

**A. CALL TO ORDER**

Six Planning Commissioners were in attendance. (Jesse Fabula, Mel Mulder, Justin Gollob, JP Nisley (virtually), Aaron Hancey and Heather O'Brien were present).

**B. PLEDGE OF ALLEGIANCE**

Justin Gollob led the Pledge of Allegiance.

**C. AMENDMENTS TO THE AGENDA**

None

**D. APPROVAL OF THE AGENDA**

COMMISSIONER MULDER MOVED TO APPROVE THE AGENDA

COMMISSIONER O'BRIEN SECONDED THE MOTION

MOTION PASSED 6-0

**E. WITHDRAWN ITEMS**

None

**F. CONTINUED ITEMS**

None

**G. CONSENT ITEMS**

APPROVAL OF MINUTES

December 14, 2021 Planning Commission Meeting

COMMISSIONER FABULA MOVED TO APPROVE THE MINUTES

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0 (COMMISSIONER NISLEY ABSTAINED FROM THE VOTE AS HE WAS NOT PRESENT AT THE LAST MEETING)

**H. HEARING ITEMS**

Application #	2021-44
Application Name	Red Cliffs III
Application Type	Final PUD Plan & Rezone to PUD
Location	280 Clements Way
Current Zone:	Planned Unit Development (PUD)
Description	This is a request for approval of a Final PUD Plan for an 8 single family lots on approximately 1.18 acres and to establish a new PUD zone.

Commissioner Gollob read the description of the application.

Mr. Henry Hemphill gave the Staff presentation.

Mr. Dan Caris mentioned that Commissioner Nisley was abstaining from the hearing item. He added that they received correspondence that he has a relationship with the applicant. Mr. Caris wanted the record to reflect that Commissioner Nisley's camera and audio have been turned off and he would not be participating in this hearing item but would be taking part in the subsequent hearing items.

Commissioner Gollob confirmed that there would be five voting members.

Mr. Caris said that he was correct.

Mr. Hemphill continued with the Staff Presentation.

Slide 1 – Application Introduction

Slide 2 – Legal Notice

Paper – December 22, 2021 (20 days prior to Planning Commission)  
Property – December 16, 2021 (26 days prior to Planning Commission)  
Postcards – December 17, 2021 (25 days prior to Planning Commission)

Slide 3 – Zoning Map and Aerial View

Slide 4 – Landscape Plan

Mr. Hemphill elaborated that the Landscape Plan would give them a good idea of the parking locations and number of lots. He showed the common ownership of the HOA and so was the landscaping. He said that there would be access off of Applewood Way.

Slide 5 – Approval Criteria

- Planned Unit Development Criteria
  - 17.17.030.
  - 15 approval criteria.
  - Considered with the Preliminary PUD Plan.
    - Application #2021-19
    - Planning Commission = July 13, 2021 (recommended approval to Council 5-0)
    - City Council = August 3, 2021 (approved by a vote of 6-0)
- Rezone Criteria
  - 17.09.070 (B).
  - Must meet 2 of the 5 criteria. (Meets criteria #1 and #2)
    - Compatible with surrounding area

- Proposal establishes zoning and land use criteria. No record of previous establishment of land use.

Mr. Hemphill said that he thought this was very compatible with the surrounding area and that this was a use that would blend and mesh with the neighborhood. He added that the landscaping was a nice amenity. He spoke about the additional off-street shared parking was well done in his opinion. He thought it was well proposed and thought out. He spoke about the Rezone criteria and that it was identical to Rezone requirements from the previous code, but it was renumbered. He said this needed to meet two of the five criteria.

#### Slide 6 – Review Comments & Public Comments

- REVIEW COMMENTS:
  - All review comments are included with the Staff Report.
- PUBLIC COMMENTS:
  - Written public comments have not been received by Staff at this time.

#### Slide 7 - Staff Recommendation

- Mr. Chair, I move we (approve/deny) application 2021-44, the Red Cliffs III PUD Plan including the Planned Unit Development zoning to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved prior to the recording of the PUD Guide and Plat.

Mr. Hemphill concluded his presentation.

Commissioner Gollob thanked him and invited the petitioner to speak.

Ms. Darah Galvin, the Development Coordinator for Bray Real Estate, went up to speak. She thanked Mr. Hemphill for his detailed presentation. She said that there was nothing additional to add. She said that she would answer any questions that they had.

Commissioner Gollob thanked her. He asked if there were any public comments.

There were none.

Commissioner Gollob closed public comments and moved to commissioner discussion.

Commissioner Fabula had no questions or comments. He thought it was straight forward. He talked about the comment on the build could be either mobile or stick built. He felt it was fine.

Commissioner Mulder commented that this piece of property had been in and out of discussion for a number of years. He said he was happy to see it move forward.

Commissioner Hancey didn't have any comments.

Commissioner O'Brien didn't have any comments.

COMMISSIONER FABULA MOVED TO APPROVE APPLICATION 2021-44 RED CLIFFS 3 PUD PLAN INCLUDING THE PLANNED UNIT DEVELOPMENT ZONING TO THE CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED PRIOR TO THE RECORDING OF THE PUD GUIDE AND PLAT

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

Application #	2022-01
Application Name	Title 17.47 – Public Dedications and Impact Fees
Application Type	Land Use Code Amendment
Representative	City of Fruita
Description	This is a request for approval of amendments to Title 17.47 of the Fruita Municipal Code concerning the timing of payment of Impact Fee's along with an amendment to the drainage fee base value.

Commissioner Gollob introduced application #2022-01 Title 17.47 – Public Dedications and Impact Fees.

Mr. Dan Caris said that this application was very specific nuances changes that were proposing to make as a response to some of the things that they were seeing in the industry. He added that some of the Planning Commissioners were present at the time they modified Chapter 47 Dedications and Impact Fees language, specifically Transportation Impact fees. They made the decision as Staff to recommend to both Planning Commission and City Council that they collect the Transportation Impact fee at final recording of a plat. He added that this could have been done per filing. He said that this was dissimilar to the rest of the valley. The rest of the valley collects the impact fees at planning clearance. He went on to say that when they proposed to make the modification to collect it at plat, it was specific to some of the changes that they wanted to make to address capital improvements and it felt that they were a lot of smaller developments and some of those didn't have frontage, and some did. He said that have been presently experiencing some large proposals that have gone through the process and they felt that it was necessary at that point in time to make the recommendation to collect the impact fees at plat so they could adequately respond to capital improvements that would have otherwise not been paid for by the development that was going in. There were capacity and/or safety concerns that needed to be addressed. He said that one of the things that they have observed regarding impact fees in construction was that a lot of these developments that have been proposed are taking a longer period of time to complete. There are some supply chain issues, financing issues, lining up skilled labor to perform tasks. He proposed to go back to a more conventional way of collecting the residential impact fees which is for transportation at planning clearance. Notwithstanding the commercial and multifamily or nonresidential and multifamily, this would be industrial, mixed use, and commercial be collected at the time of CO. How this worked was