

**A. CALL TO ORDER**

Four Planning Commissioners were in attendance. (Mel Mulder, Jesse Fabula, JP Nisley, and Aaron Hancey were present).

**B. PLEDGE OF ALLEGIANCE**

Jesse Fabula led the Pledge of Allegiance.

**C. AMENDMENTS TO THE AGENDA**

None

**D. APPROVAL OF THE AGENDA**

COMMISSIONER MULDER MOVED TO APPROVE THE AGENDA

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 4-0

**E. WITHDRAWN ITEMS**

None

**F. CONTINUED ITEMS**

None

**G. CONSENT ITEMS**

APPROVAL OF MINUTES

October 12, 2021 Planning Commission Meeting

COMMISSIONER MULDER MOVED TO APPROVE THE MINUTES

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 4-0

**H. HEARING ITEMS**

Application #:	2021-37
Project Name:	Cider Mill Estates
Application:	Preliminary Plan
Representative:	Kim Kerk Land Consulting & Development
Location:	960 Stone Mountain Drive
Zone:	South Fruita Residential (SFR)
Request:	This is a request for approval of a Preliminary Plan for 47 single family lots on approximately 13.25 acres with a 1.29-acre park.

Commissioner Fabula introduced Application # 2021-37 Cider Mill Estates.

Mr. Henry Hemphill gave the staff presentation.

Slide 1 – Introduction

Slide 2 – Project Description

- Subject property is 13.25 acres.
  - 47 single family lots ranging in size from 7,012 – 10,684 square feet. (3.5 du/acre)
  - 1.29 – acre park
  - Zoned South Fruita Residential
  - Access from Apple Lane, Stone Mountain Drive, and South Maple Street.

Slide 3 – Legal Notice

- Property – 10/21/2021
- Postcards – 10/22/2021
- Paper – 10/23/2021

Mr. Hemphill showed a picture of the 350 foot buffer area for postcard legal notice.

Slide 4 – Legal Notice Map Location

Mr. Hemphill showed where the legal notice site postings were located.

Slide 5 – Zoning Map

Slide 6 – Land Use Code Requirements – 17.15

- 1) Adequate resolution of all review comments; and
- 2) Compliance with conditions of approval on the Sketch Plan, if any.
- 3) Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;
- 4) Compatibility with the area around the subject property in accordance with Section 17.07.080;
- 5) 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.);
- 6) Preservation of natural features and adequate environmental protection; and
- 7) Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

## Slide 7 – Public Comments &amp; Review Comments

- PUBLIC COMMENTS:
  - No written public comments have been received by Staff at this time.
- REVIEW COMMENTS:
  - All review comments received have been included with the Staff Report materials.

## Slide 8 – Options Available &amp; Staff Recommendation

OPTIONS AVAILABLE TO THE PLANNING COMMISSION:

- 1) Recommend approval of application 2021-37, the Cider Mill Estates Preliminary Plan as proposed to City Council.
- 2) Recommend approval of application 2021-37, the Cider Mill Estates Preliminary Plan with conditions to City Council.
- 3) Recommend denial of application 2021-37 to City Council.

STAFF RECOMMENDATION:

- Staff recommends approval of application 2021-37, Cider Mill Estates Preliminary Plan, with the condition that all review comments and all issues identified in the Staff Report are adequately resolved with the Final Plat application.

Commissioner Fabula thanked him.

Ms. Kim Kerk who owns Kim Kerk Land Consulting and Development in Grand Junction went up to speak as the applicant's representative. She said that Mr. Hemphill did a great job of giving them the facts and overview of what they were proposing for Cider Mill Estates for the Preliminary Plan. She said that they have done some nice improvements on the project that she thought people would be happy to see. They included a 1.3 acre park that has some nice landscaping and other opportunities that come with that. She said that they tried to make it more attractive and pleasing to the neighborhood. She said that they can meet all of the conditions of approval, she said that Stephen Swindell from Vortex Engineering was with them. They have been working diligently on the traffic study and some of the shared documents as far as the irrigation and the detention pond. She said that they have agreements that are in process with their attorney and they will address all of those types of comments and make sure that everything progresses as smoothly as possible. She said she was happy to answer any questions or Mr. Swindell if they have any.

Commissioner Fabula thanked her. He said that they had received the Staff report and the petitioner's summary of the project. He opened the meeting to public comment.

Mr. Hemphill mentioned that they were broadcasting the meeting electronically so there may be people attending via zoom that may want to participate. He let those on zoom know that this was

their opportunity to participate and provide comment on this application. He said he would let them know if he saw any raised hands.

Commissioner Fabula asked if anyone wanted to make a comment. He then asked if there was anyone online.

Mr. Hemphill gave instructions on how to participate online.

There were no comments.

Commissioner Fabula closed public comment, they skipped rebuttal as there was no comments made, and opened the meeting to Planning Commissioner discussion. There was a public comment. Commissioner Fabula reopened the meeting to public comment.

Mr. Brian Thomas who lives at 837 Adams Drive went up to speak. They brought up the map and he pointed out where his house was.

Commissioner Fabula verified that Mr. Thomas lived on the east side of the development.

Mr. Thomas confirmed this. He said that he lived in the last house above the retention pond. He said that right behind his house, is the grade going to be where it at or is it going to be raised? He was worried about drainage. (Inaudible) He asked how the drainage was going into the retention pond, pipes, grade? He said that right now the grade was lower and he liked that. He would look over the roofs.

Commissioner Fabula said that they will make sure his questions get asked. He asked if there were any more public comments.

There were none.

Commissioner Fabula closed public comment and asked the applicant to go up for rebuttal.

Mr. Stephen Swindell of Vortex Engineering went up to speak. He stated that there would be some change in grade, but it wouldn't be significant enough to push water onto his property and there won't be any need to put in pipes from this development across his property into the detention pond. It would be piped directly into the pond maybe 3/5 of the way down from the northern edge.

Commissioner Fabula thanked him.

Mr. Sam Atkins, City Engineer, said that those lots on the east side that would abut the back of their property, they were scheduled for A type drainage which is back to front, so there will be no drainage going east from the house. It would go towards the road and the drainage for the subdivision would cut across south of any of those properties directly into the detention pond. There will be no drainage onto any of those properties of the adjacent subdivision.

Mr. Swindell added that both the detention pond and irrigation facilities were sized to take into account a development like Cider Mill. There won't be an expansion necessary to either one of those facilities. They will be wrapped into the capacity that is already available.

Commissioner Fabula moved to Commissioner discussion.

Commissioner Mulder said that the City Engineer had twenty three different conditions or items that needed to be clarified on the application. He felt that was too many to address tonight. He said that by no means is this project cut and dry. If they made a recommendation to the City Council there was a myriad of conditions that needed to be resolved before this could move into production.

Commissioner Fabula asked about the agreements that were referenced in the comments between the different subdivisions, he asked Mr. Atkins if that would go back to his desk to see that these had been resolved. Where did this fall on the City's side?

Mr. Atkins answered that the agreements between the two subdivisions would come back through Planning and be reviewed by the City attorney.

Mary Elizabeth Geiger, City Attorney, said that she thought that, depending on their motion, some of the information that the applicant provided in regards to the irrigation and drainage as well as their question about the agreements with the adjacent subdivisions. She would say that one condition that they could add if they were inclined to recommend it to Council is that the applicant was bound by all representations made at the public hearing. She said it was a good way to make sure that these statements that are made get carried through to Council when they read the minutes knows what they were referring to. She added that she had asked in her comments on this application, where were these agreements as she had not seen them.

Commissioner Fabula asked the Commissioners if they had any other questions or comments.

Commissioner Mulder said that he did not disagree with this project. He hoped that they would be able to resolve all the comments and conditions that were being placed on this project.

**COMMISSIONER MULDER RECOMMENDED IN REGARD TO 2021-37 CIDER MILL ESTATES PRELIMINARY PLAN THAT THEY APPROVE AND MOVE ON TO CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW AGENCY COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION**

**COMMISSIONER HANCEY SECONDED THE MOTION**

Commissioner Fabula wanted to add on that in addition to review comments bound by all representations made there in the public meeting tonight.

Commissioner Nisley asked if there were representations made?

Commissioner Fabula stated that Mr. Atkins said that all drainage was going to be moving from the back of the property to the front of the property and the applicant's engineer said that drainage was going to be moved to the bottom of the subdivision. He asked if they wanted to include those?

Commissioner Nisley said he felt it would be covered in the plans.

Commissioner Fabula said that they should leave the motion as it stood.

COMMISSIONER MULDER RECOMMENDED IN REGARD TO 2021-37 CIDER MILL ESTATES PRELIMINARY PLAN THAT THEY APPROVE AND MOVE ON TO CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW AGENCY COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION

COMMISSIONER HANCEY SECONDED THE MOTION

MOTION PASSED 4-0

Application #	2021-41
Application Name	Dwell Final PUD Plan
Application Type	Final PUD Plan and Rezone to PUD
Location	1136 17 ½ Road
Current Zone	Community Residential (CR)
Description	This is a request for approval of a Final PUD Plan for a 37 lot subdivision on approximately 4.85 acres featuring single family detached and attached housing units along with a 1 acre park and to rezone the subject property to a Planned Unit Development (PUD) zone.

Commissioner Fabula introduced Application # 2021-41 Dwell Final PUD Plan

Mr. Henry Hemphill gave the Staff report and entered his Power Point into the record

Slide 1 – Introduction

Slide 2 – Legal Notice

- All Legal Notice regarding this application was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code.
  - Property – October 21, 2021 (19 days prior to Planning Commission meeting)
  - Postcards – October 22, 2021 (18 days prior to Planning Commission meeting)
  - Paper – October 22, 2021 (18 days prior to Planning Commission meeting)

Slide 3 – Newspaper Legal Notice

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.

Slide 4 - Public Notice Sign(s)

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