

A. CALL TO ORDER

Five Planning Commissioners were in attendance. (Jesse Fabula, Mel Mulder, JP Nisley, Amy Miller, and Aaron Hancey were present). Commissioner Hancey was late due to a prior commitment and arrived after the Approval of the Agenda.

B. PLEDGE OF ALLEGIANCE

Commissioner Mulder led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None

D. APPROVAL OF THE AGENDA

COMMISSIONER NISLEY MOVED TO APPROVE THE AGENDA

COMMISSIONER MILLER SECONDED THE MOTION

MOTION PASSED 4-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

August 9, 2022, Planning Commission Meeting.

COMMISSIONER FABULA MOVED TO APPROVE THE MINUTES

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 5-0

H. HEARING ITEMS

Application #:	2022-22
Project Name:	Copper Creek West
Application:	Preliminary Plan
Representative:	Kaart Planning
Location:	954 19 Road
Description:	This is a request for approval of a Preliminary Plan of a 138-lot subdivision on approximately 25.95 acres in a Community Residential (CR) zone.

Commissioner Hancey introduced Application #2022-22 Copper Creek West Preliminary Plan.

Mr. Henry Hemphill gave the staff Power Point presentation.

Slide 1 – Introduction

Slide 2 – Application Description

Slide 3 – Legal Notice

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

Post Cards – August 22, 2022 (22 days prior)

Sign Posting – August 22, 2022 (22 days prior)

Newspaper – August 24, 2022 (20 days prior)

City Hall – August 22, 2022 (22 days prior)

Slide 4 – Site Posting

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;”

Slide 5 – Buffer Zone and Post Cards

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.

32 unique property owners sent postcards.

Slide 6 – Zoning Map

Mr. Hemphill mentioned that the property was annexed and zoned Community Residential in 2021. He said that the Master supports and continues to support Community Residential zoning in this area.

Slide 7 – Aerial View

Mr. Hemphill pointed out the neighboring subdivision, Iron Wheel to the west. He also showed the Adobe Creek Wash bordering the subject property to the east.

Slide 8 – Aerial View of Copper Creek West

Mr. Hemphill showed a layout of the subject property. He said that the request was for a 138-lot subdivision over 25.95 acres that gave them a density of approximately 5.31 dwelling units per acre. He added that what was unique was the need to shrink down the lot sizes from the Code minimum for the density that was proposed. This would require a 7000 square foot lot. He added that the request for density bonus to decrease and not increase the density but to decrease the lot sizes was being utilized with this subdivision. He said that they would be going through density bonus. He stated that primary access was from 19 Road along what is known as I ½ Road alignment. The Right of Way was dedicated in 1986 as 30 feet of Right of Way, when this happens the assumption was that the other half of Right of Way when it is ready to be built, annexed, or constructed during a subdivision process, the 30 feet would be used for a ¾ access to get traffic in and out safely. When the other side is built it finishes it with curb, gutter, and sidewalk on the other side. Mr. Hemphill stated that 19 Road and I ½ Road would be the primary access internal to the subdivision and as it gets built out over the filings and then the 19 ¼ Road alignment would be added as an access point.

Slide 9 – 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 10 – Density Bonus Analysis – Open Space

20% Open Space:

Section 17.09.050 (D)(1) states, “*A minimum of twenty (20) percent of the project designated as parks, trails, open space or common area. The open space or common area must be easily accessible to a minimum of fifty (50) percent of the lots, by being located within a ¼ mile walking shed, and providing a safe sidewalk or trail connection to the space. A conservation 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 an open area.*”

This application is proposing just over 20% usable open space within the development. With the location of the open space being within the required ¼ mile walking shed and providing safe and efficient trail connections throughout.

Slide 11 – Density Bonus Analysis Continued – Bike and Trail Connections

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 to construct over 1,200 linear feet of internal trails with this development. The trails will be located within the open space and will include the construction of a Primary Trail along the Adobe Creek Wash. The Adobe Wash trail is over 1,000 linear feet.

Slide 12 – Density Bonus Analysis Continued – Mix of Housing Types

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 138 dwelling units.

Attached units = 49 (35%)

Detached units = 89 (65%)

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:

No written public comments have been received at this time.

The applicant completed a neighborhood meeting in accordance with Section 17.07.040 (D)

On-line meeting on February 1st

Staff Recommendation:

Staff recommends approval of application 2022-22, Copper Creek West 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.

Slide 14 – Suggested Motion

Mr. Chair, I move we approve application 2022-22, the Copper Creek West Preliminary Plan to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved with the Final Plat application.

Commissioner Hancey thanked him and turned the time over to the applicant.

Mr. Ted Ciavonne from Kaart Planning went up to speak as the applicant's representative. He said that they have been the planners for Copper Creek Builders for a decade. He mentioned that Silas Coleman, one of the owners of the company, was there. Mr. Ciavonne stated that Mr. Hemphill did a great job of presenting the project and how the project was meeting code and the Comprehensive Plan and the vision that Fruita has been working hard on. He said that they started in 2018 and met with the City in 2019 and because some of those documents were in process, they were anxious to do the right thing and hold back and get it all in sync with the documents. He felt that they have done that. He did not see a need to repeat what Mr. Hemphill has gone over but what he wanted to do was talk about the actual products and what this looks like. He continued that Copper Creek Builders has similar very successful projects around the community.

He said the project was 138 units on 13.4 acres with open space of 6.88 acres and the street right of way was about 5.9 acres. He stated that they were looking at three product types. Within those product types there was also additional models that Copper Creek builds. Henry had mentioned 89 detached units and he showed a map, that these were shown in yellow and peach color. Yellow was 40 park units and peach was 49 traditional residential and purple was the 49 attached units or multi-family units. He wanted to show them some real projects that Copper Creek has worked on. He showed Copper North in Grand Junction, and it is 84 units all detached with parking around the parks and the parameter lots, which is similar to Copper West, is the more traditional lots. He stated that in phase 1 started off showing some of the larger parameter single family lots and the interior park lots. He said that the single family lots are front loaded, and the park units were rear loaded off of alleys. He showed an air photo of the project today, it is totally built out, it is very successful, it has 4 main parks that are linked by trails, the park units are interior, and the larger residential are parameter. He said that the streets were a narrower profile that they talked about to reduce runoff and traffic calming and it has worked well. He mentioned that the Fire Department was behind it, they were leery of it, but they used that road section on a number of projects, and they talk highly of this project.

He wanted to talk more about the yellow interior park units. He showed these and said that these were in Copper North. He stated that they were detached units and the lots were 40 feet wide. They have small front yards that are fenced in with front porches and they front onto the park and they have rear loaded garages. He talked about the architecture and mentioned that there was a number of floor plans, and the materials have a lot of variety. He said that the walks that go through the park space were usually curvilinear and they had a fenced in area that defined the private space for the park units and they parks are functional. He talked about the middle part with the gazebo in it. He showed the park units on the right that fronted the park and in the background, he pointed out the single family units. He then moved on to the peach or traditional units. He said that they were front loaded and have garages on the front, but they have fenced yards, side yards, back areas and they also have a variety of architecture and rooflines, colors and

a variety of materials that makes it look like they are not just template. He then talked about the multi-family or attached units. He said that those were the purple area. He said that there was no attached product at Copper North. He stated that Copper Creek Builders have worked on half a dozen multi-family projects that include Fireside Townhomes, Main Street Townhomes, and more recently the Copper Creek Townhomes, Rimrock Townhomes and the Flat Top Lane Townhomes. He said that some of these were built. He showed some architectural renderings of what was proposed at the time. He showed Flat Top Lane Townhomes and said this was more like a duplex but there was separate ownership. He said that there was a difference in colors and rooflines and fronting onto a green. He showed a picture of a fourplex that was at Flat Top. He said that the buildings were jogged in and out, different colors and different rooflines. He said this was well planned architectural community. He showed a picture of a recent single story, single car product at Rimrock and these are new. He said that there was going to be some 2 and 3 story products out there.

He hoped that he made the point that this was quality stuff and there were 11 different floor plans on the traditional residential, he was unsure how many different floor plans were in the park units, and he thought there was at least 5 different multi-family floor plans. He said that in terms of diversity and price point. He said that he hoped that they nailed it. He asked if they had any questions.

Commissioner Hancey thanked him. He asked if there was anyone there that would like to comment.

Ms. Marlys Harmon who lives at 938 19 Road which is right next door to the planned subdivision. She said that I ½ Road would go up their neighbor's driveway and along their property line. She said that she shared this at the community meeting. She said that they were aware of some of the concerns that she has talked about in the past. She added that one of those was the Iron Wheel Subdivision and this new one will intersect on 19 Road within 5 feet or so. Those are the only entrance and exits into these two subdivisions. She said that 19 Road was busy because of the high school and the development further north. She said that there was no access for children to be on bicycles or sidewalks, it is a great deal of agricultural land still. She continued that she saw a 30' grace period on I ½ Road and said that it may interfere with their irrigation. Her second point was that there are seven homes that have awful irrigation so she has concerns that they will not get their water with the way it is currently set up. She said that they have had conversations with Silas and Chris about that and they know how bad the water is to those sections of land. Another 90 acres is going to be developed to the north of that. She said that loss of their land, she didn't know what that will look like for them, the water, no place for the children to get to school up 19 Road. She has safety concerns for the families and kids that are going to be in the big subdivisions that have one entry way in and one out. She wanted to state on the record they had concerns, they know it is going to happen and they were not being contentious they just wanted to say that these were truly some problems that exist for the seven homes that are there and are being impacted by not only this subdivision but the one across from it. This one has gone from 112 to 138 since the February meeting. She also mentioned that Adobe Creek is pretty scary and awful. She won't let her children or grandchildren play back there because the creek bed is wearing away the banks and there are sink holes and all kinds of dreadful things there. She wondered how they were going to prevent people getting injured back

there. She said that she loved the idea of a bike trails and she wished there was one on 19 Road for everybody to access, it ends at their property. They have a trail to nowhere and it ends where the ground is not stable.

Commissioner Hancey thanked her. He asked if there was anyone online.

There was none.

Commissioner Hancey closed public comment and turned the time to petitioner rebuttal.

Mr. Ciavonne thanked the Harman's for their comments. He said that they have been very cordial and has worked with them. He stated that when you speak to things like the crossing at 19 Road, that is a community issue. As areas grow the whole system will link together. This project will be building its frontage along 19 Road along with a walk and there will be walks along 19 Road built by Iron Wheel. He said that these were pieces, and it is unfortunate that you can't have it all at once. He continued that this project with the encouragement of the City has provided some links through it that are not along I ½ Road that allow people to get to 19 Road as an alternate path for pedestrians and when I Road is built you will have walks along there. He spoke about the path along Adobe Creek, he did acknowledge that it did end at their property and added that maybe the City might want to hold off on constructing that portion and instead steer it down the I ½ Road corridor where there will be a sidewalk. He added that with regards to irrigation, they are keenly aware of that, this project will make sure that the shares that downstream of it will get downstream from it. There won't be any reduction in the legal shares that go downstream. They are looking at pretty serious facilities in terms of getting the water on the north end and putting it in a pipe that comes down next to the Harmons at which point can be diverted to the west as well as go to an irrigation pond. He said that if this project moved forward there would be additional discussion with the Harmons about what was the best way to make the irrigation work. He asked if there were any questions.

Commissioner Hancey said not at this time and thanked him. He closed public comments and went to commissioner discussion.

Commissioner Fabula said that her appreciated Mr. Ciavonne's presentation. He added that with PUD applications sometimes they feel that they are left guessing a lot more and he said that his presentation was very helpful. He also appreciated learning more about Copper Creek. He had questions on the build out of the overall subdivision and what was going first and what would go last in terms of the build out.

Mr. Ciavonne explained the phasing plan to the Commission.

Commissioner Fabula asked if this was over a 5 year build out?

Commissioner Mulder said that it was too bad that they couldn't get the phases approved one at a time. He added that 19 Road was going to consistently be an issue as things develop. He brought up the crossing of 19 Road by kids is going to be an issue. He said that Kaart needed to take that into consideration as they proceed forward with this project. He said that irrigation

bisects this project as it stood right now. He said that they are guaranteeing that the people below are going to get the water that they have been getting. He continued that past projects have shown this to be difficult. He asked about the \$2000 per unit recapture agreement. He asked if this was both attached and detached units?

Mr. Caris said it was described as units not as products.

Commissioner Mulder asked if all units would be assessed \$2000 whether it is attached or detached?

Mr. Caris said that this was correct.

Commissioner Mulder mentioned Iron Wheel coming across 19 Road and Copper Creek coming in on the east side of 19 Road. He said that the road did not jive coming onto 19 Road. He said that there was no way to make a traffic control at 19 Road for both of the projects. He realized that CDOT had something to do with this, was this correct? Where the driveways can and cannot come in?

Mr. Sam Atkins, City Engineer, answered that the accesses do line up between Iron Wheel and this proposed access. It will be a four-leg intersection without an offset. He continued that there was an access permit through CDOT as part of this project and as part of Iron Wheel as well. He said that at the previous Planning Commission meeting the City Staff presented they are currently under design of 19 Road from the highway to J Road including turn lanes and their plan is to acquire right of way next year with construction in 2024. He said it seems like a hodge podge when you get a developer put in a little strip of pavement and then it doesn't work with the guy downstream. It makes more sense to make it a holistic project that the City takes over. He said that they will be using their impact fees so they will not get credit for what would be constructed on 19 Road, they are paying the fees.

Commissioner Mulder added that with the way this project was designed there is no consideration for any access to what might occur north of this project.

Mr. Atkins stated that 19 ¼ Road stubs to the property to the north.

Commissioner Mulder said that his concerns revolved around 19 Road.

Commissioner Nisley asked about 138 homes accessing from a single point on 19 Road. He asked if Mr. Atkins thought it could be adequately resolved. He asked about a temporary access point.

Mr. Atkins stated that there was going to be an emergency access so that there was more than one way out currently. There will be multiple ways out in the future. He said that I ½ will continue across Adobe Wash in the future once properties on that side develop and 19 ¼ Road will run north. He said that the current developer owns the property immediately to the north of 19 ¼ Road.

Commissioner Nisley stated that the temporary was not for traffic just for emergency services.

Mr. Atkins said that was correct.

Commissioner Nisley asked if there was any concern with I ½ Road not being the full length with 138 homes, bilateral traffic on it?

Mr. Atkins asked if he was talking about the half street section?

Commissioner Nisley said yes until the property to the south develops.

Mr. Atkins said it was the exact same section that they have on Iron Wheel in their entrance.

Commissioner Hancey asked if that was sidewalks on the north side and asphalt to dirt on the south?

Mr. Atkins confirmed this. He said it would be constructed subsequently.

Commissioner Miller thanked him for his presentation. He said that she was familiar with Copper Creeks products and said that they do a great job. She appreciated the inclusion of pictures. She said it helped make it more visually real. Looking at maps makes it tricky to see what people will be living in. She appreciated the green space as well, she felt this was important. She said Fruitians really appreciate their outdoor space. She added that the concern with Adobe Creek trail ending at private property was a concern. She felt that they needed to have more conversations about this. She added that with the irrigation water they needed to make sure that the citizens will continue to have the same amount and service that they were accustomed to. She thanked the Harmons for working with the developers and their involvement was very important.

Commissioner Hancey reiterated what Commissioner Miller said about the green space. He appreciated that they wanted to contribute to the community. He loved the innovativeness of the community, and it was not just cookie cutter homes. He also had concerns with the trail and where it ended. He asked if there was a way to put something at the end of the trail to say that there was no entry? Maybe pilons and chains? What do they do as a City to help facilitate no trespassing onto others properties?

Mr. Caris said that they could figure something out with signage or barricading. He talked about the future trails map that they adopt. He spoke about the primary trails, like Iron Wheel constructed that went along the canal alignment to what will be Skiff Avenue. They take the trails maps and request it as part of the overall development, those are barricaded with boulders. They could do something like that.

Commissioner Hancey said that this would be something the applicant and City could collaborate on. He wanted a recap about the access points.

Mr. Atkins said that the property to the north as far as he is aware there was not an application with the City of Fruita. He said it was owned by another developer. The connection will run through that property and the second connection would also. The third connection would run to the east and theoretically if the properties to the south were to develop, they would have the entire frontage of the I ½ corridor for access. There would be another access likely a mirror image of where their access is coming off I ½. He added that they could have added another access to 19 Road but that puts the accesses too close to each other to create that spacing so they don't have conflicts with the turning movements. He said that with Rose Creek, those were comments as well and they tried to keep the accesses into the properties not immediately next to the next major road.

Mr. Caris put the trails map up on the screen. He pointed out the Adobe Creek Wash in the teal color. He said it eventually bisected with the Independence Ranchman's Canal. He said that there was long term consideration about making sure that people are not just interacting on street from a pedestrian standpoint, and they are interacting off street and on the trail system.

Commissioner Nisley stated that the Traffic Impact Study was put in the packet. He asked if there was anything they wanted the commissioners to look at?

Mr. Atkins said that all of the things identified in the Traffic Study were also identified in the Traffic Study for Iron Wheel. He said that this was why they were moving forward with the construction in two years on 19 Road to expand that road section.

Commissioner Hancey said that he felt it was good for the community to continue to be made aware of this. He added that traffic along 19 Road and other corridors is a big concern.

Mr. Atkins said that we get different people at different meetings, so he felt Commissioner Hancey was right about that.

COMMISSIONER FABULA MOVED TO APPROVE APPLICATION 2022-22 THE COPPER CREEK WEST PRELIMINARY PLAN TO THE CITY COUNCIL 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 SECONDED THE MOTION

MOTION PASSED 5-0

I. OTHER BUSINESS

1. Community Development Updates
None
2. Visitors and Guests
None

3. Other Business

There was a discussion about parking, a new commissioner workshop, Staff presentations, and the City's Strategic Plan.

Adjournment 7:28 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita