

site plan. He did not think that this would create a redesign issue on their part. He said that Mr. Geer concurred with the review comments as stated.

Commissioner Gollob asked if that would be addressed in the suggested motion, the public trails piece?

Mr. Hemphill said yes. The way that the suggested motion was written in the Staff report and the presentation should imply that all review comments be adequately resolved.

Commissioner Gollob asked that adding those public trails, did he think that would cut down on the lot sizes to push any lots below the 7000 square foot minimum?

Mr. Geer stated that he believed the connection to J Road is something that they could accommodate. He thought there was an overall trail connectivity discussion to be had with Planning and Engineering what the best future connectivity is to the trail to the north side. He said that they were providing connectivity via Freemont in a sidewalk and he believed the connectivity for a future connection for the existing subdivision to the west should be via the parcel adjacent to that parcel on the west when the trail connects farther to the west. He thought there was some negotiations to be had. They are going to provide connections to both sidewalk and trail connections in alignment with the Code.

Commissioner Gollob thanked him.

Commissioner Fabula asked if there were any other Commissioner comments. There were none.

COMMISSIONER MULDER MADE A MOTION TO APPROVE APPLICATION 2021-10
GRAND VALLEY ESTATES FILING 3 SUBJECT TO ALL STAFF AND REVIEW
AGENCY COMMENTS AND MOVE IT ON TO THE CITY COUNCIL

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 4-0

Application #:	2021-09
Application Name:	Dwell Planned Unit Development
Application Type:	Preliminary PUD Plan
Applicant:	Vortex Engineering, Inc.
Location:	1136 17 ½ Road
Current Zone:	Community Residential
Description:	This is a request for approval of a Preliminary PUD Plan for a 37-lot subdivision over approximately 4.85 acres. The plan contains 2 filings with a mix of attached and detached housing types and approximately 1 acre of open space.

Mr. Henry Hemphill gave the Staff presentation. He entered his Powerpoint into the record and made it known that the Staff report and all supporting documents, including review comments

and the applicants submittal documents included in the packets for their review as a Planning Commission. He said that same information would be forwarded to the Fruita City Council. He added that all written public comments that they had received to date had been included and are in the packets and have been supplied to the Planning Commission. He wanted to make that known for the public's edification and to put it on record.

Slide 1 – Introduction

Slide 2 – Application Description

Slide 3 – Legal Notice

All Legal Notice regarding this application was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code.

- Paper – March 26, 2021 (18 days prior to Planning Commission)
- Property – March 26, 2021 (18 days prior to Planning Commission)
- Postcards – March 26, 2021 (18 days prior to Planning Commission)

Slide 4 – Newspaper Legal Notice

Land Use Code:

- Section 17.01.130 (A)(1) states that publication once in a newspaper of general circulation within the city, at least 15 days prior to the public hearing.

Publication in the Grand Junction Daily Sentinel Notice copy and affidavit.

Slide 5 – Public Notice Sign

Land Use Code:

- Section 17.01.130 (A)(3) states “Sign(s) posted on or near the subject property. One or more notices that are sufficiently conspicuous in terms of size, location and content to provide reasonably adequate notice to potentially interested persons of the land use action at a specified date and time. Such notice(s) shall be posted at least fifteen (15) days prior to the public hearing;”

Public Notice Sign photo taken from the intersection of Applewood Drive and North Maple Street looking east on March 26, 2021.

Slide 6 – Postcard Buffer

Land Use Code:

- Section 17.01.130 (A) (4) Public Notices, requires written notice to be mailed to property owners within 350 feet of the subject property at least 15 days prior to the public hearing.
- These are sent to the property owners' mailing address on record with the Mesa County Assessor.
- 96 post cards were mailed out on March 26, 2021.

Buffer zone picture showing properties that were noticed within the 350 foot radius.

Slide 7 – Properties that received postcards.

Mr. Hemphill stated that they had received written public notice of some property owners not receiving a public notice postcard. He entered this section into the record, he said it was unusual for them to do so but felt it was necessary to include a list. He added that some of the names of the people who own the property may be different from those who actually live in the house whether it be a rental or so on. He said that the mailing labels included the name on record or the current resident and these will be on record with the file. He said that the list was available at the front counter and could be attained by anyone who wanted to see if their name or address was included.

Slide 8 – Project Description

- 37-lot subdivision over approximately 4.85 acres, proposed to be complete in 2 Filings.
- Filing 1 consists of 17 dwelling units and Filing 2 with the remaining 20 dwelling units.
 - 27 attached dwelling units.
 - 10 detached dwelling units.
- Primary access from Wildwood Drive (existing street stub) and North Maple Street (17 ½ Road).
- Internal streets within the subdivision are proposed to have approximately 25 feet of asphalt with a detached sidewalk on one side with landscaping between the street and the sidewalk.
 - Alley access proposed as well for approximately 10 of the units.
- Approximately 1 acre of open space proposed (nearly 20% of the overall acreage).
- Open Space consists of benches, trails, and playground equipment.
- A large park is centrally located in the subdivision. Approximately 46% of the homes will have views of this park.

Slide 9 – Filing Plan Map

Mr. Hemphill pointed out Tract B which was the large, centrally located park which was proposed to be built in the first filing with the remaining lots and the alley access lots being completed in Filing 2. He added that Filing 1 was 2.71 acres and the remaining 2.14 acres in Filing 2.

Slide 10 – Landscape Plan

Mr. Hemphill showed a landscape rendering of the proposed landscaping of the park. He pointed out the detention pond and tract in addition to a 14 foot tract set aside for landscape purposes along Maple Street. He said that the applicant felt this would be a benefit and he thought it would eliminate the fence canyon feel along that corridor.

Slide 11 – Planned Unit Development Process

1. Concept Plan Review (Optional).

2. Preliminary PUD Plan (Required).
3. Final PUD Plan (Required).
 - Upon approval of the Final PUD Plan/Plat the City Council shall enact an ordinance zoning the subject property as a Planned Unit Development.

Mr. Hemphill talked about the Planned Unit Development process and wanted to reiterate that the Concept Plan Review was optional. He said that it was there to get a sense of how the community may react and how this application related to the Fruita Comprehensive Plan and any other guiding documents that may be appropriate in regards to review of this application. He talked about the timing of the Concept Plan and the adoption of the Fruita In Motion Plan Like a Local Comprehensive Plan which was adopted right before this Concept Plan was submitted. He said that the Comprehensive Plan that was adopted in February 2020 was the guiding document that helped this Concept Plan. He added that they then get to the Preliminary PUD Plan which they were seeing tonight which is a required path for any applicant that is wanting to propose a Planned Unit Development proposal. Following that is the Final PUD Plan which is the opportunity for the applicant to respond to any review comments that may come out of the technical review of the Preliminary Plan and any comments and conditions placed on that application through the public hearing process by the City Council and/or Planning Commission which are adopted. He talked about zoning, he said that a PUD is a special zoning type that is approved by ordinance by the City Council.

Commissioner Mulder asked when they make a recommendation on this Planned Unit Development, do they also make a recommendation on the new zone for the PUD or is it left up to the Council?

Mr. Hemphill stated that the PUD zoning will have its own separate review criteria and they would have an opportunity to see this again.

Commissioner Mulder thanked him.

Slide 12 – Review of Land Use Code and Master Plan

- For Planned Unit Development Subdivisions, the Land Use Code sets forth 15 criteria that must be considered during the review.
- The following approval criteria shall be considered by the Planning Commission and City Council in its review of a proposed Planned Unit Development and no Planned Unit Development shall be approved unless the Council is satisfied that each of these approval criteria has been met, can be met or does not apply to the proposed Planned Unit Development.

Slide 13 – Review of Land Use Code and Master Plan

. Conformance to the Fruita Master Plan;

- The following portions of the Master Plan - **Fruita In Motion: Plan Like a Local Comprehensive Plan** can or have been met:
 - Plan Themes of Efficient Development and Connectivity.

- Chapter 3 - Land Use and Growth
- Chapter 5 - Parks, Health, Recreation, Open Space and Trails
- Chapter 6 - Transportation
- Chapter 7 - Services and Infrastructure

Slide 14 – Review of Land Use Code and Master Plan

. Consistency with the purposes as set out in Section 17.17.010;

Subsections A-H below are directly from Section 17.17.010 of the current Land Use Code.

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

- *A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;*
 - This purpose has been met
- *B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;*

Mr. Hemphill stated that further design standards within the PUD Guide will need to be accomplished, however, from what has been submitted, it appears to Staff that the developer intends to use a variety of building materials and colors for this neighborhood. He said that as far as providing housing for various income levels, this can be difficult to achieve with the real estate market changes that occur over time. Although not expressed in the PUD Guide, the project narrative states that, “The applicant’s intent is to construct modern row houses that make efficient use of the site and provide *attainable housing* with both attached and detached single family dwelling units.”

- It appears that the majority of this purpose either has been met or can be met.
- *C. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;*

Mr. Hemphill said that when this application was moving through the Concept Plan stage it was apparent that the 40’ height exception within the PUD Guide was something that both the Planning Commission and City Council were not in favor of. He said that they copied the City Council motion into the review comments which require the perimeter housing not have the 40’ exception but would be ok on the interior and the perimeter lots honor the ranch style housing that is along the perimeter creating compatibility from a height standpoint and that scenic characteristic that has been so many years with this vacant parcel was a criteria and a condition of that approval that didn’t get incorporated in this plan from the detail standpoint but through the review process this is something the applicant will need to work through and incorporate into the PUD Guide and the Site Plan.

- It appears this purpose can be met.

- *D. To conserve and make available open space;*
 - This purpose has been met.

Mr. Hemphill stated that the PUD plan was proposing nearly 20% of its overall acreage into open space.

Slide 15 – Review of Land Use Code and Master Plan

- *E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;*
 - It appears this purpose can be met.

Mr. Hemphill elaborated that the PUD proposal and the way that the Land Use Code was written allows Planned Unit Developments to create their own land use code in a way and they are guiding documents that have control over what gets built and why. He continued that through this process there is a deviation which includes but is not limited to building heights, setbacks, density and lot size. He added that what they saw was a deviation from lot size which would normally be 7000 square feet, the setbacks which are proposed to be deviated from, but including that and taking it into consideration, those deviation would equal something that would provide flexibility to achieve a project like this. He added that some of the details would need to be worked out. The conventional zoning districts wouldn't allow this project to occur in a straight zone. He said that there were a number of items that they were proposing to deviate from and look for guidance through the public hearing process for approval. He said that it should be noted that from a use standpoint, the uses created or set forth in the PUD Guide don't appear to be deviating from many of the standards what would conventionally be allowed in the Community Residential zone. He gave the example of a home occupation business that could include working on a computer or some light work that didn't require anyone to visit the site that would would necessitate or make it look like a business. Home occupations are allowed in the Community Residential zone and none of the uses proposed in the PUD Guide would defer or deviate from those uses. He said that Staff was asking the applicant to call out, as an underlying zone for uses, as the Community Residential zone which is already zoned that way and supported. From a compatibility perspective and land uses this would meet this criteria.

- *F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;*
 - This purpose can be met.

Mr. Hemphill said that this preliminary plan appears to make efficient use of the land as it is an infill project. He said that the project narrative did not address the latter part of the criteria resulting in more information needed.

- *G. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics, and;*

- This purpose can be met.

Mr. Hemphill stated that when the Dwell Preliminary plan, when complete, should add value to the land. The density is represented on the Future Land Use map 4 – 8 dwelling units per acre in this area, so that is supported. He added that the PUD section of the Land Use Code did provide an opportunity and flexibility for the achievement and purposes that would be conventional. When it came to the PUD Guide, he said that there needed to be more clarification in order to preserve the sites natural characteristics, but it has been a vacant lot for a number of years and seeing some development in this area is supported by the Future Land Use Map and the Comprehensive Plan.

- *H. To encourage integrated planning in order to achieve the above purposes.*
 - This purpose can be met.

Slide 16 –Review of Land Use Code and Master Plan

3. Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where Adjustments to the standards of this Title are allowed, and;

Subsections 1-5 below are directly from Chapter 15 of the Current Land Use Code.

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

- This criteria can be met.

Mr. Hemphill mentioned a comment in the design criteria in the Land Use Code that provides street stubs to the north. He said that in this case none of those street stubs were provided and this is a formal recommendation from Staff that this is provided.

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

- This criteria can be met.

Mr. Hemphill spoke about compatibility with the area around. He said that this spoke to land uses within this area and what was being proposed was single family attached and detached land uses which should be compatible with it in addition to the open space proposed which is incorporated with the Vintner’s Farm Subdivision to the north.

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

- This criteria can be met.

Mr. Hemphill said that with this being an infill project, those services are or can be provided efficiently and with the adequate revision of the Land Use Code and Review Comment related items this can be met.

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

- **This criteria can be met.**

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

- Resolving various review comments could cause the subdivision to be redesigned, however, Staff does not anticipate a major redesign.

Slide 17 – Review of Land Use Code and Master Plan

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

This subdivision will need to meet Section 17.11.050 of the Land Use Code.

During the course of reviewing this Concept Plan, it does not appear that the applicants are requesting any adjustments. The Guiding Principles within Section 17.11.050 are as follows:

- *1. New development and redevelopment should support walkable and attractive neighborhoods with a variety of housing types that are designed to be compatible with adjacent uses.*

Mr. Hemphill said that this guiding principle has been incorporated.

- *2. Architecture should provide for compatibility with historic structures where applicable.*

Mr. Hemphill said that this was not applicable.

- *3. Provide for street connectivity and pedestrian access and safety both within new developments and between new and existing subdivisions.*

Mr. Hemphill said that with the street stubs provided in accordance with the review comments from Planning & Development and the City Engineer, this should be able meet this requirement.

- *4. Integrate open space and parks into the design of new neighborhoods and subdivisions.*

Mr. Hemphill stated that with the 20% open space provided and trail connections this has been accomplished.

As supported in this Staff Report, this Preliminary PUD Plan proposal appears to meet all of these Guiding Principles and thus meets this criteria.

Slide 18 – Zoning Map

Slide 19 –2020 Aerial View Photo

Slide 20 – Review Comments, Public Comments, & Staff Recommendation

Review Comments

- All review comments have been provided.

Public Comments

- Written public comments have been received and are included with the review materials.

Staff Recommendation

- Staff recommends approval of the proposed Dwell PUD Preliminary Plan application with the condition that all review comments and issues identified in the Staff Report be adequately resolved.

Mr. Hemphill concluded his presentation.

Commissioner Fabula thanked him. He asked the petitioner if they had comments.

Mr. Ty Johnson, Senior Planner for Vortex Engineering, at 861 Rood Avenue in Grand Junction spoke as the owner's representative. Mr. Johnson presented a Powerpoint presentation. He said that the site consisted of one parcel and was located at 1136 17 ½ Road and was approximately 4.85 acres in size. He said that the Future Land Use Map from the recently adopted Fruita Comprehensive Plan showed the property classified as R4-8. He said that the goal of this classification was to encourage infill development within the city limits to make more efficient use of existing infrastructure and encourage a variety of housing types and to discourage sprawling development at the edge of the city limits. Residential developed densities for this area of the community range from 4-8 dwelling units per acre in an effort to achieve the community goals of the new Comprehensive Plan. He continued, the current zoning of the property is Community Residential, the applicant was seeking to rezone the site from Community Residential to Planned Unit Development or PUD in an effort to achieve the goals and policies of the new Comprehensive Plan. He said that the PUD was being proposed as a way to create an innovative community with a hometown feel that embraced the uniqueness of Fruita. He said that the Dwell PUD provided infill development with a variety of attached and detached single family homes with open space and trails for the community and general public. Mr. Johnson said that the Preliminary Plan for the Dwell PUD proposes a 37 lot subdivision featuring attached and detached single family homes. He said that there were two points of access that tied into Wildwood Drive on the east and west side of the development. Housing types will consist of single family attached and detached units in a variety of configurations including two unit structure and 3+ unit structures. He said that there will be 10 single family detached units, 4 single family attached buildings with 2 units each for a total of 8 units and 4 single family attached buildings with 3+ units each for a total of 19 units. The Dwell PUD will be built out over two filings. Filing 1 will consist of 17 dwelling units and Filing 2 will consist of 20 dwelling units. Mr. Johnson stated that the Preliminary Plan proposes almost an acre of park space and 850 linear feet of trails which exceeds the requirements of the Fruita Land Use Code. Public trails will surround the park space and provide connectivity within the community to public sidewalks and to adjacent neighborhoods. Park land dedication and construction of amenities will be completed with Filing 1. The centrally located park will include a tot lot with play equipment, picnic tables, a shade shelter and a bench. The landscape plan includes some illustrative examples of amenities that will be included in the parking pods in the park. The parking pods will be constructed to provide guest parking for residents and the general public. The park space and the parking will be in a tract that is owned and maintained by the HOA. The centrally located space will be a focal point for recreation and social gatherings that will anchor

this modern community. Mr. Johnson continued that the exterior of all dwelling units shall be of a modern urban cottage or row house design. Clean lines with interaction with the street will be emphasized. All dwellings shall have at least one front facing porch or deck with a minimum of 60 square feet. Roof pitch shall be a minimum of 6-12 and flat roof accents will be allowed. Roofs on all structures shall be asphalt architectural shingles, metal, tile or slate material. The outside facade of each structure shall be constructed of primarily wood or wood composite sidings such as hardy but not vinyl or other siding. Wood, stone, brick, metal, and/or stucco accents are allowed and encouraged. Exterior color schemes will be primarily earthen tones. All design standards related to construction of homes and related improvements on each lot will be governed by the covenants and the HOA Architectural Review Committee which shall review and approve proposed plans for compliance with all PUD design standards prior to issuance of a planning clearance and a building permit for construction. Mr. Johnson showed a slide that compared the proposed Dwell PUD standards, the Community Residential Standards, and the Downtown DMU standards. He said that it was important to note that the bulk standards displayed for the CR and DMU zones are not reflective of the Land Use Code changes recently approved in mid March. He said that it was his understanding that those will take effect on April 16 and they are using the current zoning regulations for the purpose of comparison at tonight's meeting. He stated that the Dwell PUD was based on an underlying zone of Community Residential for purpose of allowed uses and the majority of bulk standards. There are also some elements of the Dwell PUD that were based on the Downtown DMU district as well which is why it is displayed there for comparison. The minimum lot areas for single family detached units in Dwell is proposed for 2900 square feet, it is 7000 square feet in the CR zone and 5000-6000 square feet in the DMU zone. Single family attached minimum lot size for Dwell is 2100 square feet and what closely mirrors this project is what the Downtown DMU standards are which is 2500 square feet minimum size for townhomes. Setbacks are all standard and consistent with the CR and DMU zones for the proposed Dwell PUD. A maximum lot coverage for single family detached units in Dwell is being proposed for 40% which is more restrictive than what is allowed in the current CR zone which is 50% and the DMU zone which fluctuates between 35-60%. Maximum height for the Dwell PUD is being proposed requested at 40 feet which is a deviation from the Community Residential zone and the Downtown DMU zone. He elaborated more on proposed deviations for the Dwell PUD. He said that one of the key goals for the Dwell PUD is to create a variety of housing types that meets the new R4-8 land use classification of the Comprehensive Plan. He said that in order to achieve this density in a variety of housing types smaller lot sizes are necessary. This allows for greater use of infrastructure and is consistent with type of urban design that the City of Fruita hopes to achieve through the new Comp Plan. Smaller lot sizes are also necessary and typical of attached housing types which is townhomes which will be allowed and included in the Dwell PUD. The minimum lot sizes proposed for the Dwell PUD are 2900 square feet for single family detached homes and 2100 square feet for single family attached homes. The Dwell PUD is comprised largely of single family attached dwelling units and with nearly 20% open space as a result the minimum lot sizes have been designed for modern row houses that are consistent with urban design. He spoke about setback deviations. He said that front yard setbacks in the Dwell PUD have been set at 15 feet in order to bring the homes closer to the street and to create a greater sense of community which is typically found in traditional neighborhoods. The CR zone and the DMU zones allowed 15 foot front setback homes that are alley loaded. Almost 1/3 of the homes in the Dwell PUD are alley loaded therefore the front yard setback is consistent with the underlying

zones. He added that there were no proposed deviations for side and rear yard setbacks in the Dwell PUD. Regarding max lot coverage and max lot height the Dwell PUD is proposing 40% max lot coverage defined as that area of the latter parcel which may be occupied by the principle and accessory structures. For single family detached dwelling units and 60% lot coverage for single family attached dwelling units. The reason for this once again is related to the smaller lot sizes and the desire to make more efficient use of the lot area especially with attached dwelling units. He added that 40% is more restrictive than the allowed lot coverage of 50% with the underlying CR zone district. The 60% lot coverage proposed for attached dwelling units is similar to the 60% lot coverage allowed in the DMU zone for alley loaded homes. The max height of 40 feet proposed for the Dwell PUD for both the single family detached and attached homes is specifically requested to accommodate the architectural style of modern row homes that utilizes steep roofs with a pitch of 6/12 or 8/12. The current trend in modern home construction also utilizes 9 foot ceilings which contributes to the need for additional building height. The maximum height for accessory structures is proposed to be 16 feet which is not a deviation from the CR or DMU zones. The review and approval criteria for the following Land Use Code sections have been addressed. The Dwell PUD meets or can meet all of the individual criterion for the relevant construction. He said that all review agency comments have been addressed or will be addressed through the subdivision review process. To date they had received 3 public comments in response to this proposal. He said that after demonstrating how the Dwell PUD meets the goals and policies of the recently adopted Comprehensive Plan and how the Preliminary Plan meets or can meet the Fruita Land Use Code for a PUD the applicant respectfully requested approval of the Preliminary Plan. He concluded his presentation and said he would be happy to entertain any questions.

Commissioner Fabula thanked him for giving the petitioner's summary. He moved the meeting to public comments. He reminded the public that the comment time was 3 minutes per person and he gave instructions to the public on how they could participate.

Ms. Lisa Wolf Johnson said that she had submitted an email and she said that it was a matter of the record now and she appreciated that. She wanted to summarize that her concerns really center around the density, the proposed density, of this development and how that can fit, how that can be compatible with the surrounding established residential neighborhoods. She said that she thinks that one of the points that they made this evening about the height compared to the existing surrounding ranch style single level homes, she like that and appreciated that. She agreed that perimeter houses need to be less than 35 feet in height. She said that one thing that she really didn't understand is what they are talking about when they are talking about connectivity with public trails. She pointed out that there weren't any walking or bicycling trails other than sidewalks on one side of the street. She didn't know if she would consider that adequate provision of roads, bicycle and pedestrian facilities like the Master Plan calls for. Also, she said that they have a concern about traffic onto the local streets, Wildwood and Hall, these are not considered collector streets and the proposed density will increase, over time, pressure on the existing streets where currently kids regularly play, bicycle, ride scooters and chase balls across the street. She did think that this all needed to be taken into consideration and she appreciated the time. She thanked them.

Commissioner Fabula thanked her and said that he appreciated her comments.

Mr. Chriss Rusch said that he lived next door to Ms. Lisa Wolf Johnson and her husband Craig and he was in receipt of her email that she sent to them. He thought she did a really super job of addressing their concerns on this. He also wanted to add that he thought he did not receive the notice but he actually did. He found it buried in his office and he wanted to put on record that he did receive it. He said that he was really pleased with what Lisa and Craig wrote and that answered a lot of the concerns of those in the development especially they that border this proposed PUD. He added that one of his main concerns is that there is not any greenbelt and there is not a walkway or pathway that borders the perimeter which is in line with what he saw in the other developments in Wildwood Acres. He said that this was really concerning to them especially as high as these houses are proposed. He added that at the moment due to all of their winds this time of year they are getting a lot of dust in their places. He said that he believed somewhere in the plan it talked about the park that is planned and that it is bigger and exceeded the city size standards for this size of development. He didn't follow that when they really needed a greenbelt or at least a minimal walkway or pathway bordering the development. He said he was hoping some of their other neighbors were there. He said that they were all standing tight on this and they appreciated their time and letting them comment. He thanked them.

Commissioner Fabula said that he appreciated the comments and asked for more comments from the public.

Helen Robinson who lives at 512 Hazel Circle gave comments. She said that along with many of the neighbors there the biggest concern was the height of the dwellings behind them. She said that her back yard is approximately 110 feet long, therefore, that puts 2 ½ homes in their back yard as far as they were sitting on the patio they would be looking at 3 back yards. She said that to her was very concerning for a privacy factor and because they were intended to be 2 stories. She added that the invasion of privacy that she thought they would feel is a little bit overwhelming. She said that they have a 4 foot fence and she said that she knew that the plan itself that they were going to tie into the fences here which are all 6 foot except theirs. She didn't know how that would come into play because for them to then try to match the 6 foot fence for them would not be financially attainable at this time. She didn't know if that would be a requirement that the new developer would then take care of or would that be a mandatory thing, she wasn't sure how that would work but this was a big concern of theirs. She said that this was it for her right now.

Commissioner Fabula thanked her for her comments and invited the public to make more comments.

Bob Gallaher who lives at 737 Hall Street gave comments. He said that he has lived here for 8 years and came from Nashville. He mentioned that the family aspect of Fruita and that this more like a housing project from his perspective. He said that when they talked about sufficient use of land it sounded like to him that efficiently how many people can they put on one acre? He said that this was crazy. He went on to say that he didn't know any studies but he has heard that the denser you have people together the more problems you have. He said that the one technical problem he had, and he was hoping they could answer this, he said that his house sat about 3-4 feet above the lot. He said that they have been bringing in dirt. He said that the house as he is

facing north maple, the house all the way to the left is on level ground. He continued that it struck him that the flow would be going toward Sable which will go into that neighborhood. How do they keep that up and then not have the flow go toward the low end? He said that this was his technical thing but he did think that this is going to change the whole dynamic of Fruita. He added that everybody wants to live in this town and packing them in on one 4 acre lot is not going to be the answer to that. He said that this was all he had.

Commissioner Fabula thanked him. He asked for more community feedback.

There was no more.

Commissioner Fabula moved the meeting into petitioner rebuttal.

Mr. Ty Johnson briefly addressed some of the items that were brought up. He said that in terms of density the proposed density for the proposed Dwell PUD is 7.6 dwelling units per acre. He said that this was supported by the Comprehensive Plan from the City of Fruita and the Land Use Map classification of 4-5 dwelling units per acre. He continued that in regard to open space the required open space for this project was roughly .6 acres and the Dwell PUD is proposing almost an acre which is 20% of the gross project size. He briefly revisited the height. The developer will install a fence on the perimeter of the neighborhood and again the 40 foot height is being requested due to steeper roof pitch on the architectural design and also to accommodate a modern ceiling height in the construction of the units which is 9-9 1/2 feet. He added about trail connectivity, there will be trails within the neighborhood sidewalks, trails on the north of the park that will provide some connectivity to the eastern and western neighborhoods and the ability for folks within the neighborhood to at least take a sidewalk if they wanted to visit friends or family in neighboring neighborhoods around the development. He thanked them.

Commissioner Fabula thanked him for the final comment from the applicant. He then transitioned into Commissioner discussion.

Commissioner Nisley asked for clarification, he wanted to know if they would be making a recommendation on the PUD criteria including building height and the deviations they are requesting or are they just talking about the plans not looking at the final building?

Mr. Hemphill responded that the intention for this would be to provide comments through the Preliminary PUD Plan process which would include any adjustments that the applicant might need to make on the PUD guide itself. He added that the anticipation was that the PUD guide was more text related and it would be faster to make adjustments to that than it is to the engineering and the design of the subdivision that the applicant would have enough time to tie up any conditions of approval or anything that may be included in the PUD guide related items while they continue to respond to comments that are technical in regards to the construction specifications and the design of the overall subdivision itself.

Commissioner Nisley thanked him. He said that when they were looking at this he was thinking about when they came up with the Fruita In Motion plan and the number of people that were interviewed and he thought it was high on the list Fruita had expressed their desire for a more

diverse housing mix. While he thought there were issues like the 40' along the perimeter, he thought this was an example of what the community was talking about when they brought those issues up. He said that these were his comments right now.

Commissioner Fabula had a couple of questions. He said that he couldn't distinguish if there were trails on the north boundary. He asked Mr. Hemphill if he could pull that up and point that out. He said that he could see the sidewalks but wanted to see where the trails were and where the parking would be on the streets.

Mr. Hemphill showed them where these were. He pointed out that on the north side, around tract B he showed sidewalk/trail surrounding it and then showed a trail connection that was making its way to the sidewalk connection on Wildwood Drive. He said that there was no existing trail stubs that it would be required to make a connection to. He said that they could see the starter trail connection take place so when the property to the north were to develop they would have the opportunity to make that connection. He said they have sidewalks that come down and around and then interior to the subdivision and then make their way out.

Commissioner Mulder said that he knew that Mr. Jones was present during a lot of the wording and the rewrite for the new Comprehensive Plan. He said that he also knew that Mr. Jones would not allow something like this in his backyard. He added that this is way above and beyond what he would be looking for. He hoped that in this development that Fruita finds a way to make this what they foresee as their future plan. He did know that there is going to be problems on the bordering lots. People have houses that are going to be looking into the backyards of 1, 2, and 3 different homes in this development. He said that he believed that the project has been submitted within the guidelines of what they were showing but they wanted to see. He added that time will tell if this is really what they did want. He thanked them.

Commissioner Fabula thanked him for his comment.

Commissioner Gollob said he had more questions and that he wanted to get his questions and inquiries on the record and then if they are covered by the Staff review comments, great and they are covered. If not, they will be in the record for Council to review. He said as he reviewed this application and reviewed the public comments and listened to the public comments tonight, these are some of the key takeaways that he had with this project. The biggest one to him was the height which have been covered in the Staff comments, particularly on the perimeter being less than 35 feet or those ranch style homes. He thought that this is something that needed to be taken into account as this project moves forward. The street stubs to the north, he believed there was a public comment on this and he thought this was also covered in the Staff comments. He said that if he was missing this or if those are two different issues he would like to see some way to rectify that but believed this is the same issue as the public comment. The fence issue, he was not sure if the public comment having to replace their fence will be addressed by the petitioner's stating that they are going to erect a fence around the perimeter. He didn't know if this would address the issue, if not he said he would like to see some kind of conversation about that and how their fencing plan aligns or does not align with existing fencing in the development. The trails, he saw the sidewalk and saw that connectivity within the development, but he believed that there was a conversation about sidewalks around the development and having that. He

didn't know if that is the responsibility of the developer or the City or who would be responsible for that. He wanted clarification on that or it being included in the comments. He understood that there was connectivity within the development but it seemed that it was around the development that there was concern. He was not sure what deviations they were being asked to consider. The height is one, is the density a deviation, the 7.6 dwelling units per acre? He said it was confusing. He wanted a list of the deviations or at least a conversation but the justification of it and how this benefits the City and won't impact those around them negatively. Finally, he stated that a lot of this comes back to the big issue of compatibility and the neighbors that will be impacted by this. He felt that some of this was doable with the height issues, he didn't know what could be done about the density. He said that he heard the petitioner point and he also heard the community's point. He said that those were the big issues he had with this. He thought that this project could have legs but more work needed to be done on clarifying plans around these issues.

Commissioner Fabula asked about the term row houses and he was picturing in his mind that the houses that were going to be on either side of the park will be touching each other. He asked if he was misunderstanding this.

Mr. Hemphill said that he was right on that and that is how he saw they plans as they laid out. He added that in the PUD guide they had some graphics that called out which were attached and which were detached.

Commissioner Fabula asked about the housing that was along the south side, those were detached?

Mr. Hemphill said that this was correct.

Commissioner Fabula mentioned that one of the deviations was the lot size, they were asking for lot sizes that were smaller than what they typically allow. He said that he saw a graphic that showed a 15 foot setback on the front, a 15 foot setback on the back and setbacks on either side. He asked if that graphic was referring to those houses on the west side?

Mr. Hemphill deferred that question to the applicant. He added that the context of the deviation and the setbacks that they show was to show how it is an intermix of Community Residential setbacks and Downtown Mixed Use setbacks, lot size and lot coverage. He thought that Mr. Johnson would be able to touch on his question about setbacks.

Mr. Johnson shared his screen and showed the slide that illustrated this. He said that if they looked down at setbacks, in the second column they had the proposed setbacks, 15 feet and 25 feet. That is 15 feet front setback for detached and 25 feet for attached. He then pulled up his report to confirm this. He said that setbacks varied in the CR and DMU zone depending on the type of development. He added that you would have a 15 foot front setback with an alley or porch or a 20 foot regular setback. He said that this was the same for CR, there is no proposed deviation for side, for rear setbacks. The 25 foot setback is for accessory, he gave the example that an accessory would be a garage and where they saw slash 25 or any of those slashes that is for an accessory structure. He said that they had 15 foot for a front setback for a house or an

attached single family dwelling unit and the 25 foot would be for an accessory structure. He said that they were working hard on clearing up to make it very clear in the PUD guide in terms of what is deviations were being proposed and making it very clear in text and then also visually with some tables.

Commissioner Fabula thanked him. He addressed Mr. Hemphill by saying that he noticed in the Staff comments he pulled in the motion and the language that City Council used about the 35 foot maximum height for the houses on that west border. He asked if in tonight's motion if they approved this and moved forward with this with all the Staff recommendations, that would be included in Staff recommendations and the applicant would have to go back and redesign those houses so that they had a max height of 35 feet. He asked if this was correct?

Mr. Hemphill said that the 35 feet was already an allowed height within the Community Residential zone. He added that the motion for the Concept Plan was a suggestion. He said that this is what they needed to see on those perimeter houses to establish the compatibility because they were listening to the neighbors that are asking these questions and providing this feedback through that public hearing forum. No entitlements to the Concept Plan were given to them. He said it was a motion of a suggestion on a Concept Plan that is an optional review. He said that to be as transparent as possible it was put it to show what was said at the Concept Plan review. He said that this was the motion exactly as the minutes state from that meeting. The Staff's comments number 4 is where in the PUD guide does it address the above motion from the City Council? He asked where that transparency was built into the PUD guide. He asked Mr. Caris to touch on this.

Mr. Caris said that he wanted to reiterate that he thought that this was probably a little confusing for the public watching right now, is the applicant amenable to all of the comments that the Fruita Planning Staff and the Engineering Staff has placed on the application as review comments? He said that Mr. Johnson did a great presentation of what Commissioner Gollob said as the guiding principles that are within the Comp Plan and he thought that Commissioner Nisley and Commissioner Fabula also reiterated this. He said that the burden of proof was on the applicant to prove that there was a material benefit to this project given the density and given the deviations from the existing codified code language that is on the books today. He wanted to be more detailed about how they arrived at where they are today. He said that they are a little bit in limbo between the newly codified code language since those ordinances are fully adopted and codified into the code 30 days after the second reading of the ordinance which would be 3 days from now. He added that this project has been around for over a year and those changes were not in the books which is why this is a Planned Unit Development and has a different level of review, a different procedural step as far as garnering those entitlements and he looked at the Concept Plan, he looked at the Preliminary Plan, he looks at all of those applications as times for the applicant to prove based on what comments they have received from the Planning Commission and Council and materially change their application to align with the feedback that they had received. He did think that at this point it is a little unclear. He said that they had several review comments from both the Planning Staff and Engineering Staff that do change the project with the street stubs to the north, with the comments that Mr. Hemphill was talking about with greater detail for the PUD Guide, as far as the bulk standards are concerned, how those attached units and single family detached units are going to be reviewed by an Architectural

Control Committee, what are those standards, how is that review process going to function . He thought it was fair to say that when they move forward to the next step with the application they are going to have to be very explicit about what are those standards and they are going to have to prove it in the public hearing that they have aligned their application with the comments that they have received. He said that there were a lot of moving parts in any development application but it would be helpful to them and the public and best reflective in the meeting minutes if the applicant stated whether or not if they are in agreement or disagreement with those review comments. He said as he has listened he heard two presentations that depict the trajectory in which this project has taken. He asked if the application was going to change or be altered as they moved forward to the Final Plan, Final Plat when the zoning ordinance was codified if it was approved by Council. He addressed Commissioner Gollob and Commissioner Fabula that he didn't know if that is where they were going with that as far as where they were at, do they agree with those things, do they not agree with those things and if so they needed to do their best job of making sure that this is on the record for transparency once this moves forward to Council.

Commissioner Gollob said that this was his intention. He said that he would like to see a clean copy of this project and what it looked like, what they were going to accommodate and what they won't. He asked what is the next step? If this were to pass, you said the next public hearing, would that be for the Council and would that be the Final PUD Plan?

Mr. Caris answered that the next public hearing would be for the Preliminary Plan in front of Council and then there would be another slew of public hearings for Planning Commission and Council when it goes from the Preliminary Plan to Final Plan/ Final Plat. He said that they would have 3 more opportunities to look at this project where they could make some changes and respond to those review comments in a way that is reflected in their plan set. He said that there was that opportunity, he wasn't saying they were in a stale mate, he was saying that it was fair to request from the Planning Commission and from the Planning Staff where they stood with those review comments.

Commissioner Gollob asked if they were to request a revised copy, a clean copy where these comments have been addressed either through a rebuttal or through a redesign, would that come back to them again, the revised version?

Mr. Caris stated that any motion they made would be in the form of a recommendation. He added that if they recommended that they received more clarity in order to move forward to the next step, he thought that would suffice. He said that they were in a public hearing right now where they could request that information from the applicant.

Mary Elizabeth Geiger confirmed that Mr. Caris was correct. She said that they could ask the applicant to respond on that issue if they were planning on making those revisions in accordance with the recommendations, she encouraged them to do so as it could form their decision about their motion and whether the motion would include that and all representations made by the applicant at the hearing. She added that as Mr. Caris said, it is a recommendation to Council for the Preliminary Plan. If they wanted to include any specific conditions in the motion beyond what Staff has presented, she believed that Staff has included that the recommendation is that the

applicant follows all of Staff's requests and the review agency comments. She said that they were welcome to add something more specific to that as well if they wanted.

Commissioner Gollob thanked her. One of his biggest concerns was that the applicant was still working on coming up with a list of the deviations and not having those deviations, what was he really voting on? He wanted to ask the applicant if they were willing to address these issues that have been presented there tonight?

Mr. Robert Jones from Vortex Engineering wanted to address this. He said that they had reviewed Staff's comments. He said that for the most part they did agree and concur with them but the one sticking point that still needed to be explored and discussed with Staff was the perimeter building height comment. He said that in all of the codes and zone districts that the City of Fruita and even in the Valley allow 35 foot is a standard building height which this project could be developed under a CR zone with 35 foot homes all day long. He added that close to 22 of them. He said that in order to achieve the architectural theme and look that they have tried to craft with this project they absolutely must have the minimum of 35 feet which is allowed as he stated under any of the zone districts. He said that potentially they could go slightly less, maybe 32-33 feet but certainly nothing less than that. He added that in terms of the street stubs that had been requested by Staff as well as the adjacent property owner that can all be accommodated. He said that he hoped that it provided clarity.

Commissioner Gollob said that it addressed some of it. He asked about the public comments about the fence and trails around the property. He asked if he had a chance to review those and if he could accommodate those?

Mr. Jones stated that in terms of replacement of a section of fence that apparently isn't 6 foot tall. This could be accommodated and developer installed. He didn't understand the comment or request about an entire sidewalk around the perimeter of the development. He said that this was not in the plan and that there was over 800 feet trails planned with the project as it has been submitted and designed. He said that one potential option would be to provide a trail connection out of the southwest corner which would connect to 17 ½ Road, this could be done. Otherwise he stated that they had sidewalk connections on both on the east and the west already with the current design.

Commissioner Gollob brought up the comment from a property owner given the perimeter would be looking at the backyard of 2 ½ houses if that number added up to what they expected to see. He asked if there was anything that could be done on the density of the perimeter that abutted these properties? He realized that they were sitting at 7.6 dwelling units per acre but there is going to be a pretty significant impact on those houses that abut that. He asked if there was a way to feather the density so that it had less of a disruption on the perimeter?

Mr. Jones replied that they did discuss that internally with the developer as they transitioned from the Concept Plan to the Preliminary Plan. He said that one of the reasons why they had designed it such that all the homes that would be located on the south end were all single family detached which matched the single family detached homes that exist there. He continued that pushing that density toward the center area which was also something that was highlighted on

both by him and Commissioner Karisny. He did try to accommodate that in terms of reduction of density, they were willing to have conversations with Staff as they moved forward to City Council but they start to lose what they had intended which was a closer community and increasing the ability for affordability. He said that they understand that this comes down to dollars and sense. The infrastructure costs are not going to decrease if they decreased density, that is a set figure. They would be willing to sit down with Staff as they moved forward.

Commissioner Gollob said that he would encourage that conversation to take place with the homeowner's concerns in mind and if there are creative ways to address those concerns. He said he appreciated his input.

Mr. Jones thanked him.

Commissioner Fabula asked for more comments.

Commissioner Gollob asked what that motion looked like, what did they want? What specifically do they think in terms of how to progress?

Commissioner Fabula answered that he looked at it and he saw that all the Staff comments are addressing the primary concerns that he thought he had. The applicant will come back before them with a Final and at the Final they will really see where the rubber met the road to see what solutions they bring to that meeting. At this point in time he was comfortable with approving the application with all Staff comments included. In his mind he still saw those comments including City Council's recommendation that those houses on the southern side are not any taller than 35 feet. He said that he was comfortable with moving forward with approval.

Commissioner Gollob asked Mary Elizabeth Geiger if addressing Staff comments, would that also include comments that they put forth tonight or would that need to be a separate motion?

Mary Elizabeth Geiger suggested that they wanted to add if the Commission is inclined to have a motion to recommend approval to City Council she would include not only that the applicant will comply with all recommendations by Staff and Review Agencies but also that applicant will comply with all representations and statements made at tonight's meeting.

Commissioner Gollob said that he would like to see a tighter motion rather than just Staff comments. He thought that tonight's discussion was valuable and it incorporated those public concerns that were there. He said that they had Mr. Jones' input that will go into the minutes. He wanted a motion that is a bit tighter than just Staff comments that also include those representations and statements at tonight's meeting. This was his preference.

Mary Elizabeth Geiger wanted to clarify that Commissioner Gollob asked some excellent questions of Mr. Jones and she thought that he responded with a lot of answers especially with conversations regarding some of the public comments which are beyond what is contained in the Staff report. She understood Mr. Jones that he is making a commitment to look into those further but the Commission should not request that the applicants meet all public comments. She said that this starts to be an impossibility. Their job was to stay within the Code. There was

some good discussion and some willingness from the applicant to look at those comments and incorporate some of them that make sense. She wanted to be sure that this was clear when they add to the motion that the applicant is all statements and representation, those are the affirmative statements and representations which included willingness to discuss those but not an absolute commitment that this was going to happen.

Commissioner Gollob said that he didn't think that this was a handshake deal that they just made. He continued that what he understood it to be that the applicant was willing to have conversations and see where Staff and they could work together on addressing these. In terms of all public comments, his view is that he looked at the public comments, he looked at the Staff report and he addressed those that he thought were concerns specifically in terms of compatibility. He said that he added the word affirmative representations and statements to the suggested motion.

COMMISSIONER GOLLOB MADE A MOTION TO RECOMMEND APPROVAL OF 2021-09 WHERE THE APPLICANT WILL COMPLY WITH ALL RECOMMENDATIONS BY STAFF AND REVIEW AGENCIES AND AFFIRMATIVE REPRESENTATIONS AND STATEMENTS MADE AT TONIGHT'S MEETING

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 3-1

Commissioner Mulder voted no because of what he had stated earlier that he could not support moving this on to City Council with this kind of density and regarding Commissioner Gollob's comments that he agreed with him.

I. OTHER BUSINESS

1. Election of Officers.
 - a. Chair
 - b. Co-Chair

Election of Officers was postponed until the next meeting. There was discussion about vacancies on the Planning Commission.

2. Community Development Updates

There discussion included in-person meetings, the consolidation of the Downtown Open Spaces to just Mulberry, some potential upcoming affordable housing projects, an update on Iron Wheel, and infrastructure improvements. Mr. Sam Atkins elaborated on the Circulation Plan. Mr. Hemphill gave an update on the new Short Term Rental documentation.

3. Visitors and Guests
4. Other Business

Adjournment 8:08 pm

Respectfully submitted,