

**FRUITA CITY COUNCIL  
WORKSHOP MEETING  
JUNE 28, 2016  
6:30 PM**

1. CITY COUNCIL GOAL SETTING (6:30 – 8:30 PM)
2. ORDINANCE 2016-09 – FIRST READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 0.65 ACRES OF PROPERTY LOCATED AT 433 AND 503 EAST ASPEN AVENUE FROM COMMUNITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT (SACRED HEART CHURCH REZONE REQUEST)  
(8:30 – 8:50)
3. CO-OP BANNER (8:50 – 9:05 PM)
4. OTHER ITEMS (9:05 – 9:15 PM)
5. ADJOURN



# FRUITA

COLORADO

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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**  
**FROM: MICHAEL BENNETT, CITY MANAGER**  
**DATE: JUNE 28, 2016**  
**RE: GOAL-SETTING**

### **BACKGROUND**

Each even year following the City Council election, City Council and staff work on updating and setting goals for the next two years. City Council kicked-off this process during a Special Meeting on May 31, 2016 with the plan to reconvene during this meeting. The May 31, 2016 cover sheet in the agenda packet contains much background information on the status of the 2014-2016 City Council Goals and preparation material that helped Council lead into the first discussion.

During the May 31, 2016 Special meeting, Council decided to focus the goal-setting process on the high level aspect of identifying the major focus areas and brainstorming what descriptions fit each focus area. It was agreed that staff would then work towards identifying the action items on how to impact the focus areas. The three focus areas were identified as (1) Quality of Place, (2) Economic Health and (3) Culture & Recreation (to broaden the scope and focus of Tourism—realizing that visitors come to Fruita for culture and recreation and that we want to maintain the community as a destination where visitors still feel like locals and where locals still love to live, rather than a pure tourist destination). Attached is a summary of the brainstorming session notes that bulleted those things that Council felt make up the definitions of each focus area. Staff then added some bullets to the list that are identified.

From this point, staff has drafted definitions of each focus area that will be discussed with Council at this workshop. It is my recommendation that we structure the Goals into an overarching *Vision* statement (that could be formed from some of the ideas that Council identified on May 31 answering the question of what Fruita can be best at), *Mission* statement, *Values*, *Strategic Outcomes* (which are the three focus areas), *Outcome Metrics* (which help gauge/measure how we are progressing on our strategic outcomes) and *Action Items* (which are the specific projects departments are working on that directly impact each of the strategic outcomes. Attached is a draft of this structure that also includes a start of a list of action items. It includes the three strategic outcomes and definitions. It also includes the current vision statement and core values of the City.

It is the goal for this workshop to come to a consensus and create, tweak or continue with a vision, mission, values and definitions of the strategic outcomes. In future meetings staff will present groupings of action items to City Council and identify outcome metrics. These will also be results of the ongoing Priority Based Budgeting Process and 2017 Budget Development

Process. During the workshop, we will cover the beginning of the list of action items, obtain ideas for other types of action items and update Council on the Priority Based Budgeting Process.

### **Repeat of Additional Information Provided Prior to the May 31 Special Meeting**

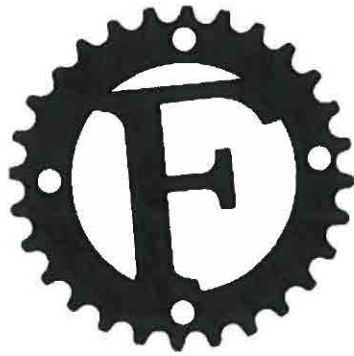
In the Council Handbook, there is a small section titled Leadership Resources from pages 15-28 that is a compilation of articles I have found beneficial in guiding a grounded, effective and disciplined approach to achieving results amidst the challenge of numerous distractions we face on a daily basis. I believe it is worth taking the time to revisit these prior to goal-setting/strategic planning.

1. p. 15, linked at [https://www.ted.com/talks/simon\\_sinek\\_how\\_great\\_leaders\\_inspire\\_action?language=en](https://www.ted.com/talks/simon_sinek_how_great_leaders_inspire_action?language=en) is the Simon Sinek talk on the golden circle of why-how-what.
2. P. 17-22 is a book review of Good To Great in the Social Sectors that summarizes important concepts to achieving long-term great results. P. 24 is a summary of a follow up book that I love called Great By Choice. Another perspective is found on p. 26.
3. Pages 16, 25, 27-28 are also interesting a perhaps for another time—great for decision making, effective teamwork, and different ways to think.

### **Other City Examples of Goals**

These are a couple I am familiar with and think provide a great baseline for us to consider, not necessarily copy completely.

1. Gilbert, AZ: This is a great example of a community whose City Council has set a clear vision and defined six strategic focus areas (they call goals) that then enabled staff to have the freedom to identify how they were going to impact the goals by identifying strategic initiatives with the approval of council. The How's are measured and reported. When you click on the link, you will be on a page with an introduction by the Mayor and at the bottom of the page see six icons for each strategic goal—once you click on each goal you can see the initiatives and the progress being made. <http://www.gilbertaz.gov/about-us/strategic-initiatives>
2. Fort Collins, CO: At the following link you will see Fort Collins' strategic plan that resulted in seven strategic outcomes that focus on their vision, mission and values. Once you scroll down to about page 8 you begin seeing the chart that defines and shows how measurements are made. Granted this process has taken much longer to get to than a couple work sessions, but it gives an example of clearly defining why, how and what to the public. <http://www.fcgov.com/citymanager/pdf/strategic-plan-2015.pdf>



# FRUITA

## COLORADO

QUALITY OF PLACE

ECOMONIC HEALTH

CULTURE & RECREATION

CORE SERVICES

### Quality of Place

**Bullets from City Council/Staff brainstorming about what Quality of Place is:**

- Education—good schools
- Parental Involvement
- Public Safety
- Neighborhood Liveability (see Fort Collins)
- Communication
  - Social media---special events
  - Coty link
  - Other
  - City council participating in social media
  - Who is the audience for each communication piece?
- Community Events
- Connectivity---sidewalks, streets, trails, paths
- Parks—local/regional (16 & L Rd.)
- Open Space
- Cultural Opportunities—music, art diversity
- Views
- Demographics?
- Children Activities
- Less congestion/managed
- Weather—sun
- Fun



- Clean
- Safe
- Pretty
- Lots of amenities: shops, retail, eateries, breweries
- Diversity

## Economic Health

**Bullets from City Council/Staff brainstorming about what Economic Health is:**

- Educated workforce
- Good Education System
- \$
- Development Processing
  - Paperwork clarification
  - Perception/Manage expectations
  - Issue---staffing level
  - Communication
- Affordable housing for service sector
  - Rentals
  - Smaller units
  - Apartments
  - Mixed use
- Progressive community (visionary)
- Entrepreneurs—partnerships, foster relationships
- Resources
  - Capital needs
  - Property
- Fiscal responsibilities
- Industry types
- Diversification—outdoor recreation, outlet stores
- Broadband
- Recruit retail—grocery/niche specialty/big box
- Diversification of industry
- Long-term sustainability
- Jobs—sustainable, well-paying jobs
- Sufficient for core services and capital replacements/improvements
- Fiscal sustainability

## Culture & Recreation (Could also be Lifestyle & Recreation)

**Bullets from City Council/Staff brainstorming about what Culture & Recreation is:**

- Provide resources
- Visitor Guide—into the VRBOs, etc.
- Audience?
- “Visitour”
- Bike Community
- Family destination
- Trails, culture, recreation
- Partnerships
- Communicate how great we are
- Future residents & business owners
- Provide jobs
- Bikeable/walkable community
- Support business = tax base = core service delivery
- Gateway
- Geocaching
- “Lifestyle”
- Things to do for all different demographics

**What Makes Fruita Better/Different? What can we be best at?**

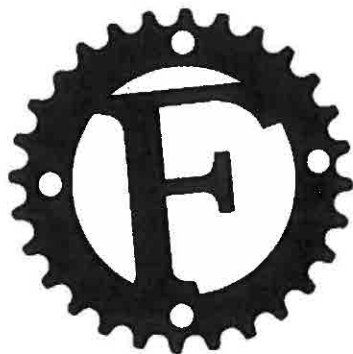
- Biking
- Small town atmosphere
- Authentic
- Views—geography
- Cold, cranky Mayor!
- Outdoors—instant access
- Easy transition for newcomers/visitors
- Friendliest-- Visitors feel like a local
- 3 stoplights, 2 round-about, 1 headless chicken
- Friendly Adventure Town
- Best place to raise an outdoor family
- Great place to live AND visit, not one or the other but BOTH
- Work, play, live

- Center of the universe/natural attractions—think of radius of 5 minutes, 20 minutes, 1 hour, 3 hours, 6 hours, etc.

## **Areas of Focus to Impact our Priority Areas**

### **-Staff Thoughts**

- Completion of the Kokopelli section of the Riverfront Trail
- Design and implementation of the Gateway
- Design and implementation of Downtown Phase 2
- Employee Compensation
- Staffing levels
- Mountain Water
- Mountain Property
- Infrastructure Maintenance/Improvements
  - Sewer lines
  - Waste water reclamation facility
  - Roads
  - Irrigation
  - ADA
- Staying at the forefront of the mountain biking industry and branching out into other OR
- Marketing/Communication
  - Economic development: recruitment, expansion, retention
  - Tourism
  - Residents
- Education
- Lagoon redevelopment
- Outdoor recreation programs
- Connectivity within the city
- Lodging Tax analysis
- Communications Center funding
- Little Salt Wash Park expansion
- Public art
- Bike share program



# FRUITA

## COLORADO

### Vision

*Current, but need to discuss/tweak: "Improve and enhance the small town atmosphere of the Fruita community, while providing high quality services for a growing population and striving for economic development and prosperity."*

### Mission

*Need to develop.*

### Values

*Need to develop. We discussed three principles to keep in mind during the workshop: **Simplicity**, **Clarity** and **Repetition** that definitely apply to structuring and messaging our goals.*

*In the Employee handbook, the following are listed as Core Values of the City Staff:*

- WE ARE HERE TO SERVE THE PUBLIC.
- Employees strive to improve the general welfare of the COMMUNITY and maintain our small town atmosphere by honoring the past and envisioning the future.
- Employees hold the PUBLIC TRUST in high regard and must continue to earn it.
- Employees provide excellent CUSTOMER SERVICE to the public and City employees.
- Employees treat ALL people with courtesy and respect.
- Employees COMMUNICATE respectfully with the public and each other.
- Employees display a cooperative spirit of TEAMWORK and PROFESSIONALISM.
- Employees are open to INNOVATIVE ideas that complement the core values of the City.

### **Strategic Outcomes (Based on the May 31 Workshop and subsequent staff discussions)**

The City of Fruita focuses on three strategic outcomes built upon a base of providing quality core services.

#### **Quality of Place (QP)**

The City of Fruita is a community where residents and visitors love where they are. As a city, we encourage a diversity of cultural opportunities, businesses, and recreational activities. We value safe neighborhoods, top tier education and healthcare and we collaborate to provide quality essential services. We are an inclusive community of doers who enjoy active and healthy lifestyles.

#### **Economic Health (EH)**

The City of Fruita strives to be financially sustainable by enabling a stable economy and supporting a diversity of businesses that offer well paying jobs that attract educated employees. With easy access to vast and extraordinary public land, we recognize and seek businesses that place a high value on quality of life for their employees. The City works to be fiscally responsible, maintain appropriate fund balances, and continuously seek ways to allocate resources to services and capital projects that have the highest impact on the City's priorities. We endeavor to offer mixed housing options to meet the needs of all working income levels.

#### **Culture & Recreation (CR)**

The City of Fruita is committed to fostering its fun and funky ambiance by celebrating the local arts, farm and ranching history, unique leisure opportunities, and family-friendly events and activities. The City strives to be a bike and pedestrian friendly community by providing a system of sidewalks, trails, and bike lanes that connect our parks, schools, neighborhoods, civic facilities, and commercial areas. We seek to improve and enhance recreational offerings from traditional to outdoor adventure sports and youth to adult activities. We will continue to support our status as a high adventure sports town where visitors feel like locals and locals play like visitors. We will be the best community to raise an outdoor family.

#### **Action Items**

*Action Items will be developed more fully after we have set in stone the Vision, Mission, Values and Strategic Outcomes. Staff will formulate proposed Action Items and present to City Council at a future meeting. This process will be fine-tuned during the current budget process and Priority Based Budgeting Process. The following draft, incomplete list to give Council an idea of some of the types of action items or areas the action items will address:*

- Complete the Kokopelli section of the Riverfront Trail
- Design and implement the Gateway Enhancements



- Design and implement Downtown Phase 2
- Address Mountain Water Issues
- Address Mountain Property Issues
- Retain and Attract Quality Staff
  - Review employee compensation and ensure market competitiveness
  - Review and ensure appropriate staffing levels
- Infrastructure Maintenance/Improvements
  - Sewer lines
  - Waste water reclamation facility
  - Roads
  - Irrigation
  - ADA
- Capital Improvement funding plan
- Priority based Budgeting: reallocating resources to those action items/services that have largest impact on strategic outcomes
- Communications Center funding
- Stay at the forefront of the mountain biking industry and branch out into other Outdoor Recreation areas
  - Plan and implement outdoor recreation programs to enhance status as OR community
- Marketing/Communication
  - Economic development: recruitment, expansion, retention, collateral, development review process/materials/flowcharts
  - Tourism: content, messaging, contract work
  - Residents
  - Improve on media campaigns and activities – social, etc.
- Work with D51 to improve educational opportunities for our youth and families
- Plan and implement Lagoon redevelopment
- Connectivity within the city
- Lodging Tax analysis
- Little Salt Wash Park expansion
- Public art additions
- Bike share program



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<b>AGENDA ITEM COVER SHEET</b>
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**TO:** Fruita City Council and Mayor

**FROM:** Community Development Department

**DATE:** June 28, 2016

**RE:** Ordinance 2016-09, 1<sup>st</sup> Reading, An Ordinance Amending the Official Zoning Map of the City of Fruita by Rezoning Approximately 0.65 Acres of Property Located at 433 and 503 East Aspen Avenue from Community Residential to Planned Unit Development.

**BACKGROUND**

The subject properties are located at the northeast and northwest corners of the intersection of Aspen Avenue and Maple Street. The property on the east side contains the Sacred Heart church building which is approximately 2,713 square feet in size on the main floor and there is also a basement. The church was built in 1921. The house on the property to the east of the church was built in 1911 and is approximately 1,658 square feet in size. It appears that the house and the church sit on two separate lots. The parish hall for the church sits on the property to the west. The building is approximately 15,660 square feet in size and was built in 1941.

The applicants request a rezone from CR (Community Residential) to Planned Unit Development (PUD) to allow commercial as well as the residential and other land uses permitted in the CR zone. A PUD zone is defined as a zone which allows for modification of the normal use, density, size or other zoning restrictions for a development for the purposes identified in Section 17.17.010 of the Land Use Code (a copy of this section of the Code is attached). As per the project narrative, the reason the rezone is requested is because the church is moving to a property on north 17.5 Road and believes that the zone change to allow for commercial uses "is paramount to the successful completion of the new Sacred Heart church."

A PUD Guide is required to be provided for all PUD zones to identify the requested modifications to otherwise applicable zoning requirements. Because buildings currently exist on the subject properties and no new construction is planned at this time, the PUD Guide for this proposed PUD zone consists of an aerial photograph of the properties and

a list of permitted land uses. The PUD Guide indicates that the listed uses will follow the Land Use Code requirements (building setbacks, building heights, signs, fences, parking, lighting, etc.) for development in the CR or Downtown Mixed Use (DMU) zones including the need for a Conditional Use Permit (CUP) for some uses. The following uses are proposed for this PUD zone *in addition* to the uses already permitted in the CR zone (attached is a list of uses permitted in the CR zone):

- indoor recreation and entertainment, exhibition, and meeting areas less than 10,000 square feet in size
- commercial parking
- general offices, including drive through uses
- medical/dental/vision/massage/chiropractic/hearing clinics
- funeral homes/mortuaries
- food service, restaurant, catering
- general retail sales, indoor operations

Many of the land uses proposed are or could be incompatible with the surrounding historic single family residential neighborhood. All surrounding property is zoned CR and there are no commercial land uses in the area other than the Chamber of Commerce located to the south which is in a Community Services & Recreational (CSR) zone. Contrary to the applicant's statements, there have been no zone changes or changes of land use in this area for many decades. The only change staff can find nearby is the Visual Eyes building one block to the west which replaced a funeral home that had been in operation for over 50 years.

Single family houses on relatively small lots are directly adjacent to the subject properties with no ability for the residential properties to buffer noise, light, traffic, and other impacts typically created by commercial land uses. Additionally, the existing buildings on the subject property cover most of the land so there is no ability to provide a buffer towards residential land uses and almost no off-street parking is available except the gravel areas at the rear of the properties. Although the existing church and related uses cause a lot of motorized traffic impacts to the neighborhood on a regular basis, the characteristics of the traffic generated by a church is significantly different from traffic generated by many of the uses proposed for this PUD zone, including pedestrian traffic.

Commercial uses typically create more continuous traffic than a church use. The behavior of pedestrians coming out of a church is typically different from pedestrians coming out of a commercial use such as an events center, especially with alcohol service. These potential negative impacts reduce the value of the surrounding residential property. Contrary to the project narrative, extending commercial uses into the residential area east of downtown does not create a buffer between residential and commercial land uses.

It should be noted that with this PUD as proposed, if the buildings are demolished, the property could be redeveloped with the uses listed in the PUD Guide which could be even more problematic than commercial uses in the existing buildings.

Based on this information, the PUD zone as proposed is not compatible with the surrounding single family residential neighborhood. Additionally, the PUD zone as proposed is not consistent with the city's Master Plan. With the update to the Fruita Community Plan (FCP) in 2008, this area was not identified for future extension of the downtown commercial area. The Fruita Community Plan (FCP) recommends that the downtown district be expanded to the north, south and west (policy ES 1.5 from the FCP). The subject properties are to the east of downtown.

In December of 2014, the Fruita City Council adopted a more detailed downtown plan with the Civic Center Memorial Park and Downtown Streetscape Improvements Master Plan. This plan also did not identify a community need or desire to extend the downtown commercial area to the east. If commercial uses are permitted on these properties, there is an expectation that more property in the area, especially between the existing DMU zone and the subject properties, also will be rezoned to allow commercial development.

There currently is an overabundance of zoning for commercial uses (the DMU zone) in the downtown area which covers large areas of historic single family residential neighborhoods. This large area of zoning for commercial land uses jeopardizes the residential and historical character of the area by creating a disinvestment incentive for existing single family residential land uses and buildings. Extending more commercial zoning to the east could increase disinvestment in Fruita's historic residential neighborhoods and buildings. Stretching commercial zoning and land uses into a wider area dilutes the power of downtown as a destination while reducing the value of the adjacent residential properties. As pointed out in the last paragraph of the applicant's project narrative, the proposed zone change has the potential to fundamentally change the character of the surrounding neighborhood.

Regarding specific sections of the FCP, policy NH 3.2, Compatibility, states that in determining changes to parcels of land adjacent to existing residential developments, the character of existing neighborhoods will be considered. Policy NH 3.3, Infill, states that the city will follow specific design standards for infill development and redevelopment, with an emphasis on protection of existing residential neighborhood character. Policy NH 3.4, Preservation, states that the city encourages the preservation of our existing residential neighborhoods. Attention should focus on older and historic structures, through renovation and repairs, to maintain these housing options and preserve community character. Where possible, infill and redevelopment projects should minimize effects to these neighborhoods. Additionally, Policy ES 1.16 - Revitalization, recommends targeted redevelopment and revitalization of *existing* areas in downtown (emphasis added).

As indicated by the project narrative, the applicants believe that commercial uses should be permitted to ensure that the existing buildings will not eventually blight the area, and the properties are being marketed for commercial land uses. There is no evidence that commercial uses will prevent the building from being unused and falling into disrepair. There is no guarantee that commercial uses will be successful in these buildings and with higher property taxes for commercial land uses coupled with potential problems with

meeting building codes for commercial uses, the zone change as proposed could accelerate the buildings falling into disrepair. Commercial zoning also provides an incentive to demolish buildings to allow for new commercial construction.

Although almost everyone would like to see the church buildings remain and be used in a way that would not adversely affect the adjacent residential neighborhood, this is a difficult situation. Staff supports some sort of expansion of uses for the unique church building and parish hall, but the house on the east side, which sits on a lot separate from the church, should keep the existing CR zone the same as adjacent single family houses.

Based on the above analysis, staff recommends that the following uses be permitted in the PUD zone for the church and parish hall:

- all uses permitted in the CR zone with only the following uses requiring approval of a CUP:

- public safety and emergency response services
  - other community services
  - basic utilities other than underground facilities
  - telecommunications facilities, towers and support structures
- medical, vision, massage, hearing and dental clinics
- indoor recreation and entertainment (including an events center)
- general offices
- food service, restaurant, catering

No drive-through land uses should be permitted. The PUD Guide should identify that no additional parking will be required for changes of use in the existing buildings. A condition of the PUD zone should require that the buildings remain in substantially the same form (not demolished but certainly able to be maintained and remodeled to meet building codes), or else the uses permitted on the property revert to the uses then permitted in the CR zone. The PUD Guide should clarify that commercial development will follow the design standards for development in the DMU zone's downtown core, and residential development or other uses permitted in the CR zone will follow the development standards for CR zoning, including density of residential development.

To ensure no confusion with the PUD zone, the PUD Guide also should be amended to replace the aerial photograph with a site plan drawing so that when recorded, the site plan is legible.

At the June 14, 2016, Planning Commission public meeting, many members of the church spoke out in favor of the rezone. Surrounding residents and property owners also were in attendance but were not in favor of the rezone. Residents and property owners voiced concerns about the negative affect the zone change could have on their neighborhood. The Planning Commission voted 5-0 to approve the zone change as recommended by staff (as identified above).



The only written comments received are from Fruita's Historic Preservation Board identifying concerns about the negative affect the zone change could have on this historic residential area and the historic buildings.

### **FISCAL IMPACT**

The rezone from CR to PUD has the potential to reduce property values in this neighborhood. With the recommended conditions of approval, the potential negative impacts may be reduced. Fiscal impacts can be further evaluated when/if a development application is submitted to change the use of the subject property.

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

This rezone could be considered to be in compliance with the approval criteria identified in the Land Use Code that must be considered for rezone requests as detailed in the Staff Report. The Land Use Code (along with other regulatory documents) implements the City's goals and policies as outlined in the City's Master Plan including the Fruita Community Plan.

### **OPTIONS AVAILABLE TO COUNCIL**

1. Approval of Ordinance 2016-09, 1<sup>st</sup> Reading, An Ordinance Amending the Official Zoning Map of the City of Fruita by Rezoning Approximately 0.65 Acres of Property Located at 433 and 503 East Aspen Avenue from Community Residential to Planned Unit Development, with or without amendments
2. Denial of the proposed Ordinance

### **RECOMMENDATION**

Staff recommends that the City Council move to publish a synopsis of

Ordinance 2016-09, 1<sup>st</sup> Reading, An Ordinance Amending the Official Zoning Map of the City of Fruita by Rezoning Approximately 0.65 Acres of Property Located at 433 and 503 East Aspen Avenue from Community Residential to Planned Unit Development

for the City Council public hearing on August 2, 2016.

## **Uses permitted in the Community Residential (CR) zone:**

### **Residential**

- Dwelling, single family attached and detached
- Dwelling, multi-family (limited)
- Manufactured and Mobile homes and parks (with approval of a CUP)
- Accessory dwelling units,
- Home occupations
- Childcare home/daycare home
- Small group home
- Large group home (with approval of a CUP)

### **Community Services and Government Offices**

- Public building uses (with approval of a CUP)
- Museums, art galleries, opera houses (with approval of a CUP)
- Public safety and emergency response services (with approval of a CUP)
- Other community services (with approval of a CUP)
- Childcare/daycare center (with approval of a CUP)

### **Institutional and Civic Uses**

- Cemetery
- Golf or driving range (with approval of a CUP)
- Parks, lakes, greenways, trails
- Other parks and open space areas (with approval of a CUP)
- Religious institutions
- Boarding schools (with approval of a CUP)
- Elementary schools
- Secondary schools
- Underground utility service facilities
- All other basic utilities (with approval of a CUP)
- Utility corridors (with approval of a CUP)

### **Commercial Uses**

- College, trade or vocational schools (with approval of a CUP)
- Community swimming pool (with approval of a CUP)
- Riding, roping, equestrian area (with approval of a CUP)
- Health club (with approval of a CUP)
- Bed & Breakfast (limited to 4 guest rooms and requires approval of a CUP)

### **Industrial**

- Commuter bus stops
- Telecommunications facilities, towers and support structures (with approval of a CUP)

## **FRUITA LAND USE CODE**

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

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

## **ORDINANCE 2016-09**

### **AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 0.65 ACRE OF PROPERTY LOCATED AT 433 AND 503 EAST ASPEN AVENUE FROM COMMUNITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT (Sacred Heart Rezone, Application #2016-07)**

**WHEREAS**, the subject properties are shown and described in attached Exhibit A, and

**WHEREAS**, the city received an application by Bishop of Pueblo, the owners of the subject properties, to rezone the subject properties from Community Residential to Planned Unit Development (PUD), and

**WHEREAS**, a PUD Guide which contains information regarding the uses, setbacks, density and other development standards for the Sacred Heart PUD is attached as Exhibit B, and

**WHEREAS**, at their June 14, 2016, public meeting, the Fruita Planning Commission recommended approval of the application to rezone the subject properties to a PUD zone with conditions, and

**WHEREAS**, public hearings was held by the City Council on July 5, 2016, and August 2, 2016, and

**WHEREAS**, the requested rezone to PUD meets the approval criteria that must be considered for a rezone pursuant to Section 17.13.060 of the Fruita Land Use Code and the approval criteria that must be considered for PUD zones as per section 17.17.030 of the Fruita Land Use Code.

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:**

#### Section 1:

THAT the Official Zoning Map adopted pursuant to Section 17.02.020 of the Fruita Land Use Code (2009, as amended) is hereby amended and that the subject properties shown and described on the attached Exhibit A, containing approximately 0.65 acre, are hereby rezoned from Community Residential to Planned Unit Development.

#### Section 2:

THAT the PUD Control Guide, attached as Exhibit B, establishes the uses, densities and other zoning and development standards for the Sacred Heart PUD zone.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
2<sup>nd</sup> DAY OF AUGUST, 2016.**

City of Fruita

ATTEST:

\_\_\_\_\_  
Lori Buck, Mayor

\_\_\_\_\_  
Margaret Sellman, City Clerk



**EXHIBIT A**  
Ordinance 2016-09

**Legal Description:**

West side - 433 E. Aspen Avenue:

Lots 6 & 7, Block 1, Town of Fruita

East side - 503 E. Aspen Avenue:

Lot 16 and Lot 17 of The Austin and Horning First Addition to the Town of Fruita

**Location Map:**

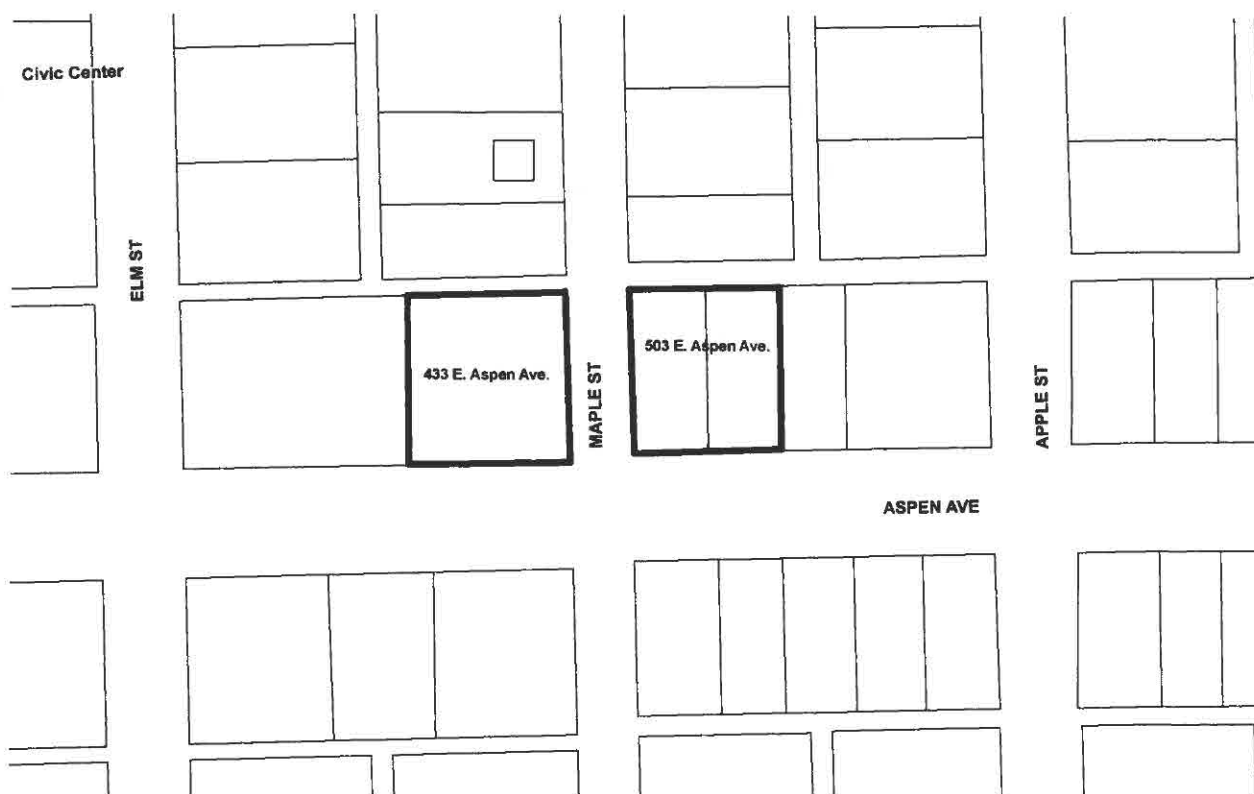


EXHIBIT B  
Ordinance 2016-09

PUD GUIDE  
(Page 1 of 2 Pages)

**PUD Guide**

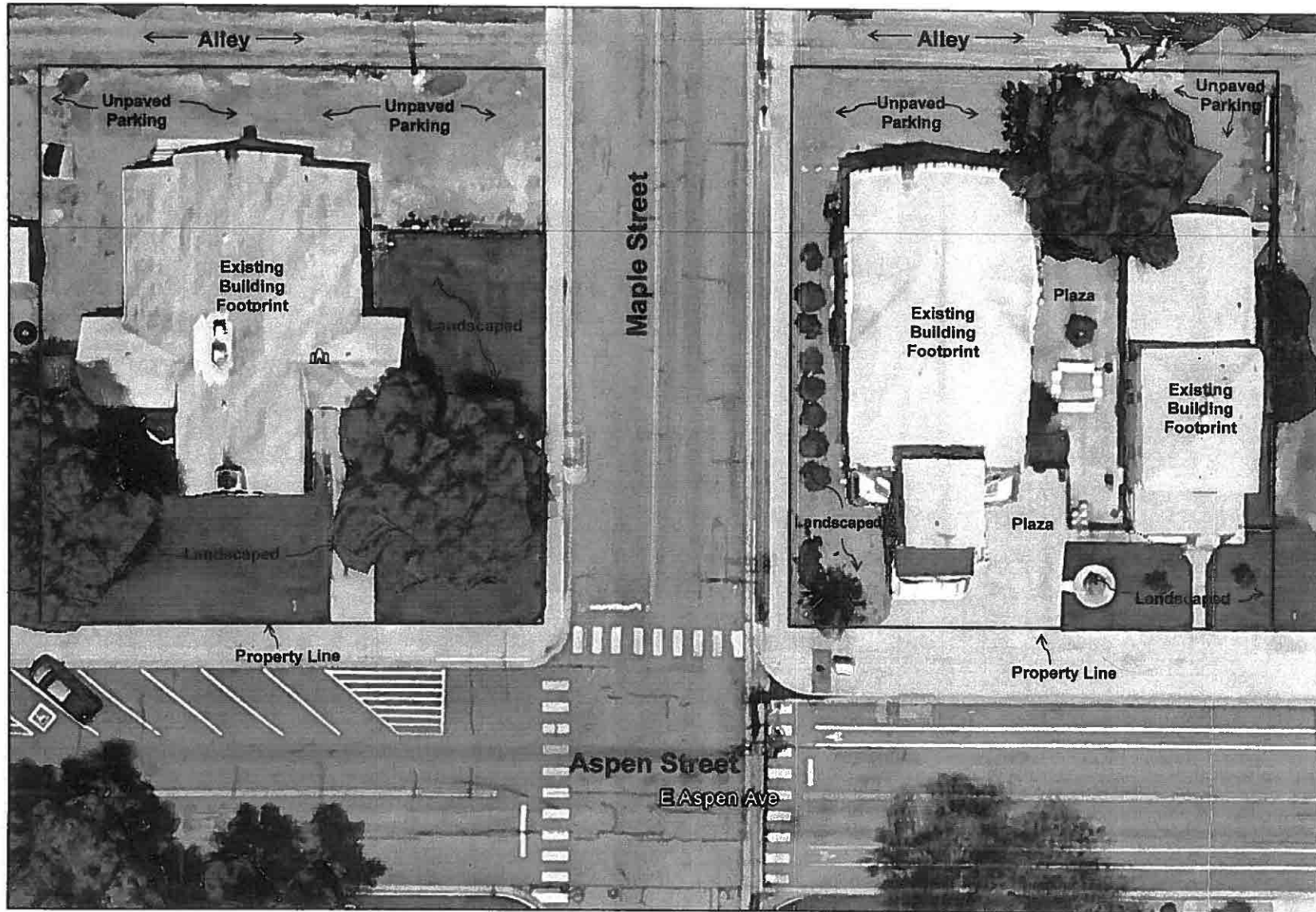
433 and 503 East Aspen Avenue

Permitted Uses

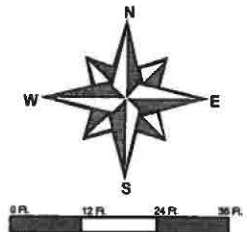
- All uses as permitted in the Community Residential Zone
- Community Services & Government Offices
- Daycare/Childcare
- Medical/Dental/Vision/Massage/Chiropractic/Hearing Clinics
- Educational Institutions
- Indoor Recreation & Entertainment, Exhibition & Meeting Areas Less Than 10,000 Square Feet
- Commercial Parking
- General Offices, Including Drive Through
- Funeral Homes/Mortuaries
- Food Service, Restaurant, Catering
- General Retail Sales, Indoor Operations

These permitted uses include the conditional uses permitted with approval of a Conditional Use Permit and the supplemental zoning regulations and standards. Density and dimensional standards, signage, design, landscaping, parking and lighting standards for the CR or DMU zones will be applicable depending on type of use.

EXHIBIT B  
Ordinance 2016-09  
PUD GUIDE  
(Page 2 of 2 Pages)



## PUD Site Map



### Sacred Heart Catholic Church

503 East Aspen Street  
Fruita, CO 81521  
Phone: (970) 858-9605  
Fax (970) 639-9343

Version 1: 02-28-2016  
By: djf



**Community Development Department  
Staff Report  
June 8, 2016**

**Application #:** 2016-07  
**Project Name:** Sacred Heart Church  
**Application:** Rezone  
**Property Owner:** Bishop of Pueblo  
**Representative:** Lance Stewart  
**Location:** 503 East Aspen Avenue & 433 East Aspen Avenue  
**Existing Zone:** Community Residential  
**Request:** This is a request to rezone the subject properties from Community Residential (CR) to a Planned Unit Development (PUD) zone to include commercial as well as residential land uses.

**Project Description:**

The subject properties are located at the northeast and northwest corners of the intersection of Aspen Avenue and Maple Street. The property on the east side contains the Sacred Heart church which is approximately 2,713 square feet in size on the main floor and there is also a basement. The church was built in 1921. The house on the property to the east of the church was built in 1911 and is approximately 1,658 square feet in size. It appears that the house and the church sit on two separate lots. The lot containing the church appears to be approximately 60 feet wide and 125 feet deep (7,500 square feet). The lot containing the house is approximately 50 feet wide and 125 feet deep (6,250 square feet). The parish hall for the church sits on the property to the west. The building is approximately 15,660 square feet in size and was built in 1941. The building occupies two equal size lots encompassing a total of approximately 14,500 square feet. This information is from the Mesa County website.

The applicants request a rezone from CR to PUD to allow commercial as well as the residential and other land uses permitted in the CR zone. A PUD zone is defined as a zone which allows for modification of the normal use, density, size or other zoning restrictions for a development for the purposes identified in Section 17.17.010 of the Land Use Code. A PUD Guide is required to be provided for all PUD zones to clearly identify the requested modifications to otherwise applicable zoning requirements.

Because buildings currently exist on the subject properties and no new construction is planned at this time, the PUD Guide for this proposed PUD zone consists of an aerial photograph of the properties and a list of permitted land uses. The PUD Guide includes the requirement that the listed uses follow the Land Use Code requirements (building setbacks, building heights, signs, fences, parking, lighting, etc.) for development in the CR or Downtown Mixed Use (DMU) zones including the need for a Conditional Use Permit (CUP) for some uses. The following uses are listed in the PUD Guide:

- all uses permitted in the CR zone [attached is a list of these uses]
- community services and government offices
- daycare/childcare/senior care
- indoor recreation and entertainment, exhibition & meeting areas less than 10,000 square feet in size
- commercial parking
- general offices, including drive through uses
- educational institutions
- medical/dental/vision/massage/chiropractic/hearing clinics
- funeral homes/mortuaries
- food service, restaurant, catering
- general retail sales, indoor operations

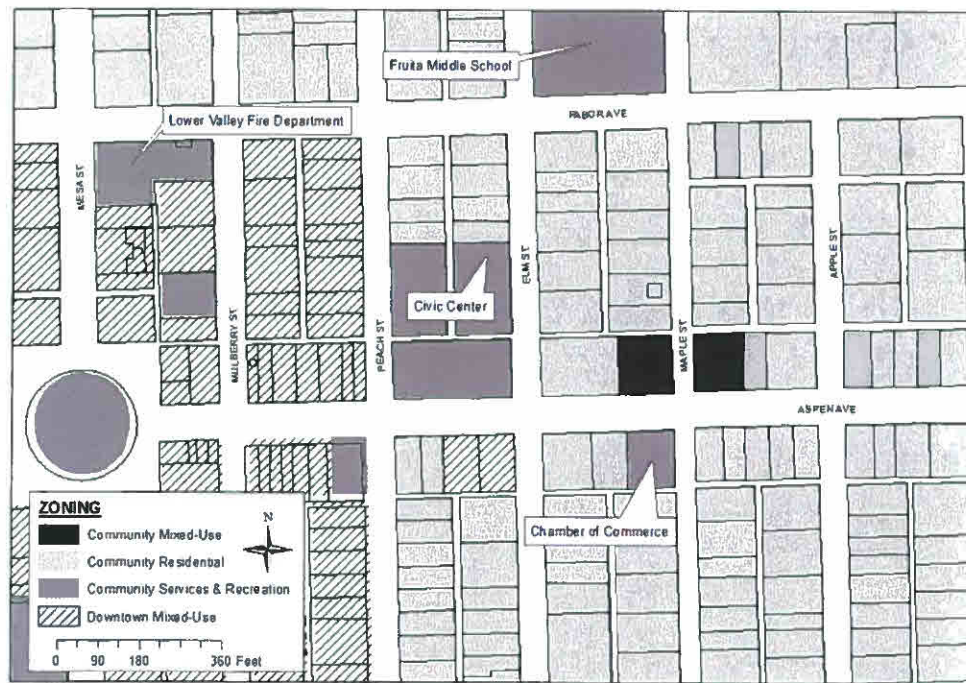
As per the project narrative, the reason the rezone is requested is because the church is moving to a property on north 17.5 Road and believes that the zone change to allow for commercial uses "is paramount to the successful completion of the new Sacred Heart church."

### **Surrounding Land Uses and Zoning:**

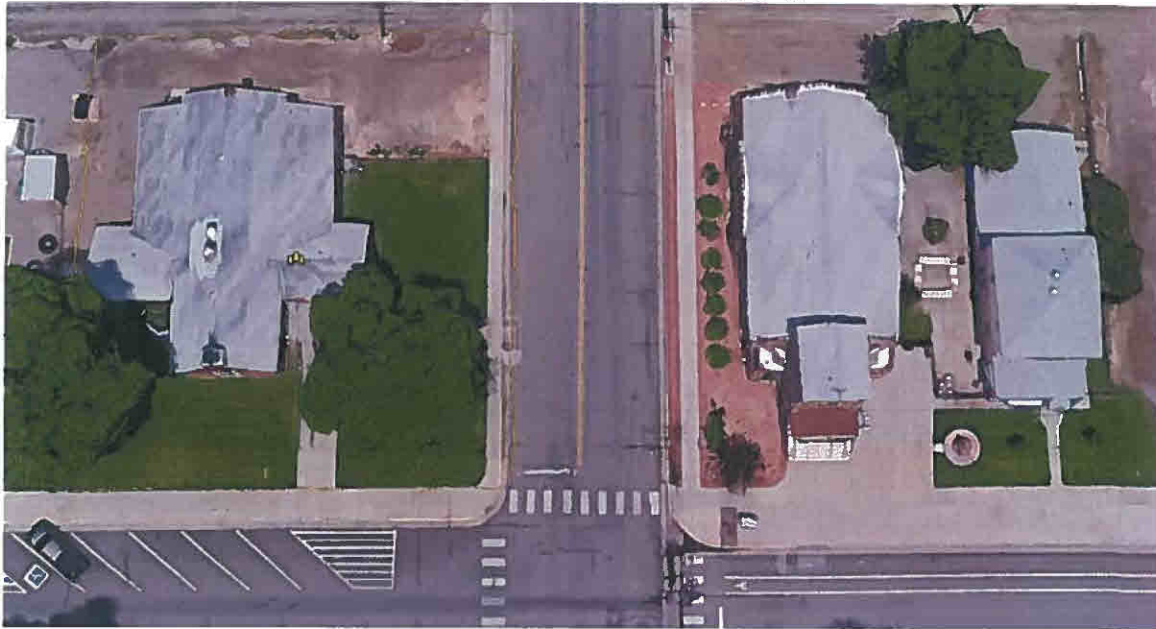
The subject property is surrounded on all sides by Community Residential (CR) zoning with the exception of the Chamber of Commerce property diagonally across the street to the south which is zoned Community Services & Recreation (CSR) and is owned by the City of Fruita. Land uses surrounding the subject property are all detached single family residential dwellings with the exception of the Chamber of Commerce and the Fruita United Methodist Church directly to the west of the parish hall property.



## LOCATION AND ZONING MAP



## 2015 AERIAL PHOTOGRAPH



## **Review of Applicable Land Use Code Requirements:**

**Section 17.13.060, Amendment to the Official Zoning Map (Rezone), of the Land Use Code (2009, as amended) states that the Official Zoning Map may be amended when the following findings are made:**

- 1. The proposed amendment is compatible with surrounding land uses, pursuant to Section 17.07.080, and is consistent with the city's goals, policies and Master Plan; and**

Many of the land uses proposed are or could be incompatible with the surrounding historic single family residential neighborhood. All surrounding property is zoned CR and there are no commercial land uses in the area other than the Chamber of Commerce located to the south which is in a Community Services & Recreational (CSR) zone. Single family houses on small lots are directly adjacent to the subject properties with no ability for the residential properties to buffer noise, light, traffic, and other impacts typically created by commercial land uses.

Additionally, the existing buildings on the subject property cover most of the land so there is no ability to provide a buffer towards residential land uses and almost no off-street parking is available except the gravel areas at the rear of the properties. Although the existing church and related uses cause a lot of motorized traffic impacts to the neighborhood on a regular basis, the characteristics of the traffic generated by a church is significantly different from traffic generated by many of the uses proposed for this PUD zone, including pedestrian traffic.

Churches and other religious institutions are permitted in all zones, including all residential zones because by their nature, they are oriented toward families and individuals and serve the neighborhood they are part of. They provide part of the societal/cultural anchor that helps define a neighborhood and, therefore, are considered mostly compatible with residential land uses.

Commercial uses typically create more continuous traffic than a church use. The behavior of pedestrians coming out of a church is typically different from pedestrians coming out of a commercial use such as an events center, especially with alcohol service. These negative impacts reduce the value of the surrounding residential property. Contrary to the project narrative, extending commercial uses into the residential area east of downtown does not create a buffer between residential and commercial land uses.

It should be noted that with this PUD as proposed, if the buildings are demolished, the property could be redeveloped with the uses listed in the

PUD Guide which could be even more problematic than commercial uses in the existing buildings.

Based on this information, the PUD zone as proposed is not compatible with the surrounding single family residential neighborhood.

The requested PUD zone is not consistent with the city's Master Plan. With the update to the Fruita Community Plan (a major component of the city's Master Plan) in 2008, this area was not identified as a future extension of the downtown commercial area. The Fruita Community Plan (FCP) recommends that the downtown district be expanded to the north, south and west (policy ES 1.5 from the FCP). The subject properties are to the east of downtown. In December of 2014, the Fruita City Council adopted a more detailed downtown plan with the Civic Center Memorial Park and Downtown Streetscape Improvements Master Plan. This plan also did not identify a community need or desire to extend the downtown commercial area to the east.

There currently is an overabundance of zoning for commercial uses (the DMU zone) in the downtown area which covers large areas of historic single family residential neighborhoods. This large area of zoning for commercial land uses jeopardizes the residential and historical character of the area by creating a disinvestment incentive for existing single family residential land uses and buildings. Extending more commercial zoning to the east could increase disinvestment in Fruita's historic residential neighborhoods and buildings. As pointed out in the last paragraph of the project narrative, this zone change has the potential to fundamentally change the character of the surrounding neighborhood.

The proposed rezone would have the effect of stretching downtown commercial area to the east into a single family residential neighborhood. Creating additional commercially zoned land in a residential area does not contribute to the success of downtown, but could hinder its success. Stretching commercial uses into a wider area dilutes the power of downtown as a destination while potentially reducing the value of the adjacent residential.

As identified above, commercial uses in close proximity to single family residential land uses creates problems of compatibility. Policy NH 3.2, Compatibility, states that in determining changes to parcels of land adjacent to existing residential developments, the character of existing neighborhoods will be considered. Policy NH 3.3, Infill, states that the city will follow specific design standards for infill development and redevelopment, with an emphasis on protection of existing residential neighborhood character. Policy NH 3.4, Preservation, states that the city encourages the preservation of our existing residential neighborhoods.

Attention should focus on older and historic structures, through renovation and repairs, to maintain these housing options and preserve community character. Where possible, infill and redevelopment projects should minimize effects to these neighborhoods. Additionally, Policy ES 1.16 - Revitalization, recommends targeted redevelopment and revitalization of *existing* areas in downtown (emphasis added).

As indicated by the project narrative, the applicants believe that commercial uses should be permitted to ensure that the existing buildings will not eventually blight the area, but there is nothing to prevent the buildings from being demolished to allow for new commercial construction. There is no evidence that commercial uses will prevent the building from being unused and falling into disrepair. There is no guarantee that commercial uses will be successful in these buildings and with higher property taxes for commercial land uses coupled with potential problems with meeting building codes for commercial uses, the zone change as proposed could accelerate the buildings falling into disrepair. As indicated by the project narrative, the property is being marketed for commercial purposes.

Although most everyone would like to see the church buildings remain and be used in a way that would not adversely affect the adjacent residential neighborhood, this is a difficult situation. Staff supports some sort of expansion of uses for the unique church building and parish hall, but the house on the east side, which sits on a lot separate from the church, should keep the existing CR zone the same as adjacent single family houses.

Regarding land uses, staff recommends, based on the above analysis, that the following uses be permitted in the PUD zone for the church and parish hall:

- all uses permitted in the CR zone with only the following uses requiring approval of a CUP:
  - public safety and emergency response services
  - other community services
  - basic utilities other than underground facilities
  - telecommunications facilities, towers and support structures
- medical, vision, massage, hearing and dental clinics
- indoor recreation and entertainment (including an events center)
- general offices
- food service, restaurant, catering

No drive-through land uses should be permitted. The PUD Guide should identify that no additional parking will be required for changes of use in the existing buildings. A condition of the PUD zone should require that the



buildings remain in substantially the same form (not demolished but certainly able to be maintained and remodeled to meet building codes), or else the uses permitted on the property revert to the uses then permitted in the CR zone. The PUD Guide should clarify that commercial development will follow the design standards for development in the DMU zone's downtown core, and residential development or other uses permitted in the CR zone will follow the development standards for CR zoning, including density of residential development.

To ensure no confusion with the PUD zone, the aerial photograph should be amended to exclude the house on the east side, and pictures of the church and parish hall should be included as part of the PUD Guide.

With these recommended changes/conditions on the PUD zone, staff believes that the approval criteria for a zone change can be met.

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

There does not appear to be an error in zoning the property Community Residential. The first Fruita Land Use Code or Zoning Code that staff has been able to locate is from the 1960s. The subject properties have had a residential zone since that time. The existing CR zone is consistent with the Fruita Master Plan. This approval criterion is not applicable.

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

It could be argued that there have been substantial changes to this area since the original establishment of the residential zone in the 1960s. This criterion has been met.

4. **The amendment is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions and is consistent with the city's goals, policies and Master Plan; or**

There is no comprehensive revision of the Official Zoning Map. This criterion is not applicable.

5. **The zoning amendment is incidental to the annexation of the subject property and the proposed zoning is consistent with the city's goals, policies, and Master Plan.**

This criterion is not applicable because the properties are already in the city limits.

Based on the review of the approval criteria, it appears that the proposed zone change can meet the applicable approval criteria if the issues identified above are adequately resolved.

**Section 17.17.030 of the Land Use Code requires that the recommendations of the Planning Commission to the City Council and decisions by the City Council concerning a proposed Planned Unit Development be based on the following criteria:**

**1. Conformance to the Fruita Master Plan.**

As explained above under the criteria for a rezone, the PUD rezone as proposed does not conform to the Fruita Master Plan. With changes as recommended, a PUD zone could be considered to be in general conformance to the Fruita Master Plan.

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

Section 17.17.010 of the Land Use Code sets out eight general purposes of PUD zoning. In a nutshell, the purpose of PUD zoning is to allow modifications to zoning requirements in order to allow development that is better than what would result from the application of a non-PUD zone. This proposed PUD zone would allow more land uses than would otherwise be permitted in the current CR zone, but not the wide variety of uses permitted in the zones that allow commercial development. With modifications to the proposed PUD Guide as identified above, a PUD zone could be consistent with the purposes of PUD zoning.

**3. Conformance to the approval criteria for Subdivisions:**

This approval criterion is not applicable because there is no subdivision proposed. The existing lots are too small for further subdivision under the current Land Use Code requirements.

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

An Adjustment is an exception to the Chapter 11 Design Standards of the Land Use Code. The design standards pertain to development in the zones that allow areas of commercial development which are the General Commercial (GC) zone, the DMU zone, and the Community Mixed Use (CMU) zone. Although somewhat unclear, it appears that the PUD Guide



intends for commercial development to follow the Chapter 11 design standards. No new development is proposed at this time, so no Adjustments to design standards are necessary.

With changes to the PUD Guide as identified above, the approval criteria for PUD zones can be met.

**Review Comments:**

All review comments received are included with this Staff Report. No reviewer had a significant concern regarding the proposed zone change.

**Public Comments:**

The only written public comment received at this time is from the City's Historic Preservation Board which is included with this staff report.

The applicants held a neighborhood meeting on February 9, 2016. According to the applicants, an invitation to a neighborhood meeting was sent to everyone in the public notification area (all property owners within 350 feet of the subject properties). The invitation letter and the minutes for this meeting are attached.

**Staff Recommendation:**

Staff recommends approval of the proposed PUD rezone with the condition that all review comments and issues identified in the staff report are adequately resolved before the second reading of the ordinance required for a zone change.

**Fruita Planning Commission:** (May 10, 2016)

**Fruita City Council:** (June 7, 2016)



# LAND DEVELOPMENT APPLICATION

Project Name: Sacred Heart Church  
 Project Location: 503 E Aspen Ave. 433 E Aspen Ave.  
 Current Zoning District: CR-Community Residential Requested Zone: PUD  
 Tax Parcel Number(s): 2697 171 05 951 Number of Acres: .32 + .35  
 Project Type: Re-use 2697-172-10-952

Property Owner: Bishop of Pueblo Developer: \_\_\_\_\_  
 Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Address: 101 N Greenwood St Address: \_\_\_\_\_  
 City/State/Zip: Pueblo, CO 81003 City/State/Zip: \_\_\_\_\_  
 Phone: 719 544 9861 Fax: 719 225 8750 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: office@bishopofpueblo.org 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: Lance Stewart Engineer: \_\_\_\_\_  
 Contact: Lance Stewart Contact: \_\_\_\_\_  
 Address: 1312 L 9/10 Rd Address: \_\_\_\_\_  
 City/State/Zip: Loma CO 81524 City/State/Zip: \_\_\_\_\_  
 Phone: 970 623 0126 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: LStewart2153@outlook.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.

Bishop of Pueblo J. H. M. R. 12/22/15  
 Name of Legal Owner Signature Date

\_\_\_\_\_  
 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 22nd day of December, 2015.

My Commission expires: November 4, 2018

Judith M. Waits  
 Notary Public

## **PUD Guide**

433 and 503 East Aspen Avenue

### **Permitted Uses**

- All uses as permitted in the Community Residential Zone
- Community Services & Government Offices
- Daycare/Childcare
- Medical/Dental/Vision/Massage/Chiropractic/Hearing Clinics
- Educational Institutions
- Indoor Recreation & Entertainment, Exhibition & Meeting Areas Less Than 10,000 Square Feet
- Commercial Parking
- General Offices, Including Drive Through
- Funeral Homes/Mortuaries
- Food Service, Restaurant, Catering
- General Retail Sales, Indoor Operations

These permitted uses include the conditional uses permitted with approval of a Conditional Use Permit and the supplemental zoning regulations and standards. Density and dimensional standards, signage, design, landscaping, parking and lighting standards for the CR or DMU zones will be applicable depending on type of use.

## Sacred Heart Catholic Church

### PUD Zone Change Application Project Narrative

- Project description: Zone change from CR to PUD
- Location: 433 and 503 E. Aspen Avenue
- Acreage: .67 acres
- Proposed permitted uses:
  - All uses as permitted in the Community Residential zone
  - Community Services & Government Offices
  - Daycare/Childcare/Senior care
  - Indoor Recreation & Entertainment, exhibition & meeting areas less than 10,000 square feet in size
  - Commercial parking
  - General Offices, including drive through
  - Educational Institutions
  - Medical/Dental/Vision/Massage/chiropractic/ Hearing Clinics
  - Funeral Homes/Mortuaries
  - Food Service, Restaurant, Catering
  - General Retail Sales, Indoor Operations

These permitted uses include the conditional uses permitted with approval of a Conditional Use Permit and the supplemental zoning regulations and standards. Also, any other permitted use deemed appropriate by the Community Development Department but not specifically listed in the Zoning Table.

- No phasing is intended since the properties are built out currently. To accommodate potential future changes in use, density and dimensional standards, signage, design, landscaping, parking and lighting standards for the CR or DMU zones would be applied, depending on the requested use.
- Recapture is not intended for this application. However, depending on a particular permit application, a determination may need to be considered for future changes in use.
- Density bonuses could be considered by the Community Development Department in the future as changing conditions may provide.
- No credit against impact fees is requested for this application. Future changes in use would possibly be subject to impact fees required in the Land Use Code.

History: The Sacred heart Church has been a landmark in Fruita since its construction in 1921. The church and the catholic congregation have been integral to the development of Fruita for over a century. For the first forty five years the 150 seat facility, with its full basement, served the needs of the community well. In the 1960s it became apparent that the growing membership required additional space for meeting, educational and administrative purposes. In 1966 the Church purchased the facility at 433 E Aspen to serve as a parish hall and office.

Today, once again, the congregation has out grown the facilities and is in the process of building a new church on 17.5 road, which will enhance the entire Fruita area.

Need: Any successful building project relies on a well structured funding plan. As is the case with the new Sacred Heart Church, a significant element of the funding plan includes the sale of the church and parish hall on Aspen Avenue. While it is hoped that another faith community can acquire the facility, nearly two years of searching has yet to yield a viable purchaser.

In November, 2015, a party approached the realtor for the church with a secure offer. The party intended to use the facility as a small events center for primarily weddings and family gatherings. A use, which at first glance would seem to fit in well with the neighborhood, would not create additional adverse impacts and would preserve the stately building. Upon checking with the Community Development Department the party was informed that the use was not specifically listed in the table of uses, and they should submit an application for a PUD zone change, which if approved may allow for the use. Upon further investigation by the Realtor of possible allowed uses, it is evident that a zone change is paramount to the successful completion of the new Sacred Heart church. A zone change is also needed to accomplish the goals of the Fruita Master Plan through a logical transition of properties from CR to Downtown while preserving the character of the neighborhood east of Maple Street.

Compatibility with current standards and planning: A zone change to PUD from CR supports and satisfies the intents of the purposes of the PUD zone and the Fruita Master Plan. While the general purpose of the PUD Zone is to provide opportunity for development that benefits the community, the more specific purposes are primarily centered on residential mixed use developments. The purpose of this application is not to provide more residences, but to provide for uses for an historic and stately landmark in Fruita in a manner that ensures its structural and aesthetic character and integrity, does not adversely affect or significantly impact the surrounding neighborhood and provides for a logical integration or nexus between the Downtown Zone and the residential neighborhood on Aspen Avenue. Arguably, the character of this neighborhood is slowly changing from strictly residential with the addition of new and planned businesses at the corner of Aspen Avenue and Elm Street, and the long time location of the Fruita Chamber of Commerce. A PUD Zone would serve as a buffer of sorts to residents east of the Church while allowing for transitional development, which over time would benefit Fruita.

The only zoning standard that would be possibly modified with the zone change would be that of off street parking. The code calls for off street parking for most uses other than residential. Currently the neighborhood has existed with on street parking for between 50-80 vehicles for many years. It is envisioned that this situation would not necessarily change, but could be

enhanced with a use utilizing less parking than a church. For any activity requiring additional short term parking there are public lots within one block of the existing property. Zone change conforms to adopted plans and policies.

- Any commercial or business type use would not adversely affect open space or parks as evidenced by the proximity of the community center park to the Downtown.
- Zone change would help to lessen the impact on existing residences for downtown type growth. There wouldn't any anticipated adverse impacts on public spaces or services.
- Access and traffic patterns in the area would not appreciably change.
- No changes, special needs or impacts on utilities are envisioned.
- No adverse impacts are anticipated on public facilities or services.
- No impacts to soils or geology are envisioned.
- No changes or impacts to natural areas or storm water management are anticipated.
- No credits, recapture, or bonuses are requested, but could need to be considered depending on future changes in use.

Conformance with the Fruita Master Plan: The stated vision in the plan is to **"Improve and enhance the small town atmosphere of the Fruita community, while providing high quality services for a growing population and striving for economic development and prosperity"**.

The Plan embodies principles of sustainability and quality of growth attainable by enacting policies to achieve several core concepts by focusing on economic, social and environmental values which are the basis for Fruita's policies. The following is a number of quotes from the Master Plan which speak to this rezone project, which will positively address and implement the goals of the Plan:

**"Redevelopment projects in Fruita are also outstanding opportunities to promote the city's character. These projects must capture the original styles that reflect Fruita's most signature buildings. The area best suited for this opportunity is Downtown, where some new development is beginning to take place, yet is maintaining its historic foundation through old buildings, street and lot layout, and amenities."** East Aspen Avenue to Maple Street is a logical extension of the core business community over time. The size of the church could help buffer residents from redevelopment to the west.

**"Preserve and enhance Fruita's small town atmosphere through downtown revitalization, walkable, vibrant neighborhoods, and mixed use commercial centers."** Providing for uses in addition to those allowed in the CR zone enhances the neighborhood and fortifies the downtown neighborhood. A deteriorating boarded facility would severely detract from the atmosphere and the neighborhood.

**"Encourage economic development that strengthens Fruita's identity and provides diverse employment opportunities."** The church properties best and highest use is not residential, but rather an exciting possibility of business and community services that compliments the identity of the Community.



**“Protect Fruita’s historic resources, including buildings, agricultural relics, and historically meaningful land.”** Goes without saying; the Church has, and could remain a prominent landmark in the community. Many communities provide special use exceptions and exemptions to regulations in order to facility viable cultural buildings and spaces. While it is preferred that the church remain a viable structure, change is inevitable and may actually require the property to be redeveloped to accommodate a future vision for the neighborhood.

**“Community Residential. To allow for moderate density single family neighborhoods with the inclusion of other housing types such as attached units (e.g. apartments or townhomes). Building concepts that are found in Fruita’s original neighborhoods such as narrow lots, smaller front yards and garages placed in the back.”** This zone change could affect the characteristic of the neighborhood east of Maple Street, in that newer developments over time could promote the consolidation of lots to provide for different housing types or mixed use development.

**“CD 1.3 - Historic Character. The historic character of downtown Fruita should be kept authentic and must be reinforced, embodying its identity, values, and energy. The Downtown should take advantage of the historic aspect of town.”** Allowing for more varied uses in the PUD zone will help to preserve the existing historic character while providing for a timed logical transition of the subject properties.

**“CD 1.9 - Parking. Public parking is vital to the Downtown, and should be achieved using street rights-of-way, reduced parking requirements and surface lots. As the Downtown grows, parking structures should be considered to preserve land for retail space.”** Many possibilities exist for use of the subject properties that will not adversely affect the off street parking situation and still support this objective. The parish hall property could actually become a viable location for additional off street parking to support the growing downtown center.

**“ES 1.1 - Aspen Avenue. The City of Fruita supports and encourages the revitalization of the historic Aspen Avenue downtown business area and adjacent areas.”** Again, the rezoning of the area on East Aspen Avenue will contribute to the success of the downtown over time by providing for additional uses more commercial in nature than presently allowed, while providing the Town with the opportunity to encourage the reuse of a historic building which might otherwise set vacant.

**“ES 1.3 - Redevelopment Areas. Identify and prioritize targeted redevelopment areas that would positively contribute to the ambiance and character of downtown; properties may include historic buildings that could be used as entertainment venues, hotels, and retail operations.”** While not at this time a targeted redevelopment area, without this zone change the potential is very high that the area will fall into a blight category. Now is the time to provide for additional uses that will hopefully circumvent that eventuality.

**“ES 1.5 - Expansion. The downtown district should be expanded to the north, south, and west of the existing boundaries to ensure its sustainability. At a minimum, this would ultimately incorporate Ottley Avenue at the north, Little Salt Walsh on the west, Maple Street on the east, and extend to the**

**railroad Tracks.”** While the church property is situated adjacent to the easterly boundary, it also meets a host of additional criteria that makes it reasonable to include it into the expansion area. The area is irrefutably expanding quicker than any other direction.

**“CR 1.3- Prioritization. Prioritize historic buildings in need of restoration that positively contribute to Fruita’s character. This could include projects that meet multiple objectives, such as the Grain Elevator, Circle Park, and the desire to provide other amenities Downtown and other areas.”**

Arguably, while the Church is not yet in need of restoration, without this zone change and reasonable allowed uses, it soon will be. Why not now be proactive to ensure that in the future, public dollars like in the case of the Community center will not be required to preserve a part of Fruita’s historic character?

**“CR 1.4 - Incentives. Provide Implement new zoning types that support quality growth principles, including the new Community Mixed-Use district. Refine as necessary during upcoming years to ensure an efficient, predictable, and flexible process. Create an incentive program for developers to follow the LEED- Neighborhood Development principles.”** The PUD zone at this time is the best tool we have to ensure that East Aspen Avenue transitions in a logical manner.

Nowhere within the Master Plan is a policy stated that the residential neighborhood in the vicinity of the Church is sacrosanct from redevelopment and must remain forever in its current state. The PUD zone will also provide other adjacent properties an opportunity and alternative to realize a highest and best use by expanding the boundaries of the zone. The requested zone change from CR to PUD will definitely satisfy a number of goals of the Master Plan and Section 17.17.010 of the Land Use Code regarding PUDs.



Minutes from neighborhood meeting conducted on February 9, 2016, at 6:30 p.m. fifty-eight invitations were sent out six days in advance to property owners within 350 feet of the subject properties.

The meeting was called to order at 6:50 p.m. to allow ample time for prospective attendees to gather. Mike Yocom, residing at 142 N. Maple Street was the only property owner that attended the meeting. Six members of the Sacred Heart building committee were in attendance to answer questions. Lance Stewart, presented information pertaining to the proposed zone change from CR to PUD. After the presentation the committee members engaged Mr. Yocom in a discussion about the pros and cons of the proposed zone change. Mr. Yocom indicated that he figured that the neighboring properties would begin to be rezoned to allow for other uses, and was surprised that an application had not been submitted to the Town sooner. He is in favor of the zone change and approved of the proposed uses listed in the PUD Guide.

The committee members discussed the outcome of the meeting and concluded that the neighborhood all had more important matters than to attend the meeting, or supported the zone change. The meeting adjourned at 8:15 p.m.

# You're Invited

Dear Neighbor;

You're invited to a gathering at the Sacred Heart Catholic Church parish hall on Aspen Avenue on Tuesday, February 9<sup>th</sup> at 6:30 p.m.

The purpose of this meeting is to provide you the opportunity to respond to an initiative to change the zoning of the church properties to Planned Unit Development (PUD) from residential. This change would allow the buildings to be used for any use listed in the residential zone category plus a few additional uses more commercial in nature. These additional uses could include, but not necessarily limited to, educational facilities, medical and financial offices and small gatherings and events. The change would not provide for uses like liquor stores, gas stations, service garages, hotels or fast food restaurants.

As you may know, the catholic congregation has out grown the facilities on Aspen Avenue and is building a new church on the north edge of Fruita. In order to fund this new facility it is extremely important that the existing properties can be sold. Unfortunately, there is not much demand for a facility ideally suited for worship, or a church that someone would like to make their home. Thus, the need and reasons to change the zoning. The change would provide for more uses that may be suited to the church facilities, are compatible with the unique residential neighborhood and provide a logical transition of the neighborhood to eventually blend into the downtown of Fruita, and provide a buffer for the community to the east of the Church.

Please plan on attending our meeting to learn more about how the PUD could possibly affect you and your property.

Thank you,

Lance Stewart  
Sacred Heart Church Building Committee

PLEASE  
SIGN IN

Name

Address

MIKE Yorum

142 N. Maple

Chrysogonus Nwele

503 E Aspen

Dr. Jean Redwick

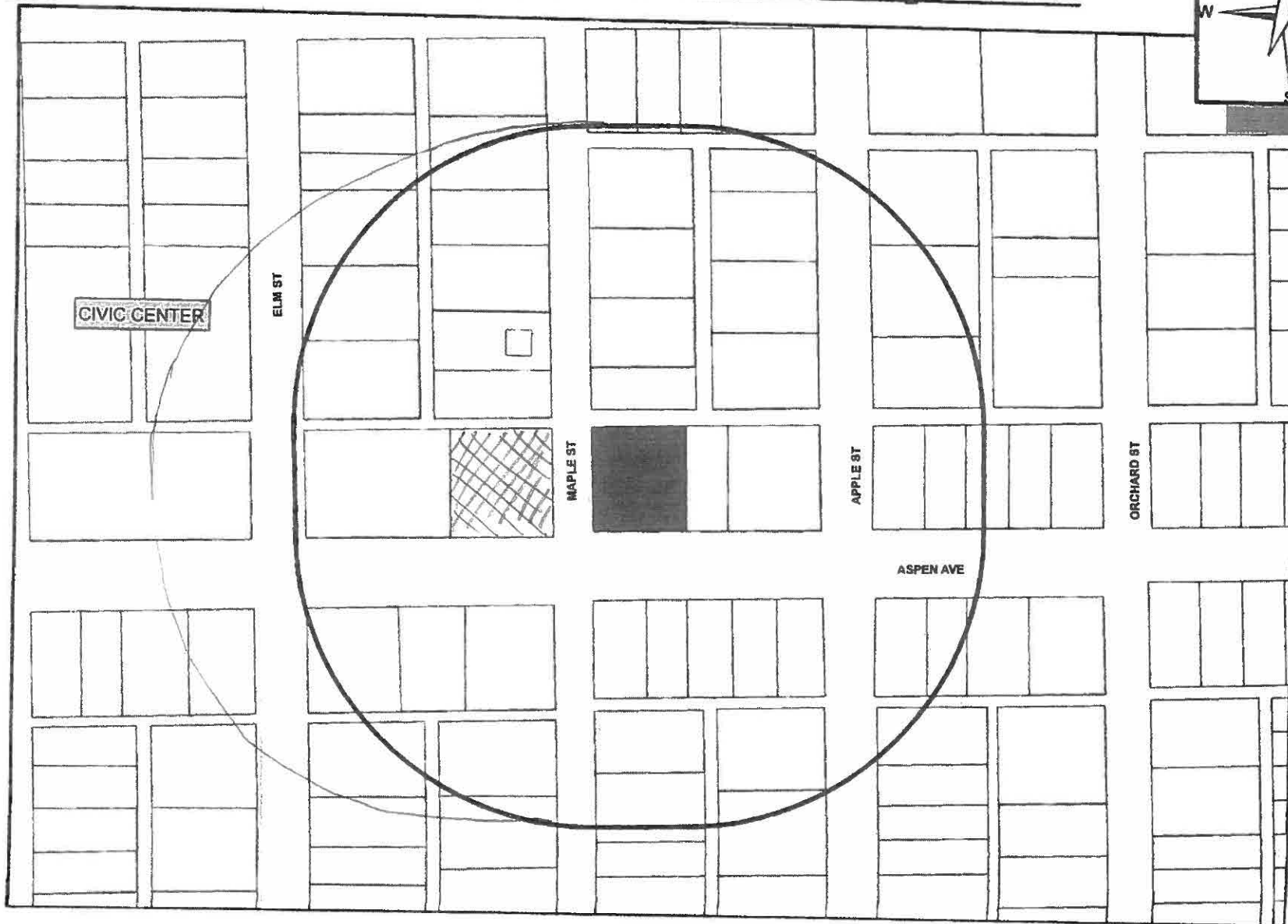
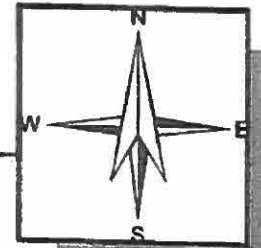
1140 Marigold Ct.

6 member of the Building Committee





## 350 foot buffer around 503 E. Aspen Ave.



0 150 300 600 Feet

\*\*All parcels within the buffer circle would receive a notice by MAIL of a zone change.

*The cross-hatched property should have  
been included. Staff's fault!  
Not the applicant!*

**LOWER VALLEY FIRE PROTECTION DISTRICT**

**168 N. Mesa**

**Fruita, CO. 81521**

**Phone: (970) 858-3133 Fax: (970) 858-7189**

April 6, 2016

City of Fruita  
Community Development Department  
325 East Aspen  
Fruita, CO 81521

2016-07	Sacred Heart Church
Application:	Zone Change
Applicant:	Lance Stewart
Location:	503 East Aspen
Zone:	Community Residential

Review Comments are for zone change only:

No objection to changing zone to a PUD.

Richard Pippenger  
Fire Marshal

**Ute Water Conservancy District**

**Date: 20 April 2016**

<b>Review Number</b>	<b>2016-07</b>
<b>Review Name</b>	<b>Zone Change for 503 E. Aspen</b>

- 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.

**David Priske P. E.**

**Engineering Department, Ute Water**

**Jim Daugherty**

**New Services Coordinator, Ute Water**

**PHONE OFFICE 242-7491**

**FAX 242-9189**

**EMAIL [jdaugherty@utewater.org](mailto:jdaugherty@utewater.org)**

**Henry Hemphill**

**From:** Hendricks, Scott [scott.hendricks@xcelenergy.com]  
**Sent:** Wednesday, April 06, 2016 7:10 AM  
**To:** Henry Hemphill  
**Subject:** RE: Projects for your review

Henry,

Application #: 2016-07  
Application Name: Sacred Heart Church  
Applicant: Lance Stewart  
Application Type: Zone Change  
Zone: Community Residential  
Location: 503 E. Aspen Avenue

I have reviewed this project and have no objections at this time

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of design process. Additional easements may be required depending on final utility design and layout. Engineering and construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. Any and all existing & future Xcel Energy facilities must be granted easement.

Thanks, Scott H.

***Scott Hendricks***

Xcel Energy | Responsible By Nature  
Planner / Design Department  
2538 Blichman Avenue, Grand Junction, CO 81505  
P: 970.244.2727 F: 970.244.2606  
E: [scott.hendricks@xcelenergy.com](mailto:scott.hendricks@xcelenergy.com)

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**From:** Henry Hemphill [mailto:hhemphill@fruita.org]  
**Sent:** Tuesday, April 05, 2016 12:31 PM  
**To:** Hendricks, Scott; jdaugherty@utewater.org; daniel.roussin@state.co.us; arthur.valdez@charter.com; Dick Pippenger; Mark Angelo; ed@sandslawoffice.com; darrell.bay@mesacounty.us  
**Cc:** Dahna Raugh  
**Subject:** Projects for your review

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**XCEL ENERGY SECURITY NOTICE:** This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please visit the Phishing page on XpressNET.

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A re-submittal of a Site Design Review for Fruita Liquor Mart.




Fruita Historic Preservation Board  
325 E. Aspen Ave.  
Fruita, CO 81521


Fruita Planning Commission  
325 E. Aspen Ave.  
Fruita, CO 81521

Dear fellow Fruitans:

It has come to our attention that the existing Sacred Heart Catholic Church buildings — the church, the adjacent historic two-story house, and the Parish Hall — and the lots they sit on are being put up for sale to raise funds to complete the church's new building. This comes as no surprise as it has been a part of the church's plan for many years, and it is clearly a necessary step in raising the funds needed.

It is our understanding, though, that the agenda for the next Fruita Planning Commission meeting on May 10<sup>th</sup> includes a request to consider re-zoning the properties, and then forwarding that recommendation to the Fruita City Council. There are several reasons we oppose re-zoning the properties:

- 
1. The existing Sacred Heart Catholic Church building is a Fruita and Grand Valley landmark. It is the only building of its type that we know of in Mesa County. It is a beautiful and iconic example of its kind, and its very presence enriches Fruita.
  2. It is the fourth oldest church building in Fruita. It was constructed of hand-hewn native sandstone in 1921 and 1922 to replace the existing St. Malachy Catholic Church, built in 1890 in Cleveland.
  3. Likewise, although nowhere near as old, the Parish Hall is a very attractive and iconic structure that enhances Fruita through its existence.
  4. There are no other commercial properties on that block or on any adjacent blocks. The area is zoned residential, and rezoning these lots as anything other than residential could result in reduced property values for adjacent homes and properties unless they, too, are re-zoned. This could further result in a slow flight away from the rezoned parcels(s) and a hollowing-out of residential downtown Fruita.
  5. The buildings are ill-suited for many if not most commercial ventures, and before any new businesses go into them, they must be certified as conforming to current building and fire codes. This could require cost-prohibitive remodeling that, coupled with other structural oddities that their original designs and purposes necessitated, could simply make it more cost-effective for a developer to raze the buildings and replace them with others that are purpose-built. This threat to the continued existence of the buildings is multiplied by the presumably greater taxes on them after re-zoning.
  6. Re-zoning might usher in the beginning of a long-term decline in the maintenance of the buildings even if they are not razed, due to the realization on the part of future buyers of the costs of maintenance, taxes, and re-modeling needed to meet building and fire codes.



It would be our preference that the lots not be re-zoned; however, should that be the Fruita Planning Commission's recommendation to the Fruita City Council, we encourage that a restriction be placed on the re-zoning resolution, namely that the buildings themselves must remain intact because of their architectural and historical significance and their importance to Fruita's character.

Thank you for your consideration of this matter.

Fruita Historic Preservation Board  
May 2, 2016



**Fruita Planning Commission**

**Tuesday, May 10, 2016**

**A. CALL TO ORDER**

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

There were about 50 people from the public in attendance.

**B. PLEDGE OF ALLEGIANCE**

Doug Van Etten led the Pledge of Allegiance.

**C. AMENDMENTS TO THE AGENDA**

None.

**D. APPROVAL OF THE AGENDA**

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

Mike Joseph- I second.

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

5 yes votes; motion passes

**E. WITHDRAWN ITEMS**

None.

**F. CONTINUED ITEMS**

None.

**G. CONSENT ITEMS**

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

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

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

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

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

Approval of the minutes  
 May 10, 2016 Planning Commission meeting

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

Janet Brazfield- I second.

5 Yes votes; motion passes.

**H. HEARING ITEMS**

Doug Van Etten read the hearing item as follows.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

#### REBUTTAL:

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

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

#### PLANNING COMMISSION:

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

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

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

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

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

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

Dave Karisny- Second.

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

5 Yes Votes; motion passes.

#### **I. COMMUNITY DEVELOPMENT ACTIVITY REPORT**

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

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

#### **J. VISITORS AND GUESTS**

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

#### **Adjournment at 8:40pm**

Respectfully submitted,

Henry Hemphill  
City of Fruita Planning Technician



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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**  
**FROM: MICHAEL BENNETT, CITY MANAGER**  
**DATE: JUNE 28, 2016**  
**RE: COOP BANNER DISCUSSION**

**BACKGROUND**

This item is to place a short amount of time for Council to discuss any updates staff will be gathering up to the meeting on any additional options to the cost of \$13,200 to replace the mountain biker banner on the COOP that was damaged and fell, leaving damaged brackets that make up the bulk of the cost to secure a new banner and discuss options for funding the replacement.