

FRUITA CITY COUNCIL
AUGUST 2, 2016
7:00 P.M.

1. INVOCATION AND PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. AGENDA - ADOPT/AMEND

4. PROCLAMATIONS AND PRESENTATIONS

5. PUBLIC PARTICIPATION

This section is set aside for the City Council to LISTEN to comments by the public regarding items that do not otherwise appear on this agenda. Generally, the City Council will not discuss the issue and will not take an official action under this section of the agenda. **Please limit comments to a five-minute period.**

6. CONSENT AGENDA

These are items where all conditions or requirements have been agreed to or met prior to the time they come before the Council for final action. A Single **Public Hearing** will be opened for all items on the Consent Agenda. These items will be approved by a single motion of the Council. The Mayor will ask if there is anyone present who has objection to such procedure as to certain items. Members of the Council may also ask that an item be removed from the consent section and fully discussed. All items not removed from the consent section will then be approved. A member of the Council may vote no on specific items without asking that they be removed from the consent section for full discussion. Any item that is removed from the consent agenda will be placed at the end of the regular agenda.

- A. **MINUTES** – A request to approve the minutes from the July 19, 2016 City Council meeting
- B. **LIQUOR LICENSE RENEWAL** – A request to approve the renewal of a Tavern Liquor License – Malt, Vinous and Spirituous for FATJAR Cannery & Brewhaus located at 152 S. Mesa
- C. **LIQUOR LICENSE RENEWAL** – A request to approve the renewal of an Art Gallery (Liquor) Permit for Lithic Bookstore & Gallery located at 138 S. Park Square #202
- D. **RESOLUTION 2016-26** – A request to approve a Resolution amending the 2016 Budget and appropriating additional funds from various sources for various purposes – Special Events and Law Enforcement Training
- E. **Annual Review of Red Flag Policy (Identity Theft Prevention Program)** adopted by Resolution 2009-31
- F. **RESOLUTION 2016-29** – A request to approve a Resolution establishing regulations for public use of Enoch's Lake property
- G. **RESOLUTION 2016-30** – A request to approve a Resolution for the First Release of the Subdivision Improvements Agreement (SIA) for Village at Country Creek

7. PUBLIC HEARINGS

Public Hearings are the formal opportunity for the city council to LISTEN to the public regarding the issue at hand. For land use hearings and liquor license hearings; the Council is required to act in a quasi-judicial capacity. When acting as a quasi-judicial body, the Council is acting in much the same capacity as a judge would act in a court of law. Under these circumstances, the judicial or quasi-judicial body must limit its consideration to matters which are placed into evidence and are part of the public record. The council must base their decision on the law and evidence presented at the hearing.

- 1) **Applicant Presentation (15 minutes max)** The petitioner is asked to present the proposal. Presentations should be brief and to the point and cover all of the main points of the project.
- 2) **Staff presentation (15 minutes max)** Staff will present the comments and reports received from review agencies, and offer a recommendation.
- 3) **Public Input (limit of 5 minutes per person. If two people in the audience are willing to cede their time to the speaker, that speaker may receive a total of 10 minutes, referred to as banking time).** People speaking should step up to the microphone and state their name and address. Speakers should be to the point and try not to repeat the points others have made.
- 4) **Applicant Rebuttal (limited to 5 minutes)** The Mayor will ask for the applicant's rebuttal. During this brief time, the applicant should answer the questions raised by the public.
- 5) **The hearing is then closed to public comments.**
- 6) **Questions from the Council.** After a Council member is recognized by the Mayor, they may ask questions of the staff, the applicant, or the public.
- 7) **Make a motion.** A member of the City Council will make a motion on the issue.
- 8) **Discussion on the motion.** The City Council may discuss the motion.
- 9) **Vote.** The City Council will then vote on the motion.

A. Community Development Director Dahna Raugh

1) ASPEN VILLAGE ANNEXATION

- a. Preliminary Plan – A request to approve the Preliminary Plan for Aspen Village Subdivision
- b. RESOLUTION 2016-27 – A request to approve a Resolution Finding 6.73 acres of property located at 1062 18 Road eligible for annexation and initiating annexation procedures

2) ADOBE VIEW NORTH ANNEXATION

- a. Preliminary Plan – A request to approve the Preliminary Plan for Adobe View North Subdivision
- b. RESOLUTION 2016-28 – A request to approve a Resolution Finding 8.03 acres of property located at 965 18 Rd. eligible for annexation and initiating annexation procedures

- 3) **ORDINANCE 2016-09 – Second Reading – A request to approve 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 E. Aspen Avenue from Community Residential to Planned Unit Development (Sacred Heart Church Rezone)**

8. ADMINISTRATIVE AGENDA

9. COUNCIL REPORTS AND ACTIONS

10. CITY MANAGER'S REPORT

11. ADJOURN

**FRUITA CITY COUNCIL
REGULAR MEETING
JULY 19, 2016**

1. INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was observed in lieu of the Invocation and the Pledge of Allegiance was recited.

2. CALL TO ORDER AND ROLL CALL

Council members present were Bruce Bonar, Dave Karisny, Kyle Harvey, Ken Kreie, and Joel Kincaid. Councilor Lou Brackett was excused absent. Mayor Buck called the meeting to order at 7:01 p.m.

3. AGENDA – ADOPT/AMEND

Mayor Buck asked if there were any corrections or additions to the agenda. There were none.

- **COUNCILOR BONAR MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILOR KARISNY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

4. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION – AN UPDATE FROM THE MUSEUM OF WESTERN COLORADO

The Museum of Western Colorado's (MWC's) Executive Director, Peter Booth, gave a mid-year report on the MWC's Dinosaur Journey. Highlights included:

- The MWC was proud to receive from the Daily Sentinel the "Best of the West's Best Family Museum and Attraction" in 2016
- Continuing expansion of partnerships with the City of Fruita, Colorado Mesa University, BLM, Colorado Canyons Association, the Visitor's Convention Bureau, School District 51, Colorado Parks and Wildlife, and corporate sponsors such as Family Health West, Alpine Bank, US Bank, Enstrom's and more
- Professional staff at Dinosaur Journey led by Dr. Julia McHugh

Dr. McHugh presented the many programs and projects happening at the MWC.

She stated that the MWC has been moving forward on the partnership with folks in Colorado and Utah to revitalize the Dinosaur Diamond National Scenic Byway that runs straight through Fruita. Dr. McHugh is serving on the temporary board for the Scenic Byway as well as acting as the Colorado Co-Chair for the board. The board is working on a new quarter management plan for the Byway as well as trying to get some money to reprint the brochures, which are currently all gone.

Dr. McHugh continued that the board is trying to get things kicked off such as get the website up and running before they start doing new things like apps and other cool things to bring the Dinosaur Diamond Scenic Byway back up into modern standards.

The MWC has also been very active in the Fruita Southside Focus Group (Southside Marketplace). This is the third year that they have helped put on the July 3rd Family Fun Fair. Dr. McHugh said it was a great event, although there was a little lighter participation than was anticipated.

Dr. McHugh stated that the MWC is moving forward with a small capital renovation at Dinosaur Journey. The collection space (where fossil specimens are housed) is being expanded largely thanks to a \$50,000 grant the MWC received from the BLM. The MWC is also using some of the money from the lease reduction with the City of Fruita to help finish the project. Dr. McHugh stated that it is anticipated that the project will be finished by mid-August. Shelving and equipment will then be moved in before the fossils can be relocated in the collection space.

Dr. McHughes continued that there is about 300 square feet of collection space that will be added to the building, which is just shy of a 30% increase in collection space. She said it doesn't quite get the MWC where they need to be, but it will still be a great stepping stone until they can get a much bigger space.

Dr. McHugh said that the Summer T-Rex Exhibit at Dinosaur Journey will run through September 18th. The Dinosaur Graveyard exhibit will come back for the winter and next May, the summer exhibit for 2017 will be a traveling exhibit from the Smithsonian Institution called "Titanoboa" (the monster snake).

Dr. McHugh said there are a lot of other things going on for the MWC. They have had visiting researchers during the summer from all over the United States and the UK, distinguished speakers giving free public lectures at Dinosaur Journey including Martin Lockley (adjunct curator and world-renowned paleontologist and an expert in dinosaur tracks) and Dr. Chris Brochu from the University of Iowa, who kicked off the summer exhibit with a lecture on the tyrannosaurus "Sue." The MWC also has CMU summer students working in the lab, as well as in quarries and digs and going on trips. Dr. McHugh said that dig season has been really great this year because there haven't been a lot of rainouts. They have found bird brain ribs and part of a shoulder, as well as a femur and some wrist bones of an allosaurus (resident meat-eater of the Jurassic period).

Dr. McHugh continued that the MWC's education specialist, Rob Gay, has been working really hard on the museum's education program. He has been creating self-guided tours for Dinosaur Journey as well as creating education kits, which are focused on active learning and science. The kits get kids to start critically thinking and using scientific reasoning with fossil records to fulfill their science requirements.

Dr. McHugh reported that they had a great turnout at Dinosaur Day in June. 1,500 people were estimated to have attended.

Dr. McHugh stated that she was part of a paleontology science panel at Denver Comic Con featuring "The Science behind Science Fiction: How Science and Paleontology has Progressed

Since Jurassic Park.” The room was filled with 300 people and the conventioners told Dr. McHugh that they had to turn away another 50 to 100 people from the door. Dr. McHugh said they will attend Denver Comic Con again next year.

Dr. McHugh said that the MWC got a lot of great press this summer. They are filming for Rocky Mountain PBS on “Our Colorado Experience” series and she said she would let City Manager Mike Bennett know when it would air. There was also an article that came out in June in *Smithsonian Magazine* by Brian Switek, who is a freelance science journalist that wrote a nice article about why the Fruita Paleo Area is important for paleontology.

On August 27, 2016 the MWC will be hosting their fundraising gala, the “Feast of Skulls.” Tickets are available online or at the MWC. On September 23rd, as part of the Fruita Fall Festival, the MWC will have the “Old Fossil Golf Classic.” On October 10th through the 15th, the MWC is partnering with the Math and Science Center for Earth Science Week. They will have events all week and will be trying to bring in more partners such as the Colorado National Monument and CMU in to beef up the programming. Wednesday during that week is National Fossil Day and MWC and St. Mary’s Hospital will be holding a blood drive at Dinosaur Journey, as well as some other things.

“Monster Mash” will be held On October 31st at Dinosaur Journey. The final event for the year at Dinosaur Journey will be “Breakfast with Santa,” which will be held on December 3rd. The MWC is working with the Fruita south side to do a “chocolate walk” after “Breakfast with Santa,” which will be similar to Trick or Treat Street.

Dr. McHugh added that the MWC is moving forward event wise and is on the path to do some great things. She thanked the City of Fruita for being partners with the MWC.

Mr. Booth noted that the following week, the MWC would be coming to the Fruita Council workshop session to talk about potential future growth. He also introduced the President of the MWC Board, Katherine Robinson.

Ms. Robinson thanked the City Council for the support that the MWC gets from the City of Fruita over and over again. She added that Councilor Kincaid has been a great addition to the board.

Councilor Kincaid noted that on Thursday, July 21st, the Chamber’s Business After Hours would be held at Dinosaur Journey from 5:30 to 7:30.

5. PUBLIC PARTICIPATION

Mr. David Hawks stated that he is a rancher and landowner on Pinyon Mesa. His property is between Enoch’s Lake on the upper side and the lower side. He said that he had a map from 1910 that showed “Enoch’s Lake Resort” with five lovely resort cabins that go up Glade Canyon. He said it probably was a lovely resort in its day, but that day is gone. Mr. Hawks said that over the last 100 years, Enoch’s Lake has spiraled into an absolute disaster.

Mr. Hawks said he believes the Council is aware of the concerns that the landowners in the area have, as well as the concerns of visitors to the lake itself. He said due to lack of enforcement of the rules, the rules are being violated, so the landowners have had to become the enforcers, which is not a good thing.

Mr. Hawks continued that the things that have dramatically changed over the last five years are the encroachment on Enoch's Lake and the capacity exceeding past anything that is comfortable. Roads are being cut in where roads should not exist and campsites are being made that are not established campsites. Mr. Hawks said this causes serious problems with fires and that he personally put out three fires in the campground during the no-burn drought a few years ago.

Mr. Hawks said that as the campgrounds expand, campers are staying there longer. He noted that the bus that was in the Daily Sentinel article remains; it's almost two months that it has been there. He said the City of Fruita is providing free trash service for him and he takes up three campground spaces. Mr. Hawks said he sees families come up that are so excited to do some fishing, but they leave disappointed because they either don't want to park next to the bus or because they cannot find a space.

Mr. Hawks continued that he has seen dogs harassing livestock, people having sex out in the open, people doing drugs and just violation after violation and that the sign with the rules is of no use because there is no enforcement. He said that when the campground fills up to capacity, which it often does, then the situation spills over into the landowners' backyards.

Mr. Hawks said the no-firearms or no-shooting policy is certainly not enforced and when he and others have approached trespassers on their property, most of them are carrying guns. He said he has had break-ins at his cabins and a Kawasaki Mule stolen.

Mr. Hawks said he recently had a trespasser about a week and a half prior that said that Enoch's Lake was full, so he was just trying to find whatever sites were accessible for use.

Another incident involved two sheriff's vehicles that came to investigate something and another car was coming down the road, but once they saw the sheriff's vehicles, the car made a u-turn and immediately went back out.

Mr. Hawks said that Enoch's Lake is a great place with great potential, but the way it is right now, it is absolutely out of control and the people who frequent the area know that, so they are becoming more and more inclined to disregard the rules of the campground.

Mr. Hawks said that the landowners are struggling with ways to fix the situation without endangering themselves and their families. He said the City Council really should consider the potential liability.

Mr. Hawks stated that on the previous Thursday, he was coming down from the higher country past Enoch's Lake and as he went past, there was a woman with two small kids who had driven her car down into one of the unauthorized campgrounds, but she couldn't get the car back out due to the steepness and the sand. Mr. Hawks said he spent the next hour and a half getting her out of that

situation and that during that time, the woman's eight-year old boy had decided on his own that he was going to hike out to get some help. He said the boy was almost two miles down the road by the time they got the car out, which was very dangerous and a disaster waiting to happen.

Mr. Hawks said these are not isolated incidents; these things happen on a regular basis. Mr. Hawks said the landowners do their best to keep things under control (to a reasonable extent), but it is too much for them to handle and it takes the Sheriff's Department an hour and a half at best to respond, although they are good to do that.

Mr. Hawks said that Enoch's Lake is a great place but wondered if it was worth it, because something catastrophic would likely happen if nothing is done.

Mr. Hawks said there was another guy three years ago that spent all winter at Enoch's Lake and he left a mess all the way from the lake to Windy Point.

Mr. Hawks said it was the landowners' intent to make the Council aware of what is going on as best they can.

Mayor Buck said that the issue was something that was brought to the Council's attention as of late.

Jake Aubert, 715 Estates Blvd., Grand Junction, said he wanted to point out a few other things regarding Enoch's Lake. He trails a lot of livestock past Enoch's Lake and the main concern for him and the ranch is safety. Mr. Aubert stated that about 15 to 18 years ago, the City of Fruita put a fence in around Enoch's Lake and it was a great fence, but they knew it wouldn't ever be maintained. He continued that currently, there are broken, bent-over steel posts and barbed wire that is stretched out through the trees and even onto the road, so every time they move livestock back and forth, it is a hazard. Mr. Aubert noted that on two different occasions, he had a horse get tied up in the barbed wire. He commented that "good fences make good neighbors," but the City of Fruita is not being a very good neighbor in that aspect.

Mr. Aubert continued that he and his father rescued a lady that was so disturbed by what was going on at Enoch's Lake that she decided to walk out the 20 miles with her child. She was very upset about the chaos, so Mr. Aubert gave her a ride to town.

Mr. Aubert brought up another instance. He said knows of a wonderful family that recently moved to Fruita with five kids and they went to Enoch's Lake this summer, but it was so chaotic that when they got there to do some fishing, they left in under one half an hour because it was such a cesspool.

Mr. Aubert said he would echo what Mr. Hawks said about Enoch's Lake being a beautiful place, but there are standards that everybody has to live by in campgrounds all over Colorado and Enoch's Lake does not even come close to approaching those standards on any level. He added that the most unfortunate part of it is that there are a few people that are taking the liberties to do whatever they want while the majority of the people play by the rules, so there's a minority that is not allowing an enjoyable experience to happen.

Stan Muhr, stated that he is Fruita's neighbor on the west side up the hill and he thinks that the City had good intentions with having a place for families to go camping, but it is not that anymore. He said that campers go hiking on his property and he is losing personal belongings, they leave trash everywhere and use the ground as a latrine and it is just not working. He also said there are many fireworks and fires and if a fire ever gets started up the hill, it's just not going to stop.

Rod Tower stated that he owns property that lies east of Enoch's Lake and he sent a letter to the City Council and Mayor that included other letters that were written 20 years ago that basically stated the same thing that is happening now. He continued that during that period of time, there's been a minimum of four break-ins of the cabins that are over .5 miles away. These have been substantiated by Sheriff's reports that were made at the time the burglaries occurred. Stolen items included two generators, a brand new steel spin saw, a .22 rifle, a brand new posthole auger and food. Damage was also done to the doors. The Sheriff's Office told Mr. Tower that unless he had more information, there wasn't anything they could do about it.

Mr. Tower continued that within the last three weeks, there have been five people at once fishing on his property at his lake and someone set up a tent there and had a fire. He said he didn't want to face five people that look like they belong in jail because they would likely retaliate and he couldn't be on his property to guard it at all times. Mr. Tower said it was his opinion that the area has changed very little in 20 years because there are the letters from 20 years ago regarding the same problem, although now it is slightly worse.

Bill Patterson stated that for about 20 years, he owned the mile just across the county road from Enoch's Lake and he could verify that the people who had spoken to the Council about the problems there are accurate. He said the City of Fruita has been extremely lucky that there hasn't been some kind of a violent incident up there where people were killed.

Ron Tipping said that basically, Enoch's Lake is out of control and something needs to be done. He said he thinks somebody needs to be up there on a constant basis. He said that there are a lot of people that go to the lake that abide by the rules, but it is dangerous for them due to the firearms and fireworks.

Mr. Tipping said that when the camping was first initiated at Enoch's Lake, there was discussion about having no overnight camping, but so many people go up there that they are camping all over, even on private property. He added that the fencing around the lake is not adequate to keep people in the campground area and that the fence really needs to be fixed.

6. CONSENT AGENDA

- A. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE JUNE 21, 2016 CITY COUNCIL MEETING**
- B. MINUTES – A REQUEST TO APPROVE THE MINUTES FROM THE JULY 5, 2016 CITY COUNCIL MEETING**

- C. NEW LIQUOR LICENSE APPLICATION – A REQUEST TO APPROVE AN APPLICATION FOR A BEER AND WINE LIQUOR LICENSE FOR BESTSLOPE COFFEE COMPANY, LLC LOCATED AT 129 N. PEACH STREET**
- D. ORDINANCE 2016-10 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE AMENDING SECTION 17.41.040(X), TEMPORARY OFF-PREMISE SIGNS, OF THE FRUITA LAND USE CODE FOR PUBLICATION OF PUBLIC HEARING ON AUGUST 16, 2016**
- E. RESOLUTION 2016-25 - A REQUEST TO APPROVE A RESOLUTION SUPPORTING A CDOT TAP GRANT APPLICATION FOR THE KOKOPELLI TRAIL**
- F. JUNE 2016 FINANCIAL REPORTS – A REQUEST TO APPROVE THE JUNE 2016 FINANCIAL REPORTS**

Mayor Buck opened the public hearing on the Consent Agenda. Hearing no comments from the public, she referred back to the City Council.

- **COUNCILOR KINCAID MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILOR BONAR SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

7. PUBLIC HEARINGS

There were no public hearing items on the agenda.

8. ADMINISTRATIVE AGENDA

A. CITY ENGINEER SAM ATKINS

- 1) **RESOLUTION 2016-24 – A REQUEST TO APPROVE A RESOLUTION TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE PUBLIC WORKS MOUNTAIN WATER PROGRAM TO CONDUCT AN ASSESSMENT OF THE DAM AT RESERVOIR #2**

Mayor Buck pointed out for the audience that the City Engineer would be presenting a Resolution regarding potentially conducting an assessment of the dam at Reservoir #2 and then the Council would be moving on to the discussion regarding Enoch's Lake. She noted that the Enoch's Lake discussion was not a public hearing, so audience members could stay and listen if they like, but that the Council would not be taking public comment.

City Engineer Sam Atkins gave a history of Reservoir #2, which was originally build in 1935 and was a 20-foot high earth filled dam. In 1959, the reservoir was enlarged by building on top of the

existing dam and adding another 20 feet. This increased the reservoir to a capacity of 168 acre feet of water storage.

This spring, Public Works staff noticed a crack in the face of the dam that is 60 to 70 feet long about 2/3 of the way up the backside face. Staff immediately notified the Dam Safety Engineer at the State Engineer's Office, who inspected the dam and made some recommendations. The recommendations were:

- Conduct a geotechnical evaluation of the dam
- Safe reservoir storage levels need to be determined
- Produce breach analysis/inundation mapping to prevent a catastrophic failure (1989 was the last time this analysis was completed)
- Prepare a report and repair recommendation
- Complete evaluation by the end of 2016

Staff subsequently sent out a Request for Proposals (RFPs) for consultants to perform the scope of work recommended by the state's dam inspector. RFP evaluation criteria is as follows:

- Past experience and expertise on similar projects
- Project team & availability/workload
- Recommendations & references
- Proposed fees

Mr. Atkins stated that the City has already gone through the RFP process. Ten (10) responses were received. There were several highly qualified consultants that submitted proposals with costs ranging from \$43,000 to \$104,500. Staff determined that the highest rated firm based on staff's evaluation is RJH Consultants, Inc., a firm who works on reservoir/water resource projects exclusively and had a very competitive fee of \$45,300. Mr. Atkins said that RJH was by far higher rated than everyone else, primarily due to their amount of experience and their proposed fees, so staff is recommending that this consultant be brought on board.

Mr. Atkins said that staff is not just jumping into the process and moving forward. As such, they developed four options for the Council to consider.

Option 1(a) is to move forward with a performance study at a cost of approximately \$50,000 (rounded up for simplicity's sake) to establish a safe storage level. If the City does nothing beyond this, the dam safety engineer will require the City to partially breach the dam to the safe storage level, which staff estimates the cost to be at \$100,000. This will likely have to happen within the next two to three years; the study would be completed in 2016 and the partial breach of the dam would need to occur in 2017-2018 for a total cost of \$150,000. If the City does not do anything beyond this as far as whatever the recommended repairs are (determined by the performance study), Mr. Atkins said that the City will ultimately lose its storage right in the year 2030. He added that he is confident that the performance study will show that repairs will have to be made.

Option 1(b) is essentially the same as Option 1(b), except that at some point down the line, the City would decide to make the repairs. At this point, staff has no idea what those repairs might be; that

will only be known after the performance study. Staff estimates, however, that the repairs to be anything simple from a toe burn on the backside of the dam that might cost \$250,000 to near full reconstruction, which could be \$1 to \$2 million.

Mr. Atkins stated that these repairs would likely have to be made sometime prior to the 2030 deadline, which is when the City will lose its storage right. This option (1(b)) would provide the City with partial storage in the meantime and full storage ultimately when the repairs have been made.

Option 2 is to perform the study and get all necessary repairs done now in order to have full storage at the dam. There would be no partial breach at the cost of \$100,000, but the repairs are estimated at anywhere from \$300,000 to \$2.1million.

Option 3 would be to do nothing, including the performance study. If this route is taken, the dam safety engineer will tell the City of Fruita that it has no storage or storage rights and the reservoir will have to be drained and a full breach would have to be completed. The cost of this option would be around \$150,000 to do the full breach of the dam.

Mr. Atkins' presentation included a pictorial view of what the breach might look like. The City would like have to armor the downstream channel.

Mr. Atkins reviewed a summary of all the options and stated that it was staff's recommendation to do Option 1(a) and adopt Resolution 2016-14 – Amending the 2016 Budget and transferring \$46,000 from the General Fund Contingency Account to the Public Works Department Mountain Water Program to conduct an assessment of the dam at Reservoir #2. He noted this option gives the City the flexibility of doing all of the other options with the exception of Option 3, which is to do nothing. The City would not be committing to building or breaching anything at this point; all it is committing to is spending the money to evaluate the dam.

- **COUNCILOR BONAR MOVED TO ADOPT RESOLUTION 2016-14 – AMENDING THE 2016 BUDGET AND TRANSFERRING \$46,000 FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE PUBLIC WORKS DEPARTMENT MOUNTAIN WATER PROGRAM TO CONDUCT AN ASSESSMENT OF THE DAM AT RESERVOIR #2. COUNCILOR HARVEY SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Mr. Ron Tipping asked if he could comment on Reservoir #2. He stated that he has agreements with the City of Fruita and the reservoir is a key factor because he has property downstream and therefore needs to be kept apprised of what is happening.

Mr. Tipping also asked if the City had written rules and regulations for people who go to Enoch's Lake.

Chief Macy responded that the rules for Enoch's Lake are posted on signage at the lake.

Mayor Buck noted that the public participation section of the agenda was over and the Council would not be accepting further public comments.

B. POLICE CHIEF JUDY MACY AND CITY MANAGER MIKE BENNETT

1) UPDATE REGARDING ENOCH'S LAKE

Fruita Police Chief Judy Macy showed the Council a few pictures of Enoch's Lake. She gave them an update on law enforcement's concerns regarding the area and the things that they have been aware of for a couple of years. Chief Macy said that the concerns were primarily from the Mesa County Sheriff's Office and some of the federal employees that go to Enoch's Lake to assist Mesa County.

Chief Macy continued that law enforcement has received a lot of specific complaints recently and noted that the Council had a copy of her report in the Council packets.

Chief Macy noted that the calls she researched from Mesa County are calls that go specifically to Enoch's Lake and not any of the surrounding residences. She said that the primary issue that Mesa County has relayed to her is that there is unlimited camping, it is unsupervised and there are no restrictions for them to enforce. For example, there is a rule that says dogs must be kept on a leash, but when people go up to Enoch's Lake, there is no cell phone service, so Mesa County cannot respond for hours and even sometimes days later. By then, the problem is gone or there is no way for Mesa County to effectively investigate it.

Chief Macy stated on June 19, 2016, the Fruita Police Department got an e-mail from a citizen saying that they had been up to Enoch's Lake and had attempted to camp there, but there were a group of six people living in a hollowed out bus and they were fighting. The citizen saw makeshift weapons and therefore did not feel safe, so they left and called the Mesa County Sheriff's Office the next day. The Sheriff's Office then went up to the lake to investigate and the people in the bus said that nothing had happened and nobody had any weapons.

Chief Macy stated that on June 22, 2016, the Sheriff's Office called and said that they were responding to a call at Enoch's Lake and asked if the City of Fruita had any Ordinances or anything that could be enforced in the area, but the Fruita PD had to tell them no because the only rules are those that are posted on the sign at the lake.

Chief Macy said she then went through the calls for service and on June 9, 2016, there was a reporting party that said that about seven people came to their campground and wouldn't leave. They reported that these people were drinking and although they didn't have any weapons, they backed up their vehicle and trapped the reporting party's vehicle in the camping area.

Chief Macy said there have also been calls of shots fired and a "gun war" on July 3rd where two campsites had a contest to see who could shoot the most rounds. A deputy and BLM representative responded and spoke to the subjects the next day, who said that this didn't happen. Chief Macy reiterated that it is difficult to prove what happened and to charge somebody when the report doesn't come in until the next day because there is no cell phone service in the area.

Chief Macy said there was a call for a welfare check where a person believed an assault occurred. Again, deputies responded, but the subject said that the argument was verbal.

Chief Macy said she wasn't going to go through the entire list of calls for service because they were all included in the Council packet for the Council to see. She said that Enoch's Lake has turned into a lawless area. People know that there is no cell service and that there is a long response time, so they have the attitude that they can do whatever they want to up there.

Chief Macy said that Mr. Hawks told her that he and the other property owners feel that they have lost their culture and lifestyle and that it's being exploited. She said she agreed that this is the case and again, it is because there is no way to respond quickly, there are no restrictions on the camping, and there is no cell phone service.

On June 30, 2016, Chief Macy sent PD officers to Enoch's Lake to check it out. They spoke with a man who lives in the bus and calls himself "Captain," and he said that he had been there for three weeks, which wasn't true, he had been there longer. He also said he was going to leave that Saturday, July 2nd, but he is still there. Chief Macy said there really is no way for law enforcement to make him leave because there is nothing posted that says that a person can't stay there all summer.

The Fruita officers also said that there was another group living in a campground with six or seven tents on one site. The one gentleman that was there with all the tents said that the group came up earlier, left and then decided to come back. The officers believe that they are actually living up there.

The Fruita officers said that the campground was clean and the trash was picked up, but that was because the City's Public Works crew had just left.

Chief Macy stated that in summary, law enforcement believes that the property should be protected and maintained. She added that she thinks the intent of the City to provide camping is honorable, but the end result has turned into a very troubled area and it now has that reputation. She recommended to the City Manager that at a minimum, the City convert to day-use only of the campgrounds. This would at least give the Sheriff's Office some "teeth" when they go up there because if specific hours are posted such as sunup to sunset or 6:00 am to 9:00 pm, they could at least kick people out if they were camping outside the designated hours.

Chief Macy said she also recommended that the campgrounds be gated and fenced off and the fire pits removed because this would help discourage the camping. She added that no matter what the City does, there is going to be little bit of a battle because there is a culture up there and Enoch's Lake has a reputation of being a place where people can go up and do whatever they want.

Councilor Karisny said that he lives by Snooks Bottom, which is gated. He said occasionally, when City employees come to close the gate, people are still in the area. He asked how staff would get the people out when it was time to close the gate at Enoch's Lake.

Chief Macy said she didn't know that it would work necessarily, but that if the City starts to gate the lake, then it will start sending a message and it will at least discourage overnight camping in the future. She added that even if it is gated, people could drive around it, but at least it would give the Sheriff's Office some "teeth" and that it wouldn't always keep everyone out, but it will discourage some. Chief Macy said it will be a matter of educating the public for awhile.

Mayor Buck asked Chief Macy if she was suggesting that staff would have to open and close the gate every day. City Manager Mike Bennett said no.

Mayor Buck said she believes that the Council agrees that the camping at Enoch's Lake needs to go to day use only very soon, but asked who initially would be going in to kick people out once the signs are posted.

Chief Macy responded that it would be the Sheriff's Office, but that the Fruita Police Department would go up and assist them.

Mr. Bennett said that he wanted to reiterate that the City of Fruita is not responding to the media; the media contacted the City after staff received the initial complaints. He noted that staff gave the City Council an update on the third Tuesday of June (Council workshop session) and the media was there, so staff followed up with the media to give them information, which led them to go up to Enoch's Lake to do an interview.

Mr. Bennett continued that as soon as staff started receiving complaints, he expressed to Council that the City would have to start taking steps towards putting in restrictions at Enoch's Lake. Since that time, Mr. Bennett said he asked Chief Macy to work with the Sheriff's Office to put together the report of calls for service that she had just reviewed with the Council.

Mr. Bennett said that staff has received complaints that Enoch's Lake is trashed on a regular basis and that these reports have usually been received on a Wednesday after the Public Works Department had just been there the previous Monday to clean up the area up and restock it, so this is occurring within 24 or 48 hours of City staff being there and it already takes quite a bit of resources to go up there and back to maintain the campsites.

Mr. Bennett said that a lot of what was learned was that the timing issues for calls for service to the Sheriff's Office don't result in anyone being cited because it is too late; they are unable to prove what was called in. The Sheriff's Office expressed to City staff that the overnight camping is probably the biggest thing that leads to a number of the issues.

Staff's first thought was to potentially limit the amount of days for camping, but as they talked to the Sheriff's Office about that, there would be no way to enforce it because people could be dishonest about how long they have been there. Mr. Bennett noted that this is not a campground that generates funds to pay for a camp host and many people would not want that position because of the lack of cell phone service.

This led to the idea of having day-use only camping and have it posted. Staff would replace the current sign with a new sign that states the effective day for day-use only camping along with all of

the other rules that are currently on the sign, such as no firearms and would have police officers and most likely a Sheriff's Deputy go with them to post the new sign and make the people camping there aware of the new rule.

Mr. Bennett said Fruita has the responsibility as a city and as property owners to take measures to deal with the issues that are currently happening at Enoch's Lake. He explained that he talked with City Attorney Ed Sands and an Ordinance is not applicable for Enoch's Lake because although it is city-owned property, it is not located within city limits. Mr. Bennett added that it does not take any formal action to take steps to place restrictions at the lake; staff can do that, but it was placed on the agenda to give the Council an update on what staff is planning to do to make sure that there is no concern on the part of the Council before the steps are taken. He added that if the Council did have concerns, staff would like to know about them and adjustments could be made if necessary.

Mr. Bennett mentioned that the Council has already decided that the Fruita mountain water properties and water rights are going to be a major topic of discussion during the budget process, but staff wanted to move as soon as possible to change the camping to day-use only and remove the fire pits. He suggested that if the Council was comfortable with this, then staff could follow up with a Consent Agenda item on August 2nd with a Resolution from the Council, which would be a good way to have something in writing aside from just having the posted sign at the lake. The sign would not have an end date, but staff feels that the sign should be up for at least the rest of this year and then decisions could be made later about how to proceed beginning in 2017 and going forward.

Mr. Bennett added that notice would also be made on the City's website and would talk with the Daily Sentinel about doing a follow up article on what's happening.

Councilor Bonar asked if any of the restrictions that would be placed on the sign would be from the City of Fruita as a property owner since the City could not pass an Ordinance for something that's not within the city. Mr. Bennett confirmed that this was correct.

Councilor Bonar asked if there were any legal requirements about how restrictions are placed on a property. Mr. Bennett responded that there are not; the restrictions can be done with the posting of a sign or staff could write a policy, but he felt the best way was to post the sign and follow up with a Resolution.

Councilor Bonar said that he used to camp at Enoch's Lake a lot - mostly during the week, so he didn't see the weekend onslaught; he saw that it was a really nice place and has very good memories of that and knows how it could be. He continued that having walked the area, any barriers, barricades or any other restrictions to access that the City could put up will be thwarted; there's no way to physically prevent access to a place people want to go.

Councilor Bonar said he thought it makes a lot of sense to put up hours that say when Enoch's Lake is open and when it is closed because then the Sheriff can go in at 7:15 and if the sign says it closes at 7:00 and someone is there, the Sheriff has the ability to send that person out. He said it seems the most practical way to deal with the current problem is to implement the day-use only with restricted hours.

Councilor Bonar continued that he thought taking the fire pits out was not a good idea because leaving the fire pits there would at least encourage people to have a fire there and not somewhere else where having a fire would be unsafe. He said having done a lot of camping in his lifetime, there seems to be a fundamental human urge to build a new fire pit next to one that's already there because people want to build their own. Councilor Bonar said that removing the fire pits may actually be counterproductive.

Chief Macy asked if Councilor Bonar thought that people would be using fire pits for day-use only picnicking. Mayor Buck and Councilor Bonar said yes because people barbeque in the early evening. Councilor Kreie asked, "even if the City prohibited fires?" Councilor Bonar said that the City could prohibit fires, but that doesn't mean that people would follow those rules any more than any of the other ones. Mayor Buck said it would be a matter of enforcement to prohibit fires at Enoch's.

Councilor Bonar said he would like to see whatever is put into place be effective through the end of this year and then have the Council renew it during the winter rather than having it open-ended. He added that he thought Council should make a motion that instructs staff to begin preparations to do this rather than having staff do it without specific direction.

Councilor Bonar said he was concerned about the unintended consequences on all of the neighbors who are currently dealing with the overflow traffic because once Enoch's Lake is closed for camping, people might try to camp on the private property of the landowners. He asked if there was some way to address this concern because he was sure that it would be an issue.

Mr. Bennett stated that this was a good point, although there is a lot of forest service camping that is available in the area.

Councilor Bonar suggested that the City post a map next to the rules sign that shows where private property (no camping) is located and where the forest service (camping permitted) is located so that people will at least have some information about where they can camp.

Chief Macy said she didn't think the problem is legitimate campers; the problem is the people who are looking for a place to live or want to party for the weekend. She added that she wouldn't want to send these people to forest service land or up to Mud Springs or anything like that. Chief Macy said she thought people who are legitimate campers already know where they can and can't camp.

Councilor Bonar said he didn't disagree with Chief Macy, but he thought that the main purpose of the map was to show people where the private properties were located so they don't camp there. He said it is not readily apparent which areas are public and which are private. Councilor Bonar said it would be nice to know that the City had done its best to inform people that they can't go on private property and that this wasn't really directed at the people who are legitimate campers.

An unidentified audience member asked if the City can't manage the situation, why was Enoch's Lake open? He said it wasn't open when he was a child.

Mayor Buck said she thinks the City can manage it, it's just that the City has done a poor job of doing it in the past, so from here on out, she was hoping people would see a much better presence. She reiterated that the Council does not take public comment at all during the Administrative Section of the agenda.

Councilor Kincaid asked what kind of insurance coverage the City of Fruita has for Enoch's Lake. He said he doesn't understand how that process works because there still would be usage on the property but the City has no control of what people are doing. He said in some ways, he thought it might be better just to shut down Enoch's Lake altogether until the end of the year when the City could make some effective decisions after doing more research.

Mayor Buck said that even if the City shut Enoch's Lake down, there would still be issues. She said no matter whatever change the City makes, there are going to be issues.

Councilor Kincaid said that he thought that a "closed until further notice – no trespassing" sign would be a stronger message to people than posting open hours because people would still be camping overnight regardless.

Councilor Kincaid also said that he felt that fires should be banned at Enoch's Lake; this should be posted on the signage and the fire pits should be removed because it would be one less thing the City would have to worry about managing or overseeing.

Mayor Buck said she hates the idea that in every facet of society, a handful of people screw up everything for everybody else. She said she doesn't want to shut down Enoch's Lake because of some unruly people up there right now; she would prefer the option of stopping the camping indefinitely, having restrictive hours, no fires, and no firearms. She continued that it is a very beautiful place and people just drive up there for the day to enjoy it and she hates to take that away and spoil it for the people who generally do use it.

Councilor Karisny said he thought that taking out the fire pits sends the message that the City was not allowing any overnight camping. He said that day-use campgrounds usually have a raised, grated kind of thing made out of iron that it used for picnicking. He continued that if the City was going to try the day-use only, then everyone would know after a month or two if it's working and then maybe the next step would be to completely close Enoch's down to figure out what's going to work from there. Councilor Karisny stated that certainly something needs to be done.

Councilor Karisny reiterated that he would go along with taking out the fire pits for now.

Councilor Harvey said he liked the idea of the Council making a motion and getting the show on the road.

Councilor Bonar listed the things that were discussed to be included in a motion. Councilor Kincaid noted that all of the current regulations that are posted (e.g., no fireworks) should remain in effect in addition to any new regulations.

Councilor Bonar added that he would like to say that the new regulations would be in effect through the remainder of 2016 because the Council will take up the issue before January 1, 2017 and have either a resolution to extend the regulations, to close the place all together or to put in place some sort of management program that the Council could agree upon by January.

- **COUNCILOR BONAR MOVED TO DIRECT STAFF TO TAKE ALL NECESSARY MEASURES TO PREPARE TO RESTRICT ENOCH'S LAKE TO DAY-USE ONLY, TO ESTABLISH HOURS OF USE, TO POST A MAP SHOWING NEARBY PRIVATE LAND WHERE TRESSPASSING SHOULD BE DISCOURAGED AND WHERE CAMPING IS AVAILABLE, TO PROHIBIT FIRES AND THAT THIS PROHIBITION WILL REMAIN IN PLACE THROUGH THE END OF DECEMBER 2016. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

Mayor Buck stated that the City Council was not finished with the matter yet and that the Council and City staff would stay on it until the problems are resolved as best they can be.

Mr. Bennett said it was good to point out to those in the audience that before staff started receiving the complaints and before talking with the media and during the Council's recent goal setting process, the Council identified some areas that they wanted to discuss such as how the City allocates its resources to priorities and how the City manages and maintains its resources across the city including the mountain water properties.

C. CITY MANAGER MIKE BENNETT

1) FINALIZE THREE STRATEGIC PRIORITY AREAS OF FOCUS

Mr. Bennett stated that staff and the Council have been going through the process of drafting the strategic priority outcomes (goals). Discussions were held at two public workshops and there has also been correspondence between staff and the Council via e-mail including the drafts.

Mr. Bennett said that he wanted to formally approve the three areas of focus for the City of Fruita. These areas were identified as 1) Quality of Place, 2) Economic Health and 3) Lifestyle.

Mr. Bennett said he wanted to make sure that the Council was good with the three definitions of each of the areas as outlined in the draft included in the Council packet.

Mr. Bennett continued that the City will focus on the three areas based on the base of providing quality core services. He said that Fruita is really trying to diversity its economy and do things that make the City better for residents and visitors by maintaining and providing a quality level of services with the revenue to be able to do that.

Mr. Bennett said that the next step would be for the Council to approve the three priorities and the definitions of each and then action items would be solidified during the priority-based budget process and development of the 2017 Annual Budget. He added that these action items would be identified very specifically for 2017 and there will be a list for 2018 that will be revisited as the City

goes through that (2018) budget process. He said that during the year, staff and the Council can definitely look some longer-term action items with the capital improvement plan.

Mr. Bennett asked for a motion to approve and adopt the three strategic priorities and definitions for the goals of the City of Fruita.

Councilor Kincaid said he wanted the Council to be aware that he has been very impressed with the process for goal setting because usually the Council is creating goals based on what the members think should happen instead of creating an overview and letting staff come up with the action items that are most important. He commended Mr. Bennett and said the strategic plan is what the Council's job should be and although Council members will be involved in the specific goals at their meetings, Council members are not involved on a day-to-day basis enough to know what the specific priorities for the City may be.

Mayor Buck and Councilor Bonar agreed with Councilor Kincaid.

- **COUNCILOR BONAR MOVED TO APPROVE THE THREE STRATEGIC OUTCOME AREAS OF FOCUS AND SUBSEQUENT DEFINITIONS. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

9. CITY MANAGER'S REPORT

Mr. Bennett reported that he, Public Works Director Ken Haley and Parks and Recreation Director Ture Nycum gave a presentation to the Energy & Mineral Impact Committee for the City's Department of Local Affairs (DOLA) grant application for the Kokopelli section of the Riverfront Trail. He said that the funds are frozen for this cycle, but hopefully the state legislature will unfreeze those funds. This won't be made known for weeks or possibly even months.

Mr. Bennett said staff feels that the presentation went very well; there were some very detailed but positive questions at the end. He noted that Fruita's application is probably the only recreation project in the running, which does stand out. Other applications being considered for the grant funds are for an Opera House and the rest are for sewer lines and roads.

Mr. Bennett said that staff did a good job of explaining in the grant application and presentation how this wasn't just a recreation project; it is as much (if not more) an economic development project. One concern the grant committee had was how much money the City of Fruita is putting in because the City has a low match.

Mr. Bennett noted that the project is dependent on Great Outdoors Colorado (GOCO) and DOLA grant funds and staff talked about all of the funds that have been put into the Greenway Business Park (which utilized Energy Impact Funds) and the money that the City of Fruita put in for the Lower Little Salt Wash Trail, a trail that is necessary to connect to the Riverfront Trail. Staff also talked about all the money that has been put into design that doesn't get used as a match for DOLA (it does for GOCO), about the lake donation to the City, and the \$350,000 sewer project that the City will have to prioritize and build when the trail is built.

Mr. Bennett said he thought the message was heard very well the message that the City of Fruita has put a lot of money into the project and it is a top priority.

Mr. Bennett also noted that the Lower Little Salt Wash Trail Dedication and a full day of events were scheduled for the following day. Attending would be four GOCO board members, three GOCO staff members, the State Trails Program Manager (Tom Morrissey), Riverfront Commission/Foundation board members, the BLM, Parks and Wildlife and other partners of the City.

Mr. Bennett said there would be some presentations at the Fruita Community Center and then a bike ride to the state park before the dedication. Over the Edge is providing bikes, Family Health West is providing a bus and the Riverfront Foundation provided VIP tickets for the guests.

Mr. Bennett noted that he had handed out to the Mayor and Council members a flyer advertising Fruita that GJEP will provide at the Outdoor Retailer Show in Salt Lake City. The flyers will be dropped at 500 booths at the trade show that GJEP narrowed down and that seemed like the best prospects for the City.

Mr. Bennett noted that most people had just received their copy of the newest issue of the City Link and there was an article in it asking people to e-mail their position and comments on having the City Council consider allowing OHV (off-highway vehicles) on city roads. Staff will present of full report of these responses at the Council workshop on July 26th.

Mr. Bennett stated that he would be attending the Municipalities Dinner hosted by the Town of Collbran on July 28th and that Councilors Bonar, Karisny and Kreie would be attending as well.

10. COUNCIL REPORTS AND ACTIONS

A. COUNCIL REPORTS AND ACTIONS

COUNCILOR KARISNY

Councilor Karisny stated that on June 29th, he attended the 5-2-1 Drainage Authority meeting, at which the board approved the MS4 IGA, an outreach public participation and inspection. He said that what was interesting was that just before the motion, Grand Junction City Councilman Duncan McArthur wanted to be sure that the 5-2-1 fees mirrored the fees of the City of Grand Junction, so the City of Fruita will now be charged for the services that it will receive through that process.

Councilor Karisny continued that the majority of the meeting was discussing advertising. Cobb & Associates was in attendance at Commissioner Scott McInnis' request. The 5-2-1 spends about \$25,000 per year on both passive and active advertising and is required to have two passive and two active activities for outreach compliance. Passive advertising includes things such as billboards, television, websites, signs on vehicles and buses, bus shelters, movie theater advertising, educational materials, and utility bill inserts. Active advertising includes things like the 5-2-1 sponsoring events such as the "River Clean Up," and the "Children's Water Festival," and having a 1-800 number for people to call.

Councilor Karisny stated that the billboards that Cobb & Associates does are a real “bang for their buck” because they cost about .70 per 1,000 views. They had 440 total commercials estimated to cost about \$6.80 per 1,000 viewers.

Scott McInnis stated that the message on the billboard is unclear and useless and passive advertising needs to be decreased while active advertising needs to be increased.

Another board member tried to explain that the 5-2-1 is required to have both types of advertising. Cobb & Associates will come before the 5-2-1 again in November with a follow-up to discuss a balance of active and passive advertising.

Councilor Karisny also stated that there will be new regulations targeting nitrogen and phosphorus effective July 1, 2016. The 5-2-1 may do a specific campaign for illicit discharge detection and elimination and they might target specific sources such commercial, agricultural, fertilizer and industrial.

Councilor Karisny stated that the 5-2-1 Manager’s Report indicated that irrigation companies are not interested in taking storm water that may require a need to build additional infrastructure for storm water. Municipalities are being asked to control nitrogen and phosphorus. The discussion focused a lot on agriculture creating a lot of the problem, but they are going to municipalities because they know municipalities can create the funding mechanism to make it happen.

COUNCILOR HARVEY

Councilor Harvey reported that at the Riverfront Commission meeting, they discussed how Mesa County is on board to complete the 29 Road underpass before the end of the year, which is a big deal for the Riverfront Trail.

Councilor Harvey continued that the Riverfront Commission continues to look at the voluntary surcharge program and the possibility of implementing one and a marketing effort to communicate to more people in Mesa County what the Riverfront Commission/Foundation are actually doing because there seems to be a lack of understanding from the public.

Councilor Harvey also mentioned that Palisade is getting ready to give a presentation on recreational marijuana and will be putting a question on their ballot about it.

Mr. Bennett noted that when Palisade last voted on it, the spread between the yeses and nos was four votes, so a citizen group was going to initiate a petition, but the Town of Palisade said they would put the question on the ballot in the fall as opposed to having a petition submitted.

Councilor Harvey said the Town of Palisade believes they had some difficulties with the voting process at their last election, although he didn’t know what those were.

COUNCILOR KREIE

Councilor Kreie stated that the Associated Governments of Northwestern Colorado (AGNC) board meeting was scheduled for the following day but he would be unable to attend because he was instead going to the Lower Little Salt Wash Trail dedication activities.

Councilor Kreie also stated that the Downtown Advisory Board met, but there were not enough people in attendance for the board to do any real business, so they discussed the Christmas tree lot. Jeannine Purser is going to get the Special Event Permit application going to have Mulberry Street closed for that week.

COUNCILOR KINCAID

Councilor Kincaid stated that at the Chamber meeting, they discussed the changes in the layout at the Farmers' Market on Saturdays. Some vendors were concerned because they didn't think they are getting as much traffic as they used to. The vendors are now placed inside the trees so that sprinkler heads aren't being stepped on.

Councilor Kincaid noted that the Museum of Western Colorado would be giving the Council a presentation at the July workshop meeting about their Strategic Plan for 2016 and beyond.

Councilor Kincaid also noted that in regards to Family Health West partnering with the City of Fruita to replace the banner on the Co-Op grain elevator, it was explained to Stacey Mascarenas at FHW that the owners of the grain elevator will not allow the City of Fruita or FHW to put their logo on it. Another option for the grain elevator is to paint it and City staff and FHW continue to research the matter.

Councilor Kincaid said that the new tourism website would be launched the following week. He said he would have more information after the August Tourism Advisory Council meeting about the future of Fruita's marketing and promotion plans.

Councilor Kincaid noted that he would be absent from the July Council workshop meeting.

Councilor Karisny said that the issue of the barbed wire at Enoch's Lake was brought up and that it hadn't been maintained for over 20 years. He asked if staff was aware of this.

Public Works Director Ken Haley responded that every time City staff repairs the fencing, people cut it down and knock it over and he is aware of these issues.

B. EXECUTIVE SESSION – A REQUEST TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(F) (CITY MANAGER EVALUATION WITH THE CITY MANAGER)

- **COUNCILOR BONAR MOVED TO MEET IN EXECUTIVE SESSION TO DISCUSS ISSUES RELATED TO PERSONNEL ISSUES UNDERSTANDING THAT DISCUSSIONS OF SUCH ISSUES IN EXECUTIVE SESSION ARE SPECIFICALLY PERMITTED BY THE STATE'S OPEN MEETING LAW**

C.R.S. 24-6-402(4)(F) . COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.

The Fruita City Council convened in Executive Session at 8:57 p.m. The City Council reconvened into the regular meeting at 9:32 p.m.

- **COUNCILOR BONAR MOVED THAT IN LIGHT OF THE COUNCIL'S SATISFACTION WITH THE CITY MANAGER'S PERFORMRANCE, THAT HIS CAR ALLOWANCE BE INCREASED BY \$100 PER MONTH AND THAT HIS VACATION ACCRUAL RATE BE INCREASED BY 2 HOURS PER MONTH. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FIVE YES VOTES.**

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Debra Woods
Deputy City Clerk
City of Fruita



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: AUGUST 2, 2016
RE: A REQUEST FOR APPROVAL FOR THE RENEWAL OF A TAVERN LIQUOR LICENSE – MALT, VINOUS, AND SPIRITUOUS FOR FATJAR CANNERY & BREWHAUS LOCATED AT 152 SOUTH MESA

BACKGROUND

The Tavern Liquor License For FATJAR Cannery & Brewery located at 152 S. Mesa is up for renewal. Their current license expires on August 25, 2016.

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

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

Pursuant to State Statutes, the local licensing authority (City Council) may cause a hearing on the application for renewal to be held. No renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

This item is placed on the agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

1. Renew the Tavern Liquor License for FATJAR Cannery & Brewhaus located at 152 S. Mesa
2. Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

It is the recommendation of staff that the Council move to:

RENEW THE TAVERN LIQUOR LICENSE FOR FATJAR CANNERY & BREWHAUS LOCATED AT 152 S. MESA

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

FATJAR CANNERY & BREWHAUS
 PO BOX 9
 FRUITA CO 81521

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name FATJAR CANNERY & BREWHAUS LLC		DBA FATJAR CANNERY & BREWHAUS		
Liquor License # 4704670	License Type Tavern (city)	Sales Tax License # 30026206	Expiration Date 08/25/2016	Due Date 07/11/2016
Operating Manager	Date of Birth	Home Address		
Manager Phone Number		Email Address rocheyrocket@msn.com terri_m_150@hotmail.com		
Street Address 152 SOUTH MESA FRUITA CO 81521				Phone Number 9708580701
Mailing Address PO BOX 9 FRUITA CO 81521				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease DEC 2017
140. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.
 YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

Liquor License - Suds Brothers Brewery II

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Terri A. Martinez</i>	Title <i>MANAGER</i>
Signature <i>TC Martinez</i>	Date <i>July 11, 2016</i>

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For <i>The City of Fruita</i>	Date
Signature <i>Lori Buck</i>	Title <i>LORI BUCK MAYOR.</i>
	Attest

**CITY OF FRUITA
LIQUOR LICENSE RENEWAL MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	JULY 15, 2016
RE:	FATJAR CANNERY & BREWHAUS - TAVERN LIQUOR LICENSE RENEWAL

License Information

Licensee:	FATJAR Cannery & Brewhaus
Location:	152 S. Mesa
Type of License:	Tavern
Expiration Date of Current License:	August 25, 2016
City Council Hearing Date :	August 2, 2016
DUE DATE FOR POLICE REPORT:	July 29, 2016

Tips certificates on File

Employee:	Date:
(None on file)	

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> No
B)	Have there been any incidents reported to the Police Dept in the last year that would pertain to the liquor license and the establishment's control of alcoholic beverages and their patrons?	Yes	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No

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

Signature: <i>Paula Rajewich</i>	Date: 7-18-16
---	----------------------



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: AUGUST 2, 2016
RE: LITHIC BOOKSTORE & GALLERY – A REQUEST TO RENEW AN ART GALLERY (LIQUOR) PERMIT FOR LITHIC BOOKSTORE & GALLERY LOCATED AT 138 S. PARK SQUARE #202

BACKGROUND

The Art Gallery Permit for Lithic Bookstore & Gallery located at 138 S. Park Square #202 is up for renewal. Their current license expires on **August 6, 2016**.

The Police Department had nothing to report regarding this establishment. The City Clerk's office has not been advised of any issues or concerns related to the liquor license during the past year. The City Clerk's office has no current TIPS certificates on file for employees of Camilla's Kaffe.

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

Pursuant to State Statutes, the local licensing authority (City Council) may cause a hearing on the application for renewal to be held. No renewal hearing shall be held until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review.

This item is placed on the Consent agenda for the Council to determine if there is any cause for a hearing to be held on the renewal of the liquor license. If there is no cause for a hearing, the City Council should approve the renewal of the existing license. If there is cause for a hearing, the City Council should set a date to hold a quasi-judicial hearing to determine if there are sufficient grounds for suspension or revocation of the liquor license. The City Council may also temporarily suspend any license, without notice, pending any prosecution, investigation or public hearing. No such suspension shall be for a period of more than 15 days.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The City of Fruita is charged with protection of the public health, safety and welfare. The review and renewal of liquor licenses ensures that licensed establishments are operating by the rules and regulations adopted by the City and State concerning the sale or service of beer and alcoholic beverages.

OPTIONS AVAILABLE TO THE COUNCIL

Renew the Art Gallery Permit for Lithic Bookstore & Gallery located at 138 S. Park Square #202.

Schedule a hearing date to determine if there is good cause for the license to be suspended or revoked.

RECOMMENDATION

It is the recommendation of staff that the Council move to:

RENEW THE ART GALLERY PERMIT FOR LITHIC BOOKSTORE & GALLERY LOCATED AT 138 S. PARK SQUARE #202

ART GALLERY PERMIT APPLICATION

2341 ART GALLERY PERMIT \$71.25	<input type="checkbox"/> NEW	<input checked="" type="checkbox"/> RENEWAL
--	------------------------------	---

1. Applicant Name (i.e. ABC Gallery Inc.) <i>Lithic Bookstore & Gallery</i>	State Sales Tax Number of Applicant <i>30322201-0000</i>
--	---

2. Trade Name of Establishment (DBA) <i>Lithic Press, LLC dba Lithic Bookstore & Gallery</i>	
---	--

3. Address <i>138 S. Park Square #202</i>	Phone Number <i>(435) 724-7387</i>
--	---------------------------------------

City <i>Fruita</i>	County <i>Mesa</i>	State <i>CO</i>	ZIP Code <i>81521</i>
-----------------------	-----------------------	--------------------	--------------------------

4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
--	--------------	-------	----------

- Attach a copy of a deed or lease in the exact name of the applying entity only, reflecting possession of the permitted area for at least the minimum duration of this permit (1 year from date of issuance).
- Attach a diagram of the premises which accurately reflects the area where alcohol beverages will be stored, served, possessed or consumed.

Pursuant to 12-47-422, C.R.S., Applicant hereby states that it qualifies for an Art Gallery Permit, in order to serve complimentary alcohol beverages, and certifies to the State Licensing Authority and Local Licensing Authority:

 x That it does not sell alcohol beverages by the drink.

 / That it will not serve alcohol beverages for more than 4 hours in any one day, no more than 15 days per year as follows:

Date: <i>Aug 4th</i>	Date: <i>Sept 17th</i>	Date: <i>Sept 22nd</i>	Date: <i>Oct 6th</i>	Date: <i>Nov 3rd</i>
From: <i>7-11</i>	From: <i>7-11</i>	From: <i>7-11</i>	From: <i>7-11</i>	From: <i>7-11</i>
To: <i>7-11</i>	To: <i>7-11</i>	To: <i>7-11</i>	To: <i>7-11</i>	To: <i>7-11</i>
Date: <i>Aug 12th</i>	Date: <i></i>	Date: <i></i>	Date: <i></i>	Date: <i></i>
From: <i>7-11</i>	From: <i></i>	From: <i></i>	From: <i></i>	From: <i></i>
To: <i>7-11</i>	To: <i></i>	To: <i></i>	To: <i></i>	To: <i></i>

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <i>[Signature]</i> <i>Kyle Harvey</i>	Title <i>mgr</i>	Date <i>6/21/16</i>
--	---------------------	------------------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County) <i>The City of Fruita</i>	Date filed With Local Authority <i>7/26/16</i>
---	---

Signature	Title <i>LORI BUCK MAYOR</i>	Date
-----------	-------------------------------------	------

REPORT OF STATE LICENSING AUTHORITY

The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
-----------	-------	------

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information					
County	City	Industry Type	License Account Number	Liability Date	License Issued Through (Expiration Date)
				FROM	TO
Cash Fund 2341-100 (999)	City 2180-100 (999)		County 2190-100 (999)		

←artwork along this wall→

↑artwork along this wall↓

Lithic Gallery & Bookstore

**gallery area where complimentary beer/wine will be
consumed during special event dates**

handmade poetry & artbooks

office/workspace

**beer/wine will be stored
and served from this counter**

counter space

←artwork along this wall→

←artwork along this wall→

doorway

←artwork along this wall→

**CITY OF FRUITA
LIQUOR LICENSE RENEWAL MEMORANDUM**

TO:	FRUITA POLICE DEPARTMENT
FROM:	DEBRA WOODS, DEPUTY CITY CLERK
DATE:	JULY 26, 2016
RE:	LITHIC BOOKSTORE & GALLERY – ART GALLERY LIQUOR PERMIT RENEWAL

License Information

Licensee:	Lithic Bookstore & Gallery
Location:	138 S. Park Square, #202
Type of License:	Art Gallery Permit
Expiration Date of Current License:	August 6, 2016
City Council Hearing Date :	August 2, 2016
DUE DATE FOR POLICE REPORT:	July 29, 2016

Tips certificates on File

Employee:	Date:
(None on file)	

Report of Fruita Police Department

A)	Have there been any reported violation(s) of the Liquor or Beer Code in the last year?	Yes	<input checked="" type="radio"/> No
B)	Have there been any incidents reported to the Police Dept in the last year that would pertain to the liquor license and the establishment's control of alcoholic beverages and their patrons?	Yes	<input checked="" type="radio"/> No
C)	Are there other concerns that need to be brought to the attention of the City Council?	Yes	<input checked="" type="radio"/> No

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

Signature:	<i>Paula Rajewich</i>	Date:	7-26-16
-------------------	-----------------------	--------------	---------

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, FINANCE DIRECTOR
DATE: AUGUST 2, 2016
RE: RESOLUTION 2016-26 FOR SUPPLEMENTAL BUDGET AND APPROPRIATION FOR SPECIAL EVENTS AND TRAINING

BACKGROUND

This budget amendment appropriates additional funds not anticipated at the time the 2016 Budget as follows:

- Sponsorships of \$7,000 from various entities for Mike the Headless Chicken Festival for supplies, equipment and entertainment expenses
- Grant of \$2,100 from the Law Enforcement Forfeiture Fund for reimbursement of training expenses associated with the New World software.

FISCAL IMPACT

This budget amendment will not have a net fiscal as revenues are available to offset the additional appropriations.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The Budget is a financial plan developed for the purpose of allocating resources necessary to implement specific policies and strategies to achieve short and long term goals established by the City throughout the year. This budget amendment works towards achieving the goals for *Quality of Place* and *Lifestyle* through special events that bring the community together and the provision of quality services to the community by providing for professional development and necessary training of city personnel.

OPTIONS TO THE COUNCIL:

- Approve the budget amendment as presented or with amendments
- Take no action and return funds intended for the above noted purposes to the appropriate agencies.

RECOMMENDATION:

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

ADOPT RESOLUTION 2016-26 AMENDING THE 2016 BUDGET TO APPROPRIATE FUNDS IN THE GENERAL FUND FOR SPECIAL EVENTS AND PUBLIC SAFETY TRAINING

RESOLUTION 2016-26

A RESOLUTION FOR SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE CITY OF FRUITA FOR THE 2016 FISCAL YEAR IN THE GENERAL FUND

WHEREAS, the City has received sponsorships and donations from various entities for the Mike the Headless Chicken Festival and it necessary to appropriate these funds for additional supplies, equipment and entertainment costs associated with the festival, and

WHEREAS, the City has received funds from the Law Enforcement Forfeiture Fund and it necessary to appropriate these funds for New World software training expenses for which these funds were intended, and

WHEREAS, pursuant to Article 8.10 of the Fruita City Charter, the City Manager certifies there are sufficient funds available for the supplemental appropriations.

NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL TO APPROPRIATE FUNDS AS FOLLOWS:

Section 1: That the 2016 appropriation for the General Fund is hereby increased by \$9,100 from \$8,205,900 to \$8,215,000 from the following sources for the following uses:

Source of Funds

Law enforcement training reimbursements	\$ 2,100
Festival sponsorships and donations	<u>7,000</u>
	\$ 9,100

Use of Funds

Public Safety Department training	\$ 2,100
Special events (MTHC) supplies and entertainment	<u>7,000</u>
	\$9,100

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL THIS
2nd DAY OF AUGUST, 2016**

ATTEST:

CITY OF FRUITA

Margaret Sell, City Clerk

Lori Buck, Mayor



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: MARGARET SELL, CITY CLERK/FINANCE DIRECTOR
DATE: AUGUST 2, 2016
RE: ANNUAL REVIEW OF RED FLAG POLICY (IDENTITY THEFT PREVENTION PROGRAM) ADOPTED BY RESOLUTION 2009-31

BACKGROUND

The City of Fruita adopted a Red Flag Policy on May 19, 2009 as required by the Federal Trade Commission. The purpose of the policy is to identify, detect and respond to patterns, practices or specific activities that could indicate identity theft. The City's Red Flag Policy requires annual review by the City Council and updating, if necessary. The Council shall consider the following in review and amending the program:

- The City's experiences with identity theft
- Update in methods of identity theft
- Updates in customary methods used to detect, prevent and mitigate identity theft
- Updates in the types of accounts that the City offers or maintains; and
- Updates in service provider arrangements.

During the last year the City has not had any incidence of identity theft, suspicious activity or significant changes in personnel or procedures. Staff is not proposing any changes to the Red Flag Policy at this time.

FISCAL IMPACT

None.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The adoption, implementation and annual review of the Red Flag Policy assists the City in the goal of Maintaining and/or Improving the Quality of Service Provided by protecting citizens from identity theft which could arise from their doing business with the City of Fruita.

OPTIONS AVAILABLE TO THE COUNCIL:

Continue with the existing Red Flag Policy
Amend the existing Red Flag Policy.

RECOMMENDATION:

No Council action is necessary unless there is a desire to amend the existing Red Flag Policy.



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL MAYOR
FROM: KEN HALEY, PUBLIC WORKS DIRECTOR
DATE: AUGUST 2, 2016
RE: RESOLUTION 2016-29 TO ESTABLISH REGULATIONS FOR PUBLIC USE OF ENOCH'S LAKE PROPERTY

BACKGROUND

The City of Fruita owns approximately 257 acres of mountain properties on Pinon Mesa south of Glade Park, which includes a 51-acre parcel that encompasses a 23-acre water storage reservoir referred to as Enoch's Lake. The Enoch's Lake parcel is entirely surrounded by private property and is the only reservoir owned by the City that is not on, or surrounded by, National Lands open to the public.

This parcel and the associated water rights were acquired by the Town of Fruita in 1957 for the purpose of providing a municipal water supply for the Town of Fruita. These water rights were conveyed through a pipeline system to the Town of Fruita. Over the years, Fruita's water needs expanded and the costs of maintaining the water system became less affordable. In 1983, the City of Fruita entered into an agreement with the Ute Water Conservancy District to provide domestic water for the City of Fruita and discontinued use of the City's mountain water rights within the City limits. These mountain water rights have since been used to provide irrigation water to properties in the Glade Park area and the City has been reluctant to dispose of these water rights due to unknown future value that these resources might have.

The City also retains the mountain properties and has allowed public use of these properties at various levels over the past 20 to 30 years. At the July 19, 2016 Council Meeting, the City Manager and Police Chief presented the current issues the City is facing in managing the Enoch's Lake property as a public use facility and informed Council of measures Staff was taking to address these issues. At the meeting Council directed Staff to proceed with posting no overnight camping restrictions effective from August 1, 2016 through the end of the year and to prepare a Resolution formalizing this action. The July 19, 2016 Council packet contains a full report by the Police Chief and the minutes from the same meeting cover the public comments and Council-staff discussion.

FISCAL IMPACT

The long-term plan for mountain properties will be discussed further with Council during the 2017 budget process.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Maintaining and performing the core functions of government with a high level of expertise.

OPTIONS AVAILABLE TO COUNCIL

- 1. APPROVE RESOLUTION 2016-29 TO ESTABLISH REGULATIONS FOR PUBLIC USE OF ENOCH'S LAKE PROPERTY**
- 2. DENY RESOLUTION 2016-29 TO ESTABLISH REGULATIONS FOR PUBLIC USE OF ENOCH'S LAKE PROPERTY**

RECOMMENDATION

It is the recommendation of staff that Council:

APPROVE RESOLUTION 2016-29 TO ESTABLISH REGULATIONS FOR PUBLIC USE OF ENOCH'S LAKE PROPERTY

RESOLUTION 2016-29

**A RESOLUTION TO ESTABLISH REGULATIONS FOR
PUBLIC USE OF ENOCH'S LAKE PROPERTY**

WHEREAS, the City of Fruita is dedicated to providing the core functions of government with a high level of expertise; and

WHEREAS, the City of Fruita owns a 51-acre parcel on Pinon Mesa that is referred to as the Enoch's Lake property; and

WHEREAS, the City of Fruita has allowed public use of the Enoch's Lake property at various levels over the past 20 years for recreational purposes; and

WHEREAS, the Enoch's Lake property is entirely surrounded by privately-owned lands that are potentially impacted by the users of the Enoch's Lake property; and

WHEREAS, the City of Fruita is committed to managing its properties and facilities in a safe, effective, and responsible manner; and

WHEREAS, the City of Fruita is interested in developing a long-term plan that addresses the ownership, use, and management of the City's mountain properties; and

WHEREAS, the Ordinances for public open spaces and parks established by the City of Fruita do not apply to the Enoch's Lake property since it is not within the Fruita City limits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT THE CITY COUNCIL FINDS AND DETERMINES:

THAT the City Staff be directed to establish regulations for the Enoch's Lake property that will include restricting overnight camping from August 1, 2016 to December 31, 2016.

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

CITY OF FRUITA, COLORADO

Lori Buck, Mayor

ATTEST:

Margaret Sell, City Clerk



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: August 2, 2016

RE: Resolution 2016-30, A Resolution of the Fruita City Council Approving the First Release of the Subdivision Improvements Agreement for Village at Country Creek Filing Four Subdivision

BACKGROUND:

The City Council approved the subdivision improvements agreement (SIA) for Village at Country Creek Filing Four subdivision on October 6, 2015. The developer has requested a first release of the SIA to have the city accept the construction and to begin the two-year warranty period on the construction.

The required improvements have been inspected by city staff and the improvements appear to have been completed as required by the subdivision approval and the SIA. The improvements have been found to be free of defects in materials and workmanship as required.

A bill of sale for the public improvements that will belong to the city has been provided as required. Ten percent of the cost of the required improvements for the subdivision will be retained for the required two-year warranty period.

FISCAL IMPACT

Approving a first release of a SIA has a fiscal impact on the city because the city is then responsible for maintenance of the public improvements. Ten percent of the costs of all improvements in the subdivision is held by the city for two year to ensure defects in materials and workmanship for the improvements will be corrected. Within the two-year warranty period the city will inspect the improvements and if found to be free from defects in materials and workmanship, a final release of the funding guarantee can be requested.

Impact fees are collected to help offset the costs of development. For this development, impact fees are being collected at the time of Planning Clearance approval for a Building Permit.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The process of approving and releasing SIAs helps ensure that the city's goal of requiring development to pay its own way is met and that residents and taxpayers of the city are not subsidizing growth.

OPTIONS AVAILABLE TO COUNCIL

1. Approve Resolution 2016-30, A Resolution of the Fruita City Council Approving the First Release of the Subdivision Improvements Agreement for Village at Country Creek Filing Four Subdivision
2. Direct staff to research any area of the improvements on which Council has concerns or questions.

RECOMMENDATION

Staff recommends that the City Council move to approve Resolution 2016-30, A Resolution of the Fruita City Council Approving the First Release of the Subdivision Improvements Agreement for Village at Country Creek Filing Four Subdivision

RESOLUTION 2016 - 30

**A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE FIRST
RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR
VILLAGE AT COUNTRY CREEK #4 SUBDIVISION
(Application #2015 - 09)**

WHEREAS, the developer of Village at Country Creek Filing Four entered into a subdivision improvements agreement (Resolution 2015-26) recorded in the records of the Mesa County Clerk and Recorder (Reception #2751818) to guarantee that required improvements would be completed within a certain time period, and

WHEREAS, the developer has requested a 1st release of the performance guarantee for the improvements that have been completed and to start the two-year warranty period, and

WHEREAS, improvements required by the subdivision improvements agreement for Village at Country Creek Filing Four subdivision have been inspected by city staff and appear to have been completed as required, and

WHEREAS, a Bill of Sale for the required public improvements that will belong to the City of Fruita has been provided and is attached as Exhibit A.

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

THAT the required subdivision improvements for Village at Country Creek Filing Four subdivision are approved for 1st release of the subdivision improvements agreement, subject to 10% of the total cost of improvements being retained for the required two-year warranty period (as required by the subdivision improvements agreement).

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO THIS 2nd DAY OF August, 2016.**

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Lori Buck, Mayor

EXHIBIT A (Res # 2016-30)

BILL OF SALE

Village at Country Creek Filing 4

 Development Name

KNOW ALL MEN BY THESE PRESENTS, that Sunshine of the Redlands, Inc. as Property owner and Developer (Property Owner Name AND Developer Name) of the County of Mesa, State of Colorado (Seller), for and in good and sufficient consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained and sold and by these presents does grant and convey unto the City of Fruita, Colorado, a municipal corporation (Buyer), its successors and assigns, the following property, goods and chattels, to wit:

Type of Improvement	Description	Quantity	Measurement	City Use
Streets	Periwinkle Lane			
Interior to subdivision		420	Lineal feet	
Offsite street improvements		none	Lineal feet	
Curbs, gutters and sidewalk		835	Lineal feet	
Street signs		0	Each	
Street lights		2	Each	
Storm Sewer				
Lines		none	Lineal feet	
Inlets			Each	
Other				
Sewer Lines and Appurtenances:				
Lines, Mains	Previously	Dedicated	Lineal feet	
Manholes			Each	
Other				
Open Space dedicated to City				
Land		5,381	Sq. ft.	Dedicated on plat
Improvements		17,528	Sq. ft.	landscaping

m.
row

Transferred FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES located at: Periwinkle Lane, Fruita, CO.

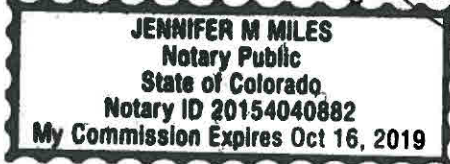
TO HAVE AND TO HOLD the same unto the said Buyer, its successors and assigns, forever. The said Seller covenants and agrees to and with the Buyer, its successors and assigns, to WARRANT AND DEFEND the sale of said property, goods and chattels, against all and every person or persons whomever. When used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the Seller has executed this Bill of Sale this 21 day of July 2016

 Signature of Seller - Property Owner

 Signature of Seller - Developer

STATE OF COLORADO)
)
 COUNTY OF MESA)



The foregoing instrument was acknowledged before me this 21 day of July, 2016 by
John Moir (Sellers name).

WITNESS MY HAND AND OFFICIAL SEAL

My Commission Expires: Oct 16, 2019

Notary Public: Jennifer M. Miles



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: August 2, 2016

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

Resolution # 2016 - 27, A Resolution of the Fruita City Council finding that approximately 6.73 acres of property located at 1062 18 road is eligible for annexation into the City of Fruita.

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.

The final steps for annexation and zoning (ordinances to annex and zone) typically take place along with approval of the Final Plat application.

FISCAL IMPACT

Annexation ensures that the city has some control over development which might otherwise occur outside the city limits and provide a drain on city resources and infrastructure. Annexation of property requires that the city provide it with city services (such as police protection and sanitary sewer service). The cost of providing services varies with each annexation. This Resolution is to set a hearing date to find the property eligible for annexation which does not create a fiscal impact.

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

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The annexation, zoning, and Preliminary Plan meet or can meet all approval criteria and standards of Fruita's Land Use Code with the recommended conditions of approval. The

Land Use Code (along with other regulatory documents such as Fruita's Design Criteria and Construction Specifications Manual) implement the City's goals and policies as outlined in the City's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

Resolution:

1. Approve Resolution 2016 - 27
2. Deny Resolution 2016 - 27

Preliminary Plan:

1. Approve the Adobe View North Preliminary Plan with or without conditions.
2. Deny the proposed Preliminary Plan.

RECOMMENDATION

Resolution:

Staff recommends that the City Council move to approve Resolution 2016-27

Preliminary Plan:

Staff recommends that the City Council move to approve the Aspen Village Preliminary Plan with the condition that all review comments and issues identified in the Staff Report must be adequately resolved with a Final Plat application.

RESOLUTION 2016-27

**A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING THAT
APPROXIMATELY 6.73 ACRES OF PROPERTY LOCATED AT 1062 18 ROAD IS
ELIGIBLE FOR ANNEXATION INTO THE CITY OF FRUITA
(Aspen Village, Application #2016-14)**

WHEREAS, the City of Fruita has received a petition to annex property which is described and shown on the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT THE CITY COUNCIL FINDS AND DETERMINES:

THAT a properly constituted petition signed by 100% of the owners of the real property described and shown on Exhibit A has been submitted to the City of Fruita and an election is not required under C.R.S. 31-12-107, and

THAT the real property described on Exhibit A has at least 1/6 of its perimeter contiguous to existing city limits of the City of Fruita, and

THAT annexation of the property complies with all pertinent requirements of C.R.S. 31-12-104, 105 & 106 to be eligible for annexation, and

THAT a notice of the public hearing was properly advertised having appeared once per week for four consecutive weeks in a local publication, and

THAT the property shown and described on Exhibit A is eligible for annexation into the City of Fruita.

BE IT FURTHER RESOLVED BY THE FRUITA CITY COUNCIL, that based on the above findings, it is the intent of the City of Fruita to annex the real property described and shown in Exhibit A.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2nd DAY OF AUGUST 2016**

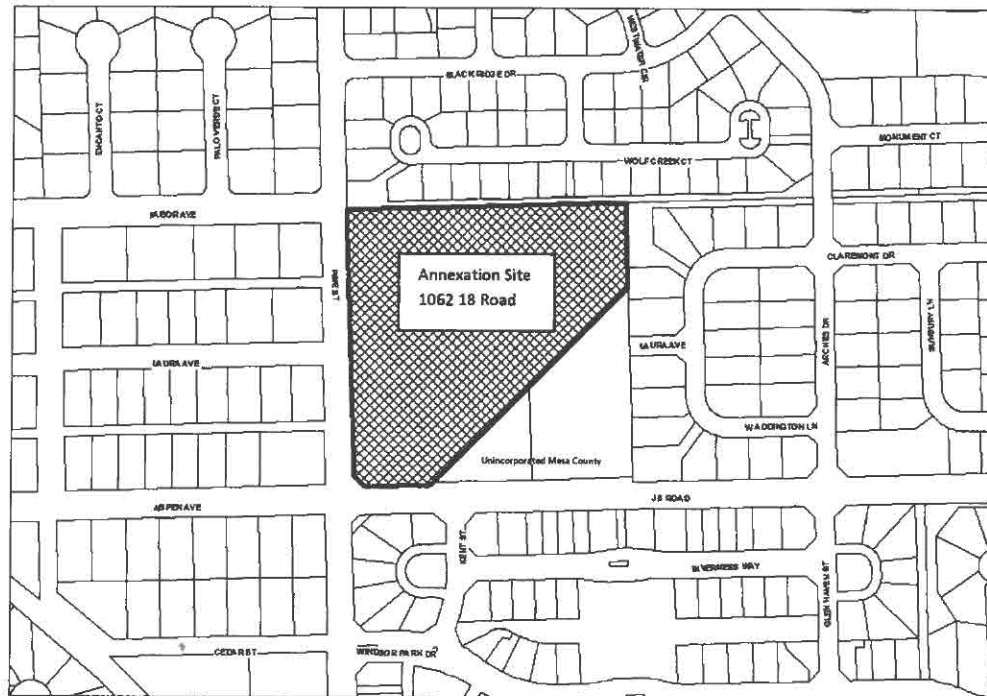
ATTEST:

City of Fruita

Margaret Sell, City Clerk

Lori Buck, Mayor

Exhibit A



Attached Legal Description

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



**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.

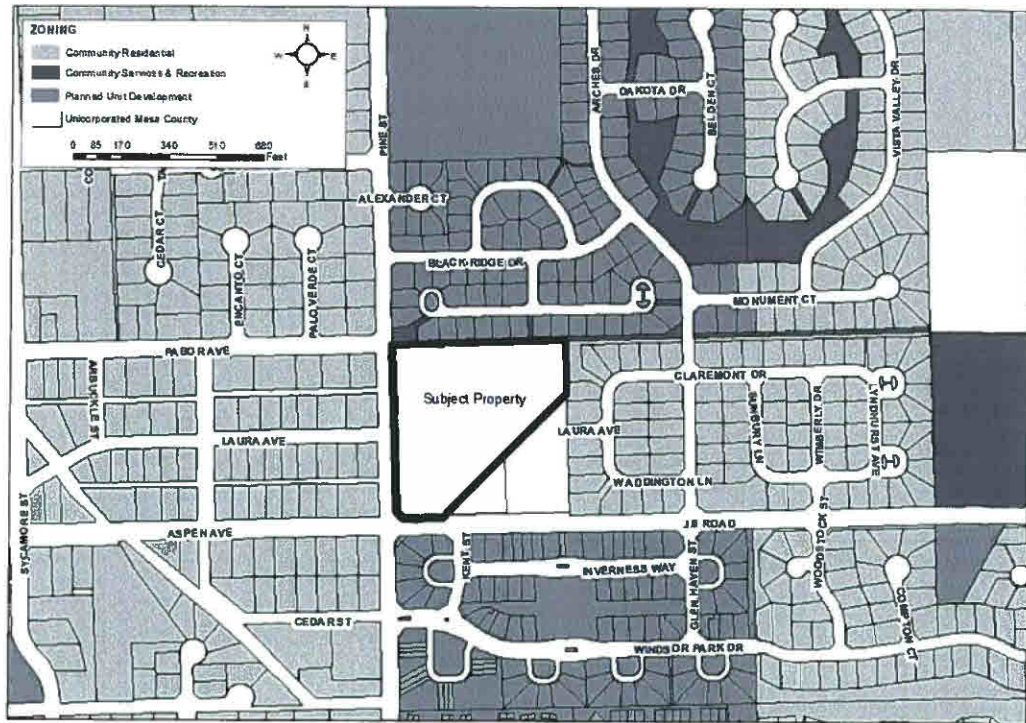
The applicants are requesting annexation into the city limits with a Community Residential (CR) zone to allow for development of 22 single family detached residential lots. The proposed Preliminary Plan shows access to the lots will be by an extension of Laura Avenue to the east with three cul-de-sacs. 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 1/6th 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, Leedale 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:

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 curb, 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 $\$3,200/\text{residential unit} \times 22 \text{ units} = \$70,400$.
- 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 $\$1,860/\text{residential unit} \times 22 \text{ units} = \$40,920$.
- 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]
Sent: Wednesday, June 01, 2016 9:53 AM
To: daniel.roussin@state.co.us; arthur.valdez@charter.com; Dick Pippenger; segodfrey.survey@gvdd.org; gvic@sprynet.com; Tim Ryan; Jim Daugherty; scott.hendricks@xcelenergy.com; 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



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

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

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



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): 2697-162-00-026 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@rccwest.com E-mail: jmace@rccwest.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 Member/Manager	<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 19th 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.

April 15, 2016

RE: Annexation and Major Subdivision of the property located at 1062 18 Road (Aspen Village Subdivision), Fruita, CO – 22 single-family detached residential lots on approximately 6.73 Acres

Dear Neighbor:

This letter is to inform you that the property owners of the above mentioned property are holding a neighborhood meeting to discuss the subdivision and status of this property. This project is being submitted for review in accordance with the City of Fruita code requirements in order to obtain approval of the subdivision. The property is currently zoned AFT in unincorporated Mesa County. It is proposed to annex this property into the City of Fruita limits with the proposed zoning of CR (Community Residential).

We invite you to attend this neighborhood meeting which will be held at Rim Rock Elementary, located at 1810 J 6/10 Road, on Monday, April 25, 2016, at 6:00 PM in the library. This meeting is designed to provide you with as much information as possible and hear/address your concerns.

Sincerely,



Tracy States
Project Coordinator



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

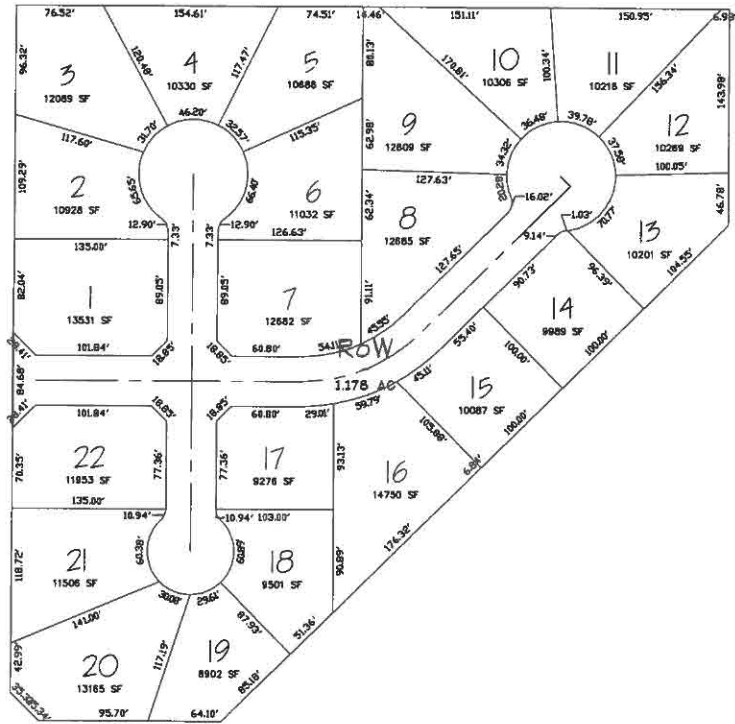
A neighborhood meeting for the above referenced subdivision was held Monday, April 25, 2016, at Rim Rock Elementary School, located at 1810 J 6/10 Road, at 6:00 PM. A letter notifying the neighbors was sent on April 15, 2016, per the mailing list received from the City. The meeting was facilitated by 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.



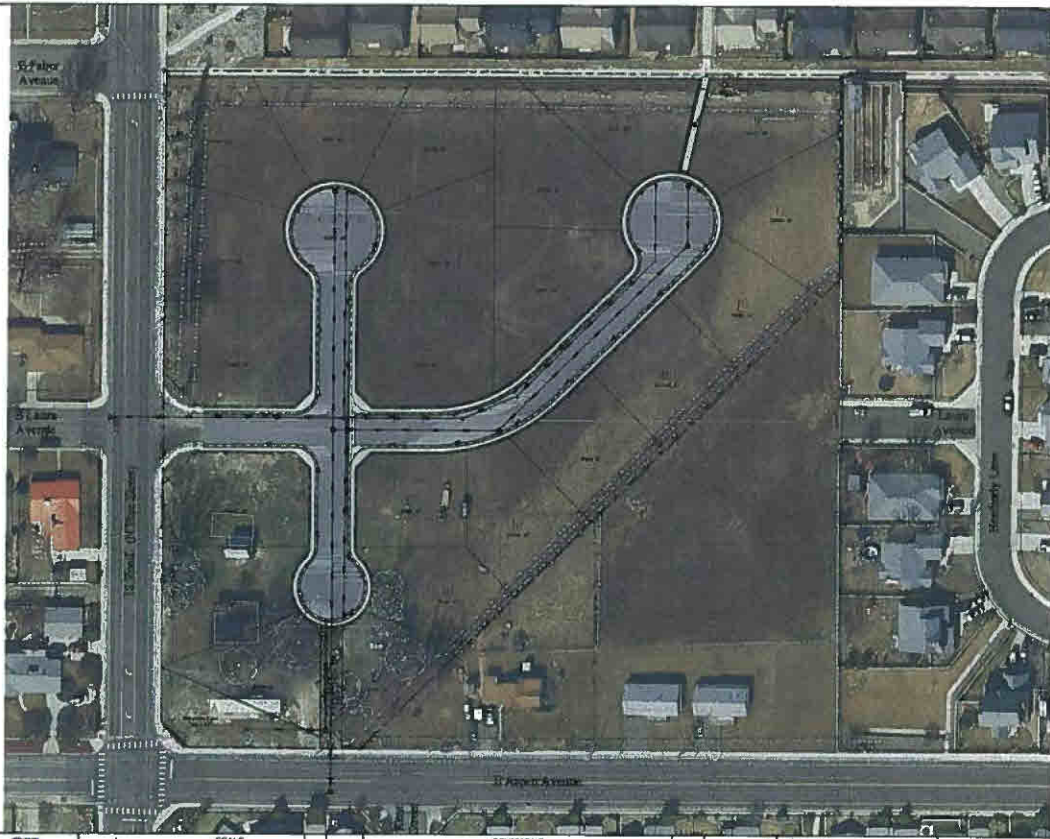
UNCC
 800.922.1987
 www.uncc.org
 Know what's below.
 Call before you dig.
 CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



PRELIMINARY

McCurter Land Company
 Aspen Village Single Family
 Concept 2

DRAWN BY:	JMM	RCC PROJECT #:	1071-006
CHECKED BY:		DATE ISSUED:	15.MAR.2016
HORIZ SCALE:	AS SHOWN	VERT SCALE:	N/A
ORIGINAL SHEET SIZE:			11 x 17



NO.	REVISIONS	DATE

PRELIMINARY



McCURTER LAND COMPANY
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.	Len Chesnick	1806 J 6/10 Rd	
2.	Terri Brown	1982 J Rd	
3.	Jim & Deb McCarter	2458 Home Ranch Ct 6J	
4.	Bob Major	1804 J 6/10 Rd	712-7055
5.	Gary & Dawn McLeod	1176 Wolf Creek Ct.	
6.	Gayle & Curtis Meyer	1142 Wolf Creek Ct.	
7.	Pat Cavanaugh	1075 E. Aspen Ave	
8.	Paul McLeod	1078 E Leona Ave	
9.	John Krumpholtz	120 W. Park Dr.	
10.	Ray Rickard	2415 1st West - Dr	
11.	Jacksons	1074 E. Pahr Ave	
12.	Domenicacci	1220 Wolf Creek	
13.	Wendy Helen Ward	1223 Wolf Ct Ct	
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

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 Tent St.	
3. GEORGE E JOHNSON II	1083 19 ROAD	
4. Tracy States	River City Consultants	241-4722
5. Jeff Mace	RCC	241-4722
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		



ASPEN VILLAGE SUBDIVISION

1062 18 ROAD

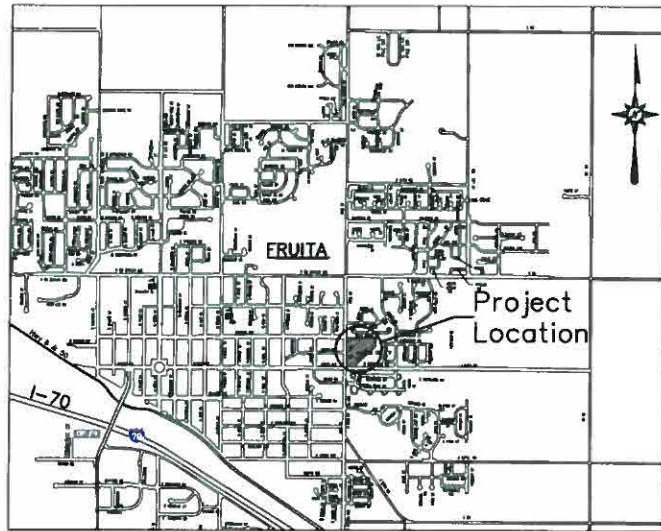
CONSTRUCTION PLANS FRUITA, COLORADO

DRAFT
Review Set
(NOT FOR CONSTRUCTION)

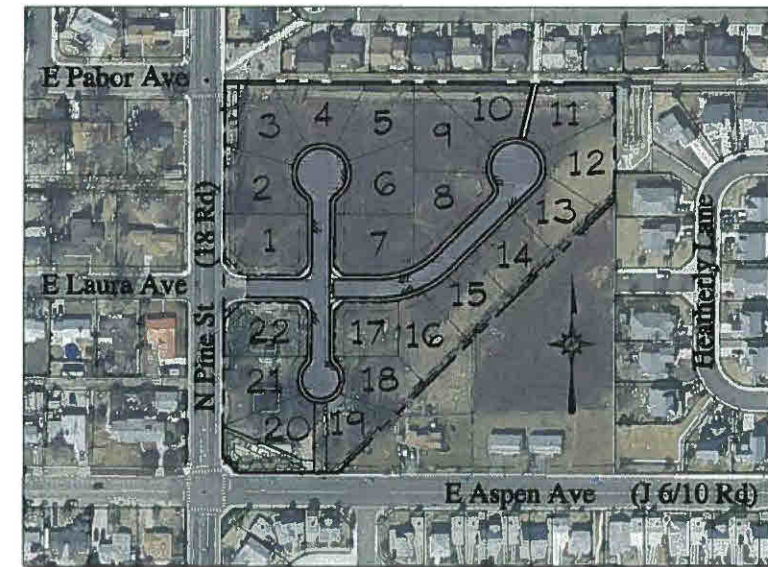
INDEX OF SHEETS

Sheet No.	Description
C0	Cover Sheet
C1	General Notes & Legend
C2	Horizontal Control
C3	Preliminary Plan
C4	Composite Site Plan
C5	Preliminary Grading & Drainage Plan
C6	Utility Composite
C7	Preliminary Irrigation Plan
C8	Typical Street Cross Sections
1	Ute Water District Standard Details
2	Ute Water District Standard Details
L-1	Landscape Plan

* Faded sheets are work in progress and will be included in future submittal



PROJECT LOCATION MAP
(N.T.S.)



PROJECT OVERVIEW
(1" = 150')

UTILITY CONTACTS

Sewer - City of Fruita	Contact.....	970-858-9558
Water - Ute Water District	Contact.....	970-242-7491
Electric - Grand Valley Power	Contact.....	970-242-0040
Gas - Xcel Energy	Contact.....	970-242-2626
Phone - CenturyLink	Contact.....	970-244-4311
Cable - Charter Communications	Contact.....	970-210-2550
Irrigation - Grand Valley Irrigation District	Contact.....	970-242-2762

DESIGN TEAM CONTACTS

OWNER/DEVELOPER:
McCURTER LAND COMPANY, LLC
Jim McCurter
PO Box 2007
Grand Junction, CO 81502-2007
970.241.2795
mccurters@yahoo.com

CIVIL:
RIVER CITY CONSULTANTS
Jeff Mace, P.E.
744 Horizon Ct Suite 110
Grand Junction, CO 81506
970.241.4722
jmace@rcwest.com

LANDSCAPE ARCHITECT:
Julee Wolverson
61945 Nighthawk Dr
Montrose, CO 81403
970.249.9392
wolverson@montrose.net



DATE ISSUED: 08 May 2016
PROJECT #: 1071-006
DRAWN BY: JMT
CHECKED BY: JMT

McCURTER LAND COMPANY
Aspen Village Subdivision
Cover Sheet

C0

NO.	DATE	REVISIONS DESCRIPTION	BY

LEGEND

Legend table with two columns. Left column lists existing and proposed features (e.g., Existing Major Contour, Proposed Major Contour, Existing Edge of Asphalt, Proposed Edge of Asphalt, Existing Concrete Flowline, Proposed Concrete Flowline, Existing Sewer Main Line, Proposed Sewer Main Line, Existing Storm Drain Line, Proposed Storm Drain Line, Existing Water Main Line, Proposed Water Main Line, Existing Water Service Line, Proposed Water Service Line, Existing Common Utilities Trench, Proposed Common Utilities Trench, Existing Ditch Flowline, Proposed Ditch Flowline, Proposed Parcel Boundary, Proposed Lot Line, Proposed Tract Line, Proposed Right of Way Line, Proposed Easement, Proposed Asphalt, Proposed Concrete).

GENERAL NOTES

- 1. Notes given here shall apply to all sheets.
2. The contractor shall notify the City of Fruita 48 hours prior to the beginning of construction...
3. Installation of new improvements, including materials, construction, performance, and testing...
4. Contractor shall familiarize his/herself with the geotechnical testing requirements...
5. Only materials on which a proctor test can be performed...
6. It is the responsibility of the contractor to contact the city engineer in advance of required inspections...
7. The contractor shall notify the engineer immediately if site conditions are encountered which are different than as shown...
8. Alignment, centerline curve data, and stationing to be verified from approved subdivision plat before construction...
9. Locations of existing utilities shown on these plans are approximate only...
10. Prior to beginning installation of new underground utilities shown on these drawings...
11. No construction work shall be performed outside of the project owner's property boundary...
12. All road cuts and construction activities within existing road right-of-ways...
13. All satisfactory excess excavation from either utility or street construction...
14. It shall be the sole responsibility of the contractor to ensure that all construction work is accomplished...
15. All quantities shown on these drawings are estimates...
16. The contractor shall be responsible for preparing and permitting the Storm Water Management Plan...
17. The contractor shall be solely responsible for ensuring that water service lines and fire hydrant leads...
18. All materials shall be handled and installed in strict accordance with the manufacturer's recommendations...
19. Contractor shall have one signed copy of plans at all times.

ROADWAY NOTES

- 1. Asphalt shall be compacted to 92%-98% of an accepted super pave design (SX-75)...
2. Prior to paving, and after compaction of road base, the contractor shall proof roll the streets with a full water truck...
3. Contractor to protect existing utilities and appearances...
4. The contractor shall protect the surface of all concrete against weather, traffic, graffiti and similar items...
5. Any concrete curb and gutter, sidewalk, or crosswalk damaged by compaction equipment...
6. Curb, gutter and drainage piers are to have expansion joints at each change in horizontal alignment...
7. Handicap ramps are to be provided at all curb returns...
8. Inside backing of curb and gutter and/or sidewalk with native fill material per the Typical Roadway Section...
9. Hot-mix asphaltic concrete to be in accordance with City of Fruita Standards and Specifications...
10. Where proposed pavement is to match existing pavement...
11. The finish surface of the asphalt mat must be at least 1/4" above any adjacent concrete surface...
12. Traffic signs, control devices, and pavement striping...
13. Contractor to verify all "tie-in" grades prior to any construction...
14. Pavement design shall be based upon a geotechnical investigation report...
15. All general use Portland Cement Concrete shall conform to the City of Grand Junction Specification 601...
16. All concrete work within public right-of-way shall be performed by a licensed curb, gutter and sidewalk contractor...
17. All concrete ramps, sidewalks, curbs, gutters and other concrete work shall be underlaid with aggregate base course...
18. Any existing pavement not designated for removal which is damaged by construction shall be replaced in-kind...
19. Drawing indicates typical section only...
20. Drawing indicates typical section only...
21. An approved curing/sealing compound shall be applied to all exposed concrete surfaces...
22. All concrete shall be protected from freezing for 5 days after being placed...
23. Minimum spacing between joints in curb, gutter & sidewalk is 5'. Maximum spacing is 10'.
24. Water shall not be added to concrete surfaces during finishing operations.
25. The surface of all accessible ramps and fared sides shall be finished with a course broomed texture...
26. All handicap ramps, parking stalls and landings shall conform to the Uniform Federal Accessibility Standards (UFAS), latest edition.

SANITARY SEWER CONSTRUCTION NOTES

- 1. All sewer line construction shall conform to the City of Fruita's standards and specifications.
2. All sanitary sewer pipe shall be PVC SDR-35, unless otherwise specified.
3. All sewer mains shall be held to grade using a pipe laser.
4. All service line connections to the new main shall be accomplished with full-body tees or less.
5. All trenches shall be compacted and backfilled per Standard Trench Detail...
6. A minimum 10' separation shall be maintained at all times between water lines and sewer lines...
7. Sewer service stub-outs shall extend 14' beyond the property line...
8. No service lines shall be connected directly into manholes unless otherwise approved...
9. The contractor is responsible for all required sewer line testing...
10. Manholes shall be constructed as shown on the City of Fruita Sanitary Sewer Standard Detail Sheet...
11. Water stoppables and clamp assemblies are to be furnished and installed at all connections to manholes...
12. When installing manholes over existing sewer lines, contractor is to expose existing sanitary sewer main...
13. Pipe-to-manhole connector: Pipe-to-manhole connectors shall be manufactured with rubber conforming to ASTM C-923...
14. Steel paving rings are not allowed for grade adjustment...
15. All residential sanitary sewer services are to be 4" PVC SDR-35...
17. Manhole spacing requirements:

Table with 2 columns: Pipe Size, Manhole Spacing. Rows: 15" or smaller (400'), 18" or larger (500').

- 18. Maximum change in direction in manholes for lines 18" and larger shall be 45'.
19. Sewer lines shall be straight and not curved between manholes...
20. The minimum cover for sewer main is typically 4' (top of pipe to finished grade)...
21. Concrete shall be City of Grand Junction Specifications Section 601-Structural Concrete Class B...
22. All cement used in mortar, concrete bases, grade rings, riser sections, cones, and flat tops...
23. Manhole riser sections, cones, flat tops, and grade rings shall be precast reinforced concrete...
24. Backfill around manholes and other structures shall be placed in 6" lifts...
25. All work shall be in accordance with approved plans and specifications.
26. Manhole cone and flat top sections shall be positioned such that the manhole ring and cover are offset 20'-30' from the upstream main sewer line into the manhole.
27. Manhole steps shall be installed in vertical alignment with the ring and cover.
28. Manhole ring and cover can be set to finished grade, using non-shrink grout to adjust ring elevation...

STORMWATER NOTES

- 1. The contractor shall notify Grand Junction Drainage District 24 hours prior to commencing construction...
2. All storm sewer construction shall be in accordance with City of Fruita Standards and Specifications and Grand Junction Drainage District Standards and Specifications...
3. All storm sewer trench backfills shall conform to the Standard Trench Detail...
4. All storm sewer trench backfill shall conform to the Standard Trench Detail...
5. Contractor to verify all "tie-in" grades prior to any construction.
6. All High Density Polyethylene (HDPE) pipe and fittings up to 24" shall be the following:
A. Storm Drain and Sewer Pipe, ASTM C-78
B. Precast Manhole Sections, ASTM C-478
C. Arch Pipe, ASTM C-507
D. Elliptical Pipe, ASTM C-507
E. Joints, Urethane Rubber Gaskets, ASTM C-443
7. Testing of materials to determine compliance with the specifications shall be the responsibility of the contractor...
8. Pipe damage during shipment or handling may be rejected even if previously approved...
9. All lifts during construction, erosion and sediment control shall be maintained...
10. Erosion control system shall be installed as grading progresses...
11. Erosion bales shall be straw or hay, depending on availability...
12. Erosion bales shall be placed to avoid runoff flowing between, round or under bales...
13. Negative impacts to downstream areas (or receiving waterbody) caused by the overtop grading...
14. Mud shall be applied to achieve a stabilized surface...
15. Construction traffic entrances shall have an aggregate staging pad installed per Erosion Control Details...
16. Details shown are schematic only...
17. Concrete shall conform to the City of Grand Junction Specifications 601 (Structural Concrete Class B)...
18. Any existing pavement not designated for removal which is damaged by construction shall be replaced in-kind...
19. Manhole riser sections, cones, flat tops, and grade rings shall be precast reinforced concrete...
20. Backfill around manholes, inlet boxes and other structures shall be placed in 6" lifts...
21. All work shall be in accordance with approved plans and specifications...
22. All concrete work within public right-of-way shall be performed by a licensed curb, gutter and sidewalk contractor...
24. Manhole steps shall be installed in vertical alignment with the ring and cover...
25. All cement used in mortar, concrete bases, grade rings, riser section, cones and flat tops for storm sewer manholes...
26. All storm sewer manhole lids shall be designated "Storm Sewer"
27. Manhole ring and cover can be set to finished grade, using non-shrink grout to adjust ring elevation...
28. Steel paving rings are not allowed for grade adjustment...

LIST OF ABBREVIATIONS

Table with 3 columns: Abbreviation, Description, Abbreviation, Description, Abbreviation, Description. Includes items like ABC Aggregate Base Course, AC Edge of Asphalt, AL Alignment, BFS Begin Full Superelevation, BLDG Building, BLM Bureau of Land Management, BM Benchmark, BNC Begin Normal Crown, BOC Back of Curb, BOW Back of Walk, BVCE Beginning Vertical Curve Elevation, BVCS Beginning Vertical Curve Station, CBC Concrete Box Culvert, CDOT Colorado Department of Transportation, CGS Curb, Gutter, & Sidewalk, CL Center Line OR Glass, CMP Corrugated Metal Pipe, CY Cubic Yard, E Easting Coordinate, EA Each, EFS End Full Superelevation, EL Elevation, ELEC Electric, ELEV Elevation, ENC End Normal Crown, EOA Edge of Asphalt, EOP Edge of Pavement, ER End of Radius, ESMT Easement, EVCE End of Vertical Curve Elevation, EVCS End of Vertical Curve Station, EX Existing, FES Flared End Section, FFE Finished Floor Elevation, FG Finished Grade, FH Fire Hydrant, FL Flow Line, GB Grade Break, GV Gate Valve, HDPE High Density Polyethylene, HOA Home Owners Association, HP High Point, INC Incorporated, INV Invert, IRR Irrigation, K Design Coefficient, L Length, LC Level Crown, LF Linear Feet, LP Low Point, LS Lump Sum, LVC Length of Vertical Curve, MAX Maximum, MCGS Mountable Curb, Gutter, & Sidewalk, MCSM Mesa County Survey Marker, MDS Maximum Design Speed, MH Manhole, MIN Minimum, MPE Multi-Purpose Easement, MUTCD Manual on Uniform Traffic Control Devices, N Northing Coordinate, NO Number, NTS Not to Scale, PCC Point of Curvature, POC Point of Compound Curvature, PI Point of Intersection, PL Property Line, PLS Professional Licensed Surveyor, PR Proposed, PRC Point of Reverse Curvature, PRELIM Preliminary, PT Point of Tangency, PVC Polyvinyl Chloride, PV Point of Vertical Intersection, R Radius, RC Reverse Crown, RCP Reinforced Concrete Pipe, REQ'D Required, RIM Rim Elevation, ROW Right of Way, RR Railroad, SDMH Storm Drain Man Hole, SF Square Feet, SH State Highway, SAN Sanitary Sewer, SSMH Sanitary Sewer Man Hole, STA Station, STL Steel, STR Structure, SY Square Yard, TAN Length of Tangent, TBC Top Back Curb, TCE Temporary Construction Easement, TFC Top Face Curb, TOC Top of Curb, TOP Top of Pipe, TW Top of Wall, TYP Typical, VC Vertical Curve, VPC Vertical Point of Curvature, VPI Vertical Point of Intersection, VPT Vertical Point of Tangency, W Water, WSEL Water Surface Elevation, WTR Water, Δ Central Angle (Delta)

WATERLINE CONSTRUCTION NOTES

- 1. All water line construction shall be in accordance with the Ute Water District Standards and Specifications.
2. Contractor shall notify the District 48 hours PRIOR to the beginning of construction.
3. All trenches shall be compacted according to the recommendations in the Geotechnical Report...
4. Minimum cover required over top of new waterlines is 4'-6" (54 inches).
5. All water mains to be DR-18 PVC conforming to AWWA C-900.
6. All water mains are to be bedded per City of Grand Junction Standards.
7. All service connections to be 3/4 inch Type "K" copper, unless specified otherwise.
8. Ductile iron fittings to conform to AWWA C-110.
9. Fire Hydrants shall conform to AWWA C-502.
10. All materials, labor and equipment required for testing and disinfection of waterlines shall be furnished by Contractor...
11. All pipe bands/angle points, both horizontal and vertical, as called for on the plans are to be thrust blocked per the District Details and Technical Specifications.
12. Only material on which a proctor test can be performed and accurate nuclear density tests can be run are approved for waterline trench backfill unless otherwise approved by the Engineer.
13. All water meter pits shall be located on opposite lot side of dry utility transformers and pedestals...
14. No privacy fences are to be allowed to enclose meter pits or fire hydrants located within streets & road ROWs and multi-purpose easements.

UTILITY PROVIDERS

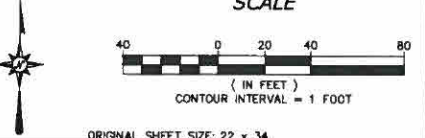
Table with 2 columns: Utility, Provider. Includes Drainage (Grand Valley Drainage District), Water (Ute Water District), Sewer (City of Fruita), Gas (XCEL Energy), Electric (Grand Valley Power), Irrigation (Grand Valley Irrigation Company), Telephone (CenturyLink), Cable TV (Charter Communications).

ACCEPTED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

ACCEPTANCE BLOCK

Ute Water District Representative Date

City of Fruita Development Engineer Date

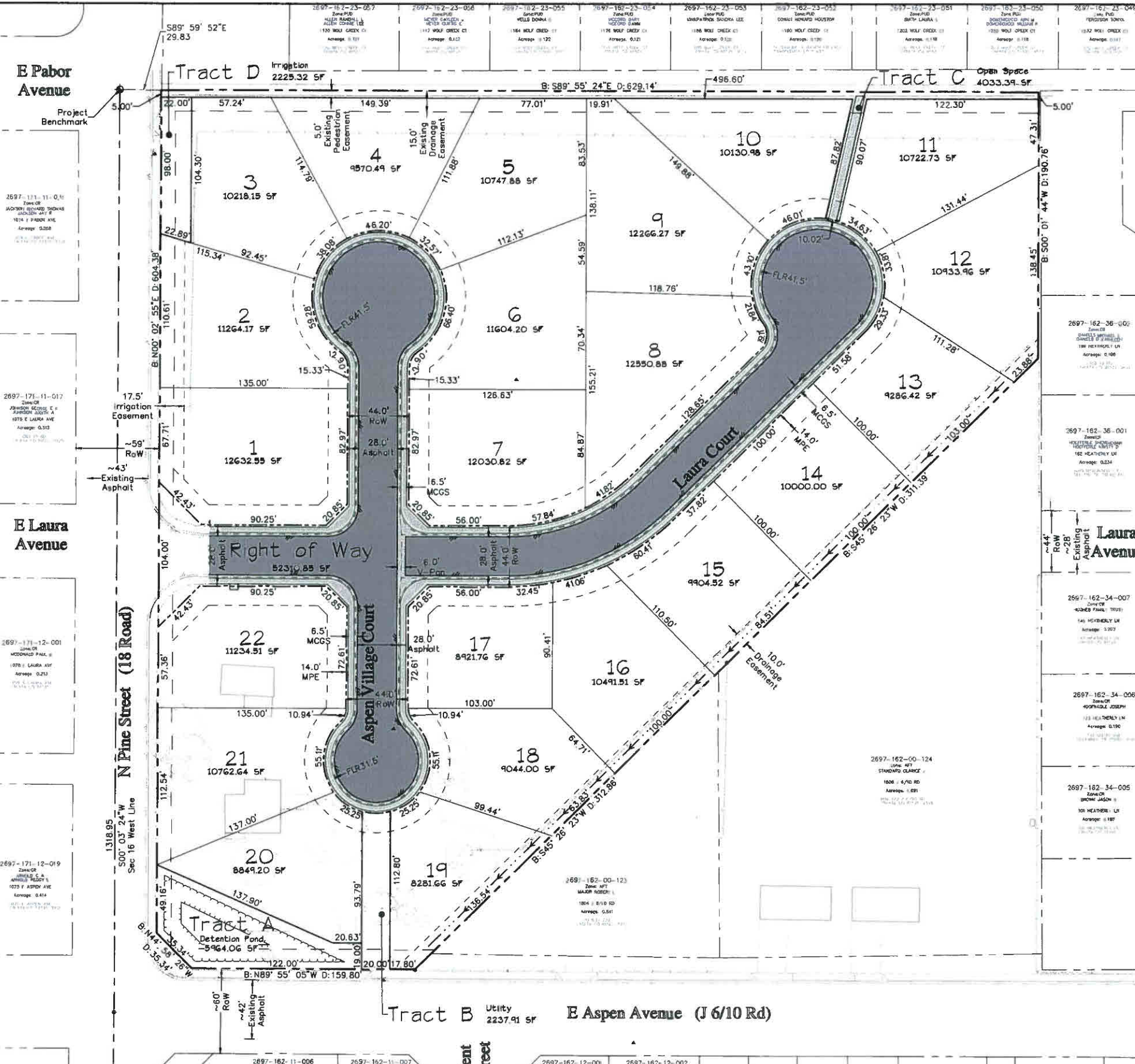


Revisions table with columns: NO., DATE, DESCRIPTION, BY.



River City CONSULTANTS logo and address: 744 Horizon Court, Suite 110, Grand Junction, CO. 81508. Phone: 970.241.4722, Fax: 970.241.8841.

McCurter Land Company logo and project information: PROJECT #: 1071-008, DATE ISSUED: 06 May 2016, DRAWN BY: nmj, CHECKED BY: nmj, HORIZ: 1" = 40', VERT: N/A. Project title: Aspen Village Subdivision, General Notes & Legend.



BENCHMARK
MCSM 1050-1
N 1/16 Cor Sec 16-17 T1N R2W
Intersection of
E Pabor Ave & N Pine St
Northing: 69867.065
Easting: 47250.742
Elevation: 4529.454

BASIS OF BEARINGS
THE BEARINGS HEREON ARE GRID BEARINGS OF THE MESA COUNTY LOCAL COORDINATE SYSTEM ZONE "GVA"
MCLCS ZONE "GVA"
TRANSVERSE MERCATOR PROJECTION
POINT OF ORIGIN (SNO1) AND CENTRAL MERIDIAN:
LATITUDE: 39°06'22.72756"N
LONGITUDE: 108°32'01.43463"W
NORTHING: 50,000 FT
EASTING: 100,000 FT
SCALE FACTOR: 1.000218181798
PROJECT/SCALE FACTOR HEIGHT: 4644 FT (NAVD88)

SUBDIVISION SUMMARY:

ZONING: CR
MINIMUM SETBACKS:
STREET - 25 FT
REAR - 15 FT
SIDE - 8 FT
MAXIMUM HEIGHT - 35 FT
MAXIMUM LOT COVERAGE - 45%

Lot	SF	AC
1	12,632.55	0.290
2	11,264.17	0.259
3	10,218.15	0.235
4	9,570.49	0.220
5	10,747.88	0.247
6	11,604.20	0.266
7	12,030.82	0.276
8	12,550.88	0.288
9	12,266.27	0.282
10	10,130.98	0.233
11	10,722.73	0.246
12	10,933.96	0.251
13	9,286.42	0.213
14	10,000.00	0.230
15	9,904.52	0.227
16	10,491.51	0.241
17	8,921.76	0.205
18	9,044.00	0.208
19	8,281.67	0.190
20	8,849.20	0.203
21	10,762.65	0.247
22	11,234.51	0.258
Total	231,449.32	5.313

Site Breakdown

Lots (22)	5.313 ac
Tract A (Detention)	0.137 ac
Tract B (Utility)	0.051 ac
Tract C (Open Space)	0.093 ac
Tract D (Irrigation)	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	XCEL 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.

Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with the City of Fruita Construction Specifications.

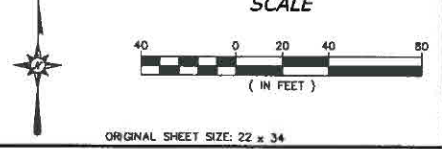
City of Fruita Community Development Director _____ Date _____

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with the City of Fruita Construction Specifications.

City of Fruita Development 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 issues.
 - The legend and a list of abbreviations can be found on the general notes and legend (sheet C1).



REVISIONS

NO.	DATE	DESCRIPTION	BY

RIVER CITY CONSULTANTS

744 Horizon Court, Suite 110
Grand Junction, Co. 81508
Phone: 870.241.4722
Fax: 870.241.8841

PROJECT #: 1071-008 DATE ISSUED: 06 May 2016
DRAWN BY: nmr HORIZ: 1" = 40'
CHECKED BY: jem VERT: N/A

McCURTER LAND COMPANY

Aspen Village Subdivision

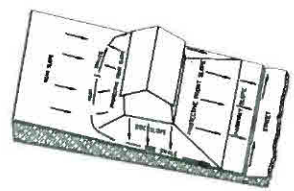
Preliminary Plan

C 3

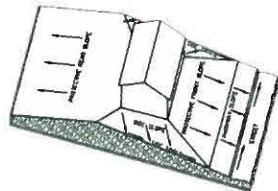
BENCHMARK
 MCSM 1050-1
 N 1/16 Cor Sec 16-17 T1N R2W
 Intersection of
 E Pabor Ave & N Pine St
 Northing: 69867.065
 Easting: 47250.742
 Elevation: 4529.454

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

MCLCS ZONE "GVA"
 TRANSVERSE MERCATOR PROJECTION
 POINT OF ORIGIN (SN0) AND CENTRAL MERIDIAN:
 LATITUDE: 39°06'22.72756"N
 LONGITUDE: 108°32'01.43463"W
 NORTHING: 50,000 FT
 EASTING: 100,000 FT
 SCALE FACTOR: 1.000218181798
 PROJECT/SCALE FACTOR HEIGHT: 4644 FT (NAVD88)



LOT GRADING - TYPE A
 ALL DRAINAGE TO STREET



LOT GRADING - TYPE B
 DRAINAGE BOTH TO STREET AND TO REAR LOT LINE

- 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 issues.
 - 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)
) SS
 COUNTY OF MESA)

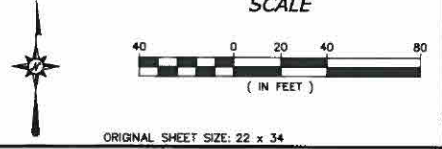
I certify that this instrument was filed in my office at _____ o'clock _____ M., on the _____ day of _____, _____ A.D. and was recorded in Plat Book _____ Page No. _____

Reception No. _____ Drawer No. _____ Fees _____

By: _____ Clerk and Recorder
 _____ Deputy

APPROVED FOR RECORDING.

 City of Fruita Development Engineer Date



NO.	DATE	DESCRIPTION	BY

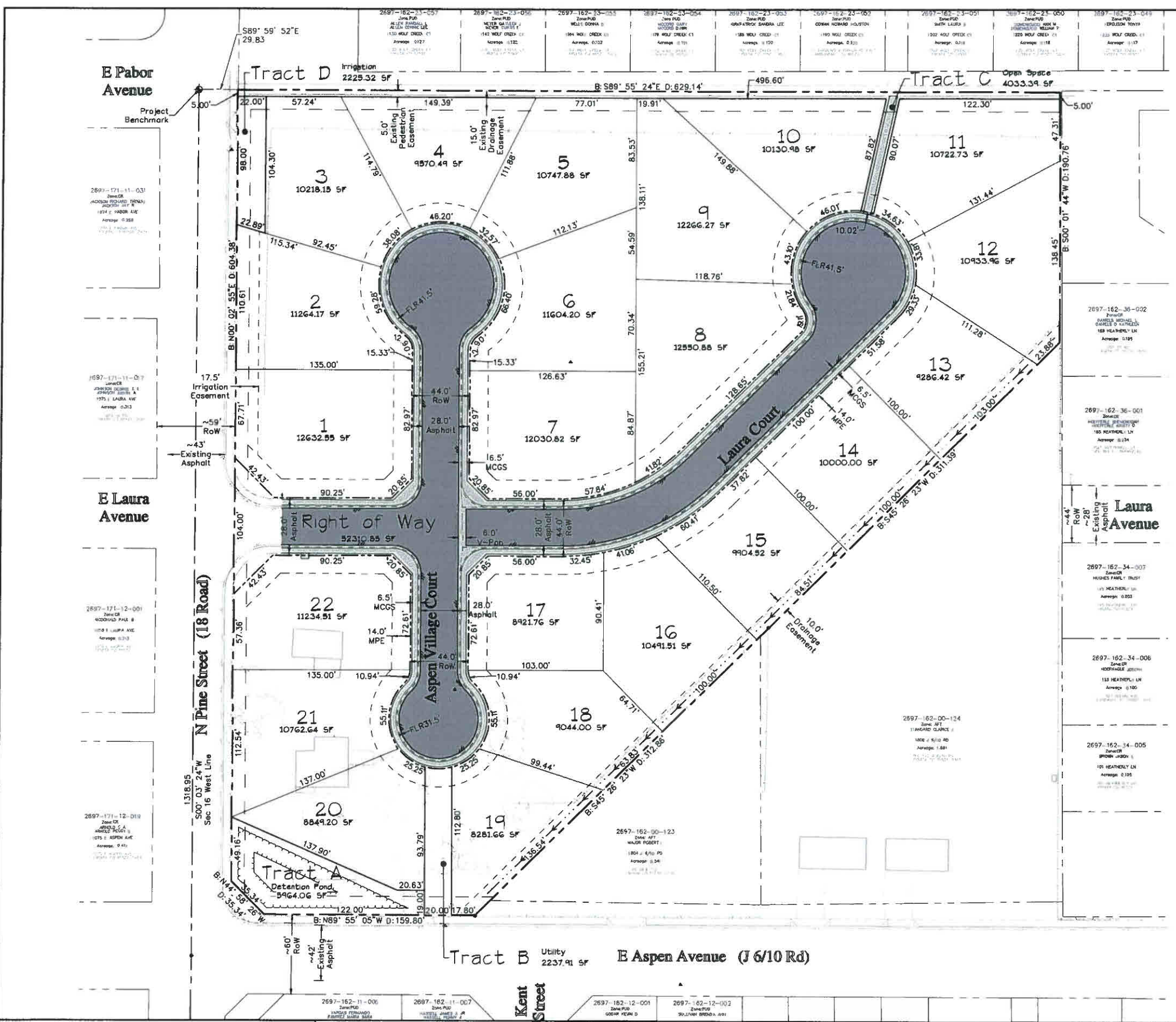


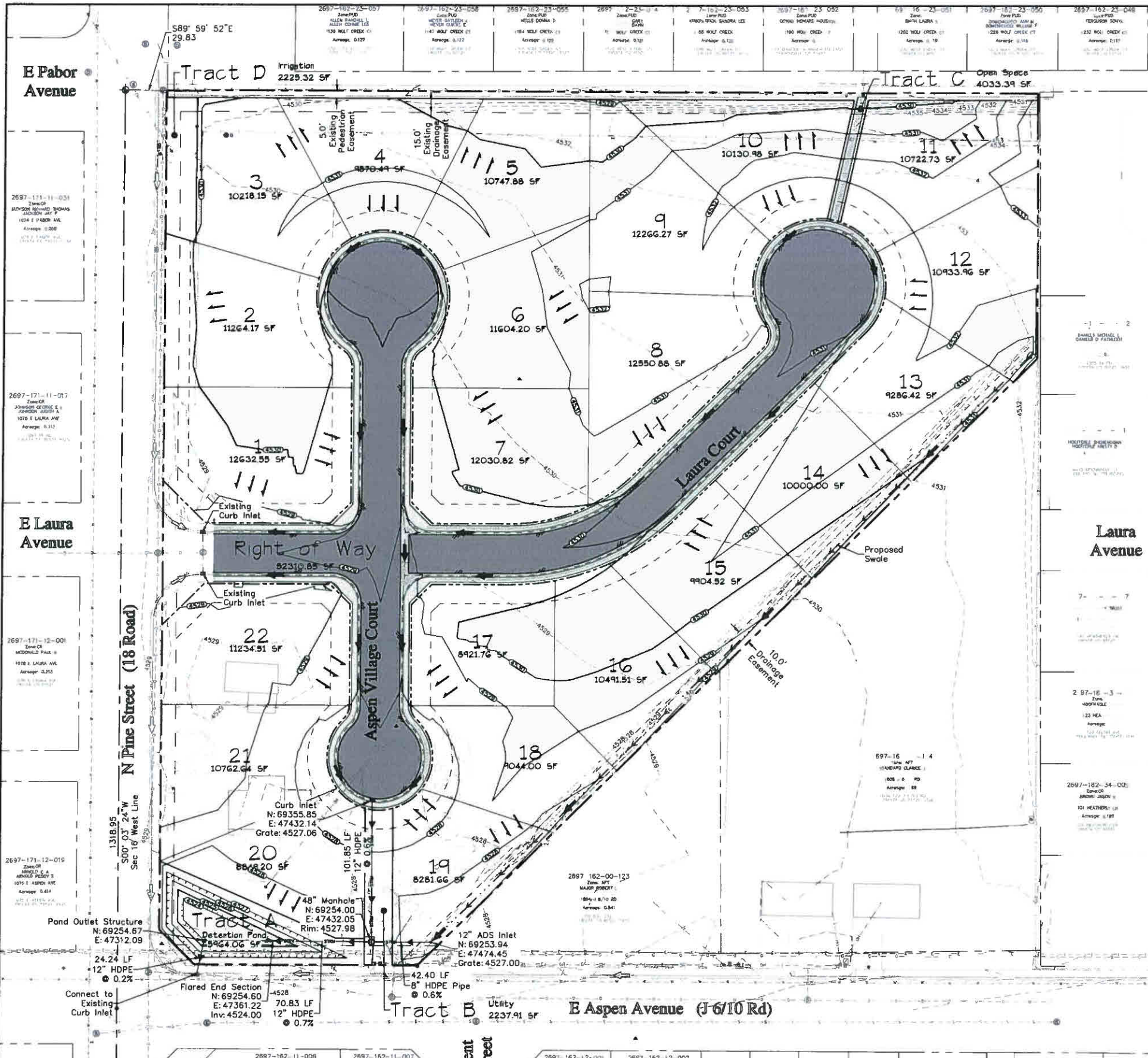
RIVER CITY CONSULTANTS
 744 Horizon Court, Suite 110 Grand Junction, Co. 81508 www.rcvw.com Phone: 970.241.4722 Fax: 970.241.8841

PROJECT #: 1071-006 DATE ISSUED: 06 May 2016
 DRAWN BY: nmr HORIZ: 1" = 40'
 CHECKED BY: jmm VERT: N/A

McCURTER LAND COMPANY
 Aspen Village Subdivision
 Composite Site Plan

C 4

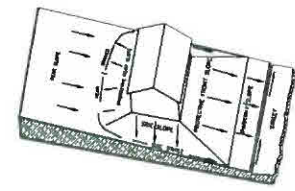




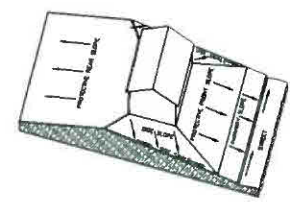
- Notes:**
- The locations of underground utilities as shown hereon are based on visible evidence from above ground structures, markings by the respective utility companies and/or their locator services, and drawings provided by the utility companies. No excavations were made during this survey to determine 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 issues.
 - The legend and a list of abbreviations can be found on the general notes and legend (sheet C1).

BENCHMARK
 MCSM 1050-1
 N 1/16 Cor Sec 16-17 T1N R2W
 Intersection of
 E Pabor Ave & N Pine St
 Northing: 69867.065
 Easting: 47250.742
 Elevation: 4529.454

Detention Pond		
	WSEL	Volume (CF)
WQCV	TBD	TBD
10-YR	TBD	TBD
100-YR	TBD	TBD
WQCV + 10-YR	TBD	TBD
Top of Pond (w/ 1' Freeboard)	TBD	TBD



Top of Foundation Elevations			
Lot	Type	Max	Min
1	B	TBD	TBD
2	B	TBD	TBD
3	B	TBD	TBD
4	B	TBD	TBD
5	B	TBD	TBD
6	B	TBD	TBD
7	B	TBD	TBD
8	B	TBD	TBD
9	B	TBD	TBD
10	B	TBD	TBD
11	B	TBD	TBD
12	B	TBD	TBD
13	B	TBD	TBD
14	B	TBD	TBD
15	B	TBD	TBD
16	B	TBD	TBD
17	B	TBD	TBD
18	B	TBD	TBD
19	B	TBD	TBD
20	B	TBD	TBD
21	B	TBD	TBD
22	B	TBD	TBD



FLOW ARROW LEGEND

- ⇨ Existing Concentrated Flow
- ⇨⇨ Existing Sheet Flow
- ⇨⇨ Proposed Concentrated Flow
- ⇨⇨ Proposed Sheet Flow
- ⇨ Storm Drain Flow Direction

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

Grand Valley Drainage District Representative _____ Date _____
 APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.
 Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with the City of Fruita Construction Specifications.
 City of Fruita Development Engineer _____ Date _____

UNCC
 811
 Know what's below.
 Call before you dig.
 CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

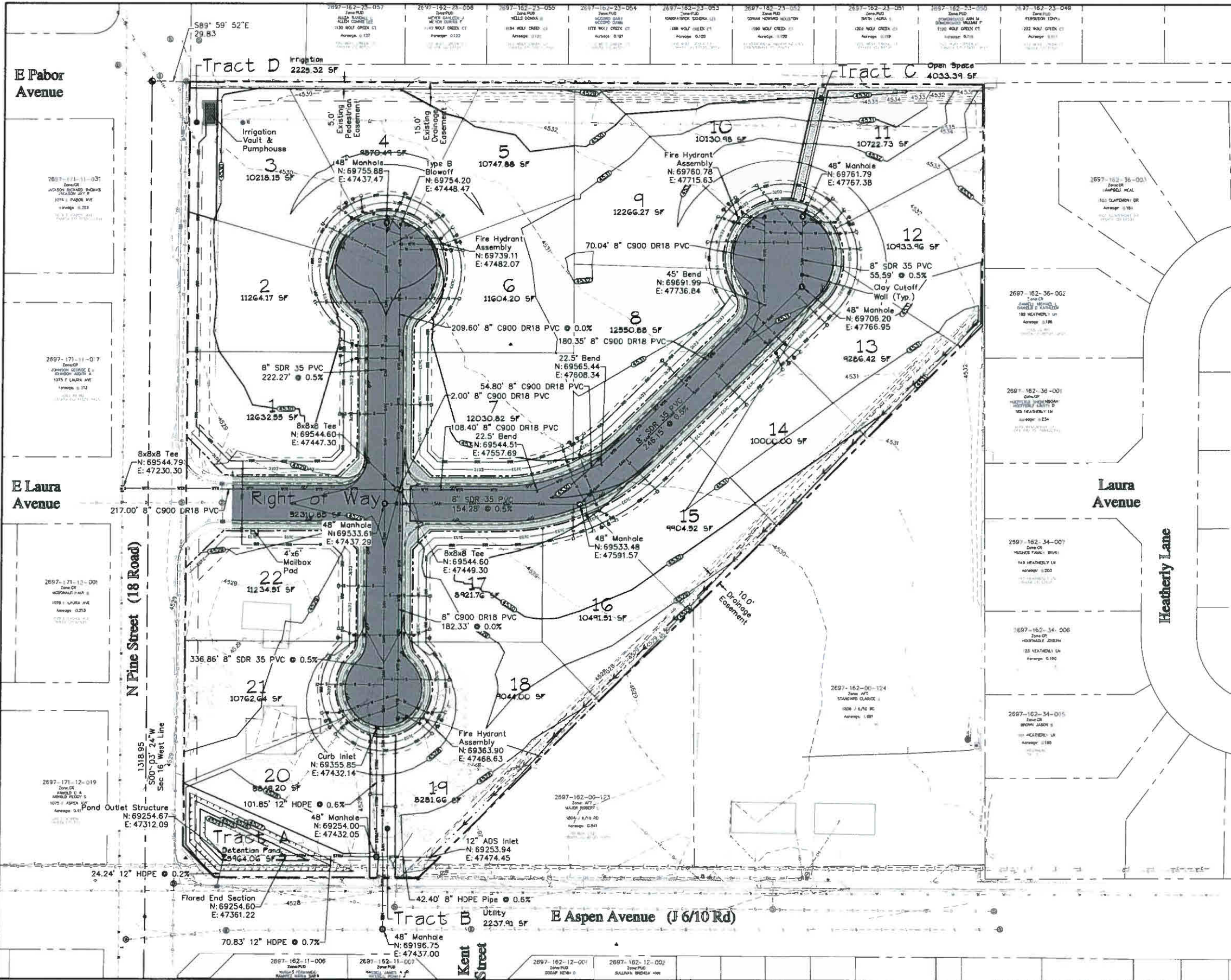
SCALE
 40 0 20 40 80
 (IN FEET)
 CONTOUR INTERVAL = 1 FOOT
 ORIGINAL SHEET SIZE: 22 x 34

REVISIONS			
NO.	DATE	DESCRIPTION	BY



RIVER CITY CONSULTANTS
 744 Horizon Court, Suite 110
 Grand Junction, Co. 81506
 Phone: 870.241.4722
 Fax: 870.241.8841
 PROJECT #: 1071-006
 DATE ISSUED: 06 May 2018
 DRAWN BY: Jmm
 CHECKED BY: Jmm
 HORIZ: 1" = 40'
 VERT: N/A

McCURTER LAND COMPANY
 Aspen Village Subdivision
 Preliminary Grading & Drainage Plan
 C5



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

MOLCS ZONE "GVA"

TRANSVERSE MERCATOR PROJECTION
 POINT OF ORIGIN (SNO1) AND CENTRAL MERIDIAN:
 LATITUDE: 39°08'22.72756"N
 LONGITUDE: 108°32'01.43463"W
 NORthing: 50,000 FT
 EASTING: 100,000 FT
 SCALE FACTOR: 1.000218181798
 PROJECT/SCALE FACTOR HEIGHT: 4644 FT (NAVD88)

BENCHMARK
 MGSN 1050-1
 N 1/16 Cor Sec 16-17 T1N R2W
 Intersection of
 E Pabor Ave & N Pine St
 Northing: 69867.065
 Easting: 47250.742
 Elevation: 4528.454

- 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 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	XCEL 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 _____

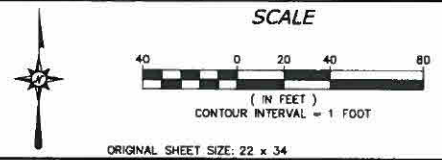
APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

Ute Water District Representative _____ Date _____

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.

Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with the City of Fruita Construction Specifications.

City of Fruita Development Engineer _____ Date _____



REVISIONS

NO.	DATE	DESCRIPTION	BY



RIVER CITY CONSULTANTS
 744 Horizon Court, Suite 110
 Grand Junction, Co. 81508
 Phone: 970.241.4722
 Fax: 970.241.8841
 www.rcwest.com

PROJECT #: 1071-006 DATE ISSUED: 06 May 2018
 DRAWN BY: nmm HORIZ: 1" = 40'
 CHECKED BY: jmm VERT: N/A

McCURTER LAND COMPANY
 Aspen Village Subdivision
 Utility Composite

C 6

**ASPEN VILLAGE
GVIC**

WATER MANAGEMENT RECOMMENDATIONS

SUPPLY

IRRIGATION PROVIDER	GVIC
IRRIGATED ACRES	4.0
FLOW AVAILABLE (GPM)	19

TOTAL AREA SUMMARY

TOTAL LOT / COMMON ACREAGE	5.5
IRRIGATED ACREAGE	1.7
WATER (GPM) NEEDED BASED ON TOTAL AREA	21

WATER SCHEDULE & TURF LIMITATION SUMMARY

LOTS WATERING PER DAY	11
DAYS WATERING / LOT / WEEK	3
WATER WINDOW (HOURS)	10
LOTS WATERING AT ONE TIME	5
COMMON AREA IRRIGATION ACREAGE	0.8
WATER (GPM) NEEDED BASED ON SCHEDULE & TURF LIMITS PER LOT	43
WORST CASE WATER NEED (GPM)	43

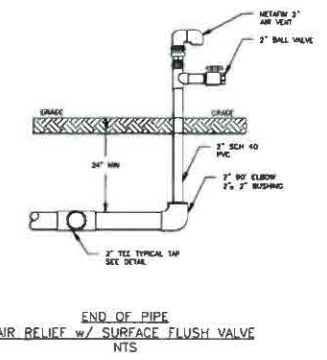
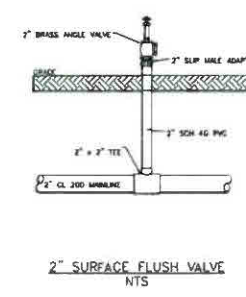
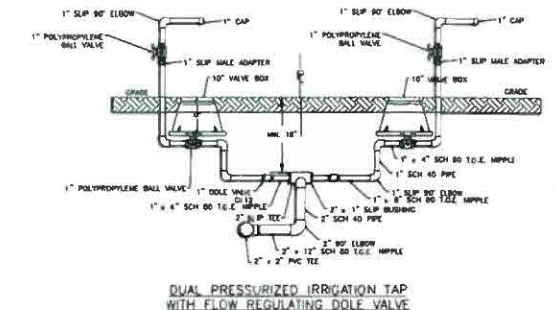
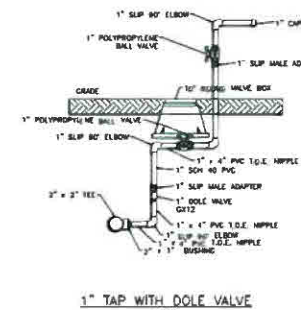
STORAGE REQUIRED

GALLONS	6685
AVERAGE DEPTH (FEET)	7
ACREAGE	0.0029
SQUARE FEET	128

WATER MANAGEMENT RECOMMENDATION

LOT TYPE A	LOT TYPE B	LOT TYPE C	COMMON
average	>7000 & <9000 SF	>8000	
TURF SF:	1900	TURF SF:	
GPM:	9	GPM:	41
HRS/DAY:	0.0	HRS/DAY:	3
DAYS/WK:	3	DAYS/WK:	3
LOT/TIME:	5	LOT/TIME:	3

Calculations based on Irrigation Association of America Standards, and peak ET requirements based on closest available agronomic data.



UTILITY PROVIDERS

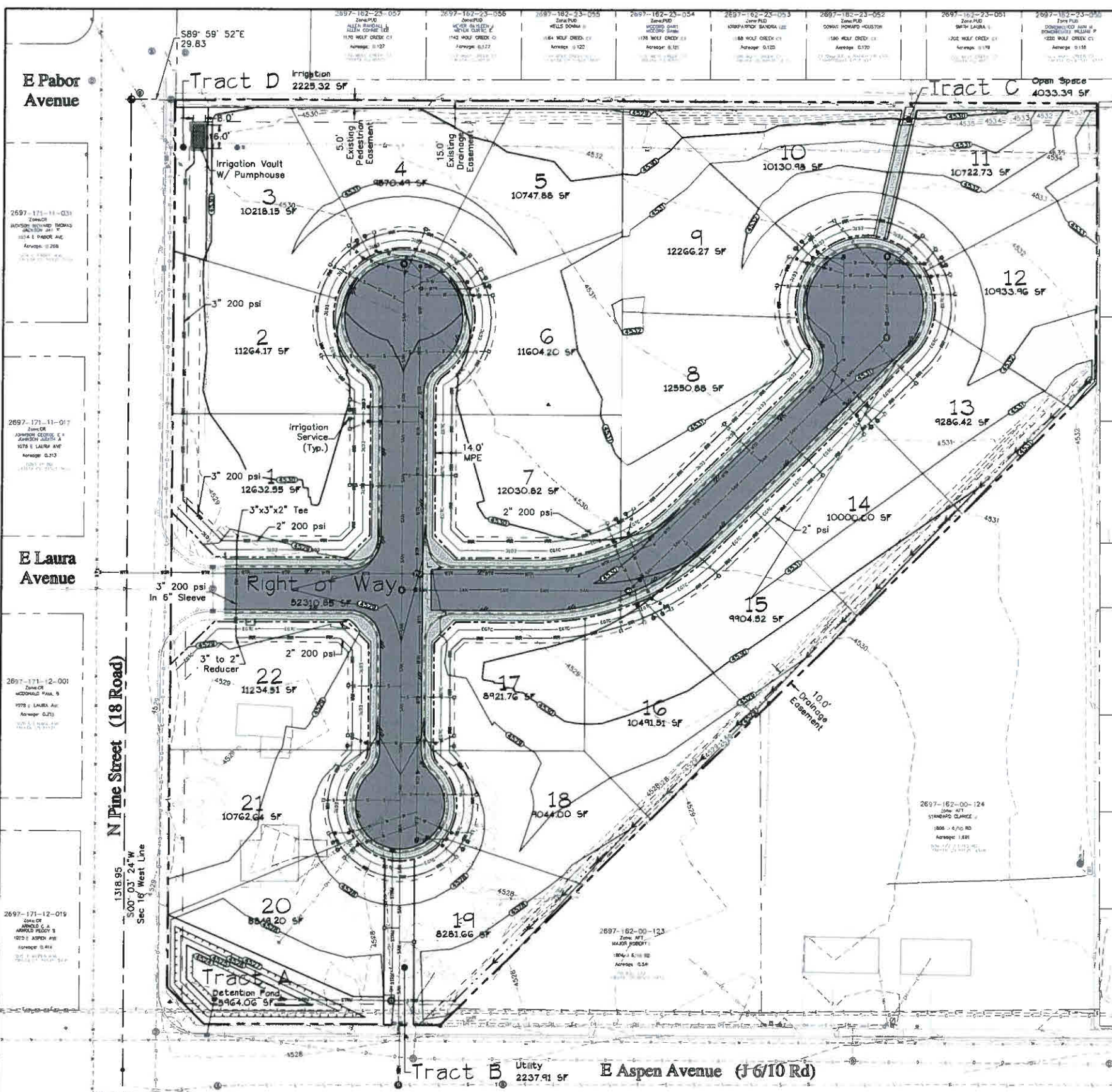
DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT
WATER	UTE WATER DISTRICT
SEWER	CITY OF FRUITA
GAS	XCEL ENERGY
ELECTRIC	GRAND VALLEY POWER
IRRIGATION	GRAND VALLEY IRRIGATION COMPANY
TELEPHONE	CENTURYLINK
CABLE TV	CHARTER COMMUNICATIONS

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.
Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with the City of Fruita Construction Specifications.

City of Fruita Community Development Director _____ Date _____

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.
Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with the City of Fruita Construction Specifications.

City of Fruita Development Engineer _____ Date _____



UNCC
811
Know what's below. Call before you dig.
800.822.1987
www.uncc.org
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

SCALE
0 20 40 80
(IN FEET)
CONTOUR INTERVAL = 1 FOOT
ORIGINAL SHEET SIZE: 22 x 34

REVISIONS

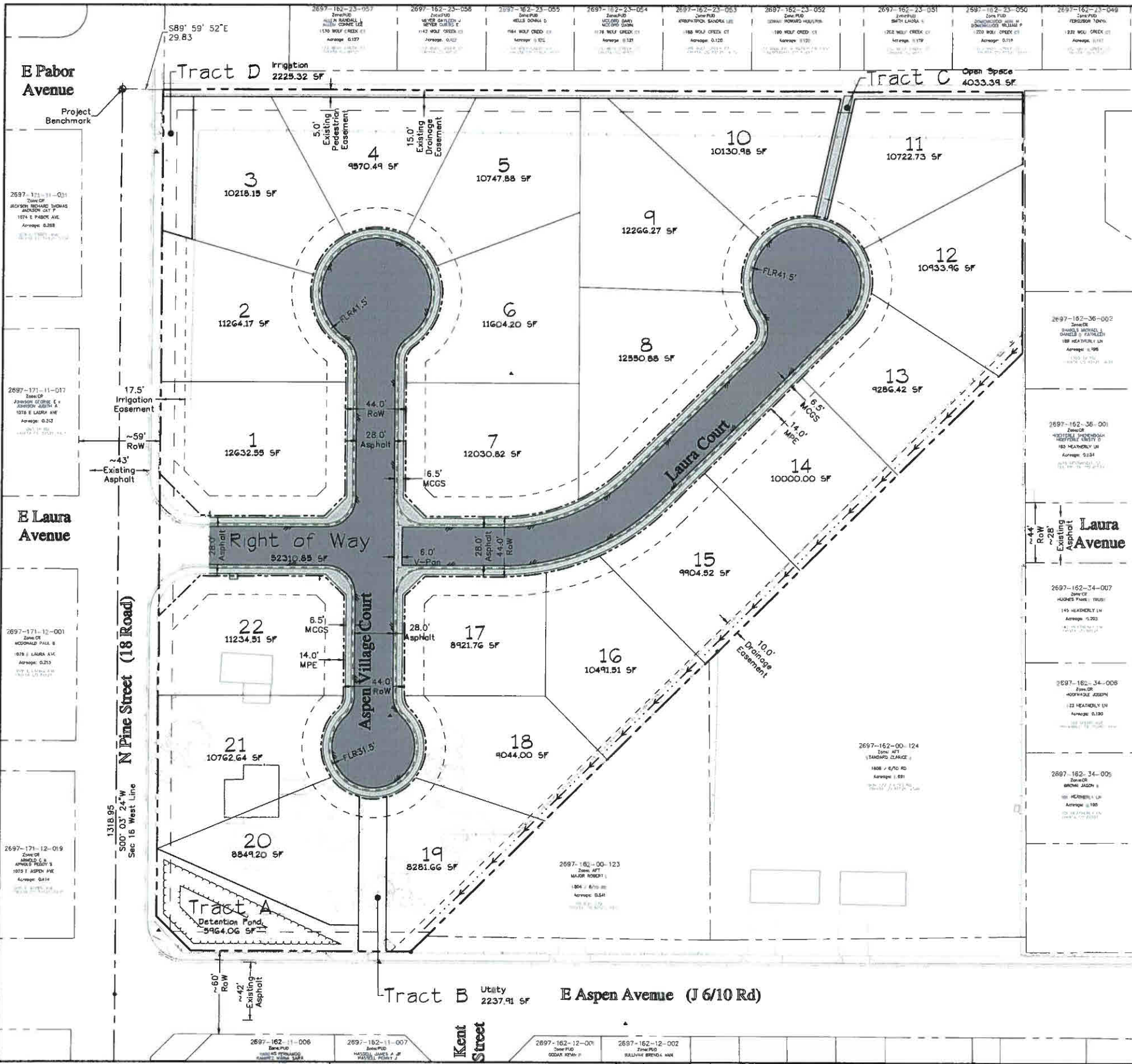
NO.	DATE	DESCRIPTION	BY



RIVER CITY CONSULTANTS
744 Horizon Court, Suite 110
Grand Junction, Co. 81508
Phone: 973.241.4722
Fax: 973.241.8841
www.rivercity.com

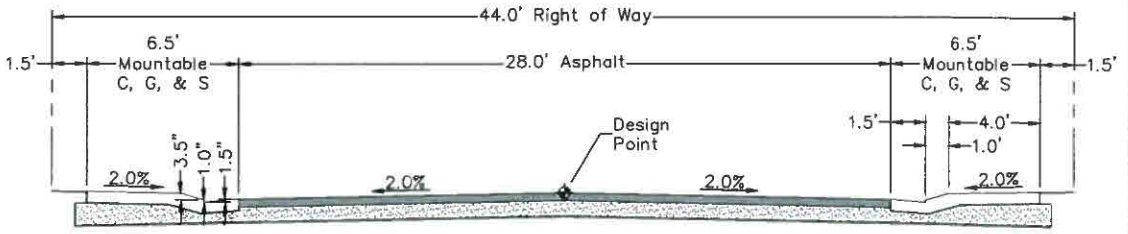
PROJECT #: 1071-036
DATE ISSUED: 06 May 2018
DRAWN BY: nmy
CHECKED BY: jmm
HORIZ: 1" = 40'
VERT: 1" = 4'

McCURTER LAND COMPANY
Aspen Village Subdivision
Preliminary Irrigation Plan
C7

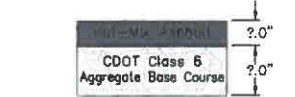


- Notes:**
- The locations of underground utilities as shown hereon are based on visible evidence from above ground structures, markings by the respective utility companies and/or their locator services, and drawings provided by the utility companies. No excavations were made during this survey to determine 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 issues.
 - The legend and a list of abbreviations can be found on the general notes and legend (sheet C1).

BENCHMARK
 MCSM 1050-1
 N 1/16 Cor Sec 16-17 T1N R2W
 Intersection of
 E Pabor Ave & N Pine St
 Northing: 69867.065
 Easting: 47250.742
 Elevation: 4529.454

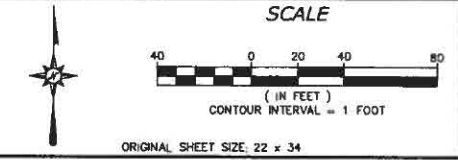


Typical Road Section
(NTS)



Typical Pavement Section
(NTS)

APPROVED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.
 Acceptance of these plans does not relieve the developer, contractor, or the engineer from conformance with the City of Fruita Construction Specifications.
 City of Fruita Development Engineer _____ Date _____



REVISIONS		
NO.	DATE	DESCRIPTION



RIVER CITY CONSULTANTS
 744 Horizon Court, Suite 110
 Grand Junction, Co. 81508
 Phone: 970.241.4722
 Fax: 970.241.8841
 PROJECT #: 1071-008 DATE ISSUED: 06 May 2016
 DRAWN BY: nmr HORIZ: 1" = 40'
 CHECKED BY: jnm VERT: N/A

McCURTER LAND COMPANY
 Aspen Village Subdivision
 Typical Street Cross Sections
 C 8

PLANT LEGEND: TREES

SYM.	BOTANICAL NAME:	COMMON NAME:	SIZE:	QUANTITY:	REMARKS:
(MAL)	MALUS 'RADIANT'	RADIANT CRABAPPLE	2" CALIPER	6 TOTAL	18' TALL, 15' SPREAD, PINK RED FLOWERS
(PIN)	PINUS NIGRA	AUSTRIAN PINE	6 FT. B&B	6 TOTAL	40' TALL, 15' SPREAD, GREEN EVERGREEN
(PYR)	PYRUS 'AUTUMN BLAZE'	AUTUMN BLAZE PEAR	2" CALIPER	5 TOTAL	40' TALL, 25' SPREAD, WHITE SPRING FLOWERS

PLANT LEGEND: SHRUBS

SYM.	BOTANICAL NAME:	COMMON NAME:	SIZE:	QUANTITY:	REMARKS:
(BER)	BERBERIS THUNBERGII AUTROPURPUREA	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	5 FT. TALL, 5 FT. SPREAD, RED TWIGS
(EUO)	EUONYMUS ALATUS COMPACTA	DWARF BURNING BUSH	5 GALLON	6 TOTAL	4' TALL, 4' SPREAD, UPRIGHT, RED FALL COLOR
(JUN)	JUNIPERUS 'BLUE CHIP'	VERTICAL SPARTAN JUNIPER	15 GALLON	5 TOTAL	20' TALL, 6' WIDE, EVERGREEN SCREEN SHRUB
(PPG)	PICEA PUNGENS GLAUCA 'GLOBOSA'	DWARF GLOBE SPRUCE SHORT GRAFT	5 GALLON	3 TOTAL	3' TALL, 3' SPREAD, BLUE DWARF, SHORT GRAFT
(RMF)	ROSA X 'MEDILAND 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	5' TALL, 5' SPREAD, WHITE FLOWERS, BLUE BERRIES, RED FALL COLOR

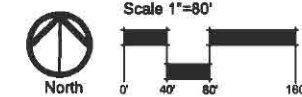
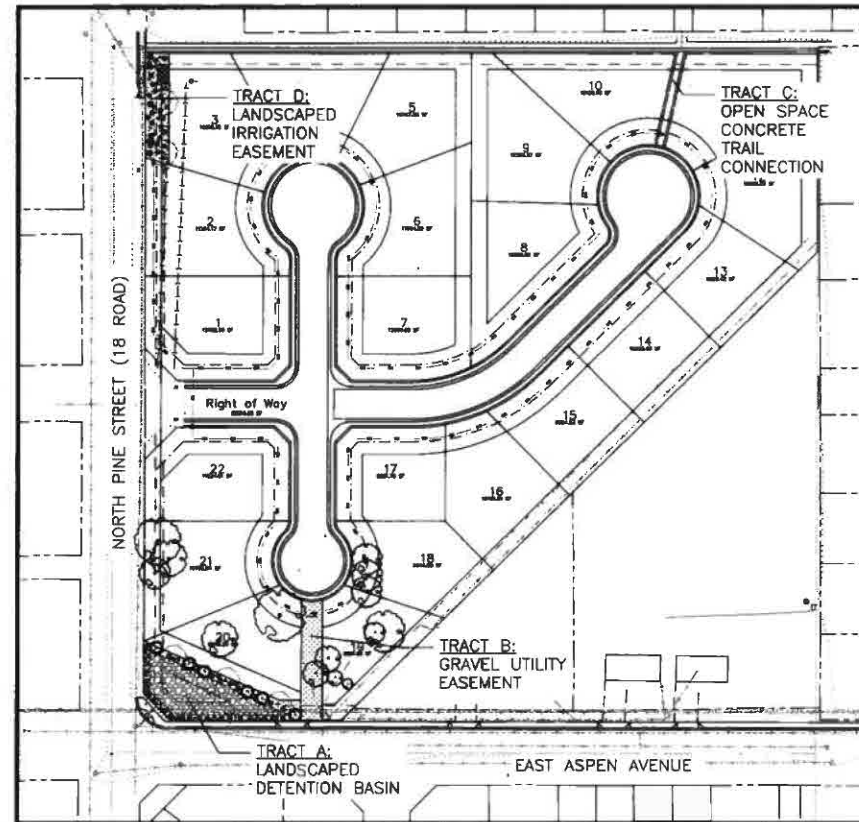
LEGEND: SITE FEATURES

SYM.	DESCRIPTION:	QUANTITY:	REMARKS:
(CDB)	COBBLE DETENTION BASIN	4,000 SF	PLACE OVER LANDSCAPE FABRIC FOR COMPLETE COVERAGE
(SGM)	3/4" GREY SCREENED GRAVEL MULCH	7,004 SF	PLACE 3" DEEP OVER LANDSCAPE FABRIC THROUGHOUT DESIGNATED AREAS
(LB)	LANDSCAPE BOULDER	(6) LARGE (6) MEDIUM	3'X3'X4" = LARGE, 2'X2'X3" = 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'S EXISTING PLANT PIT TOPSOIL. EACH PLANT PIT 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 HOA 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 GRAM 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 NURSERY STOCK, CURRENT EDITION. PLANTING SHALL BE DONE IN CONFORMANCE WITH THE ASSOCIATED LANDSCAPE CONTRACTORS OF COLORADO (A.L.C.C.) SPECIFICATIONS. THE CONTRACTOR SHALL GUARANTEE IRRIGATION SYSTEM AND ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM FINAL ACCEPTANCE. ANY DEAD OR DYING PLANT SHALL BE REPLACED. THE CONTRACTOR SHALL WINTERIZE IRRIGATION SYSTEM IN FALL AND PROVIDE SPRING START-UP DURING ONE-YEAR WARRANTY PERIOD.

ASPEN VILLAGE SUBDIVISION:



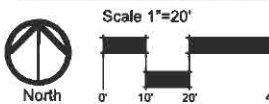
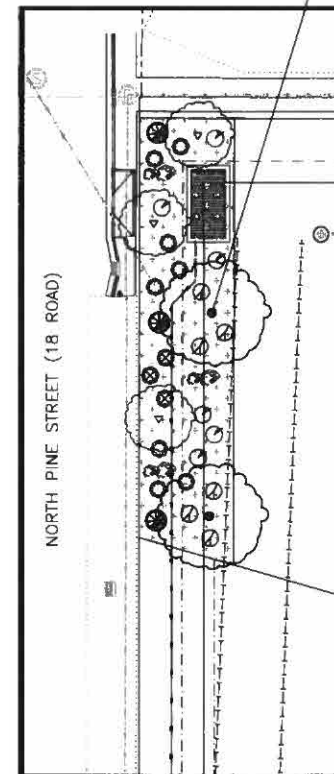
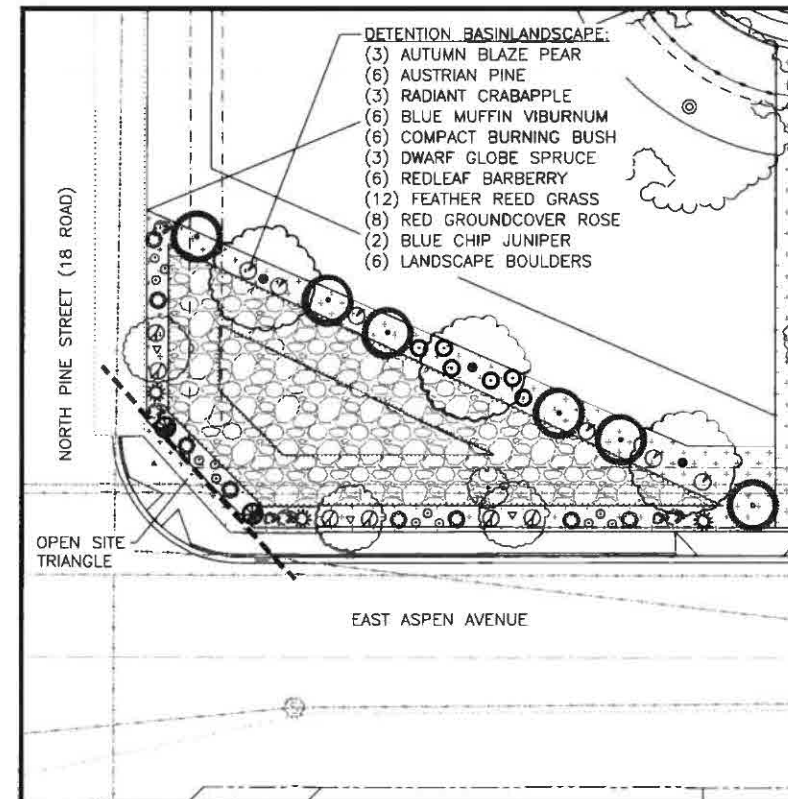
SUBDIVISION TRACTS:

- 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, 366 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:



**ASPEN VILLAGE SUBDIVISION
FRUITA, COLORADO**

Julec Wolverton,
Landscape Architect



www.julecwolverton.com
61945 Nighthawk Road
Montrose, CO 81403
p: 970.249.9392
c: 970.417.1779
wolverton@montrose.net

LANDSCAPE PLAN

CONST DOCUMENTS

--	--

REVISIONS	DATE
77	00/00/15

Date: 05/06/16

Project #: ASPEN VILLAGE

Drawn by: JW

Sheet #:



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: 970-241-9841 Phone: 970-241-4722 Fax: 970-241-9841
 E-mail: tstates@rccwest.com E-mail: jmace@rccwest.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 19th 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.

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.

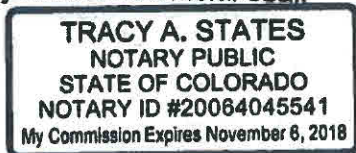
Dated this 19th day of April, 2016.

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 19th 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:

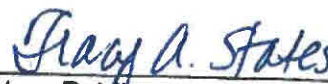
That he/she was the circulator of the foregoing Petition for Annexation consisting of 5 pages, including this page and that each signature thereon was witnessed by your affidavit and is the true signature of the person whose name it purports to be.


Circulator

State of Colorado)
) ss.
County of Mesa)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 19th day of April, 20 16, by James R. McCurter.

Witness my hand and official seal.


Notary Public

My commission expires: 11/06/2018

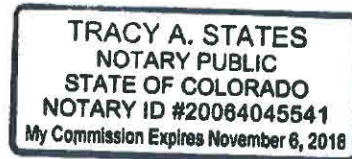


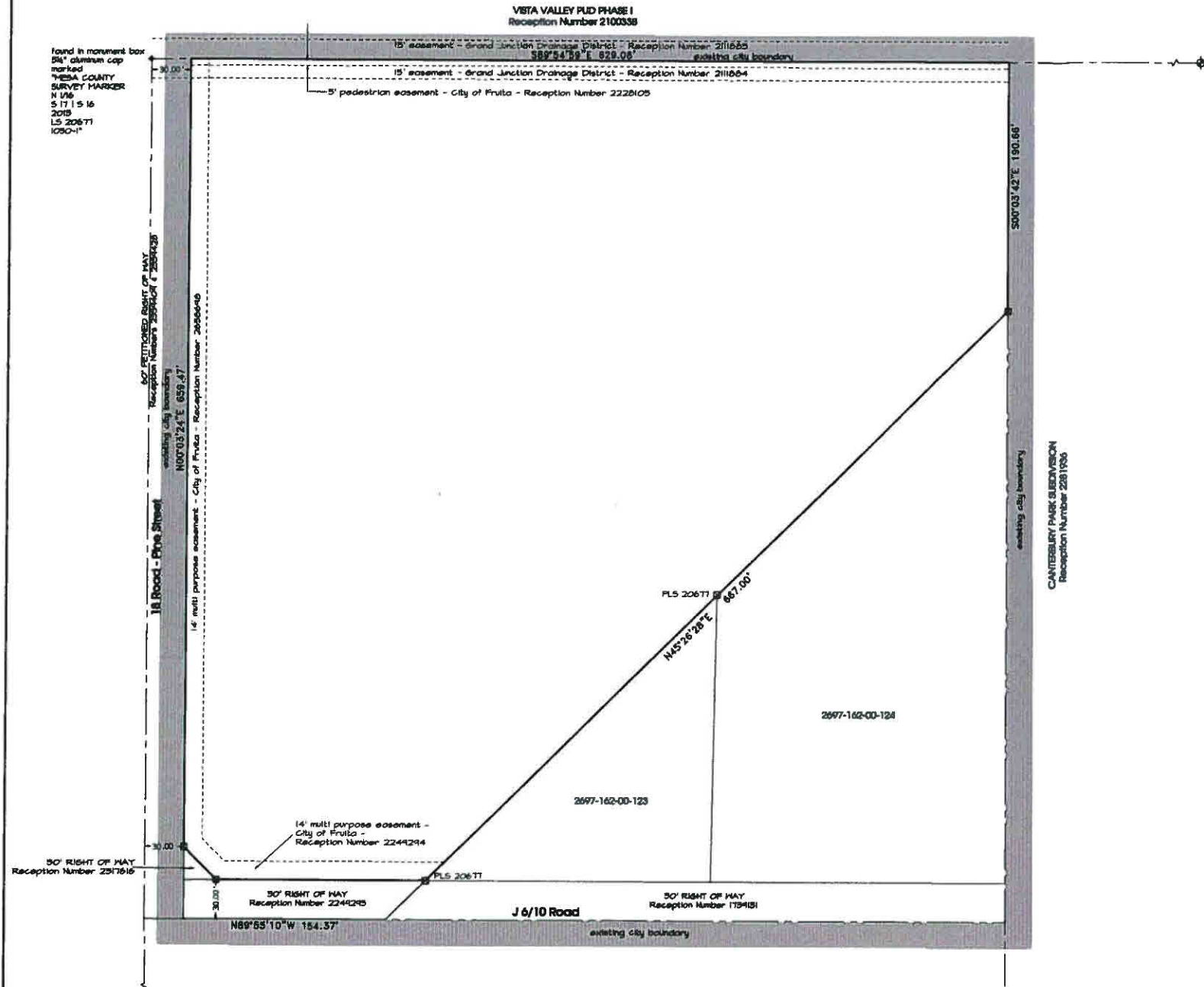
EXHIBIT A

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

McCURTER ANNEXATION TO THE CITY OF FRUITA

SW 1/4 NW 1/4 Section 16, Township 1 North, Range 1 West, Ute Meridian
County of Mesa, State of Colorado



LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, McCurter Land Company LLC, an Arkansas limited liability company, the owners of 100 percent of the following described property, excluding any public streets and alleys, to wit:

All of the NW 1/4 of the SW 1/4 of the NW 1/4 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 NW 1/4 of the SW 1/4 of the NW 1/4 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 Northeastly in a straight line 687 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;

County of Mesa, State of Colorado

have by these presents laid out and platted the same as shown hereon and designate the same as McCurter Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this ____ day of _____, 20__.

James McCurter, HMC
McCURTER LAND COMPANY LLC
an Arkansas limited liability company

STATE OF COLORADO }
COUNTY OF MESA } as

The foregoing instrument was acknowledged before me this ____ day of _____, 20__
by _____

Witness my hand and official seal.

My commission expires: _____

Notary Public

PLANNING COMMISSION CERTIFICATION

This plat approved by the City of Fruita Planning Commission the ____ day of _____, 20__.

Chairman

CITY COUNCIL CERTIFICATE (Annexation Plat)

The City Council of the City of Fruita, Colorado, by Resolution Number _____ duly adopted on the ____ day of _____, 20__, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita.

The City Council of the City of Fruita, Colorado, by Ordinance Number _____ duly adopted on the ____ day of _____, 20__, did annex the property herein described to the City of Fruita, Colorado.

Mayor

ATTEST:

City Clerk

TITLE CERTIFICATE (Annexation and Subdivision Plats)

_____ does hereby certify that it has examined the title to all lands shown on this Plat and that title to such lands is vested in _____ free and clear of all liens, taxes, and encumbrances, except as follows:

EXECUTED this ____ day of _____, 20__.



BASIS OF BEARINGS
The bearings hereon are grid bearings of the Mesa County SB-SLCS determined by GPS observation on Mesa County Survey Marker #1671 at the center-north sixteenth corner of Section 17 and Mesa County Survey Marker #485-1 as a witness corner to the center-north sixteenth corner of Section 17, Township 1 North, Range 2 West of the Ute Meridian. The bearing of this line is South 84°48'47" West.

NAD 83 ZONE "16N"
TRANSVERSE MERIDIAN PROJECTION
POINT OF ORIGIN (NAD83) CENTRAL MERIDIAN
LATITUDE: 54°06'22.72730N
LONGITUDE: 106°52'01.49465W
NORTHING: 50,000.00FT
EASTING: 100,000.00FT
SCALE FACTOR: 1.0002188178
PROJECT/SCALE FACTOR HEIGHT: 4644FT(MAVD88)

GRAPHIC SCALE 1"=50'
0 50 100 150
Linear Units of Measurement are the U.S. Survey Foot.

- LEGEND**
- ⊕ found PLSS brass monument
 - ⊕ found PLSS aluminum monument
 - ⊕ found aluminum monument as noted
 - ⊕ found rebar and cap as noted
 - calculated position - no monument
 - ⊕ set aluminum cap PLS 18480 in concrete
 - ⊕ set 24" #8 rebar/aluminum cap PLS 18480
 - ⊕ benchmark
 - △ control point

SURVEYOR'S STATEMENT
I, Kenneth Scott Thompson, a registered Professional Land Surveyor in the State of Colorado, do hereby state: the Survey represented hereon was performed by me or under my responsible charge. It is based upon my knowledge, information and belief; it is in accordance with Colorado Revised Statutes 38-9-102 (4); it is in accordance with applicable standards of practice that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita; that the external boundaries of the property, excepting the existing public streets and alleys, have been monumented on the ground. This statement is not a warranty, either expressed or implied.

Kenneth Scott Thompson,
Colorado PLS 18480



NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

McCURTER ANNEXATION TO THE CITY OF FRUITA
County of Mesa, State of Colorado

Sheet 1 of 1 Date: May 6, 2016 Job No. 1071-006
Surveyed: kat/kg Drawn: kat Checked: akt Approved: _____
W:\SERVER\DATA\PROJECTS\071 Fruita Properties\McCurter\006 Aspen Village\SP16\svy\2016.prj

RIVERCITY CONSULTANTS
www.rcwest.com
744 Horizon Court, #110 - Grand Junction, CO 81506 - Phone: 970-741-4722

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. This property also had a previous development plan, but

the current proposal is significantly different from the last one. The last one, the applicants proposed attached single family residential at a much higher density. I know the neighborhood was very unhappy with that, and they seem much happier with the newly proposed development. At this point, Staff has received no written comments from the public regarding the proposal. It does meet all approval criteria that must be considered for annexations as long as the right-of-way and multipurpose easements are provided. I do believe most of that has already been dedicated (shown on the preliminary plan and annexation map). The request for zoning is Community Residential zone; there are no issues with this request. There are some changes that need to be made to the preliminary plan. The big changes that will cause a redesign are Laura Avenue needs to be connected through the site. There are some minor improvements to Pine Street and Aspen Avenue, basically removing some curb cuts. An additional pedestrian access and a wider pedestrian access are needed on the north side to connect the cul-de-sacs to the trail on the north. Some of the cul-de-sacs need to be wider to meet the minimum requirements for fire protection issues. There needs to be a few changes to the rear of some of the lots but that does not cause a redesign. Staff believes that all the review comments and issues identified in the Staff Report can be met without a significant redesign of the proposed development. So Staff is recommending approval of the annexation, zoning, and the preliminary plan as long as all the review comments and issues identified in the Staff Report be adequately resolved with the Final Plat application.

PUBLIC COMMENTS

Bob Major- I live at 1804 J 6/10 Road. Bobs concern with this development is that his irrigation water comes from Canterbury Park subdivision and runs along the property of the proposed development. He believes that the irrigating line is actually on the property of the proposed development and would like to make sure that when the development goes in, his irrigation line and water are taken care of. He just wanted to make sure his irrigation system isn't changed in a negative way. His other concern is about privacy fencing along the north side of his property that would separate his property from someone else's property.

There was some discussion with the Planning Commissioners about where exactly his irrigation line is while referencing a map shown on the projector. Bob Major and the planning commissioners tried to make it clear as to where his irrigation line was exactly and it was determined that an official survey would need to be done in order to figure out where Bob Major's property line was.

The Planning Commissioners also addressed Bob Major's concerns regarding fencing and Bob just wants it to be 6 foot privacy fencing. It could be vinyl or wood, it doesn't matter to him.

Carol Hughes- I live at 145 Heatherly Lane. Her concerns are about the traffic on Aspen and Pine. She is concerned about how much more traffic will be generated and if it will be a safety issue.

C.A Arnold- 1075 E Aspen Avenue. C.A. is also concerned about the traffic that will be generated from this new development. **He spoke about some other things but I was unable to hear what he was talking about.

Ann Domenicucci- 1220 Wolf Creek Court. Ann is also concerned about the traffic. She said during school, the traffic is really bad. She said she sat there (trying to turn from Pine Street onto Black Ridge Drive) for 20 minutes.

PLANNING COMMISSION DISCUSSION:

Keith Schaefer- Keith wanted to know about how the Laura Avenue stub street will be designed and how the developer will address the review comments when it comes to the access issues of Laura Avenue through the proposed subdivision.

Dahna addresses Keith's comments

Richard Hctor- Wanted to know who determines when a traffic light should go in when a new development is proposed.

Sam Atkins explained the process of how a traffic count is done and when the volume of vehicles and number of potential vehicles indicates a need for additional traffic control or a traffic signal.

Janet Brazfield wanted to know how the Laura Avenue stub out will affect the design of the subdivision. She also wanted to address the issues in the Staff Report that refers to the Lower Valley Fire Departments comments. Janet also asked how the developer is going to address the comments made by Mr. Robert Major who lives at 1804 16/10 Road.

Sam Atkins and Tracy States addressed Janet Brazfield's comments and made it clear that some of the lots will need to be adjusted to address comments in the Staff Report.

Tracey States addressed the comments about the Mr. Robert Majors irrigation issues and insured that his irrigation system will be taken care of and he would not go without.

Mel Mulder said the issue of traffic is nothing to shrug off but this project does meet the requirements.

Dave Karisny understands that the traffic can be an issue and there is really no way around it. He made a comparison to the traffic that the High School generates. Dave mentioned that the applicant has done a good job addressing Staffs comments.

Heidi Jo Elder's comments were about safety issues with the detention pond being on the corner on Aspen and Pine.

Tracey States said that the detention pond will have landscaping all around it and that it will not actually be holding water all the time. She mentioned that it will actually be a nice amenity on such a busy corner.

ANNEXATION MOTION

Janet Brazfield- Mr. Chair I move that we approve the annexation application with the condition that 30 feet of right-of-way and a 14 foot multipurpose easements are dedicated for both Pine Street and Aspen Avenue to the City of Fruita before the annexation is completed.

Mel Mulder- Second.

7 Yes Votes; motion passes

ZONING MOTION

Janet Brazfield- Mr. Chair I recommend approval of the rezone to Community Residential with no conditions.

Mel Mulder- Second.

7 Yes Vote; motion passes

PRELIMINARY PLAN MOTION

Janet Brazfield- Mr. Chair I recommend 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.

Richard Hactor- Second.

7 Yes Votes; motion passes.

I. COMMUNITY DEVELOPMENT ACTIVITY REPORT

Dahna Raugh talked about how busy the Planning Department is getting about. She also wants to figure out a time when Planning Staff and the Planning Commissioners can get together to have a discussion about how the planning process works. It will be after a Planning Commission meeting within next month or the month after.

J. VISITORS AND GUESTS

None.



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: August 2, 2016

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

Resolution 2016 - 28, A Resolution of the Fruita City Council finding that approximately 8 acres of property located at 965 18 Road is eligible for annexation into the City of Fruita.

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.

The final steps for annexation and zoning (ordinances to annex and zone) typically take place along with approval of the Final Plat application.

FISCAL IMPACT

Annexation ensures that the city has some control over development which might otherwise occur outside the city limits and provide a drain on city resources and infrastructure. Annexation of property requires that the city provide it with city services (such as police protection and sanitary sewer service). The cost of providing services varies with each annexation. This Resolution is to set a hearing date to find the property eligible for annexation which does not create a fiscal impact.

A Preliminary Plan for a residential subdivision has been submitted for approval in conjunction with this annexation request. Approval of a Preliminary Plan does not create a fiscal impact to the city at this time. The next step in the development process is an

application for Final Plat approval. With Final Plat approval and the related subdivision improvements agreement (typically the last step before construction takes place), there will be a fiscal impact. As a general rule of thumb, residential development usually does not provide enough direct revenue to offset the cost of services; however, impact fees will be required to offset cost of development.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The annexation, zoning, and Preliminary Plan meet or can meet all approval criteria and standards of Fruita's Land Use Code with the recommended conditions of approval. The Land Use Code (along with other regulatory documents such as Fruita's Design Criteria and Construction Specifications Manual) implement the City's goals and policies as outlined in the City's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

Resolution:

1. Approve Resolution 2016 - 28
2. Deny Resolution 2016 - 28

Preliminary Plan:

1. Approve the Adobe View North Preliminary Plan with or without conditions.
2. Deny the proposed Preliminary Plan.

RECOMMENDATION

Resolution:

Staff recommends that the City Council move to approve Resolution 2016-28.

Preliminary Plan:

Staff recommends that the City Council move to approve the Adobe View North Preliminary Plan with the condition that all review comments and issues identified in the Staff Report must be adequately resolved with a Final Plat application. Staff recommends that the annexed property be zoned South Fruita Residential.

RESOLUTION 2016-28

**A RESOLUTION OF THE FRUITA CITY COUNCIL FINDING THAT
APPROXIMATELY 8 ACRES OF PROPERTY LOCATED AT 965 18 ROAD IS
ELIGIBLE FOR ANNEXATION INTO THE CITY OF FRUITA
(Adobe View North, Application #2016-12)**

WHEREAS, the City of Fruita has received a petition to annex property which is described and shown on the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT THE CITY COUNCIL FINDS AND DETERMINES:

THAT a properly constituted petition signed by 100% of the owners of the real property described and shown on Exhibit A has been submitted to the City of Fruita and an election is not required under C.R.S. 31-12-107, and

THAT the real property described on Exhibit A has at least 1/6 of its perimeter contiguous to existing city limits of the City of Fruita, and

THAT annexation of the property complies with all pertinent requirements of C.R.S. 31-12-104, 105 & 106 to be eligible for annexation, and

THAT a notice of the public hearing was properly advertised having appeared once per week for four consecutive weeks in a local publication, and

THAT the property shown and described on Exhibit A is eligible for annexation into the City of Fruita.

BE IT FURTHER RESOLVED BY THE FRUITA CITY COUNCIL, that based on the above findings, it is the intent of the City of Fruita to annex the real property described and shown in Exhibit A.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 2nd DAY OF AUGUST 2016**

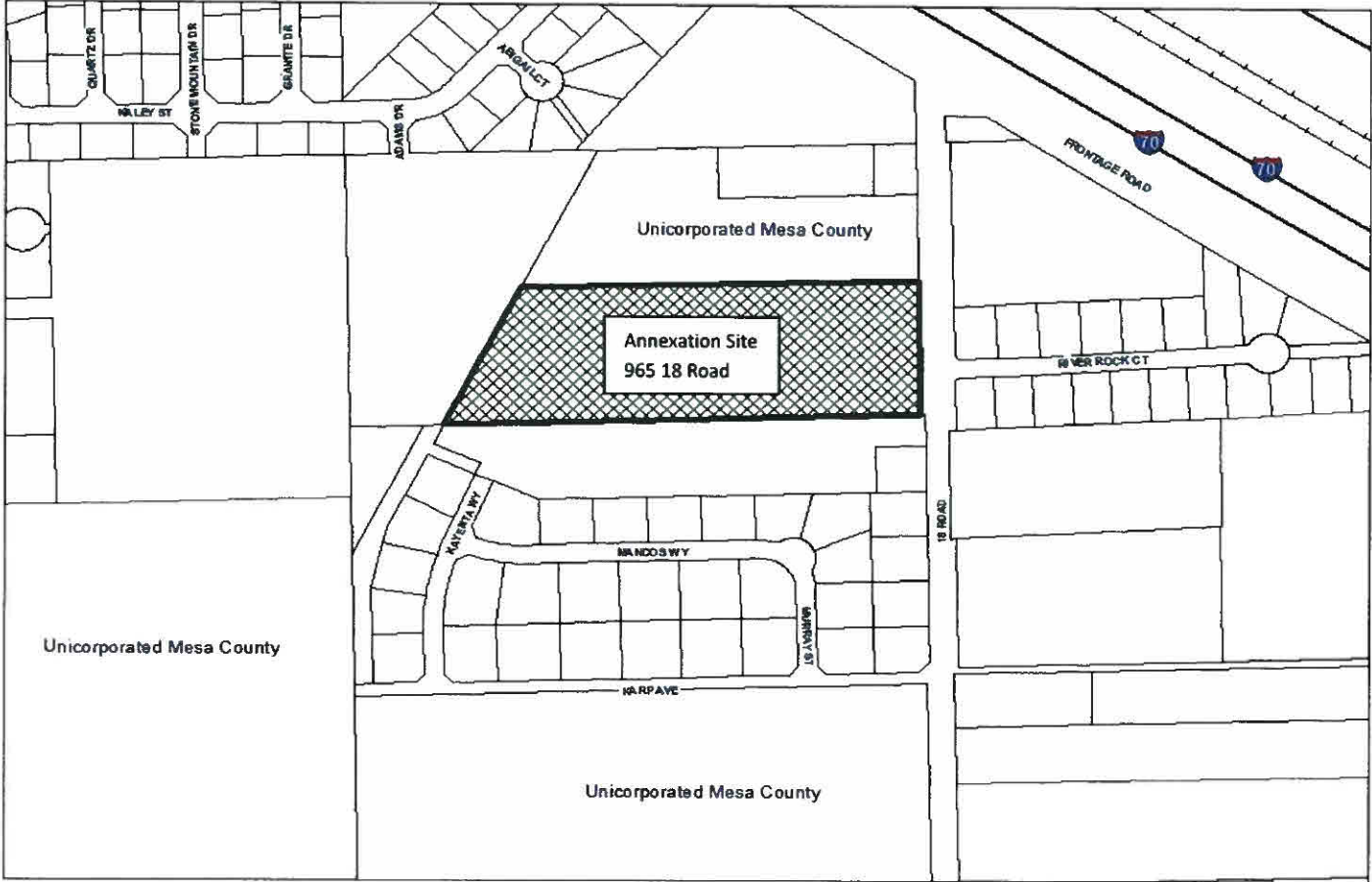
ATTEST:

City of Fruita

Margaret Sell, City Clerk

Lori Buck, Mayor

Exhibit A



All that certain portion of the S½ N½ SE¼ NE¼ of Section 20, Township One North, Range Two West of the Ute Meridian, in the City of Fruita, County of Mesa, State of Colorado as described at Reception Number 2579937 in the Office of the Mesa County Clerk and Recorder, said portion being more particularly described, as a result of survey, by the following perimeter:

Commencing at a Mesa County Survey Marker for the E1/4 Corner of said Section 20, from whence a Mesa County Survey Marker for the N1/16 Corner of said Section 20 bears N00°24'42"E for a distance of 1319.56 feet; thence N00°24'42"E for a distance of 659.78 feet to the point of beginning; thence S89°55'37"W, on the northerly line of Adobe View Subdivision, as recorded in Plat Book 19 at Pages 396-397 in the Office of the Mesa County Clerk and Recorder, for a distance of 1145.67 feet to the centerline of the Murray Drain; thence continuing on said centerline for the following five courses and distances:

1. N29°08'04"E for a distance of 69.15 feet;
2. N25°07'39"E for a distance of 102.84 feet;
3. N27°32'11"E for a distance of 31.30 feet;
4. N30°28'41"E for a distance of 92.84 feet;
5. N29°34'59"E for a distance of 79.13 feet;

thence N89°55'58"E for a distance of 970.08 feet to a point on the easterly line of said Section 20; thence S00°24'42"W for a distance of 329.77 feet to the beginning.

Containing approximately 8 acres.

This legal description written by Jodie L Grein PLS-38075 for Rolland Consulting Engineers 405 Ridges Blvd. Suite A, Grand Junction, Colorado 81507.



**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.

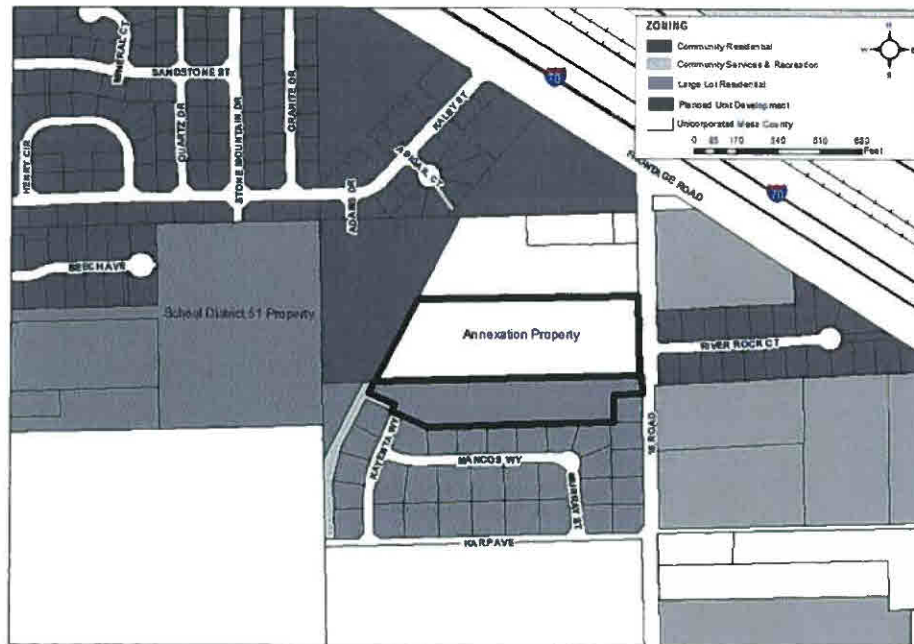
This subdivision (or very similar) was approved by the city in 2008, but economic conditions caused the development to be delayed. The city updated the Master Plan in 2008, and amended the Land Use Code in 2009 to implement the Master Plan. Because of these changes, the approval of the subdivision expired.

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 1/6th 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 1st 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:

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/residential unit x 34 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/residential unit x 34 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

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

Not in the GVP service area.

Henry Hemphill

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



LAND DEVELOPMENT APPLICATION

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

Property Owner: Adobe View Development Developer: SAME
 Property Owner: _____ Contact: _____
 Address: P.O. BOX 903 Address: _____
 City/State/Zip: Rangely, CO 81648 City/State/Zip: _____
 Phone: 970-433-7159 Fax: - Phone: _____ Fax: _____
 E-mail: KHEYL@GRENDA.NET E-mail: _____

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

Owner Rep: Steve Hejl Engineer: RCE
 Contact: _____ Contact: Kent Shaffer P.E.
 Address: 2366 H Rd 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: 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 _____ Signature _____ Date 4-29-16
Kieth A. Hejl
 Name of Legal Owner _____ Signature _____ Date _____
SAMUEL TOLLEY
 Name of Legal Owner _____ Signature _____ Date 4-29-16

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 29th day of April, 20016

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



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: Samis
 Property Owner: _____ Contact: _____
 Address: P.O. Box 903 Address: _____
 City/State/Zip: Rangely CO 81648 City/State/Zip: _____
 Phone: 970-433-7996 Fax: _____ Phone: _____ Fax: _____
 E-mail: knbjc@bresnan.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: Kenit 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: nwpd@msn.com E-mail: kenit@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 _____ Signature _____ Date _____
Rieth A Hejl _____ 4-29-16
 Name of Legal Owner _____ Signature _____ Date _____
SAMUEL M. TOLLEY _____ 4-29-16
 Name of Legal Owner _____ Signature _____ Date _____

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 29th 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

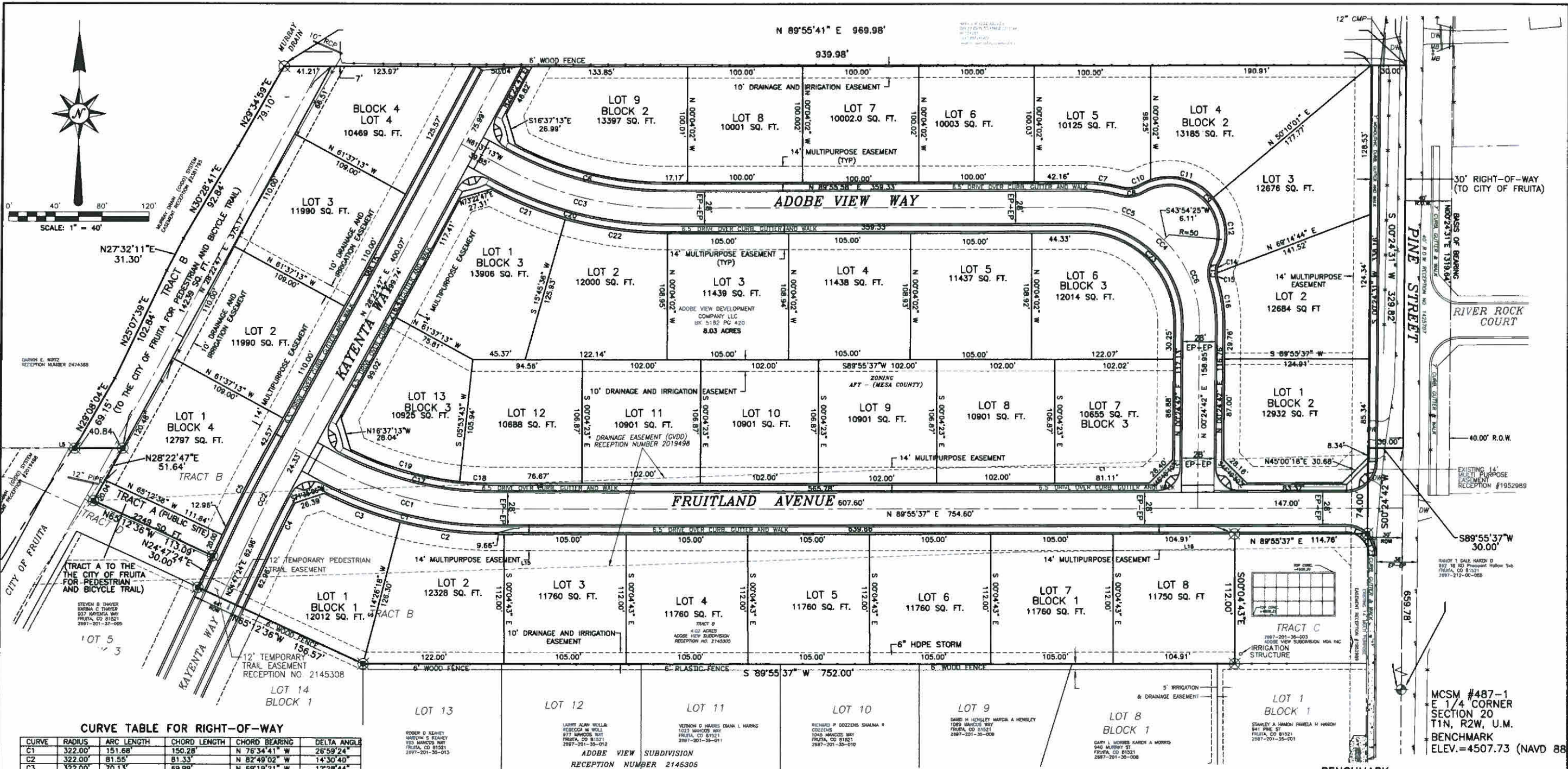
1. The project will comply with federal and state air emission standards.
2. The project will comply with state noise statutes.
3. The project will replace the existing ground with landscaped homes and City of Fruita Standard Residential Street Section.
4. A Storm Water Management Plan will be part of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



CURVE TABLE FOR RIGHT-OF-WAY

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	322.00'	151.68'	150.28'	N 76°34'41" W	26°59'24"
C2	322.00'	81.55'	81.33'	N 82°49'02" W	14°30'40"
C3	322.00'	70.13'	69.99'	N 69°19'21" W	12°28'44"
C4	878.00'	38.21'	38.21'	S 26°02'13" W	02°29'37"
C5	922.00'	57.77'	57.76'	N 26°35'06" E	03°35'23"
C6	278.00'	136.73'	135.36'	S 75°58'37" E	28°10'50"
C7	122.00'	33.29'	33.19'	S 82°19'01" E	15°38'02"
C8	20.00'	16.06'	15.64'	S 82°33'24" W	46°01'12"
C9	50.00'	129.78'	96.30'	S 46°05'35" E	148°43'14"
C10	50.00'	10.41'	10.39'	S 65°30'31" W	11°55'25"
C11	50.00'	59.97'	58.44'	S 74°10'02" E	68°43'30"
C12	50.00'	59.40'	55.97'	S 05°46'07" E	68°04'19"
C13	20.00'	16.06'	15.64'	S 05°15'26" W	46°01'12"
C14	20.00'	9.49'	9.40'	S 14°40'12" W	27°11'40"
C15	20.00'	6.57'	6.54'	S 08°20'24" E	18°49'32"
C16	122.00'	38.68'	38.52'	S 08°40'14" E	18°09'52"
C17	278.00'	128.23'	127.10'	N 76°51'32" W	26°25'42"
C18	278.00'	28.96'	28.94'	N 87°05'20" W	05°58'05"
C19	278.00'	99.27'	98.75'	N 73°52'29" W	20°27'36"
C20	322.00'	158.35'	156.76'	S 75°58'43" E	28°10'37"
C21	322.00'	69.44'	69.31'	S 68°04'05" E	12°21'21"
C22	322.00'	88.91'	88.63'	S 82°09'24" E	15°49'16"
C23	78.00'	123.17'	110.77'	S 44°49'40" E	90°28'44"

CURVE TABLE FOR CENTERLINE RIGHT-OF-WAY

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CC1	300.00'	148.98'	147.45'	N 75°50'48" W	28°27'10"
CC2	900.00'	56.39'	56.38'	N 26°35'06" E	03°35'23"
CC3	300.00'	148.89'	147.37'	S 75°50'57" E	28°26'10"
CC4	100.00'	157.92'	142.01'	S 44°49'40" E	90°28'44"
CC5	100.00'	78.75'	74.88'	S 68°04'48" E	43°58'27"
CC6	100.00'	81.17'	78.96'	S 22°50'26" E	46°30'17"

- LEGEND:**
- ⊙ MESA COUNTY SURVEY MARKER
 - ⊗ FOUND 5/8 INCH REBAR & CAP PLS-18469
 - ⊙ FOUND 5/8 INCH REBAR & CAP PLS-14113
 - ⊗ SET 5/8 INCH REBAR & CAP PLS-18469
- R.O.W. RIGHT OF WAY
GJDD GRAND JUNCTION DRAINAGE DISTRICT


AREA SUMMARY

DESC:	ACRES	PERCENT
LOTS (34)	9.08	75.3%
TRACT A	0.05	0.4%
TRACT B	0.33	2.7%
DEDICATED R.O.W. (CITY OF FRUITA)	2.60	21.6%
TOTAL	12.06	100.00%

DENSITY (34 LOTS) = 2.82 LOTS PER ACRE

UTILITY PROVIDERS:

UTILITY COMPANY	PHONE NUMBER
City of Fruita (Sanitary Sewer)	(970) 858-9558
Ute Water District	(970) 242-7491
Century Link (Telephone)	(970) 244-4311
Charter Cable Company	(970) 210-2550
Xcel Energy (Electric)	(800) 895-1999
Grand Valley Irrigation District	(970) 242-2762
Xcel Energy (Gas)	(800) 628-2121



REG
Boitland Consulting Engineers, LLC

805 Ridges Blvd, Suite A
Grand Junction, CO 81507
Voice: (970) 243-8300
Fax: (970) 241-1273
www.reg.com

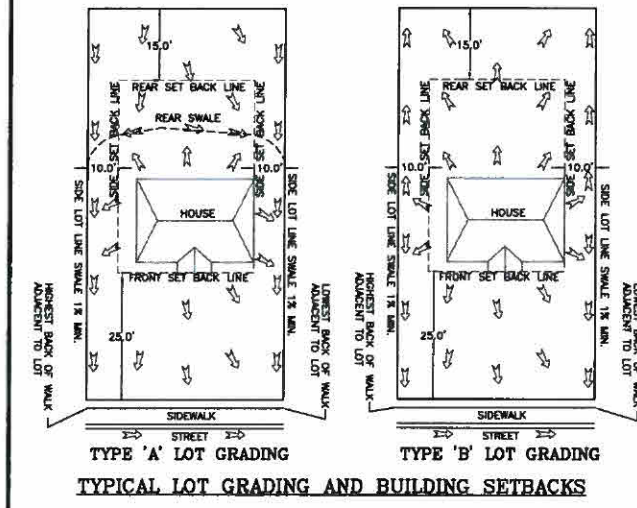
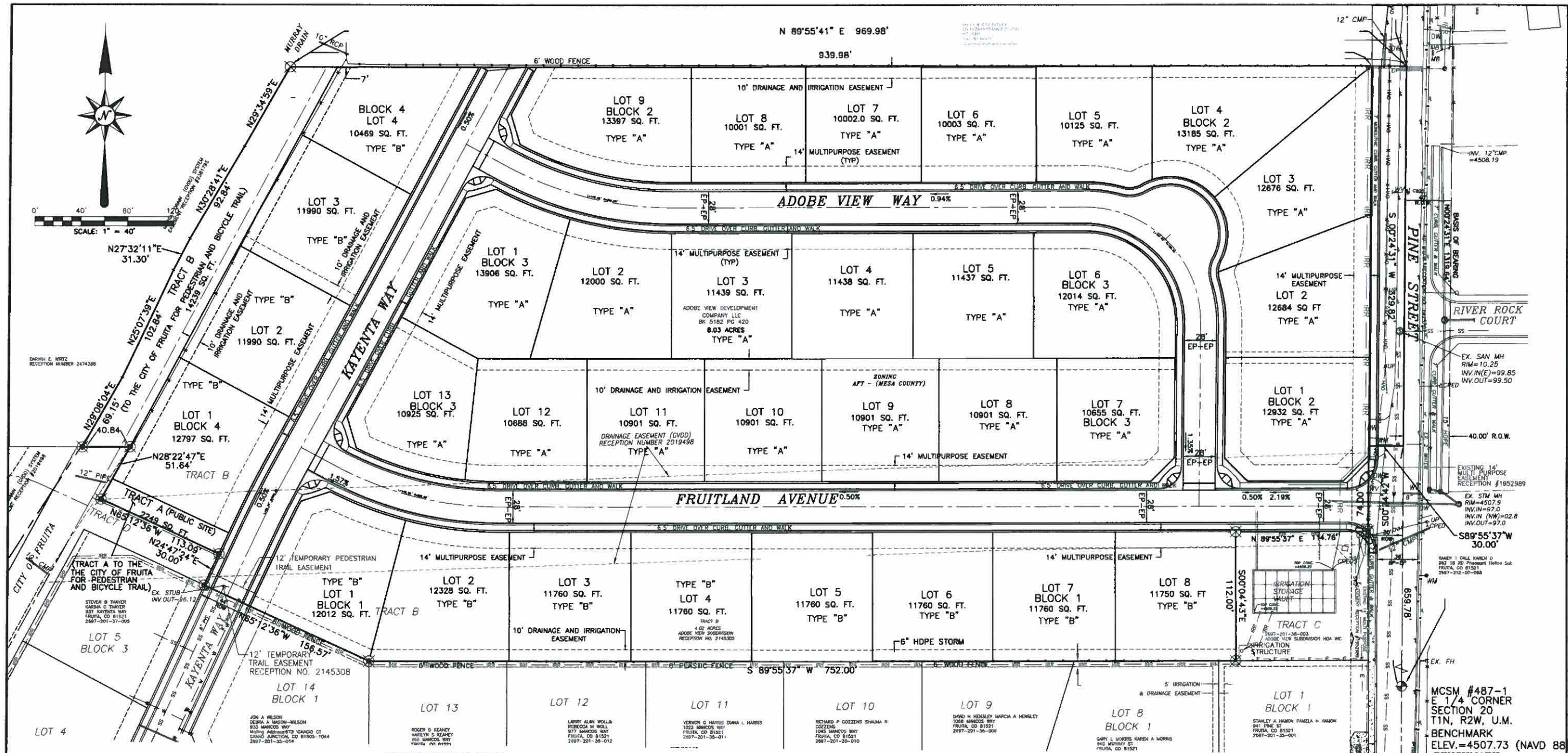
**ADOBE VIEW NORTH
SUBDIVISION
PRELIMINARY PLAN**

Drawn: ESS	Designed: ESS	Checked: ESS	Proj: A6216	Rv:	Sheet: 3
File Name: C:\PROJECTS\A6216\A6216PrBase.dwg					
Date: 4/12/16					

BENCHMARK

MCSM #487-1
E 1/4 CORNER SECTION 20
T1N, R2W, U.M.
ELEVATION = 4507.73
BASED ON N65 BM KMO231
(NAVD 88)

MCSM #487-1
E 1/4 CORNER SECTION 20
T1N, R2W, U.M.
BENCHMARK
ELEV.=4507.73 (NAVD 88)



OVERLOT GRADING NOTES:

1. PROPOSED CONTOURS SHOWN ARE FINISHED GRADE CONTOURS. CONSTRUCT FILL OR CUT TO THESE ELEVATIONS

LOT GRADING NOTES:

1. MINIMUM TOP OF FOUNDATION ELEVATION SHALL BE 0.5 FT. ABOVE ADJACENT FINISHED GRADE.
2. MINIMUM SLOPE AWAY FROM THE HOUSE SHALL BE 8% FOR AT LEAST 5 FT.
3. SWALES SHALL TYPICALLY HAVE A MINIMUM SLOPE OF 1%.
4. MINIMUM TOP OF FOUNDATION ELEVATION PROVIDED ARE FOR TYPICAL HOUSE LAYOUTS. SOME HOUSE LAYOUTS MAY REQUIRE HIGHER FINISHED FLOORS.

NOTES:

- 1) The City of Fruita requires that all subdivisions have engineered foundations consistent with the soils engineering report by Grand Junction Lincoln DeVORE dated 1/18/2007 (or latest addendum)
- 2) Permanent structures including slabs, curbing, and raised landscaping which affect the flow of storm water are not allowed in identified drainage easements.
- 3) Structures such as fences and accessory building units require a City of Fruita Planning Clearance.

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	9	3	A
2	2	A	10	3	A
3	2	A	11	3	A
4	2	A	12	3	A
5	2	A	13	3	A
6	2	A	1	4	B
7	2	A	2	4	B
8	2	A	3	4	B
9	2	A	4	4	B

CALL UTILITY NOTIFICATION CENTER OF COLORADO
1-800-922-1987
 CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

ACCEPTED FOR RECORDING
 CITY OF FRUITA ENGINEER
 DATE _____

CLERK AND RECORDER'S CERTIFICATE

This instrument was filed for record in the office of the Mesa County Clerk and Recorder at _____ o'clock at _____ M, on this _____ day of _____, A.D., 20____, in Book No. _____ in Page(s) No. _____, Reception No. _____, Drawer No. _____

MESA COUNTY CLERK AND RECORDER

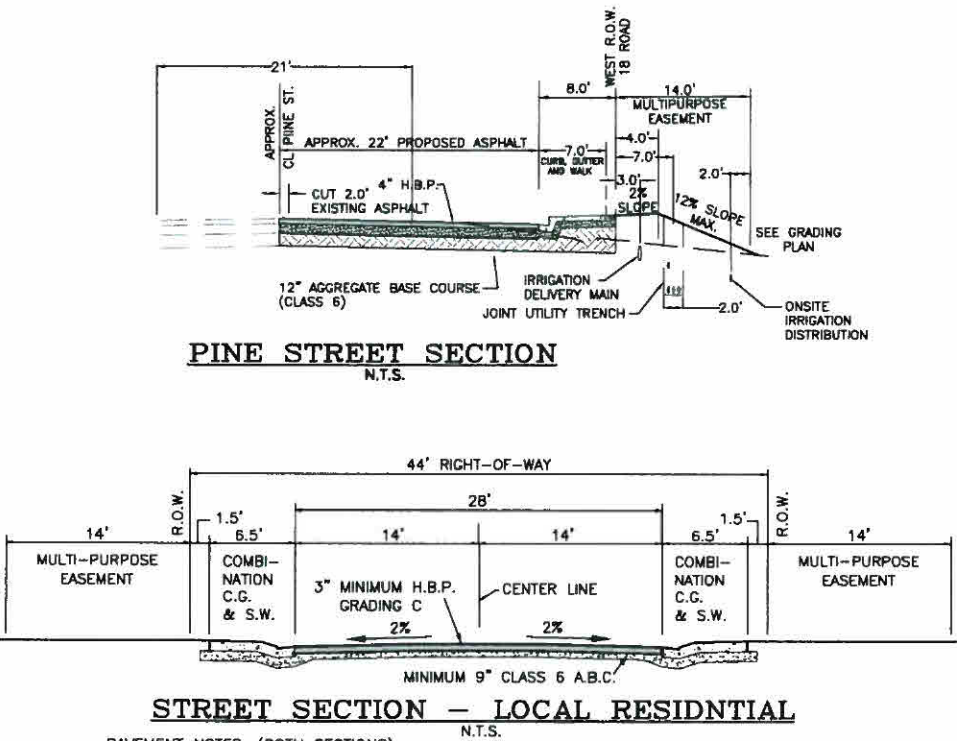
ADOBE VIEW NORTH SUBDIVISION COMPOSITE SITE PLAN

405 Ridges Blvd. Suite A
 Grand Junction, CO 81507
 Voice: (970) 243-8300
 Fax: (970) 241-1273
 www.rcog.com

Drawn: ESS, Designed: ESS, Checked: ESS, PLOT: A6216, Rev: _____, Sheet: 3
 File Name: C:\PROJECTS\A6216\A6216PrBose.dwg, Date: 4/12/16, Of: 24


GENERAL NOTES:					
1. NOTES GIVEN HERE SHALL APPLY TO ALL SHEETS.					
2. THE CONTRACTOR SHALL NOTIFY THE CITY OF FRUITA 48 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION, AND SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS REQUIRED TO PERFORM CONSTRUCTION WITHIN CITY RIGHT-OF-WAY. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING AND IMPLEMENTING A TRAFFIC CONTROL PLAN FOR ALL CONSTRUCTION ACTIVITIES IN CITY RIGHT-OF-WAY. CONTACT THE PUBLIC WORKS DEPARTMENT AT 858-9558 TO ACQUIRE AN EXCAVATION IN RIGHT-OF-WAY PERMIT AND TO SUBMIT A TRAFFIC CONTROL PLAN.					
3. INSTALLATION OF NEW IMPROVEMENTS, INCLUDING MATERIALS, CONSTRUCTION, PERFORMANCE, AND TESTING, SHALL BE IN STRICT ACCORDANCE WITH THE LATEST STANDARDS AND REQUIREMENTS ADOPTED BY THE CITY OF FRUITA. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE CITY OF FRUITA. THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY SUCH MATERIALS AND WORKMANSHIP THAT DOES NOT CONFORM TO THE CITY OF FRUITA'S STANDARDS AND SPECIFICATIONS.					
4. CONTRACTOR SHALL FAMILIARIZE HIS/HERSELF WITH THE GEOTECHNICAL TESTING REQUIREMENTS OF THE CITY OF FRUITA. THE RESULTS OF THE REQUIRED TYPES OF TESTS AND NUMBERS OF PASSING TESTS SHALL BE FURNISHED TO THE CITY FOR VERIFICATION BEFORE FINAL ACCEPTANCE WILL BE GRANTED. ALL FAILING TESTS SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CITY ENGINEER OR HIS/HER REPRESENTATIVE, AND RETESTS SHALL BE PERFORMED UNTIL PASSING RESULTS ARE OBTAINED. ALL UTILITY LINES, INCLUDING SERVICE LINES FALLING WITHIN THE PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENTS SHALL BE TESTED.					
5. ONLY MATERIALS ON WHICH A PROCTOR TEST CAN BE PERFORMED AND ACCURATE NUCLEON DENSITY TESTS CAN BE RUN ARE APPROVED FOR UTILITY TRENCH BACKFILL UNLESS OTHERWISE APPROVED BY THE ENGINEER (FLOWABLE FILL IS ACCEPTABLE).					
6. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE CITY ENGINEER IN ADVANCE OF REQUIRED INSPECTIONS.					
7. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF SITE CONDITIONS ARE ENCOUNTERED WHICH ARE DIFFERENT THAN AS SHOWN ON THESE DRAWINGS. CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY IF SITE CONDITIONS WARRANT A CHANGE IN DESIGN FROM THAT SHOWN ON THESE DRAWINGS.					
8. ALIGNMENT, CENTERLINE CURVE DATA, AND STATIONING TO BE VERIFIED FROM APPROVED SUBDIVISION PLAT BEFORE CONSTRUCTION.					
9. LOCATIONS OF EXISTING UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE ONLY. CONTRACTOR IS TO CONTACT AFFECTED UTILITY FOR SPECIFIC LOCATIONS BEFORE DIGGING.					
10. PRIOR TO BEGINNING INSTALLATION OF NEW UNDERGROUND UTILITIES SHOWN ON THESE DRAWINGS, THE CONTRACTOR SHALL EXCAVATE (POTHOLE) EXISTING UTILITIES AT ALL CROSSING POINTS TO VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES TO ENSURE THAT THE CROSSING CAN BE MADE AS SHOWN ON THESE DRAWINGS.					
11. NO CONSTRUCTION WORK SHALL BE PERFORMED OUTSIDE OF THE PROJECT OWNER'S PROPERTY BOUNDARY EXCEPT WITHIN CONSTRUCTION EASEMENTS, PERPETUAL EASEMENTS, AND RIGHT-OF-WAY SHOWN ON THESE DRAWINGS. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN LEGAL PERMISSION TO OCCUPY PROPERTY OTHER THAN THE PROJECT SITE IF THE CONTRACTOR DETERMINES THAT ACCESS IS REQUIRED. ANY DAMAGE TO PRIVATE FACILITIES OUTSIDE THESE LIMITS SHALL BE REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.					
12. ALL ROAD CUTS AND CONSTRUCTION ACTIVITIES WITHIN EXISTING ROAD RIGHTS-OF-WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE AGENCY CONTROLLING THE RIGHT-OF-WAY.					
13. ALL SATISFACTORY EXCESS EXCAVATION FROM EITHER UTILITY OR STREET CONSTRUCTION SHALL BE SPREAD UNIFORMLY ACROSS THE LOTS AS DIRECTED BY THE OWNER OR HIS/HER DESIGNATED REPRESENTATIVE. ALL UNSATISFACTORY OR WASTE MATERIAL INCLUDING VEGETATION, ROOTS, CONCRETE, ROCKS, OR OTHER DEBRIS SHALL BE HAULED FROM THE PROJECT BY THE CONTRACTOR. NO SEPARATE PAY.					
14. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL CONSTRUCTION WORK IS ACCOMPLISHED IN ACCORDANCE WITH OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.					
15. ALL QUANTITIES SHOWN ON THESE DRAWINGS ARE ESTIMATES PROVIDED AS AN AID TO BIDDER/CONTRACTOR ONLY. BIDDER/CONTRACTOR SHALL BE RESPONSIBLE FOR SCALING DRAWINGS TO VERIFY QUANTITIES PRIOR TO BIDDING.					
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREPARING AND PERMITTING THE STORM WATER MANAGEMENT PLAN FOR DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETING AND MAILING THE APPLICATION, PAYING THE PERMIT FEE, PREPARING THE PLAN, IMPLEMENTING THE PLAN, PERFORMING INSPECTIONS AS REQUIRED AND PERFORMING ALL REQUIRED CLOSE OUT ACTIVITIES. CONTACT THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT/WATER QUALITY CONTROL DIVISION AT (303) 892-3500 FOR INFORMATION REGARDING THE STORM WATER MANAGEMENT PLAN PROGRAM.					
17. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ENSURING THAT WATER SERVICE LINES AND FIRE HYDRANT LEADS MEET THE MINIMUM BURIAL DEPTH ESTABLISHED BY THE ACCEPTING AGENCY FOR INSTALLATIONS CROSSING UNDERNEATH BORROW DITCHES, DRAINAGE DITCHES, DRAINAGE SWALES, AND CANALS.					
18. ALL MATERIALS SHALL BE HANDLED AND INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.					
19. CONTRACTOR SHALL HAVE ONE SIGNED COPY OF PLANS AT THE JOB SITE AT ALL TIMES.					
CITY OF FRUITA ENGINEERING DEPARTMENT	SCALE HORIZONTAL/A VERTICAL/V	REVISION: 2008 STANDARDS REVISION DATE: 3/18/09	FILE SHEET: 144	DATE: 3/18/09	DRAWN BY/OLD DATE: 3/18/09 CHECKED BY:

EASEMENT NOTES:					
1. A CONTINUOUS MULTI-PURPOSE EASEMENT SHALL BE PROVIDED ON BOTH SIDES OF ALL ROAD RIGHTS-OF-WAY. THIS EASEMENT SHALL BE RESERVED FOR PURPOSES INCLUDING, BUT NOT LIMITED TO INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, TRAFFIC CONTROL SIGNS AND SIGNALS, STREETScape, STREET TREES AND SPRINKLING SYSTEMS, EARTH RETAINING STRUCTURES AND SURFACE SLOPING OR GRADING REQUIRED FOR STREET CONSTRUCTION. UTILITY COMPANIES AND/OR THE CITY OF FRUITA SHALL NOT BE RESPONSIBLE FOR DAMAGE TO PLANTINGS, IRRIGATION SYSTEMS, FENCES OR OTHER APPURTENANCES LOCATED OR CONSTRUCTED WITHIN THE MULTI-PURPOSE EASEMENT WHEN SUCH DAMAGE RESULTS FROM THE INSTALLATION AND/OR REPAIR OF UTILITIES WITHIN SAID MULTI-PURPOSE EASEMENT.					
2. IRRIGATION DISTRIBUTION LINES SHALL BE LOCATED IN A SEPARATE TRENCH LOCATED ON THE HOUSE SIDE OF THE JOINT UTILITY TRENCH, OR AT THE BACK LOT LINE.					
3. PROPERTY OWNERS MAY LANDSCAPE THE FULL WIDTH OF THE MULTI-PURPOSE EASEMENTS. SPRINKLING SYSTEMS INSTALLED WITHIN MULTI-PURPOSE EASEMENTS SHALL NOT BE GREATER THAN 18" DEEP.					
4. ALL FIRE HYDRANTS AND WATER METERS SHALL REMAIN UNOBSTRUCTED AND ACCESSIBLE AT ALL TIMES. NO FENCES, PLANTINGS, STRUCTURES OR OTHER OBSTACLE SHALL BE LOCATED WITHIN 4' OF ANY FIRE HYDRANT, WATER METER, OR UTILITY PEDESTAL. NO FENCES OR OTHER OBSTRUCTION SHALL BE LOCATED ON THE STREET SIDE OF ANY FIRE HYDRANT OR WATER METER.					
CITY OF FRUITA ENGINEERING DEPARTMENT	SCALE HORIZONTAL/A VERTICAL/V	REVISION: 2008 STANDARDS REVISION DATE: 3/18/09	FILE SHEET: 148	DATE: 3/18/09	DRAWN BY/OLD DATE: 3/18/09 CHECKED BY:



- PAVEMENT NOTES: (BOTH SECTIONS)**
- SEE GEOTECHNICAL INVESTIGATION BY LINCOLN DEVORE DATED 1-18-07 (OR LATEST ADDENDUM) FOR COMPLETE PAVEMENT RECOMMENDATIONS.
 - SCARIFY, ADJUST MOISTURE, AND RECOMPACT 10" SUBGRADE TO AT LEAST 90% OF ASTM D-1557 BETWEEN 2% BELOW TO 2% ABOVE THE OPTIMUM MOISTURE CONTENT.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM THAT POSITIVE DRAINAGE TOWARD THE PROPOSED CURB & GUTTER WILL BE PROVIDED PRIOR TO CONSTRUCTION, BASED ON ACTUAL EXIST ASPHALT GRADES AT TIME OF CONSTRUCTION.

FUGITIVE DUST CONTROL NOTES:					
1. BEFORE STRIPPING OF THE SITE IN PREPARATION FOR OVERLOT GRADING, THE SURFACE IS TO BE PREWETTED TO CONTROL DUST.					
2. ANY STOCKPILES OF STRIPPED MATERIALS ARE TO BE PERIODICALLY SPRAYED WITH WATER OR A CRUSTING AGENT TO STABILIZE POTENTIALLY WIND-BLOWN MATERIAL.					
3. HAUL ROADS BOTH INTO AND AROUND THE SITE ARE TO BE SPRAYED AS NEEDED TO SUPPRESS DUST.					
4. AS NOTED ON THE SITE-SPECIFIC STORMWATER MANAGEMENT PLAN, OR GRADING AND DRAINAGE PLAN, GRAVEL PADS ARE TO BE CONSTRUCTED AT THE ENTRANCES TO THE SITE TO HELP IN REMOVING MUD FROM THE WHEELS OF HAULAGE TRUCKS BEFORE THEY ENTER CITY STREETS (SEE EROSION CONTROL DETAIL SHEET).					
5. TRUCKS HAULING IMPORT FILL MATERIAL ARE TO BE TARPED TO AID IN THE CONTROL OF AIRBORNE DUST.					
6. DURING HIGH WIND EVENTS (20 TO 30 MPH SUSTAINED) CONSTRUCTION ACTIVITY SHALL BE LIMITED OR CEASED IF DUST CANNOT BE CONTROLLED BY WETTING.					
CITY OF FRUITA ENGINEERING DEPARTMENT	SCALE HORIZONTAL/A VERTICAL/V	REVISION: 2008 STANDARDS REVISION DATE: 3/18/09	FILE SHEET: 148	DATE: 3/18/09	DRAWN BY/OLD DATE: 3/18/09 CHECKED BY:



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

435 Ridges Blvd, Suite A
Grand Junction, CO 81507
Voice: (970) 243-9800
Fax: (970) 241-1273
www.tcec.com

Drawn	ESS	Designed	ESS	Checked	ESS	Proj	A6216	Rev		Sheet	3
File Name:	C:\PROJECTS\A6216\A6216PrBase.dwg							Date	4/12/16	Of	24



LAND DEVELOPMENT APPLICATION

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

Property Owner: Adobe View Development Developer: SAME
 Property Owner: _____ Contact: _____
 Address: P.O. Box 903 Address: _____
 City/State/Zip: Bangor, CO 81648 City/State/Zip: _____
 Phone: 970-438-7159 Fax: - Phone: _____ Fax: _____
 E-mail: KHEJL@vresnet.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: vnpd@msn.com E-mail: kent@rcega.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: Ruth A Hejl Signature: Ruth A. Hejl Date: 4-29-16
 Name of Legal Owner: _____ Signature: _____ Date: _____
 Name of Legal Owner: SAMUEL TOLLEY Signature: [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 29th 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



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: Same
 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: kh8j@bresnan.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: 241-1273
 E-mail: nwpd@msn.com E-mail: ken@rceg.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: Ruth A Hejl Signature: Ruth 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 29th 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 (4.60 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 5th day of May, 2016.

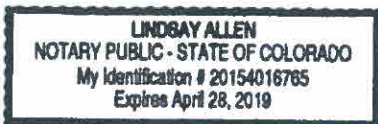
Samuel M. Tolley
Property Owner

Kieth A. Hejl
Property Owner

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

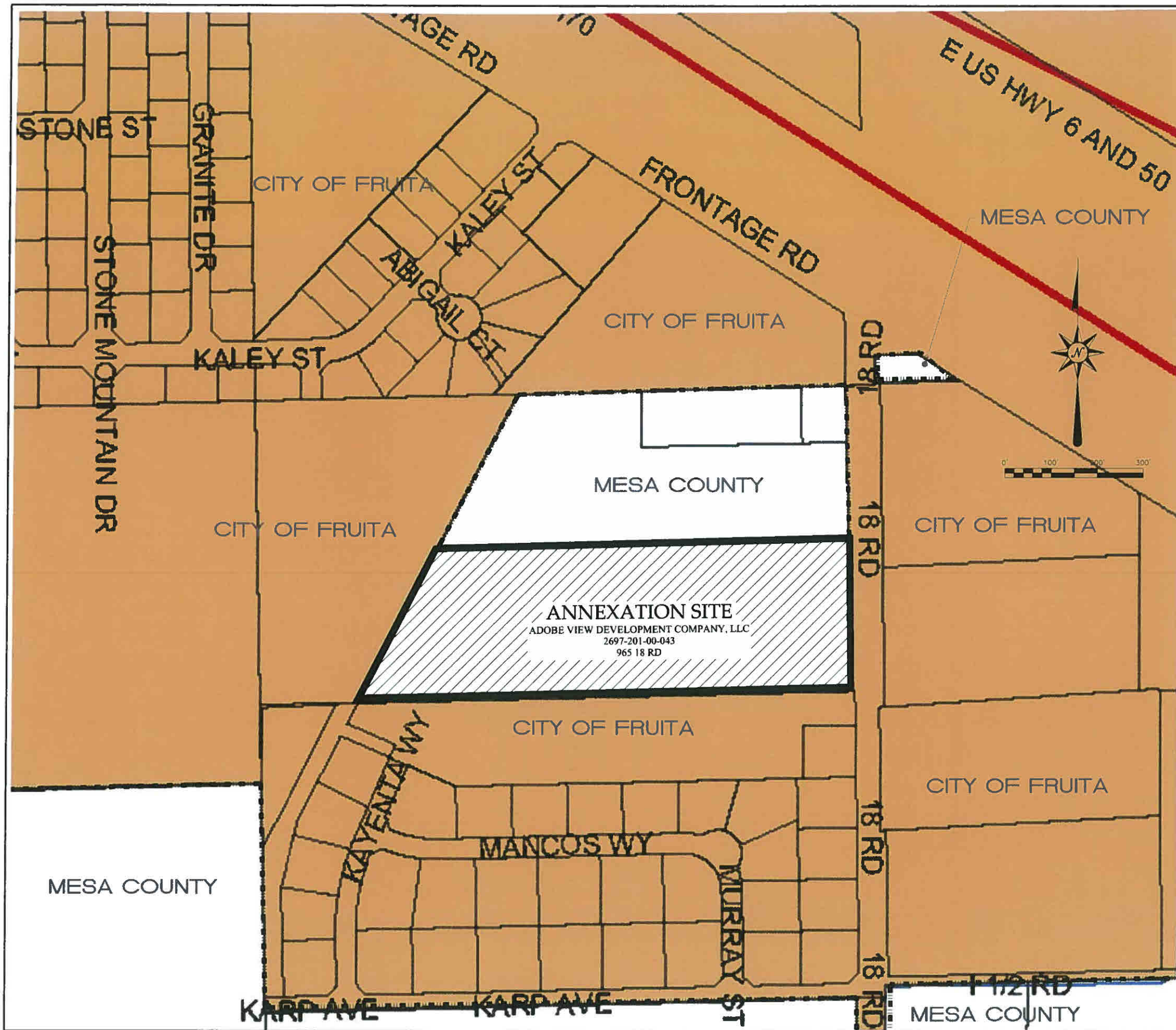
Subscribed and sworn to before me this 5th day of May, 2016 by
Samuel M. Tolley & Kieth A. Hejl

Witness my hand and official seal.



Lindsay Allen
Notary Public

My commission expires:
April 28, 2019



LEGAL DESCRIPTION AND CERTIFICATION OF OWNERSHIP

We, Adobe View Development Company, LLC, the owners of 100% percent of the following described property, excluding any public streets and alleys, to wit:

All that certain portion of the S½ N¼ SE¼ NE¼ of Section 20, Township One North, Range Two West of the Ute Meridian, in the City of Fruita, County of Mesa, State of Colorado as described at Reception Number 2579937 in the Office of the Mesa County Clerk and Recorder, said portion being more particularly described, as a result of survey, by the following perimeter:

Commencing at a Mesa County Survey Marker for the E1/4 Corner of said Section 20, from whence a Mesa County Survey Marker for the N1/16 Corner of said Section 20 bears N00°24'42"E for a distance of 1319.56 feet; thence N00°24'42"E for a distance of 659.78 feet to the point of beginning; thence S89°55'37"W, on the northerly line of Adobe View Subdivision, as recorded in Plat Book 19 at Pages 396-397 in the Office of the Mesa County Clerk and Recorder, for a distance of 1145.67 feet to the centerline of the Murray Drain; thence continuing on said centerline for the following five courses and distances:

1. N29°08'04"E for a distance of 69.15 feet;
2. N25°01'39"E for a distance of 102.84 feet;
3. N27°32'11"E for a distance of 31.30 feet;
4. N30°28'41"E for a distance of 92.84 feet;
5. N29°24'59"E for a distance of 79.13 feet;

thence N89°55'58"E for a distance of 970.08 feet to a point on the easterly line of said Section 20; thence S00°24'42"W for a distance of 329.77 feet to the beginning.

have by these presents laid out and platted the same as shown hereon and designate the same as Adobe View North Annexation to the City of Fruita, County of Mesa, State of Colorado.

EXECUTED this ____ day of _____, 20____.

STATE OF COLORADO)
) ss. _____ Owner(s)
 COUNTY OF _____)

The foregoing certification was acknowledged before me this ____ day of _____, 20____, by _____

Witness my hand and official seal.
 My commission expires: _____
 Notary Public

CITY COUNCIL CERTIFICATE

The City Council of the City of Fruita, Colorado, by Resolution Number _____, duly adopted on the ____ day of _____, 20____, found and determined that annexation of the property designated herein complies with the requirements contained in Article 12, Title 31, C.R.S., as amended, and that said property is eligible for annexation to the City of Fruita.

The City Council of the City of Fruita, Colorado, by Ordinance Number _____, duly adopted on the ____ day of _____, 20____, did annex the property herein described to the City of Fruita, Colorado.

ATTEST: _____
 City Clerk

SURVEYOR'S CERTIFICATE

I, _____, a registered land surveyor licensed under the laws of the State of Colorado, do hereby certify that this survey was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief, and that no less than one-sixth (1/6) of the perimeter of the area as shown hereon is contiguous with the existing boundaries of the City of Fruita, Colorado. I further certify that the external boundaries of the property shown on this Plat have been monumented on the ground.

EXECUTED this ____ day of _____, 20____.
 Registered Land Surveyor

TITLE CERTIFICATE

_____ does hereby certify that I have examined the title to all lands shown on this Plat and that title to such lands is vested in _____ free and clear of all liens, taxes, and encumbrances.

EXECUTED this ____ day of _____, 20____.

PLANNING COMMISSION CERTIFICATE

This Plat approved by the City of Fruita Planning Commission the ____ day of _____, 20____.
 Chairman

ADOBE VIEW NORTH SUBDIVISION ANNEXATION MAP
 IN THE SE1/4 NE1/4 SECTION 20
 T1N, R2W, OF THE UTE MERIDIAN
 MESA COUNTY, COLORADO

Drawn	JLG	Designed	JLG	Checked	JLG	Proj#	A6216	Rev		Sheet	1
File Name:	C:\PROJECTS\A6216\A6216-ANNEX.DWG							Date:	4/18/16	Of	1

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 9th 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

Mel Mulder made a motion to approve the minutes.

Dave Karisny- Second

7 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 Hocter- 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 Hctor- 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 south west 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:



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: August 2, 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).

Written comments have been received prior to the Planning Commission meeting 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. Staff has since received two additional letters regarding this zone change. All three letters are included with the Council's information packets.

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 condition that the PUD Guide be amended as outlined in this coversheet and the Staff Report, and incorporating any amendments required by the City Council.

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
2nd DAY OF AUGUST, 2016.**

City of Fruita

ATTEST:

Lori Buck, Mayor

Margaret Sellman, City Clerk

EXHIBIT A
Ordinance 2016-09

Legal Description:

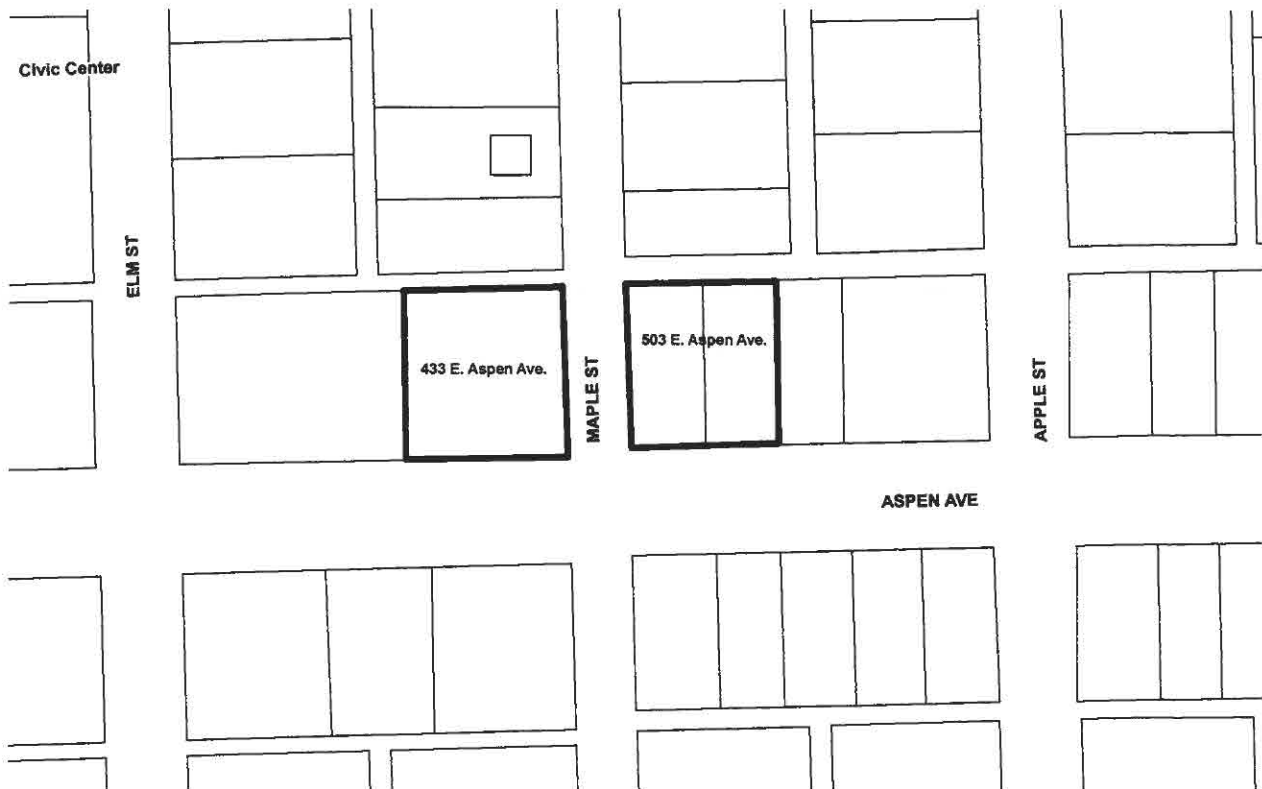
West side - 433 E. Aspen Avenue:

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:



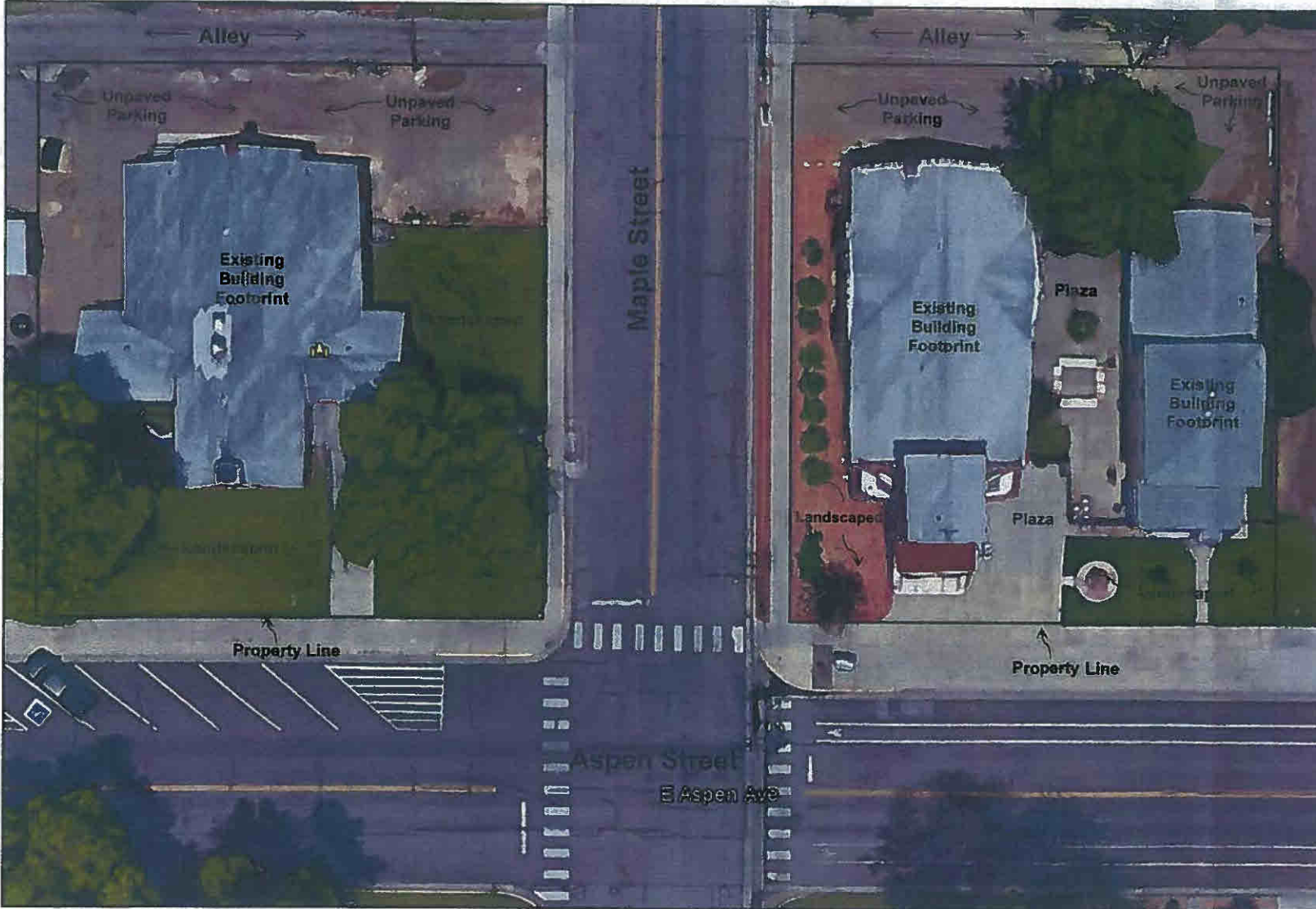
PUD Guide

433 and 503 East Aspen Avenue

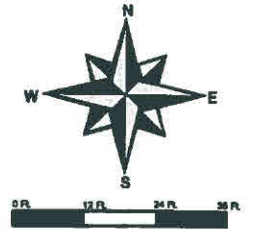
Permitted Uses

- **All uses ass 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.



PUD Site Map



Sacred Heart Catholic Church

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

Version 1: 02-28-2016
By: djf



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

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

Project Description:

The subject properties are located at the northeast and northwest corners of the intersection of Aspen Avenue and Maple Street. The property on the east side contains the Sacred Heart church which is approximately 2,713 square feet in size on the main floor and there is also a basement. The church was built in 1921. The house on the property to the east of the church was built in 1911 and is approximately 1,658 square feet in size. It appears that the house and the church sit on two separate lots. The lot containing the church appears to be approximately 60 feet wide and 125 feet deep (7,500 square feet). The lot containing the house is approximately 50 feet wide and 125 feet deep (6,250 square feet). The parish hall for the church sits on the property to the west. The building is approximately ~~15,600~~ 3,767 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:

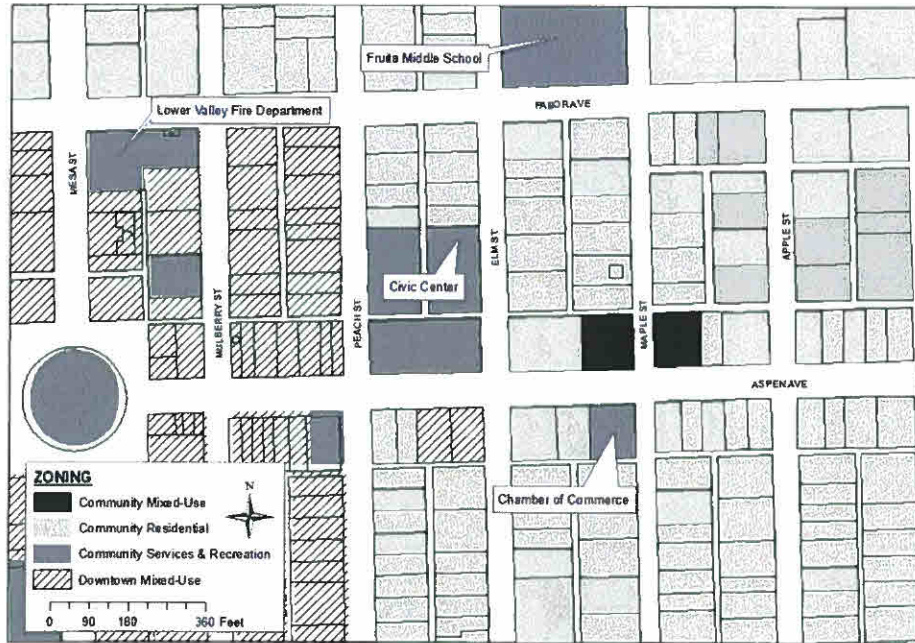
- all uses permitted in the CR zone [attached is a list of these uses]
- community services and government offices
- daycare/childcare/senior care
- indoor recreation and entertainment, exhibition & meeting areas less than 10,000 square feet in size
- commercial parking
- general offices, including drive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

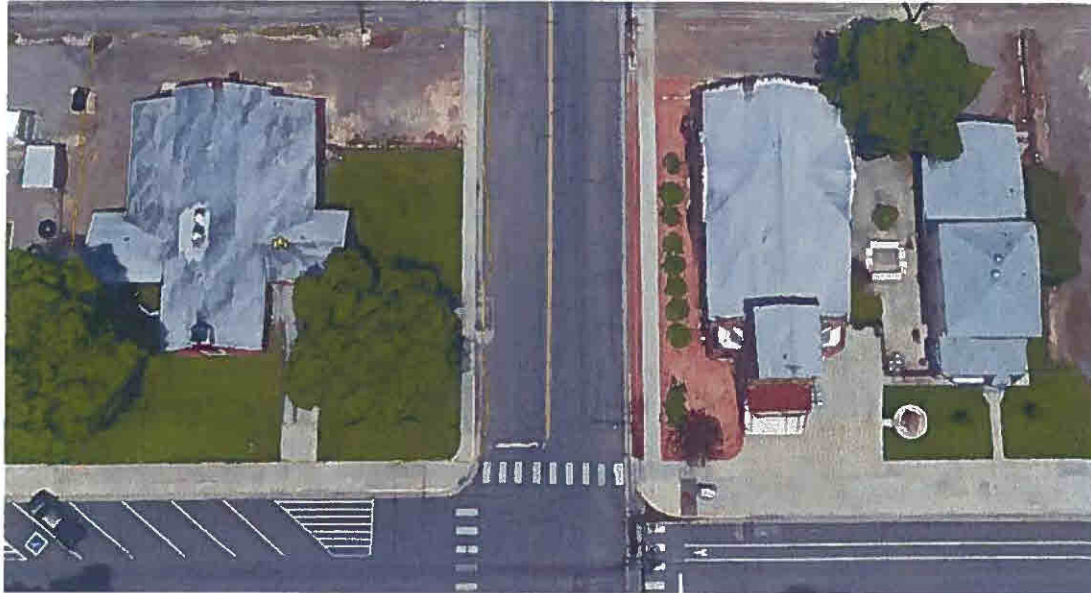
Surrounding Land Uses and Zoning:

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: CR-Community Residential Requested Zone: PUD
 Tax Parcel Number(s): 2697 171 05 951 Number of Acres: .32 + .35
 Project Type: Re-use 2697-178-10-952

Property Owner: Bishop of Pueblo Developer: _____
 Property Owner: _____ Contact: _____
 Address: 101 N. Greenwood St. Address: _____
 City/State/Zip: Pueblo, CO 81003 City/State/Zip: _____
 Phone: 719 544 9861 Fax: 719 225 8750 Phone: _____ Fax: _____
 E-mail: office@bishopofpueblo.org E-mail: _____

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

Owner Rep: Lance Stewart Engineer: _____
 Contact: Lance Stewart Contact: _____
 Address: 1312 L 9th Rd Address: _____
 City/State/Zip: Loma CO 81534 City/State/Zip: _____
 Phone: 970 623 0126 Fax: _____ Phone: _____ Fax: _____
 E-mail: LStewart2153@outlook.com E-mail: _____

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

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

Bishop of Pueblo J. Stewart 12/23/15
 Name of Legal Owner Signature Date

 Name of Legal Owner Signature Date

 Name of Legal Owner Signature Date

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 23rd day of December, 2015.

My Commission expires: November 4, 2018

Judith 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.

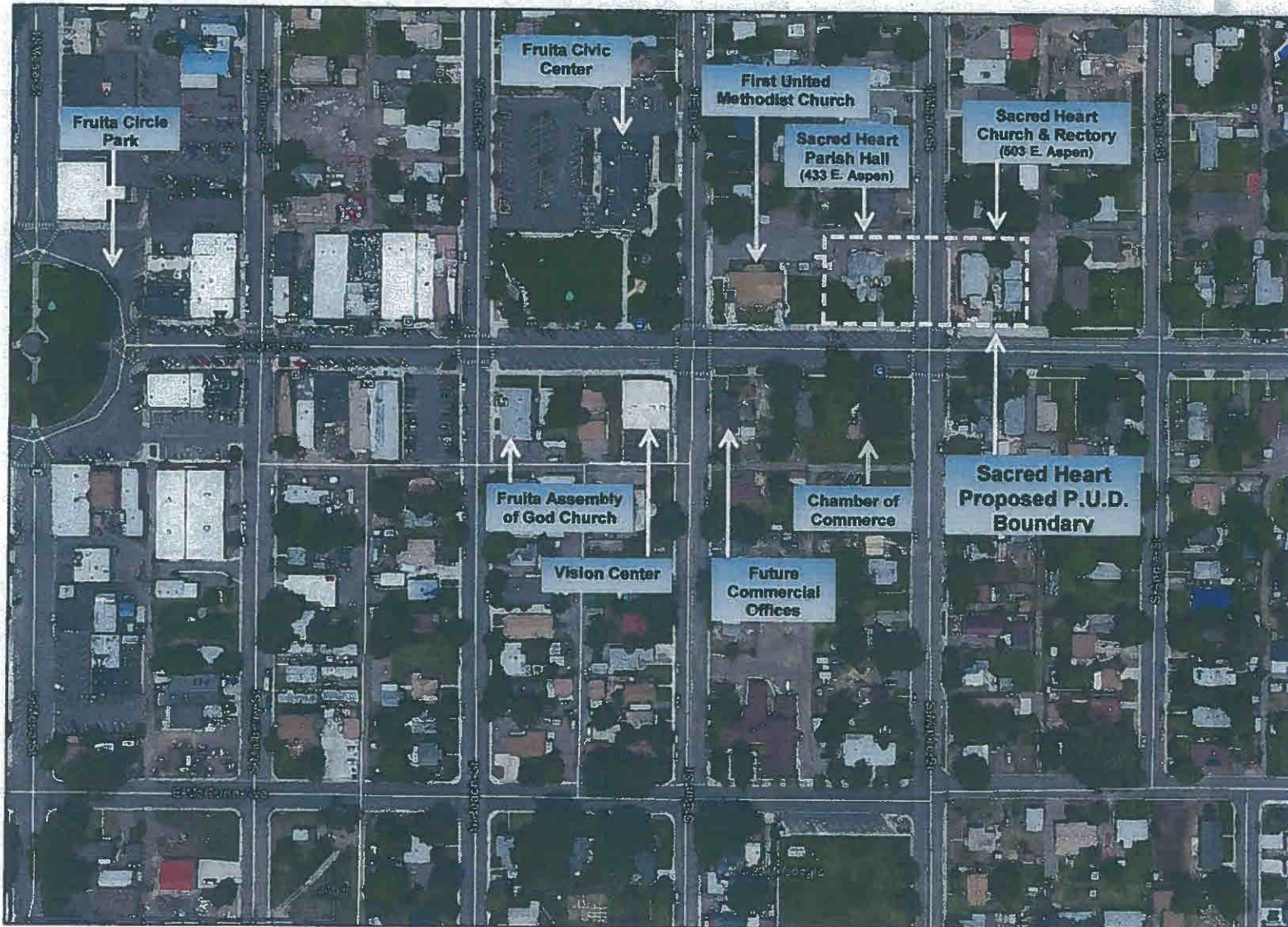
“ES 1.5 - Expansion. The downtown district should be expanded to the north, south, and west of the existing boundaries to ensure its sustainability. At a minimum, this would ultimately incorporate Ottley Avenue at the north, Little Salt Walsh on the west, Maple Street on the east, and extend to the

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.

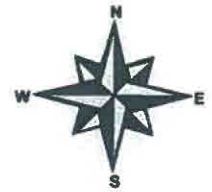
“CR 1.3- Prioritization. Prioritize historic buildings in need of restoration that positively contribute to Fruita’s character. This could include projects that meet multiple objectives, such as the Grain Elevator, Circle Park, and the desire to provide other amenities Downtown and other areas.” Arguably,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



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

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 9th 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**

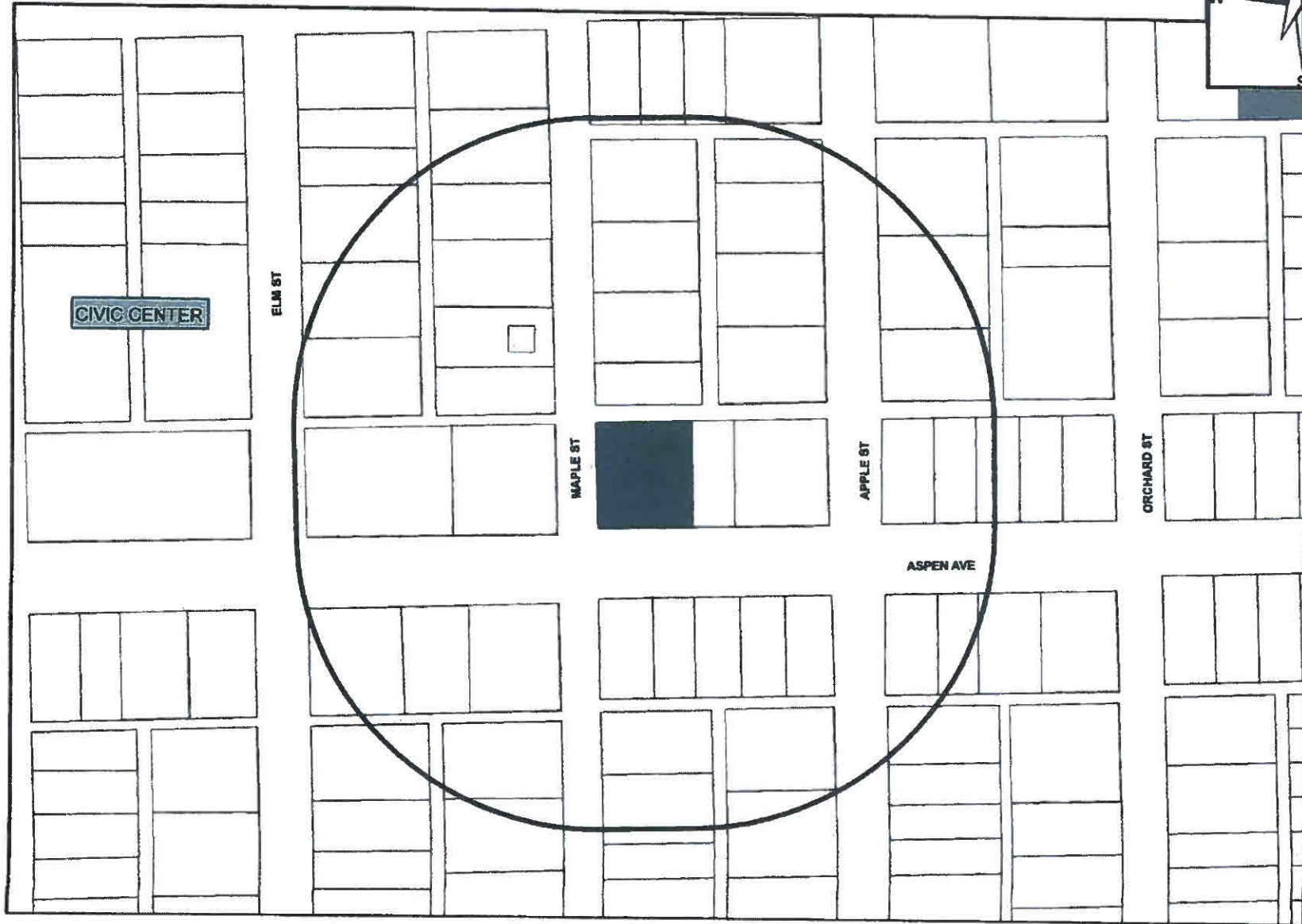
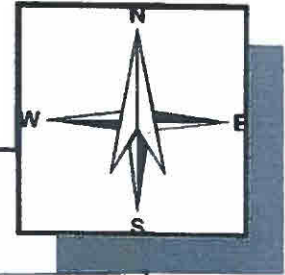
PLEASE
SIGN IN

Name	Address
MIKE Yocom	142 N. MAPLE
Chrysogonus Nwele	503 E Aspen
Dr. Jean Redwick	1140 Marigold Ct.

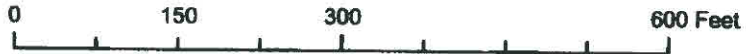
6 members of the Building Committee



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
FIORE 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

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

Review Number	2016-07
Review Name	Zone Change for 503 E. Aspen

- **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

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

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

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.

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

Thank you for your time!

Henry Hemphill
City of Fruita
Planning Tech.
970-858-0786
hhemphill@fruita.org
www.fruita.org/cd

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 10th 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

Dahna Raugh

From: Whitney Rink [rink.whitney@gmail.com]
Sent: Thursday, July 28, 2016 2:35 PM
To: Dahna Raugh; Lori Buck; Bruce Bonar; Dave Karisny; Kyle Harvey; Ken Kreie; Joel Kincaid; Louis Brackett
Subject: RE: Sacred Heart Zoning

Hello Councilors and Staff,

I attended the City Council Workshop on 7/26 in part to hear the section about Sacred Heart, but also just to attend. My husband and I just moved to Fruita in May (we bought 1039 East Columbine Ave.). We are parishioners at and attending Sacred Heart, but at this point I am not a representative for them and am not familiar with all the minutia of this zoning issue. I'm asking questions and trying to help find the best solution for everyone simply as a citizen of Fruita. I am still familiarizing myself with the area, as well as the process for local government. My background is in business operations management and I've sat on a few boards and committees, but never local government so bear with me while I get up to speed!

I also attended the planning commission meeting in June where Sacred Heart zoning was discussed, so first and foremost I have a few questions about the process. When is open dialogue allowed to happen? At the planning commission meeting it seemed like the public could make remarks, and the planning commission could ask questions, but when in this process be it City Council meetings or Committee meetings or separate meetings can a back and forth problem solving conversation with multiple parties take place that isn't necessarily timed?

From my limited understanding of the situation so far both "sides" seem unclear as to what the other intends/wants. From what I understand the church applied for the PUD because they thought it was their best shot at getting approval for a few different possibilities, or it was the safest and most all encompassing plan. Based on what Council said the other night it appears this approach is too wide, or "speculative." Now it appears that the final decision this Tuesday decides the "fate" (maybe too strong a word?) of the current church building for at least the next year, unless there is significant material change. But to me, a simple third party, it seems like there are still so many questions!

It seems both parties are thinking some kind of event center (weddings, funerals, parties and other events similar to what currently takes place) is the ideal scenario. As I understand it the church had a potential buyer for such a purpose but the person has since purchased another property because of the zoning issue.

It was mentioned the other night that if the request (I have no idea if I'm using the correct language, forgive me) is denied this coming Tuesday, that it will be "dead" (my own language again) for one calendar year, unless as one council member elaborated there is "significant material change" such as a potential buyer going under contract.

What you've got here is a classic chicken or the egg scenario- find a buyer, but the buyer won't want to get serious if he or she thinks this project is going to wither on the vine. That's a dangerous investment. Of course a contract could be conditional on the zoning (or as was expressed during the workshop, possibly a code) change, but again if the process takes 6-9 months even to do that, investors might be nervous. The building will surely need some kind of work and I don't think most buyers could afford to be stalled or non-operational for so long.

Whoever ends up interested in that building and has enough capital to purchase it is going to be a special bear in some respects. It's been discussed that it is in residential zoning, but there are only so many people that want to

live in an old church (the one off of Pabor was mentioned the other night!). I don't know what the church is asking for the property, but I know in general all churches or religious organizations are short on cash unless they've been fundraising and indenting to purchase. Any number of museums would love take over the property, but those too are generally 501C3's without a lot of money to spend on property. Even a day care or adult day care center would be great but a) how many children are there in Fruita and is the current child care situation sufficient, would adding another flood the market, and b) some kind of remodeling would need to be done as the main floor is currently set up as basically one giant room.

I also understand the issue of setting a negative precedent- if you allow for this, will the floodgates open and what other requests will pour in? I know there is a master plan for development, and I know that you do your best to stick to it while taking into consideration development as it actually happens, not just as it is foreseen. I just wonder if the evolution of the existing infrastructure was taken in to account when it was designed? I understand the church was build in 1920, long before most of Fruita even existed. Almost 100 years is a pretty good run for staying put on one building, but as the congregation is growing that limited space is becoming insufficient. I have no idea about the circumstances surrounding the purchase of the new property and construction, but to get back to the master plan, was existing institutions out growing their infrastructure and what do with them then ever considered?

I think Sacred Heart would love to sell to another church or religious organization, but have not been able to find a religious group interested in the purchase or with enough financial viability. And let's be real - it is an old building, a beautiful but old building that gets pretty hot on summer days, so whoever does purchase it will more than likely perform some remodeling.

Taking these things into consideration is also why Sacred Heart applied for so many uses- they are not sure what kind of capable prospective buyer might come along, but they want to be ready when he or she does.

It doesn't appear that there is a bias or any kind of ill-will from the City Council or Sacred Heart, and both would like nothing more than to find a suitable use/ buyer for the property that won't be invasive to the residents who live in the area. As was mentioned in the planning commission meeting by someone who IS a representative of Sacred Heart, once the move is made in September they don't have plans to keep up or maintain the exiting property. So to have such a historic, beautiful building sitting vacant and unmaintained so close to a vibrant downtown--possibly for years--could become the "elephant" on the street so to speak.

I'm not sure what I'm asking for- more time? A clear answer as to what city council would approve so the church could actively and aggressively court buyers? Another look at the master plan taking into consideration people and organizations are allowed to move?

I don't know if this will even help or if anything at all can be done by Tuesday, but I think that deadline is what is most concerning to me. I understand if you need to wait until you're all together to respond to this, but please let me know if there is any way you can "continue" (I think that's the right term- hold off on?) a final decision on Tuesday so that Sacred Heart might have time to re-align their strategy based on your discussion in the workshop. Again, I have no idea how this works!

I appreciated you all spending so much time with this topic during the workshop and am confident that you too want to find the best possible solution.

Best,

Whitney Rink
(303) 815-4569

From: Kelly Wilkinson <lilredrover@yahoo.com>

Date: July 25, 2016 at 9:32:25 PM MDT

To: <l buck@fruita.org>, <bbonar@fruita.org>, <dkarisny@fruita.org>, <kharvey@fruita.org>, <kkreie@fruita.org>, <jkincaid@fruita.org>, <lbrackett@fruita.org>

Subject: Ordinance 2016-09

Greetings. I am writing this email in reference to the Sacred Heart PUD request, ordinance 2016-09.

I own properties at 514 E Aspen Ave and 520 E Aspen Ave. I also have been approached by JD and Marilyn Kirby at 525 E Aspen and asked to represent them in this email. This represents 3 out of the 6 existing homes on the 500 block of E Aspen that will be impacted the most by the proposed change.

I want to start by reiterating several statements that have been made publicly and in writing by your Planning Staff.

The first point I want to make is that this request for a change is not supported by the Fruita Master Plan adopted in 2008. The Master Plan talks about expanding the downtown area to the north, south and the west but makes NO mention of expanding to the east.

Secondly, the Civic Center Memorial Park and Streetscape Improvements Master Plan did not recommend going east with the downtown improvements for commercial activity.

Lastly, the Master Plan recommends that the character of the existing neighborhoods be taken when considering zone changes, with emphasis on preserving existing residential neighborhoods. This is especially important in this area because it is an historic and unique residential area in Fruita as pointed out in the Master Plan and additionally, the Master Plan points out that attention should be paid to the older and historic structures to maintain housing options and preserve community character.

The City of Fruita adopted the Master Plan in 2008 and uses it as a governing document. As a resident and taxpayer I have an expectation that our city government abide by documents that have been adopted. The approval of this PUD as stands is in direct conflict with the City of Fruita's Master Plan as noted by the City of Fruita's planning staff.

On a personal note, I am worried about the increased traffic, light and noise pollution, parking problems and decrease in property values. Although Mr. Stewart attempts to point out that property values would increase I would challenge his statement. My research has shown that moves like this can increase property values in the area but the houses adjacent to the change almost consistently lose value. The increase in value is also directly related to what type of businesses move in. If they don't directly benefit the neighborhood, property values go down.

We love Fruita. We have convinced most of our family to move here and continue to extol the beauty of living in the downtown area. Our long term plans involve one of our properties becoming a rental to help support us in our retirement. Approving this PUD directly affects our property and decreases our ability to rent the property in the future. The City of Fruita could potentially take money away from my family when we need it most.

We feel that the PUD application is too vague and far reaching. They are asking the City to approve an unknown. Although we have talked to several people from the church who assure us they will be "mindful" when considering who the property goes to I know this depends on the level of desperation to sell the properties. The Planning Staff by limiting some of the uses attempted to find middle ground but it is not enough. In addition, their application stated that they need to sell these properties to finish their new facility. How is that a reason too change the quality of life in this neighborhood? In addition at the planning meeting a churchgoer stated that they will let the buildings blight if not sold. I found this type of reasoning to be unfortunate.

If someone were to ask me what my middle ground is I'd say approve the PUD for the Parish Hall (west

of Maple) and leave the properties east of Maple in the CR Zone. I feel that this compromise benefits both the church and residents in the area.

We did not attend the last council meeting because we felt that if our concerns were going to be as widely disregarded as they were at the Planning Meeting that we had already lost the battle. When we were told after the meeting that the Council had concerns also we decided to step back in.

Lastly, it is my understanding that at least one council member is a parishioner of Sacred Heart. I would ask that any council member directly involved with the church recuse themselves from the vote as it would be a conflict of interest.

Thank you for your time and consideration.

Kelly Wilkinson
514 E Aspen Ave

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. 913095 Corinne M. Johnston Recorder

SPECIAL WARRANTY DEED

BOOK 893 PAGE 795

Deed from
Methodist to
Sacred 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 Trustee and Secretary
by: John T. Combs Trustee and President

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:

Corinne M. Johnston
Notary Public



Fruita Planning Commission

Tuesday, May 10, 2016

A. CALL TO ORDER

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

There were about 50 people from the public in attendance.

B. PLEDGE OF ALLEGIANCE

Doug Van Etten led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

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

Mike Joseph- I second.

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

5 yes votes; motion passes

E. WITHDRAWN ITEMS

None.

F. CONTINUED ITEMS

None.

G. CONSENT ITEMS

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

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

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

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

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

Approval of the minutes
May 10, 2016 Planning Commission meeting

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

Janet Brazfield- I second.

5 Yes votes; motion passes.

H. HEARING ITEMS

Doug Van Etten read the hearing item as follows.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REBUTTAL:

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

nearly 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