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E. WITHDRAWN ITEMS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
   None
G. CONSENT ITEMS

APPROVAL OF MINUTES: February 11, 2020 Planning Commission meeting

H. HEARING ITEMS:

Application #: 2020-03
Application Name: Dwell Planned Unit Development
Application Type: Concept Plan
Applicant: Vortex Engineering, Inc.
Location: 1136 17 ½ Road & 796 N. Maple Street
Zone: Community Residential
Description: This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

I. 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 STAFF PRESENTS THE STAFF REPORT
   The Fruita City staff present their reports.
3. 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.
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.
A. CALL TO ORDER

Seven Planning Commissioners were in attendance. (Justin Gollob, Jesse Fabula, Mel Mulder, Doug Van Etten, JP Nisley, Dave Karisny, Whitney Rink were present).

B. PLEDGE OF ALLEGIANCE

The petitioners led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

There was a typographical error on the Agenda. The Approval of the Minutes was modified to read January 14, 2020 instead of January 14, 2019.

D. APPROVAL OF THE AGENDA

COMMISSIONER MULDER MOVED TO APPROVE THE AGENDA WITH THE AMENDMENT TO THE MINUTES

COMMISSIONER KARISNY SECONDED THE MOTION

MOTION PASSES 7-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

<table>
<thead>
<tr>
<th>Application #</th>
<th>Application Name</th>
<th>Application Type</th>
<th>Location</th>
<th>Zone</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020-01</td>
<td>Black Bear House</td>
<td>Conditional Use Permit</td>
<td>496 Logan Lane</td>
<td>Community Residential (CR)</td>
<td>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.</td>
</tr>
<tr>
<td>2020-02</td>
<td>Christmas Farm Short Term Rental</td>
<td>Conditional Use Permit</td>
<td>402 S. Pine Street</td>
<td>Community Residential (CR)</td>
<td>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.</td>
</tr>
</tbody>
</table>
APPROVAL OF MINUTES

January 14, 2020 Planning Commission meeting

Commissioner Gollob disclosed that the owner rep Conrad Gollob for 2020-01 Black Bear House is his brother. He said he did not feel that he had any information about the application or applicant that was not available to other commissioners by virtue of the application and hearing process. He said that he did not prejudge the application and his decision would be based on the code, the supporting documents and information presented in this hearing. He also noted for the purpose of the city code of ethics that he would not realize any monetary gain by virtue of his decision.

Commissioner Van Etten thanked him for his disclosure and asked if anyone had a problem with Commissioner Gollob voting on the Consent Agenda?

There were no problems expressed.

Commissioner Van Etten asked for a motion to approve the Consent Agenda.

COMMISSIONER MULDER MADE A MOTION TO APPROVE THE CONSENT AGENDA.

COMMISSIONER KARISNY SECONDED THE MOTION

MOTION PASSED 7-0 IN FAVOR TO APPROVE THE CONSENT AGENDA AND 5-0 IN FAVOR OF APPROVAL OF THE MINUTES. COMMISSIONER NISLEY AND COMMISSIONER RINK ABSTAINED FROM VOTING ON APPROVAL OF THE MINUTES DUE TO THEIR ABSENCE AT THE LAST MEETING.

H. HEARING ITEMS

None

I. OTHER BUSINESS

Mr. Dan Caris said that there is a subdivision application that will be going before the Planning Commission on March 10. He also mentioned that at the February 3 Council meeting the Fruita in Motion Plan Like a Local Comprehensive Plan was adopted. He said that the consultant Design Workshop will be helping with the Land Use Code update and that this will be a little different from the Comprehensive Plan update with a rolling adoption format. There was discussion about Planning Commissioner involvement with the Land Use Code update.

Adjournment 7:13 pm

Respectfully submitted,

Kelli McLean
Planning Technician, City of Fruita
Application #: 2020-03
Application Name: Dwell Planned Unit Development
Application Type: Concept Plan
Applicant: Vortex Engineering, Inc.
Location: 1136 17 ½ Road & 796 N. Maple Street
Zone: Community Residential
Description: This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

PROJECT DESCRIPTION:

This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space. The purpose of a Concept Plan and the intentions of the applicant is to submit a plan to get valuable feedback from the public, the Planning Commission, City Council and Staff on the project.

This proposed subdivision will provide 2 access points from both Wildwood Drive connecting to an existing street stub in the Wildwood Acres subdivision and have another access onto North Maple Street. Internal streets within the subdivision are proposed to have approximately 25 feet of asphalt with a detached sidewalk on one side with landscaping between the street and the sidewalk. This application proposes 53 attached dwelling units and 17 detached dwelling units with the intent to construct modern row houses that make efficient use of the site for an overall density of about 7.95 dwelling units per acre. In addition to housing, the proposed PUD Guide contains preliminary design standards of what the dwelling units will look like. It appears that from the application that the overall intent of this subdivision is to create an inviting and pleasant subdivision while incorporating open space, trails, a mix of housing types, and alternative street sections.

Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development which would otherwise be standard with other zone districts. The purpose of the Concept Plan is to get an overall idea of the concept of a proposed
subdivision and whether the modifications proposed meet the intent of the Land Use Code and Master Plan. This is not a technical review of the subdivision, the more technical portion of the subdivision review will be accomplished at the Preliminary PUD Plan application and Final PUD Plan application stages. However, there are some elements within the initial review of the application that will have to be addressed and are included with the Consolidated Review Comments. Additionally, since the applicant is proposing a Planned Unit Development zone, a Rezone application will need to be submitted along with or prior to the Preliminary PUD Plan application. This is to ensure the property is zoned accordingly.

SURROUNDING LAND USES AND ZONING:

The property is surrounded by single family detached residential land uses, open space, and the Calvary Cemetery to the northwest. The cemetery is outside of the city limits and is zoned Agricultural Forestry Transitional (AFT) in the County. Community Residential (CR) zoning is to the south, east and west of the subject property with a Planned Unit Development (PUD) for residential land uses to the north.
REVIEW OF THE APPLICABLE SECTIONS WITHIN THE LAND USE CODE AND THE MASTER PLAN (FRUITA IN MOTION: PLAN LIKE A LOCAL COMPREHENSIVE PLAN):

LAND USE CODE:

17.17.030 CRITERIA FOR REVIEW AND DECISIONS. Recommendations of the Planning Commission to the City Council and decisions by the City Council concerning a proposed Planned Unit Development shall be based upon the following criteria. In no case shall the approval of a Planned Unit Development vary the health and safety requirements contained in Title 8, requirements concerning public peace, morals and welfare contained in Title 9, requirements concerning public improvements contained in Title 12, requirements concerning
water and wastewater service contained in Title 13, or the requirements of the city’s building
codes as set forth in Title 15 of the Municipal Code.

The following approval criteria shall be considered by the Planning Commission and City
Council in its review of a proposed Planned Unit Development and no Planned Unit
Development shall be approved unless the Council is satisfied that each of these approval criteria
has been met, can be met or does not apply to the proposed Planned Unit Development:

1. **Conformance to the Fruita Master Plan;**

   Recently the City of Fruita adopted the Fruita In Motion: Plan Like a Local
   Comprehensive Plan. With that said, the following is a review of how this proposed
   Concept Plan relates to the plan.

   The Fruita In Motion plan encourages **Efficient Development** as one of its Plan Themes.
   The Plan Themes section is found in the 1st Chapter of the plan and states that, “The City
   of Fruita encourages infill over sprawl and development within the existing city limits
   and Urban Growth Boundary (UGB). Efficient development reduces the demand for
   infrastructure and city services, supports community connectivity, and encourages a
   thriving downtown core.” This proposed subdivision is and has been within the city limits
   for a number of years and is considered as being an infill type of development.

   **Connectivity** is another Plan Theme that this proposed Concept Plan has been found to
   meet. This Plan Theme reads, “It is easy for vehicles, cyclists, and pedestrians to get
   around Fruita and to visit local destinations. The City of Fruita offers safe, intuitive, and
   well connected on- and off-street trail networks for pedestrians and cyclists.” Dwell is
   proposing to provide trail opportunities within the subdivision while making another trail
   connection to the Vintners Farm subdivision. Also, this subdivision is utilizing an
   existing street stub from the Wildwood Acres subdivision. As long as the streets and
   trails are designed in a safe manner, this portion of the Master Plan can be met.

   Chapter 3 within the City’s Master Plan speaks to Land Use and Growth. The ideas
   contained within this chapter were developed from conversations reflecting on lessons
   learned in the last ten to twenty years, an analysis of existing land uses and market
   conditions, and public meetings discussing the desired character of Fruita and how it
   should grow and change in the future. This Chapter also contains the Future Land Use
   Map (FLUM), informed by core concepts that are meant to guide Fruita’s future growth.
   The goal of the FLUM is to turn the Community Values from Chapter 1 and the Land
   Use Vision for the Future into changes on the ground. The FLUM shows and supports
   residential densities of 4-8 dwelling units per acre for these properties, however, since the
   Land Use Code doesn’t currently have any language to help guide property owners or
   developers on how to achieve the supported densities, the best current solution is a
   Planned Unit Development zone. Additional support for infill developments comes from
   the analysis of vacant parcels within the existing city limits and comparing it to the
FLUM, the plan shows that there is enough land within both the city limits and the UGB to grow from within rather than continue to expand beyond our borders.

Continuing in Chapter 3 of the Fruita In Motion Comprehensive Plan, the Residential 4-8 category is defined as a “land use category intended for undeveloped areas where public infrastructure and services are available and proximal.” This section continues to state that, “Innovative neighborhood designs in this land use category are encouraged. Neighborhoods in this area can be developed up to 8 units per acre in order to incentivize developers to provide amenities such as parks and trail connections and different types of housing.”

Additionally, Goal #2 within Chapter 3 states that the City needs to “Prioritize infill development over development at the edge of the city limits.” This is because development within the city boundary is typically less costly for both the developer and those providing infrastructure and services such as sewer and roads. Residential development within the city will be able to take advantage of existing nearby roads, parks, trails and community resources. Infill development, typically, will create more customers for the existing downtown and commercial centers. Additional support in the Comprehensive Plan states, “Infill development at a minimum of 4 dwelling units/acre will likely produce more affordable house products than what has typically been built out over the last ten years.”

Also, Goal #4 within Chapter 3 states that the City “Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse ‘funky’ character that is treasured by residents.” This goal was created because Fruita’s housing stock is getting more homogenous and more expensive. As a community that prides itself on being inclusive, this ethos should extend to providing types of housing for people of different ages, income ranges, family structures, and aesthetic preference. Additionally, allowing and encouraging more apartments and/or townhomes in appropriate locations could contribute to more affordable housing options.

A portion of the vision of Chapter 5 - Parks, Health, Recreation, Open Space and Trails of the Comprehensive Plan states, “The City provides unparalleled recreational programming and events, well-maintained parks and recreational facilities that are accessible to all residents, and a well-connected network of bike and pedestrian facilities.” While Goal #3 states, “Enhance the city’s trail system to allow residents and visitors to walk and ride safely within the city and to surrounding trail systems.” With the application as proposed, the Dwell PUD Subdivision supports the intention of this Chapter of the Comprehensive Plan.

The vision of Chapter 6 – Transportation states, “The City of Fruita has well-maintained and safe roadways, intersections, sidewalks, and trails. It has a transportation system that balances access and mobility through multimodal improvements on existing roads as well as coordinated planning with new development. Transportation facilities contribute to the character of the community by providing inviting streetscapes, off-street connections, and
attractive gateways to the community.” It is clear from the plan submitted that the application is supporting the vision of Chapter 6. This application also supports the intentions of the goals set forth in this Chapter. However, the alternative street sections being proposed are going to require additional review from the City Engineer in order to ensure they will be safe for both vehicular and pedestrian traffic.

Chapter 7 – Services and Infrastructure provides for context on the level of importance of Fruita’s ability to provide efficient and effective public services to its residents. Providing efficient and effective public services to its residents directly meets the City Council’s goals of providing strong Core Services. The primary goal of this plan as stated under Goal #2 is, “to promote efficient development and infill in order to keep Fruita from sprawling…” Infill development allows the City and other public service agencies to continue to provide efficient services without expanding the city limits.

Based on this Concept Plan review, it appears that this plan does meet the applicable Chapters within City’s Comprehensive Plan. The subdivision is proposing to create an infill neighborhood that incorporates nearly 20% of its overall acreage into open space. This neighborhood, much like the Vintners Farm PUD Subdivision directly to the north, is proposing to develop the majority of its open space into a neighborhood park with a playground and trail connections throughout. It also appears that approximately half of the dwelling units in this subdivision, once built out, will have either its front or rear portion of the house facing this park. In addition to innovative neighborhood design, the subdivision is proposing alternative street sections along with an alley. These street sections will be incorporating modified widths and proposing detached sidewalks on one side with landscaping between the street and the sidewalk. It would appear that the proposed alternative street section can work as long as there are no major objections from the Fire Department or from the City Engineering Division which could constitute any safety concerns. From a housing perspective, it would appear from the project narrative and the proposed PUD Guide that the developer is planning to incorporate housing types that differ from the homogenous housing inventory that has been built within the city over the last ten to twenty years.

In conclusion, the following Dwell PUD Plan can meet the Fruita In Motion: Plan Like A Local Comprehensive Plan.

2. **Consistency with the purposes as set out in Section 17.17.010, above;**

   *Subsections A-H below are directly from Section 17.17.010 of the current Land Use Code.*

   **A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;**
Based on the application submitted and the fact that this is an infill development, this purpose has been met. Additionally, the lot layout in relation to the open space makes for efficient use of space. The application and the location of the development is proposing to utilize existing infrastructure which would not require an extension of city services beyond the existing city limits. However, from the density proposed, this project will place more pressure on existing roads as the subdivision gets built out over time.

**B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;**

Based on the project narrative and draft PUD Guide, it appears that the developers overall intent is to create a variety of housing types by incorporating attached and detached dwelling units. Further design standards within the PUD Guide will need to be accomplished, however, from what has been submitted, it appears to Staff that the developer intends to use a variety of building materials and colors for this neighborhood. As far as providing housing of varying income levels, this can be difficult to achieve with the real estate market changes that occur overtime. Although not expressed in the PUD Guide, the project narrative states that, “The applicant’s intent is to construct modern row houses that make efficient use of the site and provide attainable housing with both attached and detached single family dwelling units.” However, it does appear that this PUD meets the majority of this general purpose criteria.

**C. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;**

There does not appear to be any natural features, wildlife, vegetation or natural drainage features on the subject properties that have any significant importance that Staff feels is necessary for preservation. However, it’s important that scenic characteristics be preserved as best as possible. There is a 35 foot maximum height restriction for a dwelling unit in the Community Residential zone district in which both these properties are currently zoned. The PUD Guide is proposing a 40 foot maximum height of the dwelling units. The properties have been vacant for a long time and the current scenic views have been preserved thus far, however, under current regulations a 35 foot tall dwelling unit could still be built in this area. The additional 5 feet in height should not adversely affect what is currently allowed with the 35 foot tall maximum. It appears that this criteria can be met.

**D. To conserve and make available open space;**

The Dwell PUD Concept Plan is proposing nearly 20% open space within the subdivision. Within the proposed open space, the large park is centrally located while incorporating trail connections to sidewalks. Additionally, the park is proposed to have benches and playground equipment as part of the overall design. There doesn’t appear to
be any natural features on the properties that Staff would recommend the developer conserve. This criteria has been met.

**E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;**

The proposed Dwell PUD Concept Plan is proposing to deviate from a number of conventional zoning restrictions that are available under the Community Residential zoning classification. Such deviations include, but are not limited to, building height, setbacks, and lot size. It appears that they are proposing these alternatives in order to achieve the maximum density suggested from the Future Land Use Map (FLUM) in the Fruita In Motion Comprehensive Plan. There are a number of Planned Unit Developments in the City of Fruita, each have their own unique characteristics, however, most of them do not propose densities over the maximum for which an underlying zone is called out.

The Dwell PUD Guide also contains information about Uses. Allowed Uses within PUD’s should follow an underlying zone district in case there are elements within the PUD Guide that are not addressed (example, a PUD could call out an underlying zone of Community Residential for anything the PUD Guide does not address). This is important when it comes to types of Land Uses in the particular zone. It is Staff’s recommendation that the PUD Guide be very specific when it comes to allowed uses. In this case, page 10 of the Dwell PUD Guide states that Home Occupations, Home Childcare, Home Daycare and Residential accessory uses are all allowed. The applicants have provided Staff with responses to review comments for this particular aspect of the project. It appears the Uses will align with the Community Residential Use Standards with certain sections of the Land Use Code being called out. For example, if a home owner wants to have a home based business, the home owner would need to comply with the Home Occupation Standards contained in Section 17.07.070 (B).

**F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;**

This Concept Plan appears to make efficient use of the land as it is an infill project. The project narrative does not address the latter portion of this criteria resulting in more information needed from the applicant.

**G. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics, and;**
The Dwell Concept Plan, when the development is complete, should add value to the land. With regards to the Concept Plan and the FLUM (Future Land Use Map), the density is represented as 4-8 dwelling units per acre in this area. Since the Comprehensive Plan was recently adopted, Staff has not had an opportunity to amend the Land Use Code accordingly. With that said, the Planned Unit Development section of the Land Use Code provides an opportunity in flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions.

When it comes to the Dwell PUD Guide (the zone district regulation guide), there needs to be more clarification on the design standards and a process established on how the proposed design standards actually get constructed. Establishing clear design standards and establishing a clear process for how the design standards get constructed will only preserve the intentions set forth in the PUD Guide and the intentions stated by the applicant.

**H. To encourage integrated planning in order to achieve the above purposes.**

If the applicant can meet the above criteria without compromising all applicable sections of the Land Use Code and Municipal Code, then Staff believes the Dwell PUD Concept Plan can be consistent with Section 17.17.010 of the Fruita Land Use Code.

3. **Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where Adjustments to the standards of this Title are allowed, and;**

   *Subsections 1-5 below are directly from Chapter 15 of the Current Land Use Code.*

   **1. Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;**

   As stated previously in the Staff Report, this Concept Plan application does appear to meet the Master Plan and Land Use Code. Since this is not a technical review of the subdivision, the Design Criteria and Construction Specifications Manual and other city policies and regulations will be involved during the Preliminary PUD Plan Review. For example, the request for modified street sections will be reviewed in more detail with the Preliminary PUD Plan application. Additionally, irrigation design and sewer design will also be part of the next step in the review process for this application.

   **2. Compatibility with the area around the subject property in accordance with Section 17.07.080;**

   **17.07.080 LAND USE COMPATIBILITY CRITERIA.**
The purpose of this Section is to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Master Plan, existing adjacent land uses, applicable zoning district requirements, and other city codes and regulations. Nothing in this Section shall prevent the City of Fruita from denying a land use application based on relevant Code requirements or taking enforcement action against a property owner where a nuisance or other Code violation occurs.

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 uses.

The single family land uses and open space will be compatible with the current surrounding residential and open space land uses. Additionally, the types of Uses called out in the PUD Guide should align with the surrounding neighborhoods that are zoned Community Residential. With that said, there does not appear to be any unusual land use types being proposed that would conflict with adjacent neighborhoods.

3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc.);

All required services and facilities appear to be available to the proposed subdivision. Further information will be needed with the Preliminary PUD Plan application from more of a technical aspect.

4. Preservation of natural features and adequate environmental protection; and

As stated previously in the Staff Report, there doesn’t not appear to be any natural features that are in need of preservation. However, adequate environmental protection practices should take place pre- and post-construction.

5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

Since this application is not a technical review of the subdivision. This criteria does not apply with this Concept Plan.

4. Where the applicant proposes one or more Adjustments to the standards of this Title, consistency with the Adjustment criteria set forth in Section 17.11.020(B), is required.
This subdivision will need to meet Section 17.11.050 of the Land Use Code. This section of the Code speaks to the Design Standards of attached single family residential, multi-family residential and single family residential lots measuring less than 7,000 square feet in size and lots less than 60 feet in width.

The primary purposes of this section is promote the incorporation of larger portions of open space, trail connections, encourage safe alley access and shared driveways.

During the course of reviewing this Concept Plan, it does not appear that the applicants are requesting any adjustments. The Guiding Principles within Section 17.11.050 are as follows:

1. New development and redevelopment should support walkable and attractive neighborhoods with a variety of housing types that are designed to be compatible with adjacent uses.

2. Architecture should provide for compatibility with historic structures where applicable.

3. Provide for street connectivity and pedestrian access and safety both within new developments and between new and existing subdivisions.

4. Integrate open space and parks into the design of new neighborhoods and subdivisions.

As supported in this Staff Report, this Concept Plan proposal appears to meet all of these Guiding Principles and thus meets this criteria.

In conclusion of this Concept Plan Review, it appears that the Dwell PUD Subdivision Concept Plan meets or can meet all applicable review criteria that must be considered for approval of a Concept Plan. It should be noted that this is not a technical review of the subdivision and lot layout/configuration could be modified upon further review of the Preliminary PUD Plan application.

It is important to note the next steps in the process if the application were to continue. Following the Concept Plan, a Rezone Application and a Preliminary PUD Plan Application are required. The Land Use Code requires the properties to be zoned in order for City Staff, Planning Commission and City Council to have the authority to approve a project in accordance with any applicable zoning regulations. With that said, the Rezone Application must happen prior to or run concurrent with the Preliminary PUD Plan application.

**REVIEW COMMENTS:**

All review comments are included with the Staff Report.
PUBLIC COMMENTS:

No written public comments have been received by Staff at this time.

LEGAL NOTICE:

All Legal Notice regarding this application was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code.

Paper – February 5, 2020 (34 days prior to Planning Commission)
Property – January 28, 2020 (42 days prior to Planning Commission)
Postcards – January 31, 2020 (39 days prior to Planning Commission)

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing Tuesday, March 10, 2020 at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on Tuesday, April 7, 2020 at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers. If you have an interest in an item on the agenda, please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

Application #: 2020-03
Project Name: Dwell PUD
Application: Concept Plan
Representative: Vortex Engineering and Architecture, Inc.
Location: 1136 17½ Road & 796 N. Maple Street
Description: This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

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
STAFF RECOMMENDATION:
Staff recommends approval of the proposed Dwell PUD Concept Plan application with the condition that all review comments and issues identified in the Staff Report are adequately resolved with the Preliminary PUD Plan application.

PLANNING COMMISSION HEARING DATE: March 10, 2020
CITY COUNCIL HEARING DATE: April 7, 2020
Application Type: Concept Plan  
Application Name: Dwell Planned Unit Development  
Application Number: 2020-03  
Location: 1136 17 ½ Road & 796 N. Maple Street  
Current Zone: Community Residential (CR)

- Pre-Application meeting: None
- Application submitted: 1/16/2020
- Letter of acceptance: 1/17/2020
- Application sent out for review: 1/21/2020
- Legal Notice –
  - Paper – 2/5/2020; Postcards – 1/31/2020; Sign – 1/28/2020
- Planning Commission: 3/10/2020
- City Council: 4/7/2020

**DESCRIPTION:** This is a request for approval of a Concept Plan for a 70 lot subdivision over approximately 8.8 acres. The overall plan contains 4 filings with a mix of attached and detached housing types and approximately 1.59 acres of open space.

**GENERAL:**

1. The application needs to state what sections of the Land Use Code are being deviated from and why it’s a public benefit. 
   a. Justification to the deviations also needs to be made.
   b. Justification should be made with regards to the General Purposes section within the Planned Unit Development chapter. These General Purposes have been copied below.

2. The Project Narrative is requesting a credit against the Parks, Open Space, and Trails Impact fee for the construction of Tract D along North Maple Street. To following is justification to the request:
   a. 17.29.030 (A) (13) states that Tract D can be eligible for credits against the otherwise parks, open space and trails impact fee. Both the land area and the improvements to the land are eligible for credit. The minimum required width is 5 feet and the minimum required landscaping must consist of 1 large tree for every 40 linear feet along the public right-of-way and appropriate groundcover and irrigation. This Outlot must be owned and maintained by a Homeowners Association and contain a public access easement in order to receive credit.
i. Tract D is approximately 330 linear feet which would require, at a minimum, 8 trees in order to be considered for POST credits. The proposed landscaping within Tract D contains 8 trees and appears to have appropriate groundcover. Credit is supported with what is proposed.

ii. Based on the project narrative, Tract D is approximately 14 feet in width. Credit is supported with this proposal as well.

iii. In order to calculate the Credits, a cost estimate of the improvements and installation of said improvements for Tract D must be submitted.

3. Typically when a subdivision is proposed, there is an area set aside for an irrigation vault or pond. It doesn’t appear that any room has been set aside for this purpose. Incorporating room for irrigation may alter the lot layout.

4. The proposed trail connection to the south is owned and maintained by the Vintners Farm HOA, you will need to coordinate with them in order to make the connection to the existing trail.

5. There is a 32 foot Grand Junction Drainage Easement (Book 3604 Page 183) along the north part of this subdivision.

6. Are the Parking Areas maintained by the HOA or the City of Fruita?

7. Will the HOA be maintaining the landscaping between the street and detached sidewalk?

8. Street Names and Addressing:
   a. Looks like the streets are named after bike trails.
      i. These street names can’t have the exact same name. Calling a street a trail or a run won’t work with addressing standards. You will need to call out the roads as; street, avenue, circle, lane, drive, way.
   b. It does appear that addressing can work.

THE FOLLOWING IS A REVIEW OF THE PUD GUIDE:

1. Page 5-9 contains the Overall Phasing Plan (aka Filing Plan).
   a. Staff does not support the Park (Park 1) as being completed in the last Filing. According to the Filing Plan, it could take 15 years before the park is completed. Staff Recommends this Park be completed entirely in Filing 2.

2. Page 10 contains the Bulk Standards.
   a. Under allowed residential uses, Staff recommends you take a position on Short-Term Rentals.
   b. Under allowed residential uses, Home Childcare and Home Daycare should not be allowed outright. Staff Recommends that this section refer to the Fruita Land Use Code to determine what would be allowed, not allowed, or conditionally allowed. Maybe this section could call out a limit to the number of children allowed so that it may be clear for whomever wanting to operate a home childcare business. The current Land Use Code allows up to 8 children without any special permitting.
c. Under allowed residential uses, what’s the difference between Home Occupations and Residential accessory uses? Section 17.07.070 (B) of the Land Use Code contains language about Home Occupation uses.

d. Under allowed residential uses, if something isn’t listed and specific, you need to refer to an underlying zone in order for property owners and the City of Fruita to know what may be allowed, not allowed, or conditionally allowed.

e. Setbacks for Single Family Detached Homes (principle/accessory), is the side setback for both sides, or just one side?

f. Setbacks for Single Family Detached Homes (principle/accessory), Lot Coverage should be better defined. Is it impervious surface or covered structure %?

   a. More detail about the design standards of the dwelling units must be provided.
      i. Materials and colors.
      ii. Who is going to review the architecture of every building when a Planning Clearance is submitted?

   a. This fencing plan proposes either wood or vinyl fencing. Staff recommends that, in order for the subdivision to have its own fluid identity, pick one material. This needs to be consistent throughout the entire subdivision, whether the fencing is developer installed or property owner installed.

   b. The Fencing Plan should show fencing blocking the trail connection to the south through Tract C.

   c. The Fencing along the North Side shows that it’s going to be 6 feet in height. Have you thought about making this fence match the 4 foot height similar to the properties to the north in Vintners Farm? It’s common for properties similar to these to have shorter fencing in the City of Fruita.

   d. For safety purposes this plan should also come with a note that states that no fence obstruct the view of traffic or cause a clear site issue.

   e. Why is there a 5 foot horizontal wood fence detail on page 15? A 5 foot fence isn’t mentioned on the fencing plan. This could cause some confusion so please remove if this is not the intention.

   f. Once one material is picked for the entire subdivision, the fencing details should correlate with the fencing master plan.

   g. If any existing fencing is removed and or replaced, what would the materials be to replace it?

   h. Take a position on fencing along property lines. Property owners are going to want fencing.

5. Page 16 Typical Street Sections.
   a. What does this represent and does it need to be in the PUD Guide?
Section 17.17 of the Land Use Code call out specific sections of the Municipal Code that cannot be deviated from. In no case shall the approval of a Planned Unit Development vary from the following sections:

- Title 8 – Healthy and Safety
- Title 9 – Public Peace, Morals and Welfare
- Title 12 – Public Improvements
- Title 13 – Water and Sewer
- Title 15 – Building and Construction

Reference from General Review Comment #1:

17.17.010 GENERAL PURPOSES. Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the following purposes:

A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;

B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;

C. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;

D. To conserve and make available open space;

E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;

F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;

G. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the...
particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics, and;

H. To encourage integrated planning in order to achieve the above purposes.
REVIEW COMMENTS

1. **General:** This application is for a new Planned Unit Development located at 1136 17 ½ Road and 796 N. Maple Street combining single-family residential subdivision of 70 Lots on 4 lots on approximately 9 acres.

2. **Site Plan:**
   a. Notes from Hawks Landing Minor Subdivision and Hawks Landing II Minor Subdivision require that access to Lot 1 of Hawks Landing II Minor Subdivision be relocated to an internal street once development of Lot 2 occurs.
   b. Is there a reason why you are placing the irrigation storage at the SW corner and pump up to the rest of the subdivision?
   c. What is the depth of the parking stalls that are located along the street? That was not labeled on the typical sections. Longer vehicles could overhang the adjacent drive lane depending on the depth. Applicant narrative states there will be only parking allowed on one side of the street. Suggestion would be to allow that parking on the park side of the road.
   d. On local streets, driveways are to be located 50 feet from the flowline of the intersecting street as well as not be closer to a lot line than 5 feet. Provide evidence you will meet this requirement for the corner lots having driveway access to the street.
   e. There is no multi-purpose easement being proposed along the north side of Wildwood Drive along the frontage to the parcel at 798 N. Maple St. Additionally, the proposed right of way location appears to create a setback to the existing house of approx. 10 feet.
   f. Maintenance of parking areas, alleys, and walks/trails will need to be identified moving forward.
   g. What is the justification for the narrower section?
   h. What are the widths of the trails internal to the park as well as the connector trails?
   i. There is a GVDD drainage easement along the north property line that may affect the use of those proposed lots.

3. **Utility Composite Plan:**
   a. Ultimately, show the irrigation system on your utility composite plan.
4. **Grading Plan/Drainage Report:**
   a. Looks like a drain or swale with trough drain will be required to drain the back of Lots 24-28 as well as 798 N. Maple St.
   b. The facility that the detention pond outfall connects to is a GVDD drain. The applicant will need to address any issues from GVDD related to its use.

**RECOMMENDATION:**

The Engineering and Public Works Departments recommends approval of this Subdivision Sketch Plan upon the satisfactory resolution of the items cited above.
2020-03 Dwell PUD Concept Plan
Consolidated Review Comments

Grand Valley Drainage District

1. The Drainage Check Sheet does not include existing GVDD easement on 796 N Maple.
2. Same easement is poorly indicated on the Concept Plans. We believe this easement will have significant effects to lots 29-35 & 69 as the easement is the only access the District has to that section of the Denton Drain due to no access from the Vintners’ Farm side of the Drain.
3. The District will need an easement for 1196 17-1/2 Rd, 30ft to be prepared by the District for our Denton Drain.
4. The proposed detention pond will require a Discharge License.

Lower Valley Fire District

Review comments: 2020-03 Dwell PUD Concept Plan

1. Rename all streets that have bike trail names. Duplicate names create confusion to emergency responders and result in delayed response times.
2. Relocate fire hydrant from Lot 27 area to Wildwood Drive on the SE corner of Lot 24.
3. Relocate fire hydrant from Lot 36 to between Lots 33 and 34 to provide coverage of alley.
4. Relocate fire hydrant by Lot 53 to West side of alley by Lot 54.
5. Install fire hydrant at intersection of Edge Loop and Wildwood at SW corner of Lot 41.

Mesa County Building Department

MCBD has no objections to this project. The following must be provided to our office in paper form. The city approved Soil report, Drainage plan & TOF tabulation sheet. All building code items will be addressed during plan review.

5-2-1 Drainage Authority

This project will require both CDPHE and 5.2.1 Construction Stormwater permits.

A Construction Stormwater Management Plan (CSWMP) to the CDPHE COR4000000 WQCD permit is required. See the checklist found on the CDPHE website for guidance.

An original City of Fruita Operations and Maintenance Agreement, signed and notarized, in single page, not-double-sided, in BLACK INK ONLY, is required.

A complete 5.2.1 application with permit fees, payable by check. Fee are based on the project's ground disturbance. See page 4 of the permit application.
All appropriate forms and templates can be found on the 5.2.1 website.

Prior to ANY disturbance, please contact Mark Barslund @ (970) 201-1362

These documents can be turned into the GJ City Hall Planning Department, the 5-2-1 office at 333 West Avenue, Bldg. C, (Grand Junction City Shops) or mailed to: 5-2-1 Drainage Authority, P.O. Box 3389, Grand Junction, CO 81502.

**Ute Water**

1. Show proposed dry utilities for further review.
2. Use bends to replace 90° elbows as shown.
3. ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
4. If you have any questions concerning any of this, please feel free to contact Ute Water.
Project Name: Dwell PUD
Project Location: 1136 17 ½ Road & 796 N. Maple Street
Current Zoning District: Community Residential Requested Zone: PUD
Tax Parcel Number(s): 2697-084-77-002 & 2697-084-00-140 Number of Acres: Approx. 9 acres
Project Type: PUD Rezone & Sketch Plan

Property Owner: Scott Curry Developer: Michael Maves
Property Owner: Contact: Same as above
Address: 798 N. Maple Street Address: 560 S. Commercial Drive Unit 5
City/State/Zip: Fruita, CO 81521 City/State/Zip: Grand Junction, CO 81505
Phone: Phone: (970) 234-0659 Fax: Fax:
E-mail: E-mail: mmaves@mavesinc.com

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: Vortex Engineering, Inc. Engineer: Same as Owner Representative
Contact: Robert W. Jones II Contact:
Address: 861 Rood Avenue Address:
City/State/Zip: Grand Junction, CO 81501 City/State/Zip:
Phone: (970) 245-9051 Fax: (970) 245-7639 Phone:
E-mail: rjones@vortexeng.us 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.

Scott Curry
Name of Legal Owner Signature Date

Name of Legal Owner Signature Date

Name of Legal Owner Signature Date

STATE OF COLORADO)
COUNTY OF MESA ss.

The foregoing instrument was acknowledged before me this 14th day of January, 2021

My Commission expires: June 19, 2024

JENNIFER CHRISTENSEN
Notary Public – State of Colorado
Notary ID 20024020423
My Commission Expires Jun 19, 2021
LAND DEVELOPMENT APPLICATION

Project Name: Dwell PUD
Project Location: 1136 17 ½ Road & 796 N. Maple Street
Current Zoning District: Community Residential Requested Zone: PUD
Tax Parcel Number(s): 2697-084-77-002 & 2697-084-00-140 Number of Acres: Approx. 9 acres
Project Type: PUD Rezone & Sketch Plan

Property Owner: Michael D. Maves
Property Owner: Maxine J. Maves & Darrin Wade
Address: 560 S. Commercial Dr. Unit 5
City/State/Zip: Grand Junction, CO 81505
Phone: (970) 234-0659 Fax: Phone: (970) 234-0659 Fax:
E-mail: mmaves@mavesinc.com E-mail: mmaves@mavesinc.com

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: Vortex Engineering, Inc. Engineer: Same as Owner Representative
Contact: Robert W. Jones II Contact:
Address: 861 Rood Avenue Address:
City/State/Zip: Grand Junction, CO 81501 City/State/Zip:
Phone: (970) 245-9051 Fax: (970) 245-7639 Phone: (970) 245-7639 Fax:
E-mail: rjones@vortexeng.us 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.

Michael D. Maves
Name of Legal Owner Signature Date 1-14-2220

Maxine J. Maves
Name of Legal Owner Signature Date 1-14-2220

Darrin Wade
Name of Legal Owner Signature Date

STATE OF COLORADO)
COUNTY OF MESA ) ss.

The foregoing instrument was acknowledged before me this 14th day of January, 2020.

My Commission expires: June 30, 2022

[Signature]
Notary Public
LAND DEVELOPMENT APPLICATION

Project Name: Dwell PUD
Project Location: 1136 17 1/2 Road & 796 N. Maple Street
Current Zoning District: Community Residential Requested Zone: PUD
Tax Parcel Number(s): 2697-084-77-002 & 2697-084-00-140 Number of Acres: Approx. 9 acres
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Property Owner: Michael D. Maves
Developer: Michael Maves
Property Owner: Maxine J. Maves & Darrin Wade
Contact: Same as above
Address: 560 S. Commercial Dr. Unit 5
City/State/Zip: Grand Junction, CO 81505
Phone: (970) 234-0659 Fax: Phone: (970) 234-0659 Fax:
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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: Vortex Engineering, Inc.
Engineer: Same as Owner Representative
Contact: Robert W. Jones II
Address: 861 Rood Avenue
City/State/Zip: Grand Junction, CO 81501
Phone: (970) 245-9051 Fax: (970) 245-7639 Phone: (970) 245-9051 Fax:
E-mail: rjones@vortexeng.us 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.

Michael D. Maves
Name of Legal Owner
Signature
Date

Maxine J. Maves
Name of Legal Owner
Signature
Date

Darrin Wade
Name of Legal Owner
Signature
Date

STATE OF COLORADO
) ss.
COUNTY OF MESA

The foregoing instrument was acknowledged before me this 14th day of January, 2030
My Commission expires: May 15, 2023

Leslie Swett
Notary Public

LESLEI SWETT
NOTARY PUBLIC - STATE OF COLORADO
NOTARY ID 20154019369
MY COMMISSION EXPIRES MAY 15, 2023
Date: March 3, 2020

To: City of Fruita Planning Department
   Attn: Dan Caris, Director
   325 E. Aspen Avenue
   Fruita, CO 81521

File #: 2020-003

RE: Response to Comments, Round 1
   Dwell PUD – Concept Plan/Rezone Request
   1136 17 ½ Rd and 796 N. Maple Street
   Fruita, CO 81521

VEI #: F19-095

Dear Mr. Caris,

The Dwell PUD is proposed at the above-referenced location in the City of Fruita. The following information is provided in response to agency review comments received February 4, 2020, from various City/County Departments and outside agencies.

MESA COUNTY BUILDING DEPARTMENT
Comments:
1. MCBD has no objections to this project. The following must be provided to our office in paper form: The City approved Soil report, Drainage report and TOF tabulation sheet.

   Response: Comment acknowledged. Once approved, the Soil report, Drainage report and TOF tabulation sheet shall be provided to the Mesa County Building Department in a paper form.

LOWER VALLEY FIRE DEPARTMENT
Comments:
1. Rename all streets that have bike trail names. Duplicate names create confusion to emergency responders and result in delayed response times.

   Response: Comment acknowledged. The street names have been revised.

2. Relocate fire hydrant from Lot 27 area to Wildwood Drive on the SE corner of Lot 24.

   Response: Comment acknowledged. The fire hydrant has been relocated.

3. Relocate fire hydrant from Lot 36 to between Lots 33 and 34 to provide coverage of alley.

   Response: Comment acknowledged. The fire hydrant has been relocated.

4. Relocate fire hydrant by Lot 53 to West side of alley by Lot 54.

   Response: Comment acknowledged. The fire hydrant has been relocated.

5. Install fire hydrant at intersection of Edge Loop and Wildwood at SW corner of Lot 41.

   Response: Comment acknowledged. Fire hydrant has been added.
CITY OF FRUITA PLANNER
Comments:
GENERAL:
1. The application needs to state what sections of the Land Use Code are being deviated from and why it’s a public benefit.
   a. Justification to the deviations also needs to be made.
   b. Justification should be made with regards to the General Purposes section within the Planned Unit Development chapter. These General Purposes have been copied below.

   Response: Comment acknowledged.

2. The Project Narrative is requesting a credit against the Parks, Open Space and Trails Impact fee for the construction of Tract D along N. Maple Street. The following is justification to the request:
   a. 17.29.030(A)(13) states that Tract D can be eligible for credits against the otherwise parks, open space and trails impact fee. Both the land area and the improvements to the land are eligible for credit. The minimum required width is 5 feet and the minimum required landscaping must consist of 1 large tree for every 40 linear feet along the public right-of-way and appropriate groundcover and irrigation. This Outlot must be owned and maintained by a Homeowners Association and contain a public access easement in order to receive credit.
      i. Tract D is approximately 330 linear feet which would require, at a minimum, 8 trees in order to be considered for POST credits. The proposed landscaping within Tract D contains 8 trees and appears to have appropriate groundcover. Credit is supported with what is proposed.
      ii. Based on the project narrative, Tract D is approximately 14 feet in width. Credit is supported with this proposal as well.
      iii. In order to calculate the Credits, a cost estimate of the improvements and installation of said improvements for Tract D must be submitted.

   Response: Comment acknowledged.

3. Typically when a subdivision is proposed, there is an area set aside for an irrigation vault or pond. It doesn’t appear that any room has been set aside for this purpose. Incorporating room for irrigation may alter the lot layout.

   Response: Comment acknowledged.

4. The proposed trail connection to the south is owned and maintained by the Vintners Farm HOA, you will need to coordinate with them in order to make the connection to the existing trail.

   Response: Comment acknowledged. We will coordinate so access connection can be made.

5. There is a 32-foot Grand Junction Drainage Easement (Book 3604 Page 183) along the north part of this subdivision.

   Response: Comment acknowledged. The easement has been added to the plans.

6. Are the Parking Areas maintained by the HOA or the City of Fruita?

   Response: Comment acknowledged. The parking areas will be maintained by the HOA.
7. Will the HOA be maintaining the landscaping between the street and detached sidewalk?

Response: Comment acknowledged. No, the individual home owners will be responsible for the tree lawn area.

8. Street Names and Addressing:
   a. Looks like the streets are named after bike trails.
      i. These street names can't have the exact same name. Calling a street, a trail or a run won't work with addressing standards. You will need to call out the roads as: street, avenue, circle, lane, drive, way.
   b. It does appear that addressing can work.

Response: Comment acknowledged. The street names have been revised.

PUD GUIDE:
1. Page 5-9 contains the Overall Phasing Plan (aka Filing Plan).
   a. Staff does not support the Park (Park 1) as being completed in the last Filing. According to the Filing Plan, it could take 15 years before the park is completed. Staff Recommends this Park be completed entirely in Filing #2.

Response: Comment acknowledged. The filing lines have been revised to construct the park amenities primarily in Filing #2.

2. Page 10 contains the Bulk Standards.
   a. Under allowed residential uses, Staff recommends you take a position on Short-Term Rentals.
   b. Under allowed residential uses, Home Childcare and Home Daycare should not be allowed outright. Staff Recommends that this section refer to the Fruita Land Use Code to determine what would be allowed, not allowed, or conditionally allowed. Maybe this section could call out a limit to the number of children allowed so that it may be clear for whomever wanting to operate a home childcare business. The current Land Use Code allows up to 8 children without any special permitting.
   c. Under allowed residential uses, what's the difference between Home Occupations and Residential accessory uses? Section 17.07.070 (B) of the Land Use Code contains language about Home Occupations.
   d. Under allowed residential uses, if something isn't listed and specific, you need to refer to an underlying zone in order for property owners and the City of Fruita to know what may be allowed, not allowed, or conditionally allowed.
   e. Setbacks for Single Family Detached Homes (principle/accessory), is the side setback for both sides, or just one side?
   f. Setbacks for Single Family Detached Homes (principle/accessory), Lot Coverage should be better defined. Is it impervious surface or covered structure %?

Response: Comment acknowledged. Responses to the comments on bulk standards have been addressed in the revised project narrative report dated March 3, 2020.

   a. More detail about the design standards of the dwelling units must be provided.
      i. Materials and colors.
      ii. Who is going to review the architecture of every building when a Planning Clearance is submitted?
Response: Comment acknowledged. The Concept Plan for the Dwell PUD is intended to provide an overview of the proposed development. Specific information related to architectural design standards, building materials and colors will be provided with the Preliminary-Final Plan application where a more detailed and technical review for compliance will be completed. The Architectural Review Committee of the HOA will be responsible for reviewing the architectural design for buildings prior to a Planning Clearance being issued.

   a. This fencing plan proposes either wood or vinyl fencing. Staff recommends that, in order for the subdivision to have its own fluid identity, pick one material. This needs to be consistent throughout the entire subdivision, whether the fencing is developer installed or property owner installed.
   Response: All fences shall be constructed of vinyl material.
   b. The Fencing Plan should show fencing blocking the trail connection to the south through Tract C.
   Response: The fencing plan will be revised with the Preliminary-Final Plan application.
   c. The Fencing along the North Side shows that it’s going to be 6 feet in height. Have you thought about making this fence match the 4-foot height similar to the properties to the north in Vintners Farm? It’s common for properties similar to these to have shorter fencing in the City of Fruita.
   Response: Comment acknowledged and will be considered.
   d. For safety purposes this plan should also come with a note that states that no fence obstruct the view of traffic or cause a clear site issue.
   Response: The note will be placed on the final plans.
   e. Why is there a 5-foot horizontal wood fence detail on page 15? A 5-foot fence isn’t mentioned on the fencing plan. This could cause some confusion so please remove if this is not the intention.
   Response: The side yard fences between homes will be limited to a 5-foot fence. The Fencing Detail in the PUD Guide will be revised to reflect this.
   f. Once one material is picked for the entire subdivision, the fencing details should correlate with the fencing master plan.
   Response: The Fencing Detail in the PUD Guide will be revised to reflect this.
   g. If any existing fencing is removed or replaced, what would the materials be to replace it?
   Response: The PUD Guide states what the allowable fencing materials are (vinyl materials only).
   h. Take a position on fencing along property lines. Property owners are going to want fencing.
   Response: Comment acknowledged. See revised project narrative for information related to fencing.

5. Page 16 Typical Street Sections.
   a. What does this represent and does it need to be in the PUD Guide?
   Response: This is provided as additional information and easy reference in the PUD Guide.

Section 17.17 of the Land Use Code call out specific sections of the Municipal Code that cannot be deviated from. In no case shall the approval of a Planned Unit Development vary from the following sections:

   Title 8 – Healthy and Safety
   Title 9 – Public Peace, Morals and Welfare
   Title 12 – Public Improvements
   Title 13 – Water and Sewer
   Title 15 – Building and Construction

Response: Comment acknowledged.

Reference from General Review Comment #1:
17.17.010 GENERAL PURPOSES. Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the following purposes:

A. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services;

Response: Comment acknowledged. See revised project narrative.

B. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design;

Response: Comment acknowledged. See revised project narrative.

C. To relate development of particular site to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics;

Response: Comment acknowledged. See revised project narrative.

D. To conserve and make available open space;

Response: Comment acknowledged. See revised project narrative.

E. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions;

Response: Comment acknowledged. See revised project narrative.

F. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;

Response: Comment acknowledged. See revised project narrative.

G. To conserve the value of land and to provide a procedure which relates the type, design and layout of residential, commercial and industrial development to the particular site proposed to be developed, thereby encouraging the preservation of the site’s natural characteristics, and;

Response: Comment acknowledged. See revised project narrative.

H. To encourage integrated planning in order to achieve the above purposes.

Response: Comment acknowledged. See revised project narrative.

Vortex Engineering, Inc. looks forward to working with the City of Fruita to successfully permit this property.

Upon your review of the responses provided, should you have any questions or require additional information, please do not hesitate to contact me at 970-245-9051 or by email at rjones@vortexteng.us. Thank you.
Sincerely,

Vortex Engineering & Architecture, Inc.

Robert W. Jones II, P.E.

Cc: File
Revised Project Report
for
Dwell Planned Unit Development
Concept Plan and
Rezone Request from CR to PUD

Date: January 14, 2020
March 3, 2020

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Submitted to: Fruita Planning & Development Department
325 E. Aspen Street
Fruita, CO 81521

Type of Design: Planned Unit Development Concept Plan and Rezone Request

Property Owner: Michael Maves, Maxine Maves, Darrin Wade
560 S. Commercial Drive, Unit 1
Grand Junction, CO 81505

Scott Curry
798 N. Maple Street
Fruita, CO 81521

Property Address: 1136 17 ½ Road and 796 N. Maple Street
Fruita, CO 81521

Tax Parcel No: 2697-084-00-140
2697-084-77-002
1. **Project Intent**

This application is to request Concept Plan approval for the Dwell Planned Unit Development (PUD) and a rezone from the CR (Community Residential) zone to the PUD (Planned Unit Development) zone district. These requests support the Fruita Master Plan’s goal for a variety of housing types and infill development. The owner’s intent is to construct a modern community with a hometown feel that embraces the uniqueness of Fruita.

The applicants’ intent with this application is to gain valuable feedback and comments from the City of Fruita on the Concept Plan which will be incorporated into the subsequent Preliminary-Final Plan designs and application for Filing 1.

2. **Project Description**

The subject property is located at 1136 17 ½ Road and 796 N. Maple Street, Fruita and is approximately 8.8 acres. The proposed 70 lot subdivision will feature single family detached and attached housing types with unique architectural designs that will be found only in this special community. Attached single family dwelling units will include two, four and five dwelling unit buildings which are located throughout the development. A large park with amenities and pedestrian trails will enhance the sense of neighborhood in this mixed housing development.

The Dwell Planned Unit Development (PUD) is being developed with an intent to create a special feeling of home and space; a community with welcoming porches, tree lined streets and a large, open space park for community activities such as community movie nights, youth sports practices with picnic and playground areas for families to gather together. The applicants are graduates of Fruita Monument High School who have raised two children who have also graduated from the hometown high school. Their goal is to create a modern community where neighbors know each other and residents are proud to call this community their HOME.
The development is considered infill development because it is surrounded by existing development and will tie into existing infrastructure such as water and sewer services. Infill development is the most efficient use of development and helps reduce urban sprawl.

Tree lined streets will create an inviting and pleasant experience for pedestrians; the open space and park amenities will help make this a high quality, desirable community to live and call home. Approximately half of the new homes will have frontage on the park or a direct view of the park and amenities.

Alley loaded homes facing the park have access to additional off-street parking that has been provided on three sides of the park. Pedestrian trails connect residents to the park and provide interconnectivity within the development and adjacent subdivisions. Perimeter fencing will be constructed by the applicants as well as fencing within the park where homes face the open space or have a backyard that is oriented to the park. Revised street names/fence materials on graphic below:

The applicant’s intent is to construct modern row houses that make efficient use of the site and provide attainable housing with both attached and detached single family dwelling units. Below are several examples of the type of homes that could be constructed with a sample floor plan. Architectural design standards will be included as part of the proposed Dwell PUD to maintain a consistent architectural theme throughout the development.
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The exterior of all dwelling units shall be that of a modern urban cottage design. Clean lines with interaction with the street will be emphasized. All dwellings shall have at least one front facing porch or deck with a minimum of 60 square feet. Roof pitch shall be a minimum of 6/12; flat roof accents will be allowed. Roofs on all structures shall be asphalt architectural shingles, metal, tile or slate material.

The outside façade of each structure shall be constructed of primarily wood or wood composite siding (such as Hardi) but not vinyl or other siding; wood, stone, brick, metal and/or stucco accents are allowed and encouraged. Exterior color schemes will be primarily earthen tones.
Community guidelines contained in the CC&Rs will include a limitation such that no recreational vehicle, camping trailer, snowmobile, boat trailer, hauling trailer, boat or truck larger than a 1 ton pickup truck shall be allowed to park on any lot, private street or private drive at any time other than for the construction or repair of structures on lots or within lots or common areas. The HOA will remove snow accumulations from all sidewalks and other impervious surface in or on common areas.

All design standards related to construction of homes and related improvements on each lot shall be governed by the CC&Rs and an HOA Architectural Review Committee which shall review and approve proposed plans for compliance with all PUD design standards prior to issuance of a Planning Clearance and Building Permit for construction. The CC&Rs will be provided with the Preliminary-Final Plan application for Filing 1 for review.

Allowed Uses and Bulk Standards

The proposed Dwell PUD is based on an underlying Community Residential (CR) zone district for purposes of allowed uses and the majority of bulk standards. There are some elements of the Dwell PUD bulk standards that are based on the Downtown Mixed Use (DMU) zone district as they relate to the minimum lot size for townhomes and zero setbacks with a common wall. Deviations from the underlying bulk standards have been shown in the table below.

Allowed uses are limited to single-family attached and detached dwelling units, residential accessory uses, home occupations and child care/day care within the dwelling unit (home) and short-term residential property uses.

Home occupations shall be permitted as accessory to any permitted residential use subject to the Home Occupational standards of Section 17.07.070(B) of the Fruita Land Use Code in effect on January 1, 2020. Home childcare, home daycare and residential accessory uses shall be allowed as defined and regulated by the Fruita Land Use Code in effect on January 1, 2020.

Any home owner wishing to operate a short-term residential property shall be subject to the permitting requirements of the Fruita Land Use Code in effect on January 1, 2020. It shall be the responsibility of the home owner to comply with all application and permitting requirements prior to operation of a short-term residential property.

Bulk standards for the Dwell PUD are based on a combination of the CR (Community Residential) and DMU (Downtown Mixed Use) zone districts. See the Dwell PUD Guide for specific information on the proposed bulk standards and allowed uses. The following chart compares the bulk standards between the proposed Dwell PUD and the CR and DMU zone districts:
## Standards by zone:

<table>
<thead>
<tr>
<th>Standards by zone:</th>
<th>Dwell PUD</th>
<th>Community Residential</th>
<th>Downtown Mixed Use – Outside Core</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SF Detached</td>
<td>2900 sf</td>
<td>7000 sf</td>
<td>5000 sf or 6000 sf corner lots</td>
</tr>
<tr>
<td>SF Attached</td>
<td>2100 sf</td>
<td>10,000 sf – 2 unit attached or 15,000 sf – 3 unit attached</td>
<td>7500 sf duplex</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10,000 sf multifamily</td>
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<tr>
<td></td>
<td></td>
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<td>2500 sf/each townhouse</td>
</tr>
</tbody>
</table>

## Setbacks (Principal/Accessory)

### SF Detached:
- **Front**: 15; with alley or porch or 20'/25' (for garage)
- **Side**: 15'/25' or 8'/3'
- **Rear**: 15'/3'
- **Max. Lot Coverage**: 60%/4%
- **Max. Height**: 35'/16'

### SF Attached:
- **Front**: 15; with alley or porch or 20'/25' (for garage)
- **Side-detached**: 15'/3'
- **Side-attached**: 8'/3'
- **Rear**: 0'/3'
- **Max. Lot Coverage**: 60%/4%
- **Max. Height**: 35'/16'

### Density
- **7.9 du/ac**

*One duplex unit or two-unit attached sf on a lot of at least 10,000 sf is permitted for each 10 single family detached units; one triplex unit on 15,000 sf allowed for each 15 single family detached units; one four-plex unit on 20,000 sf allowed for each 20 single family detached units.*

*No Specific Standards*

*Front: 15; with alley or porch or 20'/25' (for garage)*

*Side: 15' total: 5'3' min. except 0' with common wall or zero lot line dev. allowed*

*Rear:15'/3’*

*Max. Lot Coverage: 35% or 60% with mixed use, alley and front porch*

*Max. Height: 35'/16’*
Proposed Deviations

Minimum Lot Area:

One of the key goals of the Dwell PUD is to create a community with a variety of housing types that meets the new R 4-8 land use classification of the Comprehensive Plan. In order to achieve this density and variety of housing types, smaller lot sizes are necessary. This allows for greater use of infrastructure such as streets, sidewalks, water and sewer lines and drainage facilities and is consistent with the type of urban design that the City of Fruita hopes to achieve through the new Comprehensive Plan. Smaller lot sizes are also necessary and typical of attached housing types such as townhomes, which will be included in the Dwell PUD.

The minimum lot sizes proposed for the Dwell PUD are 2900 square feet for single-family detached homes and 2100 square feet for single-family attached homes. The minimum lot size for a townhouse in the Downtown Mixed Use (DMU) zone is 2500 square feet. The Dwell PUD is comprised largely of single-family attached dwelling units (with zero side setbacks with common walls) and with nearly 20% open space; as a result, the minimum lot sizes have been designed for modern row houses that are consistent with urban design.

Setbacks:

Front yard setback (single-family detached and attached) – Front yard setbacks in the Dwell PUD have been set at 15 feet in order to bring the homes closer to the street and to create a greater sense of community which is typically found in traditional neighborhoods. The Community Residential (CR) and the DMU zones allow a 15-foot front yard setback for homes that are alley loaded. Almost one third of the homes in the Dwell PUD are alley loaded, therefore the proposed front yard setback is consistent with the underlying zones. The applicant would like to create a consistent streetscape with homes which is another reason for the proposed 15-foot front yard setback.

Side yard setback (single-family detached and attached) – There is no deviation proposed for the side yard setbacks for single-family detached and attached dwelling units. The DMU zone is actually more restrictive for side yard setbacks by allowing a 15-foot side yard setback. The DMU zone also allows a zero side yard setback for common walls which is consistent with the proposed Dwell PUD side yard setback for attached dwelling units that are not an end unit.

Rear yard setback (single-family detached and attached) – There is no deviation proposed for the rear yard setbacks for single-family detached and attached dwelling units.

Maximum Lot Coverage:

The Dwell PUD is proposing 40% maximum lot coverage (defined as that area of the lot or parcel which may be occupied by principal and accessory structures) for single-family detached dwelling units and 60% maximum lot coverage for single-family attached dwelling units. The reason for this is once again related to the smaller lot size and desire to make more efficient use of the lot area,
especially with attached dwelling units. The 40% is more restrictive than the allowed lot coverage of 50% with the underlying CR zone district. The 60% lot coverage proposed for attached dwelling units is similar to the 60% lot coverage allowed in the DMU zone for alley loaded homes. There is very little difference between the proposed lot coverage of the Dwell PUD and the underlying DMU zone.

**Maximum Height:**

The maximum height of 40 feet proposed for the Dwell PUD (for both single-family detached and attached homes) is specifically requested to accommodate the architectural style of modern row homes that utilize steep roofs with a pitch of 6/9 or 8/12. The current trend in modern home construction also utilizes nine-foot ceilings which contributes to the need for additional building height.

The maximum height for accessory structures is proposed to be 16 feet.

**Legal Description**

The legal description of **2697-084-00-140** is:

S2NW4NW4SE4 SEC 8 1N 2W & BEG S 63DEG17'25SEC E 737.53FT FR C4 COR SD SEC 8 S 89DEG51'41SEC E 15.13FT S 01DEG18'39SEC W 294.82FT S 15DEG01' W 36.32FT N 0DEG10'42SEC E 329.86FT TO POB - 5.09AC

The legal description of **2697-084-77-002** is:

LOT 2 HAWKS LANDING II MINOR SUBDIVISION LOC SEC 8 1N 2W UM RECD R- 2777802 MESA CO RECDS - 3.97 AC

3. **Public Notice**

Public notice shall be provided in accordance with Section 17.01.130, Public Notices, of the Fruita Land Use Code, including mailed notice, published notice and posting of the subject property.

4. **Fruita Master Plan**

The Fruita Master Plan shows the subject property as Community Residential (CR, 4 dwelling units per acre), however City Council will consider a new Comprehensive Plan for adoption within the next 4-6 weeks which will expand the residential density to 4-8 dwelling units per acre if adopted. The proposed Dwell PUD has been designed to support the new vision of the Fruita Comprehensive Plan that anticipates greater residential density in an effort to take advantage of existing infrastructure, efficient infill development within the City limits and to provide a broader range of housing types and price points.
The proposed development meets many aspects of the new Comprehensive Plan’s Vision Statement that was crafted by the Plan Advisory Committee:

“The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live and play in Fruita because the city facilitates community, safe neighborhoods, family-friendly events and walking and biking. The city governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture and recreation.”

The Dwell PUD strives to create a unique sense of place with centrally located open space with amenities for residents, visitors and the public. Tree lined streets with detached sidewalks create a safe, inviting environment for pedestrians to stroll through the community and visit with their neighbors. The large park will be used by youth sport teams for practice, family gatherings and picnics and for community events like neighborhood movie night.

The Dwell PUD meets the following goals of the new Comprehensive Plan:

**Goal #2**: Prioritize infill development over development at the edge of the city limits.

**Goal #4**: Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse “funky” character that is treasured by residents.
In the new Comprehensive Plan, “the Future Land Use Map supports infill over sprawling residential development at the city’s edge.” To accomplish this, a new land use category has been created to encourage infill development that makes efficient use of infrastructure in proximity to the proposed development.

The R 4-8 (Residential) land use category is intended for underdeveloped areas where public infrastructure and services are available and proximal. This land use category is also recommended for developed or semi-developed areas that are built out at a minimum of 2 units per acre. It is expected that areas currently built out at below the minimum density of this zone would achieve the minimum density (4 units per acre) when redevelopment occurs. Innovative neighborhood designs are encouraged.

5. **Zoning and Surrounding Areas**

The applicant is requesting a rezone from the current Community Residential (CR) zone district to the Planned Unit Development (PUD) zone district at the time of Concept Plan review. As such, the review criteria of Section 17.13.060.B have been addressed in this report. The rezone request is consistent with the new Fruita Comprehensive Plan which anticipates 4-8 dwelling units per acre (if adopted in February, 2020). The proposed development contains 70 dwelling units on approximately 8.8 acres for a total density of 7.9 dwelling units per acre, which supports the Fruita Comprehensive Plan’s Future Land Use Map classification of R 4-8.

Surrounding area zoning and land uses include:
- North – Planned Unit Development (PD) with single family residential land uses
- South – Community Residential (CR) with single family residential land uses
- West – Community Residential (CR) with single family residential land uses
- East – Community Residential (CR) with single family residential land uses
6. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the development have the capacity and willingness to serve the development.

Public facilities such as medical, schools, parks, public library, retail sales and services and public safety are available to serve development within 1.5 miles of the site.

Utility providers for the site are as follows:
  - Sewer: City of Fruita
  - Water: Ute Water Conservation District
  - Electric: Xcel Energy
  - Drainage: Grand Junction Drainage District
  - Irrigation: Grand Valley Irrigation Company

All utilities shall be constructed to the design specifications and standards of the utility providers.

7. Access, Circulation and Streets

Access is provided from 17 ½ Road/N. Maple Street on the west, and from a connection to Wildwood Drive on the east. A publicly maintained interior loop road surrounds a large park with mixed housing types; a private alley located within a tract to be owned and maintained by the HOA will provide access to approximately nine dwelling units with park frontage and twelve dwelling units with street frontage.

There are three street sections proposed with the Concept Plan as follows:

1. Standard urban residential street (shown as Type A in the PUD Guide): 44’ right-of-way with 28’ asphalt, vertical curb, gutter and 5’ attached sidewalk.
2. Modified urban residential street (shown as Type B in the PUD Guide): 40’ right-of-way with 25’ asphalt, drive over curb and gutter with detached sidewalk with parking allowed on one side of street only.
3. Modified urban residential street (shown as Type C in the PUD Guide): 40’ right-of-way with 25.5’ asphalt, drive over curb and gutter on one side and vertical curb and gutter with detached 5’ sidewalk on the other side located at back of parking spaces in the open space tract. Parking pods located between the V-pan and detached sidewalk.
4. Private alleys with 25’ concrete (shown as Type D in the PUD Guide).

Parking will be permitted on one side only for the modified urban residential street; no parking will be permitted in the alley.
The PUD Guide provides the proposed alternate street designs for review and feedback with the Concept Plan. The alternate street types (Types B and C) will be formally reviewed by the City Engineer with the Preliminary-Final Plan application for Filing 1.

The alternate street designs are only located in areas where there are parking pods provided for open space parking. The alternate street designs provide slightly narrower drive lanes and include a detached sidewalk located on one side of the street (Type B) or along the parking pod (Type C). There is on-street parking allowed for Type B alternate streets and no on-street parking for Type C alternate streets (because parking pods have been provided instead).

In no way has the full carrying capacity of the alternate street designs been diminished from the standard urban residential street which is 1,000 ADT (average daily trips). Safe pedestrian facilities have also been provided with the alternate street designs.

8. **Drainage**

The subject property has a gentle slope toward the southwest corner of the site. Drainage will be detained onsite in a detention facility for the Water Quality volume and released to the City’s stormwater system in 17 ½ Road. The larger storm event runoff will be conveyed directly to the City’s storm sewer system. The detention facility will be landscaped and maintained by the Home Owners Association. See the Grading and Drainage plan sheet for additional details.

9. **Wetlands and Floodplain**

The subject property is located in Zone X – outside the 0.2% annual chance floodplain on FIRM Panel #08077C0436F. There are no wetlands on the subject property that are identified on the City and Mesa County’s GIS website maps.
10. Open Space, Trails and Landscaping

Sections 17.19.090 and 17.29.020 provide the open space requirements and formulas used to calculate the required open space and trails for new subdivisions. Based on 70 dwelling units, the Dwell PUD will be required to provide .35 acres for neighborhood parks, .70 acres for community parks (combined total of 1.05 acres) and 924 linear feet of trails. The Dwell PUD has provided 1.55 acres of park space and 1,468 linear feet of trails, exceeding the requirements of the Fruita Land Use Code.

The large central park will be in a tract owned and maintained by the HOA. In addition, the park amenities will include a tot lot with play equipment, picnic table with shade shelter and a bench. The landscape plan sheet below illustrates examples of amenities that will be included with the park space. Additional parking has been provided in three places along the perimeter of the park for use by guests of alley loaded residential units as well as those using the park space. The open space will be a focal point for recreation and social gatherings and will anchor this modern community.

Park land dedication and construction of park amenities will be completed with Filing 2 of the development. A parking pod with thirteen parking spaces will be constructed as part of Filing 2; seven parking spaces will be constructed with the streets as part of Filing 3 and the remaining nineteen parking spaces will be constructed as part of Filing 4. Please see the Filing Plan for details. Primary park amenities such as the irrigation system, landscaping, tot lot with play equipment and the picnic table with shade shelter and bench will be constructed with Filing 2. The parking spaces will be constructed in logical phases as the street access to the park on the north and west sides are constructed in Filings 3 and 4.
The developer intends to construct all perimeter fencing as well as the fencing of front yards that face the park. All fences, whether developer or home owner installed, shall be constructed of vinyl fencing materials. Residents will be responsible for installing fencing in side yards in conjunction with the PUD Guide and Architectural Standards (included in the CC&Rs) established for the community. Fences in side yards between homes shall be limited to 5-foot fences and shall be owner installed (see the Fence Details within the PUD Guide for more detailed information).

In accordance with Section 17.29.030.A.13, a 14’ wide tract owned and maintained by the HOA along 17 ½ Road (classified as a Minor Collector) will be constructed and is eligible for credit against the required parks, open space and trails impact fee/dedication. The applicant requests credit for the landscaped area in accordance with Section 17.29.030.A.13.

11. Approval Criteria

Section 17.17 of the Land Use Code call out specific sections of the Municipal Code that cannot be deviated from. In no case shall the approval of a Planned Unit Development vary from the following sections:

- Title 8 – Healthy and Safety
- Title 9 – Public Peace, Morals and Welfare
- Title 12 – Public Improvements
- Title 13 – Water and Sewer
- Title 15 – Building and Construction

The Concept Plan provides an overview of the proposed Dwell PUD without the specific and technical detail of engineered plans. The design standards shall not be reduced or varied for Titles 8, 9, 12, 13 and 15 without specific approval from the City of Fruita (if a slight deviation is required).

The approval criteria of Section 17.17.030, Criteria for Review and Decisions, are used to determine compliance with Chapter 17 of the Fruita Land Use Code. The following criteria shall be considered by the Planning Commission and City Council in its review of a proposed Planned Unit Development and no Planned Unit Development shall be approved unless the Council is satisfied that each of these approval criteria has been met, can be met or does not apply to the proposed Planned Unit Development:

1. Conformance to the Fruita Master Plan;
   **Response:** The Fruita Master Plan shows the subject property as Community Residential (CR, 4 dwelling units per acre), however City Council will consider a new Comprehensive Plan for adoption within the next 4-6 weeks which will expand the residential density to 4-8 dwelling units per acre if adopted. The proposed Dwell PUD has been designed to
support the new vision of the Fruita Comprehensive Plan that anticipates greater residential density in an effort to take advantage of existing infrastructure, efficient infill development within the City limits and to provide a broader range of housing types and price points.

The Dwell PUD meets the following goals of the new Comprehensive Plan:

**Goal #2**: Prioritize infill development over development at the edge of the city limits.

**Goal #4**: Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse “funky” character that is treasured by residents.

Update: The City of Fruita recently adopted the Fruita in Motion: Plan Like a Local Comprehensive Plan. The proposed Dwell PUD supports the vision of the new Comprehensive Plan through the efficient use of infill development which discourages sprawl development on the City’s edges and makes better use of existing infrastructure by tying into existing City water, sewer and drainage facilities instead of extending new infrastructure out on the City edges. The Dwell is proposing infill development that develops the City’s “holes” inside City limits.

The Dwell also provides open space and trails that will connect to existing trails in adjacent subdivisions and to City streets with public sidewalks which provides interconnectivity from one development to another within the City and extends the City’s pedestrian facilities. The proposed streets shall be designed in a safe manner that meets City’s standards and/or has been approved as an alternate street design with sufficient pedestrian facilities.

2. Consistency with the purposes as set out in Section 17.17.010 above;

**Response**: Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the purposes as noted in Section 17.17.010, General Purposes. The proposed development is consistent with the noted purposes, including the following:

a. infill development that makes efficient use of infrastructure and is in close proximity to public facilities, services and the Fruita downtown core
b. provision of greater variety and innovation in residential design
c. provision of open space with amenities for residents and the public
d. provision of greater flexibility with bulk standards that permit a variety of housing types to be construction for the community

3. Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where Adjustments to the standards of the Title are allowed; and

**Response**: Section 17.15.060(C)(1-5) provides review criteria for a Sketch/Concept Plan for a Planned Unit Development. The proposed Dwell PUD is consistent with the review criteria in the following ways:
a. The proposed PUD meets the goals and vision of the new Comprehensive Plan and Land Use Code (with specific bulk standards as noted in the PUD Guide). Design Criteria and Construction Specifications Manual and other city policies and regulations shall be met with the preliminary and final design of the development.
b. The proposed development is consistent with the anticipated residential development and the existing single-family developments in the area.
c. Adequate provision of all required services and facilities shall be provided concurrently with construction and development of the subdivision.
d. Adequate environmental protection shall be provided concurrent with construction and development of the subdivision.
e. The applicant shall resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

4. Where the applicant purposes one or more Adjustments to the standards of this Title, consistency with the Adjustment criteria set forth in Section 17.11.020(B) is required.

Response: The proposed Dwell PUD is consistent with Section 17.11.020(B) through the proposed bulk standards that have been adapted for the Dwell PUD to create the unique modern community with single family attached and detached dwelling units. Because a Planned Unit Development is unique and created apart from a straight zoning district, adjustments are made through the PUD process to create the specific requirements of each PUD thereby making it a stand alone zone district.

In no case have the health and safety requirements contained in Title 8, the requirements concerning public peace, morals and welfare contained in Title 9, the requirements concerning public improvements contained in Title 12, the requirements concerning water and wastewater service contained in Title 13, or the requirements of the city’s building codes as set forth in Title 15 of the Municipal Code been diminished. While alternative streets have been proposed, they have been designed to function safely and to provide for the minimum ADT as required by the City of Fruita as well as provide pedestrian facilities.

Section 17.13.060.B, Approval Criteria, states the Official Zoning Map may be amended when the following findings are made:

1. The proposed rezone is compatible with surrounding land uses, pursuant to Section 17.17.080, and is consistent with the city’s goals, policies and Master Plan; and

Response: The surrounding land uses are single-family residential subdivisions which is what has been proposed with the Dwell PUD. The proposed density supports the new future land use classification of R 4-8 (residential dwelling units per acre) which is intended to create more urban design and development, which also makes more efficient use of infrastructure and reduces urban sprawl.

2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city’s goals, policies and Master Plan; or
Response: The land was not zoned in error; however the City of Fruita recently adopted a new Comprehensive Plan that seeks to increase the overall density of development within City limits in order to reduce sprawl, make more efficient use of infrastructure (which reduces overall maintenance costs to the City and citizens) and to provide a broader range of housing types. The Dwell PUD has been designed to support many of the goals and policies of the new Comprehensive Plan as noted throughout this report.

3. The area for which the rezone is requested has changed substantially such that the proposed zoning better meets the needs of the community; or

Response: The area has not necessarily changed substantially, however, the City Council’s intention for development has changed substantially with the adoption of the new Comprehensive Plan. The goals and policies that seek to encourage more infill development, higher density and a broader range of housing types are the basis for the Dwell PUD’s design. The overall design of the Dwell PUD supports many of the new goals of the Comprehensive Plan which will better meet the needs of the community.

4. The rezone is incidental to a comprehensive revision of the city’s Official Zoning Map which recognizes a change in conditions; or

Response: The requested rezone is incidental to a comprehensive revision of the city’s Official Zoning Map because it seeks to implement the newly adopted goals and policies of the Comprehensive Plan. Because the current Fruita Land Use Code has not been updated or revised to implement the goals and policies of the Comprehensive Plan, the Dwell PUD has been created to implement the new Plan. If the Land Use Code had already been updated and a new straight zone was available for use to implement the new Comprehensive Plan, the applicants would have utilized that option without the need for a rezone request.

5. The rezone is incidental to the annexation of the subject property.

Response: The subject property is located within the City limits of Fruita and is not being annexed. This criterion is not applicable.

12. Development Schedule

The Dwell PUD will be developed in four phases with the first filing to begin construction in fall of 2020. Each subsequent filing shall be constructed within 5 years of the previous filing.

13. Conclusion

After demonstrating how the proposed Concept Plan for the Dwell Planned Unit Development meets the goals and policies of the Fruita Master Plan and standards of Title 17 of the Fruita Land
Use Code, we respectfully request approval of the Concept Plan for the Dwell Planned Unit Development.

14. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Fruita, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner’s and owner’s agent’s responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.
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Dwell Planned Unit Development

The purpose of the Dwell Planned Unit Development Guide is to serve as the governing regulations which will control the development of Dwell PUD. The guide will serve as the “zone district regulations” for the PUD and is in conformance with the Fruita Municipal Code.

The Dwell PUD is located on the east side of N. Maple Street between the Vintners Farm Subdivision on the north side Wildwood Estates on the south side and Wildwood Acres Subdivision, Filing 2 on the east side. The boundary is highlighted in the figure below.

The Dwell Planned Unit Development is being developed with an intent to create a special feeling of home and space; a community with welcoming porches, tree lined streets and a large, open space park for community activities such as community movie nights, youth sports practices with picnic and playground areas for families to gather together. The developers are graduates of Fruita Monument High School who have raised two children who have also graduated from the hometown high school. Their goal is to create a modern community where neighbors know each other and residents are proud to call this community their HOME.

The definition of Dwell is:

- “to remain for a time, to live as a resident”
  - Synonyms are listed as “abide, hang around, remain, stay, stick around, tarry”

- Community
  - a unified body of individuals: such as
    - the people with common interests living in a particular area broadly: the area itself
    - a group of people with a common characteristic or interest living together within a larger society
  - joint ownership or participation
  - social activity
Context Plan

The Dwell PUD is a community consisting of single-family housing mixed with open space and public trails. The housing types include single family detached homes, 2-unit single family attached homes, 4-unit single family attached homes and 5-unit single family attached homes.

There is a centrally located park in the development with trail interconnectivity within the community and connections to trails adjacent to the community.
Overall Phasing Plan

![Overall Phasing Plan Diagram]

**FILING PLAN**
- FILING 1 AREA = 1.81 ACRES
- FILING 2 AREA = 3.72 ACRES
- FILING 3 AREA = 2.37 ACRES
- FILING 4 AREA = 0.92 ACRES
**FILING 1 DETAILS**

1. FILING 1 AREA = 1.81 ACRES
2. NUMBER OF DWELLING UNITS:
   - SINGLE FAMILY - DETACHED = 3 UNITS
   - SINGLE FAMILY - 2 ATTACHED = 8 UNITS
   - SINGLE FAMILY - 3+ ATTACHED = 4 UNITS
FILING 2 DETAILS
1. FILING 2 AREA = 3.72 ACRES
2. NUMBER OF DWELLING UNITS
   SINGLE FAMILY - DETACHED = 8 UNITS
   SINGLE FAMILY - 2 ATTACHED = 6 UNITS
   SINGLE FAMILY - 3+ ATTACHED = 10 UNITS
FILING 3 DETAILS

1. FILING 3 AREA = 2.37 ACRES
2. NUMBER OF DWELLING UNITS
   - SINGLE FAMILY - DETACHED = 6 UNITS
   - SINGLE FAMILY - 2 ATTACHED = 10 UNITS
   - SINGLE FAMILY - 3+ ATTACHED = 9 UNITS
FILING 4 DETAILS

1. FILING 4 AREA = 0.92 ACRES
2. NUMBER OF DWELLING UNITS
   SINGLE FAMILY - DETACHED = 0 UNITS
   SINGLE FAMILY - 2 ATTACHED = 6 UNITS
   SINGLE FAMILY - 31 ATTACHED = 0 UNITS
Bulk Standards and Allowed Uses

Dwell PUD Residential Standards:

Minimum Lot Area:

Setbacks for Single-Family Detached Homes (principal/accessory):
- Front: 15'/25'
- Side: 8'/3'
- Back: 15'/3'
- Max. Lot Coverage: 40%/4%
- Max. Height: 40'/16'

Setbacks for Single-Family Attached Homes (principal/accessory):
- Front: 15'/25'
- Side (detached): 8'/3'
- Side (attached): 0'/3'
- Back: 15'/3'
- Max. Lot Coverage: 60%/4%
- Max. Height: 40'/16'

Individual Lot Guidelines/Requirements:
- Landscaping and accessory structure restrictions apply within all drainage easements. See covenants and Composite Site Plan for additional restrictions and locations.
- There is a 14’ multi-purpose easement along right-of-way lines
- Architectural review of property landscaping is required prior to homeowner placement

Allowed Residential Uses:
- Single-Family Detached Homes
- Single-Family Attached Homes
- Home Occupations*
- Home Childcare**
- Home Daycare**
- Residential accessory uses**
- Short Term Residential Property Rental***

*Permitted as accessory to any permitted residential use subject to the Home Occupational standards of Section 17.07.070(B) of the Fruita Land Use Code in effect on January 1, 2020
** As defined and regulated by the Fruita Land Use Code in effect on January 1, 2020
***Short term rental of property shall be allowed subject to the permitting requirements of the Fruita Land Use Code in effect on January 1, 2020.
Architectural Design Standards

Typical Floor Plan

Typical Architectural Style – Single Family Home – Detached
Typical Architectural Style – Single Family Home – Attached
Open Space and Trails

OPEN SPACE AND TRAILS
1.868 ACRES
1468 LINEAR FEET OF TRAIL
Master Fence Plan

Developer Installed Fence Plan
Fence Details

6' Vinyl Horizontal Slat Fence
(SHOWN FROM BACK SIDE)
PERIMETER FENCE - DEVELOPER INSTALLED
N.T.S.

3' Vinyl Spaced Picket Fence
(SHOWN FROM BACK SIDE)
OPEN SPACE BOUNDARY - DEVELOPER INSTALLED
N.T.S.

5' Vinyl Horizontal Slat Fence
(SHOWN FROM BACK SIDE)
PROPERTY LINES BETWEEN HOMES - HOMEOWNER INSTALLED
N.T.S.
Typical Street Sections

Street Section Plan
Typical Street Sections

SECTION A-A WILDWOOD DRIVE
URBAN RESIDENTIAL STREET
N.T.S.

SECTION B-B INTERNAL STREETS
ONE SIDE ON-STREET PARKING
N.T.S.

SECTION C-C INTERNAL STREETS
PARKING PODS
NO ON-STREET PARKING
N.T.S.

SECTION D-D ALLEY
N.T.S.