



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: PLANNING & DEVELOPMENT DEPARTMENT

DATE: JULY 6, 2021

**RE: ORDINANCE 2021-14, SECOND READING –AN ORDINANCE
ANNEXING APPROXIMATELY 15.17 ACRES OF PROPERTY
LOCATED AT 1123 19 ROAD INTO THE CITY OF FRUITA.**

(PATRON ANNEXATION, APPLICATION #2021-12)

BACKGROUND

Fiddlers Grove, LLC, the owner of 1123 19 Road, has submitted an annexation application to the City of Fruita. The subject property contains approximately 15.17 acres and is located northwest of the intersection of 19 Road and Ottley Avenue (K Road) and east of the Brandon Estates Subdivision, and southeast of the newly constructed Monument Ridge Elementary School. Currently, there is a single-family dwelling unit on the property.

Staff has reviewed this annexation request and finds that the property meets current State Statutes for annexation including the required 1/6th contiguity with existing City limits and it is within the City's Urban Growth Boundary. The City Council approved Resolution 2021-10 on April 20, 2021 which set the hearing date to determine the eligibility for this application. This Resolution is required by section 31-12-107 of the Colorado Revised Statutes. Additionally, the City Council passed Resolution 2021-15 which determined that the subject property met the eligibility requirements necessary for annexation.

At their May 11, 2021 public meeting, the Planning Commission recommended approval of the annexation petition by a vote of 6-0 to the Fruita City Council after receiving public input.

Conditions of said annexation include:

1. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
2. Ottley Avenue (K Road) to have a total of 35 feet from the section line.
3. 19 Road to have a total of 50 feet from the section line.
4. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

Additional conditions may be placed on the annexation ordinance upon further review.

FISCAL IMPACT

Annexation of property requires that the city provide it with city services (such as police protection and sanitary sewer service). The cost of providing services varies with each annexation.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The city's primary goal is to protect the health, safety and welfare of the city's residents. Annexation ensures that the city has some control over development which might otherwise occur outside the city limits and drain city resources and infrastructure.

It appears that this annexation meets both state requirements and local requirements as identified in the Land Use Code. The Land Use Code (along with other regulatory documents) implement the City's goals and policies as outlined in the city's Master Plan including the Fruita Community Plan.

OPTIONS AVAILABLE TO COUNCIL

1. Approve Ordinance 2021-14, An Ordinance annexing approximately 15.17 acres of property located at 1123 19 Road into the City of Fruita.
2. Deny Ordinance 2021-14.

RECOMMENDATION

It is the recommendation of staff that the Council by motion:

**APPROVE ORDINANCE 2021-14 ANNEXING APPROXIMATELY 15.17
ACRES OF PROPERTY LOCATED AT 1123 19 ROAD INTO THE CITY OF
FRUITA.**

ORDINANCE 2021-14

**AN ORDINANCE ANNEXING APPROXIMATELY 15.17 ACRES OF PROPERTY LOCATED
AT 1123 19 ROAD INTO THE CITY OF FRUITA**

WHEREAS, the Fruita City Council finds that it is necessary to annex certain real property contiguous to the City of Fruita in order to:

1. Promote the public health, safety, and welfare of the community;
2. Insure efficient provision of municipal services and fair and equitable distribution of cost amongst those who use services provided by the community; and,
3. Provide for orderly growth of the community; and,

WHEREAS, the City Council adopted a Resolution finding that the real property described and shown on Exhibit A is eligible for annexation pursuant to C.R.S. 31-12-104 and 105, stating their intent to annex same and initiating the annexation procedures.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:

Section 1: The Fruita City Council, having reviewed a properly constituted petition of all the owners of real property in the area proposed for annexation, hereby annexes the property as described and shown in Exhibit A, and the Fruita City limits are hereby modified to reflect said annexation.

Section 2: Conditions of said annexation include:

1. Zoning of said property shall be established by future public hearing which will be held within ninety days (90) of the effective day of this ordinance.
2. Ottley Avenue (K Road) to have a total of 35 feet from the section line.
3. 19 Road to have a total of 50 feet from the section line.
4. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
6TH DAY OF JULY 2021.**

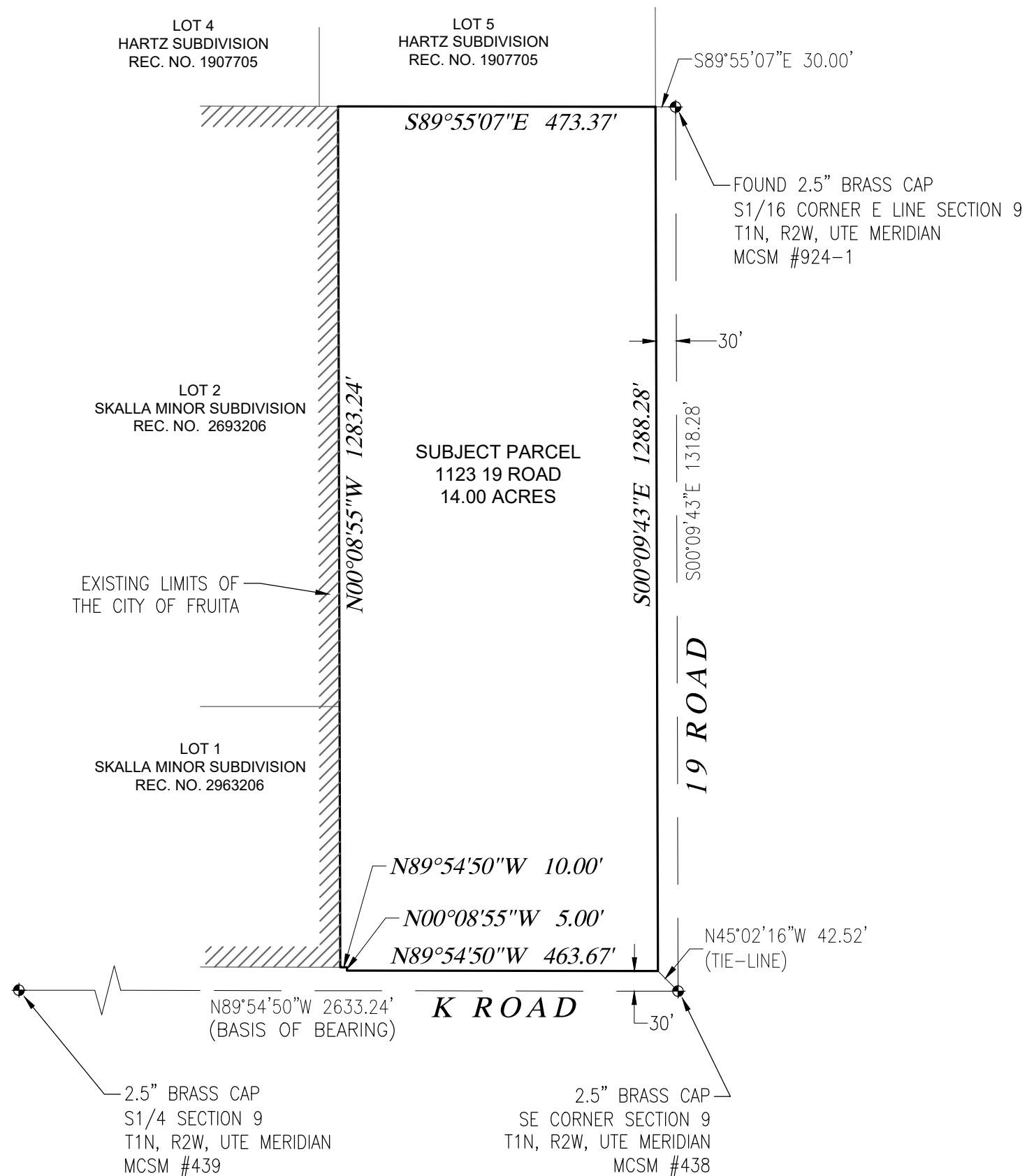
ATTEST:

City of Fruita:

Margaret Sell, City Clerk

Joel Kincaid, Mayor

Exhibit A



PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SE1/4SE1/4 OF SECTION 9, T1N, R2W,
UTE MERIDIAN, CITY OF FRUITA, MESA COUNTY, COLORADO, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SECTION 9, T1N, R2W, UTE MERIDIAN,
FROM WHICH THE S1/4 OF SECTION 9 BEARS N89°54'50"W 2633.24 FEET,
RUNNING THENCE N45°02'16"W 42.52 FEET TO THE POINT OF BEGINNING.

RUNNING THENCE N89°54'50"W 463.67 FEET; THENCE N00°08'55"W 5.00 FEET; THENCE N89°54'50"W 10.00 FEET; THENCE N00°08'55"W 1283.24 FEET TO THE S1/16 LINE OF SAID SECTION 9; THENCE ALONG SAID S1/16 LINE S89°55'07"E 473.37 FEET; THENCE S00°09'43"E 1288.28 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 14.00 ACRES.

LEGEND

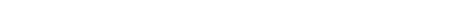
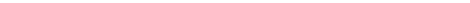
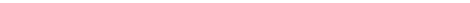


 PROPERTY BOUNDARY
 SECTION LINE
 ADJOINER PROPERTY LINE
 EXISTING CITY LIMITS
 FOUND SURVEY CONTROL MONUMENT

TABLE OF ABBREVIATIONS

MCSM -	MESA COUNTY SURVEY MONUMENT
N -	NORTH
S -	SOUTH
E -	EAST
W -	WEST
C -	CENTER
T -	TOWNSHIP
R -	RANGE
AC -	ACRES
REC. NO. -	RECEPTION NUMBER



SCALE IN FEET

200 100 0 200 400

1" = 200'

[illegible]

ALEXANDRE B.
LHERITIER

PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE No. 38464

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EXHIBIT

ANNEXATION EXHIBIT

PATRON ANNEXATION
1123 19 ROAD
FRUITA, COLORADO 81521

SCALE: 1"=200'
DATE: 01/29/2021
PROJECT NO: F20-094
CAD ID:
patron annexation exhibit.dwg

~SHEET~

A



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
MAY 11, 2021**

Application #: 2021-12
Project Name: Patron Annexation
Application: Annexation
Property Owner: Fiddlers Grove, LLC
Representative: Vortex Engineering, INC.
Location: 1123 19 Road
Zone: Currently zoned Agricultural Forestry Transitional (AFT - County zoning)
Request: This is a request for approval of the annexation of approximately 15.17 acres into the Fruita City Limits.

PROJECT DESCRIPTION:

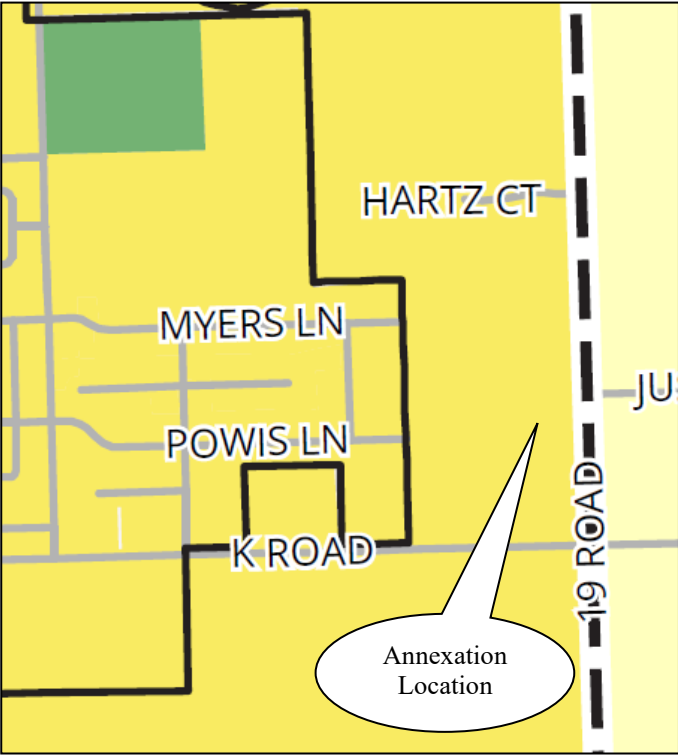
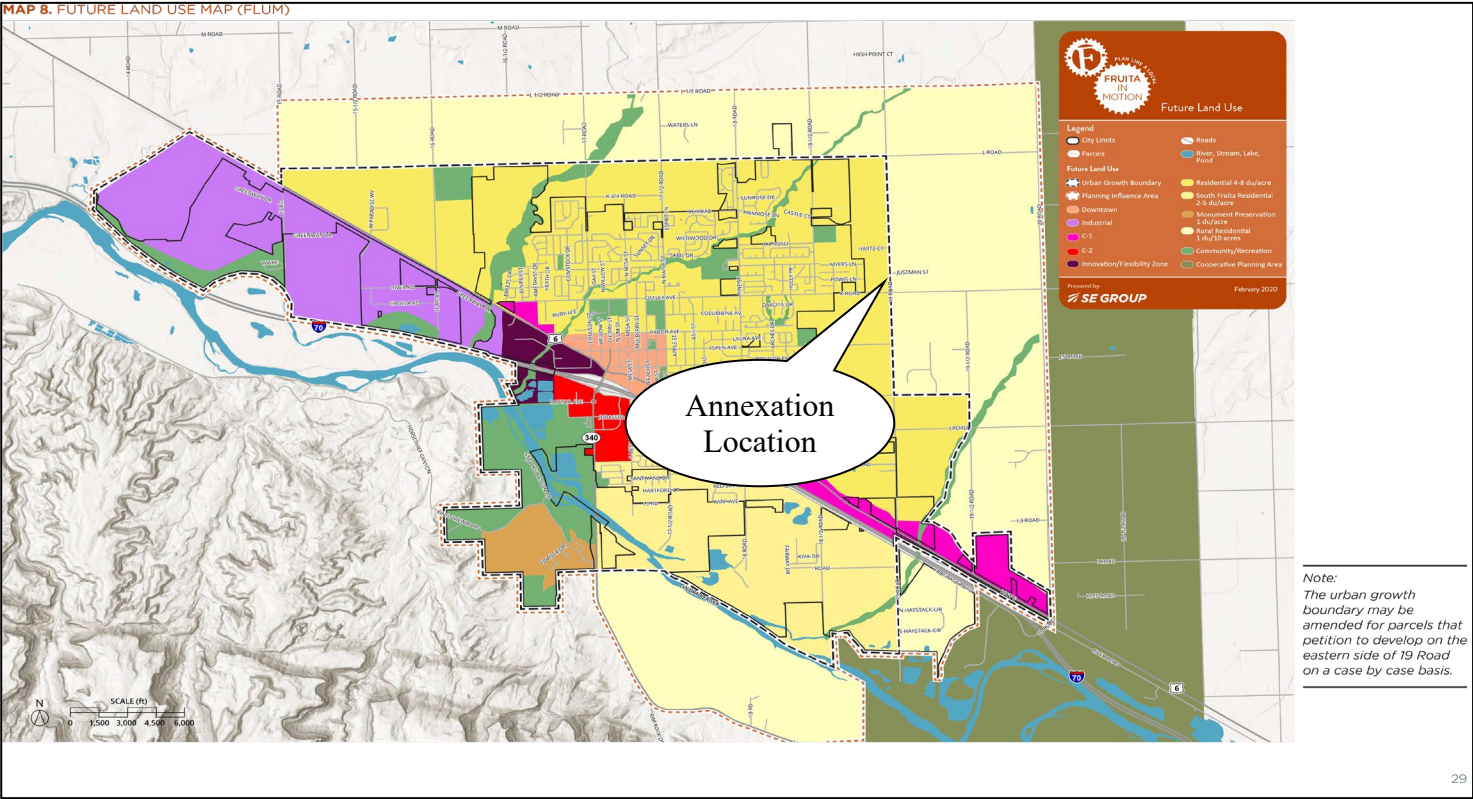
The property owner of 1123 19 Road, Fiddlers Grove LLC, applied to annex the property. The subject property is approximately 15.17 acres and is located east of the Brandon Estates Subdivision along the north side of K Road (Ottley Avenue) and along the west side of 19 Road. Currently, there is a single-family dwelling unit on the property.

This property is directly east of the property that was recently annexed and zoned, known as the Skalla Annexation (Land Development Application #2020-15) and Skalla Rezone (Land Development Application #2020-16) applications. This annexation was approved by Ordinance 2020-06 and was zoned Community Residential (CR) by Ordinance 2020-07.

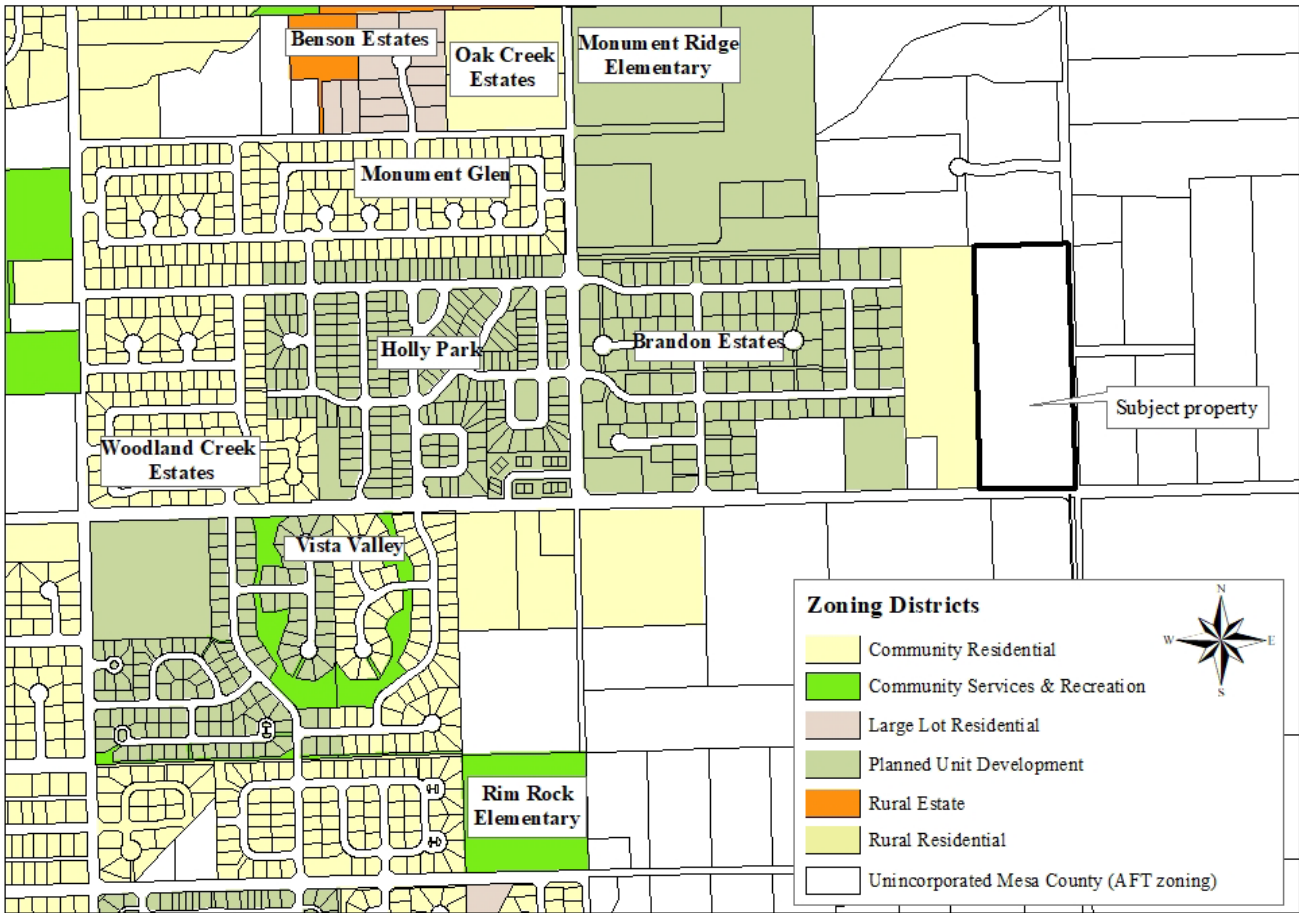
SURROUNDING LAND USES AND ZONING:

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

FUTURE LAND USE MAP (FLUM)



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;

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).

The city limits boarder this property on the west side by 1283.24 feet according to the annexation exhibit submitted with the application. This meets the 1/6th contiguity requirement, and the annexation petition has been signed by the property owner.

Additionally, the Fruita Comprehensive Plan supports this area to be incorporated within the city limits. 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;

The subject property is surrounded by either urban or rural development, however, not all the urban utilities are available to the subject property. Sewer service, drainage systems, and street improvements shall be made or extended to meet this criterion. There are public parks and trails nearby. This criterion can be met.

c. The area is contiguous with existing urban development;

The subject property is contiguous to the city limits with the recent annexation of the property to the west (Ordinance 2020-06). Currently, the property to the west has a development application under review for a 36-lot subdivision (Rose Creek Subdivision, Land Development Application #2021-11). This criterion has been 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, and other municipal services such as trash collection. 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 are to be extended as a condition of this annexation to ensure that no additional financial burden is placed on the City for development purposes.

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.

It should also be noted that the subject property was in the City’s Urban Growth Area (UGA) contained in the 2008 Community Plan prior to the adoption of the 2020 Comprehensive Plan. No modifications to this boundary were made in this area.

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.

With regards to the subject property, 44 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 property owner has signed the annexation petition. 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;

According to the information submitted, “the number of irrigation water shares for the property will be determined with the design of the irrigation system to be constructed with future residential development.” At this point, annexation of the subject property only serves as incorporation into the city limits with no modifications to utilities such as sanitary water and irrigation water. The property is currently being served with sanitary water services provided by Ute Water. This application was sent to Grand Valley Irrigation Company (GVIC) for review and no review comments have been received at this time. 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 and the single-family dwelling unit will not provide much with respect to an economic association with the city. However, growth and development within the city’s UGB has been planned for years and does make sense with respect to city services being extended. 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. Ottley Avenue (K Road) to have a total of 35 feet from the section line.
2. 19 Road to have a total of 50 feet from the section line.
3. 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)	
April 23, 2021 (18 days prior)	Post Cards
April 23, 2021 (18 days prior)	Sign Posting
April 23, 2021 (18 days prior)	Legal Ad

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a **VIRTUAL** public hearing **Tuesday, May 11, 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, July 6, 2021 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 #	2021-12
Application Name	Patron
Application Type	Annexation
Location	1123 19 Road
Current Zone:	Mesa County Zoning AFT
Description	This is a request to annex 15.17 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	

STAFF RECOMMENDATION:

Staff recommends **approval** of the annexation petition with the condition that there will be dedication of additional right of way on the Ottley Avenue and 19 Road frontages 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 #2021-12, the Patron 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:

<i>Patron Annexation Schedule</i>	
Date	Action
April 20, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * April 23, 2021 * April 30, 2021 * May 7, 2021 * May 14, 2021
May 11, 2021	Planning Commission considers Annexation & Zone
June 1, 2021	Resolution to find the property eligible for Annexation
June 1, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
July 6, 2021	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
Legal Notice (minimum of 15 days prior to Planning Commission)	
April 23, 2021	Post Cards
April 23, 2021	Sign Posting
April 23, 2021	Legal Ad

ANNEXATION IMPACT REPORT

CITY OF FRUITA

APRIL 8, 2021

Application #: 2021-12
Project Name: Patron Annexation
Application: Annexation
Property Owner: Fiddlers Grove, LLC
Representative: Vortex Engineering, INC.
Location: 1123 19 Road
Zone: Currently zoned Agricultural Forestry Transitional (AFT - County zoning)
Request: This is a request for approval of the annexation of approximately 15.17 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.

E. Traffic/pedestrian/bicycle impacts;

Traffic, pedestrian and bicycle impacts should not change with the annexation of the subject property. The subject property contains one (1) single family detached dwelling unit which was constructed in 1972. Traffic, pedestrian and bicycle impacts will remain the same.

Development of the subject property will have those impacts, however, the impacts are anticipated to be small based on the future zoning that is set forth within the recently adopted Fruita In Motion: Plan Like A Local Comprehensive Plan.

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.

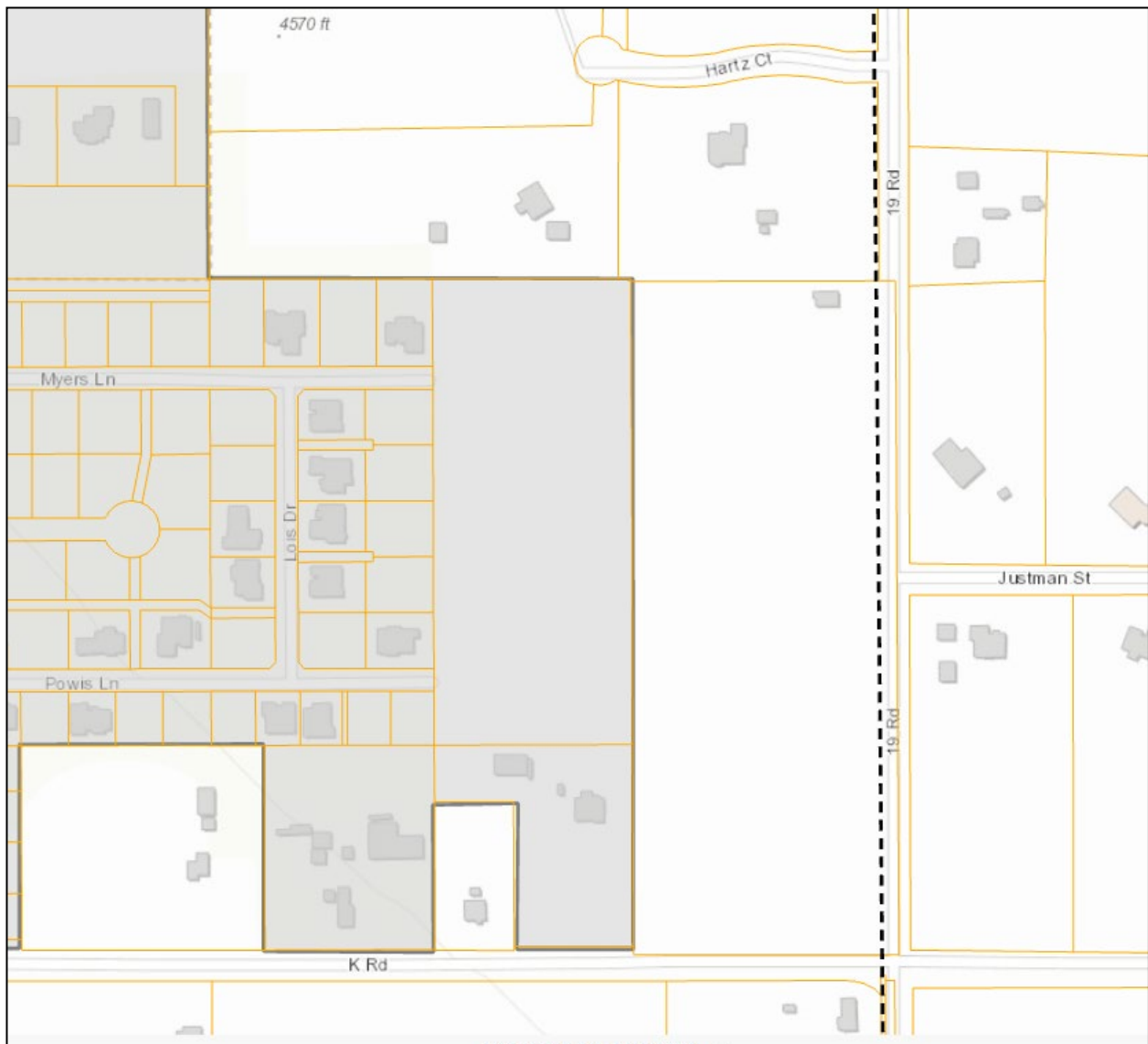
G. Other relevant information as required by the Community Development Department.

Review Agencies:

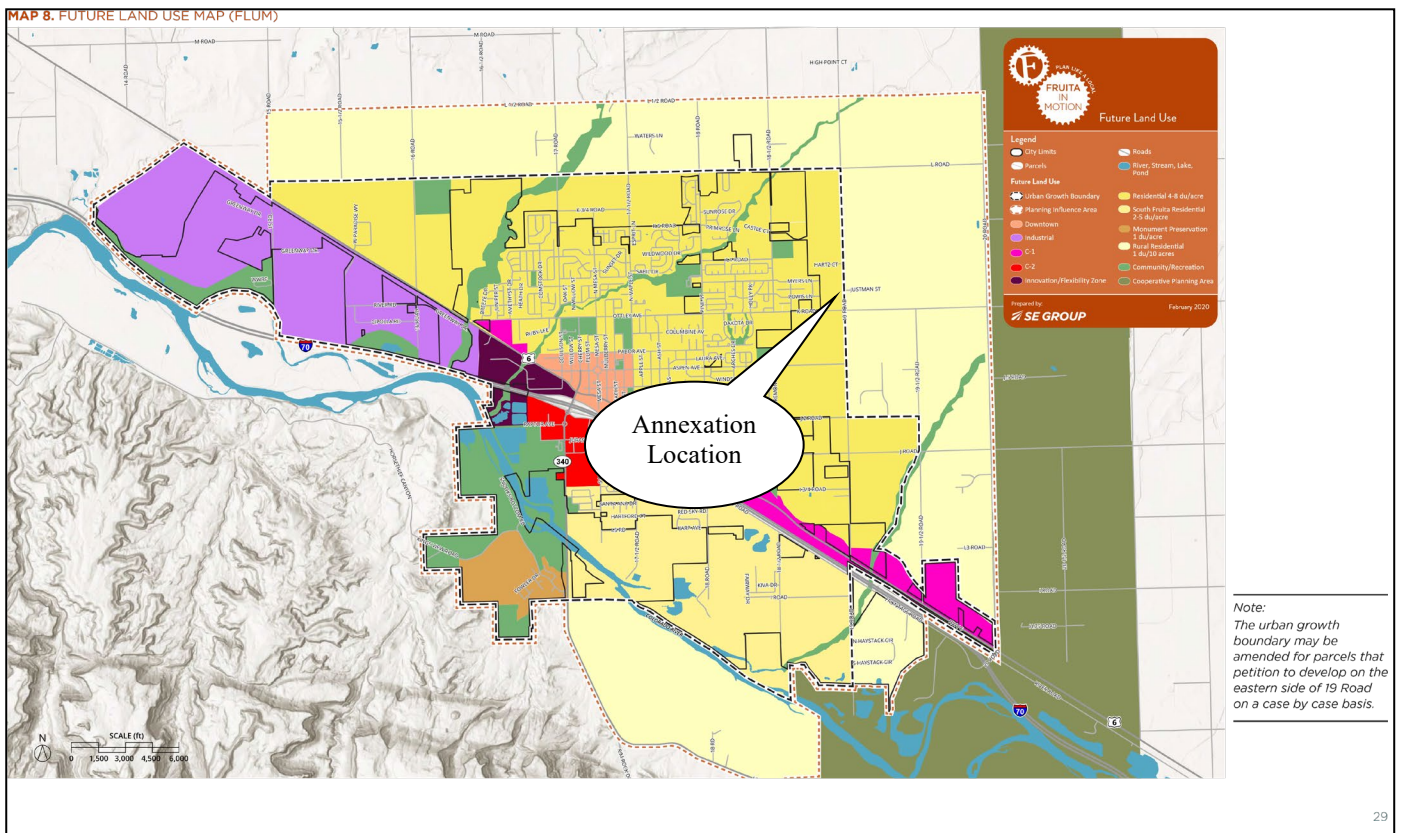
1. Xcel Energy
2. Grand Valley Power Company
3. Charter Communications
4. Century Link
5. Ute Water
6. Grand Valley Drainage District
7. Grand Valley Irrigation Company
8. Mesa County Community Development Department
9. Mesa County Building Department
10. Mesa County Surveyor
11. Mesa County Valley School 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

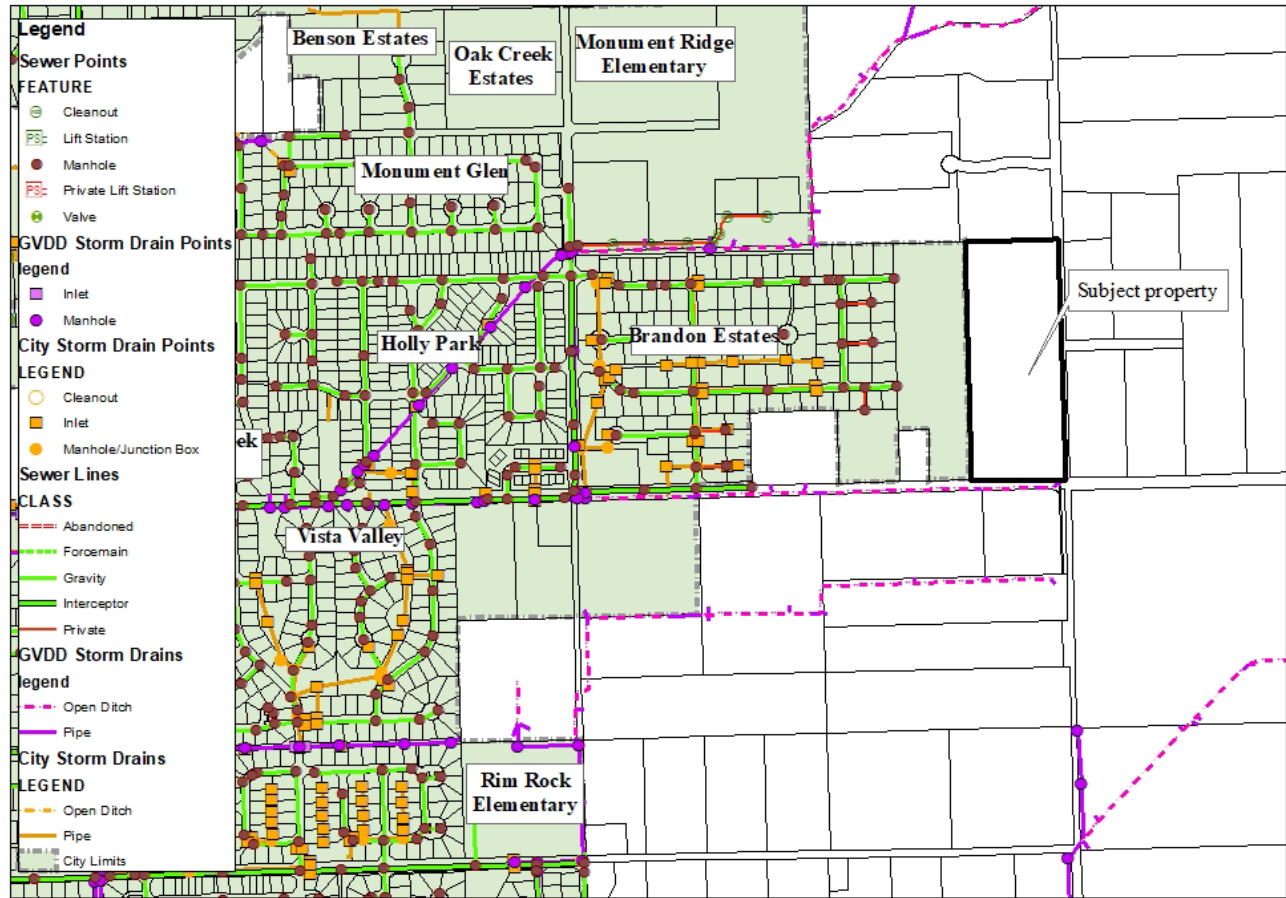


Proposed City boundary as set forth in the Future Land Use Map (FLUM)



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

Current/Present City utilities map



2021-12 Patron Annexation Consolidated Review Comments

Grand Valley Drainage District

GVDD has no comment or objection to the annexation.

Lower Valley Fire District

Review comments:2021-12 Patron Annexation

LVFD has concerns about the possibility of only one access to the property from 19 Road. If another access is permitted from K Road the concern would be resolved. If access cannot be obtained from K Road, then a requirement to provide future access from the West from Powis or Meyers Lanes or both would be acceptable.

Mesa County Building Department

MCBD has no objections.

Mesa County Planning Department

Thank you for the opportunity to review this project. However, at this time Mesa County Planning does not have any comments.

Mesa County Department of Public Works

Please see below for the comments from Mesa County Development Engineering.

Mesa County Development Engineering Comments: Is the portion of K Road at the south portion of the property to be annexed to the City of Fruita.

Ute Water

- No objection to annexation.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.



FRUITA
COLORADO

LAND DEVELOPMENT APPLICATION

Project Name: Patron Subdivision
 Project Location: 1123 19 Road, Fruita CO 81521
 Current Zoning District: AFT Requested Zone: CR
 Tax Parcel Number(s): 2697-094-00-715 Number of Acres: 15.17
 Project Type: Annexation

Property Owner: Fiddlers Grove, LLC Developer: Fiddlers Grove, LLC
 Property Owner: Type text here Contact: John Davis
 Address: 637 25 Road Address: 637 25 Road
 City/State/Zip: Grand Junction, CO 81505 City/State/Zip: Grand Junction, CO 81505
 Phone: 970-640-4320 Fax: Phone: 970-640-4320 Fax:
 E-mail: jdavis@bluestarindustries.com E-mail: jdavis@bluestarindustries.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 Contact: Robert W. Jones II
 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.

John Davis		3-18-2020
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date

STATE OF COLORADO)

) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 10 day of March, 2021.

My Commission expires: 10/21/24 Notary Public: 

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



LAND DEVELOPMENT APPLICATION

Project Name: Patron Subdivision
Project Location: 1123 19 Road, Fruita CO 81521
Current Zoning District: AFT Requested Zone: CR
Tax Parcel Number(s): 2697-094-00-715 Number of Acres: 15.17
Project Type: Rezone Application

Property Owner: <u>Fiddlers Grove, LLC</u>	Developer: <u>Fiddlers Grove, LLC</u>
Property Owner: <u>Type text here</u>	Contact: <u>John Davis</u>
Address: <u>637 25 Road</u>	Address: <u>637 25 Road</u>
City/State/Zip: <u>Grand Junction, CO 81505</u>	City/State/Zip: <u>Grand Junction, CO 81505</u>
Phone: <u>970-640-4320</u> Fax: <u></u>	Phone: <u>970-640-4320</u> Fax: <u></u>
E-mail: <u>jdavis@bluestarindustries.com</u>	E-mail: <u>jdavis@bluestarindustries.com</u>

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: <u>Vortex Engineering & Architecture, Inc</u>	Engineer: <u>Vortex Engineering & Architecture, Inc</u>
Contact: <u>Robert W. Jones II</u>	Contact: <u>Robert W. Jones II</u>
Address: <u>861 Rood Avenue</u>	Address: <u>861 Rood Avenue</u>
City/State/Zip: <u>Grand Junction, CO 81501</u>	City/State/Zip: <u>Grand Junction, CO 81501</u>
Phone: <u>970-245-9051</u> Fax: <u>970-245-7639</u>	Phone: <u>970-245-9051</u> Fax: <u>970-245-7639</u>
E-mail: <u>rljones@vortexeng.us</u>	E-mail: <u>rljones@vortexeng.us</u>

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.

<u>John Davis</u>	<u>[Signature]</u>	<u>3-18-2020</u>
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date
Name of Legal Owner	Signature	Date

STATE OF COLORADO)

) ss.

COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 18 day of March, 2021.

My Commission expires: 10/21/24 Notary Public [Signature]

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

**Project Report
for
Patron Annexation and Zoning**

Date: March 17, 2021

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering and Architecture, Inc.
861 Rood Avenue
Grand Junction, CO 81501
(970) 245-9051
VEAI# F20-094

Submitted to: City of Fruita Planning Department
325 East Aspen Avenue
Fruita, CO 81521

Type of Design: Annexation and Zoning

Property Owner: Fiddlers Grove LLC
637 25 Road
Grand Junction, CO 81505

Property Address: 1123 19 Road
Fruita, CO 81521

Tax Parcel No: 2697-094-00-715

1. Project Intent

This application is made to request annexation and zoning of property located east of the Fruita City limits, on the east side of the Skalla Annexation property. The applicant's intent is to prepare the property for future residential development in a manner that is consistent with the goals and policies of the recently adopted Fruita Comprehensive Plan.

2. Project Description

The subject property is located at 1123 19 Road and is approximately 15.0 acres. The property is currently zoned AFT and will need to have a City zone district assigned that supports the new Comprehensive Plan's Future Land Use Map as part of the annexation process.

The applicant would like to annex the property, which is located within the Urban Growth Boundary, in anticipation of future residential development. There is one house and one agricultural structure that will be removed as part of the new subdivision.



The applicant will provide a deed of conveyance for the required right-of-way dedication for K Road and 19 Road upon annexation into the City of Fruita. Required right-of-way is 35' measured from the centerline of K Road, and 50' measured from the centerline of 19 Road.

Only one point of access will be permitted on 19 Road. Future development plans will ensure that development plans limit access to 19 Road to the single point of access.

The applicant requests that provision of a subdivision plan as required by Section 17.06.202, Application, be made a condition of approval for the annexation of the subject property. Because

Fruita is currently in the process of amending the Fruita Land Use Code, the applicant would like to wait for that process to be concluded before an application for subdivision of the property is submitted. The applicant requests a period of one year from the date of annexation to provide the subdivision plan for the property.

Legal Description

The legal description of **2697-094-00-715** is:

E 15AC OF SE4SE4 SEC 9 1N 2W EXC 30FT ON S FOR RD & ALSO INC E 10FT LOT 1 PAULS
MINOR SUB SD SEC 9 - 14.96 AC

3. Public Notice

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

4. Comprehensive Plan

The recently adopted Fruita Comprehensive Plan contains several goals, policies and key themes to achieve the vision of the Plan. The Comprehensive Plan is the City's guiding document towards land use and other community development decisions. The goals, policies, and actions of the plan are intended to support and preserve the community values. Based on these values, the following key themes emerged:

Efficient Development-

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.

Response: The property to be annexed is within the Urban Growth Boundary and contiguous with existing City limits. Annexation and eventual development of this property is consistent with this goal as it will allow development that is more efficient than sprawling development farther away from existing City infrastructure. The resulting development will be more compact urban development as anticipated by the City's new Comprehensive Plan.

A key finding of Chapter Two, Community Snapshot, of the Comprehensive Plan stated that housing growth in Mesa County is accelerating, but Fruita's housing stock is growing relatively slowly. Grand Junction issued an average of 280 new construction building permits annually from 2010 to 2018. In 2018, there were nearly 500 new housing starts there. In Unincorporated Mesa County, there were nearly 200 new housing starts annually during this time period and nearly 300

in 2018. In contrast, Fruita has issued an average of 62 new construction building permits per year, with 95 in 2018. Future development of this property will support efficient, compact development in the City and provide needed housing for City residents.

Community First, Tourism Second-

The City of Fruita prioritizes its residents and provides them a high quality of life. Tourists are attracted to Fruita for this and the opportunity to “play like a local.”

Response: Annexation of the subject property is the first step in positioning the property for future residential development within the City limits. The City’s Comprehensive Plan has identified a need to increase Fruita’s housing stock. The future development of the subject property would support the community by providing needed housing for City residents to live and work in Fruita which supports this goal of the Comprehensive Plan.

A Thriving Downtown-

The City of Fruita supports a thriving downtown with strong local businesses, an inviting streetscape, and events and places that encourage the community to gather. Flexible design standards support creative uses of downtown spaces, and higher-than-existing surrounding residential densities creates a variety of housing units and types for residents to frequent businesses.

Response: The applicant’s intent is to develop a residential subdivision that meets the density anticipated by the Comprehensive Plan’s new land use classification of Residential 4-8 dwelling units per acre which supports this goal of the Comprehensive Plan.

The Comprehensive Plan’s Future Land Use Map shows the subject property as Residential 4-8 dwelling units per acre. Based on the City’s intent to encourage infill and discourage sprawl, the applicant has requested annexation with the intent to provide future development at a density that is consistent with the future land use classification. New development will likely occur at higher-than-existing residential densities. Providing needed housing will allow City residents to live and work in Fruita as well as supporting existing businesses in the downtown area.

Connectivity-

It is easy for vehicles, cyclists, and pedestrians to get around Fruita and to visit local destinations. The City of Fruita offers a safe, intuitive, and well connected on- and off-street trail network for pedestrians and cyclists.

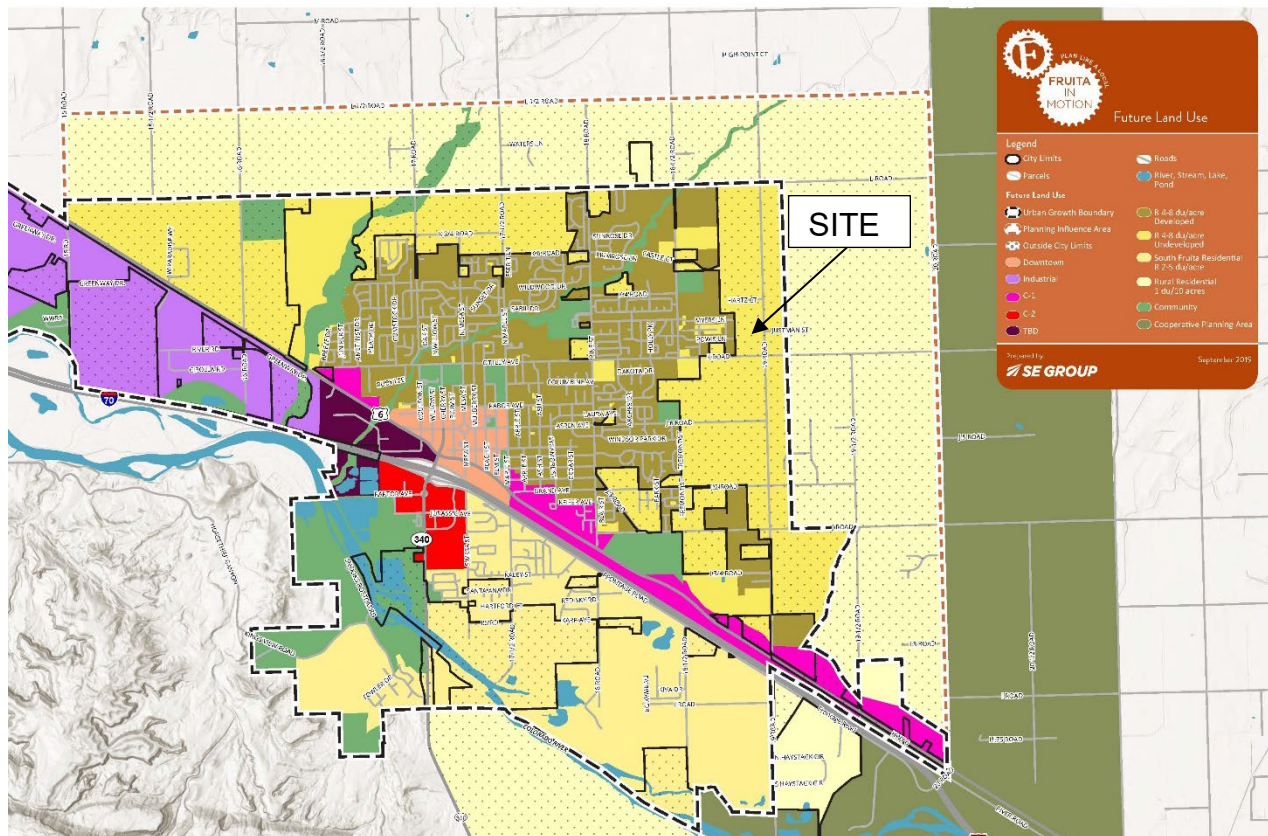
Response: Future development will include sidewalks and pedestrian trails (where applicable) to extend the City’s existing transportation network. Extending pedestrian and bicycle facilities will enhance the City’s multi-modal network and help the City achieve this goal.

Strategic Economic Development-

Fruita's approach to economic development focuses on expanding existing businesses while also making Fruita an attractive place to live and do business. Rather than compete with Grand Junction, Fruita is strategic in recruiting businesses that are well-suited for the Fruita community.

Response: Future development of the subject property will provide more opportunity for housing that supports local businesses and their employees to be able to live within the City limits. Creating additional housing units will enable Fruita to provide a community where residents can live and work and lessen the impact of being a “bedroom community” for neighboring communities where Fruita residents travel to work.

Annexation, with an appropriate zone district designed to implement the new land use classification of Residential 4-8 dwelling units per acre, and the future development of the subject property will help achieve the goals and vision of the recently adopted Comprehensive Plan.



The subject property is shown within the Fruita Urban Growth Boundary and within the Residential 4-8 dwelling units per acre land use classification. Future development shall be consistent with the type and density of residential growth anticipated by the Comprehensive Plan.

5. Zoning and Surrounding Areas

The applicant is requesting a rezone from the current Mesa County AFT zone district to the CR (Community Residential) zone district. In accordance with Section 17.06.050 of the Fruita Land Use Code, the City has 90 days to assign a new zone district to annexed property.

The City of Fruita has proposed amendments to the CR zone district to better implement the new Comprehensive Plan Future Land Use Map designation of Residential 4-8 dwelling units per acre. The rezone request is consistent with and supports the Comprehensive Plan's Future Land Use Map classification of Residential 4-8 dwelling units per acre and will help the City achieve its goal for infill and higher urban density within the City.

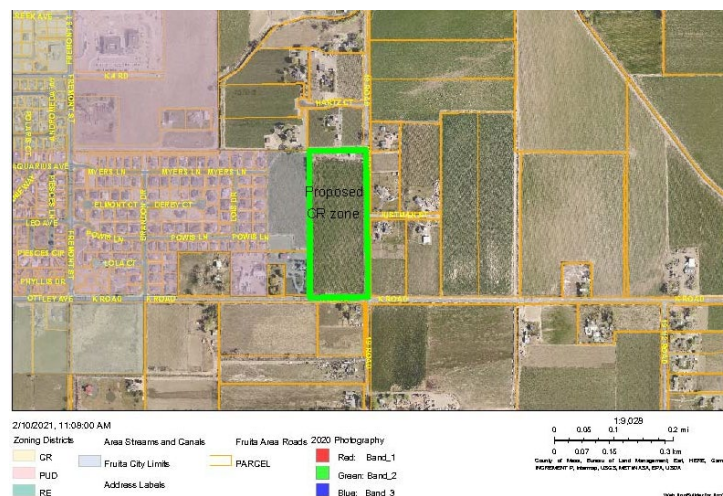
Surrounding area zoning and land uses include:

- North – Mesa County AFT with single family residential and agricultural land uses
- South – Mesa County AFT with agricultural land use
- West – City of Fruita CR with single family residential and vacant land uses
- East – Mesa County AFT with agricultural land use

Mesa County Zoning Map -
AFT zone district



City of Fruita Zoning Map -
Proposed CR zone district



6. Utility Providers

All required and necessary utilities shall be provided concurrent with development of the subject property. Utility providers for the development have the capacity and willingness to serve the development. Public facilities such as medical, schools, parks and public safety are available to serve development on this site within 1-2 miles.

Utility providers for the site are as follows:

Sewer: City of Fruita

Water: Ute Water Conservation District

Drainage: Grand Valley Drainage District

Electric: Xcel Energy

Irrigation: Grand Valley Irrigation Company

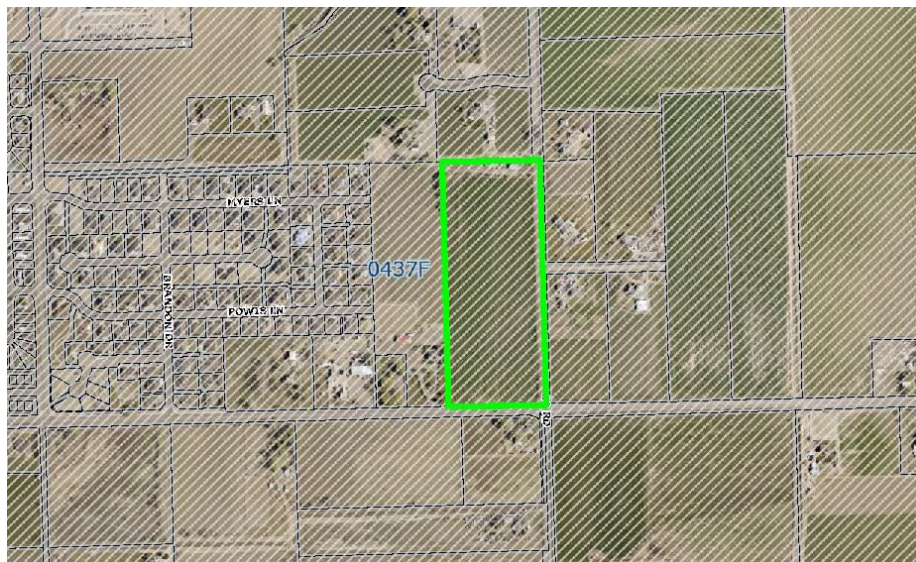
There is an existing home located at 1123 19 Road that will be removed. All future development will be served by the City of Fruita sewer service which will be extended along K Road to the site.

7. Drainage, Stormwater Management and Irrigation Water

The topography of the site is generally flat with a high point of 4570' at the north end of the property and a low point of 4560 at the southern end. There will be no impact to the drainage of the property until the property develops in the future. Stormwater management will be addressed at the time of development. The number of irrigation water shares for the property will be determined with the design of the irrigation system to be constructed with future residential development.

8. Wetlands and Floodplain

There are no known wetlands or floodplains associated with the subject property. The property is located on FEMA Panel 0437F.



9. Approval Criteria

17.06.040.A, Criteria and Decision 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: The annexation is compliant with all requirements of Section 31-12-104, C.R.S as amended and Section 31-12-105 C.R.S., as amended, as attested by the executed Annexation Petition that has been included with this narrative and application. 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: Utility providers have the capacity and willingness to serve the subject property upon annexation, including future residential development. Water, sewer, parks, drainage systems and streets are either currently available to serve the site or will be extended/provided with future development. This criterion has been **met**.

c. The area is contiguous with existing urban development;

Response: The subject property is contiguous on the western property line with the City limits of Fruita. See Annexation Map. This criterion has been **met**.

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

Response: The area can be efficiently served by police, fire and other municipal services because it is contiguous to current City limits. This criterion has been **met**.

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

Response: See response under Comprehensive Plan in this narrative. The proposed annexation meets a number of the goals of the recently adopted Comprehensive Plan. This criterion has been **met**.

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

Response: There are no known objections to the proposed annexation request at this time. Residents will have an opportunity to participate in the public hearing process and may express their comments and concerns at that time, or may submit comments and concerns to the City planning staff. This criterion can be **met**.

g. Water and ditch rights can be provided, as applicable, in accordance with city policies;
Response: The total shares of irrigation water that will be used for the future development will be determined with the design of the irrigation system. An irrigation plan will be submitted with the application at the time of development for the property.
This criterion has been **met**.

h. The area will have a logical social and economic association with the city, and;
Response: The subject property is adjacent to the City limits via the Skalla Annexation. All future residents will have social and economic association with the City through students attending schools, residents shopping for goods and services and by paying taxes to the community.
This criterion has been **met**.

i. The area meets or can meet the existing infrastructure standards set forth by the city.
Response: Future development of the property will meet the infrastructure standards of the City of Fruita.
This criterion can be **met**.

Section 17.06.050, Zoning of Annexed Properties of the Fruita Land Use Code 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: The applicant has requested assignment of the CR zone district upon annexation of the property. The CR zone will provide density as anticipated by the Comprehensive Plan.

Section 17.13.060, Amendment to Official Zoning Map (Rezone), states that 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 rezone is sought or upon application of City Council.

Section 17.13.060.B, Approval Criteria, 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: See response to Section 17.07.080 below and response to how this application meets the goals and vision of the Comprehensive Plan discussed earlier in this 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 land is currently zoned AFT in the unincorporated area of Mesa County and was not zoned in error, it simply has been under the legal jurisdiction of another legal entity. The current zoning is appropriate for unincorporated Mesa County; however, it will be necessary to rezone the property upon annexation into the City limits of Fruita. The proposed zone district will be consistent with the goals, policies and vision of the recently adopted Comprehensive Plan.

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 subject property is within the Urban Growth Boundary (UGB) and is anticipated to develop at urban densities with urban services. The primary change in the area is the annexation of the property from the unincorporated area of the County that is adjacent to the City limits and within the UGB. The future development of the property will meet the needs of the City with needed housing as identified by the Comprehensive Plan.

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 rezone request is based on the current land use classification of Residential 4-8 dwelling units per acre. The City is in the process of proposing and adopting new zone districts that will implement the new land use classification. The rezone is incidental to a comprehensive revision of the official zoning map.

This criterion has been **met**.

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

Response: The rezone is a necessary part of the annexation process and is incidental to the annexation of the property.

This criterion has been **met**.

Section 17.17.080, Land Use Compatibility Criteria, states that 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.

Response: The question of compatibility will be best addressed at the time of development for the northern portion of the property since the subject property is only being annexed at this time. The applicant has requested the CR zone district as part of the annexation and zoning process in order to meet the anticipated density requirements of the Residential 4-8 dwelling units per acre land use classification for the subject property.

The City recently assigned the Residential 4-8 dwelling units per acre land use classification with adoption of the Comprehensive Plan's Future Land Use Map with the intention of encouraging infill, more urban density and as a way to discourage sprawl. The applicant's intent is to prepare the subject property for future residential development in a manner that is consistent with the goals and policies of the recently adopted Fruita Comprehensive Plan.

In assigning the Residential 4-8 dwelling units per acre land use classification, the City has demonstrated that residential development within this range will be considered compatible with existing residential development that has the same land use classification. This land use classification is being used to implement the City's goal of achieving more urban density and infill development within the City limits.

10. Conclusion

After demonstrating how the proposed annexation and zoning of the Patron Annexation property located at 1123 19 Road, Fruita, meets the goals and policies of the Fruita Comprehensive Plan and Land Use Code for annexation and zoning, the applicant respectfully requests annexation into the City of Fruita with a Fruita zone district of CR, Community Residential.

11. 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.

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 18 day of March, 2021.



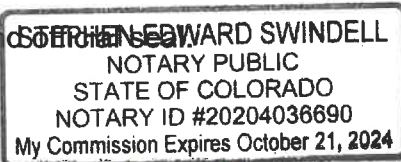
Property Owner

Property Owner

County of Mesa)
) ss.
State of Colorado)

Subscribed and sworn to before me this 18 day of March, 2021 by
John Davis

Witness my hand and seal:




Notary Public

My commission expires:

10/21/24

Mailing address of each property owner:

1023 24 Rd, Grand Junction, CO 81505

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 15 day of March, 2021, by Adam Asgari.

Witness my hand and official seal.

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

Stephen Swindell
Notary Public

My commission expires:

10/21/24

Application Name	Patron
Application Type	Annexation
Location	1123 19 Road
Current Zone:	Mesa County Zoning AFT
Description	This is a request to annex 15.17 acres into the city limits.

Mr. Henry Hemphill gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Project Description

Slide 3 – Legal Notice / Annexation Schedule

<i>Patron Annexation Schedule</i>	
Date	Action
April 20, 2021	Resolution to set a hearing date to determine eligibility
	Published in Daily Sentinel (Once a week for 4 consecutive weeks) * April 23, 2021 * April 30, 2021 * May 7, 2021 * May 14, 2021
May 11, 2021	Planning Commission considers Annexation & Zone
June 1, 2021	Resolution to find the property eligible for Annexation
June 1, 2021	1st Reading of an Ordinance to Annex 1st Reading of an Ordinance to Zone
July 6, 2021	2nd Reading of an Ordinance to Annex 2nd Reading of an Ordinance to Zone
Legal Notice (minimum of 15 days prior to Planning Commission)	
April 23, 2021	Post Cards
April 23, 2021	Sign Posting
April 23, 2021	Legal Ad

Slide 4 – Zoning Map and Aerial View

Mr. Hemphill gave a description on where the property was located.

Slide 5 – Future Land Use Map

Slide 6 – Approval Criteria #1

- **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:**
- **The annexation meets the requirements of the 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). This criterion has been met.

Slide 7 – Approval Criteria #2

- **The area is or can be efficiently served by city utilities and capital investments, including water, sewer, parks, drainage systems and streets;**
 - The subject property is surrounded by either urban or rural development, however, not all the urban utilities are available to the subject property. Sewer service, drainage systems, and street improvements shall be made or extended to meet this criterion. There are public parks and trails nearby. This criterion can be met.

Slide 8 – Approval Criteria #3 & #4

- **The area is contiguous with existing urban development;**
- The subject property is contiguous to the city limits with the recent annexation of the property to the west (Ordinance 2020-06). Currently, the property to the west has a development application under review for a 36-lot subdivision (Rose Creek Subdivision, Land Development Application #2021-11). This criterion has been met.
 - **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, and other municipal services such as trash collection. Since the subject property is already being served by these services, this criterion has been met.

Slide 9 – Approval Criteria #5

- **The development is consistent with community goals, principles, and policies as expressed in the Fruita Community Plan;**
 - 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.

Slide 10 – Approval Criteria #6

- **The annexation is supported by local residents and landowners;**
 - With regards to the subject property, 44 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 property owner has signed the annexation petition. This is in accordance with C.R.S 31-12-107.

Slide 11 – Approval Criteria #7

- **Water and ditch rights can be provided, as applicable, in accordance with city policies;**
 - According to the information submitted, “the number of irrigation water shares for the property will be determined with the design of the irrigation system to be constructed with future residential development.” At this point, annexation of the subject property only serves as incorporation into the city limits with no modifications to utilities such as sanitary water and irrigation water.
 - The property is currently being served with sanitary water services provided by Ute Water. This criterion has been met.

Slide 12 – Approval Criteria #8

- **The area will have a logical social and economic association with the city, and**
 - Annexation of the subject property and the single-family dwelling unit will not provide much with respect to an economic association with the city. However, growth and development within the city’s UGB has been planned for years and does make sense with respect to city services being extended. This criterion can be met.

Slide 13 – Approval Criteria #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:
 1. Ottley Avenue (K Road) to have a total of 35 feet from the section line.
 2. 19 Road to have a total of 50 feet from the section line.
 3. Dedication of a 14-foot multipurpose easement adjacent to all the right of way adjoining the subject property.
- This criterion can be met.

Slide 14 – Public Comments, Review Comments, and Staff Recommendation

- Public Comments:
 - No public comments have been received to date.
- Review Comments:
 - No reviewer expressed concerns with this annexation.
- Staff Recommendation:

- Staff recommends **approval** of the annexation petition with the condition that there will be dedication of additional right of way on the Ottley Avenue and 19 Road frontages and a 14-ft multipurpose easement adjacent to the right of way.

Mr. Hemphill concluded his presentation.

Mr. Stephen Swindell of Vortex Engineering gave a summary. He said that after demonstrating that the request did or can meet 17.060.040 and the goals and policies of the Comprehensive Plan and the Land Development Code the applicant respectfully requested approval.

Commissioner Fabula thanked him and opened the meeting to Public Comment.

Ms. Carla Kurtz who lives at 1902 Justman went up to speak. She said that she was just a few steps across 19 Road from this property. She asked Fruita if in the urban growth annex are they going to be going east of 19 Road in their plan? She said that the reason she was asking is because they were going to be sandwiched in between this proposal here and the gentleman who bought the other two lots on the otherside of their 4 house subdivision and on the other side there are 2 fourteen acre pieces that just sold. She said that they had Vortex on this side of 19 developing, they all have 3-5 acres each, and then you have the other 2 fourteen acres on that side. She said that they could see their concern is where is Fruita's urban growth going to go? Across 19 and that way or are they stuck right at 19? The next question she had is she didn't know where the ingress/egress was going to be for this property. She didn't know if she was on the right subject or not, but this was her question. If it is going to be off of 19 Road and off of K Road, she was the only person instrumental in getting the flashing stop sign on the corner. She petitioned the State Patrol, Fruita, went to the County and she said that they may have an urban growth development but this town was not ready to police and to maintain the amount of people that are going to be living in that subdivision and if they are all going to be using 19 Road and K Road that is going to be a real problem. She added that there have been many accidents and enough death from that intersection to warrant a flashing stop sign and it had to meet a criteria for that as well. She didn't believe that there was enough infrastructure for the two developments that were coming that Vortex was planning. She was sure that a lot of people along 19 Road would be totally against what was coming on those two developments if 19 is going to be the ingress/egress for that development. She said that the public, the sheriff, the police and ambulance and all of that, she didn't know who did the study. Whether it was Fruita or the developer on being enough what they had now to cover that development or is Fruita going to raise taxes or another type of way to get income to support this gentleman's proposal for that many more people and houses and rooftops. She wanted to know who did the study on what we currently have or if they will have to increase for that as well. She wanted to know how did this benefit? How does this development benefit our area? She said that they are taking agricultural pieces out, putting residential in. So she said it benefits the construction people. She said that this didn't benefit anybody else as far as they were concerned. She said that she liked her little community that was a little bit more agricultural than urban development.

Commissioner Fabula thanked her.

Mr. Caris said that there was no one who wanted to participate virtually. He added that he understood that there might be some questions about the zoning application but annexations are usually the applications with the greatest degree of all encompassing elements needed to be considered in order for them to as a community to expand their jurisdictional boundaries. He said that they had the greatest degree of deference with their comments specific to an Annexation application. He said that this was an open platform to provide comment regardless of its material specific with regards to the State statutes.

Mr. David Lee who lived at 1894 Hartz Court gave a comment. He said that he had provided comments in the past when they had a meeting around the Skalla Minor Subdivision. He said that their biggest questions and concerns around whether it was the Rose Creek or this new one at the corner of 19 and K Road is ultimately irrigation. He said that as many of them know, and Mr. Mulder for sure, that this is an agricultural community also. All of them north of their can understand the expansion of Fruita and the future growth plan. There are still concerns about irrigation water. He said that there were many of them that were on the main irrigation line that have hay fields, that have horses, that have all kinds of different livestock and they want to make sure that they have the water available to continue that type of process with growing their fields, taking care of the livestock and there is worries that especially with the subdivision being at the end of the line that can pull a lot of water. He said it didn't necessarily matter of how much water is going through the headgate, it matters how much water is being pulled at the end of it too. He said that he was trying to have a lot of faith in Vortex that they are looking at that irrigation and he was curious of how this worked and how this might work with Rose Creek and now this other potential subdivision coming along at the corner of 19 and K. He is hoping it can work. He said that these irrigation lines that were built back in the 70's, they need some maintenance and some updating and things like that. He asked where would that play a part in it if they had issues with those irrigation lines? He said that he knew that there were 2 headgates, the old Skalla property is part of one headgate and now the one at the corner of 19 and K is a whole other headgate that was put in the late 70's that feeds that one lot and that one lot only. He was curious about that. He said that they all understood that, they all had 5 acres lots up there and they all understand that they moved to Fruita, he has lived here for 23 years now, he loves the small community but they also know a lot of people love the small community and it is going to expand. That is why Fruita had this development or plan for future growth and they understand that. He said that they were within that but they want to keep their size and they want to keep their agriculture. He added that he understood that there was going to be subdivisions coming in but they want to make sure they still had their water and things like that too. He said that they brought up a great concern about the corner of 19 and K. He said that if they have lived in this area for a long time, 19 and K is an issue. He was curious about what the County and the City of Fruita is going to do with 19 Road as a whole, not just 19 and K. He said they all know that there are subdivisions going on south on 19 Road too. He said that this was going to get flooded with traffic. He was curious what they were thinking about doing between the City of Fruita and Mesa County when it comes to maintenance of that road and widening it. He added that it was also 19 and J and then there was 19 and Highway 6 & 50. He said this was going to be an issue in the future especially when they throw in another 60-70 homes right there at the corner. He said that their main issue and they are having some faith here that Vortex Engineering was looking at how they can figure out the irrigation water and ultimately work together.

Commissioner Fabula thanked him for his questions and comments. He gave instructions to those in virtual attendance on how to participate.

Mr. Caris said that they were not seeing anyone at that time.

Commissioner Fabula closed public comment and opened the meeting to petitioner rebuttal.

Mr. Swindell spoke. He wanted to touch on, without getting into any land planning that had occurred internally to himself and the client because it was not technically part of the process, but he wanted to put the Commissioner's minds at rest that they are most definitely looking at efficiencies with the storm system, efficiencies with the irrigation system, efficiencies with the water and sewer systems that can all be combined looking at these two projects. He said that he felt confident that they can solve some engineering troubles that were common to both parcels once they can get them combined he added that those hurdles were much easier to overcome.

Commissioner Fabula thanked him for his comments and moved the meeting to Commissioner discussion.

Commissioner O'Brien wanted to know the possibilities to traffic flow on 19 Road when the County and City share?

Mr. Caris said that 19 Road, especially the intersection of 19 and Ottley or K, as a portion of that is not annexed into the City yet, those are legitimate concerns that will require traffic studies, counts and determining what improvements are going to be required as urban growth occurs. He added that the public has every right of saying that this is just a farm to market road and is a traditional County road but in order for urban development to occur, those facilities do need to be constructed as a part of subdivision applications especially if they are safety related. He said it is part of the reason they saw a review comment from them which is 50 feet from the centerline west which is to create the Right of Way to add capacity to that roadway. It is not just the widening, not just the capacity along that alignment it is also the intersection at 19 and K. He said that this will have to be studied and they will have to be furnished with a traffic study that specifically speaks to that.

Mr. Sam Atkins said that the applicant will have to prepare a traffic study and because of the increased number of units to the north, right now the movement is east/west because there is a lot more traffic traveling east/west. He added that there could be a warranted 4 way stop that occurs at that intersection. He said that they were currently in the midst of updating the circulation plan and they are also designing Freemont Street at the Highway and internally they are designing Freemont Street up to J Road. He said that the Mesa County transportation model shows that if they get Freemont Street constructed they will reduce the traffic on 19 Road because there is so much population and so many homes that are west of there that are avoiding 18 Road that end up taking 19 Road. They are in the works of trying to prioritize which roads are the most important and right now Freemont is and this would relieve traffic on 19 Road.

Commissioner Nisley mentioned that the people go down 19 Road to get to work everyday in Grand Junction. He also said that the people who lived in Brandon would go straight down Freemont.

Commissioner Rink asked him if this was to Highway 6 & 50?

Commissioner Nisley asked if Freemont would connect through the school to 6 & 50?

Mr. Atkins said that it would.

Mr. Caris said that this would most likely be a phased project as it would be costly to construct. He added that just the intersection from J Road south onto 6 & 50 will alleviate a tremendous amount of traffic that would normally be eastbound on J Road and southbound on 19 to that intersection at 6 & 50. The point of that is that they do not want to leave lagging infrastructure that is interior to Fruita and construct facilities along the perimeter which would disproportionately disperse traffic that is based off of an existing condition not necessarily a future condition.

Commissioner Nisley said that the idea would be to avoid increased traffic on 19 Road completely by upgrading.

Mr. Caris said that this was correct. He added that they had a slew of consultants working on both projects, the circulation plan and the design for Freemont and 6 & 50. In conjunction with a number of partners with the County, CDOT. There are a whole host of people trying to figure out those traffic patterns not only what they are going to be like in the next 5 years but what they are going to look like in the next 30 years.

Mr. Atkins said that this was correct.

Commissioner Gollob asked who was going to be responsible for the corner of K Road and 19 Road, that intersection specifically. He asked if this would be the City in conjunction with the developer and Mr. Atkins to come up with a solution, will Council be a part of this? Who is responsible or who owns this corner?

Mr. Atkins said that the developer would generate a traffic study that suggests that this intersection warrants improvements then they will be on the hook for some of those improvements. He thought that they ultimately could see improvements that the City and Mesa County put together but he was not sure about that intersection for this particular project. He thought that this was on the developer if it is warranted. That will be after they see the traffic study.

Mr. Caris asked Mr. Atkins if it was fair to say that any safety improvements that are called out on that traffic study would be the sole responsibility of the developer or that would not be credited against their Transportation Impact Fees because it would be specific to their project?

Mr. Atkins said that he would argue that, yes.

Commissioner Gollob asked what was going on on the east side of 19 Road in the Urban Growth Boundary? He wanted an update on what that looked like there on the east side.

Mr. Caris stated that in the Comp Plan they had a hard edge that is not planning for Urban level growth on the east side of 19 Road. He continued that part of the reason for that is if they continued to take properties in along Ottley as an example they would likely start leap frogging a lot of the more agricultural property that has been subdivided in the past. He said that the Justman Subdivision was specifically stated and those improvements with utilities or with the transportation network all of the analysis that they had done in the City don't extend beyond that eastern alignment but those facilities that are interior to the growth boundary they have to plan for those. He said that this is part of the reason they hadn't done that. He said that they are planning for the area that was in question.

Commissioner Rink talked about the zoning map. She spoke about the City redoing the Master Plan, spent 2 years doing it and redirecting and scrapping of some old ideas. She talked about the community input and she said that this is supposed to be the guiding map for the next decade. She added that she understood that they felt that they might get swallowed alive and that it is going to keep running past 19 Road but she said that this was truly the border. She said that this is as far east as it is supposed to go.

Commissioner Nisley said that this was not to say that they could develop this property through Mesa County. He said it is just that Fruita would not be a part of that.

Commissioner Rink said that on the Fruita Planning Commission, Fruita would not leapfrog it.

Mr. Caris said that what they saw there was a yellow mustard color and it turns into more of a beige, that is what they describe as a hard edge where urban growth would happen within that yellow color and they would put into place a future land use that would be in alignment with what the County zoning was. That urban level densities would not extend beyond those areas. He said that those lines do move but in this plan that was recently adopted was projecting out 10 years. He added that a lot of facilities would need to be put in place in order for them to move that boundary east in order for them to grow in that area. He said that when they did this plan it was a future land use map of vacant parcels some of which if not most are in Unincorporated Mesa County. It would double the size of Fruita which is a lofty goal, they don't anticipate that happening within the next 10 years but it shows them how far out they look.

Commissioner Mulder stated that this annexation and rezone has the potential to screw up the irrigation at 19 and K Road for a long time to come. He said that this was an awful big development coming through one headgate. Also, he added that the traffic from this development will totally inundate 19 Road. Whatever may be coming in from the south, 19 Road will become a disaster. Commissioner Mulder added that K Road can't handle what it has on it right now but it is there. A flashing stop sign and a 4 way stop is not going to solve that problem at 19 and K Road. He thought the developer has got a plan on paper but he did not see it. He said that this location has been a problem in the past for irrigation and he did not see a resolution in the proposal that they are seeing in their packet. He believed that approving the Preliminary Plan as they had it there is accurate but they need to add the irrigation water

proposal in there along with the traffic problem that they were creating. He said that in the recommendation for approval he thought that they needed to add the irrigation issue.

Commissioner Gollob asked on section 2 of the project report that was provided by Vortex, they had requested a period of 1 year from the date of annexation provide them the subdivision plan for the property, he added that apparently that 1 year was to amend section 17.06.020. He asked what the normal time frame to provide a subdivision plan?

Mr. Caris said that it depended on the application. He said that for example if they got a preliminary plan approved they had within a 180 days to submit a final plan. He thought they would ask the applicant if that was in anticipation of any code changes that they wanted to explore or was it based off of the fact that they were unsure of what type of improvements that are going to be required at 19 and K and would like to reserve the right to develop in the County if they explored their opportunities with a residential subdivision and they couldn't make the numbers work. He said that this is a question for the applicant as they typically don't see a lot of specific timestamped hard dates for them to submit. There are just some prescriptive ones with regards to if they annex they have within 90 days to zone the property and that property could be zoned and could sit for years.

Commissioner Gollob said that this was why the request jumped out at him. He then posed that question to the applicant.

Mr. Swindell said that he heard it and said that he would love to give him the history of it but it was done before his time. His suspicion was that they had a lot of studies that they were discussing, they have traffic studies, they have irrigation studies, they had things that they needed to work out and they needed to make sure it all worked together. He said that they had preliminarily looked at some of those things so he was not sure the year was necessary but he couldn't speak or represent the recommendation to change that timeframe.

Commissioner Gollob said it stated that Fruita was in the process of amending the Land Use Code and they want that to be concluded, he asked if it was not concluded enough to warrant this extension? He asked if there were boxes that needed to be checked for that?

Mr. Swindell said that he didn't believe so, he thought that it was the same bunch of revisions that they were in the middle with Rose Creek on. It was kinda caught in a no mans land, he added that now that those had been resolved and the path was a little bit more clear he thought that the one year was a bit unnecessary but he was not aware that the client wanted to remove that particular ask. He thought it seemed long to him but that is where he sat.

Commissioner Gollob asked if they approved this because it was in the application but he didn't believe it was in the Staff report would it include the year or would it not include the year?

Mr. Caris said that they would not include the year in any ordinance that they would put before City Council. They would not condition an annexation upon future development whatsoever. He said that those applications needed to stand on their own merits.

Commissioner Gollob thanked him.

Commissioner Fabula called for a motion.

Commissioner Mulder attempted to make a motion to go along with what he was discussing. He said that what he wanted to say was Mr. Chair he wanted to recommend that if they approve the annexation petition with the condition that there will be dedication of additional Right of Way on the Ottley Avenue and 19 Road frontages and a 14 foot multipurpose easement adjacent to the Right of Way and a resolution on the section of 19 and K, the intersection of 19 and K, a resolution that the City of Fruita can live with. He added that he would like to see a firm plan on the irrigation water in this motion. He asked if he was making it clear what he wanted to say.

Mr. Caris addressed Mr. Chair and the members of the Planning Commission that it was difficult to condition an annexation application with specific, whether it is a traffic analysis or an irrigation analysis, when they have no idea if they are going to propose a 10 lot subdivision or an 80 lot subdivision. He said that it would be difficult for them to know what they were studying and he wanted to encourage them to rely on Mr. Atkins, City Engineer, that all of those applicable studies would need to be submitted as a part of a subdivision application. He said that it didn't necessarily fit specific with this process, however, it made total sense down the road if they chose to submit a subdivision application.

Commissioner Fabula said that these were his feelings. He said that this item is just the annexation. Do they want this to come into Fruita or not? He added that this was driven by the criteria that they read through earlier which all of them were met. He said that they needed to progress with the annexation but the next item on the agenda was the rezone and that is where he wanted to have some of these conversations that they are talking about.

Commissioner Mulder motioned to recommend approval of the annexation petition with the condition that there will be dedication of additional Right of Way on the Ottley Avenue and 19 Road frontages and a 14 foot multipurpose easement adjacent to the Right of Way. He said he believed in the annexation and that was as far as he could go.

Commissioner Fabula asked for a second.

Commissioner Gollob asked if that was from a Staff perspective if that was workable language to move forward ?

Commissioner Fabula said that this was the Staff recommendation language.

Mr. Caris said that he thought it was important for the record, it sounded like Planning Commissioners have potential apprehension with regards to recommending approval to annex a piece of property and they have no idea what type of improvements are going to be warranted based off of hypothetically a residential subdivision being proposed in the future. He said that he would rely heavily on Mr. Atkins to furnish them with a response that suggests that it can be done. Such as the Right of Way widths are appropriate to accommodate alternative turning movements or the ability to have access that is within their spacing requirements, all the things

that the evaluate internally before they put together a Staff report and review comments that goes before Planning Commission. He said that if he was hearing everybody on Planning Commission correctly, there are seemingly a lot of unknowns but a lot of those do get analyzed when they do Comprehensive Plans and circulation studies which include this parcel and include this area to grow into. He asked Mr. Atkins if it was possible to put those improvements in place and make this function in a safe fashion?

Mr. Atkins said that it absolutely is and what they had before them is just the annexation and like Mr. Caris said they don't have a single lot proposed so they are making assumptions that traffic is bad and that is likely perception. He said that their traffic study is going to have to establish what improvements needed to take place and what warrants are met at the intersections. That is going to generate what types of improvements are made and it may make it not worth moving forward with a subdivision application or maybe moving forward with something smaller. He didn't know if right now was the time to speculate as to what that is.

Commissioner Fabula thanked him for the comments and said that he had a motion on the floor and asked for second.

Commissioner Nisley said that Commissioner Mulder's motion differed slightly from the Staff recommended motion and said that the Staff recommended said that all review comments and issues identified in the Staff report, they didn't have a Staff report yet because there wasn't a subdivision plan. He thought every issue that was raised are valid and will be brought up in the Staff report. He said it would take out them tying them to certain Right of Way that was said in the motion but would still solve those issues and let it get handled with the Staff (inaudible).

Commissioner O'Brien asked if that was part of the Staff recommendation?

Mr. Caris said that this was correct.

Commissioner O'Brien asked if this should be part of their motion?

Mr. Caris said that it was issues identified not necessarily in a Staff report of a subdivision but they do prepare an annexation impact report. A bit of nomenclature but they furnish them with a bit of a different approach with annexations where they are more making findings rather than reviewing them to be consistent with the Land Use Code.

Commissioner O'Brien asked that if it was not in the language in the motion would it be done anyway?

Mr. Caris said this was correct.

Commissioner Nisley said that if Staff had other issues that they come up with in the Staff report he would rather tie in with the Staff report.

Commissioner Mulder retracted his motion.

COMMISSIONER NISLEY MADE A MOTION THAT THEY RECOMMEND APPROVAL TO CITY COUNCIL APPLICATION 2021-12 PATRON ANNEXATION WITH THE CONDITION THAT ALL REVIEW COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE ADEQUATELY ADDRESSED OR INCLUDED WITH THE ANNEXATION ORDINANCE

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 6-0

Application #	2021-13
Application Name	Patron
Application Type	Rezone
Location	1123 19 Road
Current Zone:	Mesa County Zoning AFT
Description	This is a request to rezone approximately 15.17 acres from Mesa County AFT to Community Residential (CR).

Mr. Henry Hemphill gave the Staff presentation.

Slide 1 – Introduction

Slide 2 – Project Description

Slide 3 – Legal Notice 17.01.130

Legal Notice (minimum of 15 days prior to Planning Commission)	
April 22, 2021 (19 days prior)	Post Cards
April 21, 2021 (20 days prior)	Sign Posting
April 22, 2021 (19 days prior)	Legal Ad

Slide 4 – Zoning Map and Aerial View

Slide 5 – Future Land Use Map

Slide 6 – Review Criteria

Section 17.13.060, Amendment to the Official Zoning Map (Rezone), of the Land Use Code (2009, as amended) states that 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 17.07.080, and is consistent with the city's goals, policies and Master Plan; and
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