



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
March 11, 2025**

Application #: 2025-03
Project Name: 1130 & 1138 18 ½ Road Rezone
Application: Rezone
Applicant: IndiBuild LLC
Property Owner: Charles Burenheide
Location: 1130 & 1138 18 ½ Road
Current Zone: Planned Unit Development (PUD)
Requested Zone: Community Residential (CR)
Request: This is a request for approval to rezone approximately 14 acres from Planned Unit Development (PUD) to Community Residential (CR)

PROJECT DESCRIPTION:

This is a request for approval of a rezone application of approximately 14 acres of property located at 1130 & 1138 18 ½ Road from Planned Unit Development (PUD) to Community Residential (CR).

These properties are zoned PUD and more specifically known as the Burenheide PUD. The PUD was approved in 2002 by Ordinance 2002-17. The PUD Guide serves as the governing regulations to control development of approximately 39.77 acres total. This includes density, setbacks, and land uses. By 2004, there were 2 dwelling units built as a result of the Burenheide Estates Filing 1 Plat (each on 1-acre parcels with a shared access easement to 18 ½ Road). In 2019, the Burenheide 2 Subdivision was Platted as part of the construction of Monument Ridge Elementary School. In early 2022, after an affirmative recommendation from the Fruita Planning Commission, the City Council approved Ordinance 2022-07 which allowed for a major amendment to the existing PUD Guide to allow for the construction and development of a 50-unit affordable housing project known as the Fruita Mew's.

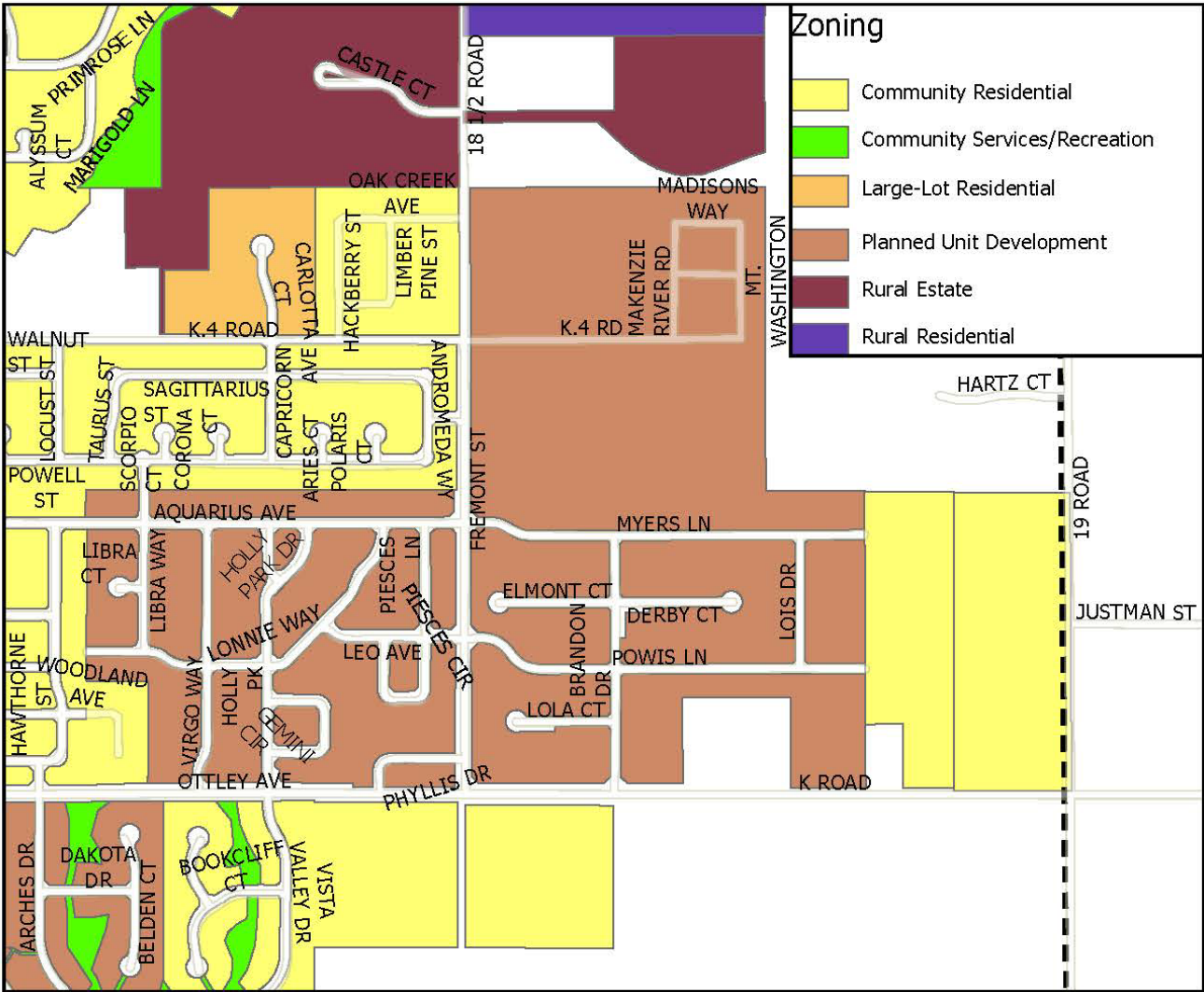
The area in which the subject properties are located is supported to have a Community Residential zoning classification as shown on the Future Land Use Map within the City's Fruita In Motion: Plan Like a Local Comprehensive Plan (Master Plan). The Land Use Code states that the *"The purpose of the CR 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.”

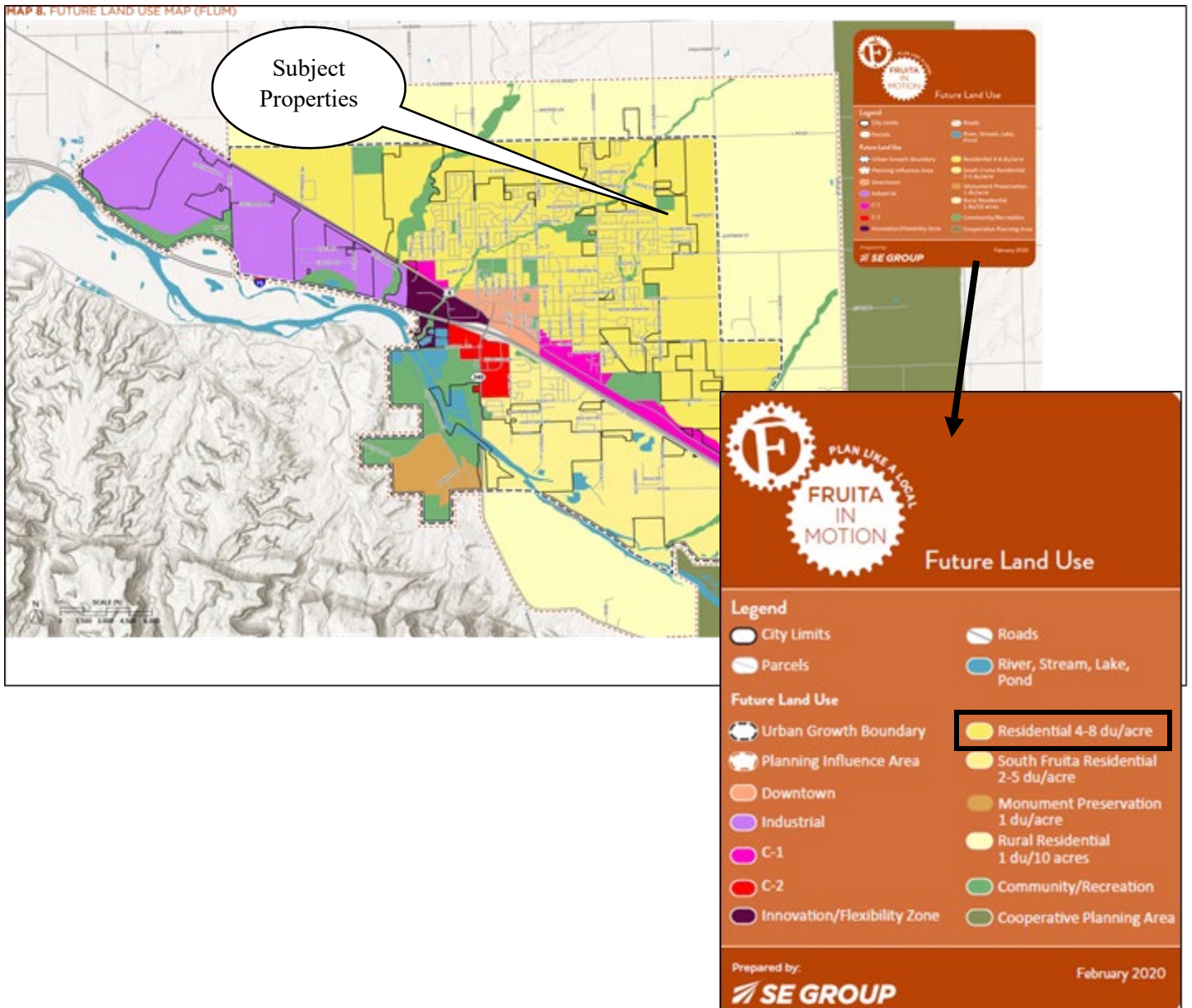
SURROUNDING LAND USES AND ZONING:

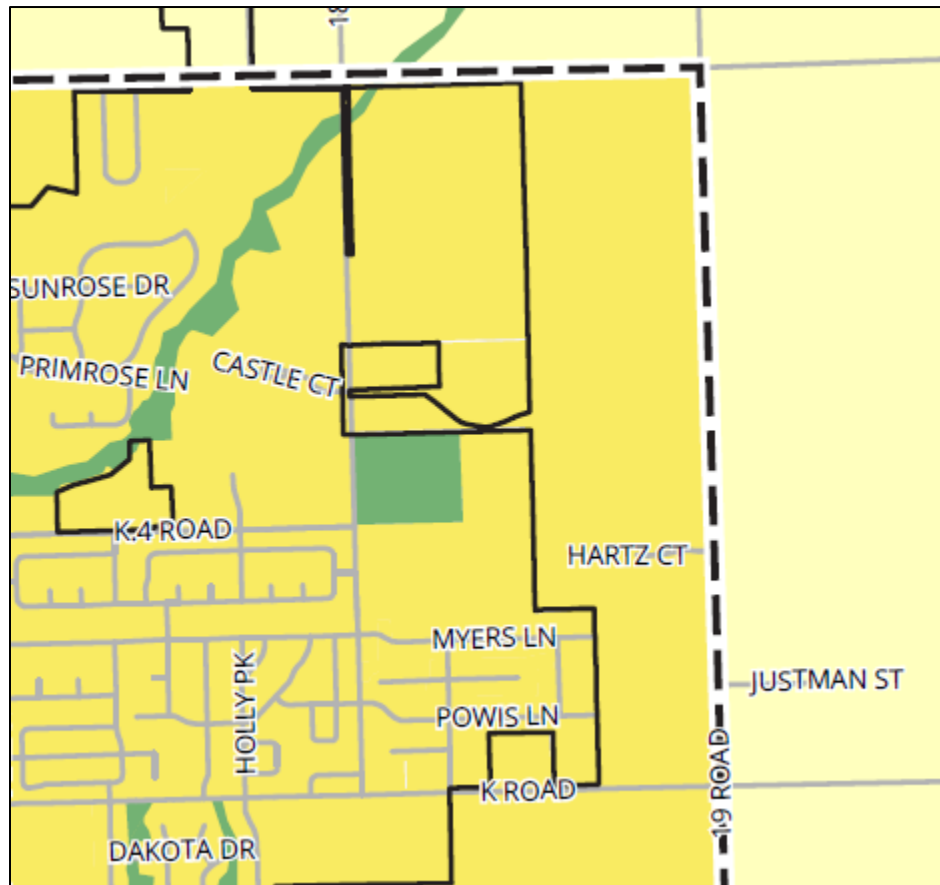
Surrounding land uses are primarily single family detached residential with the Fruita Mews affordable housing development to the north. The map below identifies the various zones in this area.

ZONING MAP

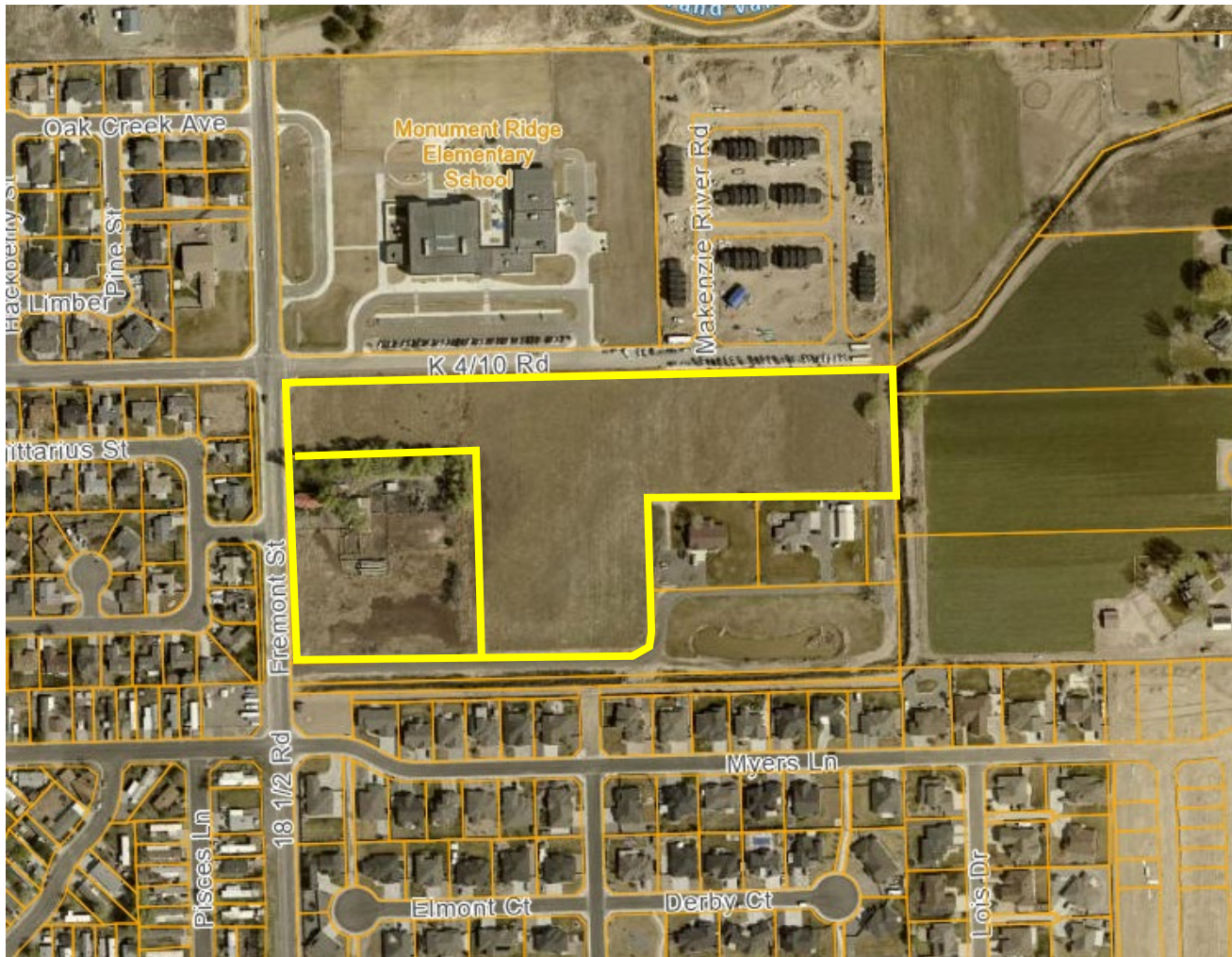


FUTURE LAND USE MAP (FLUM)





2024 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 properties and anticipated development from a land use perspective should be compatible with foreseeable allowed land uses in the area. Existing land uses are primarily single-family detached, a 50-unit affordable housing development to the northeast, and some larger lots ranging in size from 1-acre and up. The Brandon Estates Subdivision (which is a PUD) is directly to the south, the Monument Glen Subdivision is to the west, the Oak Creek Subdivision is to the northwest, Monument Ridge Elementary School and the Fruita Mews are to the north. North of the Elementary School and the Fruita Mews are some much larger parcels, some of which already have city zoning and comprise of acreages of 3 acres to 10 acres. Because of the proximity of these parcels to existing and developed residential areas, this rezone makes sense. It should also be noted that the Burenheide PUD Guide allows single-family detached and attached types of dwelling units as uses by right.

Density in Community Residential:

Community Residential

Dwelling Units/Acre	Acres	Dwelling Units
4	14	56
5	14	70
6	14	84
7*	14	98
8*	14	112

*requires approval of Density Bonuses per Section 17.09.050

Subdivision Density Comparisons:

- The Oak Creek Subdivision has a density of approximately 4.6 dwelling units per acre. (5.8 acres/27 dwelling units) *
- The Fruita Mew's affordable housing development has a density of approximately 7 dwelling units per acre. (7 acres / 50 dwelling units) *
- The Brandon Estates Subdivision has a density of approximately 3.5 dwelling units per acre. (31 acres/115 dwelling units) *
- Monument Glen has a density of approximately 5.5 dwelling units per acre. (28 acres /155 dwelling units) *
- Holly Park Mobile Home Park has a density of approximately 6.9 dwelling units per acre. (29 acres/202 dwelling units) *

*This acreage is calculated based on number of Platted lots and total lot size (excludes parks, HOA tracts, and streets)

Below is a table showing Residential Land Uses in the CR zone. This is a consolidated table of Land Uses contained in Section 17.05.090 and shows uses that are allowed (A), conditionally allowed (C), and not allowed (*).

Table 17.05.090 - LAND USE TABLE	
	CR
RESIDENTIAL	
Household Living	
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
Accessory Dwelling Unit	A

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. As it stands, there are no proposed plans for a subdivision application at this point. As mentioned above, because of the proximity of these parcels to existing and already developed residential areas, this rezone meets this criterion.

When considering Fruita's comprehensive plan, the proposed rezone request meets this criterion.

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

The proposed rezoning is consistent with the Fruita In Motion Comprehensive Plan, which serves as the city's guiding document for future growth and land use decisions. The current zoning of the property is no longer aligned with the city's updated vision and policies. Since the original zoning designation, Fruita has adopted new comprehensive plans, with the most recent update occurring in February 2020. This plan reflects the city's current needs and long-term development goals.

According to the Fruita In Motion Comprehensive Plan, this area is recommended to be zoned as Community Residential (CR) to better support the city's growth strategy. Colorado State Statutes (§31-23-206) establish that comprehensive plans guide land development decisions, and while they are advisory, Fruita's Land Use Code incorporates planning policies from the comprehensive plan to ensure consistency in land use regulations.

Given that the existing zoning is now inconsistent with the city's adopted Comprehensive Plan, this rezoning request aligns with the city's long-term vision, ensuring that future development in this area meets Fruita's goals for responsible growth and land use planning. With that said, the proposed rezone request meets this criterion.

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

The original intent of the Burenheide PUD, as stated in the PUD Guide was, "to provide clustered sites for single family attached or single family detached dwelling units on a variety of lot sizes, generally one (1) or one-half (0.50) acre lots that will maintain and reinforce the existing and historic small town development pattern, character and architectural heritage of the downtown area of the City of Fruita, provide a transition from high density urban subdivision to the rural development in Mesa County AFT zone, and to serve the needs of the residents of Fruita."

The area proposed for rezoning has undergone significant residential growth over the past decade, making the proposed zoning more appropriate for the community's evolving needs. Notable developments in the area include Brandon Estates (established in 2007), Oak Creek Estates (developed in 2019), the construction of Monument Ridge Elementary School in 2020, and the Fruita Mews affordable housing project in 2023. These projects reflect a continuing trend of residential expansion, demonstrating the need for zoning that aligns with current and future land use patterns.

The City conducted a robust public engagement strategy for the Comprehensive Plan update with the goal of using public input to shape the plan. As a result, 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. In addition, City staff conducted a draft plan tour, where City staff met with HOAs and other local groups to share the plan and hear input from the community. Additional information on the public engagement process can be found in the Comprehensive Plan. The City Link, which is mailed

out to every property owner in the city limits, spotlighted the City's efforts toward the Comprehensive Plan update during 2019.

When considering Fruita's comprehensive plan, the proposed rezone request meets this criterion.

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 were amended in early 2020. The subject properties and the surrounding area along 18 ½ Road and south of K 4/10 Road are supported by the Comprehensive Plan as being zoned Community Residential (CR) along with the associated residential types of land uses.

Because the Comprehensive Plan is supportive of the Community Residential zone in this area, this criterion has been met.

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

This criterion is not applicable as the properties are already within the city limits.

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:

All written public comments received by Staff are included with this Staff Report. All written comments will be provided to the Planning Commission and the City Council as part of the land use record.

NEIGHBORHOOD MEETING:

The applicant, IndiBuild LLC, hosted a neighborhood meeting at the Fruita Community Center on January 16, 2025, from 6:30pm-7:30pm in accordance with Section 17.07.040 (D). Neighborhood meeting materials are included in the applicant's submittal.

LEGAL NOTICE (17.07.040 (E)):

Legal Notice (minimum of 15 days prior to Planning Commission)
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February 7, 2025	Post Cards
February 10, 2025	Sign Posting
February 12, 2025	Legal Ad
February 7, 2025	Civic Center

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, March 11, 2025 at 6:00 p.m.** at the Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue. 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, April 15, 2025 at 7:00 p.m.** at the Fruita Civic Center, 2nd Floor Council Chambers. If you have an interest in an item on the agenda, 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.

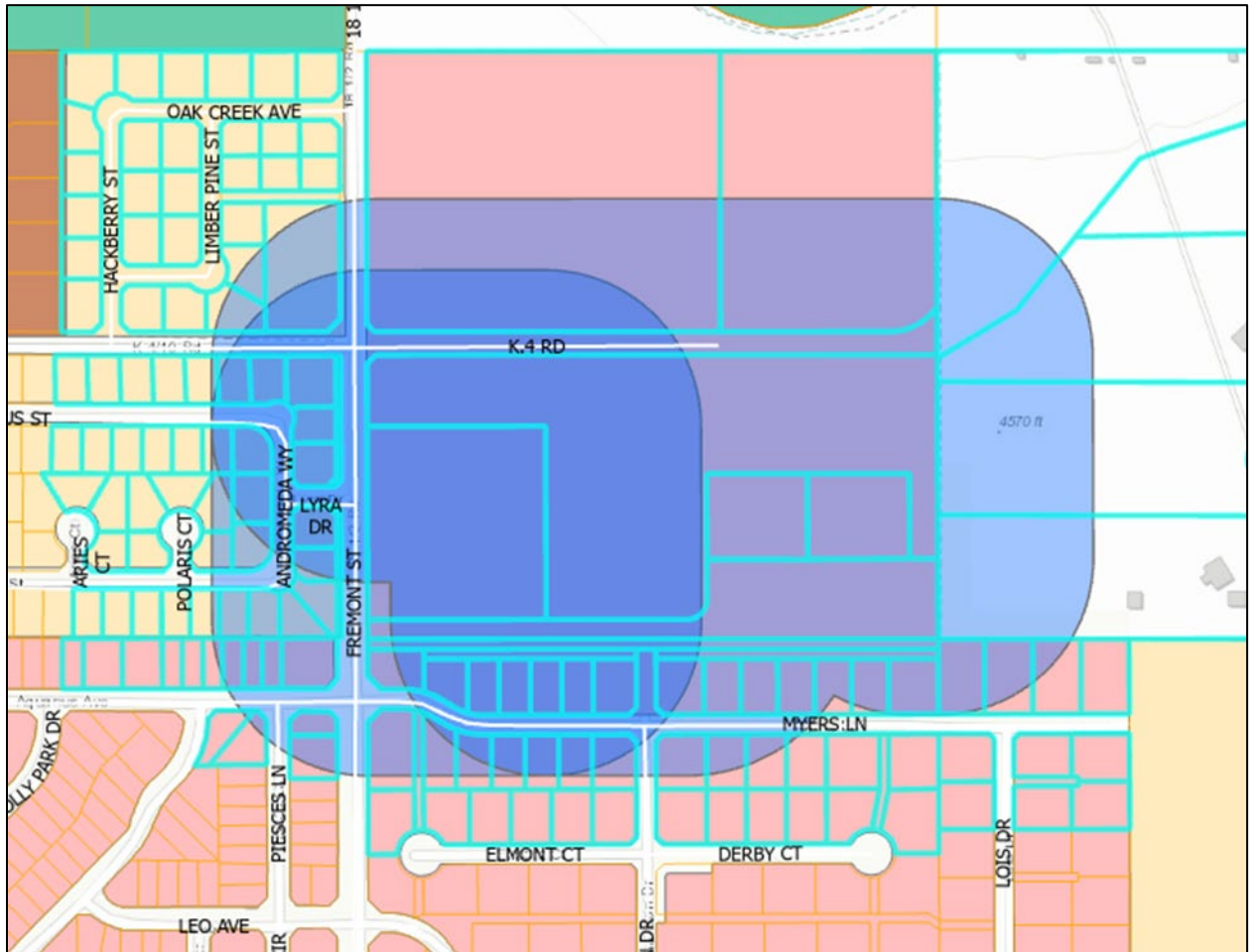
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Physically disadvantaged persons who wish to obtain may call (970) 858-0786, the hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: www.fruita.org







**Section 17.07.040 (E)(1)(d) “Written notice shall be mailed to property owners, as recorded at the office of the Mesa County Assessor, of property within three hundred and fifty (350) feet of the subject property, or more until a minimum of twenty (20) unique property owners are provided notice.”*

STAFF RECOMMENDATION:

Because the application meets the approval criteria as outlined in Section 17.09.070 (B) of the Fruita Land Use Code and is consistent with the Fruita Comprehensive Plan, Staff recommends approval of the proposed rezone application from Planned Unit Development to Community Residential.

SUGGESTED MOTION (PLANNING COMMISSION):

Mr. Chair, because the application for a rezone from Planned Unit Development to Community Residential meets all applicable approval criteria of Section 17.09.070 (B) (1-4) and is consistent with the Fruita Comprehensive Plan, I recommend **approval** to the Fruita City Council.

PUBLIC HEARING SCHEDULE DATES:

1. FRUITA PLANNING COMMISSION: **March 11, 2025.**
2. FRUITA CITY COUNCIL: **April 15, 2025.**