



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
OCTOBER 12, 2021**

Application #: 2021-32
Project Name: Weston Estates #1
Application: Rezone
Property Owner: M & D Enterprises LLC
Representative: Vortex Engineering & Architecture, Inc
Location: Parcel #2697-164-00-074
Zone: Currently zoned Agricultural Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval to zone approximately 4.64 acres to Community Residential (CR).

PROJECT DESCRIPTION:

This is a request for approval to zone approximately 4.64 acres of property to Community Residential (CR). The subject property is Currently zoned Agricultural Forestry and Transitional (AFT), which is a Mesa County zoning designation.

The applicants are requesting a Community Residential (CR) zone. The property owner has also submitted an annexation application, which is being reviewed concurrently with this zoning request. Because the subject property is outside the city limits, the property must be annexed first. Once the subject property has been annexed into the City Limits, zoning the property must take place within 90 days.

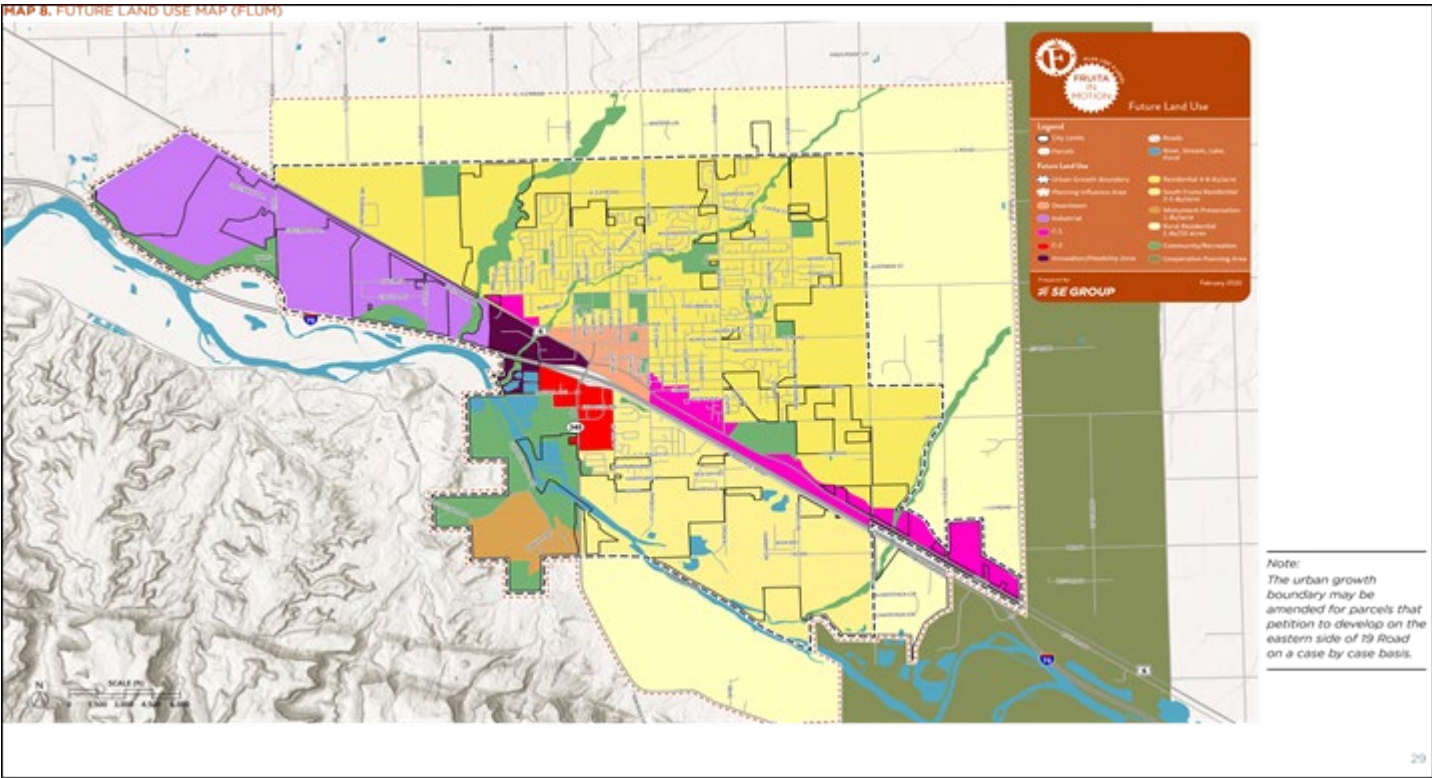
SURROUNDING LAND USES AND ZONING:

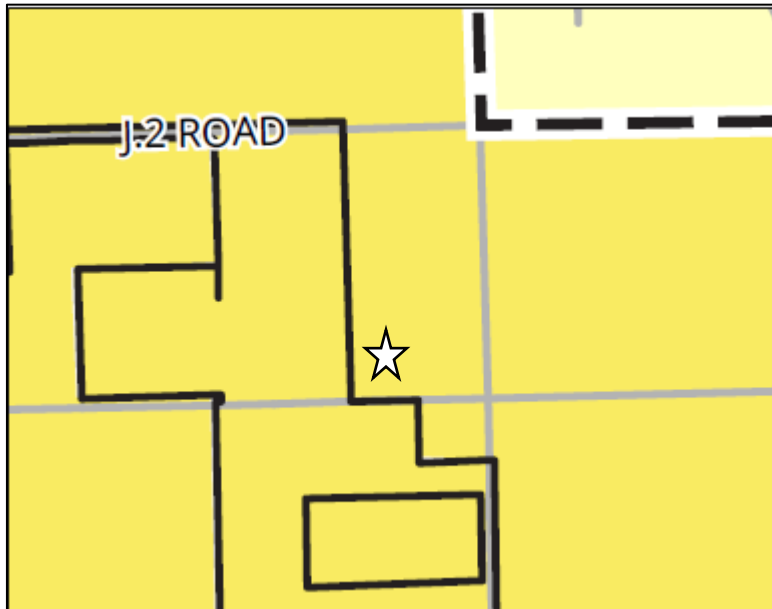
Surrounding land uses are primarily single family detached residential. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP



FUTURE LAND USE MAP (FLUM)





2020 AERIAL PHOTOGRAPH



REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

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**

[Section 17.07.080 was part of a recent Land Use Code amendment, Ordinance #2021-06. Section 17.07.080 is now referenced as Section 17.07.23.]

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 zoning of the subject property and anticipated development from a land use perspective should be compatible with foreseeable allowed land uses in the area. This takes into consideration that if surrounding properties were to be incorporated into the city limits, the allowed uses for those parcels would be compatible with the residential land uses.

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 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. For comparison It should be noted that the Urban Growth Boundary (UGB) contained on the Future Land Use Map considers this property to be the city's edge.

A core concept within the Comprehensive Plan speaks to the city's edges and states, "Edges. An urban-rural edge defines Fruita as a freestanding community separate from Grand Junction. Edges discourage sprawling growth, encourage the preservation of rural areas, and allow for a more efficient use of infrastructure and urban services. Undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired. An UGB depicts where moderate density development ends and rural density development starts." (Page 26 of the Comprehensive Plan).

Additionally, the purpose of Goal #1 states, "A distinct border contributes to Fruita's identity as a small town separate from other communities in the Grand Valley. An "edge" where one side is more developed, and the other side is more rural allows for a clear understanding of where development is appropriate and where agricultural lands, open space, and preservation are prioritized. Additionally, a boundary contributes to more efficient development, directing growth to where there is already transportation infrastructure and services such as water and sewer." (Page 36 of the Comprehensive Plan).

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 it has not been given a city zoning designation prior to this request.

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**

Although there have been changes in the area, this criterion is not applicable because the land is not yet in the Fruita city limits.

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**

The Future Land Use Map and associated Comprehensive Plan was recently amended in early 2020. Although this amendment includes this area, the area had been included in past Master Plans and future land use maps. The city has planned for this area to be included in the city limits. This criterion is not applicable because there is no comprehensive revision of the Official Zoning Map for this area.

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.

The requested zoning amendment is incidental to the annexation and, as explained above, the requested CR zone is consistent with the city's goals and policies as expressed in the Master Plan.

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:

Legal Notice (minimum of 15 days prior to Planning Commission)	
September 22, 2021 (20 days prior)	Post Cards
September 22, 2021 (20 days prior)	Sign Posting
September 22, 2021 (20 days prior)	Legal Ad

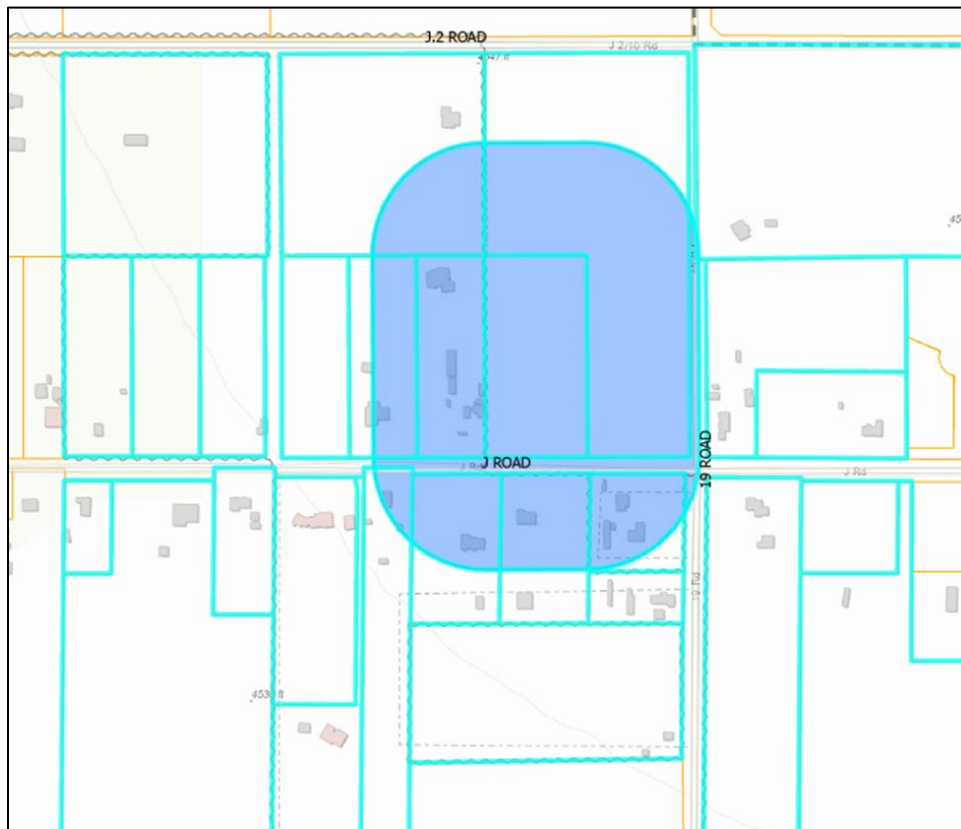


NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, October 12, 2021 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. 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, January 4, 2022 at 7:00 p.m.** Please check 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 #	2021-32
Application Name	Weston Estates 1
Application Type	Rezone
Location	Parcel #2697-164-00-074
Requested Zone:	Community Residential (CR)
Description	This is a request to rezone approximately 4.64 acres from Mesa County Zoning AFT 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



STAFF RECOMMENDATION:

Staff recommends that the subject property be zoned Community Residential.

SUGGESTED MOTION:

Mr. Chair, I move to recommend approval of the zone request to zone the subject property to a Community Residential zone to the Fruita City Council.

FRUITA PLANNING COMMISSION: October 12, 2021

FRUITA CITY COUNCIL: January 4, 2022



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Weston Estates Rezone

Project Location: No Assigned Address

Current Zoning District: County AFT

Requested Zone: Fruita CR

Tax Parcel Number(s): 2697-164-00-074

Number of Acres: 4.64

Project Type: Rezone Application

Property Owner: M & D Enterprises LLC

Developer: M & D Enterprises LLC

Property Owner:

Contact: Andy Azcarraga

Address: P.O Box 1968

Address: P.O Box 1968

City/State/Zip: Grand Junction, CO 81502

City/State/Zip: Grand Junction, CO 81502

Phone: 970-250-2453

Fax:

Phone: 970-250-2453

Fax:

E-mail: Andy.maconcrete@gmail.com

E-mail: Andy.maconcrete@gmail.com

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: Vortex Engineering & Architecture, Inc

Engineer: Vortex Engineering & Architecture, Inc

Contact: Robert W. Jones II P.E

Contact: Robert W. Jones II P.E

Address: 861 Rood Avenue

Address: 861 Rood Avenue

City/State/Zip: Grand Junction, CO 81501

City/State/Zip: Grand Junction, CO 81501

Phone: 970-245-9051

Fax: 970-245-7639

Phone: 970-245-9051

Fax: 970-245-7639

E-mail: rjones@vortexeng.us

E-mail: rjones@vortexeng.us

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.

Andy Azcarraga
Name of Legal Owner

Andy Azcarraga
Signature

5-6-21
Date

Name of Legal Owner

Signature

Date

Name of Legal Owner

Signature

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

STEPHEN EDWARD SWINDELL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20204036690
My Commission Expires October 21, 2024

The foregoing instrument was acknowledged before me this 6 day of May, 2021.

My Commission expires: 10/21/24

Notary Public

Stephen Swindle

**Project Report
Weston Estates Annexation,
Rezone (from Fruita RE and Mesa County AFT
To Fruita CR zone district) Request**

Date: July 2, 2021

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering and Architecture, Inc.
861 Rood Avenue
Grand Junction, CO 81501
(970) 245-9051
VEI# F20-052

Submitted to: Fruita Planning & Development Department
325 E. Aspen Street
Fruita, CO 81521

Type of Design: Annexation and Rezone

Property Owner: M&D Enterprises LLC (Parcels 1 and 2)
PO Box 1968
Grand Junction, CO 81502

Steven and Martin Azcarraga as Joint Tenants (Parcel 3)
PO Box 2072
Grand Junction, CO 81502

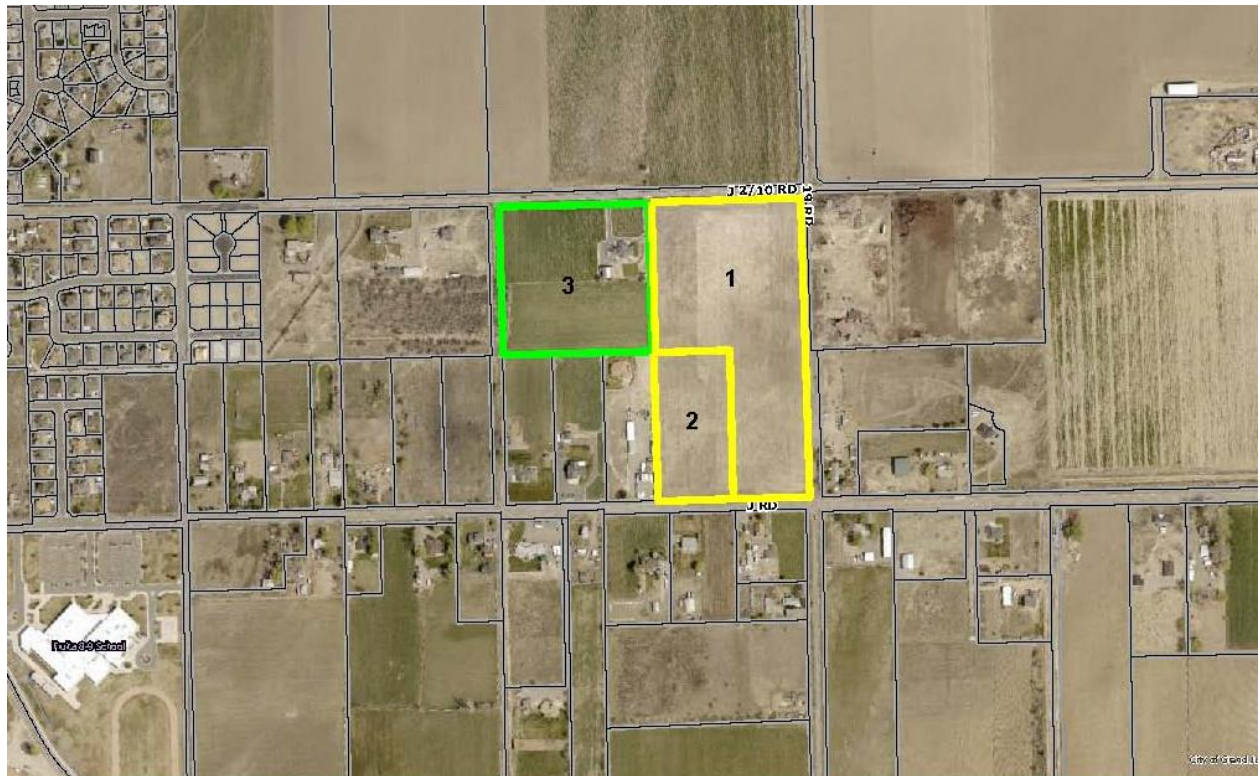
Property Address: Two parcels with no assigned addresses (Parcels 1 and 2)
1877 J 2/10 Road (Parcel 3)
Fruita, CO 81521

Tax Parcel No: 2697-164-00-050 (no assigned address – Parcel 1)
2697-164-00-074 (no assigned address – Parcel 2)
2697-164-00-129 (Parcel 3)

1. Project Intent

This application is made to request annexation into the city limits and zoning for property (with no assigned addresses) located at the corners of 19 Road and J Road and J 2/10 Road, Fruita. The applicants would like to prepare the property for residential development which will require annexation for the provision of sewer and other municipal services. There is a third parcel that will be included in the development; however, this property is already located within the city limits of Fruita.

The map below identifies each of the three parcels. Parcels 1 and 2 are owned by M&D Enterprises, LLC and Parcel 3 is owned by Steven and Martin Azcarraga as joint tenants. The applicants are requesting that Parcels 1 and 2 be annexed into the city limits and rezoned; and that Parcel 3, which is currently within city limits, be rezoned.



2. Project Description

The three parcels are located between J and J 2/10 Roads on the west side of 19 Road. Parcel 3 is located at 1877 J 2/10 Road and is currently zoned RE, Rural Estate. Parcels 1 and 2 are located in unincorporated Mesa County and currently zoned AFT. The applicants would like to annex the two parcels located on 19 Road and J Road and combine them into one development site with the property located at 1877 J 2/10 Road, as shown on the map below.



The applicants request that all three parcels be rezoned to the CR zone district in order to develop the property in a manner that will implement the new Future Land Use Classification of Residential 4-8 dwelling units/acre.

A summary of the request that is made by this application is listed below:

1. Annexation of TPN# 2697-164-00-050 (Parcel 1)
2. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-050 (Parcel 1)
3. Annexation of TPN# 2697-164-00-074 (Parcel 2)
4. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-074 (Parcel 2)
5. Rezone from Fruita RE to Fruita CR of TPN#2697-164-00-129 (Parcel 3)

Legal Descriptions

The legal description of **2697-164-00-050** (no assigned address) is:
NE4SE4SE4 + E2SE4SE4SE4 SEC 16 1N 2W

The legal description of **2697-164-00-074** (no assigned address) is:
W2 LOT 8 FRANK D KIEFERS SUB TO TOWN OF CLEVELAND SEC 16 1N 2W

The legal description of **2697-164-00-129** is:
LOT 5 FRANK D KIEFER'S SUB TO THE TOWN OF CLEVELAND SEC 16 1N 2W - 10.00AC

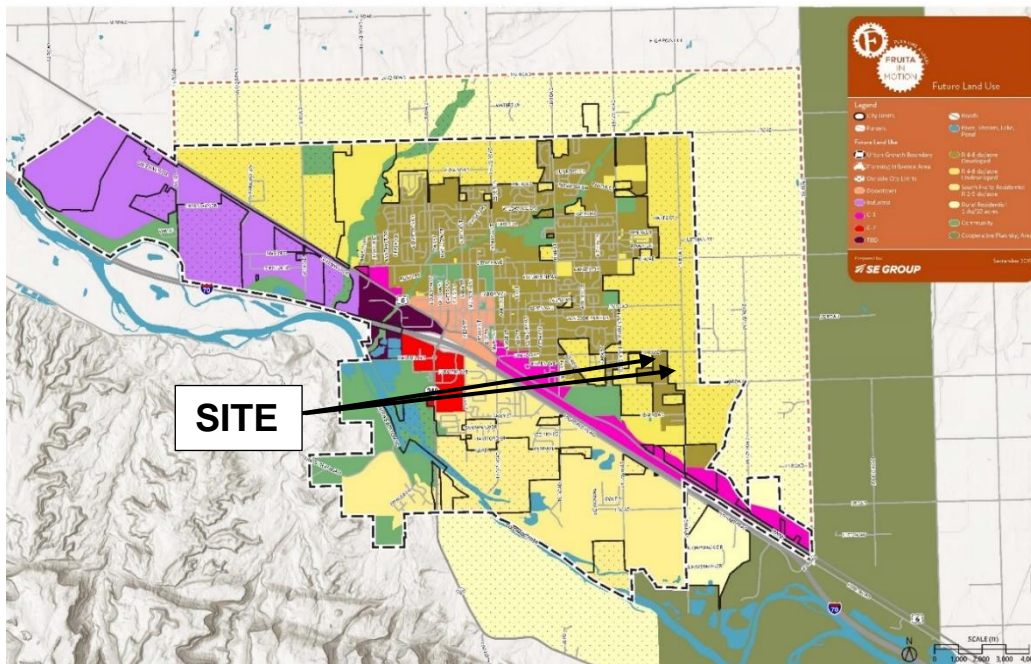
3. Public and Mineral Owners Notice

Public notice for this application will be provided in accordance with the Fruita Land Use Code, including posting the subject property on all public rights-of-way if applicable.

The draft copy of the Notice to be published in a local newspaper containing all required information as noted in C.R.S. 24-65.5-103 for Notice to Mineral Estate Owners is included with this application to demonstrate compliance with the notice requirements of said statute and the Fruita Land Use Code.

4. Fruita Comprehensive Plan and Zoning

The recently adopted Fruita Comprehensive Plan shows the subject property as Residential (4-8 dwelling units per acre). The applicants intend to meet the minimum density anticipated by the new Comprehensive Plan's Future Land Use Map of at least 4 dwelling units per acre.



The Residential 4–8 land use category is intended for undeveloped areas where public infrastructure and services are available and proximal. Neighborhoods in this area can be developed up to 8 units/acre in order to incentivize developers to provide amenities such as parks and trail connections and different types of housing.

A key theme of the recently adopted Fruita Comprehensive Plan is Efficient Development. The Plan states that “the City of Fruita encourages infill over sprawl and development within the existing city limits and Urban Growth Boundary (UGB). Efficient development reduces the demand for infrastructure and city services, supports community connectivity, and encourages a thriving downtown core.”

The proposed Weston Estates subdivision will develop property located within the City’s Urban Growth Boundary and make efficient use of existing infrastructure and services by extending needed public services to the site. Undeveloped properties in this area of the community will benefit from the logical extension of public services, thereby making future development efficient through adjacent development and preventing premature, leapfrog development and urban sprawl.

The proposed development also meets the following Core Concept of the Fruita Comprehensive Plan: **Edges**. An urban-rural edge defines Fruita as a freestanding community separate from

Grand Junction. Edges discourage sprawling growth, encourage the preservation of rural areas, and allow for a more efficient use of infrastructure and urban services. Undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired. An UGB depicts where moderate density development ends and rural density development starts.

The proposed development will develop at the higher, anticipated density levels envisioned by the Residential, 4-8 dwelling units per acres land use classification of the Plan's Future Land Use Map (FLUM). The proposed development is a natural extension of urban services and infrastructure that will provide a variety of housing types, lot sizes, and will extend urban trails and expand open space and park area in the City.

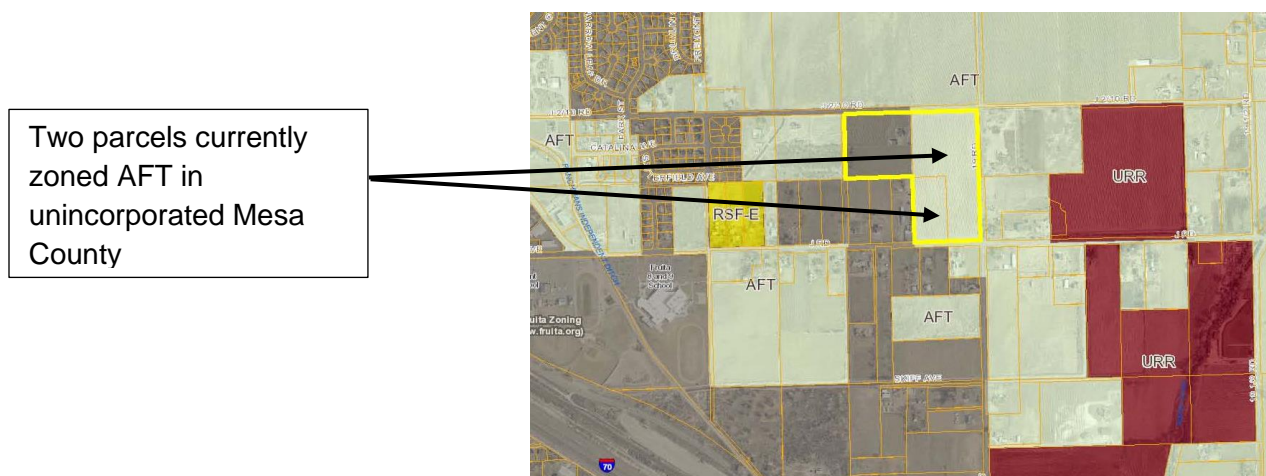
The proposed development also meets Goal #4 of the Comprehensive Plan: Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse “funky” character that is treasured by residents.

Zoning and Surrounding Areas

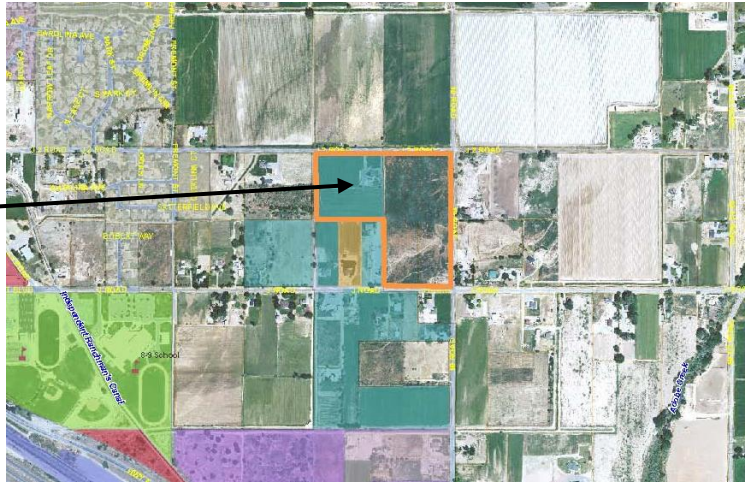
As noted, with the annexation of Parcels 1 and 2, the applicants request a rezone from the County AFT zone district to the CR zone district. The applicants are requesting a rezone from the Fruita Rural Estates (RE) zone district for Parcel 3 to the CR zone district.

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.

At the time of development, the property will be developed to meet the minimum density of 4 dwelling units per acre anticipated by the recently adopted Comprehensive Plan, therefore, the rezone request is consistent with the new Fruita Comprehensive Plan.



1877 J 2/10 Road
currently zoned RE
within Fruita city limits



Surrounding area zoning and land uses include:

North – Mesa County AFT with agricultural land use

South – Mesa County AFT and Fruita Rural Estate with single family/agricultural land uses

West – Mesa County AFT and Fruita Rural Estate with single family/agricultural land uses

East – Mesa County AFT with single family/agricultural land uses

5. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the three parcels. Utility providers for the development have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks, public library, retail sales and services and public safety are available to serve development within 1.5 miles of the site.

Utility providers for the site are as follows:

Sewer: City of Fruita

Water: Ute Water Conservation District

Electric: Grand Valley Power/GVP

Drainage: Grand Junction Drainage District

Irrigation: Grand Valley Irrigation Company

6. Wetlands and Floodplain

All three subject parcels are located in Zone X – outside the 0.2% annual chance floodplain on FIRM Panel #08077C0439F. There are no wetlands on the subject property that are identified on the City and Mesa County's GIS website maps.



7. Approval Criteria

In accordance with Chapter 17.06 of the Fruita Land Use Code, an application requesting annexation and a rezone application will be submitted concurrently to the Fruita Planning and Department. The applicants must demonstrate compliance with the following provisions of the Fruita Land Use Code with this application:

Section 17.06.040(A-I), Criteria and Decision for Annexations Not Requiring an Election

Section 17.06.050, Zoning of Annexed Properties

Section 17.13.060(B), Amendment to Official Zoning Map (Rezone)

Annexation

The applicants are requesting that Parcels 1 and 2 be annexed into the City of Fruita by demonstrating compliance with the following provisions of the Fruita Land Use Code.

Section 17.06.040(A-I), Criteria and Decisions for Annexations Not Requiring an Election, states that if the subject property is located within the city's Urban Growth Area (UGA) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

- a. The annexation meets the requirements of the State Statutes;

Response: Parcels 1 and 2 are located within the City's Urban Growth Boundary and are eligible for annexation. Both parcels meet the requirements of state statutes to the best of the applicants' knowledge.

This criterion has been met.

- b. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;
Response: The proposed development will extend a major sewer transmission line to an area the city anticipates for future development; all required utilities will be constructed concurrent with development; open space and trails will be provided in amounts that exceed the Fruita Land Use Code.
This criterion has been met.
- c. The area is contiguous with existing urban development;
Response: Both Parcels 1 and 2 are contiguous with existing city limits.
This criterion has been met.
- d. The area is or can be efficiently served by police and other municipal services;
Response: Both Parcels 1 and 2 are contiguous with existing city limits, as such they can be served efficiently by police and other municipal services.
This criterion has been met.
- e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;
Response: The applicants have noted the goals and policies of the recently adopted Comprehensive Plan that the annexation and zoning to CR support. More specifically, the annexation and development of the property supports the goal of Efficient Development and providing a variety of housing types.
This criterion has been met.
- f. The annexation is supported by local residents and landowners;
Response: Local residents have expressed support for the recently adopted Comprehensive Plan (Plan) goals and objectives through the public review process. The proposed annexation and development is consistent with and supports many of the recently adopted Plan goals and objectives, which by extension supports the goals of residents who supported the Plan. Local residents and landowners will also have an opportunity through the public participation process of the Fruita Land Use Code and public hearing process to raise any concerns or questions they may have, and/or to support the annexation and development of the subject property.
This criterion can be met.
- g. Water and ditch rights can be provided, as applicable, in accordance with city policies;
Response: Water and ditch rights will be provided to the best of the applicant's ability.
This criterion can be met.
- h. The area will have a logical social and economic association with the city, and;
Response: Both Parcel 1 and 2 are adjacent to the existing city limits of Fruita and will have a natural connection to the community. Open space and trail connections to external street sidewalks will also connect the property to the Fruita community.

Residents in the proposed Weston Estates subdivision will conduct business and shop in Fruita businesses; families will have children that attend the Fruita schools providing the social and economic associations with the community.

This criterion can be met.

- i. The area meets or can meet the existing infrastructure standards set forth by the city.
Response: All infrastructure standards set forth by the city shall be met through the design review process and extension of municipal services to the development site.
This criterion can be met.

Zoning of Annexed Properties-Parcels 1 and 2

Section 17.06.050, Zoning of Annexed Properties, states that land annexed to the city shall be zoned in accordance with the City of Fruita's zoning regulations within ninety (90) days following annexation of the land. The city's acceptance of a land use application or issuance of building permit may be contingent upon approval of city zoning.

Response: Parcels 1 and 2 must be zoned in accordance with Fruita's zoning regulations within 90 days following annexation and therefore must meet the approval criteria of Section 17.13.060(B), as noted in the following paragraph. The applicants request that the parcels be zoned to the Fruita CR zone district based on compliance with the approval criteria of Section 17.13.060(B).

Rezone Request-Parcel 3

Parcel 3 is currently located within the City of Fruita; the applicants request an amendment to the Official Zoning Map, to rezone from Fruita RE zone district to the CR zone district.

Section 17.13.060(B), Amendment to Official Zoning Map (Rezone), 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 17.07.080, and is consistent with the city's goals, policies and Master Plan; and
Response: The request to apply the CR zone district to Parcels 1, 2 and 3 is consistent with the Residential 4-8 dwelling units per acre land use classification of the Fruita Comprehensive Plan. The CR zone districts implements the R 4-8 du/ac land use classification. Both the annexation and rezone requests are consistent with goals and objectives of the Plan as noted earlier in the is report.
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
Response: The current AFT zoning of Parcels 1 and 2 was not in error; however, the property is located within the Fruita Urban Growth Boundary and the current zoning is not appropriate for urban levels of development. Parcel 3 is currently zoned Fruita RE

and is also not appropriate for urban levels of development. The RE zone is also not consistent with the Fruita Future Land Use Map which anticipates residential development between 4-8 dwelling units per acre for this area of the community.

This criterion has been met.

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 proposed for the rezone is anticipated to change substantially as the Future Land Use Map of the Comprehensive Plan is implemented and residential development with a density of 4-8 dwelling units per acre occurs. Adjacent land is located in Fruita's Urban Growth Boundary and will be annexed and developed as sewer and other municipal services are extended to this area of the community. The proposed zoning is consistent with the land use classification of the Fruita Comprehensive Plan and will help the city achieve the desired housing types and density that the Plan envisions.

This criterion has been met.

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

Response: The requested zoning to CR is in direct response to the City's Comprehensive Plan that anticipates residential development with density ranging from 4-8 dwelling units per acre. The Plan is the driving influence to create a change in development for this area of the community.

This criterion has been met.

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

Response: The requested CR zoning is incidental to the annexation of Parcels 1 and 2, and is made to support the development goals and objectives of the Comprehensive Plan for Parcel 3.

This criterion has been met.

8. Conclusion

After demonstrating how the following requests meet the goals and objectives of the Fruita Comprehensive Plan and the approval criteria for relevant sections of the Land Use Code, the applicants respectfully request approval to annex, zone/rezone certain property to the CR zone district:

1. Annexation of TPN# 2697-164-00-050 (Parcel 1)
2. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-050 (Parcel 1)
3. Annexation of TPN# 2697-164-00-074 (Parcel 2)
4. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-074 (Parcel 2)
5. Rezone from Fruita RE to Fruita CR of TPN#2697-164-00-129 (Parcel 3)

9. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Fruita, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.