



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: JULY 6, 2021

RE: ORDINANCE 2021-15, SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE.

BACKGROUND

This application consists of zoning approximately 15.17 acres of property located at 1123 19 Road to a Community Residential (CR) Zone as supported in the Fruita Comprehensive Plan. The subject property is currently zoned Agricultural Forestry – Transition (AFT) within Unincorporated Mesa County.

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 property owner is requesting a Community Residential (CR) zone. The first step in the process to zone a property that is not in 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.

At their May 11, 2021 public meeting, the Fruita Planning Commission recommended approval of the zoning application by a vote of 6-0 to the Fruita City Council.

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 Community Residential.

OPTIONS AVAILABLE TO COUNCIL

1. Approve Ordinance 2021-15, An Ordinance amending the official zoning map of the City of Fruita by zoning approximately 15.17 acres of property located at 1123 19 Road to a Community Residential zone.
2. Deny Ordinance 2021-15

RECOMMENDATION

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

APPROVE ORDINANCE 2021-15 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE.

ORDINANCE 2021-15

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED AT 1123 19 ROAD TO A COMMUNITY 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, newly annexed property must be zoned in accordance with applicable law, and

WHEREAS, a public hearing will be held by the City Council on July 6, 2021, for the annexation and 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 15.17 acres, is hereby zoned Community Residential.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
6TH DAY OF JULY 2021.**

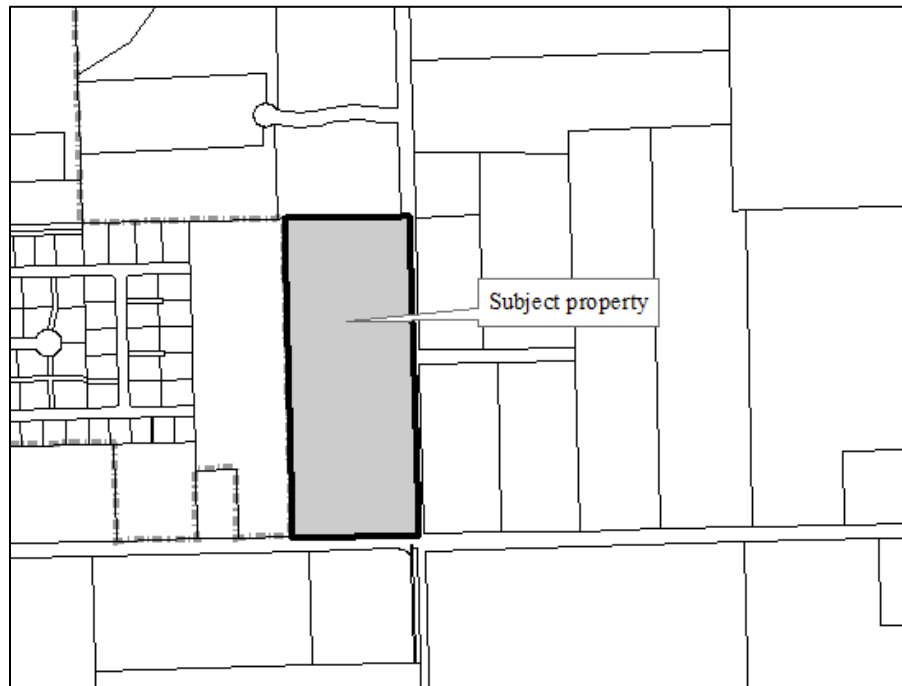
ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor

Exhibit A to Ordinance 2021-15



Property Legal Description:

E15AC OF SE4SE4 SEC 9 1N 2W EXC 30FT ON S FOR RD & ALSO INC E 10FT LOT 1
PAULSMINOR SUB SD SEC 9 - 14.96 AC



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
MAY 11, 2021**

Application #: 2021-13
Project Name: Patron Rezone
Application: Zoning Request
Property Owner: Fiddlers Grove, LLC
Representative: Vortex Engineering, Inc.
Location: 1123 19 Road
Zone: Currently zoned Agricultural Forestry Transitional (AFT - County zoning)
Request: This is a request for approval to zone approximately 15.17 acres to Community Residential (CR).

PROJECT DESCRIPTION:

This is a request for approval to zone approximately 15.17 acres of property to Community Residential (CR). The subject property is currently zoned Agricultural Forestry Transitional (AFT), which is a Mesa County zoning designation.

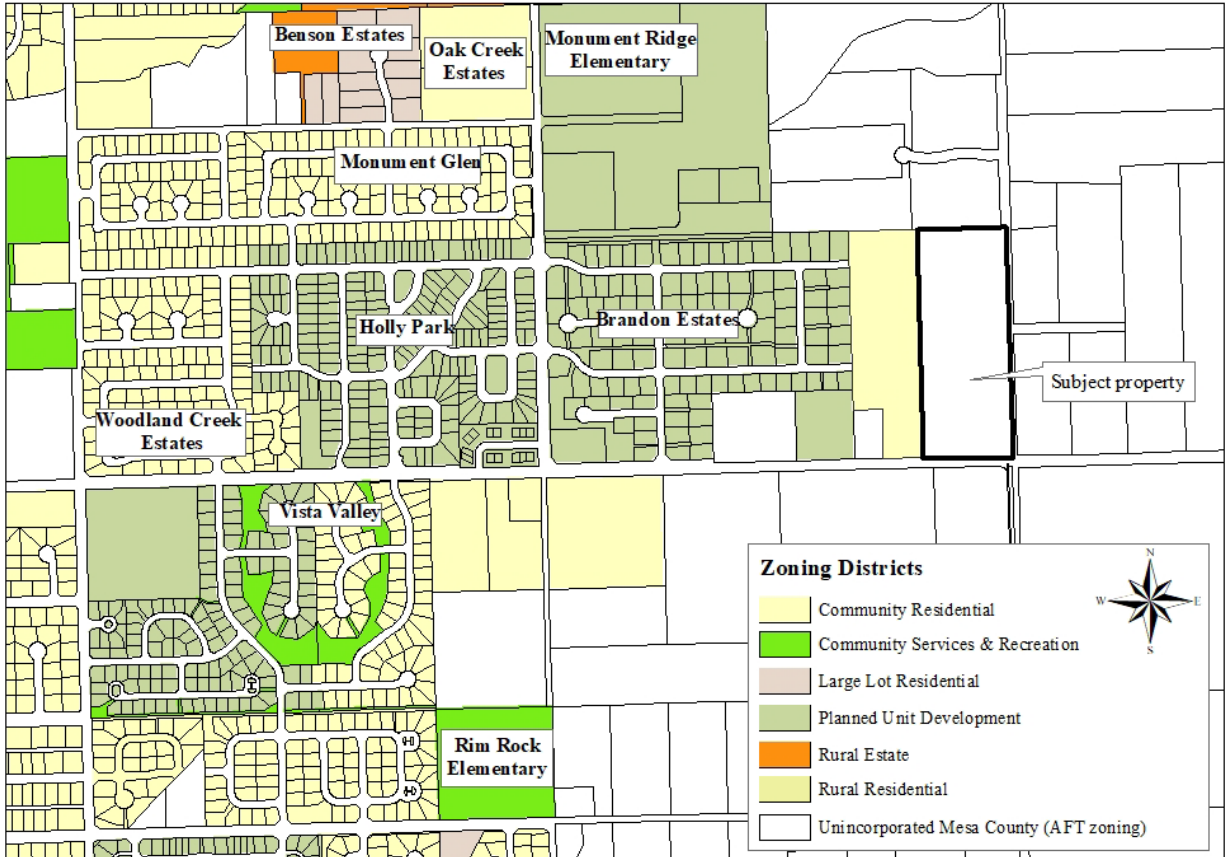
The property owner of 1123 19 Road, Fiddlers Grove LLC, applied to annex and zone the property. The subject property is located east of the Brandon Estates Subdivision and northwest of the intersection of K Road (Ottley Avenue) and 19 Road. Currently, there is a single-family dwelling unit on the subject property.

The applicants are requesting a Community Residential (CR) zone. The first step in the process to zone a property that is not in 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.

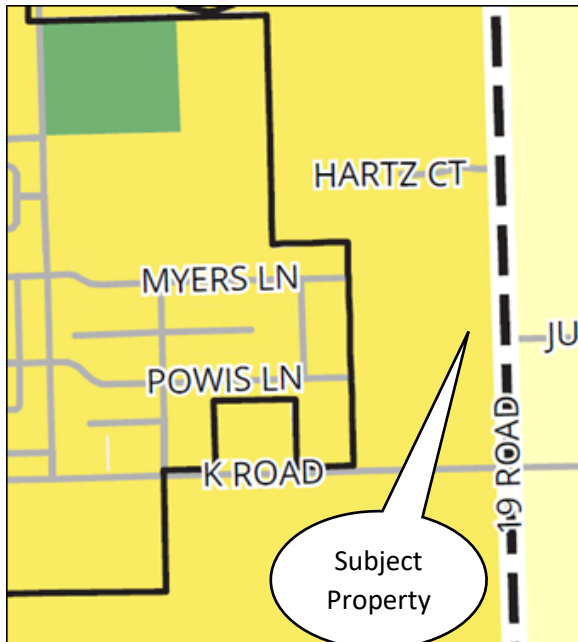
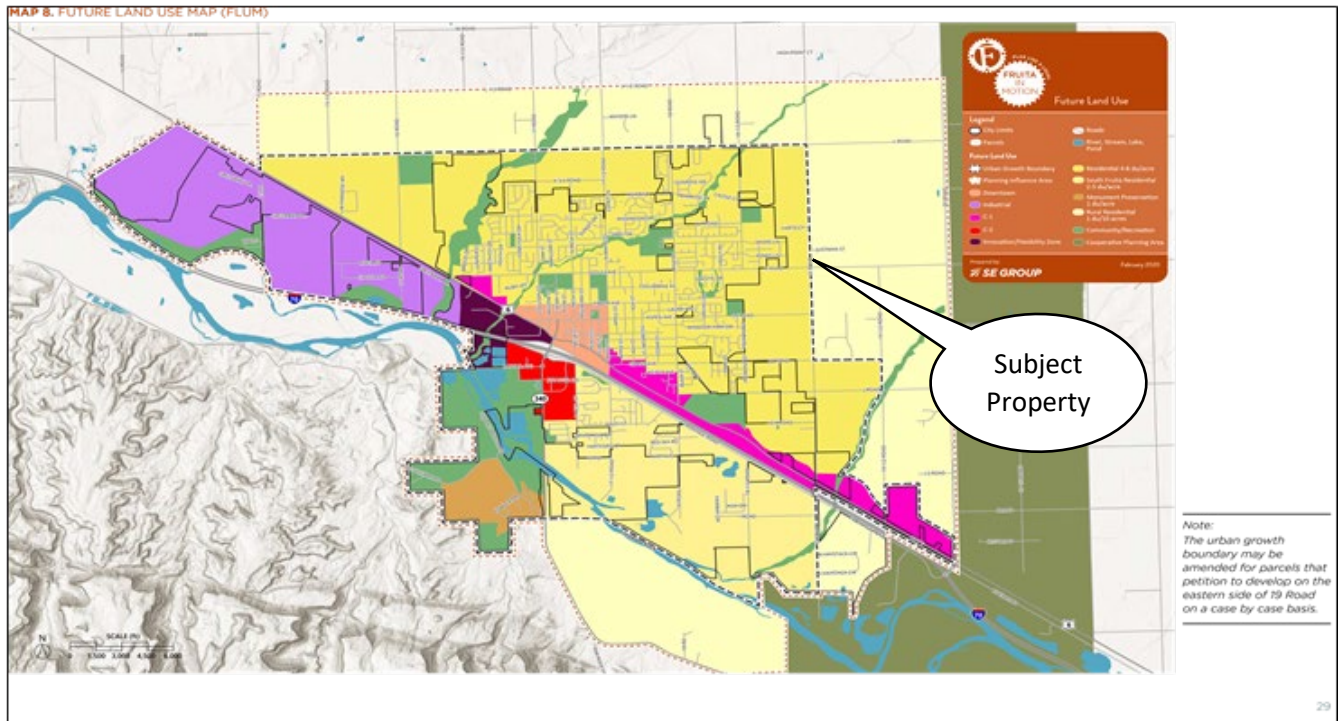
SURROUNDING LAND USES AND ZONING:

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)



2020 AERIAL PHOTOGRAPH



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

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 associated with this zone district 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. 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. 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 and is consistent with the city's goals, policies and Master Plan; 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 and the proposed zoning is consistent with the city's goals, policies, and Master Plan.

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:

Legal Notice (minimum of 15 days prior to Planning Commission)	
April 22, 2021 (19 days prior)	Post Cards
April 21, 2021 (20 days prior)	Sign Posting
April 22, 2021 (19 days prior)	Legal Ad

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a **VIRTUAL** public hearing **Tuesday, May 11, 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, July 6, 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 #	2021-13
Application Name	Patron
Application Type	Rezone
Location	1123 19 Road
Current Zone:	Mesa County Zoning AFT
Description	This is a request to rezone approximately 15.17 acres from Mesa County 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: May 11, 2021

FRUITA CITY COUNCIL: July 6, 2021



LAND DEVELOPMENT APPLICATION

Project Name: Rose Creek II Subdivision
Project Location: 1123 19 Road, Fruita CO 81521
Current Zoning District: AFT Requested Zone: CR
Tax Parcel Number(s): 2697-094-00-715 Number of Acres: 15.17
Project Type: Rezone Application

Property Owner: <u>Fiddlers Grove, LLC</u>	Developer: <u>Fiddlers Grove, LLC</u>
Property Owner: <u>Type text here</u>	Contact: <u>John Davis</u>
Address: <u>637 25 Road</u>	Address: <u>637 25 Road</u>
City/State/Zip: <u>Grand Junction, CO 81505</u>	City/State/Zip: <u>Grand Junction, CO 81505</u>
Phone: <u>970-640-4320</u> Fax: <u></u>	Phone: <u>970-640-4320</u> Fax: <u></u>
E-mail: <u>jdavis@bluestarindustries.com</u>	E-mail: <u>jdavis@bluestarindustries.com</u>

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: <u>Vortex Engineering & Architecture, Inc</u>	Engineer: <u>Vortex Engineering & Architecture, Inc</u>
Contact: <u>Robert W. Jones II</u>	Contact: <u>Robert W. Jones II</u>
Address: <u>861 Rood Avenue</u>	Address: <u>861 Rood Avenue</u>
City/State/Zip: <u>Grand Junction, CO 81501</u>	City/State/Zip: <u>Grand Junction, CO 81501</u>
Phone: <u>970-245-9051</u> Fax: <u>970-245-7639</u>	Phone: <u>970-245-9051</u> Fax: <u>970-245-7639</u>
E-mail: <u>rjones@vortexeng.us</u>	E-mail: <u>rjones@vortexeng.us</u>

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.

<u>John Davis</u>	<u>[Signature]</u>	<u>3-18-2020</u>
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 18 day of March, 2021,

My Commission expires: 10/21/24 Notary Public [Signature]

STEPHEN EDWARD SWINDELL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20204036690
My Commission Expires October 21, 2024

**Project Report
for
Patron Annexation and Zoning**

Date: March 17, 2021

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering and Architecture, Inc.
861 Rood Avenue
Grand Junction, CO 81501
(970) 245-9051
VEAI# F20-094

Submitted to: City of Fruita Planning Department
325 East Aspen Avenue
Fruita, CO 81521

Type of Design: Annexation and Zoning

Property Owner: Fiddlers Grove LLC
637 25 Road
Grand Junction, CO 81505

Property Address: 1123 19 Road
Fruita, CO 81521

Tax Parcel No: 2697-094-00-715

1. Project Intent

This application is made to request annexation and zoning of property located east of the Fruita City limits, on the east side of the Skalla Annexation property. The applicant's intent is to prepare the property for future residential development in a manner that is consistent with the goals and policies of the recently adopted Fruita Comprehensive Plan.

2. Project Description

The subject property is located at 1123 19 Road and is approximately 15.0 acres. The property is currently zoned AFT and will need to have a City zone district assigned that supports the new Comprehensive Plan's Future Land Use Map as part of the annexation process.

The applicant would like to annex the property, which is located within the Urban Growth Boundary, in anticipation of future residential development. There is one house and one agricultural structure that will be removed as part of the new subdivision.



The applicant will provide a deed of conveyance for the required right-of-way dedication for K Road and 19 Road upon annexation into the City of Fruita. Required right-of-way is 35' measured from the centerline of K Road, and 50' measured from the centerline of 19 Road.

Only one point of access will be permitted on 19 Road. Future development plans will ensure that development plans limit access to 19 Road to the single point of access.

The applicant requests that provision of a subdivision plan as required by Section 17.06.202, Application, be made a condition of approval for the annexation of the subject property. Because

Fruita is currently in the process of amending the Fruita Land Use Code, the applicant would like to wait for that process to be concluded before an application for subdivision of the property is submitted. The applicant requests a period of one year from the date of annexation to provide the subdivision plan for the property.

Legal Description

The legal description of **2697-094-00-715** is:

E 15AC OF SE4SE4 SEC 9 1N 2W EXC 30FT ON S FOR RD & ALSO INC E 10FT LOT 1 PAULS
MINOR SUB SD SEC 9 - 14.96 AC

3. Public Notice

Public notice for this application will be provided in accordance with the Fruita Land Use Code, including posting the subject property on public rights-of-way.

4. Comprehensive Plan

The recently adopted Fruita Comprehensive Plan contains several goals, policies and key themes to achieve the vision of the Plan. The Comprehensive Plan is the City's guiding document towards land use and other community development decisions. The goals, policies, and actions of the plan are intended to support and preserve the community values. Based on these values, the following key themes emerged:

Efficient Development-

The City of Fruita encourages infill over sprawl and development within the existing city limits and Urban Growth Boundary (UGB). Efficient development reduces the demand for infrastructure and city services, supports community connectivity, and encourages a thriving downtown core.

Response: The property to be annexed is within the Urban Growth Boundary and contiguous with existing City limits. Annexation and eventual development of this property is consistent with this goal as it will allow development that is more efficient than sprawling development farther away from existing City infrastructure. The resulting development will be more compact urban development as anticipated by the City's new Comprehensive Plan.

A key finding of Chapter Two, Community Snapshot, of the Comprehensive Plan stated that housing growth in Mesa County is accelerating, but Fruita's housing stock is growing relatively slowly. Grand Junction issued an average of 280 new construction building permits annually from 2010 to 2018. In 2018, there were nearly 500 new housing starts there. In Unincorporated Mesa County, there were nearly 200 new housing starts annually during this time period and nearly 300

in 2018. In contrast, Fruita has issued an average of 62 new construction building permits per year, with 95 in 2018. Future development of this property will support efficient, compact development in the City and provide needed housing for City residents.

Community First, Tourism Second-

The City of Fruita prioritizes its residents and provides them a high quality of life. Tourists are attracted to Fruita for this and the opportunity to “play like a local.”

Response: Annexation of the subject property is the first step in positioning the property for future residential development within the City limits. The City’s Comprehensive Plan has identified a need to increase Fruita’s housing stock. The future development of the subject property would support the community by providing needed housing for City residents to live and work in Fruita which supports this goal of the Comprehensive Plan.

A Thriving Downtown-

The City of Fruita supports a thriving downtown with strong local businesses, an inviting streetscape, and events and places that encourage the community to gather. Flexible design standards support creative uses of downtown spaces, and higher-than-existing surrounding residential densities creates a variety of housing units and types for residents to frequent businesses.

Response: The applicant’s intent is to develop a residential subdivision that meets the density anticipated by the Comprehensive Plan’s new land use classification of Residential 4-8 dwelling units per acre which supports this goal of the Comprehensive Plan.

The Comprehensive Plan’s Future Land Use Map shows the subject property as Residential 4-8 dwelling units per acre. Based on the City’s intent to encourage infill and discourage sprawl, the applicant has requested annexation with the intent to provide future development at a density that is consistent with the future land use classification. New development will likely occur at higher-than-existing residential densities. Providing needed housing will allow City residents to live and work in Fruita as well as supporting existing businesses in the downtown area.

Connectivity-

It is easy for vehicles, cyclists, and pedestrians to get around Fruita and to visit local destinations. The City of Fruita offers a safe, intuitive, and well connected on- and off-street trail network for pedestrians and cyclists.

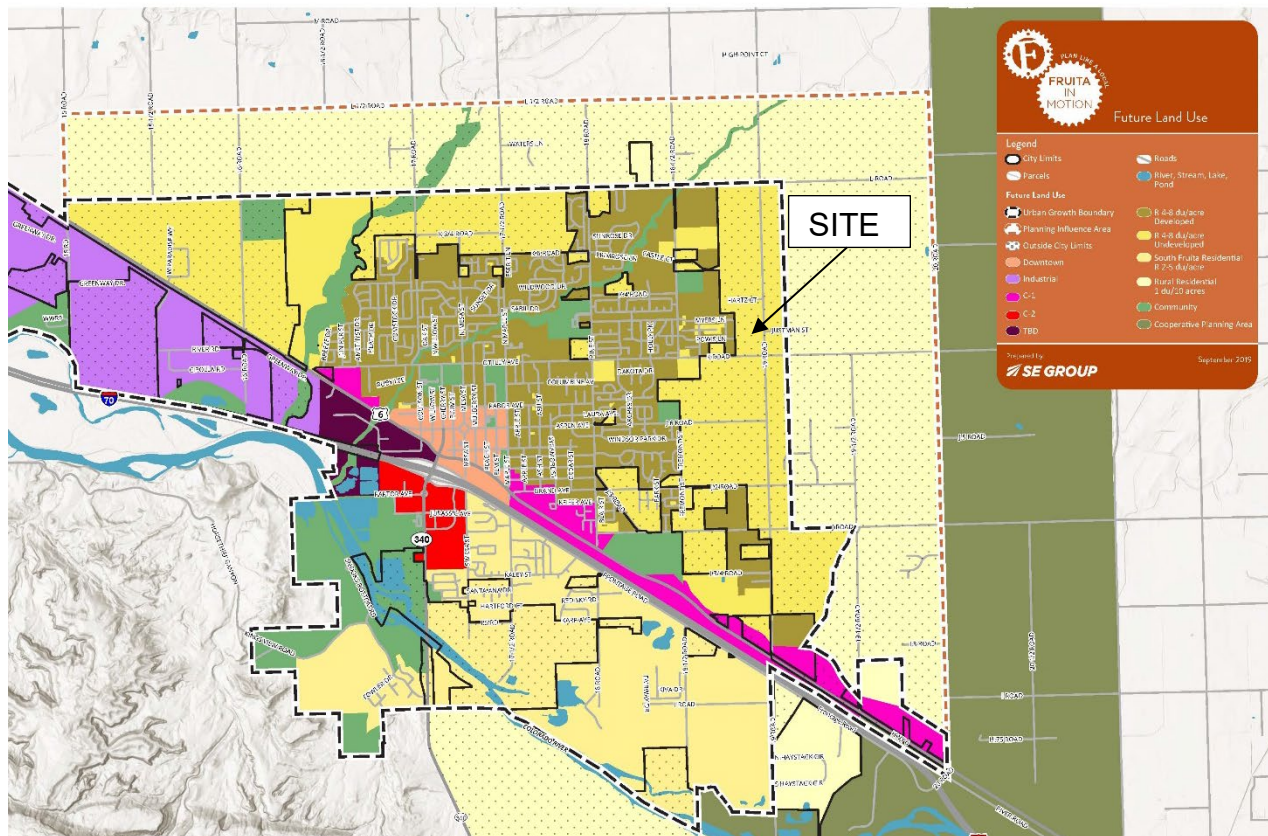
Response: Future development will include sidewalks and pedestrian trails (where applicable) to extend the City’s existing transportation network. Extending pedestrian and bicycle facilities will enhance the City’s multi-modal network and help the City achieve this goal.

Strategic Economic Development-

Fruita's approach to economic development focuses on expanding existing businesses while also making Fruita an attractive place to live and do business. Rather than compete with Grand Junction, Fruita is strategic in recruiting businesses that are well-suited for the Fruita community.

Response: Future development of the subject property will provide more opportunity for housing that supports local businesses and their employees to be able to live within the City limits. Creating additional housing units will enable Fruita to provide a community where residents can live and work and lessen the impact of being a “bedroom community” for neighboring communities where Fruita residents travel to work.

Annexation, with an appropriate zone district designed to implement the new land use classification of Residential 4-8 dwelling units per acre, and the future development of the subject property will help achieve the goals and vision of the recently adopted Comprehensive Plan.



The subject property is shown within the Fruita Urban Growth Boundary and within the Residential 4-8 dwelling units per acre land use classification. Future development shall be consistent with the type and density of residential growth anticipated by the Comprehensive Plan.

5. Zoning and Surrounding Areas

The applicant is requesting a rezone from the current Mesa County AFT zone district to the CR (Community Residential) zone district. In accordance with Section 17.06.050 of the Fruita Land Use Code, the City has 90 days to assign a new zone district to annexed property.

The City of Fruita has proposed amendments to the CR zone district to better implement the new Comprehensive Plan Future Land Use Map designation of Residential 4-8 dwelling units per acre. The rezone request is consistent with and supports the Comprehensive Plan's Future Land Use Map classification of Residential 4-8 dwelling units per acre and will help the City achieve its goal for infill and higher urban density within the City.

Surrounding area zoning and land uses include:

- North – Mesa County AFT with single family residential and agricultural land uses
- South – Mesa County AFT with agricultural land use
- West – City of Fruita CR with single family residential and vacant land uses
- East – Mesa County AFT with agricultural land use

Mesa County Zoning Map -
AFT zone district



6. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the development have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve development on this site within 1-2 miles.

Utility providers for the site are as follows:

Sewer: City of Fruita

Water: Ute Water Conservation District

Drainage: Grand Valley Drainage District

Electric: Xcel Energy

Irrigation: Grand Valley Irrigation Company

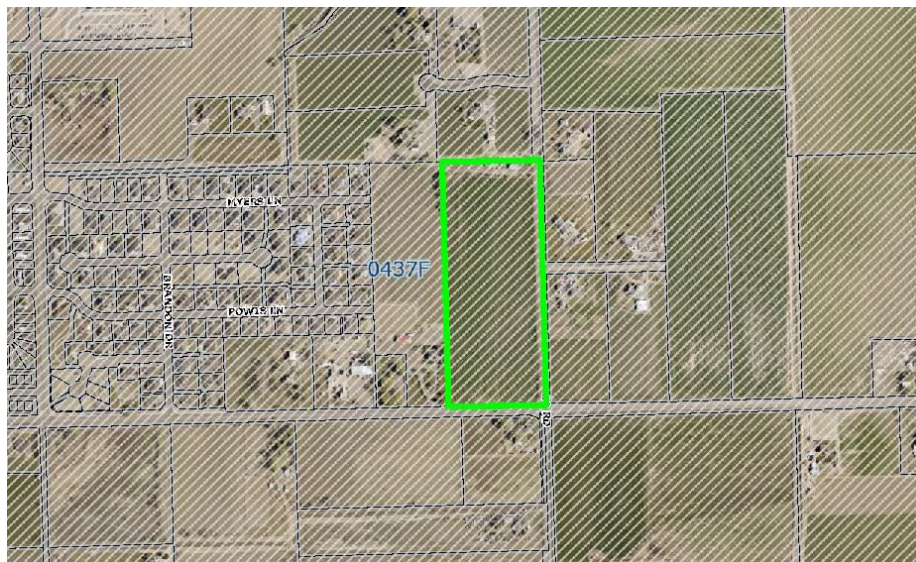
There is an existing home located at 1123 19 Road that will be removed. All future development will be served by the City of Fruita sewer service which will be extended along K Road to the site.

7. Drainage, Stormwater Management and Irrigation Water

The topography of the site is generally flat with a high point of 4570' at the north end of the property and a low point of 4560 at the southern end. There will be no impact to the drainage of the property until the property develops in the future. Stormwater management will be addressed at the time of development. The number of irrigation water shares for the property will be determined with the design of the irrigation system to be constructed with future residential development.

8. Wetlands and Floodplain

There are no known wetlands or floodplains associated with the subject property. The property is located on FEMA Panel 0437F.



9. Approval Criteria

17.06.040.A, Criteria and Decision for Annexations Not Requiring an Election states that if the subject property is located within the city's Urban Growth Area (UGA) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

a. The annexation meets the requirements of the State Statutes;

Response: The annexation is compliant with all requirements of Section 31-12-104, C.R.S as amended and Section 31-12-105 C.R.S., as amended, as attested by the executed Annexation Petition that has been included with this narrative and application. This criterion has been **met**.

b. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;

Response: Utility providers have the capacity and willingness to serve the subject property upon annexation, including future residential development. Water, sewer, parks, drainage systems and streets are either currently available to serve the site or will be extended/provided with future development. This criterion has been **met**.

c. The area is contiguous with existing urban development;

Response: The subject property is contiguous on the western property line with the City limits of Fruita. See Annexation Map. This criterion has been **met**.

d. The area is or can be efficiently served by police and other municipal services;

Response: The area can be efficiently served by police, fire and other municipal services because it is contiguous to current City limits. This criterion has been **met**.

e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;

Response: See response under Comprehensive Plan in this narrative. The proposed annexation meets a number of the goals of the recently adopted Comprehensive Plan. This criterion has been **met**.

f. The annexation is supported by local residents and landowners;

Response: There are no known objections to the proposed annexation request at this time. Residents will have an opportunity to participate in the public hearing process and may express their comments and concerns at that time, or may submit comments and concerns to the City planning staff. This criterion can be **met**.

g. Water and ditch rights can be provided, as applicable, in accordance with city policies;
Response: The total shares of irrigation water that will be used for the future development will be determined with the design of the irrigation system. An irrigation plan will be submitted with the application at the time of development for the property.
This criterion has been **met**.

h. The area will have a logical social and economic association with the city, and;
Response: The subject property is adjacent to the City limits via the Skalla Annexation. All future residents will have social and economic association with the City through students attending schools, residents shopping for goods and services and by paying taxes to the community.
This criterion has been **met**.

i. The area meets or can meet the existing infrastructure standards set forth by the city.
Response: Future development of the property will meet the infrastructure standards of the City of Fruita.
This criterion can be **met**.

Section 17.06.050, Zoning of Annexed Properties of the Fruita Land Use Code states that land annexed to the city shall be zoned in accordance with the City of Fruita's zoning regulations within ninety (90) days following annexation of the land. The city's acceptance of a land use application or issuance of building permit may be contingent upon approval of city zoning

Response: The applicant has requested assignment of the CR zone district upon annexation of the property. The CR zone will provide density as anticipated by the Comprehensive Plan.

Section 17.13.060, Amendment to Official Zoning Map (Rezone), states that 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 rezone is sought or upon application of City Council.

Section 17.13.060.B, Approval Criteria, states that the Official Zoning Map may be amended when the following findings are made:

1. The proposed rezone 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
Response: See response to Section 17.07.080 below and response to how this application meets the goals and vision of the Comprehensive Plan discussed earlier in this report.
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

Response: The land is currently zoned AFT in the unincorporated area of Mesa County and was not zoned in error, it simply has been under the legal jurisdiction of another legal entity. The current zoning is appropriate for unincorporated Mesa County; however, it will be necessary to rezone the property upon annexation into the City limits of Fruita. The proposed zone district will be consistent with the goals, policies and vision of the recently adopted Comprehensive Plan.

This criterion has been **met**.

3. The area for which the rezone is requested has changed substantially such that the proposed zoning better meets the needs of the community; or

Response: The subject property is within the Urban Growth Boundary (UGB) and is anticipated to develop at urban densities with urban services. The primary change in the area is the annexation of the property from the unincorporated area of the County that is adjacent to the City limits and within the UGB. The future development of the property will meet the needs of the City with needed housing as identified by the Comprehensive Plan.

This criterion has been **met**.

4. The rezone is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions; or

Response: The rezone request is based on the current land use classification of Residential 4-8 dwelling units per acre. The City is in the process of proposing and adopting new zone districts that will implement the new land use classification. The rezone is incidental to a comprehensive revision of the official zoning map.

This criterion has been **met**.

5. The rezone is incidental to the annexation of the subject property.

Response: The rezone is a necessary part of the annexation process and is incidental to the annexation of the property.

This criterion has been **met**.

Section 17.17.080, Land Use Compatibility Criteria, states that 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.

Response: The question of compatibility will be best addressed at the time of development for the northern portion of the property since the subject property is only being annexed at this time. The applicant has requested the CR zone district as part of the annexation and zoning process in order to meet the anticipated density requirements of the Residential 4-8 dwelling units per acre land use classification for the subject property.

The City recently assigned the Residential 4-8 dwelling units per acre land use classification with adoption of the Comprehensive Plan's Future Land Use Map with the intention of encouraging infill, more urban density and as a way to discourage sprawl. The applicant's intent is to prepare the subject property for future residential development in a manner that is consistent with the goals and policies of the recently adopted Fruita Comprehensive Plan.

In assigning the Residential 4-8 dwelling units per acre land use classification, the City has demonstrated that residential development within this range will be considered compatible with existing residential development that has the same land use classification. This land use classification is being used to implement the City's goal of achieving more urban density and infill development within the City limits.

10. Conclusion

After demonstrating how the proposed annexation and zoning of the Patron Annexation property located at 1123 19 Road, Fruita, meets the goals and policies of the Fruita Comprehensive Plan and Land Use Code for annexation and zoning, the applicant respectfully requests annexation into the City of Fruita with a Fruita zone district of CR, Community Residential.

11. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Fruita, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering

should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

COMMISSIONER NISLEY MADE A MOTION THAT THEY RECOMMEND APPROVAL TO CITY COUNCIL APPLICATION 2021-12 PATRON 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 MULDER SECONDED THE MOTION

MOTION PASSED 6-0

Application #	2021-13
Application Name	Patron
Application Type	Rezone
Location	1123 19 Road
Current Zone:	Mesa County Zoning AFT
Description	This is a request to rezone approximately 15.17 acres from Mesa County AFT to Community Residential (CR).

Mr. Henry Hemphill gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Project Description

Slide 3 – Legal Notice 17.01.130

Legal Notice (minimum of 15 days prior to Planning Commission)	
April 22, 2021 (19 days prior)	Post Cards
April 21, 2021 (20 days prior)	Sign Posting
April 22, 2021 (19 days prior)	Legal Ad

Slide 4 – Zoning Map and Aerial View

Slide 5 – Future Land Use Map

Slide 6 – Review Criteria

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 7 – Public Comments, Review Comments, and Staff Recommendation

- Public Comments:
 - No public comments have been received to date.
- Review Comments:
 - No reviewer expressed concerns with this rezone application.
- Staff Recommendation:
 - Staff recommends **approval** of the rezone application with no conditions.

Mr. Stephen Swindell from Vortex Engineering spoke. He asked Mr. Hemphill to bring up the 3rd slide in his presentation. He said that the map that he showed the buffer of notification around the Rose Creek property and not the Skalla property. He wanted him to get on the record and confirm that they did use the right buffer for the notifications. He wanted to be sure they used the correct buffer for Patron.

Mr. Hemphill put up the correct buffer for Patron for the record and introduced it into the packet.

Mr. Swindell wanted to avoid confusion.

Mr. Hemphill said that these documents do live with the application in their entirety. He shared his screen and entered the correct buffer into the record. He showed a graphic of the buffer that he was referring to in legal notice. He said there was just a picture error but it did show that it went out further. He entered the correct graphic into the record and this will live with the application in its entirety moving forward. He thanked Mr. Swindell for pointing that out.

Mr. Swindell said that this was all he had and that the applicant believed it met all the goals and policies of the Comp Plan, the applicable sections of the Fruita Land Development Code and they respectfully requested approval.

Commissioner Fabula opened the meeting to public comment.

Mr. David Lee who lives at 1894 Hartz Court spoke. He wanted to give words of appreciation to them. He said that he lived outside of the buffer, just north of it, and because he had made comments earlier Fruita Planning was great to make sure they got their notices and things like that. He said that it was expanded farther out to make sure they got it. He appreciated the opportunity to have that notification, understand that the meetings were happening and for them to have the opportunity to voice concerns or questions. He said that he and his neighbors in Hartz Court, the five lots and three more people north of them that are all feeding off of this

irrigation line, they all communicate very well. He said that they all understood that this was all part of the Fruita growth plan and they expected this growth to happen. He added that they were not against the annexation, against development, or the rezoning. He said that he has learned more about the process of annexation, rezoning and planning that he ever wanted to know from the Skalla project and this one. He understood that it is a process, there are steps to get to the point when the plans are submitted for an actual subdivision. He didn't the sizes of those lots, he said that they could make some assumptions but they really didn't know. Their concern is always going to be that irrigation water. They are not against annexation, rezoning or growth and development. He said that somebody said that nobody is against growth and development until it happens in your backyard. That is when it freaks you out when it is going on in your backyard and this is going on in their backyard. He said that they did not want a development to change the way that they use their land. The way that they have their life style of having livestock and hayfields and things like that to make sure that they have the water. He totally understood the growth, they were within that. He felt confident that they can figure out a plan to make this work for all of them and they are within that growth and he looks forward to seeing what this turns into. If they do have any major concerns when those plans come out, whatever the plans for the subdivision are, that is when they will submit those concerns. He thanked them.

Commissioner Fabula asked for more public comments.

Mr. Caris said that there was none.

Commissioner Fabula closed public comments and asked for applicant rebuttal.

Mr. Swindell said that he wanted to reiterate that Vortex and the applicant are definitely sensitive and appreciate the concerns of the residents and they are working to come up with land/land with this parcel and the adjacent parcel that belay everyone's concerns. He said that Mr. Atkins had mentioned that they had to go through some traffic studies. He said that they have traffic studies, geotech studies, irrigation studies, drainage studies all those things have to be done. They have to go through extensive reviews with the Fruita Staff to get all those passed. The applicant is very sensitive to that and they will work to make sure that all of the concerns are addressed and that they get a good project for the City.

Commissioner Fabula thanked him for his comments. He opened the meeting to Commissioner discussion.

Commissioner Rink made the comment that she had been on Planning Commission for 4 years now, totally volunteer, nobody elected her, she said that she was also getting an education and that she has seen people up in arms over subdivision, she has seen people with the old density bonus program and the Iron Wheel Subdivision that went in, she saw a young couple that just bought what they felt was a lot of land in the middle of the country and come to find out that property across the street was turning into the biggest development Fruita had seen in some time. She said she felt their pain, felt the sense of justice that this was their life and it is changing their life. Simultaneously she has been educated on Master Plans, the point of a Master Plan, who makes the Master Plan and who gives feedback for it and how long they use it for. Sometimes it feels arbitrary but the process to rework the Master Plan has just been happening in the last few

years and she thought so many things, like they said it wasn't their problem until it was your problem. Now they know a little more and they see that a lot in Planning Commission too. Whether the scenario is like this or a VRBO that someone is asking what is going in my neighborhood and then they talk to the applicant and through education, she said they all learn the process and feel better after the fact. She said that she understood their concerns, she encouraged them to keep learning the process, keep being involved in the process. She spoke about the Code amendments but next time it comes around in a decade show up and voice your opinion and let everyone know what they wanted to see Fruita develop or not develop. She said it is tough when your sweet area changes, but it is inevitable unless they own all the land.

Commissioner Gollob commented that having been a part of the conversation that contributed to the Master Plan, he thought that one of the biggest things that they struggled with was whether they wanted a hard edge or a soft edge on 19 Road. He added that this was not a decision that was made lightly. He thought for him it is less about whether they wanted to support a rezone versus wanting to get in the record the concerns so when the application comes back around they can close the loop so at least to have those issues in the minutes. He understood the issues from the previous application it is going to be traffic along K and 19 Road, ingresses, egresses out of that area, irrigation and how irrigation can impact neighbors who depend upon that for agriculture purposes. He asked if he was missing anything?

Commissioner Fabula said that this was what he had on his list.

Commissioner Gollob said that he wanted to get this in the record so that when they did see an application they can refer back to these minutes.

Commissioner Fabula wanted to add the studies that will come along with those different applications that really nail down what needs to be done and what needs to be approved.

Commissioner Fabula asked for a motion.

COMMISSIONER NISLEY RECOMMENDED APPROVAL OF THE ZONING REQUEST TO ZONE THE SUBJECT PROPERTY TO A COMMUNITY RESIDENTIAL ZONE WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 6-0

I. OTHER BUSINESS

1. Election of Officers.
 - a. Chair

COMMISSIONER FABULA NOMINATED COMMISSIONER GOLLOB AS CHAIR

COMMISSIONER NISLEY SECONDED THE MOTION