



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
JUNE 14, 2022**

Application #: 2022-21
Project Name: Adeles Acres Rezone
Application: Rezone
Property Owner: 1024 19 Road LLC
Representative: River City Consultants, Inc.
Location: 1024 19 Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval to zone approximately 15 acres to Community Residential (CR).

PROJECT DESCRIPTION:

This is a request for approval to zone approximately 15 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.

In addition to this rezoning application, the property owner has also submitted an annexation application. Typically, annexation applications are accompanied by a rezone application and can run concurrently through the public hearing process.

The applicants are requesting a Community Residential (CR) zone. The first step in the process to zone a property outside the city limits, is annexation. Once the subject property has been annexed into the City Limits, zoning the property must take place within 90 days in accordance with Section 17.17.080 of the Land Use Code and Colorado Revised Statutes (CRS) Section 31-12-115 (2).

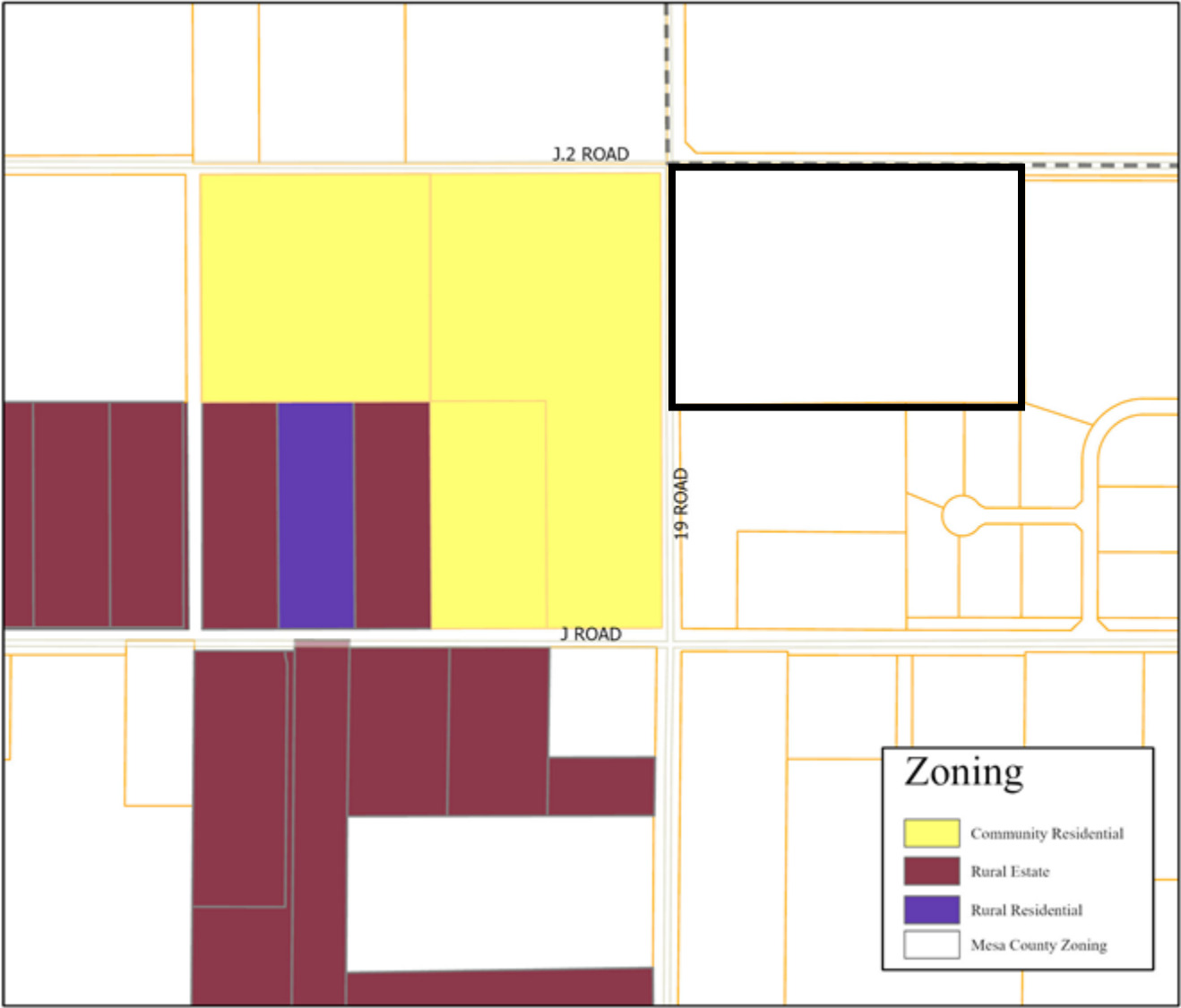
The area in which the subject property is located is supported to have a Community Residential zoning classification as shown on the Future Land Use Map within the City's Fruita In Motion: Plan Like a Local Comprehensive Plan (Master Plan). The Land Use Code states that the *"The purpose of the CR zone 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*

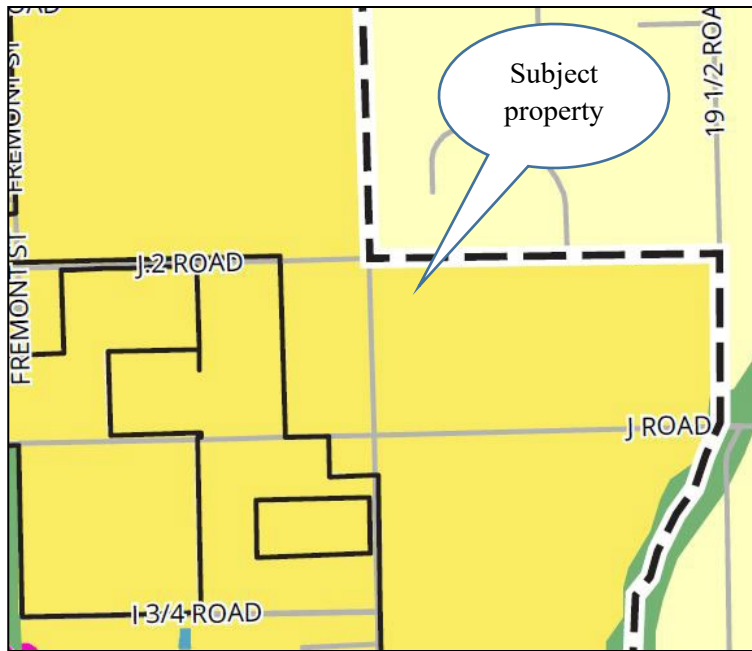
housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre.”

SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential with small scale farming nearby. Mesa County and the URR zone is to the east with 1-acre parcels being developed. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP



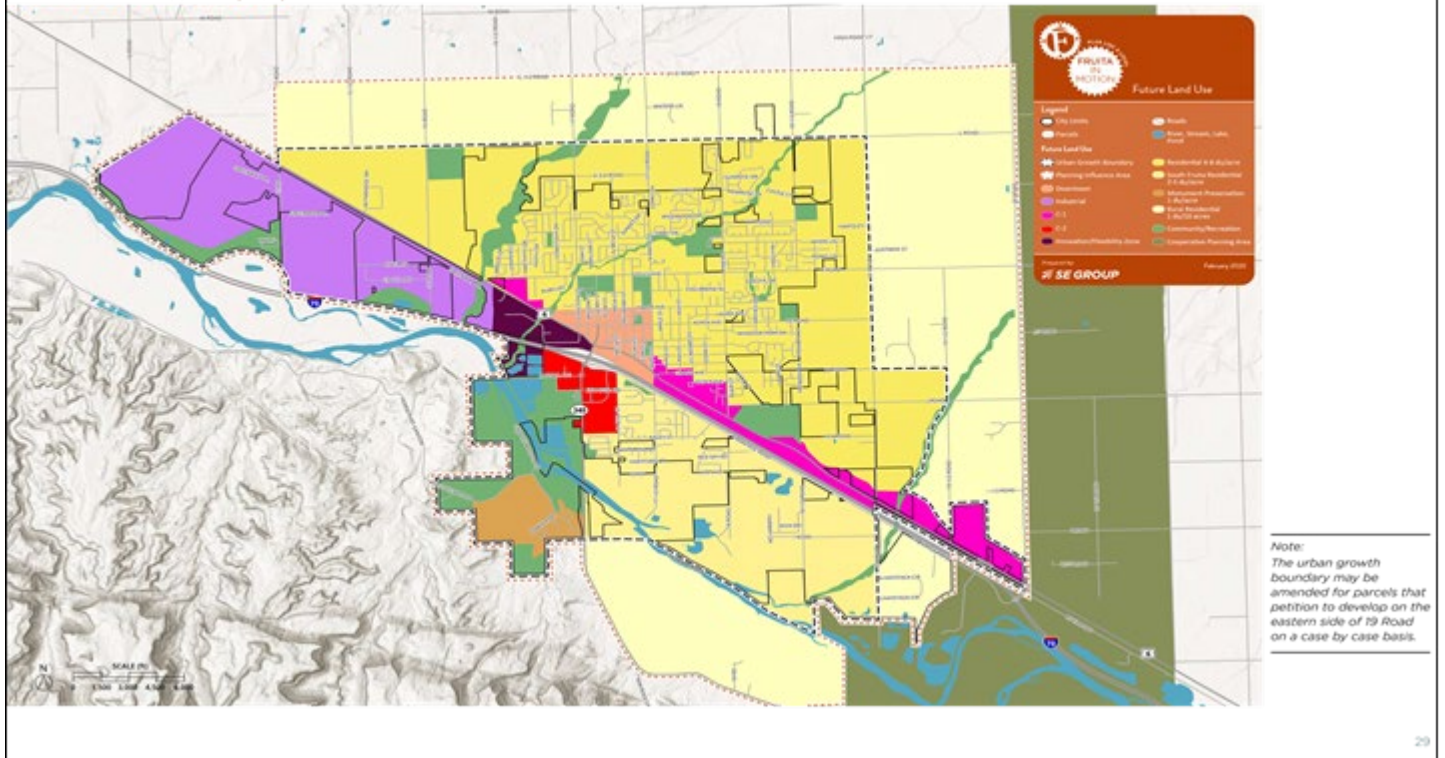


Future Land Use

Legend	
City Limits	Roads
Parcels	River, Stream, Lake, Pond
Future Land Use	
Urban Growth Boundary	Residential 4-8 du/acre
Planning Influence Area	South Fruita Residential 2-5 du/acre
Downtown	Monument Preservation 1 du/acre
Industrial	Rural Residential 1 du/10 acres
C-1	Community/Recreation
C-2	Cooperative Planning Area
Innovation/Flexibility Zone	

Prepared by: **SE GROUP** February 2020

MAP 8. 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 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 Community Residential (CR) zone allows for a density range between 4 and 8 dwelling units per gross acre. The CR zone is also the city’s primary residential zoning district. 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 (*).

Table 17.05.090 - LAND USE TABLE	
	CR
RESIDENTIAL	
Household Living	
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

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).

The Comprehensive Plan does not show the Urban Growth Boundary extending further east at this time. 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; 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.

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 (17.07.040 (E)):

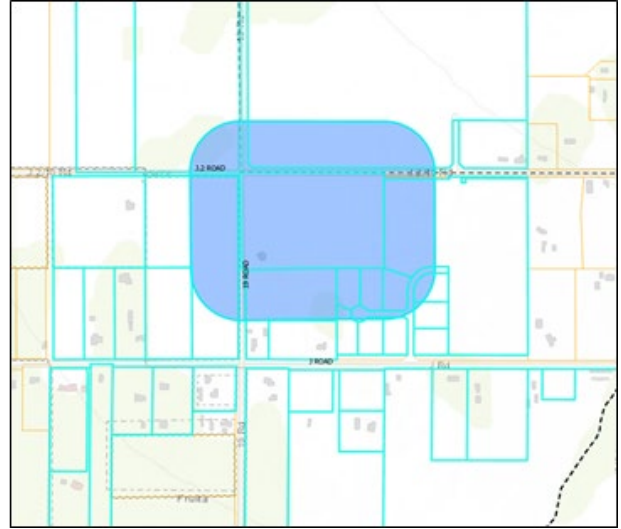
Legal Notice (minimum of 15 days prior to Planning Commission)	
May 27, 2022 (18 days prior)	Post Cards [17.07.040 (E)(1)(d)]
May 27, 2022 (18 days prior)	Sign Posting [17.07.040 (E)(1)(c)]
May 27, 2022 (18 days prior)	Legal Ad [17.07.040 (E)(1)(a)]

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, June 14, 2022 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, August 16, 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 # 2022-21
 Application Name Adele’s Acres
 Application Type Rezone
 Location 1024 19 Road
 Requested Zone: Community Residential (CR)
 Description This is a request to rezone approximately 15.1 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 with no conditions to the Fruita City Council.

FRUITA PLANNING COMMISSION: June 14, 2022

FRUITA CITY COUNCIL: August 16, 2022



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Adele's Acres
 Project Location: 1024 19 road
 Current Zoning District: AFT Requested Zone: CR - Community Residential
 Tax Parcel Number(s): 2697-153-00-181 Number of Acres: 15.1
 Project Type: Annexation & Zoning Amendment

Property Owner: 1024 19 Rd LLC Developer: Futurado Development Llc
 Property Owner: _____ Contact: Darrell Cordova
 Address: 28331 318th Dr. SE Address: P,O,Box 2227
 City/State/Zip: Ravensdale, WA 98051 City/State/Zip: Glenwood Springs 81602
 Phone: 801 592 1988 Fax: _____ Phone: 801 592 1988 Fax: _____
 E-mail: darrell@futurado.com E-mail: darrell@futuradodevelopment.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: Futurado Development LLC Engineer: River City
 Contact: Darrell Cordova Contact: Courtney Patch (Project Coordinator) & Paul Southworth (Engineer)
 Address: P,O, box 2227 Address: 214 Pitkin Ave
 City/State/Zip: Glenwood Springs, CO 81602 City/State/Zip: Grand Junction, CO 81501
 Phone: 801 592 1988 Fax: _____ Phone: 970-241-4722 Fax: _____
 E-mail: darrell@futuradodevelopment.com E-mail: cpatch@rcwest.com

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.

Darrell Cordova

4/1/2022

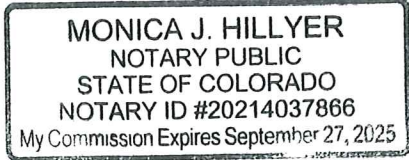
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date

STATE OF COLORADO)) ss.
 COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 1st day of April, 2022,

My Commission expires: 9/27/2025

 Notary Public





Project Narrative
Name: Adele's Acres Annexation
Application: Annexation/Zoning
April 19, 2022

Project Information

Applicant: Darrell Cordova
Owner: 1024 19 Rd LLC
Representative: Ivan Geer, P.E. & Courtney Patch, Project Coordinator - River City Consultants, Inc.
Location: 1024 19 Rd. Fruita, CO 81521
Parcel No: 2697-153-00-181
Application: Annexation/Zoning
Zoning: Current Mesa County AFT
Proposed Community Residential (CR) within the City of Fruita

Project Description:

The project is located on the southeast corner of the intersection at J 2/10 Rd and 19 Rd, Fruita, Colorado 81521. The project is proposing Annexation the parcel with a Zoning of Community Residential (CR), which is identified as Residential (4-8 dwelling units/acre) on the Future Land Use map per the Fruita Master Plan. The total acreage is approximately 15.011 acres. All setback requirements for the CR zone district will be met when the parcel develops.

The parcel currently has an existing home located on the property and associated outbuildings, with direct access off 19 Rd. There is an existing agricultural access off J 2/10 Rd. J 2/10 Rd is classified as a rural local roadway. 19 Rd is classified as an Enhanced Travel Corridor.

The project is adequately served by all utilities except for sewer. The site has been agriculturally active. Major Subdivision and Site Design Review applications will be submitted at a later date and are expected to have minimal impact on urban services, i.e. police and fire protection.

This application includes documents as required by the submittal checklists provided by the City of Fruita.

Annexation and Zoning – Within the City’s Urban Growth Area

Does the annexation meet the requirements of State law (Title 31, Article 12)?

The annexation of the subject property does meet the requirements of Colorado State Law (Title 31, Article 12). Petitions for Annexation and Annexation Maps have been included with this submittal and the subject property has the 1/6 contiguity with the City limits required for annexation. The legal description of the annexation can be found on the Annexation Map.

Can the area to be annexed be efficiently served by urban services and facilities (police and fire protection, sanitary sewer service, potable and irrigation water, drainage structures, streets and trails, etc.) and what will the impact be to these urban services and facilities?

The project is adequately served by utilities with the exception of sewer. There is an existing septic system that serves the existing home. Sewer will have to be extended from Iron Wheel Subdivision north up 19 Rd or to the east from Cotton Woods Subdivision on J 2/10 Rd. It is proposed to subdivide the parcel into approximately 46 lots. A Major Subdivision application will be submitted at a later date and is expected to have minimal impact on urban services, i.e. police and fire protection.

Is the area to be annexed contiguous with existing urban development?

As explained above, the property has the 1/6 contiguity required for annexation and is adjacent to Rural Residential zoned property to the west, with Community Residential zoning 0.4 miles to the west.

Is the annexation consistent with the City’s Master Plan?

The annexation and proposed zoning are consistent with the City’s Master Plan including the Fruita Community Plan. The project provides residentially zoned land within the City’s Urban Growth Area and as identified per the City’s Master Plan and future land use designation.

Is the annexation supported by local residents and landowners?

The project has not been presented to the public.

Will the annexed land have a logical social and economic association with the city?

The annexation and future development of the parcel will provide the city with increased tax revenues and needed residentially zoned land for future development.

Zoning Map Amendment (Rezone)

- 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 request to rezone to CR is compatible with adjacent zoned property to the west and CR zoned land/uses further to the west. Surrounding lands uses include agricultural and residential uses. The project provides residentially zoned land within the City's Urban Growth Area and as identified per the City's Master Plan and future land use, making this project consistent with the City's goals, policies and Master 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 Master Plan; or***

The land to be rezoned is currently outside of the City of Fruita city limits. This criterion is not applicable.

- 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***

This area is just inside the Urban Growth Boundary. In order to develop this property, the parcel must annex and be zoned within the city limits. The proposed CR zoning is an appropriate zoning for the project.

- 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***

A new Comprehensive Plan was adopted in February 2020. The project is currently outside of the City of Fruita limits and must be zoned upon annexation. The CR zoning is an appropriate zone district based on the adopted Comprehensive Plan.

- 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 project is requesting annexation into the limits of the City of Fruita. The requested zoning to the CR zone district is consistent with the City's goals and policies as expressed in the Master Plan.

List of Current Land Uses:

Adjacent parcels in the surrounding area consist of the following zoning districts:

Fruita City Limits

Rural Estate (RE): low density residential uses compatible with rural areas.

Community Residential (CR): moderate density detached single-family residential neighborhoods.

Rural Residential (RR)

Unincorporated Mesa County

Agricultural, Forestry, Transitional District (AFT): Agricultural and residential uses

Urban Residential Reserve (URR): low density single-family residential development

Residential Single Family – Estate District (RSF-E): low density, estate-type, single family residential development.

Land uses surrounding this parcel include mostly residential and agricultural uses. The parcel is approximately ½ mile from the Fruita Monument High School to the southwest. Highway 6 & 50 is approximately ¾ mile south, which includes some community mixed use and commercially zoned parcels with retail businesses on site.