



**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
JANUARY 10, 2023**

**Application #:** 2023-01  
**Project Name:** 18 & K Road  
Application: Rezone  
Property Owner: James H. Fish, Victoria P. Ragan, John R. Fish  
Representative: Kaart Planning  
Location: Parcel # 2697-162-21-001  
Zone: Currently zoned Planned Unit Development (PUD)  
Request: This is a request for approval to zone approximately 9.1 acres to Community Residential (CR).

**PROJECT DESCRIPTION:**

This is a request for approval to rezone approximately 9.1 acres of property from Planned Unit Development (PUD) to Community Residential (CR).

The subject property was platted as lot 1 of the Fish Minor Subdivision in 2001. It was then zoned as Planned Unit Development (PUD) along with the Vista Valley subdivision and was designated as the future commercial parcel in the northwest corner for phase 3 of the Vista Valley subdivision as described in the Planned Unit Development guide for Vista Valley adopted by Ordinance 2003-37.

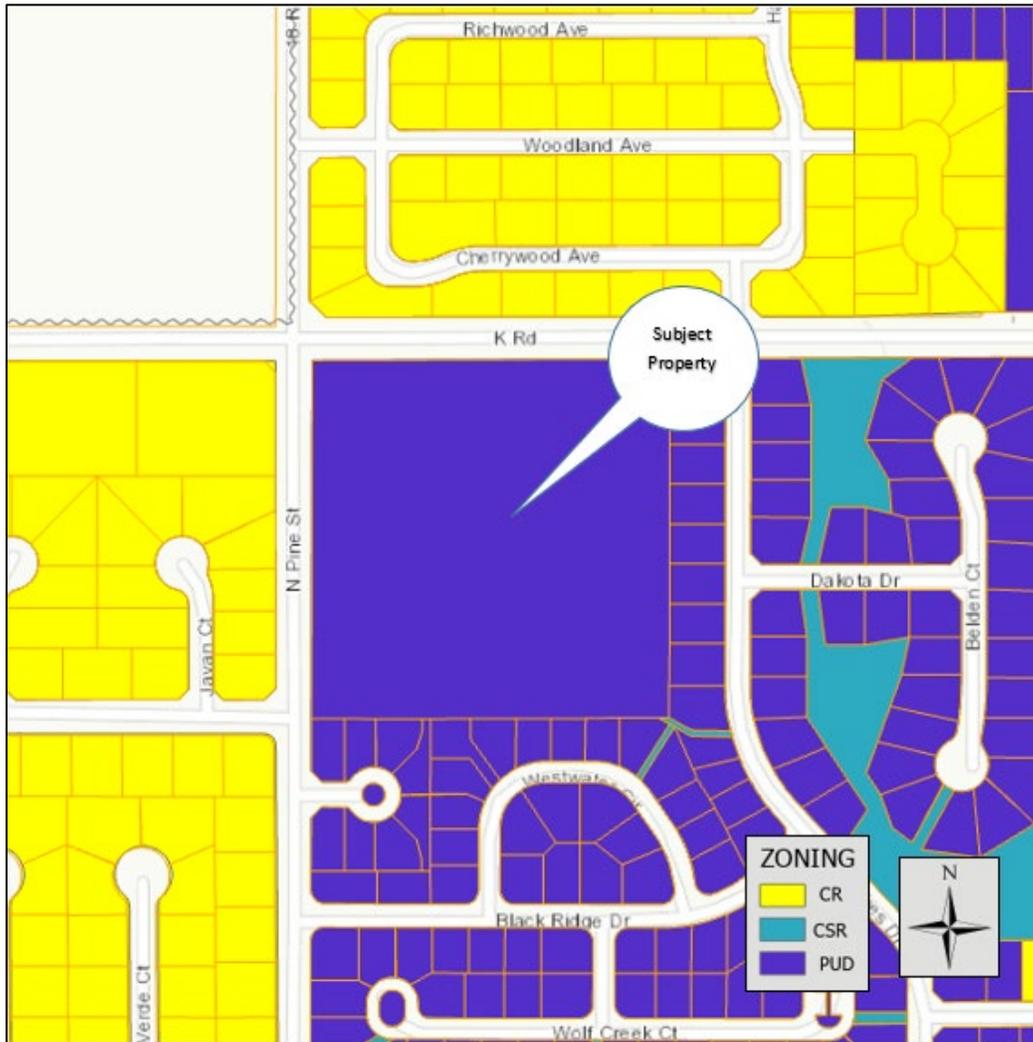
The location of the subject property supports the zoning classification of Residential 4-8 du/acre as shown on the Future Land Use Map within the City's Fruita in Motion: Plan Like a Local Comprehensive Plan (Master Plan). The Land Use Code states that the *"The purpose of the CR zone is to allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g. apartments and townhouses). Innovative neighborhood design is encouraged in this zone district to provide opportunities for housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre."*

**SURROUNDING LAND USES AND ZONING:**

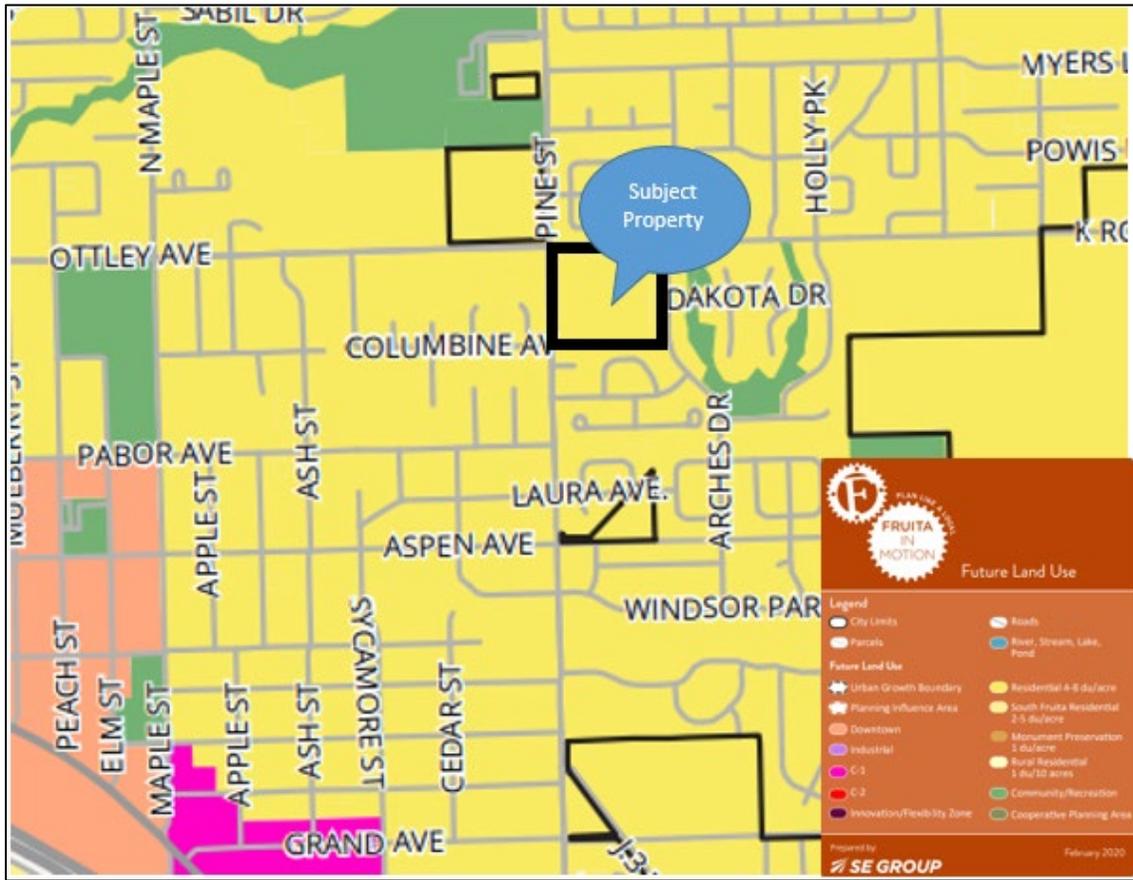
Surrounding land uses are primarily single family detached residential. Woodland Creek Estates is to the north, Vista Valley PUD to the east and southeast, Millers Run and

Miller's Run Townhomes to the West, Pine View Estates to the west, and Encanto Subdivision to the southwest. The map below identifies the various zones in this area.

### ZONING DISTRICTS



# FUTURE LAND USE MAP (FLUM)



## 2020 AERIAL PHOTOGRAPH



### **REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:**

#### **SECTION 17.09.070 AMENDMENT TO OFFICIAL ZONING MAP (REZONING)**

- A. **Applicability and Procedures.** The City Council may amend the number, shape, or boundaries of any zone, removing any property from one zone and adding it to another zone, only after recommendation of the Planning Commission. An amendment to the Official Zoning Map may be initiated by the owner of any property for which a rezoning is sought, or upon application of City Council.
- B. **Approval Criteria.** The Official Zoning Map may be amended when the following findings are made:
1. **The proposed amendment is compatible with surrounding land uses, pursuant to Section 17.05.080 (C), and is consistent with the city's goals, policies and Master Plan; and**

*The purpose of this Section is to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Master Plan, existing adjacent land uses, applicable zoning district requirements, and other*

*city codes and regulations. Nothing in this Section shall prevent the City of Fruita from denying a land use application based on relevant Code requirements or taking enforcement action against a property owner where a nuisance or other Code violation occurs.*

*For all land uses, “compatibility” is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone. The review authority may require conditions of approval to promote compatibility between uses.*

With regards to compatibility, the majority of the surrounding land has been developed as either single-family detached or single-family attached. There is still opportunity for development nearby, however, the comprehensive plan supports additional residential uses in this area.

It is important to note the allowed uses for the subject property (property guidelines from PUD Guide attached), these are listed below:

- *Residential above commercial uses*
- *Child Care*
- *Indoor Sales and display of goods*
- *Office, Clerical, Research and Service not primarily related to goods.*
- *Schools*
- *Churches, Synagogues, Temples and other places of worship*
- *Libraries, Museums, Art Gallery, Art Centers and similar uses*
- *Social, Fraternal Clubs & Lodges, Union Hall and similar uses*
- *Indoor (recreation, amusement, entertainment)*
- *Movie Theatres*
- *Hospitals, Clinics, other medical treatment facilities*
- *Restaurant with no substantial carry-out*
- *Restaurant with carry out and delivery*
- *Gas Sales*
- *Car Wash*
- *Police Stations*
- *Fire Stations*
- *Rescue Squads, Ambulance Service*
- *Post Office*
- *Dry Cleaner, Laundromat*
- *Nursery Schools, Daycare Centers*

The Community Residential (CR) zone allows for a density of 4-8 dwelling units per acre. Below is a table of Land Uses contained in Section 17.05.090 and shows uses that are allowed (A), conditionally allowed (C), and not allowed (\*).

<b>Table 17.05.090 - LAND USE TABLE</b>	
	<b>CR</b>
<b>RESIDENTIAL</b>	
<b>Household Living</b>	
Business Residence	C
Dwelling, Single-Family Attached	A
Dwelling, Single-Family Detached	A
Duplex	A
Dwelling, Multi-Family	A
Manufactured Housing Park (See Chapter 31)	C
Mobile Home Park (See Chapter 31)	C
Manufactured Home (See Chapter 31)	C
Mobile Home (See Chapter 31)	C
Accessory Dwelling Unit (See Section 17.05.100.C)	A
Dwelling, Caretaker	*
Short Term Rental (See Section 17.09.060)	A

The Fruita Comprehensive Plan (a major portion of the city's Master Plan) recommends Community Residential (CR) type zoning for this area. The CR zone is primarily a single-family residential zone. The density (4-8 dwelling units per acre) associated with this zone district should be compatible with current and future residential development as supported by the Future Land Use Map and supporting documents within the Comprehensive Plan.

The Community Residential zone allows 4-6 dwelling units per acre by right. Density Bonuses may be used to increase the density up to 8 dwelling units per acre. Additional features throughout the subdivision (open space, trails, alley access, mix of housing types) would be required through Density Bonuses in order for the density to be increased.

This criterion has been met.

- 2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city's goals, policies and Master Plan; or**

This criterion is not applicable because the zoning designation was not in error.

**3. The area for which the amendment is requested has changed substantially such that the proposed zoning better meets the needs of the community; or**

The area has had significant changes since the subject property was zoned PUD in 2003. Neighboring subdivisions were established after this date and include Woodland Creek (platted in 2008), Millers Run and Miller's Run Townhomes (platted in 2005 and 2007) to the west, Pine View Estates to the west (platted in 2005). A zoning designation of CR is better suited for the subject property as opposed to the current Planned Unit Development (PUD) that requires more commercial type uses. The current PUD zone that has some commercial development doesn't appear to be in line with compatible and existing land uses. The CR zone would be a better zone type to provide housing opportunities in this area.

This criterion has been met.

**4. The amendment is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions; or**

The Future Land Use Map and associated Comprehensive Plan was amended in early 2020. These guiding documents support Community Residential as the zone type for the subject property. This criterion is not applicable.

**5. The zoning amendment is incidental to the annexation of the subject property.**

The subject property was annexed into the City of Fruita in 2002. The requested CR zone is consistent with the city's goals and policies as expressed in the Master Plan. This criterion is not applicable.

Based on this information, the requested CR zone meets the approval criteria that must be considered for a rezone (Official Zoning Map amendment).

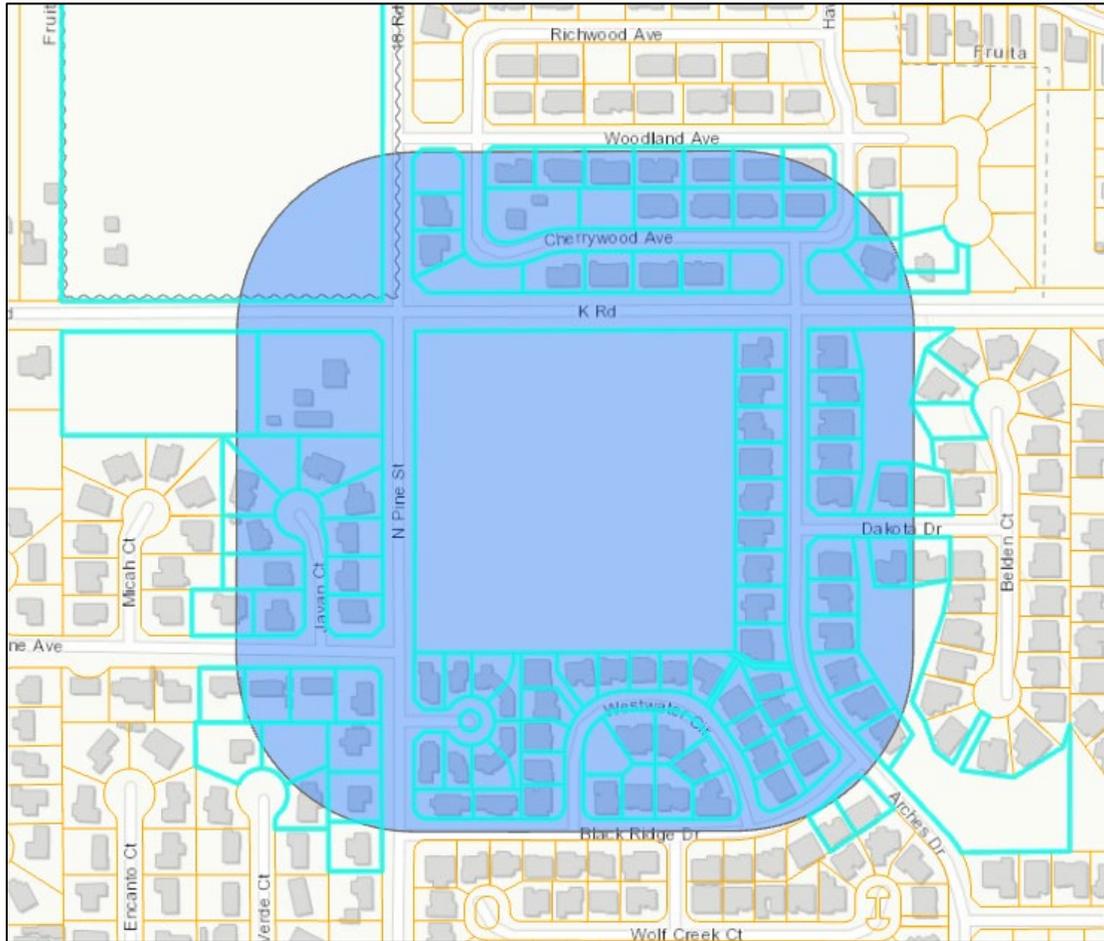
**REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed zoning request.

**PUBLIC COMMENTS:**

No written public comments have been received by Staff at this time.

**LEGAL NOTICE (17.07.040 (E)):**



Legal Notice (minimum of 15 days prior to Planning Commission)	
December 22, 2022 (26 days prior)	Post Cards [17.07.040 (E)(1)(d)]
December 16, 2022 (26 days prior)	Sign Posting [17.07.040 (E)(1)(c)]
December 16, 2022 (20 days prior)	Legal Ad [17.07.040 (E)(1)(a)]



**NOTICE OF PUBLIC HEARING**

The Fruita Planning Commission will hold a public hearing **Tuesday, January 10, 2023 at 6:00 p.m.** This meeting may be held in person subject to public health orders or by City Council direction. Details on how to access this meeting will be found at [www.fruita.org](http://www.fruita.org). If the meeting is held in person, the virtual link will remain open for public participation. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, March 7, 2023 at 7:00 p.m.** Please check [www.fruita.org](http://www.fruita.org) for more details. If you have an interest on the item please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

Application #	2023-01
Application Name	18 & K Road
Application Type	Rezone
Location	Parcel #2697-162-21-001
Current Zone:	Planned Unit Development (PUD)
Description	This is a request to rezone approximately 9.1 acres from Planned Unit Development (PUD) to Community Residential (CR).

Physically disadvantaged persons who wish to obtain information or need assistance in attending the Public Hearing, 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)

**STAFF RECOMMENDATION:**

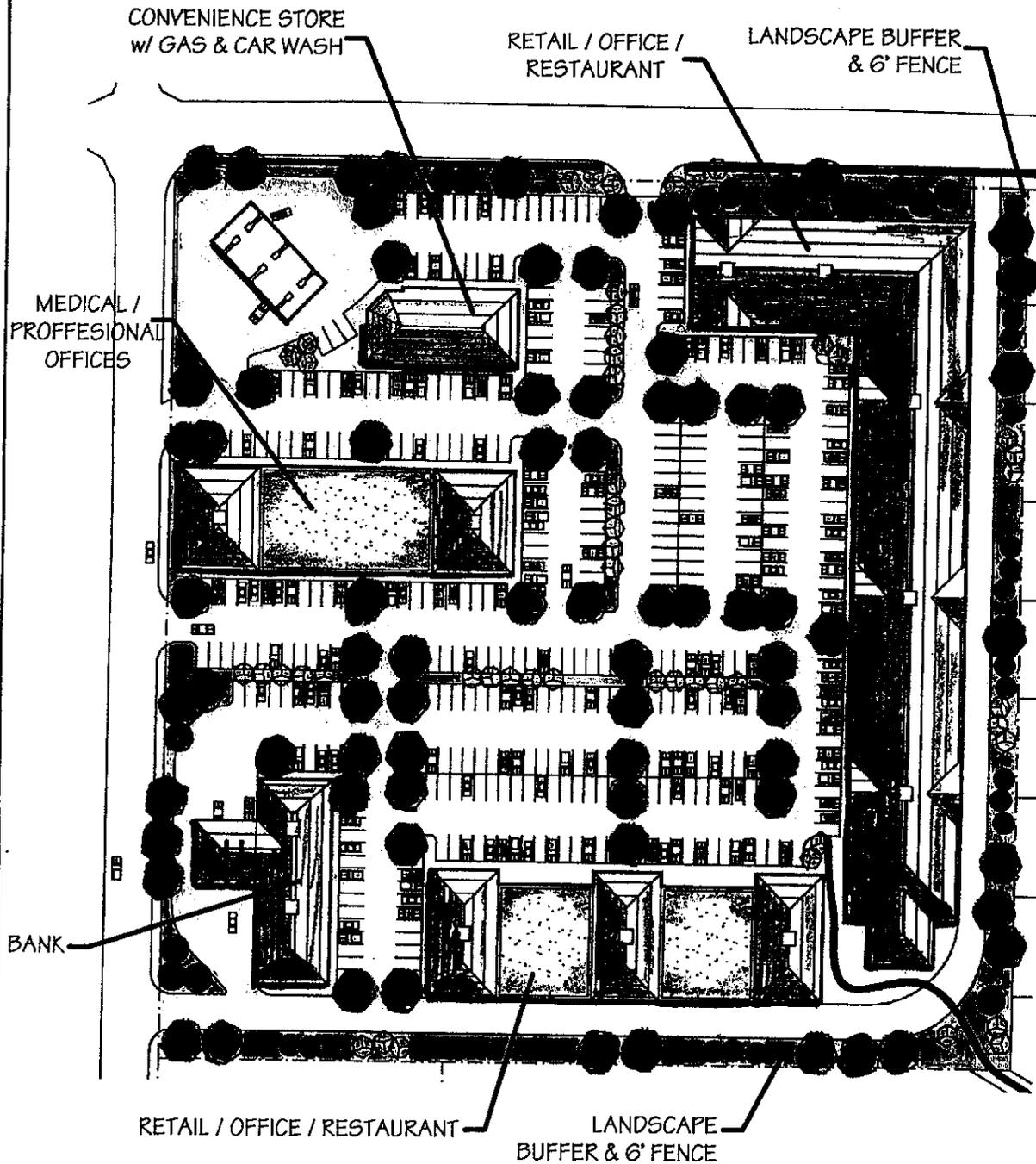
Staff recommends that the subject property be zoned Community Residential.

**SUGGESTED MOTION (PLANNING COMMISSION):**

Mr. Chair, I move to recommend approval of the zone request to zone the subject property to a Community Residential zone with no conditions to the Fruita City Council.

**FRUITA PLANNING COMMISSION:** January 10, 2023

**FRUITA CITY COUNCIL:** March 7, 2023



PHASE III - COMMERCIAL PARCEL: 9.11 ACRES  
 - APPROX. 90,000-125,000 *sf* FLOOR AREA  
 - 375-500 PARKING SPACES  
 - 20' LANDSCAPE BUFFER & 6' FENCE ON SOUTH & EAST

**Residential Uses:**

- Residential (e.g. resi. above com.)
  - Child Care
- Sales & Rental of Goods and Equipment:**
- Indoor sales and display of goods; no outdoor sales or display of goods
  - Office, clerical, research and service not primarily related to goods
- Educational, Cultural, Religious, Philanthropic, Social, and Fraternal Uses:**
- Schools
  - Churches, Synagogues, Temples and other places of worship
  - Libraries, Museums, Art Gallery, Art Centers & similar uses
  - Social, Fraternal Clubs & Lodges, Union Hall & similar uses

**Recreation, Amusement, Entertainment:**

- Indoor
  - Movie Theatres
- Institutions, Residence Care, or Confinement Facilities:**
- Hospitals, Clinics, other Medical Treatment Facilities

**Restaurants & Nightclubs:**

- Restaurant with no substantial carry-out
  - Restaurant with carry out and delivery
- Motor Vehicles Sales and Storage:**

- Gas Sales
  - Car Wash
- Emergency Services:**

- Police Stations
  - Fire Stations
  - Rescue Squads, Ambulance Service
- Miscellaneous Public and Semi-Public:**
- Post Office
  - Dry Cleaner, Laundromat
  - Nursery Schools, Daycare Centers

VISTA VALLEY PUD  
 PHASE III (FUTURE)  
 MODIFIED: 8-15-02

CLAVONNE & ASSOCIATES, INC.  
 LANDSCAPE AND PLANNING ARCHITECTS  
 844 GRAND AVENUE  
 GRAND JUNCTION, CO 81501



**FRUITA**  
COLORADO

**LAND DEVELOPMENT APPLICATION**

Project Name: 18 & K Rezone  
 Project Location: 18 & K Rezone  
 Current Zoning District: PUD Requested Zone: Community Residential  
 Tax Parcel Number(s): 2697-162-21-001 Number of Acres: 9.1  
 Project Type: Rezone

Property Owner: James H Fish Developer: NA  
 Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Address: 1135 Bluestem Blvd. Address: \_\_\_\_\_  
 City/State/Zip: Pueblo, CO 81001 City/State/Zip: \_\_\_\_\_  
 Phone: 719-545-0126 Fax: NA Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: jimfish111@hotmail.com E-mail: \_\_\_\_\_

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Kaart Planning Engineer: NA  
 Contact: Ty Johnson Contact: \_\_\_\_\_  
 Address: 734 Main St. Address: \_\_\_\_\_  
 City/State/Zip: Grand Junction, CO 81501 City/State/Zip: \_\_\_\_\_  
 Phone: 970-241-0745 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: ty.johnson@kaart.com E-mail: \_\_\_\_\_

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

<u>James H. Fish</u>		<u>14 Nov. 2022</u>
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date

STATE OF COLORADO)  
 ) ss.  
 COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 14th day of November, 2022

My Commission expires: 9/29/2024

Notary Public

Janet Pacheco  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID# 20224038013  
 MY COMMISSION EXPIRES 09/29/2026



**FRUITA**  
COLORADO

# LAND DEVELOPMENT APPLICATION

Project Name: 18 & K Rezone  
 Project Location: 18 & K Rezone  
 Current Zoning District: PUD Requested Zone: Community Residential  
 Tax Parcel Number(s): 2697-162-21-001 Number of Acres: 9.1  
 Project Type: Rezone

Property Owner: Victoria P Ragan Developer: NA  
 Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Address: 6925 Ashcreek Heights #203 Address: \_\_\_\_\_  
 City/State/Zip: Colorado Springs, CO. 80922 City/State/Zip: \_\_\_\_\_  
 Phone: 7193546367 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: tori.superm@aol.com E-mail: \_\_\_\_\_

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Kaart Planning Engineer: NA  
 Contact: Ty Johnson Contact: \_\_\_\_\_  
 Address: 734 Main St. Address: \_\_\_\_\_  
 City/State/Zip: Grand Junction, CO 81501 City/State/Zip: \_\_\_\_\_  
 Phone: 970-241-0745 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: ty.johnson@kaart.com E-mail: \_\_\_\_\_

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

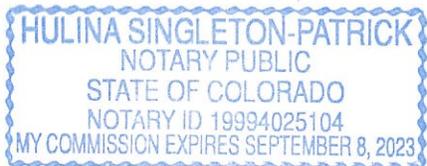
<u>Victoria P. Ragan</u>	<u>Victoria P. Ragan</u>	<u>21 Nov 2022</u>
Name of Legal Owner	Signature	Date
<u>Victoria P. Ragan</u>	<u>Victoria P. Ragan</u>	<u>21 Nov 2022</u>
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date

STATE OF COLORADO)  
 ) ss.  
 COUNTY OF ~~MESA~~ ) EL PASO

The foregoing instrument was acknowledged before me this 21 day of November, 2022.

My Commission expires: 09.08.2023

Hulina Singleton-Patrick  
 Notary Public



From: Marty Fish martyfish3@comcast.net  
 Subject: Fwd: Development Application (18 & K Rd)  
 Date: November 11, 2022 at 9:48 AM  
 To: Martha Fish martyfish3@comcast.net



**FRUITA**  
 COLORADO  
**LAND DEVELOPMENT APPLICATION**

Project Name: 18 & K Rezone  
 Project Location: 18 & K Rezone  
 Current Zoning District: PUD Requested Zone: Community Residential  
 Tax Parcel Number(s): 2697-162-21-001 Number of Acres: 9.1  
 Project Type: Rezone

Property Owner: John R Fish Developer: NA  
 Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Address: \_\_\_\_\_ Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Kaart Planning Engineer: NA  
 Contact: Ty Johnson Contact: \_\_\_\_\_  
 Address: 734 Main St. Address: \_\_\_\_\_  
 City/State/Zip: Grand Junction, CO 81501 City/State/Zip: \_\_\_\_\_  
 Phone: 970-241-0745 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: ty.johnson@kaart.com E-mail: \_\_\_\_\_

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

<u>John R. Fish</u>	<u>John R. Fish</u>	<u>Nov. 14, 2022</u>
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date

STATE OF COLORADO)  
 Je (tersby) ss.  
 COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of November, 2022

My Commission expires: 5-16-2024

Sandra L Griggs  
 Notary Public

SANDRA L GRIGGS  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID 20084017411  
 MY COMMISSION EXPIRES MAY 16, 2024

**Project Name:** 18 & K Rezone

**Project Acreage:** 9.1 acres

**Land Owner:** John Fish, James Fish, Victoria Ragan

**Representative:** Kaart, Ty Johnson, 970-241-0745

**Address:** NA (parcel #2697-162-21-001)

## PROJECT NARRATIVE

### Project Description

The request to rezone the subject property from PUD to Community Residential (CR).





### **Existing Zoning & Comp Plan**

The existing zoning for the subject property is PUD, and the adopted PUD regulations restrict the subject property to commercial development, with limited residential above 1st floor retail. The future land use map in the Comprehensive Plan designates the subject property Residential 4-8 du/ac. The request is to rezone the subject property from PUD to Community Residential (CR), which is supported by the Comp Plan. The surrounding area is exclusively detached single-family residential and a CR zone will result in development that is both compatible with the surrounding area and the market demand for residential development.

### **Neighborhood Meeting**

A neighborhood meeting is required for this land use application, per City of Fruita Land Use Code. A neighborhood meeting was held on Thursday, December 8th in the Cherry Room at the Fruita Recreation Center. The City of Fruita created mailing labels for the public notice and Kart sent out letters to surrounding neighbors. The public notice letters were postmarked on November 22nd, 2022.

The neighborhood meeting began at 5:30 pm and lasted for approximately 40 minutes, until 6:10 pm. There were approximately 25 people in attendance at the meeting and the sign-in sheet for the meeting has been included on the following page. Ty Johnson presented an overview of the land use request at the meeting and then answered questions and facilitated discussion. Productive discussion was had at the meeting concerning the application process and what to expect after the application is submitted to the City of Fruita. The primary points of discussion and questions included:

- Questions on currently allowed uses
- Question about gate on S side and what will happen there
- Setbacks
- Height
- Application process and next steps
- Allowable density and density bonus opportunities
- Concern that setbacks are inadequate
- Questions regarding the type of housing products that would be allowed
- Process for subdivision
- PUD as opportunity to deviate from underlying code



734 Main Street  
 Grand Junction  
 CO 81501  
 970.241.0745  
[planning@kaart.com](mailto:planning@kaart.com)

### Neighborhood Meeting Sign-In Sheet

Name	Address
Cindy Glead	1160 Cherrywood Ave
Dudley Baebe	397 Arches Dr
Robert Mitchell	258 WESTWATER DR.
Gary Jackson	349 Arches Dr.
Brad Shaw	349 Arches DR
Kirk & Karen Brosius	386 Arches Dr
Keith ANTONSON	312 Arches Dr.
LINDA MATRUENEN	269 Westwater
JANE & LEROY REEVER	391 ARCHES DR.
Bryon + Cynthia Ruble	279 Westwater Cir
Sherry Lee Rogers	385 ARCHES DR
E. Wayne McCalla	276 Arches Dr.
Susan/Ron Honea	412 Hawthorne St
DARR	424 Hawthorne St.
Sarah Gonzales/Andrew Sanabria	1115 Alexander Ct.
Matthew Brenan's	1241 Dakota Dr
Cathryn Brenan	



## Approval Criteria

Section 17.09.070 of the Fruita Land Use Code states that The Official Zoning Map may be amended when the following findings are made:

1. The proposed rezone is compatible with surrounding land uses, pursuant to Section 17.05.080.C., and is consistent with the city's goals, policies and Comprehensive Plan; and

**Response:** The surrounding area is exclusively detached single-family residential and zoned PUD and CR. The proposed change to CR is compatible with the surrounding land use, zoning, and future land use map of the Comp Plan.

2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city's goals, policies and Comprehensive Plan; or

**Response:** The existing PUD zone limits the subject property to commercial development, which is inconsistent with the Comp Plan. The Comp Plan designates the subject property as Residential 4-8 du/ac, which supports the proposed change to CR.

3. The area for which the rezone is requested has changed substantially such that the proposed zoning better meets the needs of the community; or

**Response:** The area has changed since the initial PUD zoning for the subject property. Residential development has continued to occur around the subject property since adoption of the PUD. The proposed zoning of CR better meets the needs of the community by creating the opportunity for infill residential development to occur.

4. The rezone is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions; or

**Response:** This criterion is not applicable.

5. The rezone is incidental to the annexation of the subject property.

**Response:** This criterion is not applicable.

**Legal Description**

LOT 1 FISH MINOR SUBDIVISION SEC 16 1N 2W - 9.11AC



734 Main Street  
 Grand Junction  
 CO 81501  
 970.241.0745  
[planning@kaart.com](mailto:planning@kaart.com)

### Neighborhood Meeting Sign-In Sheet

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