

Commissioner Fabula introduced Weston Estates #2 Annexation and Rezone.

Mr. Hemphill gave the Staff presentation for both Weston Estates #2 Annexation and Zoning. He said that the discussion points needed to be done separately to create a clean record of the decision making process. He said that both of the applications 2021-33 and 2021-34 are being requested for annexation and zoning. He said that there were multiple parcels involved in this process for future development and these are the first steps that needed to be taken in accordance with the Land Use Code and in accordance with the Colorado Revised Statute.

Application #: 2021-33
Project Name: Weston Estates Annexation #2
Application: Annexation
Property Owner: M & D Enterprises LLC
Representative: Vortex Engineering & Architecture, Inc
Location: Parcel #2697-164-00-050
Zone: Currently zoned Agricultural Forestry and Transitional (AFT- County zoning)
Request: This is a request for approval of the annexation of approximately 13.9 acres into the Fruita City Limits.

Application #: 2021-34
Project Name: Weston Estates #2
Application: Rezone
Property Owner: M & D Enterprises LLC
Representative: Vortex Engineering & Architecture, Inc
Location: Parcel #2697-164-00-050
Zone: Currently zoned Agricultural Forestry and Transitional (AFT- County zoning)
Request: This is a request for approval to zone approximately 13.9 acres to Community Residential (CR).

Slide 1 – Introduction

Slide 2 – Application Facts

Slide 3 – Zoning Map

Slide 4 – Future Land Use Map

Slide 5 – Annexation Schedule

<i>Weston Estates Annexation #2 Schedule</i>	
Date	Action
October 5, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * October 15, 2021 * October 22, 2021 * October 29, 2021 * November 5, 2021
▶ October 12, 2021	Planning Commission considers Annexation & Zone
October 19, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
November 16, 2021	Resolution to find the property eligible for Annexation
January 4, 2022	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
Legal Notice (minimum of 15 days prior to Planning Commission)	
September 22, 2021	Post Cards
September 22, 2021	Sign Posting
September 22, 2021	Legal Ad

Slide 6 - Map and Pictures of Legal Notice placement

Slide 7 – Approval Criteria – Annexation

- Section 17.06.040 (A) (1) of the Code states that if the property is located within the City's Urban Growth Area as identified by the Fruita Community Plan, annexation may be approved only after considering the following criteria:
 1. The annexation meets the requirements of the State Statutes;
 2. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;
 3. The area is contiguous with existing urban development;
 4. The area is or can be efficiently served by police and other municipal services;
 5. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;
 6. The annexation is supported by local residents and landowners;
 7. Water and ditch rights can be provided, as applicable, in accordance with city policies;
 8. The area will have a logical social and economic association with the city, and
 9. The area meets or can meet the existing infrastructure standards set forth by the city.

Slide 8 – Approval Criteria – Zoning

Section 17.13.060, Amendment to the Official Zoning Map (Rezone), of the Land Use Code (2009, as amended) states that 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 17.07.080, and is consistent with the city's goals, policies and Master Plan; and

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
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
4. The amendment is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions and is consistent with the city's goals, policies and Master Plan; or
5. **The zoning amendment is incidental to the annexation of the subject property and the proposed zoning is consistent with the city's goals, policies, and Master Plan.**

Slide 9 – Public Comments & Review Comments

- Public Comments:
 - No written public comments have been received to date.
- Review Comments:
 - No reviewer expressed concerns with this annexation.

Slide 10 – Recommendations

Staff Recommendation (Annexation):

- Staff recommends **approval** of the annexation petition with the conditions:
 - 19 Road to have a total of 50 feet from the section line.
 - J Road to have a total of 35 feet from the section line.
 - J.2 Road to have a total of 30 feet from the section line.
 - Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

Staff Recommendation (Zoning):

- Staff recommends approval of the zoning request to Community Residential.

Slide 11 – Suggested Motions

- The presentation was combined however, the motions must be separate from one another.
- Annexation:
 - Mr. Chair, as to application 2021-33, I move that we recommend **approval** to City Council, the Weston Estates Annexation #2 with the condition that any review comments and issues identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.
- Zoning:
 - Mr. Chair, as to application 2021-34, I move to recommend **approval** of the zone request to zone the subject property to a Community Residential zone to the Fruita City Council.

Commissioner Fabula thanked him.

Commissioner Mulder asked if he understood that the 4.64 acres if it should hit a snag that would put a stop to this?

Mr. Hemphill said not necessarily, they could do a flagpole annexation of right of way and then they would have the contiguity but the way the applications were submitted one needed to happen before the other. The 4.64 acres needed to happen in a process and procedures on the

agenda items and as the Council will review these by ordinance that one is going to have to go first so that this has contiguity. If for some reason 4.6 doesn't get incorporated into the City, they could annex a little bit of right of way and then have the contiguity.

Commissioner Fabula asked Mr. Swindell if he would like to give the petitioner's summary.

Mr. Stephen Swindell of Vortex Engineering said that as described it meets all nine criteria for annexation and two out of the five for zoning. He respectfully requested that they approve both.

Commissioner Fabula opened the meeting to public comment on the annexation.

Mr. Hemphill stated that he saw none online.

There were no public comments.

Commissioner Fabula closed the public comment portion on this hearing item and opened it up for Commissioner discussion.

Commissioner Nisley asked if the motion for annexation had to be contingent on the annexation of the other parcel?

Mr. Caris said that as a procedural matter the order in which they were going would take care of the conditionality of both applications.

Commissioner Fabula asked for a motion.

COMMISSIONER MULDER MOVED TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF APPLICATION 2021-33 THE WESTON ESTATES ANNEXATION #2 WITH THE CONDITION THAT ANY REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY ADDRESSED OR INCLUDED WITH THE ANNEXATION ORDINANCE.

COMMISSIONER HANCEY SECONDED THE MOTION

MOTION PASSED 5-0

Commissioner Fabula moved to Application #2021-34, the rezone of this property. He asked if there was any public comment on the rezone of this property?

There was none.

Commissioner Fabula closed public comment and moved to Commissioner discussion.

Commissioner Rink mentioned that it was quiet but thought that a lot of work just happened over the last couple of years on the Master Plan and clarifying what Fruita is doing and the future.

Commissioner Nisley commented that when this comes to development there will be a lot of people in the room.

Commissioner Fabula called for a motion.

COMMISSIONER HANCEY, AS TO APPLICATION 2021-34, MOVED TO RECOMMEND APPROVAL OF THE REZONE REQUEST TO ZONE SUBJECT PROPERTY TO THE COMMUNITY RESIDENTIAL ZONE TO THE FRUITA CITY COUNCIL.

COMMISSIONER MULDER SECONDED THE MOTION.

MOTION PASSED 5-0

I. OTHER BUSINESS

1. Community Development Updates

Mr. Caris mentioned that there were two vacancies on the Planning Commission. He will be communicating this to Council Liaison and Mayor Kincaid that conduct the interviews. He stated that on December 9 the Department of Local Affairs will be coming to give a regional Planning Commissioner training that will be held at 200 S. Spruce Street. He wanted to extend invitations to all the Planning Commissioners and the alternates to take part in it.

Mr. Sam Atkins updated the Planning Commission on the Freemont Street Design and Active Circulation Plan

2. Visitors and Guests

None

3. Other Business

Adjournment 7:01 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita