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**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
OCTOBER 11, 2022**

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**Application #:** 2022-30  
**Project Name:** Raptor Crossing  
**Application:** Preliminary PUD Plan  
**Representative:** Kaart Planning  
**Location:** 853 Raptor Road  
**Zone:** Commercial-2 (C-2)  
**Request:** This is a request for approval of a Preliminary PUD Plan for a luxury motorcoach development on approximately 4.9 acres.

**PROJECT DESCRIPTION:**

This is a request for approval of a Preliminary PUD Plan to construct and operate a luxury motorcoach development in the Commercial-2 (C-2) Zone. The application proposes 39 subdivided lots along with a Planned Unit Development Guide to serve as the zoning documentation for the overall development. The project is also proposing a central common area, trails, open space and fencing. Ingress/Egress to the site will come from Raptor Road onto a private street to be owned and maintained by the HOA. This type of use is new to Fruita, the use itself as described in the project narrative is that the development is a high-end luxury RV park and that each lot will be individually owned and have no limit on occupancy.

Earlier this year the Planning Commission and City Council had the opportunity to review this project as a Concept Plan. Feedback was received at both the Planning Commission and City Council meetings with concerns related to utilities, emergency access, traffic, short-term and long-term renting, permanent and temporary living, and lot upkeep and maintenance.

## **PUD PROCESS:**

### **1. Concept Plan (optional step) - 17.19.030 (A)**

*Concept Plan.* An applicant may choose to complete a Concept Plan review with the City to receive initial feedback on the proposed Subdivision. An application for Concept Plan is optional and approval shall be reviewed for compliance with this Title, other requirements of the city, and requirements of other agencies, as applicable. Applications for Concept Plan approval shall be reviewed in a work session process (not a public hearing) with the Planning Commission and City Council. All comments and feedback in the work session are non-binding and are intended to provide overall direction to an applicant. The Planning Commission is a recommending body to City Council for all Concept Plan applications.

- This step is optional.
- The Planning Commission and City Council both review the application in a workshop setting.
- Decisions and discussions are non-binding.

### **2. Preliminary PUD Plan - 17.19.030 (B)**

*Preliminary Planned Unit Development Plan.* An application for Preliminary Planned Unit Development approval is subject to all requirements of this Title, and other applicable regulations. A Preliminary PUD is reviewed by the Planning Commission, who shall make a recommendation to City Council. City Council is the final review authority for all Preliminary PUDs.

- This step is required.
- The Planning Commission will make its recommendation to the City Council.
- As part of the Preliminary PUD Plan, the City Council shall enact an ordinance zoning the property to PUD.

### **3. Final PUD Plan – 17.19.030 (C)**

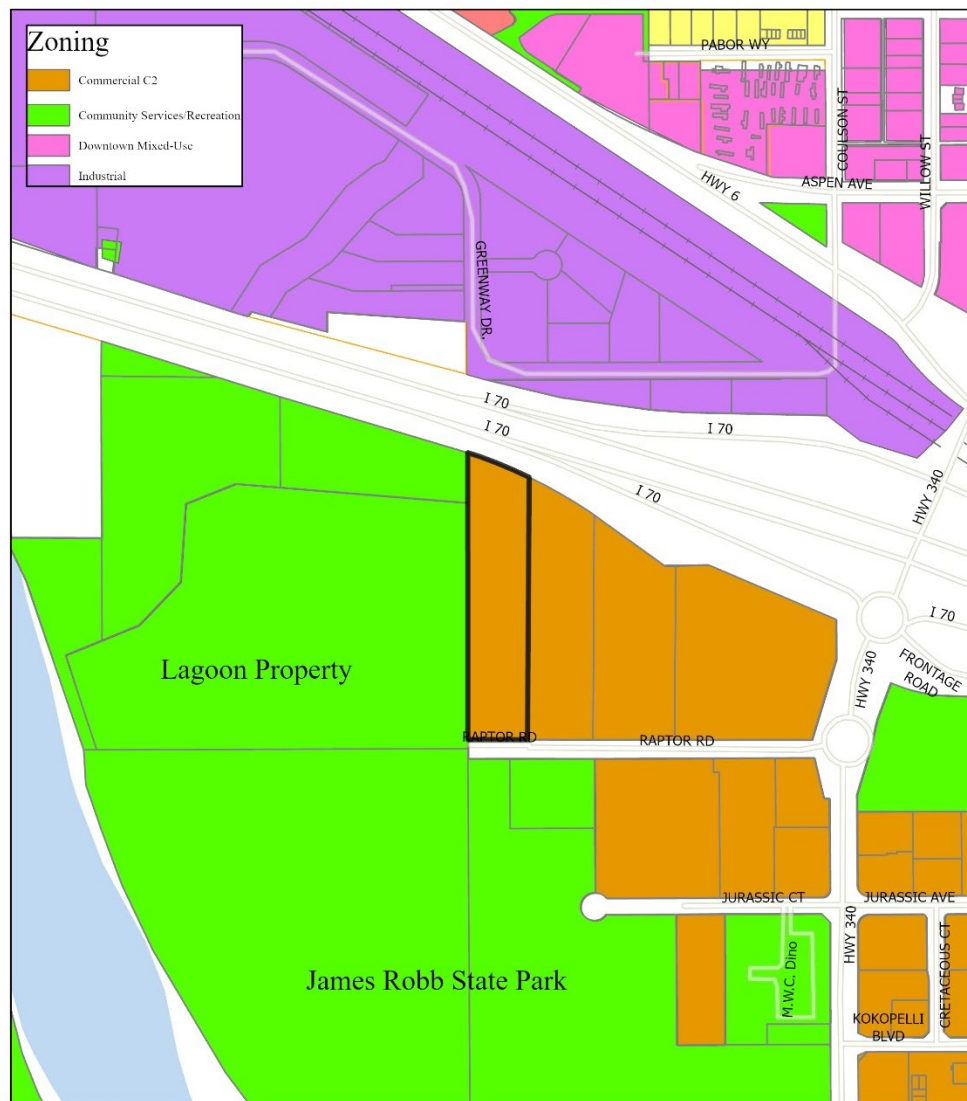
*Final Planned Unit Development Plan.* An application for Final Planned Unit Development shall conform to the previously approved Preliminary Planned Unit Development Plan, including all conditions of approval, the requirements of this Title, and any other applicable regulations. Final PUD applications are administratively reviewed and approved by the Community Development Director and may be combined with the related Development Agreement. Final PUD applications shall be submitted to the Community Development Department within one hundred eighty (180) days following approval or conditional approval of the Preliminary Planned Unit Development Plan by the City Council, unless such time is extended by the City Council.

- This step is required after the Preliminary PUD Plan.
- This application is reviewed administratively in accordance with review agencies and City Councils' decision on the Preliminary PUD Plan.

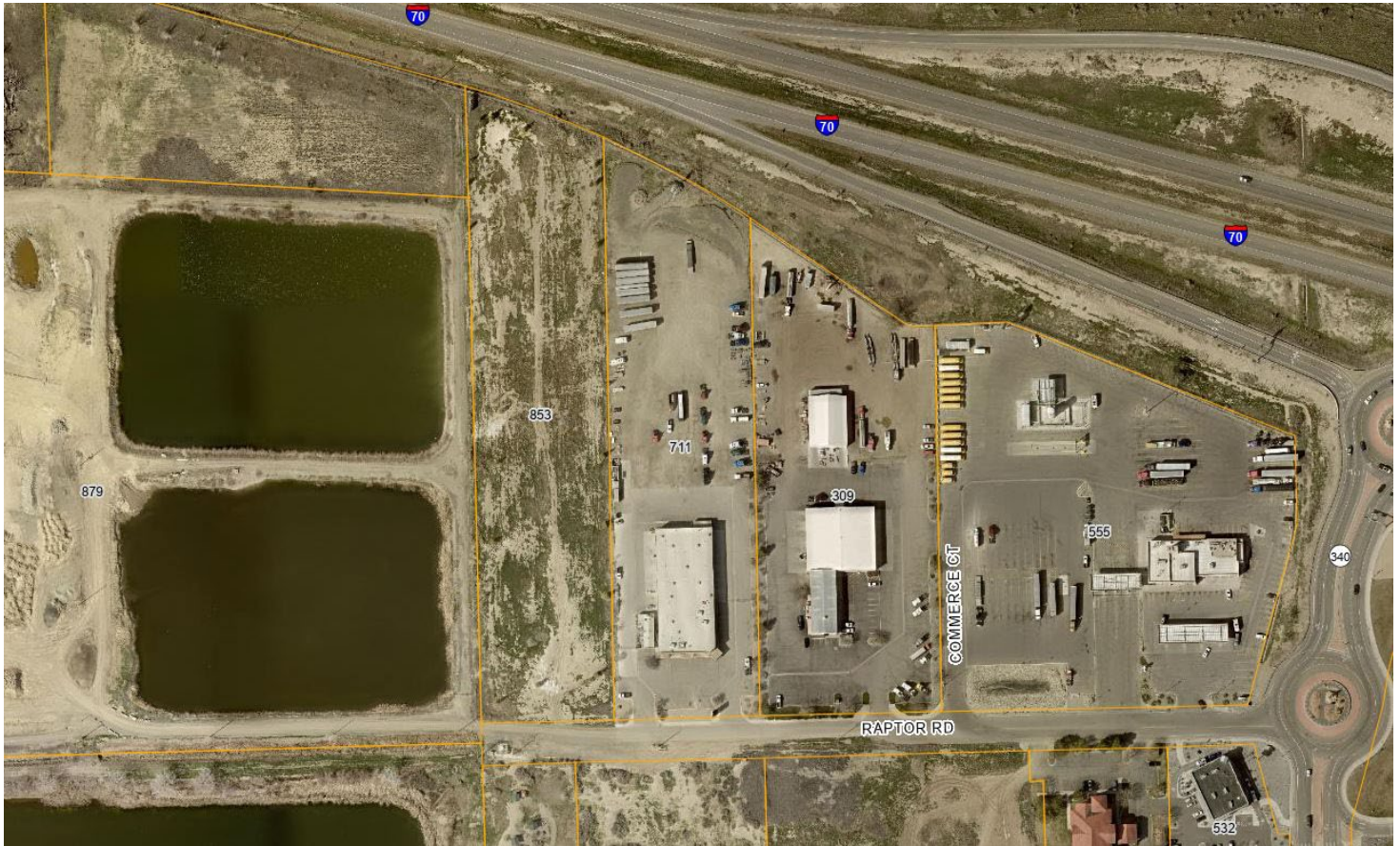
### **SURROUNDING LAND USES AND ZONING:**

Surrounding land uses are primarily commercial and recreational. There is Mack Truck Sale and repair shop directly to the east. East of that is also a large semi-truck repair shop. South and West are the State Park and the City of Fruita old sewer lagoon site. The map below identifies the various zones in this area.

### **ZONING MAP**



**2022 AERIAL PHOTO**



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

### **PLANNED UNIT DEVELOPMENTS (PUD'S)**

Section 17.19.010 explains the purpose of a Planned Unit Development and states, “The purpose of this Chapter is to encourage flexibility and innovation in developments in exchange for a community benefit that could not otherwise be realized through the strict adherence to the Code.”

The Planned Unit Development request must be reviewed in accordance with Section 17.19.030 (A)(1) (a-d) and Section 17.21.040 (A) (1-5) of the Land Use Code which are addressed within this Staff Report.

#### **a. Conformance to the City of Fruita’s Comprehensive Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;**

The Land Use Code and Comprehensive Plan define the Commercial-2 (C-2) zone district as, *“is intended to accommodate commercial development in appropriate areas with appropriate access, landscaping, frontage improvements, setbacks, screening and multi-modal access and connectivity. This zone district provides allowances for uses and dimensions that are larger in scale than those allowed downtown. This area has good access to I-70, and is appropriate for uses that serve residents, tourists, and pass-through traffic.”* Along with this definition, PUD zoning is designed to encourage flexibility and innovation in developments in exchange for a community benefit that could not otherwise be realized through the strict adherence to the Land Use Code.

### **LAGOON CONCEPT PLAN**

The City of Fruita owns the property directly to the west which consists of 25 acres fully owned by the City and 15 acres jointly owned by the City of Fruita, Mesa County, and the Colorado Riverfront Foundation. This property, known as the Lagoon property, was the location of the City’s wastewater treatment area prior to the construction of the new facility located on 15 Road. Since it was decommissioned in 2011, the site has been planned for a mix of residential, commercial, and recreational spaces throughout. Additionally, the city also has a connection to its trail system that runs along the Little Salt Wash towards the Colorado River and into the State Park directly to the south. With this development application, Staff sees this as a good transition between the more recreation centric uses and the more commercial business centric uses as they get closer to the Interstate and Highway 340.

### **INNOVATION/FLEXIBILITY ZONE NEARBY**

In addition to the Lagoon site as mentioned before, the Future Land Use Map in the Comprehensive Plan recommends the properties nearby as being a hybrid mix of residential, commercial, and recreational. This development should help with the transition of commercial uses currently operating on or near the Raptor Road area.

This is a unique application that is not specifically called out in the Land Use Code regulations, which is why the applicant is proposing a PUD application.

The application is deviating from the minimum lot size standards of 5,000 square feet set forth in the C-2 zone district. The application is proposing lot sizes ranging between 2,534 - 3,150 square feet.

This application is proposing access into the development from Raptor Road onto a private street internal to the development. The private street is proposed to have 24 feet of asphalt with a 2 ½ foot shoulder on each side for a total of 29 feet. Additionally, Raptor Road will need half street improvements along the southern boundary. This includes curb, gutter, and sidewalk with 22 feet of asphalt.

The application is also proposing fencing around the entire perimeter of the property. The PUD Guide submitted states there will be an 8-foot fence along the eastern and northern boundaries and a 6-foot fence on the southern and western boundaries. Staff is supportive of this idea but is requesting that the applicant provide more information and detail on the color, height, location and materials used for this fence. Additionally, the Code is supportive of this fence concept as well, Section 17.33.060 (C) states, *“except for the front boundary, each campground or recreational vehicle park shall be enclosed by a solid fence or wall not less than six (6) feet in height.”*

**b. Consistency with one or more of the following general goals for a PUD justifying a deviation from the requirements of the Code, including but not limited to:**

- i. More convenient location of residences, places of employment, and services in order to minimize the strain on transportation systems, to ease burdens of traffic on streets and highways, and to promote more efficient placement and utilization of utilities and public services; or*

The proposed development is designed as an infill project on a unique property. The property measures approximately 214 feet wide by 1,300 feet long with limitations on construction location due to a number of utility easements on the west side. The street and utilities within the development will be private, which puts less pressure on the City over time for maintenance costs. The development does not appear to be placing unusual pressures on existing utilities in the area. Based on the Traffic Study, there does not appear to be any significant changes to access in this area.

- ii. To promote greater variety and innovation in residential design, resulting in adequate housing opportunities for individuals of varying income levels and greater variety and innovation in commercial and industrial design; or*

The development is proposing a high-end luxury RV park with no limit on terms of occupancy,

which means that property owners of the individually owned parcels can stay for as long as they would like. The uniqueness of this application is that typically with a campground, the entire site is owned and operated under one ownership, this application proposes individual lots to be sold separately with the entire site operated by an HOA.

- iii. To relate development of particular sites to the physiographic features of that site in order to encourage the preservation of its natural wildlife, vegetation, drainage, and scenic characteristics; or*

There doesn't seem to be any aspect of this property that is in need of preservation.

- iv. To conserve and make available open space; or*

Open space is part of this application, but it does not appear to be open to the general public.

- v. To provide greater flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions; or*

It appears that the full intent of the application is to utilize the PUD standards of the Code to achieve approval of a unique type of use in the C-2 zone. The applicant utilized the Concept Plan process to gain feedback from the Planning Commission and City Council in order to justify moving the application forward to this stage, the Preliminary PUD Plan. As stated before, the feedback from the Planning Commission and City Council is nonbinding, however, the applicant did receive support from both groups. It appears that the utilization of the PUD plan is to have smaller lot sizes and regulate the type of use on the property to just this high-end luxury RV park. Staff is requesting that the applicant make it clear in the PUD Guide that no additional commercial uses be allowed on any of the 39 new parcels.

- vi. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes; or*

The application appears to be proposing a type of use that could be very efficient based on the site's unique shape. The site is long and narrow, which is not conducive to many different types of commercial land uses. Based on the application materials, the project aims to target a market that will take advantage of nearby recreational and commercial opportunities. It is also utilizing existing infrastructure and utilities and prevents sprawl and the need to extend these utilities any further.

- vii. To conserve the value of land and to provide a procedure which relates the type, design, and layout of residential, commercial and industrial development to the*



*particular site proposed to be developed, thereby encouraging the preservation of the site's natural characteristics.*

There doesn't seem to be any aspect of this property that is in need of preservation of the site's natural characteristics.

- c. Conformance to the approval criteria for Subdivisions (Chapter 17.21) and/or Site Design Review (Chapter 17.09), as applicable; except where Adjustments to the standards of this Title are allowed, and;**

This criterion is outlined below with Section 17.21.040 (A).

- d. Conformance with applicable Design Standards and Guidelines as outlined in Chapter 17.13, unless approved as an Adjustment pursuant to the Adjustment criteria set forth in Section 17.13.020(B).**

This criterion is not applicable as this is a subdivision application, not a site plan application where building design standards are required.

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#### PRELIMINARY PLAN (MAJOR SUBDIVISION)

**Section 17.21.040 (A) states, Major Subdivisions are reviewed based on the following criteria:**

- 1. Conformance to the City of Fruita's Master Plan, Land Use Code, Design Criteria and Construction Specifications Manual and other city policies and regulations;**

This criterion was described earlier in the Staff Report.

- 2. Compatibility with the area around the subject property in accordance with Section 17.05.080 (C);**

The City seeks to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Comprehensive 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 applicable 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.

The development of this property from vacant commercial land to a luxury motorcoach use should be compatible with the surrounding area. Compatibility is considered for both existing uses and allowed uses in the same areas based on the current zone and/or recommended zone. Currently, the Land Use Code allows a number of different types of uses on the subject property. For example, the C-2 zone allows hotels/motels, car wash, indoor and outdoor entertainment/event centers, medical and dental clinics, and multi-family developments.

**3. Adequate provision of all required services and facilities (roads, bicycle and pedestrian facilities, parks, police protection, fire protection, domestic water, wastewater services, irrigation water, storm drainage facilities, etc.);**

Improvements are required for most of these services, however, there are adequate provisions of all required services and facilities to the subject property. This Preliminary PUD Plan should allow for the applicant to work through review comments in preparation of the Final PUD Plan application submittal later.

**4. Preservation of natural features and adequate environmental protection; and**

Review comments received by Colorado Parks and Wildlife are included with this Staff Report and must be considered by the applicant.

**5. Ability to resolve all comments and recommendations from reviewers without a significant redesign of the proposed development.**

It is the opinion of Staff that this application can resolve comments and recommendations from reviewers without a significant redesign of the proposed development.

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## **LEGAL NOTICE:**

Legal Notice (minimum of 15 days prior to Planning Commission)	
September 23, 2022 (18 days prior)	Post Cards [17.07.040 (E)(1)(d)]
September 23, 2022 (18 days prior)	Sign Posting [17.07.040 (E)(1)(c)]
September 23, 2022 (18 days prior)	Legal Ad [17.07.040 (E)(1)(a)]

### **NOTICE OF PUBLIC HEARING**

The Fruita Planning Commission will hold a public hearing **Tuesday, October 11, 2022 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](http://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, December 6, 2022 at 7:00 p.m.** Please check [www.fruita.org](http://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.

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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](http://www.fruita.org)



**REVIEW COMMENTS:**

All review comments received are included with this Staff Report. All review comments must be adequately resolved with the Final Plat application.

**PUBLIC COMMENTS:**

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

**STAFF RECOMMENDATION:**

Staff recommends approval of application 2022-30, Raptor Crossing Preliminary PUD Plan, with the condition that all review comments and all issues identified in the Staff Report are adequately resolved with the Final Plat application.

**PLANNING COMMISSION SUGGESTED MOTION:**

Mr. Chair, I move we (approve/deny) application 2022-30, the Raptor Crossing Preliminary PUD Plan to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved with the Final Plat application.

<p><b><u>FRUITA PLANNING COMMISSION: OCTOBER 11, 2022</u></b> <b><u>FRUITA CITY COUNCIL: DECEMBER 6, 2022</u></b></p>
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