

Fruita Planning Commission

Tuesday, July 12, 2016

A. CALL TO ORDER

Chair Doug Van Etten called the meeting to order at 7:01pm. Members in attendance were: Richard Hocter, Janet Brazfield, Doug Van Etten, Keith Schaefer, Dave Karisny, and Heidi Jo Elder.

There were about 30 people from the public in attendance.

B. PLEDGE OF ALLEGIANCE

Doug Van Etten led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None.

D. APPROVAL OF THE AGENDA

Keith Schaefer- I move to approve the agenda

Dave Karisny- I second.

Doug Van Etten- We have a motion and a second for approval of the agenda as written.

7 yes votes; motion passes

E. WITHDRAWN ITEMS

None.

F. CONTINUED ITEMS

Application #:	2016-11
Applicant:	Travis and Ellen Robinson
Application Name:	Robinson Rental
Application Type:	Conditional Use Permit
Location:	1424 Niblick Way
Zone:	Adobe Falls PUD
Description:	This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in this PUD zone.

The Planning Commission asked Dahna to explain the process of how the decision of this project will be made. Dahna explained the process of how this project will be on the Planning Commission’s agenda for August 9th and that there will be no decision or discussion of this project tonight (July 12, 2016).

G. CONSENT ITEMS

Approval of the minutes
 June 14, 2016 Planning Commission meeting

Mel Mulder made a motion to approve the minutes.

Dave Karisny- Second.

7 Yes votes; motion passes.

H. HEARING ITEMS

Doug Van Etten read the hearing items as follows: (these two items were discussed together)

Application #	2016-12
Applicant	Adobe View Development
Application Name	Adobe View North
Application Type	Annexation
Location	965 18 Road
Zoning	County, AFT
Description	This is a request for the approval to annex and zone approximately 8.03 acres into the Fruita City Limits. The applicants have requested a South Fruita Residential zoning.

Application #:	2016-13
Applicant:	Adobe View Development
Application Name:	Adobe View North
Application Type:	Preliminary Plan
Location:	965 18 Road
Zone:	Unincorporated Mesa County, AFT.
Description:	This is a request to approve a Preliminary Plan for a 34 lot single family residential subdivision.

Steve Hejl- I am the representative for Adobe View Development Company, this project was approved in 2008 and then scraped so we are starting it over again. It is basically the same as the southern part, or original, Adobe View subdivision. It will look and be just like Adobe View and it will have the same restrictive covenants. The only thing that I differ from Staffs recommendations is the zoning; we would like to stay with the South Fruita Residential zone instead of Large Lot Residential. This would allow us more flexibility with our lot sizes. Coming back this time, we encountered some issues with the Grand Valley Drainage District. We will have to do detention for clean water quality. Also, the City Engineer has brought up an issue with our access point. I am not sure we will be able to fix the access point issue without moving it to a different location in the subdivision. Other than that, we agree with everything else that Staff has recommended.

Dahna Raugh- As Mr. Hejl said, this project was almost exactly approved 8 years ago before the economy went south. Since that time we have a new Master Plan and a new Land Use Code. The applicants were trying very much to have this development match the development to the south (the Adobe View neighborhood). But I understand that they have ran into some problems. Grand Valley Drainage District requires onsite detention so they are going to need more room to figure out how to retain water on that property. We also had a development on the east side of this property and on the east side of 18 Road (River Glen) that has a roadway that will be too close to the new one proposed in the Adobe View North subdivision, so they need to move it around. They will have to redesign the project a bit to accommodate for the changes. The zoning is where the issue really is for this project. Because they have to find room for onsite detention and move the roadway away from where a big buried drain is. In order to keep the same number of lots, they are going to have to make the lots smaller. The Large Lot Residential zone, which about 4.5 acres of this project is already zoned, allows lots sizes no less than 10,000 square feet in size. I their original proposal in front of you, there are no lots smaller than 10,000 square feet. Although the Master Plan supports South Fruita Residential zoning, Staff also supports Large Lot Residential zoning and to avoid have to different zones in the same development, Staff is recommending Large Lot Residential zoning. They need to make the lots smaller to deal with all the review comments, so Large Lot Residential zoning doesn't work because of lot size. So the applicants are asking for South Fruita Residential to get the 7,000 square foot lot size. Staff understands, however it makes the zoning a little messy but I think we can deal with it. As stated in the Staff Report, you can either zone the annexed property South Fruita Residential or Large Lot Residential because the Master Plan supports it either way. The development meets all approval criteria that must be considered for annexations and for the zone that they have requested and for preliminary plans as long as all review comments and issues identified in the Staff Report are adequately resolved.

PUBLIC COMMENTS:

Boyd Powell (975 Karp Avenue)- Boyd is the Vice President of the Adobe View Homeowners Association. Boyd made a comparison to lot size from the Adobe View subdivision that has already been developed and the proposed new Adobe View North development.

Gary Clayman (928 Mancos Way) – “Over the years we have had a lot of business dealings with Mr. Hejl. Over the years we found that he was not a true and honest person. I have records for you showing, over years and years, of the business deals that we have had with him that he has not followed up with or not completed what he said he would do.”

Gary Clayman talked about how Mr. Hejl told him that the lot sizes in the new subdivision were going to be the same size as the lots in the original Adobe View subdivision. Gary also talked about how he and Mr. Hejl discussed the improvements of the irrigation system. Gary wants Mr. Hejl to follow up on their business agreements before the new subdivision gets started.

Doug Van Etten invited anyone else from the public to come and talk about this project. No other comments were made.

PLANNING COMMISSION DISCUSSION

Dave Karisny- Dave pointed out that everything about this project looks like the project that was proposed in 2008 when the economy ultimately killed the project. And now that the project is back, 8 years later, there are some new requirements that effect the proposal. Dave mentioned the fact that this project will require onsite detention of storm water, due to this requirement, lot sizes will be effected which will change the configuration of the plans. Dave also mentioned the road alignment that is proposed to have access to 18 Road/ Pine Street. In the past the planning commission has tabled a preliminary plan application in the past in order to see the changes that are addressed by review agencies and staff to show a better rendering of what the final plans would look like. Dave feels that with the changes that need to be made he doesn't have a good sense of what the final build-out is going to look like. Dave is thinking that he would like to see this project tabled and brought back to Planning Commission with the comments addressed (onsite detention and new road alignment) on a new Preliminary Plan or Sketch Plan to get a better understanding of what the final development will look like.

Dahna Raugh- Commissioner Karisny it sounds like you are having a problem with the approval criteria for a preliminary plan that requires the ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development?

Dave Karisny- That's correct.

Heidi Jo Elder- What is the confusion or the problem with the different zoning in the subdivision?

Dahna Raugh- So 4.5 acres is already in the city limits and is already zoned Large Lot Residential which allows 3 dwelling units to the acre and minimum lot size is 10,000 square feet. That gives them a certain amount of lots right away. The other 8 acres, is currently in the county and needs to be annexed and zoned. If it is the Large Lot Residential zone, the 10,000 square foot lot sizes are going to be a problem because they don't have enough land to get the same number of lots, move the roadway, and add onsite detention and still accommodate a large underground drain that runs through the property. In order to make it work, they will need the South Fruita Residential

zoning for the 8 acres set to be annexed so that some smaller lots can be created. It doesn't change the density; it is not an issue of more lots or less lots. It's an issue of jiggling things around so that you can accommodate for the changes that need to be made.

Heidi Jo Elder- Are there any other subdivisions that have two different zones?

Dahna Raugh- Not to my knowledge. But South Fruita Residential and Large Lot Residential are very similar. So although, we would expect a little bit of confusion but I think we can handle it. The City is willing to go either way with the zoning.

Keith Schaefer- Where is the drainage easement?

Dahna Raugh put up a picture of the Preliminary Plan to show Keith Schaefer where a large underground drainage pipe is. She also explained that the drain pipe is about 100 foot easement and the applicants had hoped to put roads over the pipe so they wouldn't lose any area for house construction and lots.

Mel Mulder- I am at a handicap due to some technical difficulties, so I have no comments.

Janet Brazfield made clear that about 4 acres, zoned Large Lot Residential, would be used for new development along with about 7.33 acres that is requested to be annexed. Janet asked if these subdivisions (Adobe View and Adobe View North) would have the same covenants and share the same irrigation water.

Dahna Raugh- Private covenants or private agreements between Mr. Hejl and other private individuals, the City has no power to enforce. So I can't shed any light on private agreements.

Janet Brazfield- So is there irrigation water available to the new subdivision?

Dahna Raugh- With the information we have and with the proposed preliminary plan, yes there is irrigation water available. Some of the existing irrigation structures used for the Adobe View subdivision is intended to be used for the Adobe View North subdivision. So when the Final Plat is ready turned in, City Staff makes sure there is an irrigation system and irrigation water available to the property. We also make sure that the things being constructed as done according to the plans that have been approved. If there is a problem between the developer and the HOA, somewhere along the line the city will become aware of it before everything is released from requirements. The city try's to insure there is a functional irrigation system.

Janet Brazfield- I agree with Mr. Karisny, I don't see enough here to make a comprehensive decision. So I would recommend it be delayed.

Richard Hocter- Dahna, when you say it would be messy, is this what you were talking about?

Dahna Raugh- The messy I was referring to was, if the City Council annexes the property with a different zone than the 4.03 acres that is already zoned. That could make it a little messy, the north half of the subdivision would have a zone with its own set of rules and regulations and the south half would have a different set of rules. I think the zoning line is going to hit right at the proposed street, Fruitland Avenue. So the developer will have to be careful with how he develops the lots that hit in that area.

Richard Hctor- Okay, thank you.

REBUTTAL:

Steve Hejl confirmed that the zoning would be different from the north half and the south half. (The north being South Fruita Residential and the south being Large Lot Residential).

Steve Hejl- If no decision is made on the preliminary plan tonight, I would ask the Planning Commission to move forward with the Annexation. The plan will only change a little with the access point being moved and some lot lines being adjusted to make room for onsite detention.

There was some discussion between Steve Hejl and Dave Karisny about how the plans will change and just to clarify where the changes need to be made. Steve showed the commissioners and public on the proposed preliminary plan of where the detention pond would be and where the new access point would be located. Steve showed that the access point will be aligned with River Rock Court and the detention pond will go in the southwest corner of the proposed new development of Adobe View North.

Dave Karisny- Mr. Chair, I don't believe I can table this preliminary plan anymore based on the petitioner's explanation. I don't believe there will be a major redesign of the plans. But I don't think it would be reasonable to expect about 3 lots that will have to be altered in order to address the changes that need to be made. I would be ready to make a recommendation tonight.

Dahna Raugh- I just want to make a quick point. The Land Use Code and State Law require applications to be approved within certain time frames. So I understand the Planning Commission is talking about potentially continuing this project for a month, but it is on your agenda and if you would like to continue it, you would need the applicant to agree on record to that continuance. If the applicant does not want to agree to the continuance and wants the Planning Commission to make a decision tonight, there is always the option for denial.

There was discussion about how the Planning Commission would want to make a motion. There was also discussion about how the configuration of the subdivision would change and what needed to be changed and if it were going to be a significant redesign. Sam Atkins (City Engineer) explained to the Planning Commission that the design of the subdivision would not need a significant redesign and the configuration would be similar to the Preliminary Plan.

Dave Karisny- Would the petitioner be willing to table this until the next meeting and provide use with more details and a better sketch addressing the changes?

Steve Hejl- I don't believe so.

Dave Karisny- Okay. It was worth asking.

ANNEXATION MOTION:

Dave Karisny- Mr. Chair, I recommend to the City Council that we approve the Annexation application with the condition that the 30 feet of right-of-way is designated for Pine Street and a 14 foot multipurpose easement be dedication along Pine Street before the annexation is completed.

Janet Brazfield- Second.

5 Yes Votes; 2 Abstentions.

ZONING MOTION:

Dave Karisny- Mr. Chair, I recommend that the annexed property be zoned South Fruita Residential since we can't use Large Lot Residential because there is a potential of 2 to 3 lots that could be under 10,000 square feet. So my recommendation to City Council would be to zone the annexed property South Fruita Residential.

Heidi Jo Elder- Second.

Janet Brazfield voted no, she feels it should be zoned Large Lot Residential.

Keith Schaefer voted no, no reason was given.

2 No Votes; 3 Yes Votes; 2 Abstentions

NOTE: The abstentions have the same effect as a "no" vote because a majority or two thirds vote of the members *present* is required to pass the motion.

PRELIMINARY PLAN MOTION:

Dave Karisny- Mr. Chair, I recommend to the City Council approval of the Adobe View North subdivision Preliminary Plan with the condition that all review comments and issues identified in the Staff Report be adequately resolved with the Final Plat application. I would strongly suggest that the petitioner has a way to express to the City Council the required changes and how it relates to the current sketch plan.

Heidi Jo Elder- Second.

Keith Schaefer- I think as a Planning Commission, we are not doing our jobs if we just approve this Preliminary Plan based on what we have so far. Our job is to get the plan, refine it and approve it and send it to City Council as far as I'm concerned. Without the final plan, I am not going to approve anything.

Richard Hctor- The petitioner says that he will 'try' to have the final sketch. I would be more inclined to see the final sketch before I could do an informed vote.

Doug Van Etten- I think it is important to understand the content of Mr. Karisny's motion. What we are sending to City Council is a recommendation. We are sending a good faith vote based on the motion and what the petitioner will bring to City Council.

Heidi Jo Elder- Staff does their job, they make recommendations to us. And we make recommendations to City Council based on what we see and our discussions. Our recommendation is not the final decision; City Council will have that final decision. It is our job to hear the public and put the comments together and make a decision based on that. It is not ever going to be a final decision.

Keith Schaefer- Normally it's a two step process for the Planning Commission to see the Preliminary and Final plans that's the way it was where I came from.

Dahna Raugh- Whatever is recommended tonight, approval or denial; it goes to the City Council for a decision on the Preliminary Plan. The next step is the Final Plat application. It doesn't go back out to review agencies for comments, there is no public notice, it doesn't go to the Planning Commission and it doesn't go to the City Council. Staff reviews it to make sure the Final Plat meets all the City requirements, meets all the approval criteria that the City Council has imposed on the project, and when Staff is satisfied that all the criteria have been met, the only thing that goes back through a public hearing is the City Council approval of the Subdivision Improvements Agreement (the contract between the City and the developer that guarantees the improvements will be made). The Planning Commission will not see this again unless one of two things happen; you continue it and the applicant agrees to it, or if the applicant runs into some big problem and decided on his own free will that he is going to back up and do a significant redesign and resubmit the Preliminary Plan.

Janet Brazfield voted no because she would like to see as close to a final sketch as possible in order to give a good recommendation to City Council.

3 No Votes; 3 Yes Votes; 1 Abstention

Doug Van Etten read the next hearing items on the agenda as follows:

Application #: 2016-14
 Applicant: River City Consultants
 Application Name: Aspen Village
 Application Type: Annexation
 Location: 1062 18 Road
 Zone: Unincorporated Mesa County, AFT.
 Description: This is a request to annex and zone approximately 6.73 acres at the corner of Aspen Avenue and Pine Street with a Community Residential zone.

Application #: 2016-15
 Applicant: River City Consultants
 Application Name: Aspen Village
 Application Type: Preliminary Plan
 Location: 1062 18 Road
 Zone: Unincorporated Mesa County, AFT.
 Description: This is a request to approve a Preliminary Plan for a 22 lot single family residential subdivision.

Tracy States- I'm Tracy States, I am a project coordinator for River City Consultants, we are doing the civil engineering and surveying for the property owner which is McCurter Land Company. This is a request for annexation, zoning and a preliminary plan. For the annexation, the application meets the requirements as stated in section 17.06.040 of the Land Use Code, the property has been enclave by the City of Fruita for many years. The required 30 feet of right-of-way and 14 foot multipurpose easement have been provided on the annexation maps as requested. The owner is requesting a zoning of Community Residential which is consistent with the City's goals and policies expressed in the Master Plan. With regards to the Preliminary Plan, the proposal is for 22 single family residential lots and is compatible with surrounding development. The subdivision provides for pedestrian connectivity and the trail connections will be adjusted to meet City requirements. With some redesign, the subdivision can provide future vehicular connectivity by providing a stub street to Laura Avenue to the east as City Staff is requesting. The applicant will be purchasing additional water shares. Landscaped detention is provided at the southwest corner of the subdivision and additional drainage impact fee will be collected from the developer as well. All review comments will be resolved at the time of Final Plat application. Aspen Village subdivision will be a covenant controlled community. All fencing will need approval from the architectural control committee. This applicant has done other nice developments in Fruita, like Elmwood Heights and the Kokopelli Commercial Subdivision on the south side of the interstate. Aspen Village will be very similar to Elmwood Heights as far as style and quality of home.

Dahna Raugh- This development process is similar to the last one (Adobe View North), this is an annexation, zoning and preliminary plan. This property also had a previous development plan, but

the current proposal is significantly different from the last one. The last one, the applicants proposed attached single family residential at a much higher density. I know the neighborhood was very unhappy with that, and they seem much happier with the newly proposed development. At this point, Staff has received no written comments from the public regarding the proposal. It does meet all approval criteria that must be considered for annexations as long as the right-of-way and multipurpose easements are provided. I do believe most of that has already been dedicated (shown on the preliminary plan and annexation map). The request for zoning is Community Residential zone; there are no issues with this request. There are some changes that need to be made to the preliminary plan. The big changes that will cause a redesign are Laura Avenue needs to be connected through the site. There are some minor improvements to Pine Street and Aspen Avenue, basically removing some curb cuts. An additional pedestrian access and a wider pedestrian access are needed on the north side to connect the cul-de-sacs to the trail on the north. Some of the cul-de-sacs need to be wider to meet the minimum requirements for fire protection issues. There needs to be a few changes to the rear of some of the lots but that does not cause a redesign. Staff believes that all the review comments and issues identified in the Staff Report can be met without a significant redesign of the proposed development. So Staff is recommending approval of the annexation, zoning, and the preliminary plan as long as all the review comments and issues identified in the Staff Report be adequately resolved with the Final Plat application.

PUBLIC COMMENTS

Bob Major- I live at 1804 J 6/10 Road. Bobs concern with this development is that his irrigation water comes from Canterbury Park subdivision and runs along the property of the proposed development. He believes that the irrigating line is actually on the property of the proposed development and would like to make sure that when the development goes in, his irrigation line and water are taken care of. He just wanted to make sure his irrigation system isn't changed in a negative way. His other concern is about privacy fencing along the north side of his property that would separate his property from someone else's property.

There was some discussion with the Planning Commissioners about where exactly his irrigation line is while referencing a map shown on the projector. Bob Major and the planning commissioners tried to make it clear as to where his irrigation line was exactly and it was determined that an official survey would need to be done in order to figure out where Bob Major's property line was.

The Planning Commissioners also addressed Bob Major's concerns regarding fencing and Bob just wants it to be 6 foot privacy fencing. It could be vinyl or wood, it doesn't matter to him.

Carol Hughes- I live at 145 Heatherly Lane. Her concerns are about the traffic on Aspen and Pine. She is concerned about how much more traffic will be generated and if it will be a safety issue.

C.A Arnold- 1075 E Aspen Avenue. C.A. is also concerned about the traffic that will be generated from this new development. **He spoke about some other things but I was unable to hear what he was talking about.

Ann Domenicucci- 1220 Wolf Creek Court. Ann is also concerned about the traffic. She said during school, the traffic is really bad. She said she sat there (trying to turn from Pine Street onto Black Ridge Drive) for 20 minutes.

PLANNING COMMISSION DISCUSSION:

Keith Schaefer- Keith wanted to know about how the Laura Avenue stub street will be designed and how the developer will address the review comments when it comes to the access issues of Laura Avenue through the proposed subdivision.

Dahna addresses Keith's comments

Richard Hctor- Wanted to know who determines when a traffic light should go in when a new development is proposed.

Sam Atkins explained the process of how a traffic count is done and when the volume of vehicles and number of potential vehicles indicates a need for additional traffic control or a traffic signal.

Janet Brazfield wanted to know how the Laura Avenue stub out will affect the design of the subdivision. She also wanted to address the issues in the Staff Report that refers to the Lower Valley Fire Departments comments. Janet also asked how the developer is going to address the comments made by Mr. Robert Major who lives at 1804 J 6/10 Road.

Sam Atkins and Tracy States addressed Janet Brazfield's comments and made it clear that some of the lots will need to be adjusted to address comments in the Staff Report.

Tracey States addressed the comments about the Mr. Robert Majors irrigation issues and insured that his irrigation system will be taken care of and he would not go without.

Mel Mulder said the issue of traffic is nothing to shrug off but this project does meet the requirements.

Dave Karisny understands that the traffic can be an issue and there is really no way around it. He made a comparison to the traffic that the High School generates. Dave mentioned that the applicant has done a good job addressing Staffs comments.

Heidi Jo Elder's comments were about safety issues with the detention pond being on the corner on Aspen and Pine.

Tracey States said that the detention pond will have landscaping all around it and that it will not actually be holding water all the time. She mentioned that it will actually be a nice amenity on such a busy corner.

ANNEXATION MOTION

Janet Brazfield- Mr. Chair I move that we approve the annexation application with the condition that 30 feet of right-of-way and a 14 foot multipurpose easements are dedicated for both Pine Street and Aspen Avenue to the City of Fruita before the annexation is completed.

Mel Mulder- Second.

7 Yes Votes; motion passes

ZONING MOTION

Janet Brazfield- Mr. Chair I recommend approval of the rezone to Community Residential with no conditions.

Mel Mulder- Second.

7 Yes Vote; motion passes

PRELIMINARY PLAN MOTION

Janet Brazfield- Mr. Chair I recommend approval of the Aspen Village 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.

Richard Hocter- Second.

7 Yes Votes; motion passes.

I. COMMUNITY DEVELOPMENT ACTIVITY REPORT

Dahna Rough talked about how busy the Planning Department is getting about. She also wants to figure out a time when Planning Staff and the Planning Commissioners can get together to have a discussion about how the planning process works. It will be after a Planning Commission meeting within next month or the month after.

J. VISITORS AND GUESTS

None.

Adjournment at 9:37pm

Respectfully submitted,

Henry Hemphill
City of Fruita Planning Technician