



FRUITA PLANNING COMMISSION AGENDA

Date: Tuesday, August 14, 2018

Time: 7:00 p.m.

Place: Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue, Fruita, CO

The following items will be presented at this public hearing of the Fruita Planning Commission for their consideration. The Planning Commission will formulate a recommendation that will be forwarded to the Fruita City Council. If you have an interest in an item on the agenda, please call (970) 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. If you have a concern with an item on the agenda, your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter detailing your concerns and submit it to the Planning & Development Department prior to the meetings. Physically disadvantaged persons, who wish to obtain information or need assistance in attending the public hearing, may call (970) 858-0786. The hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: www.fruita.org

General Rules

Land use public hearings are similar to a court proceeding. Proper procedures will ensure a fair hearing for all and allow the land use items to be acted on in a timely manner. In the interests of time and to assure a fair hearing for everyone, the following rules will be followed:

1. There will generally be a 15-minute presentation (maximum) by the applicant.
2. Individual speakers will normally be limited to 3 minutes each.
(Additional comments may be submitted in writing.)
3. The applicant will then have a rebuttal time of approximately 5 minutes.

Each person wishing to speak will raise their hand and be recognized by the Chair and asked to come forward and speak into the microphone stating their name and address. The purpose of a land use hearing is to have the facts of a case presented in a manner that will assist the decision-makers in making a fair, legal, and complete decision. The hearing is a fact-finding forum by unbiased decision-makers. Unruly behavior, such as booing, hissing, cheering, applause, verbal outbursts, or other inappropriate behavior, detract from the hearing and will not be permitted.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

Application #:	2018-30
Application Name:	Oak Creek North Annexation
Application Type:	Annexation & Zoning
Applicant:	Boa Builders LLC
Location:	1149 18 ½ Road
Requested Zoning:	Community Residential (CR)
Description:	This is a request for approval of the annexation of approximately 4.98 acres and to designate a Community Residential zone.

Application #: 2018-31
Application Name: Oak Creek South Annexation
Application Type: Annexation & Zoning
Applicant: Boa Builders LLC
Location: 1840 K 4/10 Road
Requested Zoning: Community Residential (CR)
Description: This is a request for approval of the annexation of approximately 4.28 acres and to designate a Community Residential zone.

- * The Oak Creek North and South annexations will be continued to the October 9, 2018 Planning Commission meeting.

G. CONSENT ITEMS

Application #: 2018-29
Application Name: 146 N. Elm VRBO
Application Type: Conditional Use Permit
Applicant: Benjamin, David and Judith Fox
Location: 146 N. Elm Street
Zone: Community Residential
Description: This is a request to approve a Conditional Use Permit for a Vacation Rental by Owner (Bed and Breakfast) in a Community Residential Zone.

APPROVAL OF MINUTES

July 10, 2018 Planning Commission meeting

H. HEARING ITEMS:

None.

Other Business

1. Community Development Activity Reports.
2. Visitors and Guests.
3. Other Business.

ADJOURNMENT

RULES OF PROCEDURE

1. THE HEARING IS OPENED BY THE CHAIR OF THE PLANNING COMMISSION

The Chair reads the item on the agenda.

2. THE PETITIONER SUMMARIZES THE PROJECT

The petitioner or his/her representative is asked to present the proposal. Presentations should be brief and to the point, but covering all of the main aspects of the project.

3. THE STAFF PRESENTS THE STAFF REPORT

The Fruita City staff present their reports.

4. PUBLIC COMMENTS

People speaking should step up to the microphone and speak clearly, stating their name and address. They should be brief and to the point and try not to repeat what others have said. The Chair asks for those in favor of the item to speak and then those opposed to the item to speak. Any others who wish to speak are then asked to come up to the microphone.

5. REBUTTAL

The Chair asks for the petitioner's rebuttal. During this brief time, the petitioner should address the major questions raised by the public and the Commission.

6. THE HEARING IS CLOSED TO PUBLIC COMMENTS AND THE ITEM IS DISCUSSED

The Chair closes the public hearing to public comments. No further comments from the public are allowed at this time. The Commission discusses the item and may ask the petitioner, staff or members of the public to come back to the microphone to answer questions.

7. VOTE

The Chair asks the Commission for a motion on an item. After the motion is seconded, the Chair asks for a discussion on the motion. The motion may be amended and if it is amended, the Commission votes on whether to accept the amendment. After discussion and consideration of any amendments, the Commission votes on the motion. If the motion fails, or if there is a tie vote, another motion may be made and voted on using the same procedure. In addition to recommending an item be approved, approved with conditions or denied, the Commission may also table an item or continue an item to a later date.

8. FOLLOW UP

The Planning Commission's decision is forwarded to the Fruita City Council. Once a project is approved by the City Council it must be revised to reflect all the conditions placed on it by the City Council before documents are recorded and/or building permits are issued. If the project fails to meet the Fruita Land Use Code time limits for final documents, the project approval of the project lapses and the project must be resubmitted.

9. The Planning Commission may also continue a project, or deny a project. At the request of the Planning Commission, the City Council may continue a scheduled public hearing to allow the Planning Commission more time to consider or reconsider the application.

Fruita Planning Commission

Tuesday, July 10, 2018

A. CALL TO ORDER

All Planning Commissioners were in Attendance. (7 total commissioners were present.)

B. PLEDGE OF ALLEGIANCE

Cullen Purser led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

City staff requested that Consent item 2018-12 Iron Wheel Preliminary Plan be moved from the Consent Agenda to a Hearing Item. There was a typographical error on the agenda that erroneously placed 2018-12 Iron Wheel Preliminary Plan on the Consent Agenda as opposed to its rightful place as a Hearing Items.

Dave Karisny made a motion to move item 2018-12 Iron Wheel Preliminary Plan from the Consent Agenda to a Hearing Item and we will call it Hearing Item 1.

Cullen Purser seconded the motion.

7 Yes Votes; motion passes to approve the Amendment to the Agenda.

D. APPROVAL OF THE AGENDA

None

E. WITHDRAWN ITEMS

None.

F. CONTINUED ITEMS

None.

G. CONSENT ITEMS

None

APPROVAL OF MINUTES

June 12, 2018 Planning Commission meeting

Heidi Jo Elder made a motion to approve the minutes.

Dave Karisny seconded the motion.

7 Yes Votes; motion passes to approve the minutes.

H. HEARING ITEMS

Application #: 2018-12
 Application Name: Iron Wheel Preliminary Plan
 Application Type: Preliminary Plan
 Location: Between Fremont Street (18 ½ Road) and 19 Road and north of the Independent Ranchman’s Canal
 Zone: General Commercial, Rural Estate and Planned Unit Development
 Description: This is a request for approval of a Preliminary Plan application consisting of 271 dwelling units on approximately 57.72 acres southeast of Fruita High School, south of J Road, and west of 19 Road.

Planning Commissioner Doug Van Etten read the description of hearing item 2018-12 Iron Wheel Preliminary Plan.

Lisa Cox, Special Project’s Coordinator for Vortex Engineering gave a slide show presentation of the project. Lisa Cox officially entered the power point presentation into the record so that we can have a copy of it. She requested recommendation for approval for the Iron Wheel Preliminary Plan. Lisa mentions that this project is up for rezoning.

Slide 1 was an introduction of the proposed project and included the Planning Commission meeting date and time, application # 2018-12, Iron Wheel Subdivision Application and a request for Preliminary Plan Approval.

Slide 2 requested a recommendation for approval for the Iron Wheel Preliminary Plan. The specifics included 239 single family detached dwelling units and 32 multi-family dwelling units for a total of 271 dwelling units on approximately 58 acres.

Slide 3 showed a location map of the project. The property is located between Fremont Street (18 ½ Road) and 19 Road, and north of the Independent Ranchman’s Canal. There is currently a mobile home and various agricultural buildings on the western side of the property.

Slide 4 showed a map of the Iron Wheel Subdivision Preliminary Plan which included parks and open space locations. The applicant is proposing 271 dwelling units on approximately 58 acres ranging in size from 2.8 acres to ½ acre, open space and mid-block pedestrian path connections, as well as the concrete trail along the canal with pedestrian benches and shade shelters.

Slide 5 detailed the Iron Wheel Filing Plan with a colored map. Each color represented the 6 filings. Also shown on this slide were primary access points off of 19 Road for filing 1, Skiff Avenue at 19 Road for filing 2, and access from 18 ½ Road and Skiff Avenue for Filing 6. The concrete trail along the canal was slated for construction as part of filing 2 and will include benches and shade shelters. Lisa mentioned that the construction of trail and pedestrian amenities were being expedited to benefit the community and Fruita trail systems.

Slide 6 went over the Density Bonus Points earned by Iron Wheel through the design features that implement goals and policies of the City’s Master Plan. Included in the points system are housing variety, small housing choices, dwelling orientation to open space, integrated shade features, xeric landscaping, amount of open space, and proximity to schools.

Slide 7 showed picture representations of what the shade shelters and benches could look like and possible locations for them. Specifically, six pedestrian benches with shade shelters dispersed along the concrete trail by the canal, the 3 larger parks will have picnic tables with shade shelters for the Central and South Parks and a children's playground on the 2.8-acre South Park. These are not specific examples of the benches and shade shelters because it will be dependent upon what is available in the market at the time of construction. Ms. Cox adds that parks will be landscaped with trees and irrigated with water and maintained by the homeowner's association.

Slide 8 presented an example of what the playground equipment could potentially look like in the South park.

Slide 9 showed access points. There will be 6 access points into the development. Five of the access points will be coming off of Skiff Avenue. Primary access for Filing 1 will be 19 Road at the Southeast corner of the property. A secondary access for 25' emergency access is also provided for Filing 1. Skiff Avenue and 19 Road will provide access for Filing 2. Skiff Avenue and 18 ½ Road at the northwest corner of the property will provide access points for Filing 3. The Map also included two minor collectors with a 52' right of way, 44' right of way for local residential streets and 20' alleys. Minor collectors include Iron Drive starting at 19 road coming up to Skiff Avenue and east and west Skiff Avenue. Other streets will be urban residential and will be constructed at 44 foot right of way. Alleys are 20 feet wide with a concrete surface.

Slide 10 showed the Traffic Calming features for the project that included low maintenance xeric landscaped curb extensions at the highest pedestrian traffic area, colored concrete to mark pedestrian crossings at intersections and mid-block pedestrian trail connections, bump outs at each pedestrian trail crossing, pedestrian signage posted at the bump-outs, and four-way stops. They will be working with the City engineer to determine the best places to put those.

Slide 11 showed drainage and sewer detention facilities. There are two detention facilities and are marked with the blue stars, one is in the southern part of the development and the other one is on the west side. These facilities will be landscaped as an open space amenity and maintained by the HOA. The DOLA grant from the Department of Local Affairs will extend the sewer trunk line from 18 Road east to the subject property. The sewer line will be upsized to a 15" line and cross the property east to 19 Road. Potable water will be provided through 8" lines throughout the subdivision. That is coming from J Road down 19 south.

Slide 12 showed that the Iron Wheel Preliminary Plan either meets or can meet without a significant redesign the approval criteria set forth by the City of Fruita. It conforms to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction manual and other city policies and regulations. It provides adequate provisions for all required services and facilities. Natural features will be preserved, and adequate environmental protection will be in place.

Slide 13 requested approval of the Preliminary Plan for the Iron Wheel Subdivision.

Slide 14 asked if there are any questions.

Slide 15 – 20 showed maps of pedestrian connections, the South Park and Pond area, multi-family dwelling units in conjunction to the open space and Fruita trails system, and 19 Road Off-site Improvements.

Commissioner Van Etten thanked Ms. Cox and then requested the staff report.

Commissioner Fabula asked Ms. Cox to show again how people will access the trail system from the subdivision. Ms. Cox explains that the canal will originate from Iron Drive on the east end and there is a concrete path that goes around the entire park and Ms. Cox shows access points to it from two spots on Iron Drive. You can get to the path from a pedestrian connection, travel along a path to the canal and an access point coming through the pocket park. In addition to that you can access the trail from the cul de sac. There is also a concrete trail from a facility which would take people coming out of the multifamily development and will eventually tie into 181/2 Road and that is another method of direct access. That is the most direct adjacent access. The other methods of traveling on the pedestrian trails midblock. Ms. Cox also states that you can travel down the sidewalk and then pick up the trails, same for the cul de sacs. All of the streets will have sidewalks.

Commissioner Van Etten asks if there are any other questions and then thanks Lisa.

Dan Caris, Planning & Development Director, introduced himself and application 2018-12 the Iron Wheel Subdivision. Dan wanted to refer to the packets, that there is application, project description and a narrative along with the elements submitted with their plan set. But it also has our initial review comments along with all the other agencies and it has their response to comments. Application gets submitted then we respond to what has been submitted, supply them with comments then draw up a staff report.

Mr. Caris gave a brief description of the project location, type as a Preliminary Plan, mentions the first reading of the rezone having been heard by City Council and the Planning Commission on August 8, 2017. The concept is to time it with the Preliminary Application along with the rezone. Zoning Districts are current zoning districts that correlate with the rezone application that was submitted at the time of the application.

Mr. Caris gave an overview.

He presented a slide presentation with project descriptions, framework plans, an aerial photo, a matrix for density bonuses and staff recommendations. The slide presentation goes over the points awarded and leaves out those items where points were not awarded. The slide presentation went as follows:

Slide 1 was an introduction to the project. Iron Wheel Subdivision; application #2018-12

Slide 2 was a project description and went over the location address as between Fremont Street (18 ½ Road) and 19 Road an north of the Independent Ranchman's Canal and consists of approximately 58 acres southeast of Fruita High School, south of J Road and west of 19 Road, application type as Preliminary Plan, zoning as General Commercial, Rural Estate, and Planned Unit Development and project details of 239 single family detached residential lots and 32 multifamily units with lots ranging from 5,000 – 14,000 square foot with a proposed density of 4.69.

Slide 3 was an aerial view of the proposed project.

Slide 4 went over surrounding land uses and zoning as Rural Estate (RE) and Agricultural, Forestry, and Transitional (Unincorporated Mesa County – AFT) zoning types.

Slide 5 showed a colored map of Fruita surrounding land uses and zoning.

Slide 6 was a density bonus matrix highlighting density bonus points achieved as 26-38 in accordance with 17.08.040 Density Bonus Matrix. The city's decision-making body, in accordance with 17.08.040,

is authorized to grant density bonuses in accordance with the point system. Densities are dwelling units per gross area. The point system is in place to promote compatibility and fairness in the approval process and is consistent with the Fruita Community Plan.

Slide 7 reviewed the density bonus 17.08 criterion. The applicant received 6 points for housing variety due to the applicant providing 23% of the lots larger than the median lot which translates to 61 lots larger than the median lot size.

Slide 8 went over points the 6 points staff awarded for housing choices. The applicant provided at least 20% of the dwelling units as small housing choices. 271 X 20= 54. Small housing types equals 1,750 square feet of total floor area (house and garage).

Slide 9 went over Context Sensitivity. No points were awarded for Design Standard requirements, 1 point was awarded for orientating of 71 multifamily and small lot detached single family lots to open space, 2 points were awarded for integrating shade features, which is above and beyond what was asked for, and 1 point was awarded for Xeriscaping.

Slide 10 went over Open Space bonus points. Staff recommended 3 points for parks and open space for Iron Wheel Subdivisions 6.1 acres of open space. The subdivision is required 1.64 acres and 1 density bonus point may be awarded for every 10% above the minimum with up to 3 points maximum. Staff recommended 1 point for a 2-acre park within ¼ mile of all residents. Staff worked with the applicant, South Park is over two acres, but it is not within a quarter mile of all the residence in the subdivision. Those are measured along the proposed trails and right of way, but it is a lot of acreage and well over 90% of those lots are within the proximity of that south park. Lastly, 1 point was awarded for trail improvements for a Primary Trail (30' wide and 10' paved) running along the western portion of the development in Filing 2. It was originally proposed for filing 6 but changed to filing 2. It is not a requirement, people will utilize this trail system to get to and from places. Staff felt that a density bonus point should be awarded for that.

Slide 11 further reviewed density bonus points for Multi-Modal Transportation and Location and linkages. Six points were awarded for traffic calming features that included integration of four-way stops, curb extension, bump outs at pedestrian crossings and colored concrete. One point was recommended for pedestrian shelters with benches for the applicant's proposed bus stop intended for use by school children. At least 50% of Iron Wheel's dwellings will be within ¼ mile of an existing schools property line, 1 point was recommended for school proximity.

Slide 12 showed a review of the Density Bonus 17.08 Criterion. Staff recommended 29 points for a proposed 4.69 density for a Community Mixed Use zone type (CMU).

Dan Caris asks if there are any questions.

Commissioner Karisny asks about the apartment complex in filing 6. It will be addressed as a separate filing, there are lots in filing 6 too. When we heard this a year ago it was unclear if that was actually going to be an apartment complex and will it be two stories, three stories and if we are giving bonus densities in relationship to housing choices as well as what we are calling orientation towards open spaces. Wants clarity on this.

Mr. Caris addressed Ms. Cox to clarify this question. Ms. Cox clarifies that the multifamily will be developed as 32 units and two stories and oriented to the open space to the south, to the trail and open space around the buildings and an internal court yard.

Mr. Caris asked if there are any other questions.

Mr. Caris then went over the list of Major Subdivision Criteria with the obvious other elements including the density bonus points. This is a strict overview of when staff looks at an application, what do we go through as far as the criteria is concerned, how do we weigh a project with our current standards and the current Land Use Code. Part of that is adequate resolution of review agency comments. It appears that this criteria can be met if all the review agency comments are resolved during the final plat application.

Slide 13 went over Major Subdivision Approval Criteria under section 17.05.070.C of the Land Use Code for Preliminary Plan applications in addition to compliance with all approval criteria required to be considered for Sketch Plan applications. It appears that all review comments can be adequately resolved without a significant redesign. Criteria for the Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations has also been met. This criteria for Community Mixed Use zoning includes the establishment of walkable neighborhoods that are residential in scale and character, an integration of a variety of housing, open space and community services.

Slide 14 presented more major subdivision approval criteria was discussed. Compatibility with the area around the subject property in accordance with Section 17.07.080 has been met. Also, adequate provision of all required services and facilities (road, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc. have been met.

Slide 15 continued major subdivision approval criteria. Preservation of natural features and adequate environmental protection can be met. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development can be met. Based on this review, it appears that the Iron Wheel Preliminary Plan either meets or can meet the approval criteria that must be considered for Preliminary Plan applications if all review comments and issues identified are adequately resolved.

Slide 16 went over comments. We received one public comment, but it was later redacted. Otherwise, no public comments had been received at this time and review comments were included in the Staff Report and must be adequately resolved with the Final Plat application.

Slide 17 provided the staff recommendation of approval of the Iron Wheel Subdivision Preliminary Plan with the condition that all review comments and all issues identified in the Staff Report were adequately resolved with the Final Plat application.

Commissioner Rink wanted to know if all comments were resolved and more specifically having enough irrigation water.

Sam Atkins, City Engineer, responded to Ms. Rink's inquiry. He stated that the issue of irrigation water goes unresolved. What it is eluded to is that the review comments can be resolved.

Commissioner Rink asked if we more so than the last time actually see solutions?

Mr. Atkins responded we had access issues but believes that we can work through them.

Commissioner Van Etten invited the public to come forward. Then the applicant can come back up and address the issues that were brought up.

Pat Wassam who resides at 1861 J Road expressed concerns regarding traffic especially during school hours and irrigation water. How is the irrigation water going to come for this subdivision?

Pawel Szafruga who lives on 952 19 Road at the southeast corner of the project also spoke about traffic concerns and the repetitive nature of cookie cutter subdivisions will kill the spirit of Fruita.

Commissioner Van Etten points out that traffic appears to be a big concern and that the petitioner will need to specifically address traffic concerns.

Josh Perotti who lives at 1813 Branding Iron had concerns about having enough irrigation water to support the new subdivision. Mr. Perotti showed where the water is going on the map. He asked if they will have a covert and switch the way the irrigation goes and how much water everyone will be drawing. Will everyone have lawns? Will they have a pond? Will they have enough water for the pond? Will they take all of my water?

Commissioner Mulder asked how many shares of water Mr. Perotti had. He said 3. Commissioner Mulder then asked if he had water continually? Mr. Perotti answered yes. He was asked if the project comes in before or after his water. Mr. Perotti couldn't confirm where the water came from other than down 19 Road and showed where his head gate was. Mr. Perotti consulted with an attendee named John who went into detail about the location of the irrigation.

Gary Coup who lives at 1871 J Road spoke about potential drainage problems as his main concern.

Melissa Kelley who lives at 952 19 Road was concerned about the density of the subdivision. She feels open space is important. She is aware that open space is part of the plan, but she has a different definition of open space. She would like to see less houses on bigger parcels, one story buildings and keeping trees that are already there. She asked about public comment. Dan Caris addressed that by describing how the public is notified and was assured that that is what she was doing at the Planning Commission meeting. Her last concern was the traffic.

Joe Logan who lives at 1849 J Road spoke about issues surrounding traffic and school overcrowding. He said he saw traffic counters in the summer but would like to see a traffic study done during the school year in the morning to see how congested and dangerous the road is. Mr. Logan then expressed concerns about where the kids would go to school and if the Fruita schools had enough room. He suggested smart infrastructure over time.

Gena Coup who lives at 1871 J Road came forward acknowledging that growth has to happen and was neither for or opposed to the Iron Wheel Subdivision. She also acknowledges that they do need the city and they need sidewalks.

Mr. Van Etten asked for more public comments, there were none, and he closed the public hearing. The petitioner was invited to address the issues.

Robert Jones, Project Engineer for Vortex Engineer, addressed the concerns of the public.

Irrigation: Mr. Jones said there is a large irrigation vault located by the south park which is 45' long and 15' wide, a little less than 9' deep and has about 42,000-gallon storage capacity. Based on the number of lots, square footage of the lots and water in demand he says they should need 25 shares, however, they are allocating 40 shares to the project. They were originally working with GVIC to get a dedicated head gate located immediately adjacent to the storage vault to feed that and service the subdivision. GVIC is reluctant to provide the dedicated head gate for the project. As a result, they will be coming off of the Palmer Lateral likely upgrading the existing ten inch main from the splitter box and working with adjacent property owners to ensure that that water isn't being suffered upstream to service the project.

Drainage: The drainage ditch located immediately north of the proposed Skiff Avenue and north of the project, that drainage ditch will be piped to accommodate the construction of Skiff Avenue and they have approached Grand Valley Drainage District with that and they are on board with that plan. There is talk about the irrigation water and drains to the south, they are aware of where that water drains. They have accommodated that in various tracts and drains out to the city system. It drains within the storm water and there are a couple of them that have been identified, Mr. Jones pointed to a map to show them. He says that this is in filing 3 and those particular details will be worked out in the plans for filing 3 of the project.

Commissioner Jesse Fabula asked what water will be drained?

Mr. Jones answered that it is field and surface water that is being utilized to irrigate the fields to the north.

Commissioner Fabula asked if it would be draining into the street and then going into the storm drains?

Mr. Jones responded that it drains into a series of inlets and collection basins that have been designed within the streets, those drains to the large detention basin located in the south end of the park. Within that there is an outlet structure at the east end that goes into a 12-inch line and then that gets piped and goes underneath the GVIC canal and that crossing is being upgraded to a 28-inch squash pipe and reinforced concrete.

Commissioner Karisny asks if that is return flow from agricultural land that is going through the subdivision?

Mr. Jones replies Yes.

And then underneath the streets into the storm drain?

Mr. Jones responded with all the storm water within the streets.

Traffic – Mr. Jones said there was a very comprehensive traffic impact study that was Completed for this project that was reviewed by both the Colorado Department of Transportation and City Public Works and Engineering Department. The traffic impact study reviewed intersections both along 19 Road and J Road and 19 Road and 6 & 50. Improvements were needed at the intersection at 19 & J Roads. At 19 and J Road there are left hand lane considerations for north bound left and south bound left. Those improvements

are necessary and required with or without this project. It is a condition that currently exists. There is a big issue at the intersection at 19 and J Road. We feel with the connection of 18 1/2 Road and that dumping into the minor collector, Skiff Avenue, into the minor collector that runs north/south will help to alleviate that. The transportation needs, those left turn lanes, is already known by the city and pointed out in the traffic impact study. All the other improvements that were identified in the transportation impact study weren't warranted until 2040. So essentially in the year 2040 you are hitting the trigger for some of these other improvements which is essentially a complete build out of the project. When they complete the transportation impact study they also consider what the existing and current background traffic levels are, what the projected growth rates are of those background traffic levels and it all gets calculated into that. The background traffic levels now and the background traffic levels in 2040 are accounted for in that study. In the year 2040 there is the need for a north bound left turn lane on 19 Road and Skiff Avenue.

Commissioner Karisny asked if Mr. Jones could show the access points that was on his power point that showed the whole project and the access points to show a clearer way to see it.

Mr. Jones went to the point slide and showed Skiff Avenue, a minor collector, and the intersection of 19 Road. In the year 2040 they had triggered a north bound left lane meaning if you are coming north bound on 19 Road turning left into Skiff Avenue you would have a dedicated left turn lane with a redirect taper associated with that intersection. Next is the lower minor collector road, Mr. Jones shows it on the map, in the year 2040 there is an east bound right lane, meaning if you leave the subdivision turning right you would have a dedicated right turn lane onto 19 Road and a north bound left lane if you are going north down on 19 Road turning left into the project. You would have a dedicated left turn lane and a redirect taper onto that street into the subdivision. The next 3 are relative to 19 Road and Highway 6 & 50. There was some minor striping associated with the existing turn lanes both on the east side of the intersection of 19 and 6 & 50 and the west bound side of 19 and 6 & 50 extending some of those throw lanes and the redirect tapers.

Commissioner Karisny asked if you look at Iron Drive and if you look at 19 Road and you look at Skiff Avenue and in the traffic study that indicated that this subdivision would generate 2400 trips a day it indicated that there are a couple of sections that in 2020 or at build out need to be done, but you are saying that in 2040 those blue arrows, we won't need to do anything with those blue arrows until 2040 and if you look at the Iron Drive on 19 Road they are suggesting the north bound lane at 280 feet, an approach taper means a left lane 175 feet, the storage or how the cars are going to stack trying to do this left-hand turn is 200 feet long. Taking about the same thing over on Skiff Avenue. He can't imagine a school day not needing this right now. There is a disagreement regarding the year 2040. This will need to be handled prior to 2040. He understands what the traffic study was looking at as it talked about the traffic that the project will generate, it talked about Mesa County's growth, it didn't talk about the sewer extension that is going to grow Fruita, it didn't talk about Rim Rock Elementary, Fruita 8/9, or Fruita High School generating episodic traffic and the year long traffic. There are also traffic patterns that exist in Fruita. There is a morning and afternoon rush that can be seen at the circles and 18 Road especially during the school year. We also see people trying to avoid it on 19 Road. It is going to be a significant corridor just like 17 and 18 Roads is going to be and it will be going further out. It is a speed limit of 45 mph right now. Commissioner Karisny understands what traffic studies do but feels that there is a lot more that has to be looked at on 19 Road. It wouldn't be that difficult to prove that there is a real congestion and a real need for 19 Road improvements with this filing.

Mr. Jones responds that Commissioner Karisny's points are well taken. He says he travels 19 Road every day because he lives in north Fruita, so he knows 18 and 19 Roads and their traffic patterns and a lot of the points he was making. 19 Road's future classification is a minor arterial. You have a 100 foot right of way section in 19 Road that is required as things develop. Basically 50 foot from center line that has to be dedicated so that the ultimate section of that is a minor arterial. This project is going to generate somewhere between \$800,000-\$900,000 in transportation impact fees that will be payable to the City of Fruita. One of the ongoing discussions with Public Works and the City Engineer is do you go in and implement interim fixes in small sections utilizing some of that money or do you save that money and go in and complete the actual future planned road section that has been mapped and adopted by the City Council of Fruita? I don't know the answer to that, it is something that we will be working through. With filing 1 of this project nothing is warranted, the only things that were warranted that came out of the transportation impact study is the year 2020 was those improvements on 19 and J Road were specifically stated that those conditions existed with or without this project. Traffic is a tough one. The 19 Road and Highway 6 & 50 improvements also talked about a double lane triggered in 2040 southbound left turn lane. That was the culmination or conclusion of the transportation impact study in its effects and how it relates to the road network. Mr. Jones reiterated that when 18 ½ Road, this far west boundary of 18 ½ Road, they are obligated to build and construct 18 ½ Road all the way to the north and connect it to J Road which is immediately adjacent to the 8/9 school. Mr. Jones said he could see a lot of people cutting and coming through this, which he says is planned which is why there is 3 minor collectors in the area of the project that they had to incorporate that into the design. He feels this might alleviate some of the traffic at 19 and J Road.

Mr. Jones commented on density and moving into the area. He says the Master Plan for the Fruita community has already looked at and has identified these needed areas for needed growth for the city. They are just implementing the plan that the city has adopted and all the elements that were talked about at the meeting, that staff has talked about worked through in terms of these bonus points and elements that were worked into the project compensate for that density as has been identified at the meeting. He feels that Fruita needs this project and is in a crisis, the prices of lots, the prices of homes and the level of homes being built. This project will bring on an element of smaller lots with smaller home sizes which will provide more affordable housing which is something the City of Fruita desperately needs.

Commissioner Mulder commented that he understood in the notes that there is no affordable housing planned in the project.

Mr. Jones responded that no affordable housing except that they are limiting lot sizes making smaller lot sizes.

Commissioner Mulder asked what the average price of a single-family dwelling will be for the project.

Mr. Jones said we could see homes priced between \$250,000 - \$300,000; 1700 square foot homes.

Commissioner Mulder then asks if seeing homes priced at \$250,000 for this project will probably be real.

Mr. Jones replied Yes

Commissioner Mulder then pointed out that the people that buy homes in the project will probably not be working in Fruita but that they would be working in Grand Junction. Then he points out the traffic this will cause on 19 Road. He believed that there will be traffic issues before 2040 and that they needed to consider the road improvements on Skiff and Iron Wheel as quickly as possible for this project.

Mr. Jones replied that this was noted.

Commissioner Mulder brought up bus stops as another issue. He asks if the bus stop will be on 19 Road or bring the buses in Iron Wheel and load inside the project for either school children or other transportation. A school bus or a transit bus can stop traffic quickly the way the road is currently set up. Those improvements need to be done on 19 Road as quickly as possible and belong in the first phase. Whether you bring the buses into the project or pick up the kids on 19 Road, that is part of the plan. Whether the transit picks up on 19 Road or inside the project, whether you are able to get a bridge across the ditch if the irrigation company will let you. The transportation issue and the traffic pattern issue is going to have to be resolved quickly. The fact that the people are going to go to Grand Junction for work in the morning and they will come back into the project in the evening, it is going to be 19 Road that will get the pressure. The school buses will possibly pick up on 19 Road and J Road and as it is right now 19 Road will get the pressure. It was brought up by the audience where are the kids going to go to school? Transportation is a serious issue and 2040 is a date that we should not have to deal with. This should be taken care of on Iron with the first filing and second of all as they progress on Skiff Drive.

Mr. Jones responded that to answer your question Commissioner Mulder, the bus stop is a multi-functional bus stop. It is for School District 51 children or Grand Valley Transit and it is internal to the project.

Commissioner Karisny asked if it was on the west end?

Mr. Jones confirms that it is on the west end.

Commissioner Karisny asked if Mr. Jones could point to it.

Commissioner Van Etten asked if Grand Valley Transit had been consulted? Mr. Karisny asked if the bus stop was going to be at the west end of the development. It seems like a long way to go in, quite a detour for a bus route that is going to be transporting people from Fruita to Grand Junction. Is Grand Valley transit willing to take that much time?

Mr. Jones said that Grand Valley Transit presently doesn't have this mapped onto their route. In part because the roads don't exist and in part you don't have the concentration of population that you would have it based upon, 271 units. Their thoughts were that as this project develops you will see the additional need for that alternate transportation, such as a bus system that you would hopefully would see Grand Valley Transit come aboard. In terms of where it could be located, there are multiple locations where it can be located. There are also other forms of buses that operate seniors and actually having a bus stop located at more internal to the project makes it more usable. The more people that can walk or bike to the bus stop the better off you are.

Commissioner Karisny asked for verification that the bus stop would be somewhere on the west side possibly somewhere off of Skiff.

Mr. Jones confirmed that it would be on the west side.

Mr. Caris said just to verify that staff did reach out to Grand Valley Transit. They can't confirm that there are plans for a specific stop. It may get planned as density happens.

Commissioner Purser asked if there was a schedule of when the filings happen, or do they just happen as the houses sell? He asked this in relation to the year 2040 and in relation to how the impact will be felt, either immediately or in 10 – 15 years.

Mr. Jones responded that they would like to begin construction of Filing 1 as soon as possible. He can't realistically see this happening before the fourth quarter of this year. Getting through the final plat process, it may stretch into the first quarter of 2019. With the 51 units that are proposed within filing 1, it will probably be built out in the year 2019 and into 2020 and then start into Filing 2. This is a large project and will be going over a large period of time. You will not see this built out over 4-5 years.

Commissioner Purser asked if it will be 2 years per filing?

Mr. Jones confirmed that it will be 1 ½ - 2 years.

Commissioner Purser asked if this will be open to many builders or one builder?

Mr. Jones responded that this particular developer develops the property and they build the homes. At this point it would be exclusively them. They sell a finished product inclusive of landscaping and everything. Examples of some of their products, Heritage Heights, Heritage Estates Subdivision which are located at 24 ½ Road and F ¼ Road in Grand Junction. Those lots are in the City of Grand Junction zoned RA with a minimum lot size of 5500 which is similar of what you are seeing here.

Commissioner Van Etten mentioned that just to get an idea on build out, one of the title companies sent out statistics from the previous month and the \$150,000 – \$250,000 and \$250,000 - \$350,000 price ranges were the most active in the valley. There were significantly more sales in those price brackets than in higher or lower priced homes. The developer can expect that this project may happen much faster than conceived.

Commissioner Purser asked at what point do architectural design standards come into play with an HOA? This is in the realm of the applicant, correct? You simply say that you have to meet the baseline of the City of Fruita standards code. The question is when does that happen?

Mr. Jones said that it would happen in the Final Plan stage. The Final Plan application was actually made on this and covenants, codes and restrictions were submitted. Those have already been drafted. Those have already been submitted to the City of Fruita.

Commissioner Purser asked if the applicant produced those or does Vortex have anything to do with that?

Mr. Jones said it was the applicant's attorney.

Commissioner Elder asked if the subdivision will be before or after the Palmer Lateral ditch.

Mr. Jones responded it would be after.

Commissioner Mulder wanted Mr. Jones to address the issue of irrigation. He expressed concerns about irrigation in the future. He asked if the 440 ditch was part of this program? The 440 canal comes up and goes down into Cottonwood. He said he went out to the area to check the ditch and that there was a lady checking the vault that was dry and it had been dry for a long time. Drainage issues, in the discussion with the engineer there is elevation difficulties throughout the project. Drainage needs to be determined where it is going to go, and elevation needs to be shown to bring that drainage into the proper area it is supposed to be going. It will rain again in Fruita, Colorado and the drainage issue will become a serious problem if it is not addressed up front. When will the upfront \$200,000 sewer payment be made?

Mr. Jones said upon approval of the final plan.

Commissioner Mulder asked if this was agreeable.

Commissioner Mulder asked if it was a fair amount.

Commissioner Mulder asked if this upfront \$200,00 a fair amount.

City Engineer Sam Atkins responded that it is.

Commissioner Mulder wanted affirmation that it will be paid at the time of the final?

Mr. Atkins responded that it would and that we would be moving forward regardless even if the project is denied. We would just encumber the property with a recapture of \$200,000.

Commissioner Mulder commented that even if they go forward with their project and the sewer gets built, it is still going to encourage more on 19 Road.

Mr. Atkins said they would be sending the sewer on the southwest corner on 19 Road.

Commissioner Mulder reiterated the need for the 19 Road corridor improvements. Schools was brought up, that there is no place to put the kids, but buses will be in and out of the project. If that is done on 19 Road it will be a problem.

Mr. Caris said that when we send out for review the school district is included as one of the review agencies. They were also notified just like the property owners around the project were. This was done well in advance so that they had the opportunity to comment. We met with them for specifics of the trail, it is close to their property and how that circulates.

Commissioner Purser asked if there was any discussion on the impact on the schools with that many more families?

Mr. Caris talked about the School Land Dedication Fee that it is \$920 per unit and collected when the planning clearances are issued.

Commissioner Mulder said that it seemed the City of Fruita believed that most of the issues can be resolved. He believed that this project will lay the ground work for two more serious projects. One that has been laying in the background even longer than this one and another one. This will create the groundwork for the next one. If a mistake is made and something is allowed to go through and it shouldn't it will become a grandfather issue. You are dealing with density bonuses and a lot of discussion was given to that, but it is from a previous density bonus plan not the new density bonus plan.

Mr. Jones responded that that was correct.

Commissioner Mulder encouraged Mr. Jones to do what he could do to make his project the best and that he hopes for the best and he wishes them his best.

Commissioner Rink commented that there is new commissioners, staff and residents since this started a year ago. She went over a review. The City of Fruita developed a new CMU zone because they projected growth in the future and thought it was going to spread outwards and it would have a little commercial and a little residential. It was supposed to be a new livable multi-modal open space, different thing. The point of the CMU zone was never supposed to be just a giant subdivision. There is a point system that you can accrue points and achieve higher density for making a new, special and different high-quality thing. Then the recession hit, things got tough and nobody got to try out the density bonus system. Iron Wheel is taking the first run at it. It's been complicated, nobody has done it before and everyone is trying to figure out what it should look like when realized. She thinks it looks like a giant subdivision with patches of grass on the edge. It may achieve these things in the letter of the law, but it is not achieving it in the spirit. The density points are out the window and it has been updated. We are checking the boxes and meeting the criteria. She goes on to encourage the public to come to the meetings because Fruita is little and they can participate. She says they are just trying to figure it out as they go, this has been a year long process. Commissioner Rink feels that the multi-family is just an apartment complex thrown up in the top left corner that won't be built for 20 years.

Commissioner Fabula asked about the 6 points for the traffic calming features, why is it 6 points and not 12 points or 3 points?

Commissioner Purser pointed out the points matrix that explains where each point came from.

Commissioner Fabula asked assuming that we are getting density bonus points for the entire subdivision, what if it is not built out fully? The points have already been given, what if the multi-family unit is never built? How do we trust that?

Commissioner Karisny said it was his understanding that it would reverse to 2 units per acre.

Mr. Caris responded that they are laying out the entire subdivision. Let's just say that the first two filings get built and we change the code and they want to rezone it. That entire plan would have to come back to Planning Commission and City Council. A project is approved in its entirety and those entitlements are in place for all filings and all lots, any deviation from that and it would have to go back before the Planning Commission and City Council.

Commissioner Rink asked if that would include if they just never got around to building it?

Mr. Caris said that that is certainly a risk and that there are examples of that all throughout the valley. There are subdivisions that are living examples of that.

Commissioner Fabula asked who conducted the traffic study?

Mr. Jones responded that it was conducted by Carrie McDowell; McDowell Transportation.

Commissioner Fabula asked when that study was done for traffic counts?

Mr. Caris said early August.

Mr. Jones confirmed that and said the report was dated in September.

Commissioner Fabula mentioned that having the study not done during the school rush, it is something that should be considered and looked at. He is sure the company that did the traffic study is very aware of how the schools are and how they impact traffic.

Mr. Atkins said that there are only a couple of traffic engineers in our area. There is an impact when school is in session and the traffic pattern. Whether it does or not that affects the hour he doesn't know. School time is a little different than work time.

Commissioner Fabula asked if staff was happy with the traffic report study?

Mr. Atkins affirmed that they were. We were looking more at what the improvements would be. Keep in mind that this not the last subdivision. As this progresses 19 Road is going to continue and the next guy will have another traffic study.

Commissioner Elder commented that she acknowledged that this is the first of its kind and there were countless hours going back and forth improving it, making it better, and getting it figured out. We appreciate that and thank you for all your hard work. She understands that Fruita is going to grow and that they will see more of these projects. Density will happen. Good job.

Commissioner Karisny mentioned that this one was a slightly different process. There was clearly a lot of discussion between the applicant and staff and it took the form of questions and answers with many pages of that. That seemed helpful in understanding this. This is better than the first-round last year. Thank you for that. Commissioner Rink did a good job of describing what a Community Mixed Use was. It is in chapter 7 of the zoning of the Land Use Code for the City of Fruita. It is meant to establish walkable neighborhoods that are residential in scale and character creating a variety of housing spaces and community services. We don't really have community services, but they have tried to incorporate open spaces. There are a number of different streetscapes that are different than a typical community residential setting. They are also using chapter 8 which are bonus densities. They are starting with 2 units per acre and the applicant gets more density as they add those amenities that are part of a community mix. This is the first one and it has been a little journey getting there. District 51 is one of the outside agencies that they ask for comments. In previous applications and probably goes back to the last boom we had, they would provide comments and those comments typically indicated how many students a subdivision would generate. That was based on a formula that came out of the eastern slope. We haven't had any large projects like this in a while, but it seems like we are getting less feedback from the school district. As a council we certainly bring that up to their board and their staff each time that we see them. In addition to the

need for more school space as we are growing in residential areas with more students. The last time we saw this there was an area for RV storage onsite. We are talking about a community with smaller private land and more shared space. That was taken out which is why there is so much open space. In the covenants the camper / RV trailers / Boat / Snow Mobile/ Recreational Vehicle / Other storage kinds of things are addressed there. It talks about that if you are going to store something it will be on the side yard or back yard with a 6-foot fence around it. It is not untypical of other subdivisions. Commissioner Karisny points out that there are a lot of alley rear loading homes there. They aren't going to do that. What do they do? There are housing types that could store something and others that can't.

Mr. Jones acknowledged that there are a mix of single family residential that access of the street and those that are alley loads where the garages will be in the rear. It will be pretty hard for those that have a rear load to even allow storage. Store it in the garage or rent a space at an RV storage facility. He wasn't certain what would be done. To comply with the covenants, it would be pretty difficult to have a pop-up camper on your lot if it is rear loaded alley lot.

Commissioner Karisny observed that in the covenants it doesn't say that rear loading houses can't store anything, but you are saying that because of how difficult it would be impractical.

Commissioner Fabula asked Mr. Jones to point to all the rear loading houses.

Mr. Jones points to all the rear loading houses and mentioned that what drove the design was that the City of Fruita didn't want direct access to their collectors. You can't just drive off the street to your garage. Where you see these collectors running north and south all these blocks are alley loaded, all of the access will be in the rear. He then pointed out two more blocks of rear loaded homes.

Commissioner Fabula asked what he would see from the front? If he was driving down a main collector would he see a front porch and a front door, and a side walk but no car parked?

Mr. Jones confirmed that this is what he would see.

Commissioner Fabula described what it would be like to go down the 20-foot alley to get to the garage.

Mr. Jones said that the Legacy Subdivision was built with new urbanism standards. You drive down the road and see front porches and this is what you would see with CMU zoning. That subdivision has examples of what he is talking about. Cities used to be platted with alleys.

Commissioner Fabula asked if 20 feet is enough space for two cars to pass each other?

Mr. Jones said it was the same width they design for fire apparatus as well as shared access drives.

Commissioner Karisny said that in the description of the development and improvements you are indicating that the developer will be installing 6 foot or up to a 6-foot fence in height adjacent to the subdivision along 19 Road. There will be a 14-foot tract that will be landscaped. On 19 Road right now that there appeared to be at least electrical utilities that are almost on 19 Road. It looks like they may need to be relocated. Is that part of the plan?

Mr. Jones responded that it was not. As part of the project that are dedicating an additional 20-feet of right-of-way across the frontage of the property for the completion of the 50-foot road half right-of-

way section that the minor arterial requires. Behind that 20-foot dedication would be the 14-foot tract that would be dedicated and landscaped.

Commissioner Karisny asked if behind that would be a 6-foot / 4-foot privacy fence?

Mr. Jones responded an affirmation to the question.

Commissioner Karisny added along 19 Road?

Mr. Jones replied yes.

Commissioner Karisny pointed out that if filing 1 is the first filing that is going to be done and that is about 1500 feet off of 6 & 50 is that entrance, which is Iron Drive. That will end at kind of where the 4-way stop is going to be for about the first year.

Mr. Jones said in the area that 4-way intersection would be the end of filing 1.

Commissioner Karisny said it would be really likely that if school buses are going to be coming they are going to be picking up kids on 19 Road, they will be stopping there because there wouldn't be a way to turn around. In filing 2, when you complete filing 2, then that would go up to Skiff and out of Skiff?

Mr. Jones said that was correct, we would be constructing Skiff Avenue road section and connecting it to 19 Road.

Commissioner Karisny verified the estimated timeline as 1 ½ years to 3-4 years before a bus would come around in the subdivision. It would be the middle school kids and possibly Rimrock, unless Rimrock is less than 2 miles. It is directed at Fruita and at you, there is no multi-modal anything on 19 Road, but we are building density out there. There isn't any north / south corridor inside the subdivision, the closest is pencil park, then one would do a detour, come around to the 4-way stop, and then come back around again. Nineteen Road really needs attention sooner than what the traffic study indicated. Understanding that all of these homes will pay a traffic impact fee but based on the way that the city will be receiving that at the building level when each house is built, that is when they will get that impact fee. To try to have a big chunk of money to address all of this is going to be really difficult. It looks like 19 Road has some challenges. Utilities will need to be moved. Early on when you have Iron Drive and then ultimately Skiff Avenue, it will stack very quick. There isn't going to be space to build a left turn lane on either one of those because you have such a narrow road. There are challenges and this needs to be talked about. We have had other roads such as 17 Road and 18 Road where they were county roads, we urbanized those areas and have curb, gutter and are wider and somehow, they get done. If you look at Aspen that goes all the way to Rimrock, as those developments came in so did the road improvements, curb, gutter and sidewalks as those came in. As you go east and go past that you can see what that county road looked like. It was a narrow county road with electrical poles a foot and a half away from the street. The point is that there is stuff that needs to be done. It didn't seem to get talked a lot about with this application. There are comments about the colored concrete to mark the pedestrian crossings and transitions going to the alleyways. In Fruita's code it talks about pressed forms. The idea of a colored concrete makes a lot more sense for things that have small wheels and it makes them more accessible than a pressed concrete. In our own code just to differentiate a crosswalk it talks about pressed concrete. Colored concrete means flat and that sounds great.

Mr. Jones asked for clarity. That they don't want to see stained stamped concrete that has the grooves in it that they want just the colored concrete with a broom finish so that it isn't hard for tires to roll over?

Commissioner Karisny confirmed this. He mentioned that the Builder's Association does a really good job of describing that with the ADA stuff. As we build these large things, there are so many different sidewalks in it, it would be great to get it right the first time.

Mr. Jones responded certainly and that they can get that incorporated.

Commissioner Purser commented that no RV meant more open space which he likes. He also commented that rear loading meant more community interaction which he feels is really successful. He said he didn't like the LA based / Phoenix based track home subdivision idea that it attracts mindless people who are not inventive, creative or community involved. He sees the alleyways as tools that we recognized our important things that we got rid of and are trying to bring them back. The community aspect of design is really important to him. He is attracted to the idea that Fruita is funky and the LA based / Phoenix based track home is not funky at all. They offer you 3 or 4 customs of beige or earth tones. He thinks that people who are coming to Fruita are attracted to something more than that. He wants the design to tell the world that Fruita wants people who are independent, who are not afraid of being themselves, and he thinks it starts with design. You have done your best with what we had to work with to create streets and roads and the functioning arteries that make that space work. He wants to recommend to the City Council to heavily encourage the builder to really look at the architectural control and not just do the boiler plate stuff that comes from every other community. It will be much easier for the builder / developer to not think about that. They will make more money if they don't think about that. Commissioner Purser understands that and what drives that. He would like City Council to create an incentive for them to take a serious look at making that a little more liberal than the boiler plate that has designed so much of the Southwest. That came from the idea that uniformity keeps property values safe. He thinks the future of property values in Fruita will be houses that are unique. If this is going to be the future of Fruita, and it is, let's make sure it is Fruita and not somewhere else. It is easier to do what someone else has done somewhere else, let's think a little harder. Along the same line, the benches and shade structures. We have a network of amazing craftsman and artists here in Fruita who make really neat things that feel like Fruita like benches made by Jeff Bates. Don't do the easy thing which is what we have always done, let's be Fruita and use what we have here.

Commissioner Van Etten wanted to know more about the alley access in filing 2 on the eastern road. Do the houses on the far-right side only have alley access and they have a greenbelt behind them? The same thing on the bottom houses in filing 4?

Mr. Jones answered, he pointed to the map and asked if he was talking about that specific row of homes? It was clarified as Pencil Park.

Commissioner Van Etten clarified, that you go up the far east road and go over, you go up the alley, what do these people have on the east side of their houses? It looks like it is a greenbelt.

Mr. Jones pointed to the map and said that these homes will front onto Pencil Park with a rear alley load garage. The parcels immediately to the west will front onto Iron Drive but will also have rear load access.

Commissioner Van Etten asked if they would have access from either side?

Mr. Jones said they would not because Iron Drive has a classification as a collector, they would not be allowed to access from the west side, only from the alley.

Commissioner Van Etten asked if there will be street parking?

Mr. Jones responded that there will be street parking, just no access to the lots meaning no driveways.

Commissioner Van Etten added that there will not be street parking on the collector.

Mr. Jones said it is a 36-foot-wide asphalt section with curb, gutter and sidewalk.

Commissioner Van Etten asked where will guests park?

Mr. Jones said that there are two parking pods located on the north and south side of the Pencil Park, he shows this on the map. As well as street parking on any of these other streets.

Commissioner Fabula asked for clarification that there would not be street parking on the alley.

Mr. Jones said that they can not park in the alley.

Commissioner Van Etten asked for confirmation that there will be no parking on Iron Drive, there is no parking in the alley to the east or to the west, and there is a little bit of parking at the north end of the greenbelt called Central Park.

Mr. Jones added and the south side, both sides.

Commissioner Fabula brought up density points. They are going to put more housing in here because we are thinking that we will be achieving this walkable community. He makes a point that they aren't connecting this to the rest of Fruita and we are a community that predominately works elsewhere. He feels that there is a little bit of disconnect.

Commissioner Van Etten said that he looks at the apartment complex area and that there is no RV parking anymore and he thinks what about that future phase that is not being built for a few more years, well that is RV parking. He can't imagine that the people living there would rather have to drive further to get to where their RV is or pay. He sees that apartment lot being RV parking well into the future. Which brings us back to the concern about what if things don't get built out.

Mr. Jones said it would be a violation of the covenants and it would be a violation the current codes that are adopted. It would be a code compliance issue that would be handled by the City of Fruita and/or the subdivision if they found out which homeowner was illegally storing RVs on a lot they didn't own much less trespassing.

Commissioner Rink said that not everyone owns an RV or a pop-up. Maybe in a place that is smaller and denser you don't have one. It is something to consider and think about.

Commissioner Elder said that her subdivision allows for a RV to be stored behind a 6-foot fence but not every home in the subdivision allows for that, not all of them are side enough to allow for that. It

is all in what house you buy. Is RV parking important to you enough to where you are going to buy one that has RV parking or are you going to store it offsite? Or do you get the house because you like the house? It is something you run into a lot.

Commissioner Van Etten closed the public hearing portion of the meeting. He started the internal discussion for the Planning Commission.

Commissioner Mulder said that just in the last few comments about RV parking and apartments and no parking. If you want to see a Davis family development it is at 24 ½ and F 1/4, it is just basically a lot of homes in a small area. He is sure that this RV concept is going to be laughed off. He is sure that parking along pencil park no parking along those houses will be laughed off because the plan is there that is why it is being brought before us.

Commissioner Fabula asked about density points. The points that have been allotted by the staff, the calculations some of the points he understood clearly, were the rest of them mathematically easy to come up with? Or are those points a little more wishy washy on whether it was 6 points or 5 points? They just squeaked over the line to get the density and that is why I am asking. He didn't understand how the points were allotted.

Dan Caris responded that it is a long section and one where there was some staff interpretation and the decision was made as a team as to how those points were allocated. He pointed out that part of the reason why they saw the staff report and the presentation was to show how that was outlined and we were explaining ourselves why those points were justified. Traffic calming, why we allowed 6 instead of 5 it was a decision that we felt was realistic and practical. Some of the other ones for the trail connection and proximity there is a certain level of interpretation. Every project is different every project has certain constrictions or issues with the site. We really tried to search for the intent. A lot of time we don't realize that there are dollar amounts for the things they are proposing. We try to work in an effort to provide some simple type homes early on in the subdivision. It is part of the reason why we worked on the trail connections early on, how do you get people in and around and how it circulates. A car might not be the only option. Those things were definitely thought about. There is certainly some subjectivity to the density bonus points.

Commissioner Elder asked regarding doing different things architecturally, is there an incentive you can do for the builder?

Dan Caris responded that there are examples out there like Village at Country Creek where they were trying to maintain some consistency because they were trying to deliver a product. In his professional experience builders build things people want to buy. The uniformity of the colors this seems like this is something the applicant might want to explore a little bit. Maybe there are some elements that they can incorporate.

Commissioner Karisny commented that he thought that the bonus density part of this has been a well evaluated portion. He acknowledged that they give deference to the staff that went through it. Staff spent a lot of time with it and he doesn't have any input or objections to the way the points were awarded knowing that they have another chapter 8 and another way of interpreting this. We may learn some things over time. Again, he pointed out 19 Road. He feels it would be helpful to have some kind of sense of what 19 Road is going to look like, what they want it to look like and specific to this development that they could continue to reassess the access on Iron Drive and on Skiff

through a traffic count or some other kind of mechanism to try to make improvements happen when they are needed.

Mr. Atkins commented that on the 19 Road corridor that is supposed to be enhanced throughout the corridor we don't have the exact section other than the right of way. Part of that is getting the sidewalk and landscaping. He thought it was staff's opinion that the improvements on 19 Road that they have little frontage overall it would be better to take those impact fees and create a better product in the end. With regards to improvements for turn lanes, staff recommended a left turn lane at Iron Drive and similarly with Skiff in a subsequent phase. The improvements on Highway 6 & 50 and 19 Road would be required with this project.

Commissioner Karisny asked if improvement on the highway is changing the light and creating another turn lane?

Mr. Atkins responded that retiming of the signal on the eastbound left turn lane and the westbound right turn lane would be required.

Commissioner Karisny asked if the left turn lane would go in when Iron Drive is built?

Mr. Atkins responded, yes that is our recommendation.

Commissioner Purser mentioned with all due respect to the builder and applicant that he felt they don't know what sells but that they know what the path of least resistance is and most profit. He would really like to create an incentive and pointed out that there were 2 more bonus points available, to make sure this is Fruita is worth it to him. He was curious what they were attaching to.

Commissioner Karisny said he didn't think there was a mechanism to require the developer to the kind of architectural structures they build. At least not in the Land Use Code. There could be recommendations, but he was unsure of any requirements. Chapter 11 has requirements for commercial kinds of things. Possibly it would be a Land Use Code amendment.

Mr. Caris said that it seems like they would be willing respond to that.

Commissioner Purser mentioned that that was the Fruita way. He meant the word incentive and understands that there is no mechanism to require this. He just wants Fruita to be thought about.

Commissioner Van Etten commented on the alleys and the Lower Valley Fire comments. He didn't see them having any concerns about being able to get into position to fight a fire. Having only 20-foot alleys as access. He was concerned about where people will park. If one car parks in that alley it may cause the fire department problems. This really looks challenging to him.

Mr. Caris responded that Lower Valley Fire District indicated that it is standard for an apparatus to be able to get in there and fight fires. There is also going to be "no parking" signs. They worked with Lower Valley on that and it was acceptable.

Commissioner Van Etten asked for clarification on the 19 Road turn lanes. That is a need related to this neighborhood and an issue completely separate from what we are doing tonight because 19 Road is not internal to the subdivision project. Are improvements to 19 Road something that can be expected as part of this project or is 19 Road something that has got 3 or 4 participating entities, the

city, the county, the school district, CDOT that might need to be urged to expedite turn lanes and any other possible improvements on 19 Road?

Sam Atkins responded that the improvements required of the applicant on 19 Road would be those left turn lanes into the subdivision. They were not talking about J and 19 Road which is an existing condition regardless of the subdivision or not.

Commissioner Van Etten wanted to know if the turn lane can be required to move forward with this subdivision?

Mr. Atkins responded that absolutely the ones on 19 Road and Skiff and the one on 19 Road and Iron Drive are required as part of the subdivision. As part of the subdivision and as traffic associated with the subdivision its generating requirement for a left turn lane by 2040.

Commissioner Van Etten thanked Mr. Atkins for clarification. He then asked if anyone had any further discussion or were they ready for a motion?

Commissioner Mulder had a question before the motion. Were there any issues that were brought up this evening that should be specifically included in the motion that had not already been addressed in their packet? He pointed out that they had talked about many things tonight.

Commissioner Van Etten brought up staff's recommendation of approval.

Commissioner Mulder was just wondering if in the motion if they needed to pinpoint anything else in the motion besides review agency comments.

Mr. Caris mentioned that the applicant has said that the turn lanes on 19 Road are not warranted until 2040. Staff recommends that they put them in in subsequent filings. There was discussion about irrigation, this is something that was in the review comments and would need to be addressed before the final plat. As far as the architectural design standards, we don't have a vehicle to require that, but we can certainly ask the applicant to explore that.

Mr. Atkins said that these were addressed the review comments.

Commissioner Van Etten asked for a motion.

Commissioner Mulder made a motion in regard to 2018-12 Iron Wheel Subdivision Preliminary Plan, the he would like to make a motion to accept the fact that the development meets or can meet the approval criteria must be considered for preliminary plan applications without a significant redesign. Staff recommends approval of the Iron Wheel Preliminary Plan with the conditions that all review comments and issues identified in the staff report are adequately resolved with the final plat application.

Commissioner Purser seconded the motion.

Commissioner Karisny requested to amend the motion to add the developer to do the road improvements, specifically the northbound left turn lane at 19 Road and Iron Drive when Iron Drive goes in. Also, the left turn lane at 19 Road and Skiff Drive when Skiff Drive goes in rather than at a later date. We are asking the developer to put in those left turn lanes in when those roads are created.

Mr. Caris suggested that a way to cover all those bases is with the finals. The left hand turn lane should go in with the first and second filings. To change that up in the filings, staff would see this as a deviation from what was approved. Maybe those turn lanes will go in with the first and second final.

Commissioner Mulder continued to add to the motion, we are going to state that 19 Road improvements at Iron Drive left turn lane going north be part of the first filing and that on Skiff Drive going north the left turn lane will become part of the second filing. Nineteen Road improvements need to be considered with the Preliminary Plan approval.

Commissioner Karisny said that there was interest to explore some of the architectural design.

Commissioner Purser said he was confident that the discussion had been started and didn't feel it needed to be in the motion.

Commissioner Mulder thought they should support the thought that additional architectural plans should be considered to go with the City of Fruita's concept.

Commissioner Van Etten said that there was nothing in the code and it was decided among the commissioners that they would go without the architectural addition to the amendment. Commissioner Van Etten asked for a second to the motion to amend the motion.

Commissioner Elder seconded the motion amendments.

7 Yes Votes; motion passes.

I. COMMUNITY DEVELOPMENT ACTIVITY REPORT

Dan Caris gave the Planning Commission an update on future projects that included Sunset Pointe, Oak Creek North and South Annexations, Oak Creek Minor Subdivision, Garden Estates, Pinewood Estates, Soren Estates, Adobe Falls Subdivision, and FHE2 Site Design.

J. VISITORS AND GUEST

None

K. OTHER BUSINESS

None

Adjournment at 9:50 pm

Respectfully submitted,
Kelli McLean
Planning Technician, City of Fruita.

DRAFT



Coversheet

TO: Fruita Planning Commission
FROM: Planning & Development Department
DATE: August 14, 2018
RE: Oak Creek North Annexation (application #2018-30)

BACKGROUND

The purpose of this Coversheet is to provide background to the Fruita Planning Commission on the Oak Creek North Annexation application. The applicant turned in an application for annexation to the City of Fruita early last month. City Staff was aware that the applicant was preparing to submit a Preliminary Plan soon after the submittal of the Annexation application with the understanding that the annexation review process is a bit longer than the review process for a Preliminary Plan application.

City Staff and the applicant are working together on the timing of this application with a Preliminary Plan that has recently been submitted and under review. In order to manage the timing of the Annexation and the Preliminary Plan, the applicant has decided to postpone the Annexation application. Attached with this coversheet is the letter of postponement from the applicant and a Special Notice letter. The Special Notice letter was sent to all those who received public notice postcards with the original public hearing dates. The Annexation and Preliminary Plan application are scheduled for the October 9, 2018 Planning Commission meeting.

From: Charlie Gechter
To: [Henry Hemphill](#); [Dan Caris](#); [Ivan Geer](#); [Tracy States](#)
Subject: Oak Creek Simple Subdivision and Annexation
Date: Thursday, August 9, 2018 2:10:44 PM

Henry and Dan,

Can we please withdraw the Oak Creek Simple subdivision, we have decided to encompass this all into the Oak Creek Estates Major Subdivision. We would also like to postpone the Oak Creek north and south annexation to coincide with the Oak Creek Estates Major subdivision time line?

Please let me know if you have any questions

--

Thank You

Charlie Gechter
BOA Builders LLC
970-986-1159
www.boabuilders.com
[Like us on Facebook](#)

SPECIAL NOTICE

Dear Property Owner,

The City has received an Annexation and Zoning application for the properties located at 1149 18 ½ Road (Oak Creek North Annexation, application #2018-30) and 1840 K 4/10 Road (Oak Creek South Annexation, application #2018-31). The City has received a request from the applicant requesting the postponement of the Planning Commission public hearing which was originally scheduled for the August 14, 2018 Planning Commission meeting. The applicant has also requested that the Minor Subdivision (Oak Creek Minor Subdivision, application #2018-32) be withdrawn.

The original public notice postcards that were sent included a City Council hearing date of September 4, 2018 will continue as noticed. The zoning request will not be discussed at this meeting. This meeting is strictly to determine the eligibility of annexation.

The Planning & Development Department has recently received a Preliminary Plan application from the applicant which will be reviewed along with the Annexation and Zoning applications.

New public notice postcards will be sent to you at least 15 days prior to the Planning Commission public hearing date.

If you have any questions regarding this letter, please call the Planning & Development Department at 858-0786 or visit us at the Fruita Civic Center located at 325 E. Aspen Avenue.

Thank you,

Planning & Development Department Staff



Coversheet

TO: Fruita Planning Commission
FROM: Planning & Development Department
DATE: August 14, 2018
RE: Oak Creek South Annexation (application #2018-31)

BACKGROUND

The purpose of this Coversheet is to provide background to the Fruita Planning Commission on the Oak Creek South Annexation application. The applicant turned in an application for annexation to the City of Fruita early last month. City Staff was aware that the applicant was preparing to submit a Preliminary Plan soon after the submittal of the Annexation application with the understanding that the annexation review process is a bit longer than the review process for a Preliminary Plan application.

City Staff and the applicant are working together on the timing of this application with a Preliminary Plan that has recently been submitted and under review. In order to manage the timing of the Annexation and the Preliminary Plan, the applicant has decided to postpone the Annexation application. Attached with this coversheet is a letter of postponement from the applicant and a Special Notice letter. The Special Notice letter was sent to all those who received public notice postcards with the original public hearing dates. The Annexation and Preliminary Plan application are scheduled for the October 9, 2018 Planning Commission meeting.

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To: [Henry Hemphill](#); [Dan Caris](#); [Ivan Geer](#); [Tracy States](#)
Subject: Oak Creek Simple Subdivision and Annexation
Date: Thursday, August 9, 2018 2:10:44 PM

Henry and Dan,

Can we please withdraw the Oak Creek Simple subdivision, we have decided to encompass this all into the Oak Creek Estates Major Subdivision. We would also like to postpone the Oak Creek north and south annexation to coincide with the Oak Creek Estates Major subdivision time line?

Please let me know if you have any questions

--

Thank You

Charlie Gechter
BOA Builders LLC
970-986-1159
www.boabuilders.com
[Like us on Facebook](#)

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The original public notice postcards that were sent included a City Council hearing date of September 4, 2018 will continue as noticed. The zoning request will not be discussed at this meeting. This meeting is strictly to determine the eligibility of annexation.

The Planning & Development Department has recently received a Preliminary Plan application from the applicant which will be reviewed along with the Annexation and Zoning applications.

New public notice postcards will be sent to you at least 15 days prior to the Planning Commission public hearing date.

If you have any questions regarding this letter, please call the Planning & Development Department at 858-0786 or visit us at the Fruita Civic Center located at 325 E. Aspen Avenue.

Thank you,

Planning & Development Department Staff



**Planning & Development Department
Staff Report
August 7, 2018**

Application #: 2018-29
Application Name: 146 N. Elm VRBO
Application Type: Conditional Use Permit
Property Owner: Ben, David and Judith Fox
Location: 146 North Elm Street
Zone: Community Residential (CR)
Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast) in a Community Residential zone.

Project Description:

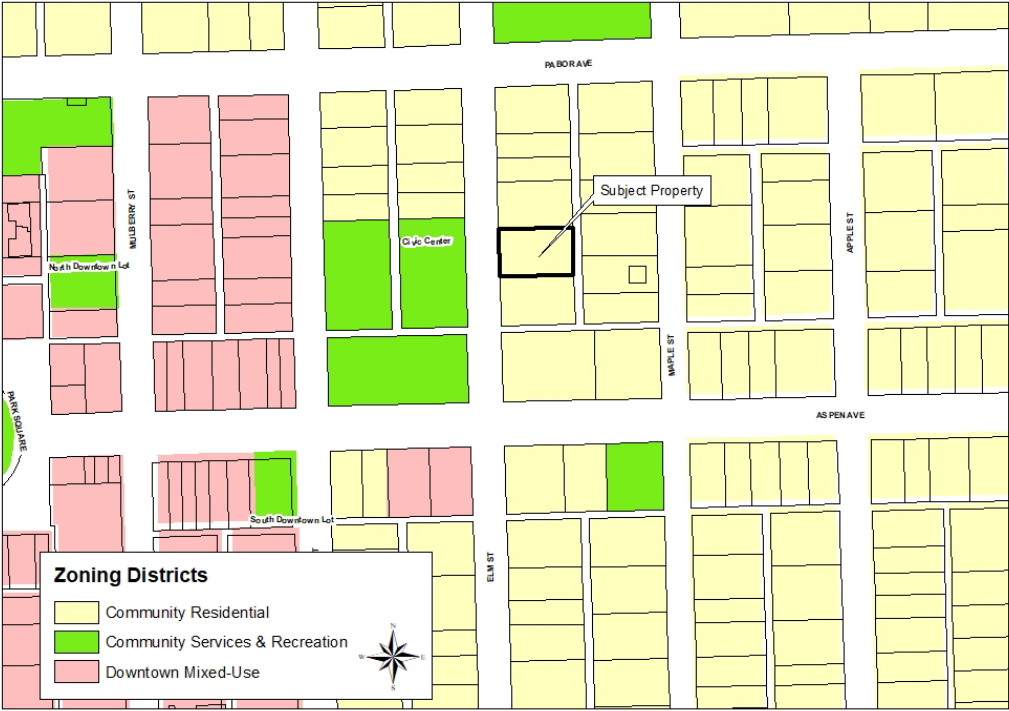
The subject property contains an 816 square foot detached single family dwelling unit and an approximately 1,240 square foot detached garage/shop on an approximately .27 acre lot located on North Elm Street between Aspen Avenue and Pabor Avenue. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner.

The property owners intend to rent out the entire home. The house consists of 2 bedrooms and 1 bathroom and is intended to be rented out on a less than month-to-month basis. The Land Use Code defines this type of use as a Bed & Breakfast which requires a CUP in the residential zones.

Surrounding Land Uses and Zoning:

This property is surrounded by single family dwelling units. Nearby is the Visual Eyes eye care business and directly to the west is the Fruita Civic Center. Surrounding zoning consists of Community Services and Recreation, Community Residential and some Downtown-Mixed Use.

LOCATION AND ZONING MAP



2018 AERIAL PHOTOGRAPH



Review of Applicable Land Use Code Requirements:

Table 17.07.060(F) of the Land Use Code requires a Conditional Use Permit (CUP) for Bed & Breakfast type of land use in the Community Residential zone. The Land Use Code defines a Bed & Breakfast as a facility of residential character that provides sleeping accommodations with or without meals for hire on a day-to-day basis with no more than four guest rooms. It is not required to be owner occupied.

Section 17.07.070, Supplemental Zoning Regulations and Standards, Section A, identifies conditions and standards that must be met for a Bed & Breakfast use:

- 1. Where the applicable zoning district allows bed and breakfast uses as a Conditional Use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;**

The entire dwelling unit is intended to be used as the Bed and Breakfast. According to the Mesa County Assessor, this house contains 2 bedrooms and 1 bathroom.

- 2. Kitchen and dining facilities in bed and breakfast dwellings may serve only residents and guests and shall not be operated or used for any commercial activity other than that necessary for bed and breakfast purposes;**

The applicants are aware that the kitchen and dining facilities may only serve the guests.

- 3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;**

Staff believes that the residential character of this property will not change because the application doesn't propose any changes to the residential character of the dwelling unit.

- 4. In residential zones (including residential developments in the CMU zone), there shall be no advertising display or other indication of the bed and breakfast use on the premises other than a sign that is in compliance with the provisions of Chapter 17.41;**

Chapter 17.41 of the Land Use Code permits an Address or Identification Sign, identifying the address and/or the occupants of a dwelling unit or of an establishment, with a maximum size of two square feet and a maximum height of four feet for a sign in this zone. No illumination of this sign is permitted. There are no signs on the subject property at this time. Though it is not expressly

addressed in the project narrative, there are no proposed signs for this property at this time.

- 5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;**

It appears that this property has at least 2 off street parking spaces in the driveway.

- 6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;**

The dwelling unit was constructed in 1963 according to the Mesa County Assessors website and staff is not aware of any outstanding building code violations or permits. Review Comments from Mesa County Building Department have been included with the Staff Report.

All rented bedrooms shall have smoke and carbon monoxide alarms.

- 7. It shall be the responsibility of the applicant to demonstrate that the relevant subdivision's declarations, covenants, conditions or restrictions allow for a bed and breakfast use and/or associated signing; and**

There does not appear to be any covenants, declarations, conditions or restrictions placed on this property. Therefore no letter of support from an HOA was submitted. All property owners within 350 feet of the subject property have been notified of this CUP application. At this time, staff has received no written public comments regarding this application.

- 8. Where a bed and breakfast use is subject to Conditional Use Permit approval, any existing or proposed uses in addition to that of a dwelling unit (e.g. home occupation, accessory dwelling unit, etc.) are considered as part of the conditional use review.**

Staff is unaware of any other existing or intended use of this property other than as a dwelling unit and/or as a short term rental as proposed by this CUP request.

Based on this information, this CUP request for a Bed & Breakfast meets or can meet the supplemental zoning regulations and standards of the Land Use Code.

Chapter 13 of the Land Use Code identifies the approval criteria that must be considered for Conditional Use Permit (CUP) requests. The Code defines a CUP as a use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone district. After due consideration, as provided for in Section 17.13.040 of the Land Use Code, of the impact upon neighboring land and of the

public need for the particular use at a particular location, such conditional use may or may not be approved.

According to Section 17.13.40.C of the Land Use Code, a Conditional Use Permit may be granted for a conditional use in a particular zone provided the City Council finds as follows:

Section 17.13.040, Conditional Uses, of the Land Development Code requires that a conditional use be approved after considering the following:

- 1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan;**

Based on this review, the proposed conditional use can be consistent with the provisions and purposes of this Title (the Land Use Code), which is to promote the health, safety and welfare of the present and future inhabitants of the community, and with the purposes of the Community Residential zone, which is to allow for moderate density single-family neighborhoods. If the supplemental zoning regulations and standards (identified above) are met along with the approval criteria for CUPs, this criterion can be met. The Land Use Code is one of the main documents used to implement the goals and policies of the City's Master Plan.

- 2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080;**

Section 17.07.080 requires that a proposed development be compatible with adjacent properties, considering both existing and potential land uses on adjacent properties. For all land uses, "compatibility" is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved, and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone. The review authority may require conditions of approval to promote compatibility between a proposed use and existing uses in the vicinity to ensure compatibility.

It appears that this proposed vacation rental will be compatible with surrounding land uses. Compliance with the regulations for vacation rentals should allow this business to coexist with other existing houses in the area without having a disproportionate or severe impact on the neighborhood. This criterion can be met.

- 3. The proposed use will not materially endanger the public health or safety; and**

Use of the house for a vacation rental is not expected to endanger the public health or safety. This criterion can be met.

4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.

Public services and facilities have been available to this property and will continue to be available to this property while it is used as a vacation rental. The impacts are not expected to be any greater than those generated by a single family residence. This criterion has been met.

Based on this information, this requested Conditional Use Permit meets or can meet all approval criteria for Conditional Use Permits and all supplemental zoning standards.

Legal Notice:

	Y	N	DATE
Postcards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/13/2018
Paper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/19/2018
Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7/13/2018

Review Comments:

All Review Comments that have been received at this time are included with the Staff Report.

Public Comments:

No written public comments have been received regarding this application.

Staff Recommendation:

Because all of the approval criteria for Conditional Use Permits and all supplemental zoning standards and regulations either are or can be met, staff recommends approval of the proposed Bed & Breakfast. No conditions of approval are recommended.

Fruita Planning Commission: August 14, 2018

Fruita City Council: September 4, 2018



LAND DEVELOPMENT APPLICATION

Project Name: Occasional Vacation Rental Conditional Use Permit
 Project Location: 146 N Elm Street, Fruita CO 81521
 Current Zoning District: Community Residential Requested Zone: Community Residential
 Tax Parcel Number(s): 2697-172-10-007 Number of Acres: 0.27
 Project Type: Request approval to use premises for occasional vacation rental purposes

Property Owner: Benjamin S. Fox Developer: N/A
 Property Owner: David J. Fox, Judith A. Fox Contact: _____
 Address: 146 N Elm Street Address: _____
 City/State/Zip: Fruita CO 81521 City/State/Zip: _____
 Phone: 970-985-2784 Fax: n/a Phone: _____ Fax: _____
 E-mail: benjaminschuardfox@gmail.com E-mail: _____

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: N/A Engineer: N/A
 Contact: _____ Contact: _____
 Address: _____ Address: _____
 City/State/Zip: _____ City/State/Zip: _____
 Phone: _____ Fax: _____ Phone: _____ Fax: _____
 E-mail: _____ E-mail: _____

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

<u>Benjamin S. Fox</u>	<u>[Signature]</u>	<u> </u>
Name of Legal Owner	Signature	Date
<u>David J. Fox</u>	<u>[Signature]</u>	<u>7-5-18</u>
Name of Legal Owner	Signature	Date
<u>Judith A. Fox</u>	<u>[Signature]</u>	<u>7/5/18</u>
Name of Legal Owner	Signature	Date

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)



The foregoing instrument was acknowledged before me this 5th day of July, 2018.
 My Commission expires: May 12, 2022 Notary Public [Signature]



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 Contact: _____ Contact: _____
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 Phone: _____ Fax: _____ Phone: _____ Fax: _____
 E-mail: _____ E-mail: _____

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Benjamin S. Fox  03/01/2018
 Name of Legal Owner Signature Date

David J. Fox _____
 Name of Legal Owner Signature Date

Judith A. Fox _____
 Name of Legal Owner Signature Date

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__.

My Commission expires: _____ Notary Public _____

STATE OF HAWAII

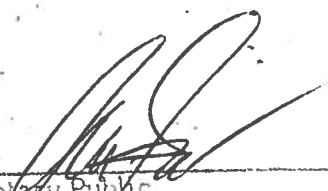
CITY AND COUNTY OF HONOLULU

SS:


On this 3rd day of July, 2018, before me personally appeared Benjamin S. Fox
(Land Development Application for)

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

My commission expires: 04/03/2019


Notary Public _____ (Sign)
Please print name: Elena T. Santos

2-1271 (REV 7/1/99)

Doc. Date: 7/3/18 # Pages 1
Notary Name: Elena T. Santos First Circuit
Doc. Description: Land Development Application
Notary Signature:  Date: 7/03/18

July 2, 2018

**Project Narrative
Conditional Use Permit Request
For
Occasional Vacation Rental Use**

Property Location: 146 N. Elm Street, Fruita, CO 81521

Acreage: 0.27

Zoning: Community Residential

Proposed Use: Occasional Vacation Rental

Owners: Benjamin S. Fox, David J. Fox, Judith A. Fox

Primary Resident: Benjamin S. Fox

I. Introduction- This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast) in a Community Residential zone.

II. Project Description- Applicant Benjamin S. Fox will continue to use the address above as his primary residence. It is not to be solely designated as a year-long rental property as he will continue to use the property. We requests permission to rent it to temporary visitors and recreational tourists. If granted, this CUP will allow guests to enjoy the Fruita experience including its downtown, music, eateries, trail access, and civic life, all within walking or riding distance. Fruita will then have the opportunity to collect revenue not only from the lodging tax, but also from sales tax collected from the businesses they patronize.

All short-term tenants will only occupy the principal building (house). The applicants are aware that the kitchen and dining facilities may only serve the guests. No signs are proposed. This proposal requests no changes to zoning, land use, buildings, utilities, or access.

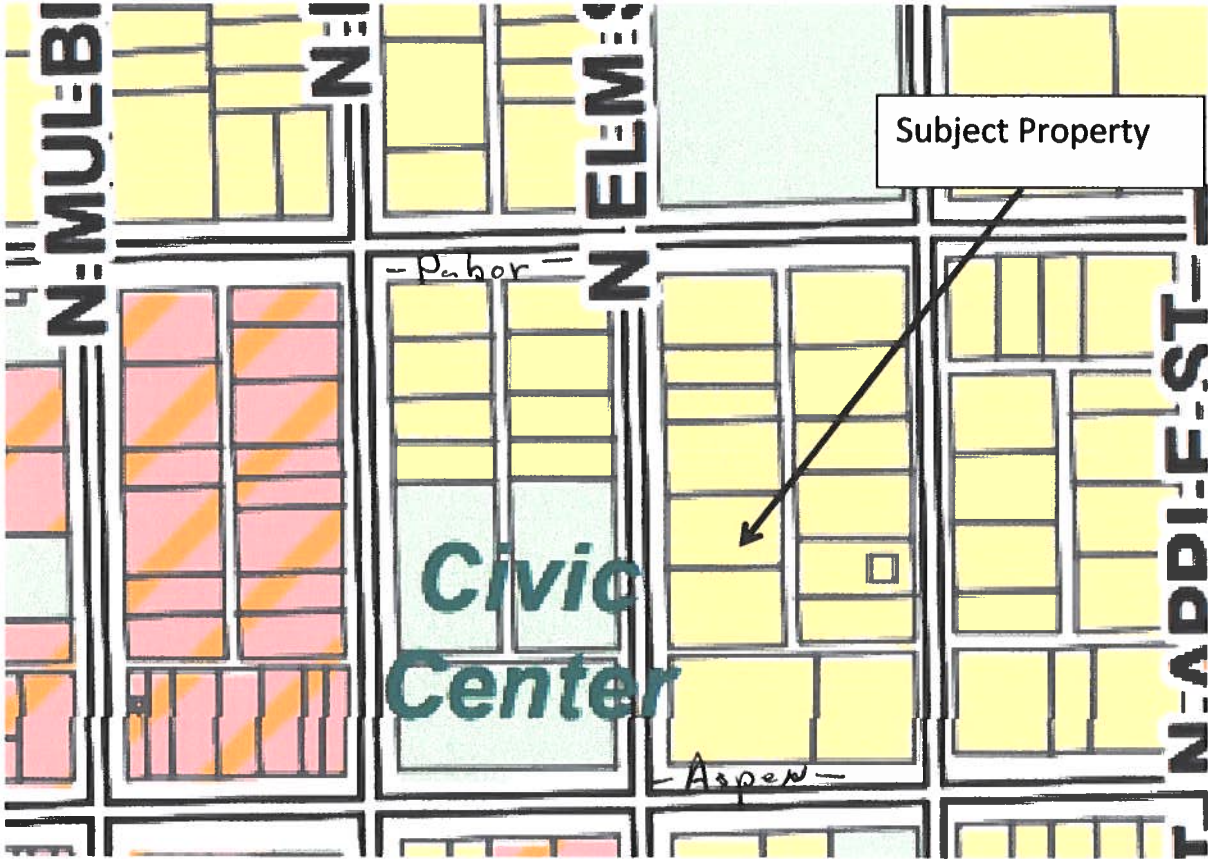
The subject property contains an 816 square foot detached single family dwelling unit and a 1240 square foot detached garage on an approximately 0.27 acre lot located on North Elm Street between Aspen Avenue and E. Pabor Street. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner.

The property owners intend to periodically rent out the entire home. The house consists of 2 bedrooms and 1 full bathroom and is intended to be rented out on a less than month-to-month basis. The Land Use Code defines this type of use as a Bed & Breakfast which requires a CUP in the residential zones.

Surrounding Land Uses and Zoning:

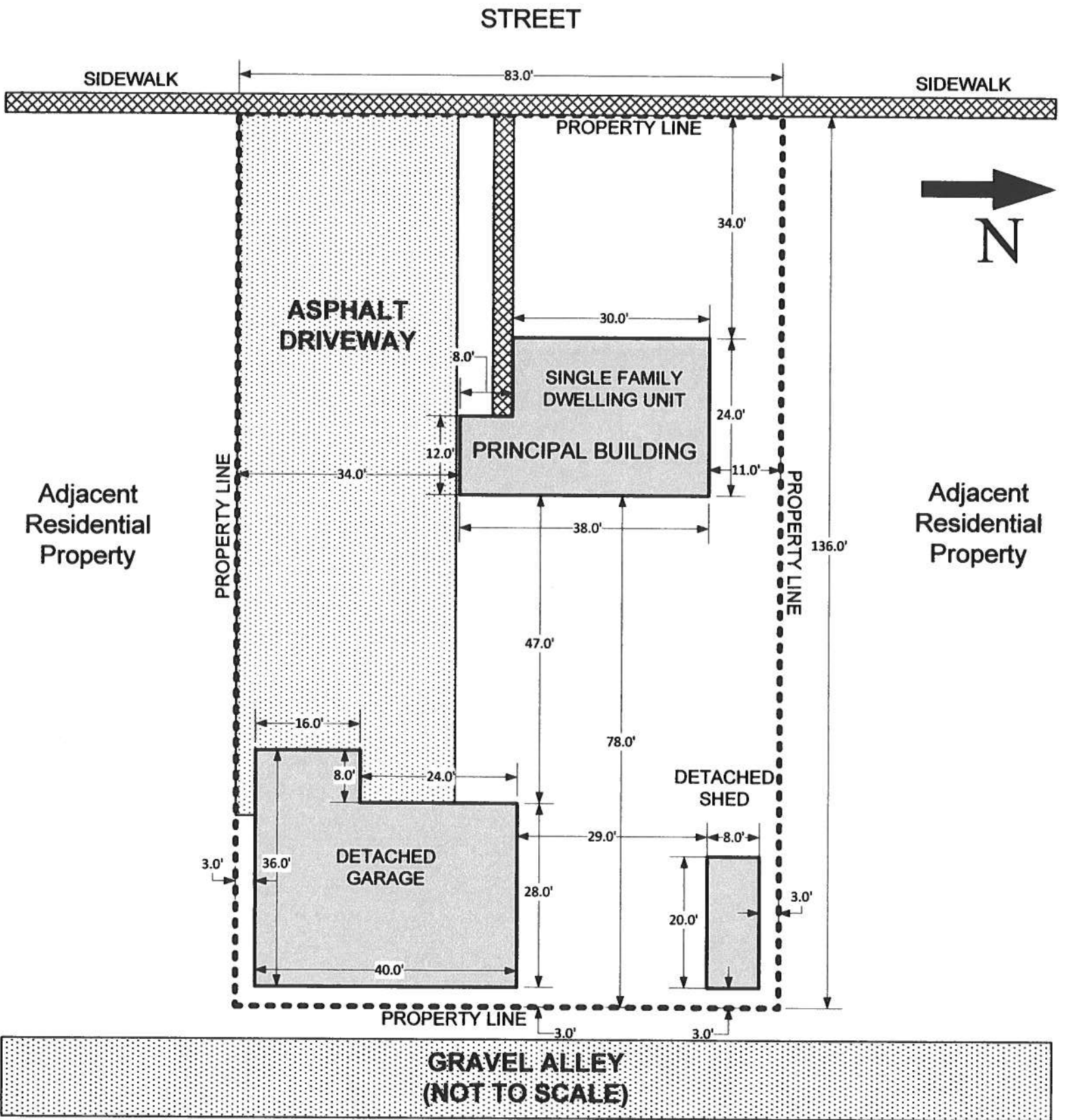
This property sits directly across the street (east) from the City of Fruita Civic Center with single family dwelling units on the other sides. The property directly south of the property, 132 N. Elm St., has an existing CUP for a Bed and Breakfast. Surrounding zoning consists of Community Residential and Downtown-Mixed Use at the Civic Center.

Location and Zoning Map



2018 Aerial Photograph





Scale: 1" = 20'

SITE DIAGRAM: 146 N Elm Street
 Fruita, CO 81521

Purpose: Conditional Use Permit Application
 Occasional Vacation Rental Use

Total Acreage: 0.27

- - - - - Property Line
 ——— External Wall
 Permanent Structure
 Gravel or Asphalt Surface

Owners
 Benjamin S. Fox
 David J. Fox
 Judith A. Fox

Primary Resident
 Benjamin S. Fox

Date Prepared: 29Jun2018
 Prepared By: BSF

III. Project Compliance and Compatibility- This section addresses project compliance, compatibility, and impact on the following:

Table 17.07.060(F) of the Land Use Code requires a Conditional Use Permit (CUP) for Bed & Breakfast type of land use in the Community Residential zone. The Land Use Code defines a Bed & Breakfast as a facility of residential character that provides sleeping accommodations with or without meals for hire on a day-to-day basis with no more than four guest rooms. It is not required to be owner occupied.

Section 17.07.070, Supplemental Zoning Regulations and Standards, Section A, identifies conditions and standards that must be met for a Bed & Breakfast use:

1. Where the applicable zoning district allows bed and breakfast uses as a Conditional Use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;

The entire dwelling unit is intended to be used as the Bed and Breakfast. According to the Mesa County Assessor, this house contains 2 bedrooms and 1 full bathroom.

2. Kitchen and dining facilities in bed and breakfast dwellings may serve only residents and guests and shall not be operated or used for any commercial activity other than that necessary for bed and breakfast purposes;

The applicants are aware that the kitchen and dining facilities may only serve the Guests.

3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;

It is believed that the residential character of this property will not change because the application doesn't propose any changes to the residential character of the dwelling unit.

4. In residential zones (including residential developments in the CMU zone), there shall be no advertising display or other indication of the bed and breakfast use on the premises other than a sign that is in compliance with the provisions of Chapter 17.41;

Chapter 17.41 of the Land Use Code permits an Address or Identification Sign, identifying the address and/or the occupants of a dwelling unit or of an establishment, with a maximum size of two square feet and a maximum height of four feet for a sign in this zone. No illumination of this sign is permitted. There are no signs on the subject property at this time and the applicant is not proposing any signs for this property at this time.

5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;

The property has at least 3 off street parking spaces in the driveway.

6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;

The dwelling unit was constructed in 1963, with an effective year of 1970, according to the Mesa County Assessors website and it is our understanding that there are no pending building code violations or permits.

7. It shall be the responsibility of the applicant to demonstrate that the relevant subdivision's declarations, covenants, conditions or restrictions allow for a bed and breakfast use and/or associated signing;

There does not appear to be any covenants, declarations, conditions or restrictions placed on this property. It is our understanding the no HOA exists and, therefore, no letter of support from an HOA was submitted.

8. Where a bed and breakfast use is subject to Conditional Use Permit approval, any existing or proposed uses in addition to that of a dwelling unit (e.g. home occupation, accessory dwelling unit, etc.) are considered as part of the conditional use review.

There are no existing or intended use of this property other than as a dwelling unit and/or as a short term rental as proposed by this CUP request.

IV. Approval Criteria- The following addresses approval criteria to be considered for Conditional Use Permits:

1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan.
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080.
3. The proposed use will not materially endanger the public health or safety.
4. The proposed use will not alter or endanger any public services and facilities. The existing transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.

V. Summary- This concludes the project narrative requesting a Conditional Use Permit for the above property to be used as a short-term vacation rental during periodic intervals when the primary resident and owner is away from the premises. Given that the proposed use will not significantly alter the property's existing usage, it is our hope that this request will receive approval. Thank you.

Kelli McLean

From: Darrell Bay <darrell.bay@mesacounty.us>
Sent: Friday, July 13, 2018 2:59 PM
To: Kelli McLean
Cc: Henry Hemphill
Subject: Re: 2018-29 146 N. Elm VRBO

Follow Up Flag: Follow up
Flag Status: Flagged

For a B&B to be used all rented bedrooms must have a legal egress window and smoke and carbon monoxide alarms must meet code requirements.
If MCBBD is requested to verify this a building permit will be required before the inspection can be performed.
Thanks

Darrell Bay
Building Official
970-244-1651

On Wed, Jul 11, 2018 at 3:40 PM, Kelli McLean <kmclean@fruita.org> wrote:

Hello Everyone,

We will need review comments for the [146 N. Elm](#) VRBO. Included below is a direct link. Please send us any comments by August 1. Thank you!

<http://www.fruita.org/pc/page/2018-29-146-n-elm-vrbo>

KELLI MCLEAN

PLANNING TECHNICIAN

CITY OF FRUITA

970-858-0786



