

RESOLUTION 2019-56

A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT TO OPERATE A CHILD CARE CENTER IN A COMMUNITY RESIDENTIAL ZONE LOCATED AT 433 EAST ASPEN AVENUE AND APPROVAL OF VESTED RIGHTS.

WHEREAS, the property owner at 433 East Aspen has submitted an application for a Conditional Use Permit to operate a Child Care Center in a Community Residential zone, and

WHEREAS, the City of Fruita requires a Conditional Use Permit to operate a Child Care Center in a Community Residential zone, and

WHEREAS, the Fruita Planning Commission held a public hearing on October 8, 2019 and recommended approval to the Fruita City Council of the Conditional Use Permit with conditions.

WHEREAS, the applicant has requested vested rights with the Conditional Use Permit application pursuant to Chapter 17.47 of the Land Use Code.

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

- A. The Conditional Use Permit to operate a Child Care Center located at 433 East Aspen Avenue is hereby approved subject to the following conditions:
 - 1. The number of children be limited to no more than 50.
 - 2. The sign be allowed to be increased to no more than 30 square feet in size.
 - 3. All applicable building code requirements are to be met prior to a Certificate of Occupancy.
 - 4. Maintain a current City of Fruita Business License.
 - 5. Compliance with all laws and regulations as applicable.
- B. The City Clerk shall record this Resolution with the Mesa County Clerk & Recorder's Office.
- C. Vested Rights established by the Fruita City Council for a period of three years, is hereby approved in accordance with Section 17.47 of the Fruita Land Use Code.
 - a. The City Clerk shall publish the required legal notice for vested rights which is no later than fourteen days after the adoption of this Resolution.
- D. If the Conditional Use is inactive for a period of 1 year or more the permit will be automatically revoked.

PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL

THIS 5th DAY OF NOVEMBER, 2019.

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Joel Kincaid, Mayor