

**A. CALL TO ORDER**

Seven Planning Commissioners were in attendance. (Jessica Hearn, Jesse Fabula, Mel Mulder, Derek Biddle, Josh McGuire, Patrick Hummel, and Michael Handley were present.)

**B. PLEDGE OF ALLEGIANCE**

Commissioner Biddle led the Pledge of Allegiance.

**C. AMENDMENTS TO THE AGENDA**

None

**D. APPROVAL OF THE AGENDA**

COMMISSIONER FABULA MOVED TO APPROVE THE AGENDA

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 7-0

**E. WITHDRAWN ITEMS**

None

**F. CONTINUED ITEMS**

None

**G. CONSENT ITEMS**

APPROVAL OF MINUTES

October 10, 2023, Planning Commission meeting

COMMISSIONER HANDLEY MOVED TO APPROVE THE MINUTES

COMMISSIONER HUMMEL SECONDED THE MOTION

MOTION PASSED 6-0 (COMMISSIONER FABULA ABSTAINED FROM THE VOTE AS HE WAS NOT PRESENT AT THE LAST MEETING)

**H. HEARING ITEMS**

Application #: 2023-33  
Application Name: 1873 K Road  
Application Type: Annexation  
Applicant: Hays Development LLC  
Location: 1873 K Road  
Current Zone: Mesa County Zoning AFT  
Description: This is a request to annex approximately 14.5 acres into the city limits.

Mr. Henry Hemphill, City Planner, gave the Staff presentation. He explained that the 1873 K Road annexation and rezone would be presented together but each application would need to be discussed and voted on separately.

Slide 1 – Introduction – 1873 K Road Annexation

Slide 2 – Application Details

Slide 3 – Legal Notice

Images of the postcards and 350’ buffer zone

Slide 4 – Legal Notice

Dates and photo of Site Posting

- Post Cards:
  - November 22, 2023
- Sign Posting:
  - November 22, 2023
- Newspaper:
  - November 24, 2023

Slide 5 – Zoning Map and Aerial View

Slide 6 – Future Land Use Map

Slide 7 – Review Criteria

- Section 17.17.050 (A)
- 9 criteria to consider.
  - Must meet the requirements of State Statutes -1/6<sup>th</sup> contiguity.
  - Must be within the UGB.
  - Can be served with police and other municipal services.
  - The area meets or can meet the existing infrastructure standards set forth by the City.

Slide 8 – Review Comments & Public Comments

- **REVIEW COMMENTS:**
- No reviewer expressed concerns with this annexation.
- **PUBLIC COMMENTS:**
- No written public comments have been received by Staff at this time.

Slide 9 – Suggested Motion – Pg. 29

- Mr. Chair, I move that we recommend **approval** to City Council, of application #2023-33, the annexation of 1873 K Road with the condition that there will be dedication of a 14-ft multipurpose easement adjacent to the right of way, additional right-of-way dedication along Ottley Avenue, and a prepared legal description of Ottley Avenue adjacent to the subject property.

Slide 10 – Next Steps

- City Council on January 16, 2024
  - If approved the annexation will be effective 30 days after the Ordinance is adopted

Slide 11 – Introduction – 1873 K Road Rezone

Slide 12 – Legal Notice  
Images of the Post Cards and 350' Buffer Zone

Slide 13 – Legal Notice

Dates and Site Posting

- Post Cards:
  - November 22, 2023
- Sign Posting:
  - November 22, 2023
- Newspaper:
  - November 24, 2023

Slide 14 – Zoning Map and Aerial View

Slide 15 – Future Land Use Map

Slide 16 – Review Criteria

- Section 17.09.070
- 5 Criteria in total to consider
  - Zoning Compatibility with surrounding land uses.
  - Consistent with the Master Plan.
  - Is incidental to an annexation application.

Slide 17 – Review Comments & Public Comments

- **REVIEW COMMENTS:**
  - No reviewer expressed concerns with the zone request.
- **PUBLIC COMMENTS:**
  - No written public comments have been received by Staff at this time.

Slide 18 – Suggested Motion – Pg. 53

- Mr. Chair, I move we recommend **approval** of Application 2023-34, 1873 K Road Rezone, zoning the property to Community Residential to the Fruita City Council.

Mr. Hemphill concluded his presentation.

Mr. Dane Griffin, Griffin Design and Construction, spoke on behalf of the current and future owner of 1873 K Road. He stated that it meets or can meet the criteria for annexation and rezone. He said that he appreciated their consideration.

Commissioner Biddle opened the meeting to public comment. There were none. He closed public comment and opened the meeting to Commissioner discussion.

Commissioner Hummel said that the annexation seemed to be a good fit as per the Land Use Code. He talked about the 1/6<sup>th</sup> contiguity and that the property could be serviced by utilities, police department, and fire department. He thanked Staff for the report. It made it clear to him that it was a simple application.

Commissioner Hearn asked if there was a change to the code? Are annexations and rezones required to have a public meeting?

Mr. Hemphill responded that annexations and zoning were required to have a public hearing. If a subdivision were to happen once the annexation has been finished that is an administrative process currently with a call-up option to the council.

Commissioner Hearn asked if there was a public meeting?

Mr. Hemphill asked if she meant a neighborhood meeting.

Commissioner Hearn said yes.

Mr. Hemphill stated that it was an optional choice. He said that the contiguity was so close with the urbanized development to the north it made sense to have the neighborhood meeting as a public hearing.

Commissioner Hearn thanked him.

Commissioner Biddle said it was a clean application and presentation.

COMMISSIONER HEARNS MOVED THAT THEY RECOMMEND APPROVAL TO THE CITY COUNCIL THE APPLICATION 2023-33 1873 K ROAD ANNEXATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT ADEQUATELY ADDRESS OR INCLUDED WITH THE ANNEXATION ORDINANCE

COMMISSIONER HUMMEL SECONDED THE MOTION

MOTION PASSED 7-0

Application #: 2023-34  
Application Name: 1873 K Road  
Application Type: Rezone

Location: 1873 K Road  
 Applicant: Hays Development LLC  
 Current Zone: Mesa County Zoning AFT  
 Description: This is a request to rezone approximately 14.5 acres from Mesa County Zoning AFT to Community Residential (CR).

Mr. Henry Hemphill gave the Staff presentation with the previous application.

Commissioner Biddle opened the meeting to public comment for application 2023-34 1873 K Road Rezone. There were no public comments. He closed public comment and opened to Commissioner discussion.

Commissioner Biddle stated that it was a very clean application.

COMMISSIONER FABULA MOVED TO APPROVE THE REZONE REQUEST FOR COMMUNITY RESIDENTIAL WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 7-0

Application #: 2023-31  
 Project Name: Wildcat Residences  
 Application: Site Design Review  
 Representative: Wildcat Acquisition LLC  
 Zone: PUD – Commercial/Residential  
 Location: 1807 Wildcat Avenue  
 Description: This is a request for approval of a Site Design Review of two (2) twenty (20) unit apartment buildings and five (5) 5-unit row home apartment buildings for a total of 65 units on approximately 3.7 acres.

Mr. Henry Hemphill gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – PUD Process

- **Concept Plan (optional step) - 17.19.030 (A)**
- This step is optional.
- The Planning Commission and City Council both review the application in a workshop setting.
- Decisions and discussions are non-binding.
  
- **Preliminary PUD Plan - 17.19.030 (B)**
- This step is required.
- The Planning Commission will make its recommendation to the City Council.

- As part of the Preliminary PUD Plan, the City Council shall enact an ordinance zoning the property to PUD.
- \*No zoning ordinance needed; property already zoned.
- **Final PUD Plan – 17.19.030 (C)**
- This step is required after the Preliminary PUD Plan.
- This application is reviewed administratively in accordance with review agencies and City Councils’ decision on the Preliminary PUD Plan.

Slide 3 – Planned Unit Developments

- “The purpose of this Chapter is to encourage flexibility and innovation in developments in exchange for a community benefit that could not otherwise be realized through the strict adherence to the Code.”
  - Section 17.19.010

Slide 4 – Application Information

Slide 5 – Aerial View

Slide 6 – Zoning and Businesses nearby

Slide 7 – History

- Preliminary Development Plan approved in 2007 with the Legacy PUD Subdivision.
  - Included zoning.
  - Vacant since.
- Commercial & Residential uses allowed.
- Focus on neighborhood commercial areas.

Slide 8 – Development Plan

- 2, 20-unit buildings.
- 5, 5-unit row home buildings.
- Access from Blair Street (stub) and Wildcat Avenue.

Slide 9 – Renderings

Slide 10 – Code Requirements

**Planned Unit Developments**

- Section 17.19.030 (A)(1) (a-d)
- Comprehensive Plan
- Flexibility
- Surrounding character

\*Property already zoned

**Site Design Review**

- Section 17.09
- Comprehensive Plan

- Design Standards – Section 17.13
- Compatibility
- Ability to resolve recommendations from reviewers.

Slide 11 – Parking

- The proposed application is required to have 92 total parking spaces per Section 17.37.030. The project is proposing a total of 143 total parking spaces.

Slide 12 – Code Requirements

- Review agency comments can be adequately resolved.
- No major concerns from:
  - Ute Water
  - Lower Valley Fire Department
  - Grand Valley Power (GVP)
  - City Engineer

Slide 13 – Review Comments & Public Comments

- **REVIEW COMMENTS:**
- All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.
- **PUBLIC COMMENTS:**
- Public comments received on 12/12/23. Provided to the Planning Commission and applicant.

Slide 14 – Staff Recommendation

- Because the application meets the requirements of a Planned Unit Development Site Design Review, Staff recommends **approval** of the proposed Wildcat Residences Site Design Review with the condition that the application adequately resolve outstanding review agency concerns with the Final PUD application and/or approval of a Building Permit.

Slide 15 – Suggested Motion – Pg. 69

- Mr. Chair, because the application meets or can meet all applicable approval criteria for a Site Design Review, I move to recommend **approval** to the Fruita City Council with the condition that the applicant adequately resolve outstanding review agency concerns with the Final PUD application and/or approval of a Building Permit.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him and invited the applicant to speak.

Mr. Mark Austin, Austin Civil Group, went up to speak. He stated that they were there tonight to request their approval to proceed with the Wildcat Residence project located at the northeast

corner of Wildcat Avenue and South Pine Street. He complimented Mr. Hemphill on his presentation. He presented a PowerPoint. He introduced his design team, the owners Mackenzie Flanders, their architects from Zaga Architect, and Sandy and Becky with Zaga and their traffic engineering consultant Skip Hudson with Turnkey Consultants.

He showed the site plan that demonstrated how they were proposing to develop the project site. He stated that they had 65 units on the site, 2 apartment buildings with 20 units and the outside edge of the project were lined with row homes. He said it was a townhome looking product, they have garages on the back side and up along the street frontage which is one of the new urbanism principles that this PUD is encouraging. There are some small storage units that they are looking to provide for the residents. They will completely relandscape all the detention and open space areas that abut the residential properties. He added that they were providing 143 parking spaces throughout the project site. This consists of 73 surface parking places, 50 parking spaces within garages, and 20 parking spaces out front. He thought that they had done a good job of making sure all the parking can happen within the project and it doesn't spill out into the adjacent neighborhoods. They are proposing their access location off Wildcat Avenue on the eastern portion of the project site where traffic can come in and circulate and park. They also have access of off Legacy Way that aligns with Blair. There is two access points which helps meet their requirements for the Fire Department as well. All utilities needed to serve this project are on or adjacent to the project site. He mentioned the detention facility that was constructed as part of the original Legacy subdivision PUD. He said that this assumed the full development on this parcel. He said that they don't have to expand the detention facility for this project, but there are newer State requirements for water quality treatment that has kicked in and will require them to modify the detention facility to provide water quality treatment and as part of this they will be relandscaping and providing a new irrigation system. He said that the detention area is roughly around .3 acres in size. He spoke about traffic and said that they knew it would be of concern. They hired Turnkey Consultants to look at this area of concern. They prepared a traffic study that has been submitted and reviewed by both the City and CDOT. The analysis indicated that all of their intersections perform as designed, there are no modifications to adjacent streets or lights or any intersection improvements that are required. He felt that they did a good job of addressing both the circulation and keeping their access locations away from existing intersections to reduce congestion. He called Becky and Sandy up to discuss the colored renderings.

Sandy Thompson with Zaga Design went up to speak. She stated that the goal architecturally of the project was to develop something that integrated but also promoted some of the new urbanism principles. They have a mix of two- and three-story buildings and tried to create individuality within each unit by creating planes that pushed and pulled and using a palette similar to the materials in the neighborhoods that surround the project. She showed what the row homes looked like. They were trying to create housing for the missing middle which is something that is needed. To be able to provide two different types of products on this property with the row home mix that has an attached garage and apartment complexes that are two stories and are flats providing a mix of which a majority are bedrooms but a couple of two-bedroom options as well. She showed another look at the apartments. Basically, two buildings with a connector piece creating a lot of outdoor spaces and an option for different income levels.



Mr. Austin wrapped it up stating that they were there to answer any questions.

Commissioner Biddle opened the meeting to public comment.

Mr. Don Ami, who lives at 1183 Shady Lane in the Legacy Subdivision went up to speak. He said that this project was going to directly impact his quality of life. He thought that as it is proposed it is a disaster. He said it was high density housing in an area that should never have high density housing. He added that this was one of the primary reasons they chose Fruita in the first place. He said that they have been here a year and a half, moved from a Chicago suburb which was all high density, they liked the open spaces, they liked the fact that there were many multi-unit apartment buildings in the area. When they bought the house the sign on the land said that it was zoned for commercial, they thought at some point that they would either put a strip mall or a restaurant there. They never dreamed that would be putting high density multi apartment buildings there. He added that the Legacy Subdivision as it currently stands is single family homes, they have one of those, and a couple of townhouses that are right on the border with Pine Street. He felt that this is all that should be in this one. Single family homes, townhouses so that it integrated seamlessly with its immediate neighbor. He said that if they were going to put that many people in this subdivision, he would at least ask that the entrance off Blair have an electrically operated gate with a code for first responders. They are going to make that entrance to their subdivision unusable. There are going to be too many people there. He said if it was just the row houses, he wouldn't have an objection to it but those apartment buildings pour a lot of people in there that shouldn't be.

Commissioner Biddle thanked him.

Mrs. Kris Sudrovech Ami, who lives at 1183 Shady Lane went up to speak. Her biggest concern was traffic. She said that the subdivision is right across the street from the high school. She said that she didn't know if any of them had been around the high school at their starting or ending times but there is a ton of traffic going in and off 18 Road. She said that she could see how the entrance onto 18 Road right now off Legacy is already busy at those times. She is really concerned. She knew that the gentleman said that there was a traffic report about this, she wanted to see a little bit more information about that. She added that 18 Road itself as they have been living there has gotten busier great north/south access in the village but there aren't too many other ones like that. She wanted them to consider the traffic considerations of adding 143 parking spaces in a small area. She echoed what Don said and that it is not consistent with the neighborhood as far as looks. Their neighborhood is single-family homes, this is not single-family homes. She wanted them to consider this before approving something like this.

Commissioner Biddle thanked her.

Ms. Lori Strate, who lives at 1154 Legacy Way went up to speak. She said that she agreed with Kris and Don that the traffic is a huge concern. There are a lot of students driving in there that pull out right in front of you and adding more cars was a real concern to her. She thought the design of it is attractive and it goes with the neighborhood, she is concerned about the density and population there.

Commissioner Biddle thanked her. He closed the meeting to public comment as there was no one else. He opened the meeting to Commissioner discussion.

Commissioner Handley stated that he was sympathetic to the residents that made comment. He said that he has lived the situation where they moved from. He bought a house in a single family detached neighborhood and then projects and zoning were changed to the point that multiple large apartment complexes moved in. It does have an impact on property values in the neighborhood. He thought that this was one consideration is this was going to impact property values of the existing properties and having lived this experience himself he was also concerned about the traffic load at Pine and Wildcat. They have all the traffic from the middle school moving now to what is now the 8/9 school. They have substantial development along J Road and if you think about the overall traffic flow that they are looking at in the next few years on J and at that intersection at rush hour and school start hours the concern is the traffic load. He asked if the existing intersection is configured to handle that overall load increase in the coming years as this development is completed, all the other developments are completed along J Road.

Commissioner Hearn said that she didn't quite understand the garages. She said it states it is on the first floor of the three-story row houses, but on Wildcat or do they enter all the way through the house?

Mr. Austin responded that the row homes are configured along Wildcat and South Pine Street and the garages are on the opposite side of those, so they don't face the street frontage, they are on the back side.

Commissioner Hearn clarified that she would drive into the parking lot where her storage units are and then get into my garage through the street they are creating.

Mr. Austin said that they were coming in off the access off Wildcat and would then turn left or right and then he showed her on the screen where it was on the site plan.

Commissioner Hearn thanked him.

Commissioner Hummel wanted clarification from the traffic engineer. He asked if he saw any concern with traffic loads? He asked if he could summarize.

Mr. Skip Hudson answered. He stated that he understood that traffic could be confusing. He appreciated everyone's comments related to concerns about traffic safety, especially around a high school. He had a couple of points that he wanted to make. He said that this would be considered a low traffic generating project. It is lower than what was originally proposed as part of Legacy PUD. He said he had the list, and it was a lot of residential and commercial restaurant much like the citizen said. Commercial would have generated a lot more traffic. He commented that it was the first time he had been at a hearing where someone was unobjecting to a commercial but not residential. What he means by low traffic generating project, the number of parking spaces does not equal the amount of traffic. Those are different calculations. The project trip generation would be around 50 vehicles an hour and that is in the morning and afternoon. It is about one vehicle per minute over the peak hour. They did the counts when

school was in session and the afternoon peak hour was when school was letting out. His analysis was done on that peak period when school was in. The other thing that he is required to do by CDOT, and the City is look at the 20-year condition. In terms of how is going to work in the future with the growth that was mentioned, that is all included in his report. Relatively low volume, he looked at two things, two technical aspects of the intersections and there were three intersections that he looked at. Pine Street, Highway 6 & 50, Wildcat, and Legacy. He then looked at the access, the south access on Legacy. He had a minor clarification on an earlier statement, there was one improvement that was recommended and that is a turn lane north on Pine Street turning onto Wildcat. This was based on traffic volumes, the amount of through traffic and the amount of right turning traffic. That lane is warranted now, but to build it you would need right of way from the trailer park. With traffic growth and project traffic it would add a little more. That would be an improvement that the city could consider in the future. He looked at turn lanes and didn't see a need for any other than the one he mentioned. The other thing he said he looked at was the traffic operations analysis which is level of service. He continued, that this measured vehicle delay, and it grades a test score, A is free flowing or not much delay, F is a lot of delay and a lot of conflicts. At the back of his report, he tried to simplify it a little bit so that they can see all this information in a snapshot. He added that table 11 of the report provides these results of this intersection operational analysis. Intersections in all periods, not just the intersections but the individual movements, left turns through a right turn all operate a level service C or better. For all the analysis conditions, morning, afternoon, opening near the project and a year or so and the 20-year condition. He said that he couldn't identify any operational problems that would require anything like traffic signals or things like that. He continued that there are some turn restrictions in this study area, as you all know that southbound left turn from Pine onto Wildcat is restricted. He stated that this would be a compelling reason to have access to the north side. People coming from the north, if they couldn't turn left on Legacy and get into the project, they couldn't turn left at Wildcat, where would they go? How would they get back to where they live? He felt that this would be problematic. He said that traffic is busy for some periods during the day, but he could safely say that for 23 hours a day the traffic works fine out there and even during the peak periods when he analyzed it, it showed that it worked okay.

Commissioner Hummel thanked him and said that this was helpful.

Commissioner Handley had a follow up question. He stated that District 51 has made it clear that they will close the current middle school and move all the middle school students to the current 8/9 building which is right next door to the high school. All the drop off and pick up traffic is now centered around the current middle school is moving to that new location. He asked in his traffic study if he anticipated that additional load in traffic during at least two periods of the day.

Mr. Hudson responded that nobody saw that coming. He certainly didn't when he did this study 3-4 months ago. It wasn't on the radar as something that was going to happen. He said that his report didn't look at possible changes in traffic and it would be tough to predict what those changes would be. He added that there would be a lot of assumptions and guest work in that, but in these cases the better situation is to look at it after it happens. The city can do some traffic counts after it happens and see if it has created some problems. It was not in his study.

Commissioner Hummel asked where is that intersection on your radar in terms of redevelopment and the Wildcat / Pine intersection? How high is that on the priority level for the city currently?

Mr. Sam Atkins, City Engineer, stated that it was not very high. He stated that the intersections that would be or the construction that would occur well before that would be Fremont and the intersection of Fremont and Wildcat. He said that should relieve some of that pressure. He added that the other thing to keep in mind is what wasn't mentioned is that except for Kingsview, all the Redlands and all of Appleton are going to be shipped to Grand Junction High School. The school district wasn't going to send all the kids that are currently at Fruita to the 8/9 and High School or that school would be over capacity. This is going to change some of the dynamics with the traffic.

Commissioner Biddle asked what trending have we done or noticed in the past in the traffic that those students driving from Redlands to high school, what path might they have typically taken?

Mr. Atkins responded that it depends. He said that they have already shipped Broadway and Scenic to Grand Junction. Formally if you lived on the east end of the Redlands, you would probably take the parkway and come in on the highway. If you were far enough west within the Redlands, you are going to take 340 into town, get out on the highway and then take a left onto Pine Street and a right onto Wildcat. He added that those are the students that are driving. He thought that most of traffic that is going to the 8/9 is probably coming from J and coming down J.3. He said that they can't make the left onto Wildcat coming southbound.

Commissioner Mulder stated that he became a Planning Commissioner because he thought that he could see problems in advance. He remembered 20 years ago when they put the light at the highway and 18 Road. He said that it surprised a lot of people, but it was a good light, and it was necessary. He added that they have had a lot of discussions about Wildcat and Pine Street since and the school traffic that was going on. Rimrock and the 8/9 got built. The traffic multiplied. Along with the fact that he lived north of the highway with many citizens going to work in the morning and coming home in the evening. He continued that when they thought about the load going to the schools in the morning, the loads coming out of the schools in the afternoon and people going to work in the morning, the people coming home in the evening, Pine Street has a load. He said that he has been involved in a double light change more than once waiting to get from Pine Street to the highway. Along with the fact that Maverick gas station has a substantial amount of traffic that comes out onto 18 Road, some of it turns a short turn to make a double left, some of it turns a long turn left to make a right. The car wash empties in the back of Pizza Hut and comes out on the highway. He continued that some of the car wash people come back out to the front and empty out in front of the car wash. He said that he had hopes that this property would be open space or at least minimum development. He said that this was a bit much. As a Commissioner for Planning and as a citizen of Fruita who uses that area frequently, it is not right. He stated that there will be a lot of people living there that will be trying to get out on the road, they will work in Grand Junction so they will come out onto Pine Street, go down to the light, take a left onto the highway and go into town. How many light changes will they have to wait on Pine Street and the highway, he couldn't say. What he felt that he could tell them was that when the high school kids are driving in and driving out, that is one mess. He hoped that there would be a reduction in the density of this project or at the very least two lights, one at

Wildcat and one at Legacy Way. He added that the traffic from Kiefer down Pine to the light at the highway gets substantial.

Mr. Dan Caris, Planning Director, stated that he wanted to make sure that the Planning Commission and members of the audience are aware that two things were discussed. What are the basic entitlements that already exist that this project is attempting to exercise and the site related plan as it specifically trying to meet the site design review criteria. He stated that when they mesh those two things together, they lose some consistency with what they are trying to render a decision or recommendation on. Do they disagree that this project has entitlements because it is their view and in the Staff recommendation this project already has entitlements, it is already zoned. This then becomes a conversation about the site plan and what is being proposed. There is a set of approval criteria specifically that the Code contemplates. He also mentioned that there is a conversation around the surrounding transportation network and how this project doesn't do anything to solve those problems. They would argue that they have taken a lot of steps that would fly in the face of that analysis, they collect capacity related transportation impact fees that go towards enhancing and increasing the capacity in the network that is surrounding this project for all projects. They do the traffic studies to find out not just if there are recommendations but there are requirements for improvements, and they collect money at building permit or CO and they go towards the improvements that they are going to see next year which is the 19 Road project and some others. These contribute to the overall transportation network as it relates to their impacts.

Commissioner Mulder stated that the word entitlement sets him on edge. Somewhere along the line a developer is going to do the right thing. He added that this project was not the right thing for that location.

Commissioner Biddle stated that there was no rezoning here, so by right they can build what they are looking to build. It was not up to them to decide if they could build it or not. They are there to recommend or not recommend the site plan and what it looked like.

Mr. Caris added that also whether they agreed that they have achieved the approval criteria that is in the Code.

Commissioner Biddle added that part of it, by right, is the density as it stood.

Mr. Caris said he was correct. He added that this was their view and analysis of the PUD guide and the densities that were afforded to the project at the time of zoning.

Commissioner Biddle said that looking at this, he could appreciate that they have gone over on the parking spaces. He said that this was a positive. He saw a concern with traffic flowing into it and not having that left hand turn on Wildcat. That means that they are either taking the long way around or cutting through Legacy. He didn't know what to do about that. He didn't know if there was an answer right of way.

Mr. Skip Hudson said that the city didn't have much say, nor does CDOT when a traffic signal goes in. The requirements for a traffic signal are relatively high and they needed to have more

than 15-20 minutes of traffic, they needed to have 4 – 8 hours of a certain volume of threshold where they meet the federal guidelines and requirements for when a traffic signal goes in. He added that there are a lot of CDOT studies that show when a signal goes in, crash rates go up. In the peak hours when you must wait for a cycle, you can get through the intersection safely and not compete with the side traffic. He stated that he was asked to talk about more details related to what quantifies the traffic, the volumes, and the percentage of what goes where. He spoke specifically about Legacy and Pine, they had 7% of project traffic making a southbound left to go onto Legacy and they had 17% going in from the south going northbound making a right onto Legacy. The same 17 % comes out and makes a left. Overall, no more than 17% are project traffic would be on Legacy Way. He asked what that meant in terms of actual volumes? This would be project trips, he showed the morning condition, this would be five vehicles making a left turn out of Legacy and heading south on Pine, there would be one vehicle making a right and heading north, there would be some through traffic on the main line that doesn't turn, two vehicles heading through, two vehicles turning right and the volume on the southbound left was one. The combination of the low trip generation, about 50 trips in an hour in the peak hour that is a combination of inbound and outbound, combined with the low distribution at that means it is less than five vehicles an hour making some of these movements at that intersection.

Commissioner Hearn asked staff why a traffic study is required. She said that she was failing to see where it fitted in the four criteria that she must make the decision on the PUD.

Mr. Atkins said that a traffic study was required once they met a certain threshold of units. What the studies produce are the required improvements based on national standards to the road network if a left turn is warranted, or a free right into the site. Those kinds of things are generated from traffic studies. It gives them a feel for if it is or isn't going to work and it is based on professional traffic engineers that put it together.

Mr. Hudson added that the other part is that the purpose of the traffic study is to give CDOT what they are looking for as well. In this case, if this project would have generated increased traffic by more than 20% where Pine connects into Highway 6 & 50 then a CDOT access permit would've been required that the city would have applied for. He said that they have involved CDOT all the way through this. He did a methodology document that told everyone what his assumptions would be, CDOT and the City approved that and then his final traffic study. In addition to the stuff Sam was talking about identifying improvements on a local road network, that applies to CDOT and state highways as well.

Commissioner Hearn talked about the criteria in the Land Use Code section 17.19.030, Staff outlined the criteria in the Staff report. The more she read them, she didn't interpret that her job tonight is to decide on these four criteria with a traffic study. She felt strongly that the traffic study is part of the other technical admin things that the city does, and she was looking to see if her interpretation is correct. She asked if the traffic study is necessary for the four criteria or for some other criteria.

Mr. Atkins said it was part of the overall site plan and not necessarily part of their criteria. It is part of the Staff's criteria to evaluate the project from a traffic standpoint.



Commissioner Handley complimented the design team. He thought this was a very attractive development. He stated that over the past 2-3 years they have had a lot of discussion about the need for attainable housing. He said that he has advocated for projects like this as part of the solution to our attainable housing problem. He didn't have a problem with this project, and he thought they were being unfairly taken to task on the traffic issue, but it is an issue. He has heard comments from residents that use 18 Road to go to work and come home, regular complaints about the back-up and delays on 18 Road. Part of their job is to look at the historic and current traffic conditions but to also anticipate the future traffic conditions that this project in addition to all the other developments going on will bring. He agreed with Commissioner Mulder that he had a concern about adding not much more traffic load but another piece of the traffic load in addition to everything else they know is coming. He was not sure where they would find the answer to this, the traffic problem isn't theirs to solve, it is the City's problem. How does the current City circulation plan fit into developments like this? He is in favor of this type of development to address attainable housing.

Mr. Hudson responded to traffic growth and how he factored in future development. He said that there is a travel model for the urban areas within Mesa County. He stated that it was administered by the County's Regional Transportation Planning office. That model is updated every five years, he has been on some of the teams that do the updates in the past. If you look at a map of the city, it is broken up by streets into different zones. The model identifies the land use, employment, and population in each of the zones called Traffic Analysis zones. He said that this comes from the local governments, the model goes from Fruita to Palisade and south and includes the major roadways in those communities. The local governments sign off on the land use assumptions that go with the model the existing roadwork is known and then it is asked to run, and the model runs, and it identifies congestion hot spots and the project to address those. He added that this regional model doesn't exist in any other community in Western Colorado, and it is a privilege to have something that looks into the future where the land use from the local governments is an input, and the partners are involved and producing these projections for the future traffic. In his study he looks at the base year model which is 2018 and they count traffic and make sure it matches and then they do the future model which is 2045. He has an estimate of what the future volumes are going to be on Highway 6 & 50 and Pine Street and Wildcat in the 2045 condition which includes the growth that they are talking about.

Commissioner Handley said he thought it was a difficult question. He is a computer scientist and understood flow and event modeling and how the process worked. He spoke about the people of Fruita who use the road today and will use 18 Road increasingly in the future.

Commissioner Hummel said that what he took from Mr. Atkins' response to Commissioner Hearn's question was that the traffic study was not really part of their criteria. To him it seemed like a technicality that they leave to the professionals. He was left with what does this project do for the community and does it or not comply with their Comp Plan goals? It is an infill property, it provides a good mix of housing types that hits the missing middle, it gives them a good number of units in a relatively short time frame, it has amazing proximity to GVT with a stop outside and good for commuters who don't have a car and from a design perspective the buildings have good engagement with the pedestrian traffic which he appreciated. In his mind, it checks all the boxes that they have been looking for in terms of growth and development within

a community. He said that they should leave the traffic engineering to the professionals and decide based on the design criteria.

Commissioner Fabula added that if the project didn't go forward with residential and instead goes to commercial, they would see a greater traffic impact. He felt that they needed to recognize that they could have something going to this property that would create a greater traffic impact.

Commissioner Hummel stated that this was the nature of growth. People move here because they are an inclusive community, people like the outdoors, and many people have moved here recently, and it seemed counter to him to say that they can't have this kind of development because they are concerned about traffic or property values. This is something that the community needs, and he is in full support of that.

Commissioner Fabula asked if the property would allow short term rentals?

Mr. Caris responded that it would. He added that it is outside the triangle. He mentioned that it was covenant controlled and that they could disallow those like any other covenant-controlled communities.

Commissioner Fabula thanked the developer for doing the row homes facing Wildcat and Pine. He appreciated the garage access on the back. He understood that the original PUD was in 2007 and he knew a lot happened in 2008. He thought it was a great-looking project. He asked them to describe to him what the detention area will look like. He asked if there was going to be a fence around it prohibiting people from walking through it or will they be able to walk through it? What would the residents on the adjoining property see when they looked out their back window towards the new development?

Mr. Austin pulled up the site plan. He stated that the original 2007 plans for the Legacy PUD, there was a concrete pad down in the bottom of the detention pond that had a picnic table, and they were trying to use the detention facility as an open space recreational amenity. The modifications that they must make to provide water quality treatment won't change the configuration of that detention facility. It changes the outlet control structure. He added that if they went out there now the irrigation system that used to be provided around the detention facility is in shambles and the lines are broken. He added that it is a weed patch right now. He said that the detention facility is in the center core of their development. Their project is going to redo the landscape area in that entire detention facility. It will still be a detention pond, but will be landscaped, better maintained, and irrigated. The original PUD commercial development had a road that ran along the backside of the residential development with all the commercial property out front. They tried to keep the vehicle traffic impacts away from the existing neighborhood area and their apartment project abuts to the back side of the residential units, but they did have a landscape strip that runs along the back side. All that area will be landscaped out. He showed an overall view of the landscape plan for the project.

Commissioner Fabula asked what the distance between building 1 and 2 and the property line to the north?



Mr. Austin showed that it was 27 ½ feet.

Commissioner Fabula asked if people would be able to walk their dogs in that 27 ½ feet?

Mr. Austin confirmed that they would and added that it was meant to be open space. The detention facility is open space right now.

Commissioner Fabula asked what the height of building 1 and 2?

Mr. Austin responded that they were two stories.

Commissioner Fabula asked Zaga Design if they have ever designed a project in Fruita?

Mr. Austin said that their project team has worked on the project on West Aspen that is under construction now. He added that Zaga has worked on other projects here as well.

Commissioner Fabula thanked them again for the row homes on the front, the garages in the back, and he appreciated the parking allotment. He talked about standards nationwide and talked about his personal experience with driving. He stated that it was nice to know that there are 50 garage units and that there are 97 parking spots. He said that he appreciated that they noticed it and that it has been a concern for other developments. He spoke regarding the people's comments on the density, he said that density is always a concern for him, and he appreciated them coming to the meeting and making comments and thanked them.

Commissioner Hearn asked if the City of Fruita had suggestions or requirements for which types of trees or landscape plantings they would like?

Mr. Hemphill responded that there is an appendix at the back of the Code that calls out certain landscape materials that are supported in this region based on the growth, soils, moisture, and seasonality. Those are in the Land Use Code. The landscape plan is required by state statute to be stamped and sealed by a landscape architect that is registered with the state. There are multiple vetting opportunities for landscaping plans to have the right materials in the right location. He added that they review the landscape plan in accordance with the utility plan to make sure that there are no conflicts with overhead power or growth underneath the ground with water lines and power and gas and clear site at the intersections.

Commissioner Hearn stated that she had not read that list of trees. She asked if Fruita allowed for a community amenity like fruit trees or blackberry bushes?

Mr. Hemphill said that they could consult the appendix and the applicant and with the architect they could figure out if that is something they want to do. He added that there were multiple pages of landscape materials allowed in the Code in the appendix that was drafted by the CSU extension. If it is stamped and sealed by the landscape architect, they are looking at heights and any conflicts that the landscape plan has or any opportunities to conserve irrigation water and place some drought tolerant landscaping.

Commissioner Hearn said that what she reviews is what she would like for the community and how she interpreted the community plan. She loved that they were speaking to open space for Commissioner Fabula's questions. She asked if they were interested in a different planting schedule that could be more of a community amenity.

Mr. Austin stated that they were open and if the city wanted us to look at different plant materials, they could do that.

Commissioner Biddle asked what the build out would look like? Would it be a quick process or in phased?

Mr. Austin said that they included a phasing plan with their application. He stated that it would depend on the market conditions. Their initial approach would be to build out the apartment units first and then move into the row homes. It will be market driven and they are hoping to get started next fall with construction.

Commissioner Hearn asked about the storage units. She wanted to know how many and how large they would be.

Mr. Austin responded that they were smaller units. Their client has them on other projects that they have done in Grand Junction. It is mainly to have room to store bikes and gear.

Commissioner Hearn liked the idea. She couldn't find the number of units.

Mr. Austin said that there were 35 total.

Commissioner Hearn felt strongly that this plan was thoughtfully designed and meets the four criteria that are required for a PUD Site Plan development.

COMMISSIONER HEARN MOVED THAT BECAUSE THE APPLICATION MEETS OR CAN MEET ALL THE APPLICABLE APPROVED CRITERIA FOR A SITE DESIGN REVIEW, SHE MOVED TO RECOMMEND TO THE CITY COUNCIL WITH FRUITA THE CONDITION THAT THE APPLICATION ADEQUATELY RESOLVE THE OUTSTANDING REVIEW AGENCY CONCERNS WITH THE FINAL PUD APPLICATION AND/OR APPROVAL OF A BUILDING PERMIT.

COMMISSIONER MCGUIRE SECONDED THE MOTION

MOTION PASSED 6-1

There was a short recess.

Mr. Henry Hemphill gave the Staff presentation.

Application #: 2023-35  
Application Name: City Market Fueling Station

Application Type: Conditional Use Permit  
Applicant: Nathan Abbott and Galloway  
Location: 437 W. Aspen Avenue  
Description: This is a request for approval of a Conditional Use Permit for a drive-thru facility for a retail fueling station on approximately .52 acres.  
Mr. Henry Hemphill gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Application Details

Slide 3 – Legal Notice  
Image of post card and 350’ buffer zone.

Slide 4 – Legal Notice

- Post Cards:
  - November 22, 2023
- Sign Posting:
  - November 22, 2023
- Newspaper:
  - November 22, 2023

Slide 5 – Zoning Map and Aerial View

Slide 6 – Review Criteria

- Section 17.09.030
- 4 criteria to consider.
  - Consistency with the Land Use Code, the purposes of the DMU zone and the Comprehensive Plan.
  - Compatibility with surrounding area.
    - Existing uses and allowed uses.
  - The drive-through should not endanger the public health or safety.
  - All public services are available to the subject property.

Slide 7 – Vehicle Stacking  
Image of proposed stacking and description.

- “For service uses (such as gas stations, quick lube and car washes), two stacking spaces shall be provided for each bay on the entrance side and one such space on the exit side. Stacking spaces shall not interfere with other required parking areas. Stacking spaces must measure at least twenty-two (22) feet long by ten (10) feet wide.”

Slide 8 – Aspen Avenue  
**Section 17.13.050 (A)(2)(c)**

- New drive-up/drive-through facilities (e.g., windows, ATM’s, Etc.) are not permitted in the Downtown Core within forty (40) feet of Aspen Avenue.

Slide 9 – Review Comments & Public Comments

- **REVIEW COMMENTS:**
- CDOT provided comments regarding access from Aspen Avenue.
  - Traffic Study & Access Permit
- **PUBLIC COMMENTS:**
- Written comments received on 12/11/23. Entered into the public record.

Slide 10 – Suggested Motion – Pg. 143

Mr. Chair, I move to **approve** application 2023-35, the City Market Fuel Station Conditional Use Permit, with the condition that all review comments be adequately addressed with the Site Plan application.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him.

Mr. Nate Abbott with Galloway, representative of City Market and Heslin Holdings, joined the meeting via Zoom. He introduced his team and gave the presentation. He showed the location of the project and the proximity to the existing City Market to give an understanding of where it is located. He stated it was at the northeast corner of Coulson and Aspen and two blocks west of the existing City Market as shown on the map. He zoomed in to show the lot configuration and he explained that it was one existing parcel, about a half-acre in size. What they were proposing here is a Conditional Use Permit for a City Market fuel station to support the existing City Market with 5 multiproduct dispensers and a small kiosk. He added that City Market felt that the fuel station would enhance their long-term financial health, viability, and commitment to the community as it would be a significant investment to benefit the community and the grocery store. He brought up the site plan for viewing. He continued that it was not something that they were looking at gaining approval on today. It would be a separate application, but it gave them a sense of the general layout of the small kiosk which was called out on the map, the edge of canopy and the property line. He showed three points of access, all three are existing, one-off West Aspen Avenue and two additional access points off North Coulson and one off of North Willow Street. He spoke more about the access off West Aspen is currently a right in only. They had not met with CDOT yet, but it is something that they would be doing if they get approval of the CUP. He noted that CDOT calls out for that access point to be right in / right out not just right in only. He felt that the layout could work with the existing access point off Aspen Avenue and two additional access points off Coulson and Willow. He showed a dash line on the map, he stated that they were calling it out as the fueling circulation limits. He talked about stacking for vehicles looking to fill up with fuel. He added that they wanted to make sure that there was adequate and safe circulation throughout the site to provide the highest level of customer service and client experience. He showed two fuel dispensers on the right, two on the left and one in the middle and a small kiosk area that one can walk up and pay as well. On the back he showed a tanker truck, this was a fuel delivery truck that is proposed to come off Willow through the back of the site to dispense fuel into the underground storage tanks, which are the oval shapes on the northwest corner and then exit back onto Coulson Street and then back on

Aspen and onto I-70. He mentioned Mr. Hemphill's presentation and that fueling is a permitted use within this area. He added that it was the drive-up component of this permitted use that they were seeking a Conditional Use Permit for. Mr. Abbott talked about the approval criteria. He showed the four Conditional Use criteria. The first one is the proposed use is consistent with the provisions and purposes of this title with the purposes of the zone to which it is located with the City's Master plan. He added that there were two sections that Mr. Hemphill alluded to that they had to meet. The first is the 40' setback of any drive through uses from Aspen which they felt was consistent based on the layout of their plan. The second was the stacking spaces as well. He stated that they were showing two stacking spaces at each one of the outer pumps and they do not interfere with the other required parking areas which was one of the criteria here. He showed the stacking along each one of the outer fueling pumps with enough access to be maintained along the northern portion of the site for truck access and circulation. He showed the setback off West Aspen at just over 41 1/2' or so. He stated that he felt the proposed use is compatible with existing and allowed uses surrounding the property. He stated that West Aspen Avenue was highly commercialized and commercial developments along with residential development continues to go to the west. He added that they were surrounded by other drive through uses, Walgreens, Colorado Federal Credit Union, Burger King, all have a drive through component as does the existing Sinclair adjacent to the existing City Market. He stated that they did not feel the proposed use would materially endanger the public, health, or safety as it relates to the drive through components. He thought it was important to note that there is no convenience store associated with this fuel facility and this limits the opportunity for pedestrian / vehicle conflicts within the site. They felt that they had adequate vehicle stacking and multiple points of ingress / egress to allow for safe circulation throughout the site. He continued that public service and facilities, transportation systems, wastewater disposal treatment, domestic water, fire protection, police, storm, and drainage facilities are adequate to serve the proposed use. He said that this is an existing developed property with all services servicing the site. They would be going through a full construction drawing submittal process should the Conditional Use Permit be approved in conjunction with their site plan approval. He stated that they would be digging into those details and how it lays out with the site plan approval process. He concluded his presentation and asked for questions or comments.

Commissioner Biddle opened the meeting to public comment. There were none. He closed this portion of the meeting and opened it to Commissioner discussion.

Commissioner Hearn commented about the zoning and how it allowed fueling stations, but the Conditional Use Permit was for the drive through. She was trying to envision how they would have a fuel station without a drive-through.

Mr. Hemphill stated that it did beg that question. The reason for the Conditional Use Permit is not every type of Conditional Use, like not every fueling station with a drive through makes sense on every property that is zoned Downtown Mixed Use. This is why the Conditional Use Permit needed to be considered site specific. He added that it was too unique of a use to allow it by right all the time. He added that if this were somewhere else along the highway, they probably wouldn't be having a Conditional Use Permit, it would work. The Conditional Use Permit is needed because it is more unique in characteristics than just the fuel sales.

Commissioner Handley commented that the drive through basically allows the tanker truck to go into the site and leave the site.

Commissioner Hearn asked what the definition of a drive through was?

Mr. Hemphill responded that they would be driving up to a fuel station, being provided with a service from the business, and you drive away and not stay for too long. He gave the example of a restaurant as the opposite, you would park, go in and be served and be there for a while and then leave. That is why he thought a Conditional Use Permit is required for drive-through facilities for fuel stations because site circulation does matter and being able to get in and out efficiently makes sense for them to consider and for them to decide on.

Commissioner Hearn asked if it was possible to have a fueling station that is not a drive through?

Mr. Hemphill responded that it was probably not but because it is such a unique site characteristic, if they turned it or had a long narrow strip, it may make different sense. It may not work. The way that they have it configured is standard. He added that this was his opinion why a Conditional Use Permit is needed for drive-throughs or drive ups is because of their unique characteristics and it does not work for every property.

Commissioner Hearn asked if the Conditional Use Permit was approved to have a drive through, is that approval for any drive through or this specific one? Could they build some totally different structure that has a drive through? She asked what the technicality was?

Mr. Hemphill stated that a drive-through would be allowed.

Commissioner Hearn asked if the Conditional Use Permit ran with the land or the use?

Mr. Hemphill stated that it ran with the land. He did add that there were expirations on Conditional Use Permits if they are not used in a full calendar year.

Commissioner Fabula commented that consistency with the Code and compatibility in the Downtown Mixed-Use area is the things he struggled with the most. He added that the Downtown Mixed-Use area is the way it is today which means it has a lot of residential in it. Here they are trying to craft community growth in this part of town, and they get challenged with the idea of consistency and compatibility. He knew that with the existing uses of the land and the future allowed uses. This is the piece that gave him heartburn with this type of development. He said that he did not envision a gas station there. He felt that there were going to be a lot of changes to this part of town, he knew that if they went through this part of town and assigned the date that every structure was built, this isn't the oldest, but it is the residential section that is old and there is a good chance that it won't be there in 10-20 years because of its age. Here they have this first application coming forward for something that truly does fall into this Downtown Mixed-Use category, something that he felt would generate tax revenue. They have talked about commercial for other projects and they bemoan the fact that don't have enough commercial. He rarely fuels up in Grand Junction and all his fuel ups would be in Fruita if this were to take place.

He added that there were some strong benefits for the community, but he has heartburn on the idea how they would juggle this consistency and compatibility when they are trying to grow the downtown area. Those were his comments and he thanked Mr. Abbott for his presentation. He did understand that there were three accesses to the property, and he assumed that all three accesses would be ins and outs. He asked if this was correct?

Mr. Abbott thanked him for the question. He said that the two existing access points to the east and west onto Coulson and Willow will be both for ingress and egress. Currently as shown they have an ingress or right in only to the site as it is laid out from Aspen. They will be seeking what is called a right in and right out so they can turn as they are going west bound on Aspen, they can turn right into the site, and it would also allow for a right out of the site as well to continue to go westbound on Aspen. He continued, currently as it is laid out it is a right in only off of Aspen, but the other two access points would be full movements into and out of the site.

Commissioner Fabula stated that most traffic would enter from West Aspen, take the right in, they would fuel and then exit either to the east or to the west.

Mr. Abbott confirmed this or come off Willow. He admitted that they had not done a traffic study yet, but it was their assumption that a lot of traffic would be coming from the store to the east westbound along Aspen and then pulling in off Willow or Aspen.

Commissioner Fabula thanked him. He asked if this was currently an alley in the back right now?

Mr. Hemphill said it was. He said it was unimproved, just road base or gravel.

Commissioner Fabula stated that he knew that they had their standard requirements for improved alley access. He asked if there would be any type of visual element that is going to shield the properties to the north or to the south from this new traffic?

Mr. Hemphill stated that they would expect them to submit a landscape plan that would help deflect some of the visual aspects associated with being close to a fuel station like this. They haven't gotten down to that site specific detail. He felt it was important to consider. He stated that it was in the Code to require certain visual aspects to be taken into consideration when they are adjacent to a residential property. It would be on their minds as the application moves forward.

Commissioner Fabula said that he didn't want to sound negative about his comments about consistency and compatibility because he thought the reality is that most of the properties in the Downtown Mixed-Use area are going to change over the next 50 years. What they need to remember is how do they manage that change and how do they help it blend in? He didn't like light pollution. He spoke about his own experiences with light pollution in the Downtown area. He admitted that he would never go to a poorly lit gas station. He added that as a community we will go through growing pains of growing into the Downtown Mixed-Use area. Noise, smells, light, and traffic are those are things that they must become accustomed to. He asked Mr. Abbott to keep this in mind and those things reach further than the property line.



Commissioner Handley commented on the properties directly to the north have a large lawn area. He felt that there was a good deal of separation from the alley to the structures. He spoke about the character of that section of town that is already chartered to change. He talked about the auto barn property, the old trailer court that was there and this was going to be a new multi-unit development. He agreed that the character of this part of town has already been approved for substantial change and he would expect many of those properties in that area will be of another use within 10-15 years.

Commissioner McGuire asked if they per Commissioner Hearn's comments on the last item, are they looking at traffic in this instance or is it something for the city?

Mr. Atkins responded that they would not be looking at it. He added that the review comments that came from CDOT, Aspen west of 340 to Coulson is part of the 340 system. This is how you get off 340 and make it to Highway 6. That is controlled by CDOT, and they want to see a traffic study and they want to see a queuing study. He added that they did not want traffic to be blocked out onto Aspen which creates a safety issue. Those two things must occur as part of their application as it moves forward.

Commissioner McGuire asked when they did the study if they would be asked if they would be looking at the development of the property where the auto barn was as well and how both of those new development potential properties would impact together?

Mr. Atkins stated that they should because they know it is coming. He said it was an approved project.

Commissioner Handley commented that it was encouraging for City Market to financially justify an additional investment in the community. He said it was a positive step for a grocery store expansion sometime in the not so distance future.

Commissioner Hummel said that he struggled with this one. He couldn't figure out how a fuel station could happen without a drive through. Also, the compatibility question. He understood that this area was slated for redevelopment over the next 10-15 years, but he couldn't help but think of those 3-4 residences right there and what their impact would be over those next 10-15 years. Going back to why it is split out as a Conditional Use for a drive through, the idea that not all uses are appropriate within the zoning parcels. He thought it was interesting that they have this opportunity to compare the land use for this compatibility as it is outlined in 3 in Chapter 17.05. 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 others. He continued, traffic aside he thought the light levels of any kind of drive through would adversely affect those residences for the next 10-15 years until they got purchased by someone and turned into a commercial or multifamily development. He went back to the Comp Plan and read the downtown future land use description. He continued that the intent is for the area is to be vibrant, pedestrian oriented commercial and residential area and act as the civic heart of the community. It should have inviting streetscapes and multimodal corridors as a priority to encourage walking and biking to and from downtown destinations. He wondered if drive throughs per this land use are compatible with these ideals. A drive through inherently



crosses a pedestrian path and it is going to create conflict. If they don't have an onsite sales store, they are not creating onsite issues between traffic and pedestrians. He struggled with this and felt that there is a certain amount of conflict between the drive-through and the core values of what they wanted this downtown area to be.

Commissioner Hearn said that she struggled with this as well. She said she looked up the purpose of Title 17 because it was part of criteria 1. The purpose is to lessen congestion, avoid effects of public nuisances and negative impacts. Another purpose was to enhance the tax base. She said that she walked regularly from Circle Park to Walgreens and once she crossed the intersection at the light, she doesn't feel safe as a pedestrian. When she thought about the Future Land Use Map, she didn't feel encouraged to keep walking to the park or keep riding her bike to the trail and she felt strongly that a drive through is not appropriate if that is her highest goal for pedestrian oriented things. They also have a specific goal for City Market to be here and reduce people's trips to Grand Junction. She mentioned that she had expired City Market fuel points all of the time because she wouldn't drive to Grand Junction to use them. She felt other families would use them. She wondered if that goal in enhancing their tax base was more important than her walking all the way to the CO-OP. She wanted them to discuss this.

Commissioner Handley talked about the new development in the old auto barn area one of the justifications for that is that it is within walking distance of the downtown area. They would have a lot of people living in that area that want to walk directly across the egress area for the gas station.

Commissioner Hearn said that she read the Staff report and listen to the presentation that says it is compatible because we have four others drive throughs, but she felt strongly that this spoke to the disproportionate number of drive throughs and adding another doesn't necessarily make it compatible it makes it disproportionate.

Commissioner Hummel agreed with her. He also said that it is a past use where it was developed under previous land use goals that had those drive throughs in the area. He asked if they wanted to go back to the current core values or do they want to keep increasing these previous things that they have been building 20-30 years prior to their new stated goals? Do they want to adhere to what they had defined as the new land use and growth, or do they want to keep doing the same thing they have been doing?

Commissioner Handley stated that one could envision in the near future when the multiunit development is complete and there are several people living in that area if this wasn't a gas station, what other use might it be? Would that potential development be more compatible with the vision they have for the downtown area?

Mr. Caris said that he appreciated the incongruent nature of the conditionally allowed drive up or drive-through and a by right use for a fuel station. He provided context, his suspicion was that they were okay with the inconsistencies there to not create legal and conforming uses that had already been built. If they were to redevelop, they would not be allowed to redevelop in their current form which was a discussion point not necessarily specific to this situation, but it was talked about when they updated the Code not when they updated the Comp Plan. He thought for

all the reasons they are having a thoughtful discussion about the aspirational goals of that, he wanted to provide some context to a spec that since they have some adjacency and some compatibility that was part of the conversation. And to provide a degree of flexibility for an individual user, that as Commissioner Hearn suggested is a purpose statement that is in the Comp Plan.

Commissioner Fabula said that he knew that the traffic study had to take place and he understood that CDOT had to review and approve that traffic study and the traffic study would come back with findings. They assume that those findings will be fulfilled, and the applicant would have their drive through Conditional Use Permit in hand, they will have the property in hand and will move onto the next step. They won't see that traffic study here before the Commission.

Mr. Caris said that this was correct.

Commissioner Fabula assumed that they don't fail traffic studies, they just recommend something, and they say it isn't financially feasible or it doesn't fit for they won't move forward.

Mr. Caris stated that CDOT has denied access in the past. He added that Colorado access was not a foregone conclusion. He thought that the traffic studies are not the same thing.

Mr. Atkins said that the Colorado access off Aspen almost didn't happen. He questioned whether it was usable. It is 180 degree turn because they felt they needed access off Aspen. He thought this application could end up where they physically must access from the alley and exit onto Aspen to keep the queuing from being an issue. He brought up Colorado, he stated that they ended up needing to put in a median to prevent people from trying to left turn out. He also talked about the existing City Market and Burger King. He said that these are two examples of a failure in the fact that the pork chops do not function. He added that there were plenty of people that will turn into City Market from a westbound left. The pork chops are not big enough to prevent that movement from happening. He added that the same thing is happening for the left out that occurs at City Market and Burger King has the same problem. He continued, CDOT would most likely force this application to put that left turn median in to prevent that from happening and it is a safety thing.

Commissioner Hearn asked the other Commissioners what they thought was more important, pedestrian oriented downtown or economic vitality? She reminded them that the Conditional Use Permit ran with the land.

Commissioner Mulder felt that Fruita needed the fueling station. He added that it is what City Market has needed to put in the City of Fruita and he thought this is exactly what they need for Fruita.

Commissioner Biddle stated that they should look for the balance. He felt that there was a middle ground in there somewhere. He asked if they were in the middle ground or were they too far one side or the other? He felt that they were in the middle ground for both.

Commissioner Handley said that he was thinking about the entire community of Fruita. He asked if they were to deny City Market the ability to build a gas station there, would it discourage them from any other future development like expanding the grocery store? Do they want a walkable city or more financial vitality? He was with Commissioner Mulder; this is a project that Fruita needed for the consideration of future market development.

Commissioner Hummel countered that idea stating that for something to be feasible for City Market they are going to do it whether they approve it. (inaudible). He talked about the prioritizing of car traffic and travel for the last 70 years in this country. He felt that they needed to help pedestrian design along. He asked if this was the place to do it. He answered, probably not because there are several other drive throughs. He questioned the location. He agreed in terms of balance.

Commissioner Biddle stated that Staff has heard our conversation about pedestrians and will keep that in mind for projects moving forward.

Commissioner Fabula said that for him it wasn't about the pedestrian and the non-pedestrian. It was the fact that they have been trying to make updates to promote the development of their Downtown Mixed-Use zone. He thought that it was ambiguous what they looked like. He thought that none of them pictured going downtown and getting a snicker and gas for the car. He questioned whether it was their job to dictate what businesses come forward and try to start a venture. He added that if this was a drive through with some amazing burgers, they might have a totally different concept or feedback on this drive through application. He said that he was hung up on the fact that it is a gas station. He knew that this was not why he was there. He is not there to dictate what people choose or to say what the right business venture is to bring to Fruita. He was disappointed and was hopeful that it was going to be something different than a gas station. Will he use the gas station? Probably. They are running out of frontage on Aspen to be developed and this is going to lock up this lot for 20 years. There are two houses to the left, he was surprised they weren't there, and he felt that this was not what they would want as their next-door neighbor. They are going to take an alley and turn it into something that runs 24 hours a day. He did not feel this was compatible for residential. He asked if it was compatible for Downtown Mixed Use and the future development of Downtown Mixed Use? He said it was. This is why he felt that there would be growing pains. All in all, it was the first application to come forward and he thought they would be able to make the traffic aspect work.

Commissioner Handley said that he was thinking about the last project they approved and talking about traffic, he felt that it did need to be one of their considerations. He concluded that this was a problem better addressed through their overall circulation plan. If these are important issues and critical to the City, rather than them addressing it project by project, they need to be working with the City staff and updating the circulation plan and making it more amenable to their pedestrian traffic and better road infrastructure for the traffic they do have.

COMMISSIONER MULDER MOVED TO APPROVE APPLICATION 2023-35 THE CITY MARKET FUEL STATION CONDITIONAL USE PERMIT WITH THE CONDITION THAT ALL REVIEW COMMENTS BE ADEQUATELY ADDRESSED WITH THE SITE PLAN APPLICATION

COMMISSIONER HANDLEY SECONDED THE MOTION

MOTION IS DENIED 3-4

**I. OTHER BUSINESS**

1. Community Development Updates

None

2. Visitors and Guests

None

3. Other Business

Commissioner Mulder brought up School District 51 and what they intended for the schools in Fruita with a discussion that followed. Commissioner Fabula was thanked for his time on the Planning Commission.

**Adjournment 8:34 pm**

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita