



**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
MAY 9, 2023**

**Application #:** 2023-13  
**Project Name:** 1824 J 2/10 Road  
**Application:** Rezone  
**Property Owner:** Pete Hitchcock and Anthony Stolarczyk  
**Location:** 1824 J 2/10 Road  
**Zone:** Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval to zone of approximately 6.6 acres to Community Residential (CR).

**PROJECT DESCRIPTION:**

This is a request for approval to zone approximately 6.6 acres of property to Community Residential (CR). The subject property is currently zoned Agricultural, Forestry and Transitional (AFT), which is a Mesa County zoning designation.

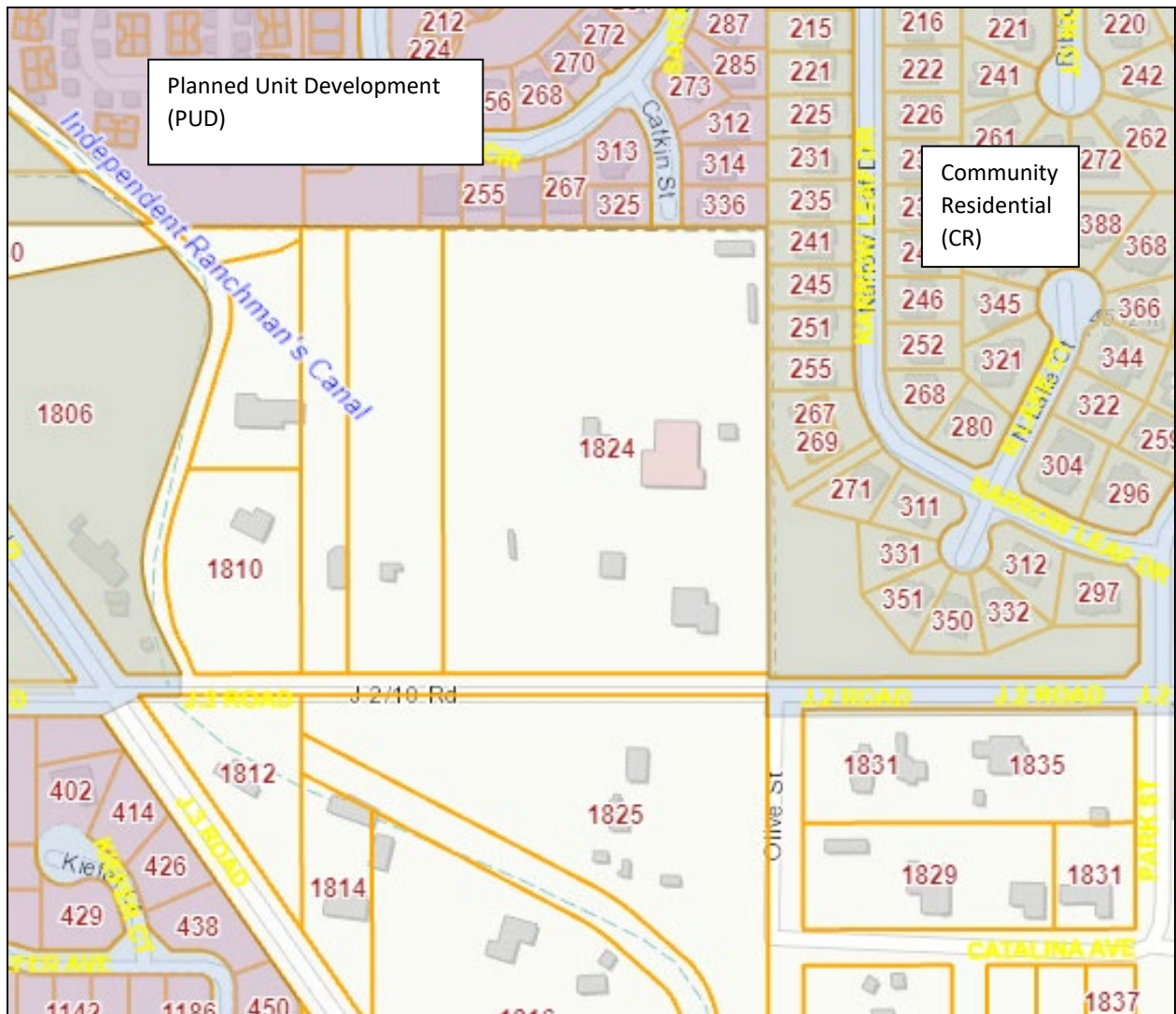
In addition to this rezoning application, the property owner has also submitted an annexation application. Typically, annexation applications are accompanied by a rezone application and can run concurrently through the public hearing process.

The applicants are requesting a Community Residential (CR) 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).

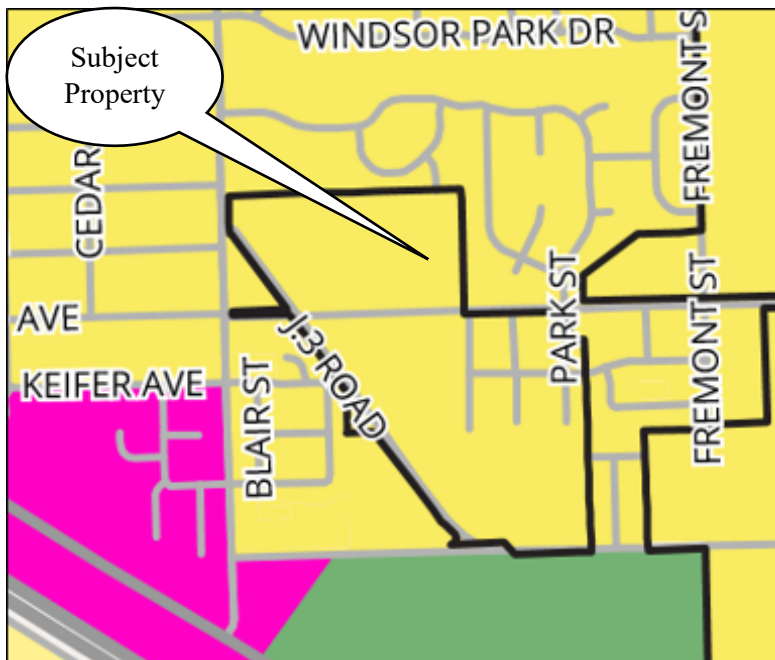
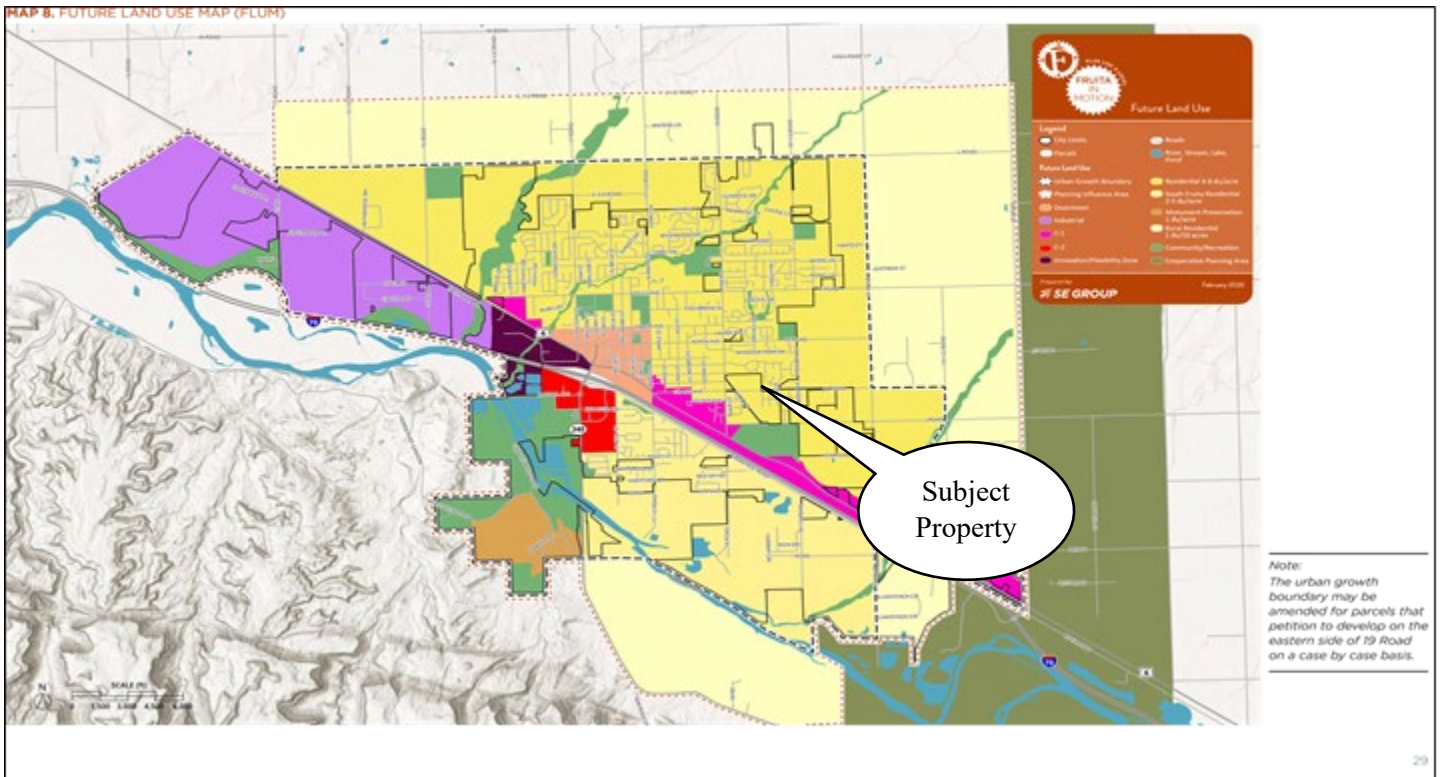
The area in which the subject property is located is supported to have a Community Residential zoning classification as shown on the Future Land Use Map within the City's Fruita In Motion: Plan Like a Local Comprehensive Plan (Master Plan). The Land Use Code states that the *"The purpose of the CR zone is to allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g., apartments and townhouses). Innovative neighborhood design is encouraged in this zone district to provide opportunities for housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre."*

### SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The map below identifies the various zones in this area.



## FUTURE LAND USE MAP (FLUM)





**2022 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 Community Residential (CR) zone allows for a density range between 4 and 8 dwelling units per gross acre. The CR 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	
	CR
RESIDENTIAL	
Household Living	
Business Residence	C
Dwelling, Single-Family Attached	A
Dwelling, Single-Family Detached	A
Duplex	A
Dwelling, Multi-Family	A
Manufactured Housing Park (See Chapter 31)	C
Mobile Home Park (See Chapter 31)	C
Manufactured Home (See Chapter 31)	C
Mobile Home (See Chapter 31)	C

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 (4-8 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 Community Residential zone allows 4-6 dwelling units per acre by right. Density Bonuses may be used to increase the density up to 8 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 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:**

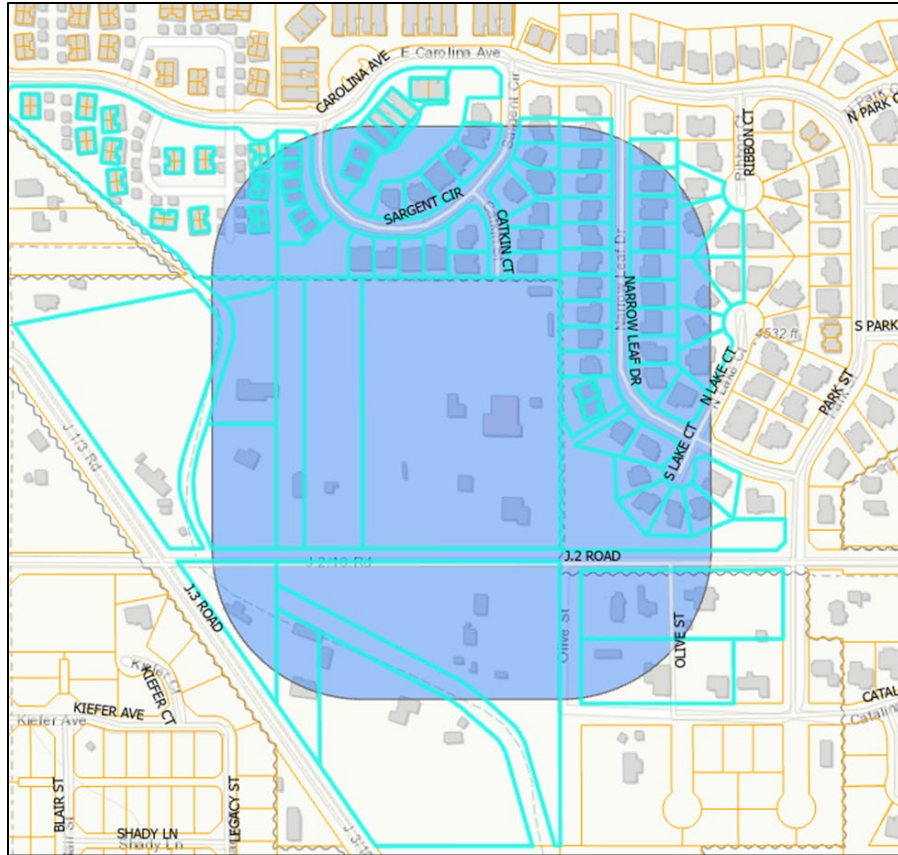
No written public comments have been received by Staff at this time.

**LEGAL NOTICE (17.07.040 (E)):**

Legal Notice (minimum of 15 days prior to Planning Commission)	
April 19, 2023	Post Cards
April 12, 2023	Sign Posting
April 19, 2023	Legal Ad







**STAFF RECOMMENDATION:**

Staff recommends that the subject property be zoned Community Residential.

**SUGGESTED MOTION (PLANNING COMMISSION):**

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

**FRUITA PLANNING COMMISSION:** May 9, 2023

**FRUITA CITY COUNCIL:** June 6, 2023

Project Report - Annexation and Rezone

Hitchcock and Stolarczyk Estate  
1824 J 2/10 Road  
Fruita, CO 81521

Date: 1/30/2023

Prepared by: Pete Hitchcock, Owner

Submitted to:

City of Fruita, City Planning and Development  
325 E Aspen Ave  
Fruita, CO 81521

Attn: Kelli McLeand and Henry Hemphill

Project: Annexation and Rezone

Property Address: 1824 J 2/10 Road, Fruita, CO 81521

Tax Schedule Number: 2697-163-00-038



Date of Aerial Photo: 2022

Project Applicants and Owners: Pete Hitchcock and Anthony Stolarczyk

**Hitchcock and Stolarczyk Project Overview:**

This annexation and rezone request is submitted by the owners, Pete Hitchcock and Anthony Stolarczyk. The subject property contains 6.68 acres +/- and is located on J 2/10 Road Fruita, CO 81521. The address is 1824 J 2/10 Road, the parcel number is 2697-163-00-038 and the zoning is AFT.

**Petitioner's Intent:**

The Petitioner's Intent is to Rezone and Annex the property into the city limits of Fruita.

**Current Land Use:**

4.1.2 | AFT Agricultural, Forestry, Transitional District The AFT, Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development within the Rural Planning Area.

**Future Land Use:**

Community Residential (CR). The purpose of the CR zone is to allow for moderate density detached single-family residential neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g. apartments and townhouses). Innovative neighborhood design is encouraged in this zone district to provide opportunities for housing diversity. This area is served by public utility infrastructure and is appropriate for density of 4-8 du per acre.

## Project Narrative: Annexation

This property is within the City's Urban Growth Area and the annexation meets the requirements of State law (Title 31, Article 12). The area to be annexed can be efficiently served by urban services and facilities including police and fire protection, sanitary sewer service, potable water, irrigation water, drainage structures, streets and trails, etc..

New impacts to urban services and facilities will not be created as the existing lot is currently serviced by city water, Grand Valley Power, Xcel Energy, and has a private septic system. The private septic system will be addressed as part of the future subdivision process.

The area to be annexed is contiguous with the existing urban development boundary and is consistent with the City's Master Plan. The annexation is supported by local residents and landowners. We mailed out 89 invites for a neighborhood meeting on 2/23/23. We had 2 people come to the meeting, one commented that family homes would be a good fit for the land and the other had no concerns with our annexation, but wanted it to be known that he didn't want his property to be forced to annex. The annexation will have a logical social and economic association with the City of Fruita.



Question and Comment Form for the  
Rezoning and Annexation of 1824 J 2/10 Road

Name Kitty Tattersall Phone # 970-433-4155

Address 251 Narrow Leaf Dr Date Feb 23, 2023

Question and/or Comments:

I think family housing would be a good use for  
the land so close to schools. Best wishes!

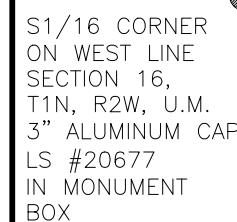
Question and Comment Form for the  
Rezoning and Annexation of 1824 J 2/10 Road

Name PAUL FIORE Phone # 970-379-6377

Address 1835 J 2/10 Date 2-23-23

Question and/or Comments:

ONLY CONCERNS: FORCE ANNEXATION TO MY PROPERTY.



*The measured bearing of this line is S89°53'25"E*





NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



Per Colorado Statute number 38-51-106(I) all  
Lineal Units used on this plat are U.S. Survey  
feet.

### LEGEND

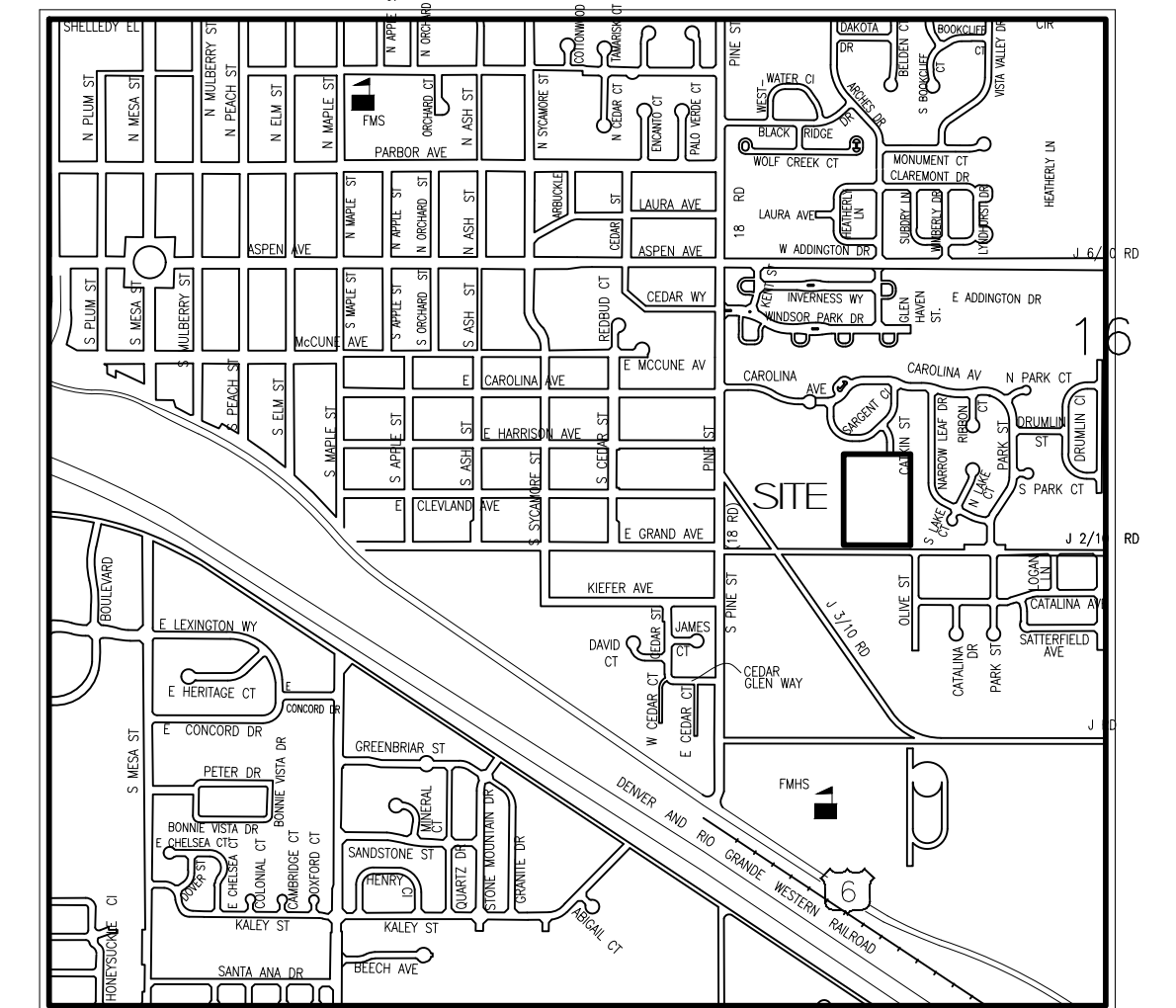
-  FOUND MESA COUNTY SURVEY MARKER  
 (A 3" Alloy Cap set in Concrete)  
*FOUND SURVEY MONUMENT AS DESCRIBED*
-  SET NO.5 REBAR W/CAP L.S. 30111
- 
-  FOUND ALIQUOT CORNER AS DESCRIBED

NOTES:

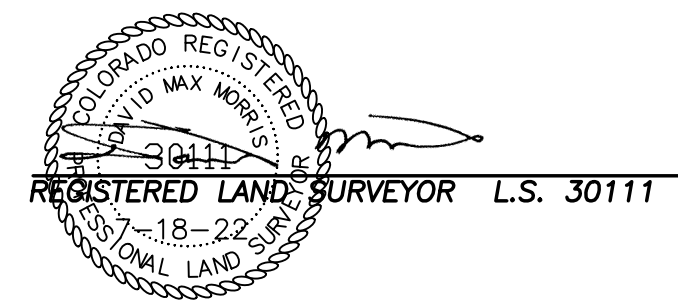
1. Deeds were provided by client.
2. A Title search was provided and relied upon. A Title Search was not performed by me.

DESCRIPTION:

The East 7 acres of the South half of the Northwest quarter of the Southwest quarter of Section 16, Township 1 North, Range 2 West of the Ute Meridian, County of Mesa, State of Colorado,  
Except a strip of land 30 feet wide for roadway, utilities and all other public purposes the Southern line of which is the North line of the Southwest quarter of the Southwest quarter of Section 16, Township 1 North, Range 2 West of the Ute Meridian, being part of the land described in Book 3066 and of 688 in the office of the County clerk and recorder of the County of Mesa,  
State of Colorado.



Vicinity Map  
(NOT TO SCALE)



ANNEXATION PLAT		
SITUATED IN THE NW1/4 SW1/4 SECTION 16, T1N, R2W OF THE UTE MERIDIAN		
FOR: Hitchcock & Stolarczyk	 <p>Q.E.D. SURVEYING SYSTEMS, Inc. 2718 Sierra Vista Rd Grand Junction, CO 81503-2332 (970) 241-2370 Fax: 241-7025</p>	SURVEYED BY: MSM
ACAD ID: 1024 18		DRAWN BY: DMM
SCALE: 1" = 50'		CHECKED BY: MEM
DATE: 7/18/2022		SHEET NO.
		FILE: 2022-171.2