



# FRUITA

COLORADO

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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: PLANNING & DEVELOPMENT DEPARTMENT**

**DATE: SEPTEMBER 21, 2021**

**RE: ORDINANCE 2021-20, SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD TO A COMMUNITY RESIDENTIAL (CR) ZONE.**

### **BACKGROUND**

This is a request for approval to zone approximately 25.96 acres of property to Community Residential (CR). The subject property is currently zoned Urban Residential Reserve (URR), which is a Mesa County zoning designation.

The property owner of 954 19 Road, North 25 LLC, applied to annex the property. The subject property is approximately 25.96 acres and is located east of the Iron Wheel Subdivision along the east side of 19 Road. The property is currently vacant.

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.

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.

At their July 13, 2021, public meeting, the Fruita Planning Commission recommended approval of the zoning application by a vote of 5-0 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 (CR).

### **OPTIONS AVAILABLE TO COUNCIL**

1. Adopt Ordinance 2021-20, an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 25.96 acres of property located at 954 19 Road to a Community Residential zone.
2. Deny Ordinance 2021-20

### **RECOMMENDATION**

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

**ADOPT ORDINANCE 2021-20, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD TO A COMMUNITY RESIDENTIAL ZONE.**

**ORDINANCE 2021-20**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 25.96 ACRES OF PROPERTY LOCATED AT 954 19 ROAD TO A COMMUNITY RESIDENTIAL (CR) 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**, a public hearing will be held by the City Council on September 21, 2021, for the 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 25.96 acres, is hereby zoned Community Residential (CR).

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
21<sup>ST</sup> DAY OF SEPTEMBER 2021.**

ATTEST:

City of Fruita:

\_\_\_\_\_  
Margaret Sell, City Clerk

\_\_\_\_\_  
Joel Kincaid, Mayor

# Exhibit A

## Legal Description

A parcel of land situate in the S1/2 SW1/4 NW1/4. The S1/2 SE1/4 NW1/4, and the NE1/4 SW1/4 of Section 22, Township 1 North, Range 2 West, of the Ute Meridian, Mesa County Colorado, being more particularly described as follows;

Commencing at the west ¼ Corner of said Section 22, whence the North 1/16 Corner of said Section 22 bears N00° 34'09"E distance of 1319.99 feet; thence along the southerly line of said S1/2 SW1/4 NW1/4, S89°51'32"E distance of 320.01 feet, to the Point of Beginning, thence the following courses and distances;

1. Leaving said southerly line, N00°34'09"E distance of 190.01 feet;
2. N89°51'32"W a distance of 290.01 feet to the easterly right-of-way of 19 road;
3. Along said right-of-way, N00°34'09"E distance of 469.97 feet;
4. Leaving said right-of-way, S89°50'06"E distance of 1290.80 feet;
5. S89°50'06"E distance of 474.51 feet;
6. S14°02'51"W distance of 650.96 feet;
7. S31°59'47"W distance of 32.18 feet;
8. S32°34'33"W distance of 575.41 feet;
9. N00°33'05"E distance of 485.65 feet, to the Center West 1/16 Corner of Said Section 22;
10. N89°51'32"W distance of 1001.66 feet, to the Point of Beginning.

Containing approximately 25.964 Acres.



**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
JULY 13, 2021**

**Application #:** 2021-28  
**Project Name:** Fruita Copper Creek  
**Application:** Rezone  
**Property Owner:** North 25 LLC  
**Representative:** Ciavonne, Roberts and Associates  
**Location:** 954 19 Road  
**Zone:** Currently zoned Urban Residential Reserve (URR -  
County zoning)  
**Request:** This is a request for approval to zone approximately 25.96 acres to  
Community Residential (CR).

**PROJECT DESCRIPTION:**

This is a request for approval to zone approximately 25.96 acres of property to Community Residential (CR). The subject property is currently zoned Urban Residential Reserve (URR), which is a Mesa County zoning designation.

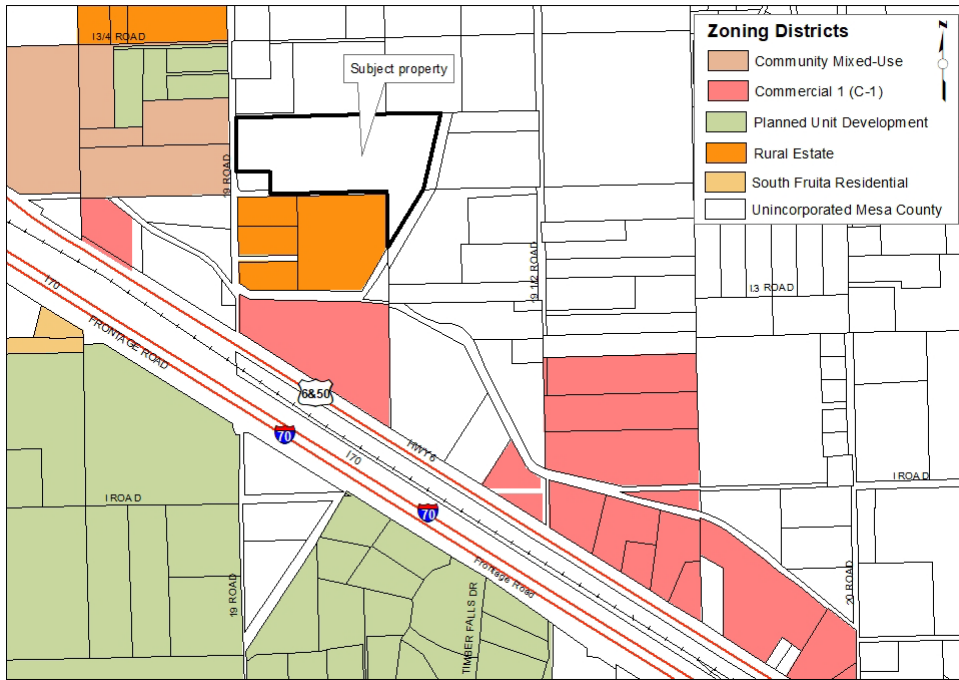
The property owner of 954 19 Road, North 25 LLC, applied to annex the property. The subject property is approximately 25.96 acres and is located east of the Iron Wheel Subdivision along the east side of 19 Road. The property is currently vacant.

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.

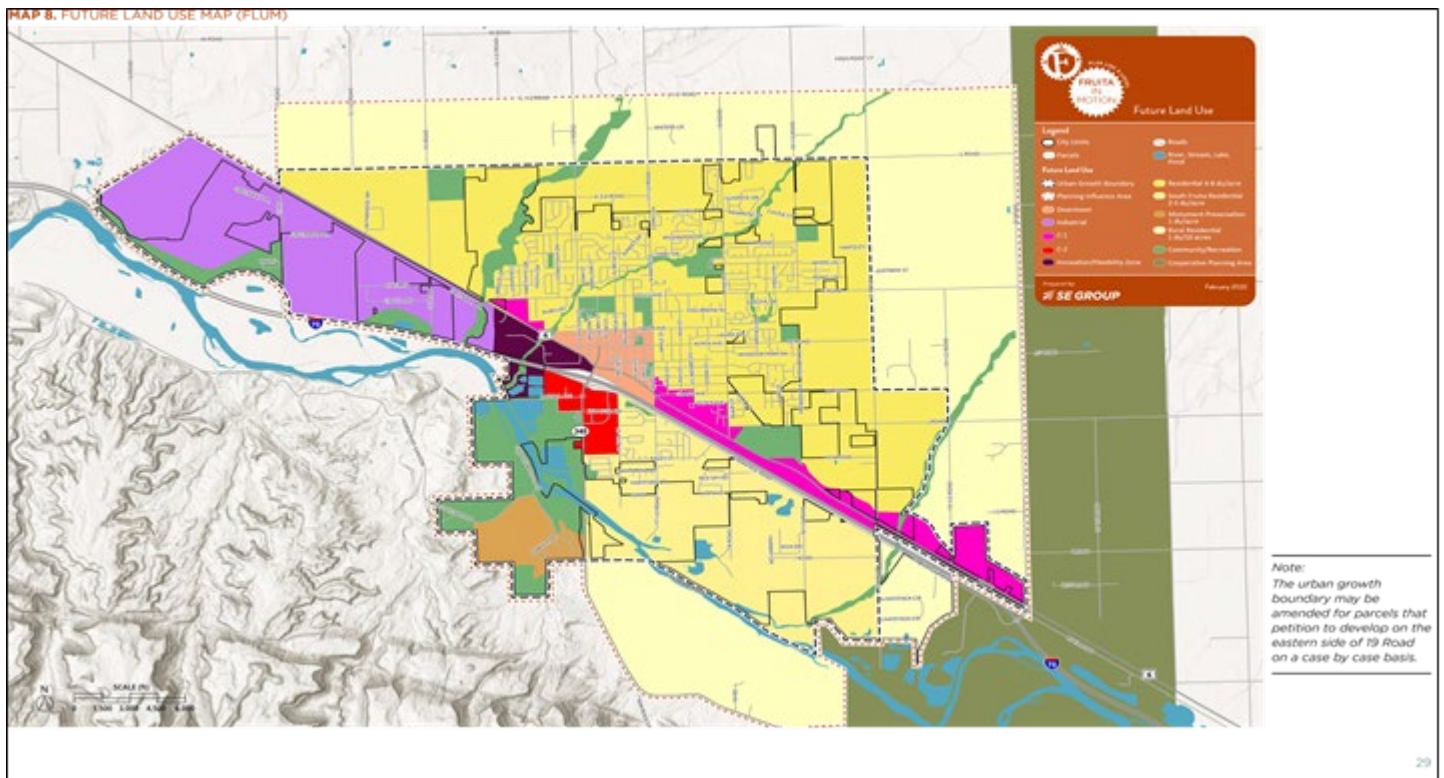
**SURROUNDING LAND USES AND ZONING:**

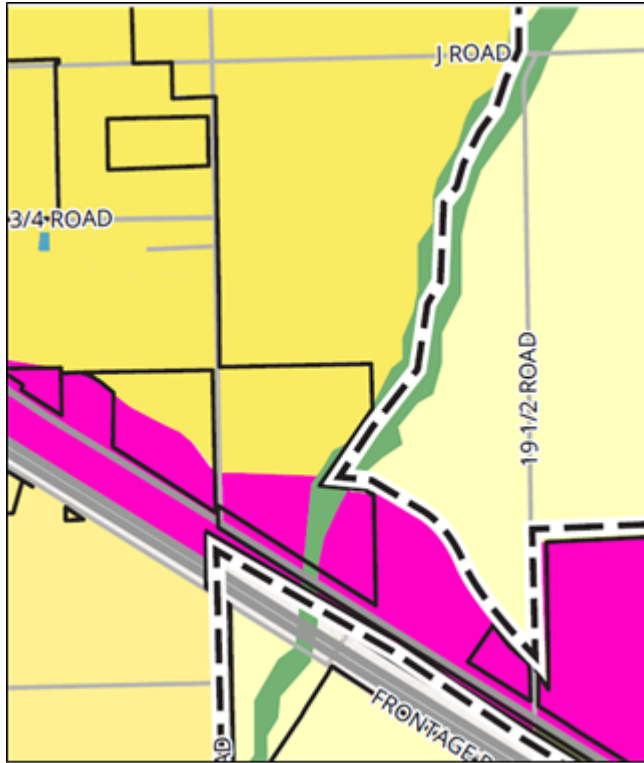
Surrounding land uses are primarily single family detached residential. The map below identifies the various zones in this area.

## 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 17.07.023, 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 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. 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.

A core concept within the Comprehensive Plan speaks to the city's edges and states, “Edges. An urban-rural edge defines Fruita as a freestanding community separate from Grand Junction. Edges discourage sprawling growth, encourage the preservation of rural areas, and allow for a more efficient use of infrastructure and urban services. Undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired. An UGB depicts where moderate density development ends and rural density development starts.” (Page 26 of the Comprehensive Plan).

Additionally, the purpose of Goal #1 states, “A distinct border contributes to Fruita's identity as a small town separate from other communities in the Grand Valley. An “edge” where one side is more developed, and the other side is more rural allows for a clear understanding of where development is appropriate and where agricultural lands, open space, and preservation are prioritized. Additionally, a boundary contributes to more efficient development, directing

growth to where there is already transportation infrastructure and services such as water and sewer.” (Page 36 of the Comprehensive Plan).

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)	
June 23, 2021 (20 days prior)	Post Cards
June 24, 2021 (19 days prior)	Sign Posting
June 23, 2021 (20 days prior)	Legal Ad

NOTICE OF PUBLIC HEARING	
<p>The Fruita Planning Commission will hold a public hearing <b>Tuesday, July 13, 2021 at 6:00 p.m.</b> 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 <a href="http://www.fruita.org">www.fruita.org</a>. 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 <b>Tuesday, September 21, 2021 at 7:00 p.m.</b> Please check <a href="http://www.fruita.org">www.fruita.org</a> for more details. If you have an interest on the item please call 858-0786 or come to the Planning &amp; 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 &amp; Development Department.</p>	
Application #	2021-28
Application Name	Fruita Copper Creek
Application Type	Rezone
Location	954 19 Road
Current Zone:	Mesa County Zoning URR
Description	This is a request to rezone approximately 25.96 acres to Community Residential (CR).
<p>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: <a href="http://www.fruita.org">www.fruita.org</a></p>	

**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:** July 13, 2021

**FRUITA CITY COUNCIL:** September 13, 2021



**FRUITA**  
COLORADO

## LAND DEVELOPMENT APPLICATION

Project Name: Fruita Copper Creek  
Project Location: 954 19 Road Fruita, CO 81521  
Current Zoning District: URR Requested Zone: CR  
Tax Parcel Number(s): 2697-222-00-102 Number of Acres: 25.958  
Project Type: Zoning Map Amendment (Rezone)

Property Owner: North 25 LLC Developer: Copper Creek Builders  
Property Owner: — Contact: Silas Colman  
Address: PO Box 1473 Address: PO Box 1473  
City/State/Zip: Grand Jct. CO 81502 City/State/Zip: Grand Jct. CO 81502  
Phone: 970-256-7355 Fax: — Phone: 970-256-7355 Fax: —  
E-mail: SilasColman@gmail.com E-mail: SilasColman@gmail.com

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Ciavonne Roberts Assoc. Engineer: Rolland Consulting Engineers  
Contact: Ted Ciavonne Contact: Eric Slivon  
Address: 222 N. 7th Street Address: 405 Ridges Blvd Suite A  
City/State/Zip: Grand Jct. CO 81501 City/State/Zip: Grand Jct. CO 81501  
Phone: 970-241-0745 Fax: — Phone: 970-243-8300 Fax: —  
E-mail: ted@ciavonne.com E-mail: eric@rcgj.com

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Name of Legal Owner	Signature	Date
<u>North 25, LLC</u>	<u>[Signature]</u>	<u>5/19/21</u>

STATE OF COLORADO )  
 ) ss.  
COUNTY OF MESA )

SUNNI B GAGLER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19984030898  
MY COMMISSION EXPIRES JANUARY 12, 2023

The foregoing instrument was acknowledged before me this 19th day of May, 2021

My Commission expires: \_\_\_\_\_ Notary Public Sunni B. Gagler

Project Narrative  
For  
Fruita Copper Creek Zoning Map Amendment (Rezone)

Date: June 2, 2021

Representative: Ciavonne, Roberts & Associates Inc.  
222 N. 7<sup>th</sup> Street  
Grand Junction, CO 81501  
(970) 241-0745  
ted@ciavonne.com

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

Type of Application: Zoning Map Amendment (Rezone)

Property Owner: North 25 LLC  
PO Box 1473  
Grand Junction, CO 81502

Property Address: 954 19 Road  
Fruita, CO 81521

Tax Parcel No: 2697-222-00-102

## **Project Description:**

The project is located east of 19 Road at 954 19 Road Fruita, Colorado 81521. The project is proposing a Rezone from URR within in Mesa County to CR within City of Fruita. This parcel is going through Annexation process concurrent with this Rezone. The total acreage of the parcel is 25.958 acres. This parcel was used as agriculture land and there are no existing buildings on site.

Access is proposed from one location, I ½ Road. When this site develops, there will be additional road stubs to the north and east. This will be shown when this project goes through the subdivision process.

## **Zoning Map Amendment (Rezone)**

**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**

See response to Section 17.07.080 below and response to how this application meets the goal and vision of the Comprehensive Plan.

**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**

The land is currently zoned URR 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 in the City limits of Fruita. The proposed zone district will be consistent with the goals, policies, and vision of the recently adopted Comprehensive Plan.

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

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.

**The rezone 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 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.

**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 rezone is a necessary part of the annexation process and is incidental to the annexation of the property.

Commissioner Gollob felt that this was not an easy decision. He said that what he saw was a real sense of community. He talked about what his purpose was being in his position. He said that his purpose was to read through the evidence and to look at the Staff recommendations and the Staff conclusions, to listen to the community as this was presented and rebuttals and to decide are these criteria for annexation. Commissioner Mulder was right that the property owner does have rights and the community does as well. He mentioned the Master Plan of which 1000s of hours went into it and was open to all community input that designates this type of property for that specific area. He was left with the competing pieces and in order to make a decision he goes back to his purpose. The purpose was from what he has read and what he has heard did he see that these facts that were presented, do they hold true? In his opinion, they did. At this point he has to decide on the side of annexation. He wanted to give them a perspective from his role as Planning Commissioner. He added that they were a recommending body. He said that they look at the facts and they will send their recommendation to City Council and they will have an opportunity for community input. He said that this was not a done deal, just one step of many steps that take place in order for something like this to come to fruition. He is supportive of this application. He encouraged them to trace it along the way through the next steps.

COMMISSIONER NISLEY MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL APPLICATION #2021-27 FRUITA COPPER CREEK 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 O'BRIEN SECONDED THE MOTION

MOTION PASSED 5-0

Application #:	2021-28
Project Name:	Fruita Copper Creek
Application:	Rezone
Property Owner:	North 25 LLC
Representative:	Ciavonne, Roberts and Associates
Location:	954 19 Road
Zone:	Currently zoned Urban Residential Reserve (URR - County zoning)
Request:	This is a request for approval to zone approximately 25.96 acres to Community Residential (CR).

Mr. Henry Hemphill, City of Fruita Planner gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Application Description

Slide 3 – Legal notice 17.01.130

Legal Notice (minimum of 15 days prior to Planning Commission)	
June 23, 2021 (20 days prior)	Post Cards
June 24, 2021 (19 days prior)	Sign Posting
June 23, 2021 (20 days prior)	Legal Ad

Site Posting and Buffer Zone map.

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.

Mr. Hemphill spoke about a core concept of the Comprehensive Plan that spoke to the City's edges. He continued that an urban rural edge defines Fruita as a freestanding community separate from Grand Junction. Edges discourage sprawling growth encouraging preservation of rural areas and allow for a more efficient use of infrastructure and urban services. He continued that undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired. The Urban Growth Boundary depicts where moderate density ends and rural density development starts. He said that this really spoke to that hard edge within the community. He said that this was part of the goal behind the Master Plan.

Slide 7 – 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 Community Residential (CR).

Mr. Hemhill concluded his presentation.



Commissioner Gollob thanked him and invited the applicant or applicant's representative to speak.

Mr. Silas Coleman went up to speak. He didn't have a lot on it that Mr. Hemphill didn't already cover. He appreciated the effort made into the Fruita in Motion Comprehensive Plan. He said that he has read through it and it gave the developers a target to shoot for so they knew what the general public wanted and they can tailor a project that fitted those guidelines. He said that this is what they have done here.

Commissioner Gollob thanked him and asked for public input on this application.

Ms. Brandi Bantz who lives at 1813 Branding Iron Court went up to speak. Thanked them for the opportunity to speak again. She said it was more of the same that they spoke about annexing this property into the City of Fruita. She said that by annexing it allowed more units to be developed on that property when it is zoned residential as opposed to agricultural. She said that they did talk about increase costs to them. One of the points was looking at the infrastructure, making sure that the sewer was sufficient and water supply was sufficient. She said that she got notification from Ute Water that all bills received after July 1, 2021 will include a 2% drought pumping rate. She said that their rates have already increased because of the drought, if we allow more residences to be built it is going to pull more water from the supply that we are already short on. This was a big concern to her. She said that it is potentially increasing the costs for all here that use the City water. She said that she had the same concern with adding additional residences, she knew that they talked about doing surveys once they put their plan in place for the road and she acknowledged that they spoke to a plan that they reviewed once funds were available. She said that she worked for the government as well and she knew that it doesn't always come, as far as funds that need to do things that are important are not readily available. This concerned her on how long a project like that would take to get implemented and put into place. She wanted them to take that into consideration when they were looking at rezoning this to be residential versus agricultural. She thanked them.

Commissioner Gollob thanked her.

Mr. Pawel Szafruga who lives at 952 19 Road spoke. He said that they have been there for 3 ½ years and when they moved in they were aware that it could be developed at 1-2 houses per acre. They did attend a few of the meetings about the new future plan and that future land use map. He didn't know if it got finalized during COVID but they did not attend the meeting where it got finalized. He thought it was interesting on that map everything north of the interstate is zoned for Community Residential. He felt that the community didn't want it but the powers that be are pushing through for this high density 4-8 houses per acre everywhere north of the interstate. He didn't think that was what he heard when he went to the meeting with people talking about keeping this a unique community. To him it seemed like cookie cutter subdivisions. He said that they all went to the meetings, everyone who lives locally. They don't want it and there is always one person that stands up and that is the person who is making money off of this that says let's go for it and they voted it through. He said that he was pretty pessimistic. He thought it was a waste of time. He thanked them.

Commissioner Gollob thanked him.

Mr. Rick Bedow who lived at 966 19 Road went up to speak. He said that his wife looked up the plan that they had for homes, 172 dwellings. He asked why didn't the subdivision go in through Mesa County at 1 house per 2 acres? He said that this has been approved 3 times and no one put it in. He continued that all of a sudden Fruita puts a sewer line in so Iron Wheel could go in and now they want to be annexed into the City, that didn't make any sense to him. He was assuming so that they could get on city sewer and put 2 houses per quarter acre like Iron Wheel putting 278 homes and they didn't even know how many cars are going to come out in traffic at the moment onto 19 Road. He continued that traffic was an issue, development is going to happen, it is going to subdivide and that is fine, there is no problems. They need to take into consideration everyone who lives around you. He asked if City Council would like 172 homes across the street or on your corner and right across the street from you 278 because they are developing. He said that we are not Grand Junction, we are Fruita, they are a community based home. He has lived there for 15 years. He said the gentleman that ones it can't get irrigation water. He has lived there for 15 years and nobody has ever creased it. The first thing you do is crease it, that is what farming is for. If you crease it your irrigation will run. The lines have never been moved in 15 years. The gentleman that owned it never did anything with the property. He cut it off and sold the house to his neighbor and eventually sold the property. Everyone around knew at some point it would be subdivided and that is fine but if you are having 270 some homes from Iron Wheel and you are talking about Freemont Street going in, who is going to drive it? He said that everyone is used to taking 19 Road to go to K to go to their subdivisions. It is easy to go straight on 19 Road. Nobody is going to take Freemont and move into all the little subdivisions and stop signs to get home at the end of the day. Subdividing, sure, but they should be lots that are a city block, an acre per home is plenty. To try to turn it into 278 homes, they have seen it on paper but the development is unbelievable from Iron Wheel. All their homes are full of dust, they have had to empty the tanks of milk in the barn. They have complained nonstop and nothing happens. The signs that went out for development of the property, why did they go up when the road was closed and then it opened and now everyone can see the sign and right now they are having the meeting. They got their cards last week, they just opened the road a week ago. It was only supposed to be closed 30 days and it ran over, but 19 Road was closed to traffic. He said that the road traffic couldn't see the sign. Development does happen and subdivisions are going to happen. Fruita is getting bigger. He has lived here for 15 years and he moved from Erie Pennsylvania. He delivered a car on the trucking company for 25 years. He bought his house because it was beautiful. Everything was spaced out just enough that you feel like you live in the country and you are close to town and it is small town living. That is where it should be. He thanked them.

Commissioner Gollob thanked him. He said that his question to the applicant can be addressed during the rebuttal phase.

Ms. Melissa Kelley who lives at 952 19 Road went up to speak. She said that she understood that they were way too late in this. She addressed Commissioner Gollob's comment about the applicant's right to be annexed. She understood the annexation, she understood the rezone. She thought the biggest thing that they were hearing from a lot of the people is that they just don't

want a massive subdivision maximizing 8 homes. She continued that they got burned on Iron Wheel which she was way too late in that process. She didn't remember the details but did know that based on certain criteria they were able to get high density housing and then lots more houses can go in. She knows that even the City Council was not pleased about the Iron Wheel and the criteria. She continued that with the rezoning, she said she didn't know anything about zoning but she knew that this could be 4-8 houses per acre which is a ton. She didn't want to see them get burned again. She said that if they heard nothing else tonight it is that from the community that they understand that this needs to be developed as part of the Master Plan but they don't want cookie cutter subdivisions. Keep Fruita unique that is something that has been reiterated time and time again that she has heard from City Council and from the meetings. She addressed Mr. Coleman and said that she understood that he has to develop and she felt bad for him. She asked for it not to be maximized.

Commissioner Gollob thanked her.

Ms. Stephanie who lives at confidential address went up to speak. She said that listening to everybody and listening to what they had to say with the annexation, the one thing that kept coming to her mind is that money talks. She continued that it seemed that the concerns of the citizen's are not being heard and it is more about bringing money into the City of Fruita. She felt that this was unfortunate because many people have stated that Fruita is unique. She added that if we did bring in something, she understood the Master Plan, developing something, let's make them larger, not cookie cutter small homes with no backyards, let's build a community where people can have a home where they can be at their home. She addressed Commissioner Mulder regarding his comments. She felt that his comments were inappropriate. She thanked them.

Commissioner Gollob thanked her and asked for more public testimony.

There was none.

Commissioner Gollob moved the meeting to rebuttal.

Mr. Silas Coleman at 954 19 Road went up to speak. He stated that one of the things that has come up was reference to community and how they didn't want to lose community. He said that people that knew their business model know that community is there thing. They were not there to see how many square stucco boxes they can jam on a piece of dirt. He said that this was not what they do. It is the opposite of what they do. He said that they get excited about building community. He added that he mentioned things that they did to build community and that is park spaces, trails, front porches and they look at themselves as developers as people who set the table for people to get to know each other and to form community. It is social ties with your neighbors. He said that Fruita has that and that is what they do. He said that they try to get people outside from sitting in front of a TV screen, the common model these days with design and development is you build this giant 2-3 car garage right off the street, whoever lives there as they are coming down the street they open the garage door and they go into the garage, hit the garage door and close it behind them, go in their house and they never see or get to know anybody in their community. He added that they as developers, they design these houses to isolate people. As a business model they try to encourage people to get out front, to live out front. As a side note,

they put front porches on all their houses. Recently one of the husband's of these houses passed away and in his obituary he put one of his greatest joys in the last phase of his life was to sit on his front porch and get to know and to get to talk to his neighbors as they passed by. He said that this was the kind of thing that they strive for. He said that maybe people have a different concept but of what community is but that is what it was to them and that is what they were here to do. They are going to do the best they can, it won't be perfect for everybody but people that they have built around in the past have noticed when they were done that is a lot better than they thought it would be and it is an improvement to the area.

Commissioner Gollob thanked him. He closed the public portion of the hearing and moved to Planning Commissioner discussion.

Commissioner Fabula stated that it is going to become harder as they move closer to the edge. He said that they will get to that point where there will be the City of Fruita on one side and it is going to look like a city and on the other side they will have the county and it is going to be rural. He added that it has only been a year and they are already hitting the edge of that Urban Growth Boundary. He felt for them and leaned to some of the things they spoke to. He said that this is the challenge as they come to that edge and on this side it is going to be the City of Fruita. Which means it is going to be residential.

Commissioner Mulder stated that once again they have traffic, schools, water, public works, compatibility and they are at the line. He said that he could appreciate what was said. He added that he would tend to go with Community Residential only to see knowing that this project could be a nightmare he wanted to see how this played out. The water issue, the school issue, traffic, compatibility, he wanted to see how it played out.

Commissioner Nisley said that there was a lot of concern about how this will impact us financially as a community, if there will be additional burden. He asked Mr. Caris to talk about the impact fees and how they were raised.

Mr. Caris stated that in 2018-19 they in partnership with the County, City of Grand Junction, Palisade and Fruita conducted a traffic impact fee study and it was done by Duncan and Associates. This was one of the many impact fees that they have but the impetus to it is to offset traffic impacts through a fee in order to add capacity to the road network to accommodate volumes that are projected in the County's 2045 plan which is put together by the Regional Transportation Planning office. They use all the traffic counts and volumes and the future capacity that needs to be constructed along their grid system and they delineate spacing and those future sections. People talk about developments happening and then the traffic comes and nothing happens. The reality is that if one looks at the subdivision that is east of the intersection of 19 and Iron Drive, the Iron Wheel Subdivision, there are two turn lanes that were warranted in that traffic study that was conducted that don't get any Transportation Impact Fee credits. He continued that those were improvements that are specific to that project. For the time that 19 Road was open you will see a taper which is additional asphalt on the east side of 19 Road and this is to accommodate a turn lane into Iron Drive. There will be another one in the second or third filing that will be another taper and another turn lane at Skiff. Those improvements that were warranted in the Traffic Study get built and don't get credited. The impact fees per unit at

\$6763.00 and they are tied to the CDOT construction index for inflation and they go up as the inflation of construction costs go up and they specifically to add capacity. He mentioned the comment that was made about when funding was available. He said that this was a big funding pot that constructs those improvements and it is the reason they charge that fee, a \$7000.00 sewer tap fee, a school land dedication fee, and those are paid for by the developer. He added that there was also a Parks and Open Space fee at \$1860. He gave a description of how these impact fees were paid.

Commissioner Nisley thanked him. He addressed the comment about money talks and that the powers that be that are determining that. He said that when they were talking about the Comp Plan that was a community effort that went over months and months that toured across the community with thousands of people making input. He didn't think that it was fair to categorize that as a few people making these decisions on behalf of all that had no voice. He added that there were thousands of people with a voice and they came up with the Comp Plan to create the hard edge so they would know where rural is and where the City of Fruita is.

Commissioner O'Brien acknowledged the emotional aspect of it and then pointed out the logical aspect of it. She understood and said it was hard to see things change. She said that when you look at the codes and regulations that are in front of them, they meet the requirements and she is there to make sure that they are following the regulations and they are.

Commissioner Gollob wanted to address some of the comments. He said that two of the things that he saw during the Comp Plan development and the Future Land Use development are coming home to roost. Those two pieces were the hard edge and his perspective was that this was the most controversial things. He pointed out that they asked if they wanted a hard edge and if they did where did they want it, did they want a tapered edge, what will that bring to the community because as one person rightly stated tonight that Fruita is unique. They wanted to keep that, it was part of the guiding discussions that they had. They addressed protecting rural agriculture heritage, those types of things and how would this play into the hard edge versus a soft edge. He said that it wasn't an easy decision and he did a lot of listening which came back to the second comment about public input being a waste of time. He said that he couldn't convince anyone that it is not a waste of time, but what he can say from his perspective from one voting member that it does have a big impact on him. He also has regulations and things that he has to follow and he has seen over time where these conversations while it may not make a 180 it may work with working with the developer and City Council and it arcs it in a different direction. He encouraged them to not look at it as a waste of time. The first big decision was the hard edge and the second was the Community Residential on the north side of the map which he said was another controversial piece. He elaborated on this and said that they explored how they wanted to differentiate residential densities throughout the City. Which came back to the hard edge because if you have too much of a delineation of different residential zones and compatibility this Urban Growth Boundary and where would they go and what would they look like. He remembers the Planning Commission a long and numerous conversations about is this that big yellow triangle thing, is that what they wanted and what were the benefits and challenges of it. Those two decisions are two of the big decisions that they were facing tonight when they have to make this decision. Looking at the criteria, it does mesh with what the Master Plan and the Future Land Use Master Plan would suggest and what the input from the community would

show. He added that this was not the final step and he encouraged them to express what their desire is for this project as it moves through the different steps. He talked about the comment about money talks. He said that it did not enter his mind. It is not a criteria for the decision he makes and it is not a piece of the process. He said it came down to what is the criteria that they have to make this decision by. Those criteria are transparent and they were presented tonight. He added that the application met the criteria. He asked for further comments.

There were none.

COMMISSIONER NISLEY MOVED 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

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 8:25 pm**

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita