



FRUITA PLANNING COMMISSION
REMOTE/VIRTUAL MEETING
May 12, 2020
7:00 P.M.

****Public Link to Meeting****

When: May 12, 2020 - 7:00 PM Mountain Time (US and Canada)

Topic: Fruita Planning Commission Meeting – 5/12/2020

The link to join the meeting electronically will be posted prior to the meeting at <https://www.fruita.org/pc/page/planning-commission-meeting-43>. You may also contact the City of Fruita at (970) 858-0786 for information to connect to the meeting.

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. 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.

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- E. WITHDRAWN ITEMS**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: March 10, 2020 Planning Commission meeting

H. HEARING ITEMS:

- 1. Application #:** **2020-06**
Application Name: **Lithic Arts Building**
Application Type: Site Design Review
Applicant: RDC Labs, LLC
Location: 158 S. Park Square
Zone: Downtown Mixed-Use (DMU)
Description: This is a request for approval of a Site Design Review application. The proposed plan is to convert the existing building into multiple tenet spaces and remodel the exterior portion of the building.

- 2. Application #:** **2020-07**
Project Name: **Cider Mill Estates Subdivision**
Application: Preliminary Plan
Representative: Kim Kerk Land Consulting & Dev., LLC
Location: 960 Stone Mountain Drive
Description: This is a request for approval of a Preliminary Plan application for 37 new residential detached lots over approximately 13.25 acres.

- 3. Application #:** **2020-08**
Project Name: **Sycamore Street**
Application: Right-of-way Vacation
Representative: Pabor Serenity LLC; Dane Griffin
Location: North Sycamore Street
Description: This is a request for a Right of Way (ROW) Vacation of the eastern eight (8) feet of North Sycamore Street between East Columbine Avenue and East Pabor Avenue.

I. OTHER BUSINESS

1. Election of Officers
2. Community Development Activity Reports.
3. Visitors and Guests.
4. 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

Four Planning Commissioners were in attendance. (Justin Gollob, JP Nisley, Dave Karisny, Cullen Purser were present).

B. PLEDGE OF ALLEGIANCE

Dave Karisny led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

COMMISSIONER GOLLOB MOVED TO APPROVE THE AGENDA

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSES 4-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

February 11, 2020 Planning Commission meeting

COMMISSIONER NISLEY MADE A MOTION TO APPROVE THE CONSENT AGENDA.

COMMISSIONER PURSER SECONDED THE MOTION

MOTION PASSED 4-0 IN FAVOR TO APPROVE THE CONSENT AGENDA

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.

Commissioner Karisny gave the attendees an overview of how the procedures work for the hearing portion of the meeting. He read the description of application 2020-03 Dwell Planned Unit Development.

Dan Caris, Planning and Development Director went up to give the Staff presentation. Mr. Caris entered his Power Point into the record.

Slide 1 - Introduction – Dwell PUD

Slide 2 - Application Information

Slide 3 - Project Description

- This is a Concept Plan for a proposed Planned Unit Development Subdivision. 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.
- Total project acreage of 8.8 acres with a density of approximately 7.95 dwelling units/acre (53 attached units and 17 detached units).
- Primary access from Wildwood Drive (existing street stub) and North Maple Street (17 ½ Road).
- 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.
 - Alley Access proposed as well for approximately 21 of the units.
- Approximately 1.59 acres of open space proposed (nearly 20% of the overall acreage).
 - Open Space consists of benches, trails, and playground equipment.
 - A large park is centrally located in the subdivision. Approximately 50% of the homes will have views of this park.

Mr. Caris pointed out that Title 17 was the Chapter and the Municipal Code that encompasses the Land Use Code. He continued that Chapter 17 is the Planned Unit Development application and submittal process and how it gets reviewed. He said a Concept Plan is a what they call in Major Subdivisions a Sketch Plan. It is an opportunity to bring a plan proposal in front of the Planning Commission and City Council to get feedback and disseminate the information that the Planning Commission submits to the applicant and the same with City Council and be able to move through a Preliminary Plan application. He continued that all of these are encompass a Preliminary Planned Unit Development and a Final Planned Unit Development. In the final stages the code speaks to how the zoning entitlements get flushed out for the entirety of the subdivision. Something that is unique to the City of Fruita is that they have a Concept Plan, a Preliminary Plan, a Final Plan, and the zoning taking place at the latter stages of the development. What they see is the zoning entitlements are a part of the Concept Plan and Preliminary Plan. They establish what the zoning perimeters will be if the project is viable and if it gets approved by the Planning Commission and City Council and there is a filing plan associates with those. They are not platting the entire subdivision without any of the

infrastructure in place to support those legally entitled lots. He said that this is where there is a little deviation from how they see it happen with those conventionally zoned districts.

Commissioner Karisny said it would be helpful to point out they are looking at an idea and a Sketch Plan. It will be approved or not approved. There are steps that follow that before it would become a real project. He continued that one of those steps would be moving on to City Council and then it would then go to a Preliminary Plan which would be another meeting for Planning Commission and City Council to approve or not approve. Then it would become an administrative process for the Final Plat.

Mr. Caris said that the improvements agreements would be approved by Council. He said that with a Planned Unit Development there are deviations from what is already conventionally residential zoned district. He said that typically a request for a PUD is going to have adjustments to the zoning code. The burden of proof is on the applicant that the public benefit is articulated and adheres to their guiding principals and Master Plan in order to establish the zoning entitlements. He said that this is a great first step for the public to engage the project and a useful step for the applicant to see if the project is viable moving forward. Mr. Caris said that there is a definition in the Land Use Code that defines a Sketch Plan. He said it is maps of a proposed subdivision and supporting documents submitted to evaluate concept, feasibility and design characteristics at an early stage in the planning subdivision.

Slide 4 - Project Description

- Planned Unit Developments (PUD's) 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.
- 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.

Slide 5 - Planned Unit Development Process

1. Concept Plan Review.
2. Rezone the property to Planned Unit Development along with or prior to Preliminary PUD Plan.
 - The zoning of the property prior to or along with the Preliminary PUD Plan will ensure the Preliminary PUD Plan meets the zoning criteria.
3. Preliminary PUD Plan.
4. Final PUD Plan.

Slide 6 - Map of Zoning Districts

Mr. Caris described the map and points of location.

Slide 7 - Aerial View of the Subject Property

Slide 8 - Review of Land Use Code and Master Plan

- For Planned Unit Development Subdivisions, the Land Use Code sets forth 15 criteria that must be considered during the review.
- 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.

Slide 9 - Review of Land Use Code and Master Plan

1. Conformance to the Fruita Master Plan;

- The following portions of the Master Plan - Fruita In Motion: Plan Like a Local Comprehensive Plan can or have been met:
 - Plan Themes of Efficient Development and Connectivity.
 - Chapter 3 - Land Use and Growth
 - Chapter 5 - Parks, Health, Recreation, Open Space and Trails
 - Chapter 6 - Transportation
 - Chapter 7 - Services and Infrastructure

Slide 10 - Review of Land Use Code and Master 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.

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;

- This purpose has been met

Mr. Caris added that one of the elements that is not specific to this application was an employment center. He said that you see a lot of Planned Unit Developments that set aside commercial lots as a part of being a neighborhood centers or amenities for coffee shops or shopping services or things of that nature. He said that this was not being proposed in this application. He continued that as the staff evaluated that they felt that there were other amenities that were encompassed into the project that met the intent of that approval criteria.

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;

- It appears that the majority of this purpose either has been met or can be met.

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;

- It appears this purpose can be met.

Mr. Caris said that in some fashions this could be interpreted as not applying because it is an infill lot.

D. To conserve and make available open space;

- This purpose has been met.

Mr. Caris said that setting aside 20% of the development for a park amenity specific to this development this approval criteria has been met.

Slide 11 - Review of Land Use Code and Master Plan

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

- It appears this purpose can be met.

Mr. Caris added that they want projects like this to go through the proper vetting process in order to make sure that the amenities that are going to be in the subdivision warrant the densities that are being requested.

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 purpose can be met.

Mr. Caris talked about highest and best land use and from a cost perspective that this makes sense. The amenities and type of development and location and its compatibility is a subjective component of this process. He continued that from public services and infrastructure it seems the proposed development can meet this.

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;

- This purpose can be met.

Mr. Caris said that part of the Planning Commission and Council process for PUDs, those architectural renderings, floor plans, how the building address the street matter and are elements that are riddled throughout their packets as far as what that is going to look like.

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

- This purpose can be met.

Slide 12 - Review of Land Use Code and Master Plan

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;

- This criteria can be met.
 - 2. Compatibility with the area around the subject property in accordance with Section 17.07.080;
 - This criteria can be met.
- Mr. Caris spoke to compatibility and said that there was no commercial or industrial identified in the PUD but they are residential units that are attached, detached and multifamily units. They believe the variety of housing is important in the community and this was heard in the Master Planning process. They feel that attached units can be intermixed with and around Community Residential subdivisions.
- 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.);
 - This criteria can be met.
 - 4. Preservation of natural features and adequate environmental protection; and
 - This criteria can be met.
 - 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.

Slide 13 - Review of Land Use Code and Master 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. 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.

Slide 14 - Review Comments & Public Comments

Review Comments

- All review comments have been provided. No significant concerns on the Concept Plan submittal.

Public Comments

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

Mr. Caris said that although there have been no written comments there have been conversations at the front counter.

Slide 15 - 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)

Slide 16 - 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.
- CITY COUNCIL HEARING DATE: Tuesday, April 7, 2020

Commissioner Karisny thanked Mr. Caris and they moved onto the petitioner's presentation.

Mr. Robert Jones II of Vortex Engineering at 861 Rood Avenue in Grand Junction. He said that he is the owners for the Concept Plan review. He presented a Power Point presentation.

Slide 1 – Introduction Dwell Planned Unit Development Concept Plan Project 2020-03

Slide 2 – Location Map

Slide 3 – Future Land Use Map

Mr. Jones pointed out that this map is from the Comprehensive Plan Update and the map's classification is 4-8 residential. He said that the goal was to encourage infill development within the city to limit and make more efficient use of existing infrastructure and encourage a variety of housing types and discouraging sprawl development at the edge of the city limits. He said that those densities identified in the community range from 4-8 were done in an effort to achieve the community goals of the new Comprehensive Plan that was recently adopted.

Slide 4 – Zoning Map

Mr. Jones said that the zoning map depicts the current zones. He said that this property is presently zoned Community Residential (CR). The applicant is seeking to rezone the site from CR to Planned Unit Development in an effort to achieve the goals and policies of the new Comprehensive Plan. He said that the Land Use Code has not been updated, the only avenue for them is to provide for this Planned Unit Development to implement those new goals and policies. He continued that there are various PUD zoned properties to the northeast, south, and west. They believe that Dwell provides infill development with that variety of attached and detached single family homes with open space and trails for the community and the general public.

Slide 5 – Map of the proposed Concept Plan for the Dwell PUD

Mr. Jones said that this map shows the proposed 70 attached and detached single family homes which would be constructed in 4 plan filings. He said that there are 2 points of access, Wildwood Drive to the east and North Maple to the west side. He said that Dwell would include

attached and detached units in a variety of configurations shown above. He pointed out pictures of each on the slide. He said it was discussed that Staff wanted the central amenity of the Planned Unit Development, the large park which is 20% of the site, be constructed sooner rather than later. The applicant agreed that the park would be constructed by filing 2.

Slide 6 – Map of the filing plan

Mr. Jones said that this map shows the filings. Filings coming in on the west side of the development off of North Maple going in a counterclockwise pattern.

Slide 7 – Map of the Landscape Plan

Mr. Jones said that this slide depicted as stated approximately 1.59 acres of open space and trails which does exceed the requirements of the Fruita Land Use Code. He said that the park amenities will include a tot lot with play equipment, picnic table and shade shelter and a bench. He said that there have also been designed within the project parking lots which will provide for guest parking for residents and the general public that would be coming to the park. He said that on the north end they could see the tot lot area, some of the playground structures and items that were designed into this and the shade structures and benches. He said that there are trail connections throughout, there is an east west trail connection and detached sidewalks on the east side into the park and to the west as well as a trail connection to the northeast corner which would tie into Vintner’s Farm trail system. He continued that in the southwest corner there is a stormwater quality basin that would be landscaped. He pointed out another potential connection and a landscape buffer adjacent to North Maple Street.

Slide 8 & 9 – Pictures of architectural depictions

Mr. Jones said that the exterior of all the dwelling units would be that of a modern urban cottage type roadhouse design. He stated that the developer, who will also be the builder within the project, plans for clean lines with interaction with the street will be emphasized. He said that all of the dwellings would have at least one front facing porch or deck with a minimum of 60 square feet. He said that the roof pitches shall be a minimum of 6/12. He said that flat roof accents would not be allowed. He said that roofs for all structures will be asphalt or architectural shingles, metal tile or slate material. The outside façade of each structure shall be constructed of primarily wood or wood composite siding but not vinyl or other siding. Wood, stone, brick, metal and/or stucco accents are allowed and encouraged. Exterior color schemes will be primarily of earthen tones. Mr. Jones said that the pictures give them some illustrative examples of the type of architectural standards that are envisioned within the project. All design standards related to construction of homes and relating to improvements on each lot will be governed by the CCR’s and an HOA architectural committee which shall review and approve proposed plans for compliance for all PUD design standards prior to issuance of approval for a planning clearance and building permit for construction.

Slide 10 – Proposed Dwell PUD Standards

Minimum Lot Area:

Single-Family Detached:	2900 Sq. Ft.
Single-Family Attached:	2100 Sq. Ft.

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’

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.

Commissioner Karisny asked about the figures that had slashes. He used the front setback of 15’/25’ as an example and asked if that meant that the house could be as close as 15’ and 25’ means a front driveway and that would be that setback?

Mr. Jones said that the slashes was for those accessory uses. For example, for a side setback the primary structure has a minimum of 8’ side setback and accessory is 3’ which is pretty standard in typical Community Residential zone.

Slide 11 – Continuation from Slide 10

Dwell PUD Residential Standards:

Community Residential (CR):

Downtown MU (DMU):

Minimum Lot Area:

Single-Family Detached:	2900 Sq. Ft.	7000 sf	5000 sf or 6000 sf corner lot
Single-Family Attached:	2100 Sq. Ft.	10,000 sf - 2 unit attached	7500 sf duplex/10,000 sf MF
		15,000 sf – 3 unit attached	2500 sf each Townhouse

Setbacks:

Single-Family Detached Homes (principal/accessory):

Front:	15’/25’	15’ w/alley or porch or 20’ regular setback	Same as CR
Side:	8’/3’	16’ total; 5’/3’ minimum	15’ total; 5’/3’ minimum
Back (Rear):	15’/3’	15’/3’	Same as CR
Max. Lot Coverage:	40%/4%	50%	35% or 60% w/Mixed Use, alley, porch

Max. Height: 40’/16’ 35’/16’ Same as CR

Setbacks:

Single-Family Attached Homes (principal/accessory):

Front:	15’/25’	15’ w/alley or porch or 20’ regular setback	Same as CR
Side (detached):	8’/3’	16’ total; 5’/3’ minimum	15’ total; 5’/3’ min; 0’ w/ common wall
Side (attached):	0’/3’	16’ total; 5’/3’ minimum	15’ total; 5’/3’ min; 0’ w/ common wall
Back (Rear):	15’/3’	15’/3’	Same as CR
Max. Lot Coverage:	60%/4%	50%	35% or 60% w/Mixed Use, alley, porch
Max. Height:	40’/16’	35’/16’	Same as CR

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***

Mr. Jones said that this is slide that is meant to show a comparison of what the proposed Dwell PUD residential setbacks are, what the Community Residential setbacks are, and the Downtown DMU setbacks. He said that they did this for a couple of reasons. He said as Mr. Caris pointed out that in PUD’s there is an underlying base zone to call back. He said that this one is somewhat of a hybrid. He continued that the minimum lot areas of single family detached in Dwell is 2900 square feet, it is 7000 in CR and Downtown is between 5-6000. Single family attached is 2100 and what closely mirrors this project would be what the Downtown DMU standards are which is 2500 square feet for townhomes. Setbacks is all standard. He said that the maximum lot coverage is for single family detached what is being proposed as a restriction, which is more restricted than what is allowed in the current CR zone of 50%, they are at 40% and Downtown DMU fluctuates between 35-60%. Maximum height that is being requested is 40’ and that is a deviation from the Community Residential zone and the Downtown DMU zone. Mr. Jones said that the developer does plan to utilize and accommodate for efficient use of space and townhomes are likely to be 2 story and they have that desire for that steep pitch, thus the minimum 6/12 that they had placed in the architectural control guidelines within the PUD guide. Mr. Jones continued that given the current desire for taller ceilings, 9-10-foot ceilings, when you stack those and start putting 6/12, 8/12 pitches on roofs you exceed that 35’ and thus the request for 40’ maximum height. Mr. Jones went on to the setbacks for the single family attached, he said that they closely mirror what is presently allowed in either the CR or DMU zone.

Slide 12 – Analysis of 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.

Mr. Jones said that one of the key goals of the Dwell PUD is to create a community with that variety of housing types that meets the new R4-8 land use classification from the Comprehensive Plan. He said that in order to achieve that, this density and variety of housing types, smaller lot sizes are necessary. He continued that 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 they believe the City of Fruita hopes to achieve through the new Comprehensive Plan. He said that the smaller lot sizes were also necessary and typical of attached housing types such as townhomes which are included within the Dwell PUD. He said that those minimum lot sizes proposed Dwell PUD is 2900 square foot for single family, 2100 for single family attached and minimum lot sizes closely representing the DMU zone of 2500 square feet.

Slide 13 - Analysis of Proposed Deviations

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.

Mr. Jones said that one of the items that was proposed with this was an alternative street. He continued that the alternative street does incorporate a detached sidewalk for the loop road and that was important to the developer, the detached sidewalk, the requirements for the mandatory front porches, that type of thing.

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.

Slide 14 – Analysis of Proposed Deviations

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 6/12 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.

Slide 15 – Approval Criteria

The review and approval criteria for the following Land Use Code sections have been addressed. The Dwell PUD meets, or can meet, all of the individual criterion for the relevant Code sections:

Sec. 17.11.020(B), Adjustments

Sec. 17.15.060(C 1-5), Sketch Plan Review

Sec. 17.13.060(B), Rezone

Sec. 17.17.010, General Purpose

Sec. 17.17.030 (1-4), Planned Unit Development and compliance with Titles 8, 9, 12, 13 and 15

Slide 16 – Review Agency Comments and Public Comments

- All review agency comments have been addressed or will be addressed through the subdivision review process.
- To date there have been no public comments received.

Slide 17 – Conclusion

After demonstrating how the Dwell PUD meets the goals and policies of the recently adopted Comprehensive Plan, and how the Concept Plan meets, or can meet, the Fruita Land Use Code for a Planned Unit Development, the applicant respectfully requests approval of the Concept Plan.

Slide 18 – Questions?

Mr. Jones concluded his presentation and turned it back over to the Planning Commission for Public Hearing.

Commissioner Karisny thanked him and opened up the hearing to the public. He wanted to clarify that this was heavily reliant on the Comprehensive Plan which is called Fruita in Motion and was worked on this past year and just recently completed. He said that it would be helpful to who the audience the link or to show them where they can see it on the website. He asked Mr. Caris to comment on what part they might be looking at to get a better sense of what this is all about.

Mr. Caris responded that if he would like, after the conclusion of the public hearing, to go on our website to show everyone where they could find it so they can review it or would you like me to do that?

Commissioner Karisny thought it would be helpful now and then they would go into the public participation part of the meeting. He reiterated that the concepts and ideas of the Concept Plan rely heavily upon the Fruita in Motion Comprehensive Plan. He continued that in the past year the city went through many public meetings, outreach, stake holder meetings, citizen meetings, park gatherings, board displays talking about the Comprehensive Plan, and a professional consultant that helped with it and it was just recently completed.

Mr. Caris showed the audience how to access the Fruita in Motion Comprehensive Plan on the City of Fruita website. He said that the chapter that they are paying particularly close attention to is the Land Use and Growth chapter. He continued, this chapter sets the stage for a Future Land Use map and the context for some of the variety of housing types that they have already had when residential and commercial was built over the last few decades. It also talks about the process and then he talks about the currently adopted Land Use map that the applicant's representative shared. Mr. Caris brought up the Future Land Use map to show them. He said that it serves as a guiding document to govern growth on the City's edges and the streets that you see that are currently residing within the dark black line is areas that have already been annexed into the City and placed in zone districts. Areas outside of that line are areas that are currently in the county that the City is planning to grow into in the future and a growth management area beyond that. He pointed to an area on the map that the requested development would be going into and explained that it was within the city limits and has a Future Land Use with associated densities as a result of which is 4 units per acre to 8 units per acre.

Commissioner Karisny thanked him. He wanted to suggest that it be put on the homepage and a quicker link to find it. Commissioner Karisny summarized that the Concept that they were hearing falls under the recommendations of this land use plan. The idea was that Fruita has become a very expensive place for new people to live and the intent of the 4-8 is to create other opportunities for people, such as cops, teachers, etc. to be able to live in our community.

Commissioner Purser said that every 10 years the City of Fruita goes to the public that will participate and requests their vision of the next 10 years. The Comprehensive Plan is built on that feedback. He continued that this is the 10 year mark and they are saying that there are some

ideas that are perhaps reflected by this applicant. This applicant has looked at what a public process has said is important for the next 10 years in Fruita.

Commissioner Karisny opened the hearing to public comment. He gave a brief overview on the procedure for this portion of the hearing.

Ms. Kathy VanDoozer who lives at 513 Sabil Drive went up to speak. She said that she is in Wildwood Estates which is directly south of the new proposed subdivision. She thanked everyone for their time. She said that she had a couple of concerns. She was concerned about the street width. She understood it to be 25'. She said that Sabil Drive is considered an urban collector street and the speed limit on that road is 25 mph. She said that Wildwood Drive is basically putting people in the subdivision down around the roundabouts. She felt that the traffic would continue to flow down south onto Sabil Drive which is directly south of the subdivision. She continued that the density of the whole plan seemed outrageous to her. She asked if anything in Fruita that is 8 units per acre and if so, where is it at? She asked if anyone knew and if there was anything with this high of density in Fruita?

Commissioner Karisny said that other than the apartment complexes, no.

Ms. Van Doozer asked if that was on 18 Road and Harrison? And then said perhaps. She also said that her son lived over there on 18 and Harrison in a 2 story 4 unit building over there. She said that most of those units were rentals. She said that concerns her living in this neighborhood with all of the density of the rental properties. She talked about the 15-foot setbacks from the front yard. She said that she thought her cousin's truck was longer than 15 feet and it just a single car garage and she said that most people have 2 vehicles and a lot of people drive trucks in their neighborhood and in the City of Fruita itself. She thought that visually it is going to look like a parking lot with the tiny front areas and no additional parking. She talked about single story versus two story. She said that Wildwood Estates that is south of the subdivision are all single-story homes. She continued that directly across the street on Maple the first homes are all single story. Everything to the east of Wildwood is single story until you get to Wildwood Drive, excluding one home next to hers, is a two story. She said it was a funky, small lot. She would like to see some harmony in closing into the neighborhood, to keep the single stories if possible. She said the two-story next to her house stands out like a sore thumb. She said that north of Ottley are all single-story homes with very few exceptions over in Wildwood Acres. She said that she didn't know that they were encouraged to submit community comments before, or she would have. She continued, corners and parking, she asked in the corners that they have, how wide are the streets? Are they 25 feet, 28 feet?

Commissioner Karisny said that this will be answered after she is done.

Ms. Van Doozer talked about Hazel Circle which is directly south of the subdivision is a very tiny street with the same configuration. She said that when people park on both sides of the road it is really tight. She said that she could guarantee that the fire department, any kind of emergency vehicles coming through there, even the school bus to pick up a handicapped child has difficulty going around those corners.

Commissioner Karisny thanked her for her testimony.

Commissioner Gollob asked if he could ask a question.

Mr. Caris said that there will be additional questions from the Public hearing and that they would write them down and either the Staff or applicant can answer them. He felt that this would be a most effective way to answer the questions.

Commissioner Karisny encouraged Commissioner Gollob to go ahead and ask the question.

Commissioner Gollob asked Ms. VanDoozer if she could explain to him her concern about traffic flowing down onto Sabil Drive?

Ms. Van Doozer said that Wildwood Acres is directly south of this. She said that single family homes are on the side that the retention pond is at. She pointed out Hazel Circle that she has the concern about the driveways. She said that Sabil Drive is a main street that connects Maple to Wildwood Acres which is where Wildwood Drive is which is the new connector to the new subdivision. Sabil Drive is considered an urban collector street and she thinks that is 40 feet wide, but she didn't know. She said that she is concerned about people utilizing Sabil Drive more for traffic and there are only 7 houses along Sabil Drive, and they go fast.

Commissioner Gollob said that it will increase the capacity along Sabil Drive. He thanked Ms. VanDoozer.

Commissioner Nisley asked for clarification, he said that it looked like on the map, it looked like the roads are 40 foot right of way and just the alleyway is the 25 foot? He continued, 40 foot right of way around the edges and the only 25 foot is the alley.

Mr. Sam Atkins responded said that the entrance into the subdivision would be the standard local street which is 44' of right of way, 28' of asphalt. He said that the other roads that loop are 25 or 25 ½ feet of asphalt. He continued that the proposal is to limit parking to one side, they have 28 feet standard road section, they are going with 25 but they would eliminate parking on one side.

Commissioner Karisny asked if there were others that wanted to give testimony.

Mr. Dave Burgess who lives at 508 Hazel Circle went up to give testimony. He said that he opposes the project, it isn't a good plan for Fruita, even the people that are going to live there are going to have 2 cars, they are going to have guests, and the traffic is going to be congested. He said that the homes that are going along the south road the single homes are all two stories. He said that all of the homes on that side are ranch homes. He said it would be a better thing if they made the ones on the outside perimeter single story homes to blend in with the rest of the single-story homes that are in the neighborhood. He said that this looks like something that is really going to be a big congestion, twice as big and twice as many homes that should be in there. He said that Fruita shouldn't plan something like this. He said that this is going to be a crime scene. He said 70 homes. He continued that he bought his house and they told him that this was going to stay open space, a rural park, which it isn't now. He said that seeing this here, if they made it

half as many homes people would have a place to park in front of their house. He went on to say that it looked like the back yard are 15 feet from the fence. He felt that this was poor planning. He felt that the developer wasn't thinking about anybody that lived around there.

Commissioner Karisny thanked him.

Ms. Helen Robinson who lived at 512 Hazel Circle went up to speak. She said that she understood that she was not supposed to repeat what others have said. She wanted to make a point that her house does face filing 2 where the field is. Her back yard is 100 feet long. She said that this means that she will have at least 2 ½ homes in her back yard, all two stories and all 40 feet high. She said that this was very invasive, and it will completely take away her views of the Bookcliffs and she didn't think that she will be able to see anything again. She said that she is not against growth but to have ranches on the perimeter would be great. She continued, to have a common area up against the fence maybe a sidewalk and then start a side street and then the homes. It would probably take away from the 70 homes, it might have to be 50. She said it seemed like a lot. She said that her husband and she came here from Denver to get away from all of the construction and the cities and areas that they are building. She came to a nice small town and to live out the rest of their years and now the reason that they moved here to this small town, she felt that Denver was right in her back yard again and that is what they moved away from. She said her quiet neighborhood isn't going to be quiet anymore. She said it is quiet and peaceful and everything as a two story is not going to blend in. She talked about the funky vibe that Fruita is trying to bring in these days. She understands that they want more modern. She doesn't think this area for modern is really going to fit in. Her biggest concern is her back yard and her privacy which she will have none of.

Commissioner Karisny thanked her and asked if there were others in the audience that wanted to speak.

Mr. Jerry Mack who lives at 1837 L Road went up to speak. He said that he didn't see a lot right about this development, the PUD and trying to increase the density. He saw a lot wrong with it. He said that it seemed to him that one of the glaring problems would be traffic and parking and the narrow streets. He said that he just travelled to Texas for a while and visited a few developments of this nature. He said he didn't see any parking, really designated parking for visitors around here. He said that was one of the biggest problems he saw down in Texas was these style developments. He continued that with something like this they were sacrificing livability for density which doesn't seem right to him. He said that he didn't know if it is up to the City to make money for the developer. He thinks that making the density a little lower and making it fit into the surrounding community is more of the City's job than trying to up the density, the 4-8 currently seems better suited than the 10-20 or whatever they are going for in the PUD. He said that this is a cute development and some of the developments he saw in Texas were really cute, but they weren't really practical. They were not that livable. He continued that he would like to reiterate what was said previously that not all growth is good growth. He anticipates parking problems; he wasn't sure how to address those with a high density like this. He said it is a disturbing trend that he is seeing going around right now.

Commissioner Karisny thanked him. He asked if anyone else would like to speak.

There was no one else.

Someone in the audience asked if they could still send in comments online?

Commissioner Karisny said yes. He then closed the public comment portion of the hearing. He said that they would like to answer some of the questions that they had heard before the Planning Commissioners would give their comments.

This was agreed upon by the Planning Commissioners.

Commissioner Karisny asked Mr. Caris to talk about the questions he had jotted down and that they would start there.

Mr. Caris started with saying that a member of the public asked about not necessarily what the pavement width was but what the right of way width was. He went onto the GIS map and go through Sabil and Hazel Court to answer the questions. He asked Mr. Atkins to explain to the audience the process for an alternative street section and conventional road classifications are for residentially zoned areas.

Mr. Atkins referred to the map saying that this shows Sabil Drive south of the project. He said that Sabil Drive from Maple to Hall Street is a residential collector that is 52 feet of right of way, 36 feet of asphalt. Sabil Drive east of there is a standard local road. He said that traffic has the ability to disburse within the subdivision once one gets to Hall Street. He continued that once this subdivision comes in the Wildwood is going to circle up and around either direction and have another connection over. The only other connection to the east is Wildwood because of the wash. He said that there shouldn't be any traffic from this subdivision that would want to come south to Sabil and up if they were headed east. Otherwise they would just head across Wildwood. He said that there is traffic from the west that uses Sabil and K 6/10 to get over to Pine Street.

Mr. Caris added that the typical local street is 44 feet of right of way and 28 feet of asphalt, which is curb, gutter and sidewalk on both sides of the street.

Mr. Atkins said that this allow parking on both sides.

Commissioner Gollob said that the concern about emergency services accessing that off of 17 ½, is that a concern?

Mr. Atkins said that they would have just as much width to maneuver as they do on a local street with parking on both sides.

Commissioner Gollob then added with parking on one side.

Mr. Atkins said slightly more actually.

Commissioner Karisny made the point that Lower Valley Fire does have the opportunity to comment on any plan that is made, and they will. He continued that this is a concept plan and if it doesn't work for them, they will say so and it would need to be changed.

Someone from the audience asked about the school district having a say.

Commissioner Karisny told them that the school district has the ability to comment on this. He continued to ask questions about the road width. He said that they are talking about standard which is 28 feet.

Mr. Atkins said that standard is 28. He said that the internal roads with the exception of Wildwood to the west is 25 feet of asphalt. Wildwood to the west would be the standard 44 feet with the 28 feet of asphalt.

Commissioner Karisny asked if there were additional questions about the roads.

There were none.

Mr. Caris said that one of the other questions was in relation to parking. He continued that as Mr. Atkins and the applicant had articulated that the plan is to limit parking to one side of the street that would be enforced and would have signs that would indicate that there would be no parking on one side of the road.

Commissioner Purser asked who would enforce that?

Mr. Caris said the Code Enforcement Officer.

Commissioner Purser asked if it would be the Homeowner's Association?

Mr. Atkins said that there would be no parking signs on one side of the street, it wouldn't be just a code, they would have MUTDC signage that says no parking on one side of the road.

Commissioner Karisny asked about the setback for parking in front of the home that has a driveway, they are talking about 15, 25-foot setbacks. He said that when we have a garage that is front facing, is that a 25-foot setback?

Mr. Caris asked if he was speaking to what was in their dimensional standards?

Commissioner Karisny said that he was speaking to the concept plan.

Mr. Caris said that 15 feet was what was being proposed, if there is front facing garages it is 25 feet. He said that was in the proposed PUD plan guide.

Commissioner Karisny asked if there were other questions.

Mr. Caris said that the public asked about the 40-foot building height. He said that in the neighborhoods that surround this proposed development are community residential where the building height is 35 feet. He added that even though there are some ranch homes that are no where near that, they could have been two story houses and up to 35 feet. That is the way the zoning code reads for community residential. That is why a number of new houses being built and a number of houses that were built from 2002 to 2007 had that entitlement as a part of that community residential zone district. They are asking for 40 feet. He wanted to explain that 35 feet is what is allowed.

Commissioner Karisny added that this was under community residential which is what the surrounding neighborhoods are. He asked if the commission wanted to start asking questions?

Commissioner Nisley asked if Lower Valley had looked at it?

Mr. Caris said that they were sent the application but until there is a more formal development to give them the details, the applicant because this is a concept plan, went around to Ute Water, the irrigation company, and to Lower Valley. He said that Mr. Jones will explain that to them.

Commissioner Nisley then asked about public safety for lots 54 – 62 where the access is the alley. He said he thinks there is no offsite parking for any of those units, they have the driveway and the 15-foot driveway space.

Mr. Jones said that this was correct. He said that this section follows what is allowed under current and standard codes. He said that it exceeds it presently with a 20-foot-wide alley access is required. He said that the developer of this project wanted a wider access so he went with a 25 foot alley. He added that this plan was submitted to Lower Valley Fire and discussions ensued with them and their emergency services looked at it and did not have any issues with the transportation network road widths as at had been presented to them. He also said that he wanted to touch upon something some of the neighbor's concerns, there are almost 40 off street parking spaces that are designed as elements on the north, south and west of those areas as a joint use for those wanting to go to the park as well as guest parking spaces and he felt that this was important to note.

Commissioner Nisley asked if most of the units would be 3 bed, 2 bath? He was just trying to figure out parking spaces per family occupied.

Mr. Jones said that the development was looking at a range of sizes and with some smaller homes potentially 1000 - 1100 square foot. They could see some 2-bedroom, 2 bath homes as well.

Mr. Caris said that to explain this more thoroughly, the burden of proof is on the applicant to provide the amenities that drive the request. He said that a part of the PUD guide would have floor plans where those attached units and for the single-family detached units. This is an opportunity to get feedback to see if pursuing in more detail, getting an architect, designing the project is feasible. He said that there will be a lot more detail what each of those units will look like for a floor plan standpoint and they will have an opportunity to evaluate the ability for the

interaction to take place as the project moves forward in greater detail. They will have to provide that because they are creating their own standards that they will have to adhere to each time that they request a planning clearance and each time they request a building permit.

Commissioner Nisley asked if in the Comprehensive Plan they are calling this an R4-8, four units to eight per acre, once the Code is updated to reflect that change, if they came after that process was done they wouldn't need a PUD to conform with the zone area with the density, they would meet that density?

Mr. Caris said yes, the only thing that would change is that they would have dimensional standards. They are proposing those restrictions on themselves that the setbacks, for each one of those zoning designations R4, R5, R6, R7, and R8, they would have their own dimensional standards. He added that those are gross densities, if it were an R8 they typically see these built out at R6 and if it were R6 you typically see it built out at R4. He said that this was another reason why they are petitioning for a PUD because their gross densities are higher than that.

Commissioner Purser said he was seeing at average in the home square footage to be 2100-2900 and that is just a concept at this point. He said that the small house is no longer an option for a young family. He said that the minute these are up for sale they are purchased for above market value and made into a vacation rental. He said that he saw a need for affordable, desirable small homes. He also sees a desire for a smaller home to have a smaller footprint. He said he is excited about the innovative presentation that he is seeing here. His biggest concern is that it actually will be affordable. If it is not then it is not affordable and makes the neighbors unhappy. He said that for this to benefit Fruita, it truly needs to offer options to the young family, single professional, etc. He asked if there will likely to be an 1100 square foot option that is not an luxury 1100 square feet, but an affordable one?

Mr. Jones asked if this was something that the Commission desires to see?

Commissioner said he did, and it would be a reflection of their discussions about the Comprehensive Plan.

Commissioner Nisley said that affordable housing was brought up in the Comprehensive Plan and that this was a big issue that they were having. He continued that having 1100 square feet that is still \$300,000-\$350,000 for the house doesn't meet that affordable definition.

Commissioner Purser said that he is concerned how it affects the neighbors and what he was hearing is what anyone of them would feel when there is an open field next to them and then they no longer do. He said that what he hears is that the transition was uncomfortable. He felt that this could be creatively responded to. His biggest concern is that this will have affordable housing.

Commissioner Gollob said on one hand this is a Concept Plan that checks many of the boxes in the Comprehensive Plan that they spent time going through. He said that seeing that in action here was a good first step. On the other hand, he saw a lot of community concern, especially the neighbors surrounding this that have similar problems. He said that there is something there, but

he is unsure if it is just this. He asked, what accommodations could be made for blocking views especially on the outside versus the inside of the development? He brought up the concerns about parking. He then spoke about the density and traffic concerns. He reiterated Commissioner Pursers question about what creative ways could these be addressed? He said that he applauded the effort to match what they had talked about in the Comprehensive Plan, but there are some issues that he is hearing, and he would like to see those issues addressed to be fully supportive of this.

Commissioner Karisny went back to the general concept of this. He said that it was talked about in the Comprehensive Plan, this was the process that was done over the last 9 months and many of these ideas came from that. He said that this was a Planned Unit Development and it was uniquely different, in the Community Residential that they are living in and these ideas are based upon that. He continued, that some of these ideas are based upon that it has become very expensive to live in Fruita and these are opportunities for young professionals, for us it is the medical people who live here, teachers, cops, those kinds of folks who are starting their careers to come and be able to live in Fruita. He said that the idea of the large open space the developer had a concept that this whole neighborhood and this green space would be the community connecting that green space together. They aren't giving these people back yards, but they are giving them a large space to play in. He said that there is some good research that says that kids that grow up who have access to things like green space, access to neighbors who are their teachers or cops, that they create neighborhoods that are good for kids and this makes a difference in their lives. He said that there are a lot of good ideas in this. He mentioned that when something like this goes into an existing neighborhood 30 years later it is shocking. He said some of the ways this has been mitigated in other subdivisions that they have done; fencing is one of those things. He said that there is a perimeter that goes around the whole thing, a transition of housing types that go from the perimeter and then get denser in the center and denser towards the major street, which would be 17 ½ Road. He said that there is a sensitivity to transitioning from a Community Residential to a higher density multifamily subdivision plan. He said that these are some of the ways to help mitigate that. He said that this is called infill. He said that the entrance and exit is primarily off of 17 ½ Road. He said he wasn't sure that traffic would be the issue. He said that the review authority may require conditions of approval to promote compatibility between uses. He said that the type of uses called out in the PUD guide should align with the surrounding neighborhoods that are zoned Community Residential. He said that he understood that the Community Residential can be 35 feet tall, most of it is not. He also understood for the roof pitch that they need to go to 40 feet. He added that when the Community Plan was looking at the downtown area, they divided it into 6 quadrants, there was a single quadrant that was looking at allowing that based on the input from the community. He said that a 35-foot height limit is a reasonable thing to ask or to expect. He said that there are a number of subdivisions that front collector streets like 17 ½ Road that have 6 foot wooden or plastic fences. He said that they become difficult to see out of. He said they could have an open fence or a lower fenced area. He said that one thing he sees missing is that there is a community of older adults who are moving from their larger single-family homes and moving into smaller homes. He mentioned universal design house, single level, flat threshold, wide doors, so that these older adults can age in place. This may be a great product to put next to the existing subdivisions, Vintner's Farm, Wildwood Estates, that would be single stories, older adults. He thought that there is a need for this and that there is a place for th

at within this. He continued that the concept is what the Community Plan has been talking about but there are a number of tweaks that need to happen. He wanted to know why they are jumping right to 8 and maybe have some single-family homes that are more universal design would eliminate some of the density but would also bring additional generations of people into that neighborhood. He said that the viewshed is something that will be talked about a lot and he is unsure how to preserve that. He talked about row homes that are in the Community Plan that looked like townhomes. He talked more about the quadrants downtown and only one of those had townhomes in it.

Mr. Caris brought up cottage wee homes that were in there also.

Commissioner Karisny said that duplexes were in that area and mixed use. His point was pushing back on the 40-foot-tall row houses or townhomes. He said a better place to do that would be pushing them out to 17 ½ Road and keeping them further away from the existing homes. He said this would help in the transition.

Commissioner Gollob said that he felt this was something that had some promise but with tweaks. He said that with given the ideas that were talked about that it his hope was that he could go back, take those into account, think about what they heard there and see if they could address those comments and concerns as it moves forward.

Mr. Caris said that he bulleted out the comments. He said it was important to not just land on the topics that were discussed but if they are going to formulate a motion in whatever direction he thought it would be prudent for them to put all of that on record even if it is a lengthy motion and so that they were sending a clear message about the areas that have potential concerns from the Planning Commission and from the public. He wanted to be sure that it was articulated correctly and get feedback from the Planning Commission.

Mr. Caris continued that one of the main questions was that they would potentially have under 1200 square foot housing units with no guarantee that they will be affordable units. The Comprehensive plan wasn't tangential or bifurcated, they wanted a mix of housing alternatives but they also wanted them to be affordable. He continued that there is little support for the 40 foot tall, 35 foot is already a by right in the CR zone was talked about, more detail on the parking is going to work within the development and requesting that the applicant come up with a parking plan and enforcement plan, alternative street design questions and how that is going to work and interface as far as the different housing alternatives. With regard to fencing, potentially see into the development rather than having vinyl 6-foot fences. He also mentioned the universal building design and transitioning of density.

Commissioner Gollob asked if traffic was encompassing the street design?

Mr. Caris confirmed this.

Commissioner Gollob asked if that would be added with that?

Mr. Caris said that this should be added.

Commissioner Gollob added especially spill over traffic to neighboring communities.

Commissioner Karisny said in clarifying on the fencing that his comments had to do with 17 ½ Road. He isn't saying to take down the fences and put up smaller ones, but do not put a 6 foot fence along 17 ½ Road to barricade the subdivision. But attention to fencing, as part of the transition.

Mr. Atkins said that there is a 14-foot landscape strip along Maple, so they wouldn't have a fence immediately on the right of way.

Commissioner Karisny that it said the homeowners being responsible for that area between the sidewalk and that strip. He said that what they have learned in the past is that this doesn't work. He said it would need to be an HOA responsible for that area and it works more efficiently that way. He said he would include the fencing as part of the transition. He made an additional point that the addition of housing types reduces the density.

COMMISSIONER PURSER MOVED THAT THEY APPROVE TO RECOMMEND DWELL PUD IF IT MEETS THE FOLLOWING CONDITIONS; TO TAKE A LOOK AT MAKING SURE THE UNITS DRASTICALLY AND OBVIOUSLY PROVIDE SOME AFFORDABLE HOUSING TO THE MARKET, THAT THE HOUSES ARE NO HIGHER THAN 35 FEET TO REMAIN SIMILAR TO THE SURROUNDING ZONING, THAT THE DEVELOPER SHOWS A PARKING PLAN, THAT THEY WOULD AVOID A FENCE CANYON MEANING PUTTING A FENCE ON 17 ½ ROAD LEAVING THAT OPEN AND USING LANDSCAPING AS A BUFFER TO THE STREET BUT THAT THEY WOULD USE FENCING AS A BUFFER BETWEEN THE EXISTING NEIGHBORHOODS AND THAT THEY WOULD PUSH THE HIGHER STRUCTURES IN DESIGN CLOSER TO 17 ½ ROAD AND THE INTERIOR OF THE DEVELOPMENT AND THAT ON THE HOUSING THAT IS CLOSE TO THE EXISTING NEIGHBORS THAT THEY WOULD CONSIDER UNIVERSAL DESIGN SINGLE STORY HOMES TO MEET THE NEEDS OF OLDER INDIVIDUALS AND TO USE THESE HOMES AS TRANSITIONAL STRUCTURES FROM THE EXISTING NEIGHBORHOOD AND MOVING ON INTO THE INTERIOR.

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 4-0 IN FAVOR TO APPROVE THE MOTION WITH THE CONDITIONS

I. OTHER BUSINESS

Commissioner Karisny asked if there were any community development activities.

Mr. Caris said that the Land Use Code Kick Off date would be sent to them. He invited them to participate in certain segments or all of it, whatever worked for their schedules. He talked about the consultant, how often and times they could be meeting, what was included in it and how they would be adopting it.

Adjournment 9:07 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita

DRAFT



**Planning & Development Department
Staff Report
May 4, 2020**

Application #: 2020-06
Project Name: Lithic Arts Building
Application: Site Design Review with Adjustments
Property Owner: RDC Labs, LLC
Representative: Hummel Architecture
Location: 158 S. Park Square
Zone: Downtown Mixed Use (DMU)
Request: This is a request for approval of exterior modifications of the existing metal building.

PROJECT DESCRIPTION:

This is a Site Design Review with Adjustments application for an exterior remodel located at 158 S. Park Square. The existing structure is approximately 12,207 square feet and was originally constructed in 1998 for a True Value Hardware store then it was converted in 2006 into what was recently the Fruita Health Club. The Fruita Health Club relocated in 2018 leaving the building vacant except for a small second story apartment at the south end of the building. The proposed application also intends to remodel the building into multiple commercial tenet spaces.

There are two types of Site Design Review procedures, Administrative Site Design Review and Site Design Review with Adjustments. Although staff typically reviews and approves Site Design Review applications administratively, adjustments have been requested for this project. With that said, this application is to be reviewed through the public hearing process in accordance with Section 17.05.070 of the Fruita Land Use Code.

Furthermore, it's important to lay the foundation as to why this application would require approval through the public hearing process. Currently, there are certain of elements of the exterior of the building that are considered legal non-conforming meaning they were legally established but don't currently meet the regulations contained in the current Land Use Code. Since this application is proposing changes to the exterior, the areas that are legal non-conforming need to meet the Land Use Code or otherwise ask for an adjustment. With that said, the review of this application applies to the exterior of the building in accordance to Chapter 17.11.030 of the Land Use Code.

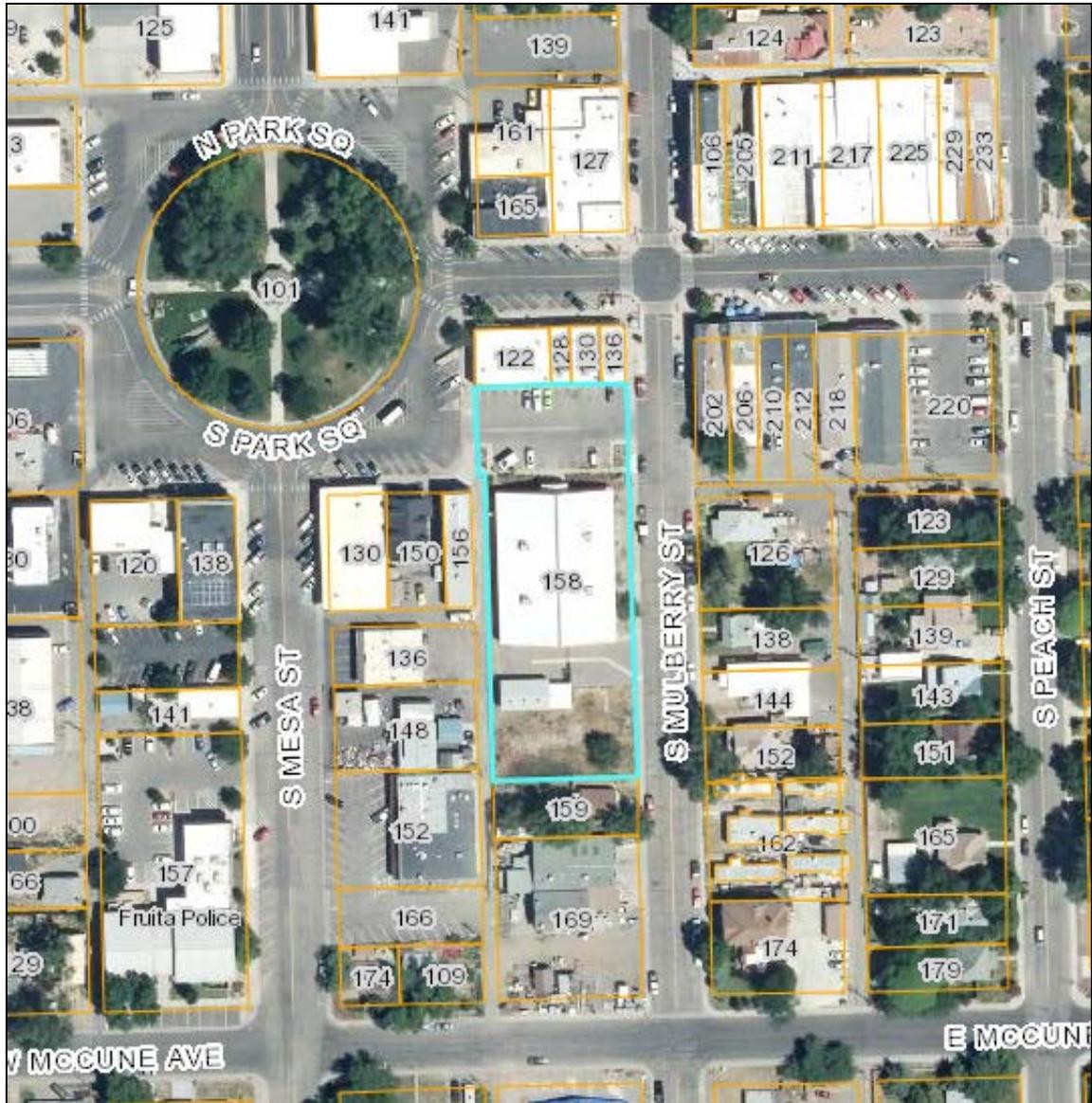
SURROUNDING LAND USES AND ZONING:

The subject property is surrounded by both residential and commercial land uses. The subject property is completely surrounded by Downtown Mixed-Use (DMU) zoning with the exception of Circle Park to the northwest.

ZONING MAP



2019 AERIAL PHOTO



REVIEW OF APPLICABLE LAND USE REQUIREMENTS:

Section 17.13.030 (C) states, “The city decision-making body may approve a Site Design Review application only upon finding that it meets the applicable requirements of this Title (Land Use Code) and other applicable regulations.”

DESIGN STANDARDS:

The property is zoned Downtown Mixed-Use (DMU) and is considered as being in the Core. The Core is described as properties south of Pabor Avenue and west of Elm Street. Additionally, the Level 1 Design Standards apply to properties along Aspen Avenue west of Elm Street.

The Design Standards chapter of the Land Use Code and more specifically Section 17.11.020 (B) states, “The provisions of this Chapter may be adjusted at the discretion of the city decision-making body, as applicable, without the need for a variance, where the city decision-making body finds that an applicant’s proposed alternative design meets the intent of the regulations which are to be adjusted, and the proposed design provides compatibility between the proposed development and uses adjacent to the subject site. Where this Chapter provides “Guiding Principles,” those principles are to be used in evaluating adjustment requests.”

Since this application is dealing with an existing building, it is important to remember that the guiding principles state that it’s not the intention of the code to “create” or “re-create” the character of downtown Fruita. The intentions are to honor Fruita’s historical development pattern and character. Redevelopment should support a walkable and attractive area with a number of different types of uses including but not limited to shopping, civic, and office types of uses. The section continues, “It is not the intent of the City of Fruita to create an architectural theme or freeze time, but rather to ensure that new buildings, remodels, and redevelopment fit within the context of their historic surroundings, as applicable, and support compact, walkable districts.”

The Planning & Development review comments on the Level 1 Design Standards section of the code provide input on this application. There are a few areas in which this application for adjustment applies. For example, the adjustments are not being requested for setbacks or building height. However, the sections in which this application is not meeting the current design standards are the areas in which the adjustments apply. It’s important to also note areas in which this application is meeting the Design Standards.

Areas meeting the Design Standards:

Section 17.11.030 (A) ***Guiding Principles***, contains guidance on how either new buildings or exterior remodels are expected to honor the historical development pattern and character of downtown Fruita. Because some provisions of the Design Standards chapter are being requested for approval of adjustment, it’s important to use these Guiding Principles in the decision-making process. There are 9 key elements set forth in this section, however, not every element is applicable. For example, one key element states to “promote corner lots as focal points with furnishings and public art.” This element is not applicable because the subject property is not on a corner. Nevertheless, there are key elements that Staff believes have been incorporated into

these plans. Because this is an existing building there are natural limitations. Key elements that have been included or enhanced with these plans are building height and articulated facades that create a sense of street enclosure at a human scale, appropriate design standards for the Downtown Core, the use of contextually appropriate materials, textures and colors, the promotion of storefront character (windows, pedestrian shelter, furnishing, etc.), and a diversity of building facades and rooflines.

Section 17.11.030 (B) (4) ***Storefront Character***, contains guidance on how entrances express a storefront character. Currently the existing building does not meet this section of the code. Because the plans show clearly defined storefront entrances, the incorporation of additional windows, the proposed balcony on the north side, and the shipping containers identifying points of entry, this application is now meeting this section of the code.

Section 17.11.030 (B) (6) ***Openings***, contains guidance on the character of the windows and entrances. Currently the existing windows and entrances do not meet this section of the code. This application is proposing a number of additional new windows that will incorporate framing that is required under this section. Staff believes Section 17.11.030 (B) (6) (c) which states, “Ground level entrances shall be at least partly transparent to encourage an inviting and successful business environment” has now been met.

Section 17.11.030 (B) (10) ***Pedestrian Shelters***, states that “Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 30% of a building’s ground floor elevations where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building’s architectural details.” The entire north face of the building provides the pedestrian coverage. Also, the canopy over the 2 new entrances on the east side provides additional pedestrian coverage.

Section 17.11.030 (C) ***Open Space and Civic Space***, provides guidance on how to incorporate open space and civic space elements into the design. Again, since this is an existing building, there are natural limitations to how these elements can be incorporated. Staff feels that the incorporation of landscaping improvements and additional seating/benches, the intent of this section of the code has been met.

Section 17.11.030 (D) (4) ***Off-Street Parking and Loading***, provides standards on parking areas and references the parking standards contained in Chapter 17.39 of the Land Use Code. The subject property is unique because of the fact that the site contains existing space for off-street parking, which is an element in downtown Fruita that is not typical. Section 17.39.020 (E) (2) of the Parking Standards chapter states, “No off-street parking will be required for uses in existing buildings and reconstruction of existing buildings in the DMU zone south of Pabor Avenue (“Downtown Core”).” Although no new off-street parking spaces are required, the subject property appears to have 24 spaces available on the north side.

Areas for adjustment:

Section 17.11.030 (B) (3) (a) ***Overall Form*** states that architectural designs shall address all four (4) sides of a building in the DMU zone. It is Staff's understanding that the west and south building elevations weren't provided due future improvements based on future tenets and due to the interior use of the Cavalcade. When exterior changes happen on the west side of the building, Staff recommends that any changes match the rest of the building.

Section 17.11.030 (B) (9) ***Materials and Color*** contains guidance on the materials and colors of buildings subject to the Level 1 Design Standards. This application is not proposing to change the existing metal building materials to what this section requires. Modifying the exterior building materials to strictly meet this section of the code could be costly and could change the character of the area given the size of this building. Additionally, the guiding principles recommend that it is not intention to freeze time or to create an architectural theme, but rather to insure that remodels fit within the context of their historic surroundings, as applicable, and support compact, walkable districts. With that said, Staff supports the requested adjustment to the building materials.

Section 17.11.030 (B) (11) ***Mechanical Equipment*** contains guidance, in this case, on how the roof top mechanical units look. Currently there are rooftop mechanical units and there is a proposal for additional units. The code requires that these units not be visible from the street, pedestrian access way or civic space and be screened behind a parapet wall. This section of the code works well with new buildings but can hinder the ability for existing buildings to make modifications. There is no real way to partition the space with mechanical units that reside in another location other then what is proposed.

In conclusion, the building has been in existence for over 20 years and provides a unique character within the downtown. Although the Land Use Code is clear about the exterior building materials, it would be unreasonable to require the applicants to re-create or change the exterior character of such a large building. The applicants are proposing to utilize as much of the existing building as possible while incorporating new elements that fit in with its current character. Furthermore, it's the intention of the guiding principles to provide appropriate design standards and require the use of contextually appropriate materials, textures and colors for redevelopment. Staff recommends approval of the proposed application with the condition that all review comments be adequately resolved.

REVIEW COMMENTS:

All review comments received are included with this Staff Report.

*The applicant has responded to Staff's review comments which are included with the Staff Report.

PUBLIC COMMENTS:

No written public comments have been received regarding this application at this time.

LEGAL NOTICE:

	Y	N	DATE
Postcards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020
Paper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020
Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020



The original legal notice postcards sent had invited the public to an in-person Planning Commission public hearing at the Civic Center. Due to the in-person restrictions related to COVID-19, Staff sent revised notices explaining that the public hearing for Planning Commission would be held by virtual meeting. Attached with the Staff Report is the revised notice letter that was sent to the public on May 4, 2020.

STAFF RECOMMENDATION:

Because the development meets or can meet the intent of all applicable city regulations and policies, Staff recommends approval of application 2020-06.

PLANNING COMMISSION: MAY 12, 2020

CITY COUNCIL: JUNE 2, 2020



NOTICE OF VIRTUAL PUBLIC HEARING

Dear City of Fruita resident,

You had originally received a public notice postcard which invited you to an in-person Planning Commission public hearing scheduled for Tuesday, May 12, 2020 for the application item listed below. Due to public gathering limitations and to be respectful of the safety of the public health, this public hearing will be held VIRTUALLY.

If you have an interest on the item below, please call 858-0786 or if you have any comments you would like to enter into the public record, you are strongly encouraged to submit your comments in **writing** and mail them to the Planning & Development Department at 325 East Aspen Avenue or email them to kmclean@fruita.org prior to the meeting and your comments will be presented to the Planning Commission. Visit our website <https://www.fruita.org/pc/page/planning-commission-meeting-43> for more information on how to participate in this virtual meeting.

Application #: 2020-06
Application Name: Lithic Arts Building
Application Type: Site Design Review

We apologize for any inconvenience and we thank you for understanding. If you have any questions regarding this letter, please contact the Planning & Development Department at 970-858-0786.



Planning & Development Department
Review Comments – Round 1
April 24, 2020

CA indicates Chamberlin Architects responses on
May 4, 2020

Application Type: Site Design Review with Adjustments
Application Name: Lithic Arts Building
Application Number: 2020-06
Location: 158 S. Park Square
Zone: Downtown Mixed-Use (DMU)

-
- Application submitted: 3/5/2020
 - Letter of acceptance: 3/19/2020
 - Application sent out for review: 3/27/2020
 - Legal Notice –
 - Paper – 4/24/2020; Postcards – 4/24/2020; Sign – 4/24/2020
 - Planning Commission: 5/12/2020
 - City Council: 6/2/2020
-

1. All signage advertising a business is to be reviewed by a separate sign permit.
 - a. Under the Exempt Signs section of the Code (Section 17.41.040) it states that “Building Identification, Historical Markers. Non-illuminated signs which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information.”
 - i. Its Staffs assumption, based on the submittal, that the north tower will contain the name of the building on it. Please confirm if this is the plan. If so, the Code considers this as exempt from the Sign Code and wouldn’t need a permit.
 - ii. CA – Correct. The design intent is to apply either stamped metal lettering on stand-offs or contrasting paint colored building name lettering on the north tower.
2. Section 17.11.030 (B) (3) (a) states that architectural designs shall address all four sides of a building in the DMU zone. There is opportunity for additional development to the south of the building. Please provide elevations for the south and west.
 - a. Staff understands there is a potential for a tenet on the west side. Is the plan to have similar architectural features on this side once a tenet has moved in?
 - b. CA – Due to the fact that the west tenant space (which comprises almost ½ of the building interior) currently has no rental agreement in place, it is the Owner’s intent to leave this section of the building un-developed until a tenant is found. Since this future tenant would most likely require additional window and

potentially door openings in the south and west elevations, we propose leaving these elevations unchanged for now in order to minimize up-front cost as well as to allow for the future design to respond to the tenant requirements. That being said, the general design goal for the future development will be to utilize matching materials, window colors and manufacturers, as well as general scale and proportions of openings, to match those currently proposed for the north and east elevations.

3. This section of the code (below) applies to the vertical shipping containers and any additional metal finishes that aren't currently on the building.

9. Materials and Color

d. Color.

Reflective, luminescent, sparkling, and "dayglow" colors and finishes are not permitted. Metals shall be finished in mute, earth-tones or otherwise burnished to minimize glare.

CA – The shipping container towers will be painted a color complementary to the earth-tones of the current building cladding and fascia trim and complying with the requirement above.

DESIGN STANDARDS REVIEW:

BUILDING DESIGN STANDARDS [17.11.030 (B)]

1. The minimum height requirement is no less than 22 feet. The building is currently 25' 9" in height and the tallest portion (the north tower feature) is 32' 7" in height.
 - a. This criteria has been met.

SETBACKS [17.11.030 (B) (2)]

1. This section requires all buildings to have a zero setback for non-residential buildings.
 - a. This section is not applicable because the building isn't new.

BUILDING FORM [17.11.030 (B) (3)]

1. This section requires architectural designs to address all sides of the building. Additional information is needed to confirm this section has been met and that features address all sides.
 - a. This criteria can be met.

STOREFRONT CHARACTER [17.11.030 (B) (4)]

1. This section requires that entrances express a storefront character. This includes windows, entrances to sidewalks and be ADA accessible, and have definitive elevation breaks to identify street level/upper floor areas.
 - a. With the addition of 3 new entrances into the building for multiple tenets, this section does apply to this application. From what has been submitted, it does appear that this section has been met. The addition of numerous windows of different sizes, the addition of the balcony on the north side, and proposed vertical shipping container elements enhanced the buildings storefront character.

OPENINGS [17.11.030 (B) (6)]

1. This section contains information about the character of windows and entrances.
 - a. From the plans submitted, all windows will be framed and the pedestrian entrances will be transparent to encourage an inviting and successful business environment thus meeting this section of the code.

MATERIALS AND COLOR [17.11.030 (B) (9)]

1. This section of the code requires the primary building materials to be one of the following: brick, stone, adobe, adobe brick, slump block, stucco, split block, and painted or natural wood. Pitched roof materials shall be wood or asphalt shingles, or standing rib seam sheet metal-matte finish.
 - a. This is the section of the code that is being requested for adjustment. Staff supports the request as proposed.
 - b. CA - The existing building is a pre-manufactured metal warehouse building and currently does not conform in its aesthetics with the Land Use Code Section 17.11 - Design Standards. We would like to request an adjustment to this requirement due to the following factors.
 - i. The current Land Use Code - Level One Design Standards are written to encourage aesthetic conformity between new construction and the existing masonry storefront buildings. Less specifics are provided regarding the renovation of an existing building that was constructed prior to the current Land Use Code's adoption.
 - ii. The Level One Design standards for exterior material, composition and glazing requirements are reasonable when designing a new building or even renovating an existing masonry building with a vertical parapet facade. However, the existing building at 158 S Park Sq. has a horizontal orientation with a pitched roof reminiscent in form more of agrarian shed structures found in the area. It inherently is a utilitarian structure which is also clearly represented in its siding and roof material - pre-finished metal panels. Applying masonry or stucco in horizontal bands to this building or

ganging and stacking windows as is required by the Level One Design Standards would confuse and convolute the simplicity of its form and attempt to forcefully make it fit-in with the surrounding architecture.

- iii. We propose embracing the unique character of this building by subtracting and adding to it in a way that enhances the overall composition, is responsive to the Owner's programmatic needs and adds diversity to the existing downtown core. The architectural design intent of this renovation project is to juxtapose the new design elements to the rigid forms of the existing metal building in order to create a dynamic building composition which adds new energy to the south of Aspen Ave. This is achieved with the use of glazing areas at entries that are configured for the individual tenants, varying display and inhabitable seating windows to engage pedestrians as well as sculptural shipping containers that also provide a nod to Fruita's agrarian history. The current north elevation's low-slung fascia and soffit will be removed in order to create a tall and inviting entry canopy who's soffit will be lined with cedar boards while along the S Mulberry elevation a steel and wood entry canopy will be constructed above the tenant entries.
- iv. We believe we meet the intent of section 17.11.030 – A. Guiding Principles in that we “draw on historic elements of the downtown while allowing for a contemporary interpretation of Fruita's history”. As the section states this remodel would “support a walkable and attractive area with shopping, restaurants...and other employment centers”.

PEDESTRIAN SHELTERS [17.11.030 (B) (10)]

1. This section states that “Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least 30% of a buildings ground floor elevations where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the buildings architectural details...”
 - a. It appears this section has been met. The proposed drawings show basically the entire north facing elevation having pedestrian coverage. Also, the canopy over the 2 new entrances on the east side appear to provide at least 30% pedestrian coverage.

MECHANICAL EQUIPMENT [17.11.030 (B) (11)]

1. This section requires that rooftop mechanical units not be visible from the street and such units be screened behind a parapet wall.
 - a. This section has not been met.

- b. CA – This would be a very difficult and expensive requirement to meet because we are working with an existing pre-engineered metal building. While we agree that rooftop units can detract from a building’s architectural aesthetic, there are structural considerations that would create major obstacles to the addition of screening.

Like all pre-manufactured metal buildings, the design loads for this structure were originally calculated in-house by the manufacturer. Considerations were given to the codes and engineering requirements at the time - for example, the original rooftop unit weights were factored into the size of the roof members, bracing sizes and locations, lateral support system as well as structural components used to meet snow, wind and seismic code requirements. If we now add steel members into the existing structure that could then carry a screen, a new structural engineer would essentially have to re-engineer the entire building using new code requirements and take on a substantial amount of liability, since the original assumptions of calculated loads are not available to the design team and many no longer comply with current codes.

We request an adjustment to this section in order to make use of an existing building, which would be cost prohibitive to re-engineer and re-structure to comply with a recent aesthetic concern. It seems more important to make this site a vibrant part of the downtown. We are not making the roofscape any worse than it already is and certainly improving the aesthetics overall.

OPEN SPACE AND CIVIC SPACE [17.11.030 (C)]

1. This application is not required to meet this section. However, Staff feels that with the incorporation of landscaping improvements and additional seating/benches that this section has been met.

ACCESS AND CIRCULATION [17.11.030 (D)]

1. This section is not applicable with this application.

LANDSCAPING [17.11.030 (E)]

1. From the plans submitted, this section has been met.



LAND DEVELOPMENT APPLICATION

Project Name: Lithic Arts Building
 Project Location: 158 S Park Sq.
 Current Zoning District: Commercial Requested Zone: Commercial
 Tax Parcel Number(s): 2697-172-22-024 Number of Acres: 0.98
 Project Type: Commercial

Property Owner: RDC Labs, LLC Developer: —
 Property Owner: _____ Contact: _____
 Address: 520 N Maple St. Address: _____
 City/State/Zip: Fruita, CO 81521 City/State/Zip: _____
 Phone: _____ Fax: _____ Phone: _____ Fax: _____
 E-mail: _____ E-mail: _____

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

Owner Rep: Hummel Architecture Engineer: —
 Contact: Patrick Hummel Contact: _____
 Address: 612 E Aspen Ave Address: _____
 City/State/Zip: Fruita, CO 81521 City/State/Zip: _____
 Phone: (276) 791-5239 Fax: _____ Phone: _____ Fax: _____
 E-mail: pbhumm@gmail.com E-mail: _____

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

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

<u>COLLEEN DUFFY</u>	<u>Colleen Duffy</u>	<u>3-4-2020</u>
Name of Legal Owner	Signature	Date
_____	<u>Colleen Duffy</u>	_____
Name of Legal Owner	Signature	Date
_____	_____	_____
Name of Legal Owner	Signature	Date

STATE OF COLORADO)
) ss.
 COUNTY OF MESA)



The foregoing instrument was acknowledged before me this 4th day of March, 2020
 My Commission expires: May 12, 2022 Notary Public Kelli McLean

Lithic Arts Building

Project Narrative – City of Fruita Planning
March 5th, 2020

Project Overview

RDC Labs LLC purchased the building at 158 S Park Sq. in Fruita, Colorado in March of 2019 and intend to renovate and sub-divide the 12,207 sq. ft. space into rentable tenant units. Built in 1998 as a true Value Hardware store the prefabricated metal building most recently functioned as a health club for which locker rooms including showers and restrooms were added. Currently the building is vacant except for the small second story apartment at the south end of the building. While the potential tenant list is still in flux the two spaces which are decided upon are Tenant 101 in the north-east (Lithic Bookstore) corner and Tenant 104 (Cavalcade music venue) in the south-east corner. While the west portion (Tenant 102) is at present going to remain undeveloped for the initial construction phase meetings have been held with a website design company who may be interested in leasing and building out this larger space.

The property is defined under Mesa County Neighborhoods as Area 26 Recreation and consists of 0.98 acres of land. No zoning change will be necessary since the building has been functioning as a commercial property and it is the intent of this renovation to keep it functioning as such.

The existing building is a pre-manufactured metal warehouse building and currently does not conform in its aesthetics with the Land Use Code Section 17.11 Design Standards. That being said we believe that this building, through this renovation process, will greatly add to the eclectic building forms that make up the Downtown core. The architectural design intent of this renovation project is to juxtapose the new design elements to the rigid forms of the existing metal building in order to create a dynamic building composition that adds new energy to the south of Aspen Ave. This is achieved through the use of glazing areas at entries that are configured for the individual tenants, varying display and seat windows to engage pedestrians as well as sculptural shipping containers that provide a nod to Fruita's agrarian history. The current north elevation's low-slung fascia and soffit will be removed in order to create a tall and inviting entry canopy who's soffit will be lined with cedar boards while along the S Mulberry elevation a steel and wood entry canopy will be constructed above the tenant entries.

Site Landscaping Concept Design:

- It is recommended that the parking areas be re-stripped including graphics to clearly indicate the ADA parking spaces. Per the Fruita Land Use Code section 17.39.020 Off Street Parking Standards Applicability – E1 & E2 no additional parking is required for existing buildings to be re-used within the Downtown core (DMU).
- The great feature of the site is that approximately 6,000 sq.ft. of roof drains into a relatively small soil area creating the ideal opportunity for a passive rain-capturing landscape. The run-off from the roof surface will result in an effective annual precipitation of 28 inches compared to Fruita's average precipitation of 10 inches. Irrigation by this method allows for the potential density and species variety of tallgrass/prairie ecosystems or of native semi-riparian plant communities found in the

canyon-bottoms. Since water will arrive at natural intervals for the plant species selected no permanent irrigation system is required.

- Artistically, the softness of heavy grasses and twiggy trees lends translucency, and wind-born movement to compliment the regular and geometric surfaces and forms of the building. The design intent for all landscape sections will be a stark contrast to traditional gravel-paved “zero-scapes” which consume drip irrigation and require intensive weed control strategies throughout the lifetime of the area. Proposed plant selections will vegetate all of the soil surface leaving no room for weeds and ensure the effectiveness of the passive irrigation system. The presence of such dense landscaping will also have additional benefits such as cooling the ambient site temperature and providing habitat for birds, bees and other wildlife.
- In order to maintain eye-level visibility for cars, pedestrians, and visitors inside the building, plantings will vary heights between knee-high forbs and limbed-up small trees. Tree selections will provide shade to windows, the edge of the building, and the road. Such a plant scheme can conform to local height codes which are common for street-side plantings in easements.

Exterior Walls:

- The exterior walls of the existing building are clad in vertical pre finished metal wall panels light stone in color. The panels are in good condition and will be retained in the new design as much as possible.
 - All existing metal panels indicated for removal will be salvaged for re-use during the new construction phase.
 - At locations where new windows are installed, infill between the windows as well as associated trim will be of cedar tongue and groove horizontal siding with a clear finish.
 - The City of Fruita Land Use Code – 17.11.030 Design Standards do not allow metal siding as a building’s primary wall cladding. We believe that it would be unfeasible financially as well as unsound from a sustainability perspective to re-clad the entire building when the existing panels are still in good condition.

Roof:

- The roof is clad in the same metal panels as the exterior walls. These panels are also in good condition.
- The roof is pitched in the center sloping at a 3-1/2”:12” towards pre finished metal gutters on the east and west roof edges. (3) Three prefinished metal downspouts serve each of the two gutters and are sleeved, captured and routed into the storm sewer at the west elevation. The east downspouts terminate directly above grade and are potentially undermining the foundation. The gutters and downspouts are in good condition.
 - It is recommended that the east downspouts either be sleeved and connected to the city storm sewer or as this design narrative proposes re-route them to irrigate the east landscaping.

Exterior Aluminum Windows and Entries:

- The existing exterior window and entry aluminum storefront systems are of 2"x4" rectangular tube construction with a dark anodized finish. The glazing used in the

windows are double pane insulated glass units while the doors are single pane uninsulated units. The north and south entry doors are functional and equipped with egress push-bar hardware.

- All new windows and entry systems will be of aluminum storefront construction-thermally broken- to match the existing units in finish. Infill glazing will be double pane insulated glass units with a Low-E coating on the third surface to minimize solar heat being transmitted into the building's interior.
- Two types of window styles are presented in the new design: standard punched and extruded. The standard punched windows are set within the wall plane to match existing opening conditions while the extruded windows extend both towards the interior and exterior of the space to create reading nooks and book displays. These extruded windows will be framed using metal studs and OSB wall sheathing with pre finished metal head flashing and cedar trim cladding.
- The City of Fruita Land Use Code – 17.11.030 Design Standards requires that elevations facing a public way have 60% of their area between 30" and 72" above exterior grade comprised of translucent openings. As currently designed the north elevation has a 48% and the east elevation has a 44% translucent opening percentage. The current window allocation is suitable for the proposed interior tenant spaces, more glazing can be added but will increase material as well as heating/cooling costs. Depending on the tenant build-out of space 102 the area of glazing along the north of the building could substantially increase since at current the designed windows into the space only act as placeholders until a tenant weighs in on their space requirements. This tenant could also request windows along the west elevation.

Shipping Containers:

- Shipping containers are incorporated into the new exterior building design as sculptural elements and abstract representations of Fruita's grain elevators-both in the site's vicinity along 6&50 as well as the surrounding rural farmland. The new containers also create quickly identifiable focal points on the large homogenous existing building signaling opportunities of entry to the tenant spaces within.
- Two 40' containers are utilized for this design. One is located at the building's north-west corner (32'-8" tall) with the other at the building's east elevation (26'-8" tall). Both are skewed off-axis to create contrast with the existing geometry while also addressing pedestrian traffic. Both have their tops cut at a slope to match that of the existing building roof giving them a visual connection to the existing geometry. A 6' long section of the 26'-8" tall vertical container's left-over length after modification will be used horizontally along the east elevation to create the entry for Tenant 103.
- All containers will require thorough exterior cleaning post installation, any voids sealed and the entire body primed and painted with a high-performance paint system. The interior of the containers will be framed with 3-5/8" metal studs and insulated with closed cell spray-foam insulation to an R-value of 21. The wall finish materials will be 5/8" gypsum wallboard (GWB).
- A steel 'C' channel framed canopy is integrated into the east container tenant entries to provide weather protection and satisfy the Fruita Land Use Code design standards. The canopy will most likely be constructed utilizing a 3" deep structural steel deck on the steel channels with sloped insulation and a single-ply roof membrane draining

towards a roof drain and pre finished metal downspout. Cedar tongue and groove boards will be the soffit finish material.

- The City of Fruita Land Use Code – 17.11.030 Design Standards require that 30% of building elevations facing a public way be covered by a canopy or awning. The current design has 22% of it's Mulberry St elevation covered by a canopy and 100% of it's north elevation covered by a canopy. The designed canopy sufficiently shields the new building entries from inclement weather and due to the secondary nature of the entries along the Mulberry elevation we believe this coverage is in keeping with the intent of the Land Use Code.

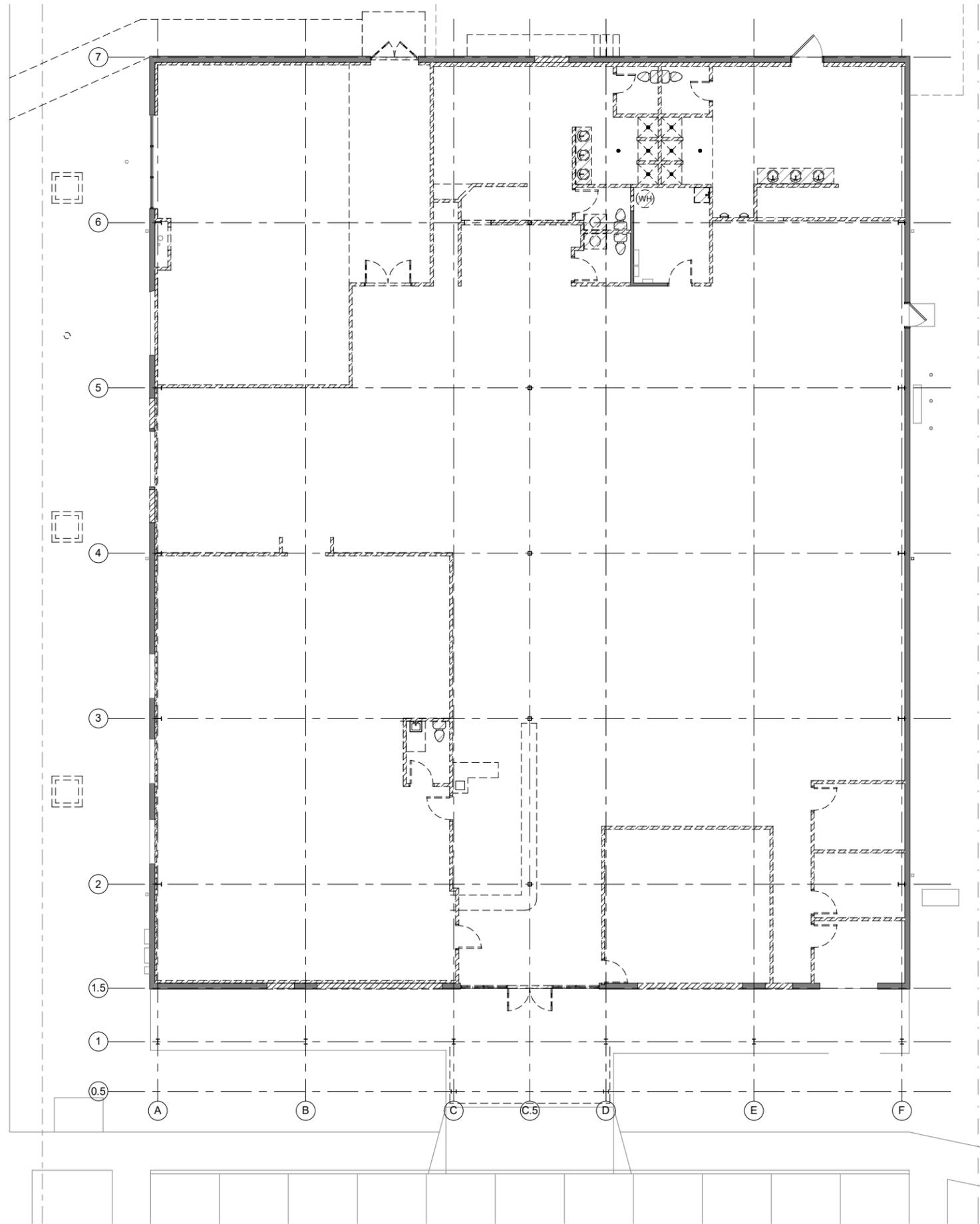
Site Lighting

Lighting Control

The site lighting is currently controlled through a time a time clock located in the mechanical/electrical room.

Lighting

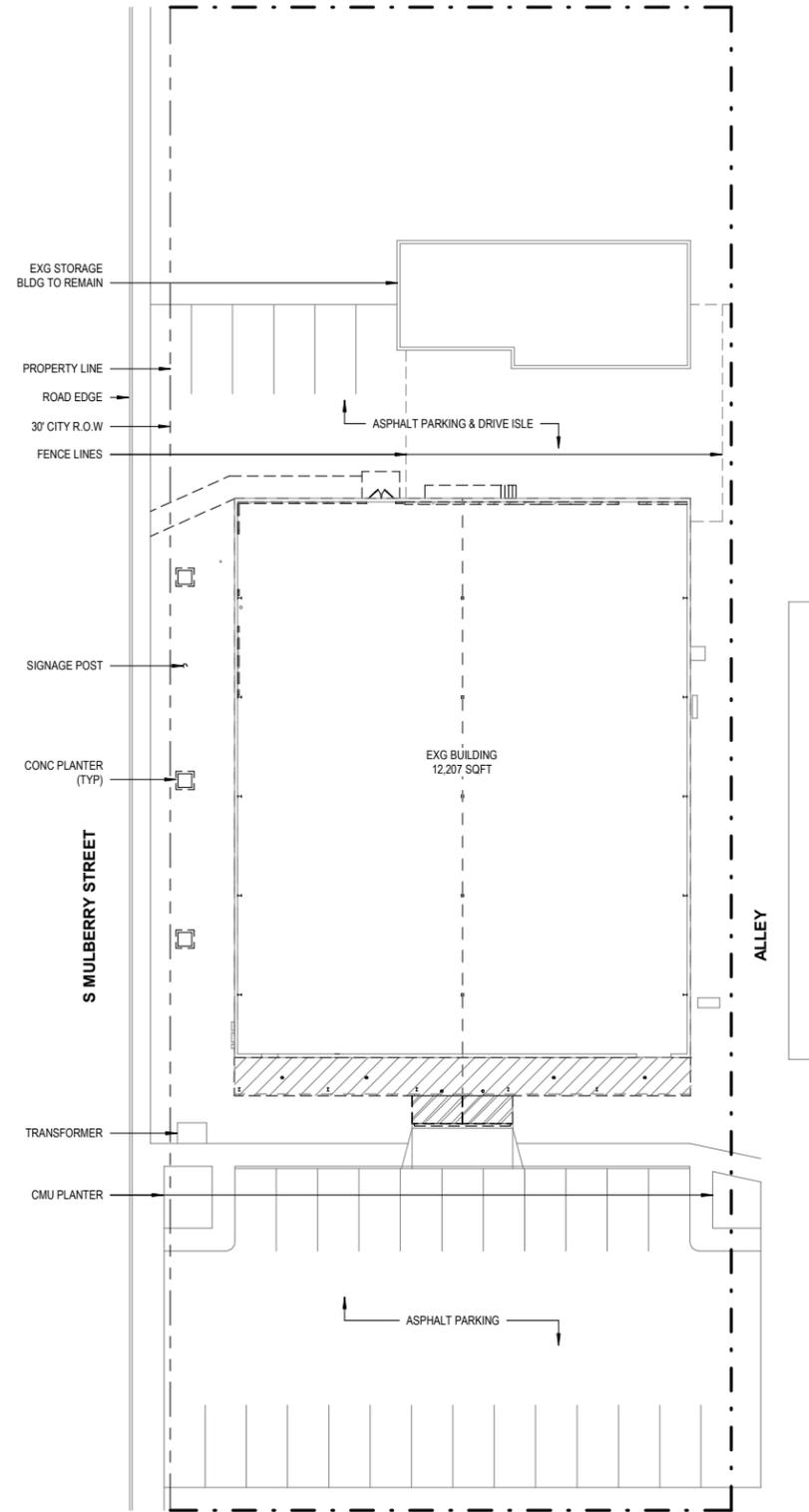
Outside of the building, down lights have been used in the canopy, and non-cutoff wall packs have been used for security lighting. We propose to replace security wall packs with code compliant L.E.D. cut-off fixtures. We propose to light the parking lot using cut-off L.E.D. wall packs with forward throw distributions mounted high on the north wall. A site lighting plan will be provided as design progresses.



2 MAIN FLOOR - DEMO PLAN
A100

LEGEND

	EXISTING WALL TO BE DEMOLISHED
	EXISTING ITEM TO BE DEMOLISHED
	EXISTING WALL TO REMAIN
	EXISTING ITEM TO REMAIN



1 DEMO SITE PLAN
A100



EXISTING EXTERIOR - NORTH



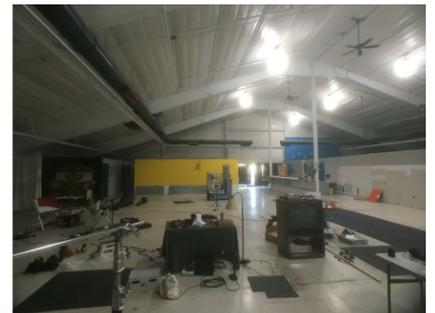
EXISTING EXTERIOR - EAST



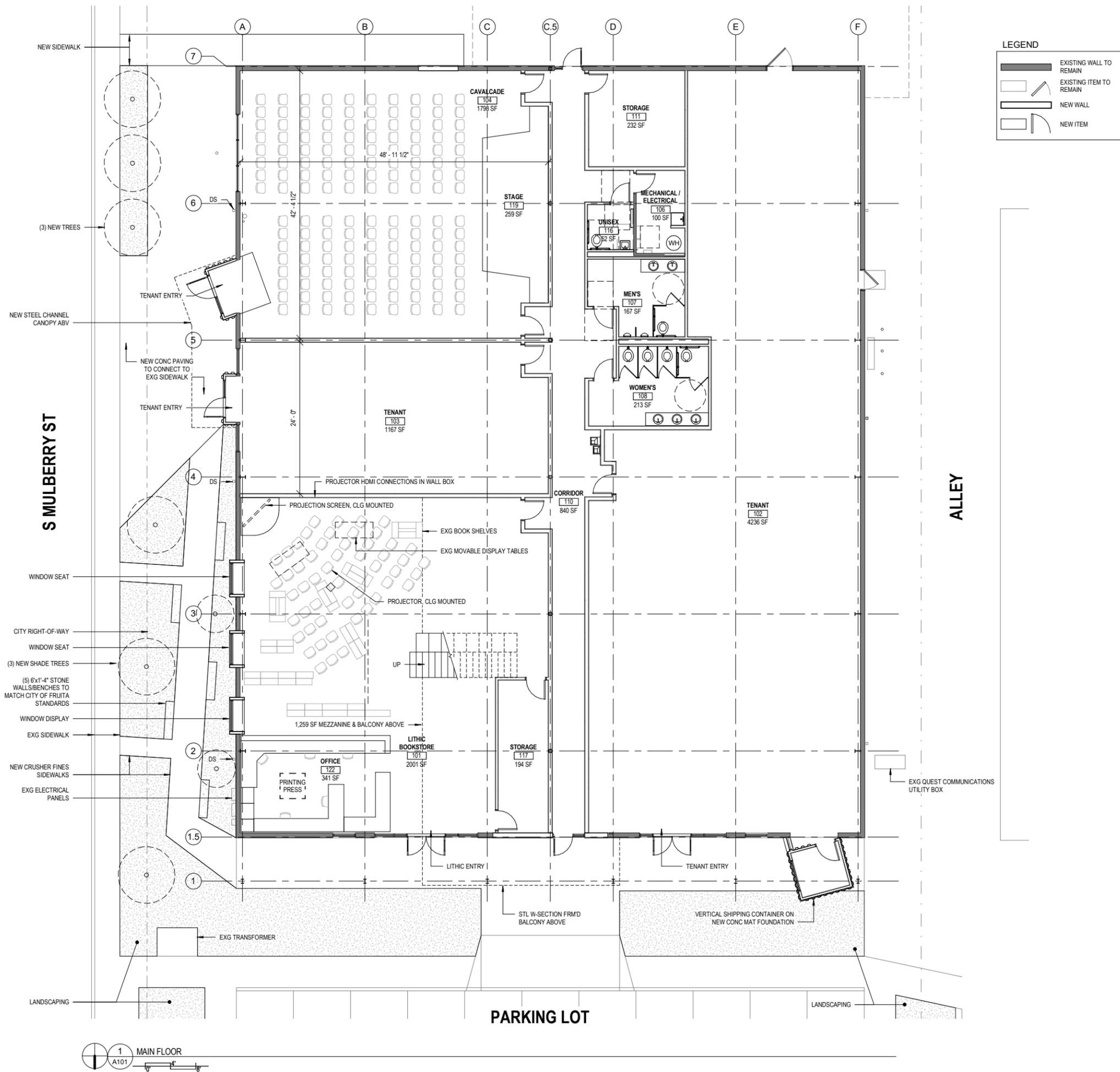
EXISTING EXTERIOR - SOUTH



EXISTING EXTERIOR - WEST



EXISTING INTERIOR



LANDSCAPE CONCEPT - PLAN & NORTH-EAST BIRD'S EYE



EXTERIOR PERSPECTIVE - NORTH-EAST BIRD'S EYE



EXTERIOR PERSPECTIVE - NORTH-EAST



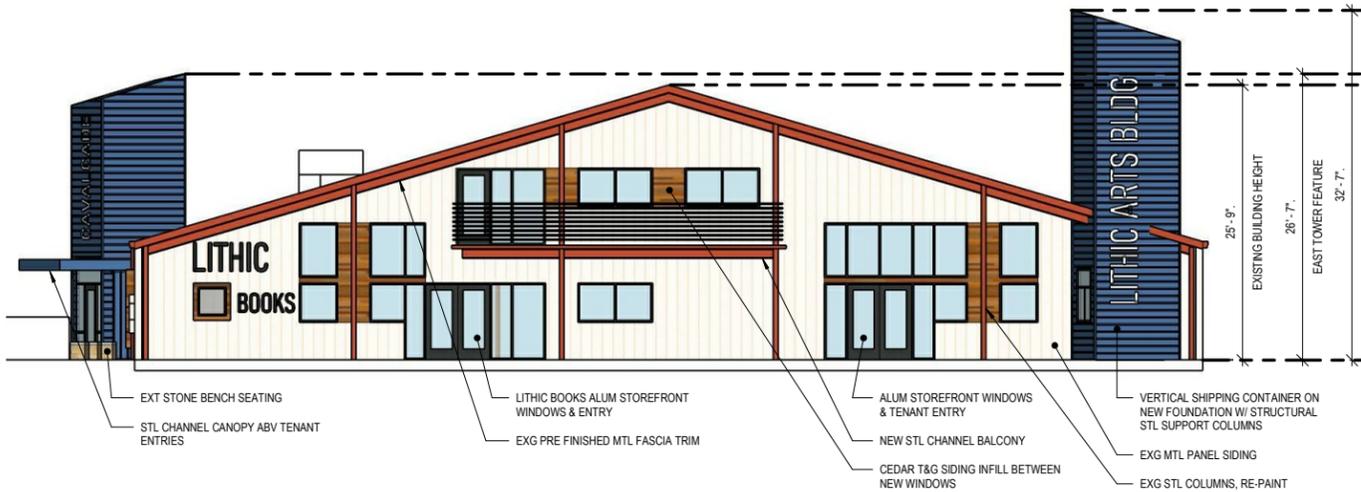
EXTERIOR PERSPECTIVE - NORTH-WEST



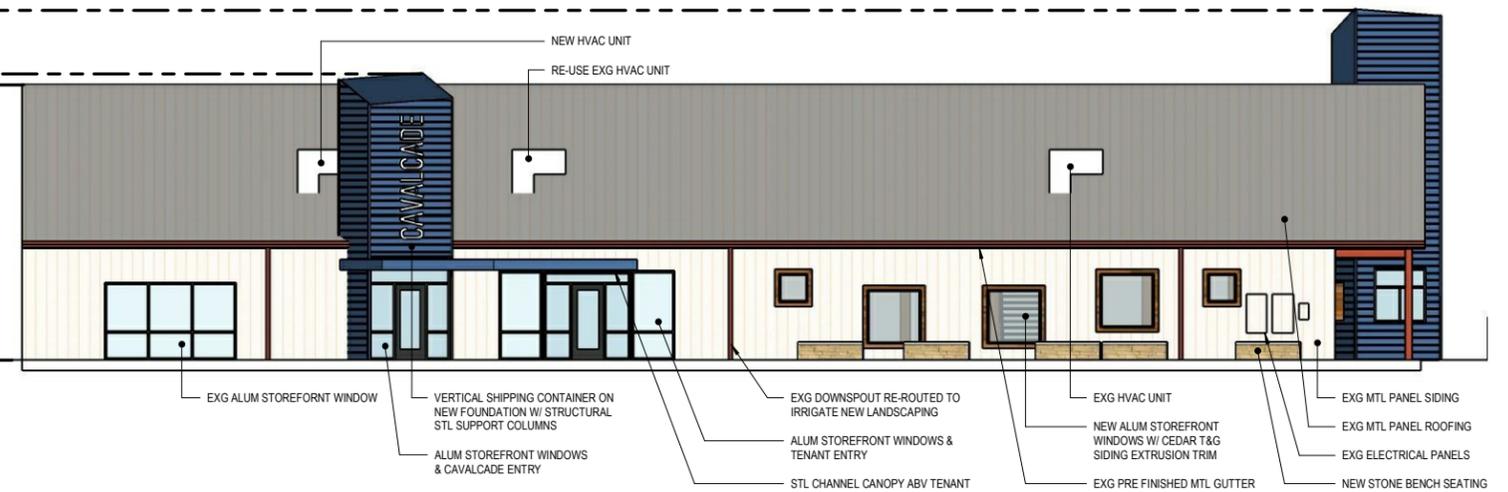
3 EXTERIOR PERSPECTIVE - NORTH
A102



4 EXTERIOR PERSPECTIVE - EAST
A102



1 NORTH ELEVATION
A102 NOT TO SCALE



2 EAST ELEVATION
A102 NOT TO SCALE



**Planning & Development Department
Staff Report
May 4, 2020**

Application #: 2020-07
Project Name: Cider Mill Estates
Application: Preliminary Plan
Representative: Land Consulting & Development, LLC
Location: 960 Stone Mountain Drive
Zone: Large Lot Residential (LLR)
Request: This is a request for approval of a Preliminary Plan application to subdivide approximately 13.25 acres of land into 37 single family detached residential lots.

PROJECT DESCRIPTION:

The subject property was part of the Henry Subdivision in 2006 and later became a potential site for an elementary school for Mesa County Valley School District. Since the recent decision of the school district to build an elementary school in a different location in Fruita, the subject property was sold by the school district.

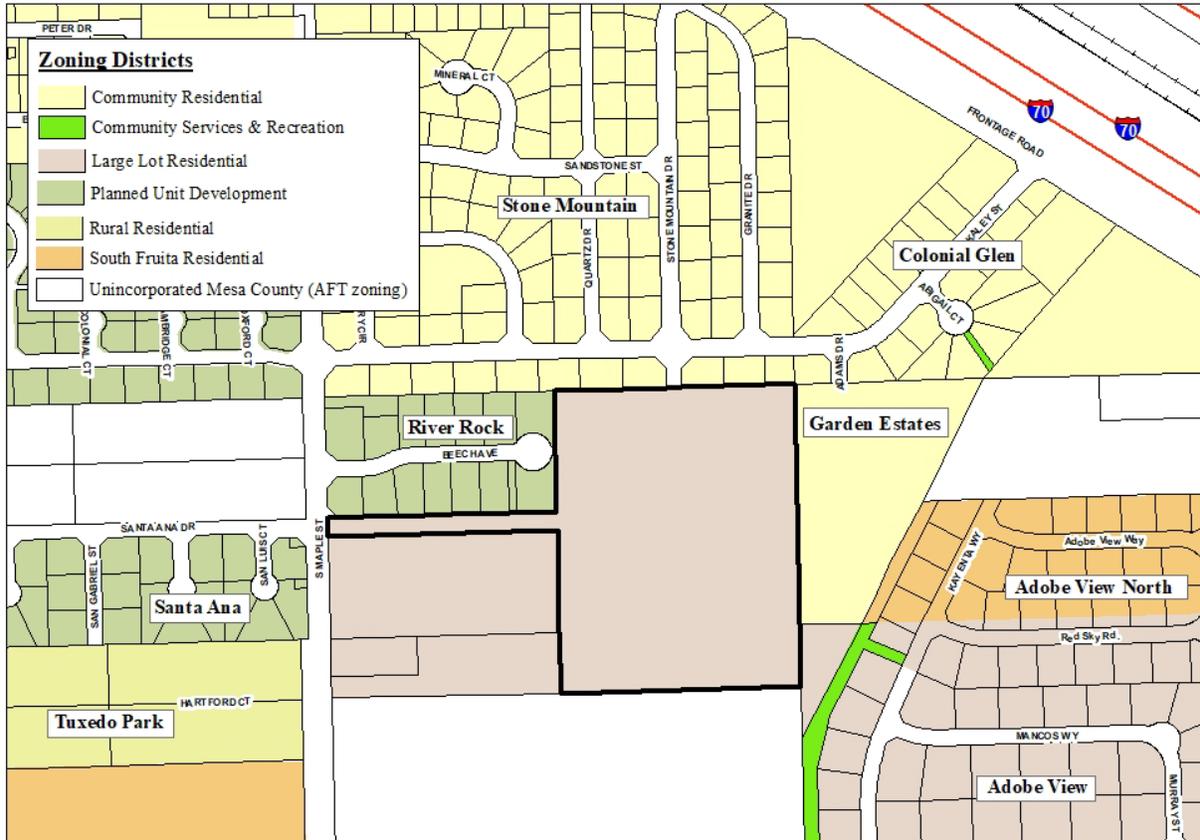
This is a request for approval of a Preliminary Plan application to subdivide approximately 13.25 acres of land into 37 single family detached residential lots in the Large Lot Residential (LLR) zone. The subject property is located south of the Stone Mountain Subdivision, southwest of the Colonial Glen Subdivision, west of the Garden Estates Subdivision, and east of the River Rock Subdivision. Lot sizes range between 10,000 - 12,500 square feet and access to the subdivision is proposed from Apple Lane (through the Garden Estates Subdivision) in the first filing and making a connection to Stone Mountain Drive in the second filing. The subdivision is also proposing 2 additional access points with a street sub to the south for a future connection and a street connection to South Maple Street (17 ½ Road) in the third filing. Filing 1 contains 13 lots, while filing 2 has 11 lots and filing 3 having the remaining 13 lots. This plan is proposing to utilize the irrigation vault and the stormwater and detention pond from the Garden Estates Subdivision.

SURROUNDING LAND USES AND ZONING:

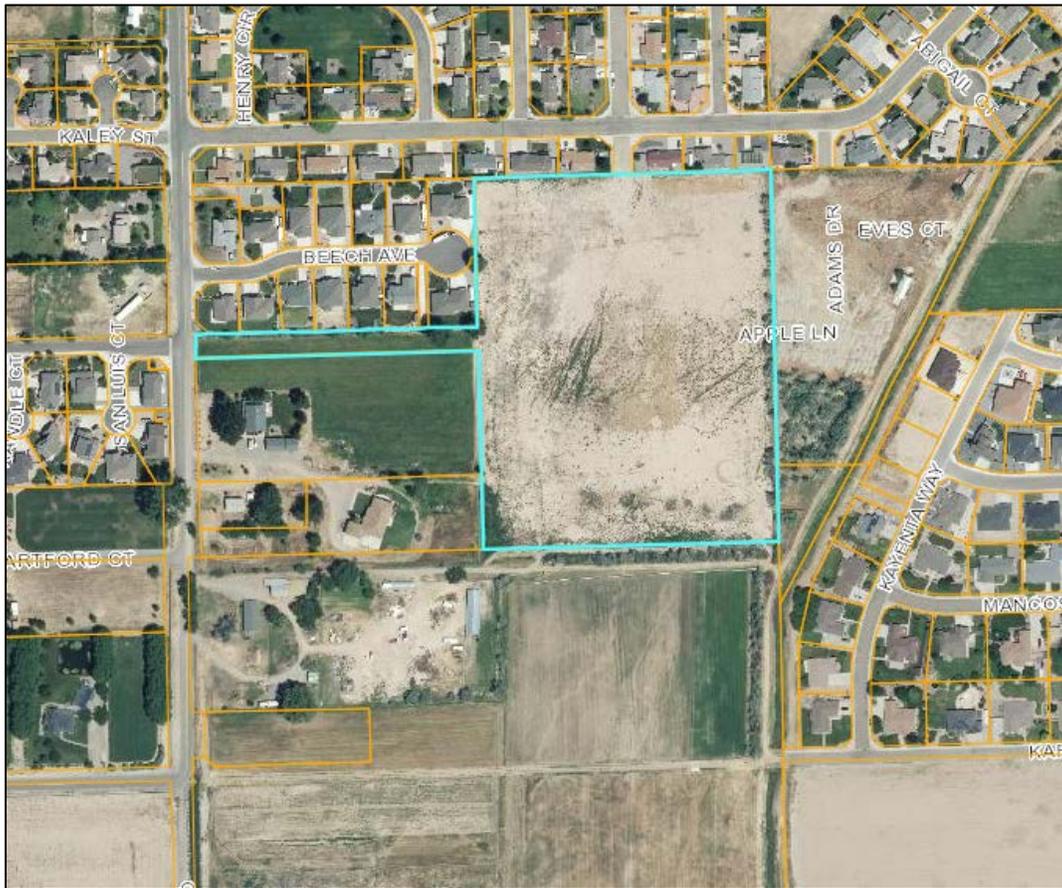
Surrounding the subject property are single family detached residential types of uses. The subject property is surrounded by a number of different zoning types consisting of Community Residential, Planned Unit Development, Large Lot Residential, South Fruita Residential, and

Unincorporated Mesa County (AFT). The Stone Mountain Subdivision is to the north and northwest, Colonial Glen to the northeast, Garden Estates to the east, and the River Rock Subdivision to the west.

2019 ZONING MAP



2019 AERIAL PHOTO



REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

PRELIMINARY PLAN

Section 17.15.070 (C) of the Land Use Code states that at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Preliminary Plan application according to the Sketch Plan criteria in Section 17.15.060(C) and also the following criteria:

1. Adequate resolution of all review comments; and

As discussed below, it appears that review comments can be adequately resolved without a significant redesign of the proposed development. This criterion can be met if all review comments are resolved with the Final Plat application.

2. Compliance with conditions of approval on the Sketch Plan, if any.

No Sketch Plan application was submitted or required for this proposed development. This criterion does not apply.

Section 17.15.060 (C) states, at a public hearing in accordance with Section 17.05.070, the Planning Commission shall evaluate the Sketch Plan application according to the following criteria:

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;

Conformance to the City of Fruita’s Master Plan:

The City of Fruita’s Master Plan, Fruita In Motion: Plan Like a Local, does support residential development in this area. The Future Land Use Map (FLUM) supports a South Fruita Residential 2-5 density in this area. Since the property is already zoned Large Lot Residential which carries a supported density of no more than 3 dwelling units per acre, there is no additional need for the property to be rezoned in order to meet the Master Plans supported density. Based on the submittal the approximate gross density of Cider Mill Estates is just under 3 dwelling units per acre.

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 has been within the city limits for a number of years and although not considered an infill development, it does appear to be supporting community connectivity and does not require an extension of the city limits. As recommended in the Planning & Development review comments, making the street connection to Stone Mountain Drive in the 1st filing will strengthen the support of this application with regards to efficient development. Similarly, this development is proposing to utilize the capacity and function of a stormwater/water quality detention pond and irrigation vault from the Garden Estates Subdivision currently under construction. Staff feels that these are areas where efficient development either has been proposed or can be achieved.

Connectivity is another Plan Theme within Fruita’s Master Plan. 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.” With some modifications to the proposed subdivision, the Cider Mill Estates subdivision can meet this Plan Theme. The modifications include but are not limited to, the incorporation of pedestrian trails and adequate resolution of the City’s comments with regards to street connectivity and safety. As long as the streets and trails are designed in a safe manner, this portion of the Master Plan can be met.

Conformance to Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations:

The property is zoned Large Lot Residential (LLR). The purpose of the LLR zone is to allow larger lot developments in the same areas as the Community Residential (CR) zone and other areas as appropriate. The LLR zone has a minimum lot size of 10,000 square feet and has a maximum density of 3 dwelling units per acre according to Section 17.07.060 (I) of the Land Use Code. This application is proposing lot sizes between 10,000 – 12,500 square feet with an overall gross density of just under 3 dwelling units per acre.

Although expressed in Staff's review comments it should be noted that Section 17.29.030 (B) states that public trails be required in all developments. Staff recommends the proposed subdivision be revised to meet this section of the Land Use Code.

With regards to the Stone Mountain Drive connection, Section 17.43.030 (C) of the Land Use Code states, "Residential streets should be designed to discourage fast movement of vehicular traffic and incorporate traffic calming measures where appropriate." Staff is recommending that modifications be made to this connection to avoid such a straight thoroughfare.

The applicant and property owner understand that irrigation shares must be provided and that the Land Use Code requires that 1 – 1.5 irrigation shares be provided per irrigated acre. It should be noted that the City of Fruita does not maintain private irrigation systems, however, it is important to the City of Fruita that irrigation systems have the necessary capacity and function to adequately serve those who utilize this irrigation service.

With some changes, the proposed development can be in conformance with the city's Master Plan, Land Use Code, and all other city policies and regulations based on the more technical responses as expressed in the Consolidated Review Comments included with the Staff Report.

Review comments from the City Engineer, Planning & Development Department, Xcel Energy, Ute Water, Colorado Department of Transportation (CDOT), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

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

Section 17.07.080 of the Code states that 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.

There does not appear to be any portion or element within this subdivision that would be considered as being incompatible with surrounding land uses. The subject property is surrounded by single family detached dwelling units within multiple subdivisions. This criterion has been met.

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.);

It appears that most required services and facilities are available to the subject property and the proposed subdivision. However, there are a few required services and facilities that have not been incorporated into the subdivision.

There was a traffic study conducted with the proposed subdivision which recommends improvements at the intersection of the Frontage Road and South Maple Street and at the intersection of Kaley Street and the Frontage Road. The details of the turn lanes were not submitted with this application. This intersection is within CDOT right-of-way and CDOT has reviewed this application and their comments are included with the Staff Report.

There is no area dedicated to public trails or open space. The applicant is aware that irrigation shares must consist of 1 – 1.5 shares of water per irrigated acre of land and that the development must incorporate public trails.

The subdivision is proposing to utilize the irrigation and detention facilities contained in the Garden Estates Subdivision. The project narrative states that, “documents will be created for the 2 HOA’s (Garden Estates and Cider Mills Estates) with specific details on how the maintenance, expenses and scheduling will be managed for the detention pond and irrigation system.” Although irrigation systems and detention ponds contained in subdivisions are owned and maintained by their respective Homeowners Associations (HOA’s), it’s important to the City of Fruita to make sure that the irrigation system is designed to meet the needs of those utilizing the facility and that the detention/stormwater pond is sized appropriately.

If all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application, this criterion can be met.

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

There doesn't appear to be any natural features that are in need of preservation within this subdivision.

Any stormwater management issues must be addressed and sedimentation, weed, and dust controls will be required as part of the construction process.

This criterion can be met.

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

Although some redesign will be required in order to meet the minimum requirements of the Land Use Code and other city regulations, it does not appear that resolving concerns necessarily leads to a significant redesign of the development that would require another Preliminary Plan review. It should be noted that if the subdivision were to be modified for the original proposal, Section 17.05.090 of the Land Use Code allows for the Community Development Director (Planning & Development Director) to determine whether or not the modifications or amendments to the development are minor or major. If the modification or amendment is considered major, the application will go back to Planning Commission and City Council. A major modification would be one that increases the number of lots or dwelling units or proposes modifications to any of the street standards or other public improvement requirements. Lot layout, a decrease in residential lots, or an increase in the amount of open space could constitute a minor amendment or deviation.

As mentioned before, review comments from the City Engineer, Planning & Development Department, Xcel Energy, Ute Water, Colorado Department of Transportation (CDOT), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

Based on this information, the approval criteria that must be considered for Preliminary Plan applications either have been met or can be met if all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application.



NOTICE OF VIRTUAL PUBLIC HEARING

Dear City of Fruita resident,

You had originally received a public notice postcard which invited you to an in-person Planning Commission public hearing scheduled for Tuesday, May 12, 2020 for the application item listed below. Due to public gathering limitations and to be respectful of the safety of the public health, this public hearing will be held VIRTUALLY.

If you have an interest on the item below, please call 858-0786 or if you have any comments you would like to enter into the public record, you are strongly encouraged to submit your comments in **writing** and mail them to the Planning & Development Department at 325 East Aspen Avenue or email them to kmclean@fruita.org prior to the meeting and your comments will be presented to the Planning Commission. Visit our website <https://www.fruita.org/pc/page/planning-commission-meeting-43> for more information on how to participate in this virtual meeting.

Application #: 2020-07
Application Name: Cider Mill Estates
Application Type: Preliminary Plan

We apologize for any inconvenience and we thank you for understanding. If you have any questions regarding this letter, please contact the Planning & Development Department at 970-858-0786.



Application Type: Preliminary Plan
Application Name: Cider Mill Estates
Application Number: 2020-07
Location: 960 Stone Mountain Drive
Zone: Large Lot Residential (LLR)

-
- Application submitted: 3/9/2020
 - Letter of acceptance: 3/19/2020
 - Application sent out for review: 3/27/2020
 - Legal Notice –
 - Paper – 4/24/2020; Postcards – 4/24/2020; Sign – 4/24/2020
 - Planning Commission: 5/12/2020
 - City Council: 6/2/2020
-

GENERAL:

1. Section 17.29.030 B states that public trails will be required to be provided in all developments to provide an adequate bicycle and pedestrian transportation system. There have been no areas designated to meet this requirement. This could be accomplished a number of ways, one of which could be south of Lots 24, 27, 32, 35 and north of Lots 23, 28, 31, 36.
 - a. Trail connections like this require a width of 16 feet with an 8 foot paved trail and at least 3 feet of clearance on both sides. Section 17.29.030 (B) (6 and 8). This area will need to be placed in a Tract which is dedicated and maintained by the HOA.
 - b. The 3 foot clearance on both sides must be landscaped.
2. Make the trail connection on the southeast corner of the subdivision where the Garden Estates trail makes the connection through Tract 101. See Garden Estates construction drawings for reference. Looks like it would be between Lots 13 and 14.
3. Is there going to be an agreement between the Garden Estates and Cider Mills HOAs for maintenance of the Detention Pond and Irrigation system? This will need to be recorded prior to the recording of the Plat.
4. Looks like the traffic study is showing off-site improvements being required.
 - a. Off-Site improvements will require a Development Improvements Agreement. You will need to submit all required exhibits. (Legal Description, Cost Estimates, and form of financial guarantee).
5. According to the project narrative and irrigation narrative, there doesn't appear to be any irrigation shares that you can locate for the subject property. As you understand, this information must be provided to Staff and adequate shares must be met.

6. How will irrigation water continue to be provided to all the properties in accordance with the agreement recorded at Reception #2072173? Looks like during the development/ construction of the Stone Mountain Estates this agreement was put in place to ensure that adjoining property owners would continue to received their irrigation water.
7. Where are the mailbox cluster locations?
8. Section 17.43.030 (C) states that “Residential streets should be designed to discourage fast movement of vehicular traffic and incorporate traffic calming measures where appropriate.”
 - a. Staff does not support the continuation of Stone Mountain Drive in the way it is proposed. Staff recommends the street be designed in a manner that discourages speeding.
9. The West Loop Drive and East Loop Drives aren’t acceptable street names. Since the subdivision is called Cider Mill, maybe pick something along those lines.
 - a. Gala and Honeycrisp have not been used.

CITY OF FRUITA

CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

PROJECT: Cider Mill Estates Preliminary Plan

Petitioner: Senergy Builders LLC (Darin Carei)
Vortex Engineering, Inc. (Robert Jones)
Kim Kerk Land Consulting & Dev. LLC (Kim Kerk)

Reviewer: Sam Atkins

Date: April 1, 2020

REVIEW TYPE: ___ Minor Subdivision ___ X Major Subdivision (Preliminary)
(Check One) ___ Lot Line Adjustment ___ Final Plat
 ___ Site Design Review ___ Conditional Use Permit
 ___ Other:

REVIEW COMMENTS

1. **General:** This application is for a new residential subdivision on 13.25 acres is located at 960 Stone Mountain Drive. The applicant is proposing 37 single-family residential lots ranging in size from 10,421 to 12,555 sf.

2. **Site Plan:**
 - a. Stone Mountain Drive was stubbed to this property as a residential collector (52' ROW, 36' Asphalt). This section should be continued to the first intersection before transitioning to the standard residential road section.
 - b. Santa Ana Drive should be a residential street section (41-ft from back of walk to back of walk) and should have curb gutter and sidewalk on both sides.
 - c. There is concern that the continuation of Stone Mountain Drive will create a speeding issue. Aligning the south stub to the Karp property at either of the looped extensions will help to offset the traffic extension of the road to the south.
 - d. The filing plan indicates that 13 new lots will connect to Garden Estates Subdivision through Apple Drive with no other connection. A secondary connection should be made and the easiest would be to Stone Mountain to the north during Filing 1.

3. **Utility Plan:**
 - a. In the final drawings, show the locations of street signs, street lights, mail delivery cluster units.
 - b. Call out the stationing of the sewer services in the final drawings.

4. **Grading and Drainage Plan/Report:**
 - a. There should be a connection to the sidewalk on Maple adjacent to 508 Beech Ave.
 - b. How do the grades work at the intersection of Maple St. and Santa Anna Drive? It would appear a vpan is required across the flowline to continue the flow to the south.
 - c. There is no roadside ditch that I am aware of for Maple St. south of Santa Anna Dr. Concentrated flows from the street should be directed into an inlet and connected to the

CITY OF FRUITA

CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

storm drain in Maple St.

- d. How are the lots with a v-pan in the rear a Type A Lot?
- e. If the east leg is the one that is the connection to the south, then you might be able to reconfigure the lots so that the storm drain will cross the eastern lots further south so that you can reconfigure the water, sewer and storm drains in that location. You can run from inlet to inlet without a manhole if you wish.

5. Paving Plan and Profiles:

- a. Provide elevations on the flowline as well as the centerline.
- b. With the proposed v-pans, there should be a Trough Drain located at street crossings.

6. Irrigation Plan/Report:

- a. There do not appear to be any isolation valves proposed on the system. With the lots in Garden Estates added to these lots (52 total lots plus common area), there should be a way to isolate sections of the lots so that the rest of the subdivision can utilize the irrigation system when a repair is needed.
- b. Irrigation sleeves are generally 2 pipe sizes larger than the carrier pipe. The 6-inch sleeve are only going to provide about 1/2" gap top and bottom to the bells on the 4-inch carrier pipe.
- c. If the systems are to be combined, why not pull services from the 4-inch line in the back of Garden Estates Lots 1-7
- d. Your volumes calculated are based on a total of 10.5 hours of watering per week per lot. Given that, a lot cannot water any more than 5,053 sf of area to provide 3-inches of water (10.5 hr x 60 min/hr x 15 gal/min / 7.48 gal/cf / 3 in x 12 in/ft = 5053.5 sf)
- e. Please confirm the number of shares that are being proposed as the Irrigation Management Plan Narrative from 2/18/20 is a document that says 18 shares of irrigation water is proposed, but a revised narrative on 4/23/20 indicates there are only 11 shares being proposed. In order to confirm the volume of the vault for storage, we need to know the shares being proposed.
- f. It appears you will run 2 pumps in series once Cider Mill Estates joins the Garden Estates irrigation system with an additional 2 pumps to supplement volume needs. With both pumps running, if only one house is watering at 15 gpm, the pressure could get to 151 psi as 15 gpm is approximately 175 ft of head on the LP3005 pump curve (which would be double in series). What provision will be in place to prevent high pressures that could damage the piped system when water demand is low?

RECOMMENDATION:

The Engineering and Public Works Departments recommend approval of this Preliminary Subdivision Plan upon satisfactory resolution of the above review comments.

***2020-07 Cider Mill Estates Preliminary Plan
Consolidated Review Comments***

CDOT

This development will require access permits for the three access locations Kaley St., Stone Mountain Dr. and Maple St. as well as a level 2 traffic study. The traffic engineer has submitted those applications and study to CDOT. They are currently on hold pending additional required information that was requested from the applicant. Let me know if you need any further information.

Grand Valley Drainage District

After reviewing the Drainage report and other documents the District has no objection to the two subdivisions sharing the detention facility in Garden Estates. The District is requiring a discharge license, (and that DL has been issued), for Garden Estates detention facility, so there will not be any requirement for a DL from Cider Mill. The discharge into Maple street will be by public right of way, and the District will therefore expect any changes to the existing storm drainage to be addressed by the City of Fruita as required.

Lower Valley Fire District

Review comments:

Cider Mill Estates Preliminary Plan 2020-07

K 4/10 road and 18 ½ road

1. The fire hydrants located in lots 22 and 25 may be deleted.
2. Install a fire hydrant between lots 31 and 32.

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

Mesa County Planning Department

Thank you for the opportunity to review this project, however, at this time I have no comments.

Mesa County Stormwater Division

Review Comments for 2020-07 Cider Mill Estates Preliminary Plan

1. Project is within stormwater urbanized area and is greater than 1 acre of disturbance; Mesa County Construction Stormwater Permit is required.

Go to <https://etrakit.mesacounty.us/etrakit3/> to start the application process.

2. Review Fee and Inspection Fee for Construction Stormwater Permit will need to be paid prior to permit being issued. Fees are assessed based off of project size.
3. Stormwater Management Plan and Site Map(s) need to be submitted to Mesa County Stormwater Division for review; comments will be provided back should changes be required.

Submit: Stormwater Management Plan, Site Map, and CDPHE Permit
to stormwater@mesacounty.us

Ute Water

See attached

MCVSD51

Thank you for the opportunity to have our voice heard regarding planning and development in the Fruita area. We at Mesa County Valley School District 51 have no issues or concerns regarding the Cider Mills Estates plan. As the former owner of this property we did not see it as a fit for a future school site. This subdivision will undoubtedly add students to our schools in the area but with the recent boundary changes the schools in that attendance area will be able to accommodate the additional students.



LAND DEVELOPMENT APPLICATION

Project Name: Cider Mill Estates
 Project Location: 960 Stone Mountain Drive, Fuita, CO 81521
 Current Zoning District: Community Residential Requested Zone: Same
 Tax Parcel Number(s): 2697-201-46-001 Number of Acres: 13.25
 Project Type: Large Lot Residential (*Preliminary Plan)

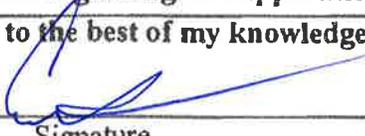
Property Owner: Curt Hansen Developer: Senergy Builders
 Property Owner: _____ Contact: Darin Carei
 Address: 2851 B 1/2 Rd Address: 218 28 Rd, Ste A-202
 City/State/Zip: Grand Junction, CO 81503 City/State/Zip: Grand Junction, CO 81501
 Phone: (970)644-2699 Fax: _____ Phone: 970-248-8500 Fax: _____
 E-mail: curth19@gmail.com E-mail: dcarei@senergybuilders.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: Kim Kerk Land Consulting & Dev, LLC Engineer: Vortex Engineering
 Contact: Kim Kerk Contact: Robert Jones II, PE
 Address: 529 25 1/2 Rd, Ste. B-108 Address: 2394 Patterson Rd, Ste 201
 City/State/Zip: Grand Junction, CO 81505 City/State/Zip: Grand Junction, CO 81505
 Phone: 970-640-6913 Fax: _____ Phone: 970-245-9051 Fax: _____
 E-mail: kimk355@outlook.com E-mail: rjones@vortexeng.us

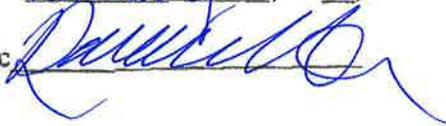
This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

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

<u>Curt Hansen</u>		<u>2/6/2020</u>
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
Name of Legal Owner		Date



STATE OF COLORADO)
) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 6th day of February, 2020
 My Commission expires: 10-01-2021 Notary Public 



**Project Narrative Preliminary Plan Application
Cider Mill Estates
960 Stone Mountain Drive, Fruita, CO**

March 2020

960 Stone Mountain Dr



Project Applicant: Kim Kerk Land Consulting & Dev.
Project Developer: Darin Carei, Senergy Builders

Project Narrative for Preliminary Plan Application

529 25 ½ Rd, Ste B-108, Grand Junction, CO 81505
Ph: 970-628-4711



**Cider Mill Estates
960 Stone Mountain Drive, Fruita, Colorado**

The subject property is located at 960 Stone Mountain Drive, south of I-70 and east of 17 ½ Road in Fruita, CO. The parcel number is 2697-201-46-001 with Large Lot Residential Zoning, (LLR). Fruita Monument High School and the Fruita 8-9 Middle School are located northeast of the site.

The proposal for this subdivision is to build 37 single family lots, ranging in size from 10,000 sq. ft. to 13,650+/- sq. ft. The applicant is requesting approval of the Preliminary Plan for Cider Mill Estates subdivision. The requirements for Section 17.07.060(f) are included in the design, density, lot size, and building setbacks.

Total site area is 13.25 acres, which yields a proposed density of 2.56 D.U. /acre. Zoning is Large Lot Residential (LLR), which allows for 10,000 sq. ft. minimum lot size and a maximum density of 3 D.U. for single family homes. Parking requirements are 3 per unit for single family homes. The developer will meet or exceed this parking requirement.

Detention Pond will be located east of Cider Mill Estates, on the southwest corner of the adjacent development of Garden Estates in an 11,853 sq. ft. tract, identified as Tract 101 in Garden Estates subdivision. The detention pond was designed and built during construction of Garden Estates subdivision with the intent to support both Garden Estates and Cider Mill Estates subdivisions. The irrigation vault will be a shared item between Cider Mill and Garden Estates as well. Documents will be created for the 2 HOA's with specific details as to how the maintenance, expenses and scheduling will be managed for the detention pond and irrigation system.

Other community services such as medical, library, recreational, (Dinosaur Journey Museum and James M. Robb - CO River State Park are less than a mile from the proposed Cider Mill Estates subdivision), retail sales and other services are available in Fruita. All utility providers have the capacity and willingness to provide services. All required services will be constructed to the design specifications and standards of the utility service provider. It is understood that 13 irrigation shares are needed for Cider Mill Estates. The developer is in the process of researching existing irrigation shares and will provide proof of 13 shares as an addition to this submittal.

Utilities Providers:

Electric and Gas: Xcel

Water: Ute

Wastewater: City of Fruita

Stormwater: Grand Valley Drainage District

In addition, an 8-foot-wide, 1090 Ft. long, gravel pedestrian trail on the east side of Garden Estates, adjacent to the Murray Drain, creates not only a pleasant option to the neighborhood but promotes connectivity and interaction between Cider Mill Estates, Garden Estates and Adobe View North subdivisions.



Natural features are not present on this particular parcel as it is a large vacant infill lot sandwiched between developed lots.

Per Huddleston-Berry Geotechnical Report: Soils data was obtained from the USDA Natural Resource Conservation Service Web Soil Survey. The data indicates that the soils at the site consist of Sagers silty clay loam, 0 to 2 percent slopes; Fruitland sandy clay loam, 0 to 2 percent slopes; and Turley clay loam, 0 to 2 percent slopes.

Access and Traffic Patterns

There are four access points to the Cider Mill subdivision. From the west, an alignment will be constructed with Santa Anna Dr. to 17 ½ Rd., there is connection from the north to Stone Mountain Dr. There is also a stub street Apple Ln. from Garden Estates on the east that will be connected to Cider Mill Estates. The 4th connection is a stub street that will be constructed to connect to the Karp property to the south. All internal street cross-sections will be consistent with City of Fruita standards and specifications.

Phasing Plan: This subdivision will be constructed in one filing.

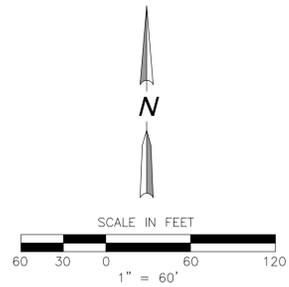
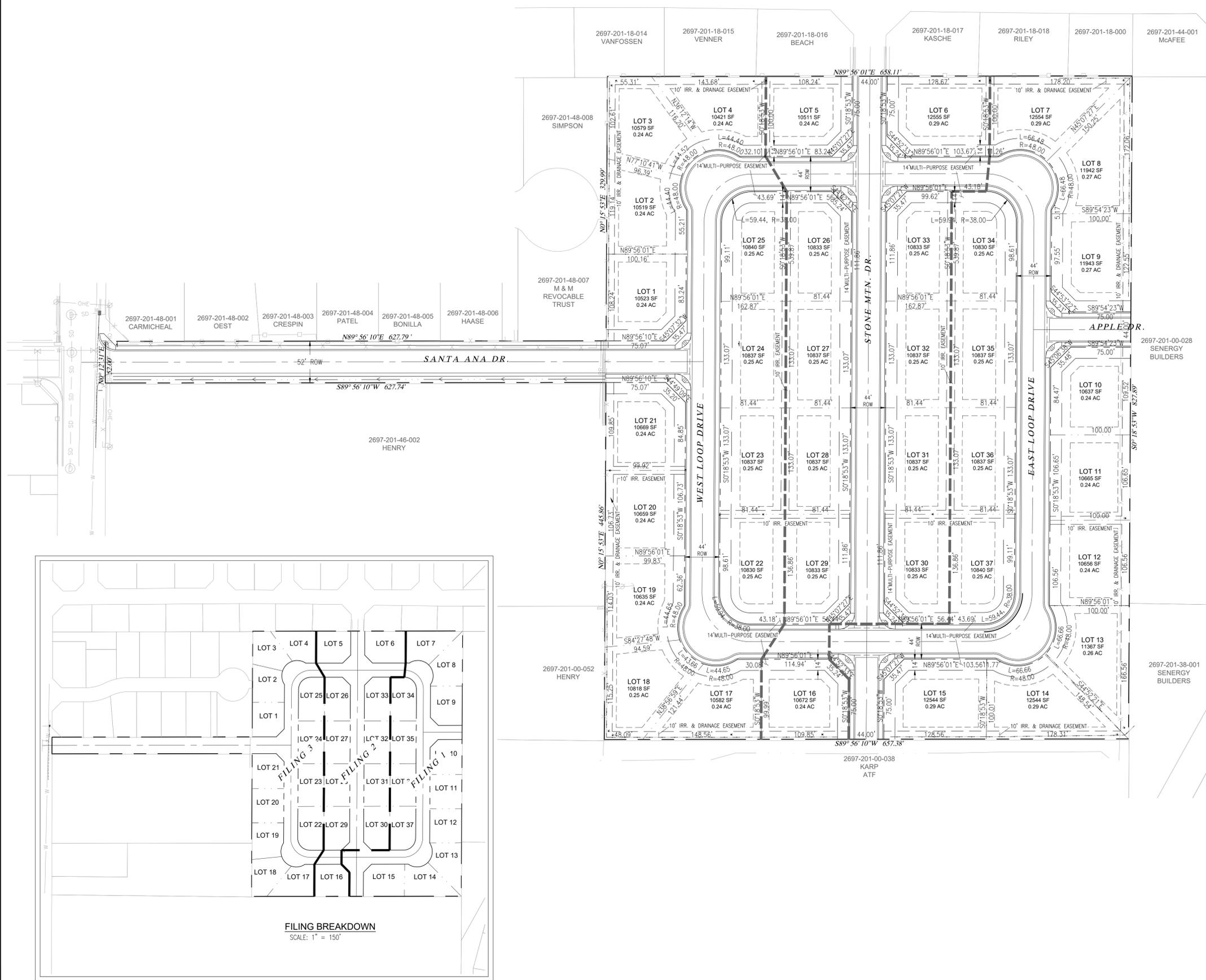
As well as implementing the Large Lot Residential zoning, the Preliminary and Final Plan will meet the following Guiding Principles of the Fruita Master Plan: 1. Discourages a sprawling land use pattern; 2. Promotes the infill of existing vacant parcels within the Urban Growth Area; 3. Promotes adequate residential densities to support existing and future commercial centers; and 4. Ensures adequate density for the efficient delivery of services.

REV.	DATE	COMMENT	BY

Site Plan
Cider Mill Estates
Preliminary Plat
960 Stone Mountain Drive
Fruita, CO 81521

PROJECT NO: F19-029
DATE: 10/10/19
SCALE: 1" = 60'
119-029 site.dwg

~SHEET~
C1.0



GENERAL NOTES

- ALL CONSTRUCTION TO CONFORM TO THE CURRENT CITY OF FRUITA DEPARTMENT OF PUBLIC WORKS AND PLANNING STANDARDS AND SPECIFICATIONS.
- CONTRACTOR MUST CONTACT CITY OF FRUITA TRAFFIC OPERATIONS SUPERVISOR PRIOR TO CONSTRUCTION OR PLACEMENT OF TRAFFIC CONTROL DEVICES/FEATURES (STRIPING, SIGNALS, MEDIANS, ETC.) FOR CONSTRUCTION IN THE RIGHT-OF-WAY ONLY.
- REFER TO THE GEOTECHNICAL INVESTIGATION BY Value, DATED Value FOR RECOMMENDATIONS REGARDING PAVEMENT, SLABS, FOUNDATIONS AND GROUNDWATER MITIGATION REQUIREMENTS.
- LIGHTING TO BE DESIGNED BY UTILITY PROVIDER. (XCEL)
- ALL SANITARY SEWER MANHOLES ARE 48" I.D. UNLESS NOTED OTHERWISE.
- FOR STREET SECTIONS SEE ROAD PLAN & PROFILE SHEETS.

UTILITY PROVIDERS INFORMATION		
UTILITY	PROVIDER	PHONE NUMBER
SANITARY SEWER	CITY OF GRAND JUNCTION	970-244-1554
DRAINAGE	GRAND VALLEY DRAINAGE DISTRICT	970-242-4343
DOMESTIC WATER	UTE WATER CONSERVANCY DISTRICT	970-242-7491
IRRIGATION	GRAND VALLEY IRRIGATION	970-242-2762
ELECTRICITY	XCEL ENERGY	800-895-4999
NATURAL GAS	XCEL ENERGY	800-895-4999
TELEPHONE	CENTURYLINK	800-603-6000
CABLE TELEVISION	SPECTRUM	833-780-1880

PROPOSED LAND USE TABLE				
USE	AREA	AC	% OF TOTAL	OWNER
SINGLE FAMILY LOTS (37 TOTAL)	440,006 S.F.	10.101	60.86%	PRIVATE
RIGHT-OF-WAY:	137,154 S.F.	3.149	14.23%	PUBLIC
TOTAL SITE AREA:	577,160 S.F.	13.248 AC		

PROJECT BENCHMARK
PROJECT BENCHMARK #1 IS A SURVEY MONUMENT LOCATED AT THE SE1/16 CORNER OF SECTION 4, T1S, R1W, ON F 1/4 ROAD. ELEVATION IS BASED ON THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. ELEVATION=4571.296
PROJECT BENCHMARK #2 IS A SURVEY MONUMENT LOCATED AT THE C-E1/16 CORNER OF SECTION 4, T1S, R1W. ELEVATION IS BASED ON THE MESA COUNTY SURVEY INFORMATION MANAGEMENT SYSTEM. ELEVATION=4580.794

ACCEPTED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE
ACCEPTANCE OF THESE PLANS DOES NOT RELIEVE THE DEVELOPER, CONTRACTOR, OR THE ENGINEER FROM CONFORMANCE WITH THE CITY OF FRUITA DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS MANUAL.

CITY OF FRUITA ENGINEERING DIVISION REPRESENTATIVE _____ DATE _____

FOR REVIEW - NOT FOR CONSTRUCTION

Kelli McLean

From: Richard D Haase <cardhaase@gmail.com>
Sent: Wednesday, May 6, 2020 4:22 PM
To: Kelli McLean
Subject: Privacy Fence

Follow Up Flag: Follow up
Flag Status: Flagged

I would like to have some information on the proposed new road (Santa Anna extension) into the Cider Mill Subdivision. Will a privacy fence be erected on the North side of the proposed road to shield current homes on the South side of Beech Avenue? Who will be responsible for the cost? Is it really necessary to have 4 entrances to handle 37 homes into the Cider Mill Subdivision?

What will be the square footage and price range be on the new homes in the Cider Mill Subdivision. I am concerned that the homes will be equal or better to current homes in the area to keep the property values up.

Richard D. Haase
640 Beech Road
Fruita, Colorado 81521
#2697-201-48-006

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.



**Planning & Development Department
Staff Report
May 4, 2020**

Application #: 2020-08
Project Name: Sycamore Street
Application Type: Vacation of Right-of-Way
Representative: Dane Griffin
Location: The eastern portion of North Sycamore Street, north of East Pabor Avenue and south of East Columbine Avenue.
Request: This is a request for approval of a right-of-way vacation. More specifically the eastern 8 feet of the portion of North Sycamore Street, north of East Pabor Avenue and south of East Columbine Avenue.

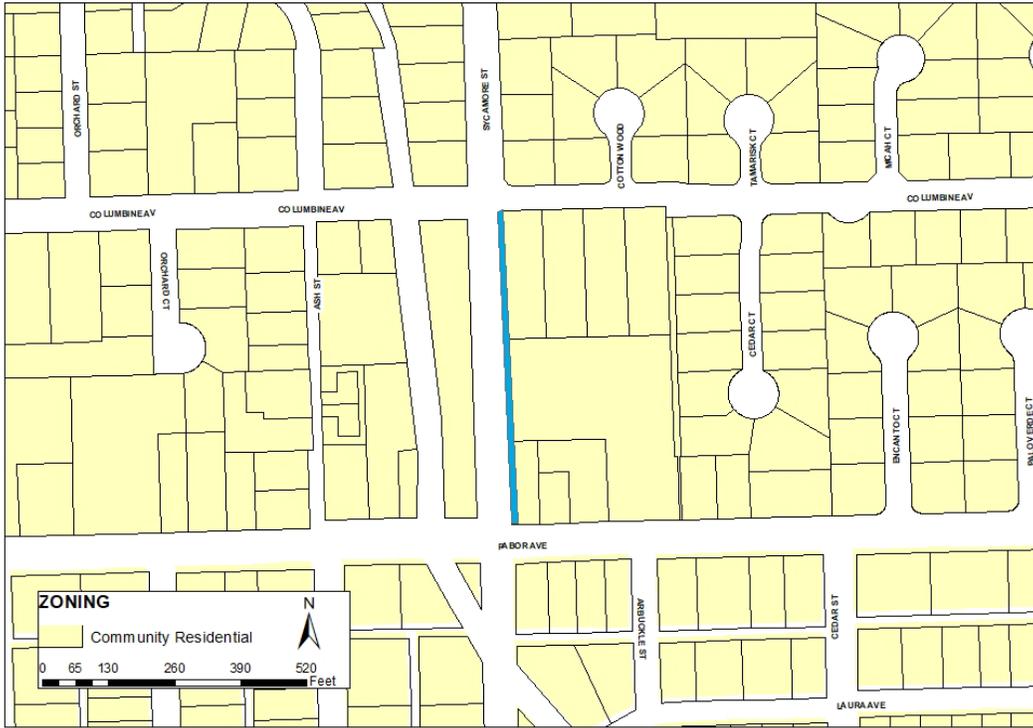
DESCRIPTION:

This is a request for approval of a vacation of right-of-way along the east side of the unimproved portion of North Sycamore Street. The request is to vacate the eastern 8 feet from East Pabor Avenue to East Columbine Avenue. The right-of-way is currently 60 feet in width and was created by the Fruita 1st Addition Plat in 1905 (reception #56174). Currently, this portion of North Sycamore Street has a temporary asphalt pedestrian trail connecting East Columbine Avenue to East Pabor Avenue. It should be noted that this section of right-of-way is designated as a local residential street which has 44 feet of right-of-way with 28 feet of asphalt with curb/gutter and sidewalk on both sides. Collector roads that have 60 feet of right-of-way would have 44 feet of asphalt with curb/gutter and sidewalks on both sides and typically function like North Pine Street or Aspen Avenue.

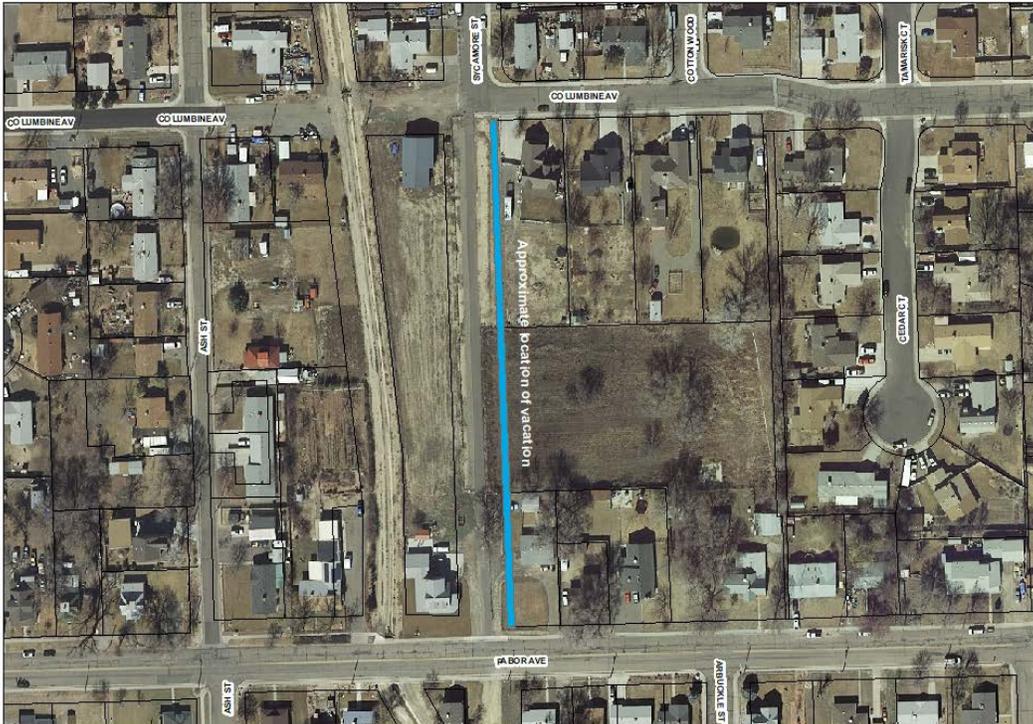
SURROUNDING LAND USES/ZONING AND CITY UTILITIES:

Surrounding land uses consist of single family residential and surrounding zoning consists of Community Residential (CR).

ZONING MAP



AERIAL PHOTO



CITY UTILITY MAP



REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

Section 17.13.080, Vacation of Public Right-of-Way, of the Land Use Code (2009, as amended) states that the City Council may approve the vacation of a public right-of-way, after recommendation by the Planning Commission, upon finding that the vacation will not:

1. Create any landlocked parcels;

This is not a complete vacation of the entire portion of right-of-way. The 8 foot portion of right-of-way currently does not provide primary access to any parcel of land, so no parcel of land will be landlocked if this right-of-way is vacated. The 3 properties east of this portion of Sycamore Street have access from either Columbine Avenue or Pabor Avenue. This criterion has been met.

2. Negatively impact adjacent properties;

The subject right-of-way should not negatively impact adjacent properties. There are utilities within the right-of-way, however, it doesn't appear that this vacation will impact those utilities. This criterion has been met.

3. Reduce the quality of public services to any parcel of land; and

Public services are provided by both the City of Fruita and outside agencies such as Ute Water, Excel Energy, and others. Based on review comments received by outside agencies, it does not appear that public services will be reduced with this application.

In order to maintain a certain level of appropriate public services, the city is requiring that the 8 feet of right-of-way be reserved as a multi-purpose easement. Multi-purpose easements are required along all street frontages for the purpose of city approved utilities and public providers. This easement will allow for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, sanitary wastewater lines, storm sewer, water lines, telephone and telecommunications lines, and also for landscaping, trees and grade structures. This criterion can be met.

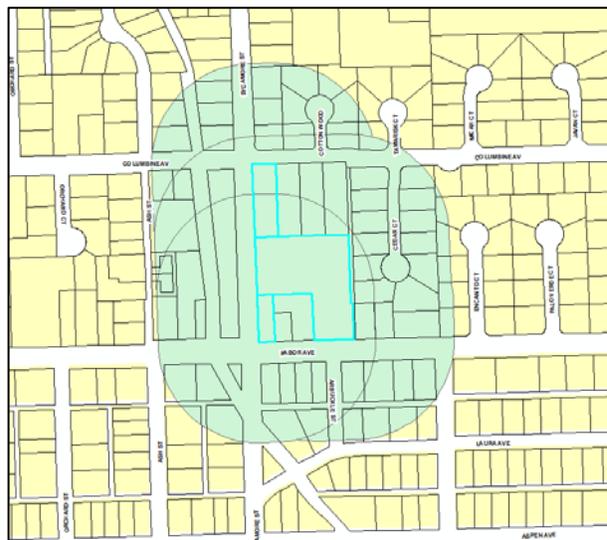
4. Be inconsistent with any transportation plan adopted by the city.

The subject right-of-way is not specifically shown on an adopted transportation Master Plan. It does not appear that there is a need to retain the current 60 feet. As long as there is up to 44 feet available, this street section will meet the local residential street standards. Based on this information, this criterion has been met.

Vacation of this right-of-way will not be in violation of any local or state law because it does not create any landlocked parcels, does not negatively affect adjacent properties, does not reduce quality of public services and does not violate the city's master plan.

LEGAL NOTICE:

	Y	N	DATE
Postcards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020
Paper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020
Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4/24/2020



The original legal notice postcards sent had invited the public to an in-person Planning Commission public hearing at the Civic Center. Due to the in-person restrictions related to

COVID-19, Staff sent revised notices explaining that the public hearing for Planning Commission would be held by virtual meeting. Attached with the Staff Report is the revised notice letter that was sent to the public on May 4, 2020.

REVIEW COMMENTS:

All review comments received are included with the Staff Report.

PUBLIC COMMENTS:

Staff has received written public comments on this item and are included with the Staff Report.

STAFF RECOMMENDATION:

Staff recommends approval of application 2020-08 with the condition that all review comments and issues identified in the Staff Report be adequately resolved prior to the recording of the Ordinance to vacate the right-of-way.

<u>FRUITA PLANNING COMMISSION:</u>	MAY 12, 2020
<u>FRUITA CITY COUNCIL:</u>	JUNE 2, 2020



NOTICE OF VIRTUAL PUBLIC HEARING

Dear City of Fruita resident,

You had originally received a public notice postcard which invited you to an in-person Planning Commission public hearing scheduled for Tuesday, May 12, 2020 for the application item listed below. Due to public gathering limitations and to be respectful of the safety of the public health, this public hearing will be held VIRTUALLY.

If you have an interest on the item below, please call 858-0786 or if you have any comments you would like to enter into the public record, you are strongly encouraged to submit your comments in **writing** and mail them to the Planning & Development Department at 325 East Aspen Avenue or email them to kmclean@fruita.org prior to the meeting and your comments will be presented to the Planning Commission. Visit our website <https://www.fruita.org/pc/page/planning-commission-meeting-43> for more information on how to participate in this virtual meeting.

Application #: 2020-08
Application Name: Sycamore Street
Application Type: Right-of-way Vacation

We apologize for any inconvenience and we thank you for understanding. If you have any questions regarding this letter, please contact the Planning & Development Department at 970-858-0786.

CITY OF FRUITA
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

PROJECT: N. Sycamore Street ROW Vacation

Petitioner: Pabor Serenity, LLC (Dane Griffin)
Austin Civil Group, Scott Sorensen, 970.242.7540
Polaris Surveying, Pat Click

Reviewer: Sam Atkins

Date: April 20, 2020

REVIEW TYPE: ___ Minor Subdivision ___ Major Subdivision - Preliminary Plan
(Check One) ___ Lot Line Adjustment ___ Final Plat
 ___ Site Design Review ___ Conditional Use Permit
 X Other: Right of Way Vacation

REVIEW COMMENTS

1. The legal description refers to the west right of way of Sycamore in three (3) locations but should be called out as the east right of way.
2. There should be a corner clip on both ends of the vacation. You are showing one a Pabor but not Columbine. Additionally, the geometry of the corner for the curb ramp should be configured to verify the corner clip is large enough to accommodate the ramp.
3. The 8-ft of vacation should then have a multipurpose easement overlaid on it for future utilities. An additional 6-ft will be required from 945 E. Pabor once the parcel is subdivided so that the standard 14-ft MPE is achieved.

***2020-08 Sycamore Street ROW Vacation
Consolidated Review Comments***

Lower Valley Fire District

Re: Review comments for Sycamore Street ROW -2020-08

No objection.

Ute Water

- No objection
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

**General Project Report
For
Right-of-Way Vacation
N Sycamore Street Between E Columbine Avenue & E Pabor Avenue
Application Submittal**

Project Description (Location, Acreage, Proposed Use):

The purpose of this submittal is to request right-of-way vacation along N Sycamore Street located between E Columbine Avenue and E Pabor Avenue in Fruita, Colorado. The location of the project site is depicted below:



General Project Report
For
Right-of-Way Vacation
N Sycamore Street Between E Columbine Avenue & E Parbor Avenue
Application Submittal

Guidelines for Right-of-Way Vacations

1. Describe the right-of-way to be vacated including what is located in the right-of-way at this time.
 - The portion of N Sycamore Street being vacated is located between E Columbine Avenue and E Pabor Avenue in Fruita, CO. Currently there is sixty (60) feet of road right-of-way in the project area in which the eastern eight (8) feet is being requested for vacation. Currently an asphalt drive lane/path, gravel private drive lane, City of Fruita 12-inch sanitary sewer main and Ute Water District 6-inch water main are located within the current N Sycamore Street right-of-way. In addition, field and yard fencing is located within the right-of-way.
2. How was the right-of-way originally created (plat, deed, proclamation, etc.)
 - N Sycamore Street right-of-way was created by First Addition to Fruita Plat with Reception #56174.
3. Why is the right-of-way not considered necessary now?
 - According to the Fruita Area Street Classifications and Traffic Control Plan N Sycamore Street in the project area is classified as a “residential” street classification. According to Table 4.7(A) “Street and Driveway Standards” in the City of Fruita Design Criteria and Construction Specifications Manual local / residential streets with a 0-1000 ADT shall be provided with (forty-four) 44 feet of road right-of-way. Therefore, the sixty (60) feet currently provided is in excess of what is required.
4. Will the vacation create any land-locked parcels? If so, describe how access will be provided without the right-of-way.
 - Right-of-Way vacation will not create any land-locked parcels. The vacation will only vacate the eastern eight (8) feet of the current N Sycamore Street right-of-way.
5. Will the vacation reduce the quality of public services to any parcel of land?
 - Vacation of the eastern eight (8) feet will not reduce the quality of public services to any parcel of land. The existing City of Fruita sanitary sewer main and Ute Water District water main will remain within right-of-way and continue to function as they did prior to the vacation.
6. Is the requested vacation consistent with transportation plans adopted by the City of Fruita?
 - Yes the requested vacation is consistent with the Fruita Area Street Classifications and Traffic Control Plan and the City of Fruita Design Criteria and Construction Specifications Manual.

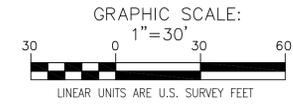
General Project Report
For
Right-of-Way Vacation
N Sycamore Street Between E Columbine Avenue & E Pabor Avenue
Application Submittal

7. Describe what adjacent properties will acquire the right-of-way to be vacated.
- 936 E Columbine Avenue (2697-171-27-004), 945 E Pabor Avenue (2697-171-27-008) and 909 E Pabor Avenue (2697-171-00-047) will acquire the vacated right-of-way.

In addition to the current sixty (60) feet of N Sycamore Street being in surplus of what is typically required for a residential street classification, the vacation of the eastern eight (8) feet and the future vacation of the ‘western’ eight (8) feet right-of-way provides much needed property to aid in “in-fill” development projects. Upon approval of the N Sycamore Street right-of-way vacation the property owners of 945 E Pabor anticipate submitting a Major Subdivision application to the City of Fruita for a 9-lot residential subdivision. Without the additional eight (8) feet the development of the 9-lot subdivision becomes limiting and hinders meeting certain City of Fruita Land Use zoning criteria. This is even more evident for 833 E Pabor which is a long ‘skinny’ parcel that could benefit greatly from an additional eight (8) feet of property.

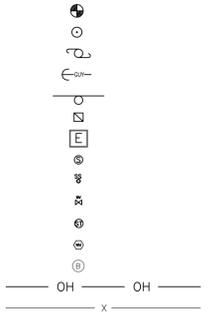
IMPROVEMENT SURVEY PLAT

SITUATED IN THE NE¼ NE¼ SECTION 17
TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN
AND BEING A PART OF RYAN'S MINOR SUBDIVISION
COUNTY OF MESA, STATE OF COLORADO



LEGEND:

- FOUND SURVEY MARKER AS DESCRIBED
- FOUND PROPERTY CORNER AS DESCRIBED
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING SIGN
- EXISTING UTILITY PEDESTAL
- EXISTING ELECTRIC TRANSFORMER
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING WATER VALVE
- EXISTING STORM MANHOLE
- EXISTING WATER METER
- EXISTING BOLLARD
- EXISTING OVERHEAD UTILITY LINE
- EXISTING FENCE LINE



NOTES

1. OWNERSHIP, RECORDED RIGHTS-OF-WAY, AND EASEMENT INFORMATION WAS DONE WITH A CURRENT TITLE POLICY BY HERITAGE TITLE COMPANY, POLICY NUMBER CO-FFAH-IMP-81306-1-20-H0584507.
2. BEARINGS ARE BASED ON THE EAST LINE OF NE¼ NE¼ SECTION 17, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN. THE VALUE USED S00°02'40"W, WAS CALCULATED USING THE MESA COUNTY LOCAL COORDINATE SYSTEM. MESA COUNTY SURVEY MARKERS WERE FOUND AT THE NORTH AND SOUTH ENDS OF SAID LINE AS SHOWN HEREON.
3. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
4. THIS IMPROVEMENT SURVEY IS BASED ON THE DEED AS RECORDED AT RECEPTION NUMBER 2910905, OF THE MESA COUNTY RECORDS.

SURVEYOR'S CERTIFICATION:

I, Patrick W. Click, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that this Plat represents a field survey completed by me and / or under my direct supervision. Both conform to the standards of practice, statutes and laws of the State of Colorado to the best of my knowledge and belief. This statement is not a guaranty or warranty, either expressed or implied.

COLORADO REGISTERED LAND SURVEYOR PLS #37904

LEGAL DESCRIPTION:

LOT 5 OF RYAN'S MINOR SUBDIVISION
AS RECORDED AT RECEPTION NO. 2910905
OF THE MESA COUNTY CLERK AND RECORDER'S OFFICE
COUNTY OF MESA, STATE OF COLORADO

Said parcel contains 2.01 ACRES.

IMPROVEMENT SURVEY PLAT

LOT 5 RYAN'S MINOR SUBDIVISION
SITUATED IN THE NE¼ NE¼ SECTION 17
TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN
COUNTY OF MESA, STATE OF COLORADO

DATE: 2/25/2020 JOB #: 2020-018 FIELD WORK: SL
DRAWING NAME: 945 East Pabor Avenue DRAWN BY: PC

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE. #B
GRAND JUNCTION, CO 81504
PHONE/FAX (970)434-7038

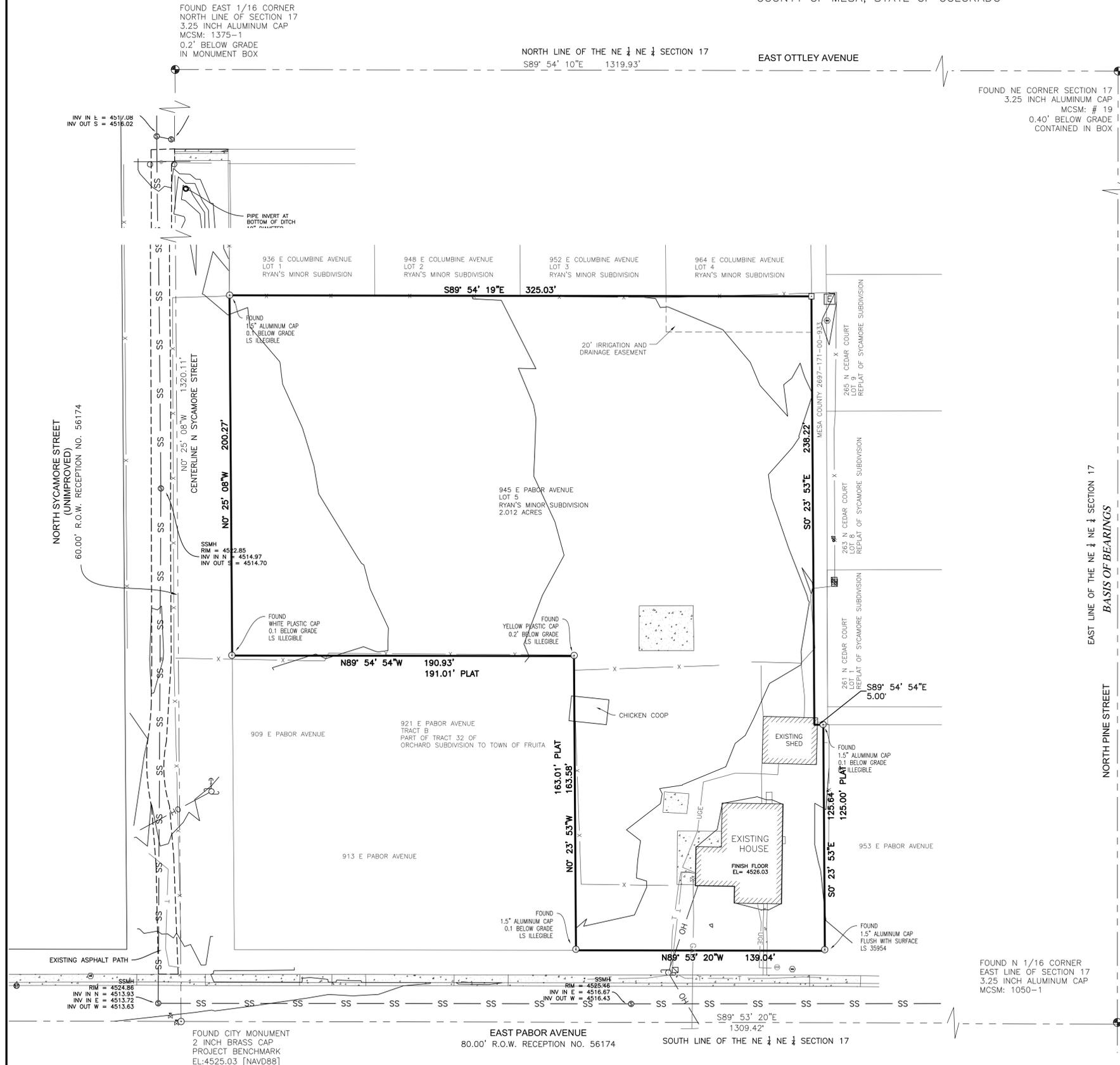


Exhibit A
Legal Description

A tract of land situate in the Northeast Quarter of the Northeast Quarter of Section 17, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado and being more particularly described as follows:

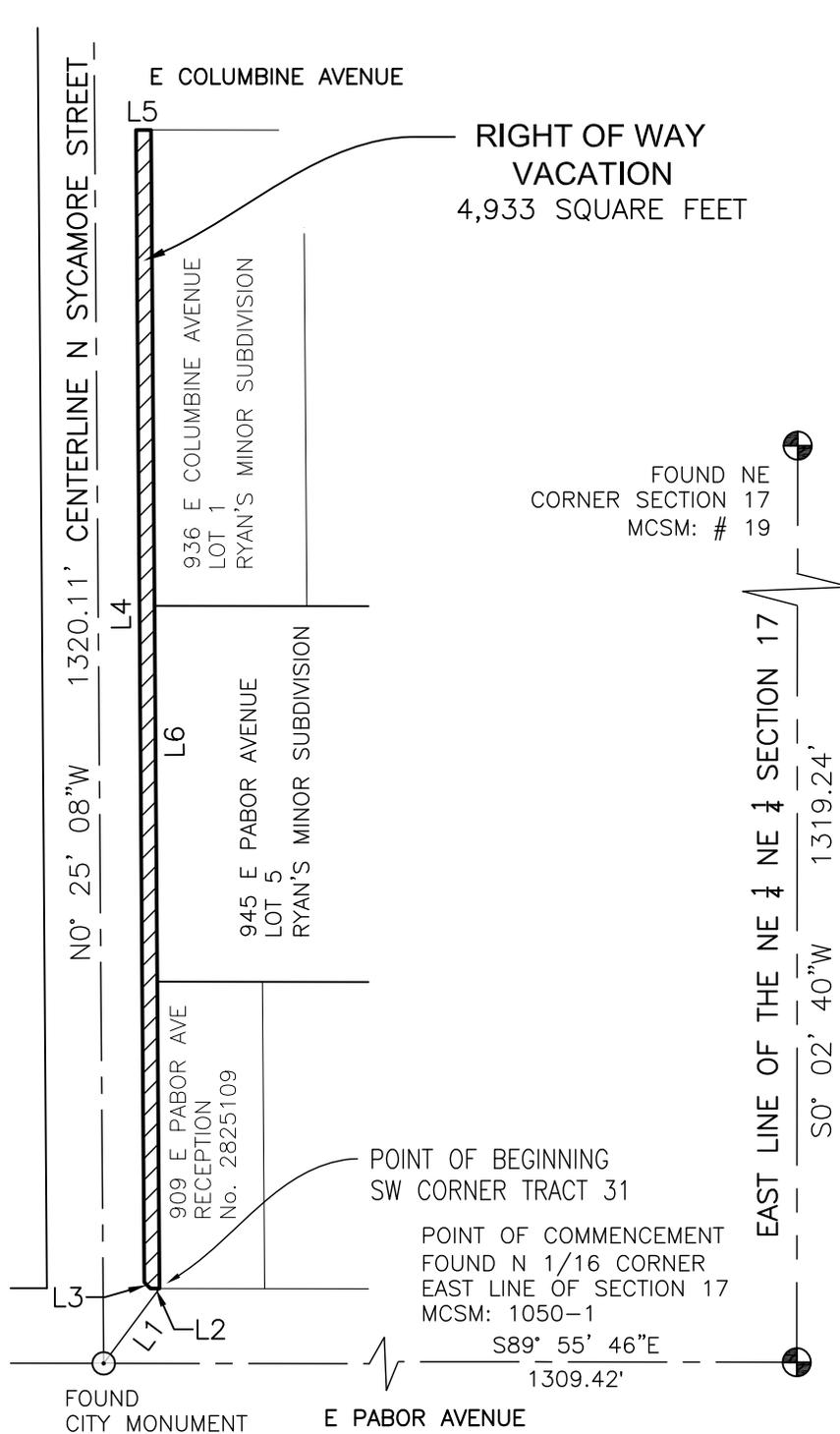
Commencing at the North 1/16 Corner on the East Line of said Section 17, from whence the Northeast Corner of said Section 17 bears N0°02'40"E a distance of 1319.24 feet for a Basis of Bearings, all bearings herein related thereto; thence N89°55'46"W a distance of 1309.42 feet to a City of Fruita Monument located at the centerline intersection of East Pabor Avenue and North Sycamore Street; thence N36°38'30"E a distance of 49.78 feet to the North Right of Way for East Pabor Avenue and the West Right of Way for North Sycamore Street and the Point of Beginning:

thence N89°53'20"W a distance of 4.81 feet;
thence N45°09'43"W a distance of 4.53 feet;
thence N00°25'08"W a distance of 614.11 feet;
thence S89°55'08"E a distance of 8.00 feet to the intersection of the South Right of Way for East Columbine Avenue and West Right of Way for North Sycamore Street;
thence S00°25'08"E along said West Right of Way a distance of 617.30 feet to the Point of Beginning

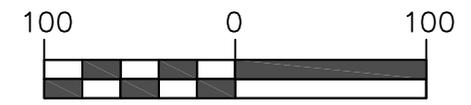
Said tract of land contains 4,933 square feet as described.

Legal description written by:
Patrick W. Click
Colorado licensed surveyor number 37904
3194 Mesa Ave #B
Grand Junction, CO 81504

EXHIBIT B



GRAPHIC SCALE:
1"=100'



LINEAR UNITS ARE U.S. SURVEY FEET

Line Table		
Line #	Direction	Length
L1	N36° 38' 30"E	49.78
L2	N89° 53' 20"W	4.81
L3	N45° 09' 43"W	4.53
L4	N00° 25' 08"W	614.11
L5	S89° 55' 08"E	8.00
L6	S00° 25' 08"E	617.30

LEGAL DESCRIPTION SKETCH

RIGHT OF WAY VACATION

N. SYCAMORE STREET

E PABOR AVENUE - E COLUMBINE AVENUE

POLARIS SURVEYING

PATRICK W. CLICK P.L.S.

3194 MESA AVE

GRAND JUNCTION, CO 81504

PHONE (970)434-7038

Kelli McLean

From: Tracey Garchar <tracey.garchar@gmail.com>
Sent: Wednesday, May 6, 2020 6:32 AM
To: Kelli McLean
Subject: Comment for Public Record - 2020-08

Please consider this our public record comment regarding the notice of virtual meeting being held on May 12th regarding the Right of Way Vacation for Sycamore Street due to the proposed development.

If we understand this correctly, because of the proposed development, the right of way for Sycamore Street between East Columbine Avenue and E Pabor Avenue will be VACATED. Currently, that section of undeveloped street is represented by a bike path that allows a very critical connection to the Little Salt Wash Sports Park.

My family, and hundreds of other adults, children, and families also use that path way to connect to a very important and critical piece of our communities resource to recreate.

I am not against the development of the area between Pabor, Sycamore, E Columbine and North Cedar Court, I do have a huge issue if that connective pathway does not remain.

All other developments in Fruita are very thoughtfully designed around safe physical mobility and connectivity. There should be no exception for this project.

Per Attached: The red line represents the current pathway that should remain. Blue circle simply denotes the red line.

thank you,
Tracey and Angela Garchar
260 N Cedar Court
Fruita, CO 81521

--

Tracey Garchar
970-250-8044

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Kelli McLean

From: stu janz <stewj53@yahoo.com>
Sent: Thursday, May 7, 2020 6:34 AM
To: Kelli McLean
Subject: Re: 2020-08 Sycamore Street ROW Vacation

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Kelli

Thank you for passing my concerns on this matter to Henry. I had a nice discussion about this, but as any other person that has time to think; I have come up with a few more concerns

Is there a reason or purpose that this vacation request is only for 8' on the east side, but his request for vacation is to bring the street width down to 44'. Shouldn't this request be for both sides be done at the same time so-as to conclude this reassignment of Street and Driveway Standards is met.

In my conversation with Henry (on the phone) the other day, one concern was the alignment of the 300 block and the vacation request area of Scyamore Street (200 block) If in fact alignment of this were to be an interest, the aerial print included with this request shows that the 44' would align better completely from the East to the West rather than half and half.

thank you Stew

On Monday, May 4, 2020, 08:03:45 AM MDT, stu janz <stewj53@yahoo.com> wrote:

I'm starting to have concerns myself about this entire request though.

His request states there is water and sewer in this so-called (Right-of-way) Actually Sycamore Street but as I know there is also a main gas line that runs through as well. Wouldn't the best decision be to complete the street as a city street. I don't understand the request except that giving the 8' would give the petitioner the the extra footage so he can put units on his present land-locked parcel.

As for the impression that giving 8' of property on the West would improve 833 E. Pabor's property is speculation of error. I personally would like to see the proper street installed and maintained instead of just the way the city presently works this area.

As in the final statement of this right-of-way vacation request where-as the petitioner wants to use me to better make his request appear. I am sorry but the presentation of me needing it also is very wrong. My parcel is 100' wide and the extra 8' is not of any benefit or desire unless it's a street.

In my opinion this proposal needs to be further researched, I have been trying to find out what is meant by there is water in this STREET and I have checked with Ute Water and have come to the conclusion that it's not service water but designated storm sewer markings.

N. Sycamore Street has been a street on all city maps since plot books have been written. It's never been a right-of-way to my knowledge

Kelli; I would really like to sit down with you and discuss this. My door is open and the front porch is comfortable.

thanks for your time

Stew

On Thursday, April 30, 2020, 01:32:12 PM MDT, Kelli McLean <kmclean@fruita.org> wrote:

You are most welcome Stu. Please pass this information along to your neighbors that were also inquiring about this project.

KELLI McLEAN

PLANNING TECHNICIAN

CITY OF FRUITA

970-858-0786



From: stu janzen <stewj53@yahoo.com>
Sent: Thursday, April 30, 2020 1:21 PM
To: Kelli McLean <kmclean@fruita.org>
Subject: RE: 2020-08 Sycamore Street ROW Vacation

Thank you Kelli. I received your email and I learned how to say thank you Thank you

Sent from [Mail](#) for Windows 10

From: [Kelli McLean](#)
Sent: Thursday, April 30, 2020 12:30 PM
To: [stewj53@yahoo.com](#)
Subject: 2020-08 Sycamore Street ROW Vacation

Hello Stew,

Here is a direct link to the project you inquired about. My email address is kmclean@fruita.org. Please email any comments you have to me before Friday May 8 so that I can include them in the Planning Commissioners Packets.

<https://www.fruita.org/cd/page/2020-08-sycamore-street-row-vacation>

If you want to mail in comments, please mail them to:

City of Fruita

Kelli McLean

325 E. Aspen Avenue

Fruita, CO 81521

KELLI MCLEAN

PLANNING TECHNICIAN

CITY OF FRUITA

970-858-0786



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