

**A. CALL TO ORDER**

Six Planning Commissioners were in attendance. (Jessica Hearn, Jesse Fabula, Derek Biddle, JP Nisley, Amy Miller, and Patrick Hummel were present.)

**B. PLEDGE OF ALLEGIANCE**

Commissioner Biddle led the Pledge of Allegiance.

**C. AMENDMENTS TO THE AGENDA**

Order of Operations was changed. Other Business updates would be before Hearing Items and the new Planning Commissioners would introduce themselves. The applicant's representative had a scheduling conflict and was going to join them via Zoom.

Commissioner Hummel introduced himself and told a little bit about himself. Commissioner Hearn introduced herself and told a little bit about herself.

**D. APPROVAL OF THE AGENDA**

COMMISSIONER FABULA MOVED TO APPROVE THE AGENDA

COMMISSIONER MILLER SECONDED THE MOTION

MOTION PASSED 6-0

**E. WITHDRAWN ITEMS**

None

**F. CONTINUED ITEMS**

None

**G. CONSENT ITEMS**

APPROVAL OF MINUTES

November 8, 2022, Planning Commission Meeting.

COMMISSIONER FABULA MOVED TO APPROVE THE MINUTES

COMMISSIONER MILLER SECONDED THE MOTION

MOTION PASSED 3-0; (COMMISSIONER HEARN, NISLEY AND HUMMEL ABSTAINED AS THEY WERE NOT PRESENT AT THE LAST MEETING)

**H. HEARING ITEMS**

Application #	2023-01
Application Name	18 & K Road
Application Type	Rezone
Location	Parcel #2697-162-21-001

Current Zone: Planned Unit Development (PUD)  
Description: This is a request to rezone approximately 9.1 acres from Planned Unit Development (PUD) to Community Residential (CR).

Staff Presentation: Henry Hemphill

Slide 1 – Introduction

Slide 2 – Application Details

- Property Owner(s): James & John Fish, and Victoria Ragan
- Location: SE Corner of 18 & K Road (9.1 acres)
- Application Type: Rezone
- Representative: Kaart Planning

Slide 3 – Legal Notice

- All Legal Notice - 17.07.040 (E)(1)
  - Post Cards: December 22, 2022 (19 days prior)
  - Property: December 16, 2022 (25 days prior)
  - Newspaper: December 16, 2022 (25 days prior)

Slide 4 – Buffer Map and Site Posting Picture

Historic Preservation Board – 11/7/2022

Planning Commission – 11/8/2022

City Council – 11/15/2022

Slide 5 – Property History

- Property originally subdivided and platted as Lot 1 of the Fish Minor Subdivision.
  - Lot 1 = 9.1 acres
  - Lot 2 = 27.74 acres
  - Zoned Planned Unit Development (PUD) upon annexation– Ordinance 2002-12
- The 9.1 acres are referenced as Phase 3 of the original Vista Valley PUD development.

Slide 6 – Future Land Use Map 2001

Slide 7 – Vista Valley Subdivision Development Overview

Slide 8 – Vista Valley PUD Phase 3

Mr. Hemphill discussed the Vista Valley PUD Phase 3 uses and went over the different types of commercial uses that are in the Vista Valley PUD guide.

Slide 9 – Review Criteria

- AMENDMENT TO OFFICIAL ZONING MAP (REZONING) - Section 17.09.070
- 5 Criteria to consider.
- Primary consideration towards zoning compatibility.

Slide 10 – Current Future Land Use Map

Mr. Hemphill discussed the current Future Land Use Map and pointed out that the subject property is called out as Community Residential (CR).

Slide 11 – Community Residential (CR) Zone

- Allows 4-6 dwelling units per acre.
  - Minimum lot size – 7,000sf
  - Front Setback – 20’ (h), 25’ (g), or 15’ (alley)
  - Side Setback – 16’ total; 5’ min.
  - Rear Setback – 15’
- Density Bonus required for over 6 du/acre.

Mr. Hemphill discussed details about the Community Residential (CR) zone. This included density, lot size, setbacks, allowed uses and density bonus.

Slide 12 – Density Bonus

- 20% Open Space
- Bike & Trail Connections
- Alley/Shared Drive Access
- Mix of Housing Types
- 7-8 du/acre
- 3,500 sf min.

**Typical Setbacks:**

- Front – 20’, 25’, or 15’
- Side – 16’ total; or 0 for common or zero lot line (townhome)
- Rear – 15’

Mr. Hemphill discussed Density Bonus in more detail.

Slide 13 – Vista Valley PUD

Vista Valley – Filing 1 (70 lots)

**Lot size average:**

5,950 square feet

Minimum = 4,145

**Typical Setbacks:**

Front – 25 feet

Side – 8 feet (4 each)

Rear – 4 feet

Vista Valley - Filing 2 (54 lots)

**Lot size average:**

7,400 square feet

Minimum = 7,000

**Typical Setbacks:**

Front – 25 feet

Side – 8 feet

Rear – 8 feet

Mr. Hemphill compared density and dimensional standards for Vista Valley filing 1 and 2.

Slide 14 – Comments

- Review Comments:
  - No reviewer concerns.
- Public Comments:
  - No written comments received by Staff at this time.
  - Neighborhood meeting took place prior to application submittal.

Slide 15 – Next Steps

- City Council Public Hearing
  - March 7, 2023, at 7pm at the Civic Center.

Future Expectations:

- All subdivision requests require a pre-application meeting with Staff.
  - Major Subdivisions (10+ lots) = neighborhood meeting
  - Public Hearing for 10+

Slide 16 – Suggested Motion

- Mr. Chair, I move to recommend approval of the zone request to zone the subject property to a Community Residential zone with no conditions to the Fruita City Council.

Mr. Hemphill stated that Ty Johnson of Kaart Planning, the applicant's representative, was using the online chat function of the meeting. He said that Mr. Johnson introduced himself. He said he regretted that he could not be at the meeting in person. He said that Staff had done an excellent job in their assessment of the application especially as it related to the approval criteria. He said that he did not have anything else to add.

Commissioner Biddle opened the meeting to public comment.

Mr. Sean Darr who lives at 424 Hawthorne Street just northeast of the development went up to speak. He said that he was active in the Homeowner's Association and he said that as representative of the HOA that he was in favor of the rezone. He said that the mixed use was a

little scary, it could be a laundry mat or a car wash. His only hesitation is the high density, he felt that it would be an invasion of people's privacy. A two-story building looking down into your once intimate setting, he worried that it could affect home values. He said that he attended the meeting held at the Rec Center and there was a ton of participation there. He thought there was 20 people there and he was surprised that there was not as many people there. He said it sounded like there would be other meetings moving forward. He stated that he appreciated what the Planning Commission is doing and having the forum be public and have the ability for the public to comment. He thanked them.

Commissioner Biddle thanked him.

Mr. Leroy Reeder who lives at 361 Arches Drive went up to speak. He stated that his property backs up to the parcel. He said that he was not thrilled about it. He asked how close the houses could be? Fifteen feet? If there was a two-story building and 15 feet, there is your privacy. He said that they liked it as it was as a field because they have had livestock there and he liked to see that. He understood that they wanted to do something with the property, but he wishes they would make it something else like a park.

Commissioner Biddle thanked him and asked if there was anyone online.

Mr. Hemphill said that there was someone on raising their hand. He invited Cindy to speak.

Cindy Gleed who lives at 1160 Cherrywood Avenue spoke. She said that she was across Ottley from the subject property. She stated that she did not have a problem with doing something with the property, her concern is the infrastructure around it. The traffic on Ottley has gotten extremely bad and adding more homes to the area is going to drive it up more. She did not feel the grocery store can support much more than we already have. She thanked them.

Commissioner Biddle thanked her.

Mr. Hemphill said that there was another participant online, but they did not have their hand up. There was no one else online.

Commissioner Biddle gave everyone a final opportunity to comment.

Mr. Reeder went back up to ask a question. He asked how many houses could there be per acre?

Mr. Hemphill answered 4-6 by right.

Mr. Reeder said that Tyler at the meeting at the Rec Center mentioned that it could be 8 per acre.

Mr. Hemphill explained that there was a density bonus component to that. He added that the Council would have the discretion whether the density bonus was satisfied.

Mr. Reeder said that they could have up to 81 units on that property. He thanked them.

Commissioner Biddle closed the public comment portion of the meeting. He asked if the Commissioners had any questions.

Commissioner Hearn asked if there were any ramifications within the City Code if the application were approved by City Council to have this area be a different zone than the surrounding subdivision of PUD? Like one that was CR and one that was PUD?

Mr. Hemphill stated that this would not create any legal issues if there was a zone district next to this.

Commissioner Hearn thanked him for giving them an update of Vista Valley's existing conditions as well as CR. She wondered if Staff or applicant could speak to phase 3 of the PUD development. She added that the graphic that he showed could have a bank or car wash or those kinds of things. She was curious what that plan allowed as far as setbacks related to CR. What were those setbacks if it were developed as phase 3?

Mr. Hemphill said that the setbacks that were called out allow for 25' setbacks from the neighboring residential properties similar to the public comment they received along Arches. He said that this does not negate the fact that those commercial buildings are usually taller, they have signage, they have HVAC equipment and trash in the back and lighting. The PUD guide speaks to a front setback. It appeared to Staff that the whole site would be developed with the parking centralized.

Commissioner Hearn asked about height. She asked if the commercial buildings were developed does the phase 3 PUD speak to how tall they could be at a maximum in addition to signage on top of the building?

Mr. Hemphill stated that it did not directly call out height. When this happens with a Planned Unit Development, they revert to the underlying zone district and look at the height allowance in that area. The height allowance in this area for Vista Valley filing 1 that is Community Residential and Vista Valley filing 2 where Arches and Black Ridge they can go 35 feet in height. They are allowed to go pretty high. They are looking at nothing changing from a height standpoint with this zone change. This is allowed north of this property, west, east and south. Thirty-five is the standard.

Commissioner Hearn thanked him. She also wanted to know as the most extreme hypothetical, let's say this went to CR, City Council allowed for Density Bonus on every one of those nine acres to eight dwelling units, she guessed that four that had vehicles would be at each of those dwelling units and she got 288 potential cars. What in this plan was the parking situation?

Mr. Hemphill said that they would look to the parking standards for the types of uses per square foot of the business. For example, a 1000 square foot restaurant, they are required by extensive engineering standards, transportation engineers, their standards for parking requirements for that type of use. He gave the example of a movie theater as it would generate a lot of parking spaces per 1000 square feet. Same thing for grocery stores and restaurants or drive through facilities that generate more traffic and more participants patronizing those businesses. He added that their

parking standards for residential require three off street parking spaces. A two-car garage and a parking space in the driveway would be sufficient for a single-family dwelling unit.

She thanked him.

Commissioner Fabula said that at the end of the application was Kaart's application and they answered some of the questions that he had on the slides in their words. Kaart said that the existing PUD zone limits the subject property to commercial development which is inconsistent with the Comp Plan. He said that the Comp Plan that they had today shows Community Residential fanning all the way out. This does not say that they cannot do commercial, was this correct?

Mr. Hemphill said that he was correct, and it is already zoned and has those entitlements right now. He stated that if this were to start out as the original Vista Valley in today's Comp Plan and how the community said that they wanted to grow and how they put it in the guiding documents and justified it with the Land Use Code laws commercial would not be supported in this area. Which is why as municipalities grow out and the anticipation for growth based on the growth trend and where the traffic is going sometimes those neighborhood commercial nodes don't make sense based on where those growth pressures are. He talked about something similar in Brandon Estates and by the Dollar General.

Commissioner Fabula said that they were weighing two different uses of the property. Currently what it is zoned at and what it could potentially be. He is in support of the change that they wanted. He did worry about Fruita as a whole. He would love to have his office here in Fruita. He wanted to see commercial somewhere. For this application, he was in support of it.

Commissioner Biddle commended Mr. Hemphill on his presentation. He was looking on the screen at the future of the property without a rezone. Commercial development at 35' tall buildings, public access along the fence line, streetlights, noisy equipment, and the like. He thought a rezone is warranted. He appreciated the comments and questions and assured the public that there would be another meeting as the next step to this where those decisions would be made. He said that he was in favor of the rezone.

Commissioner Nisley agreed. The property has been listed for a long time and there were interested buyers. He would much rather see residential.

Commissioner Miller agreed. She wanted to clarify, there wasn't currently any development plans for this, this is just a rezoning.

Mr. Hemphill said that she was correct. He stated that the applicant's represented affirmed that there was no development requests at this time and this was the message her received from Kaart Planning and Ty Johnson. No development plans set forth right now it is a joint ownership between three family members and they would like to see something happen before it might get messy down the road if it continues to be for sale and they are no longer around.

Commissioner Miller thanked him.



Commissioner Hummel thanked Mr. Hemphill for the presentation. He also agreed that this would be a great use for this site. It is in line with the Comp Plan, it is an existing field which is unfortunate to see go but it does bring the possibility of more residential to those infill sites which we desperately need. Not just our community but statewide and nationwide. This would be a great site to rezone and develop as residential. It has sat for quite a while and has potential close to schools and downtown and if bonuses could be used, a mix of housing types that isn't just a run of the mill detached house to give people a chance at home ownership.

Commissioner Hearn asked if this were to go to Community Residential and a preapplication process were to occur for developing as residential, does the Fruita Code require a traffic study?

Mr. Hemphill said it did.

Commissioner Hearn asked if Fruita had a mechanism where in the development review team to have the applicant to do a road improvement for a turning lane or different kinds of things that would address this relative to the traffic study?

Mr. Hemphill stated that they would require as a submittal, not before the preapp meeting, but as a submittal requirement they would be required to generate a traffic impact study and provide findings. There will continue to be growth, but they did have a transportation plan that calls out road widths and certain intersection improvements and roadway connections as part of the City's continued growth and expansion. He spoke about the street improvements on Fremont Street and how the street connections will be made. He added that traffic will disperse and have different patterns based on when, where, and how often people are going somewhere. He assured them that the City is working on a current plan to purchase real estate, design road improvements and get those built in the next few years.

Commissioner Biddle asked if the Traffic Impact Study, if it were to have a negative rating does that give Staff, the Commission or Council the ability to override density bonus?

Mr. Hemphill answered that it could for the Council. He added that as a Planning Commission the task of their role is to evaluate the Code and compare it to the application at hand and make informed recommendations based on that. The Council has more discretion. As far as the transportation improvements, through the records they can see with the many subdivisions as you have seen when they were built out and when, those improvements were made along Ottley and Pine with the anticipation of the subdivision being fully built out and turn lanes being added. He said that there have been some significant improvements along that intersection.

Commissioner Biddle thanked him. He asked if there were any other questions.

Commissioner Hearn explained why she supported the application. She commended Staff and the applicant and their description as to why Criteria 1 and 3 fit. She also thought a good representation of Criteria 3 and why she wanted to support this she knows that transit isn't used a lot here, but this is on the transit line which is in the Community Comprehensive Plan. She believed that the Staff report didn't mention specific goals in Chapter 3 of the Comprehensive



Plan, but she felt that changing this to Community Residential has the potential to really hammer home Goal 4 which is housing diversity as well as Goal 5.

COMMISSIONER NISLEY MOVED TO RECOMMEND APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO A COMMUNITY RESIDENTIAL ZONE WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL

COMMISSIONER FABULA SECONDED THE MOTION

MOTION PASSED 6-0

## **I. OTHER BUSINESS**

### **1. Community Development Updates**

Mr. Hemphill reminded the Planning Commissioners about an upcoming joint workshop with City Council on January 24, 2023. He also let the Planning Commission know that the new planning and building software, Cloudpermit, was launched and that there would be trainings on January 25 and February 15.

### **2. Visitors and Guests** None

### **3. Other Business** None

**Adjournment 7:01 pm**

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita