

MOTION PASSED 3-0 (COMMISSIONER MULDER AND COMMISSIONER HUMMEL ABSTAINED FROM THE VOTE AS THEY WERE NOT PRESENT AT THE LAST MEETING)

## H. HEARING ITEMS

Application #: 2023-11  
Project Name: Adele's Acres  
Application: Preliminary Plan  
Property Owner: 1024 19 Rd LLC  
Location: 1024 19 Road  
Description: This is a request for approval of a Preliminary Plan of a 48 lot subdivision on approximately 15.01 acres

Mr. Henry Hemphill, City Planner, gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Application Details

- Preliminary Plan
- 1024 19 Road - Southeast of 19 Road and J 2/10 Road.
- 48 lots over approximately 15.01 acres
- Annexed and Zoned in 2022

Slide 3 – Legal Notice

- All Legal Notice accomplished in accordance with local law.
- Post Cards – April 19, 2023
- Sign Posting – April 12, 2023
- Newspaper – April 19, 2023

Slide 4 – Site Posting and Buffer Zone

Mr. Hemphill explained that the buffer area must be at least a 350' radius or 20 unique properties. In this case since the area is rural, the area was extended to achieve at least 20 unique properties.

Slide 5 – 2022 Aerial View

Mr. Hemphill pointed out the existing house on the southwest corner of the property which is proposed to remain.

Slide 6 – Zoning Map

Mr. Hemphill mentioned that the property had been zoned for Community Residential (CR).

## Slide 7 – Future Land Use Map

Mr. Hemphill said that the Future Land Use Map supported this property to be within the city limits as Community Residential. He pointed out that the subject property sat at the edge of the Urban Growth Boundary.

## Slide 8 – Site Plan

Mr. Hemphill showed the lot layout and the right-of-way layout of the subject property in relation to 19 Road and J 2/10 Road. He discussed access to the property. He also talked about an emergency access located in Tract A and 19 Road.

## Slide 9 – Review Criteria

- Section 17.21.040 (A)
- 5 criteria to consider.
  - Conformance with Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual
  - Compatibility with surrounding area.
  - Adequate provisions of all required services.
  - Ability to resolve all comments and recommendations without a significant redesign.

Mr. Hemphill spoke about the Pre-Consultation meeting and what is usually discussed. He mentioned sewer lines, water lines, irrigation systems, right of way and improvements. He said that they were looking at improvements on 19 Road with an extension of a sewer line. The proposal is coming from J and Freemont. He talked about the trunk line extension in Highway 6 & 50 that connected from under the railroad tracks along the Highway to 19 Road and through the Iron Wheel Subdivision. He said that there is a recapture along 19 Road north to all of these subject properties that would be developing in accordance with the Future Land Use Map. As far as the right of way improvements, typically they would be required in full sections along 19 Road or minor collectors. He added that it was important to acquire the right of way to do the improvements and that they allocate Transportation Impact Fee Funds for those specific areas. Mr. Hemphill added that it was also important to look at the traffic studies and their recommendations and how they respond to that. He spoke about improvements along J 2/10 Road and would be required in accordance with that street section. As far as sewer, the City relies on the engineering team and their comments.

Mr. Hemphill addressed compatibility with surrounding areas. He stated that this would be the first subdivision around this area. He stated that they needed to look at the Future Land Use Map and what does the Code says about what should be built in this area. He said that this subdivision would be compatible with the surrounding area once it is built out.

Mr. Hemphill talked about the review comment process. He also stated that this application can resolve the comments and recommendations without a significant redesign if they were able to respond to all comments adequately.

## Slide 10 – Review Comments &amp; Public Comments

- REVIEW COMMENTS:
- No reviewer expressed any major concerns with the proposed development plan.
- PUBLIC COMMENTS:
- No written public comments have been received by Staff at this time.
- Neighborhood meeting held on Dec. 7, 2022, by applicant.

## Slide 11 – Suggested Motion

- Mr. Chair, I move we (approve/deny) application 2023-11, the Adeles Acres Preliminary Plan to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved with the Final Plat application.

## Slide 12 – Next Steps

- Following Planning Commission
  - City Council public hearing – June 6, 2023 @ 7pm.
  - If approved by City Council.
  - Final Plat submitted within 180 days.
  - Final Plat is administrative, this process ensures comments have been addressed.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him and invited the applicant to speak.

Ms. Courtney Patch with River City Consultants, the applicant's representative, went up to speak. She introduced the project. She showed an aerial photo showing the subject property and where it is located. She mentioned that the property was annexed and zoned in 2022, it was zoned Community Residential and is approximately 15.01 acres. She stated that currently the land uses in this area are large lot agricultural operations and residential. She showed a site plan of the proposed subdivision layout. She pointed out the existing home that is proposing to stay on approximately 1.77 acres and the other lots are approximately 7000-9900 square feet. She showed a photo of the layout and what the subdivision would look like on top of the aerial photo. She said that they did receive comments and she briefly touched on those comments from the first round of review. She said that irrigation was always a big part of the community and development. She added that they have 20 shares of irrigation water on the property and it would be divided up between the lots for irrigation and drainage for the landscaping tracts. She said that there is not flood irrigation happening on the site but in the past it has been. That will cease with the subdivision and with the improvements to the drainage and irrigation system they were going to improve the rates that are leaving the site and less water will be used and less runoff will be generated. She talked about a detention pond that will pump at a low flow rate. She talked about density, the minimum is between 4-6 units and currently they were proposing 3 because the lots are a little bit bigger but also because the existing home is taking up approximately 2 acres of their overall acreage which dropped the unit count down to 3 units per acres versus 4. They will be having discussions internally and with the property owner to see if

they can increase that and bring in planning to see if there was any leeway. She said that Mr. Hemphill mentioned the J 2/10 Road construction improvements and they have been requested to do half street improvements on the south part of J 2/10 Road. They will be working towards that for the Final Plat submittal. She brought up that their engineering team is confident that they can adequately address all the comments that they had received with response to comments. As far as the traffic study, they were going to get their traffic engineer who prepared the traffic study report involved. She said that there was only one comment on the traffic report, and he will get involved to respond to that. The Fire Department had minor suggestions to move fire hydrants within the subdivision and this will be taken care of. Planning mentioned adding a trail connection on the north end and they did mention between lots 11-12 which are in the middle of the northern section of the lot. The telecommunications tower, they are working to get it removed. She concluded her presentation.

Commissioner Biddle thanked her and opened the meeting to public comment.

There was none.

Commissioner Biddle closed the public comment portion of the meeting and opened it to Commissioner discussion.

Commissioner Hearn asked if a Preliminary Plat would be the same thing as a Preliminary Plan?

Mr. Hemphill confirmed it was.

Commissioner Hearn stated that the application was a Preliminary Plan of a major subdivision for single family lots. She asked if this was correct?

Mr. Hemphill said that the Code stated that a Preliminary Plan was required for anything over ten lots in this particular case, yes.

Commissioner Hearn asked if approval of the plan forced the lot lines and doesn't force what is built on them, is this correct?

Mr. Hemphill confirmed this.

Commissioner Hearn asked if they wanted them to be multi-family for some reason they would have leeway to change that between now and design?

Mr. Hemphill said no.

Commissioner Hearn asked if this would be single family only?

Mr. Hemphill stated that duplexes would work. The proposal is single family detached. If they wanted to change that, they would consider that.

Commissioner Hearn stated that if they did throughout design or as they moved forward with the Final Plat and addressing density acreage, what would the process be if they determined single family or duplexes weren't working, would it come back as a Preliminary Plan?

Mr. Hemphill stated that if they wanted to go over the allowed by right density in the Code which is 4-6 dwelling units per acre, if they wanted to go above that, the density bonus kicks in and there would be consideration on that.

Commissioner Hummel asked if it was normal that even though there was a question from Staff regarding the density that this plat would be approved and they wouldn't go through another round so that they could get that updated before it came before Planning Commission again? He didn't feel that this would be a minor redo.

Mr. Hemphill verified that Commissioner Hummel was asking what was considered a major redesign that would kick it back through the public hearing process?

Commissioner Hummel confirmed this. He added that if they were changing from 48 to 54 lots that would significantly redraw this plat.

Mr. Hemphill said that an increase in the amount of lots, a decrease in open space or an adjustment to the construction specifications like if they wanted a smaller street section that would kick it back through in accordance with the Land Use Code.

Commissioner Hummel asked why was Staff recommending approval if it was below what the Code specified for this area?

Mr. Hemphill stated that they could put a duplex on one of the lots which would be two units. They could get the density by decreasing the 1.7-acre parcel by a little bit and get closer to the four.

Commissioner Hummel asked if they had seen this historically?

Mr. Hemphill said no. It would be up to the applicant and the design team to come up with that.

Commissioner Hummel said that if they give the go ahead based on the 3 units, it could stay at that unless they hinge a statement to the end of the approval that it would only be approved if they have the density 4-6 which is what the code requires.

Mr. Hemphill added it was as proposed and that the property owner was present at the meeting.

Mr. Caris said that what was tricky is that they don't have any density minimums codified in the Code. They have a range that is allowed by future land use not necessarily specifically by zone district and what is tricky for them is what is dissimilar to other agencies throughout the valley they ask for quite a bit of engineering to come before the Planning Commission and Council. Sometimes these things are not necessarily ferreted out but they also have a very prescriptive by right use code in the zoning classifications. He continued that it was hard to hold up a

development when there is lot coverage maximums and setbacks and density that is afforded to a zone district. From their perspective they won't materially change the zoning that is already afforded to this property by drawing a different lot line. He added that they would if they were to drop it to 3500 square feet because then there are some prescriptive amenities that are required to achieve that density bonus that would have to go through a public hearing process to be afforded. Sure, it would change the redesign and the Planning Commission could contemplate that this would be a compatibility issue, but they have development and property rights under the zone district to begin with. They either ask for a layout and hope the design could work or they ask for the engineering and they sacrifice a little clarity as to where everything is going to land. They would have to prove it to the public.

Commissioner Hummel said that this made sense and he thanked Mr. Caris. He said that the way he looked at the range, and he felt that this was a good example of why the range could exist, they are taking out a parcel and it is a larger square footage, and it is going to remain a single family independent of the rest of the development. The 4-6 range for the entire development seems like there is a good place for that. He continued that this all made sense being able to go to a higher density, a duplex for example, on some of those lots would be compatible with the Comp Plan having innovative neighborhood design that has a mix of uses. He continued that in the general planning review comments 3A it had trail misspelled as trial, he hoped to get this updated.

Mr. Hemphill thanked him for pointing that out.

Commissioner Hummel wondered what the rest of the Commission thought about the density. He would like to have a caveat attached to the approval if that was the way they decided to go so that they reached that land use requirement.

Commissioner Hearn stated that she was feeling similarly. She added that the criteria start with the word conformance with the plans and codes. She didn't disagree with Staff, the Staff report had portions that conform but there are portions of the plan that she felt that don't conform particularly goal 4 and 9. Those are the ones that are encouraging housing diversity so what they were getting at that data has shown that they have 81% of occupied homes are all single family and 97% are that way and goal 9 is economic sustainability. If they don't have diversity in housing, they are drawing the types of people to live in Fruita that they want to have here. She thought that this subdivision at 3 dwelling units per acre is an excellent candidate for encouraging that through some sort of addition. This is what she came here wanting to talk about.

Commissioner Miller agreed and would like to see some duplexes thrown in there. She added that they needed to be careful that they are not stepping on those rights. They have met the basic criteria and have met the Comp Plan. They could encourage it, it would be wonderful to see some of those put in there but she didn't feel comfortable requiring it.

Commissioner Biddle agreed. He would not want to require it but encourage it absolutely.

Commissioner Mulder said that this development is new in that area and as this builds out it is going to determine what happens in the future around it. The developer is indicating that they're dealing with a little higher density in the development. He thought is what Mr. Hemphill has said and what Commissioner Hearn and Commissioner Hummel has said it is up to Staff to take the review agency comments and apply it to this location. He didn't think they could put down a hard cut and dry density now. It is not working for them yet. He did think that in the future as this builds out, they will see what is going to happen in this area. He liked what Ms. Patch said and Mr. Hemphill said that as it builds out it is going to determine what happens within the Code.

Mr. Hemphill commended Commissioner Mulder for bringing it up about the edge and what stuck out to him is his recollection is when they were going through the Comprehensive Plan update was a long workshop about how the community wanted to see an edge. Did they want to see a soft edge where density feathers or a distinct edge where they decide where Fruita is? The City wanted a hard edge, identifiable as to where the city limits were. That is what the Code allows to happen in addition to a broad spectrum of different housing types. They were building single family detached housing for a while and it was copy and paste. There are still opportunities afforded to private property owners and developers alike to build duplexes, triplexes, apartment buildings in the core which is supported on the Future Land Use Map as infill projects but also how they were going to develop the edge. This is the proposal that they have seen, they can still do single family detached housing, ADUs are allowed, and they will have housing type within this area if that is the community and neighborhood that wants to be built out. He was glad that they talked about the edge because that is where this is.

Commissioner Hummel said he was concerned that they were going back to a model with a reduced density of feathering the edge and he preferred not to go back to that because we heard differently from the community. If they can require the 4-6 then he would like to see some kind of strong emphasis on point number 6 and Staff's comments which is that density increases and further discussion with Council as part of the project as it builds out further with Staff.

Commissioner Miller asked what that would look like with the big piece taken out? She wanted to know where they were at in the subdivision piece. She felt like that would change the picture.

Mr. Hemphill responded that there were an additional 4 lots that would need to be included or units. He said that this was insignificant.

Commissioner Miller said that it was stated that they would be working towards this.

Mr. Hemphill said that they were trying to get 2 more units. The property owner had stated that they would like the opportunity for rebuttal.

Commissioner Biddle asked them to come up and state their name.

Mr. Darryl Cordova, one of the owners of 1024 19 Road LLC, said that the 1.77 acres belonged to Gary and he will retain ownership of it after they divide. He said that his thought was he would like to put 3 duplexes on that piece of ground, future growth. He said that he didn't know



if it would fly with the City of Fruita but they could split that ground and put 3 duplexes on it. He said that they were just throwing it out there. They are open to suggestions and that is one of them and the lot may open and eliminate the density problem. He thanked them for their time.

Commissioner Hearn asked if this were platted as proposed and they wanted to change the subdivision or the applicant wanted to change the subdivision to have 3 duplexes on that parcel, what is that process?

Mr. Hemphill stated that it would be a minor subdivision application.

Commissioner Hearn asked if this was administrative?

Mr. Hemphill confirmed this. He stated that what the Code would allow, they could approve up to 60 units with the 4 times the 15 and then move on and say as long as you can get sewer there, work with Staff, City Engineering and Public Works on right of way improvements and they irrigation, there is enough. All those things can align with the impetus that if they want the density there approve up to the 60 units total and then if they came in and want one of the bigger lots allocated as a duplex then as Staff as they are reviewing those building permits they have a process for that.

Commissioner Hearn asked if the up to language, is that in case they wildly wanted to change something and it something like 80 or 100 they just haven't done the design to ensure the utilities are sufficient so that is why it would be capped?

Mr. Hemphill said yes.

Commissioner Hearn asked about criteria 2. It is the compatibility with surrounding land uses, she agreed that the surrounding land use is single family and zoned that way but she didn't know if there was some leeway to consider surrounding land use with its density. If they were looking at the current picture they are talking about massive density where there isn't any so it doesn't feel like infill and it doesn't feel like an edge just yet. She asked if this was in the criteria or is the criteria specifically surrounding land use?

Mr. Hemphill said that existing land uses, applicable zoning district requirements, and other City codes and regulations really take into consideration land use compatibility. When they are thinking about the Comprehensive Plan where the future zoning is going to be, how does it look, how does it get built out? They need to compare it to transportation standards; can they get there and serve the area with the density they envision happening there? Once time goes by and they see a development application and they start to review it, those kinds of things have already been considered and they were there tonight to talk about if they were proposing something wild and crazy that doesn't meet the Comp Plan or Code? When they are proposing 48 single family detached lots that meet the lot size criteria and is honed in on their application, then that is when compatibility can be considered as being met with what could be there in the Comprehensive Plan or what is currently there which they would use for some infill projects. Balancing those together it does make sense to have residential uses in this location.



Commissioner Hearn agreed. She mentioned a comment on considering this when it is built out. She was thinking about the next one that comes, if this is up to 60 lots then the next one will be compared to this one, are they comfortable with that? She thinks she is. It was in reading the criteria, it doesn't talk about density just the use.

Mr. Hemphill said that they have the lot size limitation which is density by design to a point where if you have 7000 square foot minimum lot sizes you are going to get 4 dwelling units per acre on average. When applications come in single family detached and attached with property line down the middle or duplexes, those are all single family uses. They work well together.

Commissioner Hearn had a question on criteria 4. She said it was omitted on the presentation. It was on natural uses and environmental protection. Is that because the definition here is there is nothing particularly unique, they don't have to care about the cottonwoods, so it is not applicable?

Mr. Hemphill stated that he didn't believe there were any cottonwoods left. He said that they were going to be repurposed. There is no need to preserve any unique feature there. No eagles nest, no historic structure or landmark.

Commissioner Hummel pointed out that these were good points if this is what we are comparing things towards then they are also going to be comparing their approval. Future developments will look to their approval of this subdivision. He would feel better about the approval if they mentioned something about the 4-6 density as well as the housing mix and referencing the Code.

Commissioner Mulder asked if he could state that in the motion?

Commissioner Hearn said that she thought there were some disagreements on property rights and adding that to the motion.

Commissioner Hummel said that he would not say requiring, he was saying encouraging item number 6 of the general plan review comments and on an emphasis on a mix of housing types per what the Land Use Code sections reference to that would be.

Mr. Hemphill stated that what he was hearing was that they are encouraging the applicant to relook at how some of these things are built out once it goes through that process and that they were relying on Staff to make sure that they are considering those talking with the applicant and the property owner to discuss future options but to also include that every single minor change needs to come back through because it is inherently allowed in the Land Use Code to have 4-6 and to have a mix of housing types.

Commissioner Hummel confirmed that this was correct.

Commissioner Biddle stated that he would be fine with that.

Commissioner Mulder added that they had to remember the hard edge/soft edge conversation that they had and in the past. This is going to determine a lot of what goes on afterwards.

Commissioner Hearn stated that this was a concern with just encouragement. The way in which she read the word conformance for criteria 1 and the way in which she read Fruita in Motion, they want a hard edge, this is at it not even close to it, it literally is the edge. She added that the plan gave little developments at what it could be at 8 dwellings and talks about if it were 5 dwelling units per acre that they would meet the goals for anticipated growth within the community. She didn't feel that it conforms to the plan and then she asked what does a conformance of a list mean? Is it your favorite things on the list? Is it 51% of the things on the list or is it all of the things on the list? For this application for her, it is all the things on the list hitting the edge and hitting diversity. She also recognized the property rights of the owner. She didn't believe that it conformed to the plan.

Mr. Caris stated that it sounded like they were talking about density minimums. To implement the Comp Plan, they want to codify that this was a minimum. He added that it sounded like potentially prescriptively requires certain housing variations to be constructed. Whether implemented at Planning Commission level or Council level, in its truest form, that is implementation of the plan. He noted that this was a broader policy related question that would need to be discussed. He stated that they support that, and it is not foreign as the City of Grand Junction has implemented density minimums in their residential zone districts. He was unsure that they wanted to set that policy with an application but that they would want to do that as part of a broader conversation. He added that implementing the Comp Plan we would do through zoning. Not through changing the future land use, they would do it through implementing 4-8.

Commissioner Hummel mentioned the innovative neighborhood designs and this and while he would be good with dialing back the recommendation from strict requirements, his question with the plan in general was what is the innovative component of this design? Is it the future housing mix that goes on it? Is it the view corridor? What is innovative about this design?

Ms. Patch answered that they understood where they were going to with the density and what proposal is looking like now and with the edge conversation, those are all things they are taking into consideration. They are not necessarily trying to cram this crazy dense subdivision right on the border of these nice agricultural open lots that are right along the buffer zone with the county. The views are great too, that is the property owner's intent was to try to keep some larger lots for single family residential and as Mr. Hemphill and Mr. Caris are mentioning single family residential does include duplexes that can be attached or detached. They are allowed to have ADUs if that is something they want to do. If they were looking for more affordable or a mix of housing, these are all things that they can consider but it is hard to see if it can be forced on their application as they are mentioning as well. They are willing to try and up their density by using duplexes or look at another idea that was briefly brought up earlier, the redesign of the larger lot or do a minor subdivision to take that out of the density calculation. This would give them more leeway on the proposed lots and not look at that acreage that is not being upped with houses right now. These are things that they discussed with their supervisors and the applicant, and they plan on have that further discussion with the City of Fruita, but the plan is as proposed now. They hoped to stick with the larger lots and be able to let Gary keep his house on 1.7 acres. The area and the buffer zone are taken into consideration.

Mr. Caris added that by requiring or by encouraging an applicant to incorporate certain things in their development that are outside of the zone district is not allowed. These things are allowed. They are in the zone district that they are in. When the zoning decision was made, he did not want to conflate the two things, they are talking about neighborhood design, they have these entitlements. They are allowed multifamily and duplexes. Requesting that they incorporate these into their design is their prerogative. He thought it would be appropriate to encourage those things that are allowed and they have those entitlements and potentially some flexibility with regards to lot size which might be difficult to achieve if they were in the 7000 square foot box.

Commissioner Hearn stated that this was helpful because she was struggling with what they could and could not do. She appreciated the representative mentioning that they looked at the edge and they read and were aware of them. She appreciates how challenging it must've been for something with nothing near it. She felt strongly that it just isn't perfect yet. She said that she would like to add what Mr. Caris' last suggestion was and ask for a few potential layouts that are amenable to the property owners when Council sees this for a decision.

Commissioner Hummel said that with focusing on housing mixes, let the density go for the moment because they are more interested in the housing mixes because the density is already achieved?

Commissioner Hearn affirmed this.

Commissioner Hummel liked this idea.

Commissioner Hearn thought the suggested motion is vague. She wanted to add something similar, with the condition that all Commissioners comments tonight are addressed in some kind of site plan layouts. She asked if this was sufficient language?

Mr. Hemphill asked if it was to show the how the applicant is attempting to meet the minimum density or for a mix of housing?

Commissioner Miller said it was for the mix of housing. She said the 1.7 makes it harder.

COMMISSIONER HUMMEL MOVED TO APPROVE APPLICATION 2023-11 ADELE'S ACRE PRELIMINARY PLAN TO THE CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION WITH THE ADDITION OF APPROXIMATELY 2-3 REVISED LAYOUTS OF THE PLAN INCLUDING A MIX OF HOUSING TYPES FOR COUNCIL TO CONSIDER

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0