



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
JULY 12, 2022**

Application #: 2022-15
Project Name: Dogleg #1 Rezone
Application: Rezone
Property Owner: Connie & Jose B Marquez c/o Dogleg LLC
Representative: APEX Consulting Engineers
Location: Parcel # 2697-213-00-078
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval to zone approximately 1 acre to South Fruita Residential (SFR).

PROJECT DESCRIPTION:

This is a request for approval to zone approximately 1 acre of property to South Fruita Residential (SFR). 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.

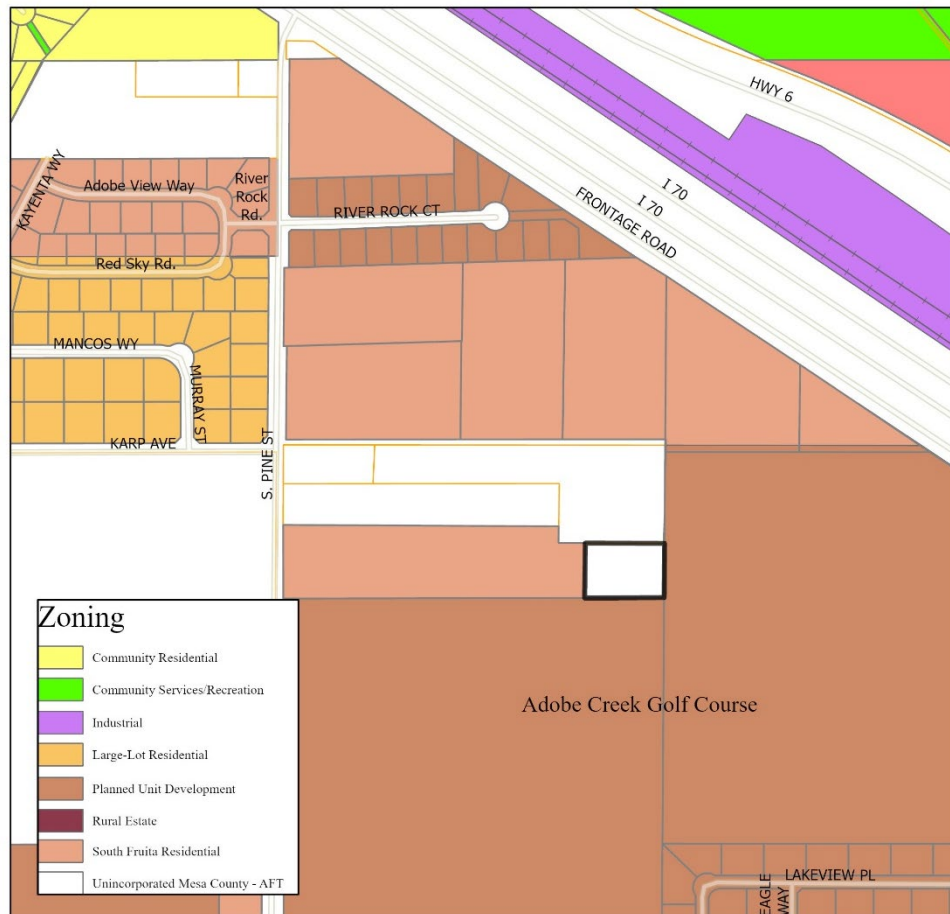
The applicants are requesting a South Fruita Residential (SFR) zone. The first step in the process to zone a property outside the city limits, is annexation. Once the subject property has been annexed into the City Limits, zoning the property must take place within 90 days in accordance with Section 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 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 (Master Plan). The Land Use Code states that the "*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 under I-70 at 20 Road.”

SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The Adobe View Subdivision is to the northwest, the Beit Lechem Ministries to the north, and the Adobe Creek Golf Course to the west and south. The map below identifies the various zones in this area.



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 South Fruita Residential (SFR) zone allows for a density range between 4 and 5 dwelling units per gross acre. The SFR 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	
	SFR
RESIDENTIAL	
Household Living	
Business Residence	*
Dwelling, Single-Family Attached	A
Dwelling, Single-Family Detached	A
Duplex	*
Dwelling, Multi-Family	*
Manufactured Housing Park (See Chapter 31)	*
Mobile Home Park (See Chapter 31)	*
Manufactured Home (See Chapter 31)	C
Mobile Home (See Chapter 31)	C
Accessory Dwelling Unit (See Section 17.05.100.C)	A
Dwelling, Caretaker	*
Short Term Rental (See Section 17.09.060)	A

The Fruita Comprehensive Plan (a major portion of the city's Master Plan) recommends South Fruita Residential (SFR) type zoning for this area. The SFR zone is primarily a single-family residential zone. The density (4-5 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 South Fruita Residential zone allows 4 dwelling units per acre by right. Density Bonuses may be used to increase the density up to 5 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.

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 SFR zone is consistent with the city's goals and policies as expressed in the Master Plan.

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:

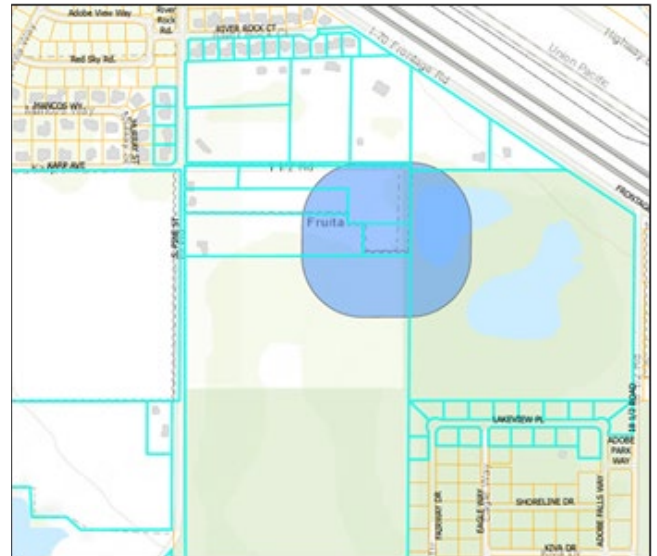
No reviewer expressed any issues with the proposed zoning request.

PUBLIC COMMENTS:

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)	
June 20, 2022 (22 days prior)	Post Cards [17.07.040 (E)(1)(d)]
June 22, 2022 (20 days prior)	Sign Posting [17.07.040 (E)(1)(c)]
June 24, 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, July 12, 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, October 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 #	2022-15
Application Name	Dogleg 1
Application Type	Rezone
Location	Parcel #2697-213-00-078
Current Zone:	Mesa County Zoning AFT
Description	This is a request to rezone approximately 1 acre from Mesa County Zoning AFT 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:

Staff recommends that the subject property be zoned South Fruita Residential.

SUGGESTED MOTION (PLANNING COMMISSION):

Mr. Chair, I move to recommend approval of the zone request to zone the subject property to a South Fruita Residential zone with no conditions to the Fruita City Council.

FRUITA PLANNING COMMISSION: July 12, 2022

FRUITA CITY COUNCIL: October 4, 2022



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Dogleg Subdivision
 Project Location: East of 18 Rd and South of proposed I 1/2 Rd
 Current Zoning District: AFT Requested Zone: SFR
 Tax Parcel Number(s): 2697-213-00-078 Number of Acres: 1.13
 Project Type: Rezone

Property Owner: Marquez Connie Estate c/o Dogleg LLC Developer: APEX Consulting Engineers
 Property Owner: Marquez Jose Estate c/o Dogleg LLC Contact: Eric Marquez
 Address: 595 20 3/4 Rd Address: 1000 N 9th St #44
 City/State/Zip: Grand Junction, CO 81507 City/State/Zip: Grand Junction, CO 81507
 Phone: _____ Fax: _____ Phone: (970) 424-5280 Fax: _____
 E-mail: _____ E-mail: eric@apexgj.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: APEX Consulting Engineers Engineer: APEX Consulting Engineers
 Contact: Eric Marquez Contact: Eric Marquez
 Address: 1000 N 9th St #44 Address: 1000 N 9th St #44
 City/State/Zip: Grand Junction, CO 81507 City/State/Zip: Grand Junction, CO 81507
 Phone: (970) 424-5280 Fax: _____ Phone: (970) 424-5280 Fax: _____
 E-mail: eric@apexgj.com E-mail: eric@apexgj.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.

ERIC C. MARQUEZ, MANAGER Eric Marquez 4-8-2022
 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)

SUSAN ANDERSON
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20214015854
 MY COMMISSION EXPIRES APRIL 22, 2025

The foregoing instrument was acknowledged before me this 8 day of April, 2022

My Commission expires: April 22, 2025

Susan Anderson
 Notary Public

REZONING NARRATIVE

Project Description

The property owner proposes a Rezoning (the Rezone) of the combined 5.72 acre parcels. The Project is located on the east side of 18 Road and south of the proposed I 1/2 Road. It will be rezoned from “AFT” to “South Fruita Residential (2-5 DU/Acre)” to match the City of Fruita Comprehensive Plan dated February 2020.

Project Compliance

1. The proposed amendment is compatible with surrounding land uses represented in the Adobe View Subdivisions located approximately 400 feet west and the River Glen Estates PUD approximately 700 feet north of the parcels. This Rezone is consistent with the city’s goals, policies and Master Plan as shown by the Future Land Use Map designating the parcels as “South Fruita Residential (2-5 DU/Acre).”
2. The zoning amendment is incidental to the annexation of the property and the proposed zoning is consistent with the city’s goals, policies, and Master Plan as shown in the Future Land Use Map.

