

MOTION PASSED 6-0

3. Application #: 2025-03
Application Name: 1130 & 1138 18 ½ Road Rezone
Application Type: Rezone
Applicant: IndiBuild LLC
Location: 1130 & 1138 18 ½ Road
Current Zone: Planned Unit Development (PUD)
Requested Zone: Community Residential (CR)
Description: This is a request for approval for a rezone approximately 14 Acres from Planned Unit Development (PUD) to Community Residential (CR).

Commissioner Biddle introduced the application. Commissioner Handley requested a 5-minute break. Commissioner Handley left the meeting.

Mr. Dan Caris, Planning & Development Director, gave a PowerPoint presentation.

Slide 1 – Introduction

Slide 2 – Application Information

- This is a request to rezone 2 properties from Planned Unit Development (PUD) to Community Residential (CR).
- Known as the Burenheide PUD and originally zoned in 2002.
- Approximately 14 total acres.
- North of Brandon Estates and south of Monument Ridge Elementary School.

Slide 3 – Zoning Map

Mr. Caris showed the subject property on a zoning map. He stated that this was originally a PUD and was called the Burenheide PUD and this is the existing zoning. He gave history on the parcels. He stated that this was a request to rezone the properties from Plan Unit Development, which is its current zoning classification to Community Residential. This was established by ordinance in 2002, The PUD was the density was about one acre to half acre sites. This is a request to activate its future land use in our Comprehensive Plan of CR.

Slide 4 – Aerial View

Slide 5 – Land Use Code

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:*

Slide 6 – Land Use Code Criteria

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

Mr. Caris explained that with the establishment of the Oak Creek Subdivision, which is directly to the Northwest and with Monument Ridge Elementary school to the north and the Fruita Mews the land use pattern has changed and evolved over time.

Slide 7 – Future Land Use

Mr. Caris showed the overall urban development boundary and growth management area. He pointed out that CR was the future land use in that area.

Slide 8 – Land Uses and Density

Mr. Caris talked about the Land Use Table with uses by zoning classification and the approximate dwelling units per acre in the CR zone as 4-8 units per acre. He spoke about the performance-based density bonus where amenities would have to be incorporated into the plans if they were to build out at that density.

Slide 9 – Land Use Code Criteria

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

Mr. Caris stated that this criterion wasn't zoned in error but the existing zoning being requested is to implement the City's Comprehensive Plan.

Slide 10 – Land Use Code Criteria

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

Mr. Caris spoke about the hard edge that would define the urban versus the rural space and Staff thought about this area being built out at 4-8 dwelling units per acre.

Slide 11 – Burenheide Estates

Mr. Caris gave details about the Burenheide Estates PUD site.

Slide 12 – Land Use Code Criteria

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

Mr. Caris stated that this criterion didn't apply.

Slide 13 Land Use Code Criteria

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

Mr. Caris noted that this property is already within the city limits, this criterion didn't apply.

Slide 14 – Public Comments

- All written public comments received by Staff have been included with the record.
 - Additional public comments have been received by staff since the Planning Commission packet was published on March 7, 2025.
 - All additional comments received have been given to the Planning Commission and will be given to the City Council.

Slide 15 – Legal Notice

- Postcards – Feb 7, 2025
- Site Posting – Feb 10, 2025
- Newspaper – Feb 12, 2025
- Civic Center – Feb 7, 2025

Slide 16 – 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.

Slide 17 – Suggested Motion

- 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.

Slide 18 – Public Hearing Schedule

- Planning Commission – March 11, 2025
- City Council – April 15, 2025

Mr. Caris concluded his presentation.

Commissioner Biddle invited the petitioner up to speak

Mr. Paul Glasgow, who lives at 4884 Briar Ridge Court in Boulder, Colorado, went up to speak. He stated that he was a principal at IndiBuild. He thanked them all and the Staff for the presentation. He said that they were there to answer questions. Kim Pardoe and Emily Powell

with Housing Resources of Western Colorado were present with Mr. Glasgow. The owner Charles Burenheide couldn't make the meeting.

Commissioner Biddle thanked him and opened the meeting to public comment.

Mr. Bill Bird, who lives at 512 N. Fremont Street, gave testimony. He wasn't sure what they were asking for or what they were trying to develop. He didn't know why they were changing the code. He wanted to understand what was happening better.

Commissioner Biddle explained that this was a zoning hearing and that they would be changing the zoning from one type to another.

Mr. Ray McLennan, who lives at 1580 Powis Lane, went up to speak. He stated that he represented the Brandon Estates HOA and is the President of the Board. He was concerned about the traffic implications in their subdivision. He talked about the Rose Creek Subdivision going in on the east, another new one going in on the south of Brandon Drive, and this one. He said that the homeowners were feeling anxious about the traffic that will go through their subdivision. He mentioned a letter that they submitted.

Mr. Kurt Sonnenberg, who lives at 1584 Elmont Court, spoke. He wanted to add to what Ray said. It appeared that the rezoning would increase the density, they have the Mews, which is higher density, and now a potential higher density there. He thought it could involve opening Brandon Drive. He mentioned that Brandon Drive stopped at the canal. He was concerned with the density and opening Brandon Drive to create more traffic coming into the subdivision. He talked about the playground and kids playing all over the area in Brandon Estates and if Brandon Drive is open to the school, the Mews and a new subdivision it will be a high traffic road. He was opposed to rezoning if this is the result.

Mr. David Lee, who lives at 1894 Hartz Court, spoke. He said that he lived directly east of the Fruita Mews and has been involved in these meetings for quite a few years. He understood the need for housing like this. He has brought up traffic in the meetings he has been at, and he is concerned about the traffic in Fruita around 18 ½ Road and extending on down to 6 & 50. It still hasn't been done. They are talking about 19 Road with the construction going on with a new development at 19 Road and K Road. Traffic at 18 ½ and 19 and K Roads is getting horrendous. He continued that more and more accidents continue to happen there, and he said that he was waiting for the City of Fruita to do something about it with Mesa County. He also spoke about his experiences with Kim and Paul and concerns he has had about cars from the Fruita Mews lighting up his house. He strongly believes that this will get rectified, and his experiences have been pleasant. He does have a lot of concerns about traffic.

Mr. Alan Emsley, who lives at 1551 Lola Court, went up to speak. He wanted to second the remarks by Kurt and by others that the traffic that could be possible on Brandon Drive to provide access to this property, if it were rezoned and to the school, would cause several dead-end roads. There are three of them, plus two laneways, to have some difficulty and to face potential risks for emergency access or exit from those dead-end roads.

Commissioner Biddle closed the meeting to public comment and opened it to Commissioner discussion.

Commissioner Biddle asked staff about the density right they had for the PUD?

Mr. Caris responded 1 acre to ½ acre.

Commissioner Biddle reiterated that the purpose of the meeting was to change from PUD at 1 per half acre to CR which is anywhere between 4-8.

Mr. Caris stated that this was the request.

Commissioner Hearn asked for a development plan, what triggers a public process when someone wants to develop their land? She asked if there would be other opportunities once there are developments for the public process?

Mr. Caris responded that this would be the only opportunity for the public to interact with the public hearing. They will have the opportunity to participate in the application via neighborhood meeting, and with the staff, as questions arise when there's an actual layout and development materials. There is no binding relationship between zoning petitions and subdivisions.

Commissioner Hearn said that she knew that they were separate, but the public was asking about the next steps, and she wanted that to be on the record. She asked if development were to move forward, and that development does not trigger a public hearing process. Did that development still require traffic studies and those standard things we see in public process development plans?

Mr. Caris responded that it does, and they would have to sign off on any methodology that the developer would propose for where the distribution of traffic where the access locations were, and a whole other set of criteria that are more relative to the actual development of the site. He said that there were a lot of eyes on the safety components of any sort of condition that they would either approve or add conditions to.

Commissioner Hearn said that on the Planning Commission they can amend the Land Use Code, she asked if there was anything about traffic in the Land Use Code that the Planning Commission could do something about for concerns?

Mr. Caris said that if there were concerns, like if the Planning Commission wanted them to study the number of accesses relative to what could be built, he thought they would want to do that outside of an actual, active rezone request. He added that they would want to do that in a legislative space rather than in a quasi-judicial space. There is an opportunity for the Planning Commission to have them study something and bring it back.

Commissioner Hearn said she wasn't aware that traffic could be something that this body had some ability to discuss at a different time.

Mr. Caris stated that if there was a desire to have a regional discussion about how traffic would interact, that's not specific to the site they would do it outside of somebody's rezone request.

Commissioner Mulder said that he walked the property and that he was part of the group responsible for Brandon Estates and said that there was supposed to be a tie in at some point on the north property line. He continued that there is a drainage ditch there and they were going to have to go across it. He thought that the water would be an issue. He said that it has been vacant land and has not been farmed. He said that Brandon Estates fought hard to get water. He agreed that it should not be a PUD and should be Community Residential. He said that it took him more than 10 minutes to get out onto Fremont because the school had just let out and the traffic was bad. He did not want them to count on Brandon Estates on the availability for their future plans.

Commissioner Biddle added that both of which are outside of the scope of the rezoning request.

Commissioner Hearn talked about the definition of a PUD. She talked about straight zones such as Community Residential and DMU. When she thought about PUDs, she thought about a way to not have variances to those, to have a special kind of zone in the city. She asked staff for their definition of a PUD.

Mr. Caris responded that it is taking what would be an underlying zone and making modifications to it that are consistent with what is being proposed. They must pass a slew of different tests; the biggest one is always what is the community benefit for us to adjust the zoning regulations and establish new zoning regulations for a specific site. In this case, the Burenheide PUD didn't develop out implementing the zoning that was modified to establish the PUD granted back in 2002. They didn't go through the same kind of rigmarole like one would go through now. He gave the example of Brandon Estates that had a commercial zone that was turned into a residential area and now we see that small cul-de-sac that is now Lola Court.

Commissioner Biddle stated that when a subdivision is designed is when a lot of these answers will be given.

Mr. Caris stated that if this were to get rezoned Community Residential, the public would have an opportunity to dispute any of those findings, whether it was with the city or whether it's in the neighborhood meeting, there still is a space. It might not be a public hearing, but there still is a space to interact with whatever happens on this property going forward.

Commissioner Biddle asked Mr. Caris to speak about the process that residents of Brandon Estates would go through to attend one of those meetings. How would they be notified?

Mr. Caris responded that it would be the exact same as they were this evening, except for there'll be a notification for a neighborhood meeting at a different location, where the applicant gets to display what they're planning on doing at the site and then ask those questions. Have you consulted with the traffic engineer? How do we know this is safe? How do we know that the distribution is reasonable, and all the things that come with any development application, irrigation, access locations.

Commissioner Biddle said that the residents would have the opportunity to speak with the petitioner as well as staff and provide written comments and hopefully hear answers that make them feel good.

Commissioner Mulder brought up the point that Brandon Estates was laid out with the assumption that was going to be a PUD up on the connectivity end of things.

Commissioner Hearn said that what she found interesting was that the criteria for the rezone application met all 5 of the criteria and was a strong application. She agreed with Staff that all of these were met already. She thought this was notable. She pointed out Criteria 3 that talks about the zone better meeting the needs of the community. She added that Brandon Estates, Holly Park and all these higher density things in that area that have come up since 2002 to prove that the community need is very different now. She thought the application was very strong and would recommend approval to the City Council.

Commissioner Biddle stated that their concerns about traffic and density have been heard and felt by the Commissioners. He added that this was not the place to have that discussion which is slightly in front of them. He agreed with the application.

COMMISSIONER HEARD MOVED BECAUSE THE APPLICATION FOR A REZONE OF PLANNED UNIT DEVELOPMENT TO COMMUNITY RESIDENTIAL MEETS ALL THE 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.

COMMISSIONER MCGUIRE SECONDED THE MOTION

MOTION PASSED 5-0

I. OTHER BUSINESS

1. Community Development Updates

Mr. Caris discussed the construction of the box culvert over the Independence Ranchman's Canal and 19 Road, the Oaks project and about a Housing Needs Assessment that is going to be conducted.

2. Visitors and Guests

None

3. Other Business

None

Adjournment 8:17pm

Respectfully submitted,

Kelli McLean

Planning Specialist, City of Fruita