



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
AUGUST 13, 2024**

Application #: 2024-05
Project Name: Karp Rezone
Application: Rezone
Property Owner: Thomas, Robin and William Karp
Location: 958 17 ½ Road
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT- County zoning)
Request: This is a request to rezone approximately 53.59 from Mesa County zoning AFT to City of Fruita zoning South Fruita Residential (SFR).

PROJECT DESCRIPTION:

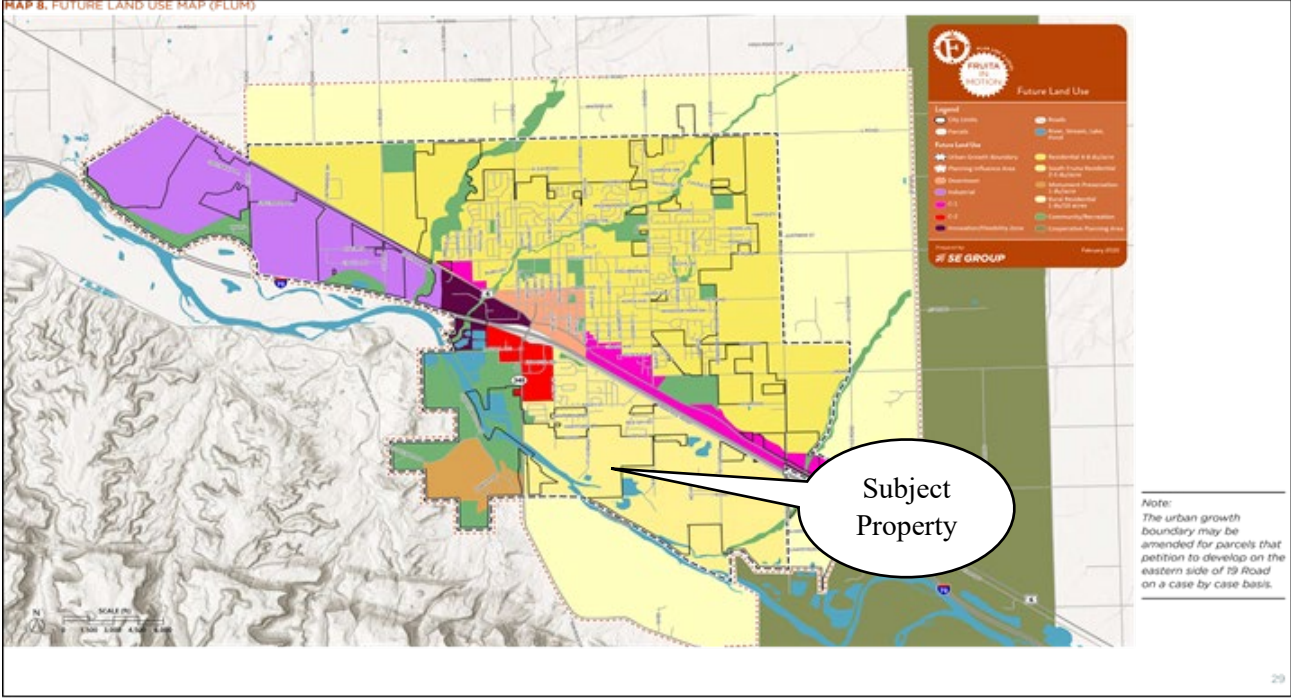
This is a request for approval to zone approximately 53.59 acres of property to South Fruita Residential (SFR). The subject property is currently zoned Agricultural, Forestry and Transitional (AFT), which is a Mesa County zoning designation.

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 applicant is requesting a South Fruita Residential (SFR) 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).

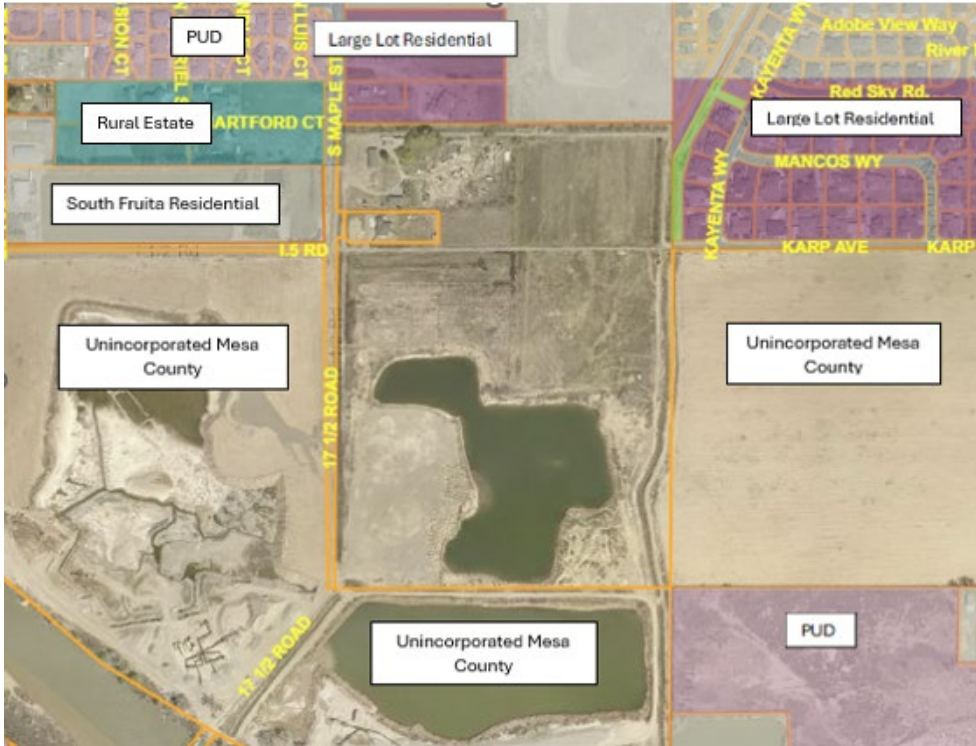
The area in which the subject property is located is supported to have a South Fruita Residential zoning classification as shown on the Future Land Use Map within the City's Fruita In Motion: Plan Like a Local Comprehensive Plan (Master Plan). The Land Use Code states that the *"The purpose of the SFR zone is to allow a variety of low to moderate density residential areas compatible with existing low-density development, the Colorado National Monument and the Colorado River. Due to its location near the Colorado River and in the 100-year flood plain, the area is most suitable to a density of 2-5 du per acre."*

FUTURE LAND USE MAP (FLUM)

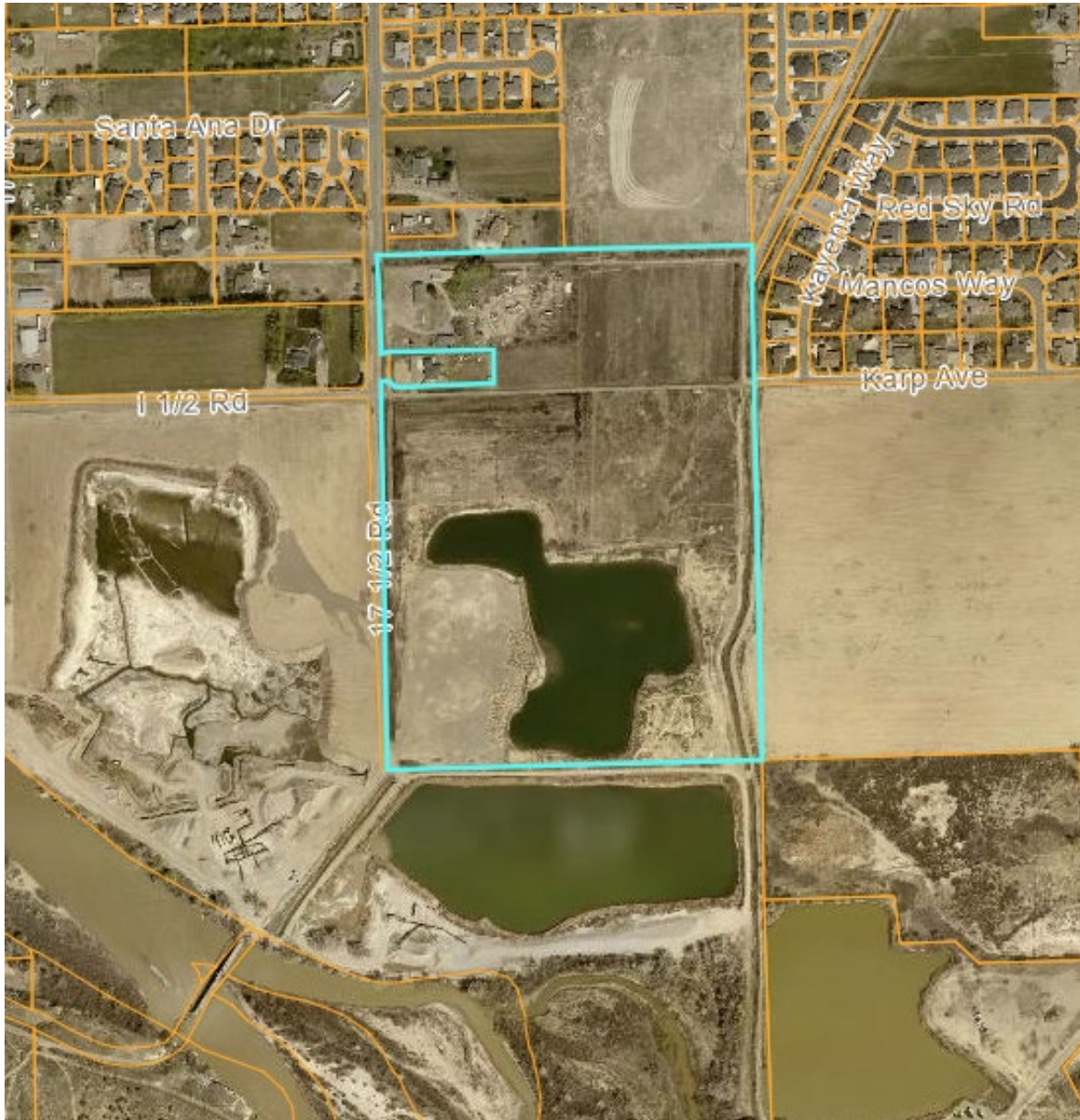


SURROUNDING LAND USES AND ZONING:

Surrounding land uses are single family detached residential and Mesa County agricultural properties. Zone types nearby greatly vary and include a mix of Large Lot Residential, Rural Estate, Planned Unit Development (PUD), South Fruita Residential and Unincorporated Mesa County. Approximately half of the surrounding properties are within the city limits. The map below identifies the various zones in this area.



2024 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 South Fruita Residential (SFR) zone allows for a density range of 4 DU/acre by right and 5 DU/acre through Density Bonus. The SFR zone is also the city’s primary residential zoning district on the south side of Fruita. 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	
	SFR
RESIDENTIAL	
Household Living	
Business Residence	*
Dwelling, Single-Family Attached	A
Dwelling, Single-Family Detached	A
Duplex	*
Dwelling, Multi-Family	*
Manufactured Housing Park (See Chapter 31)	*
Mobile Home Park (See Chapter 31)	*
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 South Fruita Residential (SFR) type zoning for this area. The SFR zone is primarily a single-family residential zone. The density (4-5 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 South Fruita Residential zone allows 4 dwelling units per acre by

right. Density Bonuses may be used to increase the density up to 5 dwelling units per acre. Density options for bonus points for South Fruita Residential zoning include the following:

- 20% open space
- Bike and trail connections

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

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 and is currently in the 201 Urban Growth Boundary (UGB). 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 SFR zone is consistent with the city's goals and policies as expressed in the Master Plan.

Based on this information, the requested SFR zone type meets the approval criteria that must be considered for a rezone (Official Zoning Map amendment).

REVIEW COMMENTS:

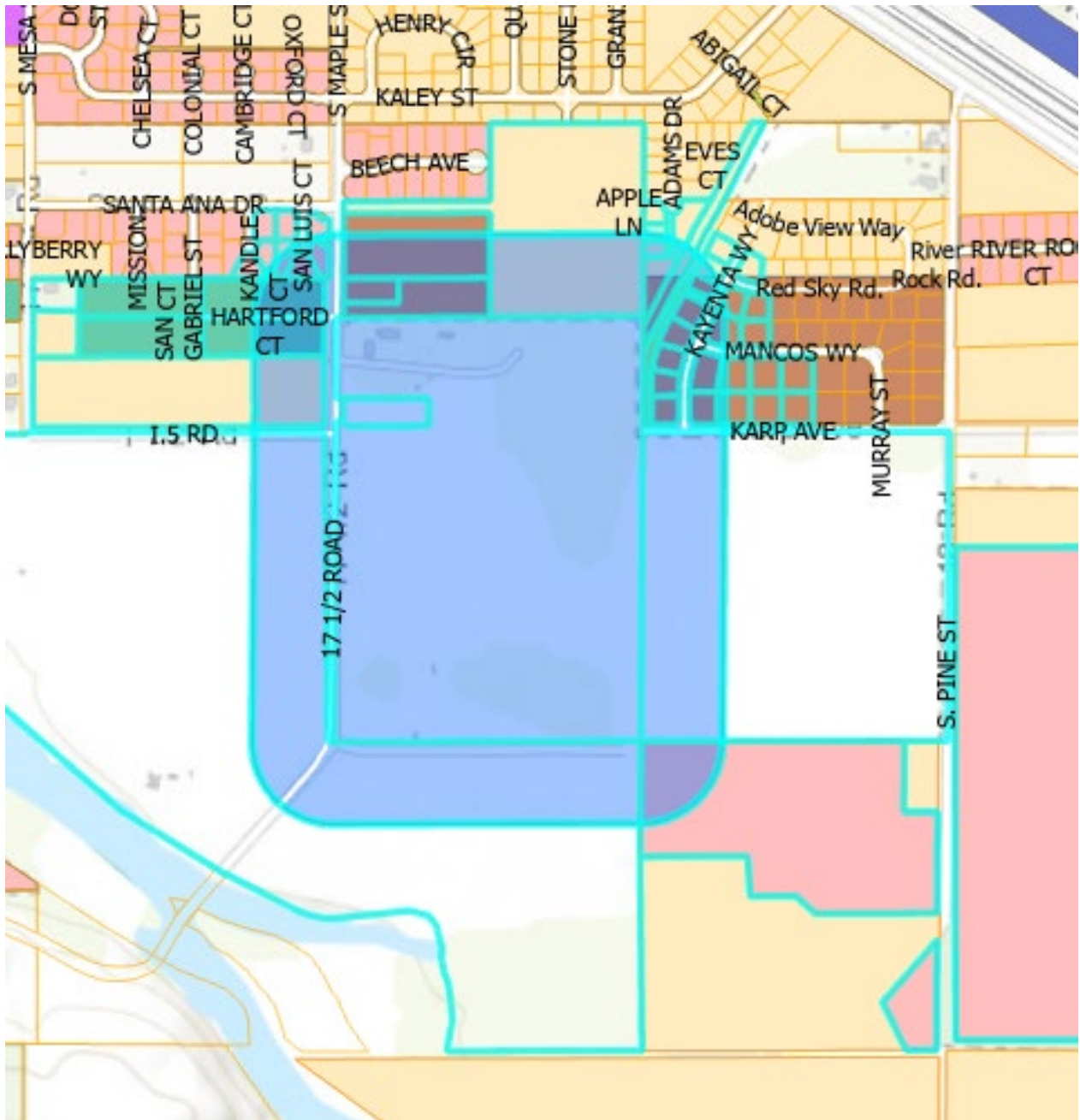
No reviewer expressed any issues with the proposed zoning request.

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)	
July 19, 2024 (25 days prior)	Post Cards
July 22, 2024 (22 days prior)	Sign Posting
July 24, 2024 (20 days prior)	Legal Ad





STAFF RECOMMENDATION:

Because the application meets Section 17.09.070 of the Fruita Land Use Code, Staff recommends that the subject property be zoned South Fruita Residential.

SUGGESTED MOTION (PLANNING COMMISSION):

Mr. Chair, because the application meets all applicable criteria set forth in Section 17.09.070 of the Fruita Land Use Code, I move to recommend **approval** of the zone request to South Fruita Residential with no conditions to the Fruita City Council.

FRUITA PLANNING COMMISSION: August 13, 2024

FRUITA CITY COUNCIL: September 17, 2024

Rezone Project Narrative *for* **958 17 ½ Road**

Prepared for:

Thomas E Karp, Robin S Karp & William R Karp
958 17 ½ Road
Fruita, CO 81521

Prepared by:

A ■ C ■ G

Austin Civil Group, Inc.

Land Planning ■ Civil Engineering ■ Development Services
123 N. 7th Street, Suite 300
Grand Junction, Colorado 81501

June 5, 2024

NAME AND ADDRESS INFORMATION:

Landowner:

Thomas E Karp, Robin S Karp & William R Karp
958 17 ½ Road
Fruita, CO 81521

Representative:

Austin Civil Group, Inc.
123 N. 7th Street
Grand Junction, CO 81501

Property Information:

958 17 ½ Road
Fruita, CO 81521
2697-201-00-038
53.61 Acres
Mesa County AFT

TYPE OF PROJECT

The purpose of this narrative and application is to rezone 958 17 ½ Road from Mesa County Agricultural, Forestry, Transitional District (AFT) to South Fruita Residential (SFR) with a density range of 2-5 units per acre in accordance with Chapter 3 of City of Fruita Comprehensive Plan. Listed below is the subject property:



Rezone Parcel

EXISTING PROPERTY CONDITIONS

The subject property currently consists of approximately 53.61 acres and located at 958 17 ½ Road in Fruita, Colorado and also known as Lot 1 Karp Rural Land Division. It lies at the southeast intersection corner of 17 ½ Road (S Maple Street) and I ½ Road. The property is currently zoned Mesa County Agricultural, Forestry, Transitional (AFT).

The property currently contains a primary resident and accessory dwelling unit with several agricultural outbuildings. The majority of the property is agricultural farmland with an approximate 9.5-acre gravel pit lake within the southern half. Access to the property is from 17 ½ Road and the intersection corner of 17 ½ Road & I ½ Road. Karp Avenue (partially improved) is stubbed to the eastern boundary.

The gravel permit operator of the South Fruita Gravel Pit historically leased the southern half of the subject property for mining operations. The lease agreement between the property owners and the gravel permit operator has since expired with no extension granted.

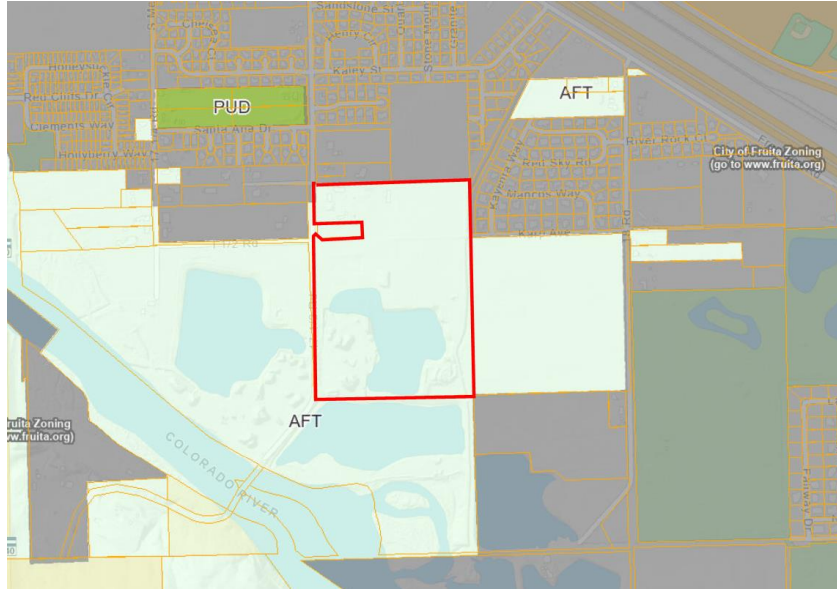
FEMA has identified a 500-year (0.2% annual chance flood) and 100-year (1% annual Chance Flood) across the southern side of the property. The limits extend to within the northern limits of the gravel pit lake. Listed below is the FEMA floodplain map:



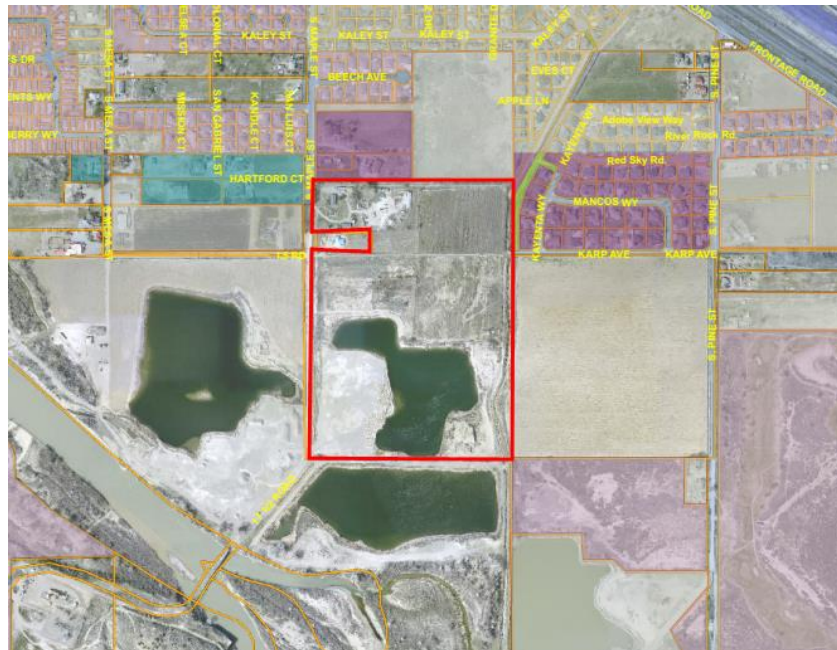
FEMA Floodplain Mapping

ZONING

The property is currently zoned Mesa County AFT. In general, property(s) north of the subject property are within City of Fruita jurisdiction with zone districts ranging from Rural Estates to Large-Lot Residential to South Fruita Residential. The majority of the immediate property(s) to east, west and south remain Mesa County AFT. Listed below are GIS Zoning Mapping for Mesa County and City of Fruita:



Mesa County Zoning



City of Fruita Zoning

SITE UTILITIES AND SERVICES

Access

Access as noted previously is provided by 17 ½ Road and from the intersection corner of 17 ½ Road & I ½ Road. Karp Avenue is stubbed to the eastern boundary. 17 ½ Road right-of-way, north of I ½ Road currently exists and appears to be within Mesa County jurisdiction, with an exception of right-of-way near the northwest corner of the subject property. Petitioned right-of-way exists for 17 ½ Road south of I ½ Road.

Domestic Water Service

Ute Water District owns and operates water mains within 17 1/2 Road, I ½ Road and Karp Avenue. These lines are assumed to be of adequate size domestic water service and fire protection.

Sanitary Sewer Service

City of Fruita owns and operates an 8-inch sanitary sewer main that runs across the middle of the property in location of where I ½ Road/Karp Avenue would be located. Lot 2 of Karp Rural Land Division currently gains service from the existing 8-inch main. The remaining structures on the property that require sanitary sewer service are serviced by on-site wastewater treatment systems (OWTS).

Stormwater

Site generated runoff historically conveys sheet flow and/or tailwater ditches to the south and either discharges directly into the gravel pit lake and/or the Murray Drain along the east or the Arcuby Drain along the west.

Irrigation

The property owners currently have rights to 56 shares of irrigation delivered by Independent Ranchmans Turnout 155. Irrigation water enters the property at the northeast corner.

Electric & Natural Gas

Electric and natural gas is provided by Public Service Xcel.

ZONING MAP AMENDMENT (REZONE)

(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 request to rezone to SFR is compatible with similarly zoned properties in the general north direction. City of Fruita zoning districts to the north consist of Rural Estate to Large Lot Residential to South Fruita Residential. Map 8 "Future Land Use Map" provided in Chapter 3 of the City of Fruita Comprehensive Plan identifies the property and surrounding property(s) to fall within South Fruita Residential Future Land Use district. The South Fruita Residential 2-5 land use category is intended for residential neighborhoods south of I-70. Much of this land is already built out at 1-4 units per acre. Being next to the river, some of this area is in the 100-year floodplain and not suitable for higher density development. Additionally, the access to the area from the rest of Fruita is constrained to Highway 340 and a frontage road that crosses under I-70 at 20 Road.

(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 zoned Mesa County AFT but within the City's Urban Growth Boundary. A gravity sanitary sewer line currently conveys east to west across the middle of the property (along the alignment of I ½ Road) that would allow for urban development and higher densities.

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

Urban development has occurred within the proximity of subject property due to gravity sanitary sewer service. Adobe View Subdivision directly to the east is an example of urban development meeting the goals and policies of the Master Plan. A request of SRF zoning is an appropriate zoning for the subject property.

- (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 SFR zoning is an appropriate zoned district based on the adopted Comprehensive Plan and the subject property's location within the urban growth boundary and presence of gravity sanitary sewer.

- (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 rezone to SFR zone district is consistent with the City's goals and policies as expressed in the Master Plan.

Karp Annexation & Rezone Neighborhood Meeting Minutes

6-20-24

Location: Heritage Park - Fruita

- Meeting Started approximately 6:00pm
- Scott Sorensen – Austin Civil Group, Inc – Owners Representative
- Henry Hemphill – City of Fruita Community Development
- Scott Sorensen handed out Mesa County Zoning Map, City of Fruita Zoning Map, City of Fruita Comprehensive Plan “Future Land Use Map” and South Fruita Residential (SFR) Dimensional and Other Standards Criteria Sheet.
- Scott Sorensen described the application, Annexation and Rezone. Current zoning MC AFT and surrounding uses. Request to be annexed into the City of Fruita with a rezone of SFR. Described surrounding zoned properties and how it is compatible with and it meets the Comprehensive Plan and it’s goals & vision.
- Process moving forward. Planning staff reviews submittal package. Staff provides recommendation to Planning Commission. Planning Commission provides recommendation to City Council. City Council has final decision. Two (2) hearings that mailers will be mailed to all property owners included with the neighborhood meeting notice.
- Questions for attendees:
 - What type of homes? Response: Single Family. Can be detached or attached. SFR does not allow for multi-family.
 - Single story or Two-Story homes? Response: That is up to the developer and outlined in the CCRs. SFR allows up to 35-feet tall.
 - Is there a lot layout for the development and where are homes being considered? Response: A conceptual layout prepared that located lots in the NE corner of the property and along I ½ Road frontage where gravity sanitary sewer is feasible. Lots will be similar to the homes within the Adobe View and Adobe View North Subdivision, 0.25-0.30 acre in size.
 - I ½ Road (aka Karp Avenue) that will be built with development has concern with speeders since alignment will be straight. Response: Developer/Engineer will look into seeing if there is an option for traffic calming (ie speed bumps, sidewalk crossings, etc).
- No attendee expressed objection with proposed annexation and rezone of SFR.
- Meeting concluded around 6:45-:50.

JUNE 20, 2024

[illegible]

IMPROVEMENT SURVEY PLAT

Lot 1 of Karp Rural Land Division
SW1/4 of the NE1/4 and the NW1/4 of the SE1/4 of Section 20,
Township 1 North, Range 2 West, Ute Meridian,
County of Mesa, State of Colorado

PARCEL DESCRIPTION:
Lot 1 of Karp Rural Land Division, County of Mesa, State of Colorado.

Karp Rural Land Division recorded at Reception No:2900432 at the Mesa County Clerk and Recorders.

BASIS OF BEARINGS:
The bearing between the Center 1/4 corner of Section 20, Township 1 North, Range 2 West of the Ute Meridian a 3" alloy cap in a monument box (MCSM No: 1104-1) and the Center East 1/16 corner of said Section 20, a 3 1/2" alloy cap is N89°55'30"E, this bearing corresponds with grid north of the Mesa County Local Coordinate System, for the Grand Valley Area.

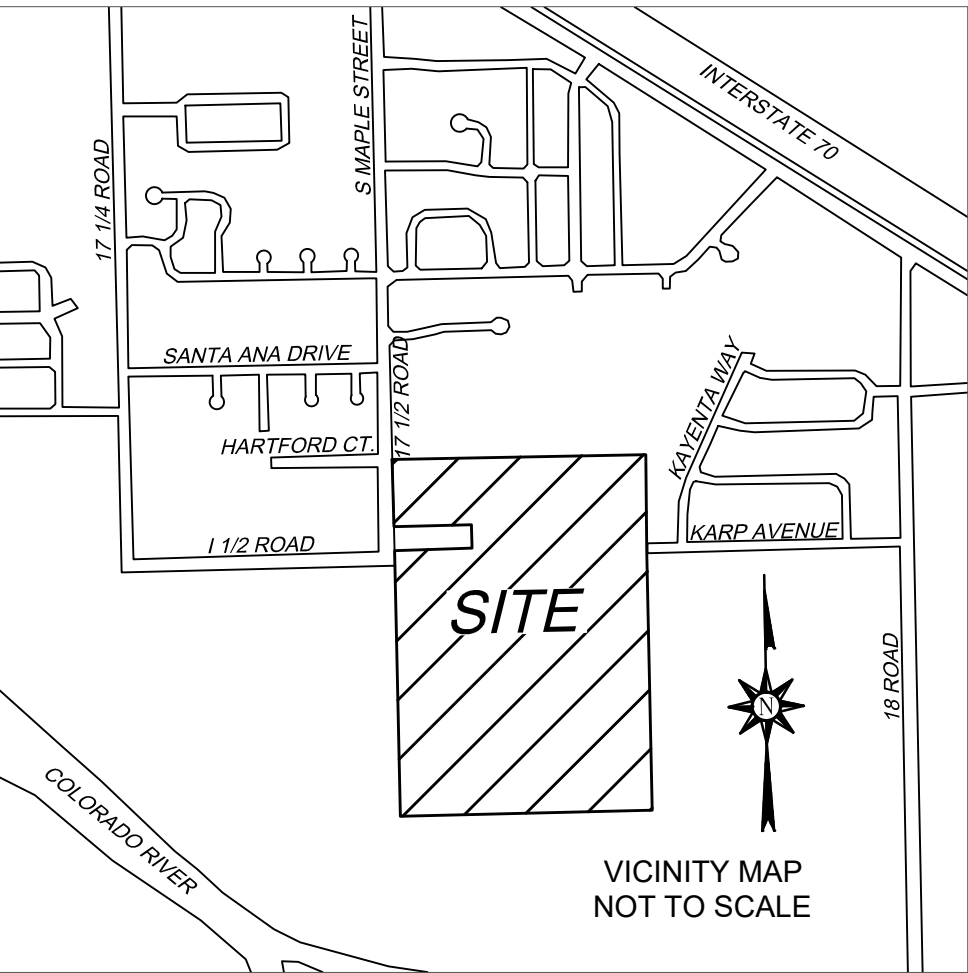
SURVEY NOTES:
1. Physical address is 958 17 1/2 Road, Fruita, CO 81521.
2. Mesa County Parcel No. 2697-201-00-038.
3. Title information provided by the Mesa County Assessor - Real Property Public Information System.
4. The location of underground utilities as shown on this plat are based on visible surface evidence and utility markings. Actual locations of utilities may vary and should be verified prior to any construction.
5. The bearings and distances shown hereon represent the results of the Legal Description rotated to grid north of the Mesa County Local Coordinate System for the Grand Valley Area with respect to the physical locations of accepted survey monuments.
6. According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered 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.

CERTIFICATION:
I, Christopher C. Ransier, a registered Professional Land Surveyor in the State of Colorado, do hereby certify the Improvement Survey Plat represented hereon was performed by me or under my responsible charge. It is based upon my professional knowledge, information, and belief according to acceptable standards of practice and the laws of the State of Colorado. This statement is not a guarantee or warranty, either expressed or implied.

LEGEND:

- SURVEY CONTROL MONUMENT
FOUND 5/8" REBAR IN CONCRETE WITH 2" ALLOY CAP CHRISTOPHER C. RANSIER PLS38089"
- BOUNDARY LINE
 SURVEY CONTROL LINE
 ADJOINER
 EASEMENT
 EDGE OF ASPHALT
 EDGE OF CONCRETE
 FENCE
 OVERHEAD UTILITY LINE
 ASPHALT
- SANITARY SEWER MANHOLE
 SANITARY SEWER CLEANOUT
 WATER VALVE
 FIRE HYDRANT
 YARD HYDRANT
 WATER METER
 IRRIGATION VALVE
 ELECTRIC METER
 ELECTRIC BOX
 UTILITY POLE, GUY ANCHOR
 GAS METER
 LIGHT POLE, LAMPOST
 BOLLARD
 MAILBOX
 SIGN

Christopher C. Ransier
Colorado PLS 38089



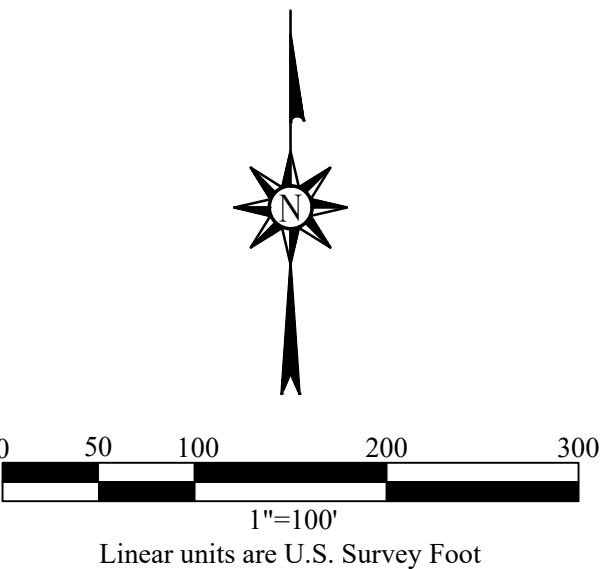
LAND SURVEY DEPOSITS
Mesa County Surveyor's Office
Date: _____
Deposit No: _____

PAGE 1 OF 2

IMPROVEMENT SURVEY PLAT
Lot 1 of Karp Rural Land Division
SW1/4 of the NE1/4 and the NW1/4 of the SE1/4 of
Section 20,
Township 1 North, Range 2 West, Ute Meridian,
County of Mesa, State of Colorado

Surveyed by: CCR
Drawn by: CCR
Job #: 1053024
Date: 05/10/2024

Align Surveying, LLC
717 Centauri Drive
Grand Junction, CO 81506
970.623.1001 chris.ransier@gmail.com



DETAIL "A"
GRAND VALLEY DRAINAGE DISTRICT EASEMENT
MURRAY DRAIN

Line Table		
Line #	Direction	Length
L1	S00° 18' 50"W	55.96'
L2	N32° 03' 48"E	50.65'
L3	N15° 28' 44"E	51.26'
L4	N00° 23' 40"W	102.18'
L5	N05° 21' 05"E	265.87'
L6	N04° 04' 41"E	127.63'
L7	N00° 43' 00"W	153.87'
L8	N04° 05' 00"W	167.00'
L9	N06° 25' 41"E	309.23'
L10	N22° 49' 01"E	161.96'
L11	N12° 07' 00"E	45.75'
L12	N12° 23' 29"W	162.42'
L13	N06° 42' 17"W	71.29'
L14	N11° 04' 32"W	121.44'
L15	S89° 58' 37"W	60.46'
L16	S89° 58' 37"W	26.17'
L17	S10° 25' 59"E	65.77'
L18	S06° 44' 37"E	147.34'
L19	S08° 19' 30"E	151.72'
L20	S22° 35' 43"W	160.26'
L21	S08° 06' 46"W	152.29'
L22	S00° 29' 46"W	658.15'
L23	N00° 18' 50"E	438.92'

LOT 1
KARP RURAL LAND DIVISION

GRAND VALLEY DRAINAGE
DISTRICT EASEMENT
MURRAY DRAIN
RECEPTION NO.2623462



0 50 100 200 300
1"=100'
Linear units are U.S. Survey Foot

DETAIL "B"
GRAND VALLEY DRAINAGE DISTRICT EASEMENT
ARCUBY DRAIN

L24
L25
CENTER 1/4 CORNER
SECTION 20

ARCUBY DRAIN

LOT 1
KARP RURAL LAND DIVISION

GRAND VALLEY DRAINAGE
DISTRICT EASEMENT
ARCUBY DRAIN
RECEPTION NO.2623462

Line Table		
Line #	Direction	Length
L24	N00° 13' 28"E	34.34'
L25	S89° 46' 22"E	35.44'
L26	S00° 14' 13"W	697.51'
L27	N89° 26' 05"W	15.36'
L28	S03° 18' 12"W	123.50'
L29	S00° 28' 44"E	452.63'
L30	S00° 05' 38"E	77.66'
L31	S89° 58' 37"W	27.14'

CENTER SOUTH
1/16 CORNER
SECTION 20



0 40 80 160 240
1"=80'
Linear units are U.S. Survey Foot

DETAIL "C"
PUBLIC SERVICE COMPANY OF
COLORADO EASEMENT

