



## **FRUITA PLANNING COMMISSION MEETING**

**May 14, 2024  
6:00 P.M.**

The following item(s) 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 people who wish to obtain information may call (970) 858-0786. The hearing impaired may call Relay Colorado at 1-800-659-2656 or visit our website: [www.fruita.org](http://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### **E. WITHDRAWN ITEMS**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. CONSENT ITEMS**

#### **1. APPROVAL OF MINUTES:**

January 30, 2024, Planning Commission meeting

### **G. PUBLIC HEARING ITEMS**

None.

## **H. OTHER BUSINESS**

1. Community Development Updates.
2. Visitors and Guests.
3. Other Business.
  - i. Election of Officers

## **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**

Five Planning Commissioners were in attendance. (Jessica Hearn (virtually), Mel Mulder, Derek Biddle, Josh McGuire, 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 MCGUIRE MOVED TO APPROVE THE AGENDA

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

**E. WITHDRAWN ITEMS**

None

**F. CONSENT ITEMS**

APPROVAL OF MINUTES:

January 9, 2024, Planning Commission meeting

COMMISSIONER HANDLEY MOVED TO APPROVE THE MINUTES

COMMISSIONER MCGUIRE SECONDED THE MOTION

MOTION PASSED 4-0 (COMMISSIONER MULDER WAS NOT PRESENT AT THE LAST MEETING AND ABSTAINED FROM THE VOTE)

**G. CONTINUED ITEMS/PUBLIC HEARING ITEMS**

|                 |  |
|-----------------|--|
| Application #:  | 2023-37  |
| Project Name:   | Geode Flats  |
| Application:    | Preliminary PUD Plan   |
| Representative: | McCool Development Solutions, LLC  |
| Location:       | 614 Raptor Road  |
| Description:    | This is a request for approval of a Preliminary PUD Plan to Establish zoning standards for a multi-family residential development plan over approximately 5 acres. |

Mr. Henry Hemphill gave the Staff Presentation.

Slide 1 – Introduction

Slide 2 – 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 3 – 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.

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 4 – Concept Plan

- Public benefit of Childcare vs. parks, trails, and open space.
- Parking Study should be provided with future application.
- Architecture in line with geologic features such as the Book Cliffs and the Monument.
- The beauty of the State Patrol building.
- No concerns with density.

Mr. Hemphill mentioned that in January of last year the Planning Commission and the City Council held a joint workshop to discuss a concept plan for what was known as the Residences at Fruita, which was a multifamily presentation or proposal like what you're seeing tonight. He continued that decisions in that workshop are nonbinding, they're more of directives of things that they recommend they do, or these are things that the community would feel are beneficial. He added that Concept Plans were only for PUDs and are optional.

Slide 5 – Application Introduction

Slide 6 – Zoning Map and Aerial View

Mr. Hemphill showed a zoning map and aerial photograph. He stated that the current zone of this property is C2, which is commercial, and it allows a whole host of different commercial land uses. The one aspect of this PUD Plan is, the density is capped at 12 dwelling units per acre, and in this case the applicants proposing to utilize the land highest and best use as a plan unit development zone to accomplish meeting some housing goals that that they were really striving for in the Strategic Plan, the Comprehensive Plan, and a housing study. He pointed out in the aerial photograph that the subject property was directly behind the La Quinta, and the McDonald’s and Starbucks multi-unit complex on the corners of Jurassic Court and Raptor Road.

Slide 7 – Development Plan

- 4 Multi-Family buildings.
  - Affordable housing or Market Rate
  - Maximum height = 4 stories (N and E sides of property)
- 1 Clubhouse.
- Zoning application at this time.
- Next step - Site Design Review.
- Concept Plan discussed January 24, 2023.

Slide 8 – Parking

- Parking Study provides recommendations.

|   | <b>Market Rate Rental</b> | <b>Affordable Rental</b> |
|---|---------------------------|--------------------------|
| <b>Parking Rate (per dwelling unit)</b> | 1.32                      | 0.75                     |
| <b>180 Units</b>                        | 238 Spaces                | 135 Spaces               |

Slide 9 – Code Requirements

Planned Unit Developments

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

### Site Design Review

- Section 17.09
- Comprehensive Plan
- Design Standards – Section 17.13
- Compatibility
- Ability to resolve recommendations from reviewers

Mr. Hemphill explained that there was one deviation that staff recommended not be deviated from, which was that if you can see the building from all sides from a street that the architectural elements need to wrap around all those sides. He continued that staff was supportive of what the Code required as architectural elements wrapping around as one of the conditions and the staff condition that is seen in the Staff report. He added that all the other deviations that Staff is supportive of would be met at the Site Design review.

### Slide 10 – Review Comments & Public Comments

#### Review Comments

- No review agency comments provided for this zoning application.
- Site Design Review application will have review agency comments.

#### Public Comments

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

Mr. Hemphill explained that this was a zoning application, and a site design review application would garner a lot more feedback from outside agencies. The power company, Ute Water, CDOT, would absolutely be involved and the city engineer just to name a couple, but more would be included like the school district and others within our community. He added that there was a neighborhood meeting held and all legal notice, for this application has been rendered in accordance with local law.

### Slide 11 – Conditions /Recommendations

1. Remove all commercial land uses from the PUD Guide.
2. \$100k childcare cash in lieu fee be collected at Site Plan approval.
3. Design Standards contained in Section 17.13.060 (B)(1) be met as written in the Land Use Code.
4. If this PUD Guide is approved with these conditions by Staff and fully met, then a future Site Design Review application be reviewed administratively unless there is a major modification or change in the application deemed by the Community Development Director.

Slide 12 – Staff Recommendation

- Because the application meets the requirements of Section 17.19.030 (A)(1) (a-d) and Section 17.19.030 (B)(1) (a-e) of the Fruita Land Use Code, Staff recommends **approval** of the proposed Geode Flats Preliminary PUD Plan with the condition that the application adequately resolve all review comments and conditions in the Staff Report with either the zoning ordinance or the Final PUD application.

Slide 13 – Suggested Motion – Pg. 18

- The motion should have specific findings of fact that application meets or can meet the requirements considered in the LUC.
- Mr. Chair, because the application meets the requirements and is consistent with Section 17.19.030 (A)(1) (a-d) and Section 17.19.030 (B)(1) (a-e) of the Fruita Land Use Code, Staff recommends approval of the proposed Geode Flats Preliminary PUD Plan with the condition that the application adequately resolve all review comments and conditions in the Staff Report with either the zoning ordinance or the Final PUD application.

Slide 14 – Reverter Clause

- “In the event, the Planned Unit Development fails to develop as either market rate or affordable multifamily development at the property owner's discretion, the zoning of the land shall automatically revert to Commercial Two (C-2), as it existed prior to the Planned Unit Development approval. This reverter clause shall terminate automatically once construction of the multifamily development begins and if requested by the owner, the City or local municipality shall provide written confirmation of the same.”

Slide 15 – Next Steps

- Following Planning Commission
  - City Council – February 20, 2024.
- If approved by City Council.
  - Applicant has 180 days to submit the Final PUD Plan.
  - Final PUD Plan sent out for review to ensure compliance with review comments.
  - Decision is made administratively.

Mr. Hemphill concluded his presentation.

Ms. Carrie McCool from McCool Developments went up to speak. She stated that they specialized in community and community planning and development solutions for

both public and private sector clients throughout the west. She is a native of Colorado and they love to focus on building strong communities throughout the State of Colorado. She continued, joining us virtually this evening was Megan Adams, a regional development director at TWG. TWG is the owner of the subject property and the developer of the property as well. Also joining them was their project architect Aldo Sabin with Studio Architecture. She thanked the Commission for having them. She gave a PowerPoint presentation to talk about where they are, where they have been and who TWG is and where we have been in our Preliminary PUD framework and follow up with discussions.

TWG is headquartered in Indianapolis, Indiana with presence throughout the United States. They are a real estate development company, specializing in affordable market rates, mixed income, and senior housing developments. They've been committed to constructing, developing, and managing quality housing since their founding in 2007. They have developments in 18 states with over 2 billion plus in total development cost over 105 developments and they've built over 11,000 units throughout the nation.

Ms. McCool moved onto the topic of where they had been. They had a workshop with the Planning Commission and City Council back in January of 2023. They really like the process that you have in your Code, because that Concept Plan process really gave us an opportunity to hear from you, hear from the community and be able to infuse that input into our preliminary PUD Plan. As Mr. Hemphill noted, they did have a neighborhood meeting back in the fall of last year, and there was only one participant that attended that meeting, and that person was supportive of the project. The only thing that he brought up was that it was his understanding that there had been some projects in Fruita, the multifamily projects that were granted parking exceptions, and he just said he had heard that they had had some problems, so they knew that they had to really address parking in the PUD Guide.

She continued that the goal of their proposed PUD is to really build off the C2 zoning, which is the underlying zoning which they hoped to build off that to allow flexible form based dimensional standards for affordable and market rate residential housing. The development would include four apartment buildings across two planning areas, planning areas A and planning area B, and a clubhouse and surface parking. What they are proposing is to have it be located interior to the site. They really understood that the City wants to see the property develop as multifamily residential as we can tell by the condition of approval, one that's in your staff report, and TWG is committed and wants to develop the property as multifamily, because that is really what they do best. That's why they purchase the property and want to move forward with either affordable or market rate housing. She added that land development can be a little bit tricky, there are sometimes entitlement processes and things out of the developer's control can happen. If for some reason TWG couldn't secure state funding to build affordable housing, they would like to have the zoning of the land revert to the C2 zoning like it is today. They have proposed a modification to Staff's recommended condition of approval number one which will be discussed in more detail when they get further on in the presentation.

Ms. McCool stated at the Concept phase, they talked a lot about density and building heights, and again, our intent with the PUD was to have more of a form-based approach. Instead of setting forth a maximum density limitation, the PUD places focuses on the size and the mass of



the building and the quality of the architecture. They heard from the Planning Commission and Council that there wasn't a concern with the density as Fruita was in a housing crisis. Consistent with that feedback the Preliminary PUD regulated building height in terms of numbers of stories and mandated high quality architecture. In PA One which is in the north-northeast corner, that planning area would allow for two buildings to be four stories in height and that is to compliment the looking the La Quinta hotel that is a higher, taller building and then transition down to three stories in planning area three or planning area B, which is in the southwestern portion of the property. It is the whole transitioning from the higher building heights at the northeast and transitioning to three stories to the southwest. The architecture they were proposing is in line with the geologic features of your community, such as the Book Cliffs, Colorado National Monument, and the desert.

Ms. McCool addressed the public benefit of the plan. She felt it was great to get feedback at the Concept Plan stage from the Planning Commission and Council on support for provisions for childcare to be met within this Preliminary PUD. She continued that there was support for a cash in lieu payment instead of dedicating land and that they worked with staff to come up with the number the dollar amount would be dedicating for cash and lieu, and that number is \$100,000. They were in concurrence with Staff's recommended condition of approval to pay that at time of Site plan approval.

She stated that in terms of parking, at Concept Plan they wanted to get feedback on being able to set forth a parking ratio because the current parking regulations require parking per bedroom. They garnered support for that parking to present a ratio. The question was, what would that ratio be? The direction was to provide a parking study and they hired McDowell Engineering. They are headquartered in Eagle, Colorado and they have a lot of experience with West Slope communities, and they conducted the parking study. They have infused the findings that are in that parking study in the PUD development standards and set forth a parking rate, parking ratio for the affordable product as well as for the market rate. She added that they have set forth provisions for parking management. She felt that parking management is important, and it will be included in the individual leases, apartment leases, specifying the parking regulations and enforcement policies, and that'll be important for the future residents to know what to expect. They are also proposing to provide bicycle parking per the Land Use Code.

Ms. McCool discussed transportation improvements. They looked at the City's Comprehensive Plan, and we will be making the transportation element connection, that collector road between Raptor Road and Jurassic. That will be built out as well as building out Raptor Road and Jurassic Court. Onsite amenities in terms of the onsite amenities were discussed at the Concept Plan and they heard some suggestions on what would be good amenities and put together the list of amenities which you will see in the PUD guide that they a menu of a list of all the onsite amenities for the development to happen, at least a minimum of two of those elements need to be included in the development. She felt that this really allowed for flexibility in selecting the most appropriate amenities to serve the future residents. It would have to have a playground and raised garden beds, or common outdoor gathering spaces and a pocket park.

Ms. McCool showed the Planning Commission some of TWGs past projects. These included the

the old Best Western motel conversion in Durango, Colorado. They converted the motel into affordable housing and added a one-story commercial building and they constructed two 3 story buildings to deliver 48 affordable housing units to the city of Durango. Another one is in Spokane, Washington, this one she visited herself when she was on a Pacific Northwest tour last summer, and it includes 1, 2- and 3-bedroom affordable housing units, and it's adjacent to the Northern Quest Resort and Casino. She described this as a huge resort Casino, that's way outside the city center and this housing development was really needed because it provided affordable housing to the workforce who work at the resort and casino. The amenities that were selected were a basketball court and a sand volleyball court. They worked with the community in helping decide what amenities would be there. She felt it was really rewarding to provide amenities that really serve the needs of the future residents. Lastly, she shared was Bold on Broadway located in Saint Peter's, Missouri, and the architecture includes some more modern designs with wonderful common outdoor open space, gathering spaces.

Ms. McCool summarized that they were requesting approval of their Preliminary PUD Plan. Mr. Hemphill already mentioned how their PUD Preliminary plan was in conformance with the City's Master Plan, strategies, long range policies and goals. She felt that they really hit a lot of those marks in terms of land use and growth of housing, affordability, transportation, economic development and vitality, education, arts, all those good things. They worked hard to infuse the direction that we've received at Concept Plan and felt that they have incorporated all those elements into the Preliminary PUD Plan and our proposed deviations and design standards all meet the intent and purpose of the City's business design standards, and the purpose of the PUD criteria. She stated that they were in concurrence with Staff's recommended conditions of approval 2-4 and the only modifications that we're proposing are to condition of approval one. The TWG team has been working with staff to address their concern and desire to have this property be developed in multifamily, TWG shares that desired goal as well. They discussed with staff that if we removed all of the commercial land uses which we could do, they would need to have some assurance that for some reason if TWG didn't secure state funding then the zoning of the property would revert back to C2 , which it is today. This language that she showed on the screen is what they would propose to change that condition. It would be adding a reverter clause and it would read that in the event the PUD failed to develop is either market rate or affordable multifamily housing at the property zone or discretion, the zoning of the land shall automatically revert to C2 as it existed prior to the Planned Unit Development approval this reverter clause shall terminate automatically once construction of the multifamily development begins, and if requested by the owner the city or local municipalities shall provide written confirmation of the same. She felt that this addressed Staff's zoning concerns. They thought that this was a real win/win with this condition, and it's really the only change that they had. Ms. McCool concluded by saying she was happy to answer any questions that they had.

Commissioner Biddle thanked her. He then opened the meeting to public comment. There was none. The meeting was then opened to Commissioner discussion.

Commissioner Handley said that he wasn't present at the workshop for the childcare discussion and wanted more details on how the cash payment would be used to support childcare in the City.

Mr. Dan Caris responded that at that time they were planning on applying for a Stronger Community's Infrastructure Grants which a component of that strengthened those grant applications was childcare, and they had identified another property and an actual operator for the childcare facility. They were unsuccessful in being selected for the request, which he believed was four million dollars for the Stronger Communities Infrastructure Grant. He continued that why there's little context with what we were going to use those funds for was because they had a conceptual idea of how they were going to approach that. They now don't have as clear of a path, but you know the City often issues requests for proposals or requests for qualifications which they could do if we were seeking an operator or work with the small business incubator here in the grand valley that does have some existing operators that are trying to expand. They do have kind of a path forward where that wouldn't just be sitting there, if that's the concern of the Planning Commission, but that those dollars would be deployed if this were to move forward.

Commissioner Handley asked if what he was saying was that the \$100,000, would be essentially held in escrow for some future childcare project.

Mr. Caris responded yes, not very much different than how they collected Transportation Impact fees or other impact fees. They are held typically in a separate account, and then can only be used for adding capacity to the thing in which they were impacting. They would view this very similarly where they could not use the \$100,000 just for anything, but it would be encumbered to be used just for adding childcare seats for the city or for the city's residents.

Commissioner Handley thanked him.

Mr. Caris added that this wasn't like a random, they spoke at length with the hospital, you know, that is consistently looking for seats for their employees for childcare. This is a county wide issue commonly referred to as a childcare desert. This is one small way that they could contribute but it could be to the benefit of specific organizations, even this organization and a creative way, where doesn't necessarily encumber the real estate on site per se but could ultimately end up adding more capacity for the city as a whole.

Commissioner Hearn said that she was able to make it to that meeting in January where they discussed the community amenity. She said that they talked about having trails versus childcare and they were brought back to the PUD. The reason for PUDs is to have a modification or flexibility and innovation for things that otherwise couldn't be realized. She continued, that when you think about asking a community amenity to be trails, they have so many other ways to realize trail building, but they didn't have other ways to realize childcare which was seen as a need. She stated that her take away from the Concept Plan was this community amenity was unique and something that the City wanted over the other kinds that we traditionally see.

Commissioner Biddle stated that one thing from back from the previous discussion at the workshop was that the City was not looking to get into the childcare business. This is a partnership or grant type opportunity for somebody. He asked if anyone had questions.

Commissioner Mulder thought that this project could be a good fit with the location for all of the right reasons. The developer has taken it on themselves to address the issues that we have. He added that not everything had been completely taken care of, but it seems like they're on the right track. He hoped that ultimately, when this is completed, that an official bus stop would be put in a project and that all the prairie dogs would get new homes.

Commissioner Handley asked for more clarification on the commercial rate versus affordable, although I prefer the term attainable housing. He asked what's their mix? And I understood that they represent that this will be at the developer's discretion. He asked if they could give them a little more thought on their direction there for attainable housing?

Ms. McCool responded that the way that the PUD was set up is to allow for either/or but their primary goal, if it develops affordable would be for folks in Fruita who earn at or below a hundred 140 % of AMI to fulfill the need for affordable housing in Fruita. She stated that they took a close look, too, at your housing studies and those types of things. They didn't know the mix right now. A lot of that depended on their ability to secure state funding of how that would be. They were disappointed that they didn't get the Stronger Community's Grant, and this is why they were requesting a modification to condition of approval one to allow that to protect TWG's interest as well as meet the community's goal of providing affordable or market rate housing, and just adding to the diversity of your housing stock in the city.

Commissioner Handley paraphrased that they plan some percentage to be attainable units you just don't know what that percentage is?

Ms. McCool stated that it will most likely be either all affordable housing units or market rate.

Commissioner Handley said that he understood the challenge and the problem.

Ms. McCool said that a lot of it depended on funding. And it's competitive to secure that funding.

Commissioner Handley seconded what Commissioner Mulder said. This is something that we need perfect project, perfect location, something that I've advocated for quite some time.

Megan Adams joined the conversation. She introduced herself. She stated that they could see her online at TWG's website. She said that she was the Regional Development Director. She added that if they looked at her history, she did affordable housing. She said it was not only her job but it's also my mission. While they are stating a hundred, 140%, AMI, they originally started this project for lower AMIs, like 60% right or 50% especially for families with children or seniors and with prop 123 they we're really hoping to secure that funding it allows for up to 140% AMI. They are trying to serve the lowest AMI and a mix of AMI, but they are subject to what funding is available coming down from the state level.

Commissioner Biddle asked if the Staff have any issue with the reverter clause?

Mr. Caris said that they didn't have any issues with that. He said that they have been a participant or co collaborator on submitting grants like in partnership with this project and our community that has opted in to Prop 123. He stated that they we felt strongly that if we're going to participate in that way, that they want it to be through the context of what this is being proposed to be which is affordable housing or market rate housing, not some sort of contribution and the change to commercial. They don't typically do that, they typically just allow the uses that are underlined to exist with plan developments, but in this case, they have worked in tandem with this this group and Kerry and Megan at TWG. They were fine with that language that she put up on the screen and they would support that and don't have any strong reactions that we feel like we would have more exposure by you codifying that by ordinance.

Commissioner Biddle asked if some verbiage of that would be included in any motion?

Mr. Caris responded yes.

Commissioner Hearn said that her recollection of the Concept Plan was, there's no like height limit when we say four stories. She wanted to check in on that and what if this Preliminary PUD was approved tonight what are the extremes that those four stories could be? Could a story be 40 feet each, and this be wildly taller than the La Quinta? What kind of standards would be trapped in if this were approved?

Mr. Hemphill responded that the way that the PUD Guide reads is four stories tall and typically, those are 11 feet in height. Maybe the first floor is 10, and then the second, third, and fourth floor as 11 each. He added that this was something that's in our Code for the Downtown Mixed-Use zone.

Commissioner Hearn thanked the applicant for the staggered approach. She thought she was the one that said I believed that the La Quita was an eyesore when you're coming over the I70 overpass. In her hopes and dreams for the community going forward is that four stories mean to you wouldn't be taller than the La Quinta which you did say. She was just nervous about what going forward is possible.

Mr. Hemphill asked if she meant as far as building height?

Commissioner Hearn said yes.

Mr. Hemphill said that the Downtown Mixed Use core says ground floor story to ceiling height shall not exceed 15feet and all stories above the ground floor shall not exceed floor to ceiling height of 11 feet. He said that they could expect something like that to meet the building codes and be able to accommodate for those 33 plus 15 feet, 48 feet. The La Quinta is about 40 feet, maybe a bit more but again, as you're coming down from that roundabout the perspective, there is that that building isn't much taller than the elevation of the roundabout.

Commissioner Hearn asked if 33 plus 15 was a height that the applicant was expecting and not going any higher, is that correct? The four stories tall Staff just calculated it would be 33 plus 15 potentially, is that within what your engineers are considering, and that's reasonable for you?

Ms. McCool responded that the heights how Mr. Hemphill explained it were pretty much right on because we really looked at the height, the La Quinta and in that planning area A, that's in the northeast corner, that's where they were proposing building heights of four stories can't exceed four stories. They are tapering down, transitioning to the southwestern portion of the site planning area B, where the building heights would be limited to three stories.

Commissioner Hearn said that she is a mathematician so when she doesn't see a number, just stories her mind just kind of goes wild and she could see the members of our community may say that they are building this Behemoth for childcare as the tradeoff. She wanted the record to say that they are staggering the approach to help with the visual obstructions, and using the La Quinta as your guide to be conscientious of how present this building will look.

Ms. McCool that was why they have included design standards and, as Mr. Hemphill had pointed out in the one of the conditions of approval three about making sure that we have essentially what is four-sided architecture that was really the tradeoff as not just the child care component, but allowing us to focus on the form, size, and mass of the building and providing quality architecture that's in line with what your community desires and the surrounding area in terms of the design with the National Monument and the Book Cliffs and incorporating more of a modern design. Having a flexible number of stories, is the limitation really allows us to really focus on the architecture of the building that will help with the mass.

Commissioner Hearn asked in their proposal somewhere under materials and colors, you'd ask for a deviation to include fiber cement panel lap siding, final siding, and adobe brick. She didn't see that at the Staff report. She asked if that was something that you and the staff agreed on, and that is a deviation, and I just missed it?

Ms. McCool responded that they do have in the PUD guide the deviations to adding other materials as well.

Commissioner Hearn thanked her. She commented that she loved that this presentation today included loving the State Patrol Building. She wanted her to remember that Fruita wanted to be funky in these materials and colors, and she hoped those deviations would allow them to think more outside the box. She wanted to make sure that wasn't like where you were sticking with it, and you're allowing the funky architecture to come through.

Ms. McCool stated that they would be working closely with staff in implementing the zoning, the PUD Guide at time of site plan design it will be funky.

Commissioner Hearn wanted a reminder of what approval this zoning application would be. She understood it the few bits of description of a Site plan that we've gotten would be approved and Administrative Site Plan going forward, she asked if that was correct?

Mr. Hemphill responded yes and added it would be an administrative review of the Site plan.

Commissioner Hearn stated that she was impressed with the care that the applicant took with parking. In January they wanted, I think it was a half of parking for each dwelling unit, and they

pushed back an awful lot and said that double digit percentages of our Fruita residents have four plus vehicles in a household, and that wasn't going to work. She was gracious to them for hearing that, and to increase. She wanted to double check that if they approve this, then the .75, if everything were affordable housing that would be written into this zone, right? They are committing to that tonight.

Mr. Hemphill stated that this was correct.

Commissioner Hearn thanked him. She added that this was wildly needed if they don't do it, Fruita stays stagnant and fails to achieve inclusivity and attract diverse residents. She was very excited.

Commissioner Biddle asked for a motion.

Mr. Hemphill responded that they needed to ensure that the motion and discussion includes the findings of fact and that's why the summarized statements from the Land Use Code and our Staff report have been provided to you. He asked them to make it clear that they are, or that you agree that you recommend either they do meet it or can meet it in accordance with the Staff reports recommendation, and then he also have the reverter clause in there that has been agreed upon. Staff is supportive of this; we can include this in the PUD guide that's attached with the zoning ordinance itself. He added that from what he understood the Planning Commission's discussion was reiterating the fact that the Planning Commission does agree that this should be included as one of the conditions to take out the commercial uses but put them back in if you know this doesn't all work out as the planning and development as proposed.

Mr. Caris stated procedurally that if there's a motion for recommending approval, that would be the motion and then, like the reverter clause, would be stated as an additional condition.

Commissioner Hearn said that in her review of the application and the Code and the things she knew about the Fruita in Motion plan she thought they absolutely meet 17.19.030 all A-D in its conformance to the Comprehensive Plan it allows for a diversity that she didn't think that they were currently achieving with our housing and hopefully they can attract residents where Fruita can be inclusive and there's all sorts of amazing design standards that help us stay funky and they were getting to number D and the proposed zoning she feel strongly meet all the sections of the code in 17.19.030 (B)(1) and with all of that said she believed that the exemptions and deviations that we're making after this PUD help them realize a lot of community needs one is diverse housing, but also the childcare. She thought it just matches and compliments the things that Fruita wants to do.

COMMISSIONER HEARNS MOVED THAT THEY RECOMMEND APPROVAL TO THE FRUITA CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS AND CONDITIONS BE ADEQUATELY RESOLVED

COMMISSIONER HEARNS MOVED THAT THEY APPROVE GEODE FLATS PRELIMINARY PUD PLAN WITH THE CONDITION THAT THE APPLICATION ADEQUATELY RESOLVES THE REVIEW COMMENTS AND CONDITIONS IN THE

STAFF REPORT WITH EITHER THE ZONING ORDINANCE OR THE PUD APPLICATION BUT ALSO ADDING THE REVERTER CLAUSE THAT IN THE EVENT THE PLANNED UNIT DEVELOPMENT FAILS TO DEVELOP AS EITHER MARKET RATE OR AFFORDABLE MULTIFAMILY UNIT DEVELOPMENT OF THE PROPERTY AT THE OWNERS DISCRETION THE ZONING OF THE LAND SHALL AUTOMATICALLY REVERT TO COMMERCIAL TWO (C-2), AS IT EXISTED PRIOR TO THE PLANNED UNIT DEVELOPMENT APPROVAL. THE REVERTER CLAUSE SHALL TERMINATE AUTOMATICALLY ONCE CONSTRUCTION OF THE MULTIFAMILY DEVELOPMENT BEGINS AND IF REQUESTED BY THE OWNER, THE CITY OR LOCAL MUNICIPALITY SHALL PROVIDE WRITTEN CONFIRMATION OF THE SAME.

COMMISSIONER MCGUIRE SECONDED THE MOTION.

MOTION PASSED 5-0

#### **H. OTHER BUSINESS**

1. Community Development Updates.
2. Visitors and Guests.
3. Other Business.

**Adjournment 7:10 pm**

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita