FRUITA PLANNING COMMISSION
IN-PERSON/VIRTUAL MEETING
May 9, 2023
6:00 P.M.

**Public Link to Meeting**
When: May 9, 2023 - 6:00 PM Mountain Time (US and Canada)

This meeting will be held in person with the option to attend virtually. The link to join the meeting electronically will be posted on 5/9/2023 prior to the meeting at [https://www.fruita.org/pc/page/planning-commission-meeting-75](https://www.fruita.org/pc/page/planning-commission-meeting-75) under Planning Commission Meetings. You may also contact the City of Fruita at (970) 858-0786 for information to connect to the meeting.

The following items will be presented at this public hearing of the Fruita Planning Commission for their consideration. The Planning Commission will formulate a recommendation that will be forwarded to the Fruita City Council. 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.

General Rules
Land use public hearings are similar to a court proceeding. Proper procedures will ensure a fair hearing for all and allow the land use items to be acted on in a timely manner. In the interests of time and to assure a fair hearing for everyone, the following rules will be followed:

1. There will generally be a 15-minute presentation (maximum) by the applicant.
2. Individual speakers will normally be limited to 3 minutes each.
   (Additional comments may be submitted in writing.)
3. The applicant will then have a rebuttal time of approximately 5 minutes.

The purpose of a land use hearing is to have the facts of a case presented in a manner that will assist the decision-makers in making a fair, legal, and complete decision. The hearing is a fact-finding forum by unbiased decision-makers. Unruly behavior, such as booing, hissing, cheering, applause, verbal outbursts, or other inappropriate behavior, detract from the hearing and will not be permitted.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. AMENDMENTS TO THE AGENDA
   None.

D. APPROVAL OF THE AGENDA

E. WITHDRAWN ITEMS
   None.
F. CONTINUED ITEMS

Application #: 2023-19
Application Name: Title 17.47 – Public Dedications and Impact Fees
Application Type: Land Use Code Amendment
Representative: City of Fruita
Description: This is a request for approval of amendments to Title 17.47 of the Fruita Municipal Code concerning the timing of payment of Impact Fee’s and amending the Parks, Health, Recreation, Open Space, and Trails impact fee base value.

G. CONSENT ITEMS

1. APPROVAL OF MINUTES: April 11, 2023, Planning Commission meeting.

H. HEARING ITEMS:

Application #: 2023-11
Project Name: Adele’s Acres
Application: Preliminary Plan
Property Owner: 1024 19 Rd LLC
Location: 1024 19 Road
Description: This is a request for approval of a Preliminary Plan of a 48 lot subdivision on approximately 15.01 acres

Application #: 2023-14
Application Name: 1824 J 2/10 Road
Application Type: Annexation
Location: 1824 J 2/10 Road
Current Zone: Mesa County Zoning AFT
Description: This is a request to annex approximately 6.6 acre into the city limits.

Application #: 2023-13
Application Name: 1824 J 2/10 Road
Application Type: Rezone
Location: 1824 J 2/10 Road
Current Zone: Mesa County Zoning AFT
Description: This is a request to rezone approximately 6.6 acres from Mesa County Zoning AFT to Community Residential (CR).

OTHER BUSINESS
1. Community Development Updates.
2. Visitors and Guests.
3. Other Business.
   i. Election of Officers
ADJOURNMENT

RULES OF PROCEDURE

1. THE HEARING IS OPENED BY THE CHAIR OF THE PLANNING COMMISSION
The Chair reads the item on the agenda.

2. THE STAFF PRESENTS THE STAFF REPORT
The Fruita City staff present their reports.

3. THE PETITIONER SUMMARIZES THE PROJECT
The petitioner or his/her representative is asked to present the proposal. Presentations should be brief and to the point but covering all of the main aspects of the project.

4. PUBLIC COMMENTS
People speaking should step up to the microphone and speak clearly, stating their name and address. They should be brief and to the point and try not to repeat what others have said. The Chair asks for those in favor of the item to speak and then those opposed to the item to speak. Any others who wish to speak are then asked to come up to the microphone.

5. REBUTTAL
The Chair asks for the petitioner’s rebuttal. During this brief time, the petitioner should address the major questions raised by the public and the Commission.

6. THE HEARING IS CLOSED TO PUBLIC COMMENTS AND THE ITEM IS DISCUSSED
The Chair closes the public hearing to public comments. No further comments from the public are allowed at this time. The Commission discusses the item and may ask the petitioner, staff, or members of the public to come back to the microphone to answer questions.

7. VOTE
The Chair asks the Commission for a motion on an item. After the motion is seconded, the Chair asks for a discussion on the motion. The motion may be amended and if it is amended, the Commission votes on whether to accept the amendment. After discussion and consideration of any amendments, the Commission votes on the motion. If the motion fails, or if there is a tie vote, another motion may be made and voted on using the same procedure. In addition to recommending an item be approved, approved with conditions or denied, the Commission may also table an item or continue an item to a later date.

8. FOLLOW UP
The Planning Commission’s decision is forwarded to the Fruita City Council. Once a project is approved by the City Council it must be revised to reflect all the conditions placed on it by the City Council before documents are recorded and/or building permits are issued. If the project fails to meet the Fruita Land Use Code time limits for final documents, the project approval of the project lapses and the project must be resubmitted.

9. The Planning Commission may also continue a project or deny a project. At the request of the Planning Commission, the City Council may continue a scheduled public hearing to allow the Planning Commission more time to consider or reconsider the application.
A. CALL TO ORDER

Four Planning Commissioners were in attendance. (Jessica Hearns, Derek Biddle, Amy Miller, and Jesse Fabula were present.)

B. PLEDGE OF ALLEGIANCE

Commissioner Biddle led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

None

D. APPROVAL OF THE AGENDA

COMMISSIONER MILLER MOVED TO APPROVE THE AGENDA
COMMISSIONER HEARNS SECONDED THE MOTION
MOTION PASSED 4-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

APPROVAL OF MINUTES

March 14, 2023, Planning Commission Meeting.

COMMISSIONER FABULA MOVED TO APPROVE THE MINUTES
COMMISSIONER MILLER SECONDED THE MOTION
MOTION PASSED 4-0

H. HEARING ITEMS

Application #: 2023-09
Project Name: 616 East Grand Avenue
Application: Conditional Use Permit
Representative: Alyssa Trane
Location: 616 East Grand Avenue
Zone: Downtown Mixed-Use (DMU)
Request: This is a request for approval of a Conditional Use Permit for the operation of a small animal pet boarding, grooming and training facility with indoor and outdoor operations in the Downtown Mixed-Use Zone.
Mr. Henry Hemphill, City of Fruita Planner, gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Application Details

Application #: 2023-09  
Project Name: 616 East Grand Avenue  
Application: Conditional Use Permit  
Representative: Alyssa Trane  
Location: 616 East Grand Avenue  
Zone: Downtown Mixed-Use (DMU)

Slide 3 – Legal Notice

- All Legal Notice accomplished in accordance with local and state law.
- Post Cards – March 17, 2023
- Sign Posting – March 17, 2023
- Newspaper – March 24, 2023

Mr. Hemphill gave a breakdown of required legal notice.

Slide 4 – Buffer Map and Site Posting Picture

Mr. Hemphill showed where the subject property was located.

Slide 5 – Zoning Map and Aerial Photo

Mr. Hemphill talked about the type of zones that surrounded the subject property.

Slide 6 – Review Criteria

- Section 17.09.030 – Conditional Uses
- 4 criteria to consider.
  - Consistency with the Land Use Code, the Zone in which its located, and the city’s Comp. Plan.
  - Compatibility with existing and allowed uses surrounding the subject property.
  - Will not materially endanger the public health or safety.
  - Can be served with public services and utilities.

Mr. Hemphill elaborated on the Downtown Mixed-Use zone and gave examples of some drive through locations in this zone type. He stated that this zone allows animal boarding facilities and clinics as an allowed use. The use is allowed by right but this one has some outdoor operations.
which is allowed by Conditional Use. He also said that the noise ordinances adopted through the Fruita Municipal Code will still be in effect. He said that the City’s analysis is that it can be compatible. He noted that the Downtown Mixed-Use zone is very broad and has a whole host of different land uses that are allowed by right. He spoke about the vacant lot located southeast of the subject property. He commented on the 6 & 50 corridor and in the Comprehensive Plan it mentions how people feel coming to Fruita. He spoke about the types of businesses, land uses, and housing types close to the subject property. He added that there would be a need for an Industrial Pre-Treatment Questionnaire that identifies the types of chemicals and grey water going into the sewer lines and that Public Works would need to plan for this. He said that this was already submitted and has been circulated. He said that the applicants would need to pull building permits. He talked about PACFA and that they would need a license through them, and each property would need its own license. They would also need a business license. He stated that based on the analysis of the four criteria Staff felt that the application for an outdoor animal boarding facility or kennel can be met.

Slide 7 – Review Comments & Public Comments

- REVIEW COMMENTS:
  - No reviewer expressed concerns with this application.

- PUBLIC COMMENTS:
  - Written public comments have been received. All comments have been provided to the Planning Commissioners.
  - All written comments are supportive of the application.

Mr. Hemphill let the Commission know that more written emailed public comments and they were delivered to them via paper copies tonight for their review. He noted that all the written comments appeared to be supportive of the application and would be entered into the record.

Slide 8 – Suggested Motion (Pg. 20 packet)

Mr. Chair, I move we approve the proposed Conditional Use Permit application located at 616 East Grand Avenue with the condition that all review comments be adequately resolved prior to the business becoming operational and with the following additional conditions:

1. Maintain a City of Fruita Business License.
2. Compliance with all applicable PACFA regulations.
3. Maintain a City of Fruita Kennel License.
5. The Conditional Use Permit does not include the 4,160 square foot building.

Slide 9 – Next Steps – if approved

- Submit building permits for all applicable building renovations.
- Must address review comments.
- Must apply for a PACFA license/permit.
• Must apply for a Kennel License, pursuant to Chapter 6.28 of the FMC.
  • Public hearing with City Council.

Mr. Hemphill concluded his presentation.

Commissioner Biddle thanked him and invited the applicant to speak.

Ms. Alyssa Trane went up to the podium. She stated that Mr. Hemphill did a great job explaining her project and that she had full plans to have the PACFA application in and everything be approved through them. She said that she worked in a veterinarian hospital for the past 7 years and had seen when things had not gone through the correct avenues and how it affected things. Her biggest thing she expressed was her plans for diminishing the noise and to stay in compliance with the noise ordinances that the City has in place. She stated that with dogs she has worked in multiple kennels, in Texas for a year training dogs and working in a very large kennel. She stated that there were multiple ways that you can elevate the noise. This would depend on what triggers the dog has to be noisy. A lot of times it is that they see another dog they might bark, if they see cars drive by the will bark, and they have plans to put up screening on the side closest to the highway so they can’t just sit outside and bark at cars going by. She plans on living there 24/7 and she didn’t want to have to listen to it either. She also stated that the kennels were designed to have a way to bring the dogs inside and close it so that don’t have continuous access indoor and outdoor, and they won’t run and cause a frenzy. The way they have the kennel designed on the inside, there will be walls in place, and she can move animals depending on what they need and look at what is causing their discomfort, what is causing them to be stressed causing them to bark. She doesn’t want them barking, owners get upset and then it spirals. She admitted that noise could be a big issue, but she had multiple plans in place to alleviate this and she will be living onsite, and they will have a security system that she can access and see what is going on in the middle of the night. She will be able to see what is going on without having to walk into it and stir everything up and this will keep things as quiet and calm as possible. She said that this was the biggest issue they ran into with the neighborhood meeting and people’s concerns.

Commissioner Biddle thanked her and opened the meeting to public comment.

Mr. Hemphill mentioned that there were three attendees electronically. He gave them directions on how to make a public comment if they wanted to.

Mr. Lance Canfield, owner of the current property, went up to speak. He said that they had two boxer dogs, and they can’t hear them barking when they are behind the warehouse or at the other end of the property. He mentioned that the property is already loud in the first place. He downloaded a decibel app last week and walked around their property and down the street and diesel trucks were the loudest thing, much louder than their barking dogs outside. He stated that they talked to the neighbors and those comments that the City received were probably from them and some of the businesses nearby. He said that they were very supportive of it. He thought when they presented the idea of a kennel, it was a no brainer, a perfect location.

Mr. Hemphill said he did not see anything online.
Ms. Amy Vess, who lives at 1121 Walnut Street, went up to speak. She said that she was a dog person and was in support of having the new boarding, training, and kennel. She felt that they could all use it. She said she knew a lot of dog people. She stated that there was a lot of house/dog sitters and they are all booked. She mentioned the last dog kennel and there was nobody there. She said the biggest reason why she was here and in support of this was because they will be living there. She added that training dogs means they will be barking less. She felt that the noise won’t be a problem with Highway 6 & 50 right there.

Commissioner Biddle thanked her.

Mr. Logan Hunt went up to speak. He lives at 880 19 Road. He said that he was a Fruita police officer for 6 years and just recently left that job. He stated that as his time as a police officer one thing he appreciated was how the Fruita PD handled the animal population. He said it was unique to Fruita, which you don’t get in Grand Junction or Mesa County is the police officers responding to animal calls and taking care of them like other agencies refuse to. He thought that this was a neat thing. In that time, he responded to 100s of animal calls, from barking dogs to dogs at large running around to dog bites. One thing that struck him was how much the community here enjoys their animals. He thought that it would be very beneficial to have a dog boarding facility here as a former police officer to not only help with the dogs that are left home alone while their owners go on vacation which happens a lot. It could also be a tool for the City to work with as far as taking care of animals or if a police officer found one that was at large or something it might be beneficial for the City to have that facility in place. He also knew that applicant personally, it is his sister, he knows how much she cares about animals and how good she is at training them and taking care of them. He added that it would be a passion first more than just for profit. He expected it to be a topnotch facility for animals.

Commissioner Biddle thanked him. He asked if there was anyone else. There was none. He closed the public comment portion of the meeting. He started commissioner discussion.

Commissioner Fabula thought it was a good application, Staff report, and all of his questions. He thought this was something that they would see in the downtown area coming forward. It is a great place and his concerns have been addressed. He liked the last slide that Mr. Hemphill put up for them that addressed the conditions. He said that he was not familiar with some of those agencies, and it is good to know that there is a standard that is expected across the state. That was his big question, what was that standard and what does it look like. That was his only comment.

Commissioner Miller agreed. She thought it was a smart location for this and she was thrilled to see so many public comments. They don’t typically see that. She enjoyed the story about the turtle. She likes positive public participation. She was also thrilled to hear that she had some experience, and it sounds like pretty good experience. That was one of her concerns. She said that there is a lot of dog lovers out there and people that have a heart for it. She thought that it takes experience and knowledge to do this kind of thing. That put her mind at ease to hear the level of experience. She stated that Staff did a great job of doing their homework and there wasn’t any serious, concerning comments from anybody.
Commissioner Hearns asked if they could remind her if a Conditional Use Permit held in perpetuity.

Mr. Hemphill answered that it did not. If the Conditional Use Permit went unused for a calendar year it expired.

Commissioner Hearns asked if they could be revoked?

Mr. Hemphill answered yes. A conditional use could be revoked if they didn’t follow the conditions that are placed on it. In addition to the applied Fruita Municipal Code regulations that don’t need to be in conditionally, like the noise ordinance, this didn’t need to be called out because it is already in effect for every property in Fruita. It can be revoked.

Commissioner Hearns asked if she was operating a business with a Conditional Use Permit and she did not cease operation and she sold it, does the permit go with the sale or does it stay with the owner?

Mr. Hemphill responded that the Conditional Use Permit can run with the land. He gave an example of a Conditional Use Permit to have a horse in a residential zone over one acre. It has to be in compliance with the Conditional Use Permit. If they sold the business and the new business owner is not following any of the PACFA regulations and they get audited and fail or they did an audit or if they don’t apply for a business license for a year it could be revoked.

Commissioner Hearns brought up the business model that they felt was necessary to run with the land for these criteria to feel like they have been met. She gave an example of their office hours and if that made them think that criteria two is met then they needed to add it as a condition.

Commissioner Fabula said he thought about that too and it was an interesting way to look at it. He added that those antidotes that are put in the application, he doesn’t consider those. He thinks about the use of the property and would he support the Conditional Use at another property. Those are the elements he looks at. He added that this might be the business plan going forward but business plans can change so he is thinking about the use and the location of the use and how it fits within the surrounding neighborhood and what are the potential negatives. He thinks that the operation could change but that is a good point.

Commissioner Biddle said he did not and looking at it through the lens of the Code he was not sure that they could look at the hours of operation thought Code and say that this is a limitation that could be placed.

Commissioner Hearns said she didn’t think that either but wanted discussion. She brought up condition four which may be one of those. She wanted to make sure the applicant and Staff agreed to the phrase “maintain adequate fencing and screening of the business.” She said that what was talked about in the Master Plan was that they wanted the 6 & 50 corridor to be welcoming and inviting and the way it is phrased, did they agree on what this means and should the business be sold and the permit run with the land that the condition would mean the same thing to the next owner.
Mr. Hemphill said that the purpose behind that is often times they have a landscaping criterion in the Code and they put in the nice landscaping and then find out it is expensive to maintain and they let it go. It met the criteria to start and there are no further conditions in the Code that say you have to keep the vegetation alive for a certain period of time. This one is to reduce the concern or the potential for the applicant to put in screening on a fence and not to tear and not get put back or to put on slates on and they get ripped out for some reason and to not put them back and that would look degrading to the property and to the business owner. If the property sells that is important to the City is that there is some buffering, and it has been said in the project narrative that the fencing is going to be upgraded to meet certain things. He said that they can work through that with Ms. Trane to make sure that it is cost effective for her but that she put in something that promotes her business that makes sense and looks nice for both people driving into the corridor of the City of Fruita and would be maintained over time.

Commissioner Hearns asked Mr. Trane what was in her proposal business model that doesn’t have to be a condition but with this one if her understanding of criteria four is how she described when she wrote her proposal.

Ms. Trane said that the biggest portion of the fencing that she would be concerned about having no visibility would be the side facing the highway as they are coming into town. The rest of the fencing is already a secure 8/6’ tall chain link and she didn’t have in the proposal to do the entire fencing primarily just that portion of it.

Mr. Hemphill mentioned another condition in the review comments that barbed wire is not a supported material for any fencing. He said that this would need to be removed.

Commissioner Biddle verified that on the sides it is chain link and staying chain link. Part of the need for fencing isn’t necessarily for noise mitigation, it is for security.

Ms. Trane verified that.

Commissioner Miller stated that she thought it would help with mitigation because the dogs aren’t seeing the vehicles or people walking by and they won’t be barking but it won’t be a soundproof barrier.

Commissioner Biddle asked if slates would be going into the chain link?

Ms. Trane said that this wasn’t discussed whether it would be the netting or the slats. It will come down to what looks the best in a reasonable price. She added that it wasn’t designed to block as more as sight.

Mr. Hemphill pulled up a Google roadmap and showed them the side Ms. Trane was talking about. He said that if they imagined driving by and they saw the large utility building, he said that this was the side she was talking about.

Ms. Trane confirmed this.
Mr. Hemphill said it was that side and the side that they could see, he pointed out a truck or trailer, he continued that right behind that. He said that beyond that, he showed where the facility is going to have the dogs. He asked if this was correct?

Ms. Trane said that this was correct.

Mr. Hemphill said it was the southern building. He pointed out where the fencing would be going along the vacant property to the south.

Ms. Trane confirmed that.

Commissioner Hearns asked if she expected at night the animals to have access to the outdoors or is it when they would be inside?

Ms. Trane said they would be inside. She added that this would be in the evening and to calm them down, so it wasn’t free reign.

Commissioner Hearns she asked that in criteria 2 in the Staff report there was a phrase that says, “the potential for new development or redevelopment in the vicinity could be impacted by the boarding facility.” She went through everything in DMU that anyone could ever do and one of the properties is commercial. She asked for an example of what this meant.

Mr. Hemphill stated that they could put apartments there in C1 and multifamily. He also said that you could put in a restaurant with a patio. He added that certain types of uses do make sense going in next to each other.

Commissioner Hearns said she misread the sentence and thought that if this were approved as an outdoor dog kennel but across the street wanted a restaurant they could conflict. She asked if this is what he meant?

Mr. Hemphill said that what they have seen in the past with existing land uses is the discussion from property owners saying they wanted to start a business and there is an autobody shop next to mine. The use that they might want doesn’t make sense with that so it would be difficult for them to sell the property. Similarly, the caveat to the compatibility was that because this is a Conditional Use Permit, certain uses don’t make sense next to each other. These are not always deviated as allowed or not allowed and, in some cases, it does make sense. He added that it was important in the Comprehensive Plan, to Staff and the Code that the Highway 6 & 50 corridor be inviting to those that are coming in and out of Fruita. The potential for this type of business for outdoor uses as a Conditional Use application did make sense to have that analysis of what may or may not be located nearby. He said that this is why it is a conditional use and not an allowed use by right or not allowed at all.

Commissioner Fabula said he was glad he stated it like this because when you think about what the benefit would be to have the Conditional Use Permit, one of the benefits from the City’s point of view is that here is a use that is acceptable and as life goes on and the years go by and then it is causing harm to the neighbors, because it is a Conditional Use Permit, there is the
ability to move forward. Other uses that are uses by right you would never have that situation. He pointed out that it was an interesting element of the Conditional Use Permit.

Commissioner Hearns said that Ms. Trane’s answer about the dogs going inside, and night resolved criteria two for her. She said that when she thought about childcare, she thought that this was loud, she thinks that it has the potential to interact, but they don’t stay outside overnight. She felt it was fine.

Commissioner Biddle said that he loved the idea but having seen what happened to the facility further west and their wood structure, he loved the idea of cameras. He was curious if there were any requirements or consideration planning for any sort of fire sprinklers or monitored fire alarms?

Ms. Trane stated that when they first met with the City, the Fire Chief was there, and they talked about that. They will have access, they will have their own special access and they will always be able to come in, the doors will never be locked. As far as a fire sprinkler system, this hasn’t been talked about. She thought due to the size of the building, she didn’t think that usually fell into that sizing, but if it were an issue the alarm system, she is looking into is dual security as well as fire prevention. They offer both and if it goes off it immediately alerts the authorities, both the police and fire department.

Commissioner Biddle confirmed with her that it would be monitored.

Mr. Hemphill said that it was important to note that as they have implemented the building division for the City of Fruita is that with applicants like this and both experienced and not experienced in the construction realm they are open and our Chief Building Official and our Planning Director are open to having an in person meeting with whoever at any time to discuss any unique characteristics that any building remodel, addition or new construction would need to be on the lookout for. He said it was an issue with Pet Particulars coordinating with Lower Valley Fire in the remodel. He said that they were going to be involved in any building permit related submittal and any meetings that they do have in person to create expectations and communication with the applicant if this moves forward. He wanted it for the record that they have been doing it and will continue to meet with applicants to talk about the vertical construction with our Chief Building Official and the entire Building Division team and with Lower Valley Fire.

Commissioner Hearns stated that condition five made it explicit that the Conditional Use Permit should it be approved does not include the 4160 square foot building but as she understood it there is plans to within one year add that to the business. She asked what that process looked like?

Mr. Hemphill said it would be an amendment to the Conditional Use Permit that was before them tonight. He went on to say that they wanted to put it there to blanket it and to hold the applicants accountable for doing it the way they stated. To not open the opportunity for the business to make a change and then the business explodes, and it is popular and they move in and not talk to the City, Building Division, Fire Department about moving the animals, cutting
into the steel building which doesn’t meet our design standards. They will need to take this piece by piece and if this is successful and want to continue to move it over and Canfield finds a new home in Fruita they will transition into that. They would revisit and determine if it is appropriate.

Commissioner Hearns asked what an amendment looked like? Would it be the same process? Her understanding of tonight’s decision is that they were having a Conditional Use for the outdoor portion and dog runs. Does this condition prevent indoor Kennel services in that structure?

Mr. Hemphill said it did not.

Commissioner Hearns said that she understood. She asked if the conditions didn’t limit the number of animals.

Mr. Hemphill said it was regulated through PACFA.

Commissioner Hearns stated that she was trying to think of the most extreme case and gave an example. She asked if the number of animals changes how she would feel about the outdoor part. She said it did not change her thoughts.

Commissioner Biddle states that he did not think that they could go indoors in the current building, and they would have no say over it.

Mr. Hemphill said that if they were skeptical about the potential for this to get out of hand, she could sell the property and that person would have no idea what they talked about tonight reading what was put on the Conditional Use, they could place other conditions on this. The number of animals if that what Ms. Trane can handle and is proposing her business model include for the number of different animals, they could place that as a condition. If it goes higher amend the Conditional Use Permit and have another discussion.

Commissioner Biddle asked if they had seen anywhere what the max limit was in the current building?

Commissioner Fabula said that he would not be supportive of going down this road. This is something that is foreign to him that because it sounded like a big number to him didn’t mean that PACFA would look at that and say that this was out of the ordinary. They need to rely on the state standard that said here is the acceptable density. He wanted to leave that level of decision up to them.

Commissioner Biddle agreed. He was curious what that number might be.

Commissioner Fabula asked Mr. Hemphill to pull up the slide with the conditions on it.

Mr. Hemphill pulled it up.
Commissioner Hearns wanted to say that despite all her questions she is in support. She just wanted to make sure because they will be deciding. She stated that all of the public comments were great to see how many people supported them, but it does go with the land and the City is in it for the long haul.

COMMISSIONER FABULA MOVED TO APPROVE THE PROPOSED CONDITIONAL USE PERMIT APPLICATION LOCATED AT 616 EAST GRAND AVENUE WITH THE CONDITION THAT ALL REVIEW COMMENTS BE ADEQUATELY RESOLVED PRIOR TO THE BUSINESS BECOMING OPERATIONAL AND WITH THE FOLLOWING ADDITIONAL CONDITIONS:
1. MAINTAIN A CITY OF FRUITA BUSINESS LICENSE.
2. COMPLIANCE WITH ALL APPLICABLE PACFA REGULATIONS.
3. MAINTAIN A CITY OF FRUITA KENNEL LICENSE.
4. MAINTAIN ADEQUATE FENCING AND SCREENING OF THE BUSINESS.
5. THE CONDITIONAL USE PERMIT DOES NOT INCLUDE THE 4160 SQUARE FOOT BUILDING.

COMMISSIONER HEARNS SECONDED THE MOTION

MOTION PASSED 4-0

I. OTHER BUSINESS

1. Community Development Updates

   Mr. Hemphill discussed the PHROST fee, making Reed park part of the core, a Master Plan update, next month’s hearing items, and Mesa County’s update on their Comprehensive Plan and participation opportunities for the Commission.

2. Visitors and Guests
   None

3. Other Business
   None

Adjournment 7:15 pm

Respectfully submitted,

Kelli McLean
Planning Technician, City of Fruita
Application #: 2023-11
Project Name: Adeles Acres Preliminary Plan
Application: Preliminary Plan
Representative: River City Consultants
Location: 1024 19 Road
Zone: Community Residential (CR)
Request: This is a request for approval of a Preliminary Plan application for the development of 48 single family lots over approximately 15.01 acres located in the Community Residential (CR) zone.

PROJECT DESCRIPTION:

This is a request for approval of a 48-lot subdivision over approximately 15.01 acres located southeast of the intersection of 19 and J 2/10 Road. The subject property was annexed (Ordinance 2022-19) and zoned (Ordinance 2022-20) in August 2022.

The proposed subdivision has primary access coming from the north along J 2/10 Road with an emergency access point from 19 Road. The proposed internal rights-of-ways (ROW) are designed to the city standards of 44 total feet of ROW with curb, gutter, and sidewalk. There is also a street stub to the south to allow for future development on the property to the south. Off-site ROW improvements will be required along J 2/10 Road and a Transportation Impact Fee collected at approval of a Building Permit will be required to be paid. This impact fee is then allocated to 19 Road Improvements in the near future. The City plans to utilize these impact fees to construct 19 Road improvements in a manner that is consistent with the City’s circulation plan. The city intends that 19 Road improvements happen in larger phases as opposed to piecing together smaller development projects as applications get built out over a longer period of time.

Sanitary sewer service is proposed to be extended with this development. There are currently 20 irrigation water shares allocated to the subject property with plans to construct a pressurized irrigation system to serve the subdivision.
SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential with some small-scale farming scattered nearby. This is typical of subdivisions built at the city’s edge.
REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

PRELIMINARY PLAN (MAJOR SUBDIVISION)

Section 17.21.040 (A) states, Major Subdivisions are reviewed based on the following criteria:

1. Conformance to the City of Fruita’s Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;

Conformance to the City of Fruita’s Master Plan (Comprehensive Plan):
Influenced by the community values expressed on page 2 of the Comprehensive Plan, the Plan Vision states, “The City of Fruita values quality of place. It’s an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that’s responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation.”

Community Values were built into the plan and some to keep in mind for residential development applications include the following:

- Fruita is a place where you run into neighbors, friends, and acquaintances at local stores and restaurants, parks, and the community center. (Community Values, Page 2, Comprehensive Plan)
- Fruita is a community where people are invested and constantly work to make the community better. (Community Values, Page 2, Comprehensive Plan)
- Fruita is committed to a land use pattern and supporting policies that promote access to housing across the income spectrum of its residents. (Community Values, Page 2, Comprehensive Plan)

Community Snapshot – The Comprehensive Plan must suit the needs of the current Fruita community and remain relevant as the city changes and grows in the future. Thus, a thorough analysis of city and regional demographic and economic trends was conducted for this plan. This data-driven approach has informed many elements of this plan, from the future land use goals to economic development strategies and education policies. (Community Snapshot, Page 10, Comprehensive Plan).

The City of Fruita’s Master Plan, Fruita In Motion: Plan Like a Local, encourages Efficient Development as one of its Plan Themes. The Plan Themes section is found in in Chapter 1 (page 5) of the plan and states that, “The City of Fruita encourages infill over sprawl and development within the existing city limits and Urban Growth Boundary (UGB). Efficient development reduces the demand for infrastructure and city services, supports community connectivity, and encourages a thriving downtown core.” This subdivision is within the UGB and will meet the intents of creating a definitive city edge. An urban-rural edge defines Fruita as a freestanding community separate from Grand Junction. Undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired.

Connectivity is another Plan Theme within Fruita’s Master Plan. This Plan Theme reads, “It is easy for vehicles, cyclists, and pedestrians to get around Fruita and to visit local destinations. The City of Fruita offers safe, intuitive, and well connected on- and off-street trail networks for pedestrians and cyclists.” Overall, the proposed subdivision meets the intents and purposes of the connectivity Plan Theme which is ultimately meant to create an overall development pattern that is positive for vehicular and pedestrian movement.
Conformance to Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations:

The property is zoned Community Residential (CR). The purpose of the CR zone is to allow moderate density with a mix of housing types. The CR zone has a minimum lot size of 7,000 square feet for subdivisions with up to 6 dwelling units per acre, with a supported density of between 4-6 dwelling units per acre.

The subdivision is proposing an overall density of 3 dwelling units per acre; however, this includes a larger proportion of the property retaining the existing house on approximately 1.77 acres.

The internal streets meet the city’s standards. As part of the development, the developer will be required to construct improvements along J 2/10 Road which include curb, gutter, sidewalk.

The city requires 1-1.5 irrigation water shares per irrigated acre. From the information submitted, it appears that the subject property has 20 shares. The application is proposing to construct a pressurized irrigation system to serve all the lots.

There are two (2) platted access locations and a permanent emergency access location to 19 Road.

With some changes, the proposed development can be in conformance with the city's Master Plan, Land Use Code, and all other city policies and regulations based on the more technical responses as expressed in the Consolidated Review Comments included with the Staff Report.

Review comments from the City Engineer, Planning & Development Department, Ute Water, Grand Valley Power (GVP), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

2. Compatibility with the area around the subject property in accordance with Section 17.05.080 (C);

The City seeks to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Comprehensive Plan, existing adjacent land uses, applicable zoning district requirements, and other city codes and regulations. Section 17.05.080 (C) of the Code states that 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 primary use surrounding the subject property is single-family detached residential with some secondary small-scale farming nearby. Mesa County allows for residential development nearby. Both Mesa County and the City of Fruita support residential developments in this area. This criterion has been met.

3. **Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc.);**

It appears that most required services and facilities are available to the subject property and the proposed subdivision. The subdivision is required to extend sanitary sewer to the subject property from 19 Road north.

The irrigation water shares document shows 20 shares, this should be adequate to serve the irrigation needs of the proposed subdivision in accordance with the Land Use Code. It should be noted that private irrigation systems are owned, operated, and maintained by the HOA. In the design and development stage, the City of Fruita is involved to ensure the system will work and that there are adequate water shares.

More technical details pertaining to the roads, drainage facilities, domestic water systems are contained in the review comments. All review agencies have had an opportunity to comment on this application and continued coordination will take place as the application continues to move forward.

If all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application, this criterion can be met.

4. **Preservation of natural features and adequate environmental protection; and**

There doesn’t seem to be any elements of the subject property that are in need of preservation at this time.

Any stormwater management issues must be addressed and sedimentation, weed, and dust controls will be required as part of the construction process.

This criterion can be met.

5. **Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.**

Although some redesign will be necessary in order to meet the minimum requirements of the Land Use Code and other city regulations, it does not appear that resolving concerns necessarily leads to a significant redesign of the development that would require another Preliminary Plan review.
As mentioned before, review comments from the City Engineer, Planning & Development Department, Ute Water, Grand Valley Power (GVP), Grand Valley Drainage District (GVDD), Lower Valley Fire District (LVFD) and others address technical issues within the development and are attached with this Staff Report. If these issues are adequately resolved with the Final Plat application, then this criterion can be met.

Based on this information, the approval criteria that must be considered for Preliminary Plan applications either have been met or can be met if all review comments and issues identified in this Staff Report are adequately resolved with the Final Plat application.

LEGAL NOTICE:

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<thead>
<tr>
<th>Legal Notice (minimum of 15 days prior to Planning Commission)</th>
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<tr>
<td>April 19, 2023 (20 days prior)</td>
<td>Post Cards [17.07.040 (E)(1)(d)]</td>
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<tr>
<td>April 12, 2023 (27 days prior)</td>
<td>Sign Posting [17.07.040 (E)(1)(c)]</td>
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<tr>
<td>April 19, 2023 (20 days prior)</td>
<td>Legal Ad [17.07.040 (E)(1)(a)]</td>
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REVIEW COMMENTS:

All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.

PUBLIC COMMENTS:

No written public comments been received at this time.

It should be noted that the Land Use Code requires a neighborhood meeting to be held by the applicant in accordance with Section 17.07.040 (D). The applicant held a neighborhood meeting on December 7, 2022. The meeting notes are provided in the application materials.
STAFF RECOMMENDATION:

Staff recommends approval of application 2023-11, Adeles Acres Preliminary Plan, with the condition that all review comments and all issues identified in the Staff Report are adequately resolved with the Final Plat application.

PLANNING COMMISSION SUGGESTED MOTION:

Mr. Chair, I move we approve/deny application 2023-11, the Adeles Acres Preliminary Plan to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved with the Final Plat application.

FRUITA PLANNING COMMISSION:  May 9, 2023
FRUITA CITY COUNCIL:  June 6, 2023
Application Type: Preliminary Plan
Application Name: Adeles Acres Subdivision
Application Number: 2023-11
Location: 1024 19 Road

• Application sent out for review: March 20, 2023
• Legal Notice –
  o Paper – 4/19/2023
  o Postcards – 4/19/2023
  o Sign – 4/12/2023
• Planning Commission: May 9, 2023
• City Council: June 6, 2023

Description:

This is a request for approval of a preliminary plan application to create a 48-lot subdivision over approximately 15 acres located at the southeast corner of 19 Road and J 2/10 Road.

General:

1. Access to Lot 48 should now come from Isla Street, interior to the subdivision.
2. Highway 6 & 50 sewer recapture (reception #2898098) applies to this development application.
   a. Each platted lot will be required to pay $2,000 toward this recapture at the time of Building Permit submission.
3. Residential Design Standards require either a street connection or trail connection for every 300-600 linear feet.
   a. Provide a trial connection on the north. Between Lots 11 and 12 may be a good place to add this with an ADA ramp alignment with the Lot 18 intersection.
   b. This must be placed in a Tract dedicated to the HOA.
   c. Must be at least 16 feet wide with a trail surface of at least 8 feet and landscaping on both sides.
4. The existing telecommunications tower on the northwest corner needs to be removed.
5. The water shares document represents 20 shares, please provide a headgate report showing these shares being allocated to the subject property.
6. The Land Use Code states that Community Residential development be between 4-6 dwelling units per acre. The application is proposing less than the minimum supported. The plans show retaining 1.77 acres for the existing house on the northwest corner. Staff
recommends the development increase the density closer to the minimum of 4 dwelling units per acre.

**Plat**

1. Provide a 14-foot multi-purpose easement along 19 Road and J 2/10 Road.
2. Looks like the subdivision title is spelled “Adaeles” and should be “Adeles”
3. There are references to the Mesa County Land Development Code, these references should be removed.

**Responses to comments must be shown with redlines so the comments addressed can be identified by Staff. This applies to responses to comments where the plan set is to be revised. Revision dates must also be placed on any revised plans. To ensure a timely review of your responses to comments, please redline the construction drawings with any changes from the original plans submitted. Also, you must include a revision date on all your plans to ensure the correct plans are being reviewed. If this is not done, the review of your resubmittal may be delayed.
CITY OF FRUITA
CITY ENGINEER & PUBLIC WORKS REVIEW SHEET

PROJECT: Adele’ Acres

Petitioner: 1024 19 Road, LLC
River City Consultants

Reviewer: Sam Atkins

Date: April 26, 2023

REVIEW TYPE: ___ Minor Subdivision ___ Lot Line Adjustment ___ Site Design Review
___ Major Subdivision - Final Plan/Plat ___ Final Plat ___ Conditional Use Permit
___ Other:

REVIEW COMMENTS

1. **General:** This application is for a 15.01-acre subdivision located at 1024 19 Road comprised of 48 single family lots.

   **Review Comments**

2. **Plat:**
   a. Drainage and irrigation easements should be a minimum of 10-ft in width and shall not be split by a lot line.
   b. Add a 14-ft MPE along the frontage of lots along J.2 Road and 19 Road.
   c. There does not appear to be a sewer easement through Tract A. Add an easement to the City if this is a public sewer.
   d. Ensure that the ROW fillet at 19 Rd. and J.2 rd. is big enough to accommodate a large flowline radius and the resulting ramp (35’ is specified for this type of intersection).
   e. There are several references to Mesa County which should be the City of Fruita that show up on page 1.
   f. The irrigation easement on Lot 4 has a dimension of 42’ in length but it is not the full length of what is drawn. Verify the dimension.
   g. Add a sanitary sewer/drainage easement through Tract A.

3. **Site Plan:**
   a. Half street road improvements will be required on J.2 Road as it will be the only access to the site.
   b. There are a bunch of dimension labels along the top of lot 34.
   c. There are both 10-ft and 6-foot v-pans within the site. What is the reason? If 10 is to be used, what are the vertical dimensions?
   d. Provide a ramp on the opposite side of tee intersections so there is a way to cross at each intersection without having to go all the way around.

4. **Composite Site Plan:**
   a. What is the shading on the curb, gutter and sidewalk near lots 3, 18, 25, 26, 33 & 36?
b. I did not see where the streetlights were called out. There is one on sheet C49.

c.

5. Utility Composite Plan:
   a. Sewer for this property is to connect to the trunk line in 19 Road. The sewer is on the west side of 19 Road at Iron Wheel Subdivision.
   b. Will the manhole at 19 and J 2/10 Road for irrigation going to end up in a curb ramp when constructed? If so, we would want to relocate the manhole elsewhere by extending the pipe.
   c. Call out storm drains through Tract A as private, no City maintenance.

6. Drainage Report/Grading:
   a. Where in the SWMM does it use a 1-hour storm?
   b. What drainage basin area was used for the storm drain in J Road. It should be for more than just the project drainage.
   c. What is the capacity of the receiving facility. It has been our policy that if there is a GVDD facility that is receiving the discharge from development that the facility needs to be checked for capacity. If it does not have the capacity, then the project needs to release at 50% of historic rate.
   d. The maximum top of concrete elevations are such that driveways will be too steep. Fruita has a maximum driveway grade of 10%. Checking Lot 42 for example, with a Max ToC 4552.71, the 2 front corners are 4548.08 and 4548.47 giving driveway grades of 17.0% and 18.5%. All the TOC elevations should be reviewed and adjusted accordingly.
   e. Corner elevations might suggest the back of the ramp would exceed a 2% cross-slope in some locations. Assuming a square intersection, the maximum elevation difference on a location intersection would be 0.42 ft to keep a straight grade of 2%. I think in cases where those dimensions are greater (both ramps at Isla/Ava) there should be a note added that says the ramp will need to be warped to meet ADA or something like that. I would probably want that information on the plan and profile sheets for the streets and not necessarily on the grading plan because they will build from the profiles.

7. Sanitary Sewer Profiles:
   a. Sewer is to go down 19 Road for this parcel. The sewer from J.2 Road to J Road to be sized at a 12-inch line and from J Road to Iron Wheel Subdivision as a 15-inch line.
   b. Add a manhole to SS Line F as the 459.45’ exceeds our maximum length between manholes.
   c. Add all existing utilities to SD Line N. There has to be at least gas out there. Call out waterline size in profile. Does Ute Water not know the size?
   d. Sewer should be extended to the north boundary of the property.
   e. A recapture would be available for sewer constructed from where you connect to the south end of your project.
8. **Storm Drain Plan & Profile/J Rd.**
   a. Add road edges, utilities, etc. I would think there is a gas line and power at a minimum. The indication is there is an existing waterline but no size is given. I would think Ute Water could provide that information.
   b. 450’ max spacing on storm drains between manholes.

9. **Irrigation Plan:**
   a. Where are the details for the pumphouse and vault?

10. **Traffic Study:**
    a. This new traffic study suggests there is a requirement for a northbound right turn lane to J 2/10 Road. This was not a requirement for previous developments and therefore must be generated based on the need of this project. This project should pay for the construction of this auxiliary lane as the city has a project in the future to construct improvements to 19 Road and constructing this lane now would negatively affect the future project.

**RECOMMENDATION:**

The Engineering and Public Works Departments recommends approval of this Site Plan upon the satisfactory resolution of the items cited above.
ADELES ACRES SUBDIVISION
COSOLIDATED REVIEW COMMENTS
5.1.2023

GVP Comments

1. The project is in the Grand Valley Power (GVP) service area.
2. This review does not start the design process with GVP. Please make an application for service by calling 242-0040 to start the design process, a cost estimate will be prepared. An engineering deposit may be required.
3. 3-phase power is available for this project, along the west side of 19 Road.
4. Need GVP electric layout on FINAL Utility Composite Plan. Showing the locations of street lights, transformers, junction boxes, road crossings (number of conduits, type, size, depth & length), and any other needed equipment.
5. For new projects, some electrical equipment (transformers, metering, etc.) may have an ordering lead time exceeding twelve months. Please plan accordingly.
6. Need 14’ Multi-Purpose Easement along all Roads and streets.
7. No trees are to be planted over the utility portion of the Multi-Purpose Easement.
8. Any Utility / Multi-Purpose Easement that is also used for landscaping will need to have underground power lines buried in a duct system.
9. Irrigation and drainage lines should not be in the utility portion of the Multi-Purpose Easement.
10. Any relocation of existing overhead power lines, poles, guy/anchors, underground lines, transformers, or any other Grand Valley Power equipment is at the developer’s expense.

No further comment.
Grand Valley Drainage District

GVDD has reviewed the project and spoken to the Engineer. We understand that the storm water from this development and the subdivision on the west side of 19 Rd will be using new storm water drains in 19 Rd, J Rd that will include replacement of portions of the Coup Drain with 18” RCP to handle the historic drainage and the new MS4 water. Under this scenario the District has no objection.

Lower Valley Fire District

LVFD would like for the hydrant at lot 15-16 be relocated to the main entrance off J2/10 Northwest corner. Hydrant at lots 9-10 be relocated to southeast corner of AVA and Isla on the corner of Lot 18. Hydrant between lots 21-22 needs to be moved to corner of Marley and Isla southeast corner of lot 21. Hydrant between lots 31-30 needs to be relocated to corner of Lily and Marley southeast corner of lot 30. Hydrants will follow IFC 2018 Appendix C Table 102.1. Fire flow will follow Appendix B table 105.1 1000 GPM with a 20 psi residual pressure. Road ways along with CUL-DE-SAC will follow IFC 2018 Appendix D D103.1. Subdivision will follow 2018 Appendix D section D107.1

Mesa County Regional Transportation Planning Office

RTPO does not have major concerns. The sidewalk connection to 19 Rd and the stub street is appreciated to allow for future connectivity to adjacent properties as development continues in the area. It is interesting to note that the numbers from the RTPO Travel Demand Model show a decrease between 2019 and 2045, this is likely due to the model’s anticipation of improvements to 18 ½ Rd/Freemont Street by the horizon year of 2045.

Ute Water

Comments submitted via redline drawings from construction plans submitted. Comments given to the applicant’s representative, River City Consultants.

Mesa County Stormwater

Project will require a Mesa County MS4 Construction Stormwater Permit. Application can be completed online at: https://h9.maintstar.co/MesaCounty/portal/#/ Permit Fees will be assessed once application is received. Please note that "Review Fee" must be paid before Stormwater Management Plan and Site Map(s) can be reviewed. SWMP in initial submittal is acknowledged and will be reviewed once permit application is completed and 'review fee' is paid.

This project meets the criteria of "New Development", therefore permanent Water Quality is required. Please complete a "Post-Construction Stormwater Control Measure Operations and Maintenance" Agreement. Project will need to provide a copy of its State Discharge Permit (CDPHE) to Mesa County Stormwater Division.
Project Narrative
Name: Adeles Acres Subdivision
Application: Subdivision
March 16, 2023

Project Information

Applicant: 1024 19 Rd LLC - Owner
Representative: Courtney Patch – River City Consultants, Inc.
Location: 1024 19 Road, Fruita, Colorado 81521
Parcel No: 2697-153-00-181
Zoning: Community Residential (CR) within the City of Fruita

Project Description:
The proposed project site is located at the southeast corner of the intersection of 19 Road and J.2 Road in Fruita, Colorado. The current project address is 1024 19 Road, Fruita, CO 81521 (Parcel No. 2697-153-00-181). In more legal terms, the project site is in the north half of the SW ¼ of the SW ¼ of Section 15, Township 1 North, Range 2 West of the Ute Meridian, Mesa County, Colorado.

The proposed project parcel is occupied by a single residence and shows signs of recent livestock activities. Onsite structures include fencing, small sheds, a garage, a house, and a tall cell phone tower near the northwest corner of the property.

The project parcel is approximately 15.01 acres of agricultural use consisting of livestock activities and crop cultivation with a single-family residence present. This parcel is being subdivided into 48 single-family residential lots, with supporting right-of-way (ROW), Homeowner’s Association Tracts, and easements for utility and access agreements. The project parcel is bounded on the west by 19 Road, on the North by J.2 Road, on the east and southeast by the Palmer Subdivision, and on the south by Parcel No. 2697-153-01-001.

Neighborhood Meeting:
A neighborhood meeting was held on December 16th, 2023, virtually via Zoom at 5:30pm pm. The minutes, attendance sheets and exhibits that were presented at the meeting are included with this submittal. Overall, the project was favorably accepted by the public that attended the meeting.

Preliminary Plan

Project compliance with, compatibility with and impacts on:
Adopted plans and policies
The project meets the intent of the Fruita Land Use Code, as well as the requirements of the City of Fruita 2020 Comprehensive Plan.

Land use in surrounding area including parks and open space
The surrounding area contains a mix of uses, including single family residential and agricultural uses. The proposed project site is zoned Agricultural, along with the parcels located directly to the north, west, south, and northwest. The Palmer Subdivision is located directly to the east and southeast and is zoned Residential.

Site access and traffic patterns
Access to the project site will be from the south side of J.2 Road at the proposed entrance for the development (proposed Lily Street). Currently, J.2 Road is a two-way gravel road east of 19 Road, and a two-lane paved road west of 19 Road. 19 Road is a two-way paved road with gravel shoulders.

Availability of utilities
All utilities are available and will be extended into the subdivision.

Special or unusual demands on utilities
The proposed project will not cause any special or unusual demands on utilities. The infrastructure is in place to support the subdivision.

Effects on public facilities and services
There should be minimal impact to the provision of police and fire protection services and other municipal services with this subdivision.

Site soils and geology
A geologic hazards and geotechnical investigation was performed on the site by Huddleston-Berry Engineering and Testing in January 2023. The site is suitable for the proposed development.

Natural areas
Existing vegetation at the proposed project site consists of desert shrubs and brushes in fair condition (~50% cover), along with several cottonwoods and other deciduous trees dispersed across the property. The existing residence has landscaping and a grass lawn around the house. The property is approximately split into thirds by existing wood and wire fencing. The eastern third of the property appears to be undeveloped rangeland with natural desert vegetation. The western third has a large cell phone tower to be removed, a residence, several sheds, and mostly bare ground. The middle-third of the property shows signs of livestock activities and/or horse boarding.

Web Soil Survey obtained from the NRCS web site shows soils present at the site consist entirely of Fruitland sandy clay loam (0-2% slopes). Fruitland sandy clay loam is classified as Hydrologic Soil Group B. Group B soils have slower infiltration rates than Group A soils, and higher infiltration rates than Group C and Group D soils.
Existing Drainage
Earthen berms and private irrigation ditches border the project parcel on the north, east, and parts of the southern boundary. These existing features act as drainage boundaries keeping offsite runoff from entering the proposed project parcel and maintaining historic drainage patterns.

A roadside swale on the east side of the 19 Road corridor carries local runoff to the south along the western boundary of the project parcel. Runoff generated from the project area travels from east-to-west and ultimately discharges at the southwest corner of the parcel into the roadside swale. The swale drains south within the 19 Road corridor to an existing irrigation structure at the northeast corner of the J Road & 19 Road intersection. From there, flows are conveyed west and collected into the Grand Valley Drainage District’s (GVDD) Coup Drain.

The proposed development is entirely within the 117 Major Drainage Basin in Mesa County, CO. The 117 Major Drainage Basin flows to the Colorado River, approximately 1.5 miles south of the site.

Proposed Drainage
The proposed project will include lot grading, vertical curb and gutter, back lot drainage, storm drain, and a detention pond with outlet structure. Runoff from the developed areas will sheet flow to the curb and gutter sections of the proposed road or to the back-lot v-pans. From there, runoff will be directed to storm drain inlets where it will be collected and conveyed through the site to the stormwater pond at the western end of the development.

The proposed detention pond is a permanent stormwater solution designed to adequately provide water quality and stormwater detention measures for the Adeles Acres Subdivision. The pond is positioned within HOA Tract A of the development. The pond has been designed to hold the required water quality capture volume (WQCV), while providing detention storage for excess runoff during the 10-year and 100-year storm events.
December 7, 2022
Neighborhood Meeting Notes
Adele’s Acres Subdivision
1024 19 Rd LLC

In attendance was the property owner Darrell Cordova, River City Consultant employee Courtney Patch, and 2 neighbors joined the call.

The meeting was started at 5:30pm via zoom. The group waited approximately 10 minutes before starting the presentation to allow time for callers to join. Courtney started the presentation by describing the project proposal to subdivide the property into 48 single-family residential lots. She showed several maps including a Location Map, Urban Growth Boundary and Zoning Map, Future Land Use Designation Map, Fruita’s Future Land Use Map, and the Fruita Comprehensive Master Plan. The proposed site plan for the subdivision was also presented. All maps listed are attached to the neighborhood meeting notes for the subdivision application submittal. Courtney gave a brief description of the process moving forward and that it is an administrative process per Fruita’s Land Development Code.

Project information given in presentation:

This is a request for a major subdivision of the property located at 1024 19 Rd, Fruita, CO. The property was annexed into the city limits in the summer of 2022. The proposal includes subdividing the existing 15.1 acres into 48 single family residential lots. The existing home in the southwest corner will remain on a single lot included in the proposed 48. The current zoning is Community Residential (4-8 DU/Acre). The property is approximately 15.1 acres which would allow for a range of 60-120 dwelling units. Our proposal includes a density of 3.18 which has been discussed and approved to move forward with by the city of Fruita.

The meeting was then opened for public comments and questions. The public had no questions. The meeting was adjourned at 5:50 pm.

Screenshot of those who attended the Zoom call:
Urban Growth Boundary & Zoning

1024 19 Rd Community Residential
Fruita Future Land Use Map

Note:
The urban growth boundary may be amended for parcels that petition to develop on the eastern side of 19 Road on a case by case basis.
Fruita Comprehensive Master Plan

RESIDENTIAL 4-8
The Residential 4-8 land use category is intended for undeveloped areas where public infrastructure and services are available and proximal. This land use is also recommended for developed or semi-developed areas that are built out at a minimum of 2 units/acre. In areas that are currently built out at below the minimum density of this zone, it is expected that the minimum density (4 units/acre) is achieved when redevelopment occurs. This plan recognizes that many already-developed areas will remain in their current form for decades to come. However, there are still redevelopment opportunities throughout the city. In areas designated as Residential 4-8, there should be a clear and easily recognized pattern with a regular order to the lots and a recognizable geometry to the spaces between buildings. Innovative neighborhood designs in this land use category are encouraged. Neighborhoods in this area can be developed up to 8 units/acre in order to incentivize developers to provide amenities such as parks and trail connections and different types of housing. Rather than a complex bonus density program to get up to the maximum allowed density, the new Land Use Code should outline the requirements so that up to 8 units/acre can be done as a use-by-right.

TYPICAL FRUITA BLOCK
DENSITY - APPROX. 5 DU/AC
LOT SIZES - 7,500 - 10,000 SF
PRODUCT - SINGLE-FAMILY DETACHED HOMES
          - SOME ATTACHED; SOME DETACHED

This view is modeled after a typical block in Fruita. Fruita’s traditional neighborhoods have very modest homes, typically around 1,000 square feet. Some blocks have alleys and some do not. This example shows an alley. Even when an alley is present, the majority of homes have driveways. Some garages are attached and some are detached, behind the home.
11. Summary and Recommendations

- The proposed Project will increase the traffic volumes of the roadway network by 41 AM trips, 53 PM trips, and 529 ADT.
- A northbound to westbound deceleration lane is warranted by both County and TEDS warrant thresholds however, the Project does not contribute any traffic to this movement.
- A northbound to eastbound deceleration lane is warranted per MCDS but not per TEDS. The LOS of the intersection is adequate, and APEX is not recommending construction of an auxiliary lane for this movement.
- All sight distance requirements are met.
- The Project will have minimal impact on the surrounding roadway network.
- The Project will improve J 2/10 Road east of 18 Road.
Application #: 2023-14  
Project Name: 1824 J 2/10 Road  
Application: Annexation  
Property Owner: Pete Hitchcock and Anthony Stolarczyk  
Location: 1824 J 2/10 Road  
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
Request: This is a request for approval of the annexation of approximately 6.6 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owners of 1824 J 2/10 Road have applied to annex the property. The subject property is approximately 6.6 acres and is located on the north side of J 2/10 Road, adjacent to the Cottonwoods Subdivision. The property currently contains a single-family dwelling unit on the southwest corner.

FUTURE LAND USE MAP (FLUM)
Annexation Location

Legend
- City Limits
- Parcels
- Future Land Use
  - Urban Growth Boundary
  - Planning Influence Area
  - Downtown
  - Industrial
  - C-1
  - C-2
  - Innovation/Flexibility Zone
- Residential 4-8 du/acre
- South Fruita Residential 2-5 du/acre
- Monument Preservation 1 du/acre
- Rural Residential 1 du/10 acres
- Community/Recreation
- Cooperative Planning Area

Prepared by: SE GROUP
February 2020
SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential. The majority of the surrounding properties are within the city limits. There are a few properties to the east that are still in Unincorporated Mesa County. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP
REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

ANNEXATION

Section 17.17.050 (A) - If the subject property is located within the city’s Urban Growth Boundary (UGB) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

1. The annexation meets the requirements of the applicable State Statutes;
This annexation request meets the requirements of state laws. The property has the required 1/6th contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits as referenced in the above map. This criterion has been met.

2. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;

Annexation of the subject property will not trigger an extension of city utility services. Sewer, water, and drainage systems are all directly nearby to serve the subject property. If the subject property were to develop, there would be review of existing utilities and added infrastructure associated with residential development.

This criterion can be met as the city has planned for the subject property to be incorporated into the city limits within the Comprehensive Plan.

3. The area is contiguous with existing urban development;

The subject property is contiguous with existing urban development, with the Cottonwoods Subdivision to the north and east. The remaining properties nearby that are undeveloped and/or remain in Unincorporated Mesa County are supported for residential development within the City of Fruita.

This criterion has been met.

4. The area is or can be efficiently served by police and other municipal services;

The subject property is within the service area for the Fruita Police Department, the Lower Valley Fire District. Since the subject property is already being served by these services, this criterion has been met.

5. The development is consistent with community goals, principles, and policies as expressed in the Fruita Comprehensive Plan;

Annexation within the Comprehensive Plan states that the city should, “Approve annexation of parcels within the UGB (Urban Growth Boundary) at the desired densities as described in the FLUM (Future Land Use Map). Annexation should help ensure that new development at the edge of the city is consistent with the goals and policies of this plan.”
Additionally, the city should “Ensure that new development pays its own way and does not burden the existing community with additional capital or operating costs. Ensure that new annexations at the city’s edge share appropriately in the costs of connecting all utility, park, drainage, pedestrian, and road systems.”

Furthermore, the city should “Avoid ‘leapfrog’ developments that leave discontinuous street and utility systems. Consider annexation proposals on the basis of the logical and cost-effective extension of utilities, pedestrian connections, parks, drainage, and road systems. Also consider the fiscal burden of the annexation in terms of major capital investments that would be needed by the City (wastewater, roads).”

Annexation of the subject property has been considered as meeting the intents and purposes of the basis of logical and cost-effective extensions of utilities and road systems.

Annexation of the property is consistent with the Fruita Comprehensive Plan. These approval criteria are intended to implement the goals and policies of the Fruita Comprehensive Plan regarding annexations. It appears that the approval criteria either have been met or can be met, therefore, this annexation is consistent with the Fruita Comprehensive Plan.

6. The annexation is supported by local residents and landowners;

The Fruita Comprehensive Plan (Fruita In Motion: Plan Like A Local) was adopted by the Fruita City Council on February 4, 2020 (Resolution 2020-09). Fruita in Motion: Plan like a Local speaks to the community’s significant role in the planning process. Residents helped shape every element of the plan, from sharing what they valued about Fruita and identifying issues for the plan to address, to reviewing drafts, and providing feedback on goals and policies. The process reached a large swath of the community, through traditional outreach (open houses, an advisory committee) and meeting people where they are, with booths at farmers markets, the art stroll, and other city events and the draft plan tour, where City staff met with HOAs and other local groups to share the plan and hear input from the community.

With regards to the subject property, 89 landowners were noticed of this annexation application. The number of property owners noticed of this application is set forth with the legal notice requirements contained in the Land Use Code. Staff has not received written public comments regarding this application.

The annexation is supported by the landowner and the landowner has signed the annexation petition. This is in accordance with C.R.S 31-12-107.

This criterion has been met.
7. **Water and ditch rights can be provided, as applicable, in accordance with city policies;**

   The city standard is 1 – 1.5 irrigation shares per irrigated acre.

   This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

   Additionally, this application was sent to Ute Water and review comments indicate no objections.

   This criterion can be met.

8. **The area will have a logical social and economic association with the city, and;**

   Annexation of the subject property will not provide much with respect to an economic association with the city at this time. Once the subject property is developed, the additional dwelling units should provide for a logical social impact to the city. This criterion can be met.

9. **The area meets or can meet the existing infrastructure standards set forth by the city.**

   The subject property meets or can meet all the existing infrastructure standards set forth by the city. At the time of development, the city will review the subdivision development application in accordance with city standards related to addition infrastructure.

   This criterion can be met.

Based on this information, the annexation of the subject property meets or can meet the approval criteria that must be considered for annexations.

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**REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed annexation.
PUBLIC COMMENTS:

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

LEGAL NOTICE

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STAFF RECOMMENDATION:

Staff recommends approval of the annexation with no additional conditions.

SUGGESTED PLANNING COMMISSION MOTION:

Mr. Chair, I move that we recommend approval to City Council, of application #2023-14, the annexation of 1824 J 2/10 Road.
# ANNEXATION SCHEDULE:

## 1824 J 2/10 ROAD ANNEXATION SCHEDULE

<table>
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| 4/18/2023  | • 1<sup>st</sup> Resolution to set a hearing date to determine eligibility.  
            | • 1<sup>st</sup> Ordinance reading – Annexation & Zoning               |
|            | Published in Daily Sentinel (4 consecutive weeks)                       |
|            | • April 21, 2023                                                       |
|            | • April 28, 2023                                                       |
|            | • May 5, 2023                                                          |
|            | • May 12, 2023                                                         |
| 5/9/2023   | Planning Commission considers Annexation & Zone                        |
| 6/6/2023   | 2<sup>nd</sup> Resolution- finding property eligible                   |
|            | 2<sup>nd</sup> Reading of an Ordinance to Annex                        |
|            | 2<sup>nd</sup> Reading of an Ordinance to Rezone                       |

**Legal Notice (minimum of 15 days prior to Planning Commission)**

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ANNEXATION IMPACT REPORT  
CITY OF FRUITA  
APRIL 14, 2023

Application #: 2023-14  
Project Name: 1824 J 2/10 Road  
Application: Annexation  
Property Owner: Pete Hitchcock and Anthony Stolarczyk  
Location: 1824 J 2/10 Road  
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
Request: This is a request for approval of the annexation of approximately 6.6 acres into the Fruita City Limits.

Section 17.17.040 of the Fruita Land Use Code states that any annexation not requiring an election shall be accompanied by an annexation impact report which contains the following elements.

A. Plans of the municipality for extending to or otherwise providing for municipal services;

The Future Land Use Map (FLUM) within The Fruita In Motion: Plan Like A Local Comprehensive Plan shows the subject property within the City’s Urban Growth Boundary. The Urban Growth Boundary was developed with the anticipation of providing the necessary municipal services. With that said, the city does have plans to provide municipal services to this area.

Historically, the City of Fruita has not forced the extension of municipal services. The city has been proactive in planning for future extensions of the city limits with regards to providing municipal services to the areas designated in the Urban Growth Boundary. This includes the municipal services provided by the City of Fruita (sanitary sewer and police).

B. The City of Fruita's anticipated financing of the extension of services;

The City of Fruita will not be financing the extension of services (water, sewer, gas, etc.) to the subject property at this time.
C. The special districts included in the territory to be annexed;

No special districts are included within the territory to be annexed. Below are the agencies or entities that have taxing authority over the territory to be annexed. These agencies will be notified of the annexation application.
1. Lower Valley Fire Protection District.
2. Mesa County School District 51.
4. Grand Valley Mosquito Control District.
5. Mesa County Public Library District.
7. Colorado River Water District.
8. Library District.
9. Mesa County Social Services.

D. The effect of annexation on the public school district system including the estimated number of students generated and capital construction required to educate each student;

The school district boundaries for the recently constructed Monument Ridge Elementary School, Fruita Middle School, Fruita 8/9, and Fruita Monument High School already include the subject property. This implies that no new impacts on the school system would be generated from this annexation application. The impacts to the school district system will be evaluated by the Mesa County Valley School District when this property develops. The School District has been made aware of this annexation.

E. Traffic/pedestrian/bicycle impacts;

Traffic, pedestrian and bicycle impacts should not change with the annexation of the subject property. Traffic, pedestrian and bicycle impacts will remain the same.

F. Wastewater, water, drainage, and irrigation impacts, and;

Impacts on these facilities shouldn’t change with the annexation itself. When the property develops, necessary regulations from review agencies will be reviewed with a land development application.

G. Other relevant information as required by the Community Development Department.

Review Agencies:

1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School District (School District 51)
12. 5-2-1 Drainage Authority
13. Lower Valley Fire Protection District
14. Grand River Mosquito District
Map Exhibits:

Present City boundary
Proposed City Boundary set forth in the Future Land Use Map (FLUM)

Source: City of Fruita Comprehensive Plan Fruita In Motion: Plan Like A Local. Chapter 3, Page 29. Approved by Resolution 2020-09
Project Report - Annexation and Rezone

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

Date: 1/30/2023

Prepared by: Pete Hitchcock, Owner

Submitted to:

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

Attn: Kelli McLeand and Henry Hemphill

Project: Annexation and Rezone

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

Tax Schedule Number: 2697-163-00-038
Date of Aerial Photo: 2022

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

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

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

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

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

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

The area to be annexed is contiguous with the existing urban development boundary and is consistent with the City's Master Plan. The annexation is supported by local residents and landowners. We mailed out 89 invites for a neighborhood meeting on 2/23/23. We had 2 people come to the meeting, one commented that family homes would be a good fit for the land and the other had no concerns with our annexation, but wanted it to be known that he didn't want his property to be forced to annex. The annexation will have a logical social and economic association with the City of Fruita.
Name: Kitty Tattersall
Phone #: 970-433-4155
Address: 251 Narrow Leaf Dr
Date: Feb 23, 2023

Question and/or Comments:
I think family housing would be a good use for the land so close to schools. Best wishes!

Name: Paul Fiore
Phone #: 970-379-6377
Address: 1835 S 7th
Date: 2-23-23

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

PROJECT DESCRIPTION:

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

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

The applicants are requesting a Community Residential (CR) zone. The first step in the process to zone a property outside the city limits, is annexation. Once the subject property has been annexed into the City Limits, zoning the property must take place within 90 days in accordance with Section 17.17.080 of the Land Use Code and Colorado Revised Statutes (CRS) Section 31-12-115 (2).

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

Surrounding land uses are primarily single family detached residential. The map below identifies the various zones in this area.
FUTURE LAND USE MAP (FLUM)

Subject Property

Note: The urban growth boundary may be amended for parcels that petition to develop on the eastern side of I-9 Road on a case by case basis.
2022 AERIAL PHOTOGRAPH
REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

SECTION 17.09.070 AMENDMENT TO OFFICIAL ZONING MAP (REZONING)

A. Applicability and Procedures. The City Council may amend the number, shape, or boundaries of any zone, removing any property from one zone and adding it to another zone, only after recommendation of the Planning Commission. An amendment to the Official Zoning Map may be initiated by the owner of any property for which a rezoning is sought, or upon application of City Council.

B. Approval Criteria. The Official Zoning Map may be amended when the following findings are made:

1. The proposed amendment is compatible with surrounding land uses, pursuant to Section 17.05.080 (C), and is consistent with the city's goals, policies and Master Plan; and

The purpose of this Section is to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Master Plan, existing adjacent land uses, applicable zoning district requirements, and other city codes and regulations. Nothing in this Section shall prevent the City of Fruita from denying a land use application based on relevant Code requirements or taking enforcement action against a property owner where a nuisance or other Code violation occurs.

For all land uses, “compatibility” is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone. The review authority may require conditions of approval to promote compatibility between uses.

With regards to compatibility, the zoning of the subject property and anticipated development from a land use perspective should be compatible with foreseeable allowed land uses in the area. This takes into consideration that if surrounding properties were to be incorporated into the city limits, the allowed uses for those parcels would be compatible with the residential land uses.

The Community Residential (CR) zone allows for a density range between 4 and 8 dwelling units per gross acre. The CR zone is also the city’s primary residential zoning district. Below is a table of Land Uses contained in Section 17.05.090 and shows uses that are allowed (A), conditionally allowed (C), and not allowed (*).
The Fruita Comprehensive Plan (a major portion of the city's Master Plan) recommends Community Residential (CR) type zoning for this area. The CR zone is primarily a single-family residential zone. The density (4-8 dwelling units per acre) associated with this zone district should be compatible with future residential development as supported by the Future Land Use Map and supporting documents within the Comprehensive Plan. The Community Residential zone allows 4-6 dwelling units per acre by right. Density Bonuses may be used to increase the density up to 8 dwelling units per acre. Additional features throughout the subdivision (open space, trails, alley access, mix of housing types) would be required through Density Bonuses in order for the density to be increased.

This criterion has been met.

2. The land to be rezoned was previously zoned in error or the existing zoning is inconsistent with the city's goals, policies and Master Plan; or

This criterion is not applicable because it has not been given a city zoning designation prior to this request.

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

Although there have been changes in the area, this criterion is not applicable because the land is not yet in the Fruita city limits.

4. The amendment is incidental to a comprehensive revision of the city’s Official Zoning Map which recognizes a change in conditions; or
The Future Land Use Map and associated Comprehensive Plan was recently amended in early 2020. Although this amendment includes this area, the area had been included in past Master Plans and future land use maps. The city has planned for this area to be included in the city limits. This criterion is not applicable because there is no comprehensive revision of the Official Zoning Map for this area.

5. **The zoning amendment is incidental to the annexation of the subject property.**

The requested zoning amendment is incidental to the annexation and, as explained above, the requested CR zone is consistent with the city's goals and policies as expressed in the Master Plan.

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

**REVIEW COMMENTS:**

No reviewer expressed any issues with the proposed zoning request.

**PUBLIC COMMENTS:**

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

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

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STAFF RECOMMENDATION:
Staff recommends that the subject property be zoned Community Residential.

SUGGESTED MOTION (PLANNING COMMISSION):
Mr. Chair, I move to recommend approval of the zone request to zone the subject property to Community Residential with no conditions to the Fruita City Council.

FRUITA PLANNING COMMISSION:  May 9, 2023
FRUITA CITY COUNCIL:  June 6, 2023
Project Report - Annexation and Rezone

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

Date:  1/30/2023

Prepared by:  Pete Hitchcock, Owner

Submitted to:

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

Attn: Kelli McLeand and Henry Hemphill

Project:  Annexation and Rezone

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

Tax Schedule Number:  2697-163-00-038
Date of Aerial Photo: 2022

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

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

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

Future Land Use:
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Project Narrative: Annexation

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

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

The area to be annexed is contiguous with the existing urban development boundary and is consistent with the City's Master Plan. The annexation is supported by local residents and landowners. We mailed out 89 invites for a neighborhood meeting on 2/23/23. We had 2 people come to the meeting, one commented that family homes would be a good fit for the land and the other had no concerns with our annexation, but wanted it to be known that he didn't want his property to be forced to annex. The annexation will have a logical social and economic association with the City of Fruita.
Question and Comment Form for the
Rezoning and Annexation of 1824 J 2/10 Road

Name  Kitty Tattersall  Phone #: 970-433-4155
Address  251 Narrow Leaf Dr  Date  Feb 23, 2023

Question and/or Comments:
I think family housing would be a good use for
the land so close to schools. Best wishes!

----

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

Name  Paul Fiore  Phone #: 970-379-6377
Address  1835 5 2/10  Date  2.23.23

Question and/or Comments:
only concerns: force annexation to my property.