

**FRUITA CITY COUNCIL
SEPTEMBER 1, 2015
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 August 18, 2015 City Council meeting

B. NO COAST SUSHI:

1) A request to approve a Sidewalk Restaurant Permit Application from Umin Chu, LLC dba No Coast Sushi located at 229 E. Aspen Avenue

2) A request to approve a Modification of Liquor License premises for a Beer and Wine License for Umin Chu, LLC dba No Coast Sushi located at 229 E. Aspen Avenue to allow alcohol on a Sidewalk Restaurant

C. BOARDS AND COMMISSIONS: A request to approve the reappointment of Jim Morris to the Board of Adjustments for another three year term to expire in September of 2018

D. RESOLUTION 2015-23 – A request to approve a Resolution recognizing September 14-20, 2015 as “Colorado Cities and Town Week”

E. CONDITIONAL USE PERMIT – A request to approve a Conditional Use Permit for Illusions Bridal located at 816 Grand Avenue

F. CONDITIONAL USE PERMIT – A request to approve a Conditional Use Permit for Quality Sheet Metal located at 816 Grand Avenue

G. CONDITIONAL USE PERMIT – A request to approve a Conditional Use Permit for the Equine Facility located at 1679 Ruby Lee Drive

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.

8. ADMINISTRATIVE AGENDA

A. Public Works Director Ken Haley

- 1) Grand Valley Regional Drainage Update

9. COUNCIL REPORTS AND ACTIONS

10. CITY MANAGER'S REPORT

11. ADJOURN

**FRUITA CITY COUNCIL
REGULAR MEETING
AUGUST 18, 2015**

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, Kyle Harvey, Stacey Mascarenas, and Joel Kincaid. Councilors Mel Mulder and Bob Fuller were excused absent. Mayor Buck called the meeting to order at 7:00 p.m.

Mayor Buck asked if there were any corrections or additions to the agenda. City Manager Mike Bennett stated that there were not.

3. AGENDA – ADOPT/AMEND

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

4. PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations on the agenda.

5. PUBLIC PARTICIPATION

There were no comments from the public.

6. CONSENT AGENDA

- A. MINUTES - A REQUEST TO APPROVE THE MINUTES FROM THE AUGUST 4, 2015 CITY COUNCIL MEETING**
- B. SPECIAL EVENT LIQUOR PERMIT – A REQUEST TO APPROVE A SPECIAL EVENT LIQUOR PERMIT FOR THE FRUITA ROTARY CLUB TO SELL BEER AT THE FRUITA FALL FESTIVAL AT:
 - 1) CIRCLE PARK ON FRIDAY, SEPTEMBER 25, 2015 FROM 3:00 PM TO 10:00 PM AND SATURDAY, SEPTEMBER 26, 2015 FROM 11:00 AM TO 10:00 PM****

- 2) **CIVIC CENTER PARK ON FRIDAY, SEPTEMBER 25, 2015 FROM 3:00 PM TO 10:00 PM AND SATURDAY, SEPTEMBER 26 2015 FROM 11:00 AM TO 10:00 PM**
- C. **BOARDS AND COMMISSIONS APPOINTMENT – A REQUEST TO APPROVE THE APPOINTMENT OF JODY BRANDON TO THE ARTS AND CULTURE BOARD FOR A THREE YEAR TERM TO EXPIRE IN AUGUST OF 2018**
- D. **CO-OP: ACCEPTING RIGHT OF WAYS/MULTI-PURPOSE EASEMENT**
 - 1) **RESOLUTION 2015-24 – A REQUEST TO APPROVE A RESOLUTION ACCEPTING A MULTI-PURPOSE EASEMENT LOCATED ADJACENT TO WEST OTTLEY AVENUE**
 - 2) **ORDINANCE 2015-13 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ACCEPTING A RIGHT-OF-WAY ADJACENT TO WEST OTTLEY AVENUE FOR PUBLICATION OF PUBLIC HEARING ON SEPTEMBER 15, 2015**
 - 3) **ORDINANCE 2015-14 – FIRST READING – AN INTRODUCTION OF AN ORDINANCE ACCEPTING A RIGHT-OF-WAY ADJACENT TO HIGHWAY 6 & 50 FOR A FUTURE ROAD CONNECTION TO WEST OTTLEY AVENUE FOR PUBLICATION OF PUBLIC HEARING ON SEPTEMBER 15, 2015**
- E. **RED FLAG POLICY – ANNUAL REVIEW OF RED FLAG POLICY (IDENTITY THEFT PREVENTION PROGRAM) ADOPTED BY RESOLUTION 2009-31**
- F. **LETTER OF SUPPORT – A REQUEST TO APPROVE A LETTER OF SUPPORT FOR MESA LAND TRUST’S GRANT PROPOSAL TO THE GREAT OUTDOORS COLORADO (GOCO)**
- G. **JULY 2015 FINANCIAL REPORTS – A REQUEST TO APPROVE THE JULY 2015 FINANCIAL REPORTS**

Mayor Buck opened the Consent Agenda for public comments. Hearing none, she referred to the City Council.

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

7. PUBLIC HEARINGS

There were no Public Hearings on the agenda.

8. ADMINISTRATIVE AGENDA

A. CITY MANAGER MIKE BENNETT

1) WEBSITE AND CITY LOGO PREVIEW

City Manager Mike Bennett stated that in the 2015 Budget, the City budgeted to redesign its website: www.fruita.org. City staff has been working with Aha Consulting on the project over the last few months and has made quite a bit of headway. Currently, staff is adding content to the new website, which is due to go live on August 26th.

Mr. Bennett explained that when the City originally requested bids for the project, it was stated in the RFP that staff wanted the website to be online by the first of November, but the date had been rolled back to August 26th. He noted that not every feature will be available on that date, but the main content that is on the current website will be functional.

Mr. Bennett continued that as staff is working to build the new website, they also have to maintain the old site simultaneously, so it was decided that an earlier go live date would be most beneficial and that more features and content can be added to the new site afterwards.

Mr. Bennett stated that as staff started the process with the new website, they decided that it would be a good time to look at the possibility of looking at a new City logo to incorporate at the same time.

Mr. Bennett said that the City asked the public to send in submissions for logos and noted that at a recent Council meeting, he had shown the City Council the 21 submissions that were received. He also stated that the City promised that if one of the logos was selected, that the artist would receive a \$500 stipend. Since that time, staff has taken the time to go through the submissions to determine a logo that represents the City and is usable in all different types of formats.

Mr. Bennett showed a graphic of a logo and stated that he and Mayor Buck used it on some business cards when they went to the Outdoor Retailer Trade Show in Salt Lake City. He stated that the logo design originally came from Fruita's Downtown Advisory Board in the last couple of years when they were looking for a logo for downtown. When the City recently had the call for logos, the Downtown Advisory Board submitted a version of their original logo, which initially contained a gear with a block capital letter "F" in the center of it.

Mr. Bennett continued that staff had initially talked about using a student group from Colorado Mesa University to come up with some variations of the gear-themed logo, but Councilor Harvey offered to volunteer his time to do that. Mr. Bennett said what resulted was the gear with a different font that kind of has a "funky" flavor to it and spelling "Fruita" all the way out with the word "Colorado" included at the bottom right.

Mr. Bennett said that he wanted to talk about "why a gear." He said that a lot of thought was put into it from the Downtown Advisory Board when they originally came up with the design. They felt that the gear not only represents biking (which is a strength that Fruita is certainly known for

outside of the area), but also it was designed to reflect a type of gear that could be found in farming or ranching equipment, which is another big piece of the community.

Mr. Bennett said what he really likes about using the simplicity of a gear is that it is simple, but also complex. He said when you think of a gear, it is an innovative piece that has a message of momentum and options, and that Fruita sees itself as a community of choice with lots of options for those who come to visit, those who chose to live here and those businesses that chose to relocate here.

Mr. Bennett continued that he thinks the logo design can be used in many ways; photos of the community could be animated into the center of the gear, or it could be designed to look like the spur on the boot of a cowboy, it could turn into a pizza, or a bottle cap of a draft brew.

Mr. Bennett noted that the gear in the design is a charcoal grey and the lettering is a rust-orange color that was taken basically from the landscape of the Fruita area.

Regarding the new website, Mr. Bennett showed a screen shot of what the website will look like. He pointed out that staff is still narrowing down what the main background photos will be. The screen shot was a photograph of the Colorado National Monument landscape and included the new logo design at the top. Mr. Bennett noted that the website will have a Community Calendar feature that will display upcoming events in Fruita.

Mr. Bennett explained that currently, staff is working from a base website that doesn't have the final look on the outside yet, but the new face for the site will be available very soon. The main menus on the site include City Hall, Business & Development, Recreation & Events and Why Fruita? The most traffic on the new website is anticipated to be on the Recreation & Events section. The Why Fruita? section will include Why Fruita videos and a lot of information on why someone would choose Fruita to live in, to open a business or to recreate.

Mr. Bennett said staff's goal is to keep the website from looking too crowded and also to tell Fruita's story through imagery and photos.

Mr. Bennett asked the Council if they had any questions about the website or the logo. Mayor Buck said she thought the website looked really nice and Councilor Mascarenas agreed.

Councilor Kincaid said that he had some concerns about the logo because it was arrived at by having a "contest" and that there are actually many steps, revisions and gathering of input in the process of designing a new logo. Councilor Kincaid added that most of the 21 submissions that were received by staff were not really logo designs; they were illustrations. He said that he thought the City should go through the process of having a logo design that really says "Fruita" and will be best for the long-term and best for using in multiple applications.

Councilor Kincaid said that if he looked at the gear logo in black and white, it would very hard to read with the word "Fruita" over the top of the gear.

Mayor Buck asked if anyone had looked at any black and white versions of the logo. Councilor Harvey responded that originally the logo didn't have the word "Fruita" over the top of the gear, but that Councilor Kincaid's concern was valid.

Mayor Buck said she didn't like the (original) logo that looked like the Rotary symbol, but she likes the one that was being discussed because it stands out. She added that she was curious what it would look like in black and white.

Mr. Bennett stated that there was an earlier version of the logo where the "r" in "Fruita" was not on top of the gear; it was outside of it, so it would be easier to read in black and white. He said he did understand Councilor Kincaid's concern that maybe the logo wouldn't stand up against other potential options that staff hadn't seen yet.

Councilor Kincaid said that the process to create a logo is really extensive and considerations must be made regarding how it relates to the community and everything that the logo would be used for. He said he didn't feel that contests are a good way to go and probably wouldn't result in an option that would be best long term.

Mayor Buck said she understood what Councilor Kincaid was saying about it being a process, but she thought that someone could come up with a logo that shortens the process and that the gear logo nailed it from a lot of different perspectives. She added that it really builds on what the Downtown Advisory Board brought to the Council a year ago or so and that what has been done has really enhanced it. She said she was kind of sold on the logo the way it is and asked what if it didn't require the extensive process that Councilor Kincaid was referring to?

Councilor Kincaid said the old website was a "what if" because somebody volunteered to do it and said that the new website is much cleaner and more functional because staff went through the process to get it done professionally. He said that is what he doesn't see with the gear logo and that was just his opinion, as well as his artist's objective, which is the hard part about it.

Councilor Kincaid continued that he liked the basic concept and that the gear works well, but the font would be hard to embroider and print small on little things. He said there are things in the process that really have to be thought through when creating a logo; you also need to look at printing it on a dark colored background. Councilor Kincaid said he didn't want to skip steps and what he was hearing was that the City just spent a whole bunch of money on the website, so they decided to get a logo that's not going to cost anything.

Mayor Buck responded that she didn't feel like cost was ever an issue in regards to the new logo concept.

Mr. Bennett said that when the City asked for submissions, staff was pretty careful to word it in a way to relate that the City was not really running a contest, but that the submissions would be considered and he was looking at it as a concept that has issues that definitely need to be worked out. He added that he believes that there is the ability to tweak the logo in regards to formatting as opposed to starting a new process. Mr. Bennett said it was a question for the Council; did they want to continue with the gear logo and work out the ways in which it would look in different formats?

He noted that the City did not budget to go through a logo design process and it all started when staff decided to refresh the website.

Councilor Kincaid commented that the old logo would not look right on the new website.

Mayor Buck added that the other thing that pushed the new logo concept was going to the Outdoor Retail trade show; she did not want to hand out business cards with the old logo on them because they look antiquated.

Councilor Harvey said that when the Downtown Advisory Board came up with the original gear logo, Mr. Bennett asked if it could be tried with different fonts and if the words "Fruita" and "Colorado" could be spelled out, so he said he would work with it.

Councilor Kincaid said that Councilor Harvey did a great job on the gear logo design.

Councilor Harvey said he looked at thousands of fonts but initially showed Mr. Bennett about twenty examples and finally, they came up with the font that they felt was in the ballpark. He added that he had the same concerns as Councilor Kincaid; the design would need to work with a variety of backgrounds and applications large and small. He said it wouldn't hurt his feelings if the decision was not to use it, but he thought the design looked better than what the City has had since he's been in Fruita. Councilor Kincaid agreed with that statement.

Councilor Harvey pointed out that the City has already been using a logo that couldn't be stitched onto anything and has many more issues than the logo design being discussed in terms of formatting for different platforms. He added that he thought it was up to Council and staff to decide what they want and reiterated that he didn't feel attached to the logo design in any way.

Mayor Buck suggested that the logo design concept should be discussed at a workshop, especially since two Council members were absent. Mr. Bennett said he could bring the other variation of the logo where the "r" in Fruita is not touching the gear and is outside of it.

Councilor Kincaid said he thinks the gear needs to have less splines on it and should be bolder because it would be difficult to see when it gets printed on something small.

Mayor Buck showed the Council members the business cards that she and Mr. Bennett took with them to the Salt Lake City Outdoor Retail Trade Show (that had the gear logo on them).

Councilor Bonar said he thought the gear logo was okay, but his initial thought was that it didn't look like it would work in monochrome or black and white. He asked about the logo being embroidered as far as what would happen to the white brush strokes in the characters of the font. Mayor Buck said that the characters would just become solid. Councilor Bonar said he wondered how that would change the look of it, because he thought it looked great the way it was, although he respected what Councilor Kincaid said about the logo having to work in all the places where it would be used. Councilor Bonar readily admitted that he was a mechanic and a technician and not an artist.

Councilor Bonar said he thought the Council needed to think about the logo design a little more before adopting it, because although he liked it, he just didn't know if it would work well enough in all the capacities that would be necessary. He suggested that people who have more skill at designing logos look at it.

Mr. Bennett stated that in about one week, the City would be rolling out the new website, so if the Council wasn't comfortable with the logo design, it would not be used on the website. He added that the old logo couldn't be used on the website because it just wouldn't work. Mr. Bennett showed the Council a screenshot of what the home page of the new website will look like.

Mayor Buck said she thought the new website looked really nice.

Councilor Bonar asked how difficult it would be to substitute a different logo in the same position on the website at a future date. Councilor Kincaid and Mr. Bennett agreed that it would not be difficult.

Councilor Bonar said he thought the logo looked fine and works okay on the website, and if there were no alternatives, rather than not putting something in that space, he would recommend using the logo design while the Council takes the time to decide if it is going to be the permanent logo or not.

Councilor Mascarenas asked where and when the logo design was discussed. Mayor Buck responded that she and Mr. Bennett needed business cards before they went to the Outdoor Retail Trade Show in Salt Lake City and so the logo was hammered out before they left.

Mr. Bennett added that he brought all the submissions to the City Council previously and one of them was the gear design with a block-style "F" in the center of it. He recalled that he asked if the Council wanted to go through a process or if they wanted staff to work through the designs to see what might work and to come up with a recommendation. He said staff worked on it and everyone had different opinions, but the design got to a certain point to where staff thought about sending the concept of the gear to CMU students to have them come up with some variations.

Mr. Bennett continued that Councilor Harvey had the original file from the Downtown Advisory Board and when he asked him if the Board would mind if City staff sent the design to students to see if they could work on it, Councilor Harvey offered to work on it himself. Mr. Bennett noted that it was a student that originally put the design together for the Downtown Advisory Board and gave the City permission to use it anyway it wanted to. Mr. Bennett then asked Councilor Harvey to try the logo with a funky font and different colors and this was at the same time that he and Mayor Buck were preparing for the trade show in Salt Lake City.

Mayor Buck said they used the logo for the show fully knowing that it could change, but it was certainly better than using the business cards that they had (with the dinosaur logo on them).

Councilor Mascarenas said she agreed with that and she didn't particularly like the dinosaur either, but she wanted to acknowledge the heavy influence that the Museum of Western Colorado has in Fruita and that Fruita is not just about mountain biking only. She said she wondered if the City was being too specific and was ignoring the museum or the agricultural aspects of Fruita.

Mr. Bennett noted that most of the logo submissions that staff received included images of everything that Fruita is about. Councilor Kincaid noted that those submissions are not logos; they are illustrations. He added that Palisade had a logo for a time that had probably ten things in it, and he felt that simpler is better when it comes to a logo design.

Councilor Mascarenas said she did like what Mike said about the gear being used in a variety of ways and perhaps there could be a design with a dinosaur in the gear. Mayor Buck suggested perhaps a dinosaur eye could be placed inside the gear. Councilor Mascarenas said it wasn't that she didn't like the gear logo, but that it probably should be played with in different ways.

Mr. Bennett stated that it is a big deal to select a logo because it is not something that the City should start using and then change it in a couple of years. He said his biggest message is that using something like the gear logo with its simplicity, it could be used to highlight all that Fruita has to offer and that it is hard to find a symbol that will allow that, whether the City uses the logo with just the "F" in it with pictures of the different things that Fruita has such as dinosaurs, rafting, and mountain biking.

Councilor Mascarenas said this might be good for the website because the pictures could capture more than just mountain biking, but a logo for a business card or a shirt would be different. Mr. Bennett responded that the simple symbol could be marketed in many different ways.

Mayor Buck said she just didn't want the logo to look orange and black.

Mr. Bennett noted that the color choices were derived from Aha Consulting (the website designers) taking the landscape around Fruita and the other piece was that 90% of other cities' websites have a big picture in the background with a square in the front. He said that most Colorado municipal websites don't have a unique look and that in fact, most of them are blue and green, so when Fruita said it wanted to be unique, the Aha Consulting group suggested shades of the surrounding landscape. Mr. Bennett added that staff even had to push for a darker color that wasn't so orange.

Councilor Kincaid said he thought the colors for the website fit really well. He asked if the different City departments would be color-coded. Mr. Bennett responded that the main frame will be the landscape-themed colors and then there are options of all the different types of pictures of the Community Center, programs, and parks, but the whole site doesn't stray far from the rust-colored theme.

Mr. Bennett noted that the logo concept design discussion would be placed on the next workshop Council agenda (August 25, 2015) and he would bring some examples of variations of the logo.

**2) MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FRUITA
AND THE BUREAU OF LAND MANAGEMENT GRAND JUNCTION
FIELD OFFICE**

Mr. Bennett recognized Cullen Ewing with the BLM who was in the audience. Mr. Ewing works with the local field office and oversees the National Conservation Areas (NCA) areas of McInnis Canyons and the Dominguez-Escalante NCA. Mr. Bennett said that over the last three or four

months, City staff has developed quite a strong relationship with the BLM Office and with Mr. Ewing, as well as with Katie Stevens and Michelle Capp. He continued that Fruita is surrounded by BLM land and this is one of the reasons the City was recently rated the twelfth of "America's 20 Coolest Outdoor Towns" and why Fruita gets ratings as a top mountain biking destination, as well as a great place for hiking and equestrian riding.

Mr. Bennett said that staff had the opportunity to go with the BLM's River Ranger recently through Ruby Horsethief Canyon and he was amazed to see how many people were rafting that stretch. The parking lots were full on both ends and the campsites were full as well. The BLM has a permitting structure whereby they are able to keep track of visitors to the area. Mr. Bennett noted that the visitor counts for 2012, 2013 and 2014 in the NCA and the North Fruita Desert were included in the Council packets. The counts at the trailheads for 2014 were at nearly 270,000 and these numbers have been incrementally increasing each year.

Mr. Bennett continued that the City of Fruita is directly tied to the outdoor activity that occurs on BLM land that surrounds Fruita. One of the top priorities for the City is the effort to influence economic development, tourism and quality of life by working closely with BLM to maintain and increase the opportunities on BLM land, whether it be more trails, increased rafting and other activities.

Mr. Bennett added that the BLM's National Strategy is called "Connecting Communities" and it is about partnering with communities. It is a fairly new concept and Mr. Bennett said staff feels like Fruita is the poster child for fulfilling BLM's mission of connected communities.

Mr. Bennett said that staff has been meeting with the BLM on a monthly basis and has been talking about how the City of Fruita can help get over the hurdles of building new trails. City staff has felt the need to have a formal relationship in the form of a Memorandum of Agreement (MOA) with the BLM that not only defines the relationship, but also helps emphasize how the City is partnering with the BLM for the "Connecting Communities" vision. The BLM local office can then show the agreement to the state office to show how they are fulfilling the national mission as they go for internal funding for projects.

Mr. Bennett stated that the MOA is general in nature, but one of the big things it identifies is the creation of annual work plan between the City of Fruita and the BLM that the entities will work towards. Attachment A of the MOA defines some of the efforts that have already begun between Fruita and the BLM.

Mr. Bennett noted that City staff had visited the Town of Eagle and saw how their town and their BLM Office are working together, and Fruita staff was able to teach the Town of Eagle some of the ways in which Fruita and its BLM Office work together. Fruita staff will be doing the same very soon with BLM and a non-profit group called the Trail Mix Committee in Moab. Mr. Bennett added that staff has recently gathered together local businesses that are interested in certain types of trails and are raising funds on their own to help with the trail projects.

Mr. Bennett said the MOA was definitely a positive move for the City of Fruita to formalize the relationship that has developed and to emphasize that not only to the state BLM Office, but also to line up with Fruita's own goals, priorities and long-term plans.

Mayor Buck told Mr. Ewing that the City of Fruita was very appreciative of the partnership and agreement and added that hopefully things will keep moving forward from every direction possible.

- **COUNCILOR BONAR MOVED THAT THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FRUITA AND THE BUREAU OF LAND MANAGEMENT BE APPROVED IN CONCEPT WITH THE UNDERSTANDING THAT STAFF WILL FINALIZE DETAILS OF THE AGREEMENT AND THE CITY MANAGER WILL HAVE THE AUTHORITY TO SIGN THE CONTRACT. COUNCILOR KINCAID SECONDED THE MOTION. THE MOTION PASSED WITH FOUR YES VOTES.**

9. COUNCIL REPORTS AND ACTIONS

COUNCILOR KINCAID

Councilor Kincaid reported that the Parks and Recreation Board is starting to go over some of their budget. Board member Bill Alderman is once again attending meetings and presented his idea of getting more people involved in disc golf. He had suggestions such as tag matches and contest-type events and will be meeting with Parks and Recreation Director Ture Nycum to discuss how the City can promote its two disc golf courses and get more people involved.

The Parks and Recreation Board also discussed Fitness fees for people who drop-in at classes. Councilor Kincaid noted that admission fees to the Community Center have not been raised since it opened, so the Board discussed what the community could handle if they decide to increase the admission fees.

Councilor Kincaid said the Board also discussed adjusting hours of the Fruita Community Center. In the past, there was a big concern that the City was competing with the Fruita Health Club, but now the Board is looking at a 5:30 a.m. start time for the Community Center and closing an hour earlier on Fridays and Saturdays because according to all the reports, that is when the use rate drops drastically. Overall, the adjustment would result in 1 ½ hours less of staff time. The Board wasn't looking at it as a budget issue, but rather in response to many comments the Fruita Community Center has received from visitors who want it to open sooner to accommodate their schedules. Councilor Kincaid said the Board talked about how to do this without competing with the Fruita Health Club. He added that the Parks and Recreation Board wouldn't implement any changes until January and after approval from the City Council.

Councilor Kincaid said the Parks and Recreation Board also discussed people climbing on sculptures since there was one incident of someone getting hurt. They talked about whether the City should be doing something such as signage, and they will continue having further discussions on the issue.

Councilor Kincaid also reported that the Bike Rodeo was scheduled for August 29th. The City is partnering with Safe Routes to School for the event.

Councilor Kincaid noted that the new Parks and Recreation Activity Guide is now out.

Mayor Buck commented that she and Mr. Bennett saw a really great thing at the Outdoor Retail Trade Show – some disc golf courses are putting lights on the goal posts so that people can play in night tournaments.

COUNCILOR MASCARENAS

Councilor Mascarenas reported that she had a Chamber meeting the previous week and the Board expressed concern about the downtown construction being complete in time for the Fruita Fall Festival. There are still a few more vendor spaces left. Councilor Mascarenas noted that the Rotary expanded the beer garden at Circle Park so there will be more places to sit. This will be an experiment she said, but everyone thought it would work out well, although it will require more security on behalf of the Fruita Rotary Club.

Mayor Buck asked if the contractor for the downtown construction was on schedule. Mr. Bennett responded that the project is on schedule, and added that the ultimate drop-dead date is September 18th, but the anticipated completion date is actually about one week before that. He said there were a few delays at the beginning of the project when the City stressed the need for access to businesses, and there were a couple of times where the contractor made some decisions about not starting in the middle of the day on a Friday because they would have to leave their equipment at the site all weekend, so they waited until Monday to start. Another issue was that some of the subcontractors were working on a big project in Grand Junction. Mr. Bennett said these did not change any of the deadlines at all and the project is still on track. He added that businesses (whom he said have been extremely patient and supportive) have been using social media to explain to customers that they are still open and they are sending the message that they are excited about how the end result will be great when the project is complete.

Mr. Bennett continued that the City Engineer, Sam Atkins has talked with the contractor about important it will be to meet the deadline. The contractor will have to pay the City a daily fine if they are not done with the project by August 18th, and Mr. Bennett said the City doesn't want that money, it just wants the project done in time for Fall Festival.

Councilor Mascarenas said that some of the vendor configurations are changing a little bit this year at the festival and the Chamber will have a bigger presence at the gazebo in Circle Park. She asked everyone to pay attention and to let her know of any problems.

COUNCILOR HARVEY

Councilor Harvey reported that the Arts and Culture Board continues to work on planning the art, music, and wine fundraising event at the Fruita Community Center, which is tentatively scheduled for January 30, 2016. The Board is also looking at getting name tag pins so then when they are volunteering, people will know who they are representing. An upcoming event where they would

use these is the Truck 'n Treat. The Arts and Culture Board has also discussed having a pumpkin decorating booth for the kids that this event.

Councilor Harvey continued that the Downtown Advisory Board started planning the Christmas tree lot with the Future Farmers of America (FFA). They are going to try to hold it for more days this year; they would like to do it from the Friday after Thanksgiving (November 27th) through December 6th. The FFA sold a lot of trees last year and they feel like they could probably sell even more if there was a little bit more time. The Downtown Advisory Board would also like to incorporate Christmas lights, Christmas karaoke, tractor rides, as well as a "pay it forward" Christmas tree fund for people that can't afford a tree.

Councilor Harvey noted that in Collbran, starting the day after Thanksgiving, all the old men in town wear Santa Claus hats all the way through Christmas, and the Downtown Advisory Board thought this might be a fun thing to try in Fruita. They also discussed having the City Council members wear the Santa hats during this time.

Councilor Harvey also reported that the theme for the August Fourth Friday will be street performers, so they are looking for those. There will not be a September Fourth Friday due to the Fruita Fall Festival.

Councilor Harvey added that he had heard from Aspen Street Coffee that they've still been super busy despite all the construction downtown, which was good to hear.

COUNCILOR BONAR

Councilor Bonar said he didn't have anything in particular to report, but he did want to talk about the new lines painted on the Circle. He said that when staff and the Council talked about it several weeks ago, it seemed that the major concern expressed was that the lane striping was confusing and people didn't know which lane to be in.

Councilor Bonar continued that he had an hour waiting for the Post Office to open on Saturday and he sat and watched people try to figure out how to get around the Circle. He said in his opinion, the situation has not been improved as far as being confusing and may possibly even be worse. He asked if staff could figure out some way to more clearly delineate what is a lane of traffic and what is not. Councilor Bonar said there seemed to be an equal amount of confusion as far as people coming south on Mesa and entering the Circle next to the bank where people are going to the Post Office and everybody was treating that section like two lanes. He said there was the same problem with a person who was in the right lane and wants to go around the circle but a person in the left lane wants to go west on Aspen and it was still an issue and did not seem to be an improvement.

Councilor Kincaid agreed. He said he thought that when the Council looked at the initial sketches of what the Circle would look like, there would be yellow diagonal lines so that people would know that these areas were not driving lanes. He said the current marking is confusing.

Mr. Bennett explained that the striping on the Circle was not complete. He said the striping company does all the main lines, but all the smaller lines will be done by City staff with smaller equipment. He continued that on the east end of Aspen, the parking spots are not yet put in, either. Mr. Bennett said that when staff finishes painting those sections, it will definitely help people to see where the lane actually is.

Councilor Kincaid asked if bike lanes were going to be painted around the Circle as well. Mr. Bennett responded that there won't be a bike lane on the Circle because Model Traffic Code standards do not recommend them in roundabouts. There will, however, be a type of sign installed that tells people that the one lane is a shared lane for both vehicles and bicycles and the speed limit will be 15 miles per hour.

Mr. Bennett said that in the next couple of weeks, the parking stripes and median stripes will be completed and this should make the Circle much more navigable.

MAYOR BUCK

Mayor Buck stated that the Grand Junction Economic Partnership (GJEP) would be meeting the following day and that the big, valley-wide marketing management meeting regarding the Competitive Location Assessment Report was postponed. She also stated that the Feast of Skulls would be held on Saturday.

Mayor Buck said that the Outdoor Retail trade show was completely fascinating and she and the City Manager learned a lot from it, including the fact that almost all manufacturing is done overseas.

Mayor Buck said that she was looking at the website for the Interbike show in Las Vegas on September 13th and 14th and that if representatives from Fruita could go for free, it needed to be arranged as quickly as possible because it would be such a good opportunity to promote Fruita within the biking industry. She asked for the Council's input on the idea.

Councilor Kincaid said the City can't count on GJEP to do everything to market Fruita, so his opinion was that since Fruita tends to be the leaders in the valley, if the City needs to step out to put efforts into marketing, he was all for it. He added that planting a seed now could result in a return on the investment in years to come.

Councilor Bonar agreed and said he was all for it, too.

Mayor Buck asked staff to check into what it would cost for a non-profit to attend the Interbike show.

Councilor Kincaid noted that the Chamber After Hours event would be held on Thursday night from 5:30 to 7:30 p.m. at Moon Farm, who is co-hosting the event with Fruita Crash Pad, LLC. He said if anyone was interested in going, they should let Frank at the Chamber know. Councilor Kincaid said he would be attending.

10. CITY MANAGER'S REPORT

Mr. Bennett noted that he had given the Council members a hard copy of an anonymous letter that staff received and was addressed to the City Council. He said he wanted to acknowledge that the letter was received it because there was no way to respond to the sender.

The letter was in relation to a request and suggestion box at the Fruita Community Center for additional fans at the FCC. Mr. Bennett said that staff had already ordered the fans, but unfortunately, they were currently on back order. He added that at the latest, the fans would be installed during the FCC's maintenance week at the end of September.

Councilor Kincaid said he thought it would be best to wait until maintenance week anyway.

Mayor Buck said she thought there are too many fans in the FCC now, so there are always two sides to the story.

Parks and Recreation Director Ture Nycum noted that this wasn't the only request that he received for fans, so staff will be installing some ceiling fans above the cardio area.

Mr. Bennett stated that there was also letter that he mentioned in the weekly update from the Rotary Club expressing their appreciation to both the City Council and the Chamber of Commerce for allowing them to operate the beer gardens and put that money back into the community.

11. ADJOURN

With no further business before the Council, the meeting was adjourned at 8:13 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: SEPTEMBER 1, 2015
RE: NO COAST SUSHI – A REQUEST TO APPROVE A SIDEWALK RESTAURANT PERMIT APPLICATION FOR NO COAST SUSHI LOCATED AT 229 E. ASPEN AVENUE

BACKGROUND

No Coast Sushi located at 229 E. Aspen Avenue has submitted an application for a Sidewalk Restaurant Permit. The application is attached hereto.

Chapter 12.14 of the Fruita Municipal Code provides for the permitting of a sidewalk restaurant, which is an extension of an existing facility into the public right-of-way. The issuance or denial of the permit is at the discretion of the City Council and the Council may place special conditions upon the Sidewalk Restaurant Permit. The Council also has the right to deny the application if it finds that any provision of the code or special condition placed upon the permit has been violated.

The Sidewalk Restaurant Permit application has been reviewed by Police Chief Judy Macy, Community Development Director Dahna Raugh, City Engineer Sam Atkins, Public Works Director Ken Haley, and Lower Valley Fire District Marshal Dick Pippenger. There were no concerns from any of the reviewers, including the Fruita Police Department. Recommendations from the Lower Valley Fire Department are attached.

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 of applications for sidewalk restaurant permits ensures that the establishment is operating by the rules and regulations adopted by the City concerning sidewalk restaurants and provide for adequate pedestrian traffic flows.

OPTIONS AVAILABLE TO THE COUNCIL

1. Approval of the Sidewalk Restaurant Permit Application from No Coast Sushi located at 229 E. Aspen Avenue
2. Denial of the Sidewalk Restaurant Permit Application from No Coast Sushi located at

229 E. Aspen Avenue

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council move to:

- **APPROVE THE SIDEWALK RESTAURANT PERMIT APPLICATION FOR NO COAST SUSHI LOCATED AT 229 E. ASPEN AVENUE SUBJECT TO THE FOLLOWING CONDITIONS:**
 1. **THE PATIO SHALL BE ENCLOSED WITH A FENCE EXCEPT FOR ONE ENTRANCE FROM THE SIDEWALK**
 2. **THE PATIO SHALL NOT ENCROACH UPON THE PEDESTRIAN SIDEWALK, WHICH SHALL BE SIX FEET WIDE**
 3. **COMPLIANCE WITH THE INTERNATIONAL BUILDING CODE AND INTERNATIONAL FIRE CODE WILL BE REQUIRED IF PATIO IS PROVIDED WITH AWNINGS, CANOPIES OR ARE ENCLOSED IN THE FUTURE**
 4. **THE ENTRANCE/EXIT SHALL BE MONITORED WITH PERSONNEL TO ENSURE THAT ALCOHOL IS CONTROLLED WITHIN THE AREA AND THERE ARE NO VIOLATIONS OF THE LIQUOR CODE**
 5. **THE OUTSIDE PATIO SHALL BE KEPT CLEAN AND CLEAR OF GLASS AND OTHER DANGEROUS OR UNSIGHTLY ITEMS AT ALL TIMES**



APPLICATION FOR SIDEWALK RESTAURANT PERMIT

1. Applicant Information

Business Name: No Coast Sushi (Uminchulle)
Name of Applicant: Lisa Boyd
Business Location: 229 E Aspen Ave.
Mailing Address: 2025 Poplar Dr. Grand Jct. CO 81505
Phone: 970-639-8271 Fax: 970-639-8273 Cell: 970-261-1320

Beneficial Owners or Partners (if applicant is other than a sole proprietorship)

Name: _____
Address: _____
Name: N/A
Address: _____
Name: _____
Address: _____

2. Type of Business or Activity

Describe the type of business or activity to be conducted. Include sidewalk seating capacity, types of merchandise to be sold or displayed, operating hours (attach narrative if needed).

restaurant, full service
seating 26
Japanese food + beer/wine/sake 11AM-9PM Tues-Sat

3. Location

Describe the location for which this permit is being requested by giving a street address or attaching a map with the location indicated. Please attach a plot plan diagram of where the items will be placed on the property in question.

221 E Aspen front of building to sidewalk line

4. Structure

Describe any semi-permanent or moveable structure to be used in the sidewalk restaurant including fences and barriers, and attach blueprints, drawings, sketches, or pictures.

Fences - metal black 48"-48" in height
Tables + chairs - metal/composite



5. Other permits and Licenses

Please check the appropriate licenses you need or currently have (attach copies of the ones you currently have).

State Sales Tax License
 Food Service

Liquor License
 Fruita Business License

City Sales Tax
 Other _____

6. Proof of Consent

All applications for permits for permanent and semi-permanent structures must include proof of consent of two-thirds of the businesses within 75 feet of the location of permit. The signature of at least two-thirds of the business owners within 75 feet on a petition describing the proposed business or activity is necessary.

7. Insurance

The Ordinance requires a signed Hold Harmless Agreement and Proof of Liability insurance coverage. Please attach:

- a. A properly executed Hold Harmless and Indemnification Agreement.
- b. Insurance Commitment, binder, or policy for personal injury, property damage, products liability, food products liability, and other actions which protect the permittee and the City of Fruita in the amount of not less than \$150,000 per person for bodily injury, \$400,00 for property damage, and \$400,000 for each occurrence.

8. Assurances

The applicant assures the City of Fruita that if a permit is issued, they will comply with all of the requirements and provisions of the Fruita Municipal Code and all other applicable ordinances and laws. The applicant further assures that they have obtained all necessary and required permits or licenses to engage in the business or activity proposed.

SIGNED: _____  _____
 Applicant 8/5/15
Date

9. Fees

A Permit Fee of \$150.00 will be paid to the City Clerk prior to the issuance of the permit.

10. Restrictions

The person to whom a sidewalk restaurant permit has been issued may conduct business on the public right-of-way in the downtown area subject to the following restrictions:

- A. The holder of a sidewalk restaurant permit shall pick up any paper, cardboard, wood or plastic containers, wrappers or any similar litter which is deposited by any person on the sidewalk within 25 feet of the approved location designated on the permit; and the approved location designated on the permit; and the permitted shall provide a suitable container for the placement of such litter by customers or other persons;
- B. The permittee shall not sell at a location other than that designated on his permit;
- C. The permittee shall not leave his equipment or merchandise unattended unless it is secured;
- D. The permittee shall not conduct the business for which this permit is issued hereunder between the hours of 12:00 midnight and 6:00 a.m.;

- E. No permit shall be issued to any individual to conduct a sidewalk restaurant unless and until consent is obtained from two-thirds of the businesses within seventy-five (75) feet of the proposed location;
- F. No permittee shall conduct business in violation of any other ordinance or law, or without any of the required health, sanitation or other permits;
- G. The sidewalk restaurant cannot extend for more than 10 feet onto the sidewalk, but in no event shall the remaining width of the sidewalk for pedestrian flow be less than five (5) feet'
- H. The sidewalk restaurant shall be set off from the public right-of-way by some manner of partition at least three (3) feet in height which may be moveable or installed on a semi-permanent basis.

Suspension or Revocation of Permit

The City Council may revoke or suspend the permit of any person to conduct business on the sidewalks of the City of Fruita if it finds that 1) such person has violated any of the provisions of this ordinance or other ordinances of the City; 2) any necessary health permit has been suspended, revoked or cancelled, or 3) the permittee does not have a currently effective insurance policy in the minimum amount provided as herein specified.

Hold Harmless/Idemnity Agreement

I, ELIZABETH DOYO, applicant for sidewalk restaurant permit to conduct activities in the Downtown Area, agree that I shall:

- a) Hold harmless the City of Fruita, its officers and employees from any claims for damage to property or injury to persons which may arise from or be occasioned by any activity carried on by me within the Downtown area.
- b) Indemnify the City of Fruita, its officers and employees against any claim, loss, judgement or action, of any nature whatsoever, including reasonable attorney fees, that may arise from or be occasioned by any activity carried on by me within the Downtown Area.

I realize that the consideration for this release is the granting of a permit to me by the City of Fruita, and I realize and agree that this Hold Harmless/Indemnity Agreement shall take effect whenever I begin to conduct the sidewalk restaurant for which a permit has been issued. I also understand and agree that this agreement shall apply to any activities which I carry on which are done in violation of the terms of the permit.

Dated this 5th day of August, 20 15



Signed

Proof of Consent

To Accompany an Application for a Sidewalk Restaurant

Fruita City Ordinance Number 1991-12 allowing for and regulating sidewalk restaurants requires in Section 12.14.040 (G) "the proof of consent of two-thirds of the businesses within 75 feet of the location" of a sidewalk restaurant before a permit can be issued. This form is required to be filled out and submitted by applicant before a permit can be issued.

Applicant NO COAST SUSHI

Location 229 E. ASPEN AVENUE

Description of Activity outdoor seating and dining
in fenced area in front of restaurant

Businesses within 75 Feet

<u>Business name</u>	<u>Address</u>	<u>Owner</u>	<u>Consent</u>
1.			
2. Rose Hve Gallery	212 E Aspen	Linda Kurtz	<i>[Signature]</i>
3. Copper Club	223 E Aspen	Michele Collins	<i>[Signature]</i>
4. Car Quest Auto	220 E. Aspen	K Dessaric	<i>[Signature]</i>
5. Flowers by Jimmie	218 E. Aspen	Jimmie Down	<i>[Signature]</i>
6. Chow Down	229 E. Aspen		
7. Iron Netwip Fitness	219 E. Aspen	LJ Lewis	<i>[Signature]</i>
8. Edward Jones	205 E. Aspen	G. RYAN GREEN	<i>[Signature]</i>
9. Dominos	225 E. Aspen	Tony Treleven	<i>[Signature]</i>
10.			

owners unavailable

Note: All Businesses within 75 feet should be listed, Those consenting should sign in the consent column.

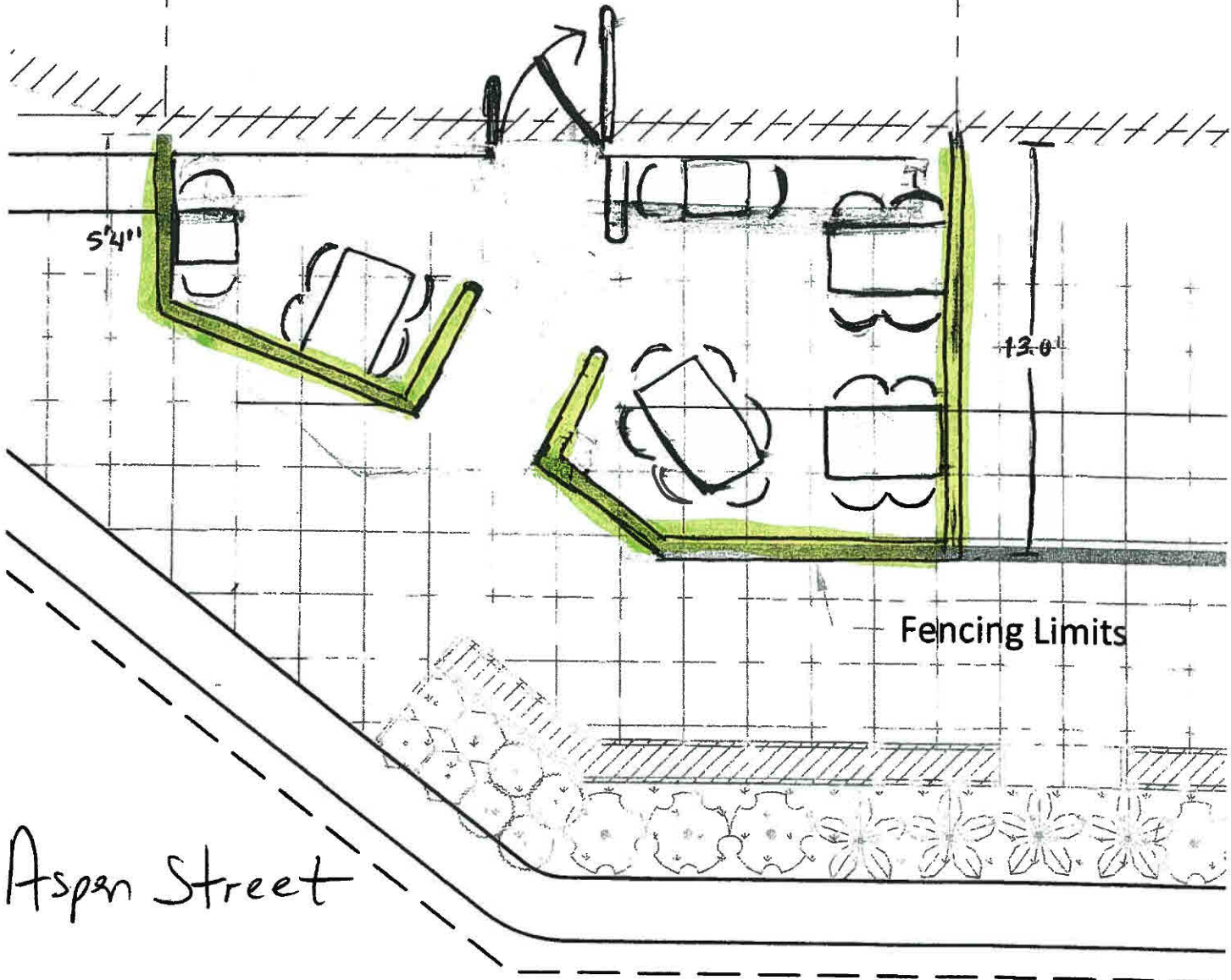
8-11-15



NO COAST SUSHI

DOMINOS

COPPER CLUB



Fencing Limits

Aspen Street



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/12/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wendi Wells(0750304) 2478 Patterson Rd Ste 21 Grand Junction CO 81505-3606		CONTACT NAME: PHONE (A/C, No, Ext): 970-254-8888 FAX (A/C, No): 970-242-3525 E-MAIL ADDRESS: wwells1@farmersagent.com	
INSURED UMIN CHU LLC 229 E ASPEN AVE FRUITA CO 81521		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Truck Insurance Exchange	NAIC # 21709
		INSURER B: Farmers Insurance Exchange	21652
		INSURER C: Mid Century Insurance Company	21687
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INBR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Y Y	605816783	02/13/2015	02/13/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS		605816783	02/13/2015	02/13/2016	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
229 E ASPEN AVE, FRUITA, CO 81521

CERTIFICATE HOLDER

CITY OF FRUITA
325 E ASPEN AVE

FRUITA CO 81521

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Wendi Wells

Debra Woods

From: Sam Atkins
Sent: Friday, August 14, 2015 1:56 PM
To: Debra Woods
Subject: RE: Application/diagram for Sidewalk Restaurant permit for No Coast Sushi

No Coast Application for Sidewalk Restaurant Permit

Engineering approves the location of the fencing as proposed in the application.

Thanks,

Samuel L. Atkins, PE
City of Fruita | City Engineer
325 E. Aspen Avenue
Fruita, CO 81521
970.858.8377 office
satkins@fruita.org

From: Debra Woods
Sent: Thursday, August 13, 2015 9:30 AM
To: Mike Bennett; Judy Macy; Sam Atkins; Ken Haley; dpippenger@fruita.org
Subject: Application/diagram for Sidewalk Restaurant permit for No Coast Sushi

Ooops! Yesterday I sent you a memo about this but forgot to also attach the application and diagram. My apologies!
Deb

Debra Woods
Deputy City Clerk
City of Fruita
(970) 858-3663
dwoods@fruita.org

Debra Woods

From: Dick Pippenger [dpippenger@lvfdfire.org]
Sent: Wednesday, August 26, 2015 11:05 AM
To: Debra Woods
Subject: RE: Patios

Deb,

There are no issues with NO Coast Sushi provided the sidewalk is six feet wide.

Camillia's Kaffe is unacceptable. The patio needs to be attached to the building. As submitted it creates a problem for emergency access for EMS response and fire ground operations, particular with laying of fire hose and use of attack line(s). LVFD would like to see continuity of at least a six foot wide sidewalk adjacent to the street for all businesses on Aspen Street.. As submitted access could be blocked by bicycles for sale from the bike shop to the west. Firefighters would have to work around or over the fence. LVFD recommendation would be to not approve the proposal for Camillia's as submitted.

Dick

Richard Pippenger
Fire Marshal
Lower Valley Fire District
P. O. Box 520
Fruita, CO 81521
970-858-3133

From: Debra Woods [mailto:dwoods@fruita.org]
Sent: Wednesday, August 26, 2015 10:16 AM
To: Dick Pippenger
Subject: RE: Patios

I just need to know if this is the only concern from the LVFD on the permit applications. They are approved individually, so it would be best if you could address each application individually with any concerns outside of this one. If this is the only concern, I will just let the Council know that the LVFD has this one stipulation (unless you tell me otherwise). Does that make sense?

Deb

From: Dick Pippenger [mailto:dpippenger@lvfdfire.org]
Sent: Wednesday, August 26, 2015 9:47 AM
To: Debra Woods; Judy Macy; Sam Atkins
Subject: Patios

Deb, please see the attachment. Can this be made a requirement for each patio permit on Aspen or elsewhere?

As stated earlier LVFD does not want patios to be out by the street as it would interfere with emergency operations such as laying hose, etc.

If you need more detail let me know.

Debra Woods

From: Dick Pippenger [dpippenger@lvfdfire.org]
Sent: Wednesday, August 26, 2015 9:47 AM
To: Debra Woods; Judy Macy; Sam Atkins
Subject: Patios
Attachments: Patios 8-15.doc

Deb, please see the attachment. Can this be made a requirement for each patio permit on Aspen or elsewhere?

As stated earlier LVFD does not want patios to be out by the street as it would interfere with emergency operations such as laying hose, etc.

If you need more detail let me know.

Dick

Richard Pippenger
Fire Marshal
Lower Valley Fire District
P. O. Box 520
Fruita, CO 81521
970-858-3133

ATTACHMENT FROM LVFPD:
(from email dated 8/26/15)

Compliance with the International Building Code and the International Fire Code will be required if patios are provided with awnings, canopies or are enclosed in the future.

Portable outdoor gas fired heating appliances shall not be used under awnings or canopy's over patios if side walls are down unless the manufacturer of the heaters certifies in writing that the heaters are listed and approved for use in an enclosed space. **Businesses must provide in writing from the manufacturer of the heaters that the patio heaters are listed and approved in accordance with section 603.4.2.2.1 of the IFC. The certification must include that the heaters are listed and approved for use in enclosed spaces.** The risk of carbon monoxide poisoning is a known danger of using unvented appliances in an enclosed space.

Under all conditions patio heaters must also be kept at least five feet from combustible materials and exits. Reference Section 603.4.2 of the IFC.

If patios are covered in the future address numbers will be required to be relocated or modified in size to visible from the street.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: DEBRA WOODS, DEPUTY CITY CLERK
DATE: SEPTEMBER 1, 2015
RE: NO COAST SUSHI LOCATED AT 229 E. ASPEN AVENUE – A REQUEST TO APPROVE A MODIFICATION OF PREMISES FOR A BEER AND WINE LIQUOR LICENSE

BACKGROUND

No Coast Sushi located at 229 E. Aspen Avenue has submitted an application for a permit to create an outdoor Sidewalk Restaurant for the purpose of serving patrons beer and wine directly in front of their current location. This requires filing a Modification of Premises to their existing liquor license that will require both local and state (Liquor Enforcement Division) approval.

The modification as proposed includes an outdoor dining patio which will be enclosed with metal fencing 42” to 48” in height and will seat 26.

The Sidewalk Restaurant Permit application has been reviewed by Police Chief Judy Macy, Community Development Director Dahna Raugh, City Engineer Sam Atkins, Public Works Director Ken Haley, and Lower Valley Fire District Marshal Dick Pippenger. There were no concerns from any of the reviewers, including the Fruita Police Department.

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 of modifications of premises where alcoholic beverages are sold and served ensures that the licensed establishment is operating by the rules and regulations adopted by the City of Fruita.

OPTIONS AVAILABLE TO THE COUNCIL

Approve the Modification of premises permit

Deny the Modification of premises permit due to specific concerns stated as part of the motion. (If permission is denied, the licensing authority must give notice in writing and state grounds upon which the application is denied).

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council move to:

APPROVE THE REQUEST FOR MODIFICATION OF PREMISES FOR NO COAST SUSHI SUBJECT TO THE FOLLOWING RESTRICTIONS /RECOMMENDATIONS:

- 1. THE PATIO SHALL BE ENCLOSED WITH A FENCE EXCEPT FOR ONE ENTRANCE FROM THE SIDEWALK**
- 2. THE PATIO SHALL NOT ENCROACH UPON THE PEDESTRIAN SIDEWALK, WHICH SHALL BE SIX FEET WIDE**
- 3. OUTSIDE ALCOHOL SHALL NOT ENTER THE PATIO NOR SHALL ALCOHOL SERVED BY NO COAST SUSHI LEAVE THE FENCED IN AREA**
- 4. THE ENTRANCE/EXIT SHALL BE MONITORED WITH PERSONNEL TO ENSURE THAT ALCOHOL IS CONTROLLED WITHIN THE AREA AND THERE ARE NO VIOLATIONS OF THE LIQUOR CODE.**
- 5. THE OUTSIDE PATIO SHALL BE KEPT CLEAN AND CLEAR OF GLASS AND OTHER DANGEROUS OR UNSIGHTLY ITEMS AT ALL TIMES**

FOR DEPARTMENT USE ONLY

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 4702501
ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
LOCAL LICENSE FEE \$ 0
APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a		PRESENT LICENSE NUMBER
<input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input checked="" type="checkbox"/> Limited Liability Company		4702501
2. Name of Licensee		3. Trade Name
Umin Chu LLC		No Coast Sushi
4. Location Address		
229 E. Aspen Avenue		
City	County	ZIP
FRUITA	MESA	81521

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager reg/change	Section C
<p>• License Account No. _____</p> <p>1983-750 (999) <input type="checkbox"/> Manager's Registration (Hotel & Restr.)...\$75.00</p> <p>2012-750 (999) <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00</p> <p><input type="checkbox"/> Change of Manager (Other Licenses) NO FEE</p>	<p>2210-100 (999) <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00</p> <p>2200-100 (999) <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00</p> <p>2260-100 (999) <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00</p> <p>2230-100 (999) <input type="checkbox"/> Change Location Permit (ea)..... 150.00</p> <p>2280-100 (999) <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x <u>1</u> Total Fee <u>150⁰⁰</u></p> <p>2220-100 (999) <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____</p> <p>1988-100 (999) <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____</p>
Section B – Duplicate License	
<p>• Liquor License No. _____</p> <p>2270-100 (999) <input type="checkbox"/> Duplicate License\$50.00</p>	

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

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
-750 (999)	-100 (999)	<p style="font-size: 0.8em;">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 of Revenue may collect the payment amount directly from your bank account electronically.</p> <p style="text-align: right;">TOTAL AMOUNT DUE \$ _____ .00</p>

INSTRUCTION SHEET

FOR ALL SECTIONS, COMPLETE QUESTIONS 1-4 LOCATED ON PAGE 1

Section A

To Register or Change Managers, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature (Please note: Hotel, Restaurant, and Tavern licensees are required to register their managers).

Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

Section C

Check the appropriate box in section C and proceed below.

- 1) *For a Retail Warehouse Storage Permit*, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 2) *For a Wholesale Branch House Permit*, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 3) *To Change Trade Name or Corporation Name*, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 4) *To modify Premise*, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 5) *For Optional Premises or Related Facilities* go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 6) *To Change Location*, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

STORAGE PERMIT	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="margin-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p>				
CHANGE TRADE NAME OR CORPORATE NAME	<p>6. Change of Trade Name or Corporation Name</p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="margin-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="margin-left: 20px;">2. Statement of Change filed with the Secretary of State, and</p> <p style="margin-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Old Trade Name</td> <td style="width: 50%; padding: 2px;">New Trade Name</td> </tr> <tr> <td style="width: 50%; padding: 2px;">Old Corporate Name</td> <td style="width: 50%; padding: 2px;">New Corporate Name</td> </tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name
Old Trade Name	New Trade Name				
Old Corporate Name	New Corporate Name				
CHANGE OF LOCATION	<p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(c) New mailing address if applicable.</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ State _____ Zip _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>				

CHANGE OF MANAGER	<p>8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)</p> <p>Former manager's name _____</p> <p>New manager's name _____</p> <p>(b) Date of Employment _____</p> <p>Has manager ever managed a liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Does manager have a financial interest in any other liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p>
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MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY	<p>9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed <u>adding fenced in patio attached to front of building off Aspen St</u></p> <p>(b) If the modification is temporary, when will the proposed change:</p> <p>Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?</p> <p>(If yes, explain in detail and describe any exemptions that apply) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws?..... Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises? <u>(N/A)</u> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p>
--	--

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 	Title OWNER	Date 8/3/15
---------------	----------------	----------------

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) <u>The City of Fruita</u>	Date filed with Local Authority <u>8/11/15</u>	
Signature 	Title LORI BUCK MAYOR	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
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DIAGRAM OF Umiu Chu LLC dba NO COAST SUSHI

229 E. ASPEN AVE FRUITA, CO

81521

One Floor 101' x 25'

ALLEY

25'

101'

Prep
Kitchen

Mechanical

Kitchen

Wastewater
Beer Mac
Colder

SUSHI
BAR

Rec. Wine
& FOOD
STORAGE

REFERENCE
- APPROX

OFFICE

BREAK
ROOM

BATHROOM

♀

♂

DINING
ROOM

5' x 10'

16' x 13'

PEACH STREET

ASPEN STREET

Proposed
outside
dining/patio
metal fence



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL

FROM: DEPUTY CITY CLERK DEBRA WOODS FOR MAYOR BUCK AND COUNCILOR BONAR

DATE: SEPTEMBER 1, 2015

RE: BOARDS AND COMMISSIONS REAPPOINTMENT – A REQUEST TO APPROVE THE REAPPOINTMENT OF JIM MORRIS TO THE BOARD OF ADJUSTMENTS FOR A THREE-YEAR TERM TO EXPIRE IN SEPTEMBER OF 2018

BACKGROUND

Jim Morris' term on the Board of Adjustments expires in September of 2015. On August 26, 2015, he submitted his application for reappointment to the Board, which is attached.

Mayor Buck and Councilor Bonar recommend the reappointment of Jim Morris to the Board of Adjustment for a three-year term to expire in September of 2018.

If Mr. Morris is reappointed, there will be no vacancies on the Board of Adjustments.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Boards and Commissions provide valuable input to the City and help establish goals and objectives. They provide a link between citizens of Fruita and city government.

OPTIONS AVAILABLE TO THE COUNCIL

1. Reappoint Jim Morris to the Board of Adjustment for a three-year term to expire in September of 2018
2. Instruct staff to publish a notice of vacancy and repeat the interview process.

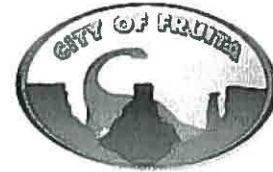
RECOMMENDATION

It is the recommendation of Mayor Buck and Councilor Bonar that the following reappointment be made:

Jim Morris to the Board of Adjustment for a three-year term to expire in September of 2018.

RECEIVED SEP 12 2012

RECEIVED
AUG 26 2015
BY: DW



**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Board of Adjustments
NAME: Jim Morris
MAILING ADDRESS: 625 E Labor Ave
Fruita CO 81521
City State Zip

RESIDENCE ADDRESS: Same
PHONE NUMBER: (970) 858-9144 ()
Home Work

E-MAIL ADDRESS: _____

How long have you been a resident of Fruita? 32 years

Occupation/Employer: retired

Volunteer and/or work experience: 12 years Fruita Police Commission

Served on 4 Labor committees, 1999 Fruita Futures Com
15 years raptor rehabilitation western Colorado and
eastern Utah

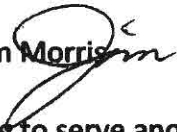
1. Are you presently serving on a board or commission? If so, which one(s)?
No. Served on Labor committee earlier this year

2. Why do you want to be a member of this board or commission?
To continue to be of some service to the
City and Citizens of Fruita

3. List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.
I have lived in Fruita for 32 years and have been
involved to some degree for most of that time.
I am interested in the future of Fruita

8-26-16

TO: Mayor Lori Buck

FROM: Jim Morris 

I am willing to serve another term on the board of adjustments if you feel I would be benefit to the City of Fruita.

Attached is a copy of my original application. The only addition is that I have now served one term on the board of adjustments.

Thanks for your service to the City of Fruita.

RECEIVED SEP 12 2012

RECEIVED
AUG 26 2015
BY: DW



**CITY OF FRUITA
BOARDS AND COMMISSIONS
MEMBERSHIP APPLICATION**

BOARD OR COMMISSION: Board of Adjustments

NAME: Jim Morris

MAILING ADDRESS: 625 E Paboc Ave

Fruita CO 81521
City State Zip

RESIDENCE ADDRESS: Same

PHONE NUMBER: (970) 858-9144 ()

Home Work

E-MAIL ADDRESS: _____

How long have you been a resident of Fruita? 32 years

Occupation/Employer: retired

Volunteer and/or work experience: 12 years Fruita Police Commission

Served on 4 Tabor committees, 1999 Fruita Futures Com.
15 years raptor rehabilitation western Colorado and
eastern Utah

1. Are you presently serving on a board or commission? If so, which one(s)?
No. Served on Tabor committee earlier this year

2. Why do you want to be a member of this board or commission?
To continue to be of some service to the
City and Citizens of Fruita

3. List any abilities, skills, or interests which are applicable to the board or commission for which you are applying.
I have lived in Fruita for 32 years and have been
involved to some degree for most of that time.
I am interested in the future of Fruita

**City of Fruita
Boards and Commissions Application
Page 2**

4. Are you committed to attending meetings? Yes
5. Are you committed to serving an entire term? Yes
6. Please specify any activities which might create serious conflict of interest if you should be appointed to a particular board or commission. (If unsure, please call the City Manager's office at 858-3663)
None

7. List any licenses, certificates or other specialized training applicable to the board or commission for which you are applying.
Reduced energy industry liaison for NW Colorado for the Colorado Division of Wildlife

8. Additional information or references you believe may be helpful in considering your application.
References past mayors Ken Henry, Tim Adams, Doug Hall, Lyle Baldwin

Signature Jim Morris Date 9/12/12

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying. Frequent non-attendance may result in termination of the appointment.

ATTACHMENTS TO APPLICATION MUST BE LIMITED TO TWO PAGES
Please feel free to submit a resume along with this application. Application and any attachments should be returned to the Fruita City Council c/o the City Clerk, 325 E. Aspen, Fruita, CO 81521. Although we have indicated the best time to apply for a particular board, we accept applications for any of the boards year-round. Thank you.



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: SEPTEMBER 1, 2015

**RE: RESOLUTION 2015-23 – A REQUEST TO APPROVE A RESOLUTION
RECOGNIZING SEPTEMBER 14 – 20, 2015 AS “COLORADO CITIES
AND TOWNS WEEK” IN THE CITY OF FRUITA**

BACKGROUND

When the Colorado Municipal League (CML) developed “Colorado Cities and Towns Week” in 2014, they envisioned a week that would unite the municipal family in communicating to residents the essential services that cities and towns provide. As part of this vision, CML hoped to see a week filled with opportunities to bring residents, staff and elected officials together, to educate young people on the importance of municipal government, and to acknowledge and show appreciation to municipal employees and volunteers for all the hard work they do each and every day. CML reports that in 2014, more than 40 municipalities of all sizes across Colorado participated in some way.

As part of “Colorado Cities and Towns Week,” the City of Fruita will be hosting an Open House event on September 15, 2015 from 3:00 to 6:00 p.m. at the recently completed City Shops building located at 900 E. Kiefer Avenue. This will be a fun event that will allow members of the community to come see the new building as well as learn about the services that the City provides. Families with kids are encouraged to attend, as they will have the opportunity to explore the various types of City trucks and vehicles including dump trucks, street sweepers, police cars and more. Also, City employees will be serving free hot dogs at the event.

Adopting Resolution 2015-23 is another way that the City of Fruita can participate in “Colorado Cities and Towns Week.” The resolution encourages all citizens, municipal government elected officials and City employees to ensure that the week is recognized and celebrated accordingly.

FISCAL IMPACT

N/A

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Resolution 2015-23 supports the City’s goal of maintaining a small town atmosphere and engaging citizens in municipal government. Fruita’s residents need to be engaged and invested in their community to ensure an informed public and to sustain the City’s positive momentum going forward into the future.

OPTIONS AVAILABLE TO COUNCIL

- 1. APPROVE RESOLUTION 2015-23 - RECOGNIZING SEPTEMBER 14 – 20, 2015 AS “COLORADO CITIES AND TOWNS WEEK” IN THE CITY OF FRUITA**
- 2. DENY RESOLUTION 2015-23 - RECOGNIZING SEPTEMBER 14 – 20, 2015 AS “COLORADO CITIES AND TOWNS WEEK” IN THE CITY OF FRUITA**

RECOMMENDATION

It is the recommendation of staff that Council:

- 1. APPROVE RESOLUTION 2015-23 - RECOGNIZING SEPTEMBER 14 – 20, 2015 AS “COLORADO CITIES AND TOWNS WEEK” IN THE CITY OF FRUITA**

RESOLUTION 2015-23

**A RESOLUTION OF THE CITY OF FRUITA, COLORADO RECOGNIZING
SEPTEMBER 14 – 20, 2015 AS COLORADO CITIES AND TOWNS WEEK**

WHEREAS, municipal government is the government closest to most citizens and the one with the most direct daily impact upon its residents; and

WHEREAS, municipal government is administered for and by its citizens and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, municipal government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Colorado Cities & Towns Week is a very important time to recognize the important role played by municipal government in our lives; and

WHEREAS, the Colorado Municipal League's member cities and towns have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

WHEREAS, Colorado Cities & Towns Week offers an important opportunity to convey to all the citizens of Colorado that they can shape and influence government through their civic involvement; and

WHEREAS, the City of Fruita is highlighting Colorado Cities & Towns Week by hosting an Open House event on September 15, 2015 from 3:00 to 6:00 p.m. to celebrate the recently completed City Shops building located at 900 Kiefer Avenue; and

WHEREAS, the City of Fruita encourages all citizens, municipal government elected officials and employees to celebrate Colorado Cities & Towns Week by and attending the Open House event at the City Shops building on September 15, 2015.

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

Section 1. The City of Fruita encourages all citizens, municipal government elected officials and employees to ensure that this week is recognized and celebrated accordingly.

Section 2. The City of Fruita supports and encourages all municipal governments to actively participate in Colorado Cities & Towns Week.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 1ST DAY OF SEPTEMBER, 2015.**

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: September 1, 2015

RE: Conditional Use Permit - Illusions Bridal
(Application #2015-05)

BACKGROUND

This is a request for a Conditional Use Permit (CUP) for an assembly and wholesale sales business located at 816 Grand Avenue in a Downtown Mixed Use (DMU) zone. The Land Use Code allows this type of land use in the DMU zone as long as all operations and storage takes place indoors and with approval of a CUP.

The subject property contains a 4,750 square foot one story modular metal building constructed in 1974. Access is from a gravel driveway on the east side of the property and shared with the adjacent Cornerstone Storage and U-Haul business. The proposed assembly and wholesale business will occupy the north half of this building. The south half of the building contains a sheet metal fabrication business which also has requested approval of a CUP.

Staff cannot determine what the building was used for in the recent past. There is no record of a business license at this address since before 2005. The first business to occupy the building in 1974 was Fowler Construction. The Fruita Land Use Code allows businesses that were legally established to continue operations even if it doesn't meet the City's current requirements. However, if a land use stops for one year, any subsequent use of the property is required to be in compliance with current City requirements. Because there is no evidence of an industrial type of land use at this location for several years, any new use of the property is required to comply with current requirements.

Although the building has been in existence for over 40 years, this area of the City has a strong residential component that struggles with the legacy of industrial zoning that was in place during a short period in the 1970s. This resulted in this and several other

unattractive industrial style architecture buildings and land uses that are typically incompatible with residential land uses. The design standards of Chapter 11 and other sections of the current Land Use Code seek to remedy these and other concerns.

For non-conforming situations such as this, staff recommends small steps towards compliance with the current Land Use Code. Staff recommends that as a condition of approval, the parking lot area should be paved within two years of approval of the requested CUP along with a bicycle parking space. Any remodeling or additions to the building must comply with current City requirements including building code. Additionally, to help avoid any compatibility issues between this proposed use and nearby residential land uses, the large garage doors which face a single family residential land use should be closed during business operations, especially if the business creates significant amounts of noise, dust, odor, or other negative impacts to the neighborhood.

No review agency expressed a significant concern regarding the proposed CUP. It appears that the proposed CUP meets or can meet all approval criteria and standards that must be considered for CUPs with the condition that all issues identified in the Staff Report and all review comments are adequately resolved.

At the August 11, 2015, Planning Commission public hearing, the Commission voted to recommend approval of the proposed CUP through their consent agenda. No one from the public was at the meeting to express concerns and staff received no written comments regarding this CUP.

FISCAL IMPACT

Commercial and industrial development typically creates a positive fiscal impact to the City. No impact fees apply to the proposed use on the subject property because it is located in an older part of the City in an existing building and no new roads or other infrastructure is required to support the proposed business.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO COUNCIL

1. Deny the proposed Conditional Use Permit.
2. Approve the proposed Conditional Use Permit with or without conditions.

RECOMMENDATION

Staff recommends that the City Council move to approve the Illusions Bridal Conditional Use Permit with the condition that all review comments and issues identified in the Staff Report must be adequately resolved.



**Community Development Department
Staff Report
August 5, 2015**

Application #: 2015-05
Project Name: Illusions Bridal
Application: Conditional Use Permit
Property Owner: Robert G. Wilson
Representative: same
Location: 816 Grand Avenue
Zone: Downtown Mixed Use
Request: This is a request for approval of a Conditional Use Permit (CUP) for an industrial operation (assembly and wholesale sales) with all indoor operations and indoor storage.

Project Description:

The subject property is located on the south side of Grand Avenue between Sycamore and Ash Streets and contains approximately 15,520 square feet. According to the Mesa County Assessor's Office, the property contains a 4,750 square foot one-story modular metal building built in 1974 with a 1,150 square foot mezzanine level.

There is a small fenced area in the rear (south side), a small grassy area in front along Grand Avenue, and a gravel parking area with access shared with the storage business (Cornerstone Storage) along the east property line.

The building is approximately 40 feet from the property line along Grand Avenue. The finished outside building material is painted metal and the front (north) and west sides of the building have no windows, doors or other detailing. The east wall has three large overhead garage doors.

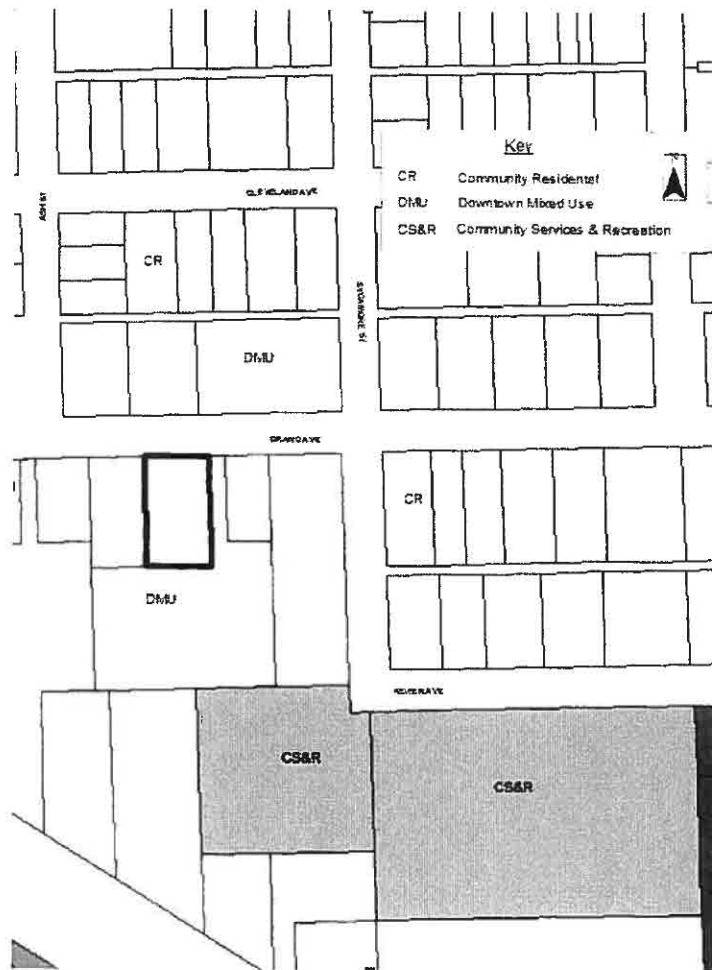
The south side of the building contains the proposed bridal veil assembly and wholesale business. The north half of the building contains a sheet metal fabrication business which also has requested approval of a CUP.

Staff cannot determine what the building was used for in the recent past. There is no record of a business license at this address since before 2005. The first business to occupy the building in 1974 was Fowler Construction.

The Fruita Land Use Code allows businesses that were legally established to continue operations even if it doesn't meet the City's current requirements. However, if a land use stops for one year, any subsequent use of the property is required to be in compliance with current City requirements. Because there is no evidence of an industrial type of land use at this location for several years, any new use of the property is required to comply with current requirements. The Fruita Land Use Code permits light industrial land uses with all indoor storage and all indoor operations, such as the proposed assembly and wholesale business, in the DMU zone with the approval of a CUP.

Surrounding Land Uses and Zoning:

The properties surrounding 816 Grand Avenue are zoned Downtown Mixed-Use and contain a wide variety of land uses including residential, commercial and industrial uses. In close proximity to the north and east are properties zoned Community Residential containing mostly single family residential land uses. The properties zoned Community Services and Recreation to the southeast contain the City's Public Works Department buildings and operations.



LOCATION AND ZONING MAP

2015 AERIAL PHOTOGRAPH



Review of Applicable Land Use Code Requirements:

The property is zoned Downtown Mixed Use (DMU). According to the Land Use Code, the purpose of the DMU zone is to maintain and enhance downtown as a vibrant, pedestrian-oriented commercial and residential area and as the civic heart of the community. Mixed use development, such as commercial on the ground floor and residential above the ground floor is encouraged within this zone.

According to Land Use and Zoning Table of the Code, industrial land uses with all indoor operations and indoor storage, such as the proposed assembly and wholesale bridal veil business, are permitted in the DMU zone with the approval of a CUP. A Conditional Use is defined as a use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone district. After due consideration, as provided for in Section 17.13.040 of the Code, of the impact upon neighboring land, and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

Section 17.13.040, Conditional Uses, of the Land Development Code requires that a conditional use be approved after considering the following:

- 1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan;**

The proposed land use can be consistent with the provisions and purposes of the Land Use Code, the main purpose of which is to implement the City's Master Plan and to protect the public health, safety and welfare.

It appears that the land area and existing building meet the dimensional standards of this zone (lot size, building height, building setbacks, etc.); however, the existing building and other aspects of the property currently do not meet many of the other design standards of the Code including building architecture, landscaping, parking, and others. The property is classified as "legal non-conforming" because the lot and building were legally established, but no longer conform to current requirements. Section 17.07.090 of the Land Use Code requires that when a legal non-conforming use of land or a building has been discontinued for a continuous period of one year, future use of the land or building shall be in conformance with the provisions of the Code. For non-conforming situations such as this, staff recommends small steps towards compliance.

Although the building has been in existence for over 40 years, this area of the City has a strong residential component that struggles with the legacy of industrial zoning that was in place during a short period in the 1970s. this resulted in this and several other unattractive industrial style architecture buildings and land uses that are typically incompatible with residential land uses. The design standards of Chapter 11 and other sections of the Land Use Code seek to remedy these and other concerns. To comply with the intent of the Land Use Code, the following should be brought into compliance with the current Code.

Any remodeling of the building must comply with the current requirements. Exterior remodels should include screening the view of HVAC and other utility equipment from view, and additional architectural details on the building (windows or awnings for example). In lieu of architectural details, additional landscaping could be provided in front of the building. Interior remodels must meet the requirement so the Building Code. Staff is unaware of any planned exterior remodels. Staff understands that some interior remodeling will be necessary to accommodate the proposed use and to meet the minimum requirements of the Building Code.

New outdoor lighting must meet the intent of the Code to reduce light pollution and glare. If a dumpster or other outdoor trash containers are to be used, they must be located towards the rear of the property and must be screened from view from the public right-of-way.

Parking areas are required to be paved and this should be accomplished within two years of approval of the CUP. For light industrial operations, the Code requires one car parking space for each 1,000 square feet of floor area. This equates to six car parking spaces (including a handicap accessible space) and at least one bicycle parking space for the entire building.

Based on this information, this criterion can be met.

2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080;

The subject property is in an area with a wide mix of residential and non-residential land uses. The Land Use Code requires a CUP for most industrial land uses in the DMU zone due to concerns with compatibility, and limits operations and storage to *inside only* to help resolve potential issues of compatibility. The closest residential land use is a house located directly to the east on the other side of the driveway. There are large garage doors facing the direction of this house which should be closed during business operations, especially if the business creates significant amounts of noise, dust, odor, or other negative impacts to the neighborhood. If all storage and operations take place indoors, and the large garage doors are typically closed to avoid negative impacts, this criterion can be met.

3. The proposed use will not materially endanger the public health or safety; and

As long as the Building Codes and other City requirements are met, the proposed industrial use should not materially endanger the public health and safety. This criterion can be met.

4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.

This property has been used for commercial and industrial operations for many years so all necessary services and facilities are available and adequate to serve the proposed use. This criterion has been met.

Based on this review, this proposed CUP for an assembly and wholesale business meets or can meet the approval criteria that must be considered.

There are no impact fees associated with this proposed development.

Signs are reviewed and approved under a separate permit. No signs for this business currently exist on the property.

Review Comments:

All review comments received are included with this Staff Report. No reviewer expressed a significant concern regarding the proposed land use.

Public Comments:

No written public comments have been received regarding this application.

Staff Recommendation:

Because the approval criteria that must be considered for Conditional Use Permits has or can be met, staff recommends approval of the proposed Conditional Use Permit for an assembly and wholesale business with all indoor storage and indoor operations with the condition that all review comments and issues identified in this Staff Report must be adequately resolved.

Fruita Planning Commission: (August 11, 2015)

Fruita City Council: (September 1, 2015)



LAND DEVELOPMENT APPLICATION

Project Name: Illusions Bridal
 Project Location: 816 EAST Grand, FRUITA CO 81521
 Current Zoning District: DMU Requested Zone: _____
 Tax Parcel Number(s): 2697-174-25-005 Number of Acres: < 1
 Project Type: CONDITIONAL USE

Property Owner: Robert B. Wilson Developer: _____
 Property Owner: _____ Contact: _____
 Address: 1550 10 1/2 Road Address: N/A
 City/State/Zip: MACK CO 81525 City/State/Zip: _____
 Phone: 970-250-5895 Fax: N/A Phone: _____ Fax: _____
 E-mail: bob71941@live.com 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: Camille Thomas Engineer: _____
 Contact: Camille Thomas Contact: _____
 Address: 816 E. Grand Ave Unit A Address: _____
 City/State/Zip: Fruita, CO 81521 City/State/Zip: _____
 Phone: 888-0894 Fax: _____ Phone: _____ Fax: _____
 E-mail: customer-service@illusionsbridal.com

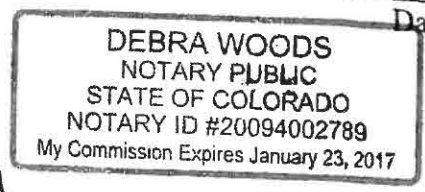
This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.
The above information is correct and accurate to the best of my knowledge.

Robert B. Wilson [Signature] 6/2/15
 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 2nd day of June, 2015

My Commission expires: 1/23/2017

Debra Woods
 Notary Public

June 2, 2015

To Whom It May Concern:

I am the owner of Illusions Bridal Veils, currently located at 816 E Grand Ave Unit B Fruita, CO 81521. I sell wholesale wedding veils to bridal stores and bridal related businesses. I currently have 1 employee and 1 part time (as needed) employee. We make the majority of our wedding veils at our location however, we also purchase wedding veils from a factory in China. Our orders are taken by phone, by email and through our website.

Since we sell wholesale and not retail, we do not have walk in traffic at our warehouse. We do have a bathroom in our building. Our business was previously located at 859 E Grand Ave for about 10 years.

You can see the type of merchandise that we offer by looking at our website www.illusionsbridal.com.

Please let me know if you have any further questions. I can be reached at 858-0894 or 201-2748.

Sincerely,



Camille Thomas
Owner, Illusions Bridal Veils

non-paved driveway

non-paved parking

large garage door

Front Door

Illusions
Bridal
north side
of building





AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: September 1, 2015

RE: Conditional Use Permit - Quality Sheet Metal (Application #2015-06)

BACKGROUND

This is a request for a Conditional Use Permit (CUP) for a sheet metal fabrication business located at 816 Grand Avenue in a Downtown Mixed Use (DMU) zone. The Land Use Code allows this type of land use in the DMU zone as long as all operations and storage takes place indoors and with approval of a CUP.

The subject property contains a 4,750 square foot one story modular metal building constructed in 1974. Access is from a gravel driveway on the east side of the property and shared with the adjacent Cornerstone Storage and U-Haul business. The proposed sheet metal fabrication business will occupy the south half of this building. The north half of the building contains a sheet metal fabrication business which also has requested approval of a CUP.

Staff cannot determine what the building was used for in the recent past. There is no record of a business license at this address since before 2005. The first business to occupy the building in 1974 was Fowler Construction. The Fruita Land Use Code allows businesses that were legally established to continue operations even if it doesn't meet the City's current requirements. However, if a land use stops for one year, any subsequent use of the property is required to be in compliance with current City requirements. Because there is no evidence of an industrial type of land use at this location for several years, any new use of the property is required to comply with current requirements.

Although the building has been in existence for over 40 years, this area of the City has a strong residential component that struggles with the legacy of industrial zoning that was in place during a short period in the 1970s. This resulted in this and several other unattractive industrial style architecture buildings and land uses that are typically

incompatible with residential land uses. The design standards of Chapter 11 and other sections of the current Land Use Code seek to remedy these and other concerns.

For non-conforming situations such as this, staff recommends small steps towards compliance with the current Land Use Code. Staff recommends that as a condition of approval, the parking lot area should be paved within two years of approval of the requested CUP along with a bicycle parking space. Any remodeling or additions to the building must comply with current City requirements including building code. Additionally, to help avoid any compatibility issues between this proposed use and nearby residential land uses, the large garage doors which face a single family residential land use should be closed during business operations, especially if the business creates significant amounts of noise, dust, odor, or other negative impacts to the neighborhood.

No review agency expressed a significant concern regarding the proposed CUP. It appears that the proposed CUP meets or can meet all approval criteria and standards that must be considered for CUPs with the condition that all issues identified in the Staff Report and all review comments are adequately resolved.

At the August 11, 2015, Planning Commission public hearing, the Commission voted to recommend approval of the proposed CUP through their consent agenda. No one from the public was at the meeting to express concerns and staff received no written comments regarding this CUP.

FISCAL IMPACT

Commercial and industrial development typically creates a positive fiscal impact to the City. No impact fees apply to the proposed use on the subject property because it is located in an older part of the City in an existing building and no new roads or other infrastructure is required to support the proposed business.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

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

OPTIONS AVAILABLE TO COUNCIL

1. Deny the proposed Conditional Use Permit.
2. Approve the proposed Conditional Use Permit with or without conditions.

RECOMMENDATION

Staff recommends that the City Council move to approve the Quality Sheet Metal Conditional Use Permit with the condition that all review comments and issues identified in the Staff Report must be adequately resolved.



**Community Development Department
Staff Report
August 4, 2015**

Application #: 2015-06
Project Name: Quality Sheet Metal
Application: Conditional Use Permit
Property Owner: Robert Wilson
Representative: same
Location: 816 Grand Avenue
Zone: Downtown Mixed Use
Request: This is a request for approval of a Conditional Use Permit (CUP) for an industrial operation (sheet metal fabrication) with all indoor operations and indoor storage.

Project Description:

The subject property is located on the south side of Grand Avenue between Sycamore and Ash Streets and contains approximately 15,520 square feet. According to the Mesa County Assessor's Office, the property contains a 4,750 square foot one-story modular metal building built in 1974 with a 1,150 square foot mezzanine level.

There is a small fenced area in the rear (south side), a small grassy area in front along Grand Avenue, and a gravel parking area with access shared with the storage business (Cornerstone Storage) along the east property line.

The building is approximately 40 feet from the property line along Grand Avenue. The finished outside building material is painted metal and the front (north) and west sides of the building have no windows, doors or other detailing. The east wall has three large overhead garage doors.

The north side of the building contains the proposed sheet metal fabrication business. The south half of the building contains another light industrial assembly business which also has requested approval of a CUP.

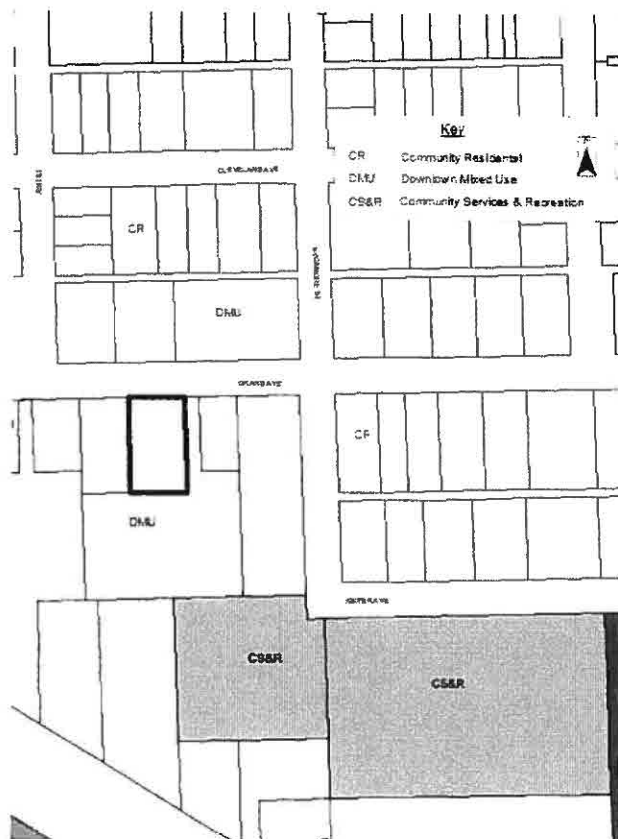
The property has been used for various commercial and industrial operations for several decades, but Staff cannot determine what the building was used for in the recent past. There is no record of a business license at this address since

before 2005. The first business to occupy the building in 1974 was Fowler Construction.

The Fruita Land Use Code allows businesses that were legally established to continue operations even if it doesn't meet the City's current requirements. However, if a land use stops for one year, any subsequent use of the property is required to be in compliance with current City requirements. Because there is no evidence of an industrial type of land use at this location for several years, any new use of the property is required to comply with current requirements. The Fruita Land Use Code permits light industrial land uses with all indoor storage and all indoor operations, such as the proposed sheet metal fabrication business, in the DMU zone with the approval of a CUP.

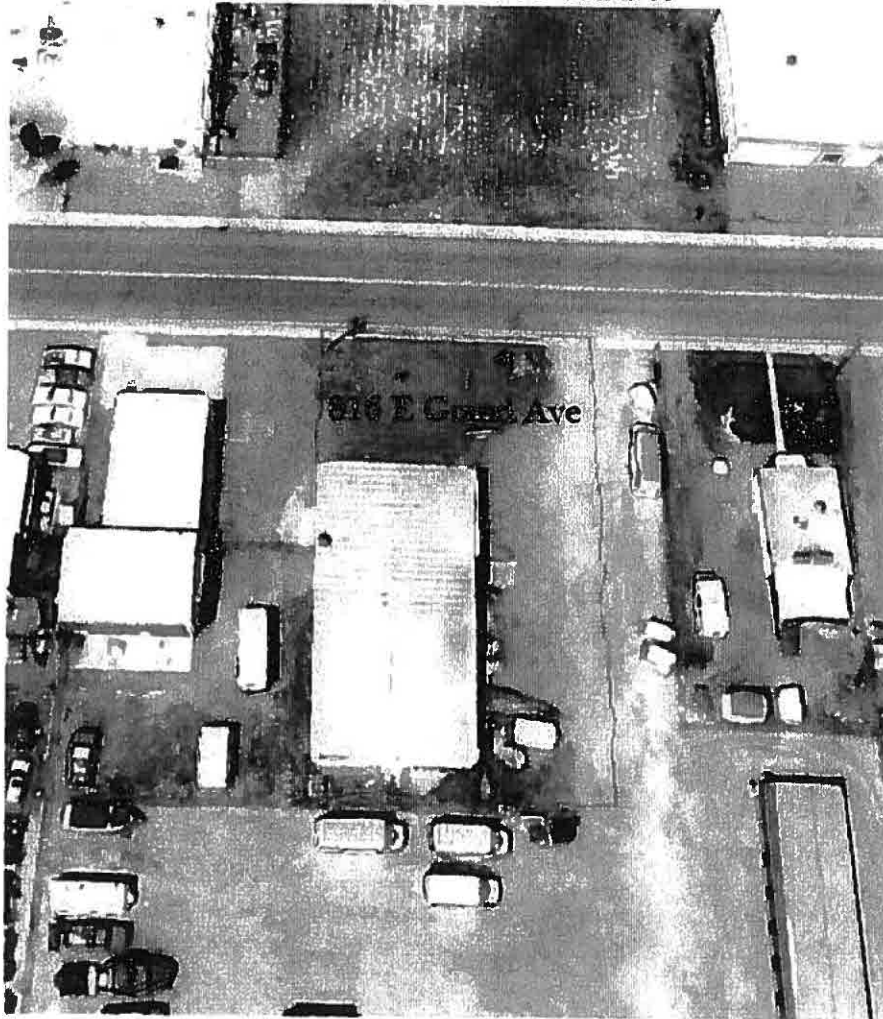
Surrounding Land Uses and Zoning:

The properties surrounding 816 Grand Avenue are zoned Downtown Mixed-Use and contain a wide variety of land uses including residential, commercial and industrial uses. In close proximity to the north and east are properties zoned Community Residential containing mostly single family residential land uses. The properties zoned Community Services and Recreation to the southeast contain the City's Public Works Department buildings and operations.



LOCATION AND ZONING MAP

2015 AERIAL PHOTOGRAPH



Review of Applicable Land Use Code Requirements:

The property is zoned Downtown Mixed Use (DMU). According to the Land Use Code, the purpose of the DMU zone is to maintain and enhance downtown as a vibrant, pedestrian-oriented commercial and residential area and as the civic heart of the community. Mixed use development, such as commercial on the ground floor and residential above the ground floor is encouraged within this zone.

According to Land Use and Zoning Table of the Code, industrial land uses with all indoor operations and indoor storage, such as the proposed sheet metal fabrication business, are permitted in the DMU zone with the approval of a CUP. A Conditional Use is defined as a use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone district. After due consideration, as provided for in Section 17.13.040 of the Code, of the impact upon neighboring land, and of the public need for the

particular use at a particular location, such conditional use may or may not be approved.

Section 17.13.040, Conditional Uses, of the Land Development Code requires that a conditional use be approved after considering the following:

- 1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan;**

The proposed land use can be consistent with the provisions and purposes of the Land Use Code, the main purpose of which is to implement the City's Master Plan and to protect public health, safety and welfare.

It appears that the land area and existing building meet the dimensional standards of this zone (building height, building setbacks, lot size etc.); however, the existing building and other aspects of the property currently do not meet many of the other design standards of the Code including building architecture, landscaping, parking, and others. The property is classified as "legal non-conforming" because the lot and building were legally established, but no longer conform to current requirements. Section 17.07.090 of the Land Use Code requires that when a legal non-conforming use of land or a building has been discontinued for a continuous period of one year, future use of the land or building shall be in conformance with the provisions of the Code. For non-conforming situations such as this, Staff recommends small steps towards compliance.

Although the building has been in existence for over 40 years, this area of the City has a strong residential component that struggles with the legacy of industrial zoning that was in place during a short period in the late 1970s. This industrial zoning resulted in this and several other unattractive industrial style architecture buildings and land uses that are typically incompatible with residential land uses. The design standards of Chapter 11 and other sections of the Land Use Code seek to remedy these and other concerns. To comply with the intent of the Land Use Code, the following should be brought into compliance with the current Code.

Any remodeling of the building should comply with the current requirements. Exterior remodels should include screening the HVAC equipment from view and additional architectural details provided on the building (windows or awnings for example). In lieu of architectural details, additional landscaping can be provided in front of the building. Interior remodels must meet the requirements of the Building Code.

Staff is unaware of any planned exterior remodels. Staff understands that some interior remodeling will be necessary to accommodate the proposed use and to meet the minimum requirements of the Building Code.

New outdoor lighting must meet the intent of the Code to reduce light pollution and glare. If a dumpster or other outdoor trash containers are to be used, they must be located towards the rear of the property and must be screened from view from the public right-of-way.

Parking areas are required to be paved and this should be accomplished within two years of approval of the CUP. For light industrial operations, the Code requires one car parking space for each 1,000 square feet of floor area. This equates to six car parking spaces (including a handicap accessible space) and at least one bicycle parking space for the entire building.

Based on this information, this criterion can be met.

- 2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080;**

The subject property is in an area with a wide mix of residential and non-residential land uses. The Land Use Code requires a CUP for most industrial land uses in the DMU zone due to concerns with compatibility, and limits operations and storage to *inside only* to help resolve potential issues of compatibility. The closest residential land use is a house located directly to the east on the other side of the driveway. There are large garage doors facing the direction of this house which should be closed during business operations, especially if the business creates significant amounts of noise, dust, odor, or other negative impacts to the neighborhood. If all storage and operations take place indoors, and the large garage doors are typically closed to avoid negative impacts, this criterion can be met.

- 3. The proposed use will not materially endanger the public health or safety; and**

As long as the Building Codes and other City requirements are met, the proposed industrial use should not materially endanger the public health and safety. This criterion can be met.

- 4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.**

This property had been used for commercial and industrial operations for many years so all necessary services and facilities are available and adequate to serve the proposed use. This criterion has been met.

Based on this review, this proposed CUP for a sheet metal fabrication business meets or can meet the approval criteria that must be considered.

There are no impact fees associated with this proposed development.

Signs are reviewed and approved under a separate permit. No signs for this business currently exist on the property.

Review Comments:

All review comments received are included with this Staff Report. No reviewer expressed a significant concern regarding the proposed land use.

Public Comments:

No written public comments have been received regarding this application.

Staff Recommendation:

Because the approval criteria that must be considered for Conditional Use Permit has or can be met, staff recommends approval of the proposed Conditional Use Permit for a sheet metal fabrication business with all indoor storage and indoor operations with the condition that all review comments and issues identified in this Staff Report be adequately resolved.

Fruita Planning Commission: (August 11, 2015)

Fruita City Council: (September 1, 2015)



LAND DEVELOPMENT APPLICATION

Project Name: Quality Sheet Metal
 Project Location: 816 East Grand, Fruita CO 81521
 Current Zoning District: DMU Requested Zone: _____
 Tax Parcel Number(s): 2697-174-25-005 Number of Acres: < 1
 Project Type: CONDITIONAL USE Permit

Property Owner: Robert G. Wilson Developer: _____
 Property Owner: _____ Contact: _____
 Address: 550 10^{1/2} Road Address: N/A
 City/State/Zip: MAEK CO 81525 City/State/Zip: _____
 Phone: 970-250-5895 Fax: N/A Phone: _____ Fax: _____
 E-mail: bob71941@live.com 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: _____ Engineer: _____
 Contact: SELF Contact: _____
 Address: _____ Address: _____
 City/State/Zip: _____ City/State/Zip: _____
 Phone: _____ Fax: _____ Phone: _____ Fax: _____
 E-mail: _____ E-mail: _____

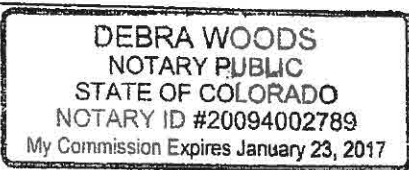
This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.
The above information is correct and accurate to the best of my knowledge.

Robert G. Wilson [Signature] 6/2/15
 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 2nd day of June, 2015

Commission expires: 4/23/2017

Debra Woods
 Notary Public



EXISTING
FORCE

Parking

EXISTING
TRASH



15' Road

15' Road

Gravel

To whom it may concern:

Narrative for Conditional Use Permit

Quality Sheet Metal

Owner Craig W. Morrill

The project description is to start a custom fabricating sheet metal business. The fabrication will consist of heating, air conditioning, ventilation, chimney caps, table tops, lawn edging, siding material, general sheet metal etc...

QSM will be using several different metals with different gauge thicknesses such as galvanized, paintlock, copper, stainless, aluminum sheet metal and steel. All of this material will be stored inside the building.

QSM will use several different method to manipulate the metal. These methods will be manual hand brakes, bar folders, roll formers and a spot welder. I will also be soldering and welding occasionally.

The location is 816 E Grand Ave unit A Fruita, CO 81521. The area surrounding this property to the west is an auto repair shop. To the east is u-haul and storage units. To the south is u-haul as well. To the north is 816 E Grand Ave unit B.

I would like to ask for permission to have a recycle trailer in the 14'x49' yard connected to the building which is not seen from East Grand Ave. The trailer would be hauled off weekly to a recycle center.

I Craig W Morrill have worked in the sheet metal industry for 20 years and will provide a quality safe environment.

Thank you for your time.

Craig W. Morrill



AGENDA ITEM COVER SHEET

TO: Fruita City Council and Mayor

FROM: Community Development Department

DATE: September 1, 2015

RE: Conditional Use Permit - Equine Facility (Application #2015-07)

BACKGROUND

This is a request for a Conditional Use Permit (CUP) for keeping three horses on approximately 3.5 acres of land zoned Community Residential (CR) and located at 1679 Ruby Lee Drive. The Land Use Code requires a Conditional Use Permit (CUP) for keeping livestock in the CR zone.

Keeping livestock in this zone is required to be an accessory use and the subject property currently contains a house and a garage/barn. According to the project narrative, the horses would be kept in the fenced in areas behind the house and in the barn/garage building.

This CUP request meets or can meet all of the approval criteria that must be considered for CUPs according to Section 17.13.040 of the Land Use Code. No reviewer expressed a concern with keeping horses at this location.

When this area was annexed into the City of Fruita, many of the properties already had livestock, including horses, which were "grandfathered in" as part of the annexation. This means that the livestock can remain, but if one year passes without livestock on the property, then the grandfather status is lost. There have been no animals kept on the subject property for more than one year, so a CUP is required to keep horses again. There are a few properties surrounding the subject property that continue to have livestock, including horses.

At the August 11, 2015, Planning Commission public hearing, the owners of property directly to the north of the subject property raised concerns about dust. They pointed out that their neighbors directly to the west have horses which has created a problem with

dust and odors. They suggested that the horses on the subject property be kept to the south behind the house and/or a fence in front to help block blowing dust.

The applicants explained their intention of sprinkling to minimize dust problems and other ways to resolve concerns including keeping the horses mainly behind the house with a potential riding area in front of the house. The Planning Commission pointed out and discussed the City's nuisance regulations and made it clear that the keeping of animals should not create a nuisance. If a nuisance is created, the CUP can be revoked which would require that the animals be removed from the property.

The Planning Commission voted 7-0 in favor of this CUP request. No conditions of approval are recommended.

FISCAL IMPACT

The proposed Conditional Use Permit is not expected to have a direct fiscal impact on the City.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This Conditional Use Permit request meets or can meet all approval criteria that must be considered for Conditional Use Permits. 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

1. Deny the proposed Conditional Use Permit.
2. Approve the proposed Conditional Use Permit with or without conditions.

RECOMMENDATION

Staff recommends that the City Council move to approve the Equine Facility Conditional Use Permit. No conditions of approval are recommended.



**Community Development Department
Staff Report
August 4, 2015**

Application #: 2015-07
Project Name: Equine Facility
Application: Conditional Use Permit
Property Owner: Nancy A. Lohmeyer
Representative: Jessica Rezak
Location: 1679 Ruby Lee Drive
Zone: Community Residential
Request: This is a request to have horses on this approximately 3.5 acre residential property.

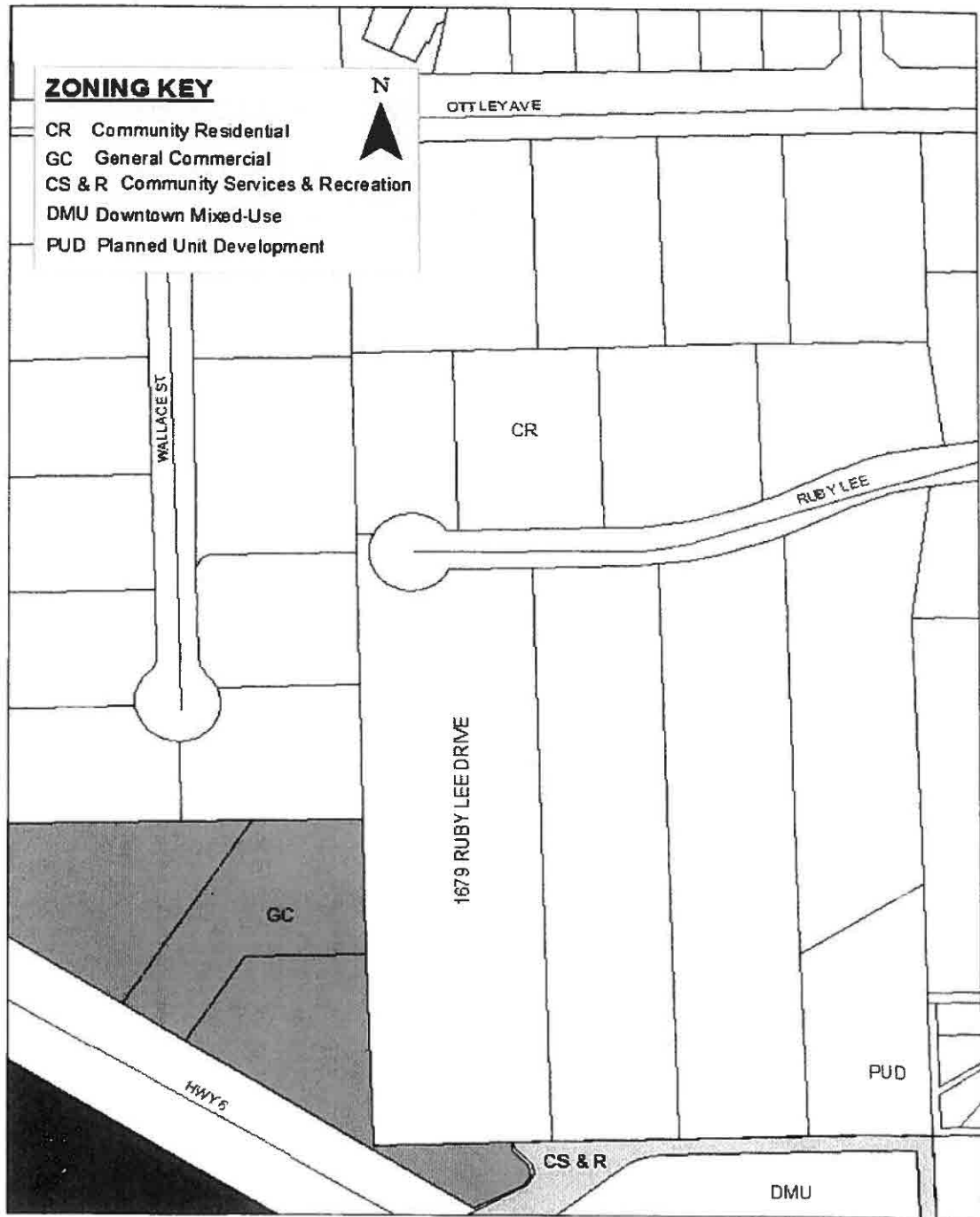
Project Description:

This approximately 3.5 acre property is located on the south side of Ruby Lee Drive at the end of the cul-de-sac. The rear of the subject property (south side) is adjacent to Highway 6 & 50, the Little Salt Wash, and commercial property on the southwest. The property is zoned Community Residential (CR) and contains a house and a detached garage/barn.

The applicants have requested approval of a Conditional Use Permit (CUP) to allow three horses to be kept on the property. Keeping agricultural animals on a property zoned CR requires approval of a Conditional Use Permit (CUP).

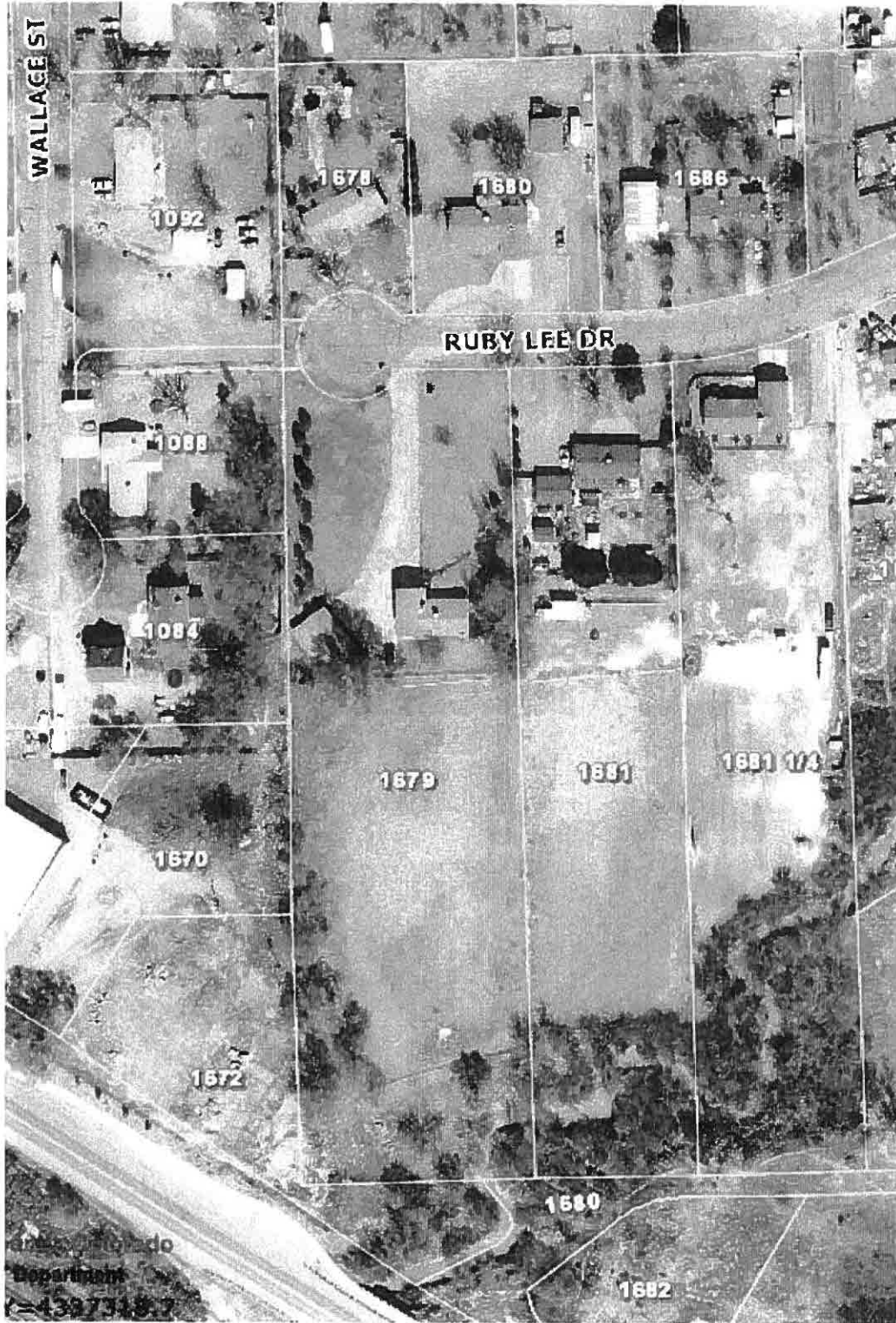
Surrounding Land Uses and Zoning:

Surrounding the north side of the subject property and to the east is Community Residential zoning containing single family houses. There are two vacant properties to the southwest zoned General Commercial, one of which has been approved for a future O'Reilly Auto Parts store. There also is the Family Dollar store to the southwest. To the south is a small portion of vacant land zoned General Commercial, the Little Salt Wash, and a strip of land zoned Community Services and Recreation and intended for a future public trail. A Downtown Mixed Use Zone is farther to the southeast and contains the True Value hardware store and vacant lot.



LOCATION AND ZONING MAP

2015 AERIAL PHOTOGRAPH



Review of Applicable Land Use Code Requirements:

The Community Residential (CR) zone is intended to allow for moderate density single-family residential detached neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g. apartments and townhouses). The main use of property in the CR zone is typically residential. Keeping animals is permitted as an accessory use in this zone.

Chapter 33 of the Land Use Code sets out the standards for the number of animals permitted per acre in various zones and whether or not a CUP is required. The applicants request permission to keep three horses on the property. In the CR zone, one large animal, such as a horse, per acre is permitted with a CUP. With approximately three acres available for the keeping of the horses, the three horses proposed do not exceed these limits.

It should be noted that keeping of animals cannot constitute a public nuisance due to improper care or control. The property must be sufficiently fenced, maintained, and the animals cared for to avoid problems such as noise, odor, and property damage. The site plan shows the irrigated pasture and a dry lot for the horses, but provides no details regarding fencing or the location of the barn. The project narrative states that there is a barn and that fences will be kept in good working order. The project narrative also states that the horses will be kept behind the house and that waste will be cleaned up.

A conditional use is defined as a use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone. After due consideration of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

Section 17.13.040, Conditional Uses, of the Land Development Code requires that a conditional use be approved after considering the following:

- 1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan;**

Although the purpose of the CR zone is not for the keeping of domestic livestock, Chapter 33 of the Land Use Code allows keeping of domestic livestock in this zone with the approval of a CUP. Keeping animals is considered an accessory to the main use of the property which is single family residential.

If the property is maintained and the animals are cared for to avoid problems such as noise, odor, and property damage, this accessory use can be considered compatible with surrounding land uses and consistent

with the provisions and purposes of the Land Use Code and the City's Master Plan. The Land Use Code's overarching purpose is to protect the public health safety and welfare. The Land Use Code is one of the primary documents used to implement the City's Master Plan.

This criterion can be met if the animals are kept so as not to create a public nuisance.

Nuisance animals are defined in Section 6.09 of the Fruita Municipal Code. A nuisance occurs if an animal poses a public health or safety hazard, damages or destroys property of another, or creates offensive odors which materially interfere with or disrupt other people.

2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080;

Section 17.07.080 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 review authority may require conditions of approval to promote compatibility between a proposed use and existing uses in the vicinity to ensure compatibility.

The lots in this subdivision are significantly larger than the minimum lot size required in the CR zone. When this area was annexed into the City of Fruita, many animals already were being kept as accessory uses and the animals are permitted to remain under the City's non-conforming land use regulations. These larger lots provide additional space needed to keep farm animals and provide more opportunities to avoid issues of compatibility with adjacent residential land uses.

The north half of the subject property is surrounded by single family residential land uses, some of which currently have horses and/or other domestic livestock as accessory uses. The south half of the property is in the floodplain of the Little Salt Wash. The southeast is bordered by the neighbors' large yard with some domestic livestock (sheep or goats). The south property line abuts Highway 6 & 50 and the Little Salt Wash. To the southwest is vacant commercial property. An O'Reilly Auto Parts store is proposed for the commercial lot adjacent to Highway 6 & 50 abutting the west line of the subject property and the other commercial lot is vacant.

Based on this information, keeping of horses at this location can be considered compatible with existing and allowed uses in this area.

3. The proposed use will not materially endanger the public health or safety; and

If the animals are properly confined and taken care of, the keeping of three horses at this location should not materially endanger the public health and safety. This criterion can be met.

4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.

All required public services and facilities are available to the subject property. This criterion has been met.

For this Conditional Use Permit for keeping three horses, all criteria that must be considered either have been met or can be met.

Review Comments:

All review comments received are included with this Staff Report. All review comments must be adequately resolved before horses are kept on the property. No reviewer expressed a concern with this proposed land use.

Public Comments:

No written public comments have been received regarding this application.

Staff Recommendation:

Staff recommends approval of the proposed Conditional Use Permit to allow three horses to be kept on the subject property. No conditions of approval are recommended.

Fruita Planning Commission: (August 11, 2015)

Fruita City Council: (September 1, 2015)



LAND DEVELOPMENT APPLICATION

Project Name: Equine Facility
 Project Location: 11679 Ruby Lee Dr.
 Current Zoning District: _____ Requested Zone: _____
 Tax Parcel Number(s): R 013056 Number of Acres: 3.5 acres
 Project Type: _____

Property Owner: Nancy A. Lohmeyer Developer: _____
 Property Owner: N/A Contact: owner present address
 Address: 1679 Ruby Lee Drive Address: 2026 N. Sprinkling Ave. Apt 3R
 City/State/Zip: Fruita, CO 81521 City/State/Zip: Chicago, IL 60647
 Phone: 224-310-0641 Fax: N/A Phone: _____ Fax: _____
 E-mail: nancy.lohmeyer@gmail.com 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: Jessica Hezak Engineer: _____
 Contact: _____ Contact: _____
 Address: 319 N Apple St Address: _____
 City/State/Zip: Fruita CO 81501 City/State/Zip: _____
 Phone: 970 640-6853 Fax: _____ Phone: _____ Fax: _____
 mail: _____ E-mail: _____

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.
The above information is correct and accurate to the best of my knowledge.

<u>Nancy A Lohmeyer</u> Name of Legal Owner	<u>Nancy A Lohmeyer</u> Signature	<u>5/22/15</u> Date
<u>X</u> Name of Legal Owner	<u>X</u> Signature	<u>X</u> Date
<u>X</u> Name of Legal Owner	<u>X</u> Signature	<u>X</u> Date

STATE OF COLORADO) Illinois
) ss.
 COUNTY OF MESA) COOK

The foregoing instrument was acknowledged before me this 22 day of May, 2015

My Commission expires: SEP 15, 2015

Sara Perez
 Notary Public
 OFFICIAL SEAL
 SARA PEREZ
 Notary Public - State of Illinois
 My Commission Expires Sep 15, 2015

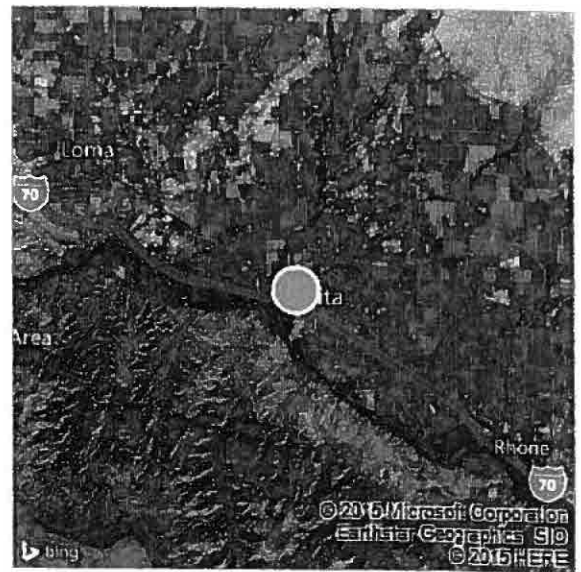
bing Maps

1679 Ruby Lee Dr, Fruita, CO 81521

My Notes

Horse facility

On the go? Use m.bing.com to find maps, directions, businesses, and more



To whom this may concern,

I am applying for the conditional use permit through the City of Fruita for the purpose of having our three horses on the property (1679 Ruby Lee Dr.) we are in the process of buying. The property has an irrigated field and a barn. We will be putting up a dry lot to keep our horses in at certain times while we let the grass grow in the field. The horses will be kept behind the house and will not be a nuisance to the neighbors. We will keep the waste cleaned up and the fences in good working order. If you have any further questions I can be reached at (970)640-6853.



Handwritten signature of Jessica Rezak, consisting of several overlapping, fluid strokes in black ink, positioned above a horizontal line.

Jessica Rezak



AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR
FROM: KENNETH HALEY, PUBLIC WORKS DIRECTOR
DATE: SEPTEMBER 1, 2015
RE: GRAND VALLEY REGIONAL DRAINAGE

BACKGROUND

The City of Fruita has a long history of partnering with other entities to address the wide variety of drainage issues that are present in Fruita and throughout the Grand Valley. These efforts have evolved over time to meet the ever-changing needs that come with development and additional regulations.

City Staff participated in a technical review of the various drainage needs and responsibilities with other entities earlier this spring. The recommendations of the findings were compiled in a "White Paper" that was presented to City Council at a public hearing on July 16, 2015. Based on this information, the Council passed a motion to "support moving forward to the next step in the discussions with the concept of forming one regional drainage entity under Title 37 and expanding the Drainage District."

Since that meeting there have been a number of discussions, correspondences, decisions, and media coverage related to this topic. Staff will present an update on this topic in an effort to keep Council informed on how these items might impact Fruita.

FISCAL IMPACT

This presentation does not have any direct fiscal impact on City finances. However, the policies related to drainage that may be developed based on the recommendations of the white paper may impact the way drainage issues are being addressed and funded.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

Drainage is one of the core functions of government that the City of Fruita strives to maintain an appropriate level of service for the community. The process of evaluating drainage services for the community is intended to improve the efficiency and effectiveness of providing these services.

OPTIONS AVAILABLE TO COUNCIL

This item is intended to be an informational update and does not require any action.