



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: AUGUST 17, 2021

RE: **ORDINANCE 2021-16, SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.25 ACRES OF PROPERTY LOCATED AT 960 STONE MOUNTAIN DRIVE TO A SOUTH FRUITA RESIDENTIAL ZONE.**

BACKGROUND

This application consists of zoning approximately 13.25 acres of property located at 960 Stone Mountain Drive to a South Fruita Residential (SFR) zone as supported in the Fruita Comprehensive Plan. The subject property is currently zoned Large Lot Residential (LLR).

The property is located within the Urban Growth Boundary and is supported by the Future Land Use Map and the Fruita Comprehensive Plan to be incorporated into the City Limits. The area in which the subject property is located is supported to have a South Fruita Residential zoning classification as shown on the Future Land Use Map within the City's Fruita In Motion: Plan Like a Local Comprehensive Plan. "The South Fruita Residential 2–5 land use category is intended for residential neighborhoods south of I-70. Much of this land is already built out at 1–4 units/acre. Being next to the river, some of this area is in the 100-year floodplain and not suitable for higher density development. Additionally, the access to the area from the rest of Fruita is constrained to Highway 340 and a frontage road that crosses over I-70 at 20 Road" (Chapter 3, page 31 of the Fruita Comprehensive Plan).

At their June 22, 2021, public meeting, the Fruita Planning Commission recommended approval of the zoning application by a vote of 6-0 to the Fruita City Council. There were some concerns from the public about the potential development and traffic impacts in the future.

FISCAL IMPACT

There is no fiscal impact to the City of Fruita for zoning property.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This property is within the Urban Growth Boundary and is recommended through the Future Land Use Map contained in the Fruita Comprehensive Plan (The City's Master Plan) as being zoned South Fruita Residential.

OPTIONS AVAILABLE TO COUNCIL

1. Approve Ordinance 2021-16, an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 13.25 acres of property located at 960 Stone Mountain Drive to a South Fruita Residential zone.
2. Deny Ordinance 2021-16

RECOMMENDATION

It is the recommendation of staff that the Council by motion:

APPROVE ORDINANCE 2021-16 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.25 ACRES OF PROPERTY LOCATED AT 960 STONE MOUNTAIN DRIVE TO A SOUTH FRUITA RESIDENTIAL ZONE.

ORDINANCE 2021-16

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 13.25 ACRES OF PROPERTY LOCATED AT 960 STONE MOUNTAIN DRIVE TO A SOUTH FRUITA RESIDENTIAL ZONE.

WHEREAS, the subject property is shown and described in attached Exhibit A which was recently annexed to the City of Fruita by Ordinance, and

WHEREAS, a public hearing will be held by the City Council on August 17, 2021, for the zoning request, and

WHEREAS, the requested zone is consistent with the city's goals and policies including the city's Master Plan.

WHEREAS, the requested zone meets the approval criteria of Section 17.13.060 of the Fruita Land Use Code that must be considered for an Amendment to the Official Zoning Map (rezone).

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:

THAT the Official Zoning Map adopted pursuant to Section 17.07.012 of the Fruita Land Use Code is hereby amended and that the subject property shown and described on the attached Exhibit A, containing approximately 13.25 acres, is hereby zoned South Fruita Residential.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
17TH DAY OF AUGUST 2021.**

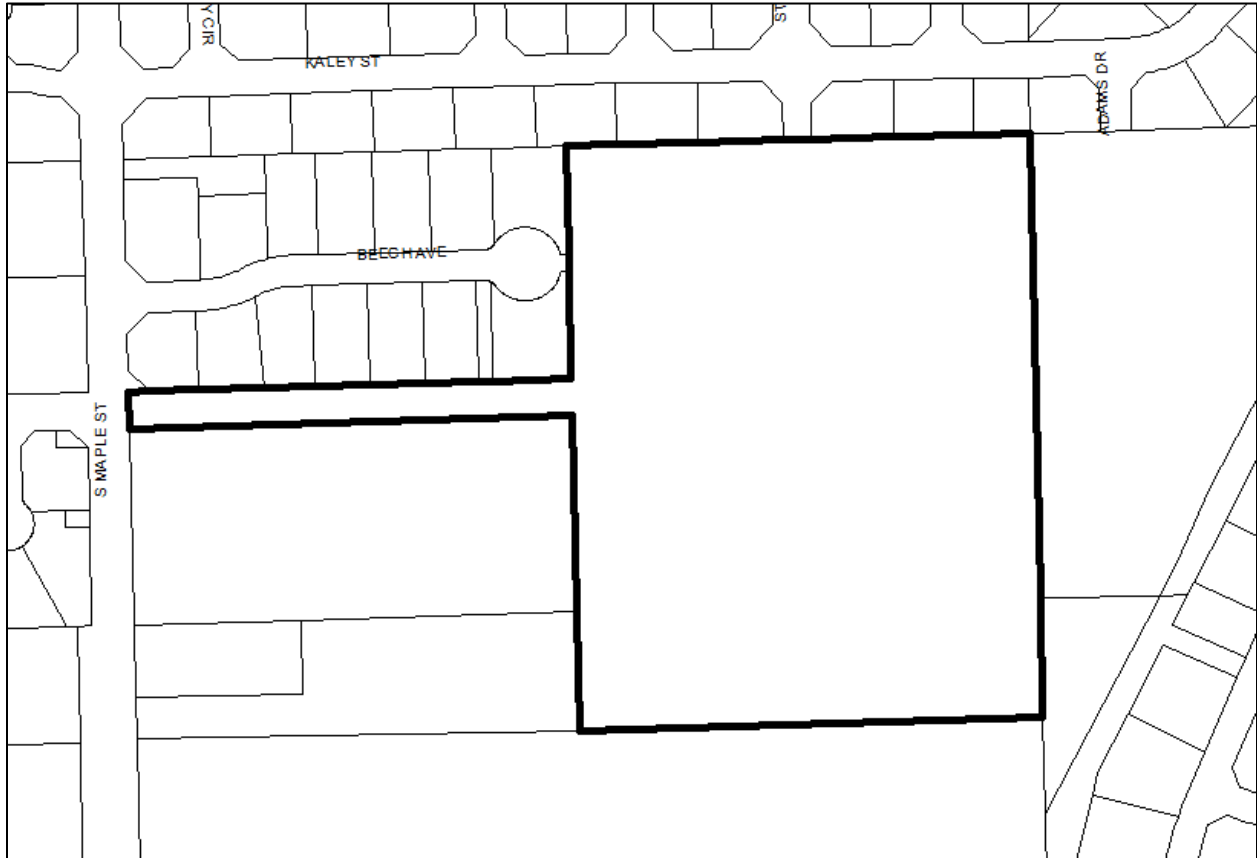
ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor

Exhibit A



Legal Description:

Lot 1 Henry Subdivision SEC 20 1N 2W UM – 13.25 Acres



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
JUNE 22, 2021**

Application #: 2021-15
Project Name: Cider Mills Rezone
Application Type: Rezone
Property Owner: Cider Mills, LLC
Representative: Vortex Engineering, Inc.
Location: 960 Stone Mountain Drive
Current Zone: Large Lot Residential (LLR)
Requested Zone: South Fruita Residential (SFR)
Request: This is a request for approval to rezone approximately 13.25 acres from Large Lot Residential to South Fruita Residential.

PROJECT DESCRIPTION:

The property owner, Cider Mills LLC, submitted a rezone application for the property located at 960 Stone Mountain Drive. This is a request for approval of a rezone of approximately 13.25 acres from Large Lot Residential (LLR) to South Fruita Residential (SFR).

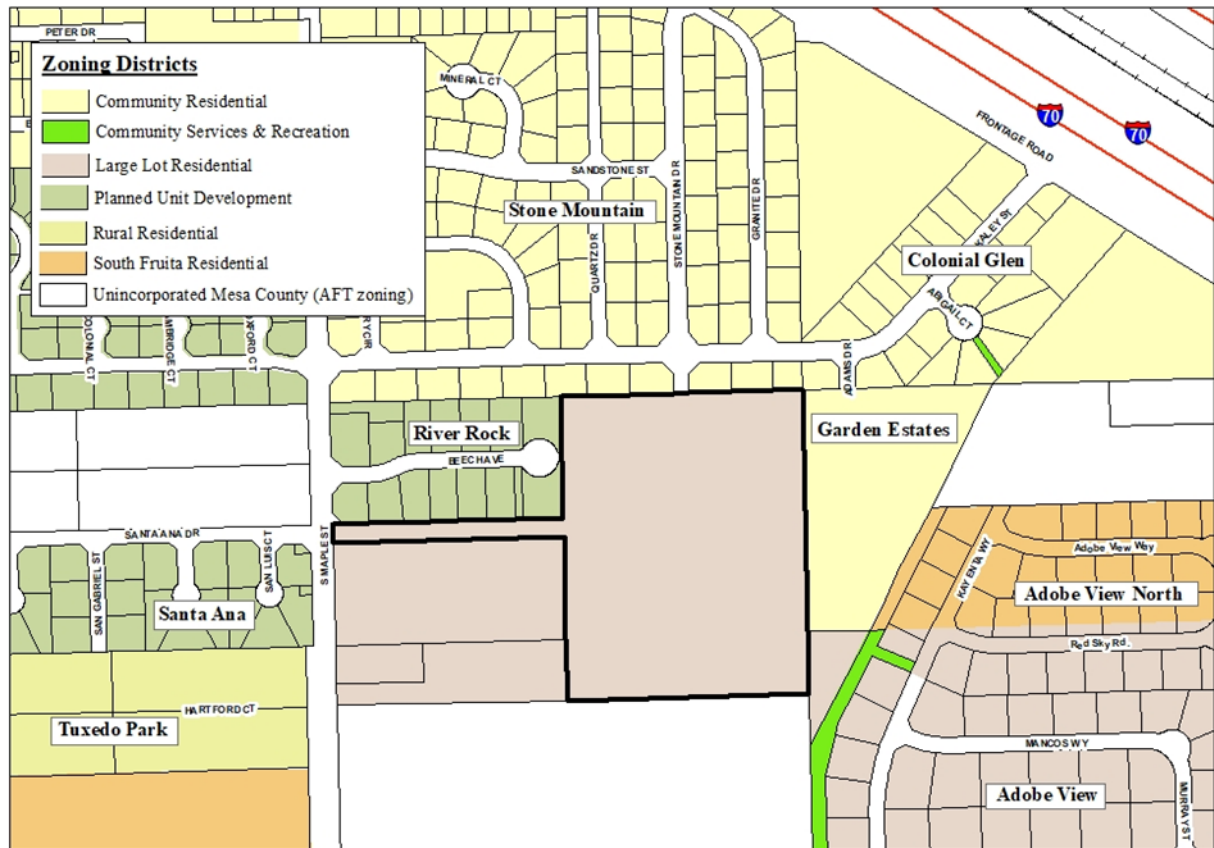
The area in which the subject property is located is supported to have a South Fruita Residential zoning classification as shown on the Future Land Use Map within the City's Fruita In Motion: Plan Like a Local Comprehensive Plan. "The South Fruita Residential 2–5 land use category is intended for residential neighborhoods south of I-70. Much of this land is already built out at 1–4 units/acre. Being next to the river, some of this area is in the 100-year floodplain and not suitable for higher density development. Additionally, the access to the area from the rest of Fruita is constrained to Highway 340 and a frontage road that crosses over I-70 at 20 Road" (Chapter 3, page 31 of the Fruita Comprehensive Plan).

Additionally, Section 17.07.014 (D) of the Fruita Land Use Code states, "The purpose of the SFR zone is to allow a variety of low to moderate density residential areas compatible with existing low-density development, the Colorado National Monument and the Colorado River. Due to its location near the Colorado River and in the 100-year flood plain, the area is most suitable to a density of 2-5 dwelling units per acre."

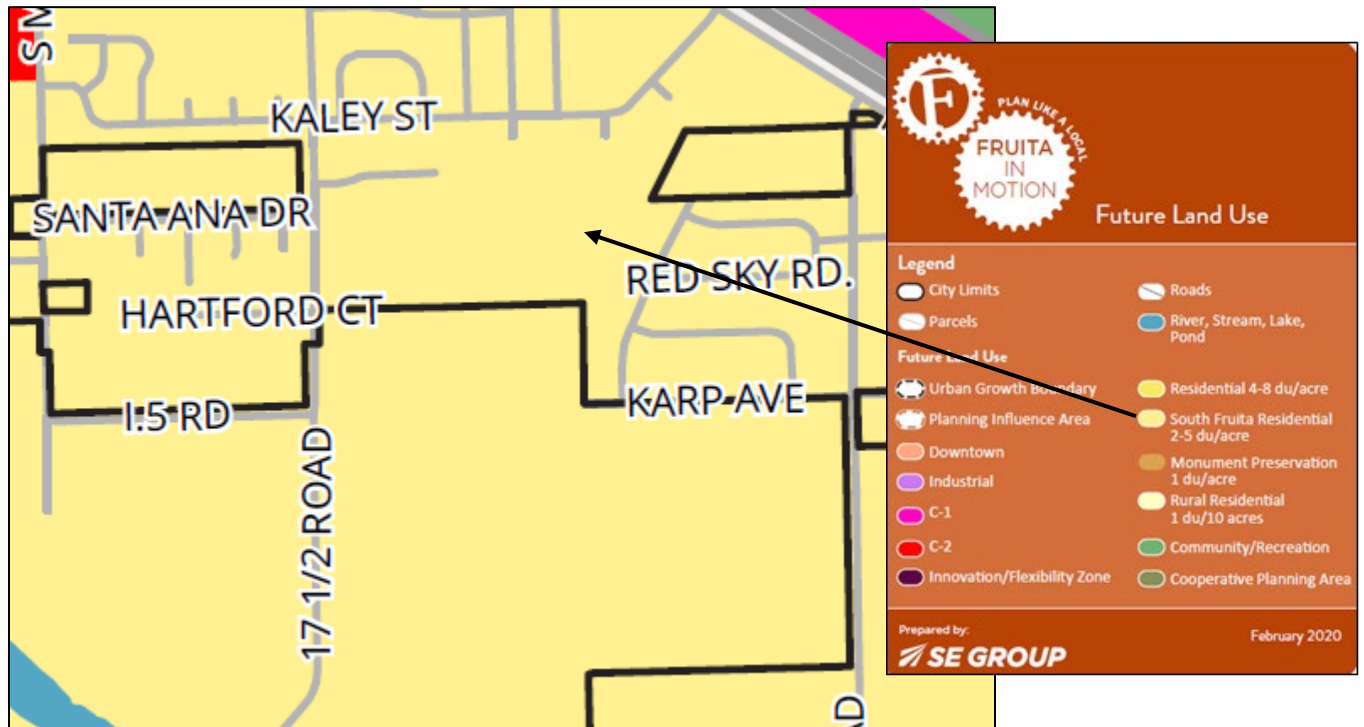
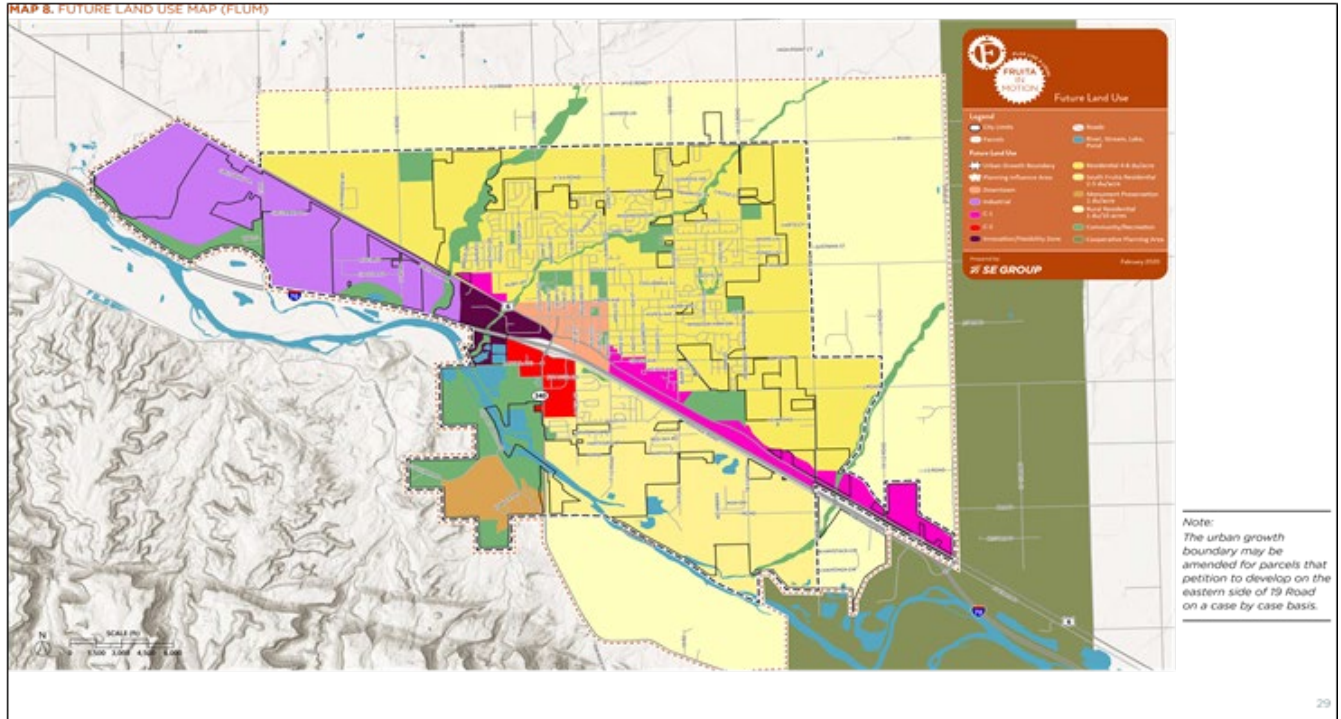
SURROUNDING LAND USES AND ZONING:

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)





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 17.07.023, and is consistent with the city's goals, policies and Master Plan; and**

The purpose of Section 17.07.023 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. Compatibility is provided when a proposed land

use can coexist with other existing uses in the vicinity without one use having a disproportionate or sever impact on the other use(s).

The Fruita Comprehensive Plan (a major portion of the city's Master Plan) supports a South Fruita Residential (SFR) type zoning for this area. The SFR zone is primarily a single-family residential zone. The density associated with this zone district (2-5 dwelling units/acre) should be compatible with current urban development nearby and future residential development as supported by the Future Land Use Map and supporting documents within the Comprehensive Plan.

Nearby Subdivision Comparisons:

Subdivision	Lot Area (acres)	Dwelling Units	Dwelling Units Per Acre (Gross)
Stone Mountain (CR zone)	31.17	107	3.4
Colonial Glen (CR zone)	6.54	20	3.1
River Rock (PUD zone)	4.98	14	2.8
Santa Anna (PUD zone)	8.7	24	2.8
Liberty Glen (PUD zone)	14.98	54	3.6
Garden Estates (CR zone)	5.7	15	2.6

*Total land area (includes right-of-way and dedicated open space/tracts).

The SFR zone district allows for a density of 4 dwelling units per acre with a minimum lot size of 7,000 square feet and the option for an additional dwelling unit per acre through Density Bonus criteria set forth in Chapter 8 of the Fruita Land Use Code.

The table located in Section 17.07.021 contains uses that are allowed (A), conditionally allowed (C), and not allowed (*). To show a comparison, the SFR zone district and LLR zone district are almost identical. The only difference is the LLR zone district allows Manufactured and Mobile Homes, whereas the SFR zone district conditionally allows them (Conditional Use Permit required).

SECTION 17. 07.021 - LAND USE TABLE		
	LLR	SFR
RESIDENTIAL		
Household Living		
Business Residence	*	*
Dwelling, Single-Family Attached	A	A
Dwelling, Single-Family Detached	A	A
Duplex	*	*
Dwelling, Multi-Family	*	*
Manufactured Housing Park (See Chapters 23 & 25)	*	*
Mobile Home Park (See Chapters 23 & 25)	*	*
Manufactured Home (See Chapter 23)	A	C
Mobile Home (See Chapter 23)	A	C

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

The land to be rezoned was not previously zoned in error. The existing zoning of Large Lot Residential is inconsistent with the city's goals, policies and Master Plan for this area.

There are a few properties zoned Large Lot Residential in close proximity, most of which are completely developed (Adobe View Subdivision, 2003). The remaining vacant properties such as this are supported to be rezoned to align with the Future Land Use Map in order to achieve the intended goals of that particular zone. In this case, the Future Land Use Map supports a SFR zone which states, "The South Fruita Residential 2–5 land use category is intended for residential neighborhoods south of I-70. Much of this land is already built out at 1–4 units/acre. Being next to the river, some of this area is in the 100-year floodplain and not suitable for higher density development. Additionally, the access to the area from the rest of Fruita is constrained to Highway 340 and a frontage road that crosses over I-70 at 20 Road" (Chapter 3, page 31 of the Fruita Comprehensive Plan). This criterion has been met.

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 City of Fruita Community Plan 2008 (previous Master Plan) which was adopted by Resolution in 2008 supported a South Fruita Residential zone for this area and surrounding areas. The current Master Plan, Fruita In Motion: Plan Like a Local Comprehensive which was adopted by Resolution in 2020, proposed no additional modifications to this particular area with regards to the recommended zone. However, through significant public outreach, the intentions of the South Fruita Residential zone were modified to better meet the needs of the community by supporting one (1) additional dwelling unit per acre. Planning for city services such as roads and sewer service were used to support the concept of a modification in density as well as the many public outreach efforts conducted throughout the drafting of the 2020 Master Plan. Although the modification was not substantial in nature, it should contribute to meeting the residential housing needs of the community at this time. Staff considers this criterion as being met.

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**

This criterion is not applicable because there is no comprehensive revision of the Official Zoning Map for this area. This criterion could apply to the entire area, however much of the area in the city limits south of the interstate is built out and there would be no need to modify those neighborhoods or zone districts.

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.**

This criterion is not applicable because the requested rezone is not part of or accompanied with an annexation application.

Based on this information, the requested SFR 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:

Written public comments have been received and are included with the Staff Report.

LEGAL NOTICE:

Legal Notice (minimum of 15 days prior to Planning Commission)	
June 4, 2021 (18 days prior)	Post Cards
June 4, 2021 (18 days prior)	Sign Posting
June 4, 2021 (18 days prior)	Legal Ad

NOTICE OF PUBLIC HEARING	
The Fruita Planning Commission will hold a public hearing Tuesday, June 22, 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, August 17, 2021 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 #	2021-15
Application Name	Cider Mills
Application Type	Rezone
Location	960 Stone Mountain Drive
Current Zone:	Large Lot Residential (LLR)
Description	This is a request to rezone approximately 13.25 acres from Large Lot Residential (LLR) to South Fruita Residential (SFR).
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:

Because the application meets all the required review criteria for a rezone, Staff recommends that the subject property be rezoned to South Fruita Residential.

SUGGESTED MOTION:

Mr. Chair, I move to recommend approval of the rezone request from Large Lot Residential to South Fruita Residential with no conditions to the Fruita City Council.

FRUITA PLANNING COMMISSION

- June 22, 2021

FRUITA CITY COUNCIL

- Introduction Ordinance – 1st Reading – July 6, 2021
- Ordinance - 2nd Reading - August 17, 2021



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Cider Mill Estates
Project Location: 960 Stone Mountain Drive
Current Zoning District: Large Lot Residential Requested Zone: South Fruita Residential
Tax Parcel Number(s): 2697-201-46-001 Number of Acres: 13.25
Project Type: Rezone

Property Owner: Darin Carei Developer: Senergy Builder
Property Owner: Darin Carei Contact: Darin Carei
Address: 1111 South 7th St Address: 1111 South 7th St
City/State/Zip: Grand Junction Co 81501 City/State/Zip: Grand Junction Co 81501
Phone: 970-248-8500 Fax: Phone: 970-248-8500 Fax:
E-mail: dcarei@senergybuilders.com E-mail: dcarei@senergybuilders.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: Kim Kerk Land Consulting & Development Engineer: Vortex Engineering
Contact: Kim Kerk Contact: Robert Jones II PE
Address: 355 Hancock St Address: 2394 Patterson Rd
City/State/Zip: Grand Junction 81505 City/State/Zip: Grand Junction, 81505
Phone: 970-460-6913 Fax: Phone: 970-245-9051 Fax:
E-mail: kimk355@outlook.com 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.

Senergy Builders

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 12th day of April, 2021.

My Commission expires: 04/14/2022

Kim C. Kerk
Notary Public

KIM A. KERK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20064014738
My Commission Expires April 14, 2022



**Project Narrative Rezone Application
Cider Mill Estates
960 Stone Mountain Drive, Fruita, CO**

April 2021

960 Stone Mountain Dr



Project Applicant: Kim Kerk Land Consulting & Dev.
Project Developer: Darin Carei, Senergy Builders



**Project Narrative for Rezone Application
Cider Mill Estates
960 Stone Mountain Drive, Fruita, Colorado**

The subject property is located at 960 Stone Mountain Drive containing 13.25 acres, south of I-70 and east of 17 ½ Road in Fruita, CO. The parcel number is 2697-201-46-001 and is zoned Large Lot Residential Zoning, (LLR). The developer is requesting to rezone from Large Lot Residential (LLR) to the Future Land Use designation of South Fruita Residential (2-5 d/u an acre). With an approved rezone the proposal for the subdivision would be to build *approximately* 35 +/- single family lots and 8 duplexes.

17.07.080 LAND USE COMPATIBILITY CRITERIA. 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.

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
This rezone request is compatible with surrounding land uses pursuant to section 17.07.080 and is consistent with city's goals, policies, and Master Plan. The surrounding zoning includes Community Residential (CR-min. 7,000 SF lot size) to the north & northeast, Planned Unit Development (PUD- majority of the lot sizes is appx. 7,000 SF to 8,000 SF) to the northwest, Large Lot Residential (LLR-10,000 SF minimum lot sizes) to the west, while the property to the south is not within the City Limits of Fruita. The Future Land Use designation of South Fruita Residential Zoning (SFR) that is designated to this property has a minimum lot size of 7,000 SF which is not disproportionate to the area and can considered compatible with the existing surrounding neighborhoods within the City Limits of Fruita.
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 existing zoning is inconsistent with the 2021 Fruita Master Plan update. The 2021 Master Plan for the City of Fruita has changed the designation of this property to South Fruita Residential making our request consistent with the 2021 Master Plan update.



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 rezone request better meets the needs of the community as it complies with the City of Fruita's Master Plan 2021 update and meets the increasing demand for low to medium development.
4. The amendment is incidental to 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.
This zoning amendment is incidental to comprehensive revision of the city's Official Zoning map which did recognize a change in conditions, such as more demand for low to moderate density, and is now consistent with the 2021 Master Plan update.
5. The zoning amendment is incidental to the annexation of the subject property and the proposed zoning is consistent with the city's goal, policies, and Master Plan.
N/A

All utility providers have the capacity and willingness to provide services. All required services will be constructed to the design specifications and standards of the utility service provider.

Utilities Providers:

Irrigation water: Grand Valley Irrigation

Electric and Gas: Xcel

Water: Ute

Wastewater: City of Fruita

Stormwater: Grand Valley Drainage District

The City of Fruita Planning and Development Commission;

We, Richard D. Haase and Constance A. Haase reside in the River Rock Subdivision. The subdivision is located west of the proposed Cider Mill Estates, Parcel 2697-201-46-001.

The original zone plan for Cider Mill Estates is for Large Lot Residential. That designation was accepted by the developer of the Cider Mill Estates in May, 2020. Now they are attempting to replace that zone plan with the South Fruita Residential which is a low to moderate density area that was approved as the 2021 Fruita Master Plan update.

We are opposed to having this property rezoned for the South Fruita Residential. Our subdivision consists of 14 homes that have the LLR designation. We feel the rezoning of the Cider Mill Estates, which borders directly to our subdivision, would devalue our homes. The original Cider Mill Estates plan was for 35+/- homes. Under the SFR plan they would be allowed to build 35+/- single dwelling homes plus 8 duplexes. This increases the number of people, cars and road traffic. How does the rezoning better meet the needs of the City of Fruita? Why does the City of Fruita need additional low to medium density residential areas? Wouldn't an area of LLR homes increase the value of the entire area. Wouldn't the impact to the City of Fruita be greater if these homes were LLR? If people want South Fruita Residential homes there seems to be several other areas around the city to choose from.

Let's not have the City of Fruita look at how many homes can be built in an area but project to the future with a city of well spaces homes of which the Large Lot Residential plan allows for.

Richard D. Haase

Constance A. Haase

Kelli McLean

From: Laura Venner <quarterann@gmail.com>
Sent: Monday, June 14, 2021 6:28 PM
To: Kelli McLean
Subject: Cider mill

Hi Kelli, I recently heard of the plans to place even more homes and more traffic through my subdivision. I bought my house when the lot behind me was zoned for a school. I bought my house because I enjoyed the open space. Please don't turn this into Denver/boulder!!!!

Also, there a whole new subdivision of trailer homes are being built over here. Please don't affect our property values by placing all the lower priced homes on this side of the interstate.

Laura Venner
654 kaley St, Fruita, CO 81521

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

A. CALL TO ORDER

Six Planning Commissioners were in attendance. (Jesse Fabula, Mel Mulder, Justin Gollob, JP Nisley, Aaron Hancey, and Heather O'Brien were present).

B. PLEDGE OF ALLEGIANCE

Justin Gollob led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None

D. APPROVAL OF THE AGENDA

COMMISSIONER O'BRIEN MOVED TO APPROVE THE AGENDA

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 6-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

April 13, 2021 Planning Commission Meeting

COMMISSIONER O'BRIEN MOVED TO APPROVE THE CONSENT AGENDA WITH THE MINUTES

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 6-0

H. HEARING ITEMS

Application #:	2021-15
Project Name:	Cider Mills Rezone
Application Type:	Rezone
Property Owner:	Cider Mills, LLC
Location:	960 Stone Mountain Drive
Current Zone:	Large Lot Residential (LLR)
Request:	This is a request for approval to rezone approximately 13.25 acres from Large Lot Residential to South Fruita Residential.

Mr. Henry Hemphill, City of Fruita Planner gave the Staff presentation.

Slide 1 – Introduction of Cider Mills Rezone Application #2021-15

Slide 2 – Project Description

- Rezone from Large Lot Residential (LLR) to South Fruita Residential (SFR).
- 13.25 Acres.
- Section 17.07.014 (D) of the Fruita Land Use Code states,
 - “The purpose of the SFR zone is to allow a variety of low to moderate density residential areas compatible with existing low-density development, the Colorado National Monument and the Colorado River. Due to its location near the Colorado River and in the 100-year flood plain, the area is most suitable to a density of 2-5 dwelling units per acre.”

Slide 3 – Map of Zoning Districts

Mr. Hemphill brought up a zoning map and discussed surrounding zones.

Slide 4 – Master Plan

- “The South Fruita Residential 2–5 land use category is intended for residential neighborhoods south of I-70. Much of this land is already built out at 1–4 units/acre. Being next to the river, some of this area is in the 100-year floodplain and not suitable for higher density development. Additionally, the access to the area from the rest of Fruita is constrained to Highway 340 and a frontage road that crosses over I-70 at 20 Road” (Chapter 3, page 31 of the Fruita Comprehensive Plan).

Slide 5 – Land Use Code Requirements – 17.13.060

1. *The proposed amendment is compatible with surrounding land uses, pursuant to Section 17.07.023, 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 6 – Subdivision Comparison and Land Use Table

Nearby Subdivision Comparison				Land Use Table		
				Current Zone	Requested Zone	
Subdivision	*Lot Area (acres)	Dwelling Units	Dwelling Units Per Acre (Gross)	SECTION 17. 07.021 - LAND USE TABLE		
Stone Mountain (CR zone)	31.17	107	3.4		LLR	SFR
Colonial Glen (CR zone)	6.54	20	3.1		RESIDENTIAL	
River Rock (PUD zone)	4.98	14	2.8		Household Living	
Santa Anna (PUD zone)	8.7	24	2.8		Business Residence	*
Liberty Glen (PUD zone)	14.98	54	3.6		Dwelling, Single-Family Attached	A
Garden Estates (CR zone)	5.7	15	2.6		Dwelling, Single-Family Detached	A
*Total land area (includes right-of-way and dedicated open space/tracts)					Duplex	*
					Dwelling, Multi-Family	*
					Manufactured Housing Park (See Chapters 23 & 25)	*
					Mobile Home Park (See Chapters 23 & 25)	*
					Manufactured Home (See Chapter 23)	C
					Mobile Home (See Chapter 23)	C
				A = Allowed C = Conditionally Allowed * = Not allowed		

Mr. Hemphill discussed nearby subdivisions and the comparison in lot area, dwelling units and dwelling units per acre. He also discussed uses for both Large Lot Residential and South Fruita Residential zones and what the differences were.

Slide 7 – Legal Notice

Mr. Hemphill talked about legal notice, where the three signs were posted on the property for maximum visibility, when postcards were sent and when the legal notice was put in the local paper.

Slide 8 – Public Comments

- Staff has received written public comments. These comments are included with the Staff Report.

Mr. Hemphill mentioned that public comments were received and in the Planning Commission packets.

Slide 9 – Staff Recommendation

- STAFF RECOMMENDATION:
 - Because the application meets all the required review criteria for a rezone, Staff recommends that the subject property be rezoned to South Fruita Residential.
- SUGGESTED MOTION:
 - Mr. Chair, I move to recommend approval of the rezone request from Large Lot Residential to South Fruita Residential with no conditions to the Fruita City Council.

Mr. Hemphill concluded his presentation.

Commissioner Gollob thanked him.

Commissioner Gollob moved the meeting to Petitioner presentation.

Ms. Kim Kerk of Kerk Land Consulting introduced herself and gave the petitioner presentation. She said that she represented Synergy Builders. Ms. Kerk presented a PowerPoint presentation. She said that the subject property was currently zoned Large Lot Residential but thought that a South Fruita Residential zoning type was more appropriate and met the Code. She discussed the Land Use Compatibility Criteria and said that they were not making any special requests or amendments. She also mentioned that Ty Johnson from Vortex was also at the meeting, he also represented the applicant and was there to answer any questions. She concluded her presentation.

Commissioner Gollob thanked her. He opened the meeting up to public comments. He gave the public directions on how they could participate in the meeting.

Mr. Mike Robinson who lives at 686 Beech Avenue went up to speak. He believed that a zoning designation of South Fruita Residential was out of place compared to the surrounding subdivisions. He expressed concerns about the density and the number of lots and added that increasing 37 homes could end up being 51 homes. He spoke about the increase in traffic, water usage and the number of vehicles in their area. He asked about the entrances to the subdivision and asked about the road to Maple. He said that this would increase traffic and added that Red Cliffs was also going in and would also increase traffic. He did not feel that there has been a proper traffic evaluation. He mentioned that lack of green space and parks and was concerned about that. He felt that the original plan and thought it had a good combination of lot sizes and wanted to know what was wrong with it. He talked about the smaller lots not accommodating RV parking and asked where people would be able to park their toys. He spoke about summer and additional tourists in their area and the traffic this would cause.

Commissioner Gollob thanked him and asked the audience if there was anyone else who would like to speak.

Mr. Philip Carlton who lives at 642 Kaley Street went up to speak. Mr. Carlton pointed out the density chart and talked about the comparison. He said that he moved here with his partner and talked about quality of life. Green space was important to him and he was concerned that with the density this would be lacking. He spoke about the increase in revenue for the developer through increased density. He said that smaller lot sizes were more appealing to investors but not young families. He said that this was happening all over the west. He talked about his parents moving to 27 Road and that their area was too dense and this impeded on their quality of life not having open space. He didn't feel that this would be helping Fruita and compared it to what was going on in Moab. He said that a development plan should encourage future enjoyment and spoke about people having a slice of the American Dream. He said that he went to the Copper Club and met with the City Manager.

Commissioner Gollob thanked him and asked the audience for more public testimony.

Mr. John Turner who lived at 561 Beech Avenue went up to speak. His main concern was irrigation water. He said that he was worried about who would take care of the irrigation and that only a few people do. He added that Stone Mountain was on his line along with others. He

asked if anyone had come over to South Fruita to see what they were putting in. He said that they needed room between houses.

Commissioner Gollob thanked him.

Ms. Michelle Robinson who lived at 686 Beech Avenue went up to speak. She spoke about parking issues and density.

Commissioner Gollob thanked her. He asked if anyone else wanted to speak.

Mr. Caris checked to see if anyone was online and wanted to participate. There were none.

Commissioner Gollob closed the public portion of the meeting and asked for petitioner rebuttal.

Mr. Ty Johnson of Vortex Engineering, 861 Rood Avenue, went up to speak.. He said that the irrigation and traffic was not part of the rezone criteria. He said that they would be complying with City standards and would be required to meet applicable criteria and felt South Fruita Residential should be the implemented zoning district.

Commissioner Gollob thanked him and opened Planning Commissioner discussion.

Commissioner Nisley asked if research had been done including traffic studies.

Mr. Hemphill answered that traffic studies had been done in the South Fruita area with Garden Estates and other subdivisions applications.

Commissioner Fabula asked about the review comments and wanted to know if they would have to start over.

Mr. Hemphill said that this was for a rezone application.

Commissioner Fabula asked questions about zoning and asked for the definition of Planned Unit Development (PUD).

Mr. Hemphill gave the definition of a Planned Unit Development (PUD) and talked about the deviations that a PUD can have.

Commissioner Gollob said that the map Mr. Hemphill presented was hard to see and asked about the properties in South Fruita that were zoned Large Lot Residential (LLR).

Mr. Hemphill referred to the Comprehensive Plan Update and Master Plan that this area was recommended to be South Fruita Residential zoned.

Commissioner Fabula said that he was comfortable with sticking to the Master Plan. Although he felt that this application was not similar to the surrounding subdivisions he would choose to live there. He said that the community was in agreement to increasing the density in this area

and he made references to the Comprehensive Plan.

Commissioner O'Brien said that she did not have any concerns and that she was in favor of increasing density. She said that people can't afford to live here and she would be welcoming of people moving to Fruita.

Commissioner Gollob talked about the process. He agreed with Commissioner O'Brien. He added that he appreciated the Community input and assured the public that there would be more discussion. He said that it would go to the criteria and talked about the Comprehensive Plan. He said that he remembered discussing the South Fruita Residential classification. He added that this was part of the process and that there would be more opportunity and discussion about this in future conversations.

Commissioner Fabula asked about the access going west onto Maple Street and its relationship to the River Rock Subdivision and the Santa Ana Subdivision.

Mr. Hemphill said that this would be considered for the Preliminary Plan process. He spoke about the access of 52'. He talked about the connections to Maple and Apple Lanes.

Commissioner Gollob talked more about the process and application process.

Mr. Hemphill elaborated more about the process.

Commissioner Gollob asked for a motion.

COMMISSIONER O'BRIEN MOVED TO RECOMMEND APPROVAL OF THE REZONE REQUEST FROM LARGE LOT RESIDENTIAL TO SOUTH FRUITA RESIDENTIAL WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL.

COMMISSIONER FABULA SECONDED THE MOTION

MOTION PASSED 6-0

I. OTHER BUSINESS

1. Community Development Updates
2. Visitors and Guests
3. Other Business

Mr. Dan Caris introduced Jessica Garrow of Design Workshop to the Planning Commissioners and said that she would be giving them a Land Use Code Amendment update.

Ms. Garrow gave a PowerPoint presentation to the Planning Commissioners. She spoke about project goals, standardizing the process, updating the Land Use Code to reflect the 2020 Comprehensive Plan and the language of the Land Use Code. She presented a Land Use Code process, a Land Use Code Outline, talked about powers and duties, the review process, variances

and administrative modifications, Planned Unit Developments (PUD), the subdivision process, annexations, Historic Preservation, definitions, and Land Use Code next steps.

Adjournment 8:05 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita