



# 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 2021-18, SECOND READING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 TO A COMMERCIAL-1 (C-1) ZONE.

### **BACKGROUND**

This is a request for approval to zone approximately 16.21 acres of property to Commercial-1 (C-1). The subject property is currently zoned Agricultural Forestry Transitional (AFT), which is a Mesa County zoning designation.

The Fruita Comprehensive Plan (a major portion of the city's Master Plan) recommends a Commercial-1 (C-1) type zoning for this area. Section 17.07.015 (B) states, “The C-1 zone is intended for land uses that are compatible with the future vision for the State Highway 6/50 Corridor. The area is appropriate for local-serving businesses such as restaurants, retail stores, and services. Multi-family residential uses are encouraged in this zone. Development should have appropriate access, landscaping, frontage improvements, setbacks, screening and multi-modal access and connectivity.”

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 Commercial-1 (C-1).

### **OPTIONS AVAILABLE TO COUNCIL**

1. Adopt Ordinance 2021-18, an Ordinance amending the official zoning map of the City of Fruita by zoning approximately 16.21 acres of property located at 1930 Highway 6 & 50 to a Commercial-1 zone.
2. Deny Ordinance 2021-18

### **RECOMMENDATION**

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

**ADOPT ORDINANCE 2021-18, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 TO A COMMERCIAL-1 ZONE.**

**ORDINANCE 2021-18**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY ZONING APPROXIMATELY 16.21 ACRES OF PROPERTY LOCATED AT 1930 HIGHWAY 6 & 50 TO A COMMERCIAL-1 (C-1) 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 16.21 acres, is hereby zoned Commercial-1 (C-1).

**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

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BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 6 & 50 WHICH BEARS SOUTH 89°48' WEST 413.65 FEET AND NORTH 56°24' WEST 537.73 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE UTE MERIDIAN;  
THENCE NORTH ALONG SAID RIGHT OF WAY LINE 56°24' WEST 545.42 FEET TO A POINT ON THE WEST LINE OF THE SE¼ SW¼ OF SAID SECTION 22;  
THENCE ALONG SAID WEST LINE N00°40.5' EAST 1,015.9 FEET TO A POINT ON THE SOUTH BANK OF INDEPENDENT RANCHMEN'S DITCH;  
THENCE ALONG SAID DITCH SOUTH 85°17' EAST 52.4 FEET;  
THENCE ALONG SAID DITCH SOUTH 60°09' EAST 572.09 FEET;  
THENCE SOUTH 52°34' EAST 101.05 FEET;  
THENCE SOUTH 26°42' EAST TO A POINT WHICH IS NORTH 32°13' EAST FROM THE POINT OF BEGINNING;  
THENCE SOUTH 32°13' WEST TO THE POINT OF BEGINNING,  
COUNTY OF MESA, STATE OF COLORADO.



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

**Application #:** 2021-22  
**Project Name:** 1930 Highway 6 & 50  
**Application:** Rezone  
**Property Owner:** Donna Meek and Gary Castor  
**Representative:** River City Consultants, Inc  
**Location:** 1930 Highway 6 & 50  
**Zone:** Currently zoned Agricultural Forestry Transitional (AFT - County zoning)  
**Request:** This is a request for approval to zone approximately 16.82 acres to a Commercial-1 (C-1) zone.

**PROJECT DESCRIPTION:**

This is a request for approval to zone approximately 16.82 acres of property to Commercial-1 (C-1). The subject property is currently zoned Agricultural Forestry Transitional (AFT), which is a Mesa County zoning designation.

The property owners applied to annex and zone the property. The subject property is located on the north side of Highway 6 & 50 between 19 and 19 ½ Road. Currently, there is a single-family dwelling unit on the property and has had a history of agricultural uses.

The first step in this process is to annex the property, which is being reviewed concurrently with this application. Once the property is annexed, the property can be placed in a city zone district and must be done within 90.

**SURROUNDING LAND USES AND ZONING:**

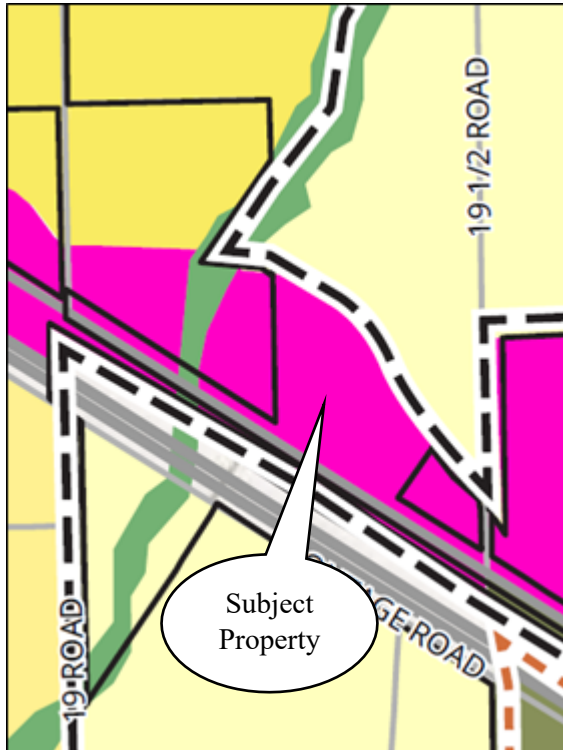
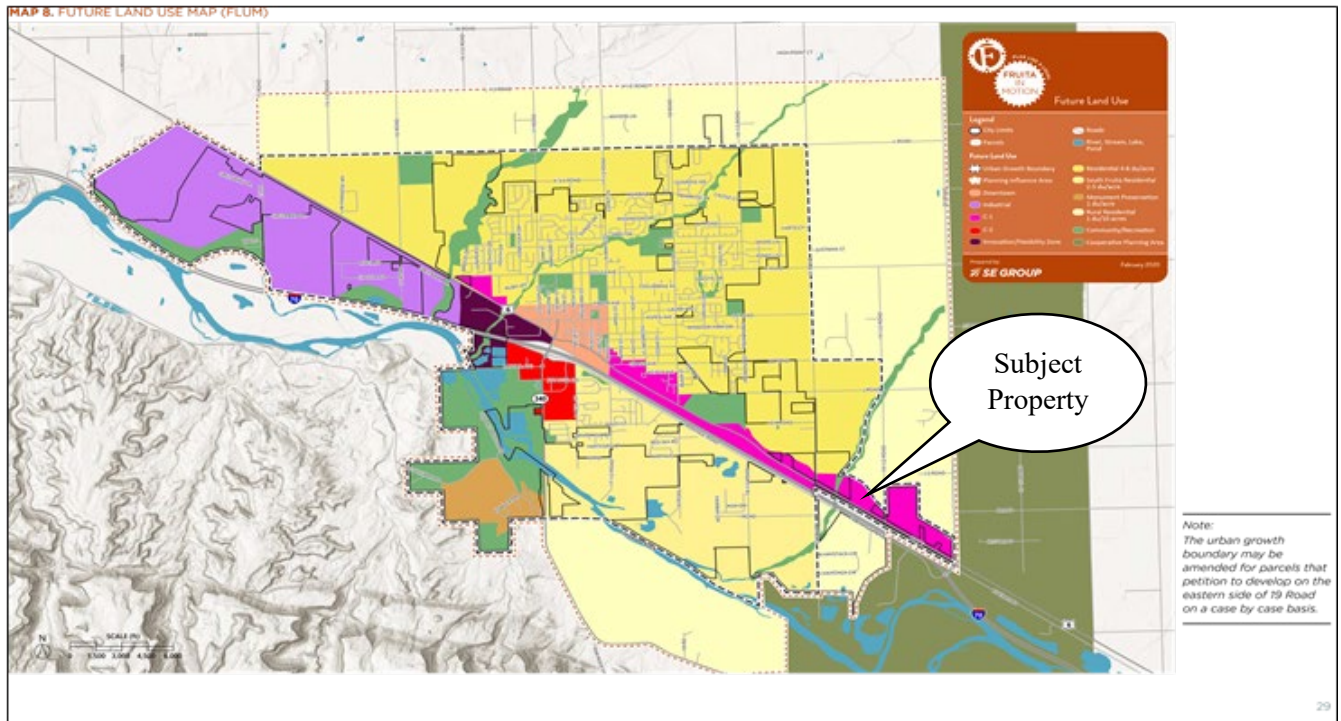
Surrounding land uses are primarily single family detached residential with some small-scale farming scattered nearby. The Ranchman's Independent Ditch is located to the north and the Adobe Creek Wash is to the west. The map below identifies the various zones in this area.

**Zoning Districts**

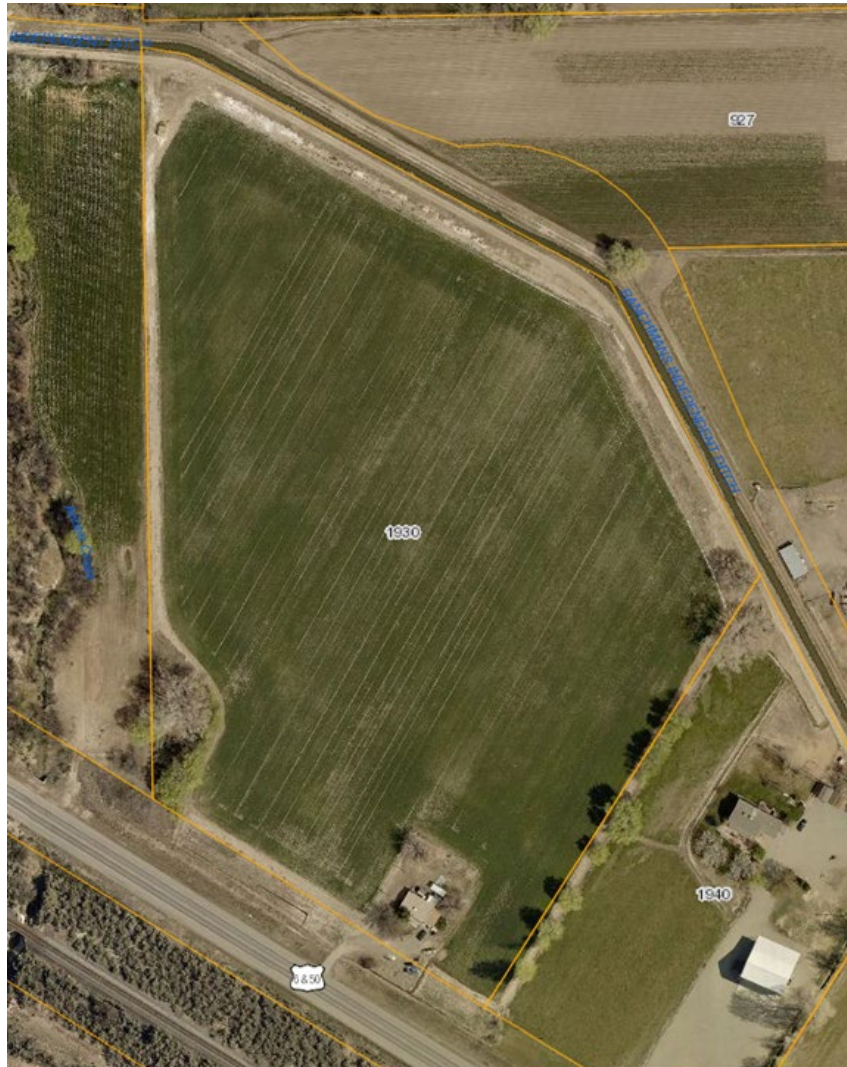
- Community Mixed-Use
- Commercial 1 (C-1)
- Planned Unit Development
- Rural Estate
- South Fruits Residential
- Unincorporated Mesa County

The map displays various zoning districts across Mesa, Arizona. The subject property is highlighted in black and labeled "Subject property". It is located near the intersection of Frontage Road and Highway 70. Other roads shown include 13 Road, 19 Road, 20 Road, and Timber Falls Dr. The map also shows the location of the subject property relative to the city limits and the surrounding zoning districts.

## 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.*

The proposed and recommended C-1 zone district contains many commercial types of uses that should be compatible with the anticipated commercial uses along Highway 6 & 50. Additional information with regards to allowed, conditionally allowed, or not allowed uses in this zone district can be found in the Land Use Table within Section 17.07.021 of the Fruita Land Use Code (attached with the Staff Report).

The Fruita Comprehensive Plan (a major portion of the city's Master Plan) recommends a Commercial-1 (C-1) type zoning for this area. Section 17.07.015 (B) states, “The C-1 zone is intended for land uses that are compatible with the future vision for the State Highway 6/50 Corridor. The area is appropriate for local-serving businesses such as restaurants, retail stores, and services. Multi-family residential uses are encouraged in this zone. Development should have appropriate access, landscaping, frontage improvements, setbacks, screening and multi-modal access and connectivity.”

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 C-1 zone is consistent with the city's goals and policies as expressed in the Master Plan.

Based on this information, the requested C-1 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**

The Fruita Planning Commission will hold a public hearing **Tuesday, July 13, 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](http://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, September 21, 2021 at 7:00 p.m.** Please check [www.fruita.org](http://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 #	2021-22
Application Name	1930 Highway 6 & 50
Application Type	Rezone
Location	1930 Highway 6 & 50
Requested Zone:	Commercial (C-1)
Description	This is a request to rezone approximately 16.82 acres to a C-1 Zone District.

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](http://www.fruita.org)

#### **STAFF RECOMMENDATION:**

Staff recommends that the subject property be zoned Commercial-1 (C-1).

#### **SUGGESTED MOTION:**

Mr. Chair, I move to recommend approval of the zone request to zone the subject property to a Commercial-1 zone with no conditions to the Fruita City Council.

**FRUITA PLANNING COMMISSION:** July 13, 2021

**FRUITA CITY COUNCIL:** September 21, 2021

## Section 17.07.021 - LAND USE TABLE

	RE	LLR	CR	SFR	MP	DMU	C-1	C-2	I	CSR	NCO	FLU
<b>RESIDENTIAL</b>												
<b>Household Living</b>												
Business Residence	*	*	C	*	*	A	A	A	A	*	A	*
Dwelling, Single-Family Attached	C	A	A <sup>2</sup>	A	*	A	*	*	*	*	A	A
Dwelling, Single-Family Detached	A	A	A	A	A	A	*	*	*	*	A	A
Duplex	C	*	A <sup>2</sup>	*	*	A	*	*	*	*	A	C
Dwelling, Multi-Family	*	*	A <sup>2</sup>	*	*	A	A	A	*	*	A	*
Manufactured Housing Park (See Chapters 23 & 25)	*	*	C	*	*	*	*	*	*	*	*	*
Mobile Home Park (See Chapters 23 & 25)	*	*	C	*	*	*	*	*	*	*	*	*
Manufactured Home (See Chapter 23)	A	A	A	C	C	C	*	*	*	*	*	*
Mobile Home (See Chapter 23)	A	A	A	C	C	C	*	*	*	*	*	*
Accessory Dwelling Unit (See Section 17.07.070.C)	A	A	A	A	A	A	A	*	*	*	A	A
Dwelling, Caretaker	*	*	*	*	*	*	A	A	A	*	A	A
Short Term Rental (See Section 17.13.100)	A	A	A	A	*	A	A	A	*	*	A	A
Home Occupation	Home Occupations are permitted as accessory to any permitted residential use, subject to the Home Occupation standards in Section 17.07.070 (B)											
Cultivation of Medical Marijuana by Patients and Caregivers in Residential Dwelling Units.	Medical Marijuana cultivation is permitted as accessory to any permitted residential use, subject to the supplemental standards of Section 17.07.070 (X)(1)											
Child Care Home, Daycare Home	A	A	A	A	A	A	A	A	A	*	A	*
<b>Group Living</b>												
Small Group Homes	C	A	A	A	C	A	A	A	*	*	A	*
Large Group Homes	*	*	C	*	*	C	C	C	*	*	C	*
<b>INSTITUTIONAL &amp; CIVIC</b>												
<b>Community Service &amp; Government Offices</b>												
Public Building Uses	C	C	C	C	C	A	A	A	A	A	A	*
Museum, Art Galleries, Opera Houses	C	C	C	C	C	A	A	A	C	A	A	*
Public Safety and Emergency Response Services	C	C	C	C	C	C	C	C	C	A	A	*
Other Community Services	C	C	C	C	C	A	A	A	C	C	A	*
<b>Daycare/Child Care</b>												
Daycare Center	C	C	C	C	C	A	A	A	*	*	A	*
Child Care Center	C	C	C	C	C	A	A	A	*	*	A	*

## Section 17.07.021 - LAND USE TABLE

[illegible]

## Section 17. 07.021 - LAND USE TABLE

	RE	LLR	CR	SFR	MP	DMU	C-1	C-2	I	CSR	NCO	FLU
<b>COMMERCIAL</b>												
<b>College, Trade &amp; Vocational Schools</b>												
Colleges and Universities	*	*	C	C	*	C	C	C	C	C	C	*
Vocational, Technical & Trade	*	*	C	C	*	A	A	A	A	C	C	*
All Other Education Institutions	*	*	C	C	*	A	A	A	A	C	C	*
<b>Entertainment Event, Major</b>												
Indoor Facilities	*	*	*	*	C	A	A	A	C	C	C	*
Outdoor Facilities	*	*	*	*	C	A	A	A	C	C	C	*
<b>COMMERCIAL</b>												
<b>Office</b>												
General Offices	*	*	*	*	*	A	A	A	A	*	A	*
Office with Drive-in Facilities	*	*	*	*	*	C	A	A	A	*	C	*
<b>Parking, Commercial</b>												
All, when not accessory to a permitted use	*	*	*	*	*	C	A	A	A	A	C	*
<b>Recreation &amp; Entertainment, Outdoor</b>												
Campgrounds & Recreational Vehicle Parks (See Chapter 27)	*	*	*	*	C	*	C	C	C	C	*	*
Swimming Pools, Community	C	C	C	C	C	C	C	C	C	A	C	*
Shooting Ranges, Outdoor	*	*	*	*	*	*	*	*	C	C	*	*
Amusement Park	*	*	*	*	*	*	C	C	*	C	*	*
Drive-in Theater	*	*	*	*	*	*	C	C	*	C	*	*
Miniature Golf	*	*	*	*	C	A	A	A	*	A	*	*
Riding Academy, Roping or Equestrian Area	C	C	C	C	C	*	C	C	*	C	*	*
Zoo	*	*	*	*	C	*	C	C	*	C	*	*
All other Outdoor Commercial Recreation	C	C	*	C	C	C	A	A	A	A	C	*
<b>Recreation &amp; Entertainment, Indoor</b>												
Health Club	*	*	C	*	*	A	A	A	A	A	C	*
Movie Theater	*	*	*	*	*	A	A	A	A	*	*	*
Skating Rink	*	*	*	*	*	A	A	A	A	A	*	*
Arcade	*	*	*	*	*	A	A	A	A	*	*	*
Shooting Ranges, Indoor	*	*	*	*	*	*	C	C	A	C	*	*
All Other Indoor Recreation	*	*	*	*	*	A	A	A	A	A	C	*

## Section 17. 07.021 - LAND USE TABLE

	RE	LLR	CR	SFR	MP	DMU	C-1	C-2	I	CSR	NCO	FLU
<b>COMMERCIAL</b>												
<b>Retail Sales &amp; Service</b>												
Alcohol Sales, Retail	*	*	*	*	*	A	A	A	A	*	C	*
Animal Clinic/Hospital/Boarding/Sales, Indoor (See Chapter 6.28 of the Municipal Code)	C	*	*	*	C	A	A	A	A	*	C	*
Animal Clinic/Hospital/Boarding/Sales, Outdoor (See Chapter 6.28 of the Municipal Code)	C	*	*	*	C	C	C	C	C	*	C	*
Bar/Nightclub	*	*	*	*	*	A	A	A	A	*	C	*
Bed and Breakfast (1-4 guest rooms) See Section 17.07.070 (A)	C	C	C	C	C	A	A	A	*	*	A	*
Bed and Breakfast (4+ Guest rooms)	*	*	*	*	C	A	A	A	A	*	C	*
Delivery and Dispatch Services (Vehicles on-site)	*	*	*	*	*	C	A	A	A	*	*	*
Drive-Up/Drive-Through Facilities (with permitted use)	*	*	*	*	*	C	A	A	A	*	*	*
Drive-Up/Drive-Through Facilities (not in conjunction with a permitted use; freestanding)	*	*	*	*	*	C	A	A	A	*	*	*
Food Service, Catering	*	*	*	*	*	A	A	A	A	*	A	*
Food Service, Restaurant (including alcohol sales)	*	*	*	*	*	A	A	A	A	*	A	*
Food Service, Restaurant (Not including alcohol sales)	*	*	*	*	*	A	A	A	A	*	A	*
Farm Implement/Equipment Sales/Service	*	*	*	*	*	A	A	A	A	*	*	*
Flea Market/Farmer's Market	*	*	*	*	*	C	C	C	C	A	*	*
Feed Store	*	*	*	*	*	C	A	A	A	*	*	*
Fuel Sales, Automotive/Appliance (not including Drive-Up/Drive-Through uses)	*	*	*	*	*	A	A	A	A	*	*	*
Fuel Sales, Heavy Vehicle (not including Drive-Up/Drive-Through uses)	*	*	*	*	*	A	A	A	A	*	*	*
Funeral Homes/Mortuaries/Crematories	*	*	*	*	*	C	C	C	C	*	*	*
General Retail Sales, Indoor Operations, Display and Storage	*	*	*	*	*	A	A	A	A	*	A	*
General Retail Sales, Outdoor Operations, Display or Storage	*	*	*	*	*	A	A	A	A	*	A	*
Hotels and Motels	*	*	*	*	*	A	A	A	A	*	*	*

## Section 17. 07.021 - LAND USE TABLE

	RE	LLR	CR	SFR	MP	DMU	C-1	C-2	I	CSR	NCO	FLU
<b>COMMERCIAL</b>												
<b>Retail Sales &amp; Service (Continued)</b>												
Nursery/Greenhouse, Retail (not Agriculture)	*	*	*	*	*	A	A	A	A	*	*	*
Manufactured Building Sales and Service	*	*	*	*	*	C	A	A	A	*	*	*
Pawn Shops (See Chapter 5.30 of the Municipal Code)	*	*	*	*	*	A	A	A	A	*	*	*
Rental, Home Oriented, Indoor Display/Storage	*	*	*	*	*	A	A	A	A	*	C	*
Rental, Heavy Equipment, Outdoor Display/Storage	*	*	*	*	*	A	A	A	A	*	*	*
Repair, Small Appliance/Small Engine	*	*	*	*	*	A	A	A	A	*	*	*
Repair, Large Appliance	*	*	*	*	*	A	A	A	A	*	*	*
Sexually Oriented Businesses (See Chapter 35 of the Land Use Code and 5.40 of the Municipal Code)	*	*	*	*	*	*	C	C	C	*	*	*
Personal Services	*	*	*	*	*	A	A	A	A	*	A	*
Medical Marijuana Centers See Section 17.07.070(U)(3)	*	*	*	*	*	*	*	*	*	*	*	*
Medical Marijuana Cultivation by Patients and Primary Caregivers in Non-Residential Units See Section 17.07.070(U)(2)	*	*	*	*	*	*	C	C	C	*	*	*
Medical Marijuana Optional Premises Cultivation Operations See Section 17.07.070(U)(3)	*	*	*	*	*	*	*	*	*	*	*	*
All Other Retail Sales and Service	*	*	*	*	*	A	A	A	A	*	C	*
<b>Storage/Self Service Storage</b>												
Mini Warehouse/Self Service Storage Facility	*	*	*	*	*	*	A	A	A	*	*	*
Outdoor Storage (Vehicles, Equip. Etc.)	*	*	*	*	*	*	A	A	A	*	*	*
<b>Vehicle Repair, Except Quick Vehicle Servicing</b>												
Auto and Light Truck Mechanical Repair Shop	*	*	*	*	*	C	A	A	A	*	*	*
Body Shop	*	*	*	*	*	*	A	A	A	*	*	*
Truck Stop/Travel Plaza/Truck Parking Area	*	*	*	*	*	*	C	C	C	*	*	*
Tire Recapping and Storage	*	*	*	*	*	*	C	C	C	*	*	*
All Other Vehicle Repair, Limited	*	*	*	*	*	C	A	A	A	*	*	*

## Section 17. 07.021 - LAND USE TABLE

	RE	LLR	CR	SFR	MP	DMU	C-1	C-2	I	CSR	NCO	FLU
<b>Vehicle Service, Limited: Quick Vehicle Servicing</b>												
Car Wash	*	*	*	*	*	C	A	A	A	*	*	*
Gasoline Service Station	*	*	*	*	*	C	A	A	A	*	*	*
Quick Lube	*	*	*	*	*	C	A	A	A	*	*	*
All Other Vehicle Service, Limited	*	*	*	*	*	C	A	A	A	*	*	*
<b>INDUSTRIAL</b>												
<b>Indoor Operations or Storage</b>												
Industrial Service	*	*	*	*	*	*	A	A	A	*	*	*
Assembly	*	*	*	*	*	*	A	A	A	*	*	*
Food Products	*	*	*	*	*	*	A	A	A	*	*	*
Manufacturing/Processing	*	*	*	*	*	*	A	A	A	*	*	*
All Other	*	*	*	*	*	*	C	C	A	*	*	*
<b>Outdoor Operations or Storage</b>												
Industrial Service	*	*	*	*	*	*	C	C	A	*	*	*
Assembly	*	*	*	*	*	*	C	C	A	*	*	*
Food Products	*	*	*	*	*	*	C	C	A	*	*	*
Manufacturing/Processing	*	*	*	*	*	*	C	C	A	*	*	*
All Other	*	*	*	*	*	*	C	C	C	*	*	*
<b>INDUSTRIAL</b>												
<b>Junk Yard</b>												
Junk Yard (See Municipal Code Chapter 5.24)	*	*	*	*	*	*	*	*	C	*	*	*
<b>Impound Lot</b>												
Impound Lot	*	*	*	*	*	*	C	C	A	*	*	*
<b>Warehouse, Freight Movement &amp; Distribution</b>												
Indoor Operations, Storage and Loading	*	*	*	*	*	C	A	A	A	*	*	*
Indoor Storage with Outdoor Loading Docks	*	*	*	*	*	C	A	A	A	*	*	*
Outside Storage or Loading	*	*	*	*	*	*	C	C	A	*	*	*
Gas or Petroleum Storage	*	*	*	*	*	*	C	C	C	*	*	*
Sand or Gravel Storage	*	*	*	*	*	*	C	C	A	*	*	*
All Others	*	*	*	*	*	*	C	C	C	*	*	*
<b>Waste Related Uses</b>												
Non-Hazardous Waste Transfer	*	*	*	*	*	*	C	C	C	*	*	*
Medical/Hazardous Waste Transfer Station	*	*	*	*	*	*	C	C	C	*	*	*
Solid Waste Disposal Sites	*	*	*	*	*	*	*	*	C	*	*	*
Recycling Collection Points	*	*	*	*	*	*	C	C	C	C	*	*
All Other Waste Related/Recycling Center	*	*	*	*	*	*	*	*	C	C	*	*

## Section 17.07.021 - LAND USE TABLE

[illegible]



**FRUITA**  
COLORADO

## LAND DEVELOPMENT APPLICATION

Project Name: 1930 Highway 6 & 50 Annexation/Rezone  
 Project Location: 1930 Highway 6 & 50, Fruita, CO 81521  
 Current Zoning District: AFT (Mesa County) Requested Zone: C-1 (Fruita)  
 Tax Parcel Number(s): 2697-223-00-073 Number of Acres: 16.218  
 Project Type: Annexation

Property Owner: Donna Jean Meek Developer: \_\_\_\_\_  
 Property Owner: Gary Dale Castor Contact: Dave Kimbrough  
 Address: 1813 J 1/3 Road Address: \_\_\_\_\_  
 City/State/Zip: Fruita, CO 81521 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_ E-mail: dave@thekimbroughtteam.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: River City Consultants, Inc. Engineer: River City Consultants, Inc.  
 Contact: Tracy States Contact: Ivan Geer  
 Address: 215 Pitkin Avenue, Unit 201 Address: 215 Pitkin Avenue, Unit 201  
 City/State/Zip: Grand Junction, CO 81501 City/State/Zip: Grand Junction, CO 81501  
 Phone: 970-241-4722 Fax: \_\_\_\_\_ Phone: 970-241-4722 Fax: \_\_\_\_\_  
 E-mail: tstates@rccwest.com E-mail: igeer@rccwest.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.**

Donna Jean Meek 5-7-21  
 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 7 day of May, 2021

My Commission expires: Oct 16, 2023

*\* Donna Jean Meek only.*

Jennifer M. Miles  
 Notary Public

JENNIFER M MILES  
 NOTARY PUBLIC - STATE OF COLORADO  
 NOTARY ID 20154040882  
 MY COMMISSION EXPIRES OCT 16, 2023



**FRUITA**  
COLORADO

## LAND DEVELOPMENT APPLICATION

1930 Highway 6 & 50 Annexation/Rezone

Project Name: \_\_\_\_\_

Project Location: \_\_\_\_\_ 1930 Highway 6 & 50, Fruita, CO 81521

Current Zoning District: \_\_\_\_\_ AFT (Mesa County) C-1 (Fruita)

Requested Zone: \_\_\_\_\_  
2697-223-00-073 16.218

Tax Parcel Number(s): \_\_\_\_\_ Number of Acres: \_\_\_\_\_

Annexation

Project Type: \_\_\_\_\_

Property Owner: Gary Dale Castor Developer: \_\_\_\_\_

Donna Jean Meek

Gary Dale Castor

Dave Kimbrough

Property Owner: \_\_\_\_\_ Contact: \_\_\_\_\_

1813 J 1/3 Road

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Fruita, CO 81521

City/State/Zip: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

dave@thekimbroughteam.com

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

**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.**

River City Consultants, Inc. River City Consultants, Inc.

Owner Rep: \_\_\_\_\_ Engineer: \_\_\_\_\_

Tracy States Ivan Geer

Contact: \_\_\_\_\_ Contact: \_\_\_\_\_

215 Pitkin Avenue, Unit 201 215 Pitkin Avenue, Unit 201

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Grand Junction, CO 81501 Grand Junction, CO 81501

City/State/Zip: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

970-241-4722 970-241-4722

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

tstates@rccwest.com igeer@rccwest.com

E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

**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.**

X Gary Dale Boston

Name of Legal Owner Signature Date

Name of Legal Owner Signature Date

Name of Legal Owner Signature Date

STATE OF NEVADA)

) ss.

COUNTY OF ELKO )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of May, 2021

My Commission expires: 12-02-2021

Heather Trujillo  
Notary Public



**Project Narrative**  
**Name: 1930 Highway 6 & 50 Annexation**  
**Application: Annexation/Zoning**  
**May 19, 2021**

**Project Information**

<b>Applicant:</b>	Dave Kimbrough
<b>Owner:</b>	Donna Jean Meek and Gary Dale Castor
<b>Representative:</b>	Ivan Geer, P.E. – River City Consultants, Inc.
<b>Location:</b>	1930 Highway 6 and 50
<b>Parcel No:</b>	2697-223-00-073
<b>Application:</b>	Annexation/Zoning
<b>Zoning:</b>	Current Mesa County AFT Proposed General Commercial (GC) within the City limits of Fruita

**Project Description:**

The project is located on the northside of Highway 6 & 50, west of 19 ½ Road and south of the Independent Ranchman's Canal. The project is proposing Annexation and Zoning of GC, which is identified as the Future Land Use per the Fruita Master Plan. The total acreage is approximately 16.22 acres. All setback requirements for the GC zone district will be met when the parcel develops.

The parcel currently has a 1982 double wide mobile home located on the property and associated outbuildings, with direct access off of Highway 6 & 50. Highway 6 & 50 is classified as an arterial roadway.

The project is adequately served by all utilities with the exception of sewer. Irrigation water is available to the project. The site has been agriculturally active. Minor Subdivision and Site Design Review applications will be submitted at a later date and are expected to have minimal impact on urban services, i.e. police and fire protection.

This application includes documents as required by the submittal checklists provided by the City of Fruita.

## **Annexation and Zoning – Within the City’s Urban Growth Area**

### ***Does the annexation meet the requirements of State law (Title 31, Article 12)?***

The annexation of the subject property does meet the requirements of Colorado State Law (Title 31, Article 12). Petitions for Annexation and Annexation Maps have been included with this submittal and the subject property has the 1/6 contiguity with the City limits required for annexation. The legal description of the annexation can be found on the Annexation Map. The parcel is adjacent to GC zoned property to the west.

### ***Can the area to be annexed be efficiently served by urban services and facilities (police and fire protection, sanitary sewer service, potable and irrigation water, drainage structures, streets and trails, etc.) and what will the impact be to these urban services and facilities?***

The project is adequately served by utilities with the exception of sewer. There is an existing septic system that serves the existing mobile home. Irrigation water is available to the project. It is proposed to subdivide the parcel into two parcels and submit a Site Plan for 400 storage units and approximately four acres of RV storage (all on one lot). The remainder lot will be held for future development. Minor Subdivision and Site Design Review applications will be submitted at a later date and are expected to have minimal impact on urban services, i.e. police and fire protection.

### ***Is the area to be annexed contiguous with existing urban development?***

As explained above, the property has the 1/6 contiguity required for annexation and is contiguous with GC zoned property to the west.

### ***Is the annexation consistent with the City’s Master Plan?***

The annexation and proposed zoning are consistent with the City’s Master Plan including the Fruita Community Plan. The project provides commercially zoned land along a major arterial within the City’s Urban Growth Area and as identified per the City’s Master Plan and future land use.

### ***Is the annexation supported by local residents and landowners?***

The project has not been presented to the public.

### ***Will the annexed land have a logical social and economic association with the City?***

The annexation and future development of the parcel will provide the City with increased tax revenues and needed commercially zoned land.

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

- 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 request to rezone to GC is compatible with adjacent zoned property to the west and GC zoned land/uses further to the east. Surrounding lands uses include agricultural and commercial uses. The project provides commercially zoned land along a major arterial within the City's Urban Growth Area and as identified per the City's Master Plan and future land use, making this project consistent with the City's goals, policies and Master Plan.

- 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***

The land to be rezoned is currently outside of the City of Fruita city limits. This criterion is not applicable.

- 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***

This area is just inside the Urban Growth Boundary. In order to develop this property, the parcel must annex and be zoned within the city limits. The proposed GC zoning is an appropriate zoning for the project.

- 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***

A new Comprehensive Plan was adopted in February 2020. The project is currently outside of the City of Fruita limits and must be zoned upon annexation. The GC zoning is an appropriate zone district based on the adopted Comprehensive Plan.

- 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 project is requesting annexation into the limits of the City of Fruita. The requested zoning to the GC zone district is consistent with the City's goals and policies as expressed in the Master Plan.

Commissioner O'Brien stated that part of their goal is to develop that corridor into Fruita along 6 & 50. She was excited to see this.

Commissioner Gollob asked for more comments. He felt that it was a clean application and reminded them that this was specifically for the annexation.

COMMISSIONER O'BRIEN MOVED TO RECOMMEND APPROVAL OF APPLICATION 2021-21 1930 HIGHWAY 6 & 50 ANNEXATION TO THE FRUITA CITY COUNCIL.

COMMISSIONER NISLEY SECONDED THE MOTION.

MOTION PASSED 5-0

Application #:	2021-22
Project Name:	1930 Highway 6 & 50
Application:	Rezone
Property Owner:	Donna Meek and Gary Castor
Representative:	River City Consultants, Inc
Location:	1930 Highway 6 & 50
Zone:	Currently zoned Agricultural Forestry Transitional (AFT - County zoning)
Request:	This is a request for approval to zone approximately 16.82 acres to a Commercial-1 (C-1) zone.

Commissioner Gollob introduced Application # 2021-22 1930 Highway 6 & 50 Rezone.

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.

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 explained that only two of the above criteria needed to be met.

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 Commercial-1 (C-1).

Mr. Hemphill concluded his presentation.

Commissioner Gollob thanked him and turned the time over to the applicant.

Ms. Tracey States with River City Consultants located at 215 Pitkin Avenue, Grand Junction Colorado went up as the applicant's representative. She said that they concurred with Staff's recommendation. She said that the applicant wanted to develop the property and in order to do that he needed to annex and zone within the City limits of Fruita. They were requesting zoning that was recommended by the Comprehensive Plan. She was there to answer any questions that they had.

Commissioner Gollob thanked her and moved onto public input. He asked if anyone would like to speak about this project.

Ms. Stephanie who lives at a confidential address went up to speak. She wanted to know if there was a traffic impact done. She added that Highway 6 & 50 is quite busy and she has noticed that when they were going down there, there is not always turnouts for the businesses. If they were going to continue the growth in Fruita along 6 & 50 what are they going to look at as far as 6 & 50 itself and the traffic impact?

Commissioner Gollob thanked her and asked if there was anyone else there or online?

Mr. Caris said no.

Commissioner Gollob moved to applicant rebuttal.

Ms. States answered that a traffic impact study is in process and they had to work closely with CDOT with regards to access with this property and that there was spacing requirements and CDOT was big on consolidating access points to improve safety. She added that this will be presented with the Site Plan submittal.

Commissioner Gollob thanked her and opened Planning Commission discussion.

Commissioner Nisley said that he did not have any comments.

Commissioner O'Brien confirmed that the traffic study would be done when the site is developed.

Commissioner Fabula talked about how they set the Urban Growth Boundary when they did the Master Plan update. He was curious if the landowners saw that process coming and now they are using this tool that they spent all that time creating and be able to move forward smoothly.

Mr. Dan Caris addressed the Planning Commissioners. He said that they set the boundary along 6 & 50 for a couple of different reasons. He said the first reason was to capture all the commercial growth to the buffer. Also to control sanitary sewer and other amenities can transfer to that site so those facilities got extended. This is shared with the County's Rural Master Plan since they have annexed property that is along 6 & 50 that stretches beyond 19 Road. He added that this was consistent with them to try to capture the commercial growth that could potentially along that corridor without going too far to the north which a lot of those agricultural operations have been underway and some large treks that have been developed under the County's provision. To have some predictable growth patterns that is consistent with not just this plan but previous long range planning efforts that they had.

Commissioner Mulder said that he knew that these over 5 acre parcel projects that they have coming in someday somebody is going to say they will build a super highway to this project. For the time being this storage unit does not need a super highway. He added that in regards to the traffic issues that they are seeing, Fruita definitely has traffic issues all around the entire City of Fruita. He said that this is not one particular issue that is going to cause any more of a problem but it does dump onto the two lane Highway 6 & 50. He continued that with the zoning as commercial they are probably getting as good as they are going to get for the time being at that particular location.

Commissioner Gollob said that he was supportive of this application and he hears the concern about traffic especially in that little section of the city. He added that in the last handful of Planning Commission meetings they have been focused in the area of 19 Road. He said that traffic questions have been a consistent question from the public and the Commissioners. He said that this was not being ignored and he encouraged them to talk to Staff about plans and other

city officials. He said that he was supportive of this plan. He thought it seemed to be a clean plan.

Commissioner Gollob asked for a motion.

COMMISSIONER FABULA MOVED TO RECOMMEND THE APPROVAL OF THE ZONE REQUEST TO ZONE THE SUBJECT PROPERTY TO A COMMERCIAL 1 ZONE WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL.

COMMISSIONER MULDER SECONDED THE MOTION.

MOTION PASSED 5-0

Application #: 2021-27  
 Project Name: Fruita Copper Creek  
 Application: Annexation  
 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 of the annexation of approximately 25.96 acres into the Fruita City Limits.

Commissioner Gollob introduced Application 2021-27 Fruita Copper Creek Annexation.

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

Slide 1 – Introduction

Slide 2 – Application Description

Slide 3 – Legal Notice and Annexation Schedule

<b><i>Fruita Copper Creek Annexation Schedule</i></b>	
<b>Date</b>	<b>Action</b>
July 6, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * July 14, 2021 * July 21, 2021 * July 28, 2021 * August 4, 2021
July 13, 2021	Planning Commission considers Annexation & Zone
August 17, 2021	Resolution to find the property eligible for Annexation
August 17, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
September 21, 2021	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
<b>Legal Notice (minimum of 15 days prior to Planning Commission)</b>	
June 23, 2021 (20 days prior)	Post Cards
June 24, 2021 (19 days prior)	Sign Posting
June 23, 2021 (20 days prior)	Legal Ad