

Commissioner Fabula introduced Application 2021-31 and Application #2021-32.

Application #: 2021-31
Project Name: Weston Estates Annexation #1
Application: Annexation
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 of the annexation of approximately 4.64 acres into the Fruita City Limits.

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).

Mr. Henry Hemphill gave the Staff presentation. He said that like he mentioned before he would like to combine the Weston Estates #1 Annexation and Zoning into one presentation. He continued that at the end, he would make it clear that the discussion items for the Planning Commission and the public need to be separate.

Slide 1 – Introduction of Weston Estates #1 Annexation & Zoning

Slide 2 – Application Facts

Slide 3 – Zoning Map

Slide 4 – Future Land Use Map

Slide 5- Annexation Schedule

<i>Weston Estates Annexation #1 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 – Staff Recommendations

- Staff Recommendation (Annexation):
 - Staff recommends **approval** of the annexation petition with the conditions:
 - J Road to have a total of 35 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 2021-31, I move that we recommend approval to City Council, the Weston Estates Annexation #1 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 2021-32, 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 Mr. Hemphill. He invited the applicant to speak.

Mr. Stephen Swindell from Vortex Engineering was the applicant's representative. He said that Mr. Hemphill presented well and that this met all the goals and criteria and Staff was in support. He respectfully requested approval of both the annexation and rezone as presented.

Commissioner Fabula thanked him. He closed the petitioner's summary and opened the meeting to public comment. He asked if there were any comments on the annexation either there or online?

There were none.

Commissioner Fabula closed public comments and opened Commissioner discussion.

Commissioner Fabula commented that Fruita is growing and that this is how growth happens. They annex land that is currently in the County into the City. He asked for comment from other commissioners.

There were none.

Commissioner Fabula asked for a motion on the annexation.

COMMISSIONER MULDER MOVED TO THEY RECOMMEND APPROVAL TO THE CITY COUNCIL OF APPLICATION 2021-31 THE WESTON ESTATES ANNEXATION #1 WITH THE CONDITION THAT ANY REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY ADDRESSED OR INCLUDED WITH THE ANNEXATION ORDINANCE.

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 5-0

Commissioner Fabula said that they would move directly to public comment on the zoning for this application. He asked if there was anyone that would like to ask a question or give a public comment on the zoning of this parcel of land? He added that the zoning was Application 2021-32 and it was the rezone.

There were no public comments.

Commissioner Fabula closed public comment on that application and opened the meeting to commissioner comments on the rezone.

Commissioner Nisley asked if the sewer lines would be extended through a Development Improvement Agreement?

Mr. Hemphill said yes. He added that an extension of that utility will be done through a Development Improvements Agreement and it would be warranted and guaranteed.

There were no other comments.

Commissioner Fabula closed commissioner comment and asked for a motion.

COMMISSIONER MULDER, IN REFERENCE TO APPLICATION 2021-32, MOVED TO RECOMMEND APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO A COMMUNITY RESIDENTIAL ZONE TO THE FRUITA CITY COUNCIL.

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 5-0