



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

**Application #:** 2023-34  
**Project Name:** 1873 K Road Rezone  
Application: Rezone  
Property Owner: Hays Development LLC  
Representative: Griffin Design and Construction, LLC  
Location: 1873 K Road  
Zone: Currently zoned Agricultural, Forestry and Transitional (AFT-County zoning)  
Request: This is a request for approval to zone of approximately 14.52 acres to Community Residential (CR).

**PROJECT DESCRIPTION:**

This is a request for approval to zone approximately 14.52 acres of property to Community Residential (CR). The subject property is currently zoned Agricultural, Forestry and Transitional (AFT), which is a Mesa County zoning designation.

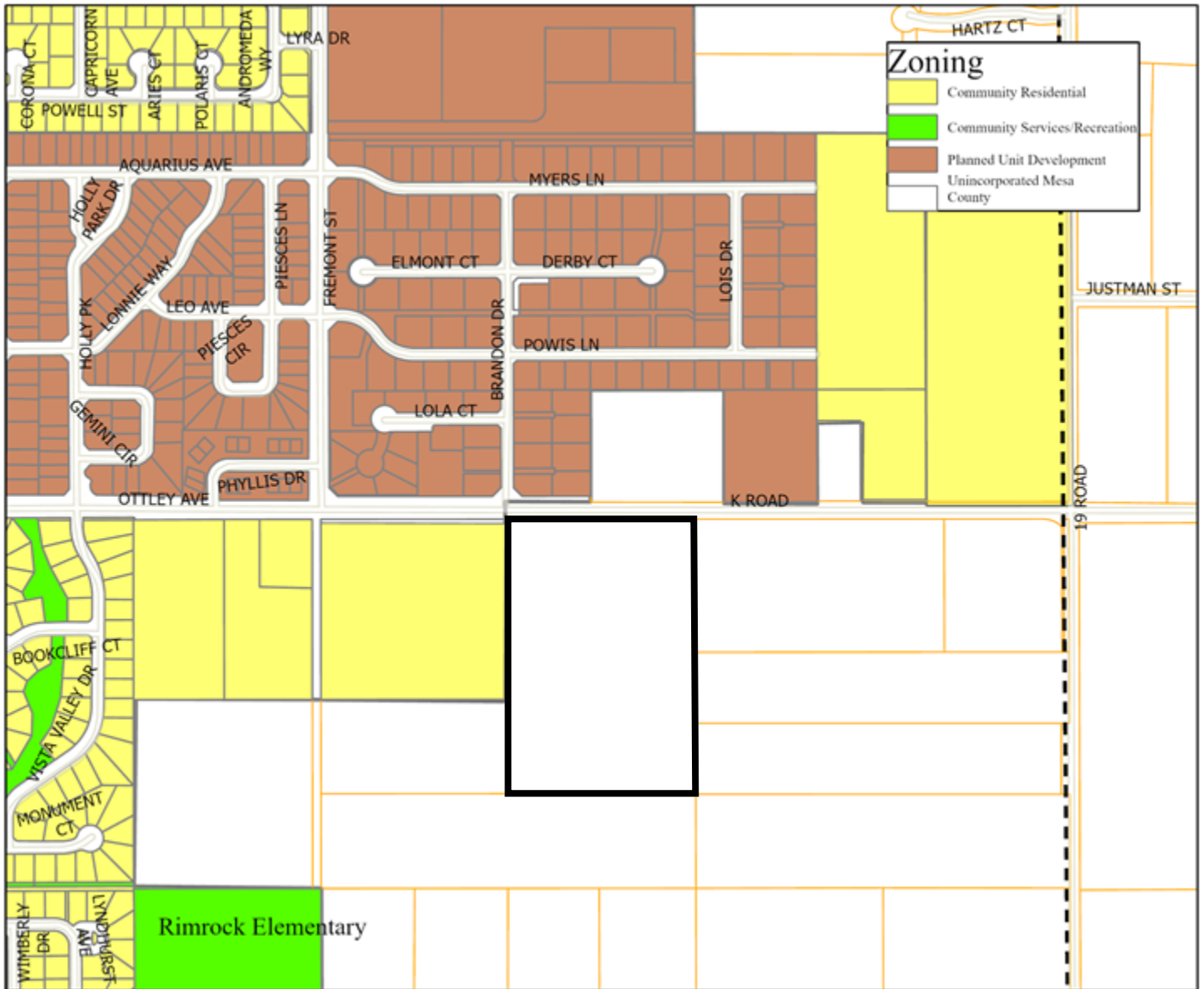
In addition to this rezoning application, the property owner has also submitted an annexation application. Typically, annexation applications are accompanied by a rezone application and can run concurrently through the public hearing process.

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

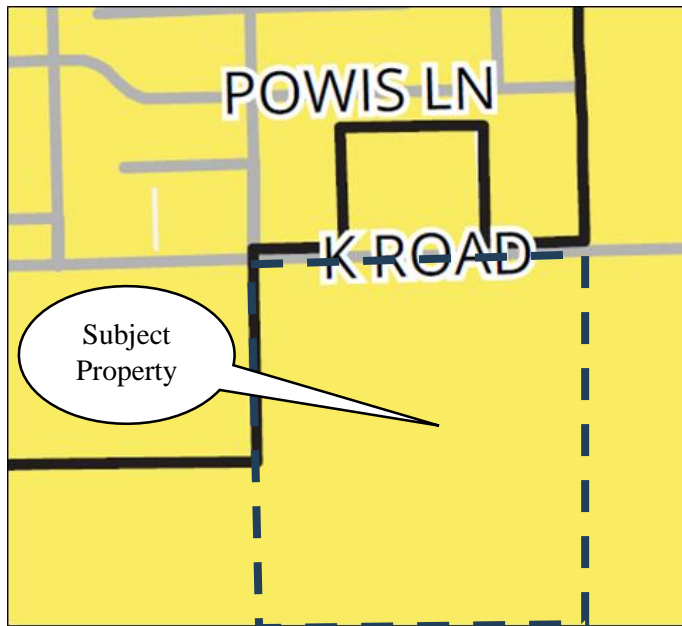
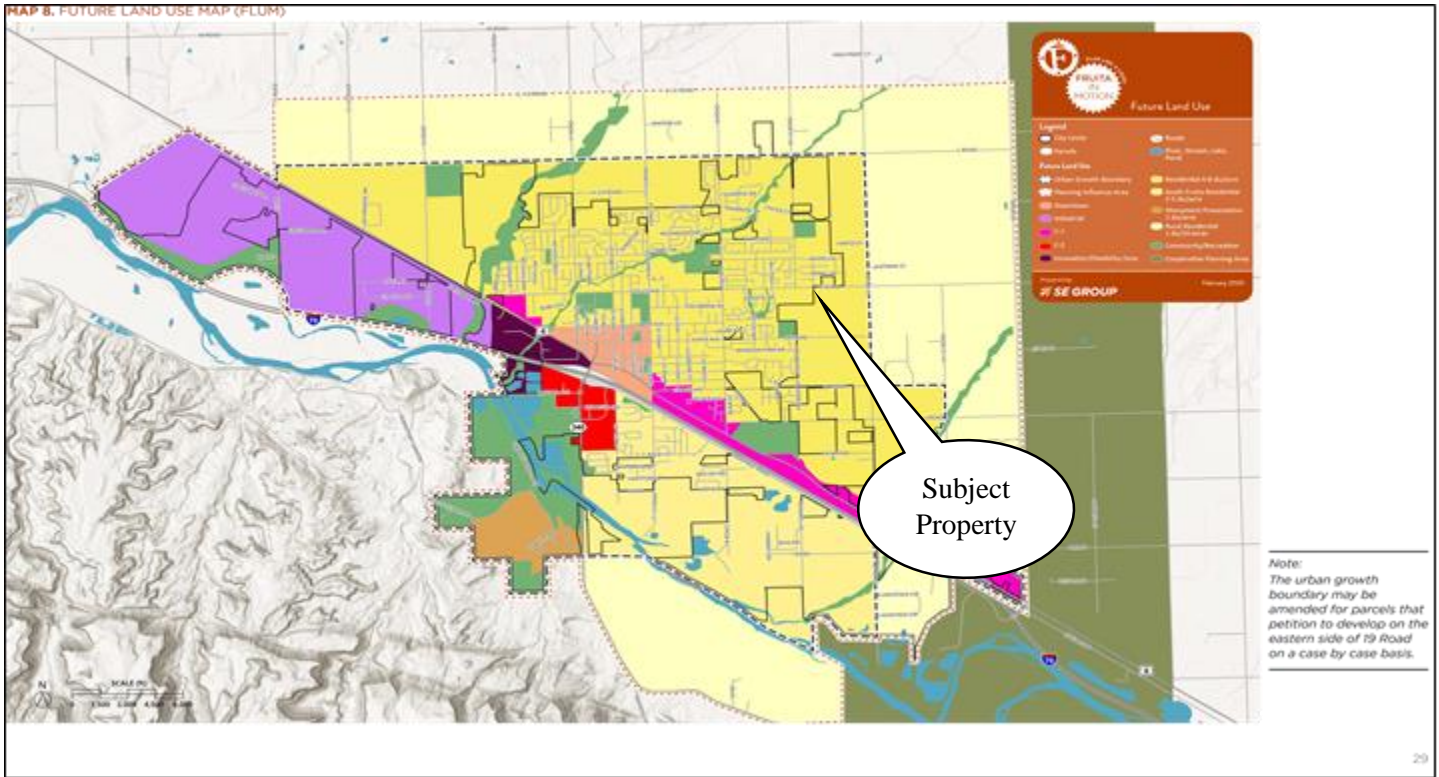
The area in which the subject property is located is supported to have a Community Residential zoning classification as shown on the Future Land Use Map within the City's Fruita In Motion: Plan Like a Local Comprehensive Plan (Master Plan). The Land Use Code states that the "*The purpose of the CR zone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

**SURROUNDING LAND USES AND ZONING:**

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



# FUTURE LAND USE MAP (FLUM)



2022 AERIAL PHOTOGRAPH



## **REVIEW OF APPLICABLE LAND USE CODE REQUIREMENTS:**

### **SECTION 17.09.070 AMENDMENT TO OFFICIAL ZONING MAP (REZONING)**

- A. **Applicability and Procedures.** The City Council may amend the number, shape, or boundaries of any zone, removing any property from one zone and adding it to another zone, only after recommendation of the Planning Commission. An amendment to the Official Zoning Map may be initiated by the owner of any property for which a rezoning is sought, or upon application of City Council.
- B. **Approval Criteria.** The Official Zoning Map may be amended when the following findings are made:
1. **The proposed amendment is compatible with surrounding land uses, pursuant to Section 17.05.080 (C), and is consistent with the city's goals, policies and Master Plan; and**

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

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

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

The Community Residential (CR) zone allows for a density range between 4 and 8 dwelling units per gross acre. The CR zone is also the city's primary residential



zoning district. Below is a table of Land Uses contained in Section 17.05.090 and shows uses that are allowed (A), conditionally allowed (C), and not allowed (\*).

<b>Table 17.05.090 - LAND USE TABLE</b>	
	<b>CR</b>
<b>RESIDENTIAL</b>	
<b>Household Living</b>	
Business Residence	C
Dwelling, Single-Family Attached	A
Dwelling, Single-Family Detached	A
Duplex	A
Dwelling, Multi-Family	A
Manufactured Housing Park (See Chapter 31)	C
Mobile Home Park (See Chapter 31)	C
Manufactured Home (See Chapter 31)	C
Mobile Home (See Chapter 31)	C

The Fruita Comprehensive Plan (a major portion of the city's Master Plan) recommends Community Residential (CR) type zoning for this area. The CR zone is primarily a single-family residential zone. The density (4-8 dwelling units per acre) associated with this zone district should be compatible with future residential development as supported by the Future Land Use Map and supporting documents within the Comprehensive Plan. The Community Residential zone allows 4-6 dwelling units per acre by right. Density Bonuses may be used to increase the density up to 8 dwelling units per acre. Additional features throughout the subdivision (open space, trails, alley access, mix of housing types) would be required through Density Bonuses in order for the density to be increased. The public should expect the density to be somewhere between 58 and 87 (at between 4-6 dwelling units per acre), with a maximum of 116 dwelling units per acre through density bonuses.

This criterion has been met.

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

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

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

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

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

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

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

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

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

**REVIEW COMMENTS:**

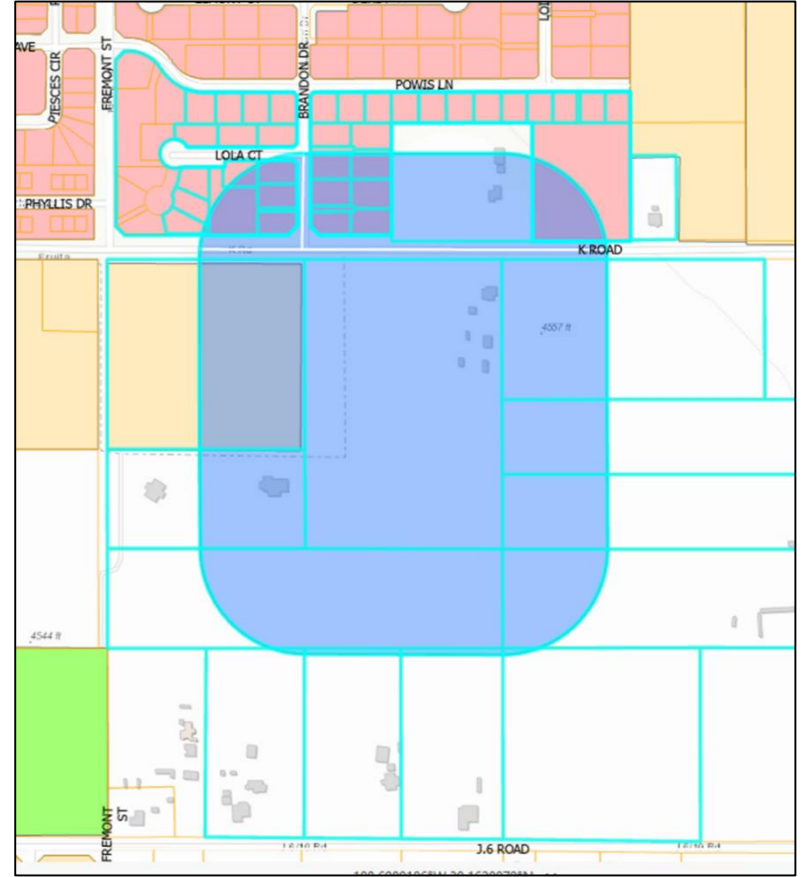
No reviewer expressed any issues with the proposed zoning request.

**PUBLIC COMMENTS:**

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

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

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



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**STAFF RECOMMENDATION:**

Staff recommends that the subject property be zoned Community Residential.

**SUGGESTED MOTION (PLANNING COMMISSION):**

Mr. Chair, I move to recommend **approval** of the zone request to Community Residential with no conditions to the Fruita City Council.



**FRUITA PLANNING COMMISSION:** December 12, 2023

**FRUITA CITY COUNCIL:** January 16, 2024 and February 6, 2024