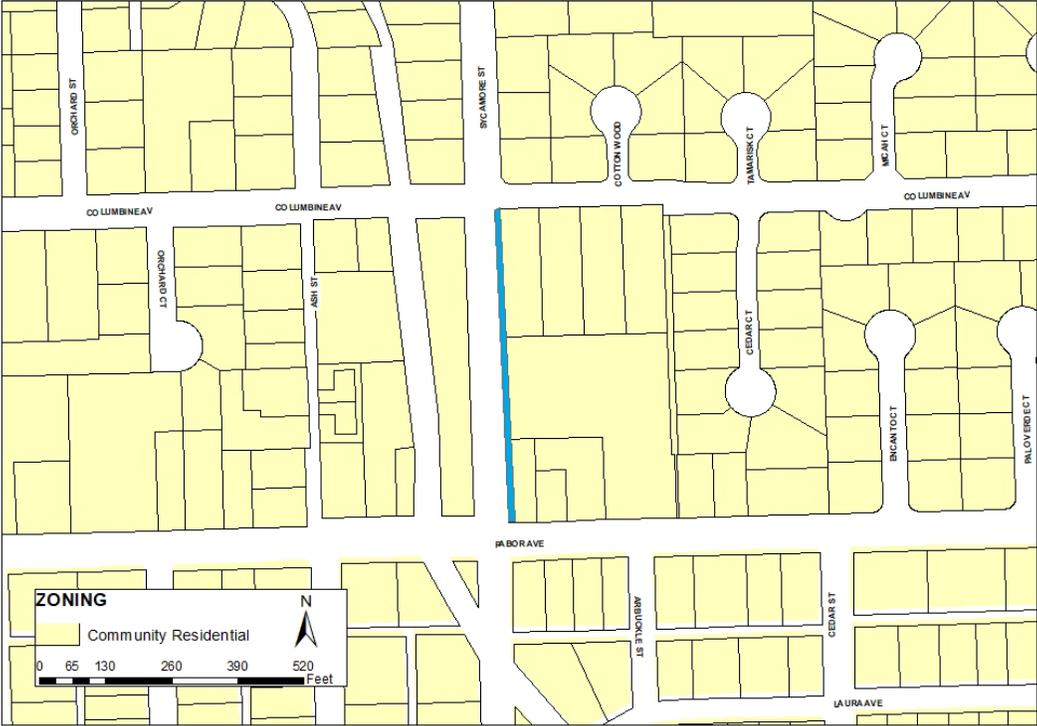
**DESCRIPTION:**

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 1<sup>st</sup> 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.

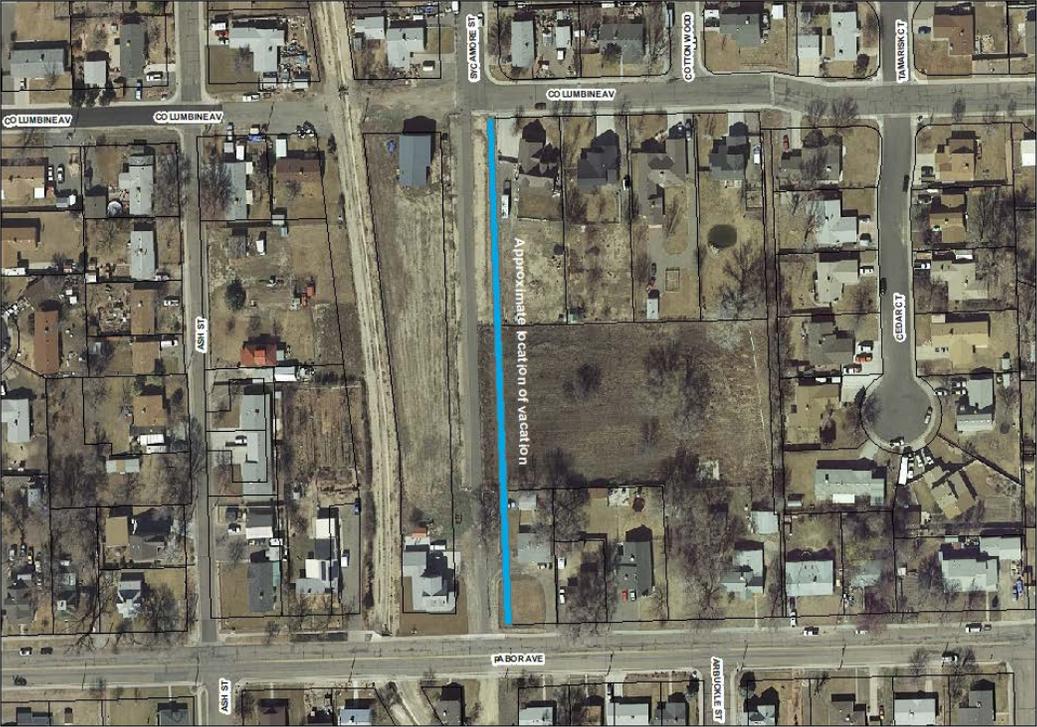
**SURROUNDING LAND USES/ZONING AND CITY UTILITIES:**

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.



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.

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



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](mailto: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

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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.

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

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**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.

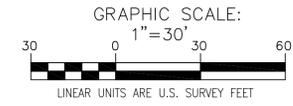
**General Project Report**  
***For***  
***Right-of-Way Vacation***  
***N Sycamore Street Between E Columbine Avenue & E Pabor Avenue***  
**Application Submittal**

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.

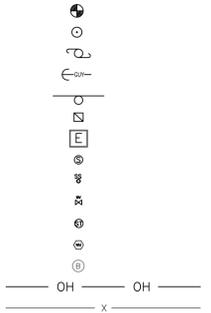
# IMPROVEMENT SURVEY PLAT

SITUATED IN THE NE¼ NE¼ SECTION 17  
TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN  
AND BEING A PART OF RYAN'S MINOR SUBDIVISION  
COUNTY OF MESA, STATE OF COLORADO



## LEGEND:

- FOUND SURVEY MARKER AS DESCRIBED
- FOUND PROPERTY CORNER AS DESCRIBED
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING SIGN
- EXISTING UTILITY PEDESTAL
- EXISTING ELECTRIC TRANSFORMER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING WATER VALVE
- EXISTING STORM MANHOLE
- EXISTING WATER METER
- EXISTING BOLLARD
- EXISTING OVERHEAD UTILITY LINE
- EXISTING FENCE LINE



## NOTES

1. OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITH A CURRENT TITLE POLICY BY HERITAGE TITLE COMPANY, POLICY NUMBER CO-FFAH-IMP-81306-1-20-H0584507.
2. BEARINGS ARE BASED ON THE EAST LINE OF NE¼ NE¼ SECTION 17, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN. THE VALUE USED S00°02'40"W, WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. MESA COUNTY SURVEY MARKERS WERE FOUND AT THE NORTH AND SOUTH ENDS OF SAID LINE AS SHOWN HEREON.
3. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
4. THIS IMPROVEMENT SURVEY IS BASED ON THE DEED AS RECORDED AT RECEPTION NUMBER 2910905, OF THE MESA COUNTY RECORDS.

## SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat represents a field survey completed by me and / or under my direct supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.

COLORADO REGISTERED LAND SURVEYOR PLS #37904

## LEGAL DESCRIPTION:

LOT 5 OF RYAN'S MINOR SUBDIVISION  
AS RECORDED AT RECEPTION NO. 2910905  
OF THE MESA COUNTY CLERK AND RECORDER'S OFFICE  
COUNTY OF MESA, STATE OF COLORADO

Said parcel contains 2.01 ACRES.

## IMPROVEMENT SURVEY PLAT

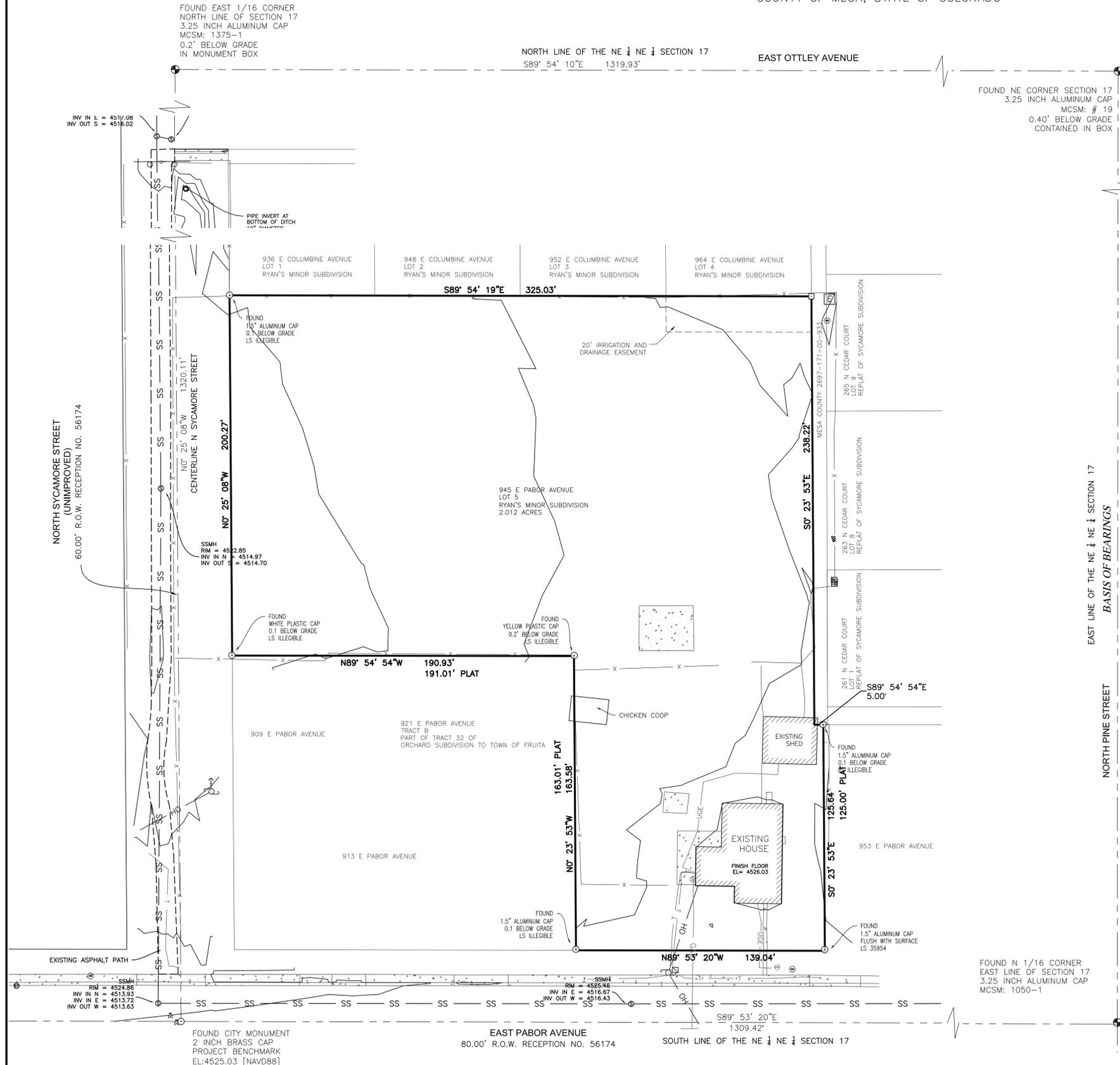
LOT 5 RYAN'S MINOR SUBDIVISION  
SITUATED IN THE NE¼ NE¼ SECTION 17  
TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN  
COUNTY OF MESA, STATE OF COLORADO

DATE: 2/25/2020 JOB #: 2020-018 FIELD WORK: SL  
DRAWING NAME: 945 East Pabor Avenue DRAWN BY: PC

**POLARIS SURVEYING**

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B  
GRAND JUNCTION, CO 81504  
PHONE/FAX (970)434-7038



**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:

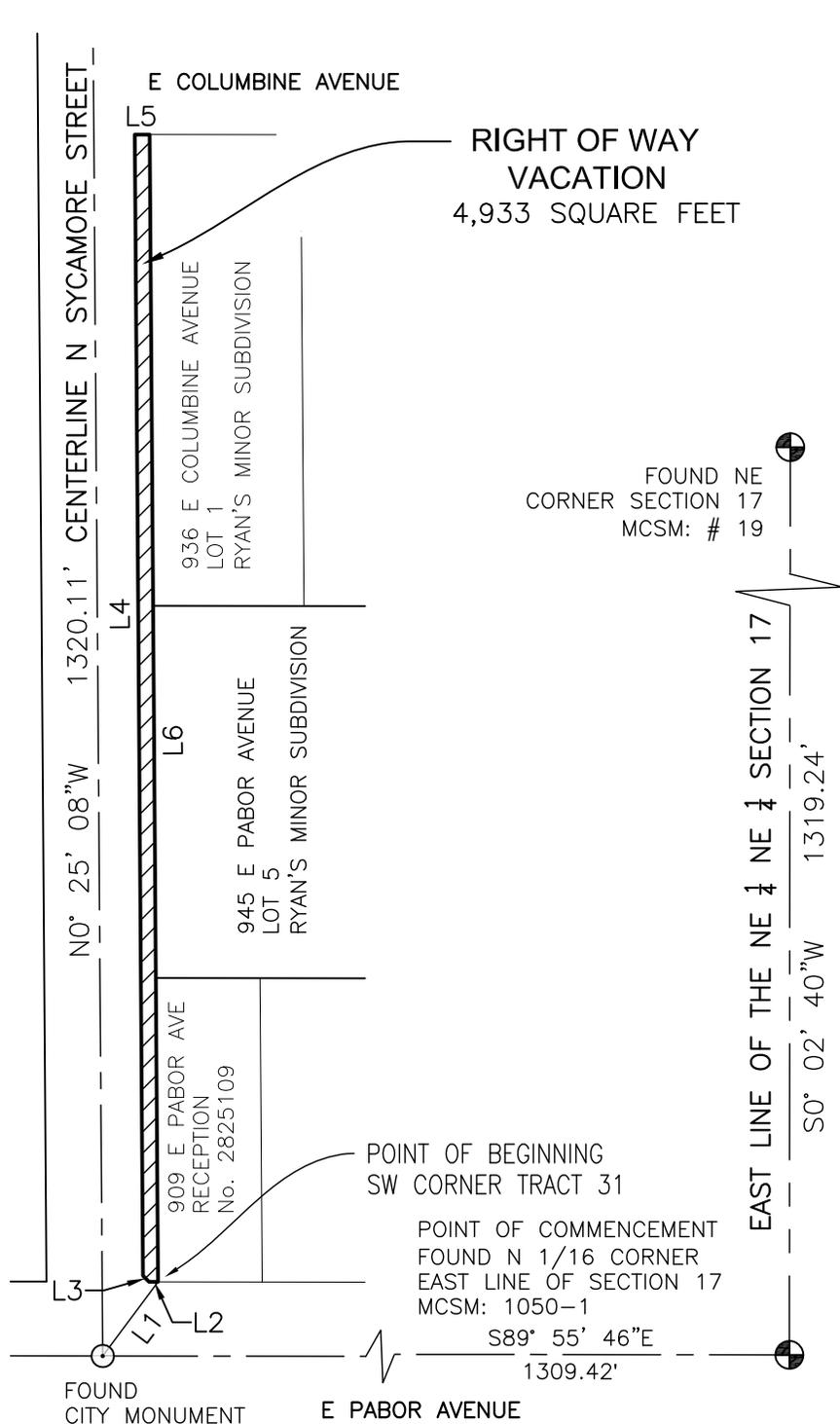
Commencing at the North 1/16 Corner on the East Line of said Section 17, from whence the Northeast Corner of said Section 17 bears N0°02'40"E a distance of 1319.24 feet for a Basis of Bearings, all bearings herein related thereto; thence N89°55'46"W a distance of 1309.42 feet to a City of Fruita Monument 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

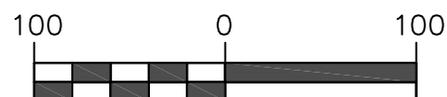
Said tract of land contains 4,933 square feet as described.

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'



LINEAR UNITS ARE U.S. SURVEY FEET

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

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**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](mailto: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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Mr. Jones said that he did not and that they appreciated the Commission’s consideration of this application and that some of the comments that have been provided, they have attempted to work with Staff to come up with a very nice project incorporating those elements that Staff has suggested and they are excited to bring this project to fruition for the City of Fruita. He respectfully requested approval of this Preliminary Plan of Subdivision as it had been presented.

Commissioner Fabula thanked him. He asked Mr. Hemphill if they moved forward and vote to approve this, he wanted to be sure that the applicant would be working with Staff to resolve the review comments and issues that had been identified. If the resolution were minor, they would not see it come back to the Planning Commission. If the resolution of the comments was major, then they would see it again.

Mr. Hemphill said that if there was major change like additional lots, they would see it again. If it went to less lots and added incorporated some open space and trails, then they would not unless there was a major deviation. He said that Commissioner Fabula was correct.

Commissioner O’Brien asked if she were to vote yes then she is voting that the Staff recommendations are going to be folded into the designers plans.

Commissioner Fabula said that she was correct, and he added that language in the motion would include all review comments and issues identified in the Staff report are adequately resolved. He said that the Staff would work through the issues and work out what the resolutions look like. He asked Mr. Hemphill that if they are not able to work out resolutions would you explain what would happen?

Mr. Hemphill said that if they are not able to meet the review comments then the project stops. Normally with the review comments they are typically able to respond to them in a fashion that meets the Land Use Code, the Construction Specifications Manual, and provide safety to those around here. He said that there was nothing outstanding in the review comments that would make this project not doable.

Commissioner Fabula asked for a motion.

COMMISSIONER FABULA MADE A MOTION TO APPROVE THE CIDER MILL ESTATES SUBDIVISION PRELIMINARY PLAN APPLICATION #2020-07 ASSUMING THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT ARE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION

COMMISSIONER O’BRIEN SECONDED THE MOTION

MOTION PASSES 6-0

Commissioner Fabula introduced the next Hearing Item.

Application #:  
Project Name:

2020-08  
Sycamore Street

Application:	Right-of-Way Vacation
Representative:	Pabor Serenity LLC; Dane Griffin
Location:	North Sycamore Street
Description:	This is a request for a Right of way (ROW) Vacation of the eastern eight (8) feet of North Sycamore Street between East Columbine Avenue and East Pabor Avenue.

Commissioner Fabula read the introduction to the Hearing Item.

Mr. Henry Hemphill, Staff Planner, gave the Staff presentation. He entered his Power Point presentation into the record as an exhibit. He mentioned that they did receive written public comments from neighboring property owners which have been included in the Planning Commission packets. He said that they did receive written public comments after the Planning Commission packets after the Planning Commission packets were completed and submitted to the Planning Commissioners. He said that they have been sent to all of the Planning Commissioners on Monday morning.

Slide 1 - Introduction

Slide 2 – Description

- 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 1<sup>st</sup> Addition Plat in 1905 (reception #56174).
- 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.

Slide 3 – Surrounding Land Uses & Zoning

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

Slide 4 – City Utility Map

- The map shows City utilities only (sewer and irrigation).
- Other utility providers have been made aware of this application and have had an opportunity to comment. From comments provided, there does not appear to be any issues.

Mr. Hemphill showed the audience where each of the lines were on the map.

Slide 5 – 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;  
Mr. Hemphill elaborated that it was a portion of the right of way not the whole thing.
2. Negatively impact adjacent properties;
3. Reduce the quality of public services to any parcel of land; and

Mr. Hemphill said that public services are provided by the City of Fruita and outside agencies such as Ute Water and Excel Energy. He said that through the review process it allows outside agencies to analyze where their utilities are in relation to the subject property and the vacation thereof and make recommendations if there were issues. There were no objections to this application.

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

Mr. Hemphill pointed out that 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.

#### Slide 6 – Legal Notice

- All Legal Notice regarding this application was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code.
- Postcards = 4/24/2020
  - 18 days prior to Planning Commission
- Paper = 4/24/2020
  - 18 days prior to Planning Commission
- Property = 4/24/2020
  - 18 days prior to Planning Commission

Mr. Hemphill said that an additional letter was sent out informing the public that the meeting would be held virtually and contained information on how to attend the meeting.

#### Slide 7 – Review Comments & Public Comments

- All review comments received have been included with the packet.
  - There were no issues from utility providers.
  - Written public comments have been received and are included with the packet.
  - Additional written comments were received by Staff after the packets were completed. These comments were sent to all the Planning Commissioners and are entered into the record.

#### Slide 8 – Staff Recommendation

- Vacation of this portion of 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.
- 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.

Mr. Hemphill reiterated that the condition of approval would that they reserve 8 feet as a utility easement, and they would like that to happen along with the ordinance to vacate.

- City Council = Tuesday, June 2, 2020.

Mr. Hemphill concluded his presentation.

Commissioner Fabula thanked him and invited the applicant to speak.

Dane Griffin introduced Scott Sorenson with Austin Civil Group who spoke on behalf of the applicants.

Mr. Sorenson thanked everyone for the opportunity to present. He wanted to reiterate some of the highlights that Mr. Hemphill covered in his presentation. Mr. Sorenson pulled up an aerial photo of the Sycamore vacation area. He said it was between Pabor and Columbine Avenue. He said that currently there is 60 feet of right of way which was created by plat in 1905. He continued that this request is to vacate the eastern 8 feet of it. He showed the audience that the map showed the utility lines, the right of way area and what the 8 feet looked like. He said it was not to scale but it did show the area of request. He said City sewer ran right down the middle of identified 60 feet of right of way. He said what is not shown is a 6-inch Ute Water main that extends from Pabor north to approximately the north edge of 909 Pabor Avenue. He said that they talked with Ute Water and got information on that line. In addition, they got a boundary and topo survey of the property and all of the right of way that exists in this section to better identify what improvements are there and to make sure this vacation did not impact anybody. He said that the City of Fruita Street Classifications and Traffic Control Plan identified this portion of Sycamore Street as a residential street and according to the Street and Driveway Standards in the City of Fruita Design Criteria Construction Manual, residential streets have 44 feet of right of way. He said that this was 28 feet of asphalt with curb, gutter, and sidewalk on either side. He said that like Mr. Hemphill mentioned, 60 feet provides the 44 feet. He said that you can see the surrounding area, this stretch of Sycamore does not justify a collector street section, it does not carry that amount of traffic therefore a collector street is not needed and a local, residential street is more fitting. He said that by not vacating the right of way two things can happen. The first is you build a larger road which will generate potentially more traffic and higher speeds across this section. The second is the actual residential street does get built and then it becomes 8 feet of no man's land right of way that is required to be maintained by the City. When this no man's land is created, it creates maintenance issues that may fall back on the adjacent property owners to take care of it. There are maintenance concerns with those kind of situations. He thought it would be more appropriate to build the 44 feet and have the right of way be vacated to provide the necessary right of way width. He referred back to the Staff Report and Mr. Hemphill's presentation identified no landlocked parcels are created with the right of way vacation. He said that all 3 properties that are affected by this right of way vacation can access either Pabor Avenue or Columbine Avenue. He continued that the vacation would not affect any quality of public service from utilities, the sanitary sewer line would fall within right of way, the 6 inch Ute Water main will continue to fall within right of way, and any dry utilities, whether it is Excel, Spectrum, will fall within either the multipurpose easement that will be created as the vacation. He said that this hit the highlights of this vacation request. He mentioned a couple of comments from City Staff, Mr. Hemphill said that the 8 foot right of way

would be turned into an 8-foot multipurpose easement to encumber any utility services. In addition, there was a request to provide corner clips at the intersections of Pabor Avenue and Columbine for future ADA corner ramps. He said that this could be accommodated and will be provided in the legal description and exhibit of the right of way vacation. He said that this was the extent of the request by the applicant.

Commissioner Fabula thanked him and moved into the public comment portion of the meeting. He reminded the audience on how they could participate by either raising their hand or pressing \*9 on the telephone.

Mr. Tracy Garcher at 260 N. Cedar Court just east of the proposed right of way introduced himself. He also introduced his neighbor Dan Ray at 263 N. Cedar Court who was also on the phone. He wanted to let them know that he appreciated the work of the Staff. He said that the number one focus for the reason he was calling in was the letter talking about vacation got their attention because they recognize the need for mobility. He did not know what that meant and wanted to make sure that artery there that is currently is a little bike trail remain open and absolutely is. He said that he appreciated the mobility. What he wanted to talk a lot about that was not represented in the letter or that much tonight was the last comment all of the materials. He said that on page 80ish of the attachments talked about addition to the current 60 feet, they talk about the future development and the need for 8 feet of vacated space to be able to assist with the development of that infill property. He said that he got it, he did not think himself or his neighbor Dan are against development of 945 E. Pabor. The problem was that they lived there for over 20 years, both of them, and this is at least the second owner that had serious ambitions to develop it and it all boils down to something and they do not feel like why they moved into this neighborhood should be based on the profits that somebody trying to develop that property can make if they have to pinch it down by a house or two. He says that because they included it in the report and a lot of this stuff seems to be hinging on this stuff. He said that there needs to be some consideration of the existing homeowners and what their property values are going to be if that is going to be developed. He said that it was a pretty small parcel to cram 9 houses in and he did not know what that is going to do to what they have currently in their neighborhood. He thought that the comment that the developer that spoke earlier talked about 8 feet of no man's land, he said that this was a scare tactic. right now, there is fence over that stuff. It is a 10-foot bike trail. He felt that if they were going to talk about stuff like that, his expectation is to keep it real and they talk about the real impacts are. His biggest concern is that you all are trying to make a big decision to vacate and make a long-term decision on this street without considered that development. He said this because what if that needs to be the main entrance to that development for safety and for fire and everything else, does it need to be 60 feet and if they pinch it down now to 44 feet, does that preclude a lot of things in the future? It feels to them that they are getting the cart ahead of the horse. He felt that what he said captures his big comments and he appreciated everyone's patience. He gave credit to the Planning Commission for doing a great job and it made him have a different perspective on the development in Fruita. They earned his respect and he appreciated it.

Commissioner Fabula thanked him.

Angela Akridge who lives at 265 N. Cedar Court gave testimony. She wanted to thank them for doing the virtual meeting and felt it was very inclusive. She said that she was new to Fruita for 2 years now. She said as it relates to this agenda item, she did not know what vacation meant, she said that she thought it should be contingent upon the developer's plan with and without the vacation. She said that she was not a city bureaucrat and did not know the ins and outs of right of way. She wanted to understand the big picture so she could assess the pros and cons of the decisions that are made. She said that she assumed that they are talking about public property, she did not know. She said that the agenda packet was helpful, but it did not include information for laypersons. She asked if they could sell the right of way? She admitted to being a biker so she is not opposed to narrow streets just as the developer said it could reduce speeders. Will it have a four way stop at Columbine? She said it was a route to the middle school and her son will be traveling it. Who will be paying for the four way stop, the developer's row? She said it is currently open space and operates as a wide public trail for bikes and dog walking. She said it was their peaceful connection to downtown and a backdoor for downtown residents to get to Salt Wash. Can they use the ditch trail to the west instead if the trail in question goes away because it is now sidewalks? Is the road a done deal are we definitely going to put it there if they give this right of way or is it going to end up somewhere else in the middle of the property as a cul de sac? She said that her property backs up against this future development and it is her backyard view with the gorgeous Monument backdrop her only selfish thought is that she prays that it does not boast an HOA vinyl fence. As a long-term resident, irrespective of her residence she is looking forward to the new Sycamore development. As she saw it the development will bring more neighbors, it brings more playmates for her son, more patrons for the small businesses and she is pleased about the prospect for additional property tax revenue, she is big on the money thing. Are they going to give away this public asset for free if it is a public asset? She wanted to know if they were going to charge fair market value for the right of way. She asked if there was a risk of development if they did not give this gift? She wanted this information adding that there are lots that could be done with money. She talked about a plant demonstration garden here in town and that it was not free to maintain. The bike park in town that is frequented by kids and adults that is not free to maintain. She said she would love to see the town convert the skate park into a streetscape park for teens that cannot drive to Grand Junction. She said that Fruita needed more money and felt that they should be charging for public assets to gain more amenities. She said that they should charge for it and it is reasonable to ask. She said that the current roadway that they were talking about it being used as a walking trail, it is open space and it is not free. She said that Fruita had value and it does not seem right to just give it away.

Commissioner Fabula thanked her for her comments.

Jacob Franck at 909 E. Pabor spoke. He said that this affected him quite a bit. He had something to say about the last comment about how having this bigger road might a better thing. He said that the neighborhood there on East Pabor frequently run into the issue of people going down Pabor going 70 miles per hour in a 25. He mentioned that the developer said that having a narrower road, they want to do what they can to congest things a little bit so that the people are not encouraged to speed down there. He said that alone would deter that a bit. He added that he did not look at the packet and did not know if the road was going all the way through, if it is, it would definitely would help to be narrower to prohibit people from feeling the urge to go much faster than what is necessary by any means. He said that there are a lot of children right there.

Little ones that are learning how to run around 2 years old. He said that he thought that would be great. He believed the bike path that everyone uses, the City has known that that was going to be a road and that has been the plan for years, it sounds that they are trying to basically give those 3 properties 8 more feet which they have already been taking care of with weeds and general upkeep.

Commissioner Fabula thanked him.

Scott raised his hand to speak but was unable to contribute. There were attempts to chat with him, but it was unsuccessful. A neighbor, Brandi, tried to help her neighbor give testimony.

Adrienne Withrow who lives at 910 E. Pabor, Scott's wife wanted to reiterate what the previous person, Jacob Franck, said regarding the traffic situation on Pabor and how this street will affect it. She said that they have incredibly high rates of speed on this road, the increase of traffic was a concern to them all as well as the future of the bike path if that is going to be maintained or kept. She talked about the traffic and the children going in and out and families on bikes off of the bike path. She said that the future of the bike path was one of their big concerns.

Commissioner Fabula thanked her and closed the public comment portion of the meeting. He said that he had a lot of notes from the community members that had called in. He asked for rebuttal from the applicant.

Mr. Griffin responded that he heard a lot of concern from Tracey and Dan about the property values and emergency access and the width of the street. He said that the property value with the development, this application does not for the development. He continued that they will be applying for a minor subdivision after this. He said that whether this goes through or not they will be submitting the application. He said it was hard to get into that when that was not the focus of the meeting tonight. He said that as a real estate agent his experience is that new properties only increase older properties' values. The intent would be to build homes in that vacant land which will in turn increase the values of the properties around it as it historically does. He addressed the width of the right of way. He had a question for Staff, for Cedar Court that has 12 houses right there and it looks like it is only a 44- 46 foot right of way itself. He said that this was along the same lines as that, what they were asking for is 44 versus 60. He said that 60 feet was established in 1905 not recently and he did not think it was necessary and he did not think anyone thought it was necessary to have that wide of a right of way for this area. He said that this is what he had for Tracey and Dan's comments. He addressed Angela's comments. He said right now it is a bike trail from the parent's aspect, from the City plat it is a right of way. He said that technically it is a street although not an improved street it is unimproved so right now, they have bike path in lieu of a street. He added that whether it was done now or a year from now or 10 years from now, that will become a street and it happens that they want to do that. He addressed who pays for the street. He said that this was going to be determined as the whole development process went on but impact fees and how that development is done will essentially pay for a lot of street taxes. The taxes generated from the development which is not associated with this application will help pay for that street, will help bring income to the City of Fruita as well. He didn't have any idea about the sale of the property, so he left that up to the City of Fruita. He said that her main concern was the development. He said that developments bring

money into the City of Fruita, they do not take money out. He added that she was concerned about bringing money into the City of Fruita and that is what this development would do. He then addressed Scott's concerns. He said again the bike path is a bike path now but it is technically a right of way so it will be street whether they do it or someone else does it, it will be a street at some point. He said the street would have sidewalk and their development that they are planning on doing will also have a connector to Pabor with a bike path within that. They are going off onto a whole other conversation but that is all he had for now. He thought that it would be a good idea that they as a developer do a neighborhood meeting before they submit the development application and everybody in that area that has concerns about the development or has questions can get together and talk person to person or if COVID allows it or maybe Zoom or whatever they needed to do. He felt that they were getting off on a different tangent here on something that is completely separate which is a development and try to focus on what they were after right now which is 8 feet of right of way.

Commissioner Fabula thanked Mr. Griffin for his comments. He confirmed that he was the applicant and Scott Sorenson was helping him with the application.

Mr. Griffin and Mr. Sorenson confirmed this.

Commissioner Fabula moved the meeting into Commissioner discussion.

Mr. Caris pointed out some procedural components. He said that two fundamental concepts is that when a right of way vacation takes place the property that is being vacated, it automatically reverts back to the adjacent property owner. They don't have the ability to go and sell other right of way that was dedicated by plat to other individuals as a property sale nor would it be all that likely considering the fact that it would not be buildable. He continued that the other element that if this road project was a City project, what would the City build as part of a capital project if they were going to connect that section from Columbine to Pabor? He felt that this was fundamental to the request and has been part of the conversation between Mr. Atkins and Mr. Sorenson. He asked Sam to elaborate on this and explain it.

Mr. Atkins said that as a legal matter the right of way was dedicated by plat from a property owner and when you are vacating right of way, it reverts back to the property owner that is there. He continued that usually when you are doing these, it could be on one side or the other. He said that technically that meant that they could only vacate 8 feet to get to their half street section and not push all the 44 feet onto the west. He said that the adjacent property owner would be eligible to vacate 8 feet on the west side of the right of way as well to get down to that 44 feet. He said that the 44 feet that they have been talking about is their local street section. It is capable of handling up to 1000 vehicles per day which is well in excess of what you will see here. He said that the pedestrian trail was installed as a temporary trail. He said it is asphalt and all those asphalt trails that they put in, the ones that are on Fremont Street, the little connectors that have not been developed yet were done in asphalt so that they could get that connection more south for the pedestrians and bikes up and to the point that they construct a roadway facility. He said that this is where it stands. He continued that as this property develops, they will be forcing access off this secondary road and not on Pabor which is a much safer condition. He said that they want to limit their accesses on the collector roads and Pabor is one of those. By providing

access internally to the subdivision off of this new alignment, it will create a safer condition. It also creates those driveways for 909 and others. He said that if they were constructing this road as a City project it would be 44 feet right of way width, 28 feet of asphalt. They have reserved the entire section for utilities at this point so that they could get the utilities in there, but they have no need for the full right of way width.

Mr. Caris asked Mr. Atkins to talk about how it aligns to the north with the condition out there with curb, gutter and walk on one side of the street and absent on the western side of the street.

Mr. Atkins responded that without true survey of where it fell, if they are just looking at the aerial view, it aligned very well centered on that right of way. He elaborated that there were various circumstances that were similar where there is a slight offset, but they don't want an extreme offset so that the opposing traffic is headed at each other. He pulled up the map view of the property and they zoomed in on the intersection of North Sycamore and East Columbine. He talked about the sidewalk on the east side north of there, he said that they would be proposing to have sidewalk on both sides. Just as that is their standard street section now, that could connect to the west over the Independent Ranchman's ditch at some future date. They would want that sidewalk connection on both sides of the street as a standard street section.

Commissioner Fabula asked Mr. Atkins if that would also include a bike lane?

Mr. Atkins replied no. He said it was just a local street, you could park on both sides of the street and still traverse the street. He said that it was like any new subdivision street. He did not anticipate there being a high volume of traffic on that road. He continued that there was other connectivity east and west and if you are coming up and trying to get to Columbine you most likely went up Pine Street and took a left on Columbine. If you are coming up Maple, you are probably coming up to Columbine there and cross. He did not see a tremendous amount of cut through traffic.

Commissioner Fabula moved the meeting into Commissioner discussion.

Commissioner Fabula said that what was most important to him was the bike access. He said that the community sees that as an easy way to get to Salt Wash Park. He continued that if this became a street, they would still maintain that access.

Commissioner Gollob said that it had become clear to him that a decision was made in 1905 and the community had utilized the use of this land for a bike path. He continued that taking that resource away for the neighbors he could understand why that would be a reason to be on the call. On the other hand, they have the responsibility for landowner's rights and what rights come with they have. He said he is stuck between a community interest that is tied back to 1905 and a 2020 development plan and landowner's rights. The biggest question he had was under 2020 standards the road that is going to built there and the road that is north of it, Sycamore Street, you would build that as a 44 foot road, there is no reason to put a 60 foot road in?

Mr. Atkins said that he was correct. The 60 foot right of way is Maple, Pine and Ottey, all the big collectors are the 60 foot right of way. He added that they have an unsafe condition with

those two driveways there. He said that if you are on the trail and then you end up with these shared driveways for the first two houses that flank the south end of that trail. It is almost like the way the trail was at the park north of Ottley where you had the one house that had the driveway. Someone is on the concrete trail and all of a sudden you have a car coming down the trail. He added that if the trail were meant to be there it would be the full length and that cuts off the access to those two houses.

Commissioner Gollob asked if in Fruita is there a street that would be a hybrid 44 foot with an adjacent bike trail where that could be built into it where they still maintained the 60 but 44 foot is the road and the 8 feet that they were talking about for public interest, connectivity to the parks that there would be a bike trail next to it? Is there an example of that in Fruita that could be modeled here?

Mr. Atkins said that he did not have an example of that. He said that he thought the problem was when they start talking north and south of there, they did not have that condition. He added that the reality is there is going to be so little traffic that they were providing that bicycle facility on the street.

Commissioner Gollob asked if in instances of where they run into this issue, is this what you are seeing in this plan here. Is this standard practice? He continued that in the 1905 plan they platted a larger road than what we need today, they are going in and building a narrower road. He wanted verification that it was standard practice or a legal requirement to then see that right of way back to the landowner, the 8 feet on each side in this case?

Mr. Caris said that this was correct, it would revert back to the property owners that are touching that right of way line because in the past they were a part of that dedication happening which was private property at one point in time. He continued that this was a town site plat and that this is creating the dynamic that they are living within today. He added that given that there are driveway locations that are currently taking access off of the trail, the fact that they had minor collectors with 60 feet of right of way that they don't actually allow in today's street standards for driveway locations to be taken off of those. He said that if it was a 60 foot right of way and they were building that entire road, that property to the west would not be able to subdivide because they would not allow them to have driveway locations off of that long skinny lot that runs along the frontage of Sycamore between Columbine and Pabor. As far as the question about this being common practice, Mr. Caris said that downgrading and classification is a practice typically is part of a broader community discussion. He said that the one that he heard this evening was that it is not in opposition to the road being built, it is there a want for an alternative section that is not the standard 28 feet of asphalt with curb, gutter and sidewalk on both sides of the street. He thought that was what he was hearing.

Mr. Atkins agreed. He said that if they had the whole corridor all the way up to Ottley, that might be different, but all of that is already built north and south of this section of road.

Mr. Caris added that the discussion was really about the west 8 feet.

Commissioner Gollob commented on when the road is built does the fact that they downgraded to a 44-foot road, did it automatically trigger a vacation of the right of way? Was the 8 feet their first priority or is it up to the City to determine uses for that 8 feet? Once the road is downgraded is the 8 feet that they were discussing automatically the first step of vacation of that land or are there other alternatives to that 8 feet?

Mr. Caris asked if the alternative was retaining that 8 feet and then using it? He said that they preserved the right for a utility corridor. He added that this happens all the time. He said that a plain blanket vacation that does not preserve the right for other multipurpose easements, utility, or irrigation, that is more uncommon. He said that they are not turning this into a 44 right of way, they are turning this into a 52 foot right of way. It is only 8 feet on the eastern side of that section, but they would allow the ability on the other side of the right of way for that to happen in the future. He said that this was not a part of this application. He added that there was some flexibility what you would do to the west but what would make sense from a circulation standpoint.

Mr. Atkins added that centering that road within the center of the 60 foot right of way and making it 44 makes perfect sense in this case.

Commissioner Gollob talked about what the application for the development will be and he agreed with him. He wanted to encourage Mr. Griffin to think about green space and working with the neighborhood to maintain as much of that connectivity within his development as possible. He understood that this was a different conversation, but he was thinking about satisfying multiple needs moving forward.

Commissioner Van Etten had some follow up comments to Mr. Atkins comments. He talked about the comment about very little traffic on this kind of road which effectively makes it a de facto bike route in his opinion. He asked Mr. Atkins about the road to the north and the road to the south is built out to 44 foot right of way?

Mr. Atkins said that the right of way is wider. He said it is not 28 feet of asphalt like they were proposing, he said it was more like 30. He also added that it varies, it is not the same to the north as it is to the south.

Commissioner Van Etten said that what there is, is fairly similar.

Mr. Atkins added that it was fairly similar to the effectiveness of 28 feet.

Commissioner Van Etten asked if there were a road developed and the west side 8 feet could be used as a bike path, is that something that might be feasible? How does that get paid for?

Mr. Atkins said it was possible, but he did not know what its purpose would be when you have a road there.

Commissioner O'Brien said that change is always difficult, and she is an avid cyclist and has been down that bike path many times and she appreciated the neighbors and how it is a calm

place to take your kids or dogs. A place that you do not have to ride on 17 ½ or 18 Roads. She did not know if they could say that there will not be a lot more traffic because it is going to go all the way through. She added that there might be more people than just those in the newer subdivision who will utilize it because now it will be more of a thoroughfare. She gave the example of this. She appreciated the neighbors and their concerns. She asked herself every time she biked through there why is this bike path here? It is very short. Then she looks at the big lot of land and thought that as soon as someone develops that this will probably become a road. She added that rules and codes have changed, and landowners have rights. Their ability to bike down that road will not stop and if there are sidewalks on both sides people's ability to walk their dog they are on sidewalks and that is safer. She said change is difficult, but it is pretty straight forward to her.

Commissioner Nisley said that his concerns for the vacation were preserving the corridor for mobility which they would have a roadway that makes sense. They will still have access from downtown to Salt Wash. His other concern was if the right of way would be adequate to support the development or if they give away the 8-foot section now if they will run into issues. He continued that based off of what Mr. Atkins said that would not be an issue. He said that he did not have concerns with the project. As far as the City selling a portion of the right of way, he does right of way evaluation and determining what that is worth. He wanted everyone to keep in mind that they were talking about 4900 square foot section of land. He said that the cost to the City to figure out what it is worth and go through the process might not be financially feasible. He said that he did not have any concerns with the vacation.

Commissioner Hummel said that he was curious to know what the square foot per proposed unit was.

Mr. Griffin said that the City of Fruita requirements were 7000 square feet minimum per lot. He said that they range to just over 7000 square feet to up to 7750 square feet. He said that with the addition of the lot 9 which has the existing house at 945 E. Pabor. That lot would be over 10,000 square feet. That existing house would have a very large lot. He said that as a quick fact 945 E. Pabor was the original owner of 160 acres of land right there in the City of Fruita. He said that this land used to belong to this property. He added that they were restoring the original house and trying to maintain a little bit of the City of Fruita historic values. They were going to keep it a nice development.

Commissioner Hummel said that he was more interested in the individual units themselves. He wanted to know what additional value future homeowners would get out of that extra 8 foot of right of way.

Mr. Griffin said that there was no inherent value that the homeowners are going to get out of the 8 feet. He said that it does not really impact the overall value of the house, it would only impact a couple of the lots on the west side of the development. The properties are going to range from mid-400's up into the 500's. He said square footages will likely be around 2000-2500 square feet. He said that they did not have plans designed quite yet so that is subject to change. He said that they will be high value pieces of property.

Commissioner Hummel said he was trying to find out if there is any way to add some kind of creative value to those spaces with the addition of the 8 foot. If it could be utilized for something more than just an extra car garage or something he said he would like to encourage them to think about that if this is improved to look at creative ways to make use of that extra 8 feet that is more than your standard cookie cutter type of whatever is the trend of the time. He added that the property owner on the west side did not provide any comment but there was a question about infill development and how that might not be feasible. He also talked about the statement in the application that addressed Land Use zoning criteria that would be limited by not gaining the 8 feet and he was curious of what that may be. What would the City of Fruita not be getting in terms of land, Land Use Code that they would be getting otherwise?

Mr. Sorenson touched on this question. He said that Mr. Griffin was going to move forward whether the 8 feet was vacated or not. They have a great plan moving forward. Some of these lots become, not in this situation but others, narrow in width. He continued, most folks have a trailer, ATV that they like to park alongside their house and what this does is it allows these lots to be a little bit wider so you can get a nice home and have a little bit of space for people to keep that stuff off of the street. He said that even though 8 feet did not sound like a lot of land width, in this particular situation it carries across that land and allows some nice lots to be developed that provide that space for folks with their toys. If a 44 foot right of way street is what should go in there based off of the Fruita Land Classification Map, then why not allow that additional 8 feet be utilized in development? He said that if things weren't utilized to their intent it becomes a no man's land where that responsibility may fall back on the homeowner, all of a sudden he thinks that this is right of way and not his responsibility and I don't own that land. So might as well utilize the land the right way it is supposed to be used. That is what they are trying to do here, build an adequate street or get to a right of way that meets the street section and then allow these infill developments that the reason why they are still vacant is because there is always challenges with them. There needs to be some ways to make these things work and develop Fruita that you all in the community want to see. He continued, that the vacation of the right of way does not impact if you are going 44 feet you will still have a bike path even if it goes under 44. By vacating there is no impact to the path. Folks can still utilize the 44 feet as a thoroughfare on their bike as walking. He thinks that by vacating, it allows the street to get built the way it has been intended to get built and it also lets infill development move forward and develop some of these lands that are sitting in the core of the community.

Commissioner Fabula thanked him for his comments. He asked some of the questions that a was submitted as a public comment. This question was from Stu. Obviously, this application was for one side of this right of way, why are we not doing both sides at the same time?

Mr. Hemphill said that this application was initiated by a property owner and not the City. He said that the gentleman that made the comment can request that vacation similar to what Mr. Griffin has requested. He added that following the proceedings of this, that is an option for him, but it is not a project that is initiated by the City at this time.

Mr. Caris said that a property owner can request for a modification to a certain section of the entire code. They have a property right to apply for a vacation of right of way. That is part of their process rights and their property rights.

Commissioner Fabula asked if they moved forward and approved it, they are not going to take that right away from that property owner on the west side, right?

Mr. Caris said that it would really be giving it back to the property owners not taking it from them. He added that there was surveying work and exhibits and all those things that are associated with that the City was not prepared to place any resources to generate that right of way vacation on the west side. If so happens that the property owner on the east side generated that.

Commissioner Fabula said that quite a few public comments had to do with traffic on Pabor and the speed of traffic on Pabor. He said that this was not the topic that they were discussing today however one of the comments asked about stop signs. Can you tell us where stops signs were planned to be with regard to the potential road?

Mr. Atkins said that there would be a stop sign at Pabor and if Columbine ever went through there could be a four way stop there. If this gets constructed up to North Sycamore, then there would be a stop sign on Columbine and Sycamore would likely go through up to Ottley.

Commissioner Fabula said that Angela asked if they could use the irrigation canal as a path for bikes. He said he knew the answer to that but asked if anyone would like to answer this for her.

Mr. Atkins said that GVIC claims that as their property and they do not want anyone using it for pedestrian or bicycle traffic.

Commissioner Fabula brought up a comment made by Mr. Garcher. He wanted to know how they could make this decision without talking about the land development that is going to follow.

Mr. Caris said that this right of way vacation request needed to stand on its own merits. It has to make sense for the overall circulation as all of the local roads, collector roads interact with that. That cross section whether it is the crossing over the canal to East Columbine. He continued that getting this connection built is a big deal from the standpoint that it will disperse some school traffic from Fruita Middle School. They will have less people going on Maple and more people using East Columbine if that gets punched through. It does move traffic. As far as the subdivision, the reality of that situation is that they have a completely different set of approval criteria for a subdivision and a completely different set of approval criteria for a right of way vacation. To afford everybody the right sense of due process that they owed those applications have to stand on their own merits and individual decisions need to be made as a result of whether or not those approval criteria can be met or you think they can be met.

Commissioner Fabula felt that they had addressed all on his list from the community members that had reached out. He asked if any of the Commissioners had any further comments or items that they wanted to double check on?

Commissioner Gollob said that one thing that kept resonating with him was in some ways this issue is being discussed as if this was a giveaway to the land owner for development's sake versus this is a decision that affords the land owner his legal rights to retain that vacation given

the actions of the City. He said that it was important to him to know that this is standard practice when these decisions are made because there has been a lot of discussion how this is being done for development's sake. He asked Mr. Caris to touch on this.

Mr. Caris said that the fact that the right of way vacation should or should not happen really should not depend on the Griffin's project. They hear a lot of subdivision applications that never get built. He said that this piece of ground has had several layouts associated with it throughout the course of time that never actually happened. There should not be any predication associated whether or not this is for somebody else. This is public right of way; it is well within their right to request a vacation. He thought that what he heard is that they want them to study how that road could be constructed and wanted them to go back to the drawing table. If they had the money to go build Sycamore tomorrow and this project did not exist what would they build. He said that they would be 28 feet of asphalt with curb, gutter, and sidewalk on both sides of the street and that 8 feet would go back to the property owners.

Commissioner Gollob said that this was clear from Mr. Atkins. It was 1905 versus 2020. His question was more along the lines if this was standard practice? This vacation of the land back to the homeowners because the narrative is that this is being done for development's sake and not necessarily because it is the best decision or the standard practice. He said that he was trying to balance the landowner's rights versus the neighboring community's interests.

Mr. Caris said that this was a standard practice. He said that there were arguments on both sides and that they were active buyers of right of way when they did not get enough at some point in time. This is an infill parcel with a lot of homes that have been built on both sides of this future road that in the next several decades that condition will make sense. It is a standard practice a lot of times they are initiated by the City for a specific project, but a lot of times right of way vacations take place in order to combine larger parcels and readjust right of way alignments. That is where they are more commonly used. He added that if you have several quarter sections of acre with a planned collector going through it that was platted 80 years ago and the City is no longer allowed those north, south, east, west connections to be on a quarter mile alignment they have to shut that right of way which means it needs to be vacated. He said that happens by plat of subdivision and through this process.

Commissioner Gollob he wanted to reiterate what he said in his last comment and what Commissioner Hummel also reiterated. He said that he looked forward to looking at developer community neighborhood creative solutions if they could find themselves to where they can find some harmony with this development.

Commissioner Fabula said that he agreed with Commissioner Gollob's point they are always excited when they hear applicants volunteer to do a neighborhood meeting. They always encourage everyone to do that whenever they are willing to do it. He asked if there were any other comments.

There were none.

Commissioner Fabula asked for a motion.

COMMISSIONER NISLEY MADE A MOTION TO APPROVE THE VACATION OF RIGHT OF WAY AS APPLICATION #2020-08 ON SYCAMORE STREET

COMMISSIONER VAN ETTEN SECONDED THE MOTION

MOTION PASSES 6-0

**I. OTHER BUSINESS**

1. Election of Officers

COMMISSIONER VAN ETTEN NOMINATED COMMISSIONER FABULA FOR THE POSITION OF CHAIR

COMMISSIONER GOLLOB SECONDED THE MOTION

MOTION PASSED 6-0

COMMISSIONER HUMMEL NOMINATED COMMISSIONER GOLLOB FOR THE POSITION OF VICE CHAIR

COMMISSIONER FABULA SECONDED THE MOTION

MOTION PASSED 6-0

2. Community Development Activity Reports.

Mr. Caris gave the Planning Commissioners an update on the Land Use Code update. Mr. Hemphill spoke about the 2020 Census and the numbers.

**Adjournment 10:42 pm**

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita



# FRUITA

COLORADO

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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: JUNE 2, 2020**

**RE: CIDER MILL ESTATES – A REQUEST TO APPROVE A PRELIMINARY PLAN FOR A 37 LOT SUBDIVISION LOCATED SOUTH OF THE STONE MOUNTAIN SUBDIVISION AND EAST OF THE RIVER ROCK SUBDIVISION ON APPROXIMATELY 13.25 ACRES IN THE LARGE LOT RESIDENTIAL ZONE.**

**(APPLICATION #2020-07)**

### **BACKGROUND**

The subject property was part of the Henry Subdivision in 2006 and later became a potential site for an elementary school for Mesa County Valley School District. Since the recent decision of the school district to build an elementary school in a different location in Fruita, the subject property was sold by the school district.

This is a request for approval of a Preliminary Plan application to subdivide approximately 13.25 acres of land into 37 single family detached residential lots in the Large Lot Residential (LLR) zone. The subject property is located south of the Stone Mountain Subdivision, southwest of the Colonial Glen Subdivision, west of the Garden Estates Subdivision, and east of the River Rock Subdivision. Lot sizes range between 10,000 - 12,500 square feet and access to the subdivision is proposed from Apple Lane (through the Garden Estates Subdivision) in the first filing and making a connection to Stone Mountain Drive in the second filing. The subdivision is also proposing 2 additional access points with a street sub to the south for a future connection and a street connection to South Maple Street (17 ½ Road) in the third filing. Filing 1 contains 13 lots, while filing 2 has 11 lots and filing 3 having the remaining 13 lots. This plan is proposing to utilize the irrigation vault and the stormwater and detention pond from the Garden Estates Subdivision.

The proposed Preliminary Plan application meets or can meet all approval criteria that must be considered. Review agencies such as Lower Valley Fire District, Ute Water, and Xcel Energy have had a chance to comment on the proposed subdivision. Their comments, along with other more technical issues, are included with the Staff Report as Consolidated Review Comments. As a condition of approval, all comments and issues must be addressed with the Final Plat application.

At their May 12, 2020 virtual public meeting, the Planning Commission heard this Preliminary

Plan application and voted 6-0 in favor of recommending approval to the Fruita City Council. There were written public comments submitted and included with the Planning Commission packet which are also included with this City Council packet. In addition, there was one public comment made during the virtual Planning Commission meeting with concerns about traffic and sidewalk connectivity.

Prior to the Planning Commission meeting, Staff sent letters to all property owners who originally received public notice postcards. This letter, titled “Notice of virtual public hearing”, was intended to provide guidance on how to participate in the virtual meeting and how to make written public comments prior to the virtual Planning Commission meeting.

### **FISCAL IMPACT**

The proposed Preliminary Plan does not create a fiscal impact to the city at this time. The next step in the development process is a Final Plat application. With Final Plat approval and the related subdivision improvements agreement (last step before construction takes place), there will be a fiscal impact. As a general rule of thumb, residential development usually does not provide enough direct revenue to offset the cost of services, however; impact fees will be required to help offset cost of development.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

This Preliminary Plan meets or can meet all approval criteria and standards of Fruita’s Land Use Code with the recommended conditions of approval. The Land Use Code (along with other regulatory documents such as Fruita’s Design Criteria and Construction Specifications Manual) implement the city’s goals and policies as outlined in the city’s Master Plan.

### **OPTIONS AVAILABLE TO THE COUNCIL:**

- Approve the Cider Mill Estates Preliminary Plan with the condition that all review comments and issues identified in the Staff Report be adequately resolved with the Final Plat application.
- Deny the Cider Mill Estates Preliminary Plan.

### **RECOMMENDATION:**

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

**APPROVE THE CIDER MILL ESTATES PRELIMINARY PLAN APPLICATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION.**



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

**Application #:** 2020-07  
**Project Name:** Cider Mill Estates  
Application: Preliminary Plan  
Representative: Land Consulting & Development, LLC  
Location: 960 Stone Mountain Drive  
Zone: Large Lot Residential (LLR)  
Request: This is a request for approval of a Preliminary Plan application to subdivide approximately 13.25 acres of land into 37 single family detached residential lots.

**PROJECT DESCRIPTION:**

The subject property was part of the Henry Subdivision in 2006 and later became a potential site for an elementary school for Mesa County Valley School District. Since the recent decision of the school district to build an elementary school in a different location in Fruita, the subject property was sold by the school district.

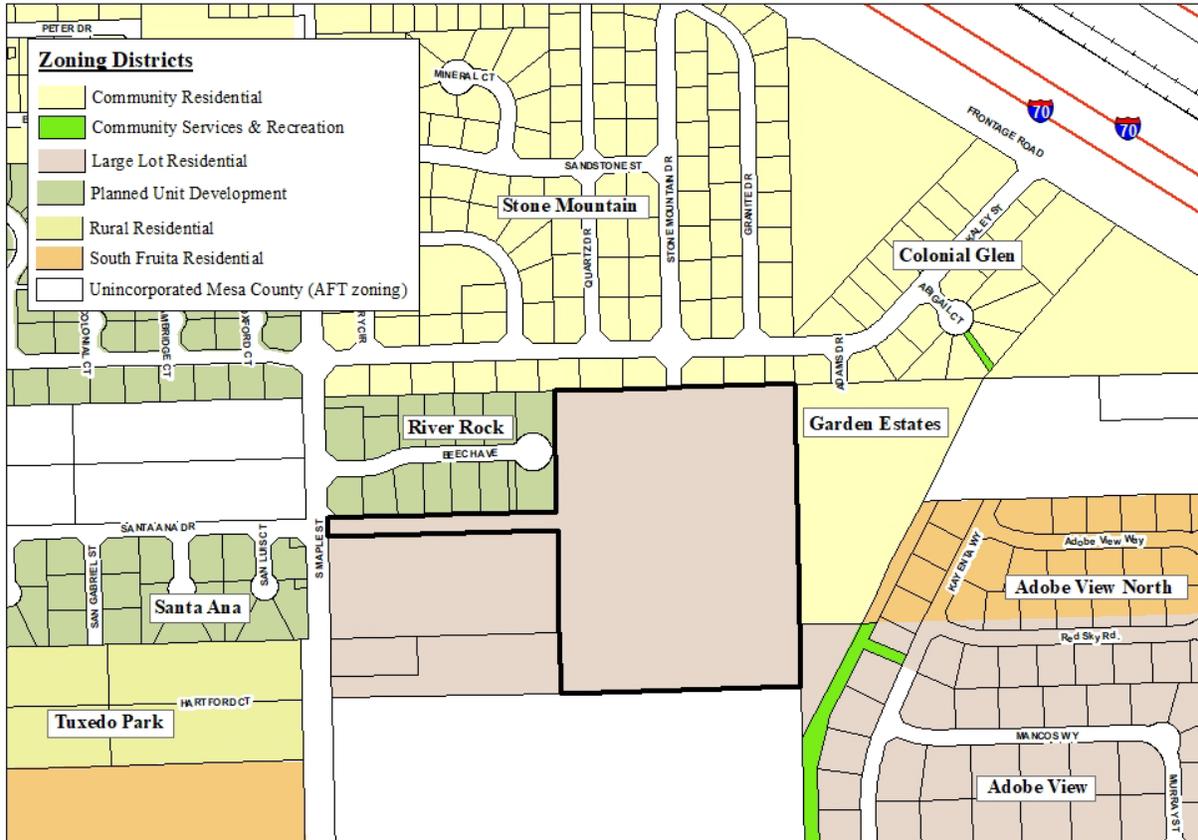
This is a request for approval of a Preliminary Plan application to subdivide approximately 13.25 acres of land into 37 single family detached residential lots in the Large Lot Residential (LLR) zone. The subject property is located south of the Stone Mountain Subdivision, southwest of the Colonial Glen Subdivision, west of the Garden Estates Subdivision, and east of the River Rock Subdivision. Lot sizes range between 10,000 - 12,500 square feet and access to the subdivision is proposed from Apple Lane (through the Garden Estates Subdivision) in the first filing and making a connection to Stone Mountain Drive in the second filing. The subdivision is also proposing 2 additional access points with a street sub to the south for a future connection and a street connection to South Maple Street (17 ½ Road) in the third filing. Filing 1 contains 13 lots, while filing 2 has 11 lots and filing 3 having the remaining 13 lots. This plan is proposing to utilize the irrigation vault and the stormwater and detention pond from the Garden Estates Subdivision.

**SURROUNDING LAND USES AND ZONING:**

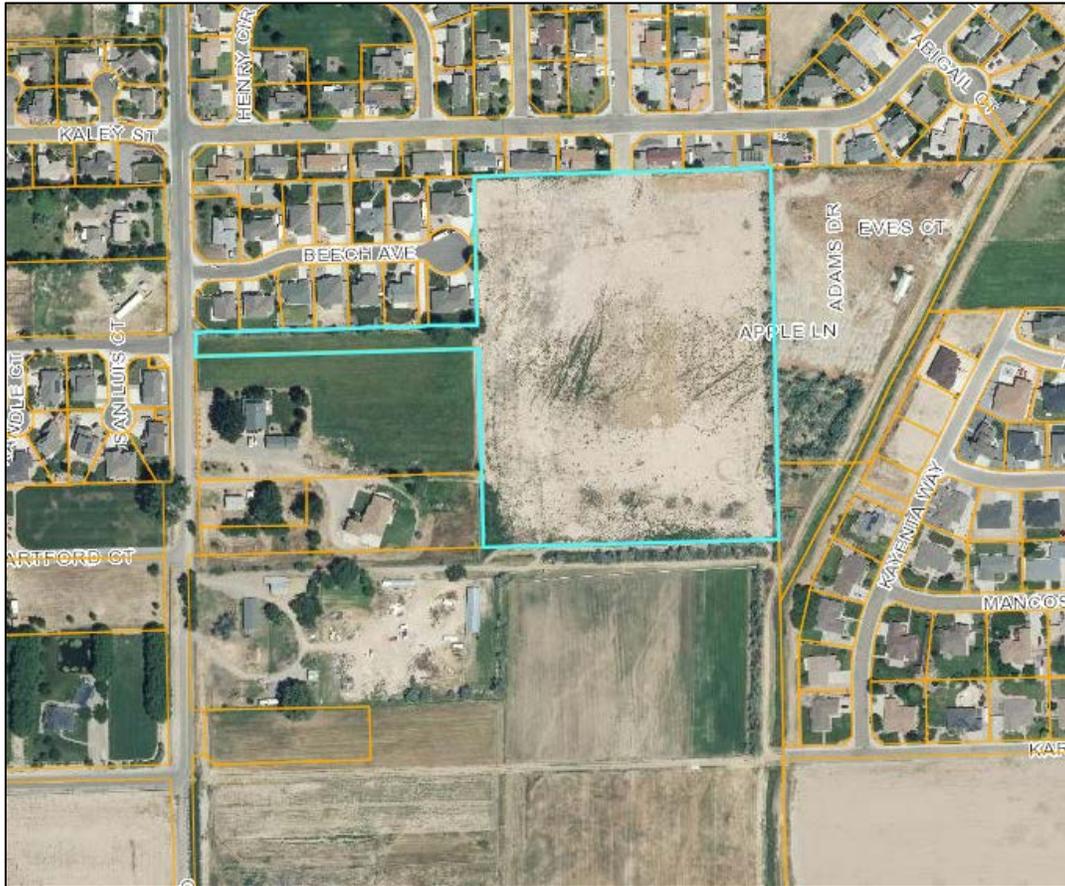
Surrounding the subject property are single family detached residential types of uses. The subject property is surrounded by a number of different zoning types consisting of Community Residential, Planned Unit Development, Large Lot Residential, South Fruita Residential, and

Unincorporated Mesa County (AFT). The Stone Mountain Subdivision is to the north and northwest, Colonial Glen to the northeast, Garden Estates to the east, and the River Rock Subdivision to the west.

### 2019 ZONING MAP



## 2019 AERIAL PHOTO



### REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

#### PRELIMINARY PLAN

Section 17.15.070 (C) of the Land Use Code states that at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Preliminary Plan application according to the Sketch Plan criteria in Section 17.15.060(C) and also the following criteria:

**1. Adequate resolution of all review comments; and**

As discussed below, it appears that review comments can be adequately resolved without a significant redesign of the proposed development. This criterion can be met if all review comments are resolved with the Final Plat application.

**2. Compliance with conditions of approval on the Sketch Plan, if any.**

No Sketch Plan application was submitted or required for this proposed development. This criterion does not apply.

**Section 17.15.060 (C) states, at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Sketch Plan application according to the following criteria:**

**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;**

*Conformance to the City of Fruita’s Master Plan:*

The City of Fruita’s Master Plan, Fruita In Motion: Plan Like a Local, does support residential development in this area. The Future Land Use Map (FLUM) supports a South Fruita Residential 2-5 density in this area. Since the property is already zoned Large Lot Residential which carries a supported density of no more than 3 dwelling units per acre, there is no additional need for the property to be rezoned in order to meet the Master Plans supported density. Based on the submittal the approximate gross density of Cider Mill Estates is just under 3 dwelling units per acre.

The Fruita In Motion plan encourages Efficient Development as one of its Plan Themes. The Plan Themes section is found in the 1<sup>st</sup> 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 has been within the city limits for a number of years and although not considered an infill development, it does appear to be supporting community connectivity and does not require an extension of the city limits. As recommended in the Planning & Development review comments, making the street connection to Stone Mountain Drive in the 1<sup>st</sup> filing will strengthen the support of this application with regards to efficient development. Similarly, this development is proposing to utilize the capacity and function of a stormwater/water quality detention pond and irrigation vault from the Garden Estates Subdivision currently under construction. Staff feels that these are areas where efficient development either has been proposed or can be achieved.

Connectivity is another Plan Theme within Fruita’s Master Plan. 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.” With some modifications to the proposed subdivision, the Cider Mill Estates subdivision can meet this Plan Theme. The modifications include but are not limited to, the incorporation of pedestrian trails and adequate resolution of the City’s comments with regards to street connectivity and safety. As long as the streets and trails are designed in a safe manner, this portion of the Master Plan can be met.

***Conformance to Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations:***

The property is zoned Large Lot Residential (LLR). The purpose of the LLR zone is to allow larger lot developments in the same areas as the Community Residential (CR) zone and other areas as appropriate. The LLR zone has a minimum lot size of 10,000 square feet and has a maximum density of 3 dwelling units per acre according to Section 17.07.060 (I) of the Land Use Code. This application is proposing lot sizes between 10,000 – 12,500 square feet with an overall gross density of just under 3 dwelling units per acre.

Although expressed in Staff's review comments it should be noted that Section 17.29.030 (B) states that public trails be required in all developments. Staff recommends the proposed subdivision be revised to meet this section of the Land Use Code.

With regards to the Stone Mountain Drive connection, Section 17.43.030 (C) of the Land Use Code states, "Residential streets should be designed to discourage fast movement of vehicular traffic and incorporate traffic calming measures where appropriate." Staff is recommending that modifications be made to this connection to avoid such a straight thoroughfare.

The applicant and property owner understand that irrigation shares must be provided and that the Land Use Code requires that 1 – 1.5 irrigation shares be provided per irrigated acre. It should be noted that the City of Fruita does not maintain private irrigation systems, however, it is important to the City of Fruita that irrigation systems have the necessary capacity and function to adequately serve those who utilize this irrigation service.

With some changes, the proposed development can be in conformance with the city's Master Plan, Land Use Code, and all other city policies and regulations based on the more technical responses as expressed in the Consolidated Review Comments included with the Staff Report.

Review comments from the City Engineer, Planning & Development Department, Xcel Energy, Ute Water, Colorado Department of Transportation (CDOT), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

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

Section 17.07.080 of the Code states that 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.

There does not appear to be any portion or element within this subdivision that would be considered as being incompatible with surrounding land uses. The subject property is surrounded by single family detached dwelling units within multiple subdivisions. This criterion has been met.

**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.);**

It appears that most required services and facilities are available to the subject property and the proposed subdivision. However, there are a few required services and facilities that have not been incorporated into the subdivision.

There was a traffic study conducted with the proposed subdivision which recommends improvements at the intersection of the Frontage Road and South Maple Street and at the intersection of Kaley Street and the Frontage Road. The details of the turn lanes were not submitted with this application. This intersection is within CDOT right-of-way and CDOT has reviewed this application and their comments are included with the Staff Report.

There is no area dedicated to public trails or open space. The applicant is aware that irrigation shares must consist of 1 – 1.5 shares of water per irrigated acre of land and that the development must incorporate public trails.

The subdivision is proposing to utilize the irrigation and detention facilities contained in the Garden Estates Subdivision. The project narrative states that, “documents will be created for the 2 HOA’s (Garden Estates and Cider Mills Estates) with specific details on how the maintenance, expenses and scheduling will be managed for the detention pond and irrigation system.” Although irrigation systems and detention ponds contained in subdivisions are owned and maintained by their respective Homeowners Associations (HOA’s), it’s important to the City of Fruita to make sure that the irrigation system is designed to meet the needs of those utilizing the facility and that the detention/stormwater pond is sized appropriately.

If all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application, this criterion can be met.

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

There doesn't appear to be any natural features that are in need of preservation within this subdivision.

Any stormwater management issues must be addressed and sedimentation, weed, and dust controls will be required as part of the construction process.

This criterion can be met.

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

Although some redesign will be required in order to meet the minimum requirements of the Land Use Code and other city regulations, it does not appear that resolving concerns necessarily leads to a significant redesign of the development that would require another Preliminary Plan review. It should be noted that if the subdivision were to be modified for the original proposal, Section 17.05.090 of the Land Use Code allows for the Community Development Director (Planning & Development Director) to determine whether or not the modifications or amendments to the development are minor or major. If the modification or amendment is considered major, the application will go back to Planning Commission and City Council. A major modification would be one that increases the number of lots or dwelling units or proposes modifications to any of the street standards or other public improvement requirements. Lot layout, a decrease in residential lots, or an increase in the amount of open space could constitute a minor amendment or deviation.

As mentioned before, review comments from the City Engineer, Planning & Development Department, Xcel Energy, Ute Water, Colorado Department of Transportation (CDOT), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

Based on this information, the approval criteria that must be considered for Preliminary Plan applications either have been met or can be met if all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application.





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](mailto: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 #: 2020-07**  
**Application Name: Cider Mill Estates**  
**Application Type: Preliminary 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.

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***2020-07 Cider Mill Estates Preliminary Plan  
Consolidated Review Comments***

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**CDOT**

This development will require access permits for the three access locations Kaley St., Stone Mountain Dr. and Maple St. as well as a level 2 traffic study. The traffic engineer has submitted those applications and study to CDOT. They are currently on hold pending additional required information that was requested from the applicant. Let me know if you need any further information.

**Grand Valley Drainage District**

After reviewing the Drainage report and other documents the District has no objection to the two subdivisions sharing the detention facility in Garden Estates. The District is requiring a discharge license, (and that DL has been issued), for Garden Estates detention facility, so there will not be any requirement for a DL from Cider Mill. The discharge into Maple street will be by public right of way, and the District will therefore expect any changes to the existing storm drainage to be addressed by the City of Fruita as required.

**Lower Valley Fire District**

Review comments:

Cider Mill Estates Preliminary Plan 2020-07

K 4/10 road and 18 ½ road

1. The fire hydrants located in lots 22 and 25 may be deleted.
2. Install a fire hydrant between lots 31 and 32.

**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

**Mesa County Planning Department**

Thank you for the opportunity to review this project, however, at this time I have no comments.

**Mesa County Stormwater Division**

Review Comments for 2020-07 Cider Mill Estates Preliminary Plan

1. Project is within stormwater urbanized area and is greater than 1 acre of disturbance; Mesa County Construction Stormwater Permit is required.

Go to <https://etrakit.mesacounty.us/etrakit3/> to start the application process.

2. Review Fee and Inspection Fee for Construction Stormwater Permit will need to be paid prior to permit being issued. Fees are assessed based off of project size.
3. Stormwater Management Plan and Site Map(s) need to be submitted to Mesa County Stormwater Division for review; comments will be provided back should changes be required.

Submit: Stormwater Management Plan, Site Map, and CDPHE Permit  
to [stormwater@mesacounty.us](mailto:stormwater@mesacounty.us)

### **Ute Water**

See attached

### **MCVSD51**

Thank you for the opportunity to have our voice heard regarding planning and development in the Fruita area. We at Mesa County Valley School District 51 have no issues or concerns regarding the Cider Mills Estates plan. As the former owner of this property we did not see it as a fit for a future school site. This subdivision will undoubtedly add students to our schools in the area but with the recent boundary changes the schools in that attendance area will be able to accommodate the additional students.



# LAND DEVELOPMENT APPLICATION

Project Name: Cider Mill Estates  
 Project Location: 960 Stone Mountain Drive, Fuita, CO 81521  
 Current Zoning District: Community Residential Requested Zone: Same  
 Tax Parcel Number(s): 2697-201-46-001 Number of Acres: 13.25  
 Project Type: Large Lot Residential (\*Preliminary Plan)

Property Owner: Curt Hansen Developer: Senergy Builders  
 Property Owner: \_\_\_\_\_ Contact: Darin Carei  
 Address: 2851 B 1/2 Rd Address: 218 28 Rd, Ste A-202  
 City/State/Zip: Grand Junction, CO 81503 City/State/Zip: Grand Junction, CO 81501  
 Phone: (970)644-2699 Fax: \_\_\_\_\_ Phone: 970-248-8500 Fax: \_\_\_\_\_  
 E-mail: curth19@gmail.com E-mail: dcarei@senergybuilders.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: Kim Kerk Land Consulting & Dev, LLC Engineer: Vortex Engineering  
 Contact: Kim Kerk Contact: Robert Jones II, PE  
 Address: 529 25 1/2 Rd, Ste. B-108 Address: 2394 Patterson Rd, Ste 201  
 City/State/Zip: Grand Junction, CO 81505 City/State/Zip: Grand Junction, CO 81505  
 Phone: 970-640-6913 Fax: \_\_\_\_\_ Phone: 970-245-9051 Fax: \_\_\_\_\_  
 E-mail: kimk355@outlook.com E-mail: rjones@vortexeng.us

**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>Curt Hansen</u>		<u>2/6/2020</u>
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
Name of Legal Owner		Date



STATE OF COLORADO )  
 ) ss.  
 COUNTY OF MESA )

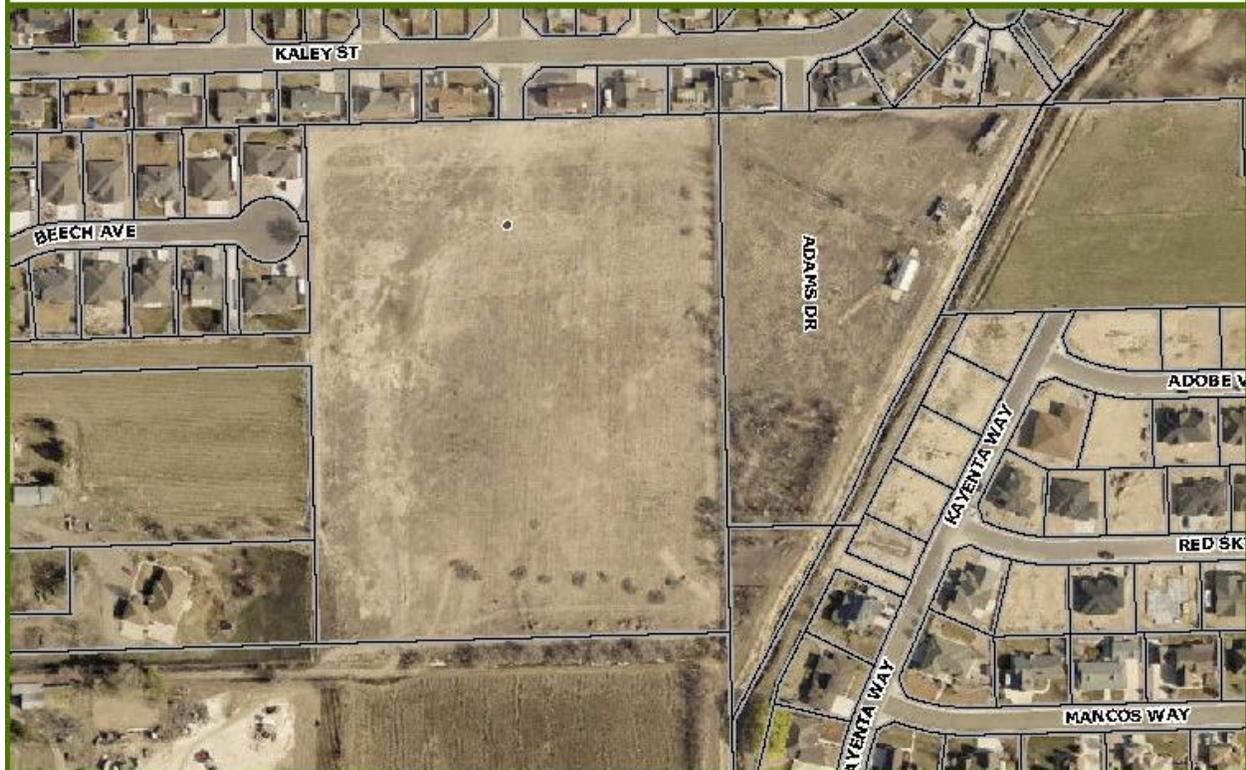
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of February, 2020  
 My Commission expires: 10-01-2021 Notary Public



**Project Narrative Preliminary Plan Application  
Cider Mill Estates  
960 Stone Mountain Drive, Fruita, CO**

**March 2020**

960 Stone Mountain Dr



**Project Applicant: Kim Kerk Land Consulting & Dev.**  
**Project Developer: Darin Carei, Senergy Builders**

**Project Narrative for Preliminary Plan Application**

**529 25 ½ Rd, Ste B-108, Grand Junction, CO 81505**  
**Ph: 970-628-4711**



**Cider Mill Estates  
960 Stone Mountain Drive, Fruita, Colorado**

The subject property is located at 960 Stone Mountain Drive, south of I-70 and east of 17 ½ Road in Fruita, CO. The parcel number is 2697-201-46-001 with Large Lot Residential Zoning, (LLR). Fruita Monument High School and the Fruita 8-9 Middle School are located northeast of the site.

The proposal for this subdivision is to build 37 single family lots, ranging in size from 10,000 sq. ft. to 13,650+/- sq. ft. The applicant is requesting approval of the Preliminary Plan for Cider Mill Estates subdivision. The requirements for Section 17.07.060(f) are included in the design, density, lot size, and building setbacks.

Total site area is 13.25 acres, which yields a proposed density of 2.56 D.U. /acre. Zoning is Large Lot Residential (LLR), which allows for 10,000 sq. ft. minimum lot size and a maximum density of 3 D.U. for single family homes. Parking requirements are 3 per unit for single family homes. The developer will meet or exceed this parking requirement.

Detention Pond will be located east of Cider Mill Estates, on the southwest corner of the adjacent development of Garden Estates in an 11,853 sq. ft. tract, identified as Tract 101 in Garden Estates subdivision. The detention pond was designed and built during construction of Garden Estates subdivision with the intent to support both Garden Estates and Cider Mill Estates subdivisions. The irrigation vault will be a shared item between Cider Mill and Garden Estates as well. Documents will be created for the 2 HOA's with specific details as to how the maintenance, expenses and scheduling will be managed for the detention pond and irrigation system.

Other community services such as medical, library, recreational, (Dinosaur Journey Museum and James M. Robb - CO River State Park are less than a mile from the proposed Cider Mill Estates subdivision), retail sales and other services are available in Fruita. All utility providers have the capacity and willingness to provide services. All required services will be constructed to the design specifications and standards of the utility service provider. It is understood that 13 irrigation shares are needed for Cider Mill Estates. The developer is in the process of researching existing irrigation shares and will provide proof of 13 shares as an addition to this submittal.

**Utilities Providers:**

Electric and Gas: Xcel

Water: Ute

Wastewater: City of Fruita

Stormwater: Grand Valley Drainage District

In addition, an 8-foot-wide, 1090 Ft. long, gravel pedestrian trail on the east side of Garden Estates, adjacent to the Murray Drain, creates not only a pleasant option to the neighborhood but promotes connectivity and interaction between Cider Mill Estates, Garden Estates and Adobe View North subdivisions.



Natural features are not present on this particular parcel as it is a large vacant infill lot sandwiched between developed lots.

Per Huddleston-Berry Geotechnical Report: Soils data was obtained from the USDA Natural Resource Conservation Service Web Soil Survey. The data indicates that the soils at the site consist of Sagers silty clay loam, 0 to 2 percent slopes; Fruitland sandy clay loam, 0 to 2 percent slopes; and Turley clay loam, 0 to 2 percent slopes.

#### Access and Traffic Patterns

There are four access points to the Cider Mill subdivision. From the west, an alignment will be constructed with Santa Anna Dr. to 17 ½ Rd., there is connection from the north to Stone Mountain Dr. There is also a stub street Apple Ln. from Garden Estates on the east that will be connected to Cider Mill Estates. The 4<sup>th</sup> connection is a stub street that will be constructed to connect to the Karp property to the south. All internal street cross-sections will be consistent with City of Fruita standards and specifications.

Phasing Plan: This subdivision will be constructed in one filing.

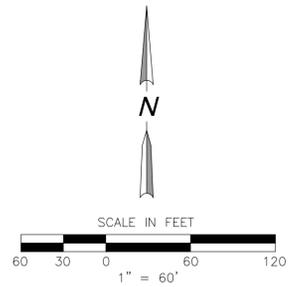
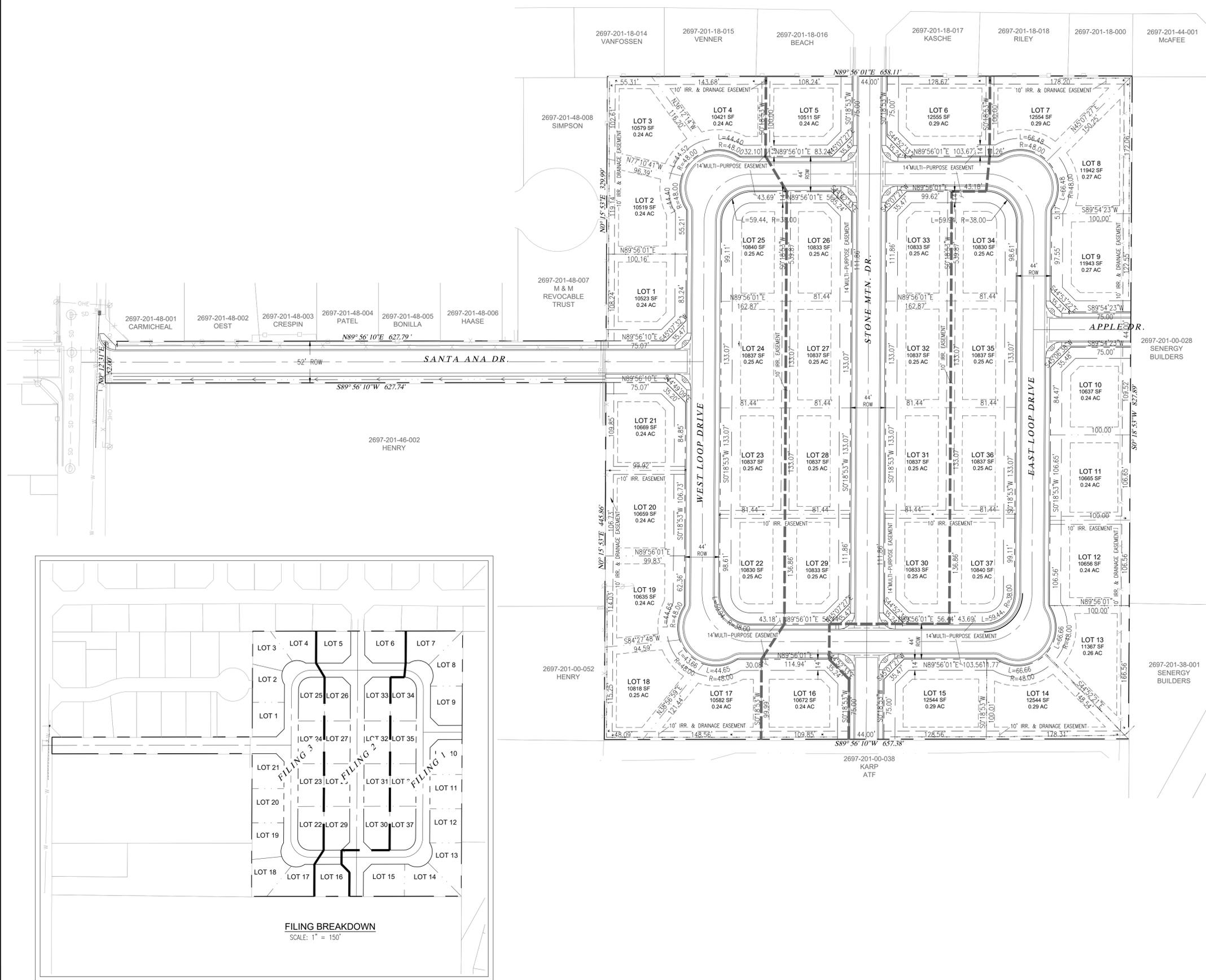
As well as implementing the Large Lot Residential zoning, the Preliminary and Final Plan will meet the following Guiding Principles of the Fruita Master Plan: 1. Discourages a sprawling land use pattern; 2. Promotes the infill of existing vacant parcels within the Urban Growth Area; 3. Promotes adequate residential densities to support existing and future commercial centers; and 4. Ensures adequate density for the efficient delivery of services.

REV.	DATE	COMMENT	BY

**Site Plan**  
**Cider Mill Estates**  
**Preliminary Plat**  
 960 Stone Mountain Drive  
 Fruita, CO 81521

PROJECT NO: F19-029  
 DATE: 10/10/19  
 SCALE: 1" = 60'  
 119-029 site.dwg

~SHEET~  
**C1.0**

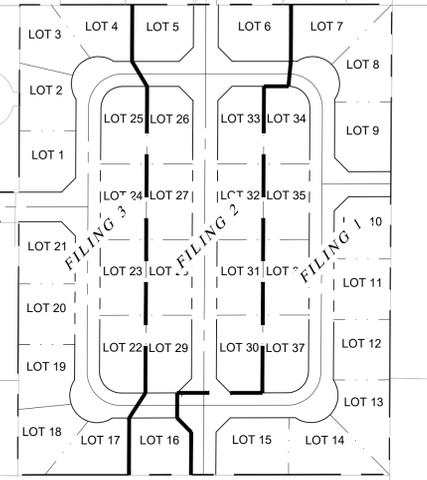


**GENERAL NOTES**

- ALL CONSTRUCTION TO CONFORM TO THE CURRENT CITY OF FRUITA DEPARTMENT OF PUBLIC WORKS AND PLANNING STANDARDS AND SPECIFICATIONS.
- CONTRACTOR MUST CONTACT CITY OF FRUITA TRAFFIC OPERATIONS SUPERVISOR PRIOR TO CONSTRUCTION OR PLACEMENT OF TRAFFIC CONTROL DEVICES/FEATURES (STRIPING, SIGNALS, MEDIANS, ETC.) FOR CONSTRUCTION IN THE RIGHT-OF-WAY ONLY.
- REFER TO THE GEOTECHNICAL INVESTIGATION BY Value, DATED Value FOR RECOMMENDATIONS REGARDING PAVEMENT, SLABS, FOUNDATIONS AND GROUNDWATER MITIGATION REQUIREMENTS.
- LIGHTING TO BE DESIGNED BY UTILITY PROVIDER. (XCEL)
- ALL SANITARY SEWER MANHOLES ARE 48" I.D. UNLESS NOTED OTHERWISE.
- FOR STREET SECTIONS SEE ROAD PLAN & PROFILE SHEETS.

UTILITY PROVIDERS INFORMATION		
UTILITY	PROVIDER	PHONE NUMBER
SANITARY SEWER	CITY OF GRAND JUNCTION	970-244-1554
DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT	970-242-4343
DOMESTIC WATER	UTE WATER CONSERVANCY DISTRICT	970-242-7491
IRRIGATION	GRAND VALLEY IRRIGATION	970-242-2762
ELECTRICITY	XCEL ENERGY	800-895-4999
NATURAL GAS	XCEL ENERGY	800-895-4999
TELEPHONE	CENTURYLINK	800-603-6000
CABLE TELEVISION	SPECTRUM	833-780-1880

PROPOSED LAND USE TABLE				
USE	AREA	AC	% OF TOTAL	OWNER
SINGLE FAMILY LOTS (37 TOTAL)	440,006 S.F.	10.101	60.86%	PRIVATE
RIGHT-OF-WAY:	137,154 S.F.	3.149	14.23%	PUBLIC
TOTAL SITE AREA:	577,160 S.F.	13.248 AC		



**FILING BREAKDOWN**  
 SCALE: 1" = 150'

**PROJECT BENCHMARK**

PROJECT BENCHMARK #1 IS A SURVEY MONUMENT LOCATED AT THE SE1/16 CORNER OF SECTION 4, T1S, R1W, ON F 1/4 ROAD. ELEVATION IS BASED ON THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. ELEVATION=4571.296  
 PROJECT BENCHMARK #2 IS A SURVEY MONUMENT LOCATED AT THE C-E1/16 CORNER OF SECTION 4, T1S, R1W. ELEVATION IS BASED ON THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. ELEVATION=4580.794

ACCEPTED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE  
 ACCEPTANCE OF THESE PLANS DOES NOT RELIEVE THE DEVELOPER, CONTRACTOR, OR THE ENGINEER FROM CONFORMANCE WITH THE CITY OF FRUITA DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS MANUAL.

CITY OF FRUITA ENGINEERING DIVISION REPRESENTATIVE \_\_\_\_\_ DATE \_\_\_\_\_

**FOR REVIEW - NOT FOR CONSTRUCTION**

## Kelli McLean

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**From:** Richard D Haase <cardhaase@gmail.com>  
**Sent:** Wednesday, May 6, 2020 4:22 PM  
**To:** Kelli McLean  
**Subject:** Privacy Fence

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I would like to have some information on the proposed new road (Santa Anna extension) into the Cider Mill Subdivision. Will a privacy fence be erected on the North side of the proposed road to shield current homes on the South side of Beech Avenue? Who will be responsible for the cost? Is it really necessary to have 4 entrances to handle 37 homes into the Cider Mill Subdivision?

What will be the square footage and price range be on the new homes in the Cider Mill Subdivision. I am concerned that the homes will be equal or better to current homes in the area to keep the property values up.

Richard D. Haase  
640 Beech Road  
Fruita, Colorado 81521  
#2697-201-48-006

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

To all commissioners,

We would like to see the developers of the Cider Mill Estates be required to erect a privacy fence between the backyards on Beech Avenue and the portion of Santa Ana Road extension that is to be constructed from Maple Street to the Cider Mill Estates. We will no longer have our privacy with pedestrians and cars accessing the sidewalk and road.

In many other subdivisions we have seen, the developer has put up the perimeter fencing. We feel it is the responsibility of the developer to be held accountable to provide us with the privacy fencing in this project also.

We would appreciate if this could be addressed.

Thank You,

Richard D. Haase  
640 Beech Avenue  
Fruita, Colorado

expecting that to be overgrown with a huge amount of landscaping but there will be some and he expects it to help obscure parts of the building. Whether the trees get big enough to mitigate the visibility of the rooftop units is unclear, but it is possible. He thought they were both good ideas. He talked about the lighting on the north side. He said the light fixtures will be cut off type light fixtures and they will shine light no further than the property line. He added that they should not be shining in the eyes of anyone driving around the circle. He responded to the comment about the west side and whether there was going to be landscaping or sidewalks on the alley. He said that the goal is to have that in the future but it is important when phasing a project like this one not to do too much in the first phase that you might regret in the later phase. He said that there is a sense of commitment to develop the west side in a nice way but with the input of the tenants that would be there is the right way to do it. They are going to aim to do that development of the alleyway when that phase comes around.

Commissioner Fabula thanked him and asked for any further comment from the Commission.

COMMISSIONER GOLLOB MADE A MOTION TO APPROVE APPLICATION #2020-06 SITE DESIGN REVIEW WITH ADJUSTMENTS FOR 158 S. PARK SQUARE

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSES 5-0 (COMMISSIONER HUMMEL RECUSED HIMSELF FROM THE VOTE)

Commissioner Hummel was brought back into the meeting.

Commissioner Fabula introduced the next hearing item.

Application #:	2020-07
Project Name:	Cider Mill Estates Subdivision
Application:	Preliminary Plan
Representative:	Kim Kerk Land Consulting & Dev., LLC
Location:	960 Stone Mountain Drive
Description:	This is a request for approval of a Preliminary Plan application for 37 new residential detached lots over approximately 13.25 acres.

Commissioner Fabula read the description of application # 2020-07 Cider Mill Estates Subdivision.

Henry Hemphill introduced himself and said that he would be giving the staff presentation on this application. He entered a Power Point presentation into the record. He also mentioned that they did receive written public comments regarding this application, and they had been included in the Planning Commission packets and were available to the public. He said that they had not received any other public comments since then.

Slide 1 – Introduction

Slide 2 – Surrounding Areas

- Single family detached dwelling units.
- Multiple zoning types surround the subject property.
  - Community Residential
  - Community Services & Recreation
  - Large Lot Residential
  - Planned Unit Development
  - Rural Residential
  - South Fruita Residential
  - Unincorporated Mesa County (AFT zoning)

Slide 3 – 2019 Aerial Photo

Mr. Hemphill pointed out all of the residential areas surrounding the property. He mentioned that there was a subdivision underway currently near completion called Garden Estates. He showed the access points from Apple Lane, Santa Ana Drive and Stone Mountain Drive

Slide 4 – Site Plan

- Zoned Large Residential (LLR).
- 37 total lots over approximately 13.25 acres (2.8 du/acre).
- Lot sizes range between 10,000 - 12,500 square feet.
- 3 total filings.
- Filing 1 = 13 lots Filing 2 = 11 lots Filing 3 = 13 lots.
- Access points from Apple Lane, Stone Mountain Drive, and Santa Ana Drive.

Slide 5 – Land Use Code Requirements

- **Section 17.15.070 (C) of the Land Use Code states that at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Preliminary Plan application according to the Sketch Plan criteria in Section 17.15.060(C) and also the following criteria:**
  1. Adequate resolution of all review comments; and
  2. Compliance with conditions of approval on the Sketch Plan if any

Mr. Hemphill said that there was no Sketch Plan submitted therefore this criteria was not applicable.

Slide 6 – Land Use Code Requirements

- **Section 17.15.060 (C) states, at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Sketch Plan application according to the following criteria:**
  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;
  2. Compatibility with the area around the subject property in accordance with Section 17.07.080;
  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.);

4. Preservation of natural features and adequate environmental protection; and
5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

Mr. Hemphill brought up the Fruita in Motion Comprehensive Plan and said that there were some themes that he felt were really important to this application. He said that efficient development was important and that the City of Fruita encourages infill over sprawl in development within the existing city limits and urban growth boundary. He said it would reduce the demand for infrastructure and city services, supports community connectivity, and encourages a thriving downtown core. He said that this subdivision is within the city limits for a number of years, it appears to support community connectivity and does not require an extension of the city limits, no annexation or anything else. He continued that making a connection to Stone Mountain Drive in the first filing would strengthen the support of this application with regard to efficient development. He said that with the way that this application utilizes the capacity and function of a stormwater and water quality detention pond and irrigation vault from the Garden Estates Subdivision. He said that Garden Estates was nearing completion and they are proposing to utilize those two elements. He said that Staff was recommending that Stone Drive be constructed in the first filing. He spoke about connectivity theme. He added that 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. With some modifications to the proposed subdivision, the Cider Mill Estates subdivision can meet this Plan Theme. The modifications include but are not limited to, the incorporation of pedestrian trails and adequate resolution of the City's comments with regards to street connectivity and safety. As long as the streets and trails are designed in a safe manner, this portion of the Master Plan can be met. He took the audience back to the site plan for reference. He said that trails hadn't been incorporated into the plan yet, but the applicants know that this is a requirement of the Land Use Code.

Mr. Hemphill talked about conformance to the Land Use Code. He said that the property was zoned Large Lot Residential and added that the property was surrounded by residential uses with Community Residential and South Fruita Residential zones. He said that Large Lot Residential has a minimum lot size of 10,000 square feet and a maximum density of 3 dwelling units per acre. He said that according to Section 17.07.060 (I) of the Land Use Code this has been met. This application is proposing lot sizes between 10,000 – 12,500 square feet with an overall gross density of just under 3 dwelling units per acre. Although expressed in Staff's review comments it should be noted that Section 17.29.030 (B) states that public trails be required in all developments. Staff recommends the proposed subdivision be revised to meet this section of the Land Use Code.

With regards to the Stone Mountain Drive connection, Section 17.43.030 (C) of the Land Use Code states, "Residential streets should be designed to discourage fast movement of vehicular traffic and incorporate traffic calming measures where appropriate." Staff is recommending that modifications be made to this connection to avoid such a straight thoroughfare.

Mr. Hemphill continued, the applicant and property owner understand that irrigation shares must be provided and that the Land Use Code requires that 1 – 1.5 irrigation shares be provided per irrigated acre. It should be noted that the City of Fruita does not maintain private irrigation systems, however, it is important to the City of Fruita that irrigation systems have the necessary capacity and function to adequately serve those who utilize this irrigation service. With some changes, the proposed development can be in conformance with the city's Master Plan, Land Use Code, and all other city policies.

Mr. Hemphill addressed compatibility with the surrounding area. He said that it was surrounded by similar land uses which are single family residential types. There was nothing proposed that would be incompatible with that according to the Land Use Code. He gave the example of a shopping center next to single family detached residential dwelling units.

Mr. Hemphill spoke about having adequate provision of all required services and facilities such as roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc. He said that staff was requesting pedestrian and bicycle facilities which would be trail connections and/or open space. He said that there was an understanding that irrigation water was going to be provided and it is Staff's recommendation and a requirement of the Land Use Code that there is adequate water shares and that the facilities function adequately to serve those tying into it. In addition to storm drainage facilities they want to make sure that the stormwater runoff and all state and local laws regarding stormwater and detention are met. He addressed domestic water and fire protection, the fire department had received public comments, adequate fire hydrants and adequate water lines to serve the facilities. He said that this all appears to be met with some conditions and comments which should be resolved with the final plat application.

Mr. Hemphill moved on to preservation of natural features and adequate environmental protection. He said that Staff was not recommending any natural features be preserved in this case. He added that adequate environmental protection through the construction process, Staff was recommending strongly that sedimentation, weed, and dust control be required as part of the construction process.

Lastly, Mr. Hemphill discussed the ability to resolve all comments and recommendations from the reviews without a significant redesign of the proposed development. He said that it appeared to Staff that adequate resolution of all review comments can be accomplished without a major redesign. He said that a major deviation would include an increase in the number of lots or density or deviations to street standards, sewer lines or water lines and coming back through the process would be required. If they decreased the number of lots and increased open space, it would be considered a minor deviation.

#### Slide 7 – Legal Notice

- Postcards = 4/24/2020 (350-foot radius around the subject property)
- Paper = 4/24/2020
- Property = 4/24/2020 (signs posted at Stone Mountain Drive and South Maple Street)

shown with the star)

Mr. Hemphill added that in order to be transparent with the public to let them know that the meeting was going to be held virtually an additional letter was sent out informing them of the meeting format. He felt this was successful due to the public comments and responses.

#### Slide 8 – Public Comments & Review Comments

- Public Comments:
  - Written public comments were received by staff prior to the completion of this presentation and were included with the Staff Report.
- Review Comments:
  - All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.

#### Slide 9 – Staff Recommendation

- Staff recommends approval of application 2020-07, Cider Mill Estates Preliminary Plan, with the condition that all review comments and all issues identified in the Staff Report are adequately resolved with the Final Plat application.
- FRUITA CITY COUNCIL: JUNE 2, 2020

Mr. Hemphill concluded his presentation.

Commissioner Fabula thanked him and he moved into the applicant's presentation.

Ms. Kim Kerk introduced herself and said that she was the developer's owner representative and she owns Land Consulting and Development in Grand Junction. She said that Mr. Robert Jones of Vortex Engineering was also there as a representative and that he was part of their design team for Cider Mill Estates.

Ms. Kerk said that this was a Preliminary Plan application that is located at 960 Stone Mountain Drive. She said it was Large Lot Residential zoning which they propose 37 lots and 3 filings. The total site area is 13.25 acres which yields a proposed density of 2.56 dwelling units per acre. Large Lot Residential allows for 10,000 square foot minimum lot size and a maximum density of 3 dwelling units for single family homes. She added that the parking requirements would be 3 per unit for single family homes and she said that they can meet or exceed that requirement. She said that Garden Estates which is the development to the east of the proposed Cider Mill is almost done with infrastructure and their proposal with this project is to have shared irrigation facilities and a shared detention pond. She said that they are working through a lot of those details and Mr. Jones can speak to questions that people may have about that. She added that they have acquired 15 shares of irrigation water for the subdivisions and working through those details as well. She said that this would create 2 HOAs, Garden Estates and Cider Mill Estates and in her experience and in quite a few projects she has done combined CC&Rs that create the process and the expense and very detailed in explain how the two subdivisions can work and live together with shared irrigation and shared detention. She added that other community services such as medical, library, recreational; Dinosaur Journey, Colorado River State Park, retail sales and other services are all available in Fruita. She said that the utility providers have the capacity and willingness to provide services and all services during construction they will be sure that

they meet or exceed all of the standards and specifications. Ms. Kerk continued in addition there is an 8' wide 1090' long gravel pedestrian trail on the east side of Garden Estates adjacent to the Murray Drain and that creates a pleasant option to the neighborhood and promotes connectivity and interaction between Cider Mill Estates, Garden Estates, and Adobe View North subdivisions. She said that they have done some extensive research and have submitted to the City of Fruita in regards to traffic studies, soil studies, and the basic information required right now that shows that they can or will meet the City of Fruita requirements for this subdivision. Ms. Kerk concluded her presentation.

Commissioner Fabula thanked Ms. Kerk for her presentation and moved the hearing into the public comment portion of the meeting. He reminded the audience how they could participate for this particular hearing item.

Mike gave public testimony and said that his house was located at the end of the subdivision. His concern was the straight road, Santa Ana Drive, he asked if there was going to be any kind of sidewalk? The rest of his concerns were inaudible.

Commissioner Fabula thanked him for his testimony and asked if anyone else would like to comment.

There were no more comments

Commissioner Fabula repeated Mike's comment, he said that he wanted to learn about how Santa Ana Drive, what the calming features were going to be to keep the traffic slow and he was asking about if there were going to be any sidewalks on either side. He asked Mike if that was what his questions were.

Mike said it was.

Commissioner Fabula asked the applicant for rebuttal.

Mr. Robert Jones of Vortex Engineering co-representing the applicant answered the question. He said that presently there was no traffic calming that is being proposed on Santa Ana Drive as it is a shorter section of road. He continued that the staff original design that was submitted with this application showed sidewalk on the north side of Santa Ana Drive. He continued that Staff had commented in the Preliminary Plan phase that sidewalk be added to the south side as well. He said he would be happy to answer any questions that the commission had.

Commissioner Fabula thanked Mr. Jones and closed the public comment section and open Commissioner dialogue.

Commissioner Gollob asked about page 4 of the Kim Kerk Land Development Consulting submission it stated that this project would be constructed in 1 filing. He said that he was 3 filings, is this a disconnect or change in plans? He also had a comment on the trails piece. His concerns were raised in the Staff report. He said that the lack of trails, some options were given and he would like to know what the developer is thinking about that moving forward. He also

brought up speeding on Stone Mountain Drive. He said it was a long road and that he saw that they were going to accommodate this. He felt that this is something that needs to be addressed. He also mentioned Mr. Jones' comments about Santa Ana Drive. He thought it was more about traffic calming, but also there was a late addition to public comments that was included in the packet. Although related, they are less concerned about calming than about noise. He is interested in knowing what they will be doing to address that citizen's concern about noise. He said the citizen talked about a privacy fence, will one be erected, if so, who is responsible for that? They also asked if it was necessary to have a 4<sup>th</sup> entrance. He wondered if that road is necessary.

Mr. Caris suggested that Commissioner Gollob's questions be answered at this time, but it was up to the Commission to decide whether they wanted to do it then or later.

Commissioner Fabula said that he had similar questions that Commissioner Gollob touched on and wanted the applicant to answer those then.

Mr. Jones said in terms of the filing question, after receiving comments and an evaluation of this they did pull the filing line, filing 1 to the north such that filing 1 would only encompass those far northern 6 lots and the construction would end in filing 1 at the point of curvature at the knuckles that they saw on the east and west side. He continued that originally the developer had contemplated completing this in 1 filing. He said that they could all understand recent events in the country have negated that and given some sort of pause as to what the economy will be like. He said that this was a revised filing plan that was worked out which also would negate that initial connection to Apple Lane on the east side of the project as they only had 6 homes accessing to the north in Stone Mountain. He addressed the trails piece. He said that they did evaluate the trails and connections that were requested by Staff and believed that they could reasonably accommodate those providing a mid-block corridor and a connection on the southeast corner which would connect to a trail system that was partially developed by the Garden Estates development. He addressed the Stone Mountain piece. He said that was also evaluated. The southern stub to the property to the south will be relocated to the west and that Western Loop Drive will connect in that area where Mr. Caris was indicating. He then addressed noise. He said that he is a little uncertain as to what comments about noise were from adjacent neighbors. This project like any other subdivision with single family homes obviously would have noise. He said that he was not certain what the developer is being asked to do in terms of mitigating noise. He said that he did not have that comment or letter or email from the neighbor immediately in front of me or ready. He said that if it could be read back maybe he could provide a better answer to that.

Mr. Gollob asked if it would be appropriate if he read it.

Mr. Caris confirmed it would.

Mr. Gollob read the comment. "I would like same information on the proposed new road Santa Ana extension into the Cider Mill Subdivision. Will a privacy fence be erected on the north side of the proposed road to shield current homes on the south side of Beech Avenue? Who will be responsible for the cost? Is it really necessary to have 4 entrances to handle 37 homes into the

Cider Mill Subdivision?" He said that it was from a community member and he would like a response from the developer.

Mr. Jones thanked him. He said that presently there is no privacy fence proposed adjacent to Santa Ana Drive. He said in terms of the comment about 4 access points being needed, no. However, he believed that the City of Fruita had the desire to promote interconnectivity between some of its collector streets such as 17 ½ Road as well as interconnectivity to Stone Mountain and Garden Estates. He said that he hoped that this answered his question relative to the neighbors' concerns.

Commissioner Gollob said that it answered those questions and he thanked him.

Commissioner Fabula thanked Mr. Jones. He asked Commissioner Van Etten if he had any comments or questions that he wanted addressed.

Commissioner Van Etten said that he had the same concern about traffic calming on Stone Mountain Drive. He wanted to get it clarified that the plan would be to run Stone Mountain Drive straight through this neighborhood and then when it hit the southern boundary of the neighborhood to then jog it one lot to the west and that jog would be a form of traffic calming?

Mr. Jones said that this was correct.

Commissioner Van Etten thanked him. He said that the only other question he had was about anticipated home sizes and is any consideration being given to ways to maintain viewsheds for people that may choose to live in a single level house but surrounded by two-story houses. Is there a ratio of ranch style to two-story houses planned for the neighborhood or certain lots designated for single story or two-story houses? He said that one of the great elements of this location is the currently unobstructed view of the Monument in the distance.

Mr. Jones said that the developer has not shared what individual home prices may be within this development and nor have they allocated whether or not they are going to be single story versus two story homes constructed in any sort of ratio. He said the developer is reserving the right to develop underneath of the current codes which does permit two story dwelling units.

Commissioner Van Etten thanked him.

Commissioner Fabula asked Commissioner O'Brien if she had any comments or questions.

Commissioner O'Brien asked to see the map again. She asked if that little jog to the side the only traffic calming that is going to be erected? If so, does that suffice with the Staff's recommendation?

Mr. Jones said that basically what you are turning Stone Mountain Drive into is a stop condition at the southern end such as there would be a three way stop causing traffic to come to a complete stop, make a right hand turn and to another stop condition and a left hand turn if you wanted to

traverse to the south. He said it did meet the intent of what Staff was getting at with their comments so that they do not have that long straight way on Stone Mountain Drive.

Commissioner O'Brien said that her next question was more procedural. She said that this presentation would be repeated to City Council in the June 2 meeting, correct?

Mr. Caris confirmed this.

Commissioner O'Brien continued, the recommendations that the Staff has made is the expectation that the designer makes those adjustments prior to the June 2 City Council meeting so the City Council hears what those adjustments will be? Can City Council approve things with the Staff's recommendations or without the Staff's recommendations and then the designer goes about the process of making those adjustments?

Mr. Caris said that in this instance they have an application where the developer design representative has agreed with some of the comments that they posed, specifically for Stone Mountain. That design change was something that they were willing to agree upon, changes to the filing plan they were willing to agree upon. They made those design changes to make sure that the development still worked. He said that this was not the expectation of every application but that is the back and forth nature during the actual land development application process prior to getting to City Council. He said that sometimes you see them respond to those comments with a new layout. As for the technical elements Mr. Caris said that the City Engineer Sam Atkins was on the meeting and he can talk about the access locations, how many there are, and is the traffic calming complying with their design specifications that are adopted to the documents outside of the Land Use Code.

Commissioner Fabula said that they would appreciate Mr. Atkins answers.

Mr. Atkins said that between engineering and public works and their review of this layout Stone Mountain and Kaley are both residential collector roads. He said that those are capable of between 1,000 – 3,000 vehicles per day. All these other streets are local other than Maple and Pine that would be the minor collectors. He said that what they did was transition Stone Mountain which is a local street at the subdivision and hopefully that helped with some of the traffic calming. Staff felt that if they moved in line with the western road, not necessarily an offset, to the western leg. They would still have the T intersection at the south end so there would be a stop condition there, you would have a stop condition at Kaley. It would not be just a continuous flow through the neighbors to the north and to the south. He said that Santa Ana was always proposed as access. That is how it was platted when it there was going to be a school there. He thought that most of the people in the southern half of the subdivision, if they were heading west they are going to take Santa Ana and they are going to hit Maple Street and that is going to relieve some of that stress. He continued; it is not that these roads are going to be at capacity, but it is going to get the traffic to the collectors instead of putting all of that in these local streets.

Commissioner Fabula thanked him.

Commissioner Nisley he said that the revised site plan considers a lot of the Staff comments. He asked if Staff was satisfied with the changes that had been made in the revision?

Mr. Hemphill said that he felt that the revisions do adequately take into consideration most of those comments other than the open space requirements that they also recommended. He added that it does not necessarily take up a lot of space and what Mr. Jones referred to is that they felt that they could meet that requirement without a major redesign. He thought that what was presented to the Planning Commission and the public along with Mr. Atkin's comments those have been addressed adequately enough to move forward with the exception of a few.

Mr. Caris said that by moving the project forward and making a recommendation, it is not necessarily suggesting that those items would be complied with, they are conditions of approval on the application. They will need to be rectified from any of the review agencies, even the ones outside the city. Even if not all those are clearly discussed they are conditions of approval on the application that would require the applicant to comply with them. There has not been objection from the representatives specific to those elements that they have talked about he feels that they agree to make those modifications to move the project forward.

Commissioner Hummel commented on potential views on this site. He agreed with Commissioner Van Etten and said that they do not have many of these lots left that could have potential to really utilize some of those great views on the south part of Fruita. He wondered if this plan could maximize of units on particular lots, having some kind of curved streets and a variety of housing sizes would really add to the way this space is experienced. If somehow they were related to views you could get, he thought that this would be a really move to recreate a relatively static subdivision into something that was more forward looking and envelope pushing than how many units they can fit on this 13.25 acres. Those were his takeaways from the project.

Commissioner Fabula thanked him and called on Commissioner Gollob.

Commissioner Gollob wanted clarification regarding the citizen email. He asked if Santa Ana Road was platted regardless? To provide connectivity not to provide a 4<sup>th</sup> entrance into the development.

Mr. Atkins said that this was correct. He added that they were proposing a full local road where there will be curb, gutter, and sidewalk on both sides.

Commissioner Gollob asked about the noise from the extra traffic.

Mr. Atkins said that he anticipated in the future that the Henry property may develop and there may be driveways attached to that road and it would be like any other road that are local.

Commissioner Gollob thanked him.

Commissioner Fabula asked if the applicants had any further comments or clarifications they would like to make

Mr. Jones said that he did not and that they appreciated the Commission’s consideration of this application and that some of the comments that have been provided, they have attempted to work with Staff to come up with a very nice project incorporating those elements that Staff has suggested and they are excited to bring this project to fruition for the City of Fruita. He respectfully requested approval of this Preliminary Plan of Subdivision as it had been presented.

Commissioner Fabula thanked him. He asked Mr. Hemphill if they moved forward and vote to approve this, he wanted to be sure that the applicant would be working with Staff to resolve the review comments and issues that had been identified. If the resolution were minor, they would not see it come back to the Planning Commission. If the resolution of the comments was major, then they would see it again.

Mr. Hemphill said that if there was major change like additional lots, they would see it again. If it went to less lots and added incorporated some open space and trails, then they would not unless there was a major deviation. He said that Commissioner Fabula was correct.

Commissioner O’Brien asked if she were to vote yes then she is voting that the Staff recommendations are going to be folded into the designers plans.

Commissioner Fabula said that she was correct, and he added that language in the motion would include all review comments and issues identified in the Staff report are adequately resolved. He said that the Staff would work through the issues and work out what the resolutions look like. He asked Mr. Hemphill that if they are not able to work out resolutions would you explain what would happen?

Mr. Hemphill said that if they are not able to meet the review comments then the project stops. Normally with the review comments they are typically able to respond to them in a fashion that meets the Land Use Code, the Construction Specifications Manual, and provide safety to those around here. He said that there was nothing outstanding in the review comments that would make this project not doable.

Commissioner Fabula asked for a motion.

**COMMISSIONER FABULA MADE A MOTION TO APPROVE THE CIDER MILL ESTATES SUBDIVISION PRELIMINARY PLAN APPLICATION #2020-07 ASSUMING THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT ARE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION**

**COMMISSIONER O’BRIEN SECONDED THE MOTION**

**MOTION PASSES 6-0**

Commissioner Fabula introduced the next Hearing Item.

Application #: 2020-08  
 Project Name: Sycamore Street



# FRUITA

COLORADO

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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: JUNE 2, 2020**

**RE: RESOLUTION 2020-25 LITHIC ARTS BUILDING – REQUEST FOR APPROVAL OF A SITE DESIGN REVIEW WITH ADJUSTMENTS APPLICATION AND VESTED RIGHTS FOR 158 SOUTH PARK SQUARE.**

**(APPLICATION #2020-06)**

### **BACKGROUND**

This is a Site Design Review with Adjustments application for an exterior remodel located at 158 S. Park Square. The existing structure is approximately 12,207 square feet and was originally constructed in 1998 for a True Value Hardware store then it was converted in 2006 into what was recently the Fruita Health Club. The Fruita Health Club relocated in 2018 leaving the building vacant except for a small second story apartment at the south end of the building. The proposed application also intends to remodel the building into multiple commercial tenet spaces.

There are two types of Site Design Review procedures, Administrative Site Design Review and Site Design Review with Adjustments. Although staff typically reviews and approves Site Design Review applications administratively, adjustments have been requested for this project. With that said, this application is to be reviewed through the public hearing process in accordance with Section 17.05.070 of the Fruita Land Use Code.

Furthermore, it's important to lay the foundation as to why this application would require approval through the public hearing process. Currently, there are certain of elements of the exterior of the building that are considered legal non-conforming meaning they were legally established but don't currently meet the regulations contained in the current Land Use Code. Since this application is proposing changes to the exterior, the areas that are legal non-conforming need to meet the Land Use Code or otherwise ask for an adjustment. With that said, the review of this application applies to the exterior of the building in accordance to Chapter 17.11.030 of the Land Use Code.

At their May 12, 2020 virtual public meeting, the Planning Commission heard this application and voted 5-0 in favor of recommending approval to the Fruita City Council. No comments have been made to date with any objections to this land development application.

Prior to the Planning Commission meeting, Staff sent letters to all property owners who originally received public notice postcards. This letter, titled “Notice of virtual public hearing”, was intended to provide guidance on how to participate in the virtual meeting and how to make written public comments prior to the virtual Planning Commission meeting.

### **FISCAL IMPACT**

Commercial development and redevelopment has a positive fiscal impact to the city with the generation of sales tax. No fiscal impact is associated with approval of a Vested Rights request.

### **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

Although this application is requesting adjustments to a few elements within the Design Standards section of the Land Use Code, it is Staffs opinion that the proposed application meets the intended city goals and objectives. Redevelopment of existing structures in the downtown core area should enhance Quality of Place and Economic Health.

### **OPTIONS AVAILABLE TO THE COUNCIL:**

- Approve the Lithic Arts Building Site Design Review with Adjustments application and vested rights for 158 South Park Square.
- Deny the Lithic Arts Building Site Design Review with Adjustments application and vested rights for 158 South Park Square.

### **RECOMMENDATION:**

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

**APPROVE THE LITHIC ARTS BUILDING SITE DESIGN REVIEW WITH ADJUSTMENTS APPLICATION AND VESTED RIGHTS FOR 158 SOUTH PARK SQUARE.**

**RESOLUTION 2020-25**

**A RESOLUTION APPROVING A SITE DESIGN REVIEW WITH  
ADJUSTMENS LAND DEVELOPMENT APPLICATION AND VESTED RIGHTS FOR  
158 SOUTH PARK SQUARE.**

**WHEREAS**, the property owner at 158 South Park Square has submitted a Site Design Review with Adjustments land development application and requested vested rights, and

**WHEREAS**, the property owner has requested adjustments from the Level 1 Design Standards contained in Section 17.11.030 of the Land Use Code, and

**WHEREAS**, Section 17.13.030 (B) (2) of the Land Use Code requires approval from City Council for Site Design Review applications requesting adjustments to one or more regulations contained in the Land Use Code, and

**WHEREAS**, the Fruita Planning Commission held a public hearing on May 12, 2020 and recommended approval to the Fruita City Council of the Site Design Review with Adjustments application.

**NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL:**

- A. The Site Design Review with Adjustments land development application for 158 South Park Square is hereby approved.
- B. Vested Rights established by the Fruita City Council for a period of three years, is hereby approved in accordance with Section 17.47 of the Fruita Land Use Code.
  - a. The City Clerk shall publish the required legal notice for vested rights which is no later than fourteen days after the adoption of this Resolution.
- C. The City Clerk shall record this Resolution with the Mesa County Clerk & Recorder's Office.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL**

**THIS 2<sup>ND</sup> DAY OF JUNE, 2020.**

ATTEST:

City of Fruita

\_\_\_\_\_  
Margaret Sell, City Clerk

\_\_\_\_\_  
Joel Kincaid, Mayor



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

**Application #:** 2020-06  
**Project Name:** Lithic Arts Building  
Application: Site Design Review with Adjustments  
Property Owner: RDC Labs, LLC  
Representative: Hummel Architecture  
Location: 158 S. Park Square  
Zone: Downtown Mixed Use (DMU)  
Request: This is a request for approval of exterior modifications of the existing metal building.

**PROJECT DESCRIPTION:**

This is a Site Design Review with Adjustments application for an exterior remodel located at 158 S. Park Square. The existing structure is approximately 12,207 square feet and was originally constructed in 1998 for a True Value Hardware store then it was converted in 2006 into what was recently the Fruita Health Club. The Fruita Health Club relocated in 2018 leaving the building vacant except for a small second story apartment at the south end of the building. The proposed application also intends to remodel the building into multiple commercial tenet spaces.

There are two types of Site Design Review procedures, Administrative Site Design Review and Site Design Review with Adjustments. Although staff typically reviews and approves Site Design Review applications administratively, adjustments have been requested for this project. With that said, this application is to be reviewed through the public hearing process in accordance with Section 17.05.070 of the Fruita Land Use Code.

Furthermore, it's important to lay the foundation as to why this application would require approval through the public hearing process. Currently, there are certain of elements of the exterior of the building that are considered legal non-conforming meaning they were legally established but don't currently meet the regulations contained in the current Land Use Code. Since this application is proposing changes to the exterior, the areas that are legal non-conforming need to meet the Land Use Code or otherwise ask for an adjustment. With that said, the review of this application applies to the exterior of the building in accordance to Chapter 17.11.030 of the Land Use Code.

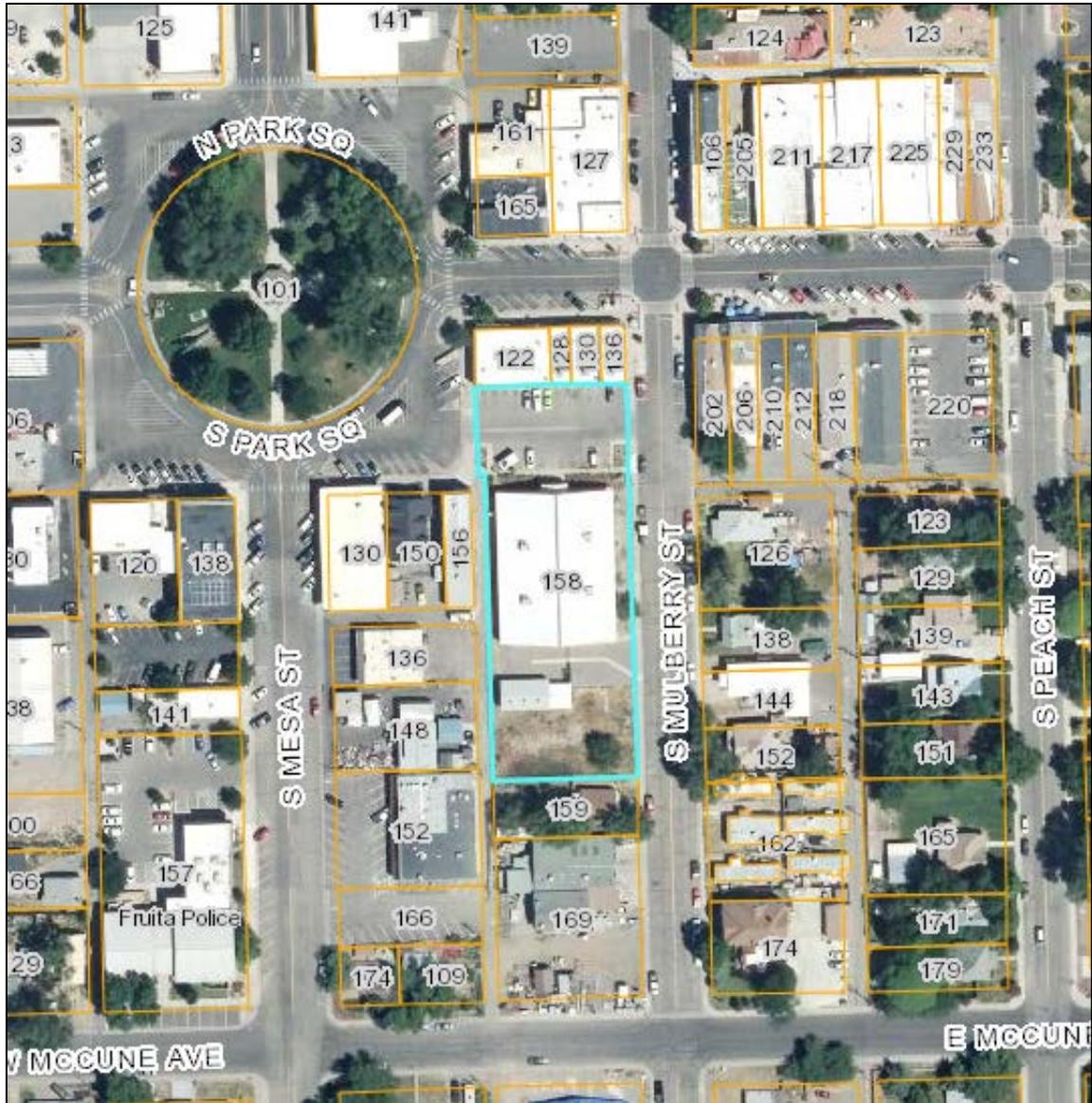
**SURROUNDING LAND USES AND ZONING:**

The subject property is surrounded by both residential and commercial land uses. The subject property is completely surrounded by Downtown Mixed-Use (DMU) zoning with the exception of Circle Park to the northwest.

**ZONING MAP**



**2019 AERIAL PHOTO**



## **REVIEW OF APPLICABLE LAND USE REQUIREMENTS:**

**Section 17.13.030 (C) states, “The city decision-making body may approve a Site Design Review application only upon finding that it meets the applicable requirements of this Title (Land Use Code) and other applicable regulations.”**

## **DESIGN STANDARDS:**

The property is zoned Downtown Mixed-Use (DMU) and is considered as being in the Core. The Core is described as properties south of Pabor Avenue and west of Elm Street. Additionally, the Level 1 Design Standards apply to properties along Aspen Avenue west of Elm Street.

The Design Standards chapter of the Land Use Code and more specifically Section 17.11.020 (B) states, “The provisions of this Chapter may be adjusted at the discretion of the city decision-making body, as applicable, without the need for a variance, where the city decision-making body finds that an applicant’s proposed alternative design meets the intent of the regulations which are to be adjusted, and the proposed design provides compatibility between the proposed development and uses adjacent to the subject site. Where this Chapter provides “Guiding Principles,” those principles are to be used in evaluating adjustment requests.”

Since this application is dealing with an existing building, it is important to remember that the guiding principles state that it’s not the intention of the code to “create” or “re-create” the character of downtown Fruita. The intentions are to honor Fruita’s historical development pattern and character. Redevelopment should support a walkable and attractive area with a number of different types of uses including but not limited to shopping, civic, and office types of uses. The section continues, “It is not the intent of the City of Fruita to create an architectural theme or freeze time, but rather to ensure that new buildings, remodels, and redevelopment fit within the context of their historic surroundings, as applicable, and support compact, walkable districts.”

The Planning & Development review comments on the Level 1 Design Standards section of the code provide input on this application. There are a few areas in which this application for adjustment applies. For example, the adjustments are not being requested for setbacks or building height. However, the sections in which this application is not meeting the current design standards are the areas in which the adjustments apply. It’s important to also note areas in which this application is meeting the Design Standards.

### ***Areas meeting the Design Standards:***

Section 17.11.030 (A) ***Guiding Principles***, contains guidance on how either new buildings or exterior remodels are expected to honor the historical development pattern and character of downtown Fruita. Because some provisions of the Design Standards chapter are being requested for approval of adjustment, it’s important to use these Guiding Principles in the decision-making process. There are 9 key elements set forth in this section, however, not every element is applicable. For example, one key element states to “promote corner lots as focal points with furnishings and public art.” This element is not applicable because the subject property is not on a corner. Nevertheless, there are key elements that Staff believes have been incorporated into

these plans. Because this is an existing building there are natural limitations. Key elements that have been included or enhanced with these plans are building height and articulated facades that create a sense of street enclosure at a human scale, appropriate design standards for the Downtown Core, the use of contextually appropriate materials, textures and colors, the promotion of storefront character (windows, pedestrian shelter, furnishing, etc.), and a diversity of building facades and rooflines.

Section 17.11.030 (B) (4) ***Storefront Character***, contains guidance on how entrances express a storefront character. Currently the existing building does not meet this section of the code. Because the plans show clearly defined storefront entrances, the incorporation of additional windows, the proposed balcony on the north side, and the shipping containers identifying points of entry, this application is now meeting this section of the code.

Section 17.11.030 (B) (6) ***Openings***, contains guidance on the character of the windows and entrances. Currently the existing windows and entrances do not meet this section of the code. This application is proposing a number of additional new windows that will incorporate framing that is required under this section. Staff believes Section 17.11.030 (B) (6) (c) which states, “Ground level entrances shall be at least partly transparent to encourage an inviting and successful business environment” has now been met.

Section 17.11.030 (B) (10) ***Pedestrian Shelters***, states that “Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 30% of a building’s ground floor elevations where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building’s architectural details.” The entire north face of the building provides the pedestrian coverage. Also, the canopy over the 2 new entrances on the east side provides additional pedestrian coverage.

Section 17.11.030 (C) ***Open Space and Civic Space***, provides guidance on how to incorporate open space and civic space elements into the design. Again, since this is an existing building, there are natural limitations to how these elements can be incorporated. Staff feels that the incorporation of landscaping improvements and additional seating/benches, the intent of this section of the code has been met.

Section 17.11.030 (D) (4) ***Off-Street Parking and Loading***, provides standards on parking areas and references the parking standards contained in Chapter 17.39 of the Land Use Code. The subject property is unique because of the fact that the site contains existing space for off-street parking, which is an element in downtown Fruita that is not typical. Section 17.39.020 (E) (2) of the Parking Standards chapter states, “No off-street parking will be required for uses in existing buildings and reconstruction of existing buildings in the DMU zone south of Pabor Avenue (“Downtown Core”).” Although no new off-street parking spaces are required, the subject property appears to have 24 spaces available on the north side.

***Areas for adjustment:***

Section 17.11.030 (B) (3) (a) ***Overall Form*** states that architectural designs shall address all four (4) sides of a building in the DMU zone. It is Staff's understanding that the west and south building elevations weren't provided due to future improvements based on future tenets and due to the interior use of the Cavalcade. When exterior changes happen on the west side of the building, Staff recommends that any changes match the rest of the building.

Section 17.11.030 (B) (9) ***Materials and Color*** contains guidance on the materials and colors of buildings subject to the Level 1 Design Standards. This application is not proposing to change the existing metal building materials to what this section requires. Modifying the exterior building materials to strictly meet this section of the code could be costly and could change the character of the area given the size of this building. Additionally, the guiding principles recommend that it is not intention to freeze time or to create an architectural theme, but rather to insure that remodels fit within the context of their historic surroundings, as applicable, and support compact, walkable districts. With that said, Staff supports the requested adjustment to the building materials.

Section 17.11.030 (B) (11) ***Mechanical Equipment*** contains guidance, in this case, on how the roof top mechanical units look. Currently there are rooftop mechanical units and there is a proposal for additional units. The code requires that these units not be visible from the street, pedestrian access way or civic space and be screened behind a parapet wall. This section of the code works well with new buildings but can hinder the ability for existing buildings to make modifications. There is no real way to partition the space with mechanical units that reside in another location other than what is proposed.

In conclusion, the building has been in existence for over 20 years and provides a unique character within the downtown. Although the Land Use Code is clear about the exterior building materials, it would be unreasonable to require the applicants to re-create or change the exterior character of such a large building. The applicants are proposing to utilize as much of the existing building as possible while incorporating new elements that fit in with its current character. Furthermore, it's the intention of the guiding principles to provide appropriate design standards and require the use of contextually appropriate materials, textures and colors for redevelopment. Staff recommends approval of the proposed application with the condition that all review comments be adequately resolved.

**REVIEW COMMENTS:**

All review comments received are included with this Staff Report.

\*The applicant has responded to Staff's review comments which are included with the Staff Report.

**PUBLIC COMMENTS:**

No written public comments have been received regarding this application at this time.

**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.

**STAFF RECOMMENDATION:**

Because the development meets or can meet the intent of all applicable city regulations and policies, Staff recommends approval of application 2020-06.

**PLANNING COMMISSION: MAY 12, 2020**

**CITY COUNCIL: 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](mailto: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 #: 2020-06**  
**Application Name: Lithic Arts Building**  
**Application Type: Site Design Review**

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  
Review Comments – Round 1  
April 24, 2020

CA indicates Chamberlin Architects responses on  
May 4, 2020

Application Type: Site Design Review with Adjustments  
Application Name: Lithic Arts Building  
Application Number: 2020-06  
Location: 158 S. Park Square  
Zone: Downtown Mixed-Use (DMU)

- 
- Application submitted: 3/5/2020
  - Letter of acceptance: 3/19/2020
  - Application sent out for review: 3/27/2020
  - Legal Notice –
    - Paper – 4/24/2020; Postcards – 4/24/2020; Sign – 4/24/2020
  - Planning Commission: 5/12/2020
  - City Council: 6/2/2020
- 

1. All signage advertising a business is to be reviewed by a separate sign permit.
  - a. Under the Exempt Signs section of the Code (Section 17.41.040) it states that “Building Identification, Historical Markers. Non-illuminated signs which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information.”
    - i. Its Staffs assumption, based on the submittal, that the north tower will contain the name of the building on it. Please confirm if this is the plan. If so, the Code considers this as exempt from the Sign Code and wouldn’t need a permit.
    - ii. CA – Correct. The design intent is to apply either stamped metal lettering on stand-offs or contrasting paint colored building name lettering on the north tower.
2. Section 17.11.030 (B) (3) (a) states that architectural designs shall address all four sides of a building in the DMU zone. There is opportunity for additional development to the south of the building. Please provide elevations for the south and west.
  - a. Staff understands there is a potential for a tenet on the west side. Is the plan to have similar architectural features on this side once a tenet has moved in?
  - b. CA – Due to the fact that the west tenant space (which comprises almost ½ of the building interior) currently has no rental agreement in place, it is the Owner’s intent to leave this section of the building un-developed until a tenant is found. Since this future tenant would most likely require additional window and

potentially door openings in the south and west elevations, we propose leaving these elevations unchanged for now in order to minimize up-front cost as well as to allow for the future design to respond to the tenant requirements. That being said, the general design goal for the future development will be to utilize matching materials, window colors and manufacturers, as well as general scale and proportions of openings, to match those currently proposed for the north and east elevations.

3. This section of the code (below) applies to the vertical shipping containers and any additional metal finishes that aren't currently on the building.

***9. Materials and Color***

*d. Color.*

*Reflective, luminescent, sparkling, and "dayglow" colors and finishes are not permitted. Metals shall be finished in mute, earth-tones or otherwise burnished to minimize glare.*

CA – The shipping container towers will be painted a color complementary to the earth-tones of the current building cladding and fascia trim and complying with the requirement above.

**DESIGN STANDARDS REVIEW:**

**BUILDING DESIGN STANDARDS [17.11.030 (B)]**

1. The minimum height requirement is no less than 22 feet. The building is currently 25' 9" in height and the tallest portion (the north tower feature) is 32' 7" in height.
  - a. This criteria has been met.

**SETBACKS [17.11.030 (B) (2)]**

1. This section requires all buildings to have a zero setback for non-residential buildings.
  - a. This section is not applicable because the building isn't new.

**BUILDING FORM [17.11.030 (B) (3)]**

1. This section requires architectural designs to address all sides of the building. Additional information is needed to confirm this section has been met and that features address all sides.
  - a. This criteria can be met.

**STOREFRONT CHARACTER [17.11.030 (B) (4)]**

1. This section requires that entrances express a storefront character. This includes windows, entrances to sidewalks and be ADA accessible, and have definitive elevation breaks to identify street level/upper floor areas.
  - a. With the addition of 3 new entrances into the building for multiple tenets, this section does apply to this application. From what has been submitted, it does appear that this section has been met. The addition of numerous windows of different sizes, the addition of the balcony on the north side, and proposed vertical shipping container elements enhanced the buildings storefront character.

#### OPENINGS [17.11.030 (B) (6)]

1. This section contains information about the character of windows and entrances.
  - a. From the plans submitted, all windows will be framed and the pedestrian entrances will be transparent to encourage an inviting and successful business environment thus meeting this section of the code.

#### MATERIALS AND COLOR [17.11.030 (B) (9)]

1. This section of the code requires the primary building materials to be one of the following: brick, stone, adobe, adobe brick, slump block, stucco, split block, and painted or natural wood. Pitched roof materials shall be wood or asphalt shingles, or standing rib seam sheet metal-matte finish.
  - a. This is the section of the code that is being requested for adjustment. Staff supports the request as proposed.
  - b. CA - The existing building is a pre-manufactured metal warehouse building and currently does not conform in its aesthetics with the Land Use Code Section 17.11 - Design Standards. We would like to request an adjustment to this requirement due to the following factors.
    - i. The current Land Use Code - Level One Design Standards are written to encourage aesthetic conformity between new construction and the existing masonry storefront buildings. Less specifics are provided regarding the renovation of an existing building that was constructed prior to the current Land Use Code's adoption.
    - ii. The Level One Design standards for exterior material, composition and glazing requirements are reasonable when designing a new building or even renovating an existing masonry building with a vertical parapet facade. However, the existing building at 158 S Park Sq. has a horizontal orientation with a pitched roof reminiscent in form more of agrarian shed structures found in the area. It inherently is a utilitarian structure which is also clearly represented in its siding and roof material - pre-finished metal panels. Applying masonry or stucco in horizontal bands to this building or

ganging and stacking windows as is required by the Level One Design Standards would confuse and convolute the simplicity of its form and attempt to forcefully make it fit-in with the surrounding architecture.

- iii. We propose embracing the unique character of this building by subtracting and adding to it in a way that enhances the overall composition, is responsive to the Owner's programmatic needs and adds diversity to the existing downtown core. The architectural design intent of this renovation project is to juxtapose the new design elements to the rigid forms of the existing metal building in order to create a dynamic building composition which adds new energy to the south of Aspen Ave. This is achieved with the use of glazing areas at entries that are configured for the individual tenants, varying display and inhabitable seating windows to engage pedestrians as well as sculptural shipping containers that also provide a nod to Fruita's agrarian history. The current north elevation's low-slung fascia and soffit will be removed in order to create a tall and inviting entry canopy who's soffit will be lined with cedar boards while along the S Mulberry elevation a steel and wood entry canopy will be constructed above the tenant entries.
- iv. We believe we meet the intent of section 17.11.030 – A. Guiding Principles in that we “draw on historic elements of the downtown while allowing for a contemporary interpretation of Fruita's history”. As the section states this remodel would “support a walkable and attractive area with shopping, restaurants...and other employment centers”.

#### PEDESTRIAN SHELTERS [17.11.030 (B) (10)]

1. This section states that “Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 30% of a buildings ground floor elevations where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the buildings architectural details...”
  - a. It appears this section has been met. The proposed drawings show basically the entire north facing elevation having pedestrian coverage. Also, the canopy over the 2 new entrances on the east side appear to provide at least 30% pedestrian coverage.

#### MECHANICAL EQUIPMENT [17.11.030 (B) (11)]

1. This section requires that rooftop mechanical units not be visible from the street and such units be screened behind a parapet wall.
  - a. This section has not been met.

- b. CA – This would be a very difficult and expensive requirement to meet because we are working with an existing pre-engineered metal building. While we agree that rooftop units can detract from a building’s architectural aesthetic, there are structural considerations that would create major obstacles to the addition of screening.

Like all pre-manufactured metal buildings, the design loads for this structure were originally calculated in-house by the manufacturer. Considerations were given to the codes and engineering requirements at the time - for example, the original rooftop unit weights were factored into the size of the roof members, bracing sizes and locations, lateral support system as well as structural components used to meet snow, wind and seismic code requirements. If we now add steel members into the existing structure that could then carry a screen, a new structural engineer would essentially have to re-engineer the entire building using new code requirements and take on a substantial amount of liability, since the original assumptions of calculated loads are not available to the design team and many no longer comply with current codes.

We request an adjustment to this section in order to make use of an existing building, which would be cost prohibitive to re-engineer and re-structure to comply with a recent aesthetic concern. It seems more important to make this site a vibrant part of the downtown. We are not making the roofscape any worse than it already is and certainly improving the aesthetics overall.

#### OPEN SPACE AND CIVIC SPACE [17.11.030 (C)]

1. This application is not required to meet this section. However, Staff feels that with the incorporation of landscaping improvements and additional seating/benches that this section has been met.

#### ACCESS AND CIRCULATION [17.11.030 (D)]

1. This section is not applicable with this application.

#### LANDSCAPING [17.11.030 (E)]

1. From the plans submitted, this section has been met.



# LAND DEVELOPMENT APPLICATION

Project Name: Lithic Arts Building  
 Project Location: 158 S Park Sq.  
 Current Zoning District: Commercial Requested Zone: Commercial  
 Tax Parcel Number(s): 2697-172-22-024 Number of Acres: 0.98  
 Project Type: Commercial

Property Owner: RDC Labs, LLC Developer: —  
 Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Address: 520 N Maple St. Address: \_\_\_\_\_  
 City/State/Zip: Fruita, CO 81521 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

**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: Hummel Architecture Engineer: —  
 Contact: Patrick Hummel Contact: \_\_\_\_\_  
 Address: 612 E Aspen Ave Address: \_\_\_\_\_  
 City/State/Zip: Fruita, CO 81521 City/State/Zip: \_\_\_\_\_  
 Phone: (276) 791-5239 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: pbhumm@gmail.com 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>COLLEEN DUFFY</u>	<u>Colleen Duffy</u>	<u>3-4-2020</u>
Name of Legal Owner	Signature	Date
_____	<u>Colleen Duffy</u>	_____
Name of Legal Owner	Signature	Date
_____	_____	_____
Name of Legal Owner	Signature	Date

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF MESA )



The foregoing instrument was acknowledged before me this 4th day of March, 2020  
 My Commission expires: May 12, 2022 Notary Public Kelli McLean

## Lithic Arts Building

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Project Narrative – City of Fruita Planning  
March 5th, 2020

### Project Overview

RDC Labs LLC purchased the building at 158 S Park Sq. in Fruita, Colorado in March of 2019 and intend to renovate and sub-divide the 12,207 sq. ft. space into rentable tenant units. Built in 1998 as a true Value Hardware store the prefabricated metal building most recently functioned as a health club for which locker rooms including showers and restrooms were added. Currently the building is vacant except for the small second story apartment at the south end of the building. While the potential tenant list is still in flux the two spaces which are decided upon are Tenant 101 in the north-east (Lithic Bookstore) corner and Tenant 104 (Cavalcade music venue) in the south-east corner. While the west portion (Tenant 102) is at present going to remain undeveloped for the initial construction phase meetings have been held with a website design company who may be interested in leasing and building out this larger space.

The property is defined under Mesa County Neighborhoods as Area 26 Recreation and consists of 0.98 acres of land. No zoning change will be necessary since the building has been functioning as a commercial property and it is the intent of this renovation to keep it functioning as such.

The existing building is a pre-manufactured metal warehouse building and currently does not conform in its aesthetics with the Land Use Code Section 17.11 Design Standards. That being said we believe that this building, through this renovation process, will greatly add to the eclectic building forms that make up the Downtown core. The architectural design intent of this renovation project is to juxtapose the new design elements to the rigid forms of the existing metal building in order to create a dynamic building composition that adds new energy to the south of Aspen Ave. This is achieved through the use of glazing areas at entries that are configured for the individual tenants, varying display and seat windows to engage pedestrians as well as sculptural shipping containers that provide a nod to Fruita's agrarian history. The current north elevation's low-slung fascia and soffit will be removed in order to create a tall and inviting entry canopy who's soffit will be lined with cedar boards while along the S Mulberry elevation a steel and wood entry canopy will be constructed above the tenant entries.

### Site Landscaping Concept Design:

- It is recommended that the parking areas be re-stripped including graphics to clearly indicate the ADA parking spaces. Per the Fruita Land Use Code section 17.39.020 Off Street Parking Standards Applicability – E1 & E2 no additional parking is required for existing buildings to be re-used within the Downtown core (DMU).
- The great feature of the site is that approximately 6,000 sq.ft. of roof drains into a relatively small soil area creating the ideal opportunity for a passive rain-capturing landscape. The run-off from the roof surface will result in an effective annual precipitation of 28 inches compared to Fruita's average precipitation of 10 inches. Irrigation by this method allows for the potential density and species variety of tallgrass/prairie ecosystems or of native semi-riparian plant communities found in the

canyon-bottoms. Since water will arrive at natural intervals for the plant species selected no permanent irrigation system is required.

- Artistically, the softness of heavy grasses and twiggy trees lends translucency, and wind-born movement to compliment the regular and geometric surfaces and forms of the building. The design intent for all landscape sections will be a stark contrast to traditional gravel-paved “zero-scapes” which consume drip irrigation and require intensive weed control strategies throughout the lifetime of the area. Proposed plant selections will vegetate all of the soil surface leaving no room for weeds and ensure the effectiveness of the passive irrigation system. The presence of such dense landscaping will also have additional benefits such as cooling the ambient site temperature and providing habitat for birds, bees and other wildlife.
- In order to maintain eye-level visibility for cars, pedestrians, and visitors inside the building, plantings will vary heights between knee-high forbs and limbed-up small trees. Tree selections will provide shade to windows, the edge of the building, and the road. Such a plant scheme can conform to local height codes which are common for street-side plantings in easements.

#### Exterior Walls:

- The exterior walls of the existing building are clad in vertical pre finished metal wall panels light stone in color. The panels are in good condition and will be retained in the new design as much as possible.
  - All existing metal panels indicated for removal will be salvaged for re-use during the new construction phase.
  - At locations where new windows are installed, infill between the windows as well as associated trim will be of cedar tongue and groove horizontal siding with a clear finish.
  - The City of Fruita Land Use Code – 17.11.030 Design Standards do not allow metal siding as a building’s primary wall cladding. We believe that it would be unfeasible financially as well as unsound from a sustainability perspective to re-clad the entire building when the existing panels are still in good condition.

#### Roof:

- The roof is clad in the same metal panels as the exterior walls. These panels are also in good condition.
- The roof is pitched in the center sloping at a 3-1/2”:12” towards pre finished metal gutters on the east and west roof edges. (3) Three prefinished metal downspouts serve each of the two gutters and are sleeved, captured and routed into the storm sewer at the west elevation. The east downspouts terminate directly above grade and are potentially undermining the foundation. The gutters and downspouts are in good condition.
  - It is recommended that the east downspouts either be sleeved and connected to the city storm sewer or as this design narrative proposes re-route them to irrigate the east landscaping.

#### Exterior Aluminum Windows and Entries:

- The existing exterior window and entry aluminum storefront systems are of 2"x4" rectangular tube construction with a dark anodized finish. The glazing used in the

windows are double pane insulated glass units while the doors are single pane uninsulated units. The north and south entry doors are functional and equipped with egress push-bar hardware.

- All new windows and entry systems will be of aluminum storefront construction-thermally broken- to match the existing units in finish. Infill glazing will be double pane insulated glass units with a Low-E coating on the third surface to minimize solar heat being transmitted into the building's interior.
- Two types of window styles are presented in the new design: standard punched and extruded. The standard punched windows are set within the wall plane to match existing opening conditions while the extruded windows extend both towards the interior and exterior of the space to create reading nooks and book displays. These extruded windows will be framed using metal studs and OSB wall sheathing with pre finished metal head flashing and cedar trim cladding.
- The City of Fruita Land Use Code – 17.11.030 Design Standards requires that elevations facing a public way have 60% of their area between 30" and 72" above exterior grade comprised of translucent openings. As currently designed the north elevation has a 48% and the east elevation has a 44% translucent opening percentage. The current window allocation is suitable for the proposed interior tenant spaces, more glazing can be added but will increase material as well as heating/cooling costs. Depending on the tenant build-out of space 102 the area of glazing along the north of the building could substantially increase since at current the designed windows into the space only act as placeholders until a tenant weighs in on their space requirements. This tenant could also request windows along the west elevation.

#### Shipping Containers:

- Shipping containers are incorporated into the new exterior building design as sculptural elements and abstract representations of Fruita's grain elevators-both in the site's vicinity along 6&50 as well as the surrounding rural farmland. The new containers also create quickly identifiable focal points on the large homogenous existing building signaling opportunities of entry to the tenant spaces within.
- Two 40' containers are utilized for this design. One is located at the building's north-west corner (32'-8" tall) with the other at the building's east elevation (26'-8" tall). Both are skewed off-axis to create contrast with the existing geometry while also addressing pedestrian traffic. Both have their tops cut at a slope to match that of the existing building roof giving them a visual connection to the existing geometry. A 6' long section of the 26'-8" tall vertical container's left-over length after modification will be used horizontally along the east elevation to create the entry for Tenant 103.
- All containers will require thorough exterior cleaning post installation, any voids sealed and the entire body primed and painted with a high-performance paint system. The interior of the containers will be framed with 3-5/8" metal studs and insulated with closed cell spray-foam insulation to an R-value of 21. The wall finish materials will be 5/8" gypsum wallboard (GWB).
- A steel 'C' channel framed canopy is integrated into the east container tenant entries to provide weather protection and satisfy the Fruita Land Use Code design standards. The canopy will most likely be constructed utilizing a 3" deep structural steel deck on the steel channels with sloped insulation and a single-ply roof membrane draining

towards a roof drain and pre finished metal downspout. Cedar tongue and groove boards will be the soffit finish material.

- The City of Fruita Land Use Code – 17.11.030 Design Standards require that 30% of building elevations facing a public way be covered by a canopy or awning. The current design has 22% of it's Mulberry St elevation covered by a canopy and 100% of it's north elevation covered by a canopy. The designed canopy sufficiently shields the new building entries from inclement weather and due to the secondary nature of the entries along the Mulberry elevation we believe this coverage is in keeping with the intent of the Land Use Code.

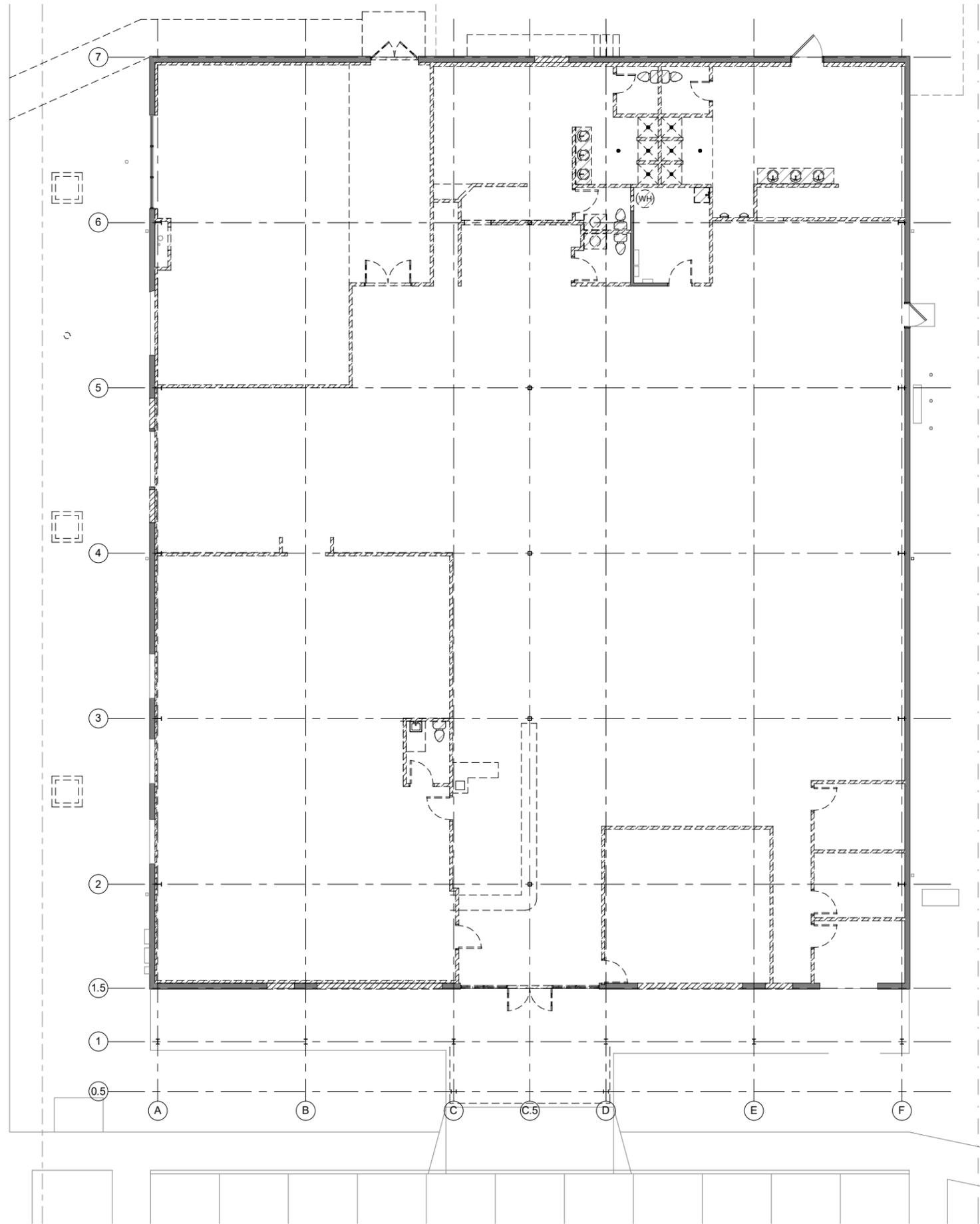
### **Site Lighting**

#### Lighting Control

The site lighting is currently controlled through a time a time clock located in the mechanical/electrical room.

#### Lighting

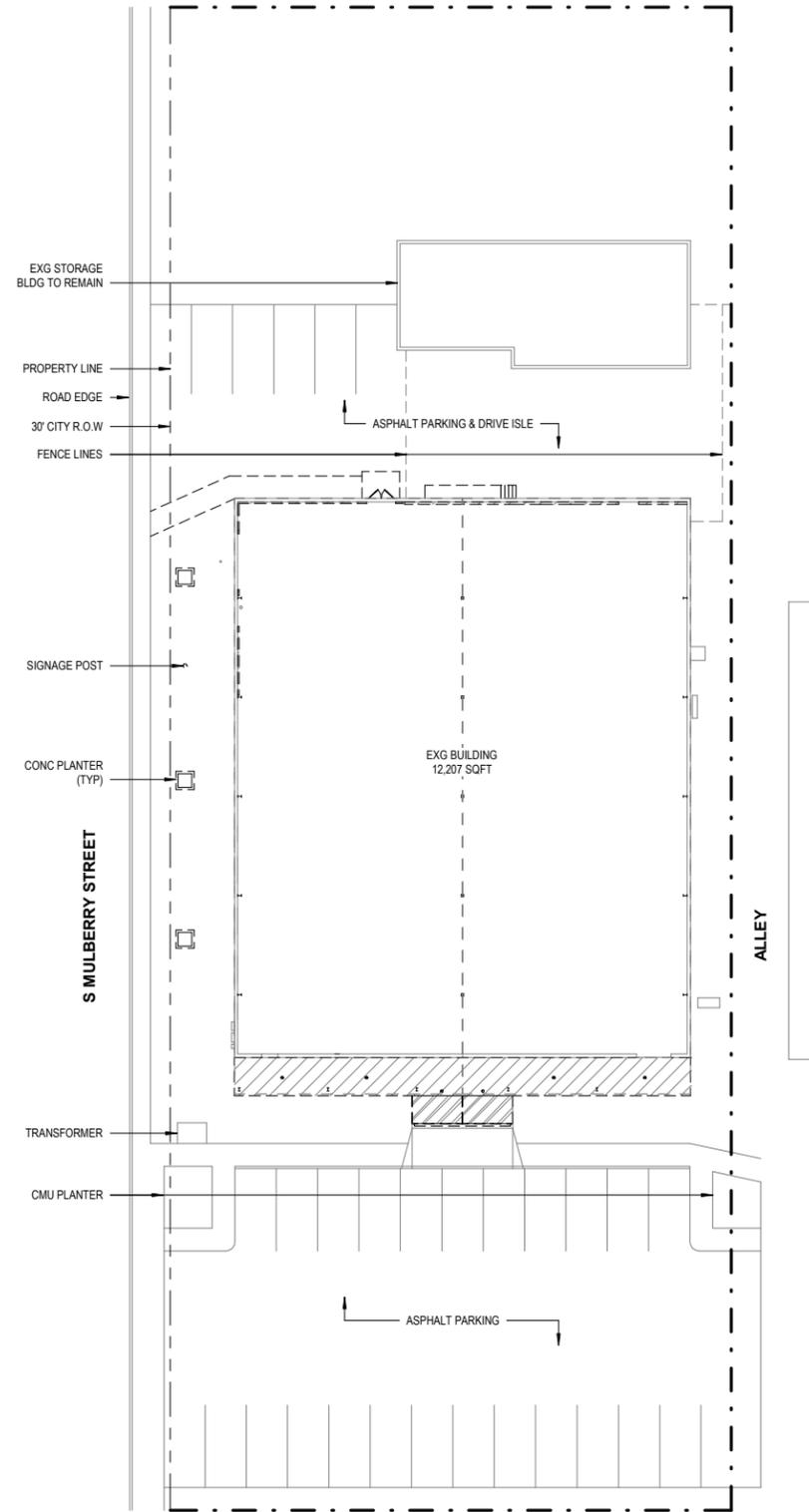
Outside of the building, down lights have been used in the canopy, and non-cutoff wall packs have been used for security lighting. We propose to replace security wall packs with code compliant L.E.D. cut-off fixtures. We propose to light the parking lot using cut-off L.E.D. wall packs with forward throw distributions mounted high on the north wall. A site lighting plan will be provided as design progresses.



2 MAIN FLOOR - DEMO PLAN  
A100

**LEGEND**

	EXISTING WALL TO BE DEMOLISHED
	EXISTING ITEM TO BE DEMOLISHED
	EXISTING WALL TO REMAIN
	EXISTING ITEM TO REMAIN



1 DEMO SITE PLAN  
A100



EXISTING EXTERIOR - NORTH



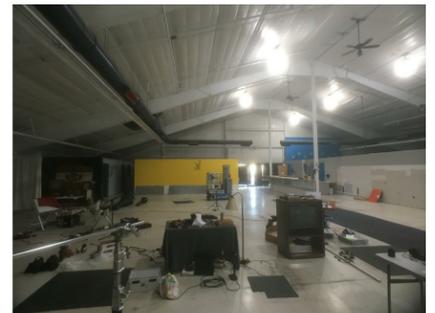
EXISTING EXTERIOR - EAST



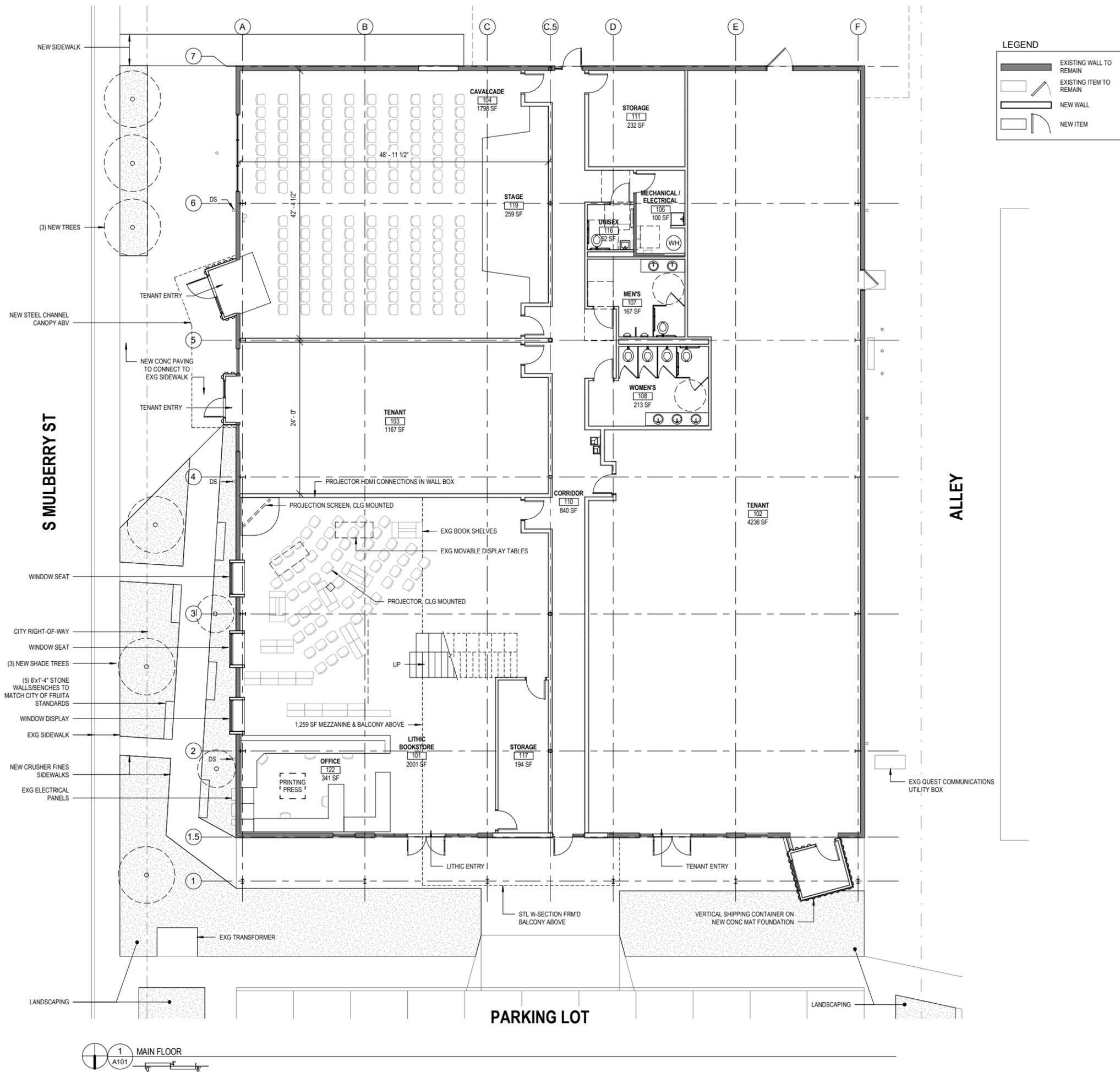
EXISTING EXTERIOR - SOUTH



EXISTING EXTERIOR - WEST



EXISTING INTERIOR



LANDSCAPE CONCEPT - PLAN & NORTH-EAST BIRD'S EYE



EXTERIOR PERSPECTIVE - NORTH-EAST BIRD'S EYE



EXTERIOR PERSPECTIVE - NORTH-EAST



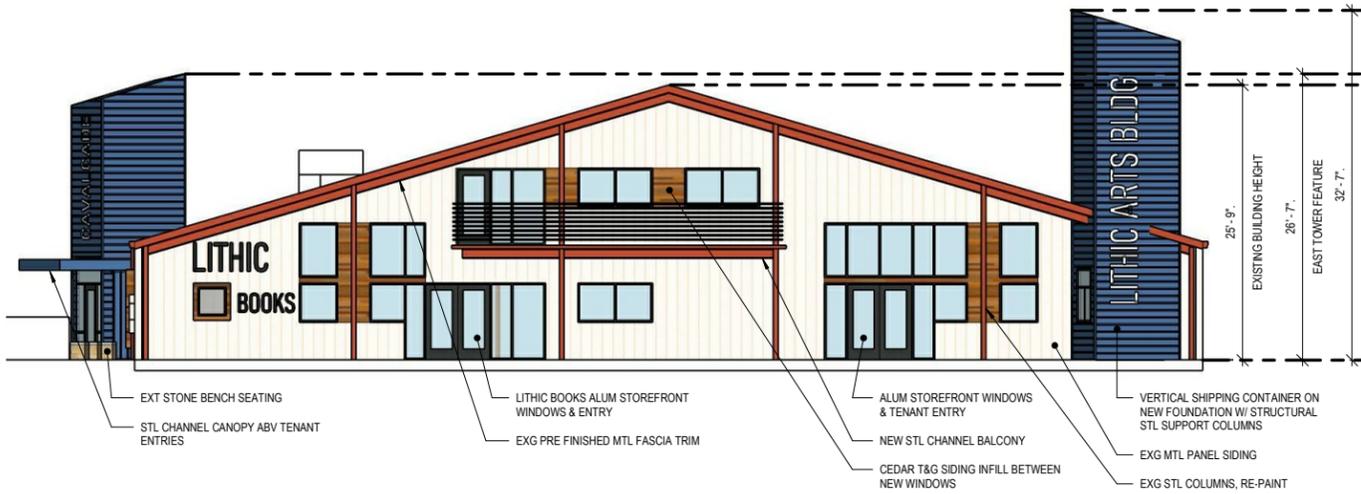
EXTERIOR PERSPECTIVE - NORTH-WEST



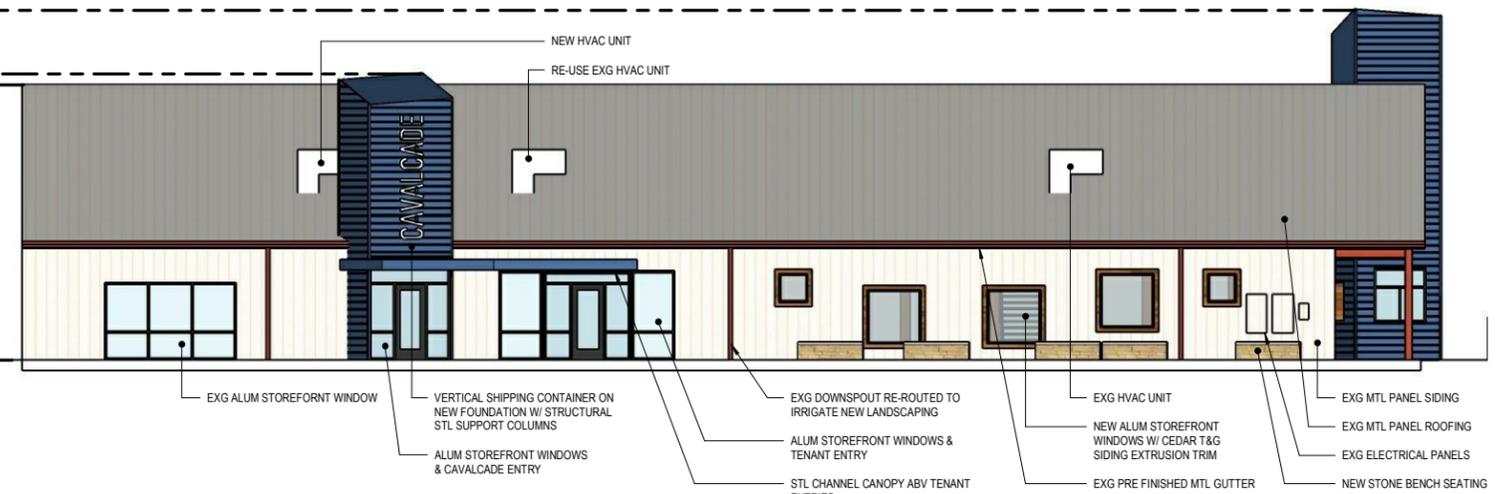
3 EXTERIOR PERSPECTIVE - NORTH  
A102



4 EXTERIOR PERSPECTIVE - EAST  
A102



1 NORTH ELEVATION  
A102 NOT TO SCALE



2 EAST ELEVATION  
A102 NOT TO SCALE

**A. CALL TO ORDER**

Six Planning Commissioners were in virtual attendance. (Justin Gollob, Jesse Fabula, Doug Van Etten, Heather O'Brien, JP Nisley, and Patrick Hummel were present).

**B. PLEDGE OF ALLEGIANCE**

Dan Caris led the Pledge of Allegiance.

Commissioner Fabula welcomed new Planning Commissioner and City Council Liaison Heather O'Brien.

**C. AMENDMENTS TO THE AGENDA**

None.

**D. APPROVAL OF THE AGENDA**

COMMISSIONER O'BRIEN MOVED TO APPROVE THE AGENDA

COMMISSIONER GOLLOB SECONDED THE MOTION

MOTION PASSES 5-0 (DUE TO POOR INTERNET CONNECTIVITY COMMISSIONER VAN ETTEN ABSTAINED FROM THIS VOTE)

**E. WITHDRAWN ITEMS**

None

**F. CONTINUED ITEMS**

None

**G. CONSENT ITEMS**

**APPROVAL OF MINUTES**

March 10, 2020 Planning Commission meeting

COMMISSIONER NISLEY MADE A MOTION TO APPROVE THE CONSENT AGENDA.

COMMISSIONER GOLLOB SECONDED THE MOTION

MOTION PASSED 2-0 IN FAVOR TO APPROVE THE CONSENT AGENDA (COMMISSIONERS FABULA, VAN ETTEN, O'BRIEN, AND HUMMEL ABSTAINED FROM THE VOTE BECAUSE THEY WERE NOT IN ATTENDANCE AT THE LAST MEETING)

**H. HEARING ITEMS**

Commissioner Fabula explained how the virtual meeting was going to be run and how the public could participate in the meeting by raising their hand, being called on, being unmuted, and then giving their testimony. He then explained how the meeting would be run in general terms.

Application #:	2020-06
Application Name:	Lithic Arts Building
Application Type:	Site Design Review
Applicant:	RDC Labs, LLC
Location:	158 S. Park Square
Zone:	Downtown Mixed-Use (DMU)
Description:	This is a request for approval of a Site Design Review application. The proposed plan is to convert the existing building into multiple tenet spaces and remodel the exterior portion of the building.

Commissioner Fabula read the description of the first hearing item to the audience.

Commissioner Hummel disclosed that his architecture consultancy was hired by RDC Labs, the owner of 158 S. Park Square during November 2019 to complete for them a schematic design and an existing conditions survey. He continued that they received condensed versions of the narrative and design as part of the planning commission packets. He said that now since the project is moving forward through city planning and subsequent construction document phases, the design contact has been shifted to Chamberlain Architects. He said that with himself, the design architects and Daniel Gardner will be giving this application’s presentation. He continued that in addition, he responded to Staff’s round 1 review comments which are also included in their packets. For these reasons and in order to maintain the commission’s impartiality, he requested his video and microphone to be disabled during this application’s hearing and voting process. He thanked Commissioner Fabula.

Commissioner Fabula confirmed that Mr. Caris would handle those virtual meeting logistics.

Mr. Caris confirmed this. He added that he had received direction from the city attorney that in order to recuse oneself from a video public hearing that muting their line and turning off their video would suffice for the purposes of the discussion.

Commissioner Nisley disclosed that he did valuation work when the property owner acquired the property. He said that he did not have an ongoing relationship with them, and it was not a conflict of interest for him to vote on the proposed project.

Mr. Caris felt that it would be appropriate to ask the other commissioner members if the reasoning that Commissioner Nisley just gave suffices for the rest of the group and they feel that he can maintain his impartiality throughout the rest of the discussion.

Commissioner Fabula asked if there were any other Commissioners that had a thought on whether Commissioner Nisley should participate in this hearing item.

Commissioner O’Brien asked Commissioner Nisley to explain his relationship and length of time was.

Commissioner Nisley said that when they went to acquire the property, they retained him to do evaluation services to be sure that their purchase price at the time of acquisition was reasonable. He continued, the relationship lasted two weeks and they had not had any other discussions since then. He said that he did not know that this was a project in process until he saw it in his packet.

Commissioner Fabula asked if there were any other comments from the Commissioners. There were none. He said that he did not have any problem with Commissioner Nisley participating and he wanted to move forward including him.

Mr. Caris said that the decision was the Planning Commission's prerogative but because there is no ongoing relationship with a direct financial gain to the project the services that were acquired were specific to the appraisal for the acquisition not for the construction of the potential project. He felt that there was a distinct difference between the two and as long as there are no objections from the Planning Commission, he thought it would be appropriate to proceed.

Mr. Dan Caris, Planning and Development Director, gave the Staff presentation. He entered his Power Point into the record.

#### Slide 1 – Introduction

#### Slide 2 – Background

- There are 2 types of Site Design Review procedures:
  - Administrative Site Design Review.
    - Administrative process.
  - Site Design Review with Adjustment.
    - Public hearing process. (Planning Commission & City Council)
    - This application is proposing modifications to the exterior portion of the building. The primary building material (metal) is considered legal non-conforming, meaning it was legally established but doesn't currently meet the regulations contained in the Design Standards section (17.11.030) of Land Use Code.
- The proposed application intends to keep the building as is with some additional elements incorporated into the design which require approval from the City Council after a recommendation from the Planning Commission.
- Because of this, the application is considered a Site Design Review with Adjustment.

#### Slide 3 – Background

- The existing structure is approximately 12,207 square feet and was originally constructed in 1998 for a True Value Hardware store and was converted in 2006 into what was recently the Fruita Health Club.
- The Fruita Health Club relocated in 2018 leaving the building vacant except for a small second story apartment at the south end of the building.

#### Slide 4 – Surrounding Land Uses and Zoning

- The subject property is surrounded by both residential and commercial land uses.

- The subject property is completely surrounded by Downtown Mixed-Use (DMU) zoning with the exception of Circle Park to the northwest.

Slide 5 – Adjustments Requested

- Overall Form - Section 17.11.030 (B) (3) (a)
  - Architectural elements address all sides of a building.
  - Materials and Color - Section 17.11.030 (B) (9)
  - Building materials to be: brick, stone, adobe, adobe brick, slump block, stucco, split block, painted or natural wood.
- Mechanical Equipment - Section 17.11.030 (B) (11)
  - Rooftop mechanical units be screened and not visible from the street.

Mr. Caris pulled up images of the project on the screen. He showed what the building currently looked like. He then showed images of what the applicants were proposing.

Slide 6 – Legal Notice

- Postcards = 4/24/2020
- Paper = 4/24/2020
- Property = 4/24/2020

He added that due to having to transition to a virtual hearing Staff generated a letter that was sent out to all of the property owners that were within the 350 feet buffer. He said that they wanted to make sure that they understood that there was a way for people to participate in the public hearing process and could give their feedback. It had all of their information on it including email address and gave a detailed description of what this meeting was going to look like. He said that seeing several attendees, their efforts were successful, and they did the same thing for the subsequent hearing items that were being heard.

Slide 7 – Review Comments & Public Comments

- Review Comments:
  - The applicant has responded to Staff comments which were included with the Staff Report.
- Public Comments:
  - No written public comments have been received by staff at this time.

Slide 8 – Staff Recommendation

- Because the development meets or can meet the intent of all applicable city regulations and policies, Staff recommends approval of application 2020-06.
- City Council: Tuesday, June 2, 2020

Mr. Caris concluded his presentation.

Commissioner Fabula thanked him and invited the applicants to make a presentation.

Mr. Daniel Gartner, Project Manager for Chamberlain Architects introduced himself and said that he was going to represent the owners for this hearing. Mr. Gartner shared his screen with the audience. He said that the goal of the project was to renovate and rehabilitate the building to be a useful part of the South Downtown area. He said it is an existing metal building that doesn't

comply with the aesthetic goals that the City has established for downtown but it is existing and the goal is to make the best of what is there and try to integrate it as much as they can into the downtown community within the confines of the existing building. He continued, that one of the things that they wanted to point out is that it is an Agrarian type building, these metal buildings are traditionally used in agriculture. He said that they would like to build on that and modernize it and make it a little bit eclectic, funky, and interesting for the downtown area. He continued that there were three areas that were not compliant with the level 1 Design Standard. He said it included the non-development in the alley, he pointed out on his image that north was towards the bottom of the page and showed the parking lot and where the circle was. He said that the west side of the building was not going to be developed at this time and it was their thought that they would develop the exterior façade of the west side that faces the alley at the time the tenant is determined, it may need more windows or doors. When it is developed it would be consistent with what they are doing with the other faces of the building. Another exception they asked for is the materials and colors on the outside of the building. He said that Level 1 Design Standards did not seem intended for the remodeling of metal buildings. They are more geared toward the vertically oriented masonry facades. He said that what they have and what the photos he showed revealed was horizontally oriented building with a gabled roof and exterior metal panels. He did not think that stucco or horizontal bands of masonry would make it fit in to the context of downtown any better than it currently does. He said that they would like to juxtapose some new interesting forms and materials that would be more relational to the existing metal building type and energize the south area of downtown. He continued that they were trying to do that with a variety of forms and materials. They are trying to break up the north façade, which is one of the two main facades with lots of different glass patterns, in addition they have some cedar boards which are part of the palate of materials that are approved in the Design Standards. They are getting rid of the low-slung soffit that was covering up the whole second floor area and adding a balcony. It would raise the entry opportunity for a more inviting, dynamic north façade which is the façade that faces the circle and is primary from the parking lot. He said that the shipping containers are the other major intervention that they are proposing, and they relate to the Agrarian style of construction with the ribbed metal components, but they also provide opportunities for signage and vertical elements. They are set at a bit of an angle to allow a contemporary intervention to the building. It also creates an enlivened façade. They felt the materials helped to modernize the building and this is compliant with the guiding principles in the Land Use Code that say that they should be drawing on the historical elements of the Fruita building scape and allow for contemporary interpretations. They feel that this is an appropriate contemporary interpretation of the historic elements. He continued, the last important modification to the standards that they were asking for is the consideration for not screening the rooftop units. The rooftop units are currently located to serve what was the health club, they can be used in their spread-out pattern to provide heating, ventilating and air conditioning to the different tenants. He said that to screen the rooftop units would require a fairly burdensome structural reevaluation of the building. The way that metal buildings are designed is for the load that is the original load of the building. The original roof top units and per the code in 1998 when the building was built. Those parameters determined the size of all of the roof structure, the roof members, bracing, the lateral supports, all of the structure of the building was created based on those parameters and also complied with the codes at the time for snow and wind load and seismic code requirements. If they were to add screens for the rooftop units it would add load and they don't know how close the existing design was to the maximum allowed. He said

that in order to figure that out they would have to re-engineer the building, or reverse engineer it. And then he asked if that would comply with current code? They are not trying to comply with the code in place in 1998 which they were, and they would need to comply with 2018 codes which are much more stringent. He said that this could lead to some burdensome modifications to the existing building. The owners are trying to rehabilitate the building into something vibrant and part of downtown but not completely destroy its character and start over. They are trying to use what is there as best they can. The building has the rooftop units that are not compliant with the currently adopted level 1 Design Standards. They are hoping that the overall effect of the building is cool and interesting enough that people are not noticing the rooftop units. He concluded his presentation.

Commissioner Fabula thanked him for the presentation and moved into the public participation part of the meeting. He then gave instructions to the audience on how to participate. He said that they would be talking about only 2020-06 Lithic Arts Building. He explained that they could raise their hand or press \*9 if they were listening in on a phone.

Angela Akridge who lives on Cedar Court spoke. She said that she loves the Lithic Bookstore and she was curious why they are calling this the Lithic Building?

Commissioner Fabula said that all questions would be taken and once the public comment portion was done the questions would be addressed.

Commissioner Fabula asked if there were any other comments. There were none. Commissioner Fabula moved into rebuttal with the applicant.

Mr. Gartner said that the reason it is called the Lithic Arts Building is because the Lithic is the primary tenant. He explained that it is a tentative name and there may be more conversation moving forward.

Commissioner Fabula closed that portion of the public hearing and moved into Commissioner discussion.

Commissioner Gollob said that when he was looking at this with the design, the three main exceptions that they were looking at form, material, and mechanical, the first two seemed more difficult and expensive obstacles to overcome. He said he did not love the metal, but he understands what it would take to overcome that. He continued that the third was the screening of the mechanical equipment his initial reaction was what it would really take? He said that the architect's explanation made sense. He asked if they had thought of other ways and if you could not screen them, did they look at ways to obscure them? Whether it is with color or landscaping like trees that would grow tall. Are there other alternatives than just erecting a screen which would take extensive engineering?

Commissioner Fabula thanked him.

Commissioner Fabula said that he walked by the building and looked at it as it was today, and he appreciated new development in the community. He understood that you have what you have to

work with and it is great that they were able to meet a lot of the standards in the first part of the packet and he is ok with the few exception items. He said that there was a comment about the lighting, and he wanted Mr. Gartner to speak about what the lighting would look like on the north side of the building and if it would shine in people's eyes as they drove around Circle Park.

Commissioner Van Etten said he was happy to see something happening with the building. He said that Aspen Street 9 years ago when he moved here was terrible for vacancies. He has been watching since then and they fill up and then go vacant again. He said it is exciting to see something that is going to experience some redesign to try to bring it more in line with what the City wants the downtown area to look like, but not make it so onerous in requirements that a local business can't be the primary tenant there.

Commissioner O'Brien said that the presentations were perfect. She said that she wondered why they were not going to do the west alleyway, but Mr. Gartner explained that well. She commented on the metal aspects of the building and understood that it would be difficult to work with. She appreciated the thoroughness of the explanations.

Commissioner Nisley said he agreed with what has been said and glad to see that the property will be redeveloped for usability by local tenants compared to some of the alternatives for this property. He questioned the west side access that was being held for future tenants. He wanted to know about the sidewalks and other landscape elements that are put in place today to bring up the appeal on that side or is all of that going to happen once tenants are found?

Commissioner Fabula asked if there were any other comments from Staff?

Mr. Caris said that there were no further comments from Staff. He said that a procedural element that he wanted to mention was that when people write code language specifically for design standards, Mr. Gartner was correct that the focus on the brand new vertical construction and redevelopment of spaces come with unique challenges. He continued is that part of the reason we have a Planning Commission and a Council is to decipher whether or not the aesthetic look and feel meets the intent. He said that when you read the guiding principles for the level 1 Design Standards it is to create that feel and to provide a multitude of commercial opportunities and economic development because it didn't fit specifically into the standards of what would be required to build a brand new facility and go vertical on a vacant lot in downtown was part of the reason why the justification was written the way it was in the Staff Report. It was to lean heavily on those guiding principles that were part of the community process at that point in time.

Commissioner Fabula thanked him. He asked Mr. Gartner to address the questions posed by the Planning Commissioners.

Mr. Gartner said he wanted to respond to the comments he wrote down and they included the question about if consideration had been made for painting or otherwise obscuring the rooftop units. He thought that was a great idea. He said that there will be new rooftop units because the old ones are not going to work good enough. They can be painted to blend in with the roof and he felt that this made a lot of sense. As for the trees on the east side, there will be some trees. Generally speaking, the landscaping over on the Mulberry Street side will be xeric. They are not

expecting that to be overgrown with a huge amount of landscaping but there will be some and he expects it to help obscure parts of the building. Whether the trees get big enough to mitigate the visibility of the rooftop units is unclear, but it is possible. He thought they were both good ideas. He talked about the lighting on the north side. He said the light fixtures will be cut off type light fixtures and they will shine light no further than the property line. He added that they should not be shining in the eyes of anyone driving around the circle. He responded to the comment about the west side and whether there was going to be landscaping or sidewalks on the alley. He said that the goal is to have that in the future but it is important when phasing a project like this one not to do too much in the first phase that you might regret in the later phase. He said that there is a sense of commitment to develop the west side in a nice way but with the input of the tenants that would be there is the right way to do it. They are going to aim to do that development of the alleyway when that phase comes around.

Commissioner Fabula thanked him and asked for any further comment from the Commission.

COMMISSIONER GOLLOB MADE A MOTION TO APPROVE APPLICATION #2020-06 SITE DESIGN REVIEW WITH ADJUSTMENTS FOR 158 S. PARK SQUARE

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSES 5-0 (COMMISSIONER HUMMEL RECUSED HIMSELF FROM THE VOTE)

Commissioner Hummel was brought back into the meeting.

Commissioner Fabula introduced the next hearing item.

Application #:	2020-07
Project Name:	Cider Mill Estates Subdivision
Application:	Preliminary Plan
Representative:	Kim Kerk Land Consulting & Dev., LLC
Location:	960 Stone Mountain Drive
Description:	This is a request for approval of a Preliminary Plan application for 37 new residential detached lots over approximately 13.25 acres.

Commissioner Fabula read the description of application # 2020-07 Cider Mill Estates Subdivision.

Henry Hemphill introduced himself and said that he would be giving the staff presentation on this application. He entered a Power Point presentation into the record. He also mentioned that they did receive written public comments regarding this application, and they had been included in the Planning Commission packets and were available to the public. He said that they had not received any other public comments since then.

Slide 1 – Introduction



**FRUITA**  
COLORADO

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## **AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: TURE NYCUM, PARKS & RECREATION DIRECTOR**

**DATE: JUNE 2, 2020**

**RE: FRUITA COMMUNITY CENTER PHASE 2 RE-OPENING PLAN  
OVERVIEW**

### **BACKGROUND**

This item is to provide City Council with a brief update of Phase 2 of the re-opening plan of the Fruita Community Center and recreation programs. Attached are the FCC and Recreation Reopening Plans - Phase 2, a Frequently Asked Questions document and a June 2020 Activity Guide.



# FRUITA COLORADO

## Fruita Community Center

Fruita Parks and Recreation is excited to announce that the Fruita Community Center will be expanding operations in the upcoming weeks. The Fruita Community Center originally reopened and implemented phase one of the FCC Reopening Plan on Monday, May 11, 2020. With recent changes to state and regional Public Health Orders, the Fruita Community Center to be transitioning to phase two of this plan, which allows for increased capacity and more areas and services to be utilized. In order to comply with general and fitness facility orders set forth by both Mesa County Public Health and the Colorado Department of Public Health and Environment, there will be several policy and procedural changes being implemented to keep visitors and staff safe. Patrons who are non-compliant with the policies and procedures set forth will be asked to leave the facility. These changes are summarized below. If you have any specific questions about changes at the Fruita Community Center, please feel free to email [recreation@fruita.org](mailto:recreation@fruita.org).

**Hours** - The Fruita Community Center has moved to reduced hours. These hours are:

- Monday- Friday: 6:00 AM-7:00 PM
- Saturday: 8:00 AM-5:00 PM
- Sunday: CLOSED (will resume Sunday hours on June 14, 12:00 PM-5:00 PM)

### General Policy Changes

- The indoor pool will open on June 1<sup>st</sup> for lap swim and exercise only. Starting Saturday June 13<sup>th</sup> we will have leisure swim available as well as the outdoor pool will open. The schedule will be structured and there will be limits to usage, please see below for details.
- All patrons are required to wear a mask or facial covering when entering the building, walking around the building, and when exiting the building, per the Mesa County Public Health Order. **Patrons may remove their mask or facial covering while exercising at work out stations.**
- Patrons are required to maintain a minimum distance of six feet from one another.
- All exercise equipment will need to be disinfected after individual use. Guests will be provided, upon checking in to work out areas, a bottle of disinfectant to sanitize equipment.
- Visitors are required to bring a personal water bottle that is filled, as all drinking and water fountains are closed.
- The Community Center cannot meet or exceed 50% capacity per fire code.
- Anyone exhibiting symptoms of COVID-19 will not be allowed to use the facility.
- No youth under the age of 14 years old will be allowed to use the facility, except for solo basketball from June 1<sup>st</sup> - June 12<sup>th</sup>. During this entire phase, pickup games of basketball are not

allowed. Reminder: youth must be 10 years or older to be alone at the Fruita Community Center. They must be signed up on Sign Up Genius for a time slot to play basketball.

- Parents are not allowed to drop off children at the facility to congregate.
- To use the facility, it is highly recommended that guests utilize Sign Up Genius to reserve your desired work out zone or swimming pool space. Drop ins will be allowed but are not guaranteed due to capacity limits. If capacities are reached, you will be turned away.

**Terms of Use** –To exercise at the Fruita Community Center, visitors must meet the following terms of use:

- Only Mesa County residents are allowed to use the facility at this time.
- Guests are required to provide their name and phone number, in the event that contact tracing needs to be conducted.
- Regarding passes: monthly billing (either charging credit cards or withdrawing from bank accounts) will resume on Monday, June 15, 2020. All 3-month and 12-month prepaid passes will be reactivated on Monday, June 15, 2020. If you would like to restart a pass earlier (instead of purchasing the COVID 5 punch pass), please see front desk to fill out the applicable paperwork or contact the Guest Services Coordinator, Meghan Nelson. Her email is [mnelson@fruita.org](mailto:mnelson@fruita.org) and her phone number is 970-858-0360 x6412. A special COVID 5 punch pass was created for the limited opening on May 11. You can continue to purchase these COVID 5 punch passes until June 10. The rates for these special punch passes can be found below:
  - *Current 2020 FCC pass member: \$15*
  - *Not a current 2020 FCC pass member: \$25*
  - *We will not differentiate between youth and adult for these punch passes.*
- Although cash and checks are accepted for payment, staff recommends that guests use a credit card to limit the contact.
- Daily Drop-In fees will be \$5 per individual through June 12<sup>th</sup>. Normal Daily Drop-In fees will resume on Saturday, June 13, 2020.
- The Community Center will be open for:
  - Fitness: working out and exercise upstairs in the fitness area
  - Aquatics: exercise and work outs in the indoor pool
- The indoor pool will be opening in two different time sections.
  - **June 1- June 12: The indoor pool will be open for working out and exercise only.** Guests who wish to utilize the pool for these uses only must sign up for a time slot. Available options are: Lap Lane Swimming, Shallow Water Exercise, Lazy River Exercise, and Water Aerobics classes.
  - **June 13- TBD: The indoor and outdoor pool will be open in the afternoons starting at 1:00 PM for leisure swimming.**
    - *Guests must sign up for a 1 hour 45 minute time slot.*
    - *There are capacity limits.*
    - *Youth will be allowed to participate in leisure swimming, but FCC age policies must be followed. Children 6 years and under must have an adult in water and within arms reach at all times.*
- To ensure that participation does not exceed 50% capacity of the fire code, guests for the fitness area, swimming pool, and basketball courts will need to sign up for a work-out slot online. Staff

will accept drop ins, however, we highly recommend using the online Sign Up Genius program to guarantee a work out slot. If capacities are reached, drop ins will be turned away.

- Staff will continue to utilize *Sign Up Genius* to coordinate the reservation of available equipment and areas. Guests may only sign up for 2 45-minute slots in one day. Guests must sign up for one slot per person. There will be no sharing of time slots. *Sign Up Genius* has a feature that will allow the account holder to put another family member name down for a specified time slot, if you would prefer to not create separate accounts. The slots are as follows:
  - Zone 1- Running Track: Capacity 1
  - Zone 2- Weights area: Capacity 10
  - Zone 3- Cardio area: Capacity 15
  - Fitness Class: Capacity 19
    - See Fitness Class schedule for available classes and times
    - Classes will take place on ½ of basketball courts or outside in backyard
  - Indoor Pool Lap Lanes: Capacity 5
  - Shallow Water Exercise: Capacity 2
  - Lazy River Exercise: Capacity 2
  - June 13 begins leisure swim: Capacity 45 per body of water
  - Water Aerobics Class: Capacity 9
    - See Water Aerobics Class schedule for available classes and times
  - Pickleball: Capacity 8
    - Available Monday-Thursday from 6:00 AM-11:00 AM
    - Must sign up for 45-minute time slots
    - Bring your own ball and paddle
  - Basketball Hoop Shooting:
    - Two people per hoop (or of same household)
    - Bring your own basketball
    - Available Monday-Thursday 12:00 PM-7:00 PM
    - Available Friday and Saturday all day
    - Additional hoops are available when no fitness classes are scheduled
    - Must sign up for 45-minute time slots

## Getting Started

- Go to *Sign Up Genius* to sign up for a time slot. You will need to create an account using your name and email address. The website is: <https://www.signupgenius.com/go/fcc2020>.
- See the below link for step by step picture directions.
- Everyone must enter through the NORTH entrance.
- Please acknowledge the posted signs on the front doors about recent symptoms:

Do not enter this facility if you have: A Cough or Shortness of Breath/Difficulty Breathing or Any Two of the Following: Fever, Chills, Repeated Shaking with Chills, Muscle Pain, Headache, Sore Throat or a Recent Loss of Taste or Smell.

- Stop at the front desk to check in.
- Follow the flow of traffic signs.
- Remember to always maintain a distance of 6 feet from those around you.
- Everyone must exit through the WEST entrance.

#### **Misc. Information and Recommendations**

- The indoor pool is open for exercise and working out only starting on June 1.
- Leisure swimming will start Saturday, June 13.
- The features (slide, diving board, and Hot Tub) are Closed.
- There are several areas that will remain unavailable at this time, and these are the front play area, RecRats (Child Care), Senior Center, and the vending machine area.
- Staff encourages seniors and all vulnerable persons to remain at home.
- These policies and recommendations are subject to change based upon Public Health Orders at both the local and state levels.
- Please follow the directions of FCC staff. This is new to us as well. We are trying to keep everyone safe, while trying to figure out what will work best for everyone within the state and county orders the City is required to follow. Keep in mind that being able to open is only due to a variance Mesa County Public Health Department received for fitness facilities and pools from the State of Colorado, and any issues can quickly revert to closures. Thank you in advance for your patience.

# Fruita Community Center FAQ's

## **Can I still use my FCC Pass?**

*All monthly passes (billed on the 15<sup>th</sup> of each month), 3-month, and 12-month passes will be reinstated June 15. Monthly installment billing will be processed on this day. If you would like to reinstate your pass earlier, please see front desk to fill out the form.*

## **Do I have to wear a mask when I come into the FCC?**

*Yes, you will be required to wear a cloth face mask/covering when you enter the facility, while you are walking around and exiting the facility. You can remove your face mask/covering while at your work out equipment, zone, and fitness class.*

## **Can I use any available equipment?**

*Drop-ins are allowed, however we recommend signing up for a time slot through Sign Up Genius to guarantee the equipment is available and not at capacity. If capacity limits are reached, drop-ins will be turned away.*

## **Is the pool open?**

*The indoor pool is opening on Monday, June 1 for exercise and work outs only. You will need to sign up for a time slot on Sign Up Genius. [www.signupgenius.com/go/fcc2020](http://www.signupgenius.com/go/fcc2020)*

*Leisure swim will resume on a modified schedule starting Saturday June 13<sup>th</sup>.*

## **Can I take a shower?**

*Not at this time, the locker rooms and family change rooms can only be utilized as restrooms.*

## **Do I have to create an account to sign up for a time slot?**

*Yes, you must create an account by providing your name and email address. It is very fast and easy to do. You can then sign up for time slots to work out upstairs, reserve a lap lane, for shooting hoops, etc. You will need to sign up for a time slot on Sign Up Genius. [www.signupgenius.com/go/fcc2020](http://www.signupgenius.com/go/fcc2020)*

## **Is the library open?**

*The library keeps their own opening schedule and operating plan. Please visit their website to gather information- [www.mesacountylibraries.org](http://www.mesacountylibraries.org)*

## **How many time slots can I sign up for each day?**

*You can only sign up for 2 time slots per day. We want to make sure everyone has a chance to use the facility.*



**JUNE 2020**  
**FRUITA PARKS AND RECREATION**  
**ACTIVITY GUIDE**



**Visit [www.fruita.org/parksrec](http://www.fruita.org/parksrec) for more information on regulations and rules during our phase 2 of Fruita Community Center operations.**

**FRUITA COMMUNITY CENTER**  
**324 N. COULSON ST., FRUITA, CO 81521**  
**970-858-0360**



**FRUITA**  
COLORADO  
PARKS & RECREATION

# FRUITA

COLORADO

325 E. Aspen  
Suite 155  
Fruita, CO 81521

P 970.858.3663  
F970.858.0210  
[www.fruita.org](http://www.fruita.org)

**CITY MANAGER**  
970.858.3663

**CITY CLERK/  
FINANCE**  
970.858.3663

**COMMUNITY  
DEVELOPMENT**  
970.858.0786

**MUNICIPAL  
COURT**  
970.858.8041

**POLICE  
DEPARTMENT**  
970.858.3008

**ENGINEERING**  
970.858.8377

**HUMAN  
RESOURCES**  
970.858.8373

**PUBLIC WORKS**  
970.858.9558

**PARKS/  
RECREATION**  
970.858.0360

**WASTEWATER  
TREATMENT  
FACILITY**  
970.858.4081

May 29, 2020

Dear Fruita Community,



We know that this has been an odd and difficult few months. Since March 15<sup>th</sup>, many of the services that are provided by Fruita Parks and Recreation have been unavailable. With the exception of keeping parks and open spaces available for public use, the Fruita Community Center (FCC) has been closed, many programs have been suspended and events have been cancelled or postponed. We know that this has been hard on many of our community residents who value swimming in our pools, playing soccer or other sports and attending the variety of events that are hosted in Fruita. These past few months highlight to us the importance of Parks and Recreation in our community, and that the services we provide create a healthy, socially active community and we are working very hard to get back to that.

As social conveners by nature, our Fruita Parks and Recreation staff has been working hard to create plans that will allow for recreation and facility use to return in a responsible and safe way. Staff has worked diligently, during this closure, to not only complete several maintenance projects but have also written and re-written reopening plans that will provide our patrons with a safe and enjoyable experience.

While the FCC was reopened on May 11<sup>th</sup>, it was in a very limited capacity. Just this week, however, we submitted additional plans to Mesa County Public Health (MCPH) that will provide us with the opportunity to reopen our pools and expand the use of our fitness facility and gymnasium. We are even planning to offer programs, including swim lessons, tennis and track and field for youth. Please know that as we further reopen these facilities and programs, we are doing it per guidelines that are set by both local and state levels of government for your health and safety by following social distancing practices. Use of the FCC and participation in programs may look different in some ways, but this is to balance patron's experiences.

We encourage you to make use of the FCC and participate in the programs that are being offered. We also encourage you to do this in a safe manner. If you are in an at-risk population for COVID 19, we ask that you seriously consider staying home for your own safety. And everyone please wear your mask when necessary. Please look through this Re-opening Activity Guide for information on June programs and facility usage guidelines. And we look forward to seeing you all and continuing our path towards normalcy.

Thank you,

Ture Nycum  
Parks and Recreation Director

# MEMBERSHIPS AND FACILITY HOURS

## HOURS OF OPERATION

(June 1– June 12)

Mon-Fri 6:00 AM-7:00 PM

Sat: 8:00 AM-5:00 PM

## HOURS OF OPERATION

(June 13– June 30)

Sun 12:00 PM –5:00 PM

Mon-Fri 6:00 AM-7:00 PM

Sat: 8:00 AM-5:00 PM

## MEMBERSHIPS AND BILLING

**ALL PASS MEMBERSHIPS WILL BE REINSTATED  
STARTING JUNE 15TH. IF YOU WOULD LIKE YOUR  
PASS TO BE REINSTATED SOONER PLEASE CONTACT  
MEGHAN NELSON**

**MNELSON@FRUITA.ORG 970-858-0360 EXT. 6412**

**IF NOW IS NOT THE TIME YOU WISH TO REACTIVATE  
YOUR PASS**

**CONTACT THE FRONT DESK AT**

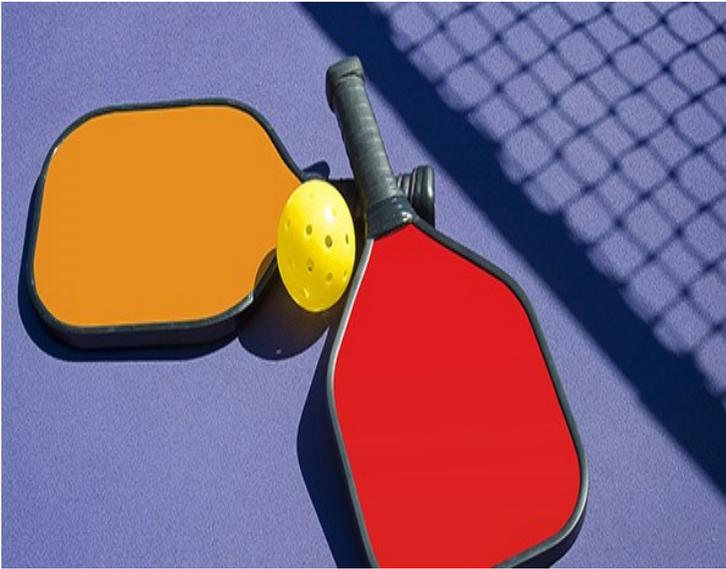
**970-858-0360, OPTION 1**

**ALL CHANGES MUST BE RECEIVED BY**

**JUNE 10, 2020.**

**We recommend non-residents of Mesa County and at risk  
populations not use the FCC at this time.**

# FACILITY GENERAL INFO



## PICKLEBALL: CAPACITY—8

MONDAY –THURSDAY 6AM-11AM

PLAYERS MUST BRING THEIR OWN BALL AND PADDLE

Please visit

<https://www.signupgenius.com/go/fcc2020>  
to reserve your 45 minute pickleball session.

## FACILITY RULES/CLOSURES

- Masks are required in the facility. Once at destination, masks can be removed as long as social distancing occurs.
- At this time the following areas are unavailable; senior center, RecRats (childcare), front play area, vending area, showers and lockers, drinking fountains.
- Please bring your own water bottle.
- Please shower before you arrive to swim.
- If using a drop in pass we are required to collect information for contact tracing purposes.
- Social distancing practices must be followed.
- We love having you back please enjoy the facility!



## BASKETBALL: BRING IN YOUR OWN BALL

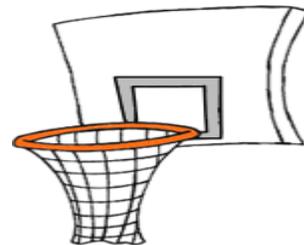
MONDAY-THURSDAY: NOON TO CLOSE

FRIDAY AND SATURDAY: ALL DAY

2 PEOPLE PER HOOP

NO PICK-UP GAMES ALLOWED

Please visit <https://www.signupgenius.com/go/fcc2020> to reserve your basketball hoop.



# AQUATICS

## INDOOR/OUTDOOR POOL

### JUNE 1-JUNE 12 - POOL RULES AND REGULATIONS

- ◆ INDOOR POOL OPEN FOR FITNESS ONLY. PLEASE BRING YOUR OWN EQUIPMENT WE WILL NOT BE PROVIDING EQUIPMENT AT THIS TIME.
- ◆ NO SHOWERS
- ◆ PLEASE WEAR A MASK IN THE AQUATIC FACILITY UNTIL YOU ENTER THE WATER.
- ◆ PLEASE VISIT <https://www.signupgenius.com/go/fcc2020> TO RESERVE YOUR 45 MINUTE LAP LANE OR AQUATIC FITNESS ZONE ( LAZY RIVER AND SHALLOW WATER EXERCISE).
- ◆ NO AQUATIC FEATURES ARE OPEN AT THIS TIME EXCEPT FOR THE LAZY RIVER FOR EXERCISE.
- ◆ THE HOT TUB WILL REMAIN CLOSED.
- ◆ PLEASE FOLLOW THE SIGNAGE AND STAFF DIRECTIONS FOR ENTERING AND EXITING THE POOL.
- ◆ PLEASE LEAVE YOUR VALUABLES AT HOME. STAFF WILL DIRECT YOU TO WHERE YOU CAN PLACE YOUR BELONGINGS ON THE POOL DECK.

### JUNE 13 - POOL RULES AND REGULATIONS

- ◆ INDOOR AND OUTDOOR POOL OPEN!
- ◆ AFTERNOON OPEN SWIM(1:00– CLOSE) -CAPACITY-50 INCLUDING LIFEGUARDS.
- ◆ PLEASE VISIT <https://www.signupgenius.com/go/fcc2020> TO RESERVE YOUR 1 HOUR AND 45 MINUTE OPEN SWIM .
- ◆ HOT TUB WILL REMAIN CLOSED.
- ◆ POOL FEATURES WILL BE OPEN ON A REDUCED SCHEDULE.

Water Aerobics will be conducted in the shallow water exercise area. No equipment will be provided. You may bring your own from home.

Please visit <https://www.signupgenius.com/go/fcc2020> to reserve your water aerobics spot.

## WATER AEROBICS: CAPACITY - 9

	Monday	Wednesday	Friday
8:30-9:20 AM	Splash 1	Strength and	Water Yoga
9:30 –10:20 AM	Water Yoga	Water Yoga	Splash 2



# AQUATICS SWIM LESSONS



- A parent or guardian will be in the water with the child and the instructor will instruct the parent on what to do for all preschool classes and Levels 1-3. There will be no physical contact between the instructor and the child. Please no spectating at this time, only participant and parent/guardian will be allowed.
- Levels 4 & 5 will be taught from the deck in the first lap lane.
- There will be a limited capacity in each class. 3 participants with a singular parent/guardian.
- No private or semi-private lessons at this time.
- Youth scholarships will be offered for swim lessons.

Questions regarding swim lessons

Contact Skyler Hirsch  
shirsch@fruita.org

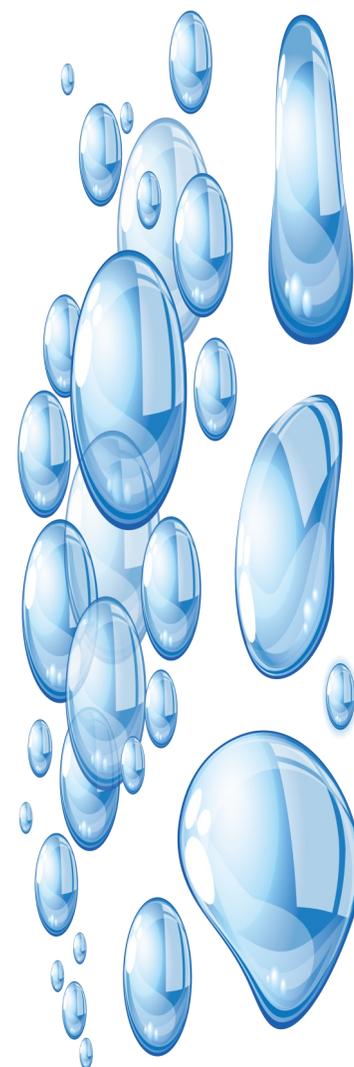
970-858-0360 ext. 6432

## Tuesday/Thursday Mornings

Dates: June 9– 29

Fees For Classes is \$40

9:00-9:30 AM	9:40-10:10 AM	10:20-10:50 AM
Preschool 1 213113	Parent and Child 213101	Preschool 2 213114
Preschool 2 213114	Preschool 1 213113	Level 1 213131
Level 1 213131	Level 1 213131	Level 2 213141
Level 2 213141	Level 2 213141	Level 3 213151
Level 3 213151	Level 4 213161	Level 5 213171



## Saturday Mornings

Dates: June 13-27

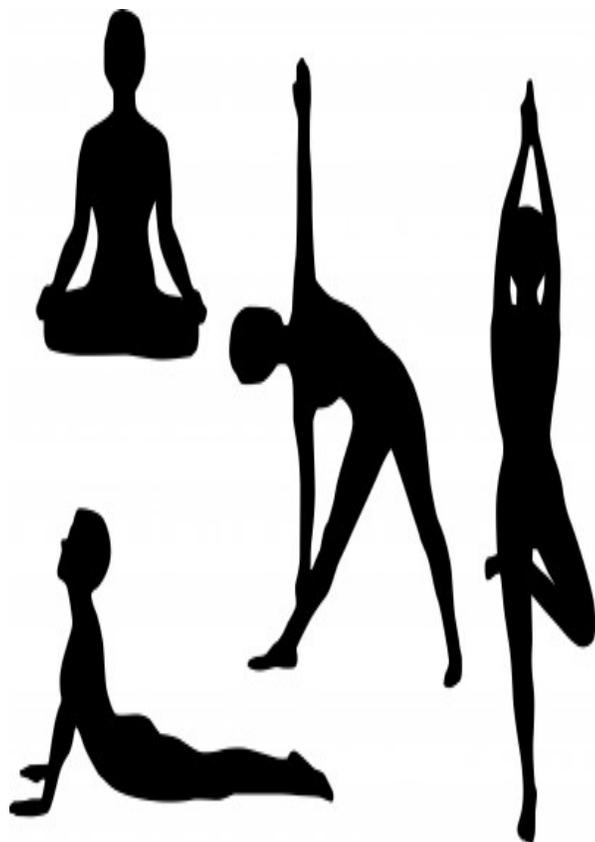
Fees For Classes is \$20

9:00-9:30 AM	9:40-10:10 AM	10:20-10:50 AM	11:00-11:30 AM
Parent and Child 213102	Preschool 2 213117	Preschool 1 213116	Preschool 1 213116
Preschool 1 213116	Level 1 213132	Level 1 213132	Preschool 2 213117
Level 1 213132	Level 2 213142	Level 2 213142	Level 1 213132
Level 2 213142	Level 3 213152	Level 4 213162	Level 3 213152

# FITNESS

## We are excited to offer fitness classes for the month of June!!

- Classes will be held in half the gymnasium or outside in the back yard of the Community Center. Bring your own equipment such as yoga blankets and straps, as these will not be provided.
- Class sizes are limited to 20 people with instructor.
- There will be no Silver Sneakers or Silver & Fit classes offered at this time.
- Masks must be worn when entering, exiting, and walking around the facility. Once you have reached your fitness zone or class you may remove your mask.
- There will be no \$1.00 fitness fee at this time.



## FITNESS ZONES

ZONE 1: Running Track - Capacity 1

ZONE 2: Weight Area - Capacity 10

ZONE 3– Cardio Area - Capacity 15

Please visit

<https://www.signupgenius.com/go/fcc2020>

to reserve your fitness zone and class.

# FITNESS

## Morning Classes

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
6:00 – 6:15AM	Cycle Express w/Kelly 6:00-6:45	Total Body Express w/Shauri 6:15-7:00		Total Body Express w/ Dawn 6:00-6:45	Cycle and Tone w/Shauri 6:15– 7:00	
8:30 AM						OUTSIDE Flow Yoga w/ Melanie 8:30-9:30
9:00 AM	Cardio Rhythm w/Christine 9:00-10:00	Cycle Express w/ Tracy 9:00-9:45 ABS 9:45-10:00	OUTSIDE Yoga/Pilates w/Erika 9:00-10:00	Cycle Express w/ Tracy 9:00-9:45 ABS 9:45-	Step Up Dance w/ Christine 9:00-10:00	
10:30 AM	OUTSIDE Tai Chi/Qi Gong w/Diana 10:30-11:30	Step Up Dance w/ Christine	OUTSIDE Tai Chi/Qi Gong w/Diana 10:30-11:30	Cardio Rhythm w/Christine 10:30-11:30	OUTSIDE Tai Chi/Qi Gong w/Diana 10:30-11:30	

## Evening Classes

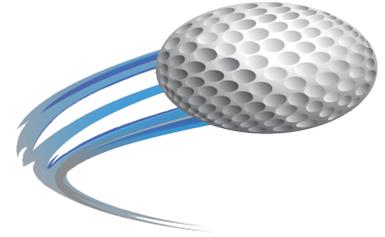
	Monday	Tuesday	Wednesday	Thursday	Friday
5:30 PM	Flow Combo w/ Ann 5:30-6:30	Cycle & Tone w/ Tori 5:30-6:30	Flow Combo w/ Ann 5:30-6:30	Cycle & Tone w/ Tori 5:30-6:30	Flow Combo w/ Ann 5:30-6:30

Please visit <https://www.signupgenius.com/go/fcc2020>  
to reserve your fitness zone and class.

# ATHLETICS



**ADOBE CREEK  
NATIONAL**



## Adobe Creek Junior Camp

Location: Adobe Creek National Golf Course

Adobe Creek Junior Golf Camps are designed to introduce and promote the game of golf to junior golfers of all abilities. Our goal is to provide a fun and enjoyable learning environment for golfers age 6 to 16. Juniors of our camps will learn the importance of rules and etiquette, as well as the basics of the golf swing. Lessons will be taught in areas including, putting, chipping, irons, and woods. It is a great experience to learn the game of golf while making new friends!

As an addition to our 2020 junior camps Adobe Creek will be offering an optional addition to the junior camps- The 2020 junior summer pass. The Summer pass allows juniors of our camps to purchase a special pass that offers them unlimited play thru August 31st for an additional \$150.

Adobe Creek has a limited amount of junior golf clubs, so we ask that junior golfers bring a minimum of a putter, a wedge and a wood. Registrations will be taken at the Fruita Community Center. For any questions or more information please call Adobe Creek at (970)858-0521 or the City of Fruita Parks and Recreation Department at (970) 858-0360.

Activity No.	Day	Session	Ages	Time	Fee	*FEE w/ Summer Pass
215608 – 3A/3B*	M-F	06/15-06/19	6-16	10:00-11:00am	\$100	\$250
215608 – 3C/3D*	M-F	07/13-07/17	6-16	10:00-11:00am	\$100	\$250



# ATHLETICS

## Little Tennis Camp

**Location:** FMHS Tennis Courts

Tennis is a lifetime sport and it's never too early to learn the fundamentals! Skills will be taught through fun games and activities as well as drills and personal instruction. Participants should bring their own racquet and water. Class size is limited to 25 participants.

Activity No.	Day	Session	Age	Time	Fee
215603-3	Tu/Th	06/09-06/18	5-8	8:30-9:30am	\$24
215603-3A	Tu/Th	07/07-07/23	5-8	8:30-9:30am	\$35

## Youth Tennis Camp

**Location:** FMHS Tennis Courts

This camp focuses on the fundamentals of tennis. Youth players will learn the basics of grip, forehand and backhand strokes, and volleys. All skill levels are welcome! Participants should bring their own racquet and water. Class size is limited to 25 participants.

Activity No.	Day	Session	Age	Time	Fee
215604-3A	Tu/Th	06/09-06/18	9-13	9:45-10:45am	\$24
215604-3B	Tu/Th	07/07-07/23	9-13	9:45-10:45am	\$35



## Fruita Track & Field Camp

**Location:** Fruita 8/9 Track

The Fruita Track and Field Camp will give runners a seven-week course over the fundamentals of running. Runners will learn and improve in the technical realm of running, such as proper running form, techniques to throwing events, and racing strategies. In addition, runners will improve both their physical conditioning and psychological conditioning. They will obtain tools to help them both on and off the track, as they develop a sense of perseverance and overcoming anxiety combined with helpful lifestyle choices like staying hydrated and maintaining proper nutrition. Participants will improve in these areas all the while doing so in a fun-filled, stress-free environment with the support of an encouraging, high energy coaching staff. Class size is limited to 25 participants.

Activity No.	Day	Session	Ages	Time	Fee
215606-3	M/W/F	6/8-7/17	5-16	8:00-10:00am	\$60.00

# PARKS, OPEN SPACE, AND TRAILS

## Parks Open Space and Trails

While Fruita parks and open space areas have remained opened during the last few months, many of the park amenities (such as shelters, playgrounds court facilities) have remain closed due the pandemic and guidance from the state of Colorado. With the recent Public Health Order from Mesa County Public Health, however, Fruita Parks and Recreation are now able to open some of these amenities within our parks and open space areas in a limited manner. Please be aware that limitations do still apply, and guest using these amenities should always follow social distancing guidelines to limit the spread of COVID019. Provided below is a list of reopening guidelines/limitations within the parks and open space systems if Fruita.

Maintenance activities, family drop in, and small group activity is/may be permitted. Social distancing is required, and events or gatherings cannot exceed more than 50-person.

- Signage installed with social distancing information will remain in place.
- Playgrounds are reopened. Playground cleaning will happen once per week and it is recommended that you bring you own wipes to sanitize surfaces prior to and after use. Use of playgrounds/equipment is at your own risk.
- Park Shelters remain closed until we can determine how to appropriately comply with social distancing requirements set by the Public Health Orders from Mesa County Public Health
- Drinking Fountains will remain closed
- Due to other public health concerns, park restroom facilities will remain open, but we will limit the number of restrooms open to the public to minimize cleaning and disinfecting of surfaces on a frequent basis. Facility cleaning of restrooms will continue as in past three months.
- Basketball courts are reopened, and we encourage drop in, single play only.
- Tennis courts at Fruita Monument High School are managed by the School District and will reopen per their schedule.
- The Bike Park, Skate Park and Disc Golf courses will remain open and we encourage social distancing.

Staff has also been working with local youth sports organizations to offer programming at our athletic fields. These organizations have been asked to create and submit reopening plans to Mesa County Public Health prior to resuming any league practices and play. Group gatherings are still limited to 50 people or less per the Public Health Order from Mesa County Public Health.

Finally, we take great pride in our parks, open space and trails systems in the City of Fruita. Our staff is working exceptionally hard to keep our system clean, well maintained, and safe to use. We recognize, however, that the level of service will not be at or as consistent as in prior years due to limiting staff resources and the nature of the pandemic.

# SENIORS

## FRUITA SENIOR COMMUNITY UPDATE



| JUNE 2020



FRUITA LOOPS

### Fruita Community Center Reopen?

- June 1<sup>st</sup> - the FCC is reopening for limited fitness, swimming, room rentals, pickle ball & youth day camp.

### COVID – 19

- Wear your face covering in public!
- Remain 6 feet from others.
- Wash your hands often.

### FOOD BANK OF THE ROCKIES

- June 18<sup>th</sup> at Shelledy Elementry from 11-12p.
- 3<sup>rd</sup> Thursday of the Month Food Bank of the Rockies will be distributing food boxes to those who have previously signed up AND Free food boxes to those in need – 60+. Call Food Bank of the Rockies to sign up for the monthly food box – **970-464-1138**



Contact **Jacqui Foster** –  
[jfoster@fruita.org](mailto:jfoster@fruita.org)  
858-0360 ext: 6408  
In need of any help or  
have questions –  
Please contact me!

The Fruita Community Center – Senior Department has developed a newsletter just for our seniors here in Fruita. Hope everyone is doing well and not going totally stir crazy! For the full newsletter, please go to [www.fruita.org](http://www.fruita.org) (Recreation & Events tab – go to Seniors Tab - Newsletter) & we will help with some time lapsing activities, along with information, links to websites, activity ideas & puzzles.

We also have information on the COVID – 19 epidemic and ways for you to keep safe! For folks who are 60+ and at a higher risk due to a variety of medical issues **ARE DISCOURAGED FROM ATTENDING THE FRUITA COMMUNITY CENTER AT THIS TIME.** It is best for you to remain at home, limit your shopping outings & always be safe by wearing your face covering, wash your hands often and remain at least 6 feet from another person.



At this time, the State of Colorado & Mesa County Health have recommended that seniors not gather in groups. The Senior Center, Thursday Potluck, Daily Meals on Wheels & Senior Programs at the Fruita Community Center have been canceled indefinitely. We are aware that our seniors in Fruita are an active bunch & are itching to get out and about. Hang on tight because we will be able gather once again soon! We have been traveling around Fruita with our 'Fruita Loops' program to check in & deliver goodie bags equipt with bingo cards that we play via ZOOM every week. If we haven't visited you yet, give us a call & we'll get you on the list!

We have ways to help with meals, food & shopping for those in need! Contact Jacqui for assistance!

Meals on Wheels Home Delivery available. To sign up, call 243-9844 x2.

# FRUITA COMMUNITY CENTER FAQ'S

## **Can I still use my FCC Pass?**

*All monthly passes (billed on the 15<sup>th</sup> of each month), 3-month, and 12-month passes will be reinstated June 15. Monthly installment billing will be processed on this day. If you would like to reinstate your pass earlier, please see front desk to fill out the form.*

## **Do I have to wear a mask when I come into the FCC?**

*Yes, you will be required to wear a cloth face mask/covering when you enter the facility, while you are walking around and exiting the facility. You can remove your face mask/covering while at your work out equipment, zone, and fitness class.*

## **Can I use any available equipment?**

*Drop-ins are allowed, however we recommend signing up for a time slot through Sign Up Genius to guarantee the equipment is available and not at capacity. If capacity limits are reached, drop-ins will be turned away.*

## **Is the pool open?**

*The indoor pool is opening on Monday, June 1 for exercise and work outs only. You will need to sign up for a time slot on Sign Up Genius. [www.signupgenius.com/go/fcc2020](http://www.signupgenius.com/go/fcc2020)*

*Leisure swim will resume on a modified schedule starting Saturday June 13<sup>th</sup>.*

## **Can I take a shower?**

*Not at this time, the locker rooms and family change rooms can only be utilized as restrooms.*

## **Do I have to create an account to sign up for a time slot?**

*Yes, you must create an account by providing your name and email address. It is very fast and easy to do. You can then sign up for time slots to work out upstairs, reserve a lap lane, for shooting hoops, etc.*

*You will need to sign up for a time slot on Sign Up Genius. [www.signupgenius.com/go/fcc2020](http://www.signupgenius.com/go/fcc2020)*

## **Is the library open?**

*The library keeps their own opening schedule and operating plan. Please visit their website to gather information- [www.mesacountylibraries.org](http://www.mesacountylibraries.org)*

## **How many time slots can I sign up for each day?**

*You can only sign up for 2 time slots per day. We want to make sure everyone has a chance to use the facility.*