

**FRUITA CITY COUNCIL  
WORKSHOP MEETING  
JULY 26, 2016  
6:30 PM**

1. UPDATE AND DISCUSSION ON THE MUSEUM OF WESTERN COLORADO'S STRATEGIC PLAN AND DINOSAUR JOURNEY CAMPUS (6:30 – 6:55 PM)
2. SAFETY TRAINING WITH FRUITA PD (6:55 – 7:10 PM)
3. UPDATE ON CITY LINK POLL ASKING RESIDENTS WHETHER OR NOT CITY COUNCIL SHOULD CONSIDER ALLOWING OHVS ON CITY ROADS (7:10 – 7:25 PM)
4. VACATION RENTALS BY OWNER (VRBOS) UPDATE (7:25 – 7:50 PM)
5. SACRED HEART CHURCH REZONE (ORDINANCE 2016-09) (7:50 – 8:05 PM)
6. ADOBE VIEW NORTH PRELIMINARY PLAN (8:05 – 8:25 PM)
7. ASPEN VILLAGE PRELIMINARY PLAN (8:25 – 8:35 PM)
8. OTHER ITEMS (8:35 – 8:45 PM)
9. ADJOURN



**FRUITA**  
COLORADO

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## **AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL & MAYOR**

**FROM: MICHAEL BENNETT, CITY MANAGER**

**DATE: JULY 26, 2016**

**RE: UPDATE AND DISCUSSION ON THE MUSEUM OF WESTERN  
COLORADO'S STRATEGIC PLAN AND DINOSAUR JOURNEY  
CAMPUS**

### **BACKGROUND**

Peter Booth, Executive Director of the Museum of Western Colorado and some board members will discuss with Council the Museum's new strategic plan and how it relates to Dinosaur Journey and future opportunities with the Dinosaur Journey campus.



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## **AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL & MAYOR**

**FROM: JUDY MACY, CHIEF OF POLICE**

**DATE: JULY 26, 2016**

**RE: SAFETY TRAINING**

### **BACKGROUND**

Cpl. Nick Peck will provide training to Council members on the following:

- Overview of the alarm system in Council Chambers and law enforcement response
- Recognizing Sovereign Citizens
- Responding to threats and/or violence (Run, hide, fight)
- Overview of the surveillance cameras – investigative uses



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COLORADO

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## **AGENDA ITEM COVER SHEET**

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**TO: FRUITA CITY COUNCIL & MAYOR**

**FROM: MICHAEL BENNETT, CITY MANAGER**

**DATE: JULY 26, 2016**

**RE: UPDATE ON CITY LINK POLL ASKING RESIDENTS WHETHER OR NOT CITY COUNCIL SHOULD CONSIDER ALLOWING OHVS ON CITY ROADS**

### **BACKGROUND**

Ron Pollard, President of Funshares in Grand Junction requested that City Council consider allowing OHVs on City roads in 2015 and decided to table to other higher priorities, staff concerns regarding safety and pending state legislation. Mr. Pollard again requested in February, 2016 that Council reconsider and the City Council decided to do so after the April election. Mr. Pollard presented to City Council at the May 17, 2016 Council meeting. At this meeting City Council requested staff add the topic on the May 24, 2016, Council Workshop. During the workshop, City Council requested that staff include in the summer issue of the City Link newsletter to residents the question:

“City Council would like to know if Fruita residents would like the City Council to consider allowing Off-Highway Vehicles (OHVs) on City roads. Please let us know your thoughts by emailing [OHV@fruita.org](mailto:OHV@fruita.org) and at a minimum include (1) name, (2) home address and (3) yes or no. please email your responses by July 21, 2016. Thanks!”

Due to some delays in the printing of the City Link, residents began receiving the newsletter Friday, July 15, 2016. We have received a stream of emails and continue to receive responses. Staff will bring to the workshop the results through Tuesday, July 26, to present and discuss.



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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:** July 26, 2016

**RE:** Vacation Rentals (VRBOs, Bed & Breakfasts, etc.)

**BACKGROUND**

The City Council requested information for discussion regarding vacation rentals by owners or VRBOs, defined as a Bed & Breakfast by the Fruita Land Use Code. The Code defines these as a facility of residential character that provides sleeping accommodations with or without meals for hire on a day to day basis. These short term rentals are not required to be owner occupied. Rentals that are on a month to month or longer basis are considered regular houses/apartments. Section 17.04.110 of the Code (attached), which defines household living, indicates that if more than 1/3 of the bedrooms in a dwelling unit are rented on a less than month to month basis, it is considered a type of VRBO.

In residential zones, a Conditional Use Permit (CUP) is required before a VRBO becomes operational. In commercial zones, including the Downtown Mixed Use zone, VRBOs are permitted without a CUP. CUPs are required to be approved by the City Council through the public hearing process which includes a recommendation by the Planning Commission. The fee for a CUP application for a VRBO is \$200. Attached are the rules for VRBOs in residential zones (Section 17.07.070.A).

In 2009, when the Council adopted an updated Land Use Code to implement the recently approve Fruita Community Plan, the requirement for these uses to be owner occupied was removed which resulted in the first new VRBO in the city in several years. From 2009 to 2015, the city received nine applications for CUPs for VRBOs in residential zones and only one was denied (because it violated the subdivision's covenants). This year, four CUPs for VRBOs have been approved with four pending. There also have been several VRBOs established in the DMU zone without the need for a CUP. Overall there are approximately 16 VRBOs in operation at this time in the city (along with five

motels and one campground/RV park). Attached is a list of these short term rental businesses.

In addition to the 7.9% sales tax applied to short term rentals, a 3% lodger's tax also is required to be paid and this is paid directly to the city and placed in a Marketing and Promotional Fund to advertise and promote the City of Fruita. Once a VRBO is approved, city staff sends lodging tax information along with the business license to the owner/operator of the VRBO. Attached is a copy of the information sent to VRBOs and a copy of Chapter 3.18 of the Fruita Municipal Code regarding lodger's tax.

Enforcement of the payment of the sales and lodging tax for VRBOs and all short term rentals is based mainly on an honor system. Enforcement of the requirement for a CUP for VRBOs in residential areas is mainly based on complaints received and sometimes through the business license review process.

Recently, people have been starting to use recreational vehicles (RVs) for vacation rentals. The city's regulations allow RVs to be occupied on private property for up to 72 hours. The thought behind this is to allow people traveling to visit friends and family in Fruita the ability to use their RVs instead of staying in the house or in a hotel or RV park. However, there is no limit on how many times in a week, month, or year the 72 hour occupancy can be used, nor is there a limit on how many functional RVs can be on a property. This could be a potential violation of the building codes and raises concerns regarding waste disposal and fire hazards. If the Council agrees that this could be a problem, some amendments to the city's regulations will be necessary to clarify the regulations. Attached is Section 8.15 regarding parking of recreational vehicles.

At the July 26, 2016, City Council work session, staff will be prepared to discuss these and other issues regarding short term vacation rentals.

2016  
FRUITA LODGING ESTABLISHMENTS

<p>Balanced Rock Motel 126 S. Coulson Fruita, CO 81521 (970) 858-7333</p>	<p>Haase Short Term Rental VRBO ATTN: Milan Haase P. O. Box 3952 Telluride, CO 81435 (970) 708-4810 • 701 E. Pabor Ave.</p>
<p>H Motel 333 E Hwy 6 &amp; 50 Fruita, CO 81521 (970) 858-7198</p>	<p>Plunge, LLC dba Fruita Crash Pad (Vacation Rental Management – various properties) ATTN: Michelle Melgares 875 Mahogany St. Fruita, CO 81521 (970) 309-0253 • 727 E. Pabor Ave. (Ritsch Short Term Rental) • 127 N. Cherry St. ? • 945 Jasper</p>
<p>La Quinta Inn Fruita Lodging, LLC ATTN: Sam Patel 570 Raptor Road Fruita, CO 81521 (435) 215-3130 (970) 858-8850 – JW Selsor, Local Manager</p>	<p>Flat in Downtown Fruita/AIR BNB Catherine McGuire/Keith Rafferty 719 E. Aspen Ave. Fruita, CO 81521 (970) 778-0965 <a href="mailto:catherinemcguire@msn.com">catherinemcguire@msn.com</a> • 719 E. Aspen Ave.</p>
<p>MAA Lodging/Comfort Inn 400 Jurassic Ave Fruita, CO 81521 (970) 858-1333</p>	<p>Bookcliffmoon VRBO ATTN: Donna Greager 1110 22 Road Grand Junction, CO 81505 (970) 261-5064 • 141 S. Mesa</p>
<p>Monument RV Park 607 Hwy 340 Fruita, CO 81521 (970) 858-3155</p>	<p>Cameron Tyler 3223 Arapahoe Ave. #300 Boulder, CO 80303 (303) 579-9609 • 239 N. Elm Street</p>
<p>Super 8 Motel 399 Jurassic Ave Fruita, CO 81521 (970) 858-0808</p>	<p>Driver Developments Mike &amp; Kristy Driver 787 22 Road Grand Junction, CO 81505 (970) 904-5707 • 1494 Catalina Ave. (Cat House) • 1477 Satterfield • 107 E. Pabor Ave. (Sagebrush House)</p>

This is sent to operators of VRBO's  
along w/ their Business License.

## **FRUITA LODGING TAX**

The following is a brief synopsis of the vendor's responsibilities for collection and remittance of the City of Fruita's 3% lodging tax.

1. The **amount** of the lodging tax is 3% (in addition to the 7.9% retail sales tax).
2. The **Lodging Tax** will be paid directly to the City of Fruita. (Returns for **Retail Sales Tax** will continue to be sent to the State of Colorado.)
3. Vendors collecting and remitting the tax can deduct **3 1/3%** of the lodging tax collected as a **collection fee**.
4. Enclosed are **forms for reporting and remitting** the lodging tax. Returns will be **due by the 20th day of the month** for the preceding calendar month.
5. You must file a lodging tax return each month, even if the total Gross Lodging Sales is \$0.00.
6. All funds received by the City from the lodging tax will be placed in the "Marketing and Promotional Fund." Expenditures from such funds shall be for the **purpose of marketing and promotion of the City** to tourists and others. A Tourism Advisory Council has been established to advise the City Manager and City Council concerning the preparation of a budget for the Tourism Promotion Fund.

If you have any questions concerning the above, please call.

Sincerely,

Debra Woods  
Deputy City Clerk



Each year,

Staff provides 12 of these - one for each month - to VRBOs. Staff fills in this 1st line

### CITY OF FRUITA LODGING TAX RETURN

Return to the City of Fruita  
325 E Aspen Suite 155  
Fruita, CO 81521  
970.858.3663

This form is also available at [www.fruita.org](http://www.fruita.org)

Account #	Vendor:	Lodging Tax for Mo/Yr	Due Date:
XXXX	ABC VRBO	JANUARY	
1.	Gross Lodging Sales: Include bad debts previously deducted		
2.	Deductions		
	a Charges for other services		
	b Deposits held for future date		
	c Refunds of sales returned to purchaser		
	d Sales to governmental agencies, religious or charitable corporations		
	e Bad Debts		
	f Overpayment from previous return		
3.	Total Deductions (add 2a thru 2f)		
4.	Net Lodging Sales (line 1 minus line 3)		
5.	Tax Rate (3%)		× .0300
6.	Amount of Lodging Tax (line 4 times line 5)		
7.	Excess Lodging Tax Collected		
8.	Total Lodging Tax (add lines 6 and 7)		
9.	Vendor Collections Fee		
	a Rate		× .0333
	b Service allowed vendor ( line 8 times 9a) Only if paid on or before the due date		
10.	Sales Tax Due (Line 8 minus line 9b)		
11.	Penalty (\$10.00 or 10% of line 10 whichever is greater)		
12.	Total amount remitted (line 10 plus line 11)		

**Please Submit Original with Payment to the City of Fruita**

<p>Ted &amp; Viv Reid  1705 Powis Ln.  Fruita, CO 81521  (970) 639-2358  <a href="mailto:tskreid@gmail.com">tskreid@gmail.com</a></p> <ul style="list-style-type: none"> <li>• 1705 Powis Ln – one room</li> </ul>	<p>The Guest House  Chris Schmidt  132 N. Elm Street  Fruita, CO 81521  (630) 779-7933  <a href="mailto:Cschmidt1023@gmail.com">Cschmidt1023@gmail.com</a></p> <ul style="list-style-type: none"> <li>• 128 N. Elm Street</li> </ul>
<p>Great Divide Villa  Rick &amp; Tona Goering  1950 Timber Falls Dr.  Fruita, CO 81521  (970) 640-9203  <a href="mailto:tonagoering@msn.com">tonagoering@msn.com</a></p> <ul style="list-style-type: none"> <li>• 1950 Timber Falls Drive</li> </ul>	<p><i>Does not yet reflect  a few that were  very recently approved.</i></p>

**Chapter 3.18****FRUITA LODGER'S TAX****Sections:**

3.18.010	Purpose
3.18.020	Definitions
3.18.030	Levy of Tax
3.18.040	Exclusions
3.18.050	Deductions
3.18.060	Collection of Tax
3.18.070	Vendor Responsible for Payment of Tax
3.18.080	Audit of Records
3.18.090	Tax Overpayments and Deficiencies
3.18.100	Collection and Refund of Disputed Tax
3.18.110	Tax Information Confidential
3.18.120	Forms and Regulations
3.18.130	Enforcement and Penalty
3.18.140	Status of Unpaid Tax in Bankruptcy and Receivership
3.18.150	Trust Status of Tax in Possession of Vendor
3.18.160	Hearings, Subpoenas and Witness Fees
3.18.170	Judge Compels Attendance
3.18.180	Depositions
3.18.190	Tax Lien/Enforcement
3.18.200	Recovery of Unpaid Tax
3.18.210	Statute of Limitation
3.18.220	Severability
3.18.230	Tourism Promotion Fund
3.18.240	Tourism Advisory Council
3.18.250	Exemption from Revenue Limitations
3.18.260	Effective Date

**3.18.010 PURPOSE.** For the purposes of this chapter, every person who purchases lodging in the City of Fruita is exercising a taxable privilege. The purpose of this chapter is to impose a tax which will be collected by every vendor from persons using lodging accommodations in the City of Fruita, which tax will provide revenues for marketing and promotion of the City of Fruita and its environs to tourists, the traveling public and others which will be beneficial to the community. (Ord. 1996-12)

**3.18.020 DEFINITIONS.** When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter shall have the following meanings:

- A. *Gross Taxable Sales* shall mean the total amount received in money, credits, property, or other consideration from sales and purchases of lodging that is subject to the tax imposed by this chapter.

- B. *Lodging* shall mean the providing of the right to use or possess, for consideration, any room or rooms for temporary occupancy such as, but not limited to: a hotel room, motel room, lodging room, motor hotel room, guest house room, or a recreational vehicle park space or other similar accommodations located in the City, but shall not include rentals under a written agreement for occupancy for a period of twenty-eight (28) consecutive days or more.
- C. *Person* means an individual, partnership, firm, joint enterprise, corporation, estate or trust, or any group or combination acting as a unit, including the United State of America, the State of Colorado and any political subdivision thereof.
- D. *Purchase or Sale* means the acquisition or furnishing for consideration by any person of lodging within the City.
- E. *Purchaser* means any person to whom the taxable service of lodging has been rendered.
- F. *Tax* means either the tax payable by the purchaser or the aggregate amount of taxes due from a vendor during the period for which the vendor is required to report collections under this chapter.
- G. *Taxpayer* shall mean any person obligated to account to the Finance Director for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.
- H. *Vendor* means a person making sales of or furnishing lodging to a purchaser in the City.

(Ord. 1996-12)

### **3.18.030 LEVY OF TAX.**

- A. There is hereby levied and shall be collected and paid a tax by every person exercising the taxable privilege of purchasing lodging as defined in this chapter.
- B. The amount of the tax levied hereby is three percent (3%) of the gross taxable sale paid or charged for purchasing said lodging.
- C. Any person providing lodging within the City of Fruita shall collect a tax from all those to whom lodging is provided amounting to three percent (3%) of the total rental revenue received by such vendor. Such tax shall be in addition to any other tax or levy for providing such service.

(Ord. 1996-12)

**3.18.040 EXCLUSIONS.** Purchases shall include all revenues earned and received for the purchase or sale of lodging excluding the following:

- A. Charges for other services, such as food and/or telephone charges, furnished by a person providing lodging;

- B. Deposits place by any purchaser with a request to hold a room for such purchaser for a future date until such time as said deposit has been credited against the purchase or sale;
- C. All sales to the United States Government, the State of Colorado, its departments and institutions, the political subdivisions of the State in their governmental capacities only;
- D. All sales to those charitable, religious and eleemosynary organizations have received from the Internal Revenue Service status under Section 501 (c) (3) of the Internal Revenue Code as a tax exempt organization, while in the conduct of their regular charitable, religious or eleemosynary functions and activities.
- E. All sales to any purchaser by the United States Government, the State of Colorado, its departments, divisions and institutions, or the political subdivisions of the State in their governmental capacities only.

(Ord. 1996-12; Ord. 1998-25, S1)

**3.18.050 DEDUCTIONS.** The following deductions shall be allowed against sales received by the vendor providing lodging:

- A. Refunds of sales actually returned to any purchaser;
- B. Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale for lodging and does not include any adjustments for other services furnished by a vendor.
- C. Taxes paid on the amount of gross sales which are represented by accounts which are found to be worthless and are actually and properly charged off as bad debts for the purpose of the income tax imposed by the laws of the state may be credited upon a subsequent payment of the tax herein provided; but if any such accounts are thereafter collected by the taxpayer, a tax shall be paid upon the amount so collected.

(Ord. 1996-12)

**3.18.060 COLLECTION OF TAX.**

- A. Every vendor making sales to a purchaser in the City, which are taxable under the provisions of this chapter, at the time of making such sales, is required to collect the tax imposed by this chapter from the purchaser.
- B. The tax to be collected shall be stated and charged separately from the sale price on any record thereof at the time when the sale is made or at the time when evidence of the sale is issued or employed by the vendor, provided that when added such tax shall constitute a part of such purchase price or charge and shall be a debt from the purchaser to the vendor until paid and shall be recoverable at law in the same manner as other debts. The tax shall be paid by the purchaser to the vendor, as trustee for and on account of the City, and the vendor shall be liable for collection therefor and on account of the City.

- C. It shall be unlawful for the person providing lodging to assume or absorb the payment of the tax provided for in this chapter.

(Ord. 1996-12)

**3.18.070 VENDOR RESPONSIBLE FOR PAYMENT OF TAX.**

- A. *Amount.* Every vendor shall add the tax imposed by this chapter to the purchase price or charge of all lodging within the City; provided that the vendor shall be liable and responsible to the City for the payment on a monthly basis of an amount equal to three percent (3%) of all his gross taxable sales, and any collection in excess of the percentage, less the vendors' collection fee. Vendors collecting and remitting the tax can, if such vendor is in compliance with the provisions of this chapter, deduct three and one-third percent (3 1/3%) of the amount remitted as a collection fee.
- B. *Returns.* Every vendor shall, before the twentieth day of July, 1996, and before the twentieth day of each month thereafter, make a return to the Finance Director for the preceding calendar month commencing with the 12th day of June, 1996, and remit to the Finance Director, simultaneously therewith the total amount due the City as provided in this chapter. The monthly returns of the vendor as required hereunder shall be made in such manner and upon such forms as the Finance Director may prescribe.
- C. *Accounting Practice.* If the accounting methods regularly employed by the vendor in the transaction of business, or other conditions, are such that the returns aforesaid made on a calendar month basis will impose unnecessary hardship, the Finance Director may, upon request of the vendor, accept returns at such intervals as will, in the director's opinion, better suit the convenience of the vendor and will not jeopardize the collection of the tax; provided, however, the director may by rule permit a vendor whose monthly tax collected is less than sixty dollars (\$60.00) to make returns and pay taxes at intervals not greater than three (3) months.
- D. *Duty to Keep Books and Records.* It shall be duty of every vendor to keep and preserve suitable records of all sales made by the vendor and such other books or accounts as may be required by the Finance Director in order to determine the amount of the tax for the collection or payment of which the vendor is liable under this chapter. It shall be the duty of every such vendor to keep and preserve for a period of three (3) years all such books, invoices and other records and the same shall be open for examination by the Finance Director.

(Ord. 1996-12)

**3.18.080 AUDIT OF RECORDS.**

- A. For the purpose of ascertaining the correct amount of lodging tax due from any person engaged in business in the City, the Finance Director may authorize an agent to conduct an audit by examining any relevant books, accounts and records of such person.
- B. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by an

authorized agent of the Finance Director. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the Finance Director may issue a subpoena to require that the taxpayer or their representative attend a hearing or produce any such books, accounts and records for examination.

- C. Any exempt organization claiming exemption under the provisions of this chapter is subject to audit in the same manner as any other person engaged in business in the City.

(Ord. 1996-12)

### **3.18.090 TAX OVERPAYMENTS AND DEFICIENCIES.**

- A. An application for refund of tax moneys paid in error or by mistake shall be made within three (3) years after the date of purchase of lodging for which the refund is claimed. If the Finance Director determines within three (3) years of the due date, that a vendor overpaid the lodger's tax, he shall process a refund or allow a credit against a future remittance from the same taxpayer. If the amount paid is less than the amount due, the difference together with interest shall be paid by the vendor within then (10) days after receiving written notice and demand from the Finance Director. The Finance Director may extend that time for good cause.
- B. If any part of the deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency, and interest, from the person required to file the return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten (10) days after written notice and demand by the Finance Director.

(Ord. 1996-12)

### **3.18.100 COLLECTION AND REFUND OF DISPUTED TAX.**

- A. Should a dispute arise between the purchaser and vendor as to whether or not the sale of lodging is exempt from taxation under this chapter, the vendor shall collect and the purchaser shall pay such tax, and the vendor shall thereupon issue to the purchaser an invoice or sales receipt showing the date, price, and amount of tax paid, and a brief statement of the claim of exemption. The purchaser thereafter may apply to the Finance Director for a refund of such taxes, and it shall be the duty of the Finance Director to determine the question of exemption, subject to review by the courts.
- B. Applications for a refund must be made within sixty (60) days after the purchase of the lodging on which the exemption is claimed and must be supported by the affidavit of the purchaser accompanied by the original paid invoice or sales receipt and the statement of the claim of exemption as set forth in subsection A of this section. The burden of proof that sales of lodging on which tax refunds are claimed, are exempt from taxation under this chapter, shall be upon the one making such claim by a preponderance of the evidence.

- C. Upon receipt of such application, the Finance Director shall examine the same within fourteen (14) days and shall give notice to the applicant by an order in writing of the decision thereon.
- D. A refund shall be made, or credit allowed, for the tax paid under dispute by any purchaser who has an exemption as set forth in the chapter. Such refund shall be made by the Finance Director after compliance with the conditions of this section.
- E. An aggrieved applicant may, within ten (10) days after such decision is mailed to him, petition the Finance Director for a hearing on the claim in the manner provided in this chapter.

(Ord. 1996-12)

**3.18.110 TAX INFORMATION CONFIDENTIAL.** All specific information gained under the provisions of this chapter which is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through audit, shall be treated by the City and its officers, employees or legal representatives as confidential. Except as directed by judicial order or as provided in this section, no City officer, employee, or legal representative shall divulge any confidential information. If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information as is directly involved in the action or proceeding. Any City officer or employee or any member of the office of, or officer, or employee of the Finance Director who shall divulge any information classified herein as confidential, in any manner, except in accordance with proper judicial order, or as otherwise provided in the chapter or by law, shall be guilty of a violation hereof.

- A. The Finance Director may furnish to officials of any other governmental entity who may be owed sales tax any confidential information, provided that said jurisdiction enters into an agreement with the City to grant reciprocal privileges to the City.
- B. Nothing contained in this section shall be construed to prohibit the delivery to a taxpayer or their duly authorized representative a copy of such confidential information relating to such taxpayer, the publication of statistics so classified as to prevent the identification of particular taxpayers, or the inspection of such confidential information by an officer, employee, or legal representative of the City.

(Ord. 1996-12)

**3.18.120 FORMS AND REGULATIONS.**

- A. The Finance Director is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said lodger's tax and in particular and without limiting the general language of this chapter, to provide for:
  - 1. A form of report on sales and purchases to be supplied to all vendors;
  - 2. The records which vendors providing lodging are to keep concerning the



tax imposed by this chapter.

(Ord. 1996-12)

**3.18.130 ENFORCEMENT AND PENALTY.**

- A. It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by this chapter, or for any vendor to fail to collect it and remit it to the City or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this chapter. A violation of any provision of this chapter shall be punished by a fine or imprisonment, or both as set forth in the General Penalty Provisions of Chapter 1.28 of this Code. Each day, or portion thereof, any violation of this chapter shall continue shall constitute a separate offense.
- B. A penalty in the amount of ten percent (10%) of the tax due or the sum of ten dollars (\$10.00), whichever is greater, shall be imposed upon the vendor and become due in the event the tax is not remitted by the twentieth (20th) day of the month as required by this chapter, or such other date as prescribed by the Finance Director, and one percent (1%) interest shall accrue each month on the unpaid balance. The Finance Director is hereby authorized to waive, for good cause shown, any penalty assessed.
- C. If any vendor fails to make a return and pay the tax imposed by the chapter, the City may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The City shall mail notice of such estimate, by certified or registered mail, to the vendor at his address as indicated in the City records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Finance Director ten (10) days from the date of service of the notice or the date of mailing by certified or registered mail; provided, however, that within the ten (10) day period such delinquent taxpayer may petition the Finance Director for a revision or modification of such assessment and shall, within such ten day period, furnish the Finance Director the documents, facts and figures showing the correct amount of such taxes.
- D. Such petition shall be in writing and the facts and figures submitted shall be submitted either in writing or orally, and shall be given by the taxpayer under penalty of perjury.
- E. Thereupon, the Finance Director may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of this chapter. Such assessment shall be considered the final order of the Finance Director, and may be reviewed under the rule 106(a)(4) of the Colorado Rules of Civil Procedure, provided that the taxpayer gives written notice to the Finance Director of such intention within ten (10) days after receipt of the final order of assessment.
- F. The tax imposed by this chapter shall be a lien upon the goods and business fixtures of the vendor and upon the real property and appurtenant premises at which the taxable transactions occurred. The City may foreclose such lien in accordance with law and record notices of such lien in the records of the Mesa County Clerk and Recorder's Office.

G. The City may certify the amount of any delinquent taxes as a delinquent charge upon the property at which the taxable transaction occurred to the County Treasurer for collection in the same manner as delinquent general ad valorem taxes are collected.

(Ord. 1996-12)

**3.18.140 STATUS OF UNPAID TAX IN BANKRUPTCY AND RECEIVERSHIP.**

Whenever the business or property of any taxpayer subject to this chapter shall be placed in receivership, bankruptcy or assignment for the benefit of creditors, or seized under distraint for taxes, all taxes, penalties and interest imposed by this chapter and for which the taxpayer is in any way liable under the terms of this chapter shall be a prior and preferred lien against all the property of the taxpayer, except as to other tax liens which have attached prior to the filing of the notice, other than the goods and stock in trade of such taxpayer, and no sheriff, receiver, assignee or other officer shall sell the property of any person subject to this chapter under process or order of any court, without first ascertaining from the Finance Director the amount of any taxes due and payable under this chapter, and if there be any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of the taxes out of the proceeds of such sale before making payment of any moneys to any judgment creditor or other claimants of whatsoever kind or nature, except the costs of the proceedings and other preexisting tax liens as above provided. (Ord. 1996-12)

**3.18.150 TRUST STATUS OF TAX IN POSSESSION OF VENDOR.** All sums of money paid by the purchaser to the vendor as taxes imposed by this chapter shall be and remain public money, the property of the City, in the hands of such vendor, and the vendor shall hold the same in trust for the sole use and benefit of the City until paid to the Finance Director as herein provided, and for failure so to pay to the Finance Director, such vendor shall be punished for a violation hereof. (Ord. 1996-12)

**3.18.160 HEARINGS, SUBPOENAS AND WITNESS FEES.** Hearings before the Finance Director pursuant to provisions in this chapter shall be held pursuant to Chapter 2.60, Rules Governing Administrative Proceedings, of this Code. Any subpoena issued pursuant to this chapter may be enforced by the Fruita Municipal Judge pursuant to Section 13-10-112(2), C.R.S. Subpoenas issued under the terms of this chapter may be served by any person of full age. The fees of witnesses for attendance and trial shall be the same as the fees of witnesses before the district court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Finance Director, such fees shall be paid in the same manner as other expenses under the terms of this chapter, and when a witness is subpoenaed at the instance of any party to any such proceeding, the Finance Director may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Finance Director, at his discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record. (Ord. 1996-12)

**3.18.170 JUDGE COMPELS ATTENDANCE.** The Fruita Municipal Judge, upon the application of the Finance Director, may compel the attendance of witnesses, the production of books, papers, records of memoranda, and the giving of testimony before the Finance Director or any duly authorized deputies, by an attachment for contempt, or otherwise, in the same manner as production of evidence may be compelled before the Court. (Ord. 1996-12)

**3.18.180 DEPOSITIONS.** The Finance Director or any party in an investigation or hearing before the Finance Director may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda. (Ord. 1996-12)

**3.18.190 TAX LIEN/ENFORCEMENT.**

- A. The tax imposed by this chapter, together with the interest and penalties herein provided and the costs of collection which may be incurred, shall be and, until paid, remain a first and prior lien superior to all other liens on all the tangible personal property of a taxpayer within the City and may be foreclosed by seizing under distraint warrant and selling so much thereof as may be necessary to discharge the lien. Such distraint warrant may be issued by the Finance Director whenever the taxpayer is in default in the payment of the tax, interest, penalty or costs. Such warrant may be served and the goods subject to such lien seized by any police officer or any duly authorized employee of the City. The property so seized may be sold by the agency seizing the same or by the Finance Director at public auction after ten (10) days have passed after an advertisement in a newspaper published in the City.
- B. The Finance Director or the sheriff of Mesa County shall forthwith levy upon sufficient amounts of the property of the taxpayer, and the property so levied upon shall be sold in all respects, with like effect and in the same manner as is prescribed by law in respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall apply. The sheriff shall be entitled to such fees in executing such warrant as are allowed by law for similar services.
- C. The tax imposed by this chapter shall be, and remain, a first and prior lien superior to all other liens on the real property and appurtenant premises at which the taxable transactions occurred.

(Ord. 1996-12)

**3.18.200 RECOVERY OF UNPAID TAX.**

- A. The Finance Director may also treat any such taxes, penalties, costs or interest due and unpaid as a debt due the City from the taxpayer.
- B. In case of failure to pay the taxes, or any portion thereof, or any penalty, costs or interest thereon, when due, the Finance Director may recover at law the amount of such taxes, penalties, costs, the reasonable value of an attorney's time or the reasonable attorney's fees charged, plus interest, in any municipal, county or district court of the county wherein the taxpayer resides or had a principal place of business (at the time the tax became due) having jurisdiction of the amount sought to be collected.
- C. The return of the taxpayer or the assessment made by the Finance Director shall be prima facie proof of the amount due.

- D. Such actions may be actions in attachment, and writs of attachment may be issued to the police or sheriff, as the case may be, and in any such proceeding no bond shall be required of the Finance Director, nor shall any policeman or sheriff require of the Finance Director an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The Finance Director may prosecute appeals in such cases without the necessity of providing bond therefor.
- E. It shall be the duty of the City Attorney, when requested by the Finance Director, to commence action for the recovery of taxes due under this chapter and this remedy shall be in addition to all other existing remedies, or remedies provided in this chapter.
- F. The City may certify the amount of any delinquent tax, plus interest, penalties and the costs of collection, as a charge against the property at which the taxable transaction occurred to the county treasurer for collection in the same manner as delinquent ad valorem taxes.

(Ord. 1996-12)

#### **3.18.210 STATUTE OF LIMITATION.**

- A. The taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this chapter shall not be assessed, nor shall notice of lien be filed, or distraint warrant be issued, or suit for collection be instituted, or any other action to collect the same be commenced, more than three (3) years after the date on which the tax was or is payable. Nor shall any lien continue after such period, except for taxes assessed before the expiration of such three (3) year period, notice of lien with respect to which has been filed prior to the expiration of such period.
- B. In case of a false or fraudulent return with intent to evade tax, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be begun at any time.
- C. Before the expiration of such period of limitation, the taxpayer and the Finance Director may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

(Ord. 1996-12)

**3.18.220 SEVERABILITY.** The several sections, sentences, clauses and provisions of this chapter are intended to be severable; if any such section, sentence, clause or provision is declared unconstitutional, invalid or unenforceable by the valid judgment of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect the remaining portions of this chapter. (Ord. 1996-12)

**3.18.230 TOURISM PROMOTIONAL FUND.** There is hereby created a fund to be known as the "Marketing and Promotional Fund". All of the revenues derived from the lodger's tax imposed by this chapter shall be placed in such fund. All expenditures for such fund shall be for the purpose of marketing and promotion of the City and its environs to tourists, the traveling

public and others, in addition to costs incurred by the City in the collection and enforcement of this chapter. (Ord. 1996-12)

**3.18.240 TOURISM ADVISORY COUNCIL.** There is hereby created a Tourism Advisory Council which will consist of seven (7) members appointed by the City Council. Composition of the committee will include representatives of the lodging industry, area attractions, retail businesses, the City Council, and other interested parties. Members of the Commission may reside inside or outside the City limits Fruita and shall have an interest in marketing and promoting the City of Fruita. The Tourism Advisory Council shall advise the City Manager and City Council concerning the preparation of a budget for the expenditures of funds in the Tourism Promotional Fund. Members appointed to the Advisory Council shall serve terms as outlined in the Fruita City Charter. All members shall serve without compensation. (Ord. 1996-12, Ord. 2005-17)

**3.18.250 EXEMPTION FROM REVENUE LIMITATIONS.** The lodger's tax imposed by this ordinance and use of revenues derived from said tax for the marketing and promotion of the City was approved by the electorate of the City of Fruita on April 2, 1996. As part of said approval the revenues are to be collected and spent as a voter approved revenue change, notwithstanding any revenue or expenditure limitations contained in Article X, Section 20, of the Colorado Constitution. (Ord. 1996-12)

**3.18.260 EFFECTIVE DATE.** This chapter and Ordinance shall be effective on June 12, 1996. (Ord. 1996-12)

#### **17.04.110 HOUSEHOLD LIVING.**

- A. Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing, that do not have totally self-contained dwelling units (i.e., with kitchen and wash room facilities) are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, temporary medical hardship dwellings, and residential homes as defined by the State of Colorado, are included in the Household Living category.
- B. Accessory Uses.** Accessory uses commonly found are private yards and gardens, private recreational activities, raising of pets, hobbies, home occupations (subject to Code requirements), and parking of the occupants' vehicles, but not including residential occupancy of any vehicle. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments (not otherwise categorized as Group Living), manufactured housing, and other structures with self-contained and permitted dwelling units. Examples also include living in Single Room Occupancy housing, if the provisions are met regarding length of stay and separate meal preparation.
- D. Exceptions.**
1. For purposes of this code, a recreational vehicle is not considered a dwelling.
  2. Lodging in a dwelling unit or Single Room Occupancy Hotel (SRO) where less than two thirds of the units are rented on a monthly basis or longer is considered a hotel or motel use and is classified in the Retail Sales and Service category. SROs which include common dining are classified as Group Living.
  3. Guest houses that contain kitchen facilities are not accessory to Household Living uses; such houses may be allowed as Accessory Dwellings or as part of a multifamily development, subject to applicable code requirements.
  4. In certain situations, lodging where tenancy may be arranged for periods less than one (1) month may be classified as a Community Service use, such as publicly assisted, short term housing or mass shelter in the event of an emergency declared by a government agency.

**17.07.070 SUPPLEMENTAL ZONING REGULATIONS AND STANDARDS.** In addition to regulations contained elsewhere in this Title, the use of land and buildings in all zones shall be governed by the following:

- A. **Bed and Breakfast.** Where bed and breakfast uses are allowed, they must meet the following conditions and standards:
1. Where the applicable zoning district allows bed and breakfast uses as a conditional use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;
  2. Kitchen and dining facilities in bed and breakfast dwellings may serve only residents and guests and shall not be operated or used for any commercial activity other than that necessary for bed and breakfast purposes;
  3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;
  4. In residential zones (including residential developments in the CMU zone), there shall be no advertising display or other indication of the bed and breakfast use on the premises other than a sign that is in compliance with the provisions of Chapter 17.41;
  5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;
  6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;
  7. It shall be the responsibility of the applicant to demonstrate that any declarations, covenants, conditions or restrictions on the property allow for a bed and breakfast use; and
  8. Where a bed and breakfast use is subject to Conditional Use Permit approval, any existing or proposed uses in addition to that of a dwelling unit (e.g. home occupation, accessory dwelling unit, etc.) are considered as part of the conditional use review.

**Chapter 8.15****TRAILERS****Sections:**

- 8.15.010**      **Compliance with location requirements**  
**8.15.020**      **Emergency, temporary parking on streets**  
**8.15.030**      **Recreational vehicle and trailer parking**

**8.15.010 COMPLIANCE WITH LOCATION REQUIREMENTS.** It is unlawful within the city for any person to park any trailer on any street, alley or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the city, except as provided in this chapter. (Ord. 503 S3, 1981).

**8.15.020 EMERGENCY, TEMPORARY PARKING ON STREETS.** Emergency or temporary stopping or parking of trailers is permitted on any street, alley or highway for not longer than twelve hours subject to any other and further prohibitions, regulations and limitations imposed by traffic and parking regulations or ordinances for the street, alley or highway. Any person who violates this Section commits a noncriminal municipal offense. (Ord. 503, S4, 1981; Ord. 2000-9, S21)

**8.15.030 RECREATIONAL VEHICLE AND TRAILER PARKING.** No person shall park or occupy any trailer or recreational vehicle, outside of an approved recreational vehicle park, trailer park or other specifically permitted location in accordance with the provisions of the Zoning Code, except that invited overnight guests may occupy a trailer or recreational vehicle located on any tract of land owned by the person extending the invitation for a period of time not to exceed seventy-two (72) hours, and provided such use and occupancy does not violate any other ordinance. Temporary parking or occupancy shall be permitted in designated rest areas only for a period of twelve (12) hours. The parking of one unoccupied trailer or recreational vehicle in a private garage building, or in a rear yard, or in a driveway at least twenty feet from the street curb is permitted providing no living quarters shall be maintained or any business practiced in such trailer or recreational vehicle while such trailer or recreational vehicle is so parked or stored. A permit must be obtained from the Planning Department for a trailer or recreational vehicle to be used as a temporary construction office on the site of and during construction, however, sleeping or cooking shall be prohibited. Any person who violates this Section commits a noncriminal municipal offense. (Ord. 503, S5, 1981; Ord. 1989-5, S4; Ord. 1993-09, S1, Ord. 2000-9, S22)





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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: July 26, 2016**

**RE: Ordinance 2016-09, 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**

At the July 5, 2016, City Council public hearing, the request to rezone the Sacred Heart properties from Community Residential (CR) to Planned Unit Development (PUD) was discussed. The initial motion was to deny the request for the zone change based on the rezone not meeting the city's Master Plan and the rezone not meeting the intent of PUD zoning. The vote on the motion was three in favor of denial and one against the denial. After some additional discussion, the question was reconsidered and instead of denial, the question was continued to the August 2, 2016, City Council public hearing. The following is the coversheet provided to the Council at the July 5, 2016, City Council public hearing. Also attached along with the Staff Report, review comments, and applicant information is a copy of the covenants applicable to the parish hall building at 433 E. Aspen Avenue.

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 3,767 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, 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 approve Ordinance 2016-09, 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 the amendments recommended by staff as outlined in this coversheet and the Staff Report.

MINUTES OF SPECIAL MEETING BOOK 893 PAGE 794

Special Meeting

At a Special Meeting of the Members of The First Methodist Church of Fruita, duly called for the purpose and held upon the church premises in Fruita, Colorado, on the 27th day of February, 1966, at which time a quorum was present and voting.

The question of revising restrictions affecting title to Lots 6 and 7 in Block 1 in the Town of Fruita, in Mesa County, Colorado, as embodied in that certain instrument recorded in Book 429, Page 275, Mesa County records, wherein said premises were conveyed by this church, restricted as "residence or church property only" with a provision that the title thereto should revert in the event of violation of this restriction, was considered; and upon motion duly made, seconded and passed, it was resolved that The First Methodist Episcopal Church of Fruita would accept reconveyance of the premises from the present record title holder and that the President and Secretary of the Board of Trustees of said church were authorized and instructed to execute, acknowledge and deliver in the name of and on behalf of the Church a special warranty deed conveying the premises to Charles A. Buswell, Bishop of Pueblo, which special warranty deed shall contain the following restrictions, to wit:

Revised to

"The Real Estate shall be used only for the following: (a) Construction, operation and maintenance of Churches and Church Schools; (b) Religious and/or social activities connected with or sponsored by Churches or Church Schools; (c) Construction, operation and maintenance of mortuaries, and (d) Residence purposes. If the real estate is used for any purpose other than as specified in this instrument, title to the real estate shall immediately revert to and become vested in Grantor."

I do hereby certify that the within is a true, correct and accurate copy of the Minutes of the Special Meeting of the Members of The First Methodist Church of Fruita and I do further certify that the duly elected and acting Board of Trustees of said Church are:

- |                     |                   |
|---------------------|-------------------|
| Robert G. McFarland | George Underwood  |
| Chester Warren      | Roy S. Stutler    |
| Robert P. Pollock   | Lloyd Sommerville |
| Harold F. Mogensen  | John T. Combs     |
| Leslie E. Gosnell   |                   |

and that John T. Combs is President and Leslie E. Gosnell, Secretary of the Board of Trustees.

Leslie E. Gosnell  
Leslie E. Gosnell, Secretary

State of Colorado ) Recorded at 9:39 o'clock A.M. Mar 4 1966  
County of Mesa ) ss. Reception No. 913075 *Ann M. Thurston* Recorder

SPECIAL WARRANTY DEED FORM 893 PAGE 795

*Deed from  
Methodist to  
Secord Heart.*

THE FIRST METHODIST EPISCOPAL CHURCH OF FRUITA, Grantor, in consideration of the sum of One Dollar and other valuable considerations, assigns and conveys to CHARLES A. BUSWELL, Bishop of Pueblo, Grantee, the following described real estate located in Mesa County, Colorado:

Lots 6 and 7 in Block 1 of the Town of Fruita, Colorado, (referred to in this instrument as the "Real Estate"), together with all improvements and appurtenances located thereon and all water rights used on or in connection with the Real Estate.

The Real Estate shall be used only for the following: (a) Construction, operation and maintenance of Churches and Church Schools; (b) Religious and/or social activities connected with or sponsored by Churches or Church schools; (c) Construction, operation and maintenance of mortuaries, and (d) Residence purposes. If the Real Estate is used for any purpose other than as specified in this instrument, title to the Real Estate shall immediately revert to and become vested in Grantor.

This conveyance is made subject to the 1965 and subsequent real property taxes and liens and encumbrances recorded in Mesa County, Colorado, as of the date hereof.

Grantor warrants title to the Real Estate against all persons, firms, associations or corporations claiming by, through or under Grantor.

Dated this 28th day of February, 1966.

THE FIRST METHODIST EPISCOPAL CHURCH OF FRUITA

by: *Robert G. McFarland* Trustee  
Robert G. McFarland

by: *George Underwood* Trustee  
George Underwood

by: *Chester Warren* Trustee  
Chester Warren

by: *Roy S. Stutler* Trustee  
Roy S. Stutler

by: *Robert P. Pollock* Trustee  
Robert P. Pollock

by: *Lloyd Sommerville* Trustee  
Lloyd Sommerville

by: *Harold E. Mogensen* Trustee  
Harold E. Mogensen

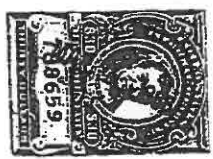
by: *Leslie E. Gosnell* by: *John T. Combs* Trustee and President  
Leslie E. Gosnell, Trustee and Secretary John T. Combs

STATE OF COLORADO )  
COUNTY OF MESA ) ss.

The foregoing instrument was acknowledged before me this 28 day of February, 1966 by Robert G. McFarland, George Underwood, Chester Warren, Roy S. Stutler, Robert P. Pollock, Lloyd Sommerville and Harold E. Mogensen as Trustees, and by John T. Combs as Trustee and President and by Leslie E. Gosnell, Trustee and Secretary of The First Methodist Episcopal Church of Fruita.

Witness my hand and seal  
My commission expires:

*Ann M. Thurston*  
Notary Public



**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:**

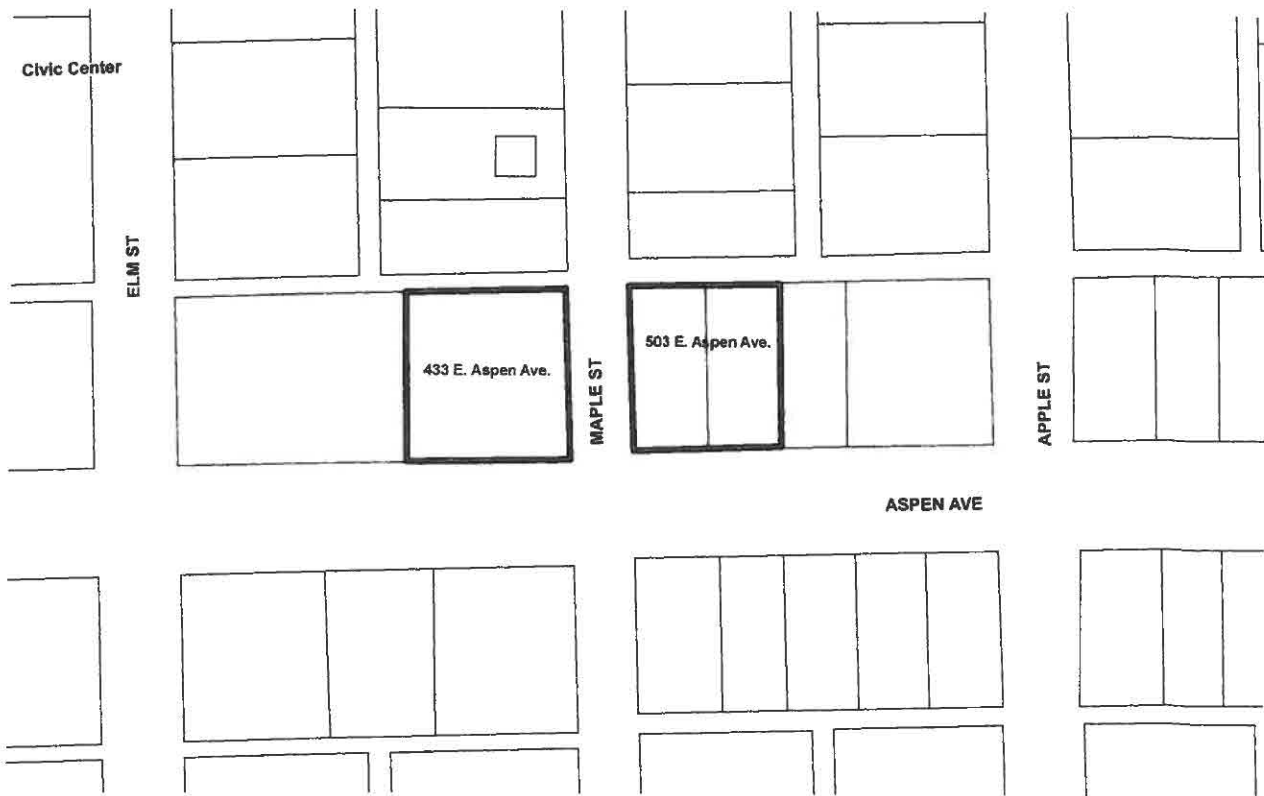
West side - 433 E. Aspen Avenue:

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:**





**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:

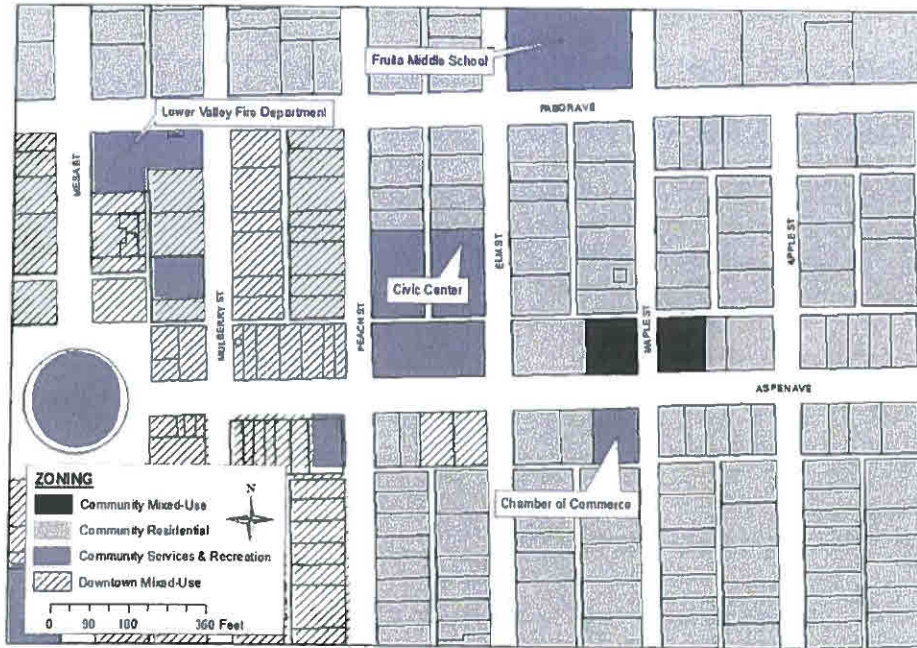
- all uses permitted in the CR zone [attached is a list of these uses]
- community services and government offices
- daycare/childcare/senior care
- indoor recreation and entertainment, exhibition & meeting areas less than 10,000 square feet in size
- commercial parking
- general offices, including drive 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)

**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)

# LAND DEVELOPMENT APPLICATION

Project Name: Sacred Heart Church  
 Project Location: 503 E Aspen Ave; 433 E Aspen Ave.  
 Current Zoning District: CA-Community Residential Requested Zone: PUD  
 Tax Parcel Number(s): 2697 171 05 951; Number of Acres: .32 +/-  
 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 9611 Fax: 719 220 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 9th Rd Address: \_\_\_\_\_  
 City/State/Zip: Loma CO 81034 City/State/Zip: \_\_\_\_\_  
 Phone: 970 623 0126 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: lstewart3153@cox.net E-mail: \_\_\_\_\_

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

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

<u>Bishop of Pueblo</u>	<u>[Signature]</u>	<u>12/22/15</u>
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

**JUDITH M. WAITS**  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID: 20144042613  
 My Commission Expires 11-04-2018

## **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.

## **PUD Guide**

**433 and 503 East Aspen Avenue**

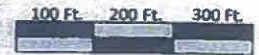
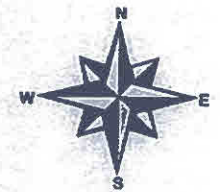
### **Permitted Uses**

- 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.



# Vicinity Map



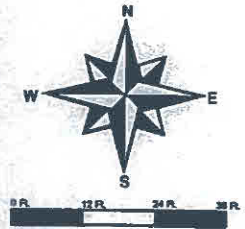
## **Sacred Heart Catholic Church**

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

Version 1: 01-10-2016



# 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

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

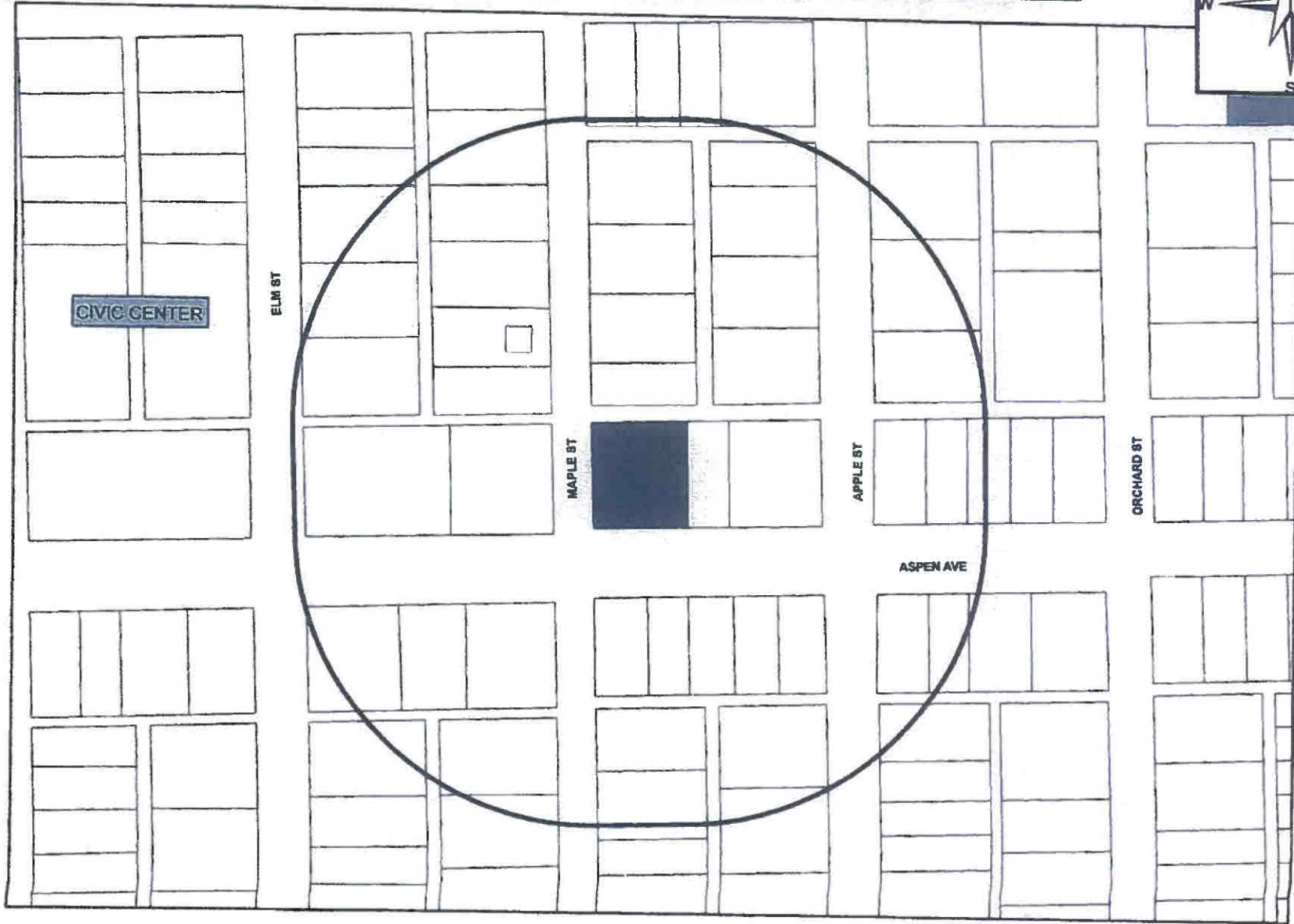
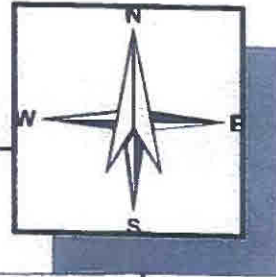
Name	Address
MIKE Yocum	142 N. MAPLE
Chrysoyonus Nwela	503 E Aspen
Dr. Jean Redwick	1140 Marigold Ct.

6 member of the building committee

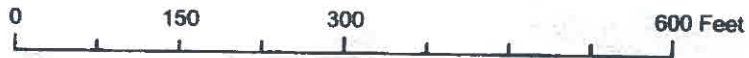




# 350 foot buffer around 503 E. Aspen Ave.



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



OWNER	LOCATION	MAILING	CITY	ST ZIP
BARNES BETTY R	177 N APPLE ST	177 N APPLE ST	FRUITA	CO 81521-2349
BULEN KELLY L	508 E PABOR AVE	508 E PABOR AVE	FRUITA	CO 81521-2327
GRIFFITH THOMAS R	506 E PABOR AVE	506 E PABOR AVE	FRUITA	CO 81521
WATSON BERNADETTE I	504 E PABOR AVE	504 E PABOR AVE	FRUITA	CO 81521-2327
TRIPP NEIL	159 N APPLE ST	159 N APPLE ST	FRUITA	CO 815212349
WILKINSON MARY L	152 N MAPLE ST	152 N MAPLE ST	FRUITA	CO 81521-2317
GONZALEZ RICHARD K		PO BOX 201	FRUITA	CO 81521-0201
YOCOM MICHAEL JAY	142 N MAPLE ST	142 N MAPLE ST	FRUITA	CO 81521-2317
GONZALES DEATRA E	141 N APPLE ST	141 N APPLE ST	FRUITA	CO 81521
HANSON KATHY L	136 N MAPLE ST	136 N MAPLE	FRUITA	CO 81521
GONZALEZ RICHARD	125 N APPLE ST	141 N APPLE ST	FRUITA	CO 81521
SHARP ROBIN LYNN	124 N MAPLE ST	124 N MAPLE ST	FRUITA	CO 81521-2317
KIRBY J D	525 E ASPEN AVE	525 E ASPEN AVE	FRUITA	CO 81521-2307
SACRED HEART CHURCH	503 E ASPEN AVE	433 E ASPEN AVE	FRUITA	CO 81521
GRENZ KATHERINE A	605 E ASPEN AVE	605 E ASPEN AVE	FRUITA	CO 81521-2305
LIZER WAYNE H	611 E ASPEN AVE	611 E ASPEN AVE	FRUITA	CO 81521-2305
KIMBLE CLAY H	617 E ASPEN AVE	617 E ASPEN AVE	FRUITA	CO 81521-2305
EVANS JOSHUA C	625 E ASPEN AVE	625 E ASPEN AVE	FRUITA	CO 81521-2305
MALAN LANA R	130 N APPLE ST	1531 LOWELL LN	GRAND JUNCTION	CO 81506-4003
MORRIS LOYD	152 N APPLE ST	2730 AMBER POND CT	GRANITE FALLS	NC 286308223
HAWTHORNE JERRY JAMES	534 E ASPEN AVE	534 E ASPEN AVE	FRUITA	CO 81521-2308
PETERSON YVONNE M	526 E ASPEN AVE	PO BOX 684	FRUITA	CO 81521-0684
LANSING JOSEPH G	506 E ASPEN AVE	506 E ASPEN AVE	FRUITA	CO 81521-2308
MUDD LOUIS V	126 S MAPLE ST	126 S MAPLE ST	FRUITA	CO 81521-2723
SWIHART BRENDAN	136 S MAPLE ST	136 S MAPLE SR	FRUITA	CO 815212723
BERG RUTH G	141 S APPLE ST	141 S APPLE ST	FRUITA	CO 81521-2702
ANDERSON CHRIS	146 S MAPLE ST	146 S MAPLE ST	FRUITA	CO 815212723
HENDRICKS GUSTAVE O	520 E ASPEN AVE	514 E ASPEN AVE	FRUITA	CO 81521-2308
HENDRICKS GUSTAVE O	514 E ASPEN AVE	514 E ASPEN AVE	FRUITA	CO 81521-2308
MEASE RICKIE W	127 S APPLE ST	127 S APPLE ST	FRUITA	CO 81521-2702
HUMMEL PATRICK	612 E ASPEN AVE	612 E ASPEN AVE	FRUITA	CO 81521
COLLINS ALLEN R	604 E ASPEN AVE	604 E ASPEN AVE	FRUITA	CO 81521
FIGLIO SHAY LYNN	126 S APPLE ST	126 S APPLE ST	FRUITA	CO 81521-2701

BERRY JOHN P	134 S APPLE ST	134 S APPLE ST	FRUITA	CO 81521-2701
READER SHIRLEY J	142 S APPLE ST	377 N PINE ST	FRUITA	CO 81521-2451
COWAN EVAN G	618 E ASPEN AVE	618 E ASPEN AVE	FRUITA	CO 81521
WAREHAM STEVE L	152 N ELM ST	152 N ELM ST	FRUITA	CO 81521-2207
LAFOND IRENE A	167 N MAPLE ST	167 N MAPLE ST	FRUITA	CO 815212318
BROUGHAM WILLIAM P	146 N ELM ST	146 N ELM ST	FRUITA	CO 81521
SCHMIDT CHRIS	132 N ELM ST	132 N ELM ST	FRUITA	CO 81521
GARDNER CHRISTOPHER L	151 N MAPLE ST	151 N MAPLE ST	FRUITA	CO 81521
BUCKLER BRIAN D	162 N ELM ST	1995 CUNNINGHAM CT	GRAND JUNCTION	CO 81507
BLACKWELDER TYLER	123 N MAPLE ST	123 N MAPLE ST	FRUITA	CO 81521
SHAW ROBYN A	133 N MAPLE ST	202 NORTH AVE UNIT 202	GRAND JUNCTION	CO 81501
CHARLES KENT & SANDRA KAY PACHECO LIV TRUST	141 N MAPLE ST	141 N MAPLE ST	FRUITA	CO 81521-2318
FRUITA UNITED METHODIST CHURCH INC	403 E ASPEN AVE	405 E ASPEN AVE	FRUITA	CO 81521-2201
SACRED HEART CATHOLIC CHURCH	433 E ASPEN AVE	433 E ASPEN AVE	FRUITA	CO 81521
DESIMONE PATRICIA A CUSTODIAN	418 E ASPEN AVE	21505 H RD	DELTA	CO 81416
HOLSTEIN BILL F	404 E ASPEN AVE	1390 MONUMENT CT	FRUITA	CO 81521-3053
HARVEY VERONICA DAEHN	124 S ELM ST	124 S ELM ST	FRUITA	CO 81521
SANDER RICHARD L	129 S MAPLE ST	129 S MAPLE ST	FRUITA	CO 81521-2724
PETERS LAURA	139 S MAPLE ST	139 S MAPLE ST	FRUITA	CO 81521
DAVIS TERESA	136 S ELM ST	136 S ELM ST	FRUITA	CO 81521-2601
CITY OF FRUITA	432 E ASPEN AVE	325 E ASPEN AVE	FRUITA	CO 81521
WOLFE HERMAN E	140 N APPLE ST	140 N APPLE ST	FRUITA	CO 81521-2348
BLUE HEAVEN LP		340 HIGHWAY 6 AND 50	FRUITA	CO 81521

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

**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 the 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.



- <http://www.fruita.org/cd/page/2015-10-fruita-liquor-mart>

A request for a zone change at 503 E. Aspen Avenue.

- <http://www.fruita.org/cd/page/2016-07-zone-change-503-e-aspen>

Attached are formal review sheets with due dates on them as well.

Please email comments to [hhemphill@fruita.org](mailto:hhemphill@fruita.org)

Thank you for your time!

**Henry Hemphill**  
**City of Fruita**  
**Planning Tech.**  
**970-858-0786**  
[\*\*hhemphill@fruita.org\*\*](mailto:hhemphill@fruita.org)  
[\*\*www.fruita.org/cd\*\*](http://www.fruita.org/cd)

**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 1/2 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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<b>AGENDA ITEM COVER SHEET</b>
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**TO: Fruita City Council and Mayor**

**FROM: Community Development Department**

**DATE: July 26, 2016**

**RE: Adobe View North Preliminary Plan (Application #2016-13)  
and Annexation (Application #2012)**

**BACKGROUND**

This is a request for approval of a Preliminary Plan for a 34 lot subdivision on approximately 12.58 acres for single family detached residential development. The property is located on the south side of I-70, east of Pine Street, and directly across from River Rock Court. The Murray Drain borders the west side of the property and the Raley Drain is piped through the property. The south 4.58 acres of this proposed subdivision is already in the City of Fruita with a Large Lot Residential (LLR) zone, and the north eight acres is outside the city limits and is requested to be annexed with a South Fruita Residential (SFR) zone.

There are three major concerns with this subdivision. The first issue is in regard to the requested zone. As detailed in the Staff Report, staff recommended LLR zoning instead of SFR zoning to avoid different zones within the same subdivision. The development standards between LLR and SFR zoning are almost exactly the same, except LLR zoning allows a density of three dwelling units per acre without a density bonus and requires a minimum 10,000 square foot lot size, while SFR zoning allows up to three dwelling units per acre only with a density bonus but allows lots as small as 7,000 square feet. The developer intends to provide a Transferred Development Right (TDR) for a density bonus to justify a density of approximately 2.7 dwelling units per acre.

The developer requests the SFR zone because a few of the lots may need to be smaller than 10,000 square feet in order to adequately resolve review comments. With this new information, staff supports the SFR zone for the annexed property. The differences between the two zones are not significant, and the SFR zone will allow the proposed density of residential development while still resolving outstanding issues. The Master Plan and the Land Use Code can support either the SFR zone or the LLR zone with the understanding that a density bonus (the TDR) is needed to justify the proposed density.

Another major concern with this subdivision is the requirement from the Grand Valley Drainage District that a water retention area for water quality control purposes be provided. This will require the lots to be rearranged to accommodate a drainage facility at the southwest corner of the property. Additionally, the subdivision's connection to Pine Street needs to shift to the north so that it lines up with River Rock Court. This also will cause the lot lines to be rearranged. All lots were originally intended to be 10,000 square feet in size or larger, but resolving the drainage and road connection issues will require a few of the lots to be less than 10,000 square feet in size (so the SFR zone works better because of these issues). Although resolving review comments will cause a redesign of the development, staff believes that the issues can be resolved without a significant redesign necessitating another review by review agencies.

The proposed annexation, zoning (either LLR or SFR), and Preliminary Plan meet or can meet all approval criteria and standards that must be considered with the condition that all issues identified in the Staff Report and all review comments are adequately resolved before the annexation is completed and with the Final Plat application which is the next step in the development process for this project.

At this time, no written public comments have been received. At the July 12, 2016, Planning Commission public hearing, a couple of people from the subdivision to the south spoke out against the developer. There were no specific concerns regarding the proposed development, but the people from the adjacent subdivision indicated that they believe that developer has broken promises and should not be permitted to develop the land until their concerns have been satisfied. Nothing has been provided to staff regarding disputes between the developer and nearby property owners.

At the Planning Commission meeting, the following recommendations were made:

**Annexation:** Motion to approve with the condition that 30 feet of right-of-way be dedicated for Pine Street and a 14-foot wide multi-purpose easement be provided along Pine Street. The vote on the motion was five in favor and two abstentions. Staff understands the one Commissioner abstained due to technical difficulties with his computer so he was unable to sufficiently review the development, and the other Commissioner abstained because this was his first day on the Planning Commission and he did not feel knowledgeable enough to provide an opinion.

**Zoning:** Motion to approve South Fruita Residential zoning (to allow lots to be less than 10,000 square feet, but at least 7,000 square feet). The vote on the motion was three in favor, two opposed (no specific indication was to why the no vote) and two abstentions.

**Preliminary Plan:** Motion to approve with the conditions recommended by staff along with the strong recommendation that the developer provide information to the Council showing how resolving the issues will change the layout of the subdivision. The vote on this motion was three in favor, three opposed and one abstention. It appeared that the no

votes were based on the belief that resolving issues would lead to a significant redesign necessitating another public hearing before the Planning Commission.

The developer was not in favor of continuing the meeting until August to allow the Planning Commission to review a redesign Preliminary Plan before making a recommendation to the Council. Staff does not believe that a redesign necessarily would be significant enough to justify an additional public hearing. Staff does not expect that the redesign will need to be sent out to review agencies for another review, and the public didn't seem to have any concerns regarding the subdivision design. Although some members of the Commission wanted the developer to provide a redesigned development to the Council, staff advised against this. There is not enough time for a redesign to be reviewed by staff before it is presented to the Council, and in the past, the Council has approved redesigned developments that were as problematic as the original design. This puts staff, developers, and some service providers in a difficult position when trying to resolve problems that ostensibly were approved by the Council.

Although this development may not be required to go back through the public hearing process to discuss the redesign, the next step in the development process is a Final Plat application which requires additional extensive review by staff and others. Staff reviews Final Plat applications and, as part of the review process, some service providers sign the construction drawings, all public utility providers review the Final Plat application at a Utility Coordinating meeting, the County Surveyor provides a peer review of the plat, and several others are involved in these final steps before a plat is recorded and development approved for construction. The required subdivision improvements agreement (SIA) is reviewed and approved by the City Council at a public hearing.

At the August 2, 2016, City Council public hearing, there will be a Resolution to find the property eligible for annexation and all the information for approval of the Preliminary Plan. The final steps for annexation and zoning (ordinances to annex and zone) typically take place along with approval of the Final Plat application.



**Fruita Community Development Department  
Staff Report  
July 7, 2016**

**Application #:** 2016-13  
**Project Name:** Adobe View North Subdivision  
**Application:** Annexation and Preliminary Plan  
**Property Owner:** Adobe View Development Company, LLC  
**Representative:** Steve Hejl  
**Location:** 965 18 Road and the lot directly to the south  
**Zone:** AFT (Agricultural, Forestry Transition) in the county (north side) and Large Lot Residential (LLR) in the city (south side)  
**Request:** This is a request for approval of an annexation of approximately eight acres with an South Fruita Residential (SFR) zone, and Preliminary Plan approval for a 34 lot subdivision on a total of approximately 12.6 acres.

**Project Description:**

This property is located on the west side of Pine Street (18 Road) approximately 600 feet south of the frontage road along I-70. The Murray Drain runs along the west edge of the property. There are three parcels: one is approximately four acres in the city currently zoned Large Lot Residential (LLR); another parcel is a 0.58 acre triangle on the west side of the Murray Drain also zoned LLR; and an eight acre parcel zoned AFT (Agricultural, Forestry Transition) in the county. The eight acre parcel is requested to be annexed into the city with a South Fruita Residential (SFR) zone. The properties currently are vacant.

This approximately 12.6 acres of land is proposed to be subdivided into a total of 34 single family detached residential lots measuring between 10,000 and 14,000 square feet in size. The development density equates to approximately 2.7 dwelling units per acre. It appears that the development is intended to follow the LLR zoning standards. A Transferred Development Right has been acquired to justify this development density in this area.

There is a large drainage easement for the Raley drain which is piped and generally follows the alignment of the proposed Fruitland Avenue which is intended to provide access to this subdivision from Pine Street. Kayenta Way will be extended to the north.

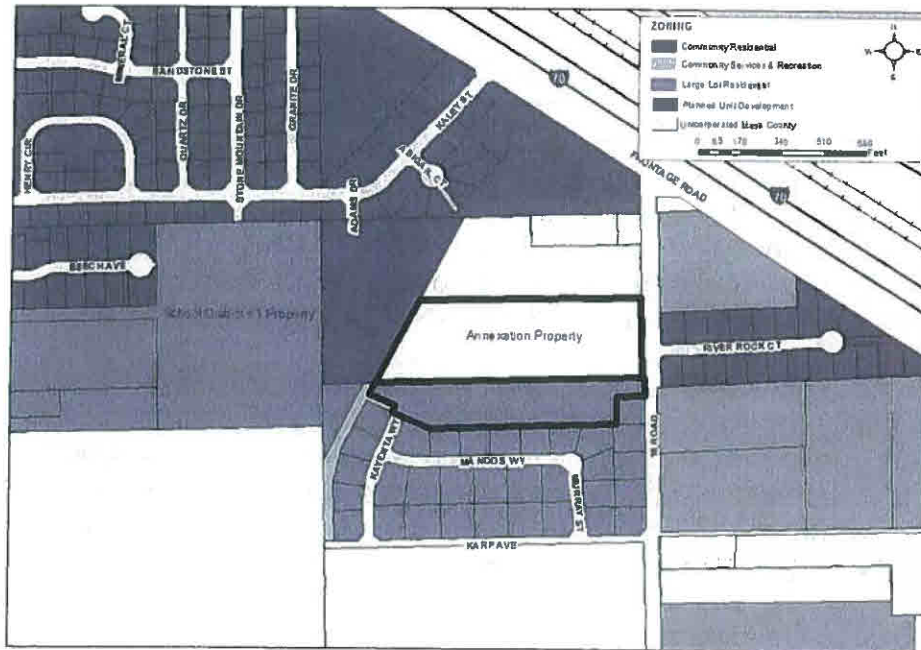
This subdivision (or very similar) was approved by the city in 2008, but economic conditions caused the development to be delayed. The city updated the Master Plan in 2008, and amended the Land Use Code in 2009 to implement the Master Plan. Because of these changes, the approval of the subdivision expired.

The next step in the development process is a Final Plat application. The property is scheduled to be found eligible for annexation at the August 2, 2016, City Council public meeting. The annexation and zoning of the property typically is completed with the approval of the Final Plat application.

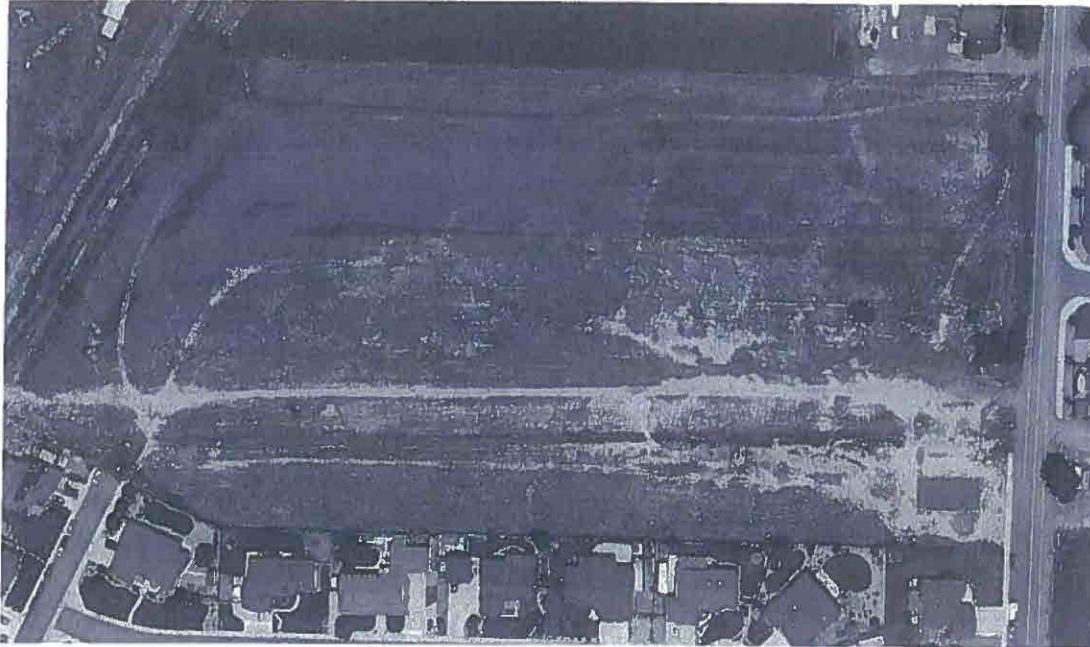
**Surrounding Land Uses and Zoning:**

Surrounding land uses are primarily single family detached residential and limited agricultural land uses. The map below identifies the various zones in this area and the properties that are not currently within the city limits. School District 51 owns a 13+ acre property to the west.

**LOCATION AND ZONING MAP**



## AERIAL PHOTOGRAPH



### Review of Land Use Code Requirements:

#### ANNEXATION

Section 17.06.040 of the Land Use Code sets out the criteria that must be considered for annexation requests. The property is within the City's Urban Growth Area.

**Section 17.06.040.A.1 of the Code states that if the property is located within the City's Urban Growth Area as identified by the Fruita Community Plan, annexation may be approved only after considering the following criteria:**

**a. The annexation meets the requirements of the State Statutes;**

This annexation request meets the requirements of state laws. The property has the required 1/6<sup>th</sup> contiguity with existing city limits and is enclaved by the city. It is within Fruita's Urban Growth Area and abuts existing urban development to the south. The city's Master Plan identifies this area for urban development. All required public services and facilities are available to the property including sanitary sewer service. A community of interest exists between the area proposed to be annexed and the City of Fruita and the property is capable of being integrated into the urbanizing area. This criterion has been met. These issues are discussed in more detail below.



- b. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;**

Because the subject property is within the city's Urban Growth Area and is enclaved by the city, it can be efficiently served by city utilities and capital investments. All required utilities are readily available to the property. Pine Street (18 Road) provides the primary access to the property. There also are public parks and trails within ½ mile of the property and School District 51 owns a 13+ acre property to the west. This criterion has been met.

- c. The area is contiguous with existing urban development;**

The subject property is contiguous to the city limits on three sides and is enclaved by the city. Urban development exists to the south (Adobe View south subdivision) and the northeast (River Rock subdivision). This criterion has been met.

- d. The area is or can be efficiently served by police and other municipal services;**

Because access to the property is through roads within the existing city limits and all required utilities are currently available, the property can be efficiently served by police and other municipal services. This criterion has been met.

- e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;**

This annexation request complies with the criteria that must be considered for annexations as identified in the Land Use Code. The Land Use Code is one of the primary documents used to implement the Master Plan, and the Fruita Community Plan is a significant part of the city's Master Plan. This criterion has been met.

- f. The annexation is supported by local residents and landowners;**

At this time, no public comments have been received regarding this annexation request and the request meets the goals of the city's Master Plan. This criterion has been met.

- g. Water and ditch rights can be provided, as applicable, in accordance with city policies;**

From the information submitted, it appears that water and ditch rights can be provided in accordance with city policy. This criterion has been met.

**h. The area will have a logical social and economic association with the city, and;**

Because the property is within the Urban Growth Area, is enclaved by the city limits, and access to the property is through the city limits, the property has a logical social and economic association with the city. This criterion has been met.

**i. The area meets or can meet the existing infrastructure standards set forth by the city.**

The subject property is currently vacant and meets the city's infrastructure standards. Development of the property must meet the city's infrastructure standards and staff has no reason to believe that the standards cannot be met. To help ensure that infrastructure can be constructed in this area without great difficulty, staff recommends that 30-foot of right-of-way be dedicated to the public for Pine Street and a 14-foot wide multi-purpose easement be provided along Pine Street to accommodate public utilities. This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations with the condition that right-of-way and a multi-purpose easement be provided for Pine Street. It should be noted that there are no current aspects of the property that would be considered legal non-conforming (aka, grandfathered) after the annexation is completed.

## REZONE

**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. That 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**

The proposed SFR zone is compatible with surrounding land uses. There are a few SFR zones in the area to the west, and the LLR zone exists to the south and east. The LLR zone is very similar to SFR zone. The main

differences between the two zones are that the SFR zone allows a minimum lot size of 7,000 square feet and a density of up to three dwelling units per acre with a density bonus, and the LLR zone allows a minimum lot size of 10,000 square feet and a density of up to three dwelling units per acre without a density bonus.

Because the property owners have intended the subject property as a continuation of the Adobe View subdivision development to the south which is already zoned LLR, along with 4.6 acres of vacant land already zoned LLR for this development, staff recommends that the subject property be rezoned LLR instead of SFR.

The city's Master Plan recommends SFR type zoning for this area, and because LLR zoning is so similar to SFR zoning, it appears that the LLR zone will be consistent with the city's goals and policies and Master Plan.

This criterion has been met.

2. **That 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**

The land currently is zoned Agriculture Forestry Transitional (AFT) by the County and this does not appear to be a zoning error, but the AFT zone requires large lots and allows a wide range of agricultural land uses which is inconsistent with the city's goals, policies and Master Plan recommendations for this area. This criterion has been met.

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

The emerging development pattern in this area is smaller lots and mainly residential land uses. These changes and the annexation necessitate a different zone to accommodate the development planned for this area. This criterion has been met.

4. **That 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**

This criterion does not apply because there is no comprehensive revision of the Official Zoning Map taking place.

5. **That 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 zoning amendment is incidental to the annexation of the property. As identified above, the proposed SFR zone is consistent with the city's goals, policies and Master Plan, but to avoid confusion, the property should be zoned LLR instead of SFR. The LLR zone is consistent with the city's goals, policies and Master Plan. This criterion has been met.

The approval criteria that must be considered for a rezone have been met. The property could be rezoned to either SFR or LLR and still meet the approval criteria required to be considered for a zone change; however, staff recommends that the property be rezoned to LLR to avoid two separate zones within the same subdivision and across single lots in the development proposed with this annexation.

#### MAJOR SUBDIVISION PRELIMINARY PLAN

**Section 17.05.070.C of the Land Use Code requires the following approval criteria to be considered for Preliminary Plan applications in addition to compliance with all approval criteria required to be considered for Sketch Plan applications:**

**1. Adequate resolution of all review comments,**

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

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

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

**The following are the approval criteria that must be considered for Sketch Plan applications:**

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

With some changes, the proposed development can be in conformance with the city's Master Plan, Land Use Code, and all other city policies and regulations.

There is a zoning issue involved with this proposed development. The Fruita Community Plan (FCP, a major component of the city's Master Plan) recommends SFR type zoning in this area. This proposed Adobe View North development is intended to mirror the existing Adobe View subdivision to the south. The development to the south and the four acres on the south side of the subject property currently are zoned LLR. The LLR zone allows a maximum density of three dwelling units per acre with minimum lot size of 10,000 square feet. The SFR zone has a base density of two dwelling units per acre but an increase to three dwelling units per acre are permitted with a density bonus (Chapter 8 of the Land Use Code). The LLR zone does not provide for density bonuses.

If the eight acres of land on the north were zoned SFR and no density bonus provided, the maximum density permitted across the entire 12.6 acre property would be 29 dwelling units. The applicants propose the SFR zone on the north eight acres to allow a density bonus with the use of a Transferred Development Right (TDR) to raise the density from two to three dwelling units per acre. The maximum number of residential lots then would be 37. Thirty-four lots are proposed.

Here is the math:

4.6 acres zoned LLR allowing 3 dwelling units to the acre = 13.8 lots

8 acres zoned SFR allowing 3 dwelling units to the acre = 24 lots

$24 + 13 = 37$  dwelling units (lots)

Thirty four dwelling units (lots) are proposed across 12.6 acres which makes the density of residential development approximately 2.7 dwelling units to the acre.

Although the density bonus standards of Chapter 8 of the Land Use Code require that the first density bonus points come from the Housing Variety category and that the land be zoned SFR, staff believes that the Land Use Code supports the LLR zone and the use of the TDR to increase density in this particular circumstance. Chapter 9, Transfer Development Rights/Credits, indicates that a transferred development right can be used in all zones that allow a density bonus, and additional density bonuses are available under the provisions of Chapter 8, Density Bonuses.

The property owners' intent was/is to have the existing and proposed Adobe View subdivisions match and function as one coherent development with the same or similar covenants, and a very similar Preliminary Plan was approved in 2008. Over 1/3 of the subject property

already is zoned LLR in anticipation of this future development to allow three dwelling units per acre. Based on this information, staff believes that the Land Use Code could support an exception to the requirement that the first density bonus points come from the Housing Variety category. The TDR allows density to be increased by one dwelling unit per acre with the proposed density being approximately 2.7 dwelling units per acre.

To avoid unnecessary confusion and problems with different zones in a single subdivision, and potentially different zoning across individual lots, staff recommends that the annexed property be rezoned to LLR so that the entire subdivision has the same zoning, understanding that the TDR is required to justify the LLR zone instead of the SFR zone as recommended by the city's Master Plan.

Regarding parks, open space, and trails, the Murray Drain abuts the property on the west side. Fruita's Master Plan identifies this area for a Primary Trail. The developer intends to dedicate this drain area to Fruita for a trail along with a pedestrian/bicycle access from Kayenta Way. Fruita currently owns the land over the drain to the south and a portion of the drain farther to the north. Because there is no trail there now, and there currently are no links to the north and south or into other neighborhoods at this time, trail construction is not required. Other than this future trail and the sidewalks which will be provided along the streets, there is no other bicycle or pedestrian transportation infrastructure required for this subdivision.

There is a 0.58 acre piece of property on the west side of the drain which is intended to be given to School District 51 or Fruita. The property abuts land belonging to the school district and staff recommends that the land be given to the school district. There does not appear to be a legal access to this piece of land and if the school district does not accept the property, the access issue must be resolved with the Final Plat application.

Irrigation water will be provided to each lot with an underground pressurized irrigation system. The existing irrigation vault at the southeast corner of the property currently serves the south Adobe View subdivision. Staff understands that this vault is to be used and maintained between the existing and proposed Adobe View subdivisions in exchange for improving the delivery system to the storage facility and site improvements to the lot that will contain the vault as part of the proposed subdivision construction.

Roads to be built internal to the subdivision are standard local roads with 44 feet of right-of-way, 28 feet of pavement, curbs, gutters, and attached sidewalks. Additional pavement along with curb, gutter and sidewalk will be provided on the west side of Pine Street. These off-site improvements

are eligible for credit against impact fees and will be calculated with the Final Plat application.

There is a concern about the location of the Fruitland Avenue connection to Pine Street. As identified in review comments from the City Engineer, spacing of intersecting roadways along collector roadways is required to be at no less than 300-foot intervals (Section 17.43.080 of the Land Use Code). River Rock Court intersects with Pine Street approximately 150 feet north of the proposed Fruitland Avenue intersection with Pine Street. The roadway connection into the proposed subdivision must line up with River Rock Court in order to meet the minimum requirements of the Code.

Review comments from the Grand Valley Drainage District (GVDD) require that this development provide detention for stormwater drainage. This is based on a new requirement from the State Department of Public Health and Environment (CDPHE) which took effect on July 1<sup>st</sup> of this year. Because this development application was submitted before the new rule went into effect, staff does not believe the new rule should be applied to the proposed development. Although staff recommends that stormwater be permitted to be directly discharged into the drainage system if there is capacity in the system, the Murray Drain is controlled by the GVDD whose permission is needed in order to direct stormwater into the drain. This issue must be resolved with the Final Plat application.

Additional review comments from the City Engineer and comments from Ute Water and the Lower Valley Fire Protection District point out other technical issues which also must be resolved.

If these issues are adequately resolved with the Final Plat application, this criterion can be met.

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

Section 17.07.080 of the Code states that for all land uses, "compatibility" is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved, and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone.

The proposed single-family residential development is compatible (including scale, height and bulk) with surrounding land use and the emerging development pattern in the area. The city's Master Plan

supports this and similar development in this area. This criterion has been met.

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

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

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

The subject property had been farmed for many years and has been vacant for a number of years. There do not appear to be any natural features worthy of protection on the subject property. Stormwater management issues must be resolved and sedimentation and weed controls will be required as part of the construction process. This criterion can be met.

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

Although providing on-site stormwater detention, along with the need to realign the development's roadway connection with Pine Street will require the development to be redesigned, staff believes that this is possible without a significant redesign necessitating a revised Preliminary Plan review before a Final Plat application is made. This criterion can be met.

Based on this review, the proposed development meets or can meet all approval criteria that must be considered for Preliminary Plans if all review comments and issues identified in the Staff Report are adequately resolve with the Final Plat application.

### **Impact Fees**

The following impact fees are applicable to this development:

- Transportation Impact Fee is \$3200 per residential lot.
- School Land Dedication fee is \$920 per residential lot.
- Parks, Open Space, and Trails impact fee is \$1,860 per residential lot.



- Chip Seal Fee is \$3.85 per square yard of surface area of the interior streets (and will be calculated with the final plat).
- Drainage Impact Fee is calculated to be \$16,560.29 (unless a detention area is developed, in which case, there would be no Drainage Impact Fee).

**Review Comments:**

All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.

**Public Comments:**

No written public comments have been received regarding this development.

**Staff Recommendation:**

**Annexation**

Staff recommends approval of the annexation application with the condition that 30-feet of right-of-way is dedicated for Pine Street and a 14-foot multi-purpose easement is dedicated along Pine Street before the annexation is completed.

**Zoning**

Staff recommends that the annexed property be zoned Large Lot Residential (instead of the requested South Fruita Residential zone).

**Preliminary Plan**

Staff recommends approval of the Adobe View North Subdivision Preliminary Plan with the condition that all review comments and issues identified in this Staff Report be adequately resolved with the Final Plat application.

**Fruita Planning Commission:** July 12, 2016

**Fruita City Council:** August 2, 2016

**CITY OF FRUITA**  
**CITY ENGINEER & PUBLIC WORKS REVIEW SHEET**

PROJECT: Adobe View North Subdivision

Petitioner: Adobe View Development, Steve Hejl  
Rolland Consulting Engineers, Kent Shaffer

Reviewer: Sam Atkins

Date: May 16, 2016

REVIEW TYPE:    \_\_\_ Minor Subdivision         X  Major Subdivision - Preliminary Plan  
(Check One)    \_\_\_ Lot Line Adjustment        \_\_\_ Final Plat  
                  \_\_\_ Site Design Review        \_\_\_ Conditional Use Permit  
                  \_\_\_ Other:

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**REVIEW COMMENTS**

1. **General:** This application is for a new single family residential subdivision of 34 lots on 8.03 acres location on South Pine Street.
  
2. **Preliminary Plan (Sheet 3):**
  - a. Handicap ramp needs to be shown on west side of Kayenta Way at intersection of Fruitland Ave. since the trail connects to that western walk.
  - b. Fruitland Avenue should be aligned with River Rock Court. Pine Street is classified as a collector and per the City of Fruita Design Criteria and Construction Specifications Manual, Chapter 4, Street System Standards, 4.2 Street System Design Criteria, G. Control Standards for Collector Streets, spacing of intersecting streets (that are not major streets) shall be at intervals no less than three hundred feet (300'), provided that access cannot be obtained from a lower classification street.
  - c. 6" HDPE storm drain callout in Block 1, Lot 6 should be removed.
  - d. Will a portion of the GVDD easement be vacated? There are some locations where the easement is significantly into a building setback.
  - e. Show location of mail delivery cluster.
  - f. Signage for Stop, street names, end of road is not indicated.
  - g. Location of proposed street lights is not shown.
  - h. Show dry utilities in MPE.
  
3. **Drainage Report and Grading Plan (Sheet 11):**
  - a. Drainage calculations show C values and areas for the Rational Method runoff. Reference was made to the latest SWMM which uses percent impervious to calculate the C-values. Was this how they were calculated?
  - b. Calculation of the drainage fee is acceptable at \$16,560.29. City of Fruita will allow direct discharge provided the downstream facilities have the capacity without causing flooding under the design storms. The City is also aware of the review comments made by GVDD regarding water quality and detention. It would be the City's position that direct discharge would be allowed as stated above, but the receiving drainage facility is GVDD's. Additionally, the water

# CITY OF FRUITA CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

quality component would not be a requirement of the City.

- c. I don't see the purpose of the 3-ft berm along the back of lots in Block 3. Is there a reason for proposing this?

#### 4. **Impact Fees:**

- a. **Transportation Impact Fee:** The fee required will be \$3,200 per residential unit. This amounts to  $\$3,200/\text{residential unit} \times 34 \text{ units} = \$108,800$ .
- b. **Chip and Seal Fee Calculation:** This is calculated using the surface area of the interior streets at a rate of \$3.85/square yard.
- c. **Drainage Impact:** This fee was calculated by the applicant and resulted in a fee of \$16,560.29. If detention is provided, there will not be a Drainage Impact Fee.
- d. **Parks, Open Space, and Trails:** The fee required will be \$1,860 per residential unit. This amounts to  $\$1,860/\text{residential unit} \times 34 \text{ units} = \$63,240$ .

**SIA:** Engineering has reviewed the submitted draft Subdivision Improvement Agreement Exhibit B and has no issues.

#### **RECOMMENDATION:**

The Engineering and Public Works Departments recommend approval of this Preliminary Plan upon the satisfactory resolution of the items cited above.

**LOWER VALLEY FIRE PROTECTION DISTRICT**  
**168 N. Mesa**  
**Fruita, CO. 81521**  
**Phone: (970) 858-3133 Fax: (970) 858-7189**

May 31, 2016

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

Adobe View North  
Location: 965 18 Road, North of Adobe View

Review Comments:

1. Fire Hydrants shall be located as shown on Utility Composite plan dated 4/12/16, sheet 11 of 24.
2. Fire hydrant pumper connections shall be equipped with a five inch non threaded sexless connection and metal cap (commonly referred to as Storz). The two and one half inch butts shall be furnished with National Standard Threads.
3. A fire flow of 1000 gpm measured at 20 psi residual is required at each fire hydrant.
4. Street address numbers shall be at least 4 inches high or larger so that they may be read easily from the street. Numbers must contrast with the background upon which they are installed.

Richard Pippenger  
Fire Marshal



COMMUNITY DEVELOPMENT DEPARTMENT  
**REVIEW SHEET**

**DATE: JUNE 1, 2016**

**TO: REVIEW AGENCIES**

Application #: 2016-13  
Applicant: Steve Hejl  
Application Name: Adobe View North  
Application Type: Preliminary Plan  
Location: 965 18 Road  
Zone: Unincorporated Mesa County, AFT.

Description: This is a request to approve a Preliminary Plan for a 34 lot single family residential subdivision

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The attached plan has been submitted to your office for review and comment. To ensure any concerns you have are taken into consideration please comment by **JUNE 23, 2016.**

**RETURN TO THE CITY OF FRUITA COMMUNITY  
DEVELOPMENT**

Or e-mail to [hhemphill@fruita.org](mailto:hhemphill@fruita.org)

**Not in the GVP service area.**

## Henry Hemphill

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**From:** Hendricks, Scott [scott.hendricks@xcelenergy.com]  
**Sent:** Monday, June 13, 2016 1:54 PM  
**To:** Henry Hemphill  
**Subject:** Application # 2016-13 Adobe View Development  
**Attachments:** development app.pdf

Application # 2016-13  
Application Name Adobe View North  
Application Type Preliminary Plan  
Applicant Adobe View Development  
Representative Steve Hejl  
Location 965 18 Road

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 the 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.

### *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)



# LAND DEVELOPMENT APPLICATION

Project Name: Adobe View North  
 Project Location: 965 18 Road  
 Current Zoning District: County AET Requested Zone: P.U.D. L.L.R  
 Tax Parcel Number(s): 2697-201-00-043 Number of Acres: ~~8.00~~ 8.03  
 Project Type: ANNEXATION

Property Owner: Adobe View Development Developer: SAME  
 Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Address: P.O. Box 903 Address: \_\_\_\_\_  
 City/State/Zip: Bangely, CO 81648 City/State/Zip: \_\_\_\_\_  
 Phone: 970-438-7159 Fax: - Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: KHEJL@vrsnan.net 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: Steve Hejl Engineer: RCE  
 Contact: \_\_\_\_\_ Contact: Kent Shaffner P.E.  
 Address: 2366 H Rd Address: 405 Ridges Blvd  
 City/State/Zip: G.J. CO 81505 City/State/Zip: GJ Co 81507  
 Phone: 970-216-1999 Fax: \_\_\_\_\_ Phone: 243-8300 Fax: 241-1273  
 E-mail: nwpd@msn.com E-mail: kent@rcej.com

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.

Adobe View Development CO. LLC  
 Name of Legal Owner: Kerith A. Hejl Signature: \_\_\_\_\_ Date: 4-29-16  
 Name of Legal Owner: SAMUEL TOLLEY Signature: \_\_\_\_\_ Date: 4-29-16  
 Name of Legal Owner: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of April, 2016

My Commission expires: 08-21-17

Linda G. Wilson  
 Notary Public

LINDA G. WILSON  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID #19934011282  
 My Commission Expires August 21, 2017

PROJECT NARRATIVE  
FOR  
**ADOBE VIEW NORTH SUBDIVISION**  
**Annexation and Preliminary Plan**

Prepared for:

Adobe View Development Company LLC.  
P.O. Box 903  
Rangely, CO 81648

Prepared by:

Rolland Consulting Engineers LLC  
405 Ridges Blvd. Suite A  
Grand Junction, CO 81507

April 29, 2016



### **Project Description**

The project site is located at 965 18 Road in Fruita, Colorado. The proposed project is a 34 lot, residential single family home subdivision on an approximate 8.03 acre parcel combined with an adjoining 4.02 acre tract from a previous subdivision. The allowable density for the 2 tracts (4.60 acres) zoned Large Lot Residential (LLR) is 10,000 sq. ft minimum, which equates to 20 lots. The northern portion of the site 8.03 acres is recommended for South Fruita Residential (SFR) zoning and equates to 8 acres x 2 = 16 lots.

The total allowed number of lots is 36 but only 34 are being proposed for an overall gross density of 2.69 units per acre. The lots will be approximately 0.23 to 0.32 acre in size. The proposed project will be named Adobe View North Subdivision. The 8.03 acre parcel is presently zoned AFT in Mesa County. The Developer is requesting annexation into the City of Fruita with a proposed zoning of Planned Unit Development with the standards of LLR zoning applying.

The property is within the Urban Growth Area and is adjacent on three sides to existing City of Fruita boundary which easily exceeds the required 1/6 contiguity to that boundary. This project adjoins the existing Adobe View Subdivision along the south boundary creating a natural and logical extension of urban services and economic association with the City.

### **Owner Information**

The owner of the 8.03 acre parcel and the 4.02 acre tract is:

Adobe View Development Company LLC.  
P.O. Box 903  
Rangely, CO 81648

### **Existing site data**

The existing parcels are vacant of any structures and has historically been used for irrigated agricultural production.

### **Compatibility, and Impact**

The Project complies with the future land use plans and policies for this area. The requested site zoning, after annexation will be Planned Unit Development. The current zoning of properties to the east are Planned Unit Development (PUD) and Community Residential in the City of Fruita. The zoning to the south is Large Lot Residential. The zoning to the west is Community Residential. The property to the North is zoned Mesa County AFT.

All public utility facilities are in close proximity. The extension of these utilities into the site will be done as a part of the subdivision development. The Developer is proposing to Plat and construct the entire subdivision in one filing.

The project is compatible and consistent with existing surrounding land use. It will be the same type and scale of development as the Adobe View Subdivision to the south. There is a proposed residential development to the east and Mesa County Valley School District recently acquired property adjacent to the west boundary for future school development.

### **Transportation and Traffic**

Access to the subdivision will be from 18 Road (Pine Street) on the east and Kayenta way on the south. All internal roads will be the 44 foot wide right-of-way urban section per the City of Fruita Standards. This section has a 28 foot wide asphalt mat and 6-1/2 foot rollover curb, gutter, and sidewalk on both sides of the road. The new subdivision plat will create 14' wide multipurpose easements along all right-of-way frontages for utility locations.

Along 18 Road (Pine Street) frontage, the developer is proposing half-road improvements of widening the asphalt an approximate 15 feet with 7 foot wide vertical curb, gutter, and sidewalk along the west side of the road, matching that which has been constructed with Adobe View Subdivision to the south.

In addition to pedestrian sidewalk on both sides of all proposed streets, there will be a land dedication along the western boundary of the project to the City of Fruita for the purposes of a bicycle and pedestrian trail. The trail will connect on the south with existing Karp Ave. and extend north to northwest corner of the site (approximately 1,000 feet).

### **All utilities are available to the site. Utility providers are as follows:**

Fire -	Lower Valley Fire Department
Water (Domestic) -	Ute Water Conservancy District
Sewer -	City of Fruita
Gas & Electric -	Xcel Energy
Phone -	Century Link
Cable -	Charter Communications
Irrigation -	Grand Valley Irrigation Company
Drainage-	Grand Valley Drainage District (GVDD)

### **Sanitary Sewer**

A 8 inch Sanitary sewer will be extended from the current north end of Kayenta Way near the southwest corner of the site. The sanitary sewer will be part of the City of Fruita sanitary sewer system.

### **Domestic Water**

Domestic water is provided by Ute Water. This project will connect to an existing 8" Ute Water line in Kayenta Way near the sanitary sewer connection and also to an existing 8" stub on the west side of Pine St.(18 Rd) to provide a looped system. The water lines internal to the subdivision will be 8 inch and 6 inch lines.

### **Drainage**

Drainage from this site flows to the southwest corner of the site. All roads and drains will be graded so that the drainage continues to go to the southwest corner of the site. The drainage will then go directly into Murray Drain System undetained, which is preferred by the Grand Junction Drainage District due to this sites' proximity to the Colorado River. The Murray Drain System is

the historic drainage path for this site. In lieu of detention, the developer is proposing to pay the drainage fee as calculated by the City.

### **FEMA Flood Hazard**

The site elevation is above the 500-year FEMA flood hazard elevation. FIRM Map (08077C0438F), dated July 06, 2010 shows this area as outside the 500-year floodplain.

### **Irrigation Water**

Landscape irrigation water will be from Headgate IR140 of the Grand Valley Irrigation Company. The project will add additional 15 shares for a total of 35 shares of irrigation water. All lots will be serviced by an underground irrigation system. There has been an agreement made with the Adobe View Subdivision HOA for the joint use and maintenance responsibility of their existing storage facility in exchange for improving the delivery system to the storage facility and site improvements in the tract containing the storage facility.

### **Fire Protection**

There is an existing 10" Ute Water line in Pine Street and a 8" line stub from Adobe View Subdivision (south) the project will connect to. The water line within Adobe View North Subdivision will be a combination of 6" and 8" Ute Water lines. Fire hydrants within Adobe View Subdivision will be installed in accordance with the requirements of the Lower Valley Fire Protection District.

### **Historic Preservation**

None.

### **Noise, Dust and Odor**

1. The project will comply with federal and state air emission standards.
2. The project will comply with state noise statutes.
3. The project will replace the existing ground with landscaped homes and City of Fruita Standard Residential Street Section.
4. A Storm Water Management Plan will be part of the construction plans. This plan will address the construction and post construction process.

### **Open Space**

2 tracts to be created with the Adobe View North Subdivision plat totaling 0.38 acres will be dedicated to the City of Fruita for trail purposes. Additionally, the existing 0.58 acre tract may be dedicated to the City of Fruita or the school district for open space purposes.

### **Natural Features and Environmental Protection**

There are some large trees in the northwest corner of the property, which most likely will be preserved and would be between the rear of the west lots and the tract dedicated to the city for trail purposes.

## PETITION FOR ANNEXATION

**WE, THE UNDERSIGNED**, in accordance with the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Fruita, Colorado, for the annexation of the following described unincorporated area located in the County of Mesa, State of Colorado, to wit:

(Insert Legal Description or attach as Exhibit A.)

In support of this Petition, the Petitioners state:

1. It is desirable and necessary that the above-described area be annexed to the City of Fruita, Colorado.
2. The requirements of Section 31-12-104, C.R.S., as amended, exist or have been met, to wit:
  - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fruita;
  - b. A community interest exists between the area proposed to be annexed and the City of Fruita;
  - c. The area proposed to be annexed is urban or will be urbanized in the near future; and
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fruita.
3. The requirements of Section 31-12-105 C.R.S., as amended, exist or have been met, to wit:
  - a. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way;
  - b. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together, with the buildings and improvements situated thereon) has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year

next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners;

- c. No annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality;
  - d. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of same to another school district;
  - e. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the City of Fruita more than three miles in any direction from any point of the City's boundary in any one year;
  - f. If any portion of the platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed; and
  - g. Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the City of Fruita.
4. The Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
5. This Petition for Annexation satisfies the requirements of Article II, Section 30, of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Fruita.
6. Attached hereto and incorporated by reference is an Annexation Map showing:
- a. The boundary of the area proposed to be annexed including a legal description of the property;
  - b. The location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
  - c. The contiguous boundary of the City of Fruita and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

7. All of the petitioners signed this Petition for Annexation no more than 180 days prior to the date of the filing of this Petition for Annexation.

**WHEREFORE**, the Petitioners request that the Fruita City Council approve the annexation of the area proposed to be annexed.

Dated this 5<sup>th</sup> day of May, 2016.

*Samuel M. Tolley*  
Property Owner

*Kieth A. Hejl*  
Property Owner

City Of Fruita        )  
County of Mesa     ) ss.  
State of Colorado   )

Subscribed and sworn to before me this 5<sup>th</sup> day of May, 2016 by  
Samuel M. Tolley + Kieth A. Hejl

Witness my hand and official seal.



*Lindsay Allen*  
Notary Public

My commission expires:  
April 28, 2019





# LAND DEVELOPMENT APPLICATION

Project Name: Adobe View North Subdivision  
 Project Location: 965 18 Road  
 Current Zoning District: AFT - L.L.R. Requested Zone: L.L.R. - Pod  
 Tax Parcel Number(s): See Below Number of Acres: ~~12.63~~ 12.63  
 Project Type: Major Subdivision - Preliminary Plan

Property Owner: Adobe View Development Developer: SAMS  
 Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Address: P.O. Box 903 Address: \_\_\_\_\_  
 City/State/Zip: Rangely, CO 81648 City/State/Zip: \_\_\_\_\_  
 Phone: 970-433-7596 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: knsjce@resnet.net 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: Steve Hejl Engineer: RCE  
 Contact: \_\_\_\_\_ Contact: Kent Shaffer PE  
 Address: 2366 H Road Address: 405 Ridges Blvd  
 City/State/Zip: G.S. CO 81505 City/State/Zip: G.S. CO 81507  
 Phone: 970-216-1999 Fax: \_\_\_\_\_ Phone: 243-8300 Fax: 24-1273  
 E-mail: nwpdc@msn.com E-mail: kent@rcej.com

**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.

Adobe View Development Co. LLC  
 Name of Legal Owner: Rieth A. Hejl Signature: Rieth A. Hejl Date: 4-29-16  
 Name of Legal Owner: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name of Legal Owner: SAMUEL M. TOLLEY Signature: Sam M. Tolley Date: 4-29-16  
 Name of Legal Owner: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of APRIL, 2016.

My Commission expires: 08-21-17

Linda G. Wilson  
 Notary Public

Tax Parcel Numbers:  
2697-201-38-001  
2697-201-38-002  
2697-201-00-043

**LINDA G. WILSON**  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID #19934011282  
 My Commission Expires August 21, 2017



**PROJECT NARRATIVE  
FOR  
ADOBE VIEW NORTH SUBDIVISION  
Annexation and Preliminary Plan**

Prepared for:

Adobe View Development Company LLC.  
P.O. Box 903  
Rangely, CO 81648

Prepared by:

Rolland Consulting Engineers LLC  
405 Ridges Blvd. Suite A  
Grand Junction, CO 81507

April 29, 2016

### **Project Description**

The project site is located at 965 18 Road in Fruita, Colorado. The proposed project is a 34 lot, residential single family home subdivision on an approximate 8.03 acre parcel combined with an adjoining 4.02 acre tract from a previous subdivision. The allowable density for the 2 tracts (4.02 acres) zoned Large Lot Residential, 3 lots per acre, (LLR) is 10,000 sq. ft minimum, which equates to 12 lots. The northern portion of the site 8.03 acres is recommended for South Fruita Residential (SFR) zoning and equates to 8 acres x 2 lots = 16 lots, for a total of 28 lots.

The developer is proposing to add Transfer Development Rights (TDR) of 6 Lots to bring the total to 34 lots for a proposed overall gross density of 2.69 units per acre. The lots will be approximately 0.23 to 0.32 acre in size. The proposed project will be named Adobe View North Subdivision. The 8.03 acre parcel is presently zoned AFT in Mesa County. The Developer is requesting annexation into the City of Fruita with a proposed zoning of South Fruita Residential (SFR) and add a TDR.

The property is within the Urban Growth Area and is adjacent on three sides to existing City of Fruita boundary which easily exceeds the required 1/6 contiguity to that boundary. This project adjoins the existing Adobe View Subdivision along the south boundary creating a natural and logical extension of urban services and economic association with the City.

The developer proposes to use a Plat hold for SIA guarantee.

### **Owner Information**

The owner of the 8.03 acre parcel and the 4.02 acre tract is:

Adobe View Development Company LLC.  
P.O. Box 903  
Rangely, CO 81648

### **Existing site data**

The existing parcels are vacant of any structures and has historically been used for irrigated agricultural production.

### **Compatibility, and Impact**

The Project complies with the future land use plans and policies for this area. The requested site zoning, after annexation will be South Fruita Residential (SFR). The current zoning of properties to the east are Planned Unit Development (PUD) and Community Residential in the City of Fruita. The zoning to the south is Large Lot Residential. The zoning to the west is Community Residential. The property to the North is zoned Mesa County AFT.

All public utility facilities are in close proximity. The extension of these utilities into the site will be done as a part of the subdivision development. The Developer is proposing to Plat and construct the entire subdivision in one filing.

The project is compatible and consistent with existing surrounding land use. It will be the same type and scale of development as the Adobe View Subdivision to the south. There is a proposed residential development to the east and Mesa County Valley School District recently acquired property adjacent to the west boundary for future school development.

### **Transportation and Traffic**

Access to the subdivision will be from 18 Road (Pine Street) on the east and Kayenta way on the south. All internal roads will be the 44 foot wide right-of-way urban section per the City of Fruita Standards. This section has a 28 foot wide asphalt mat and 6-1/2 foot rollover curb, gutter, and sidewalk on both sides of the road. The new subdivision plat will create 14' wide multipurpose easements along all right-of-way frontages for utility locations.

Along 18 Road (Pine Street) frontage, the developer is proposing half-road improvements of widening the asphalt an approximate 15 feet with 7 foot wide vertical curb, gutter, and sidewalk along the west side of the road, matching that which has been constructed with Adobe View Subdivision to the south.

In addition to pedestrian sidewalk on both sides of all proposed streets, there will be a land dedication along the western boundary of the project to the City of Fruita for the purposes of a bicycle and pedestrian trail. The trail will connect on the south with existing Karp Ave. and extend north to northwest corner of the site (approximately 1,000 feet).

### **All utilities are available to the site. Utility providers are as follows:**

Fire -	Lower Valley Fire Department
Water (Domestic) -	Ute Water Conservancy District
Sewer -	City of Fruita
Gas & Electric -	Xcel Energy
Phone -	Century Link
Cable -	Charter Communications
Irrigation -	Grand Valley Irrigation Company
Drainage-	Grand Valley Drainage District (GVDD)

### **Sanitary Sewer**

A 8 inch Sanitary sewer will be extended from the current north end of Kayenta Way near the southwest corner of the site. The sanitary sewer will be part of the City of Fruita sanitary sewer system.

### **Domestic Water**

Domestic water is provided by Ute Water. This project will connect to an existing 8" Ute Water line in Kayenta Way near the sanitary sewer connection and also to an existing 8" stub on the west side of Pine St.(18 Rd) to provide a looped system. The water lines internal to the subdivision will be 8 inch and 6 inch lines.

### **Drainage**

Drainage from this site flows to the southwest corner of the site. All roads and drains will be graded so that the drainage continues to go to the southwest corner of the site. The drainage will then go directly into Murray Drain System undetained, which is preferred by the Grand Junction Drainage District due to this sites' proximity to the Colorado River. The Murray Drain System is

the historic drainage path for this site. In lieu of detention, the developer is proposing to pay the drainage fee as calculated by the City.

**FEMA Flood Hazard**

The site elevation is above the 500-year FEMA flood hazard elevation. FIRM Map (08077C0438F), dated July 06, 2010 shows this area as outside the 500-year floodplain.

**Irrigation Water**

Landscape irrigation water will be from Headgate IR140 of the Grand Valley Irrigation Company. The project will add additional 15 shares for a total of 35 shares of irrigation water. All lots will be serviced by an underground irrigation system. There has been an agreement made with the Adobe View Subdivision HOA for the joint use and maintenance responsibility of their existing storage facility in exchange for improving the delivery system to the storage facility and site improvements in the tract containing the storage facility.

**Fire Protection**

There is an existing 10" Ute Water line in Pine Street and a 8" line stub from Adobe View Subdivision (south) the project will connect to. The water line within Adobe View North Subdivision will be a combination of 6" and 8" Ute Water lines. Fire hydrants within Adobe View Subdivision will be installed in accordance with the requirements of the Lower Valley Fire Protection District.

**Historic Preservation**

None.

**Noise, Dust and Odor**

1. The project will comply with federal and state air emission standards.
2. The project will comply with state noise statutes.
3. The project will replace the existing ground with landscaped homes and City of Fruita Standard Residential Street Section.
4. A Storm Water Management Plan will be part of the construction plans. This plan will address the construction and post construction process.

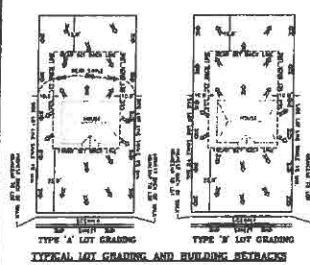
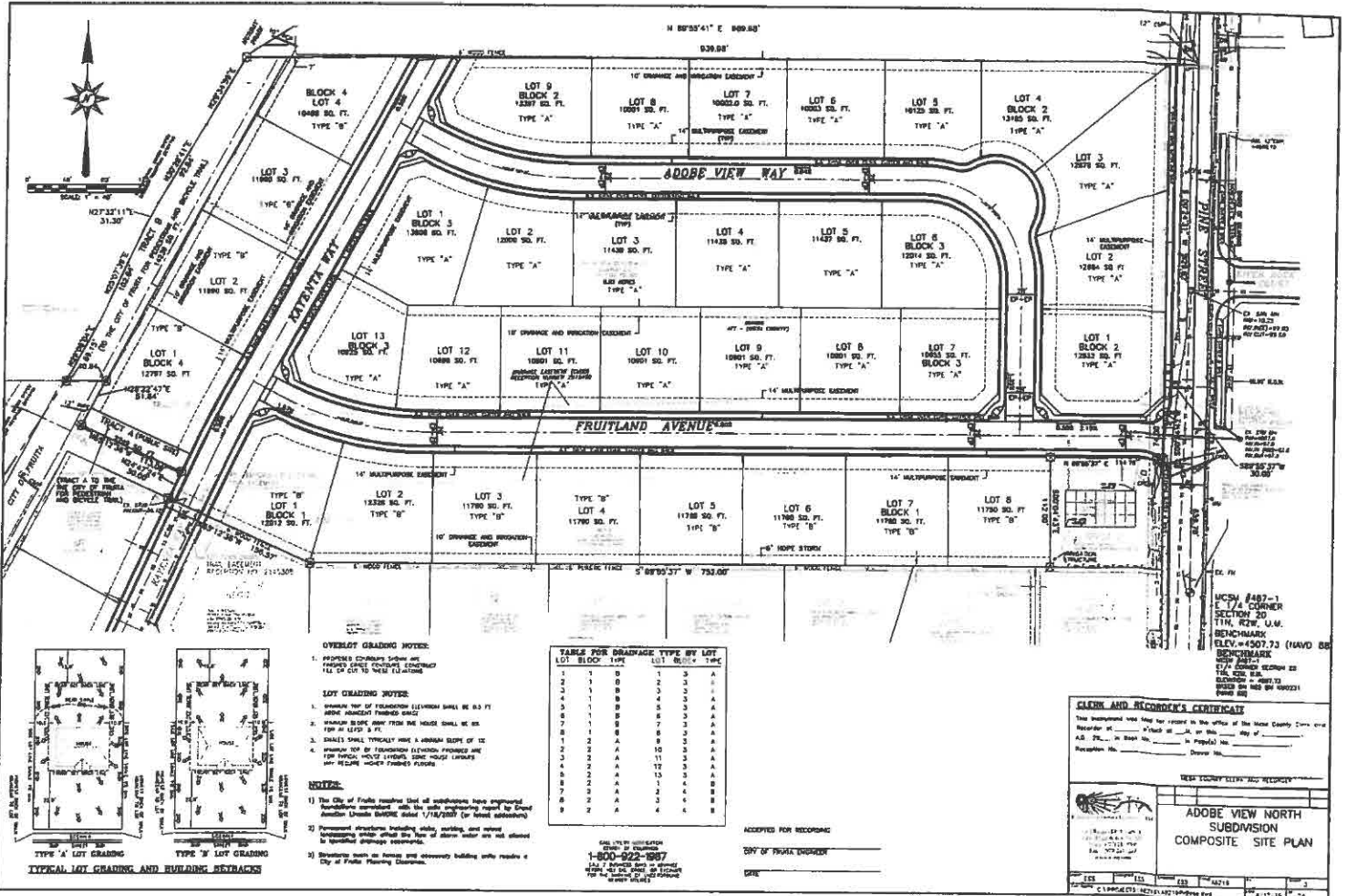
**Open Space**

2 tracts to be created with the Adobe View North Subdivision plat totaling 0.38 acres will be dedicated to the City of Fruita for trail purposes. Additionally, the existing 0.58 acre tract may be dedicated to the City of Fruita or the school district for open space purposes.

**Natural Features and Environmental Protection**

There are some large trees in the northwest corner of the property, which most likely will be preserved and would be between the rear of the west lots and the tract dedicated to the city for trail purposes.





**OVERLOT GRADING NOTES:**

- PROPOSED CHANGES TO THE OVERLOT GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF FRUITLAND PLANNING DEPARTMENT.

**LOT GRADING NOTES:**

- MINIMUM TOP OF FOUNDATION ELEVATION SHALL BE 0.0 FT ABOVE FINISHED GRADE.
- MINIMUM SETBACK FROM THE HOUSE SHALL BE SIX FEET AT LEAST.
- MINIMUM SETBACK FROM THE HOUSE SHALL BE SIX FEET AT LEAST.
- MINIMUM TOP OF FOUNDATION ELEVATION FINISHED ARE TO BE FINISHED GRADE. SEE "HOUSE LAYOUTS" FOR HOUSE "HOUSE FINISHED GRADES".

**NOTES:**

- The City of Fruitland requires that all applications have engineering professional seal and the seal engineering report by David Anderson (License Number 11812007) (or level equivalent).
- Proposed site plan including utility, building, and other proposed structures shall be shown in accordance with the City of Fruitland Planning Department.
- Structures such as fences and accessory buildings shall require a City of Fruitland Planning Department.

**TABLE FOR DRAINAGE TYPE BY LOT**

LOT	BLOCK	TYPE	LOT	BLOCK	TYPE
1	1	B	1	3	A
2	1	B	2	3	A
3	1	B	3	3	A
4	1	B	4	3	A
5	1	B	5	3	A
6	1	B	6	3	A
7	1	B	7	3	A
8	1	B	8	3	A
1	2	A	10	3	A
2	2	A	11	3	A
3	2	A	12	3	A
4	2	A	13	3	A
5	2	A	1	4	B
6	2	A	2	4	B
7	2	A	3	4	B
8	2	A	4	4	B

**CLERK AND RECORDS CERTIFICATE**

This instrument was filed for record in the office of the State County Clerk and Recorder at \_\_\_\_\_ o'clock of \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_ in Book No. \_\_\_\_\_ Page(s) No. \_\_\_\_\_

Recorder No. \_\_\_\_\_

**ADOBE VIEW NORTH SUBDIVISION COMPOSITE SITE PLAN**

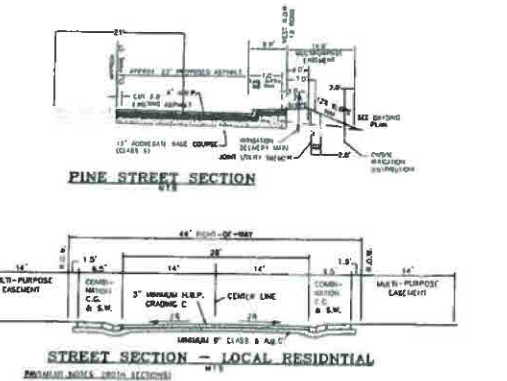
DATE \_\_\_\_\_

**GENERAL NOTES**

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE CITY OF PHOENIX.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND SAFETY.
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**FACILITY NOTES**

1. A CONTINUOUS MULTI-PURPOSE FACILITY SHALL BE PROVIDED ON BOTH SIDES OF ALL ROAD RIGHTS-OF-WAY. THE FACILITY SHALL BE DESIGNED FOR PURPOSES INCLUDING, BUT NOT LIMITED TO, INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, IRRIGATION CONTROL DITCHES AND SEWALS, STREETCARE, STREET TREES AND SPRINKLER SYSTEMS, DRAINAGE, RETENTION STRUCTURES AND SURFACE DRAINAGE OR FLOWAGE REQUIRED FOR STREET CONSTRUCTION, UTILITY COMPANIES AND/OR THE CITY OF PHOENIX SHALL NOT BE RESPONSIBLE FOR DAMAGE TO PLANTINGS, IRRIGATION SYSTEMS, FENCES OR OTHER APPURTENANCES LOCATED OR CONSTRUCTED WITHIN THE MULTI-PURPOSE FACILITY AREA DURING DAMAGE OCCURS FROM THE INSTALLATION AND/OR REPAIR OF UTILITIES WITHIN SAID MULTI-PURPOSE FACILITY.
2. PROVISION DISTRIBUTION LINES SHALL BE LOCATED ON A SEPARATE TRENCH LOCATED ON THE HOUSE SIDE OF THE JOINT UTILITY TRENCH, ON THE BACK LOT LINE.
3. PROPERTY OWNERS AND LANDSCAPE THE FULL WIDTH OF THE MULTI-PURPOSE FACILITY SPRINKLER SYSTEMS INSTALLED WITHIN MULTI-PURPOSE FACILITIES SHALL NOT BE GREATER THAN 10" DIA.
4. ALL FIRE HYDRANTS AND WATER METERS SHALL REMAIN UNOCCUPIED AND ACCESSIBLE AT ALL TIMES. NO FENCES, PLANTINGS, STRUCTURES OR OTHER OBSTACLES SHALL BE LOCATED WITHIN 4' OF ANY FIRE HYDRANT, WATER METER, OR UTILITY STRUCTURE. NO FENCES OR OTHER OBSTACLES SHALL BE LOCATED ON THE STREET SIDE OF ANY FIRE HYDRANT OR WATER METER.



**UNCLE TOM'S DUST CONTROL NOTES**

1. UNCLE TOM'S DUST CONTROL SHALL BE PROVIDED FOR ALL UNPAVED AREAS TO BE PROTECTED BY CONTROL DIRT.
2. ANY STOCKPILES OF DIRT OR MATERIALS SHALL BE PROTECTED BY WATER OR A DUSTING AGENT TO STABILIZE POTENTIALLY WIND-EROSIVE MATERIALS.
3. MAIN ROADS BOTH WITHIN AND AROUND THE SITE ARE TO BE TREATED AS HELD TO SUPPRESS DUST.
4. AS NOTED ON THE SITE SPECIFIC MITIGATION PLAN, DIRT CAPPING AND GRAVEL PAVEMENT ARE TO BE CONSIDERED AT THE DISCRETION OF THE CITY OF PHOENIX. DIRT CAPPING SHALL BE PROVIDED FOR ALL UNPAVED AREAS TO BE PROTECTED BY CONTROL DIRT.
5. TRUCKS HAULING MATERIAL ARE TO BE TREATED TO AND BY THE CONTROL OF UNCLE TOM'S DUST.
6. DURING HIGH WIND EVENTS (20 TO 30 MPH SUSTAINED) CONSTRUCTION ACTIVITIES SHALL BE LIMITED OR CEASED IF DUST CANNOT BE CONTROLLED BY METHODS.

**GENERAL NOTES**

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**ADOBE VIEW NORTH SUBMISSION GENERAL NOTES AND TYPICAL SECTIONS**

ADOBE VIEW NORTH SUBMISSION  
GENERAL NOTES  
AND TYPICAL SECTIONS

DATE: 11/11/2014  
TIME: 10:00 AM  
PROJECT: ADOBE VIEW NORTH SUBMISSION

SCALE: AS SHOWN  
DATE: 11/11/2014  
TIME: 10:00 AM  
PROJECT: ADOBE VIEW NORTH SUBMISSION





**Fruita Planning Commission**

**Tuesday, July 12, 2016**

**A. CALL TO ORDER**

Chair Doug Van Etten called the meeting to order at 7:01pm. Members in attendance were: Richard Hoctor, Janet Brazfield, Doug Van Etten, Keith Schaefer, Dave Karisny, and Heidi Jo Elder.

There were about 30 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**

Keith Schaefer- I move to approve the agenda

Dave Karisny- I second.

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

7 yes votes; motion passes

**E. WITHDRAWN ITEMS**

None.

**F. CONTINUED ITEMS**

Application #:	2016-11
Applicant:	Travis and Ellen Robinson
Application Name:	Robinson Rental
Application Type:	Conditional Use Permit
Location:	1424 Niblick Way
Zone:	Adobe Falls PUD
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 this PUD zone.

The Planning Commission asked Dahna to explain the process of how the decision of this project will be made. Dahna explained the process of how this project will be on the Planning Commission’s agenda for August 9<sup>th</sup> and that there will be no decision or discussion of this project tonight (July 12, 2016).

**G. CONSENT ITEMS**

Approval of the minutes  
June 14, 2016 Planning Commission meeting

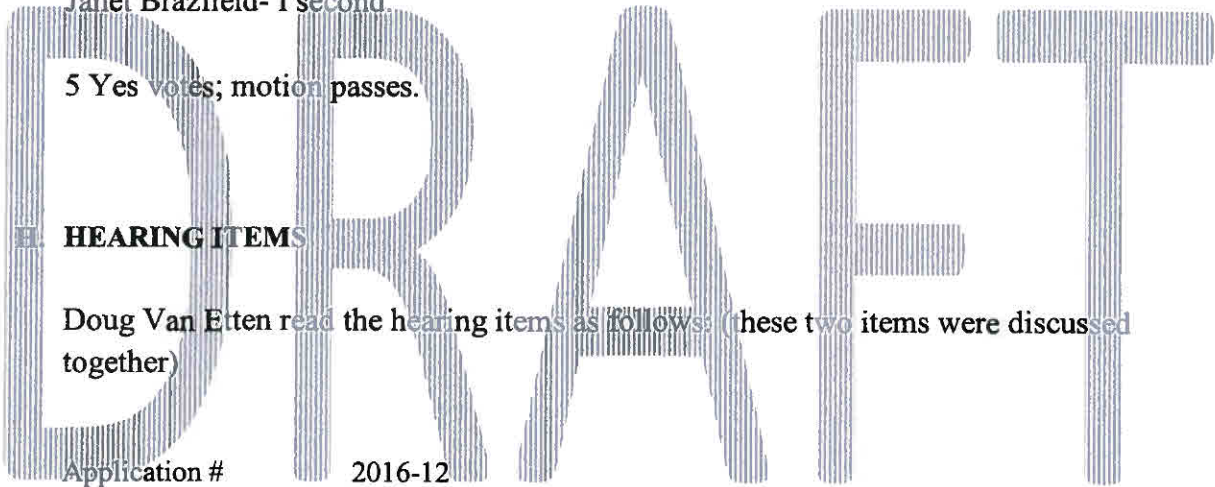
Mike Joseph- I make a motion to approve the consent agenda as written.

Janet Brazfield- I second.

5 Yes votes; motion passes.

**H. HEARING ITEMS**

Doug Van Etten read the hearing items as follows: (these two items were discussed together)



Application #	2016-12
Applicant	Adobe View Development
Application Name	Adobe View North
Application Type	Annexation
Location	965 18 Road
Zoning	County, AFT
Description	This is a request for the approval to annex and zone approximately 8.03 acres into the Fruita City Limits. The applicants have requested a South Fruita Residential zoning.

Application #:	2016-13
Applicant:	Adobe View Development
Application Name:	Adobe View North
Application Type:	Preliminary Plan
Location:	965 18 Road
Zone:	Unincorporated Mesa County, AFT.
Description:	This is a request to approve a Preliminary Plan for a 34 lot single family residential subdivision.

Steve Hejl- I am the representative for Adobe View Development Company, this project was approved in 2008 and then scrapped so we are starting it over again. It is basically the same as the southern part, or original, Adobe View subdivision. It will look and be just like Adobe View and it will have the same restrictive covenants. The only thing that I differ from Staffs recommendations is the zoning; we would like to stay with the South Fruita Residential zone instead of Large Lot Residential. This would allow us more flexibility with our lot sizes. Coming back this time, we encountered some issues with the Grand Valley Drainage District. We will have to do detention for clean water quality. Also, the City Engineer has brought up an issue with our access point. I am not sure we will be able to fix the access point issue without moving it to a different location in the subdivision. Other than that, we agree with everything else that Staff has recommended.

Dahna Raugh- As Mr. Hejl said, this project was almost exactly approved 8 years ago before the economy went south. Since that time we have a new Master Plan and a new Land Use Code. The applicants were trying very much to have this development match the development to the south (the Adobe View neighborhood). But I understand that they have ran into some problems. Grand Valley Drainage District requires onsite detention so they are going to need more room to figure out how to retain water on that property. We also had a development on the east side of this property and on the east side of 18 Road (River Glen) that has a roadway that will be too close to the new one proposed in the Adobe View North subdivision, so they need to move it around. They will have to redesign the project a bit to accommodate for the changes. The zoning is where the issue really is for this project. Because they have to find room for onsite detention and move the roadway away from where a big buried drain is. In order to keep the same number of lots, they are going to have to make the lots smaller. The Large Lot Residential zone, which about 4.5 acres of this project is already zoned, allows lots sizes no less than 10,000 square feet in size. In their original proposal in front of you, there are no lots smaller than 10,000 square feet. Although the Master Plan supports South Fruita Residential zoning, Staff also supports Large Lot Residential zoning and to avoid have to different zones in the same development, Staff is recommending Large Lot Residential zoning. They need to make the lots smaller to deal with all the review comments, so Large Lot Residential zoning doesn't work because of lot size. So the applicants are asking for South Fruita Residential to get the 7,000 square foot lot size. Staff understands, however it makes the zoning a little messy but I think we can deal with it. As stated in the Staff Report, you can either zone the annexed property South Fruita Residential or Large Lot Residential because the Master Plan supports it either way. The development meets all approval criteria that must be considered for annexations and for the zone that they have requested and for preliminary plans as long as all review comments and issues identified in the Staff Report are adequately resolved.

#### PUBLIC COMMENTS:

Boyd Powell (975 Karp Avenue)- Boyd is the Vice President of the Adobe View Homeowners Association. Boyd made a comparison to lot size from the Adobe View subdivision that has already been developed and the proposed new Adobe View North development.

Gary Clayman (928 Mancos Way) – “Over the years we have had a lot of business dealings with Mr. Hejl. Over the years we found that he was not a true and honest person. I have records for you showing, over years and years, of the business deals that we have had with him that he has not followed up with or not completed what he said he would do.”

Gary Clayman talked about how Mr. Hejl told him that the lot sizes in the new subdivision were going to be the same size as the lots in the original Adobe View subdivision. Gary also talked about how he and Mr. Hejl discussed the improvements of the irrigation system. Gary wants Mr. Hejl to follow up on their business agreements before the new subdivision gets started.

Doug Van Etten invited anyone else from the public to come and talk about this project. No other comments were made.

#### PLANNING COMMISSION DISCUSSION

Dave Karisny- Dave pointed out that everything about this project looks like the project that was proposed in 2008 when the economy ultimately killed the project. And now that the project is back, 8 years later, there are some new requirements that effect the proposal. Dave mentioned the fact that this project will require onsite detention of storm water, due to this requirement, lot sizes will be effected which will change the configuration of the plans. Dave also mentioned the road alignment that is proposed to have access to 18 Road/ Pine Street. In the past the planning commission has tabled a preliminary plan application in the past in order to see the changes that are addressed by review agencies and staff to show a better rendering of what the final plans would look like. Dave feels that with the changes that need to be made he doesn't have a good sense of what the final build-out is going to look like. Dave is thinking that he would like to see this project tabled and brought back to Planning Commission with the comments addressed (onsite detention and new road alignment) on a new Preliminary Plan or Sketch Plan to get a better understanding of what the final development will look like.

Dahna Raugh- Commissioner Karisny it sounds like you are having a problem with the approval criteria for a preliminary plan that requires the ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development?

Dave Karisny- That's correct.

Heidi Jo Elder- What is the confusion or the problem with the different zoning in the subdivision?

Dahna Raugh- So 4.5 acres is already in the city limits and is already zoned Large Lot Residential which allows 3 dwelling units to the acre and minimum lot size is 10,000 square feet. That gives them a certain amount of lots right away. The other 8 acres, is currently in the county and needs to be annexed and zoned. If it is the Large Lot Residential zone, the 10,000 square foot lot sizes are going to be a problem because they don't have enough land to get the same number of lots, move the roadway, and add onsite detention and still accommodate a large underground drain that runs through the property. In order to make it work, they will need the South Fruita Residential

zoning for the 8 acres set to be annexed so that some smaller lots can be created. It doesn't change the density; it is not an issue of more lots or less lots. It's an issue of jiggling things around so that you can accommodate for the changes that need to be made.

Heidi Jo Elder- Are there any other subdivisions that have two different zones?

Dahna Raugh- Not to my knowledge. But South Fruita Residential and Large Lot Residential are very similar. So although, we would expect a little bit of confusion but I think we can handle it. The City is willing to go either way with the zoning.

Keith Schaefer- Where is the drainage easement?

Dahna Raugh put up a picture of the Preliminary Plan to show Keith Schaefer where a large underground drainage pipe is. She also explained that the drain pipe is about 100 foot easement and the applicants had hoped to put roads over the pipe so they wouldn't lose any area for house construction and lots.

Mel Mulder- I am at a handicap due to some technical difficulties, so I have no comments.

Janet Brazfield made clear that about 4 acres, zoned Large Lot Residential, would be used for new development along with about 7.33 acres that is requested to be annexed. Janet asked if these subdivisions (Adobe View and Adobe View North) would have the same covenants and share the same irrigation water.

Dahna Raugh- Private covenants or private agreements between Mr. Hejl and other private individuals, the City has no power to enforce. So I can't shed any light on private agreements.

Janet Brazfield- So is there irrigation water available to the new subdivision?

Dahna Raugh- With the information we have and with the proposed preliminary plan, yes there is irrigation water available. Some of the existing irrigation structures used for the Adobe View subdivision is intended to be used for the Adobe View North subdivision. So when the Final Plat is ready turned in, City Staff makes sure there is an irrigation system and irrigation water available to the property. We also make sure that the things being constructed as done according to the plans that have been approved. If there is a problem between the developer and the HOA, somewhere along the line the city will become aware of it before everything is released from requirements. The city try's to insure there is a functional irrigation system.

Janet Brazfield- I agree with Mr. Karisny, I don't see enough here to make a comprehensive decision. So I would recommend it be delayed.

Richard Hctor- Dahna, when you say it would be messy, is this what you were talking about?

Dahna Raugh- The messy I was referring to was, if the City Council annexes the property with a different zone than the 4.03 acres that is already zoned. That could make it a little messy, the north half of the subdivision would have a zone with its own set of rules and regulations and the south half would have a different set of rules. I think the zoning line is going to hit right at the proposed street, Fruitland Avenue. So the developer will have to be careful with how he develops the lots that hit in that area.

Richard Hocter- Okay, thank you.

#### REBUTTAL:

Steve Hejl confirmed that the zoning would be different from the north half and the south half. (The north being South Fruita Residential and the south being Large Lot Residential).

Steve Hejl- If no decision is made on the preliminary plan tonight, I would ask the Planning Commission to move forward with the Annexation. The plan will only change a little with the access point being moved and some lot lines being adjusted to make room for onsite detention.

There was some discussion between Steve Hejl and Dave Karisny about how the plans will change and just to clarify where the changes need to be made. Steve showed the commissioners and public on the proposed preliminary plan of where the detention pond would be and where the new access point would be located. Steve showed that the access point will be aligned with River Rock Court and the detention pond will go in the southwest corner of the proposed new development of Adobe View North.

Dave Karisny- Mr. Chair, I don't believe I can table this preliminary plan anymore based on the petitioner's explanation. I don't believe there will be a major redesign of the plans. But I don't think it would be reasonable to expect about 3 lots that will have to be altered in order to address the changes that need to be made. I would be ready to make a recommendation tonight.

Dahna Raugh- I just want to make a quick point. The Land Use Code and State Law require applications to be approved within certain time frames. So I understand the Planning Commission is talking about potentially continuing this project for a month, but it is on your agenda and if you would like to continue it, you would need the applicant to agree on record to that continuance. If the applicant does not want to agree to the continuance and wants the Planning Commission to make a decision tonight, there is always the option for denial.

There was discussion about how the Planning Commission would want to make a motion. There was also discussion about how the configuration of the subdivision would change and what needed to be changed and if it were going to be a significant redesign. Sam Atkins (City Engineer) explained to the Planning Commission that the design of the subdivision would not need a significant redesign and the configuration would be similar to the Preliminary Plan.

Dave Karisny- Would the petitioner be willing to table this until the next meeting and provide use with more details and a better sketch addressing the changes?

Steve Hejl- I don't believe so.

Dave Karisny- Okay. It was worth asking.

ANNEXATION MOTION:

Dave Karisny- Mr. Chair, I recommend to the City Council that we approve the Annexation application with the condition that the 30 feet of right-of-way is designated for Pine Street and a 14 foot multipurpose easement be dedication along Pine Street before the annexation is completed.

Janet Brazfield- Second.

5 Yes Votes; 2 Abstentions.

ZONING MOTION:

Dave Karisny- Mr. Chair, I recommend that the annexed property be zoned South Fruita Residential since we can't use Large Lot Residential because there is a potential of 2 to 3 lots that could be under 10,000 square feet. So my recommendation to City Council would be to zone the annexed property South Fruita Residential.

Heidi Jo Elder- Second.

Janet Brazfield voted no, she feels it should be zoned Large Lot Residential.

Keith Schaefer voted no, no reason was given.

2 No Votes; 3 Yes Votes; 2 Abstentions

NOTE: The abstentions have the same effect as a "no" vote because a majority or two thirds vote of the members *present* is required to pass the motion.

PRELIMINARY PLAN MOTION:

Dave Karisny- Mr. Chair, I recommend to the City Council approval of the Adobe View North subdivision Preliminary Plan with the condition that all review comments and issues identified in the Staff Report be adequately resolved with the Final Plat application. I would strongly suggest that the petitioner has a way to express to the City Council the required changes and how it relates to the current sketch plan.

Heidi Jo Elder- Second.

Keith Schaefer- I think as a Planning Commission, we are not doing our jobs if we just approve this Preliminary Plan based on what we have so far. Our job is to get the plan, refine it and approve it and send it to City Council as far as I'm concerned. Without the final plan, I am not going to approve anything.

Richard Hocter- The petitioner says that he will 'try' to have the final sketch. I would be more inclined to see the final sketch before I could do an informed vote.

Doug Van Etten- I think it is important to understand the content of Mr. Karisny's motion. What we are sending to City Council is a recommendation. We are sending a good faith vote based on the motion and what the petitioner will bring to City Council.

Heidi Jo Elder- Staff does their job, they make recommendations to us. And we make recommendations to City Council based on what we see and our discussions. Our recommendation is not the final decision; City Council will have that final decision. It is our job to hear the public and put the comments together and make a decision based on that. It is not ever going to be a final decision.

Keith Schaefer- Normally it's a two step process for the Planning Commission to see the Preliminary and Final plans that's the way it was where I came from.

Dahna Raugh- Whatever is recommended tonight, approval or denial; it goes to the City Council for a decision on the Preliminary Plan. The next step is the Final Plat application. It doesn't go back out to review agencies for comments, there is no public notice, it doesn't go to the Planning Commission and it doesn't go to the City Council. Staff reviews it to make sure the Final Plat meets all the City requirements, meets all the approval criteria that the City Council has imposed on the project, and when Staff is satisfied that all the criteria have been met, the only thing that goes back through a public hearing is the City Council approval of the Subdivision Improvements Agreement (the contract between the City and the developer that guarantees the improvements will be made). The Planning Commission will not see this again unless one of two things happen; you continue it and the applicant agrees to it, or if the applicant runs into some big problem and decided on his own free will that he is going to back up and do a significant redesign and resubmit the Preliminary Plan.

Janet Brazfield voted no because she would like to see as close to a final sketch as possible in order to give a good recommendation to City Council.

3 No Votes; 3 Yes Votes; 1 Abstention

Doug Van Etten read the next hearing items on the agenda as follows:



**Application #:** 2016-14  
**Applicant:** River City Consultants  
**Application Name:** Aspen Village  
**Application Type:** Annexation  
**Location:** 1062 18 Road  
**Zone:** Unincorporated Mesa County, AFT.  
**Description:** This is a request to annex and zone approximately 6.73 acres at the corner of Aspen Avenue and Pine Street with a Community Residential zone.

**Application #:** 2016-15  
**Applicant:** River City Consultants  
**Application Name:** Aspen Village  
**Application Type:** Preliminary Plan  
**Location:** 1062 18 Road  
**Zone:** Unincorporated Mesa County, AFT.  
**Description:** This is a request to approve a Preliminary Plan for a 22 lot single family residential subdivision.

Tracy States- I'm Tracy States, I am a project coordinator for River City Consultants, we are doing the civil engineering and surveying for the property owner which is McCurter Land Company. This is a request for annexation, zoning and a preliminary plan. For the annexation, the application meets the requirements as stated in section 17.06.040 of the Land Use Code, the property has been enclave by the City of Fruita for many years. The required 30 feet of right-of-way and 14 foot multipurpose easement have been provided on the annexation maps as requested. The owner is requesting a zoning of Community Residential which is consistent with the City's goals and policies expressed in the Master Plan. With regards to the Preliminary Plan, the proposal is for 22 single family residential lots and is compatible with surrounding development. The subdivision provides for pedestrian connectivity and the trail connections will be adjusted to meet City requirements. With some redesign, the subdivision can provide future vehicular connectivity by providing a stub street to Laura Avenue to the east as City Staff is requesting. The applicant will be purchasing additional water shares. Landscaped detention is provided at the southwest corner of the subdivision and additional drainage impact fee will be collected from the developer as well. All review comments will be resolved at the time of Final Plat application. Aspen Village subdivision will be a covenant controlled community. All fencing will need approval from the architectural control committee. This applicant has done other nice developments in Fruita, like Elmwood Heights and the Kokopelli Commercial Subdivision on the south side of the interstate. Aspen Village will be very similar to Elmwood Heights as far as style and quality of home.

Dahna Raugh- This development process is similar to the last one (Adobe View North), this is an annexation, zoning and preliminary plan.

1:47:53

DRAFT

**I. COMMUNITY DEVELOPMENT ACTIVITY REPORT**

**J. VISITORS AND GUESTS**

**Adjournment at \_\_\_\_\_**

Respectfully submitted,

Henry Hemphill  
City of Fruita Planning Technician

DRAFT



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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: July 26, 2016**

**RE: Aspen Village Preliminary Plan (Application #2016-15)  
and Annexation (Application #2016-14)**

**BACKGROUND**

This is a request for approval of a Preliminary Plan for a 22 single family detached residential subdivision on approximately 6.8 acres of land located at the northeast corner of the intersection of Pine Street and Aspen Avenue. Access to the subdivision will be from Pine Street with an extension of Laura Avenue to the east. The proposed lot sizes range between 8,000 and 13,000 square feet. A water detention area will be located at the corner of Aspen Avenue and Pine Street and will be landscaped.

The current subdivision design consists of three cul-de-sacs with no stub street to adjacent property, one pedestrian access to the north from the northeast cul-de-sac and a pedestrian and utility access at the south cul-de-sac. In order to resolve review comments, a redesign is necessary. The major concern with the subdivision is lack of pedestrian and vehicular access to adjacent development. A Primary Trail runs along the north property line and additional land area is needed to accommodate the trail, and additional pedestrian/bicycle connections are necessary to meet the minimum requirements of the Code. The Lower Valley Fire Protection District requires a second access to this subdivision and larger cul-de-sacs. A stub street is necessary to the east to provide for a future connection to Laura Avenue on the east side of the development.

The applicants had a neighborhood meeting prior to submitting the Preliminary Plan and information regarding this meeting is included with the Council's information packets. It appears that the neighborhood's reaction to the proposed development is generally positive. At the July 12, Planning Commission public hearing, a few nearby residents raised questions about irrigation and emergency access. There also were concerns about the ability of Aspen Avenue and Pine Street to handle traffic generated by additional development in this area. Staff has received no written public comments at this time.

The proposed Preliminary Plan meets or can meet all approval criteria that must be considered for Preliminary Plan applications. Although a redesign will be necessary to adequately resolve all review comments and issues identified in the Staff Report, it does not appear that a redesign necessarily will be significant enough to warrant additional review through the public hearing process.

This development also involves an annexation of the property with a Community Residential zone. The annexation and requested zoning meet all local and state laws and approval criteria regarding annexations and zoning.

At the Planning Commission meeting, the Commission voted 7-0 in favor of the annexation with the conditions recommended by staff, 7-0 in favor of the requested Community Residential zone, and 7-0 in favor of the Preliminary Plan.

At the August 2, 2016, City Council public hearing, there will be a Resolution to find the property eligible for annexation and all the information for approval of the proposed Preliminary Plan. The final steps for annexation and zoning (ordinances to annex and zone) typically take place along with approval of the Final Plat application.



**Community Development Department  
Staff Report  
July 7, 2016**

**Application #:** 2016-14 (Annexation) & 2016-15 (Preliminary Plan)  
**Project Name:** Aspen Village Subdivision and Annexation  
**Application:** Annexation and Preliminary Plan  
**Property Owner:** McCurter Land Company, LLC  
**Representative:** River City Consultants, Inc.  
**Location:** 1062 18 Road (northeast corner of Aspen and Pine)  
**Zone:** Currently zoned Agricultural Forestry Transitional (AFT - County zoning)  
**Request:** This is a request for annexation with a Community Residential zone and Preliminary Plan approval.

**Project Description:**

The subject property contains approximately 6.8 acres and is located at the north east corner of the intersection of East Aspen Avenue and North Pine Street. Until very recently, there was an old house and a mobile home on the property but they have been removed so the property currently is vacant.

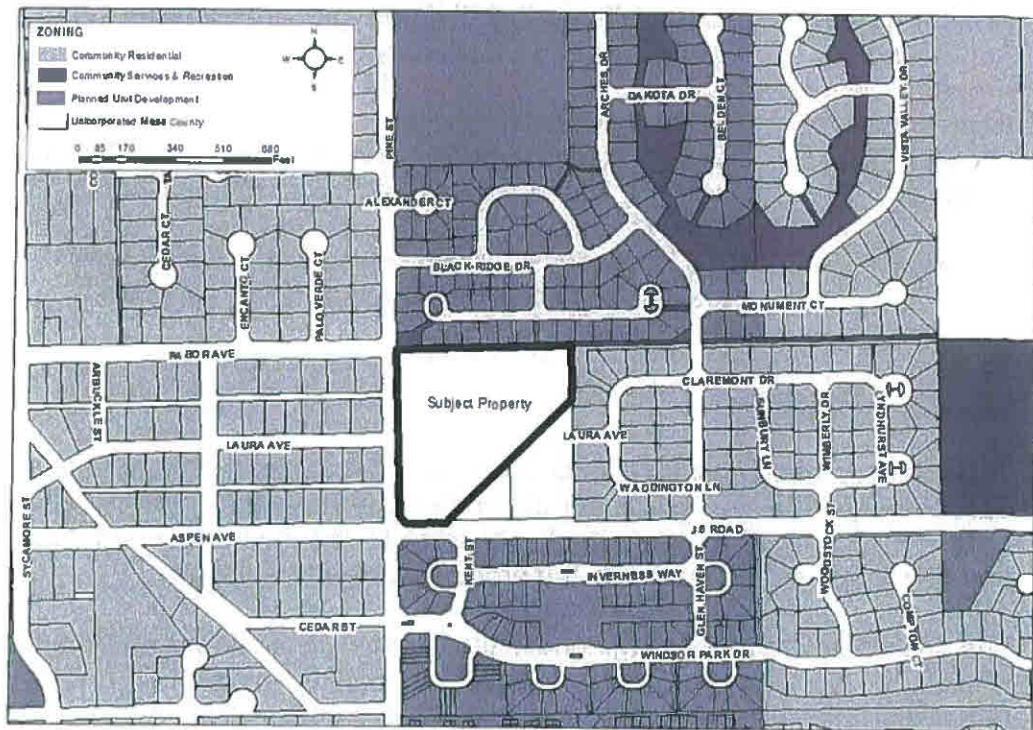
The applicants are requesting annexation into the city limits with a Community Residential (CR) zone to allow for development of 22 single family detached residential lots. The proposed Preliminary Plan shows access to the lots will be by an extension of Laura Avenue to the east with three cul-de-sacs. The lots are to be between 8,000 and 13,000 square feet in size. A pedestrian connection is provided to the existing trail at the north side of the property and another trail connection, combined with a short utility corridor, is provided to the south to Aspen Ave. A landscaped water detention pond is to be located at the corner of Aspen Ave. and Pine St. Pressurized underground irrigation will be provided to each lot. The development is intended to be constructed in one phase.

The next step in the development process is a Final Plat application. A resolution to find the property eligible for annexation is scheduled for the August 2, 2016, City Council public meeting. The final annexation and zoning of the property will be completed along with the Final Plat application.

## Surrounding Land Uses and Zoning:

Surrounding land uses are primarily single family detached residential. The map below identifies the various zones in this area and the properties that are not currently within the city limits.

### LOCATION AND ZONING MAP



## 2015 AERIAL PHOTOGRAPH



### Review of Applicable Land Use Code Requirements:

#### ANNEXATION

Section 17.06.040 of the Land Use Code sets out the criteria that must be considered for annexation requests. The property is within the City's Urban Growth Area.

**Section 17.06.040.A.1 of the Code states that if the property is located within the City's Urban Growth Area as identified by the Fruita Community Plan, annexation may be approved only after considering the following criteria:**

**a. The annexation meets the requirements of the State Statutes;**

This annexation request meets the requirements of state laws. The property has the required 1/6<sup>th</sup> contiguity with existing city limits. It is within Fruita's Urban Growth Area and abuts existing urban development. The city's Master Plan recommends urban development for this area. All required public facilities and services are available to the property at this



time. A community of interest exists between the area proposed to be annexed and the City of Fruita and the property is capable of being integrated into the urbanizing area. This criterion has been met. These issues are discussed in more detail below.

- b. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;**

As an enclave within the city limits with urban development currently existing on all sides, all required utilities are available to the subject property. There are public parks, trails and an elementary school within ½ mile of the development. This criterion has been met.

- c. The area is contiguous with existing urban development;**

The subject property is contiguous to the city limits on three sides and those three sides are contiguous with existing urban development - Vista Valley subdivision to the north, Canterbury subdivision to the east, Leesdale subdivisions to the west (from the 1950s) and Windsor Park to the south along with two larger lots still in the County. This criterion has been met.

- d. The area is or can be efficiently served by police and other municipal services;**

Because access to the property is through roads within the existing City limits, is surrounded by urban development, and all required utilities are currently available, the property can be efficiently served by police and other municipal services. This criterion has been met.

- e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;**

The proposed annexation and requested zone meet the approval criteria that must be considered for annexations and changes to the Official Zoning Map as identified by the Land Use Code. The Land Use Code is one of the primary documents to implement the Fruita Community Plan. This criterion has been met.

- f. The annexation is supported by local residents and landowners;**

The annexation meets the goals and policies of the city's Master Plan and the applicants held a neighborhood meeting regarding their intended annexation and development. At this time staff has received no written

comments that would indicate that this annexation is not supported. This criterion has been met.

**g. Water and ditch rights can be provided, as applicable, in accordance with city policies;**

It appears that water and ditch rights can be provided in accordance with city policy. This criterion has been met.

**h. The area will have a logical social and economic association with the city, and;**

Because the property has been enclaved by the city for many years, and is surrounded by urban development and major roadways, the area will have a logical social and economic association with the city. This criterion has been met.

**i. The area meets or can meet the existing infrastructure standards set forth by the city.**

To help ensure that infrastructure can be constructed in this area without great difficulty, staff recommends that 30 feet of right-of-way and 14 foot wide multi-purpose easements be provided for both Pine Street and Aspen Avenue. This is a standard requirement of all annexations and/or development in the City of Fruita and is discussed in more detail below. This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations with the condition that right-of-way and 14-foot wide multi-purpose easements are provided for both Pine Street and Aspen Avenue. It should be noted that there are no current aspects of the property that would be considered legal non-conforming (aka, grandfathered) after the annexation is completed.

## REZONE

**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**

The Fruita Community Plan (a major portion of the city's Master Plan) recommends Community Residential (CR) type zoning for this area. The CR zone is primarily a single family residential zone and the subject property is surrounded by single family residential development and with CR zoning and development to the east and west, and Planned Unit Development zoning for mainly single family residential development to the north and south. This criterion has been 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**

This criterion is not applicable because the land is not yet in the Fruita city limits.

- 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**

Although there have been changes in the area, this criterion is not applicable because the land is not yet in the Fruita city limits.

- 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**

This criterion is not applicable because there is no comprehensive revision of the Official Zoning Map for this area.

- 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.**

The requested zoning amendment is incidental to the annexation and, as explained above, the requested CR zone is consistent with the city's goals and policies as expressed in the Master Plan.

Based on this information, the requested CR zone meets the approval criteria that must be considered for a rezone (Official Zoning Map amendment).

#### MAJOR SUBDIVISION PRELIMINARY PLAN

**Section 17.05.070.C of the Land Use Code requires the following approval criteria to be considered for Preliminary Plan applications in addition to**

**compliance with all approval criteria required to be considered for Sketch Plan applications:**

**1. Adequate resolution of all review comments,**

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

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

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

**The following are the approval criteria that must be considered for Sketch Plan applications:**

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

With some changes, the proposed development can be in conformance with the city's Master Plan, Land Use Code, and all other city policies and regulations. The Fruita Community Plan (FCP, a major component of the city's Master Plan) recommends Community Residential (CR) type zoning and development for this area. The applicants have requested a CR zone and the development meets most of the CR zoning requirements (lot size, setbacks, etc.). The following is a summary of the changes to the development which are necessary to meet the minimum requirements for subdivision development in the CR zone.

Roads to be built internal to the subdivision are standard local roads with 44 feet of right-of-way, 28 feet of pavement, curbs, gutters, and attached sidewalks. The only improvements required to adjacent existing roadways is to remove curb cuts that are no longer necessary, and replace a small section of missing curb, gutter and sidewalk as identified in the City Engineer's comments.

Pine Street is classified as a collector roadway which requires a minimum width of 60 feet. It is unclear how much right-of-way exists for Pine Street in this area, which is classified as a collector roadway. To avoid potential future problems, 30 feet of right-of-way for Pine Street should be dedicated to the public. There may be an issue with dedicated right-of-way for Aspen Avenue also, so 30 feet of right-of-way also should be dedicated for Aspen Avenue to avoid future potential problems.

Review comments from the Lower Valley Fire Protection District (LVFPD) recommend that the cul-de-sacs meet a minimum 96-foot radius size which will require at least one cul-de-sac to be bigger. Additionally, the LVFPD recommends that Laura Avenue be extended to the east edge of the property so that it can connect to the existing Laura Avenue stub street on the east in the future. This also is a requirement of the Land Use Code.

Section 17.43.030.D of the Land Use Code states that all developments should be planned to provide both vehicle and pedestrian/bicycle connectivity to adjacent properties. Wherever possible, street stubs to adjacent parcels and connections for pedestrian/bicycle paths shall be incorporated into the design of the development. Section 17.43.040.C requires that cul-de-sacs not exceed 600 feet in length. The roads in this subdivision are essentially one large cul-de-sac exceeding 600 feet in length. This issue can be resolved with a stub street somewhere in the vicinity of proposed Lot 14 to provide a logical connection to the adjacent property and the existing Laura Street stub farther to the east.

Section 17.39.080 of the Land Use Code requires that there be at least one on-street parking space for every lot with access from the bulbs. To comply with this requirement, some of the lot lines around the bulbs may need to be changed or driveway widths will be required to be limited. As an alternative as provided in this section of the Code, if one additional off-street parking space is provided for each dwelling unit, this requirement can be reduced up to 50%.

Regarding parks, open space, and trails, the proposed development provides a 10-foot wide pedestrian/bicycle connection to a public trail at the end of the northeast cul-de-sac, identified as Tract C on the plans submitted. Tract C also includes a 5-foot wide strip of land along the north edge of the entire property to encompass an existing pedestrian trail easement on the subject property. A 20-foot wide utility corridor at the south end of the property also is available for pedestrian and bicycle use. The applicants have requested credit against the Parks, Open Space and Trails Impact Fee for providing these transportation connections.

Section 17.29.030.B of the Land Use Code requires trails to be provided: to link to existing or planned future trails; to provide valuable links to destinations such as schools, parks and other neighborhoods, and; to avoid out-of-direction travel by pedestrians and bicyclists. This will require a trail corridor to be provided at the end of each cul-de-sac. The short trail corridors are required to be at least 16-foot wide with an 8-foot wide paved trail. This Code section indicates that the land area required for a public trail is not eligible for credit against the impact fee and the construction of

on-site trails necessary to provide an adequate bicycle and pedestrian transportation network internal to the development are not eligible for credits against the impact fee.

This section of the Code also requires that corridors for Primary Trails be at least 30 feet wide. The existing trail on the north side of the property is classified as a Primary Trail and is in a 20-foot wide corridor. Additional land area for this trail is necessary so that it is at least 30 feet wide and should be part of Tract C. As pointed out by the City Engineer, this additional land area also will avoid fences being built too close to the existing trail pavement.

There is a concern about drainage on the lots along the southeast property line. Instead of a swale to contain and direct drainage, a permanent feature, such as an underground pipe with catch basins or a v-pan, should be used instead to make it clear to future lot owners that a water drainage system runs along the back end of their property.

Review comments from the City Engineer also point out other technical concerns with roadway design and irrigation and Grand Valley Power and the LVFPD also have additional technical issues that must be adequately resolved with the Final Plat application.

If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

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

Section 17.07.080 of the Code states that for all land uses, "compatibility" is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved, and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone.

There are many single family houses in this area, including some on relatively small lots to the north and south of the subject property. There also are houses on relatively large lots to the south (currently outside of the city limits) which could redevelop with higher residential density. The proposed single family detached residential subdivision with lots well over the bare minimum required in the CR zone. The city's Master Plan recommends Community Residential type of zoning and development in this area. This criterion has been met.

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

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

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

The subject property had been farmed for many years, and has been fallow for many years. There do not appear to be any natural features on the property worthy of protection. The developer intends to save as many existing trees as possible according to the project narrative.

Stormwater management issues must be addressed and sedimentation and weed controls will be required as part of the construction process.

This criterion can be met.

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

Although some redesign will be required in order to meet the minimum requirements of the Land Use Code and other city regulations, it does not appear that resolving concerns necessarily leads to a significant redesign of the development that would require another Preliminary Plan review.

In addition to the review comments identified above, Ute Water and Grand Valley Power have technical issues which would not require a significant redesign of the proposal, but which must be resolved with the Final Plat application. Grand Valley Drainage District and Xcel Energy comments indicated that they have no concerns with the subdivision as proposed.

This criterion can be met.

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

**Impact Fees**

The following impact fees are applicable to this development:

Transportation Impact Fee:	\$3,200 per lot
School Land Dedication Fee:	\$920 per lot
Parks, Open Space, and Trails Impact Fee:	\$1,860 per lot
Chip/Seal Impact Fee:	\$3.85 per square yard of asphalt on the internal roads
Drainage Impact Fee:	\$16,913.56 (unless more water detention is provided to reduce this fee)

According to the information submitted, the applicants intend to defer the impact fees until the time of planning clearance for each individual lot. The required improvements will be guaranteed with a letter of credit.

#### **Review Comments:**

All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.

#### **Public Comments:**

No written public comments have been received regarding this application.

On April 25, 2016, the applicants held a neighborhood meeting at Rim Rock Elementary School to explain the proposed development to surrounding property owners. According to the information submitted, there were 19 people at the meeting, in addition to the developers and their representatives, who asked about house sizes, materials, height and similar questions. There were questions about emergency access and concerns about the annexation. Included with this Staff Report is the invitation sent for this neighborhood meeting, the attendance sheet, and a summary of the meeting.

#### **Staff Recommendation:**

##### **Annexation**

Staff recommends approval of the annexation application with the condition that 30 feet of right-of-way and 14-foot multi-purpose easements are dedicated for both Pine Street and Aspen Avenue before the annexation is completed.

##### **Official Zoning Map Amendment (Rezone)**



Staff recommends approval of the rezone to Community Residential with no conditions.

**Preliminary Plan**

Staff recommends approval of the Aspen Village Preliminary Plan with the condition that all review comments and all issues identified in the Staff Report are adequately resolved with the Final Plat application.

**Fruita Planning Commission:** July 12, 2016

**Fruita City Council:** August 2, 2016

**CITY OF FRUITA  
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET**

PROJECT: Aspen Village Subdivision

Petitioner: James McCurter  
McCurter Land Company LLC

Reviewer: Sam Atkins

Date: May 16, 2016

REVIEW TYPE:    \_\_\_ Minor Subdivision         X  Major Subdivision - Preliminary Plan  
(Check One)    \_\_\_ Lot Line Adjustment        \_\_\_ Final Plat  
                  \_\_\_ Site Design Review        \_\_\_ Conditional Use Permit  
                  \_\_\_ Other:

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**REVIEW COMMENTS**

1. **General:** This application is for a new single family residential subdivision of 22 lots on 6.846 acres location on North Pine Street.
  
2. **Preliminary Plan (Sheet C3):**
  - a. A provision to stub to the west to Laura Avenue should be provided.
  - b. With the location of the existing pedestrian trail in the east-west section of Tract C, it appears there will only be about a foot or two between what is the edge of path and the property line to the south. This will potentially place a fence too close to the trail. Chapter 17.29 of the Land Use Code states "The width of land required for local trails must be at least 16 feet for short connections (such as between cul-de-sacs) and wider for longer connections (such as a trail behind rear property lines along a block). Vertical clearance on all trails must be at least eight (8) feet. Horizontal clearance must be at least 3 feet on both sides. An additional strip of land will be required to be dedicated as part of Tract C to obtain the 3-ft clearance to the south edge of the trail.
  - c. Per the code reference in the above comment, the width of Tract C needs to be 16-ft in width instead of the 10-ft proposed between lots 10 and 11.
  - d. Street light locations should be shown on the plan.
  - e. Show location of mail delivery cluster, or call it out. I think there is a pad shown on the plan for it.
  - f. Signage for Stop and street names not shown. End of Road markers shall be placed at Laura Avenue if just stubbed toward Laura Avenue to the east.
  - g. If Laura Avenue is not connected through, then "No Outlet" signage will be required at the entrance to the subdivision.
  - h. There are curb cuts on Aspen Ave. and on Pine St. that are leftover from the old existing house. Those curb cuts are to be removed and replaced with vertical curb, gutter and sidewalk. Additionally, there is a section of curb gutter and sidewalk missing on Pine St. just north of the curb return from the Aspen Ave./Pine St. intersection that needs to be replaced with new c.0urb, gutter and sidewalk.

# CITY OF FRUITA

## CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

### 3. **Drainage Report and Grading Plan (Sheet C-5):**

- a. The northernmost portion of the site appears to drain to the north to a location on the existing trail where there are manholes with grated lids. These grated lids are in the existing path which is not the most desirable, but given that they are already receive nuisance flow from the properties to the north, it does not make a lot of sense to try and do anything differently for this project. Can you call out on the plans the existing manholes so that it is clear on the plan that you have something to drain to? Additionally the drainage report shows all of the north end of the project draining to the south instead of breaking off some of it to the north. Is this area considered in the detention release and/or total release rate?
- b. The southeast legs of Lots 12-19 have a proposed swale running the entire length of that leg of the subdivision. An underground pipe with catch basins or other permanently defined feature (v-pan or curb and gutter) should run this length rather than a earth swale. The pipe and inlets should run to the downstream edge of the second to last (upstream) lot and have catch basins every other lot line. The v-pan or curb and gutter would start at the downstream end of the second to last (upstream) lot and continue to the point at which it would be picked up by a storm drain.
- c. Calculation for the drainage impact fee for over-detention is based on the recapture agreement between the City of Fruita and Constructors West, Inc. dated 1/21/2003 for the Cottonwoods Subdivision. That recapture has expired (10 year limit). The recapture was based on 53 cfs of over-detention by Cottonwoods Subdivision that could be purchased from other developments within the Murray Drain drainage basin which lies within the 117 Major Drainage Base (4.09 sq. mi. as defined by Mesa County). The calculations for recapture vary depending on where the property is located within the system, but the recapture for this parcel (which is in Area 3) is -  $(CDR-0.173) \times \text{Developed Acres} \times \$14,591.98$ . There was not a provision in the recapture agreement for inflation, but the Engineering Dept. is willing to accept the payment in lieu of providing the additional detention. The 100-year historic runoff for the project is 1.62 cfs. The required runoff reduction is 48% of historic which would be  $0.48 \times 1.62 \text{ cfs} = 0.78 \text{ cfs}$ . Therefore the new available over-detention from Cottonwoods Sub. Detention facility is 52.22 cfs.

### 4. **Landscape/Irrigation Plan:**

- a. Verify that the site triangle for the detention area meets the requirements of Sheet 4.71 of the City of Fruita Design Criteria and Construction Specifications Manual.
- b. With lot sizes in the 10K to 12K range, the use of 9 gal/min per unit seems too low. Section 7.2 of the Manual specifies A minimum flow rate of 15 gpm is to be delivered to each lot.
- c. Unless approved by all the dry utility providers for the current plan location for the irrigation main, I would prefer that the irrigation main either be placed in the rear of the lots or in a separate easement just outside of the 14'MPE. I would accept a 5' easement adjacent to the 14' MPE with the line being placed 1-foot off the MPE.
- d. Is it implied that no lot can have a turf area larger than 1900 sf? I assume that with the lot sizes being in the 10,000 range, some owners are not going to want to be restricted that much. If this is the restriction, will it be recorded on the site plan or contained within the CCR's? I did not see anything in the CCR's that reference the amount of water available to each lot in gpm or the area restriction for turf.

**CITY OF FRUITA  
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET**

**5. Impact Fees:**

- a. **Transportation Impact Fee:** The fee required will be \$3,200 per residential unit. This amounts to \$3,200/residential unit x 22 units = \$70,400.
- b. **Chip and Seal Fee Calculation:** This is calculated using the surface area of the interior streets at a rate of \$3.85/square yard.
- c. **Drainage Impact:** This fee was calculated by the applicant and resulted in a fee of \$16,913.56. If detention (100 year release of 52% of historic) is provided, there will not be a Drainage Impact Fee. The fee of \$16,913.56 is acceptable for the over-detention require for this basin.
- d. **Parks, Open Space, and Trails:** The fee required will be \$1,860 per residential unit. This amounts to \$1,860/residential unit x 22 units = \$40,920.
- e. **School Land Dedication Fee:** The fee required will be \$920 per residential unit.

**SIA:** Engineering has reviewed the submitted draft Subdivision Improvement Agreement Exhibit B and has no issues.

**RECOMMENDATION:**

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

**From:** [Jim Daugherty](#)  
**To:** [Henry Hemphill](#)  
**Subject:** Aspen Village  
**Date:** Friday, June 17, 2016 9:42:36 AM

Ute Water Conservancy District

Date: 17 June 2016

Review Number	2016-15
Review Name	Aspen Village

- Water mains shall be C900, minimum DR18 PVC. Installation of all pipe, fittings, valves, and services, including testing and disinfection shall be in accordance with Ute Water standard specifications and drawings.
- Developer is responsible for installing meter pits and yokes (pits and yokes supplied by Ute Water)
- Construction plans required 48 hours before construction begins. If plans change the developer must submit a new set of plans.
- Electronic drawings of the utility composite for the subdivision, in Autocad.dwg format, must be provided prior to final acceptance of the water infrastructure.
- Water meters will not be sold until final acceptance of the water infrastructure.
- Abandoned services shall be removed and capped at main.
- Change water line note six to read Fruita and/or Mesa County.
- Provide Plan & Profile for SS for review.
- Move irrigation to the rear of lots.
- Eliminate the valve to the west at the intersection of Laura and North South cul-de-sacs.
- All fire hydrants shall be moved to the beginning of the radius for the cul-de-sacs.
- Just past the fire hydrants show a reducer and water main as four-inch.
- Wet tap for connection in Aspen shall be an eight on ten wet tap, not an eight by eight by eight tee and valves as indicated.

**From:** Henry Hemphill [mailto:[hhemphill@fruita.org](mailto:hhemphill@fruita.org)]

**Sent:** Wednesday, June 01, 2016 9:53 AM

**To:** [daniel.roussin@state.co.us](mailto:daniel.roussin@state.co.us); [arthur.valdez@charter.com](mailto:arthur.valdez@charter.com); Dick Pippenger; [segodfrey.survey@gvdd.org](mailto:segodfrey.survey@gvdd.org); [gvic@sprynet.com](mailto:gvic@sprynet.com); Tim Ryan; Jim Daugherty; [scott.hendricks@xcelenergy.com](mailto:scott.hendricks@xcelenergy.com); [ed@sandslawoffice.com](mailto:ed@sandslawoffice.com); Ken Haley; Sam Atkins; Judy Macy; Mark Angelo

**Cc:** Dahna Raugh

**Subject:** Projects for your Review

Hey,

Here are 2 projects for your review. They are set to be annexed as well. Please send me your comments and indicate project number. Thank you!

Application #           2016-13  
Application Name       Adobe View North  
Application Type       Preliminary Plan  
Applicant               Adobe View Development  
Representative         Steve Hejl  
Location                965 18 Road

<http://www.fruita.org/cd/page/2016-13-adobe-view-north-preliminary-plan>

Application #	2016-15
Application Name	Aspen Village
Application Type	Preliminary Plan
Applicant	McCurter Land Company
Representative	River City Consultants- Tracy States
Location	1062 18 Road

<http://www.fruita.org/cd/page/2016-15-aspen-village-preliminary-plan>

**Henry Hemphill | Planning Tech. | City of Fruita, CO | (970) 858-0786 | [hhemphill@fruita.org](mailto:hhemphill@fruita.org)**



COMMUNITY DEVELOPMENT DEPARTMENT  
**REVIEW SHEET**

**DATE: JUNE 1, 2016**

**TO: REVIEW AGENCIES**

Application #: 2016-15  
Applicant: River City Consultants  
Application Name: Aspen Village  
Application Type: Preliminary Plan  
Location: 1062 18 Road  
Zone: Unincorporated Mesa County, AFT.

Description: This is a request to approve a Preliminary Plan for a 22 lot single family residential subdivision

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The attached plan has been submitted to your office for review and comment. To ensure any concerns you have are taken into consideration please comment by **JUNE 23, 2016.**

**RETURN TO THE CITY OF FRUITA COMMUNITY  
DEVELOPMENT**

Or e-mail to [hhemphill@fruita.org](mailto:hhemphill@fruita.org)

**GVP Comments for 2016-15 Aspen Village Preliminary Plan (Fruita)**

- 1. The project is in the Grand Valley Power (GVP) service area.**
- 2. Single-phase underground power is available for this project, along East Aspin Avenue.**
- 3. There may be space issues with the irrigation system in the 14' MPE. A possible conflict with gas line and transformer locations. A detail of the cross section of the MPE would be useful.**
- 4. Is the space in Tract B for a power line trench and 3- 3" ducts.**
- 5. Need GVP electric layout on FINAL Utility Composite Plan. Showing the locations of streetlights, transformers, junction**

- boxes, road crossings (number of conduits, type, size, depth & length) and any other needed equipment.**
- 6. Please make application for service by calling 242-0040, to start the design process. A cost estimate will also be prepared.**
  - 7. Need Final Plat with addresses before going to Contract for Construction with Grand Valley Power.**
  - 8. No trees to be planted over utility portion of Multi-Purpose Easement.**
  - 9. Any Utility / Multi-Purpose Easement that is also used for landscaping will need to have underground power lines built in duct system.**
  - 10. Irrigation and drainage lines should not be in the utility portion of the Multi-Purpose Easement.**
  - 11. Any relocation of existing overhead power lines, poles, guy/anchors, underground lines, transformers or any other Grand Valley Power equipment is at the developer's expense.**



**LOWER VALLEY FIRE PROTECTION DISTRICT**  
**168 N. Mesa**  
**Fruita, CO. 81521**  
**Phone: (970) 858-3133 Fax: (970) 858-7189**

June 15, 2016

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

Application: 2016-14  
Applicant: River City Consultants  
Application Name: Aspen Village  
Application Type: Annexation  
Location: 1062 18 Road.  
Zone: AFT

**Review Comments:**

All cul-de-sacs must meet the 96 foot diameter required by Appendix "D" of the IFC.

Fire Hydrants must be located just prior to entering a cul-de-sac. A hydrant must be installed at the intersection of Laura Court and Aspen Village Court.

Laura Court should be renamed as Laura Avenue and continue as a through street and connect with the existing Laura Avenue to the East. If this is not possible the street should be stubbed out for future connection to Laura Avenue. Note if Laura Avenue cannot be connected as a through street an emergency access must be provided at an acceptable location near lots 11, 12, or 13

The second access road shall comply with the requirements of Section 503.2 of the 2012 IFC.

In lieu of the second access road all residences in the subdivision could be protected by residential sprinkler systems.

Richard Pippenger  
Fire Marshal

## Henry Hemphill

---

**From:** Hendricks, Scott [scott.hendricks@xcelenergy.com]  
**Sent:** Monday, June 13, 2016 2:06 PM  
**To:** Henry Hemphill  
**Subject:** Application # 2016-15 Aspen Village  
**Attachments:** Land Development Application.pdf

Application # 2016-15  
Application Name Aspen Village  
Application Type Preliminary Plan  
Applicant McCurter Land Company  
Representative River City Consultants- Tracy States  
Location 1062 18 Road

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 the 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.

### *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)



# LAND DEVELOPMENT APPLICATION

Project Name: Aspen Village Subdivision and Annexation  
 Project Location: 1062 18 Rd, Fruita, Co  
 Current Zoning District: APT (Mesa County) Requested Zone: CR  
 Tax Parcel Number(s): 2697-162-00-028 Number of Acres: \_\_\_\_\_  
 Project Type: Major Subdivision + Annexation

Property Owner: McCurter Land Company LLC Developer: Same  
 Property Owner: \_\_\_\_\_ Contact: Tim McCurter  
 Address: P.O. Box 2007 Address: P.O. Box 2007  
 City/State/Zip: Grand Junction, Co 81502 City/State/Zip: Grand Junction, Co 81502  
 Phone: 970-260-0604 Fax: \_\_\_\_\_ Phone: 970-260-0604 Fax: \_\_\_\_\_  
 E-mail: mccurters@yahoo.com E-mail: mccurters@yahoo.com

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

Owner Rep: RiverCity Consultants, Inc. Engineer: RiverCity Consultants, Inc.  
 Contact: Tracy States Contact: Jeff Mace  
 Address: 744 Horizon Ct. #110 Address: 744 Horizon Ct. #110  
 City/State/Zip: Grand Junction, Co 81506 City/State/Zip: Grand Junction, Co 81506  
 Phone: 970-241-4722 Fax: 970-241-8841 Phone: 970-241-4722 Fax: 970-241-8841  
 E-mail: tstates@rcwest.com E-mail: jmace@rcwest.com

**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.

Name of Legal Owner	<u>James R. McCurter</u> Signature <u>Member/Manager</u>	<u>4/19/16</u> 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 19<sup>th</sup> day of April, 2016.

My Commission expires: 11/06/2018

Tracy A. States  
 Notary Public

**TRACY A. STATES**  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID #20064045541  
 My Commission Expires November 6, 2018

**Project Narrative**  
**Name: Aspen Village Subdivision**  
**Application: Annexation/Rezone and Preliminary Plan**  
**May 5, 2016**

**Project Information**

<b>Applicant:</b>	McCurter Land Company, LLC - Owner
<b>Representative:</b>	Tracy States – River City Consultants, Inc.
<b>Location:</b>	1062 18 Road, Fruita, Colorado
<b>Parcel No:</b>	2697-162-00-020
<b>Zoning:</b>	Current Mesa County AFT – Proposed Community Residential (CR) within the City of Fruita

**Project Description:**

The project is located at the northeast corner of the intersection of Pine St. and Aspen Ave. The project is proposing annexation and zoning to CR within the City of Fruita limits. It is proposed to create a 22 lot single family detached residential subdivision. The total acreage of the project is 6.73 acres. The lot sizes conform to the CR zone district standards. The lots range in size from 8,282 square feet to 12,633 square feet and is similar to densities in the immediate area the subject property. All of the setback requirements for the CR zone district can easily be met with lots of this size. The existing structures will be removed.

Two trail connections totaling 0.14 acres are proposed and the applicant is requesting credit for these trail connection towards the Public Sites, Parks and Open Spaces Dedication/Fee. No other open space/trails are proposed with this subdivision. There is a small detention pond located at the northeast corner of the project which will be landscaped, providing a pleasing aesthetic for this intersection corner.

**Neighborhood Meeting:**

A neighborhood meeting was held on April 25, 2016, at Rim Rock Elementary at 6 pm. The minutes, attendance sheets and exhibits that were presented at the meeting are included with this submittal. Overall, the project was favorably accepted by the public that attended the meeting.

## **Annexation and Zoning – Within the City’s Urban Growth Area**

### ***Does the annexation meet the requirements of State law (Title 31, Article 12)?***

The annexation of the subject property does meet the requirements of Colorado State Law (Title 31, Article 12). A Petition for Annexation and Annexation Map have been included with this submittal and the subject property has the 1/6 contiguity with the City limits required for annexation. The legal description of the annexation, including right-of-way can be found on the Annexation Map. All land adjacent to the subject property has been developed, with the exception of the two parcels adjacent to the southeast.

### ***Can the area to be annexed be efficiently served by urban services and facilities (police and fire protection, sanitary sewer service, potable and irrigation water, drainage structures, streets and trails, etc.) and what will the impact be to these urban services and facilities?***

There is water and sewer service available adjacent to the property. The developer will dedicate road and pedestrian systems within the development. There should be minimal impact to the provision of police and fire protection services and other municipal services with this annexation.

The developer/owner owns four shares of Grand Valley Irrigation Company irrigation water. An Irrigation Design Report is included with submittal. Storage is proposed as well as a pumped, pressurized system. It is estimated that an additional four shares of irrigation water will need to be purchased to increase water availability. Please refer to the Irrigation Design Report. Stormwater detention is proposed for the subdivision and drainage from the project will be released at less than historical rates into the existing drainage system.

### ***Is the area to be annexed contiguous with existing urban development?***

As explained above, the property has the 1/6 contiguity with the City limits required for annexation and all land adjacent to the subject property has been developed, with the exception of the two parcels adjacent to the southeast.

### ***Is the annexation consistent with the City’s Master Plan?***

The subject parcel is an in-fill parcel and has ready access to all urban services. The project and annexation are consistent with the City’s Master Plan including the Fruita Community Plan. The project provides higher density residential housing near the downtown area.

### ***Is the annexation supported by local residents and landowners?***

The project was accepted favorably by most of the public that attended the neighborhood meeting on April 25, 2016.

### ***Will the annexed land have a logical social and economic association with the City?***

The annexation and project proposes trail connections and will provide the City with increased tax revenues.

## **Preliminary Plan**

### **Project compliance with, compatibility with and impacts on:**

#### ***Adopted plans and policies***

The project meets the intent of the 2008 Community Plan, as well as the requirements of the City of Fruita Municipal Code, updated through December 31, 2013.

#### ***Land use in surrounding area including parks and open space***

Existing land uses in the area include both townhouses and single-family houses on lots ranging in size from just less than 3,400 square feet (Vista Valley and Windsor Park PUD subdivisions to 1.69 acres (County parcel). Rim Rock Elementary School is located less than one-half mile to the east on J 6/10 Road (Aspen Ave.). Windsor Park PUD Subdivision, located on the south side of Aspen Ave., contains a small community park and trail system.

#### ***Site access and traffic patterns***

Site access is proposed from 18 Road, extending into three cul-de-sacs. The proposed right-of-way is consistent with Fruita's street standards, as well as requirements for fire department access. Both Pine St. and Aspen Ave. are classified as major collector roadways and will accommodate the traffic from this and further urban development in the area.

#### ***Availability of utilities***

All utilities are extended to the site and will be extended into the subdivision. Please see previous comments regarding irrigation.

#### ***Special or unusual demands on utilities***

The proposed project will not cause any special or unusual demands on utilities. The infrastructure is in place to support the subdivision.

#### ***Effects on public facilities and services***

There should be minimal impact to the provision of police and fire protection services and other municipal services with this annexation and subdivision.

#### ***Site soils and geology***

A geologic hazards and geotechnical investigation was performed on the site by Huddleston-Berry Engineering and Testing. The site is suitable for the proposed development.

#### ***Natural areas***

There are several large trees on the property and the developer intends to save as many of these trees as possible.

## PETITION FOR ANNEXATION

**WE, THE UNDERSIGNED**, in accordance with the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Fruita, Colorado, for the annexation of the following described unincorporated area located in the County of Mesa, State of Colorado, to wit:

~~(Insert Legal Description or attach as Exhibit A.)~~

In support of this Petition, the Petitioners state:

1. It is desirable and necessary that the above-described area be annexed to the City of Fruita, Colorado.
2. The requirements of Section 31-12-104, C.R.S., as amended, exist or have been met, to wit:
  - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fruita;
  - b. A community interest exists between the area proposed to be annexed and the City of Fruita;
  - c. The area proposed to be annexed is urban or will be urbanized in the near future; and
  - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fruita.
3. The requirements of Section 31-12-105 C.R.S., as amended, exist or have been met, to wit:
  - a. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way;
  - b. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together, with the buildings and improvements situated thereon) has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year

- next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners;
- c. No annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality;
  - d. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of same to another school district;
  - e. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the City of Fruita more than three miles in any direction from any point of the City's boundary in any one year;
  - f. If any portion of the platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed; and
  - g. Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the City of Fruita.
4. The Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
  5. This Petition for Annexation satisfies the requirements of Article II, Section 30, of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Fruita.
  6. Attached hereto and incorporated by reference is an Annexation Map showing:
    - a. The boundary of the area proposed to be annexed including a legal description of the property;
    - b. The location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
    - c. The contiguous boundary of the City of Fruita and the contiguous boundary of any other municipality abutting the area proposed to be annexed.



7. All of the petitioners signed this Petition for Annexation no more than 180 days prior to the date of the filing of this Petition for Annexation.

**WHEREFORE**, the Petitioners request that the Fruita City Council approve the annexation of the area proposed to be annexed.

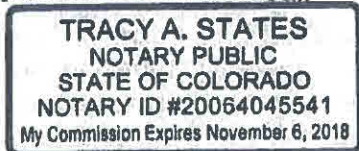
Dated this 19<sup>th</sup> day of April, 2016.

McCurter Land Company LLC  
James R. McCurter  
Property Owner      Member Manager      Property Owner

City Of Fruita      )  
County of Mesa    ) ss.  
State of Colorado )

Subscribed and sworn to before me this 19<sup>th</sup> day of April, 2016 by  
James R. McCurter

Witness my hand and official seal.




Tracy A. States  
Notary Public

My commission expires: 11/06/2018

**AFFIDAVIT OF CIRCULATOR**

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

That he/she was the circulator of the foregoing Petition for Annexation consisting of 5 pages, including this page and that each signature thereon was witnessed by your affidavit and is the true signature of the person whose name it purports to be.

  
Circulator

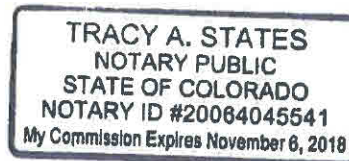
State of Colorado    )  
                                  ) ss.  
County of Mesa        )

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 19<sup>th</sup> day of April, 2016, by James R. McCurter.

Witness my hand and official seal.

  
Notary Public

My commission expires: 11/06/2018



## EXHIBIT A

All of the NW1/4 of the SW1/4 of the NW1/4 of Section 16, Township 1 North, Range 2 West of the Ute Meridian;  
EXCEPT a triangular piece of land located in the Southeast Corner of said NW1/4 of the SW1/4 of the NW1/4 of Section 16, Township 1 North, Range 2 West of the Ute Meridian described as beginning at the Southeast Corner thereof;  
thence West 475 feet along the South boundary line of the said tract;  
thence Northeasterly in a straight line 667 feet to a point on the East boundary line of the said tract;  
thence South along said East boundary line to the Point of Beginning;  
AND EXCEPT that parcel conveyed in instrument recorded in Book 3879 at Page 292;  
AND ALSO EXCEPT that parcel conveyed in instrument recorded in Book 4158 at Page 948.

County of Mesa, State of Colorado





# LAND DEVELOPMENT APPLICATION

Project Name: Aspen Village Subdivision and Annexation  
 Project Location: 16218 Rd, Fruita, Co  
 Current Zoning District: AFT (Mesa County) Requested Zone: CR  
 Tax Parcel Number(s): 2697-162-00-028 Number of Acres: \_\_\_\_\_  
 Project Type: Major Subdivision + Annexation

Property Owner: McCurter Land Company LLC Developer: Same  
 Property Owner: \_\_\_\_\_ Contact: Tim McCurter  
 Address: P.O. Box 2007 Address: P.O. Box 2007  
 City/State/Zip: Grand Junction, Co 81502 City/State/Zip: Grand Junction, Co 81502  
 Phone: 970-260-0604 Fax: \_\_\_\_\_ Phone: 970-260-0604 Fax: \_\_\_\_\_  
 E-mail: mccurters@yahoo.com E-mail: mccurters@yahoo.com

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

Owner Rep: RiverCity Consultants, Inc. Engineer: RiverCity Consultants, Inc.  
 Contact: Tracy States Contact: Jeff Mace  
 Address: 744 Horizon Ct. #110 Address: 744 Horizon Ct. #110  
 City/State/Zip: Grand Junction, Co 81506 City/State/Zip: Grand Junction, Co 81506  
 Phone: 970-241-4722 Fax: 970-241-8841 Phone: 970-241-4722 Fax: 970-241-8841  
 E-mail: tstates@rcwest.com E-mail: jmace@rcwest.com

**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.

Name of Legal Owner	<u>James R. McCurter</u> Signature <u>Member/Manager</u>	<u>4/19/16</u> 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 19<sup>th</sup> day of April, 2016.

My Commission expires: 11/06/2018

Tracy A. States  
 Notary Public

**TRACY A. STATES**  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID #20064045541  
 My Commission Expires November 6, 2018

**Project Narrative**  
**Name: Aspen Village Subdivision**  
**Application: Annexation/Rezone and Preliminary Plan**  
**May 5, 2016**

**Project Information**

**Applicant:** McCurter Land Company, LLC - Owner  
**Representative:** Tracy States – River City Consultants, Inc.  
**Location:** 1062 18 Road, Fruita, Colorado  
**Parcel No:** 2697-162-00-020  
**Zoning:** Current Mesa County AFT – Proposed Community Residential (CR) within the City of Fruita

**Project Description:**

The project is located at the northeast corner of the intersection of Pine St. and Aspen Ave. The project is proposing annexation and zoning to CR within the City of Fruita limits. It is proposed to create a 22 lot single family detached residential subdivision. The total acreage of the project is 6.73 acres. The lot sizes conform to the CR zone district standards. The lots range in size from 8,282 square feet to 12,633 square feet and is similar to densities in the immediate area the subject property. All of the setback requirements for the CR zone district can easily be met with lots of this size. The existing structures will be removed.

Two trail connections totaling 0.14 acres are proposed and the applicant is requesting credit for these trail connection towards the Public Sites, Parks and Open Spaces Dedication/Fee. No other open space/trails are proposed with this subdivision. There is a small detention pond located at the northeast corner of the project which will be landscaped, providing a pleasing aesthetic for this intersection corner.

**Neighborhood Meeting:**

A neighborhood meeting was held on April 25, 2016, at Rim Rock Elementary at 6 pm. The minutes, attendance sheets and exhibits that were presented at the meeting are included with this submittal. Overall, the project was favorably accepted by the public that attended the meeting.

## **Annexation and Zoning – Within the City’s Urban Growth Area**

### ***Does the annexation meet the requirements of State law (Title 31, Article 12)?***

The annexation of the subject property does meet the requirements of Colorado State Law (Title 31, Article 12). A Petition for Annexation and Annexation Map have been included with this submittal and the subject property has the 1/6 contiguity with the City limits required for annexation. The legal description of the annexation, including right-of-way can be found on the Annexation Map. All land adjacent to the subject property has been developed, with the exception of the two parcels adjacent to the southeast.

### ***Can the area to be annexed be efficiently served by urban services and facilities (police and fire protection, sanitary sewer service, potable and irrigation water, drainage structures, streets and trails, etc.) and what will the impact be to these urban services and facilities?***

There is water and sewer service available adjacent to the property. The developer will dedicate road and pedestrian systems within the development. There should be minimal impact to the provision of police and fire protection services and other municipal services with this annexation.

The developer/owner owns four shares of Grand Valley Irrigation Company irrigation water. An Irrigation Design Report is included with submittal. Storage is proposed as well as a pumped, pressurized system. It is estimated that an additional four shares of irrigation water will need to be purchased to increase water availability. Please refer to the Irrigation Design Report. Stormwater detention is proposed for the subdivision and drainage from the project will be released at less than historical rates into the existing drainage system.

### ***Is the area to be annexed contiguous with existing urban development?***

As explained above, the property has the 1/6 contiguity with the City limits required for annexation and all land adjacent to the subject property has been developed, with the exception of the two parcels adjacent to the southeast.

### ***Is the annexation consistent with the City’s Master Plan?***

The subject parcel is an in-fill parcel and has ready access to all urban services. The project and annexation are consistent with the City’s Master Plan including the Fruita Community Plan. The project provides higher density residential housing near the downtown area.

### ***Is the annexation supported by local residents and landowners?***

The project was accepted favorably by most of the public that attended the neighborhood meeting on April 25, 2016.

### ***Will the annexed land have a logical social and economic association with the City?***

The annexation and project proposes trail connections and will provide the City with increased tax revenues.

## **Preliminary Plan**

### **Project compliance with, compatibility with and impacts on:**

#### ***Adopted plans and policies***

The project meets the intent of the 2008 Community Plan, as well as the requirements of the City of Fruita Municipal Code, updated through December 31, 2013.

#### ***Land use in surrounding area including parks and open space***

Existing land uses in the area include both townhouses and single-family houses on lots ranging in size from just less than 3,400 square feet (Vista Valley and Windsor Park PUD subdivisions to 1.69 acres (County parcel). Rim Rock Elementary School is located less than one-half mile to the east on J 6/10 Road (Aspen Ave.). Windsor Park PUD Subdivision, located on the south side of Aspen Ave., contains a small community park and trail system.

#### ***Site access and traffic patterns***

Site access is proposed from 18 Road, extending into three cul-de-sacs. The proposed right-of-way is consistent with Fruita's street standards, as well as requirements for fire department access. Both Pine St. and Aspen Ave. are classified as major collector roadways and will accommodate the traffic from this and further urban development in the area.

#### ***Availability of utilities***

All utilities are extended to the site and will be extended into the subdivision. Please see previous comments regarding irrigation.

#### ***Special or unusual demands on utilities***

The proposed project will not cause any special or unusual demands on utilities. The infrastructure is in place to support the subdivision.

#### ***Effects on public facilities and services***

There should be minimal impact to the provision of police and fire protection services and other municipal services with this annexation and subdivision.

#### ***Site soils and geology***

A geologic hazards and geotechnical investigation was performed on the site by Huddleston-Berry Engineering and Testing. The site is suitable for the proposed development.

#### ***Natural areas***

There are several large trees on the property and the developer intends to save as many of these trees as possible.





**EXHIBIT A**  
**ASPEN VILLAGE SUBDIVISION**  
**1062 18 ROAD**  
**FRUITA, CO**

**SUMMARY OF NEIGHBORHOOD MEETING**  
**MONDAY, APRIL 25, 2016**  
**RIM ROCK ELEMENTARY**  
**1810 J 6/10 ROAD @ 6:00 PM**

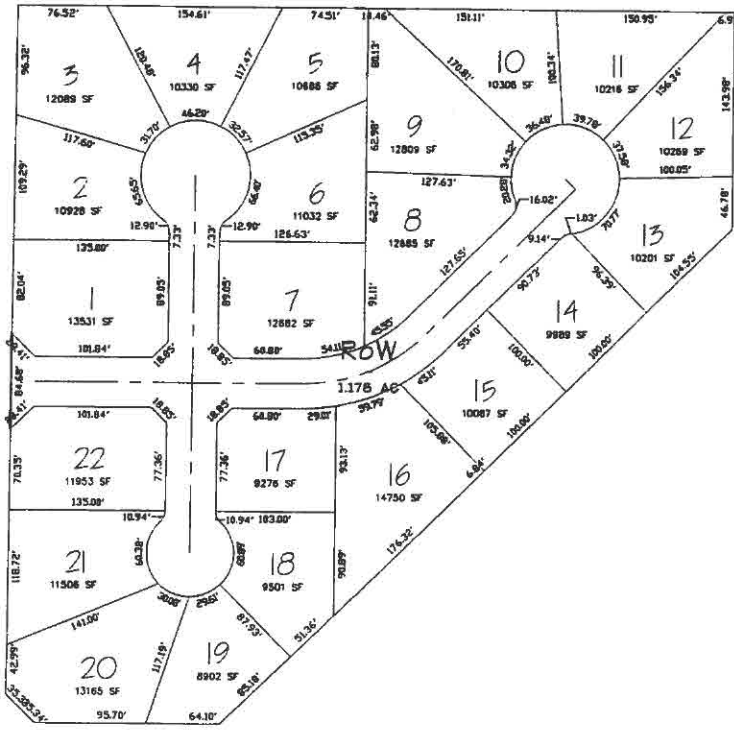
A neighborhood meeting for the above referenced subdivision was held Monday, April 25, 2016, at Rim Rock Elementary School, located at 1810 J 6/10 Road, at 6:00 PM. A letter notifying the neighbors was sent on April 15, 2016, per the mailing list received from the City. The meeting was facilitated by Tracy States with River City Consultants, Inc., representing James and Debra McCurter (McCurter Land Company, LLC), the project Developers, who were also in attendance. Jeff Mace, the Project Engineer with River City Consultants, was also present to answer technical questions. There were nineteen neighbors that attended the meeting. An attendance list is provided as part of this Exhibit.

The meeting was an informal presentation with a copy of the Composite Site Plan for Aspen Village presented as an exhibit (attached). Ms. States explained what was planned for the subdivision and the proposed zoning of Community Residential (CR). Most all of the attendees were happy that townhomes were no longer being proposed and some were very excited about the project. The attendees presented questions that were answered by Ms. States, Mr. Mace and Mr. McCurter.

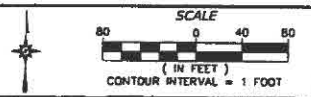
Most of the questions were regarding the size of the homes and height (would there be two-story homes), where the fire department would access the site from, would there be restrictions as far as building materials, etc. (CCRs). Some asked about perimeter fencing. It was explained that two-story homes are allowed in the proposed CR zone district and that there would be CCRs to regulate the type of construction allowed within the subdivision.

There were a few of the neighbors that were not happy about this piece annexing into the City's limits. It was asked if the neighbors could be forced to annex as well. It was explained that with the exception of this property and the two adjoining properties to the east, that all of the surrounding development was already within the City's limits. These concerns came from neighbors that were on larger agricultural properties with farming activities a little further to the east.

The meeting adjourned at 6:45 PM.



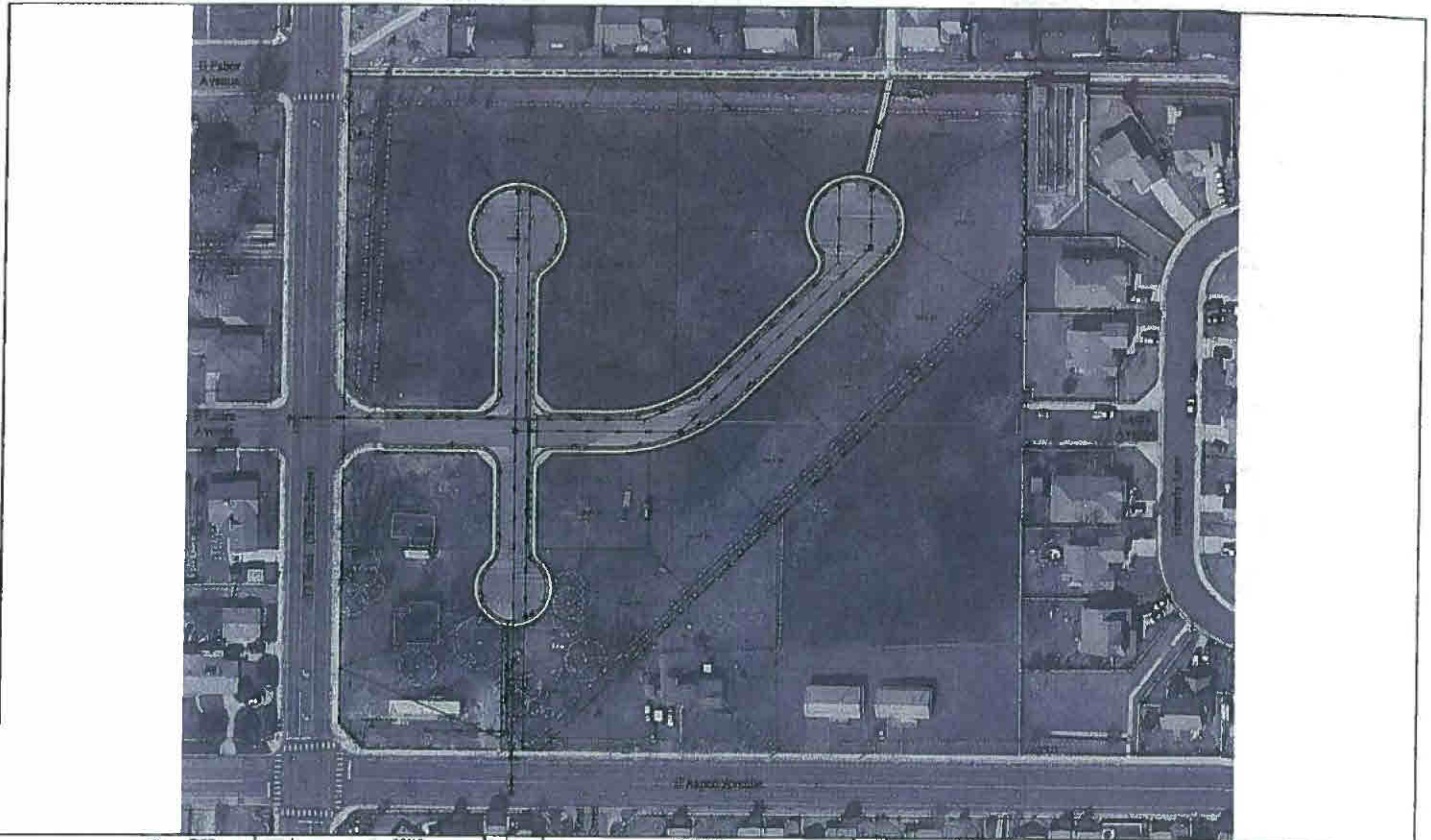
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



NO.	DATE	REVISIONS	BY

PRELIMINARY

McCurter Land Company	
Aspen Village Single Family Concept 2	
DRAWN BY:	JWM
CHECKED BY:	RCC PROJECT #: 1071-006
HORIZ SCALE: AS SHOWN	DATE ISSUED: 15.MAR.2016
VERT SCALE: N/A	ORIGINAL SHEET SIZE: 11 x 17
1	



**811**  
 UTAH  
 PROFESSIONAL ENGINEER  
 No. 12345  
 JOHN D. SMITH  
 1234 MAIN ST., SALT LAKE CITY, UT 84143  
 (801) 555-1234

**SCALE**  
 1" = 100'  
 GRAPHIC SCALE BAR  
 0 20 40 60 80 100

NO.	DATE	REVISIONS	BY

**RIVER CITY**  
 PROFESSIONAL  
 1234 MAIN ST., SALT LAKE CITY, UT 84143  
 (801) 555-1234

**MCCURTER LAND COMPANY**  
 1234 MAIN ST., SALT LAKE CITY, UT 84143  
 (801) 555-1234  
**Aspen Village Subdivision**  
 Composite Site Plan

**Monday, April 25, 2016 – Aspen Village SFR/Annexation  
 Neighborhood Meeting @ 6:00 PM  
 Rim Rock Elementary  
 1810 J 6/10 Road, Fruita, CO**

	Name	Address	Phone # (Optional)
1.	Leni Chestnick	1806 J 6/10 Rd	
2.	Terri Brown	1982 J Rd	
3.	Jim & Deb McCarter	2458 Home Ranch Ct GJ	
4.	Bob Major	1804 J 6/10 Rd	712-7055
5.	Amy & Dawn McLeod	1176 Wolf Creek Ct.	
6.	Gayle & Curtis Meyer	1142 Wolf Creek Ct.	
7.	<del>CA Cisneros</del>	1075 E. Aspen Ave	
8.	Paul McFarland	1078 E Leona Ave	
9.	<del>James Krumpholtz</del>	120 W. Park Dr.	
10.	Ray Rickard	2415 Red Hook Dr.	
11.	JACKSONS	1074 E. Patre Ave	
12.	Domenicucci	1220 Wolf Creek	
13.	Wendy Helen Wade	1223 Wolf Ct Ct	
14.			
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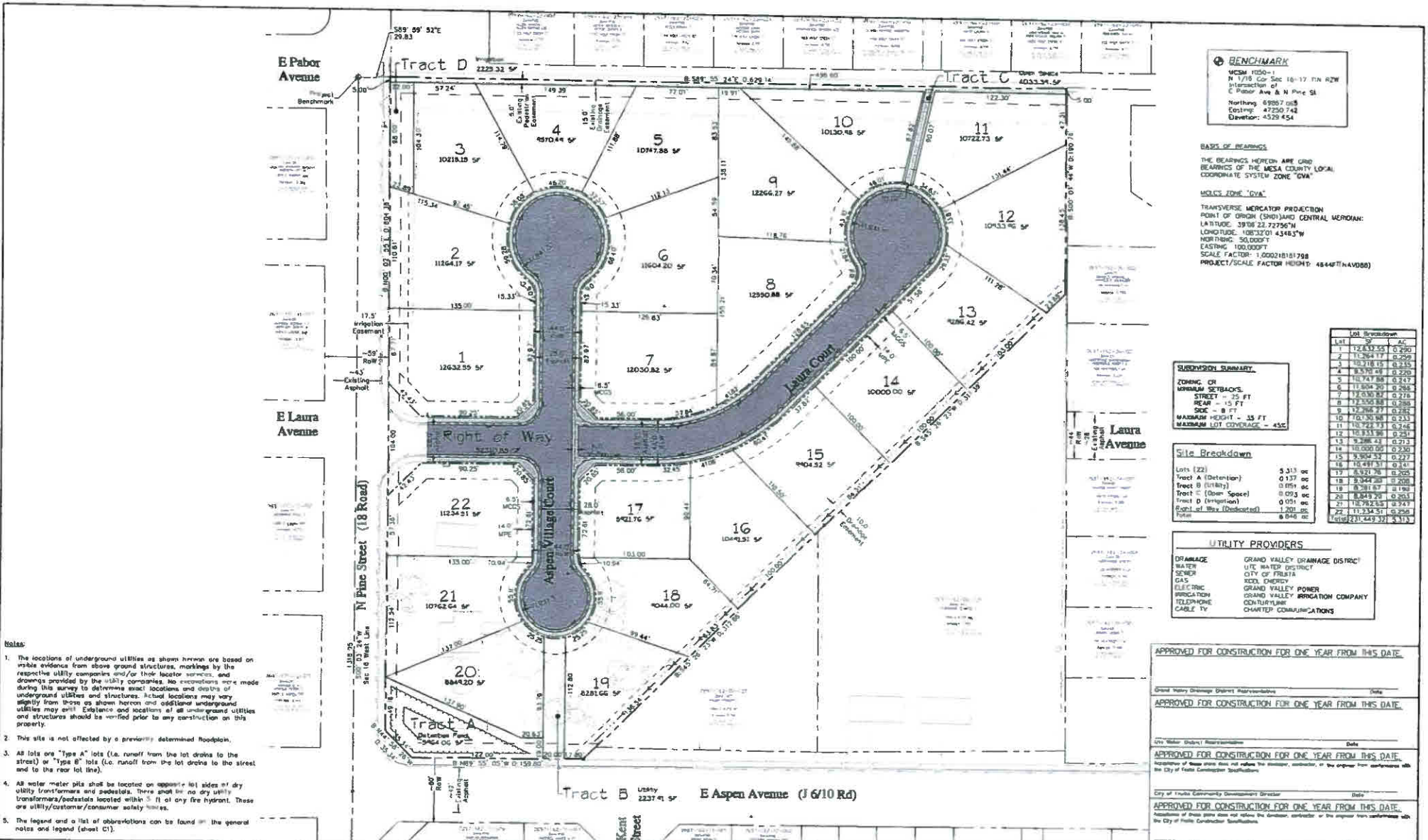
**Monday, April 25, 2016 – Aspen Village SFR/Annexation**  
**Neighborhood Meeting @ 6:00 PM**  
**Rim Rock Elementary**  
**1810 J 6/10 Road, Fruita, CO**

Name	Address	Phone # (Optional)
1. Judy Johnson	1083-19 Rd.	
2. Jim & Penny Hassell	111 Trent St.	
3. GEORGE E JOHNSON II	1083 19 ROAD	
4. Tracy States	River City Consultants	241-4722
5. Jeff Mace	RCC	241-4722
6.		
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25.		









**BENCHMARK**  
 WGS 1984-1  
 N 1716 Cor Sec 16-17 1st RW  
 Intersection of  
 C Pabor Ave & N Pine St  
 Northing: 69857.015  
 Easting: 47250.742  
 Elevation: 4329.454

**BASIS OF BEARINGS**  
 THE BEARINGS HEREON ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM ZONE "CVA"

**MOLDS ZONE "CVA"**  
 TRANSVERSE MERCATOR PROJECTION  
 POINT OF ORIGIN (SOUTHWARD CENTRAL MERIDIAN)  
 LATITUDE: 39°06'22.72756"N  
 LONGITUDE: 108°32'01.43483"W  
 NORTHING: 50,000.00  
 EASTING: 100,000.00  
 SCALE FACTOR: 1.00021811798  
 PROJECT/SCALE FACTOR HEIGHT: 4844714.000

Lot	Area	Ac
1	12632.55	0.290
2	11264.17	0.256
3	10218.15	0.235
4	9570.44	0.220
5	10747.85	0.247
6	11604.20	0.268
7	12264.27	0.278
8	12290.88	0.282
9	12264.27	0.282
10	10130.45	0.233
11	10722.73	0.246
12	10433.95	0.241
13	9286.42	0.213
14	10000.00	0.230
15	9904.32	0.227
16	10493.51	0.241
17	8421.76	0.192
18	9044.00	0.208
19	8281.66	0.189
20	8649.20	0.197
21	10762.64	0.247
22	11234.51	0.259
Total	231,449.32	5.313

**SUBDIVISION SUMMARY**  
 ZONING OR ORDINANCE SETBACKS:  
 STREET - 35 FT  
 REAR - 15 FT  
 SIDE - 8 FT  
 MAXIMUM HEIGHT - 35 FT  
 MAXIMUM LOT COVERAGE - 45%

**Site Breakdown**  
 Lots (22) 5.313 ac  
 Tract A (Detention) 0.137 ac  
 Tract B (Utility) 0.051 ac  
 Tract C (Open Space) 0.053 ac  
 Tract D (Impervious) 0.051 ac  
 Right of Way (Dedicated) 1.201 ac  
 Total 6.846 ac

**UTILITY PROVIDERS**  
 DRAINAGE: GRAND VALLEY DRAINAGE DISTRICT  
 WATER: UTE WATER DISTRICT  
 SEWER: CITY OF FRUITA  
 GAS: SOLO ENERGY  
 ELECTRIC: GRAND VALLEY POWER  
 IRRIGATION: GRAND VALLEY IRRIGATION COMPANY  
 TELEPHONE: CENTURYLINK  
 CABLE TV: CHARTER COMMUNICATIONS

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.  
 Grand Valley Drainage District Representative \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.  
 Ute Water District Representative \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.  
 City of Fruta Community Development Director \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.  
 City of Fruta Engineer \_\_\_\_\_ Date \_\_\_\_\_

- Notes:**
- The locations of underground utilities as shown hereon are based on visible evidence from above ground structures, markings by the respective utility companies and/or their locator services, and drawings provided by the utility companies. No excavations were made during this survey to determine exact locations and depths of underground utilities and structures. Actual locations may vary slightly from those as shown hereon and additional underground utilities may exist. Existence and locations of all underground utilities and structures should be verified prior to any construction on this property.
  - This site is not affected by a previously determined floodplain.
  - All lots are "Type A" lots (i.e. runoff from the lot drains to the street) or "Type B" lots (i.e. runoff from the lot drains to the street and to the rear lot line).
  - All water meter pits shall be located on opposite lot sides of dry utility transformers and pedestals. There shall be no dry utility transformers/pedestals located within 5 ft of any fire hydrant. These are utility/customer/consumer safety notes.
  - The legend and a list of abbreviations can be found on the general notes and legend (sheet C1).

UNCC 811  
Call before you dig

SCALE

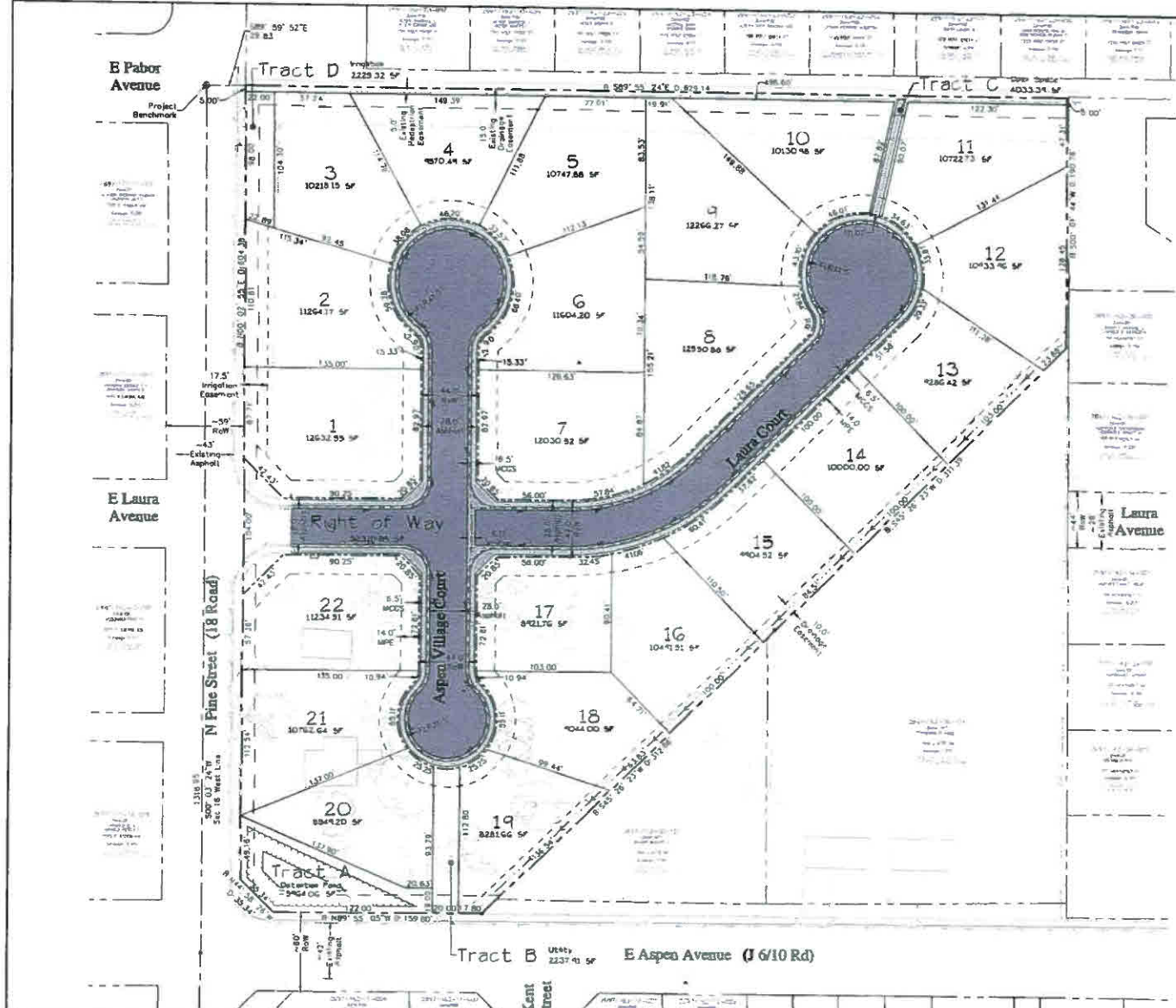
REVISIONS

NO.	DATE	DESCRIPTION	BY

**RIVER CITY**  
 AN ASPEN LAND COMPANY  
 1000 W. ASPEN AVENUE, SUITE 200  
 FRUITA, CO 80422  
 PHONE: 970.861.1422  
 FAX: 970.861.1421

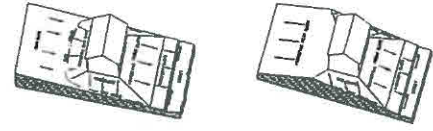
**McCURTER LAND COMPANY**  
 Aspen Village Subdivision  
 Preliminary Plan

C 3



**BENCHMARK**  
 MDSM 1050-1  
 N 1718 East Sec 15-17 T1N R2W  
 Intersection of  
 E Labor Ave & N Pine St  
 Northing: 6986.7085  
 Easting: 47250.7427  
 Elevation: 4529.454

**BASES OF BEARINGS**  
 THE BEARINGS HEREON ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM ZONE "GMA"  
**MDSM\_ZONE "GMA"**  
 TRANSVERSE MERCATOR PROJECTION  
 POINT OF ORIGIN (SOUTH) AND CENTRAL MERIDIAN  
 LATITUDE: 39°16'22.72756"N  
 LONGITUDE: 108°37'04.8463"W  
 NORthing: 50,000 FT  
 EASTING: 100,000 FT  
 SCALE FACTOR: 1.000216181798  
 PROJECT/SCALE FACTOR HEIGHT: 4544FT(NAVD80)

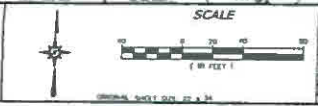


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  - The legend and a list of abbreviations can be found on the general notes and legend (sheet C1).
  - Lot owners shall comply with individual grading requirements as shown on this Composite Site Plan.

STATE OF COLORADO )  
 COUNTY OF MESA )  
 I certify that the instrument was filed in my office on \_\_\_\_\_ day of \_\_\_\_\_ A.D. and was recorded in Plat Book \_\_\_\_\_ Page No. \_\_\_\_\_  
 Recorner No. \_\_\_\_\_ Drawer No. \_\_\_\_\_ Fees \_\_\_\_\_  
 By \_\_\_\_\_ Clerk and Recorder \_\_\_\_\_ Deputy

APPROVED FOR RECORDING  
 City of Public Governmental Officer \_\_\_\_\_ Date \_\_\_\_\_

**811**  
 UNCC  
 Call before digging  
 CALL 7 BUSINESS DAYS IN ADVANCE BEFORE ANY DIGGING OR EXCAVATION FOR THE PURPOSE OF IDENTIFYING UNDERGROUND UTILITIES.

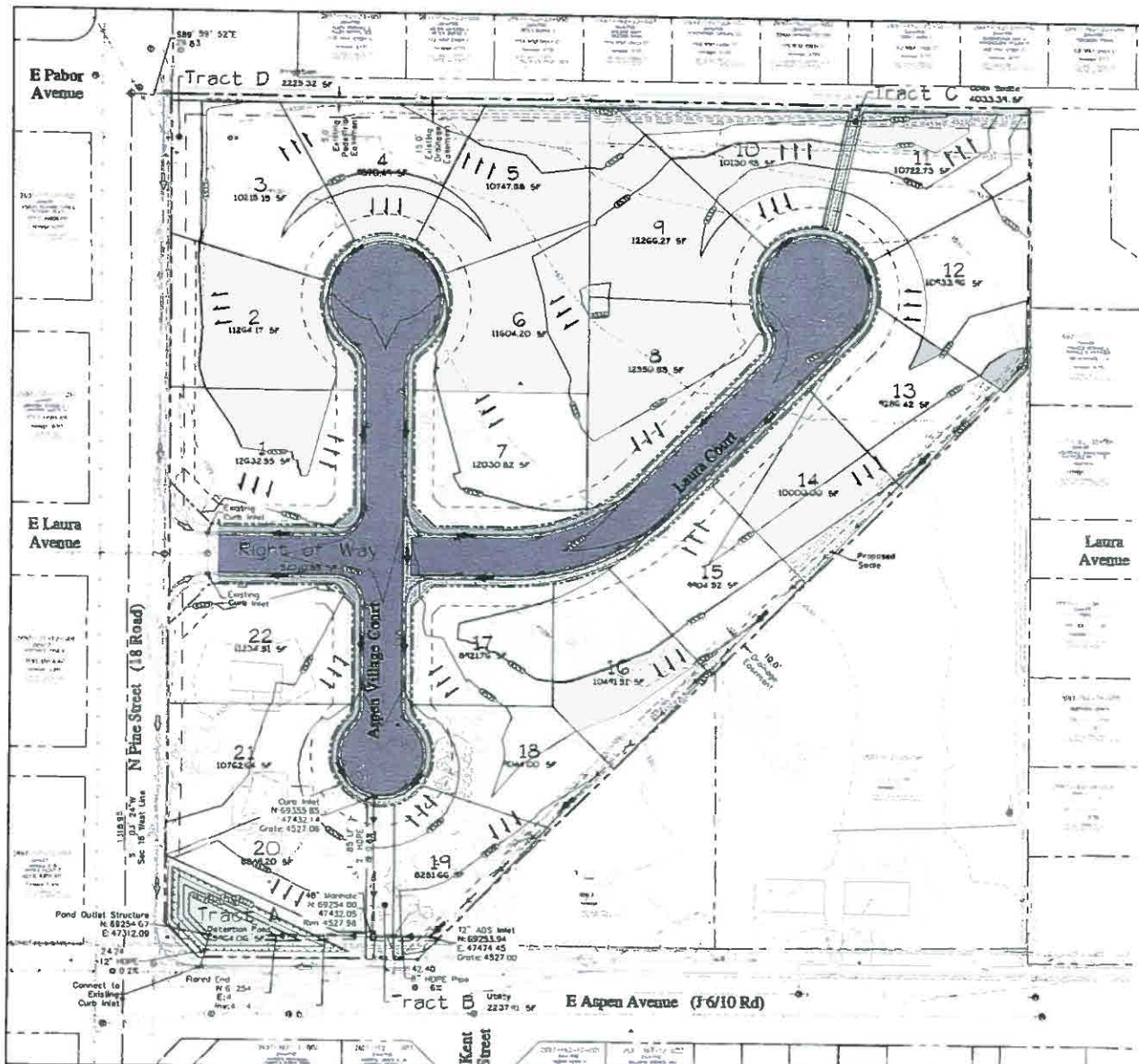


NO.	DATE	REVISIONS	DESCRIPTION

**RIVER CITY**  
 CONSULTANTS  
 101 West 10th Street, Suite 100  
 Denver, Colorado 80202  
 Phone: 303.733.1234  
 Fax: 303.733.1235  
 www.rivercity.com

PROJECT NO. 097-008 DATE ISSUED: 08/26/2009  
 DRAWN BY: MHC DATE CHECKED: 08/26/2009  
 CHECKED BY: MHC DATE RECORDED: 08/26/2009  
 SCALE: 1" = 40'

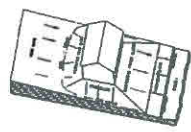
**McCURTER LAND COMPANY**  
 Aspen Village Subdivision  
 Composite Site Plan  
 C 4



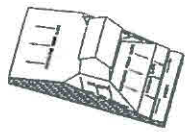
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  - The legend and a list of abbreviations can be found on the general notes and legend (sheet 01).

**BENCHMARK**  
 NGS1 1050-1  
 N 1716 Cor. Sec. 16-17 T1N R2W  
 Intersection of  
 E Pabor Ave. & N Pine St.  
 Northing 69857.065  
 Easting 47280.742  
 Elevation: 4529.454

Determination Type	WSEL	Volume (CF)
SDCV	180	180
10-18	180	180
100	180	180
SDCV + 10-18	180	180
Top of Paved (w/ 1" Treeboard)	180	180

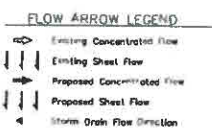


LOT GRADING - TYPE A  
 ALL GRADING TO STREET



LOT GRADING - TYPE B  
 ELEVATION WITHIN 10 FEET AND 10 FEET NEAR LOT LINE

Lot	Type	Area	WSEL
1	B	180	180
2	B	180	180
3	B	180	180
4	B	180	180
5	B	180	180
6	B	180	180
7	B	180	180
8	B	180	180
9	B	180	180
10	B	180	180
11	B	180	180
12	B	180	180
13	B	180	180
14	B	180	180
15	B	180	180
16	B	180	180
17	B	180	180
18	B	180	180
19	B	180	180
20	B	180	180
21	B	180	180
22	B	180	180



APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

**UNCC**  
**811**  
 Call before you dig  
 CALL 1 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE UTILITY LOCATIONS SHOWN ON THIS PLAN.

**SCALE**  
 1" = 40'  
 CONTAINING INFORMATION AT 1 FOOT  
 ORIGINAL SHEET SIZE: 22 x 34

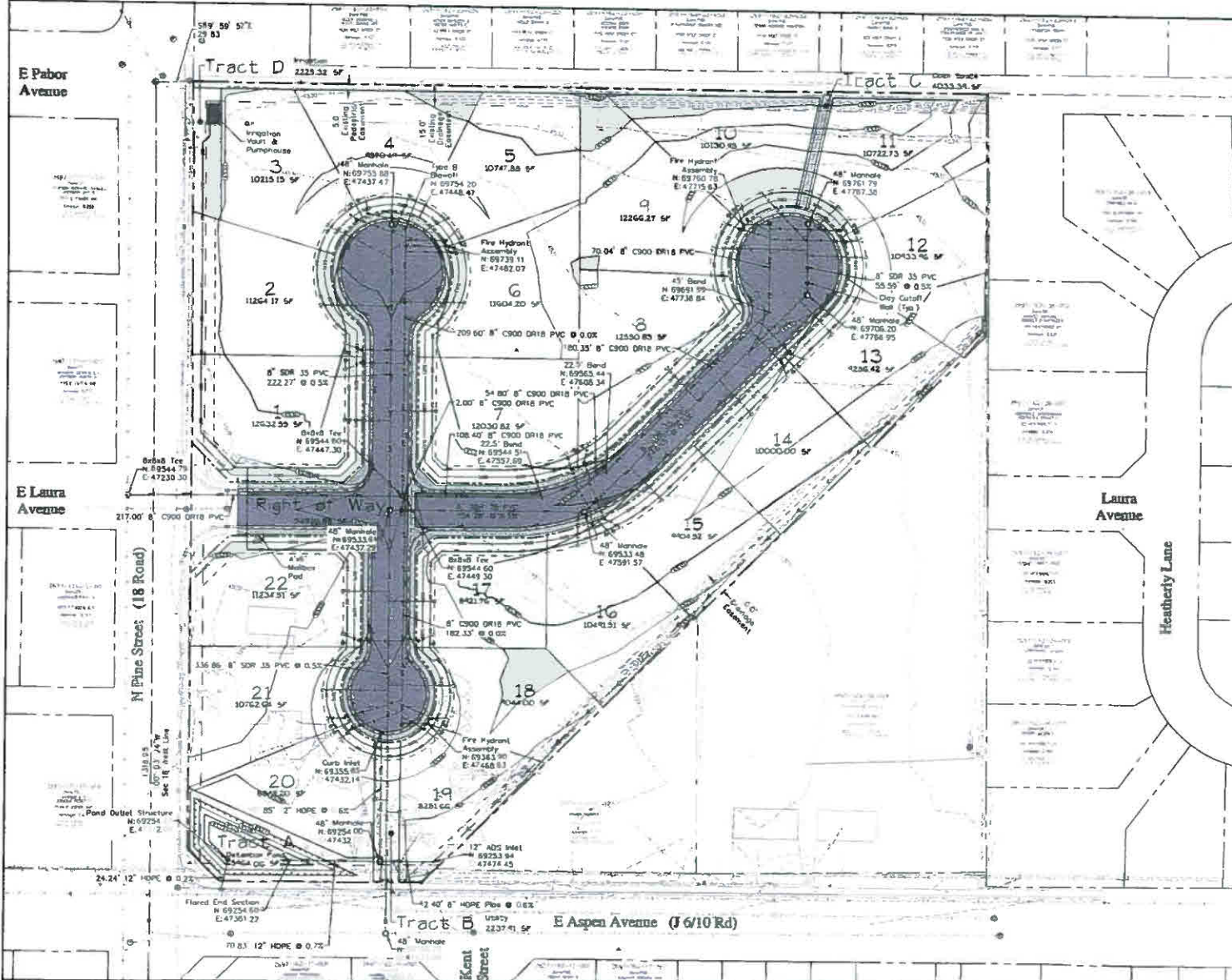
NO.	DATE	REVISIONS	DESCRIPTION	BY

**RIVER CITY**  
 ENGINEERS & ARCHITECTS  
 1000 Main Street, Suite 100  
 Grand Junction, CO 81505  
 Phone: 970.241.0222  
 Fax: 970.241.0201

**PROJECT #** 107-020 **DATE REVISION** 08/29/2010  
**DRAWN BY** JMC **CHECKED BY** JMC  
**DESIGNED BY** JMC **SCALE** 1" = 40'

**McCURTER LAND COMPANY**  
**Aspen Village Subdivision**  
 Preliminary Grading & Drainage Plan

**C5**



**BASES OF BEARINGS**  
 THE BEARINGS HEREON ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM ZONE "GVA".

**WOLCS ZONE "GVA"**  
 TRANSVERSE MERCATOR PROJECTION  
 POINT OF ORIGIN (SOUTH) AND CENTRAL MERIDIAN  
 LATITUDE: 39°02'22.750"N  
 LONGITUDE: 105°32'01.43483"W  
 NORTHING: 50,000.00'  
 EASTING: 100,000.00'  
 SCALE FACTOR: 1.000218817198  
 PROJECT/SCALE FACTOR HEIGHT: 48447164V080

**BENCHMARK**  
 WGSN 1050-1  
 N 1/16 Cor Sec 16-17 T1N R2W  
 Intersection of  
 E Labor Ave & N Pine St  
 Northing: 69867.063  
 Easting: 47250.942  
 Elevation: 4225.456'

- Notes:**
- The locations of underground utilities as shown herein are based on visible evidence from above ground structures, easements by the respective utility companies and/or their local services, and drawings provided by the utility companies. No excavations were made during this survey to determine exact locations and depths of underground utilities and structures. Actual locations may vary slightly from those as shown herein and additional underground utilities may exist. Existence and locations of all underground utilities and structures should be verified prior to any construction on this property.
  - This site is not affected by a previously determined floodplain.
  - All lots are "Type A" lots (i.e. runoff from the lot drains to the street) or "Type B" lots (i.e. runoff from the lot drains to the street and to the rear lot line).
  - All water meter pits shall be located on opposite lot sides of any utility transformers and pedestals. There shall be no any utility transformers/pedestals located within 5 ft of any fire hydrant. These are utility/customer/consumer safety issues.
  - The legend and a list of abbreviations can be found on the general notes and legend (sheet C1).

**UTILITY PROVIDERS**

DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT
WATER	UTE WATER DISTRICT
SEWER	CITY OF FRUITA
GAS	HOEL ENERGY
ELECTRIC	GRAND VALLEY POWER
IRRIGATION	GRAND VALLEY IRRIGATION COMPANY
TELEPHONE	CENTURYLINK
CABLE TV	CHARTER COMMUNICATIONS

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

Grand Valley Drainage District Representative: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

City of Fruta Construction Specifications: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

City of Fruta Construction Specifications: \_\_\_\_\_ Date: \_\_\_\_\_

City of Fruta Department Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

**811 UNCC** **811** **UNCC** **811** **UNCC**

CALL 1 BUSINESS DAYS IN ADVANCE BEFORE ANY DIG. SERVICE OF UTILITIES FOR THE PROJECT.

**SCALE**  
 1" = 40'

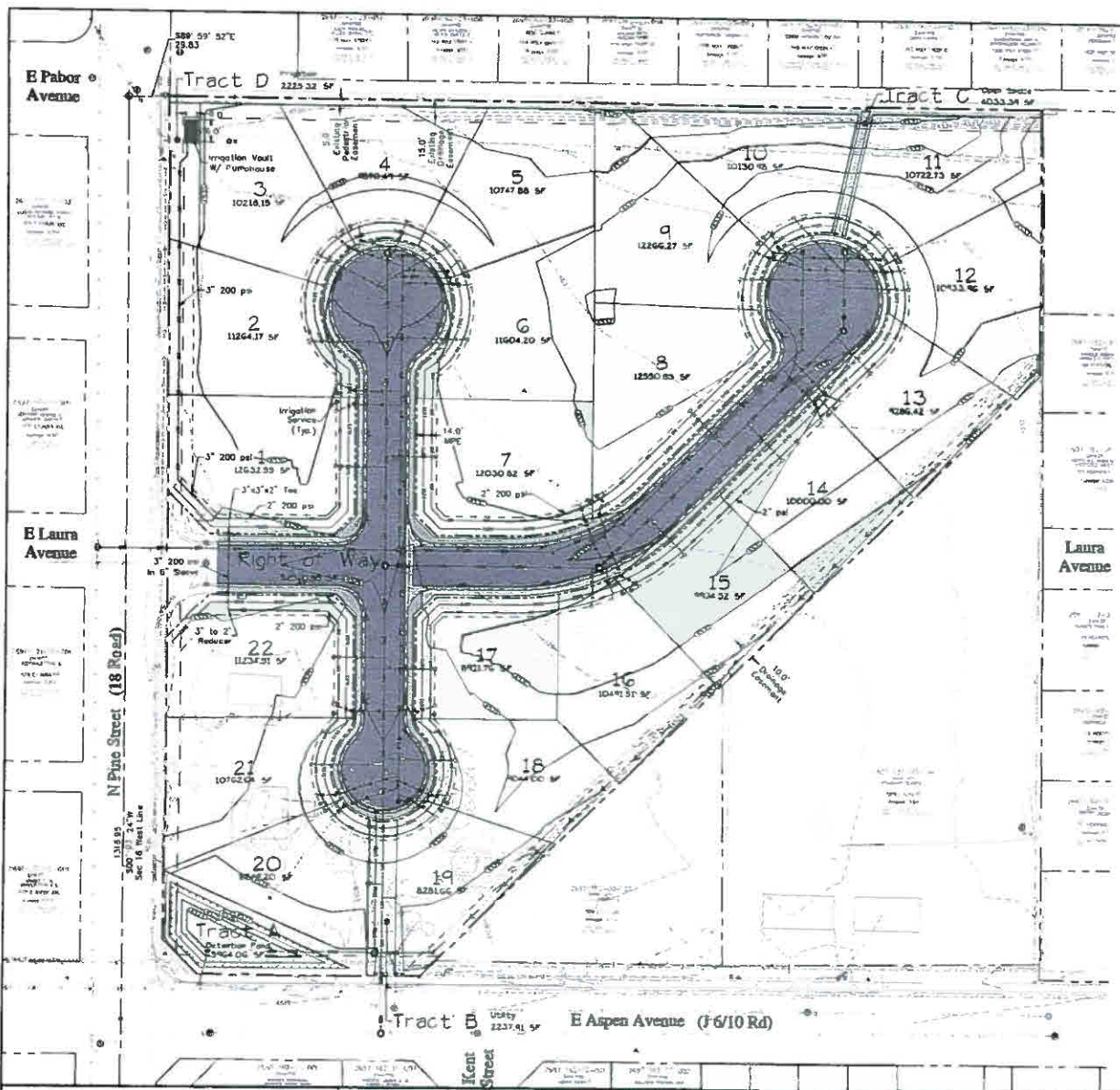
**REVISIONS**

NO.	DATE	DESCRIPTION

**RIVER CITY CONSULTANTS**  
 3704 S. W. 10th St., Suite 100  
 Fort Collins, CO 80504  
 Phone: 970-225-1100  
 Fax: 970-225-1101  
 Email: info@rivercity.com

**McCURTER LAND COMPANY**  
 Aspen Village Subdivision  
 Utility Composite

**C6**



**ASPEN VILLAGE  
GVIC**

**WATER MANAGEMENT RECOMMENDATIONS**

**SUPPLY**

IRRIGATION PROVIDER	GVIC
IRRIGATED ACRES	4.0
FLOW AVAILABLE (CFS)	18

**TOTAL AREA SUMMARY**

TOTAL LOT / COMMON ACREAGE	5.4
IRRIGATED ACREAGE	4.0
WATER (CFS) NEEDED BASED ON TOTAL AREA	21

**WATER SCHEDULE & TURF LIMITATION SUMMARY**

LOTS WATERING PER DAY	11
DAYS WATERING / LOT / WEEK	2
WATER PRESSURE (PSI)	18
LOTS WATERING AT ONE TIME	5
COMMON AREA IRRIGATION ACREAGE	0.6
WATER (CFS) NEEDED BASED ON SCHEDULE & TURF LIMITS PER LOT	43

**STORMY CLIMATE WATER NEED (CFS)**

	43
--	----

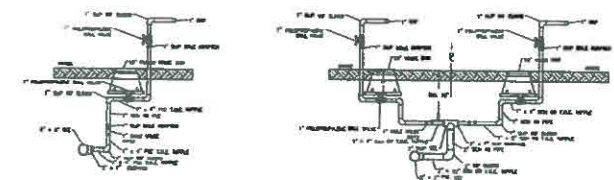
**STORAGE REQUIRED**

CHALLENGE	6000
AVERAGE DEPTH (FEET)	7
ACREAGE	8.825
SQUARE FEET	129

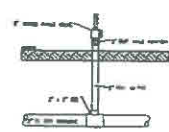
**WATER MANAGEMENT RECOMMENDATION**

LOT TYPE A	LOT TYPE B	LOT TYPE C	COMMON
TURF SF	1800 TURF SF	TURF SF	TURF AC
GRASS	GRASS	GRASS	GRASS
IRREGULAR	IRREGULAR	IRREGULAR	IRREGULAR
DRY YARD	DRY YARD	DRY YARD	DRY YARD
LOTTYPE	LOTTYPE	LOTTYPE	LOTTYPE

Calculations based on Irrigation Association of America Standards, add joint ET requirements based on current available approved data.

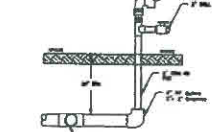


1" TAP WITH BALL VALVE



1" SURFACE FLUSH VALVE

DRILL RESTRICTED ORIFICE TAP WITH BALL VALVE AND BALL VALVE



END OF PIPE BRIDLE OF SURFACE FLUSH VALVE

**UTILITY PROVIDERS**

DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT
WATER	UTE WATER DISTRICT
SEWER	CITY OF FRUITA
GAS	VEEL ENERGY
ELECTRIC	GRAND VALLEY POWER
IRRIGATION	GRAND VALLEY IRRIGATION COMPANY
TELEPHONE	CENTURYLINK
CABLE TV	CHARTER COMMUNICATIONS

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.  
 Conditions of these plans shall not relieve the designer, contractor, or the applicant from responsibilities with the City of Frisco Construction Specifications.

City of Frisco Community Development Director \_\_\_\_\_ Date \_\_\_\_\_

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.  
 Conditions of these plans shall not relieve the designer, contractor, or the applicant from responsibilities with the City of Frisco Construction Specifications.

City of Frisco Development Engineer \_\_\_\_\_ Date \_\_\_\_\_



**REVISIONS**

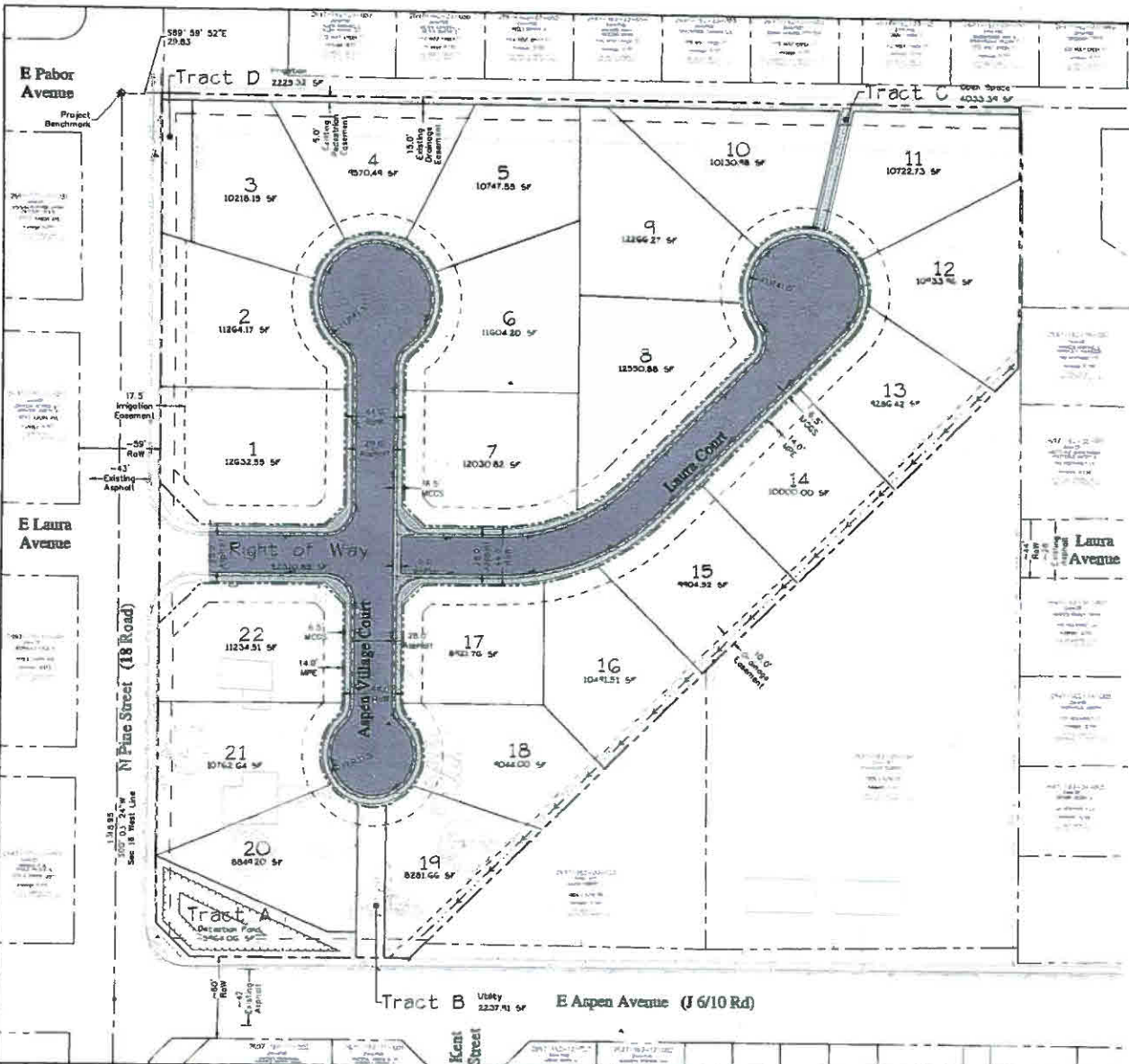
NO.	DATE	DESCRIPTION	BY



**McCURTER LAND COMPANY**  
 Aspen Village Subdivision  
 Preliminary Irrigation Plan

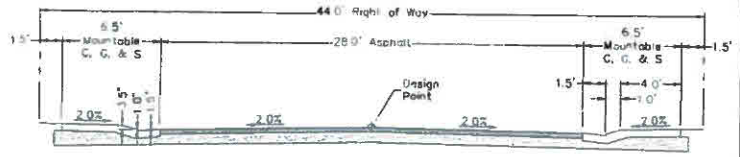
PROJECT # 1017-008 DRAWN BY: [Name] CHECKED BY: [Name]

C7



- Notes:**
- The locations of underground utilities (if shown here) are based on visible evidence from above ground structures, markings by the respective utility companies and/or their locator services, and drawings provided by the utility companies. No excavations were made during this survey to determine exact locations and depths of underground utilities and structures. Actual locations may vary slightly from those as shown here and additional underground utilities may exist. Evidence and locations of all underground utilities and structures should be verified prior to any construction on this property.
  - This site is not affected by a previously determined location.
  - All lots are "Type A" lots (i.e. runoff from the lot drains to the street) or "Type B" lots (i.e. runoff from the lot drains to the street and to the rear lot line).
  - All water meter pits shall be located on opposite lot sides of dry utility transformers and pedestals. There shall be no dry utility transformers/pedestals located within 5 ft of any fire hydrant. There are utility/customer/consumer safety issues.
  - The legend and a list of abbreviations can be found on the general notes and legend (sheet C3).

**BENCHMARK**  
 MCSM 1020-1  
 N 1/4 Cor. Sec. 16-17 T1N R2W  
 Intersection of  
 E Labor Ave & N Pine St  
 Northing: 69087.063  
 Easting: 42250.742  
 Elevation: 4528.454

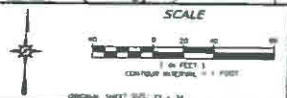


Typical Road Section  
(NTS)



Typical Pavement Section  
(NTS)

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.  
 Issuance of this permit does not release the designer, contractor or the engineer from responsibility to the City of Public Construction Specifications.  
 City of Public Development Engineer \_\_\_\_\_ Date \_\_\_\_\_



NO.	DATE	REVISIONS DESCRIPTION	BY



**RIVER CITY**  
 CONSULTANTS  
 1410 West 10th Street, Suite 100  
 Grand Junction, CO 81505  
 Phone: 970.241.4477  
 Fax: 970.241.4478  
 PROJECT NO. 2024-001 DATE ISSUED: 08/15/2024  
 DRAWN BY: JWH CHECKED BY: JWH  
 SCALE: 1" = 40'

**McCURTER LAND COMPANY**  
 Aspen Village Subdivision  
 Typical Street Cross Sections

### PLANT LEGEND: TREES

SYM.	BOTANICAL NAME:	COMMON NAME:	SIZE:	QUANTITY:	REMARKS:
(RNL)	MALUS 'RADIANT'	RADIANT CRABAPPLE	2" CALIPER	8 TOTAL	18" TALL, 12" SPREAD, PINK RED FLOWERS
(PN)	PRINUS MOIRA	AUSTRIAN PINE	8 FT. DBD	8 TOTAL	48" TALL, 18" SPREAD, GREEN EVERGREEN
(PYR)	PRINUS 'AUTUMN BLAZE'	AUTUMN BLAZE PEAR	2" CALIPER	5 TOTAL	48" TALL, 24" SPREAD, WHITE SPRING FLOWERS

### PLANT LEGEND: SHRUBS

SYM.	BOTANICAL NAME:	COMMON NAME:	SIZE:	QUANTITY:	REMARKS:
(BER)	BERBERIS THUNBERGII AUTIOPURPUREA	RED-LEAF BARBERRY	5 GALLON	12 TOTAL	4 FT. TALL, 3 FT. SPREAD, RED FOLIAGE
(CAL)	CALAMAGROSTIS 'KARL FOERSTER'	BLUEMIST SPIREA	5 GALLON	12 TOTAL	3 FT. TALL, 4 FT. SPREAD, BLUE FLOWERS
(CAR)	CARYOPTERIS 'DARK KNIGHT'	ISANTI DOGWOOD	5 GALLON	3 TOTAL	8 FT. TALL, 3 FT. SPREAD, RED TWIG
(EUD)	EUTHYRIS ALATUS COMPACTA	DWARF BURNING BUSH	5 GALLON	6 TOTAL	4" TALL, 4" SPREAD, UPRIGHT, RED FALL COLOR
(JUN)	JUNIPERUS 'BLUE CHIP'	VERTICAL SPARTAN JUNIPER	12 GALLON	8 TOTAL	24" TALL, 6" WIDE, EVERGREEN GREEN SHRUB
(PPD)	PICEA PLUNGERE GLAUCA 'GLOBOSA'	DWARF GLOBE SPRUCE SHORT GRAFT	5 GALLON	3 TOTAL	3" TALL, 3" SPREAD, BLUE DWARF, SHORT GRAFT
(RNF)	ROSA X 'MIDLAND FIRE'	RED GROUNDCOVER ROSE	5 GALLON	16 TOTAL	2" TALL, 4" SPREAD, RED FLOWERS
(VIB)	VIBURNUM DENTATUM 'BLUE MUFFIN'	BLUE MUFFIN VIBURNUM	5 GALLON	12 TOTAL	8" TALL, 8" SPREAD, WHITE FLOWERS, BLUE BERRIES, RED FALL COLOR

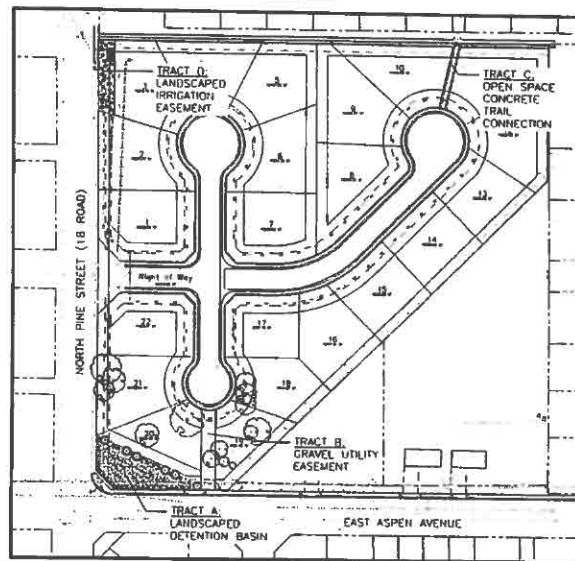
### LEGEND: SITE FEATURES

SYM.	DESCRIPTION:	QUANTITY:	REMARKS:
(C)	COBBLE DETENTION BASIN	4,000 SF	PLACE OVER LANDSCAPE FABRIC FOR COMPLETE COVERAGE
(M)	3/4" GREY SCREENED GRAVEL MULCH	7,000 SF	PLACE 3" DEEP OVER LANDSCAPE FABRIC THROUGHOUT DESIGNATED AREAS
(B)	LANDSCAPE BOULDER	(H) LARGE (M) MEDIUM	3'X3'X4" LARGE, 2'X2'X2" MEDIUM BURY 2" DEPTH INTO GRADE.

### LANDSCAPE NOTES:

- FOR GRADING PLAN, REFER TO CIVIL ENGINEER DRAWINGS. ALL LANDSCAPE AREAS SHALL NOT EXCEED 4:1 SLOPE.
- CONTRACTOR TO UTILIZE STOCKPILED TOPSOIL FROM GRADING OPERATION AS AVAILABLE. PLACE THROUGHOUT AREAS TO BE LANDSCAPED. TILL INTO TOP 6" OF SOIL.
- SOIL AMENDMENT: ALL TREES, SHRUBS, & PERENNIALS TO RECEIVE A BACKFILL MIXTURE OF 1/3 SOIL AMENDMENT (MIXTURE TO BE 100% DECOMPOSED BARK MULCH) INTO 2/3<sup>rd</sup> EXISTING PLANT POT TOPSOIL. EACH PLANT POT TO BE EXCAVATED 2 TIMES THE WIDTH OF THE PLANT ROOTBALL. SEE THE DETAIL ON SHEET L-3.
- INSTALL A NEW IRRIGATION SYSTEM FOR THE HMA LANDSCAPE TRACTS AT THE SITE USING DITCH WATER IRRIGATION. DESIGN BUILT BY THE LANDSCAPE CONTRACTOR. INSTALL A DITCH WATER IRRIGATION PUMP SYSTEM WHERE SHOWN ON THE NORTHWEST CORNER OF THE SITE, AND A NEW AUTOMATIC CONTROLLER.
- ALL TREES TO BE STAKED WITH 3 STAKES AROUND PERIMETER PER INDUSTRY STANDARDS.
- BURY THE LANDSCAPE BOULDERS APPROXIMATELY 2" BELOW GRADE TO LOOK INTEGRAL IN THE LANDSCAPE.
- PLANT MATERIAL WAS CHOSEN FOR ITS SPECIFIC VARIETY, HEIGHT, AND COLOR. ANY PLANT MATERIAL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
- PLACE 3" DEEP STONE MULCH OVER LANDSCAPE FABRIC THROUGHOUT THE DESIGNATED AREAS AS SHOWN.
- LOCATE AND MARK LOCATIONS OF ALL UTILITIES PRIOR TO INSTALLING PLANT MATERIAL. DO NOT PLANT ANY TREES OR SHRUBS DIRECTLY OVER BURIED UTILITY LINES, OR ANY TREES UNDER OVERHEAD UTILITY LINES.
- WHEN PLANTING TREES OR SHRUBS, THOROUGHLY SOAK PLANTING HOLE WHILE BACKFILLING. PRUNE DEAD OR DAMAGED BRANCHES IMMEDIATELY AFTER PLANTING. FERTILIZE WITH AGRIFORM 21 GRAU PLANT TABLETS, 20-10-5. 6 TABLETS PER TREE, 3 PER SHRUB, & 1 PER PERENNIAL.
- ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN STANDARDS FOR HURDSEY STOCK, CURRENT EDITION. PLANTING SHALL BE DONE IN CONFORMANCE WITH THE ASSOCIATED LANDSCAPE CONTRACTORS OF COLORADO (A.L.C.) SPECIFICATIONS. THE CONTRACTOR SHALL GUARANTEE IRRIGATION SYSTEM AND ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM FINAL ACCEPTANCE. ANY DEAD OR DRYING PLANT SHALL BE REPLACED. THE CONTRACTOR SHALL INSTALLED IRRIGATION SYSTEM IN FALL AND PROVIDE SPRING START-UP DURING ONE-YEAR WARRANTY PERIOD.

### ASPEN VILLAGE SUBDIVISION:



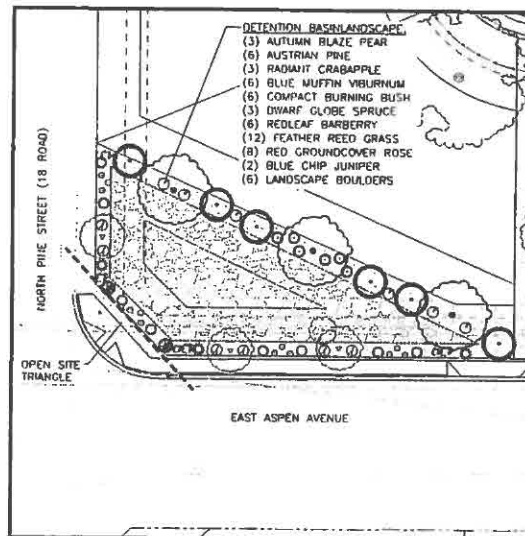
#### SUBDIVISION TRACTS:

- TRACT A = LANDSCAPE DETENTION BASIN TRACT, 4,000 SF COBBLE THROUGHOUT BASIN, AND 2,200 SF GRAVEL TOP PERIMETER
- TRACT B = GRAVEL UTILITY EASEMENT, 2,238 SF GRAVEL
- TRACT C = OPEN SPACE CONCRETE TRAIL CONNECTION WITH GRAVEL ON EACH SIDE, 360 SF GRAVEL
- TRACT D = LANDSCAPED IRRIGATION EASEMENT, 2,200 SF GRAVEL

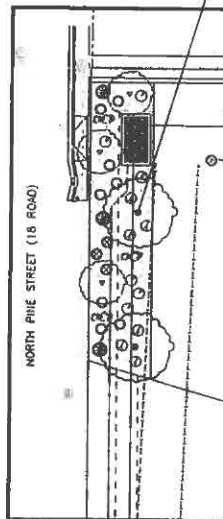
#### IRRIGATION EASEMENT LANDSCAPE:

- AUTUMN BLAZE PEAR
- RADIANT CRABAPPLE
- BLUE MUFFIN VIBURNUM
- REDLEAF BARBERRY
- RED GROUNDCOVER ROSE
- BLUE MIST SPIREA
- BLUE CHIP JUNIPER
- LANDSCAPE BOULDERS

### TRACT A ENLARGEMENT:



### TRACT D ENLARGEMENT:



## ASPEN VILLAGE SUBDIVISION FRUITA, COLORADO

Julie Wolvenson,  
Landscape Architect



www.juliewolvenson.com  
61945 Magdalen St. 2nd  
Monte Vista, CO 81453  
p: 970.248.4192  
c: 970.411.1178  
juliewolven@comcast.net

#### LANDSCAPE PLAN

#### CONST DOCUMENTS

REVISIONS	DATE

71 000016

Date: 05/08/10  
Project: ASPEN VILLAGE  
Drawn by: JW  
Sheet: L-1