

A. CALL TO ORDER

Five Planning Commissioners were in attendance. (Jesse Fabula, Mel Mulder, Justin Gollob, Aaron Hancey and Heather O'Brien (virtually) 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 FABULA SECONDED THE MOTION

MOTION PASSED 5-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

November 8, 2021 Planning Commission Meeting

COMMISSIONER FABULA MOVED TO APPROVE THE MINUTES

COMMISSIONER HANCEY SECONDED THE MOTION

MOTION PASSED 3-0 (COMMISSIONERS GOLLOB AND O'BRIEN ABSTAINED FROM THE VOTE AS THEY WERE NOT PRESENT AT THE LAST MEETING)

H. HEARING ITEMS

Application #	2021-43
Application Name	Fruita Mews
Application Type	Rezone – Major PUD Amendment
Location	1138 18 ½ Road
Current Zone	Planned Unit Development (PUD)
Description	This is a request for approval of a major PUD Guide amendment to the existing Burenheide PUD Guide to accommodate a new single-family attached affordable housing community.

Commissioner Gollob introduced the application.

Dan Caris, Planning & Development Director, gave the staff presentation and entered his Power Point into the record along with eight exhibits. He said that the exhibits had been furnished to the Planning Commission and the Planning Commission received an email that included the traffic study into the packet. He stated that all of these documents that are open for discussion and collaboration amongst the Planning Commission will live with the application. He added that the eighth exhibit was a request to modify an element of the bulk standards and the by right uses that were being requested to be modified within the proposed major amendment to the PUD.

Slide 1 – Introduction

Slide 2 – Project Description

Located at 1138 18 ½ Road.

Burenheide PUD Guide adopted in 2002 (Ordinance 2002-17)

Major PUD Guide Amendment to the existing Burenheide PUD Guide.

- A major amendment involves modifications to an approved Planned Unit Development Guide when there is a change in uses, arrangement of lots or structures, and all changes in the provisions concerning public sites, parks, open space, or density.

This request is for 50 affordable housing rental units over approximately 7.62 acres.

Slide 3 – Property Aerial View

Slide 4 – Zoning Map

Slide 5 – Dimensional Standards & Site Plan Rendering

Bulk Standards	Fruita Mews PUD Amendment	Burenheide PUD
Min. Lot Area	21,780 SF	21,780 SF
SF Attached (townhomes)		
Setbacks		
Front	0' min	25' min.
Garage Front Yard	N/A	25' min.
Side	5' min.	10' min.
Rear	0' min.	20' min.
Max. Building Height	30'	No specific standards
Max. Density	8 dus/ac max.	No specific standards
Max. Lot Coverage	70%	No specific standards

Parking	Required	Provided
Affordable Housing (<i>Section 17.39.030 are available for uses that advance the City of Fruita's Comprehensive Plan.</i>)	0.5 spaces per studio or 1-bedroom unit/ 10 (1-bedroom units) = 5 required	75
	0.75 spaces per 2-bedroom unit/ 30 (2-bedroom units) = 23 required	
	1.25 spaces per 3-bedroom or larger unit/ 10 (3-bedroom units) = 13 required	
Total	41	
10% of parking spaces shall be electric vehicle (EV) ready.		

Mr. Caris elaborated that the amendment was the center table which is the modifications that the applicant was requesting to amend. He wanted to mention that they did have some varying setbacks that are the future land use for this property which calls for Community Residential, the PUD is an application type that would be used to modify those bulk standards. The second table below is the parking schematic which is codified in the current Land Development Code that does afford a multitude of different uses for affordable housing, senior living and some other uses that are a percentage reduction in the amount of required parking for applications of that type. The amount of parking is 41 and then on the right is a site plan showing what is being proposed. He added that the applicant was proposing that 10 % of the parking spaces would be electric vehicle capable.

Slide 6 – Exhibit 8 Letter from Indibuild

Mr. Caris said that this was the letter he mentioned earlier. He added that in the project narrative the applicant represented that they were building a 50-townhome product. In the Code they have a slightly different definition of townhome versus multifamily. He stated that they typically saw a townhome type product as common wall and subdivided. For this application they are not proposing to subdivide the townhomes. They are proposing that this be constructed in a site plan related request. They would need to dedicate additional right of way which would be K 4/10 Road and describe the physical legal description of the 7.62 acres that they are proposing. The purpose of by right use extension for multifamily is to capture the nuance in the code that speaks only to townhome product that is subdivided on common walls. He mentioned the site-specific development plan that they are proposing to the Planning Commission and City Council. They were still in alignment with the original analysis that they conducted for this application.

Slide 7 – Review Criteria – Section 17.19.060 (A)

Section 17.19.060 (A) Conditions for Amendment. An approved Final Planned Unit Development Plan or Planned Unit Development Guide may be amended, if the applicant demonstrates that the proposed modification:

- 1) Is consistent with the efficient development and preservation of the entire Planned Unit Development;
- 2) Does not affect, in a substantially adverse manner, either the enjoyment of the land abutting within or adjoining the Planned Unit Development, or the public interest;
- 3) Is not granted solely to confer a special benefit upon any person;
- 4) Does not contain proposed uses that adversely affect other uses approved for the Planned Unit Development;
- 5) Does not contain a public site, park or open space plan that differs substantially in quantity or quality from that originally approved;
- 6) Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the Planned Unit Development; and
- 7) Is consistent with all applicable regulations of this Title, except as specifically allowed through the subject Planned Unit Development approval or where an amendment is allowed pursuant to this Section.

Slide 8 – Legal Notice – Section 17.07.040 (E)

Postcards – November 24, 2021 (20 days prior to Planning Commission)

Property – November 23, 2021 (21 days prior to Planning Commission)

Newspaper – November 27, 2021 (17 days prior to Planning Commission)

Slide 9 – Legal Notice Site Posting & Buffer Zone

Slide 10 – Review Comments & Public Comments

Review Comments

- No review agency expressed concerns on the application proposal. A technical review of the application will occur if the application were to move forward.
- Public Comments
- Written comments have been received by Staff at this time.
- All written public comments have been entered into the record for review.
- Additional comments have been received since the Planning Commission packets were generated. These comments are included and are represented as exhibits for simple reference.

Mr. Caris said that they had not received any public comments when the Power Point presentation was put together, but they had received them starting late Friday, on Monday and today. He stated that all of those comments have been forwarded on to the Planning Commission and are the comments that had been entered into the record.

Slide 11 – Staff Recommendation

Because the application appears to have met all of the applicable review criteria set forth in Section 17.19.060 (A) of the Land Use Code, Staff recommends approval of the proposed Fruita Mews Major PUD Guide Amendment with the condition that the subdivision/site plan and zoning be specific to the application proposed and furnished with a subdivision Plat.

Mr. Caris concluded his presentation.

Commissioner Gollob thanked him and invited the petitioner to speak.

Ms. Alisha Hammet, a planner with Shop Works Architecture at 301 W. 45th Avenue in Denver Colorado went up to speak

Applicant Power Point

Slide 1 – Introduction – Indibuild, Vortex Engineering and Shopworks

She said that she was presenting on behalf of the developer, Indibuild, for this PUD Amendment application for 7.62 acre portion of the existing Burenheide PUD to accommodate a new townhome attainable community known as the Fruita Mews.

Slide 2 – About Indibuild

- Specializes in collaborative design and housing development that is both sustainable and attainable.

Slide 3 – Team, Supporters and Collaborators

Team - Indibuild, Prior & Associates, Vortex Engineering, Shop Works, Bryan Construction, Morgan and Associates

Supporters & Collaborators - Grand Valley Catholic Outreach, Eureka McConnell Science Museum, DOLA, Homeward Bound, Fruita Area Chamber of Commerce, City of Fruita, School District 51.

Slide 4 – Context Map

Ms. Hammett elaborated that the site was located just east of the Monument Ridge Elementary School and north of K.4 Road and said it was about 2 miles from where they were. She added that this amendment included changes to the siding, bulk standards, density and character of the site that was not foreseen at the time of the adopted Burenheide adopted in 2002.

Slide 5 - Fruita in Motion Compliance

- Housing affordability is a growing issue for renters in Fruita (p.12)
- Consider allowing up to 8 units/acre for residential development outside of downtown (p. 37).
- Support flexibility in zoning and the development of diverse housing types as part of an economic sustainability strategy (p. 58).
- Support changes that will promote a diversity of housing types that will keep existing residents in Fruita and attract future employees (p.58).

Ms. Hammett said that the changes were needed to the future workforce housing development. She added that this request supported the Fruita in Motion Comprehensive Plan's 2020 goals for providing a variety of housing types, affordability, and supporting infill development.

Slide 6 – Approval Criteria (Staff Report)

1. Is consistent with the efficient development and preservation of the entire Planned Unit Development.
2. Does not affect, in a substantially adverse manner, either the enjoyment of the land abutting within or adjoining the Planned Unit Development, or the public interest.
3. Is not granted solely to confer a special benefit upon any person.
4. Does not contain proposed uses that adversely affect other uses approved for the Planned Unit Development.
5. Does not contain a public site, park or open space plan that differs substantially in quantity or quality from that originally approved

6. Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the Planned Unit Development
7. Is consistent with all applicable regulations of this Title, except as specifically allowed through the subject Planned Unit Development approval or where an amendment is allowed pursuant to this Section.

Slide 7 – Existing Zoning

Uses by Right:

1. Residential single-family detached dwellings
2. **Residential single-family attached dwellings**
3. Live/work home occupation units which combine residential and commercial uses in a single building
4. Regional detention/retention pond on outlying lot
5. Undeveloped space that may be used as part of the current ranching operation
6. Model Homes
7. Vehicular private driveways
8. Private access lanes
9. Temporary construction staging sites
10. Public Roads and utilities including cul-de-sacs, utility improvements, lines and mains, facilities, services and buildings
11. Additional uses determined to be similar to uses by rights listed above in the Declaration of Covenants, Conditions and Restrictions and homeowner's Associated agreements.

Ms. Hammett said that on page 5 of their application they provided a list of by right uses for the PUD amendment.

Slide 8 – Site Plan

- 10 townhome buildings on 7.62-acre site (10% lot coverage)
- 50 for-rent housing units
- 75 parking spaces
- Complies with all City codes, Federal and State regulations

Ms. Hammett elaborated that they planned to build 50 townhome units on the property but did not plan to subdivide the property into individual lots for each town house because this is going to be a rental product. She said that Fruita's code definition of single family attached dwellings requires each dwelling unit to be located on a separate lot, they respectfully requested the Commission to consider an amendment to their application to add multi-family dwelling as a by right use to ensure that this can be a rental, affordable housing community. She said that they would record the site plan as shown in the PUD so that the City has insurances that they will build what is shown. They were also requesting that subsequent applications are approved administratively. She added that most site plans in Fruita are administratively approved along with subdivision plats that create under 10 lots which this would once they dedicate the right of ways. She continued that vehicular access to the site is provided from the extension of K.4 Road. The K.4 collector will proceed east/west through the property to the eastern property line.

Slide 9 – Townhome Elevation

Slide 10 – Sustainability & Amenities

Community gardens, 10% EV ready / charging, 1500 ft. trails, treelined streets & detached sidewalks, clubhouse, play area, bike parking & maintenance area.

Ms. Hammett stated that She said that there were 1500 linear feet of trails, a clubhouse, community garden and play area for future residents. The site would comply with all City, Federal and State regulations. The original plan for this property was to be attainable for people making 30 – 80% of the area median income. She said that after listening to the community the area median income range has been increased to 32 – 120% AMI. She said that this was important because 86% of Fruita households are in 120 % AMI or less and this future development will serve existing residents of Fruita who are currently cost burdened in housing. Additionally, the developer is willing to enter into an agreement with the city to restrict the area median income range on this development so there is a guarantee that future residents of the Fruita Mews will not exceed 120 % AMI.

Ms. Hammett said that the architectural design for the Fruita Mews will be a modern farmhouse vernacular that relates to the Mews definition. Each of the buildings will front a green space or street and will include a covered entrance porch that will provide a sense of place and arrival. The townhomes are two stories in the center and will step down to one story on each side which breaks the scale up of the buildings. The community building and amenities will complement the overall style of the development and will become a hub of activity. The property will be professionally managed and maintained. The site has several sustainability features for residents including community gardens, 10% EV ready / charging, and more.

Slide 11 – Thank you!

Ms. Hammett said that they believed this development is in the public interest by providing much needed workforce housing for teachers, nurses, firefighters, and police officers who have a difficult time finding attainable housing in Fruita. She added that this amendment met the City's approval criteria and further provisions set forth in the Fruita Comprehensive Plan. She thanked them for their time and consideration of their request, they wanted to thank the Staff for shepherding them in the process and they looked forward to answering their questions.

Commissioner Gollob thanked her. He opened the meeting to public comments. He gave instructions to the audience.

Ms. Dorrie Handley who lives at 1646 Myers Lane in Brandon Estaes went up to speak. She said that she would start by affirming that she was in favor of affordable housing in Fruita. She pointed out 3 major issues with the Fruita Mews plan and the re-zoning of the Burenheide PUD. She pointed out traffic issues and said that the Fruita Mews would be located immediately east of Monument Ridge Elementary School. Morning traffic flow with children and parents accessing the school from 18 ½ and K 4/10 Roads would be in direct conflict with the residents of the Mews leaving their development. Parents would be driving and children would be on bikes,

scooters, and walking traveling north and east. Residents of the Mews would be driving cars traveling west and south. There is only one short street, K 4/10 Road, with direct access in and out of the Mews and the school. She pointed out that there were no traffic lights and inadequate stop signs to organize such a flow and that accidents were inevitable. Building alternative exit roads from the Mews going east or south would not be feasible. The second issue she pointed out was parking issues. She said that parking was inadequate with 75 parking spaces for the planned 50 units. Each unit would most likely have at least 2 vehicles, assuming 2 working adults and maybe even more vehicles, depending on family size. When the 75 spaces were filled, parking would most likely spill out in front of the Mews and the school onto K 4/10 Road, a short, narrow 2 lane blocks. The third issue was re-zoning. She said that the Fruita city staff, City Council representatives and professional consultants recently spent many months working on a zoning plan for the City of Fruita. This area in question was designated as low-density single-family rural residential housing, which would most likely not impact the PUD with excessive traffic or parking issues. A re-zoning action would not be consistent with the traffic circulation and housing population density assessed in the Master Plan for this particular area. In conclusion, Ms. Handley stated that they all wanted affordable housing in Fruita. However, high density rental housing of this type was really misplaced in this location. She asked them to please no rezone this PUD allowing Fruita Mews to build in this location. She thanked them.

Mr. Dave Karisny who lives at 917 Squire Court spoke. He had a procedure question. He said that the applicant is asking for a use by right which essentially is given to things like Community Residential, those are things that through the planning process and the Land Use Code there is an agreed upon setbacks, house sizes, heights and things. He said that a Planned Unit Development is something different. It is something that the petitioner creates the setbacks, the measurements are unique and different, and a Planned Unit Development typically goes through a process where it is seen by the Planning Commission, the City Council and then comes back as a Preliminary seen by the Planning Commission and Council and then seen again as a Final. He stated that what they were asking for is an administrative process that says they are going to grant them use by right basically they were going to show them something today and then you are going to agree to it. Amongst other things he was questioning in the applicant's narrative they point to the allowed administrative adjustments, and this is a code adjustment that the Planning Director can do. They can change things by 15 % the lot area minimum, the lot coverage, and a list of things. He found it unique to see that in the applicant's proposal, that is something that is in the Land Use Code and it was his understanding those adjustments could be done administratively were going to be in place for things like their garage didn't fit and needed to be two feet over or something like that. He concern was that they were going to be approving this and then the applicant is going to assume that they will get all of these adjustments that can be done administratively. He compelled the Planning Commission to not view this as a use by right and view it as a Planned Unit Development so they can, and the community can see this as it progresses through that process. He thanked them.

Commissioner Gollob thanked him.

Mr. Dana Seelye who lives at 1110 Aquarius Avenue. He said that he fully supported the Mews project. He said that he was a military veteran, he appreciated the opportunity for first responders, teachers, etcetera to be able to get attainable housing. He said that he has done a lot

of work in that area, he does landscape work and part of the ditch water folks. The roads are new, they are open, and he thought traffic would flow nicely. He thanked them for their time.

Commissioner Gollob thanked him.

Mr. Lou Mudd who lives at 126 S. Maple Street went up to speak. He said that the kind of development that was being proposed here is something that is essential in this town because there are plenty of people who work here but the wages on income starting level, entry level work whether it is first year teachers or a beginning firefighter, a beginning police officer, those kinds of jobs, the income level prohibits them from purchasing a house and with something like this with making it attainable rent they would be able to save enough income without being rent poor. Hopefully they would eventually make enough income to work their way out of that neighborhood and be able to afford to put a down payment on a place. Everybody knows that if you don't have money for a down payment you will be renting for a long time. He said that another issue when the traffic was brought up, they live in a bike access community and if the people that live there work here, maybe not for people that work in Grand Junction, he thought there was a lot of need for housing here. For most people he knew if they work in town, they will find a way to get there without a vehicle, walk or ride a bike. He said that the place was being developed with space for bicycles and for most of the year we live in a bike friendly community where people can ride to work. If half the people rode bikes to their local workplace, he thought the traffic can be alleviated as far as people would know there is a school there, drive carefully. He hoped that this was approved. He thanked them.

Commissioner Gollob thanked him.

Ms. Julie Jelsma who lives at 610 ½ 26 ½ Road in Grand Junction went up to speak. She said that she has a fine design business where she does design for people in the Fruita area addressing creative solutions to space constraints and storage needs. She said that as a person who values rural living and having owned a gentleman's farm in Paonia for over a decade she has noticed that there has been a real problem in small communities and that is why she was there to speak on behalf of Fruita Mews. There are not enough available rental properties. People who move to small communities often move there for the quality of life and they are doing that at a time that they can afford to purchase but when service providers are moving to an area with a lower income it really becomes a struggle when there isn't enough affordable income. She added that looking into the issues around this, there has become crowded, inadequate, and substandard housing in many communities when you can't have affordable lifestyles. With Fruita Mews, this provides not only decent dwellings, product and safe recreational environments, optimal layouts for non-congested parking, convenient walk ways and green space, but this is an aesthetically pleasing modern farm design that allows people to preserve their income for healthier choices with food and healthcare for more favorable educational outcomes for their children, greater opportunities for growth with their employment and a renewed desire in locals to continue to work because they can afford the lifestyle. She really encouraged them to consider approving this application and allow Indibuild to create a win/win opportunity here in Fruita. She thanked them.

Commissioner Gollob thanked her.

Mr. David Lee who lives at 1894 Hartz Court went up to speak. He said that he was neutral because he was curious what types of studies had been presented to the Planning Commission on the impact that affordable housing does have on the surrounding area and the communities. He thought that most people hear that these isn't an impact. He said that he recently read a study by Stanford University that it does have an impact, especially on property values in the surrounding area about 2.5%. He asked if that was a lot? For some of those houses that are directly across from the elementary school that are a half a million-dollar homes they might have a concern about it having an impact on the values of their homes. His biggest worry is traffic. He said he heard someone mention that traffic flow was going pretty well right now. He said yes, right now. Once you throw in another 50 homes into that area plus if you look at the developments that the Planning Commission and the City of Fruita has already approved. He gave the example of the corner of 19 and K Road. He said that this is the area that Brandon Estates was being extended all the way over to 19 Road. He thought that there was going to be another 80 homes put in that area. He said that Vortex Engineering was involved in that. He is concerned about the traffic at 19 and K Roads. He is also concerned about 18 ½ Road. He said that he knew there was a plan to move 18 ½ Road all the way down to 6 & 50. He asked Mr. Hemphill if this was in the 10-year plan? He said that it was not in next year's plan. He added that we continue to approve more and more housing, more and more development but the traffic, the roads, this is something that needs to be done now not five years from now, not ten years from now but something now. He continued that there was a major project at the corner of 19 and K. They have another project with over 200 homes just south of 19 and J. He said that the majority of people living in all of these areas that have been approved and even Fruita Mews are not necessarily going to be working in Fruita. He stated that the majority of people work across the valley. They will be commuting in and out and across the valley, they will be using 19 Road quite a bit and that is going to be a nightmare as soon as this project is done. He said that this was his big issue and wanted to talk about the traffic and when they will deal with it, not five years from now, not ten years from now, but it needs to be done within the next year or two. He thanked them.

Commission Gollob thanked him.

Mr. William Cummings, the Associate Vice-President of Business Development with Family Health West, his home address is 556 Beech Road in Fruita. He stated that on behalf of Family Health West they currently have approximately 630 employees, they have 80 positions that they are currently recruiting for and because of the overwhelming demand for health care services and the continued growth of that, they see a continued need to grow and a continued need to identify affordable housing for their employees. They are in full support; he was there to represent the organization and from their CEO and their entire executive team they were in full support of this project. He thanked them.

Commissioner Gollob thanked him.

Mr. Tom McNamara who lives at 1768 Waters Lane went up to speak. He said that he was going to present his own dialogue but his daughter who was also going to attend was unable to. So, he is going to take her place. He said that she moved here from out of state with her daughter earlier this year, obtained a job through District 51, she has a master's degree in

counselling and child education, she is bilingual so she was attractive to the D51 school system doing very well and she enjoys it. It was only by happenstance and luck that she found housing for herself and her daughter under \$2000 a month for a 1600 square foot home. He thought it was under the going rate. He said he has heard talk of \$2000 a month for a home equivalent of that purchased by investors from outside the City, fix them up, and rent them out. He said that this was disconcerting because she is barely making ends meet with her new salary and her new job. He continued, regardless of small anecdotal things about traffic, which he was sure the traffic department has addressed already for this project. He was in full support of this. If she were to be able to obtain housing of this sort, 1, 2 or 3 bedrooms for herself and her daughter and save herself \$400 a month, that would go a long way for teachers in general to get obtainable housing, they shouldn't call it affordable. He added that this was not housing built for other than the workforce, the workforce being somewhere between \$50,000 combined income per year and \$96,000 per year. They were not talking about affordable housing or subsidized housing; they were talking about attainable housing. He thought \$2000 a month for a 1600 square foot home is not attainable. It is not practical; it costs too much for the salaries that are available in the Valley and in particularly here in Fruita. He didn't know what else she would have said but he didn't want to bore them with his story because it ended up on their street just recently and he was shocked that a \$230,000 home sold in 2001 sold for \$681,000. That is 1900 square feet at \$377 per square foot. Who can afford that today? He said that his wife and he would not have been able to afford that home had they built and bought as they did 22 years ago. He was wondering if the objections might be for affordable versus attainable housing, but he did think they should limit themselves to eliminating this opportunity that they have with the Mews project and other projects like it. He said he was sure this was not the only one on their table at the present time. He wanted to encourage them to maintain an open attitude and as long as the Mews project and others like it meets the criteria built in the Code for Fruita, he would encourage them to approve this project.

Commissioner Gollob thanked him.

Mr. Shanachie Carroll who lives at 1199 Wolf Creek Court went up to speak. He said that he is always blown away when he sees such amazing attendance at civic functions. He said that he oversees the Fruita branch library, he was not there representing the library, but he had a couple of insights that he thought were important to point out. He has a team of seven that work with him including himself at the library. He has managed to get four folks who live and work in Fruita, it is very hard to do that. Most of the time when he is hiring the first thing that his candidates tell him is that they would love to live in Fruita and I can't afford to. He hears this a lot and there is something to say about living and working in your own town. He said he feels like a unicorn, he bought in 2014 and that was the tail end of the recession, the next month housing values doubled, and he didn't know if he could afford to live and work in this town right now even at the salary he was at now. He said that our town is really changing, the community is really changing, and he recognized that this is something that will affect, especially the close neighbors of the Fruita Mews in a way that he probably won't see living a little further away and he felt for them. He added that change can be good, but change can be really hard too. The community is changing right now, and he saw all sorts at the library and he helps everyone. The fella that just bought the \$681,000 house he was sure he has helped him. Same as people who have been renting and in substandard housing here for generations and the thing is they need to

create opportunities for their community to enjoy upward mobility. He said that this wasn't necessarily the first step to generational wealth, owning your own home, accumulating wealth in your own home despite being with their family but it is a great first step. It allows for the first-time teachers to be able to afford something, build a nest egg and continue to be a part of the community in a big way. They won't be saying they just moved there a month ago and have wanted to live there for five years and have been saving up living somewhere else. They will just say they have been here for five years, and I just bought a new home here, isn't that great! In short, he supports this project. He had questions, but thought Kim was a straight arrow and he thought it was a good project. He thanked them.

Commissioner Gollob thanked him.

Mr. John Rodwick who lives at 1140 Marigold Avenue in Village at Country Creek went up to speak. He said that they have about 200 units within that village, and he has been a member of the community for well over 15 years. He said about 3 ½ years ago the City of Fruita applied for and was granted a designation by AARP as a livable community. He said it was one of a hundred communities at that time within the United States. Today that number is over 500. The unique element of being a designated AARP community is that they are guided by eight dimensions of livability, one of which is affordability, affordable housing. The question that they continue to take a look at because there are millions of people across the country that are seeking like those here locally for housing that they can literally afford which does not exceed 25-30% of their gross income. As a result, the City of Fruita is very much committed to the kind of housing that is being proposed in this Mews project and simply wanted to give it support and he hoped they would too. He thanked them.

Commissioner Gollob thanked him. He moved the meeting to rebuttal.

Mr. Stephen Swindell of Vortex Engineering went up to speak on behalf of the applicant. He had a couple of things he wanted to respond to. They heard two different people speak today about traffic. Inaudible. He quoted "Auxiliary lanes are currently warranted" which means you already have some trouble; however, the addition of auxiliary lanes is not necessary and will not significantly improve the level of service at the intersections. He said that was right from the PE third party employed to do exactly that. The PE does not recommend that anything is done, so you have some traffic trouble, you guys know you have traffic problems. He is not recommending any measures with this particular project. He does not think that anything would benefit. The other thing he mentioned is parking. As Dan showed they are providing 75 spaces with the current plan, City code only requires 41 so they are already proposing more parking than is required by code. The last thing he spoke about was Freemont Street extension, he thought that the engineering for that project is next year. He asked Mr. Caris if that was correct?

Mr. Caris responded that it was underway.

Mr. Swindell, he said that it was going right now on the Freemont Street project, so it is coming quicker than people estimate.

Ms. Hammett went up to speak. She said that she wanted to address some of the other comments that they heard. She said that regarding this is being designated as a low-density area, according to the Comprehensive Plan it is in the Residential 4-8 Land Use category which has to do with density, and they were proposing a density that is around 7 dwelling units per acre which is consistent with the Comprehensive Plan and she referred to Staff to confirm that this was correct.

Mr. Caris said it was correct.

Ms. Hammett continued, she stated that regarding studies showing that affordable housing negatively impacts property values, there are several studies showing that affordable housing that is funded through credits, those are credits that are deployed through the Colorado Housing Finance Authority, CHAFA, do not depreciate housing values or DOH dollars in general. She said that they had several studies that they included with their Community Meeting report that was conducted on July 26 to Staff with several studies that show that counter the Stanford study. There was no change to property values based on affordable housing development and some even had a positive impact on property values. She said that they wanted to address these two comments. She added that they were available to answer any questions that the Commission may have.

Commissioner Gollob thanked her and closed public comments and moved towards Planning Commissioner discussion.

Commissioner Fabula asked Staff what their parking standards were, where this was in the Code and how the Code dictated what parking was required for housing types. He also asked why they were looking at this as a use by right request?

Mr. Caris answered he started off that there were very prescriptive standards in the parking standards with regards to type of use. He said that they have anything from single family dwellings all the way to multifamily and all the commercial uses that require a specific amount of parking per square footage for commercial and per type of use for residential. He added that they did codify and have had it codified in the Code for some time deviations from that, one that the Planning Commission has seen in the past which is in Downtown which is a strict percentage reduction. In addition to that, they do have percentage reductions affordable housing, senior living, supportive housing and the like and the table that was shown in the presentation is different than what is required for multifamily and for duplexes and single family detached but it is consistent with what they have embedded into the Code and they are furnishing the City with the addition of really what is the delta between 75 units and 41 units. To be clear, if those were all subdivided and market driven housing it would be 3 parking spaces per unit. They are not asking for any deference with regards to that because of the type of application.

Commissioner Fabula said that he looked at the numbers and he thought it was not as tight as some other applications that they have seen in the past in terms of parking. His curiosity was perked because when he thought of this type of housing type, he wouldn't think that there would be less cars for this type of user living in the housing type. Maybe another type of housing type they would see less cars. It was just a concern for him but he liked the fact that they were going above and beyond that minimum that was required by the Code by hitting that 75.

Commissioner Gollob wanted a clarification, is it 41 or 75 parking spots?

Mr. Caris stated that 41 was required and 75 was proposed.

Commissioner Gollob thanked him.

Mr. Caris said that there was obviously the elimination of what they have seen which is front garage street elevations for each of these units, the design that they have chosen to pursue is not what they have seen in the traditional suburban environment and they have attempted to cluster what is parking pods throughout the development and it was his understanding in the narrative and some of the documents that have been supported to the City is interest in trying to get people activated outside of their house rather than driving into a garage type setting, shutting the door and not interacting in a community space. This was the intention in some of the Preapplication meetings that they had. They chose to pursue the parking more offsite rather than allocated per each unit. He didn't know if this was something that the Planning Commission was interested in asking the applicant, but he recalled this as part of their request.

Commissioner Fabula would ask this of the applicant. He said that in their packet they talked about many of the housing products that their team has done over the years. When you through your expertise building products like this, is it true that when you have 50 units and it is true that 5 of those people don't have vehicles and this number of units actually really has only one vehicle, he used himself as an example, and these units have 2-3 vehicles and it all washes out with the number. He asked them how this worked in their approach?

Ms. Hammett responded that what they have seen is that they tend to over park these types of developments for that reason. They people who, especially people who fall into the lower AMI range 30 – 120, those on the upper range will likely be car owners and those on the lower end typically cannot afford a car or can only afford one vehicle. There is a strong correlation between income and vehicle ownership on these types of properties and a lot of times these properties are overparked.

Commissioner Fabula asked if overparked meant that they provided more empty spots than is required for the residents that live there?

Ms. Hammett said that this was correct.

Commissioner Mulder asked Ms. Hammett, one of the comments that came up in the audience that the rental properties are being bought up out of the area, improved and owned out of the area, is this development owned out of the area?

Ms. Hammett answered yes. She said that Indibuild is not in Fruita.

Commissioner Fabula asked Staff about pursuing use by right. He asked why this was a benefit in this situation, why is the applicant interested in pursuing that?

Mr. Caris answered that he didn't want to represent that on behalf of the applicant, but it was the City's understanding that it was a timing related request. Not necessarily not wanting to go through the Final PUD Plan and then the codifying of the ordinance. He added that they have some time constraints, and they can speak to the Commission directly about what those are, and he felt that would be represent why they are making that request. He said that they felt it met the threshold for the commitments that they have made in their Site Plan application and also making the commitment quite directly to the Planning Commission that they are not planning on deviating from that site plan. When they codify or record a zoning ordinance, they would likely have a site-specific development plan that is a part of those recorded documents and that was what they furnished the City with. He added that they felt confident that it can be built according to that. He knew that Vortex and some of the other subconsultants that are on this application have already completed the analysis for the horizontal improvements that would likely need to be constructed. The civil engineering related elements that Vortex and the engineering staff feel that there is no detrimental engineering obstacle or feat that would alter the actual site-specific plan as presented.

Commissioner Fabula said they didn't have concern about the application that is requesting a use by right.

Mr. Caris stated that the Staff didn't have an issue with that. They viewed that the zoning application is asking for the permission to build what they have proposed. If they stayed consistent with that, they felt that they can usher the application through the process and meet with tolerances the threshold that it has been submitted. He did think that what Mr. Karisny was talking about with regards to the table and the percent deviations, the intent of that was for it to not be used for a total development proposal. It was supposed to be used for example a downtown store front that can't meet specific building codes or setback requirements or fire suppression that they were willing to indicate those proposals or that type of construction can meet. Another example would be in a downtown setting screening mechanical unit, giving a percent deviation on that. He added that he was correct in his analysis of the purpose of that table. He didn't believe that any specific requests are being proposed to utilize that path.

Commissioner Hancey asked what if deviations come in that were too significant for administrative purposes, how do they handle that?

Mr. Caris said that they would go through the exact same process that they were in right now.

Commissioner Hancey clarified that they would initiate saying that this was going out of bounds of what was agreed and put it back through the process?

Mr. Caris confirmed this. They would make the claim or finding that this was outside the scope of what they furnished the City with that is specific to this particular request that was before them to make a recommendation. If that deviation exceeded what was proposed they would classify that as major PUD amendment.

Commissioner Gollob pulled up the table and asked if this was dealing with setbacks?

Mr. Caris answered the bulk standards, yes.

Commissioner Gollob talked about the setbacks. As he remembered the setbacks were mostly zeros, they can't have negative setbacks. There is no where to deviate to far from that.

Mr. Caris said that was correct with what they proposed but he was indicating that the purpose of why did that. It was more for things that were already built in the environment. They weren't to utilize the variances that are allocated in a table and haven't built anything yet. They were for things that were already existing in the built environment that needed percent deviations to meet code standards.

Commissioner Mulder said that they were loading themselves up with a serious problem in the northeast corner of the City of Fruita with the traffic situation. It was not something to be shrugged off. He added that the location of this high-density project is perfect for the school, for the hospital, for young families, if that was in fact what is going to be moving into this rental project. He found himself having mixed emotions. It could be a very attractive project for Fruita. He wished the location was farther west and closer to the highway where people could come off onto the two lane and get on the freeway and go into Grand Junction. He said that this isn't going to happen in the near future unless they wanted to build a freeway exit at 19 Road. He added that it was a wish list a long time ago. He had his question answered, it was out of the area ownership. He said that they were dealing with Main Street business buildings that are owned by out of the area owners. This makes it difficult for people to improve on those buildings downtown. He wondered if this project would open the door for more. He continued that affordable housing has been on their agenda time after time. If a rental house under \$2000 is affordable housing, so be it. He said that this was a shocker to him. He added that there was a house on Pabor Street that sold for \$600,000 and that this was crazy. He said that he like the project, but traffic was going to be a problem.

Commissioner Hancey noted that the traffic study was done in June or July, he asked why it was done in July and not a better month? In July no school is happening, why didn't they do it when school was in session to get a more accurate reading?

Mr. Swindell answered that the report accounted for that. He added that traffic engineers and their calculations take nearby areas like a school or shopping mall into account in their calculations. While it happened outside of that time, those numbers were represented.

Commissioner Hancey asked how they did that?

Mr. Swindell said that he was not a traffic guy, but that was the magic of traffic engineering.

Commissioner Hancey said that he had a huge concern because he didn't know if they truly considered for the school. The school currently has over 300 students and it is only 2/3 full. Right now, he thought the school was set up for 3 classes per grade and on average there were 2. He said that you have a school that was increasing, they needed to take into consideration the 50 units, but did it take into consideration to the rest of the PUD for future development. He thought there were some good concerns were brought, were they taking into consideration when

folks are coming out of the area, they are hitting Ottley / K Road and 18 or 19 Road. How were they addressing traffic when they know 19 Road was full of development and potential development and that congestion? He added that K and 19 was a horrible intersection and didn't know why it was still two stop signs. He felt it was only going to get worse.

Mr. Swindell said that he knew that they do take into account, they measure left turns, right turns, time of day, it was a very detailed effort to go through existing traffic counts that measured all deviations in and around the area. He didn't think that they took into account unused land or under-utilized schools. Those were difficult from an engineering perspective to quantify and predict beyond a factor like an industry standard factor for taking samples from here, there is a school nearby with this many classrooms, there were some industry standard factors that they can apply that make it more applicable. In terms of spotting vacant land and putting numbers to that and some timing he didn't think that was in the scope of these kinds of traffic studies.

Commissioner Hancey said that an additional issue that he had with traffic is currently there was only one driveway out of that area, that 40-acre lot. It is right there off of K 4/10 Road and then you through in 50 units and you have the rest of the PUD. If that got developed which Fruita in Motion is saying yes to, they would go out the same exit. He added that if they aren't addressing that along with all the other things, he wanted to talk more about the traffic report and not just the fact that they were professionals and to just trust them. He understood that his expertise was elsewhere, but those are his concerns with traffic. What were they actually taking into account? What have we not? What were the intersections that they analyzed?

Mr. Swindell said it was on the map on page 6. He said that there were three intersections all-around 18 ½ and K, 18 ½ and K 4/10, and K 4/10 and 18.

Commissioner Hancey said to him those were beginning intersections of issue. They are not addressing other important intersections. He asked what the impact was to K and 19, 19 and 6 & 50, that this is adding to?

Mr. Swindell stated that the fair answer was, to put it in his expertise, if he was being asked to predict the impact on a water system, sewer system or a drainage system as an infrastructure engineer, he looks in the immediate area. He added that it was difficult to stop expanding your look beyond the wastewater treatment plant. It would be a never-ending exercise so he would say that they were going to impact these lines in this way and then the wastewater treatment plant that is the end of the line. Where to stop analyzing is a very difficult piece. You try to stick to industry standards which are within the immediate impact area. He continued that to expect every development would go beyond and try to find other problem areas that exist outside of its immediacy is a difficult ask.

Commissioner Hancey said he understood what he was saying. He asked Staff what we have done to deal with the whole environment that they have because they have reviewed certain projects that were completed and in process, there are things that are up and coming but it is a valid point with traffic he asked what the global impact for the City of Fruita with what they know is going on. Is there a global traffic study with the 18 / 19 Road corridor?

Mr. Caris addressed the Planning Commission and said that the simple answer to this question was yes. He pointed out that the comments that have been made were that they hoped somebody is paying attention to this. Mr. Swindell was talking about their responsibility with the traffic study is to analyze the impact of this project not the impact of level of service across the transportation network. He added that if this project created an impact that needed to be built as a result of it being constructed, they do it. What we do is they take part in a regional transportation planning office that takes the entire valley into consideration, and it talks about when certain improvements are likely to be made. He gave the example of Iron Wheel had some turn lanes that were warranted for their project and a widening, and a taper was constructed in the first filing and that traffic study analyzed when specific improvements to 19 Road and 6 & 50 are warranted. The traffic study concluded that either a dedicated right or lengthening of that left would be warranted and he thought it was at 2035 for that project. He said the City of Fruita recently hired Fehr & Peers which is a traffic engineering and consulting firm on the front range to do a circulation plan for the City of Fruita that calls out all of the future street sections that folks like Vortex Engineering look at when potential properties are going to petition to develop before the City. As a result of that circulation plan, they hired Kimley Horn to do the analysis of what comes first, Freemont (18 ½ Road) and 19 Road and it was their professional opinion that the City of Fruita will move the most traffic with the construction of a new intersection at 18 ½ that is in the process of being designed up to J Road. They do have a plan for the grid in its entirety.

Commissioner Hancey said he understood that this wasn't necessarily this projects problem, but he had concern with not being able to talk to the professional with the study and to ask questions. He reiterated that there was one driveway coming out of 40 acres, if now or later, how are they going to deal with it? He asked Staff the question, right now that road of K 4/10 on the east side of 18 ½ is sidewalk on one side, would a project like this be required to put a sidewalk on the other side and complete that road and would it bump into the land south of the elementary school?

Mr. Caris said that they ask developments to improve their frontage. This application is proposing their frontage be along the eastern portion of K 4/10 Road where they would improve the frontage that their project is impacting. He didn't believe their proposal was taking into account the full construction of K 4/10 Road for the entire alignment from Freemont all the way to the end of the limits of their proposal. He said that Mr. Atkins and Mr. Swindell along with other Vortex staff are looking at it. Part of their analysis was they understood that they might need a secondary access. The problem with that was the concern about spacing if they were to construct another road that was in between K 4/10 and Myers in Brandon Estates, that it would be offset from Libra in Monument Glen and that they would create an unsafe condition for what he thought was left bound traffic out of the entire site. He continued that a secondary access is going to be needed in the future, but they needed to pick a better alignment to make sure they move traffic.

Commissioner Hancey asked if he was suggesting the stubbed road that on the north side of Brandon Estates finishing that?

Mr. Caris said that when that property develops that would certainly be a condition.

Commissioner Hancey said that he has not come across a CHAFA supported project, he wanted an explanation of the process to him. It was his understanding that they were in the application to get that funding and if they didn't get that funding does that kill the project?

Sam Betters who lives at 4275 Tarryall Court in Loveland and who works for Indibuild answered the question. He explained the CHAFA process. They will put in their application in on February 1. The committee will then take about 2 months to review all of the applications and they will get 30 -40 applications during this round. They will come to a decision probably sometime in May. They will find out then if they will get an allocation of tax credits. If they are unsuccessful with getting the tax credits, they will go back in the next round which is in September or October.

Commissioner Fabula said that the tax credits were a mechanism, how does a mechanism like this fund a project in Fruita?

Mr. Betters answered that this was a creation under the Ronald Reagan administration. Tax credits were created in 1986 as part of the Tax Reform Act. It revolutionized how affordable housing was delivered in this country. The goal was to get the federal government primarily out of the business and to incentivize the private sector to get into the business of affordable housing. When they do these types of developments what they end up doing is getting an allocation of credits from the state finance agency, CHAFA, and they sell them. They sell them to an investor. He continued that an investor could be a bank or an insurance company, it is an institutional investor. One of the beauties of the program is that this project is going to take 18 million dollars to build and the investors are going to give them 12- 14 million of that. Because they are giving them such a large equity investment, they want to make sure that the investment is maintained. That has become the success of the low-income housing tax credit program is because it puts the asset maintenance on the private sector. The private sector is tremendously incentivized to make sure the asset is maintained because they have so much money in. He added that it was a great program, it has become the largest producer of affordable housing in the country in the history of the United States.

Commissioner Fabula thanked him.

Commissioner Hancey asked about the Land Use Code section 17.19.060 (a) where they talk about amending PUDs. He said that number 4 said, does not contain proposed uses that adversely affect other uses approved for the PUD. He said that Staff said that it did not have an adverse effect in your analysis. He asked if this was correct?

Mr. Caris said this was correct.

Commissioner Hancey said he thought it did have an adverse effect because if you look the remaining property of the original PUD and it cuts it up, what is the future ability to use this property and efficiently develop it as the Fruita in Motion would like it to be? He asked for comments on how it did not adversely affect that southern property after the split.

Ms. Hammett said that with the way that the site plan was designed is that they were north of K 4/10 Road so anything south of there is what the remaining Burenheide PUD was. The 7.62-acre portion is self-contained in relationship to the rest of the PUD area. She added that from the site planning perspective it would be easy for any future applicant to be able to create lots and blocks out of the remaining land. She thought if they had started south or west, they would have a greater challenge, but the current location is perfect. She said that they have a contiguous piece of land in the south, and they are not breaking it up. They took the little portion in the north and building it out to its entirety. She felt it was organized in a good fashion.

Commissioner Fabula said that they saw a lot of applications go before them and they move through with the vision. He didn't know how many people owned the land to the south but there was an expectation that this was how all of that land would develop. Fast forward from 2002, are there people that have land to the south that are saying this was not what they envisioned, and he expected someone at the meeting to make that comment. He thought her point was right, if you were going to stick this product somewhere on that property as it sits this was the right place to put it.

Commissioner Hancey understood the split but thought it adversely affects that south part.

Commissioner Fabula had bought into the PUD and thought it was large lot residential or whatever it was going to be, he would be upset because he would think the land was going a certain direction.

Mr. Swindell added to Ms. Hammett's comment. He said that one way to consider it was if the PUD has been in existence for more than 20 years and has not developed yet it means its vision was not market right. Today they have something that is going to utilize that land, it takes a slight modification to the PUD, if the PUD was a spectacular document they wouldn't be standing there. Something about the market and the PUD as it was written wasn't right and today it is right. He agrees with Ms. Hammett, this is a good pocket to develop it without a negative impact to the remaining land.

Mr. Caris said that they always envisioned irrespective of the development proposal that K 4/10 would continue eastbound, and they felt that there would be a physical and legal separation just with the right of way itself that would have likely at some point created a 7 plus acre parcel. They didn't feel that materially changed that and with this application alone and a significant variable associated with that in their analysis is that a school was built. He continued that this was a significant deviation from the 2002 PUD and they started to rely heavily on that land area and the Future Land Use Map in the Comp Plan and think about the most efficient way that properties can develop, not from a use standpoint but thinking about K 4/10 is going to continue eastbound which was going to create that parcel which was the basis that the criteria could be met.

Commissioner Hancey said like Commissioner Mulder, he loved the project. He asked why this lot was chosen versus another one that might better suit this community. Where it is right now it is not close to city center. They were fine with 75 parking spaces which is more than sufficient with the expectation that renters would have 1 -1 ½ per home, and he has heard discussion about

the use of bikes and public transportation, but there is not public transportation up there. He added that it was not within walking distance to the downtown area or other amenities the city offers. Why this area and not another one that more strongly suits this development?

Ms. Hammett answered that this was the piece of land that was for sale and the seller had a strong desire to be close to the school because he wanted housing for teachers. They thought what a better location than having affordable housing adjacent to the school where they can walk to school.

Ms. Kim Cofflin also known as Kim Pardoe who lives at 4884 Briar Ridge Court in Boulder and works for Indibuild went up to talk about the relationship with the seller. She said that she wanted to build housing for families in Fruita. She continued that she has been coming to Fruita for 20 years and it is one of her favorite towns, a home away from home for her. She cherishes it like her own and she is here a lot. It was important to her after reading the Comp Plan to build housing for families and to address a theme in the Comprehensive Plan and for her personally was it was a small community and a community where people should be able to live, work and play. It was important for any income bracket but especially lower income brackets to have safe route to school. She looked at other properties in Fruita and she was fortunate enough to get an introduction to Phil Onofrio who was a COO with the school district until he recently retired, and he showed her the properties that the school district wanted to dispose of. They drove all around Grand Junction and there were some beautiful properties next to schools and would have been great for housing, but she really wanted it in Fruita. She had heard about Charles and Omer Burenheide; the sellers had sold the property to the school, and she kept pestering him. She really wanted that property, but it wasn't for sale. She told him that she really wanted to build housing. She added that the school district was looking for a teacher preference, they are not allowed to give a teacher preference, but they have affirmative marketing program with the school district which is teacher preference like and meets fair housing. She added that Omer Burenheide was a teacher at Fruita Monument High School for 32 years and he didn't want to sell to a California track home developer to build a regular subdivision. He wanted to have teachers at the property, so she thought it was a perfect fit.

Commissioner Hancey commented about their desire to rent to families. He asked how being involved with CHAFA with their stipulations and criteria of the program, how can they keep the identified families in and not be discriminatory?

Ms. Pardoe commented that in CHAFA nomenclature families does not exclude anybody. She said that she wanted to build housing for families, but she also wanted to build housing for seniors and single people. She continued that a family property under CHAFA's guise is not a senior only property. She added that even though she wanted to build housing for families, she cannot limit her property to families and nor would she want to. There are lots of studies on multigenerational mixing and how seniors do well being around kids and she has done that before in her past affordable housing and real estate. She wouldn't want to preclude seniors because it is a family deal.

Ms. Hammett added that the other important thing was what attracts family was the product mix. They are offering 1-, 2- and 3-bedroom units. This attracts families. In that way they are attracting a certain demographic in just the type of product mix that they were offering.

Commissioner Hancey asked that they mentioned that it was being split into three, how is it being split?

Ms. Hammett responded that it would be three lots created by the roads. They would dedicate the roads by subdivision plat, they would divide it through that instrument, a minor subdivision and it would create 2 or 3 lots total if you look at what the roads are versus platting individual lots per unit.

Commissioner Hancey said he saw 10 buildings.

Ms. Hammett said that this was correct.

Commissioner Hancey asked if they were splitting the 10 up?

Ms. Hammett said that on the site plan, she showed him, if they were to dedicate this there would be one lot here, two and then three.

Commissioner Hancey understood.

Commissioner O'Brien said that she didn't have any questions at all. She appreciated the whole project for its innovation and for the sustainability features and she was really excited about the partnerships that were being negotiated with entities like the school district and the Eureka Science Center. She thought it was exactly the kind of housing that were seeking, and it made sense that they were working with developers that have done this sort of thing in other areas. She didn't have any qualms that they are not locals because she didn't know if locals would have experience with building these types of communities. It made sense that they were reaching out and going with some companies that have experience. She said that she was very excited.

Commissioner Gollob stated his position, he liked the project and he was trying to determine the location. The question he had about determining the location was what was he using to make that determination? Was it the Burenheide PUD guide, the Comprehensive Plan or is it something else? He added that looking at the conditions of approval the very last paragraph on condition #1, the amount of density proposed is inconsistent with Burenheide PUD guide, which made sense to him. However, the Future Land Use Map and current Comprehensive Plan would support the proposed density changes in this area and it then goes back to the petitioner's previous comment of the 7-8 dwelling units per acre. He continued, that within this what was he to use for the mark for approval? The Burenheide PUD or the Comp Plan?

Mr. Caris stated that Staff took the position to recommend that this approval criteria has been satisfied because we are 20 years removed from the original PUD. They have had two new Land Use Code updates in this period of time, two new Comprehensive Plans that have been approved in that time and any applicant irrespective of this project would be afforded the opportunity to

attempt to rezone out of that PUD into a different zoning classification that was supported in our Code that is currently codified. The bar that they measured that question with is that there has been several things that have happened in this area, one specific one that was a major shift was the school being built and they have seen time and time again with Rimrock Elementary School and the development that has occurred around that area and that is the finding that they found to support that approval criteria.

Commissioner Gollob stated that the 7 acres that was being broken off will then be separated from the PUD and the PUD will remain in place for the remaining acreage, which is mostly to the south, he asked for confirmation of this.

Mr. Caris said that this was correct. He added that they had attempted to articulate that in that fashion in the recommendation and they had also requested that they received an exhibit that was specific to the area in which they were proposing to alter those dimensional standards and by right uses in the PUD guide.

Commissioner Gollob said that he did not see any communication from residents that were in that PUD at this point either supporting or opposing this.

Mr. Caris was not sure about phone calls or inquiries.

Commissioner Gollob said that there was nothing in the pack and asked if that was correct?

Mr. Caris said that he was correct. He did say, for the record, that they did get communication from the school district and the school district was originally a part of that PUD.

Commissioner Gollob thanked him for that. He asked the applicant if this was rental only? He thought there was a possibility to purchase.

Ms. Hammett answered that this was a rental only product.

Commissioner Gollob asked if this was consistent throughout the proposal?

Ms. Hammett confirmed this. She added that if they were to subdivide it, each individual unit, that could be for sale. She said that LIHTC didn't allow this. They know it will be a rental product for a minimum of 40 years.

Commissioner Hancey wanted clarity on who wouldn't allow this?

Ms. Hammett elaborated that the way the CHAFA funding is done, through LIHTC, it has to be a rental product for a minimum of 40 years.

Commissioner Gollob asked if they would have a minimum of 15 years of ownership?

Ms. Hammett said that this was correct.

Commissioner Gollob asked if there was any requirement or discussion around a requirement that this would serve current Fruita locals? Meaning someone wanting to move here from outside of the area, is there a point system? He added that if they were talking about alleviating housing problems for Fruita locals, but they don't serve many Fruita locals, he questioned how much progress they were making.

Mr. Betters said that as Ms. Pardoe said earlier, they were working very closely with D51, and they would like to be able to as much as they could under Affirmative Fair Housing be able to target emergency personnel and teachers in the Mews project. He said that they were limited by Fair Housing. They can't just say that no one that lives outside of Fruita can't ever live there.

Commissioner Gollob stated that they had to follow the guidelines.

Mr. Betters added that they could strive to give preference and strive to market the project as much as they could to those targeted groups that they talked about.

Commissioner Gollob asked how they would give preference?

Mr. Betters stated by their marketing.

Commissioner Mulder stated that they have traffic studies and new plans for the area. He asked if there was anything that would say that there is a saturation point? He asked if they would say that they would build the project, but the rest of the PUD was not eligible for a project of this nature? He asked if they would say this was enough on this traffic area that until they get the roads straightened out this is it?

Mr. Caris said that he was not able to analyze that from a traffic standpoint, they did do the analysis when they came up with the Future Land Use Map for the Commission, Council, and community. The transportation network is a section in the Comp Plan that was analyzed by the engineering staff not just from an on-street component but also from an infrastructure. If future projects are proposed in this area, they will have to furnish the City with a traffic study similar to this project and he thought it was fair to say that if more development happens in this general area that something is going to be warranted that will need to be constructed to add capacity to the network. He felt this would be a good question for Sam Atkins the City Engineer for level of service and existing density that is forecasted for that area.

Commissioner Mulder said that he was told that there was a traffic study in progress in past meetings, that Mr. Atkins was conducting a traffic study and putting one together that was going to straighten out the traffic problems in the City of Fruita. He asked if this was correct?

Mr. Caris said it was. He said that number one on that list was the construction of Freemont from J Road to 6 & 50.

Commissioner Mulder asked if they approved and send to Council this project was there anything to stop another one of this nature from going in right below it?

Mr. Caris said that other applicants were afforded the same due process that the applicant's before them this evening. There would be nothing preventing other applicant's from proposing projects on the remainder of the PUD.

Commissioner Fabula said that this was one of those issues that they look at project by project and make those decisions, they still think collectively as a community as they were adding these projects up.

Commissioner Mulder said that they had five.

Commissioner Fabula said that is what they have to talk about and some of the other products or tools that they pull together and use to address those. He was happy when they did that community survey a couple of months ago and that was one of the questions that was hit hard on that. He thought that the city staff, not in the Planning Department, but other parts of city staff really took that to heart. They are saying that this is something that the people that live here are concerned about. He added that they see projects and they add up and then they start to question the adding up effect. He thought they were sitting in the right place for this project here tonight, the Fruita Mews.

Commissioner Gollob asked which condition for approval would traffic be considered for the condition for approval? Is it part of that discussion?

Mr. Caris said that number six contained street and utility plans that are coordinated with planned or existing streets and utilities for the remainder of the Planned Unit Development would be the closest that he would say would apply to that. He said that they also had to remember that there are other approval criteria for a Site Plan too. The bulk of that analysis is that their engineering staff is going to conduct will land in that particular application. He said they did front load a lot of that discussion with the applicant and their representatives. They do not typically see the civil engineering and traffic study specific to a zoning request, but they felt like that was important for it to be analyzed to make sure there weren't any fatal flaws with the budgeting that was done for the project.

Commissioner Mulder stated that he tried to read the traffic study and interpret it while sitting on 18 ½ Road and he thought the traffic study was difficult to look at.

Commissioner Gollob said that there were a lot of right and left and turns.

Mr. Caris said that he was certain that the zoning request, they would not typically have a traffic engineer representing the applicant, but it does seem like a significant concern for the Planning Commission that he was certain they could ask the developers representative that if this project moves forward to Council that this professional expertise seems like something they were missing.

Commissioner Gollob asked Commissioner Hancey if this was something he would like to see?

Commissioner Hancey responded that even though it wasn't necessarily part of the rezoning request and approval that it was a significant hurdle down the road. He asked if they could address it today or does it need to be addressed today? He said that if certain things can't get resolved, like he didn't like the traffic study, it made him want to say no and deny.

Commissioner Gollob said that he thought it brought up the question as he felt that they were coming back around, he asked Staff to layout what the next steps looked like moving forward if this were to pass or not to pass.

Mr. Caris said that the applicant has proposed to the Staff that they recommend approval of that they go through their zoning entitlement hearing which is what we are doing now before the Planning Commission. Then there would be a first reading of the ordinance that is likely to take place on 21st of this month. A second reading of that ordinance on February 1st. On February 1st would be the decision that would be before the Council considering the Planning Commission's recommendation to modify the major amendment within the Burenheide PUD. The applicant had also requested based on the timeline of their tax credit application that the subsequent step which is the minor subdivision and site plan approval be administratively conducted. If they were to recommend approval, it would move forward along that path. If they recommended denial, it would still move forward on that path. That is the nature of making a recommendation to the decision-making body the City Council.

Commissioner Hancey asked if the PUD gets approved and it changes everything, but they can't get past the traffic, and it kills the job is the PUD still changed?

Mr. Caris said that was correct.

Commissioner Hancey asked if it would stay the original Burenheide?

Mr. Caris stated that if the City Council amends the PUD ordinance through this major amendment process it changes.

Commissioner O'Brien she recommended that they needed to stay on task with the conversation that for this application. She added that there has been a traffic study done and the professionals in the field have stated their professional opinion and for them to consider denying this application because when more projects down the road traffic will increase, that is not germane to the conversation today. She wanted to refocus and look at the application and the recommendation of Staff and the information that has been given by the presenters and the traffic study they have. They can't judge this application on the merits of what they think might happen in the future.

Commissioner Gollob did think that they needed to refocus.

Commissioner Mulder asked if K Road was a county road outside the Fruita city limits?

Mr. Caris said it was.

Commissioner Mulder asked where.

Mr. Caris said he believed it was 19 Road but there were portions of that since they have some annexations that have dedicated to the center line, there are some instances where it was half.

Commissioner Mulder asked if 18 ½ Road was county?

Mr. Caris responded that northbound above the school was.

Commissioner Mulder asked if Freemont was City of Fruita?

Mr. Caris said not from 6 & 50 all the way up to 18 ½ Road, there were portions of county property that still had frontage along 18 ½ Road.

Commissioner Mulder said that 6 & 50 was state, and they have county and city. They have four involvements before they get any road projects accomplished.

Mr. Caris asked if he meant J 2/10 north to K Road along 18 ½ Road?

Commissioner Mulder said he was trying to figure out how many people were involved in the road improvement projects that could occur out in that area. The county, City of Fruita, the developer, and the state highway down by 6 & 50.

Mr. Caris confirmed this.

COMMISSIONER O'BRIEN MOVED TO RECOMMEND APPROVAL OF APPLICATION #2021-43 AS AMENDED TO INCLUDE EXHIBIT EIGHT OF THE PROPOSED FAMILY FRUITA MEWS MAJOR PUD GUIDE AMENDMENT WITH THE CONDITION THAT THE SUBDIVISION SITE PLAN AND ZONING BE SPECIFIC TO THE APPLICATION PROPOSED AND FURNISHED WITH THE SUBDIVISION PLAT

COMMISSIONER FABULA SECONDED THE MOTION

MOTION PASSED 4-1

I. OTHER BUSINESS

1. Community Development Updates

None

2. Visitors and Guests

None

3. Other Business

Commissioner Fabula mentioned how much he liked the Fruita Parade of Lights and wanted to do a float next year.

Adjournment 8:10 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita