

A. CALL TO ORDER

Seven Planning Commissioners were in attendance. (Jesse Fabula, Mel Mulder, Chriss Rusch, Aaron Hancey, JP Nisley, Derek Biddle, and Amy Miller were present. Commissioner Mulder arrived at 6:44 pm and was absent for the hearing items).

B. PLEDGE OF ALLEGIANCE

Commissioner Hancey led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None

D. APPROVAL OF THE AGENDA

COMMISSIONER FABULA MOVED TO APPROVE THE AGENDA

COMMISSIONER MILLER SECONDED THE MOTION

MOTION PASSED 6-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

June 14, 2022, Planning Commission Meeting.

COMMISSIONER NISLEY MOVED TO APPROVE THE MINUTES

COMMISSIONER MILLER SECONDED THE MOTION

MOTION PASSED 6-0

H. HEARING ITEMS

Application #: 2022-14
Project Name: Dogleg #1 Annexation
Application: Annexation
Property Owner: Connie & Jose B Marquez c/o Dogleg LLC
Representative: APEX Consulting Engineers
Location: Parcel # 2697-213-00-078
Zone: Agricultural, Forestry and Transitional (AFT)
Request: This is a request for approval of the annexation of approximately 1 acre into the Fruita City Limits.

Commissioner Hancey introduced application #2022-14 Dogleg 1 Annexation and application #2022-15 Dogleg 1 Rezone.

Henry Hemphill, City Planner, gave the Staff presentation for both Application #2022-14 Dogleg 1 Annexation and Application #2022-15 Dogleg 1 Rezone.

Slide 1 – Introduction of Application # 2022-14 Dogleg 1 Annexation

Slide 2 – Application Description

Slide 3 – Legal Notice / Annexation Schedule

<i>Dogleg 1 Annexation Schedule</i>	
Date	Action
July 5, 2022	Resolution to set a hearing date to determine eligibility Published in Daily Sentinel (Once a week for 4 consecutive weeks) * July 8, 2022 * July 15, 2022 * July 22, 2022 * July 29, 2022
July 12, 2022	Planning Commission considers Annexation & Zone
September 6, 2022	Resolution to find the property eligible for Annexation
September 6, 2022	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
October 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)	
June 20, 2022	Post Cards
June 22, 2022	Sign Posting
June 24, 2022	Legal Ad

Slide 4 – Site Posting and Buffer Zone

Mr. Hemphill showed a picture of the site posting and explained that there were four posted, one each of the annexations and one for both rezones. He also spoke about the 350' buffer zone required for post card notices.

Slide 5 – 2020 Aerial View

Mr. Hemphill showed an aerial view of the subject property.

Slide 6 – Zoning Map

Mr. Hemphill described the zoning map. He pointed out the subject property and explained the zones surrounding it.

Slide 7 – Map with surrounding subdivisions

Slide 8 – Future Land Use Map

Mr. Hemphill showed the Future Land Use Map and said that it called out South Fruita Residential as the future zone type.

Slide 9 – Approval Criteria

Section 17.17.050 (A) If the subject property is located within the city’s Urban Growth Boundary (UGB) as defined 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 10 - Public Comments, Review Comments and Staff Recommendation

Public Comments:

No written public comments have been received to date.

Review Comments:

No reviewer expressed concerns with this annexation.

Staff Recommendation:

Staff recommends approval of the annexation petition with no additional conditions.

Slide 11 – Introduction of Dogleg 2 Rezone

Slide 12 – Application Description - #2022-14 Dogleg 1 Rezone

Slide 13 – Legal Notice

Pictures of the site posting and buffer zone were shown. Mr. Hemphill showed slides with the site postings and the 350’ buffer zone.

Slide 14 – 2020 Aerial View

Slide 15 – Zoning Map

Slide 16 – Map with surrounding subdivisions

Slide 17 – Future Land Use Map

Mr. Hemphill showed the Future Land Use Map and talked about the zoning proposed for the subject property.

Slide 18 – Review Criteria

Section 17.09.070 (B). 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

Slide 19 – Review Criteria Continued

SECTION 17.09.070 (B). The Official Zoning Map may be amended when the following findings are made:

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 20 – Public Comments, Review Comments and Staff Recommendation

Public Comments:

No written public comments have been received to date.

Review Comments:

No reviewer expressed concerns with this annexation.

Staff Recommendation:

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

Slide 17 – Suggested Motions

Commissioner Hancey invited the applicant to speak.

Eric Marquez with Apex Consulting Engineers went up to speak. Mr. Marquez stated that he did not have a presentation and added that the applications met the criteria.

Commissioner Hancey invited public comment.

There was none.

Commissioner Hancey closed the public comment portion and opened the meeting to Commissioner discussion.

No Planning Commissioner had concerns.

Commissioner Hancey asked for a motion.

COMMISSIONER FABULA MOVED THAT THEY RECOMMENDED APPROVAL TO THE CITY COUNCIL OF APPLICATION #2022-14, THE DOGLEG 1 ANNEXATION WITH THE CONDITION THAT ALL 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 6-0

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: Agricultural, Forestry and Transitional (AFT)
Request: This is a request for approval to zone approximately 1 acre to South Fruita Residential (SFR).

Commissioner Hancey asked for a motion for the rezone.

COMMISSIONER NISLEY MOVED TO RECOMMEND APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO SOUTH FRUITA RESIDENTIAL ZONE WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL

COMMISSIONER BIDDLE SECONDED THE MOTION

MOTION PASSED 6-0

Commissioner Hancey introduced application #2022-16 Dogleg 2 Annexation.

Application #: 2022-16
Project Name: Dogleg #2 Annexation
Application: Annexation
Property Owner: Dogleg LLC
Representative: APEX Consulting Engineers
Location: Parcel # 2697-213-00-094
Zone: Agricultural, Forestry and Transitional (AFT)
Request: This is a request for approval of the annexation of approximately 4.54 acres into the Fruita City Limits.

Henry Hemphill, City Planner, gave the Staff presentation for both application #2022-16 Dogleg 2 Annexation and application #2022-17 Dogleg 2 Rezone.

Slide 1 – Introduction of Application # 2022-16 Dogleg 2 Annexation

Slide 2 – Application Description

Slide 3 – Legal Notice / Annexation Schedule

Mr. Hemphill talked about the legal notice required and the annexation schedule. He mentioned that they needed to follow state statute.

Slide 4 – Legal Notice

Mr. Hemphill showed a photo of the site posting and required buffer zone.

Slide 5 – Zoning Map

Mr. Hemphill described the different zones close to the subject property.

Slide 6 - Aerial View

Mr. Hemphill showed an aerial view of the property.

Slide 7 – Future Land Use Map

Mr. Hemphill pointed out that the future land use of the property was South Fruita Residential.

Slide 8 – Approval Criteria

Section 17.17.050 (A) If the subject property is located within the city's Urban Growth Boundary (UGB) as defined 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 9 - Public Comments, Review Comments and Staff Recommendation

Public Comments:

No written public comments have been received to date.

Review Comments:

No reviewer expressed concerns with this annexation.

Staff Recommendation:

Staff recommends approval of the annexation petition with the condition that there will be dedication of additional right of way and multi-purpose easements as follows:

1. I ½ Road to have a total of 30 feet dedicated from the centerline.
2. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

Slide 10 – Introduction of Dogleg 2 Rezone

Slide 11 – Application Description - #2022-16 Dogleg 2 Rezone

Slide 12 – Legal Notice - Site Posting and Buffer Zone

Mr. Hemphill showed the site postings and buffer zone.

Slide 13 – 2020 Aerial View

Slide 14 – Future Land Use Map

Slide 15 – Review Criteria

Section 17.09.070 (B). 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
*A general provision of the Land Use Code states that it is designed to separate incompatible uses and densities so as to avoid negative impacts of uses on each other.

Slide 16 – Review Criteria Continued

SECTION 17.09.070 (B). The Official Zoning Map may be amended when the following findings are made:

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 17 – Public Comments, Review Comments and Staff Recommendation

Public Comments:

No written public comments have been received to date.

Review Comments:

No reviewer expressed concerns with this annexation.

Staff Recommendation:

Staff recommends that the subject property be zoned South Fruita Residential

Slide 18 – Suggested Motions

Mr. Hemphill concluded his presentation.

Commissioner Hancey thanked him and called up the applicant's representative.

Eric Marquez with Apex Consulting went up to speak. He had no additional comment on the project.

Commissioner Hancey thanked him and opened the hearing to public comment.

There were no comments.

Commissioner Hancey closed public comment and opened the meeting up to commissioner discussion.

Staff clarified the requirement for an access and utility easement to the parcel to the south, which is required in order to ensure the parcel is not landlocked. Staff also discussed that the I ½ Road section could be considered a local road which is 44 feet of right-of-way instead of 60 feet as what was in the 2012 circulation plan, the Planning Commission could include this as a consideration for the City Council at their public hearing for annexation. The Planning Commission had separate discussions and motions for both applications. There was public comment from the property owner at 940 18 Road, William Ledbetter, who expressed his support for the applications.

Commissioner Hancey asked for a motion.

COMMISSIONER FABULA MOVED TO RECOMMEND APPROVAL OF APPLICATION TO THE FRUITA CITY COUNCIL WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE RESOLVED WITH THE ADDITION THAT THE CITY COUNCIL CONSIDER A LOCAL ROAD SECTION FOR I ½ ROAD.

COMMISSIONER NISLEY SECONDED THE MOTION

MOTION PASSED 6-0

Application #: 2022-17
Project Name: Dogleg #2 Rezone
Application: Rezone
Property Owner: Dogleg LLC
Representative: APEX Consulting Engineers
Location: Parcel # 2697-213-00-094
Zone: Agricultural, Forestry and Transitional (AFT)
Request: This is a request for approval to zone approximately 4.54 acre to South Fruita Residential (SFR).

COMMISSIONER MILLER MOVED 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

COMMISSIONER BIDDLE SECONDED THE MOTION

MOTION PASSED 6-0

I. OTHER BUSINESS

1. Parking Discussion

There was a discussion about the City's parking regulations. The Planning Commission requested to see other comparable communities parking standards for affordable housing developments.

2. Community Updates

None

3. Visitors and Guests

None

Adjournment 8:30 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita