

MOTION PASSED 4-0 (COMMISSIONER LYNCH ABSTAINED FROM THE VOTE AS SHE WAS NOT PRESENT AT THE LAST MEETING).

H. HEARING ITEMS

Application #:	2021-23
Application Name:	Lake Fruita RV Resort
Application Type:	Conditional Use Permit
Applicant:	Chinny LLC
Representative:	SEH Inc.
Location:	1571 Cipolla Road
Zone:	Industrial (I)
Description:	This is a request for approval to develop a RV Resort on approximately 5.4 acres in an Industrial zone.

Commissioner Gollob introduced Application #2021-23 and asked for the Staff presentation.

Mr. Henry Hemphill gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Application Description

Slide 3 Project Description

The project proposes 50 RV pad sites and 3 rental Airstream spaces.

- Clubhouse and sundries shop.
- Pickle ball court.
- Pool.
- Hot tub.
- Dog Park.

The applicant is also anticipating future expansion of the project onto the 10-acre parcel to the west; however, the 1st phase of this project is to only include the 5.4 acres at 1571 Cipolla Road.

Slide 4 – Zoning Map and 2020 Aerial View

Slide 5 – Conditional Use Permit Requirements

Section 17.13.040 (C), Conditional Uses, of the Land Development Code requires that a conditional use be approved after considering the following:

1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan;
2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080;

3. The proposed use will not materially endanger the public health or safety; and
4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.

Slide 6 – Legal Notice

All Legal Notice regarding this application was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code.

- Paper - July 23, 2021 (18 days prior)
- Property - July 23, 2021 (18 days prior)
- Postcards – July 23, 2021 (18 days prior)

Slide 7 – Postcard Buffer

Slide 8 – Review Comments / Public Comments

REVIEW COMMENTS:

No reviewer expressed major issues with the proposed Conditional Use Permit application.

PUBLIC COMMENTS:

Written comments have been received and are included in the Planning Commission packet.

Slide 9 – Staff Recommendation / Suggested Motion

STAFF RECOMMENDATION:

Staff recommends approval of application #2021-23 with the condition that all review comments and issues identified in the Staff Report be adequately resolved.

SUGGESTED MOTION:

Mr. Chair, I move to recommend approval of application #2021-23 to the Fruita City Council with the condition that all review comments and issues identified in the Staff Report are adequately resolved.

Mr. Hemphill concluded his presentation.

Applicant Paul O'Neill stated that Mr. Hemphill did a great job explaining the project. He said that they were proposing a 53-unit phase 1 RV park off Cipolla Road. He added that they planned to have a clubhouse, trail connection, pickle ball court, pool, small dog park for dogs traveling with their owners and he felt that this was a great location for an RV Park in this area of Western Colorado. He said it was close to the Colorado National Monument, the trail systems that they have currently, and are hoping that the compatibility with the industrial use is something that they agree with. He added that Rob Reagin, the owner and his client is also on the line. He did not think he had anything to say other than he was available for comments or

questions. He said that Mr. Hemphill did an outstanding job going through the issues and showing what they were proposing to do, and he would leave it to them for questions.

Commissioner Gollob thanked him and opened the meeting to public comments.

Mr. Nick Stoke, President of FHE, who lives at 2347 K ½ Road in Grand Junction said that he occupied three lots on Cippola, 1589 and 1597 are the two mailing addresses. He said that he sent in a comment. His concerns were clear. He said that he had about a 120,000 square foot of manufacturing heavy industrial space there. He has semis that come in and out all day long on gooseneck trailers, a lot of heavy industrial activity takes place there. The reason they moved to an industrial park is it is where their business is supposed to be and that is why they are not in a residential area recognizing with their trucks and heavy activity there it could be public safety issue should they have a lot of recreational hikers, bikers and people walking dogs. He stated that as a small business owner and an entrepreneur he had no issue with somebody wanting to open an RV park and as a member of the community in Fruita he thought it was a great idea but did not care for it in an industrial park. He added that he stored explosives and he has ATF approval, State of Colorado approval, he gets audited seemingly every week and the auditors know his second-grade teacher's maiden name at this point. He said that having an RV park next door as a neighbor or one lot over it poses a lot of challenges for the business that they do. Secondly, he said that they have an ingress/egress situation or could potentially have that in the Pabco park. He said that they only have one access that goes over a heavily used railroad track. The addition of 50 RVs or 53 potentially using the same access could be very problematic as well. He thought that when that was set up it wasn't arranged for large RVs and campers and trailers. They struggle with the railroad crossing as it is let alone with the additional traffic. He also believed that as a member of the community, industrial development is important to the economy. If he were to start fresh and be looking to purchase some lots to build buildings and start a company, if there was an RV park across the street he would probably look elsewhere just because RV recreation and industrial typically don't mix. He wanted to encourage the Planning Commission to leave the industrial space just that, industrial to continue to promote industrial economic opportunities in Fruita and to use that space for exactly what it was originally zoned for and not to mix recreational RV parks.

Commissioner Gollob thanked him and said that his letter was in the packet.

Mr. Jesse Mease who lives at 1279 Henry's Lane spoke. He said that he owned the new little building across from his 120000 square foot building. He said that his is 10000 square feet and seems huge. He said that they have been downtown in a spot that they have outgrown and have known that they should not be there. He added that Fruita is where they call home, and they made the decision to build a new building instead of moving into Junction. It would have been a lot easier to move to 22 or 23 Road. He said that all 6 of his employees live in the City of Fruita and they barely live out of Fruita. He said that they were very intentional that they wanted to stay in Fruita, and they have put everything they have, about a million and a half in so that they could stay in Fruita. He said that they have already gone down a slippery slope with Imondi and having recreational in there. The difference with that is that they close at 6:00 o'clock or 8:00 o'clock at night and everybody goes home. If you put an RV Park, there you have potentially 53

people overnight every single night in an industrial park that is approved for them to run 24 hours a day out there. He anticipates complaints the first people that stay out there and they run at 2:00 o'clock in the morning if that is what it comes down to. He added that he was surprised that they were not there. He said that they were also talking about developing the 10 acres that has the eagle nest on it. They did their due diligence on their end and talked to the DOW and met with the Wildlife Commission and that is why they decided to purchase the lot that they did instead of a little bit cheaper lot so that they could stay outside of the buffer zone that they had as part of that. He said that Fruita is about community and the people at FHE are community, the people at Imondi are community, the people that are going to be at the RV park are transient. They are not people that are going to understand that they are people that live here and have put their lives into being here to make this accessible for them. That was one of his biggest concerns. He said that he was like Nick, an entrepreneur, he loves the idea of it. He added that he has seen some of the initial plans that they had for the sewer lagoon and that is an anchor tenant for what the sewer lagoon was initially drawn up as 10-12 years ago. He said that development doesn't always happen on a dime. He said that those were his big concerns with it, and he appreciated their time.

Commissioner Gollob thanked him.

Michael Handley who lives at 1646 Myers Lane went up to speak. He said that he has been an RV camper since the mid-70s. He added that he had a lot of experience camping. He said that he founded an admin a couple of camper groups on Facebook with a total of about 17,000 campers across the US. He didn't plan to speak tonight. The meeting was on his schedule for the Mews PUD, and he decided to come. He said that hearing all the discussion he felt motivated to make a comment that having an RV park in an industrial area, he has stayed in a few of those over the years. He added that it was not typically a great camping experience. He absolutely agreed with the two gentlemen and their observations of the problems of having an RV park in an industrial zone with other businesses particularly a business that store explosives. If he was making recommendations to his camper members, he would not recommend an RV park such as this. Simply from someone that lives in Fruita, has a lot of camping experience, communicates regularly with a lot of campers across the US and all North America, it would be great to have more RV parks be in Fruita, and they really do need them, but he agrees that this is not a particularly good location for an RV park. Especially if they plan to expand into another 10 acres which would bring 150 RV spaces into that location sometime in the not too distance future. He felt it was a bad use in an industrial park.

Commissioner Gollob thanked him. He asked if there was anyone online for public input.

Mr. Dan Caris said there was no one.

Commissioner Gollob closed the public comments portion of the meeting and opened rebuttals.

Mr. Paul O'Neill stated that he did not want to step on any of their comments and said that they were all valid comments. He said that what they were proposing is to develop the RV park within their lot boundary and use the road for access. He said that they did have an approved access permit from CDOT to use the access. He commented on the railroad tracks with the

gates, however he thought there was enough stacking room between the highway and the railroad tracks to accommodate semis as well as RVs. He thought that some of the comments about complaints to the industrial businesses would fall on the owner of the RV park. He added that they are the ones moving into the RV park and if people complain and don't come back that is on the business not necessarily on the neighbors. The Imondi Wakeboard Park next door is one of the amenities that were hoping would reciprocate some benefit with the RV park as well as the trail access along the ponds and out to the highway trail system would allow people to get in and out of the RV park without always using the roads. He thought these were the only rebuttal comments he had. He didn't want to ignore their comments, they are valid comments. He said that they have a different point of view.

Commissioner Gollob thanked him.

Mr. Caris said that they have the owner raise their hand during the rebuttal portion of the meeting and then lowered it. He wanted to extend and offer to the Planning Commission if they would like to allow the property owner to be a part of the rebuttal discussion.

Commissioner Gollob asked the Planning Commissioner if there were any objections. There were none.

Mr. Rob Reagin spoke. He thanked them for the time. He wanted to address a little bit of back story on the project to give them more understanding. He said that they initially began looking a little over a year ago at the other approved RV park in Fruita that has been approved for the last few years and has yet to be built. They did some site visits, and it wasn't for them. He continued that in reviewing City Council notes from 2017, one of the City Council members pointed out that the Pabco Business Park was ready to go for various types of industry with tourism being one of them if not the largest industry in the world. They pointed out that there was recreation over there that piqued their interest and that is how the project started. They went out there and there was a recreational gym that everyone knows about it in the Wakezone and getting to know the Imondi's and talking about synergies as well as being the only wake lake park with an RV in the City of Fruita was an interesting idea. That is how the idea has grown. The more they go out there the more they think it is a beautiful spot. Fruita has so much to offer and the idea that recreation shouldn't be in an industrial park is valid although many RV parks you go to that is pretty much where they are located. You are not going to have an RV park right downtown in the city for example it is never going to be permitted. He added that with the paved trail that connects directly to the property and 30 miles of riding, one can ride out to the Kokopelli Trail, and it is a great location that makes a lot of sense. As far as some of the objections, they are valid and that is why they have community meetings to hash these things out and see what is best for the greater good. He said that they have an approved CDOT permit so he would defer to them as the experts on that entrance and exit into the area. He stated that he was a full time RVer himself and he evaluates places on places he would want to stay. Every time he went out there, he reaffirms that this is where he would like to stay. The number one draw for any RV study that has been done commissioned by the National Park Service refers to the number one thing people want is recreation nearby and Fruita is the definition of that. Those were his only comments.

Commissioner Gollob thanked him. He moved the meeting to Planning Commissioner discussion.

Commissioner Mulder stated that he tried to visit the location without any preconceived notions about being over there, he is familiar with the location and Fruita has been involved out there in many things for a long time. He added that it is a commercial and industrial district and not an RV district. He acknowledged that they have had two businessmen speak regarding what it meant to them to be in an industrial area down there. And they had an RV individual speak as to why there should not be an RV park there. The one thing that is not being mentioned is the water sport area. He expected them to be there to speak on the behalf of the RV camper because it would be a good part of their business. On what he knew about the property and what he heard this evening he cannot support it.

Commissioner Gollob thanked him.

Commissioner Nisley asked if we had consulted with the DOW about the eagle's nest? He said that he has read the document that there is a 250-foot buffer, and it was his understanding that part of this property would be in that buffer zone.

Mr. Caris said that this was correct. He said that they have talked to them on the macro level about the entire development and they are a part of the review agency list. He wasn't sure if they had received any direct comments, but they typically furnish them with more direct site plan related elements when it pertains to actual development not the permissibility of entitlements to submit that application.

Commissioner Nisley asked that when they would administratively review the site plan, they would talk to them at some point?

Mr. Caris affirmed this.

Commissioner Nisley stated that he read the document and it was a serious thing that they can't have human activity in that buffer. They couldn't go walk on that property. He said that this was not right next to the eagle's nest, it is a little bit out of it, but this is something to think about.

Mr. Caris stated that the reality of it is that many of the review agency partners would typically not weigh in on a zoning decision or a conditional use decision. They would weigh into the plans, buffer elements that needed to be incorporated, this is the mitigation measures, do they need to apply for a permit, all those types of things. They would never make that a condition of approval on an application like this. They would if the scenario was completely different and was a different business they would have to go through that process even if it was a heavy industrial use.

Commissioner Nisley said that there was mention that they had the CDOT access. He said that based on the emails that Kelli McLean sent over it didn't sound like that was finalized and that they were working through a traffic study.

Mr. Caris said applied for.

Commissioner Nisley stated this was applied for but not received.

Mr. Caris said that this was correct.

Commissioner Nisley asked if they anticipated any upgrades being necessary to the railroad crossing?

Mr. Caris stated that the City is planning on, as a part of a grant, to do that. They are working with the railroad. They are waiting to have them review that. He reiterated that they had been in communication with CDOT in anticipation based off the traffic study that they will be issued the access permit. He said that the due diligence is being done.

Commissioner Nisley said that his concerns that although it looked like they had a bunch of industrial land for development, right now where that eagle's nest is they did not know how long that would be. He talked to the DOW officer about this a while ago and he couldn't give him a timeline between the next 7 and 20 years about when this land that looks like it is developable can be developed. He added that they have a shortage of industrial land in Fruita anyway and he agreed with the point that for the economic vitality of the industrial market that they have industrial zone land for this. Those were his thoughts.

Commissioner Gollob thanked him,

Commissioner O'Brien stated that her concerns were about traffic and safety. She saw that someone put in the chat that CDOT permit was granted earlier this week. She said that there would be a lot of RV traffic making a left hand turn on 6 & 50 where there are no lights. There is the railroad crossing, which is difficult, there is one egress/ingress and then the left hand turns that are going to have to happen. If they get off the interstate at Fruita and head out that way and with the addition to the RV park that has been approved already on Greenway, that is a lot of RV traffic on 6 & 50. She said that was her primary concern. She asked if CDOT gave their permits then is CDOT saying that there is no problem with all this traffic and that is left to local people who live here and drive on that road to make that decision?

Mr. Caris said that when they applied for the permit and furnish them with the traffic study, in that traffic study there are conclusions that say that have anticipated and projected the volume of traffic that would be generated in the RV park and the surrounding circulation of the industrial park and are not warranting any auxiliary lanes on 6 & 50 and are suggesting that no mitigation measures for the site are proposed for this application. If the access permit has been granted that is a validation of that finding.

Commissioner O'Brien said that they people who live and drive here would know better. She directed her next question to the two businessmen present. She mentioned that in Mr. Mease's letter he stated that since there was so much other industrial land that was available that is concern was that other businesses might not locate there if there was an RV park there. He also mentioned in his spoken comments that RV parks and industrial zoning doesn't usually mix. She wanted more clarification from a business owner's perspective. She said that she heard them both mention that there would be complaints by the people staying in RVs and businesses making noise or emitting odors. She also agreed with Mr. Reagin that it should come down to the RV park owner. She asked that besides them worried about hearing complaints and traffic, do they have other concerns why other industries wouldn't locate there because of an RV park?

She added that she has stayed in some RV parks that were in odd places in cities. Her concerns are not about the oddity but the eagle's nest, the traffic, and hearing from the local businesspeople.

Commissioner Gollob stated that he was looking at the rules for the hearing and they can have members from the public come back to the microphone to answer questions.

Mr. Nick Stoke went up to speak. He said that his concern with a recreational RV park would be that you would have a lot of people on vacation enjoying Fruita. When one is on vacation and riding a bike up and down the road or walking your dog or your kids are riding bikes by having two facilities next door where he has fork lifts coming in and out at all times of the day and night and semis in and out, 5th wheel gooseneck trailers coming in and out, having those that are on vacation who are being less observant and relaxing and having them recreating there poses a danger to the RV park campers that are staying there. That was his biggest concern. He added that typically in the industrial park not having people overnight there, they work 24-hour operations, particularly in the summer, it is very hot out as they all know. They make a lot of noise and have a lot of equipment, and everything backs up in the facility has a loud alarm on it for safety and OSHA purposes. He thought that would be very undesirable if he was in an RV park next door. He doesn't see their operation being a great neighbor to a swimming pool, a dog walk, or a squash ball court because they are at opposite ends of the spectrum, and it wouldn't mix very well. Both from a safety aspect and a personal enjoyment aspect.

Commissioner O'Brien asked him about liability, she wanted to know if liability meant pedestrians and the business having big trucks and he was concerned about someone getting hurt.

Mr. Stoke said that this was correct. He added that they have the same problem when there is a train passing, he can have 2-3 semis backed up that are either going into the facility or leaving the facility. He said that particularly when they are coming off 6 & 50, if there is a train there one of their trucks or trailers many times has been stuck where they have turned in but have had to stop at the crossing, the timing was bad, and there is other traffic on 6 & 50 trying to go in and the same thing works on the other side of the road. If they were to mix in 53 RVs with 4 people each, they now have 200 individuals on bikes and walking around while he has heavy equipment and trucks trying to maneuver ingress/egress and trying to load on his furthest east property which there is access to the north and east. Often, he said that he has trucks just going around their own facility staging and moving equipment around and when those trucks are out operating, they are all DOT and have their CDLs but as they are moving around their own facility they may not be as observant as they are driving down I-70 because you are not expecting people on bicycles or walking or doing recreational activities.

Commissioner O'Brien thanked him.

Commissioner Lynch said that she has given it a lot of thought about what Mr. Stoke was saying about the concerns with not only the RVs but many times they may be towing 4 wheelers and they may have longer extensions and trying to get over the tracks. She felt that this was a valid point that he was making, and it will slow traffic. She added that for Mr. Mease to invest millions on your business with the expectation that it was going to be in an industrial zone, she

thought this needed to be respected because it is a huge investment, and he was glad he invested in Fruita, and she understood why he had concerns. She also thought about the resort experience would be like for the campers and felt that this was also valid. She didn't think that this would be the best experience when they have driven many miles and thinking it would be peaceful and yet there is Mr. Stoke's company working around the clock, what would this experience be like and if people don't want to have that kind of experience after driving that far and not being able to sleep because of the noise all hours of the night. This is something to consider. Also, she mentioned Mr. Stoke's comment about bicyclists and people walking dogs and children out this may leave him open to a legal issue if there was an accident if his drivers didn't see the people. She said that this would concern her from a business standpoint. She thought that he most likely had to keep track of injuries on the job and the last thing that he would want to worry about is an injury or accident for innocent people just walking or riding their bikes and this could happen especially at night. She thought the RV resort would probably be best situated and be more compatible in a commercial use zone as opposed to in an industrial zone.

Commissioner Gollob thanked her. He said that for him it came down to compatibility. He read for the record the guidance they had for compatibility. He did not believe compatibility has been satisfied. He said that this was a recreational venture in an industrial park. He added that there was risk for the developer that they take on themselves but that was not part of his consideration. What he was being asked for is to vote on a Conditional Use Permit to carve out this piece of land within the industrial park and to determine if it was going to be compatible with the other zoning in the park. He didn't think that it was. He stated that this was the big issue and that is what was influencing his vote.

COMMISSIONER NISLEY MOVED TO RECOMMEND THE DENIAL OF APPLICATION #2021-23 TO THE FRUITA CITY COUNCIL FOR A CONDITIONAL USE PERMIT

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 5-0

I. OTHER BUSINESS

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

There were no updates, no visitors or guests and no other business

Adjournment 6:59 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita