



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
OCTOBER 12, 2021**

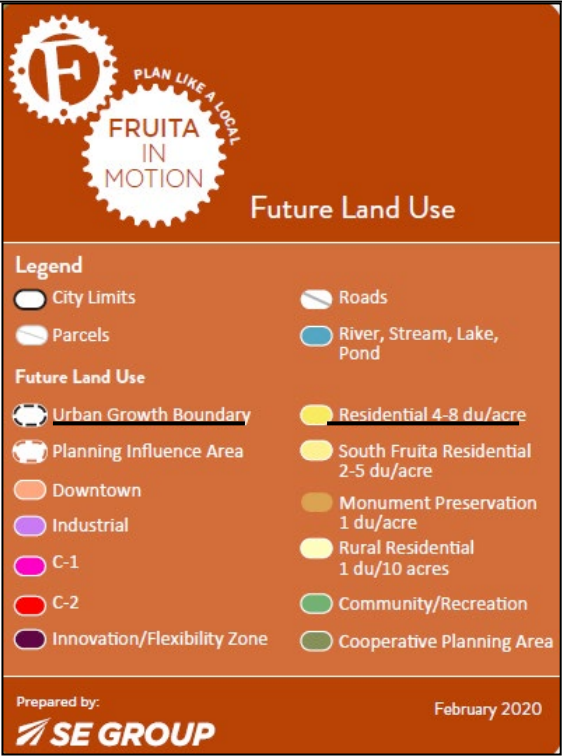
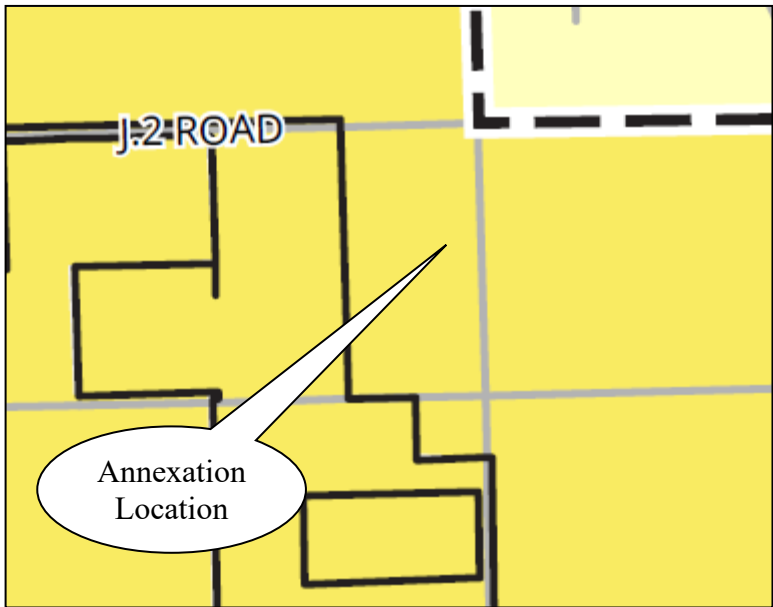
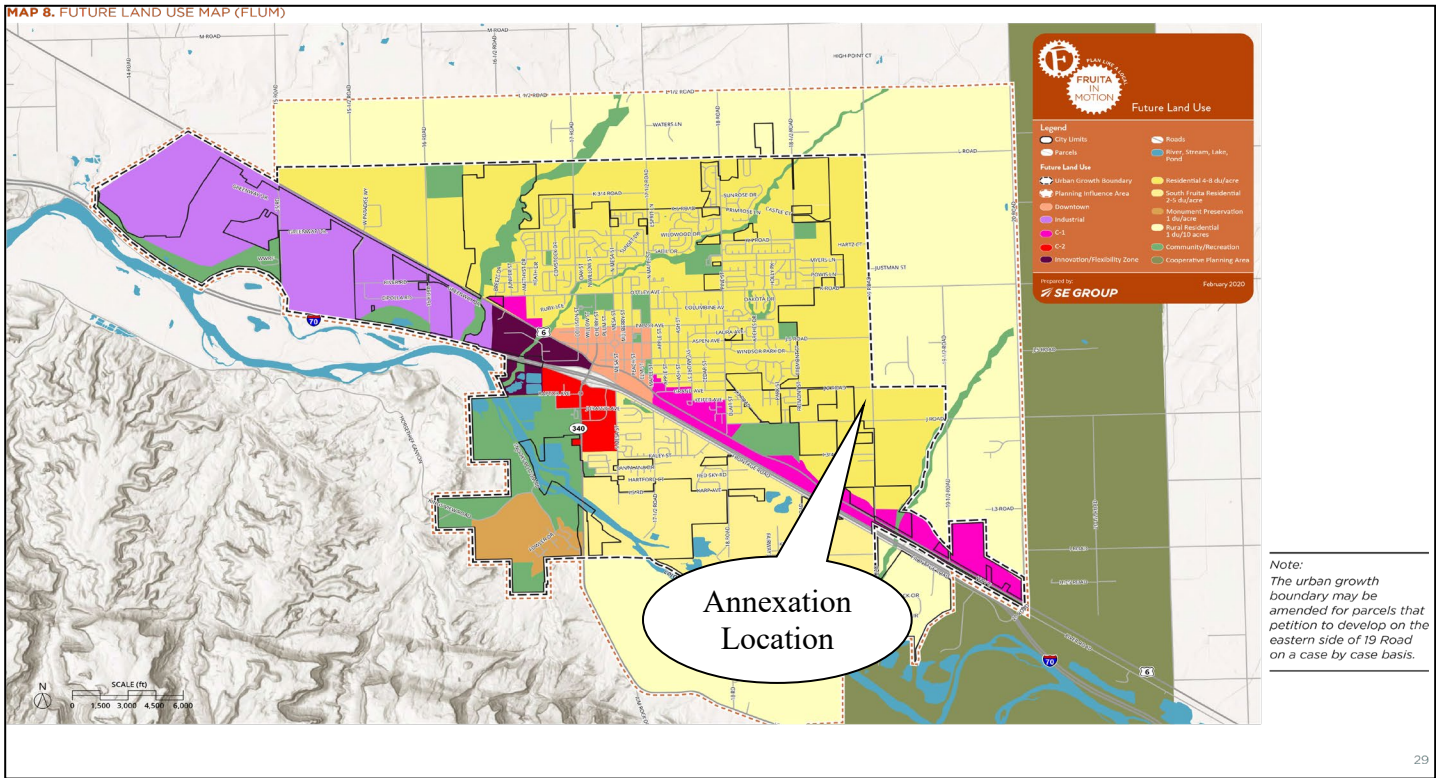
Application #: 2021-33
Project Name: Weston Estates Annexation #2
Application: Annexation
Property Owner: M & D Enterprises LLC
Representative: Vortex Engineering & Architecture, Inc
Location: Parcel #2697-164-00-050
Zone: Currently zoned Agricultural Forestry and Transitional (AFT-County zoning)
Request: This is a request for approval of the annexation of approximately 13.9 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

The property owner of Parcel #2697-164-00-050, M & D Enterprises LLC, applied to annex the property. The subject property is approximately 13.9 acres and is located Southwest of the intersection of 19 and J Road. The property is currently vacant.

This annexation request is being reviewed concurrently with another annexation request, known as the Weston Estates Annexation #1 (Parcel#2697-164-00-074, 4.64 acres). The annexation of the 4.64 acre parcel must occur first in order for this annexation to have the contiguity required under C.R.S 31-12-104 (1/6th contiguity). Additionally, the request for zoning will be considered separately by the Planning Commission and City Council, but concurrently with the annexation request.

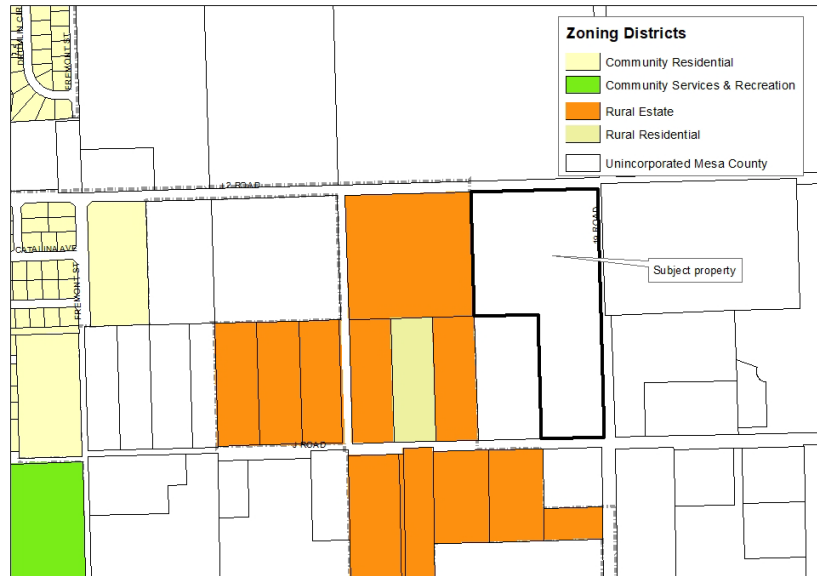
FUTURE LAND USE MAP (FLUM)



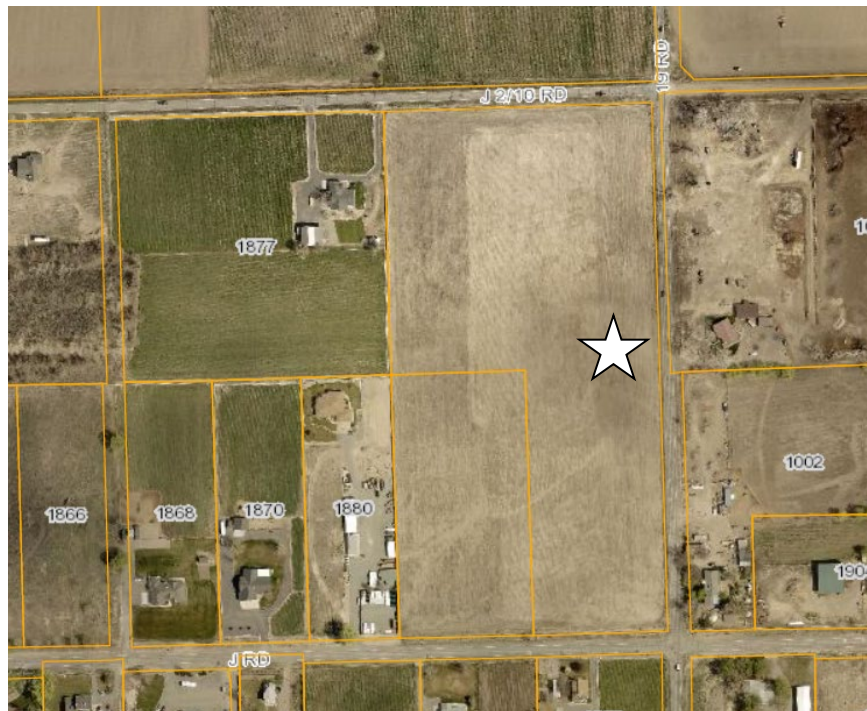
SURROUNDING LAND USES AND ZONING:

Surrounding land uses are primarily single family detached residential with some small-scale farming and agricultural uses scattered nearby. The map below identifies the various zones in this area.

LOCATION AND ZONING MAP



2020 AERIAL PHOTOGRAPH



REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:

ANNEXATION

Section 17.06.040 (A) (1) of the Code states that if the property is located within the City's Urban Growth Area as identified by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

a. The annexation meets the requirements of the State Statutes;

If the property to the southwest, known as the Weston Estates Annexation #1, is approved then 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).

The city limits border this property on the west side by 629.99 feet according to the annexation map submitted with the application. The total perimeter of this parcel is approximately 3800.24 according to the annexation exhibit submitted. In order to meet the contiguity requirements, the parcel would need a minimum of 633.37 feet. This contiguity requirement is achieved once the parcel to the southwest (Parcel #2697-164-00-074) is annexed. At that point, this property will have nearly 42% contiguity with the city limits.

This criterion can be met.

b. 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. Review of adequate and appropriate city utilities will be evaluated at the time this property develops. The subject property is surrounded by either urban or rural development, however, not all the urban utilities are available to the subject property. Utility extensions and upgrades will be evaluated and expected when the property develops. This criterion can be met.

c. The area is contiguous with existing urban development;

The subject property is contiguous to the city limits. Currently, Filing 1 of the Iron Wheel Subdivision is under construction to the south along 19 Road. Although urban development hasn't happened yet, the Fruita Comprehensive Plan supports residential development to the north, east, south and west of the subject property. This criterion can be met.

d. 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.

e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community 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).”

Although a major goal of the Comprehensive Plan is to prioritize infill development over development at the edge of the city limits, there are city utilities (roads and sewer) nearby which will be adequate to serve the subject property. Furthermore, there is a community interest to improve J Road and 19 Road, including the intersection of 19 and J Road. Incorporating this land and other nearby properties along 19 and J Road in accordance with the UGB, will ensure that urban level improvements get constructed when the properties are developed in the future.

The annexation of the property appears to be 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.

f. 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.

The annexation petition, which is required to be signed by the property owner(s), has been submitted with the application indicating annexation support for the subject property. This is in accordance with C.R.S 31-12-107.

This criterion has been met.

g. Water and ditch rights can be provided, as applicable, in accordance with city policies;

No information was submitted with regards to ditch rights or irrigation. The property owner should be aware that current city standards require 1-1.5 irrigation shares per irrigated acre once the property is developed. This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time.

Additionally, the project narrative states that potable water will be provided once the property is developed. This application was sent to Ute Water and review comments indicate no objections.

This criterion can be met.

h. 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. However, growth and development within the city's UGB is planned and does make sense with respect to city services being extended. The extension and upgrade of utilities when the property develops, should create development opportunities to adjacent properties. The City has been prepared and has planned for this property and other nearby properties to be incorporated into the city limits dating back to the 2008 Community Plan.

Annexation and future development of the subject property will insure that development pressures within the UGB are controlled by the Fruita Land Use Code and are provided urban level services. This criterion can be met.

i. 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 right of way and multi-purpose easements as follows:

1. 19 Road to have a total of 50 feet from the section line.
2. J Road to have a total of 35 feet from the section line.
3. J.2 Road to have a total of 30 feet from the section line.
4. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining 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. It should be noted that there does not appear to be any aspects of the property that would be considered legal non-conforming (aka, grandfathered) after the annexation is completed.

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)	
September 22, 2021 (20 days prior)	Post Cards
September 22, 2021 (20 days prior)	Sign Posting
September 22, 2021 (20 days prior)	Legal Ad

NOTICE OF PUBLIC HEARING

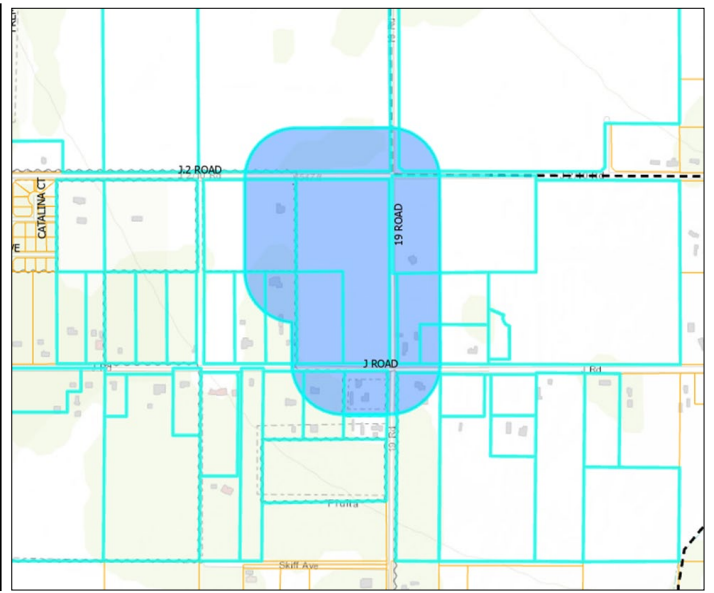
The Fruita Planning Commission will hold a public hearing **Tuesday, October 12, 2021 at 6:00 p.m.** This meeting may be held in person subject to public health orders or by City Council direction. Details on how to access this meeting will be found at www.fruita.org. If the meeting is held in person, the virtual link will remain open for public participation. The following item will be presented at the public hearings. The Planning Commission will formulate a recommendation, which will be forwarded to the Fruita City Council. If the item listed below is acted on by the Planning Commission, the Fruita City Council will hold a public hearing on this same item on **Tuesday, January 4, 2022 at 7:00 p.m.** Please check www.fruita.org for more details. If you have an interest on the item please call 858-0786 or come to the Planning & Development Department office located at 325 E. Aspen Avenue to review the information in the file. Your appearance at both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Planning & Development Department.

Application #	2021-33
Application Name	Weston Estates 2
Application Type	Annexation
Location	Parcel #2697-164-00-050
Current Zone:	Mesa County Zoning AFT
Description	This is a request to annex approximately 13.91 acres into the city limits.

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

Legal notice map (3 sign posting locations)





STAFF RECOMMENDATION:

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of additional right of way along J Road, J.2 Road, and a 14-ft multipurpose easement adjacent to the right of way.

SUGGESTED PLANNING COMMISSION MOTION:

Mr. Chair, I move that we recommend **approval** to City Council, of application #2021-33, the Weston Estates Annexation #2 with the condition that any review comments and issues identified in the Staff Report be adequately addressed or included with the Annexation Ordinance.

ANNEXATION SCHEDULE:

<i>Weston Estates Annexation #2 Schedule</i>	
Date	Action
October 5, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * October 15, 2021 * October 22, 2021 * October 29, 2021 * November 5, 2021
October 12, 2021	Planning Commission considers Annexation & Zone
October 19, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
November 16, 2021	Resolution to find the property eligible for Annexation
January 4, 2022	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
Legal Notice (minimum of 15 days prior to Planning Commission)	
September 22, 2021	Post Cards
September 22, 2021	Sign Posting
September 22, 2021	Legal Ad

ANNEXATION IMPACT REPORT

CITY OF FRUITA

SEPTEMBER 3, 2021

Application #: 2021-33
Project Name: Weston Estates Annexation #2
Application: Annexation
Property Owner: M & D Enterprises LLC
Representative: Vortex Engineering & Architecture, Inc
Location: Parcel #2697-164-00-050
Zone: Currently zoned Agricultural Forestry and Transitional (AFT- County zoning)
Request: This is a request for approval of the annexation of approximately 13.9 acres into the Fruita City Limits.

Section 17.06.040 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.
3. Grand Valley Irrigation Company.
4. Grand Valley Mosquito Control District.
5. Mesa County Public Library District.
6. Grand Valley Drainage 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.

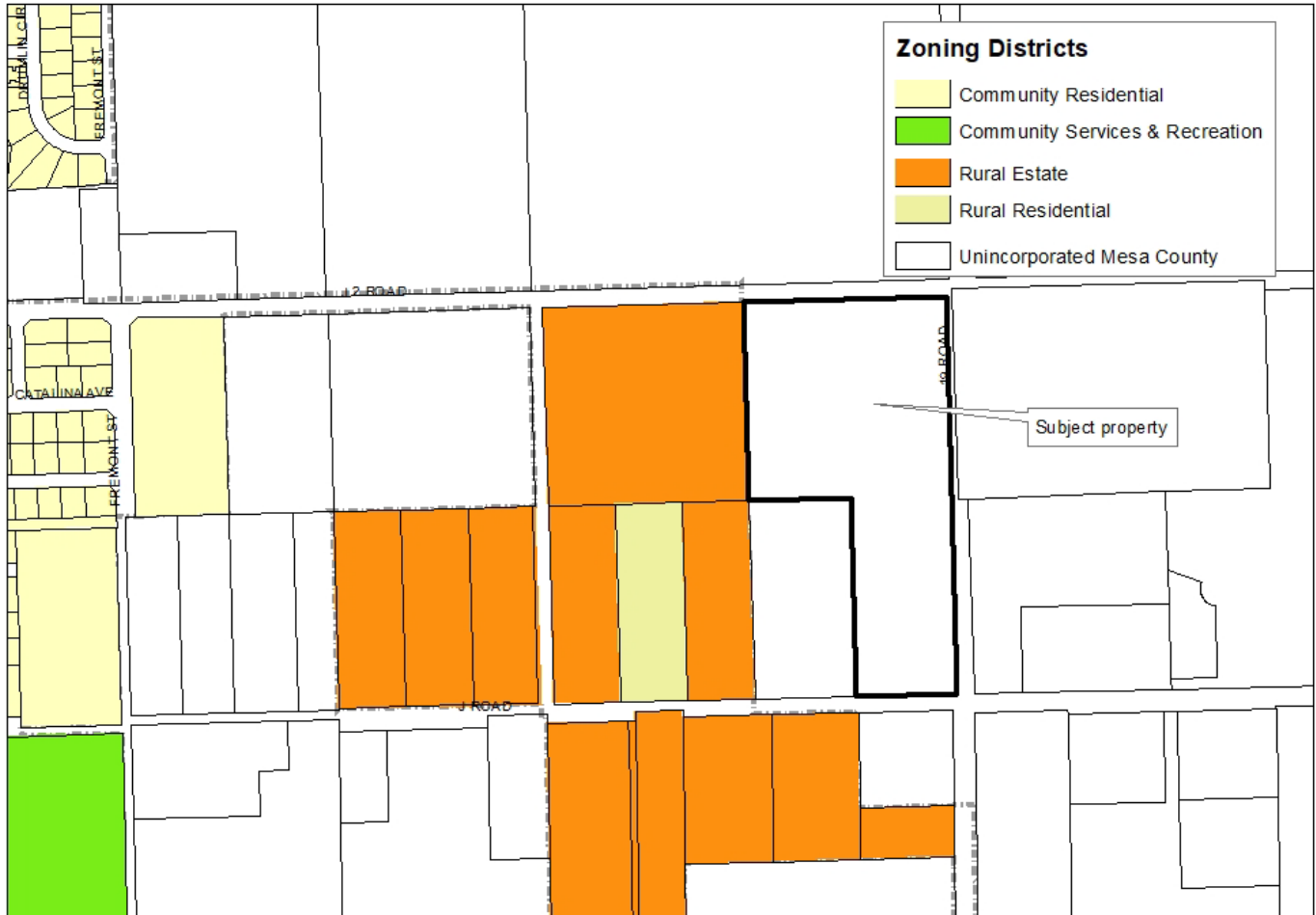
Review Agencies:

1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link

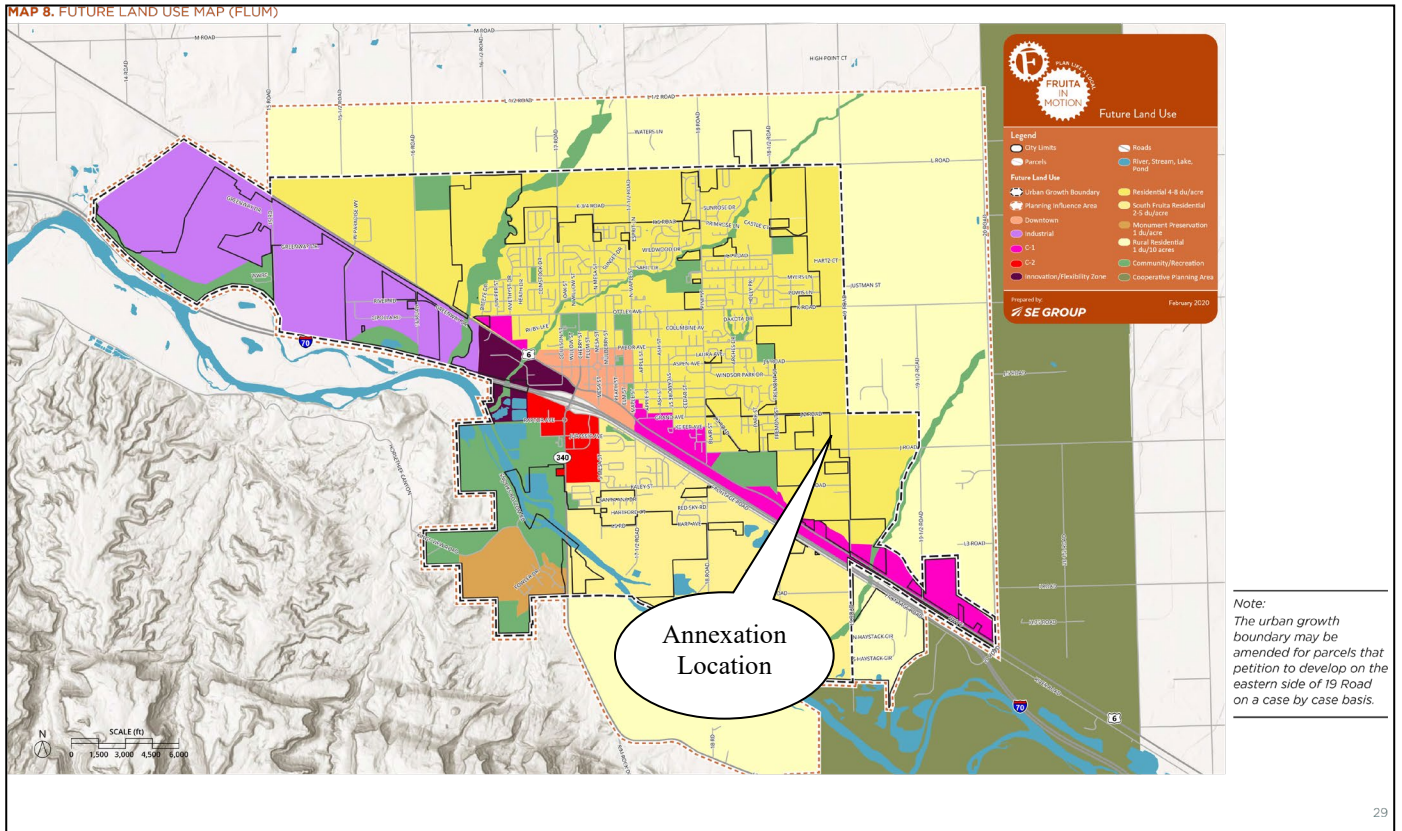
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School District (School District 51)
12. 5-2-1 Drainage Authority
13. Lower Valley Fire Protection District
14. Grand River Mosquito District

Map Exhibits:

Present City boundary

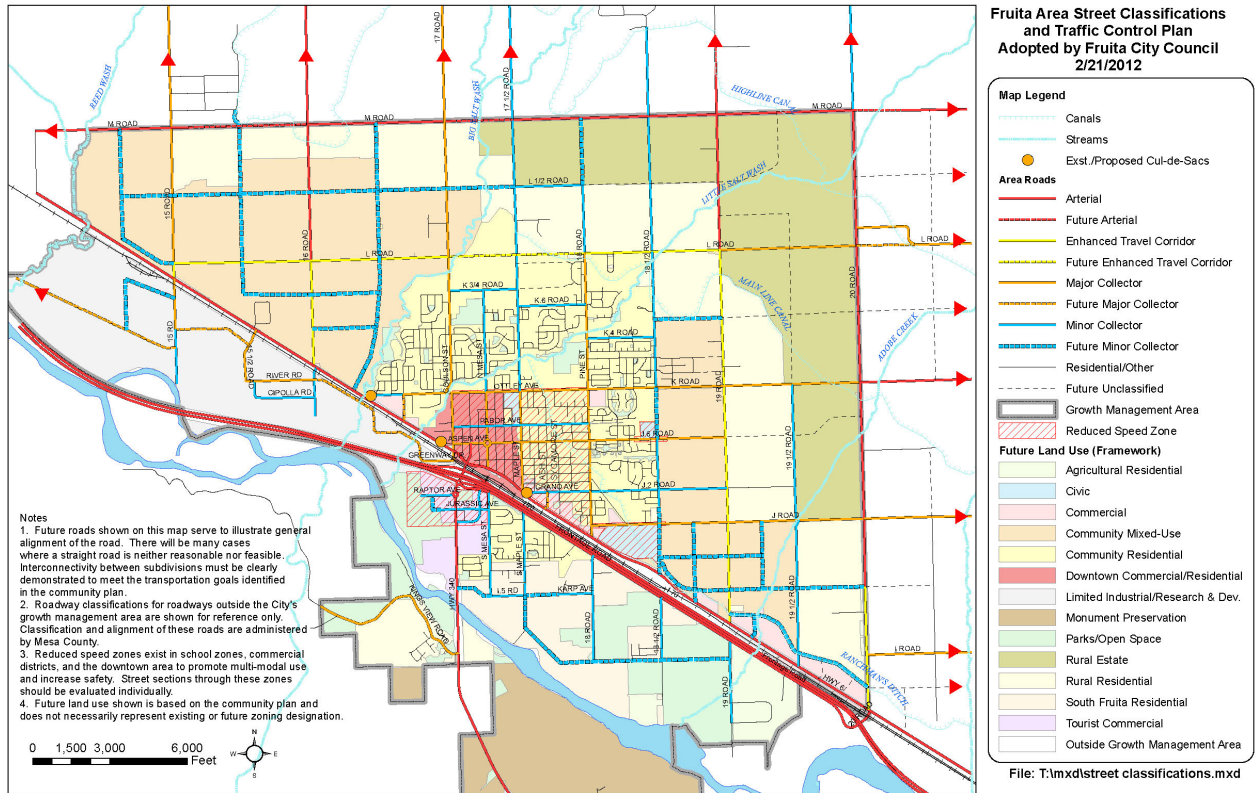


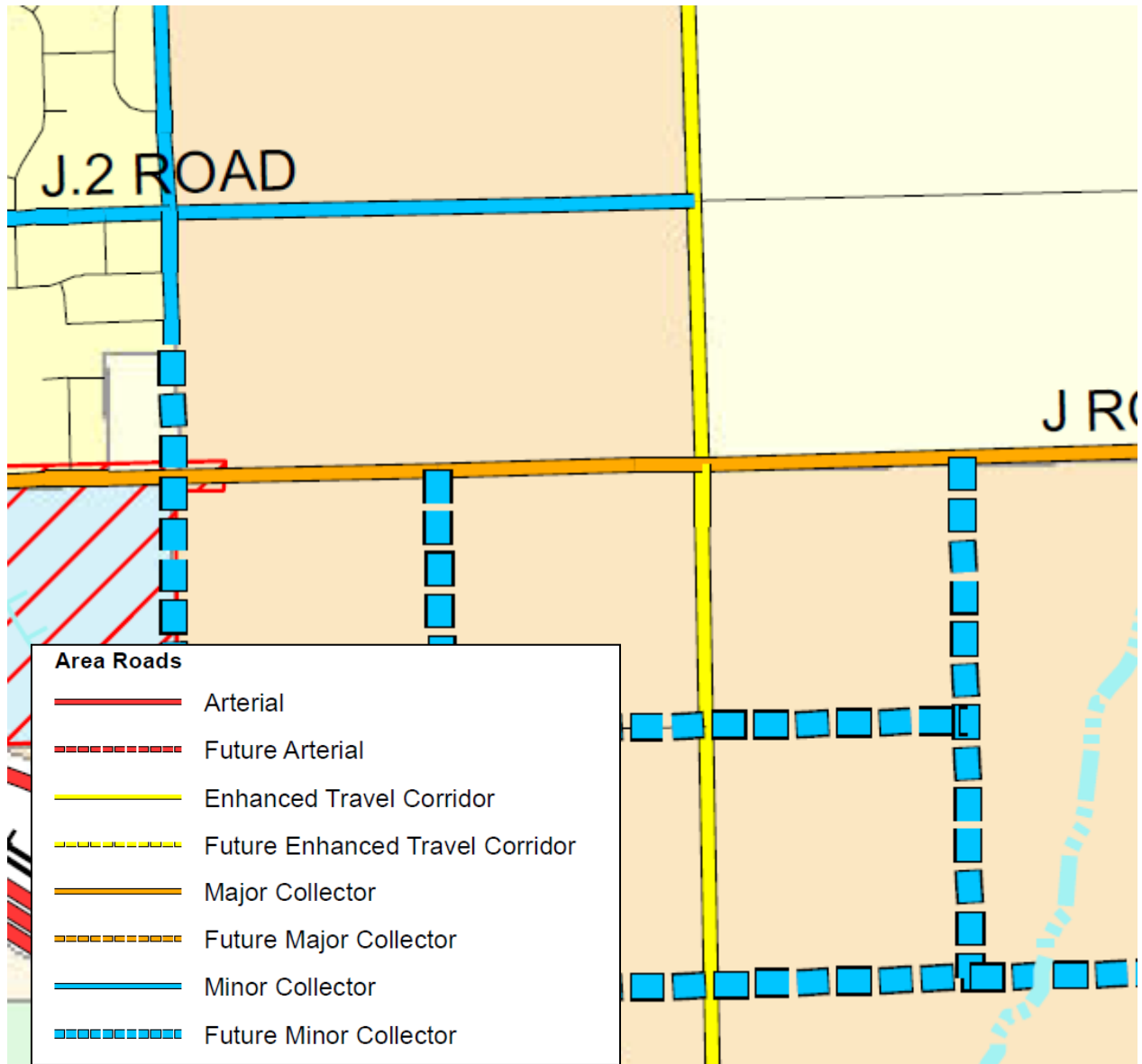
Proposed City boundary as set forth in the Future Land Use Map (FLUM)



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

Fruita Area Street Classifications and Traffic Control Plan







FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Weston Estates Annexation

Project Location: No Assigned Address

Current Zoning District: County AFT

Requested Zone: Fruita CR

Tax Parcel Number(s): 2697-164-00-050

Number of Acres: 13.91

Project Type: Annexation Application

Property Owner: M & D Enterprises LLC

Developer: M & D Enterprises LLC

Property Owner:

Contact: Andy Azcarraga

Address: P.O Box 1968

Address: P.O Box 1968

City/State/Zip: Grand Junction, CO 81502

City/State/Zip: Grand Junction, CO 81502

Phone: 970-250-2453 Fax:

Phone: 970-250-2453 Fax:

E-mail: Andy.maconcrete@gmail.com

E-mail: Andy.maconcrete@gmail.com

Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.

Owner Rep: Vortex Engineering & Architecture, Inc

Engineer: Vortex Engineering & Architecture, Inc

Contact: Robert W. Jones II P.E

Contact: Robert W. Jones II P.E

Address: 861 Rood Avenue

Address: 861 Rood Avenue

City/State/Zip: Grand Junction, CO 81501

City/State/Zip: Grand Junction, CO 81501

Phone: 970-245-9051 Fax: 970-245-7639

Phone: 970-245-9051 Fax: 970-245-7639

E-mail: rjones@vortexeng.us

E-mail: rjones@vortexeng.us

This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.

The above information is correct and accurate to the best of my knowledge.

Andy Azcarraga
Name of Legal Owner

Andy Azcarraga
Signature

5-6-21
Date

Name of Legal Owner

Signature

Date

Name of Legal Owner

Signature

Date

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

STEPHEN EDWARD SWINDELL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20204036690
My Commission Expires October 21, 2024

The foregoing instrument was acknowledged before me this 6 day of May, 2021,

My Commission expires: 10/21/24

Notary Public

**Project Report
Weston Estates Annexation,
Rezone (from Fruita RE and Mesa County AFT
To Fruita CR zone district) Request**

Date: July 2, 2021

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering and Architecture, Inc.
861 Rood Avenue
Grand Junction, CO 81501
(970) 245-9051
VEI# F20-052

Submitted to: Fruita Planning & Development Department
325 E. Aspen Street
Fruita, CO 81521

Type of Design: Annexation and Rezone

Property Owner: M&D Enterprises LLC (Parcels 1 and 2)
PO Box 1968
Grand Junction, CO 81502

Steven and Martin Azcarraga as Joint Tenants (Parcel 3)
PO Box 2072
Grand Junction, CO 81502

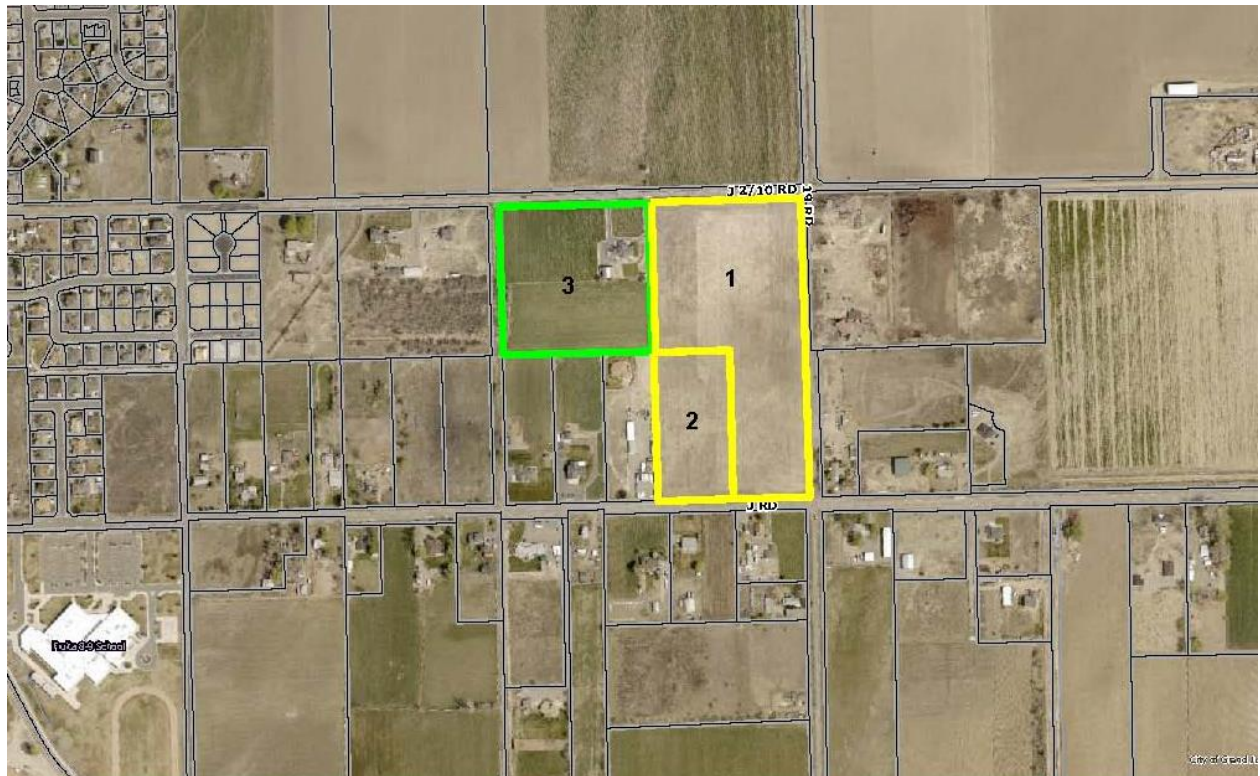
Property Address: Two parcels with no assigned addresses (Parcels 1 and 2)
1877 J 2/10 Road (Parcel 3)
Fruita, CO 81521

Tax Parcel No: 2697-164-00-050 (no assigned address – Parcel 1)
2697-164-00-074 (no assigned address – Parcel 2)
2697-164-00-129 (Parcel 3)

1. Project Intent

This application is made to request annexation into the city limits and zoning for property (with no assigned addresses) located at the corners of 19 Road and J Road and J 2/10 Road, Fruita. The applicants would like to prepare the property for residential development which will require annexation for the provision of sewer and other municipal services. There is a third parcel that will be included in the development; however, this property is already located within the city limits of Fruita.

The map below identifies each of the three parcels. Parcels 1 and 2 are owned by M&D Enterprises, LLC and Parcel 3 is owned by Steven and Martin Azcarraga as joint tenants. The applicants are requesting that Parcels 1 and 2 be annexed into the city limits and rezoned; and that Parcel 3, which is currently within city limits, be rezoned.



2. Project Description

The three parcels are located between J and J 2/10 Roads on the west side of 19 Road. Parcel 3 is located at 1877 J 2/10 Road and is currently zoned RE, Rural Estate. Parcels 1 and 2 are located in unincorporated Mesa County and currently zoned AFT. The applicants would like to annex the two parcels located on 19 Road and J Road and combine them into one development site with the property located at 1877 J 2/10 Road, as shown on the map below.



The applicants request that all three parcels be rezoned to the CR zone district in order to develop the property in a manner that will implement the new Future Land Use Classification of Residential 4-8 dwelling units/acre.

A summary of the request that is made by this application is listed below:

1. Annexation of TPN# 2697-164-00-050 (Parcel 1)
2. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-050 (Parcel 1)
3. Annexation of TPN# 2697-164-00-074 (Parcel 2)
4. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-074 (Parcel 2)
5. Rezone from Fruita RE to Fruita CR of TPN#2697-164-00-129 (Parcel 3)

Legal Descriptions

The legal description of **2697-164-00-050** (no assigned address) is:
NE4SE4SE4 + E2SE4SE4SE4 SEC 16 1N 2W

The legal description of **2697-164-00-074** (no assigned address) is:
W2 LOT 8 FRANK D KIEFERS SUB TO TOWN OF CLEVELAND SEC 16 1N 2W

The legal description of **2697-164-00-129** is:
LOT 5 FRANK D KIEFER'S SUB TO THE TOWN OF CLEVELAND SEC 16 1N 2W - 10.00AC

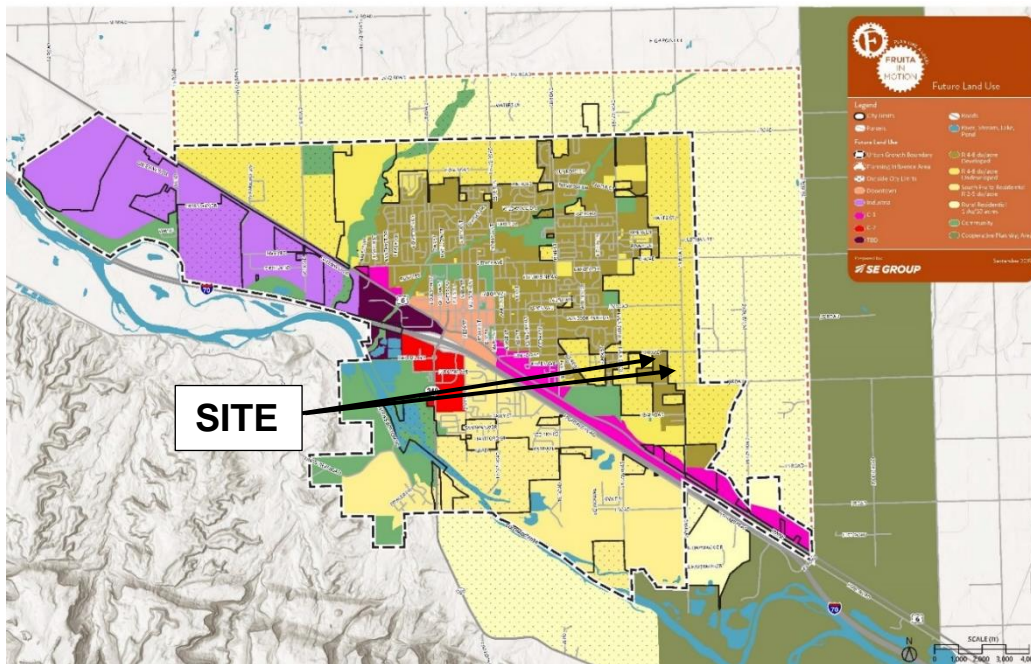
3. Public and Mineral Owners Notice

Public notice for this application will be provided in accordance with the Fruita Land Use Code, including posting the subject property on all public rights-of-way if applicable.

The draft copy of the Notice to be published in a local newspaper containing all required information as noted in C.R.S. 24-65.5-103 for Notice to Mineral Estate Owners is included with this application to demonstrate compliance with the notice requirements of said statute and the Fruita Land Use Code.

4. Fruita Comprehensive Plan and Zoning

The recently adopted Fruita Comprehensive Plan shows the subject property as Residential (4-8 dwelling units per acre). The applicants intend to meet the minimum density anticipated by the new Comprehensive Plan's Future Land Use Map of at least 4 dwelling units per acre.



The Residential 4–8 land use category is intended for undeveloped areas where public infrastructure and services are available and proximal. 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.

A key theme of the recently adopted Fruita Comprehensive Plan is Efficient Development. The Plan 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.”

The proposed Weston Estates subdivision will develop property located within the City’s Urban Growth Boundary and make efficient use of existing infrastructure and services by extending needed public services to the site. Undeveloped properties in this area of the community will benefit from the logical extension of public services, thereby making future development efficient through adjacent development and preventing premature, leapfrog development and urban sprawl.

The proposed development also meets the following Core Concept of the Fruita Comprehensive Plan: **Edges**. An urban-rural edge defines Fruita as a freestanding community separate from

Grand Junction. Edges discourage sprawling growth, encourage the preservation of rural areas, and allow for a more efficient use of infrastructure and urban services. Undeveloped parcels within the edge are encouraged to develop at higher densities than beyond the edge where rural densities are desired. An UGB depicts where moderate density development ends and rural density development starts.

The proposed development will develop at the higher, anticipated density levels envisioned by the Residential, 4-8 dwelling units per acres land use classification of the Plan's Future Land Use Map (FLUM). The proposed development is a natural extension of urban services and infrastructure that will provide a variety of housing types, lot sizes, and will extend urban trails and expand open space and park area in the City.

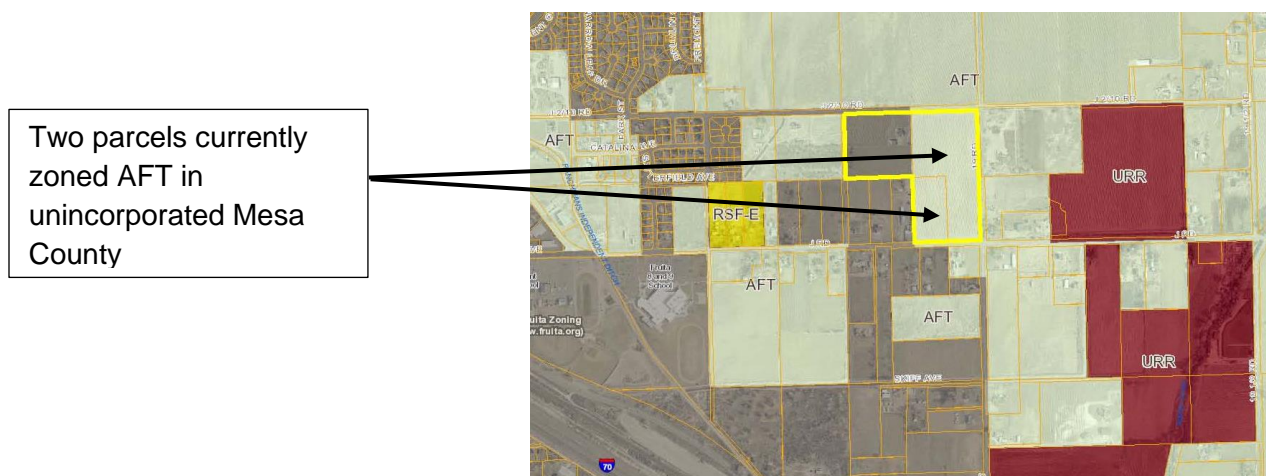
The proposed development also meets Goal #4 of the Comprehensive Plan: Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse “funky” character that is treasured by residents.

Zoning and Surrounding Areas

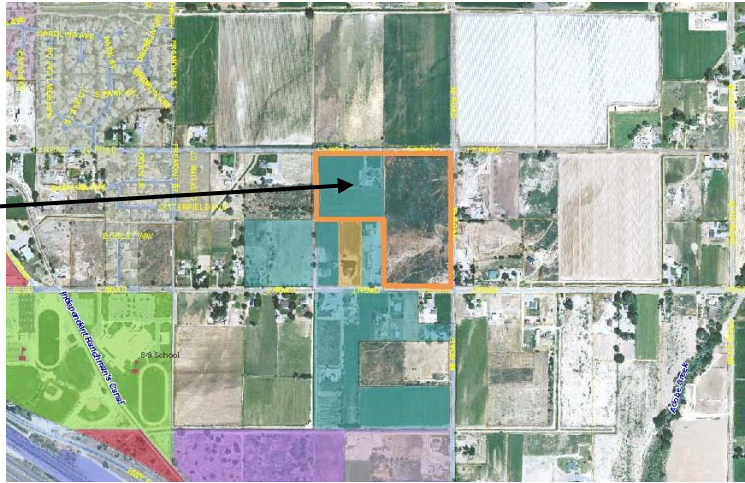
As noted, with the annexation of Parcels 1 and 2, the applicants request a rezone from the County AFT zone district to the CR zone district. The applicants are requesting a rezone from the Fruita Rural Estates (RE) zone district for Parcel 3 to the CR zone district.

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.

At the time of development, the property will be developed to meet the minimum density of 4 dwelling units per acre anticipated by the recently adopted Comprehensive Plan, therefore, the rezone request is consistent with the new Fruita Comprehensive Plan.



1877 J 2/10 Road
currently zoned RE
within Fruita city limits



Surrounding area zoning and land uses include:

North – Mesa County AFT with agricultural land use

South – Mesa County AFT and Fruita Rural Estate with single family/agricultural land uses

West – Mesa County AFT and Fruita Rural Estate with single family/agricultural land uses

East – Mesa County AFT with single family/agricultural land uses

5. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the three parcels. Utility providers for the development have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks, public library, retail sales and services and public safety are available to serve development within 1.5 miles of the site.

Utility providers for the site are as follows:

Sewer: City of Fruita

Water: Ute Water Conservation District

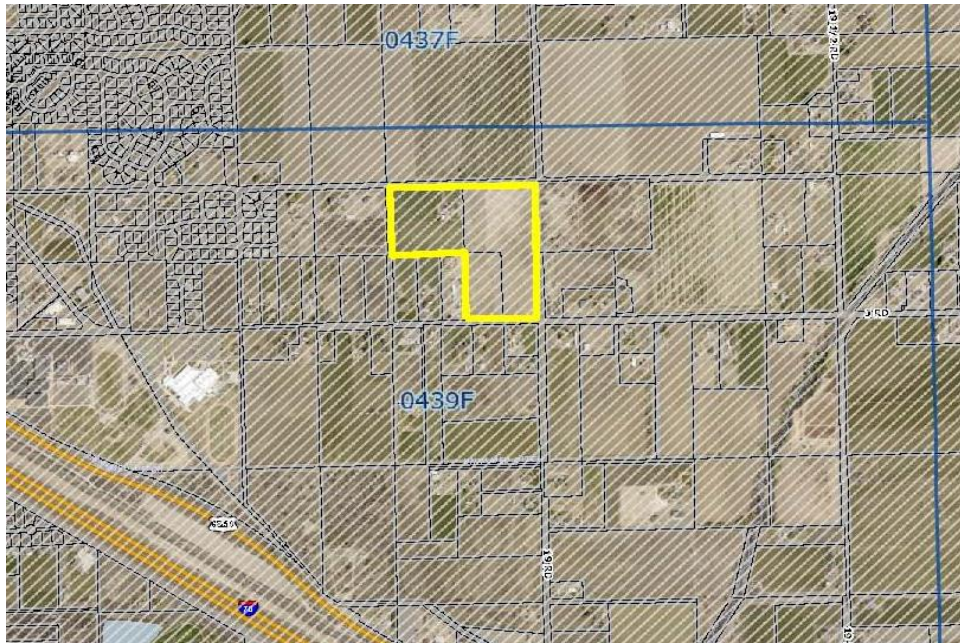
Electric: Grand Valley Power/GVP

Drainage: Grand Junction Drainage District

Irrigation: Grand Valley Irrigation Company

6. Wetlands and Floodplain

All three subject parcels are located in Zone X – outside the 0.2% annual chance floodplain on FIRM Panel #08077C0439F. There are no wetlands on the subject property that are identified on the City and Mesa County's GIS website maps.



7. Approval Criteria

In accordance with Chapter 17.06 of the Fruita Land Use Code, an application requesting annexation and a rezone application will be submitted concurrently to the Fruita Planning and Department. The applicants must demonstrate compliance with the following provisions of the Fruita Land Use Code with this application:

Section 17.06.040(A-I), Criteria and Decision for Annexations Not Requiring an Election

Section 17.06.050, Zoning of Annexed Properties

Section 17.13.060(B), Amendment to Official Zoning Map (Rezone)

Annexation

The applicants are requesting that Parcels 1 and 2 be annexed into the City of Fruita by demonstrating compliance with the following provisions of the Fruita Land Use Code.

Section 17.06.040(A-I), Criteria and Decisions for Annexations Not Requiring an Election, states that if the subject property is located within the city's Urban Growth Area (UGA) as defined by the Fruita Community Plan, annexation may be approved only after considering the following criteria:

- a. The annexation meets the requirements of the State Statutes;

Response: Parcels 1 and 2 are located within the City's Urban Growth Boundary and are eligible for annexation. Both parcels meet the requirements of state statutes to the best of the applicants' knowledge.

This criterion has been met.

- b. The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;
Response: The proposed development will extend a major sewer transmission line to an area the city anticipates for future development; all required utilities will be constructed concurrent with development; open space and trails will be provided in amounts that exceed the Fruita Land Use Code.
This criterion has been met.
- c. The area is contiguous with existing urban development;
Response: Both Parcels 1 and 2 are contiguous with existing city limits.
This criterion has been met.
- d. The area is or can be efficiently served by police and other municipal services;
Response: Both Parcels 1 and 2 are contiguous with existing city limits, as such they can be served efficiently by police and other municipal services.
This criterion has been met.
- e. The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;
Response: The applicants have noted the goals and policies of the recently adopted Comprehensive Plan that the annexation and zoning to CR support. More specifically, the annexation and development of the property supports the goal of Efficient Development and providing a variety of housing types.
This criterion has been met.
- f. The annexation is supported by local residents and landowners;
Response: Local residents have expressed support for the recently adopted Comprehensive Plan (Plan) goals and objectives through the public review process. The proposed annexation and development is consistent with and supports many of the recently adopted Plan goals and objectives, which by extension supports the goals of residents who supported the Plan. Local residents and landowners will also have an opportunity through the public participation process of the Fruita Land Use Code and public hearing process to raise any concerns or questions they may have, and/or to support the annexation and development of the subject property.
This criterion can be met.
- g. Water and ditch rights can be provided, as applicable, in accordance with city policies;
Response: Water and ditch rights will be provided to the best of the applicant's ability.
This criterion can be met.
- h. The area will have a logical social and economic association with the city, and;
Response: Both Parcel 1 and 2 are adjacent to the existing city limits of Fruita and will have a natural connection to the community. Open space and trail connections to external street sidewalks will also connect the property to the Fruita community.

Residents in the proposed Weston Estates subdivision will conduct business and shop in Fruita businesses; families will have children that attend the Fruita schools providing the social and economic associations with the community.

This criterion can be met.

- i. The area meets or can meet the existing infrastructure standards set forth by the city.
Response: All infrastructure standards set forth by the city shall be met through the design review process and extension of municipal services to the development site.
This criterion can be met.

Zoning of Annexed Properties-Parcels 1 and 2

Section 17.06.050, Zoning of Annexed Properties, states that land annexed to the city shall be zoned in accordance with the City of Fruita's zoning regulations within ninety (90) days following annexation of the land. The city's acceptance of a land use application or issuance of building permit may be contingent upon approval of city zoning.

Response: Parcels 1 and 2 must be zoned in accordance with Fruita's zoning regulations within 90 days following annexation and therefore must meet the approval criteria of Section 17.13.060(B), as noted in the following paragraph. The applicants request that the parcels be zoned to the Fruita CR zone district based on compliance with the approval criteria of Section 17.13.060(B).

Rezone Request-Parcel 3

Parcel 3 is currently located within the City of Fruita; the applicants request an amendment to the Official Zoning Map, to rezone from Fruita RE zone district to the CR zone district.

Section 17.13.060(B), Amendment to Official Zoning Map (Rezone), states that the Official Zoning Map may be amended when the following findings are made:

1. The proposed rezone is compatible with surrounding land uses, pursuant to Section 17.07.080, and is consistent with the city's goals, policies and Master Plan; and
Response: The request to apply the CR zone district to Parcels 1, 2 and 3 is consistent with the Residential 4-8 dwelling units per acre land use classification of the Fruita Comprehensive Plan. The CR zone districts implements the R 4-8 du/ac land use classification. Both the annexation and rezone requests are consistent with goals and objectives of the Plan as noted earlier in the is report.
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
Response: The current AFT zoning of Parcels 1 and 2 was not in error; however, the property is located within the Fruita Urban Growth Boundary and the current zoning is not appropriate for urban levels of development. Parcel 3 is currently zoned Fruita RE

and is also not appropriate for urban levels of development. The RE zone is also not consistent with the Fruita Future Land Use Map which anticipates residential development between 4-8 dwelling units per acre for this area of the community.

This criterion has been met.

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

Response: The area proposed for the rezone is anticipated to change substantially as the Future Land Use Map of the Comprehensive Plan is implemented and residential development with a density of 4-8 dwelling units per acre occurs. Adjacent land is located in Fruita's Urban Growth Boundary and will be annexed and developed as sewer and other municipal services are extended to this area of the community. The proposed zoning is consistent with the land use classification of the Fruita Comprehensive Plan and will help the city achieve the desired housing types and density that the Plan envisions.

This criterion has been met.

4. The rezone is incidental to a comprehensive revision of the city's Official Zoning Map which recognizes a change in conditions; or

Response: The requested zoning to CR is in direct response to the City's Comprehensive Plan that anticipates residential development with density ranging from 4-8 dwelling units per acre. The Plan is the driving influence to create a change in development for this area of the community.

This criterion has been met.

5. The rezone is incidental to the annexation of the subject property.

Response: The requested CR zoning is incidental to the annexation of Parcels 1 and 2, and is made to support the development goals and objectives of the Comprehensive Plan for Parcel 3.

This criterion has been met.

8. Conclusion

After demonstrating how the following requests meet the goals and objectives of the Fruita Comprehensive Plan and the approval criteria for relevant sections of the Land Use Code, the applicants respectfully request approval to annex, zone/rezone certain property to the CR zone district:

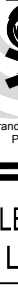
1. Annexation of TPN# 2697-164-00-050 (Parcel 1)
2. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-050 (Parcel 1)
3. Annexation of TPN# 2697-164-00-074 (Parcel 2)
4. Rezone from County AFT to Fruita CR of TPN# 2697-164-00-074 (Parcel 2)
5. Rezone from Fruita RE to Fruita CR of TPN#2697-164-00-129 (Parcel 3)

9. Limitations/Restrictions

This report is a site-specific report and is applicable only for the client for whom our work was performed. The review and use of this report by City of Fruita, affiliates, and review agencies is fully permitted and requires no other form of authorization. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering, Inc. and is to be taken in its entirety. Excerpts from this report when taken out of context may not convey the true intent of the report. It is the owner's and owner's agent's responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineering should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.



VORTEX
ENGINEERING, INC.

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- PROJECT MANAGERS
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ALEXANDRE B. LHERITIER

PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NO. 38464

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EXHIBIT

ANNEXATION EXHIBIT

WESTON SUBDIVISION

J ROAD AND 19 ROAD
FRUITA, COLORADO 81521

SCALE: 1"=200'

DATE: 7/13/2021

PROJECT NO: F20-052

CAD ID:

weston annex exhibit.dwg

~SHEET~

A

PETITION FOR ANNEXATION

WE, THE UNDERSIGNED, in accordance with the Municipal Annexation Act of 1965, Part 1, Article 12, Title 31, Colorado Revised Statutes, as amended, hereby petition the City Council of the City of Fruita, Colorado, for the annexation of the unincorporated area located in the County of Mesa, State of Colorado, as described on attached Exhibit A.

In support of this Petition, the Petitioners state:

1. It is desirable and necessary that the above-described area be annexed to the City of Fruita, Colorado.
2. The requirements of Section 31-12-104, C.R.S., as amended, exist or have been met, to wit:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fruita;
 - b. A community interest exists between the area proposed to be annexed and the City of Fruita;
 - c. The area proposed to be annexed is urban or will be urbanized in the near future; and
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fruita.
3. The requirements of Section 31-12-105 C.R.S., as amended, exist or have been met, to wit:
 - a. In establishing the boundaries of the territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way;
 - b. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together, with the buildings and improvements situated thereon) has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year

next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners;

- c. No annexation proceedings have been commenced for the annexation of part or all of the subject property to another municipality;
 - d. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of same to another school district;
 - e. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the City of Fruita more than three miles in any direction from any point of the City's boundary in any one year;
 - f. If any portion of the platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed; and
 - g. Reasonable access shall not be denied to landowners, owners of easements, or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the City of Fruita.
- 4. The Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
 - 5. This Petition for Annexation satisfies the requirements of Article II, Section 30, of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Fruita.
 - 6. Attached hereto and incorporated by reference is an Annexation Map showing:
 - a. The boundary of the area proposed to be annexed including a legal description of the area to be annexed;
 - b. The location of each ownership tract in unplatted land and the boundaries and the plat numbers of plots or of lots and blocks; and
 - c. The contiguous boundary of the City of Fruita abutting the area proposed to be annexed.

7. All of the petitioners signed this Petition for Annexation no more than 180 days prior to the date of the filing of this Petition for Annexation.

WHEREFORE, the Petitioners request that the Fruita City Council approve the annexation of the area proposed to be annexed.

Dated this 6 day of May, 2021.

Andy Azcaraga 5-6-21
Property Owner

Property Owner

County of Mesa)
) ss.
State of Colorado)

STEPHEN EDWARD SWINDELL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20204036690
My Commission Expires October 21, 2024

Subscribed and sworn to before me this 6 day of May, 2021 by
Andy Azcaraga

Witness my hand and official seal.

Stephen Swindell
Notary Public

My commission expires: 10/21/24

Mailing address of each property owner:

P.O. Box 1468, Grand Junction, CO 81502

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:

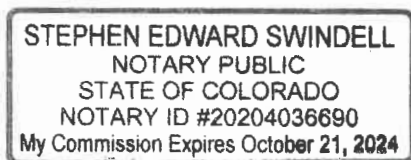
That he/she was the circulator of the foregoing Petition for Annexation consisting of 4 pages, including this page and that each signature thereon was witnessed by your affidavit and is the true signature of the person whose name it purports to be.

Adam Asgari
Circulator

State of Colorado)
) ss.
County of Mesa)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 6 day of May, 2021, by Adam Asgari.

Witness my hand and official seal.



[Signature]
Notary Public

My commission expires: 10/21/24