

A. CALL TO ORDER

Six Planning Commissioners were in attendance. (Jesse Fabula, Derek Biddle, Mel Mulder, JP Nisley, Amy Miller, and Chriss Rusch were present. Aaron Hancey recused himself prior to the meeting.

B. PLEDGE OF ALLEGIANCE

Commissioner Mulder led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None

D. APPROVAL OF THE AGENDA

COMMISSIONER BIDDLE MOVED TO APPROVE THE AGENDA

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 6-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

July 12, 2022, Planning Commission Meeting.

COMMISSIONER NISLEY MOVED TO APPROVE THE MINUTES

COMMISSIONER MILLER SECONDED THE MOTION

MOTION PASSED 6-0

H. HEARING ITEMS

Application #: 2022-12
Project Name: Rose Creek
Application: Preliminary Plan
Representative: Vortex Engineering
Location: Parcels #2697-094-79-002 and 2697-094-00-715
Description: This is a request for approval of a Preliminary Plan of a 130-lot Subdivision on approximately 22.74 acres

Commissioner Mulder introduced application #2022-12 Rose Creek Preliminary Plan.

Mr. Dan Caris, Planning Director for the City of Fruita gave the Staff presentation.

Slide 1 – Rose Creek Subdivision Preliminary Plan Introduction

Slide 2 – Application Description

Slide 3 – Legal Notice

All legal notice completed in accordance with Section 17.07.040 (E):

- Post Cards – July 21, 2022 (19 days prior)
- Sign Posting – July 21, 2022 (19 days prior)
- Newspaper – July 22, 2022 (18 days prior)
- City Hall – July 21, 2022 (19 days prior)

Slide 4 – Sign Postings

- Section 17.07.040 (E)(1)(c) states “Sign(s) posted on or near the subject property. One or more notices that are sufficiently conspicuous in terms of size, location and content to provide reasonably adequate notice to potentially interested persons of the land use action at a specified date and time. Such notice(s) shall be posted at least fifteen (15) days prior to the public hearing;”

Mr. Caris showed a picture of the sign postings and described where they were located on the subject property.

Slide 5 – Public Notice sign postings location

Mr. Caris showed a map of the sign posting locations.

Slide 6 – Public Notice postcard buffer zone map

- Section 17.07.040 (E)(1)(d) Public Notices, requires written notice to be mailed to property owners within 350 of the subject property at least 15 days prior to the public hearing.
- These are sent to the property owners’ mailing address on record with the Mesa County Assessor.
- 61 unique property owners sent postcards.

Slide 7 – Zoning Map

Mr. Caris showed a picture of a zoning map and described the surrounding zones.

Slide 8 – Aerial View

Mr. Caris showed an aerial view of the subject property.

Slide 9 – Fruita Elementary School Boundary Map

Mr. Caris described the map that clearly showed the elementary school boundaries.

Slide 10 – Land Use Code Criteria – Section 17.21.040 (A)

1. Conformance to the City of Fruita’s Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;
2. Compatibility with the area around the subject property in accordance with Section 17.05.080 (C);
3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc.);
4. Preservation of natural features and adequate environmental protection; and
5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.

Slide 11 – Density Bonus Analysis

| Density Bonus Criteria | | | |
|------------------------------|--|----------------------|----------------|
| | | CR | SFR |
| Base Density | | 6.0 DU/acre | 4.0 DU/acre |
| Maximum Density | | 8.0 DU/acre | 5.0 DU/acre |
| | | | |
| 20% Open Space | | 1 additional DU/acre | 1 additional |
| → Bike and Trail Connections | | 1 additional DU/acre | 1 additional |
| → Alley/shared drive access | | 1 additional DU/acre | Not applicable |
| → Mix of housing types | | 1 additional DU/acre | Not applicable |

- **Bike and Trail Connections:**
- Section 17.09.050 (D)(2) states, *The project includes an internal trail network, a continuation of an existing trail network, or the continuation of a bike lane system internal to the project and along adjoining rights-of-way. The bike and trail amenities must be at least 500 feet of linear length to qualify for this bonus. On-site trails and/or sidewalks shall be extended to existing off-site trails, sidewalks or parks if the extension is less than two hundred (200) feet in length. An easement, or other form acceptable to the City Attorney, shall be required with the first phase or first filling of the subdivision to ensure the space is permanently designated as a trail.*
 - The application is proposing approximately 1,379 linear feet of internal trails within the subdivision which has met the bike and trail connections criteria for approval of 1 additional density bonus.

Mr. Caris spoke about the requested density bonuses.

Slide 12 – Density Bonus Analysis Continued

- **Mix of Housing Types:**
- Section 17.09.050 (D)(4) states, *A mix of housing types are proposed with a minimum of twenty (20%) percent of the dwelling units being single- family attached, duplexes and/or multi- family units. The unit types shall be dispersed within the development, and a site plan shall be recorded to ensure that the final buildout reflects representations in the density bonus review.*
 - The application is proposing a total of 130 dwelling units.
 - Attached units = 110 (85%)
 - Detached units = 20 (15%)
- It appears that this application has met the mix of housing standards for approval of 1 additional density bonus.

Slide 13 – Review Comments, Public Comments & Staff Recommendation

- Review Comments:
 - All review comments received are included with this Staff Report.
- Public Comments:
 - Written public comments have been received at this time.
 - All written public comments received by Staff are included.
 - The applicant completed a neighborhood meeting in accordance with Section 17.07.040 (D)
 - On-line meeting on August 1st
- Staff Recommendation:
 - Staff recommends approval of application 2022-12, Rose Creek Preliminary Plan, with the condition that all review comments and all issues identified in the Staff Report are adequately resolved with the Final Plat application.

Commissioner Mulder thanked him.

Commissioner Fabula asked Mr. Caris what the width of the trail was.

Mr. Caris stated that it was 8 feet. He then talked about the sidewalks and that they wanted to achieve these off the collector roads for school kids to access them and to get pedestrian traffic off of 19 Road and Ottley.

Commissioner Rusch asked if the trails would be concrete?

Mr. Caris confirmed this.

Mr. Robert Jones from Vortex Engineering went up to speak as the applicant's representative. He presented a presentation. Mr. Jones stated that Staff did an excellent job of presenting the project and he wanted to highlight the features.

Slide 1 – Introduction of Rose Creek Subdivision

Slide 2 – Location Map

Slide 3 – Rose Creek Subdivision Preliminary Plan

Slide 4 – Fruita Land Use Code Approval Criteria

- Application has demonstrated Compliance with Section 17.21.040
- Application has demonstrated Compliance with Section 17.05.080
- Application has demonstrated Compliance with Section 17.09.040

Slide 5 – Review Agency Comments

- All review agency comments have been addressed or will be addressed through the Final Plan Subdivision review process.

Slide 6 – Conclusion

We respectfully request a recommendation of approval for the Rose Creek Preliminary Plan to the Fruita City Council.

Slide 7 – Questions

Mr. Jones said that Rose Creek was designed for a mix of housing with many attached. He pointed out that they feathered density with single family residential lots. Mr. Jones talked about the trail connection. He stated that their intent was to get pedestrians to Ottley and 19 Roads. He spoke about the 19 Road corridor and the 10-foot widening on the west side. He spoke about the traffic impact study and the necessity of a turn lane and about traffic flow. He said that utilities existed on the site or will be brought in. He also spoke about stormwater on the southwest corner. Mr. Jones said that all agency review comments would be addressed and that he respectfully requested approval.

Commissioner Mulder asked if there were any questions?

Commissioner Miller asked about green space.

Mr. Jones stated that there was no park planned.

Commissioner Rusch wanted to know about Tract A.

Mr. Jones stated that it was a stormwater basin.

Commissioner Rusch wanted to know where a point of recreation was from the property.

Mr. Jones said that it was any city park. He added that they could pay a fee in lieu which was the Parks and Open Space fee.

Commissioner Nisley said that there was a discrepancy in the growth rate in the traffic study. He wanted to know if there were any finding changes.

Mr. Jones stated no.

Commissioner Biddle asked if the trail would continue north.

Mr. Jones replied that it would not.

Commissioner Mulder asked if the public comments should be read aloud for the record.

Mr. Caris said that it was not necessary but referred the question to the City Attorney, Mary Elizabeth Geiger.

Mary Elizabeth Geiger confirmed that the letters were part of the written record and did not need to be read.

Commissioner Mulder thanked her.

Commissioner Mulder opened the meeting to public comments.

Commissioner Mulder asked if there was anyone who wanted to speak against the project.

Mr. James Allen Emsley who lived at 1551 Lola Court went up to speak. Mr. Emsley was concerned about lack of green space. He spoke about Brandon Estate's two parks and was concerned that with no parks going into Rose Creek the residents will use theirs. He said that Brandon Estates HOA had to maintain their parks and that it would put the City at risk and that they may have to do the maintenance. He wanted to know where the open spaces were within 1.5 miles of the property.

Ms. Joanne Anderson who lived at 1748 Powis went up to speak. She spoke about the public meeting they had. She was concerned about home values and felt that the road networks were going to be affected in particular for emergency services. She was worried about Brandon Estates during construction, and she compared Fruita to Moab with the speed of development. She requested a moratorium on Rose Creek and was worked about quality of life.

Mr. Rick Kennerknecht who lives at 502 Lois Drive went up to speak. He commented on the traffic study and asked what it was for Brandon Estates?

Mr. William S. Brunet who lives at 514 Lois Drive spoke. He was concerned about traffic on Powis and Myers Lanes. He felt that many trips would be generated with school on 19 and K Roads. He asked about future impacts on the roads. He felt that this intersection would have more traffic. He spoke about open space and felt this was important. He was concerned about the overuse of the existing parks at Brandon Estates and about the HOA maintaining them. He brought up the off-site improvements of curb, gutter and sidewalks and said that the project didn't show these. He mentioned the HOA documents didn't mention the 85% attached homes

and felt that these documents needed to be specific. He compared the outbuilding heights to Brandon Estates and felt there was a discrepancy.

Mr. Mark Miller who lives at 1725 Powis Lane gave public testimony. He stated that he supported owner's rights. He spoke about density and the 130 lots proposed for Rose Creek. He thought this was priced for lower value homeowners. He was concerned about the common access, road traffic, noise, volume, vandalism, and theft. He suggested an unbroken boundary between the subdivisions and possibly using a green belt to do it. He suggested no linkage of streets.

Mr. John Bratteli who lives at 550 Lois Drive went up to speak. Mr. Bratteli was concerned about density, lack of green space, and traffic issues. He bought up the neighboring subdivision Holly Park. He spoke about this subdivision which would be denser with zero green space. He also brought up the southern K Road connection.

Ms. Janina Grooms who lives at 1528 Powis Lane spoke. She mentioned that she goes towards the 8/9 School and that trash is horrible. Lots of litter, loud music and traffic problems. She attributed this to too many houses and she was disappointed with all the construction in Fruita. She spoke about the playground and liability put on the residents. She was worried about being sued.

Ms. Carol who did not live in Fruita but had children and grandchildren who did went up to speak. She felt that the project needed to be stable and that the kids needed to be considered. She felt that since this would be lower income housing that some people may not have cars and that more kids would be walking to school. She wanted it to be safe for the kids. She thought they should not be walking through Brandon and that it should be private and secure. She has had a business in Fruita and had taught in Loma and Fruita. She felt that senior citizens should also be considered and their safety as they walked the neighborhood. She felt that the parks in Brandon needed to be preserved.

Ms. Shalene who lives in Vista Valley went up to speak. She had concerns about small housing units in Fruita. She felt that Fruita didn't need this. She also talked about the need for open space for the kids. She felt that the walkway was great.

Mr. David Lee who lives at 1894 Hartz Court spoke. Although he lives in Mesa County, he considered himself a resident of Fruita. He spoke about Fruita being a bedroom community with many people traveling to Grand Junction for work. He spoke about density being brought up and that the Planning Commission and City Council needed to look at the Land Use Code. He felt that 19 Road was blowing up and asked what was being done about 19 Road. He talked about the traffic study and the sections of 19 & K Road and 19 & J Road. He talked about traffic and pointed out the problems that occur around 7:30 – 8:00 when high schoolers and workers are leaving. He felt that they couldn't keep approving things without improvements on 19 Road. He talked about the improvements that would be happening on 18 1/2 Road and asked when this was supposed to take place? He also brought up that he felt that traffic studies needed to account for future development. He spoke about the trails in Brandon and that people there complain about them.

Mr. Justin Gollob who lives at 1659 Powis Lane gave public testimony. He started off saying that he was a fan of the Comprehensive Plan and that he supported a hard edge. He felt that Rose Creek was not it but could be. He stated that their proposal would not guarantee affordability and lacked creativity. He thought that they could have a creative community that would be in symphony with Brandon Estates and that they could combine their interests. He mentioned that he thought there was a lack of communication with the neighboring property owners. He felt that they missed the mark and he spoke about the Community Residential zone and density bonus. He did not think that the subdivision showed the spirit of the Community Residential zone and that there was a disconnect. He added that this was not the vision of the Comp Plan. He asked about the 85% attached units, why not 50%? He felt that there was a compatibility issue with the subdivision. He spoke about the entry points into the subdivision through Brandon Estates and felt that the exclusion of a park would put pressure on them. He pointed out the review comments from Mesa County Transportation. He felt that they could work towards a compromise.

Ms. Anna Martin who lives at 574 Lois Drive spoke. She said that she and her husband moved to Brandon Estates a year and a half ago to start a family. Because of her work, she knows how desirable Fruita is compared to Grand Junction. She spoke about the Mews with 50 townhomes and added that this development was for low income with 30% of Fruita median income level. She mentioned that the traffic study should keep this development in mind. She spoke about the accidents that happened on 19 & K Road. She said that her husband was a first responder and that there have been fatalities at this intersection. She said that it should be the goal of Fruita to keep its good name and continuity.

Commissioner Mulder asked if there was anyone in favor of the project.

There was no audience member that wanted to speak in favor.

Commissioner Mulder closed the meeting to public comments and opened it to rebuttal.

Mr. Jones wanted to address the comments regarding traffic, design, and connection points. He brought up connection points south to Ottley. They were reviewed and it was determined that it wouldn't be permitted. He stated that Staff reviewed it and rejected it. He continued, that as for the unbroken green space, this was not allowed by the Code. Interconnectivity was supported by the Code and that they were required to connect on Myers and Powis Lanes. He spoke about Fruita being a bedroom community and that people headed to Grand Junction by going down 19 Road. He added that streets were designed for 1500 ADT and that the streets would not exceed capacity. He said that they were working with Staff. He spoke about the Community Residential Zone with 7000 square foot lots. He felt that they were compatible and spoke about base density and by right density, the reduction of lot size and that they desired to make the duplex unit individually owned for flexibility and affordability. He continued that he took part in the Comp Plan and the Land Use Code amendment. He felt that Rose Creek did meet the approval criteria and he respectfully requested approval.

Commissioner Rusch asked him if they had to connect to Brandon Estates.

Mr. Jones affirmed this.

Commissioner Rusch asked where in the Code was it that said streets had to connect and why?

Mr. Sam Atkins, City Engineer, spoke. He stated that this information could be found in the Engineering Specifications Manual and that he would not recommend not doing it.

Commissioner Rusch asked why there was no green space?

Mr. Jones said that they could pay a fee in lieu of putting in a green space.

Commissioner Rusch asked if there could be an inlet/outlet onto 19 Road.

Mr. Jones said no.

Mr. Atkins said that they did not want to create an unsafe situation.

Commissioner Miller talked about the in-lieu fee and asked if the City was in the process of creating more parks.

Mr. Atkins stated that the Wills property was going to be redeveloped and would have parking and pickle ball courts.

Commissioner Nisley said that he had concerns about 19 Road and wanted an overview.

Mr. Atkins said that they were working on it and that they would need to acquire Right of Way which would be in 2023 with construction in 2024.

Commissioner Nisley talked about the traffic study and a stacking effect.

Mr. Atkins stated that traffic studies do not stack and that traffic that it doesn't count traffic that could be there, just traffic that is there.

Commissioner Nisley mentioned the jog out on Myers Lane was for speed reduction. He also talked about the idea of duplex units being purchased separately. He also talked about the offsite improvements of sidewalks and gutters.

Mr. Jones talked about the pedestrian improvements for Rose Creek.

Commissioner Biddle stated that he appreciated density but struggled with the lack of green space. He asked about the center row of lots.

Mr. Jones talked about the center row, alley access and alley loaded homes.

Commissioner Fabula described what he saw going on in between the lots.

Commissioner Nisley asked what was going on between lots 51 and 18?

Commissioner Fabula asked about front doors and where they could be in conjunction with the alley.

Commissioner Biddle asked about impact fees and that 19 and K Roads were priorities.

Mr. Atkins said that the priority started from the highway, and this wouldn't change.

Commissioner Mulder mentioned a 4-way stop at the intersection of 19 & K Road.

Mr. Caris said that this was being evaluated.

Commissioner Mulder said that a 4-way stop at 19 & K would be helpful.

Mr. Caris elaborated on the impact fees and stated that each unit would be responsible for these. He spoke about Canterbury Park and the fees. He explained that impact fees go into different accounts and what they pay for.

Commissioner Biddle talked about the connecting of the roads and the stubs put in for that purpose.

Commissioner Fabula liked the idea of individual ownership of the duplexes. He also mentioned that they are always watching for traffic related issues, and he spoke about the traffic slowing features on Myers Lane. He took a strong stance on developers paying their own way. He wanted more information about the ownership between the duplexes.

Mr. Jones elaborated on this.

Commissioner Fabula asked if there would be staggering of duplexes, or would it all be in rows?

Mr. Jones didn't know the symmetry or house depths to be able to answer that question.

Mr. Caris talked about the lots and said he was unclear that they would be duplexes.

Commissioner Fabula asked if duplex lots were based on assumptions?

Commissioner Nisley asked for clarification.

Mr. Jones said he could put it on the plat.

Mr. Caris wanted to clarify on the product. Duplexes with a shared driveway? Triplexes?

Mr. Jones stated duplexes were correct.

Commissioner Fabula asked if they could request a stub on lot 2?

Mr. Atkins said that they could.

Commissioner Fabula took a minute to look over the public comments.

Commissioner Mulder pointed out the Rose Creek was double the density of Brandon. He spoke about traffic on Powis and about green space and the need for it. He wanted verification that duplexes could be bought separately. He added that traffic continued to be an issue. He talked about the 85% / 15% ratio and asked why? He didn't feel this was right.

Commissioner Fabula asked if the HOA was incompatible with Brandon?

Mr. Caris said that the applicant's attorney drafted the CC&Rs and that they would have to be in compliance with CCIOA. He said that the City attorney reviews these but that the City doesn't regulate them.

Mr. Jones stated that legally they did not have to.

Mary Elizabeth Geiger said that the applicant was correct. They did not have to match. She said that she would work with their attorney.

Commissioner Fabula said that he was happy with the Comp Plan and Land Use Code. He thought they needed to take the tool they built and move forward.

Commissioner Miller talked about development in the last 15 years and how it was primarily single family detached units. Because of this, they lost 20% of the work force. She commended them for working to address this.

Mary Elizabeth Geiger said that if the Commission approved this, they could add the language "all representations made by the applicant be a part of the condition of approval."

Commissioner Biddle wanted the addition of green space.

Mr. Caris said it would be fine to add this but that it couldn't be a prescriptive ask.

Mary Elizabeth Geiger stated that the Code gives the option of cash in lieu of the green space and that they couldn't get both.

COMMISSIONER FABULA MOVED TO RECOMMEND APPROVAL OF APPLICATION 2022-12 ROSE CREEK PRELIMINARY PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT ARE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION AND THAT WRITTEN AND VERBAL REPRESENTATIONS FROM THE APPLICANT BE A PART OF THE CONDITION OF APPROVAL

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION FAILS 3-3

Commissioner Mulder stated that he voted no because he felt it was not compatible. Commissioner Rusch agreed with Commissioner Mulder and Commissioner Biddle also voted no.

Commissioner discussion continued.

Commissioner Biddle wanted to know how far Salt Wash Park was.

Mr. Caris stated that there was a need to refrain from cheering or commenting from the attendees.

Commissioner Mulder asked for a new motion.

Commissioner Nisley wanted green space added.

Mary Elizabeth Geiger reminded them that they were bound by the Code, but that City Council had more discretion.

Commissioner Rusch wanted confirmation that City Council would hear this.

Mary Elizabeth Geiger said they would.

Mr. Caris said that they were finding facts. He said that this met the Code. Findings could be inaccurate like compatibility. Density bonus was in conformance.

Mary Elizabeth Geiger agreed that compatibility was a criterion.

COMMISSIONER FABULA MOVED TO RECOMMEND APPROVAL OF APPLICATION 2022-12 ROSE CREEK PRELIMINARY PLAN WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ALL ISSUES IDENTIFIED IN THE STAFF REPORT ARE ADEQUATELY RESOLVED WITH THE FINAL PLAT APPLICATION AND THAT WRITTEN AND VERBAL REPRESENTATIONS FROM THE APPLICANT BE A PART OF THE CONDITION OF APPROVAL AND THE RECOMMENDATION THAT OPEN SPACE BE ADDED INTO THE PROJECT PLAN

COMMISSIONER BIDDLE SECONDED THE MOTION

MOTION PASSED 5-1

I. OTHER BUSINESS

1. Community Development Updates
None

2. Visitors and Guests
None

3. Other Business
None

Adjournment 8:11 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita

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