



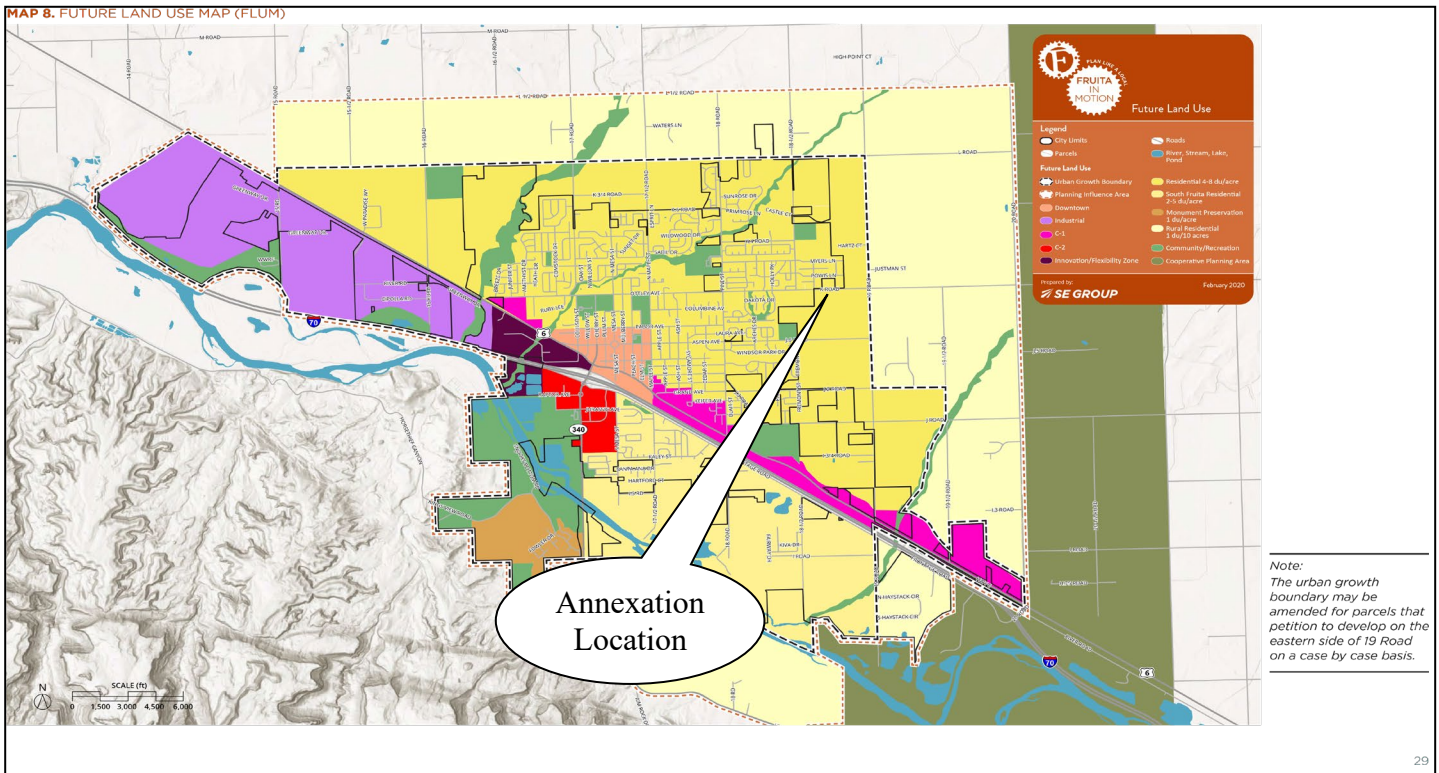
**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
DECEMBER 12, 2023**

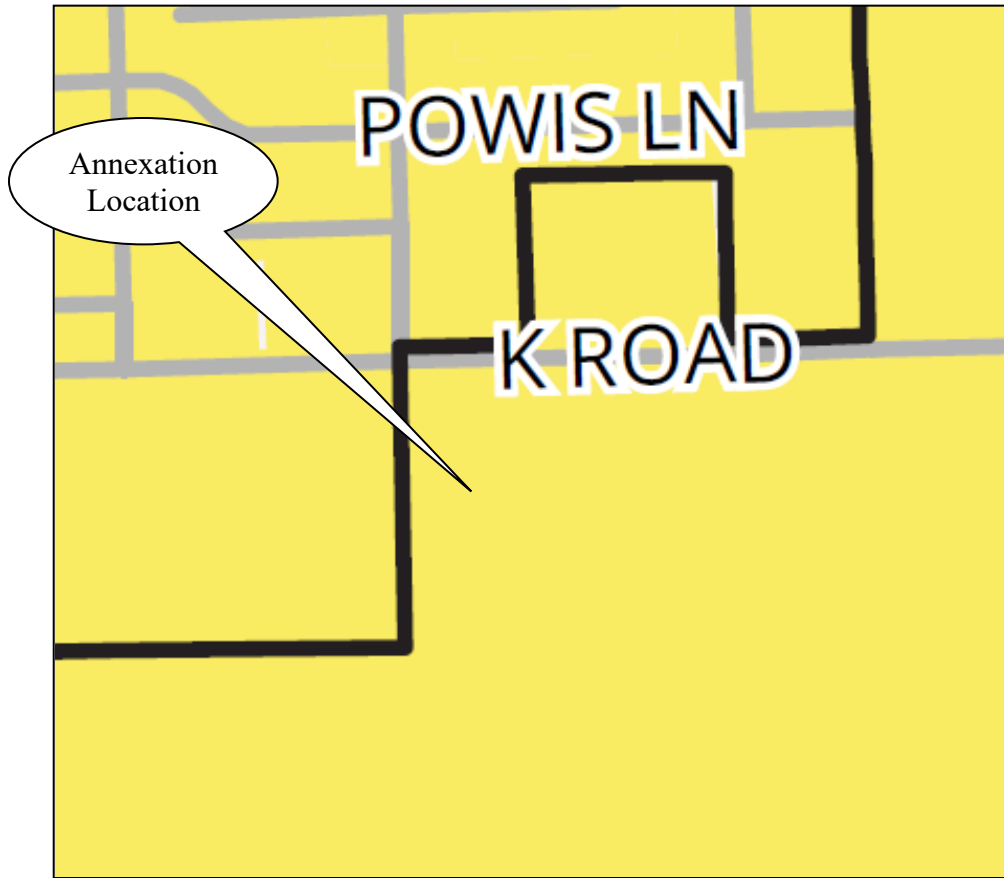
**Application #:** 2023-33  
**Project Name:** 1873 K Road Annexation  
**Application:** Annexation  
**Property Owner:** Hays Development LLC  
**Representative:** Griffin Design and Construction, LLC  
**Location:** 1873 K Road  
**Zone:** Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
**Request:** This is a request for approval of the annexation of approximately 14.52 acres into the Fruita City Limits.

**PROJECT DESCRIPTION:**

The property owner of 1873 K Road has applied for an application to annex approximately 14.52 acres of property located on the south side of K Road and south of the Brandon Estates Subdivision. The subject property currently contains a single-family dwelling unit along with some other agricultural outbuildings.

**FUTURE LAND USE MAP (FLUM)**





**FRUITA IN MOTION**  
PLAN LIKE A LOCAL

### Future Land Use

**Legend**

- City Limits
- Parcels
- Roads
- River, Stream, Lake, Pond

**Future Land Use**

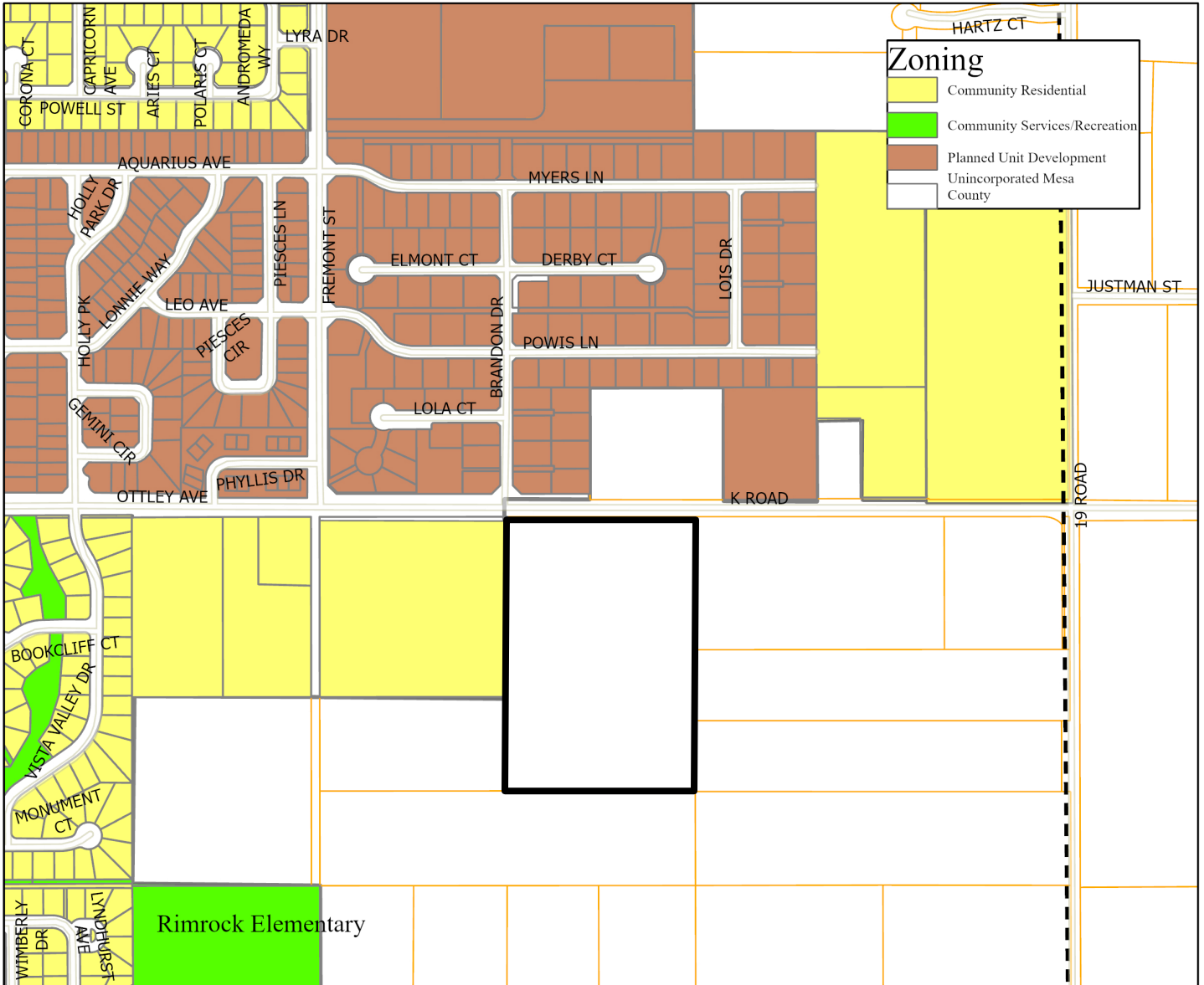
- Urban Growth Boundary
- Planning Influence Area
- Downtown
- Industrial
- C-1
- C-2
- Innovation/Flexibility Zone
- Residential 4-8 du/acre
- South Fruita Residential 2-5 du/acre
- Monument Preservation 1 du/acre
- Rural Residential 1 du/10 acres
- Community/Recreation
- Cooperative Planning Area

Prepared by: **SE GROUP** February 2020

**SURROUNDING LAND USES AND ZONING:**

Surrounding land uses are primarily single family detached residential. The Brandon Estates Subdivision is located to the north, Vista Valley Subdivision to the west, and Rimrock Elementary to the south.

**LOCATION AND ZONING MAP**



2022 AERIAL PHOTOGRAPH



## 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 1/6<sup>th</sup> contiguity with existing city limits which is required per Section 31-12-104 of the Colorado Revised Statutes (CRS).

The total perimeter measures 3,237.81 feet. The city limits border this property on the west side by approximately 630.22 feet, meeting the requirement for a 1/6<sup>th</sup> contiguity.

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. The subject property is currently being served by Ute Water, Excel Energy services, and has direct access from K Road. The subject property currently has a septic system to treat wastewater and will need to connect to the City's sewer system if/when developed. If the subject property were to develop, there would be adequate review of additional utilities and infrastructure associated with residential development.

In addition to this annexation, the city will be annexing the adjacent K Road right-of-way as a condition of approval.

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 urban development on the north side, with Brandon Estates. 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. The City of Fruita's wastewater services are located in K Road and have the capacity to serve the subject property when needed or when the property develops in the future. Since the subject property is already being served by these services, this criterion has been met and can be met with regard to wastewater services.

**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, 49 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 they had no comments regarding this application.

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.**

Staff recommends approval of the annexation petition with the condition that there will be dedication of additional multi-purpose easements as follows:

1. Dedication of a 14-foot multipurpose easement adjacent to the right of way adjoining the subject property.
2. Dedication of an additional 5 feet of right-of-way along Ottley Avenue (K Road).
3. Legal Description of Ottley Avenue adjacent to the subject property.

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**

Legal Notice (minimum of 15 days prior to Planning Commission)	
November 22, 2023	Post Cards
November 22, 2023	Sign Posting
November 24, 2023	Legal Ad





**STAFF RECOMMENDATION:**

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of a 14-ft multipurpose easement adjacent to the right of way, additional right-of-way dedication along Ottley Avenue, and a prepared legal description of Ottley Avenue adjacent to the subject property.

**SUGGESTED PLANNING COMMISSION MOTION:**

Mr. Chair, I move that we recommend **approval** to City Council, of application #2023-33, the 1873 K Road Annexation with the condition that all review comments and issues identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.

**ANNEXATION SCHEDULE:**

<b><i>1873 K Road Annexation Schedule</i></b>	
<b>Date</b>	<b>Action</b>
November 21, 2023	<ul style="list-style-type: none"><li>• Resolution to set a hearing date to determine eligibility.</li></ul>
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) <ul style="list-style-type: none"><li>• December 1, 2023</li><li>• December 8, 2023</li><li>• December 15, 2023</li><li>• December 22, 2023</li></ul>
December 12, 2023	Planning Commission considers Annexation & Zone
December 19, 2023	<ul style="list-style-type: none"><li>• 1st Reading of an Ordinance to Zone</li><li>• 1<sup>st</sup> Reading of an Ordinance to Annex</li></ul>
January 16, 2024	<ul style="list-style-type: none"><li>• Resolution to find the property eligible for Annexation</li><li>• 2nd Reading of an Ordinance to Annex</li><li>• 2nd Reading of an Ordinance to Zone</li></ul>
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