



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

Application #	2021-44
Application Name	Red Cliffs III
Application Type	Final PUD Plan and Rezone
Location	280 Clements Way
Current Zone	Planned Unit Development (PUD)
Request	This is a request for approval of a Final PUD Plan for an 8 single family lots on approximately 1.18 acres and to establish a new PUD zone.

PROJECT DESCRIPTION:

This is a request for approval of an 8-lot subdivision within a Planned Unit Development (PUD) zone. In addition to the 8-lot subdivision, the applicant is proposing to include a PUD Guide for this application. The PUD Guide will serve as the zoning regulations for the 8-lot subdivision.

This is a subdivision of Lot B of the Red Cliffs Subdivision Plat recorded in 1981. The Red Cliffs Subdivision is zoned Planned Unit Development; however, Lot B was excluded from any version of the zoning requirements (PUD Guide) for the rest of the subdivision. Additionally, the Red Cliffs Subdivision included Lot A as well, and in 2001 Lot A was subdivided to what is known as the Little Red Cliffs Subdivision. The property owner is looking to subdivide Lot B in a similar manner.

The proposed subdivision includes a common parking area with 22 parking spaces and landscaping buffers around the subject property.

Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development which would otherwise be standard with other zone districts. The Preliminary PUD Plan submittal is meant to provide a technical review of the application with regards to the Land Use Code, Engineering Design Standards, and Comprehensive Plan. Review comments are provided with the Staff Report, staff is recommending that the applicant respond to comments prior to the PUD zoning application being processed in accordance with the Land Use Code. This is to ensure the property is zoned accordingly and responses to comments are fully addressed.

SURROUNDING LAND USES AND ZONING:

The property is surrounded by single family detached residential land uses, the Fruita Bike Park, and Highway 340 directly to the west. Unincorporated Mesa County zoning located south and west, Commercial 2 (C-2) zoning to the north, and Planned Unit Development zoning to the north, east and south. See zoning map below.



2020 AERIAL PHOTO



REVIEW OF THE APPLICABLE SECTIONS WITHIN THE LAND USE CODE AND THE MASTER PLAN (FRUITA IN MOTION: PLAN LIKE A LOCAL COMPREHENSIVE PLAN):

LAND USE CODE:

17.17.030 CRITERIA FOR REVIEW AND DECISIONS. Recommendations of the Planning Commission to the City Council and decisions by the City Council concerning a proposed Planned Unit Development shall be based upon the following criteria. In no case shall the approval of a Planned Unit Development vary from the health and safety requirements contained in Title 8, requirements concerning public peace, morals and welfare contained in Title 9, requirements concerning public improvements contained in Title 12, requirements concerning water and wastewater service contained in Title 13, or the requirements of the city's building codes as set forth in Title 15 of the Municipal Code.

The following approval criteria shall be considered by the Planning Commission and City Council in its review of a proposed Planned Unit Development and no Planned Unit Development shall be approved unless the Council is satisfied that each of these approval criteria has been met, can be met or does not apply to the proposed Planned Unit Development:

** text in *italics* is from the Staff Report of the Preliminary PUD Plan review.

1. Conformance to the Fruita Master Plan;

Preliminary PUD Plan: Recently the City of Fruita adopted the Fruita In Motion: Plan Like a Local Comprehensive Plan. The following is a review of how this proposed Preliminary PUD Plan relates to this plan.

The Fruita In Motion plan encourages Efficient Development as one of its plan themes. The Plan Themes section is found in Chapter 1 of the plan and states that, “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.” This proposed subdivision is and has been within the city limits for a number of years and is considered as being an infill type of development.

The Final PUD Plan and related zoning still meet this criterion.

2. Consistency with the purposes as set out in Section 17.17.010, above;

Subsections A-H below are directly from Section 17.17.010 of the current Land Use Code.

A. 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;

Preliminary PUD Plan: Based on the application submitted and the fact that this is an infill development, this purpose has been met. Additionally, the lot layout in relation to the open space makes for efficient use of space. The application and the location of the development is proposing to utilize existing infrastructure which would not require an extension of city services beyond the existing city limits. However, from the density proposed, this project will place more pressure on existing roads as the subdivision gets built out over time.

The Final PUD Plan still meets this criterion.

B. 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;

Preliminary PUD Plan: *The application speaks to the types of dwelling units proposed to be constructed with this development, however, it is not clear if there are any aspects of the dwelling unit design that will be considered as innovative. Separately, Staff feels that housing compatibility with the existing Red Cliffs Subdivision should be preserved and continued with this development. Although not expressly stated in the application, the proposed housing construction should result in housing opportunities for varying income levels. This is also supported with the idea that smaller building lots create smaller building footprints, creating housing opportunities that are similar to the surrounding subdivision area. No commercial types of development are proposed with this application. This criterion can be met.*

The Final PUD Plan and proposed PUD Guide contain information on potential housing types to be constructed. It appears that plan is to continue with mobile/modular homes, but also includes the option for standard construction (stick built) homes. The building envelopes are small, mainly due to a large natural gas easement along Highway 340. The applicant would like to have options with regards to the type of home construction, although Staff doesn't believe the application proposes innovation in residential design, the project should be compatible with the surrounding area.

C. 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;

Preliminary PUD Plan: *The subject property contains a 35-foot-wide gas easement on the west side. This side also contains some mature trees that should be kept alive, if possible, with this development. The PUD Guide has not addressed a height restriction on the dwelling units, Staff recommends that the height be limited in order to preserve any scenic characteristics that exist to the south. This criterion can be met.*

The Final PUD Plan and proposed PUD Guide have called out dwelling unit heights with a maximum of 25 feet. This criteria has been met.

D. To conserve and make available open space;

Preliminary PUD Plan: *This subdivision is not proposing any public open space, however, the application is proposing a common parking area with increased landscaping. The landscaping proposed should add value to the neighborhood entrance from Highway 340 as well as providing space between Applewood Way and the proposed dwelling units in this application.*

The Final PUD Plan continues to meet this criterion.

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

Preliminary PUD Plan: *This application is unique in the fact that the Red Cliffs Subdivision was platted and zoned in 1981, however, the subject property (Lot B) does not appear in any of the zoning documents that apply to the rest of the subdivision. This also happened with the Little Red Cliffs Subdivision (2001), which was known as Lot A in the Red Cliffs Subdivision Plat. This is important to understand as the application is reviewed. In order to provide a fair review, any zoning restrictions would need to be accounted for with this subdivision. Since there are no known restrictions found by Staff or shown from the title policy submitted, the applicant has decided to implement a PUD Guide for the subject property.*

The proposed PUD Guide provided with this application does intend to develop an 8-lot subdivision that should provide compatibility with the existing Red Cliffs neighborhood. Staff understands that development of this property into something other than residential uses could be incompatible with the surrounding areas. Additionally, the Fruita Master Plan supports residential uses in this area.

The PUD process is the direction this application must take in order to develop this property in a way to be compatible with the surrounding Red Cliffs Subdivision because the conventional zoning standards could create an unusual residential land use scenario where a standard lot may not be compatible with the smaller lot sizes around the area.

Staff considers this criterion to be met.

The Final PUD Plan and PUD Guide continue to meet this criterion.

F. 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;

Preliminary PUD Plan: *This Preliminary PUD Plan appears to make efficient use of the land as it is an infill project. The project narrative does not address the latter portion of this criteria resulting in more information needed from the applicant.*

The Final PUD Plan and PUD Guide continue to meet this criterion.

G. 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, and;

Preliminary PUD Plan: *Staff believes this criteria to be met at this time because of the type, design and layout of the residential lots on the subject property. The way the lots are laid out, the incorporation of a common parking area and the increased landscaping proposed, should preserve the neighborhood and natural characteristics of the site. Additionally, Staff is encouraging the applicant to keep any mature tree on the property during and after construction. This will preserve the largest natural feature on the site.*

The Final PUD Plan and PUD Guide continue to meet this criterion.

H. To encourage integrated planning in order to achieve the above purposes.

Preliminary PUD Plan: *If the applicant can meet the above criteria without compromising all applicable sections of the Land Use Code and Municipal Code, then Staff believes this application can be consistent with Section 17.17.010 of the Fruita Land Use Code.*

The Final PUD Plan and PUD Guide can continue to meet this criterion as expressed from the Preliminary PUD Plan review above.

3. Conformance to the approval criteria for Subdivisions (Chapter 17.15) and/or Site Design Review (Chapter 17.13), as applicable; except where Adjustments to the standards of this Title are allowed, and;

Subsections 1-5 below are directly from Chapter 15 of the Current Land Use Code.

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;

Preliminary PUD Plan: *As stated previously in the Staff Report, this Preliminary PUD Plan application does appear to meet the Master Plan and Land Use Code. No review agency expressed any major concerns with this application. All review comments have been attached with this Staff Report.*

The Final PUD Plan and PUD Guide submitted have responded to the review comments from the Preliminary PUD Plan and do appear to address concerns from Staff and review agencies. This criterion can continue to be met.

2. Compatibility with the area around the subject property in accordance with Section 17.07.080;

17.07.080 LAND USE COMPATIBILITY CRITERIA.

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.

Preliminary PUD Plan: As proposed, this application should be compatible with the surrounding neighborhood and with surrounding land uses. It should be noted that the PUD Guide calls out Short-Term Rentals as being allowed in accordance with the Land Use Code. Staff recommends that the PUD Guide call out an underlying zone of Community Residential to ensure that anything missed in the PUD Guide, gets covered by the Land Use Code.

The Final PUD Plan and PUD Guide have called out an underlying zone of Community Residential in order to ensure that any elements not included in the PUD Guide can be administered by the Land Use Code.

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.);

Preliminary PUD Plan: All required services and facilities appear to be available to the proposed subdivision. Responses to review comments will be necessary to fully meet this criterion.

The Final PUD Plan and PUD Guide appear to have addressed the concerns from Staff and review agencies that submitted comments with the previous application. The developer must still adhere to the required regulations for providing the provision of all required services and facilities. It does not appear that there are any review agency comments that would lead Staff to believe that a redesign of the project would be necessary in order to meet review agency standards or comments. The criterion can be met.

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

Preliminary PUD Plan: *As stated previously in the Staff Report, preservation of the sites mature trees are strongly encouraged as long as the trees are alive. Any dead tree should be removed in order to avoid any safety issues.*

The Final PUD Plan and PUD Guide can continue to meet this criterion.

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

Preliminary PUD Plan: *Staff does not anticipate a major redesign of the subdivision based on anticipated responses to review comments.*

The Final PUD Plans and PUD Guide submitted do not show major design elements that have changed from the Preliminary PUD Plan review. Staff does not anticipate any major changes moving forward.

4. Where the applicant proposes one or more Adjustments to the standards of this Title, consistency with the Adjustment criteria set forth in Section 17.11.020(B), is required.

Preliminary PUD Plan: *During the course of reviewing this Preliminary PUD Plan, it does not appear that the applicants are requesting any adjustments.*

The Final PUD Plans and PUD Guide continue to be consistent with the review of the Preliminary PUD Plans.

In conclusion of this Final PUD Plan review, it appears that the application meets or can meet all applicable review criteria that must be considered for approval. It should also be noted that the Final PUD Plans are consistent with the submittals of the Preliminary PUD Plans.

REZONE APPROVAL CRITERIA:

17.09.070 (B) Approval Criteria. 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 17.05.080.C, and is consistent with the city's goals, policies and Comprehensive Plan; and

The property is currently zoned Planned Unit Development (PUD) and has been since it was Platted in 1981. However, the records of zoning don't appear to call out any land uses or zoning standards. With this application, land uses and zoning standards will now be established and appear to be consistent and compatible with the surrounding

neighborhood and other land uses nearby. Establishing clear zoning standards with this application will meet 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 Comprehensive Plan; or

The land to be rezoned does not appear to have been zoned in error, however, the existing zoning as mentioned above does need to be established. The proposed PUD Guide that will establish land uses and zoning standards (setbacks, building heights, parking, etc.) will allow this area to be compatible with the surrounding area which is in alignment with the city's goals, policies and Comprehensive Plan. The proposed PUD Guide and Plans meet this criterion.

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

With the recent build out of the remaining portion of Red Cliffs, this development is not necessarily in an area that has changed substantially since the Red Cliffs area was developed. However, as mentioned above, this zoning is in alignment with the surrounding area.

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

There is no comprehensive revision of the City's Official Zoning Map at this time. This criterion is not applicable.

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

This property is already in the city limits and this criterion is not applicable.

In conclusion, the proposed application to establish the new Planned Unit Development Guide appears to satisfy the appropriate approval criteria that must be considered.

REVIEW COMMENTS:

All review comments are included with the Staff Report.

PUBLIC COMMENTS:

Written public comments have not been received by Staff at this time.

LEGAL NOTICE:

All Legal Notice regarding this application was accomplished in accordance with the Fruita Land Use Code.

Paper – December 22, 2021 (20 days prior to Planning Commission)

Property – December 16, 2021 (26 days prior to Planning Commission)

Postcards – December 17, 2021 (25 days prior to Planning Commission)

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, January 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. 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, February 15, 2022 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 #	2021-44
Application Name	Red Cliffs III
Application Type	Final PUD Plan & Rezone to PUD
Location	280 Clements Way
Current Zone:	Planned Unit Development (PUD)
Description	This is a request for approval of a Final PUD Plan for an 8 single family lots on approximately 1.18 acres and to establish a new PUD zone.

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 proposed Red Cliff's III Final PUD Plan and the PUD zoning application with the condition that all review comments and issues identified in the Staff Report be adequately resolved.

OPTIONS AVAILABLE TO THE PLANNING COMMISSION:

1. Recommend approval of application 2021-44, the Red Cliffs III Final PUD Plan including the Planned Unit Development zoning as proposed.
2. Recommend approval of application 2021-44, the Red Cliffs III Final PUD Plan including the Planned Unit Development zoning with conditions.
3. Recommend denial of application 2021-44.

PLANNING COMMISSION SUGGESTED MOTION:

Mr. Chair, I move we (**approve**/deny) application 2021-44, the Red Cliffs III PUD Plan including the Planned Unit Development zoning to the City Council with the condition that all review comments and all issues identified in the Staff Report be adequately resolved prior to the recording of the PUD Guide and Plat.

PLANNING COMMISSION HEARING DATE: January 11, 2022

CITY COUNCIL HEARING DATE: February 15, 2022