

**A. CALL TO ORDER**

Six Planning Commissioners were in attendance. Jessica Hearn, Anthony Farinacci, Mel Mulder, Patrick Hummel, Josh McGuire, and Michael Handley were present.)

**B. PLEDGE OF ALLEGIANCE**

Commissioner Biddle led the Pledge of Allegiance.

**C. AMENDMENTS TO THE AGENDA**

Application #:	2024-08
Application Name:	6683 Transmission Line Rebuild
Application Type:	Conditional Use Permit
Applicant:	XCEL Energy
Location:	From the Fruita Substation to the Uintah Substation
Description:	This is a request for approval of a Conditional Use Permit to reroute and rebuild approximately four (4) miles of transmission lines from the Fruita substation to the Uintah Substation.

There was a continuance request from the applicant for application 2024-08 6683 Transmission Line Rebuild. The hearing item has been moved to September 10, 2024.

COMMISSIONER HUMMEL MOVED TO PLACE THIS AS A CONTINUANCE ITEM ONTO NEXT MONTH'S AGENDA

COMMISSIONER MCGUIRE SECONDED THE MOTION

MOTION PASSED 6-0

**D. APPROVAL OF THE AGENDA**

COMMISSIONER HANDLEY MOVED TO APPROVE THE AGENDA WITH THE CHANGE

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 6-0

**E. WITHDRAWN ITEMS**

None

**F. CONSENT ITEMS**

APPROVAL OF MINUTES:

July 9, 2024

COMMISSIONER HANDLEY MOVED TO APPROVE THE MINUTES

**COMMISSIONER MCGUIRE SECONDED THE MOTION**

MOTION PASSED 3-0 (Commissioners Farinacci, Hearn and Hummel abstained from the vote as they weren't present at the last Planning Commission meeting).

**G. PUBLIC HEARING ITEMS**

Application #: 2024-04  
Application Name: Karp  
Application Type: Annexation  
Applicant: Thomas, Robin and William Karp  
Location: 958 17 ½ Road  
Zone: Currently zoned Agricultural Forestry Transitional (AFT – County zoning)  
Description: This is a request to annex approximately 53.59 into the Fruita city limits.

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

Mr. Henry Hemphill, City Planner, gave the Staff presentation. He stated that he would like to combine his presentations for the Karp Annexation and Rezone into one longer presentation. He reminded the Commissioners that they would need to hold separate discussions and motions for each application because they are different decisions.

Slide 1 – Introduction

Karp Annexation

Slide 2 – Application Details

Slide 3 – Legal Notice

Post Cards and 350' Buffer Zone

Mr. Hemphill stated that was required by both our land use code and State statute All legal notice had been completed to date in accordance with both State law and our local law

Slide 4 – Legal Notice

- Post Cards: July 19, 2024

- Sign Posting: July 22, 2024
- Newspaper: July 24, 2024

#### Slide 5 – Zoning Map

Mr. Hemphill showed a zoning map and aerial photo. He stated that it was nearly 54 acres, and surrounded on most sides by Unincorporated Mesa County, but the contiguity was to the north. The subject property has annexed property to the north, the northwest, and the northeast and urban level infrastructure is nearby.

#### Slide 6 – Future Land Use Map

Mr. Hemphill showed the Future Land Use map. He explained that this shows that the property is recommended to be within the City limits and has been for quite some time. It is supported to be in the city limits and is within the City's Urban Growth Boundary.

#### Slide 7 – Review Criteria

- Section 17.17.050 (A)
- 9 criteria to consider.
  - Must meet the requirements of State Statutes -1/6<sup>th</sup> contiguity.
  - Must be within the UGB.
  - Can be served with police and other municipal services.
  - The area meets or can meet the existing infrastructure standards set forth by the City.

Mr. Hemphill stated that there was around 2000 feet of contiguity with the existing City limits on the north, northwest and northeast, it is within the Urban Growth Boundary, and it can be served by police and other municipal services. He spoke about the sewer line that runs along the property along the I ½ street section which is also referred to Karp Avenue. He stated that if the property developed it would go through a separate subdivision review process.

#### Slide 8 – Review Comments & Public Comments

Review Comments: No reviewer expressed concerns with the annexation.

Public Comments: No written comments have been received by Staff at this time.

Mr. Hemphill stated that the applicant did hold a neighborhood meeting, where they did inform the public of the annexation and subsequent rezone

#### Slide 9 – Suggested Motion

Madam Chair, because the annexation application meets the requirements of Section 17.17.050 (A) of the Fruita Land Use Code and applicable State Statutes I move that we recommend approval to City Council, of application #2024-04, the Karp Annexation with the condition that

all review comments and issues identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.

Slide 10 – Next Steps

City Council on September 17, 2024

If approved the annexation will be effective 30 days after the Ordinance is adopted

Slide 11 – Introduction

Application # 2024-05 Karp Rezone

Slide 12 – Legal Notice

Post Cards & 350' Buffer Zone

Mr. Hemphill explained that they sent out a separate postcard, notifying the public of the rezone application. This is so the public is aware there's two applications and to follow local law regarding a zoning application. He added that the buffer zone was the same

Slide 13 - Legal Notice

Post Cards: July 19, 2024

Sign Posting: July 22, 2024

Newspaper: July 24, 2024

Mr. Hemphill talked about legal notice. He said it was accomplished within the 15-day minimum period required before tonight, inviting the public to this meeting and also the City Council meeting.

Slide 14 – Zoning Map

Mr. Hemphill stated that the Urban Growth Boundary shows property to incorporate into the city limits, but the land use or the zoning portion of it recommended South Fruita Residential as the zoning type.

Slide 15 – Future Land Use Map

Slide 16 – Review Criteria

- Section 17.09.070
- 5 Criteria in total to consider
  - Zoning Compatibility with surrounding land uses.
  - Consistent with the Master Plan.
  - Is incidental to an annexation application.

Mr. Hemphill discussed the various zoning types surrounding the subject property. He added that South Fruita Residential was an area with a density of 4-5 dwelling units per acre, 5 being density bonus which meant doing a little extra and 4 dwelling units per acre allowed by right. It did meet the compatibility of existing already developed subdivisions at that density per acre and is supported for other undeveloped parcels nearby, that that may or may not be incorporated into the city limits in accordance with their standards. He continued that it was consistent with the Master Plan and was incidental or running concurrently with an annexation. It does meet the criteria that they needed to consider recommending approval to Planning Commission and City Council.

#### Slide 17 – Review Comments & Public Comments

Review Comments: No reviewer expressed concerns with the zone request.

Public Comments: No written comments have been received by Staff at this time.

#### Slide 18 – Suggested Motion

Madam 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.

Mr. Hemphill concluded his presentation.

Commissioner Hearn called the applicant up to speak.

Scott Sorenson from Austin Civil Group represented the applicant. He stated that there was not much to add to what Mr. Hemphill presented in the staff report. He hit all the highlights and summarized the project annexation and rezone. He thanked the Commission.

Commissioner Hearn asked if anyone in the public would like to speak. There was none. She closed the meeting to public comment and opened the meeting to Commissioner discussion.

Commissioner Hummel asked about the little section of land if that was already annexed into the City?

Mr. Hemphill responded that it was done as a rural land division on the county standards, and it's a one-acre parcel that is still in the county and was not part of the annexation.

Commissioner Hummel asked if it would we be creating an island and if Staff saw any problem with surrounding that parcel of land?

Mr. Hemphill answered that it would not create any enclaves or anything that would leave it landlocked from a zoning and infrastructure standpoint. The property does take access off 17 ½ Road, and it is provided sanitary sewer from the City through that sewer line that bisects the property.

Commissioner Hummel clarified that when they talked about a property being landlocked, they were just talking about access and utilities not necessarily just the parcel itself.

Mr. Hemphill confirmed this. He added that the City of Fruita's annexations were voluntary and not forced. People are required by law to sign an annexation petition that says that agree to certain things by state statute, one being the contiguity requirements. He continued that this parcel didn't have the contiguity requirements until this parcel is annexed.

Commissioner Hummel asked the applicant's representative if the northeast portion of the site that he believed they were planning to develop untouched ground or was that also previously part of the gravel pit?

Mr. Sorenson stated that the northeast section of the property was never part of the gravel per permit area from what he could remember from the permit area. He said it didn't extend any further north. He added that there was a small portion a little further north of the lake that was looked at from a gravel mining permit standpoint, but he didn't think they discovered enough minerals in their gravels to extract it. The lake was the upper limits of the gravel mining permit.

Commissioner Hummel stated that there was no concern about any areas having been backfilled inadequately that could cause foundation problems in the future.

Mr. Sorenson responded that the land up in the north was untouched farmland.

Commissioner Hummel asked what would happen with the lake once the area was developed? Would it be a nice place for the residents?

Mr. Sorenson said it would be part of a parcel that's for recreational use, a typical gravel pit lake that you see along the river corridors and I-70.

Commissioner Hummel asked about the little section on the left that was slightly gray, would this be off limits, did they expect any construction to happen down there?

Mr. Sorenson responded that gravity sanitary sewer would be a challenge. He continued that the sewer lines are not extremely deep, and the grade falls north to south making any portion, especially in that southwest corner unlikely to develop from a residential or development standpoint without a lift station. He added that it was also in the floodplain.

Commissioner Hummel thanked him.

Commissioner Hearn asked if they could put 8 to 10 dwelling units per acre in this developable area, so that everything averages to 4 to 5 dwelling units? Was there anything in the code that would have prevented that?

Mr. Hemphill responded they haven't gone through anything in the city limits regarding the clustering of density from the transfer of development rights from certain areas of the parcel because they're undevelopable through reviewing this application, the neighborhood meeting and

the stuff that was presented. The four dwelling units per developable acreage would be supported through the South Fruita Residential plan and the zoning criteria sets that forth and the other elements like open space or undevelopable area would just be left at that.

Commissioner Hearn said she forgot that it was 4 to 5 per developable acre but wanted to get it on record so the public shouldn't fear that they would be able to cluster just because a large portion was not going to be developed. She thanked him.

Commissioner Hearn brought up criteria #6, supported by local residents and landowners as something that has been met. She asked at what point can they not keep reusing that as a justification? She added that some folks didn't participate in 2020 and that's not how they support this.

Mr. Hemphill responded that the criteria and the answer to the criteria touches on three elements. The first element is that the overall Comprehensive Plan is supported by local residents through the public outreach efforts that they did. This solidifies that the city is planning on growing in certain areas and not growing in some and that the densities justified through the Future Land Use Map key are also supported through the guiding document of the Future Land Use map and the Comprehensive Plan. The other element that's touched on is the number of residents that are invited to participate in the public hearing process. That's where that number comes in, he thought it was somewhere in the forties, but we haven't received any written public comments that challenge the Urban Growth Boundary, the Future Land Use map, or the Comprehensive Plan with regards to annexation. He continued that the next element within that, was the petition that has been signed by all the legal property owners that says that this is a voluntary annexation, and the property owners, who all have interest in the subject property being annexed, support going through this process.

Commissioner Hearn talked about hard edges for Fruita and that this is a case when that isn't possible due to the gravel pit.

Mr. Hemphill said that the edge is created by sanitary sewer service and those utilities that can be provided to the end or the edge. The rest are our parks, open space and trails. He continued that the PHROST Master Plan spoke to some open space in this area along the river corridor and they will have to consider that when they go through the subdivision process.

Commissioner Hearn called for a motion.

COMMISSIONER HUMMEL MOVED MADAM CHAIR, BECAUSE THE ANNEXATION APPLICATION MEETS THE REQUIREMENTS OF SECTION 17.17.050 (A) OF THE FRUITA LAND USE CODE AND APPLICABLE STATE STATUTES I MOVE THAT WE RECOMMEND APPROVAL TO CITY COUNCIL, OF APPLICATION #2024-04, THE KARP 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 MULDER SECONDED THE MOTION

MOTION PASSED 6-0

Commissioner Hearn asked for a motion for Application # 2024-05

COMMISSIONER HANDLEY MOVED BECAUSE THE APPLICATION MEETS ALL APPLICATION CRITERIA SET FORTH IN SECTION 17.09.070 OF FRUITA LAND USE CODE I MOVE TO RECOMMEND APPROVAL OF THE ZONING REQUEST TO SOUTH FRUITA RESIDENTIAL WITH NO CONDITIONS TO THE FRUITA CITY COUNCIL.

COMMISSIONER MCGUIRE SECONDED THE MOTION

MOTION PASSED 6-0

## H. OTHER BUSINESS

1. Community Development Updates  
None
2. Visitors and Guests  
Mr. Philip Carlton, who lives at 642 Kaley Street talked about the potential for a wild open space for public enjoyment, perhaps a River Front Park.
3. Other Business.

South Fruita Residential zoning, density, housing types and duplexes were discussed. The Commission also brought up text amendments and the process. Utility infrastructure and funding were talked about.

### Adjournment 6:45 pm

Respectfully submitted,

Kelli McLean

Planning Technician, City of Fruita