



**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT
CITY COUNCIL
FEBRUARY 1, 2022**

Application #	2021-43
Application Name	Fruita Mews
Application Type	Rezone – Major PUD Amendment
Location	1138 18 ½ Road
Current Zone	Planned Unit Development (PUD)
Description	This is a request for approval of a major PUD Guide amendment to the existing Burenheide PUD Guide to accommodate a new attached single-family affordable housing community.

PROJECT DESCRIPTION:

This is a request for a Major PUD Guide Amendment to the existing Burenheide PUD Guide to accommodate a new attached single-family affordable housing community. The Fruita Mews PUD Guide proposes to amend the existing Burneheide PUD Guide to accommodate an “affordable housing development consisting of 50 rental townhomes for families” on 7+ acres of Lot 2 of that PUD. The application contains information on a possible layout of the project along with building elevations and description of building materials. The proposal shows a clubhouse, community garden, playground area, greenspace, and trails throughout.

In addition to the above, the application is requesting modifications to the density and dimensional standards originally set forth in the Burenheide PUD Guide. Section 17.19.060 (B) contains guidance on major or minor amendments for Planned Unit Development Guides. Pursuant to the Code, this application request is a major amendment. Because this application is considered a major amendment, the application must be reviewed through the public hearing process by both the Planning Commission and City Council. Section 17.19.060 (D) states, “Major Planned Unit Development amendments shall be reviewed and may be approved in the manner set forth for original Planned Unit Development applications as contained in this Chapter.”

It should be noted that the final PUD Guide, if approved, may be modified based on any additional conditions of approval from Council before it is recorded. Because this property is zoned PUD, the Code requires a subdivision/site plan to be reviewed through the public hearing process. In this instance, the application is requesting that the submittals of both the subdivision

and site plan applications be review and approved administratively by Staff. Staff is supportive of this request if the City Council is completely satisfied with this PUD Guide amendment request. Note, however, that the 50 townhomes will not be subdivided into separate legal units as the proposal is for this to be a rental community with one owner. The only subdivision is to subdivide these 7 acres off Lot 2 and to create the public right-of-way as shown in the plans.

The application shows a rendering of the proposed site plan to be developed in anticipation of approvals of this PUD Guide amendment request. This site plan shows the extension of K 4/10 Road from the Monument Ridge Elementary School continuing to the east with one access point to the project at the intersection of Fremont Street and K 4/10 Road. With regard to local circulation systems and development access section 17.41.040 (A) states, “Any development exceeding two hundred fifty (250) average daily trips (ADT) or twenty-five (25) units shall have a minimum of two (2) fully platted ingress/egress points (dedicated rights-of-way), or one (1) fully platted ingress/egress point plus a secondary access point for emergency vehicles. Any development exceeding three hundred fifty (350) ADT or thirty-five (35) units shall have a minimum of two (2) fully platted ingress/egress points. Any development exceeding seven hundred fifty (750) ADT or seventy-five (75) units shall have a minimum of three (3) fully platted ingress/egress points.” Based on the submittal, it appears to Staff that the applicant is requesting a deviation from the requirements for access circulation standards of section 17.41.040 (A) for the site plan application because the project will exceed 35 units. Its important to note that although this application was submitted with a traffic study, the traffic study and the city’s circulation standards are somewhat separate in nature. The traffic study highlights the traffic analysis and potential pressures on the current transportation system locally and the City’s circulation standards are written to provide for traffic circulation at certain thresholds. Furthermore, the City’s circulation standards are not only based upon the number of daily trips but also the number of units.

As for the parking standards, the Land Use Code requires 3 parking spaces per single family dwelling (attached and detached), which would equal 150 total spaces. Section 17.37.030 (D) allows for a reduction of the parking requirements for dedicated affordable housing projects. This deviation is highlighted in the proposed PUD Guide submitted with the application and has shown 75 total spaces proposed for a total of 1.5 parking spaces per dwelling unit. The Code allows for this deviation for affordable housing projects because it contemplates such projects will be located with walkability to services, jobs and retail or in close proximity to public transportation, eliminating the need for all residents to have vehicles. The application does not provide information about how it will regulate and limit parking.

The Planning Commission discussed at length the parking and traffic circulation at their December 14, 2021 public meeting. Planning Commission recommended approval to City Council on a vote of 4-1, with the dissenting vote based upon traffic circulation concerns.

The applicant held a neighborhood meeting on Monday July 26, 2021. Information regarding this neighborhood meeting has been provided from the applicant and is attached with the review materials and this Staff Report.

Attachments (Burenheide Estates and PUD):

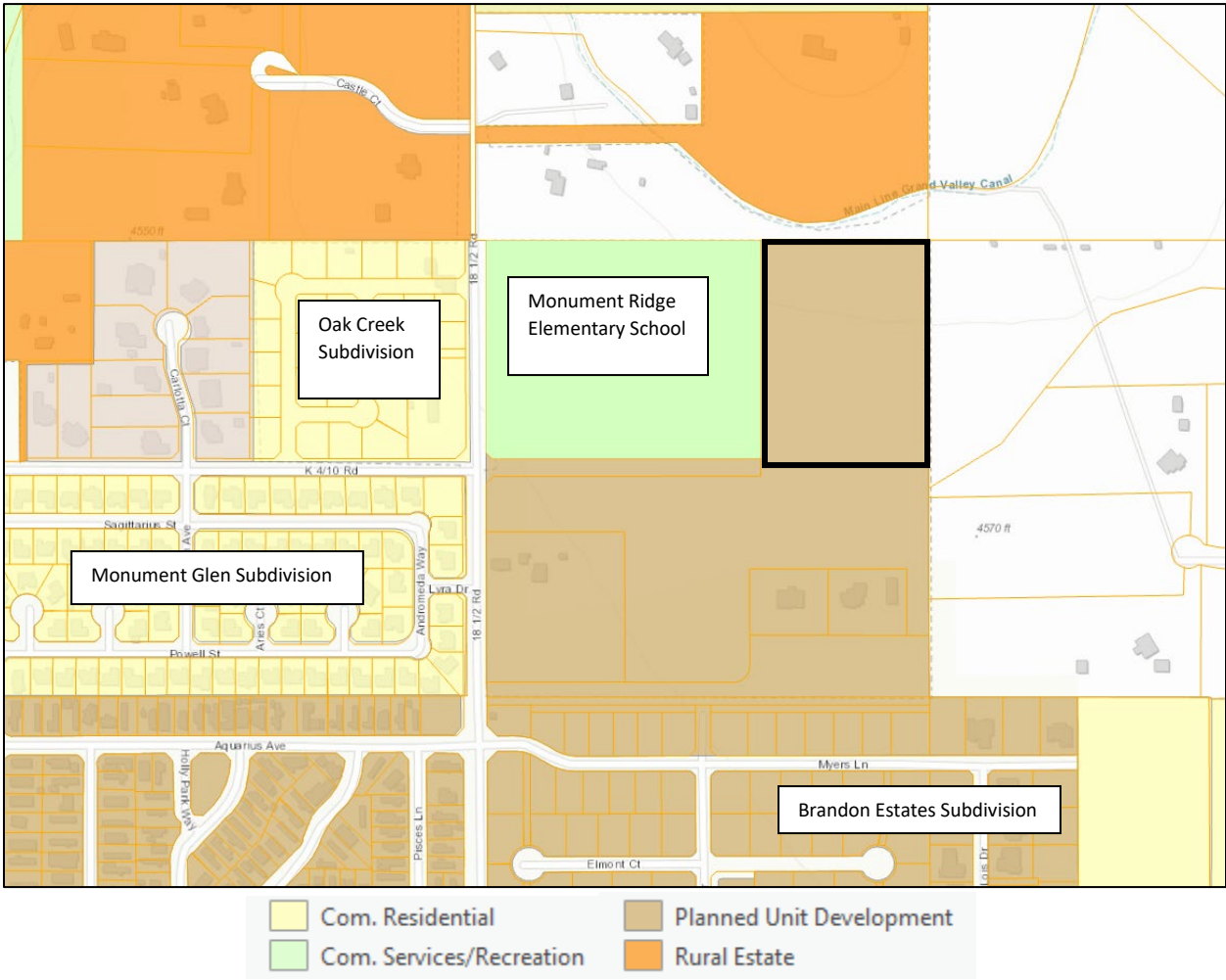
1. Ordinance 2002-17 – Burenheide PUD Guide
2. Burenheide Sketch Plan – 2002
3. Burenheide Estates Filing 1 - Plat

17.19.060 (B) Classification of Amendments. For the purposes of considering a proposed amendment to a Final Planned Unit Development Plan or Planned Unit Development Guide, amendments shall be classified as minor amendments or major amendments. A minor amendment shall include minor changes in location, siting, and bulk of structures, or height or character of structures required by engineering or other circumstances not foreseen at the time the Planned Unit Development or Planned Unit Development Guide was approved. A minor amendment shall not alter the dimensions of any building or structure by more than ten (10) percent. A major amendment shall include all other modifications such as; changes in use, arrangement of lots or structures, and all changes in the provisions concerning public sites, parks, open space or density.

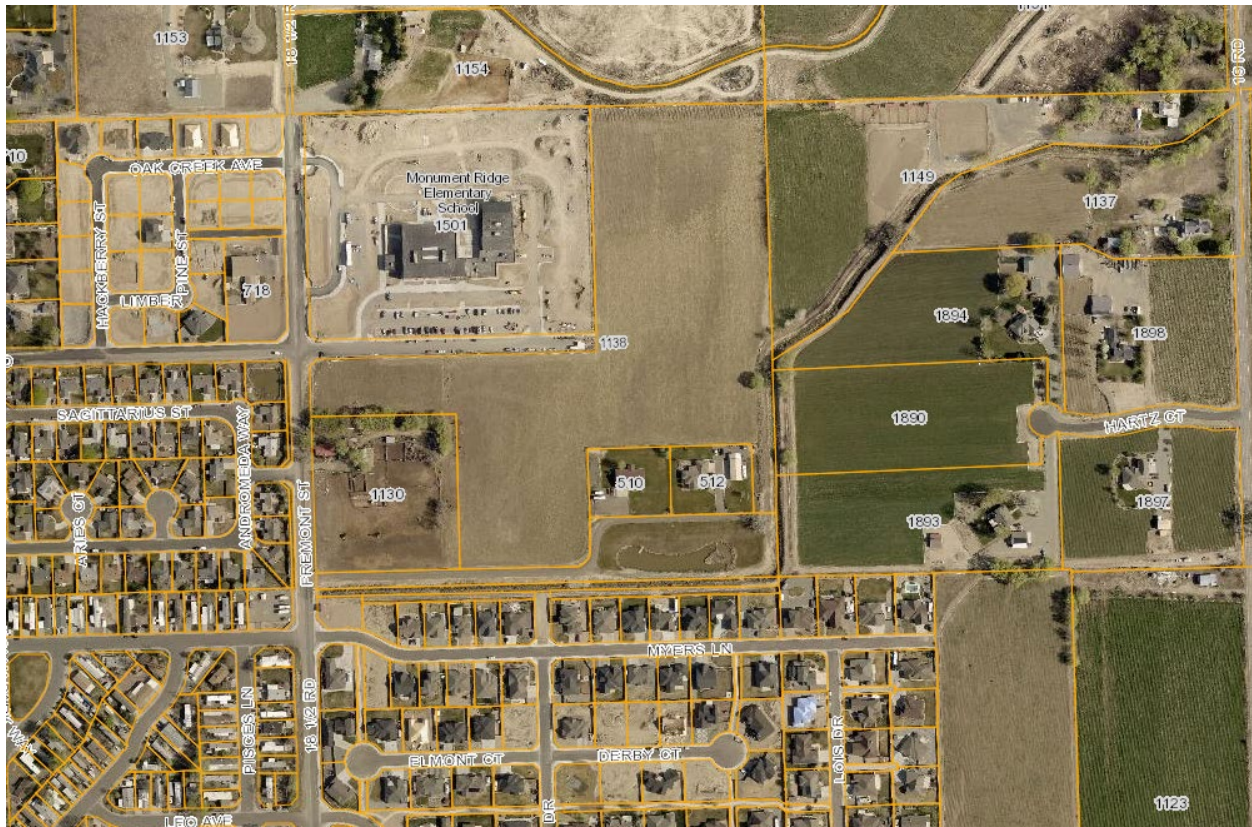
SURROUNDING LAND USES AND ZONING:

Surrounding land uses consist of various agricultural operations on larger parcels to the north and east with lot sizes over 1-acre. The Monument Ridge Elementary School is located directly to the west along with the Oak Creek Subdivision and the Monument Glen Subdivision located to the southwest. The Brandon Estates Subdivision is located to the south.

ZONING MAP



2020 AERIAL PHOTO



Review of Applicable Land Use Code Requirements:

Section 17.19.060 (A) Conditions for Amendment. An approved Final Planned Unit Development Plan or Planned Unit Development Guide may be amended, if the applicant demonstrates that the proposed modification:

1. Is consistent with the efficient development and preservation of the entire Planned Unit Development;

The Burenheide Estates PUD Guide was adopted by Ordinance 2002-17 (attached with the Staff Report) and zoned Rural Residential Planned Unit Development. The Rural Residential zone as defined from the Land Use Code when the zoning was established states, “the purpose of the Rural Residential Zone is to allow low density residential, rural and agricultural uses as a transition between community residential and rural agricultural zones.” (Ord. 1996-30 S2, 1996)

The Burenheide PUD Guide states that the intent is, “To provide clustered sites for single-family attached or single-family detached on a variety of lot sizes, generally one (1) or one-half (0.05) 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 subdivisions to the rural development in the Mesa County AFT zone, and to serve the needs of the residents of Fruita. The uses by right in these parcels are intended to allow for flexibility, innovation and site sensitive planning that is responsive to both the design character and the functional character of the community as well as the development of a portion or all of the large lot for ranching operation shown in the Sketch Plan” (Page 4, Ordinance 2002-17).

“The Burenheide Estates PUD authorizes a total of twenty (20) dwelling units on 39.77 acres of land” (Page 4, Ordinance 2002-17). The PUD Guide serves as the governing regulations to control development within this subdivision which contains 3 filings. The PUD Guide states, “The zoning densities, uses and their general location are depicted on the approved Sketch Plan for the Burenheide Estates. The Sketch Plan depicted in the three filings, and outlying lot for regional detention/retention basin and a large lot area that will be used as part of the current ranching operation. All requirements established in Title 17 of the Fruita Municipal Code for residential uses shall be applicable, except as modified by the PUD Guide for Burenheide Estates Planned Unit Development and approved by the City of Fruita. Any violation of any provision contained within this Guide shall constitute a Class A municipal offense punishable as set forth in the Fruita Municipal Code. The zoning designation herein approved is specifically conditioned upon the owner’s and applicant’s full compliance with this Guide, the PUD Sketch Plan and any applicable subdivision improvements agreements, Declaration of Covenants, Conditions and Restrictions and homeowner’s association agreements.” (Page 4, Ordinance 2002-17).

The Plat, recorded in 2003, shows the 1st filing with two lots containing 1 acre each, another lot containing an existing house on 4.0 acres, an Outlot containing 2.93 acres, and the remaining 29.93 acres which has been used for agricultural/ranching uses. No additional subdivision filings were recorded or Platted, until 2019 when Mesa County Valley School District completed a public purpose subdivision for the Monument Ridge Elementary School on approximately 11.50 acres leaving 17.49 acres remaining from the original 39.77 acres.

The proposed PUD Guide amendment applies only to approximately 7.62 acres. It appears that the remaining area, approximately 9.87 acres, will continue to be governed by the existing PUD Guide and its lower density. This zoning ordinance will need to be processed along with a subdivision application which should show and accompany the 7.62 acres referred to in this proposal.

Based on the statement contained in the Burenheide PUD Guide, “The Burenheide Estates PUD Guide authorizes a total of twenty (20) dwelling units on 39.77 acres of land within the City of Fruita, Mesa County, Colorado,” the original density intended with the Burenheide PUD is approximately 0.5 dwelling units per acre (20 units/39.77 acres = 0.50 units per acre) while allowing single-family attached or single-family detached dwelling units. The PUD Guide has been used for Filing 1. There have been 2 new lots (1-acre each) created and homes constructed which have been completed in accordance with the Burenheide PUD Guide.

The proposed amendment to the PUD Guide indicates 50 single-family attached homes over approximately 7.62 acres. However, on page 6 of the Fruita Mews PUD Guide the chart shows a request for a maximum of 8 dwelling units per acre which would put the project at a maximum of 60 dwelling units instead of 50.

The project narrative submitted states, “No changes to the uses by right in the Burenheide PUD are being proposed with this PUD amendment for the Fruita Mews” (Page 6, Project Narrative). The application proposes 50 single-family attached townhomes – townhomes are allowed under the existing PUD but not at this density. This statement would indicate that the applicant intends to have each dwelling unit allowed for purchase if they chose to want to sell instead of rent, this would require a plat to subdivide separate the individual lots for sale, however, this is not what is being proposed at this time. The Land Use Code defines single-family attached dwelling unit as, “One of two (2) or more single-family dwelling units having a common or party wall separating dwelling units with each dwelling unit located on a separate lot.” The Land Use Code defines multi-family dwellings as, “A building containing three or more dwelling units arranged, designed for, and intended for occupancy of three (3) or more family units independent of each other, having independent cooking and bathing facilities located on a single lot and all under the same ownership.” This is important to note due to the fact that multi-family dwellings are not called out in the Burenheide PUD Guide.

The amount of density proposed is inconsistent with the Burenheide PUD Guide, however, the Future Land Use Map and current Comprehensive Plan would support the proposed density changes in this area as they contemplate zoning in this area as Community Residential which allows for 4-8 dwelling units per acre.

2. Does not affect, in a substantially adverse manner, either the enjoyment of the land abutting within or adjoining the Planned Unit Development, or the public interest;

Although the original intention of the Burenheide PUD Guide and Plan was to create a less dense subdivision, the changes that have occurred in this area over the past 20 years have evolved. The Comprehensive Plan and the Land Use Code have been amended multiple times since the original approvals in 2002. The following developments occurred after 2002: Brandon Estates, Oak Creek Estates, Monument Glen, and Monument Ridge Elementary School. It is reasonable to deduce that more residential speculation and density will occur going forward in this area. It appears that this criterion has been met.

3. Is not granted solely to confer a special benefit upon any person;

The proposed amendments do not specifically imply that the project is going to be developed at this time and the applicants may not be the developers or land holders once the development is complete. The development of affordable housing does not create a special benefit upon any one person. This criterion has been met.

4. Does not contain proposed uses that adversely affect other uses approved for the Planned Unit Development;

As addressed above, the original intent of the Burenheide PUD Guide and Burenheide Estates Subdivision is, “To provide clustered sites for single-family attached or single-family detached on a variety of lot sizes, generally one (1) to 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 the Mesa County AFT zone, and to serve the needs of the residents of Fruita” (Page 4-5, Ordinance 2002-17).

Chapter 17.57 Basic Definitions, within the Land Use Code, defines single-family attached dwelling unit as, “One of two (2) or more single-family dwelling units having a common or party wall separating dwelling units with each dwelling unit located on a separate lot.”

Based on the statement contained in the PUD Guide, “The Burenheide Estates PUD Guide authorizes a total of twenty (20) dwelling units on 39.77 acres of land within the City of Fruita, Mesa County, Colorado,” the original density implied with the Burenheide PUD is approximately 0.5 dwelling units per acre (20 units/39.77 acres = 0.50 units per acre).

The proposed amendment to the PUD Guide indicates 50 single family attached homes over approximately 7.62 acres for a total density of 6.5 dwelling units per acre (50 units/7.62 acres = 6.56 units per acre).

The proposed Fruita Mews PUD Guide states, “The Fruita Mew’s PUD is a community consisting of 50-single family attached homes (townhomes) with open space and public trails.” There is no proposal at this time to subdivide further into separate lots for each townhome, which would create a for sale product.

5. Does not contain a public site, park or open space plan that differs substantially in quantity or quality from that originally approved;

This criterion is not applicable because the original Burenheide PUD Sketch Plan as proposed and adopted in 2002 did not propose any public sites, parks or public open space. The current proposal includes park space and trails.

6. Contains street and utility plans that are coordinated with planned and/or existing streets and utilities for the remainder of the Planned Unit Development; and

Although the Burenheide Sketch Plan proposed locations for streets and utilities, it was not a technical review of these elements. A technical review of the streets and utilities would need to happen at the site plan stage of the application in the future. It does not appear that this criterion is applicable at this time.

7. Is consistent with all applicable regulations of this Title, except as specifically allowed through the subject Planned Unit Development approval or where an amendment is allowed pursuant to this Section.

The application appears to be in general conformance with this Title (the Land Use Code). The future land use map contained in the Comprehensive Plan does support a mix of housing types in this area. This criteria has been met.

LEGAL NOTICE – SECTION 17.07.040(E):

All required Legal Notice in accordance with Section 17.07.040 (E) were accomplished on the following dates:

- Postcards – November 24, 2021 (20 days prior to Planning Commission)
- Property – November 23, 2021 (21 days prior to Planning Commission)
- Newspaper – November 27, 2021 (17 days prior to Planning Commission)

LEGAL NOTICE POSTCARD & NEWSPAPER LANGUAGE

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing **Tuesday, December 14, 2021 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 1, 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.

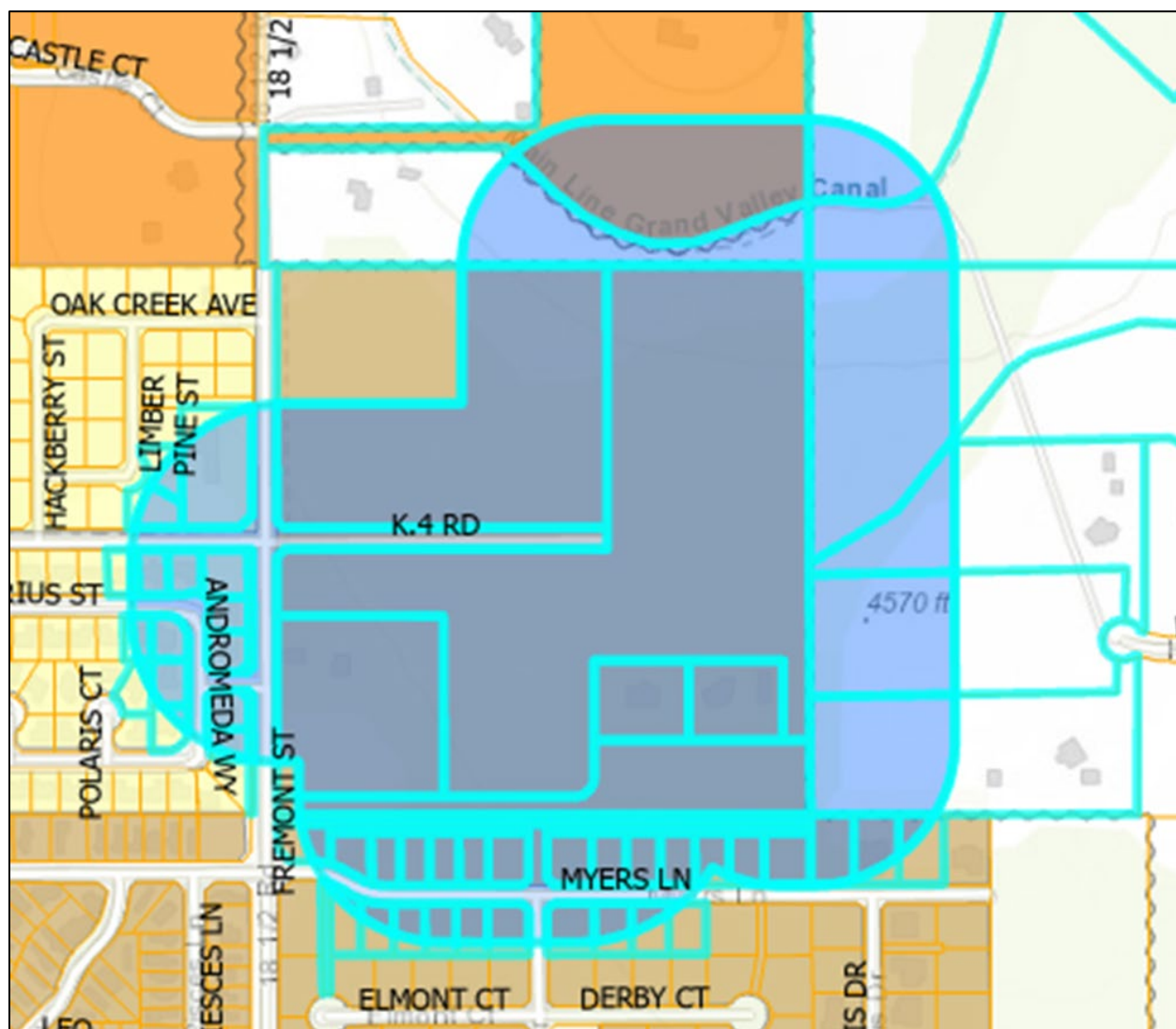
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Current Zone:	Planned Unit Development (PUD)
Description	This is a request for approval of a major PUD Guide amendment to the existing Burenheide PUD Guide to accommodate a new single-family attached affordable housing community.

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

LEGAL NOTICE SITE POSTING



LEGAL NOTICE BUFFER (350' RADIUS)



REVIEW COMMENTS:

All Review Comments received are included with this Staff Report as Consolidated Review Comments. No reviewer expressed major concerns.

PUBLIC COMMENTS:

Written comments have been received by Staff at this time. These comments are included with the Staff Report and other related review materials. All Public Comments received by Staff have been included with the application materials.

STAFF RECOMMENDATION:

Because the application appears to have met all of the applicable review criteria set forth in Section 17.19.060 (A) of the Land Use Code, Staff recommends approval of the proposed Fruita Mews Major PUD Guide Amendment with the condition that the subdivision/site plan and zoning be specific to the application proposed and furnished with a subdivision Plat and to allow the subdivision and site plan to be reviewed and approved administratively.

RECOMMENDATION TO CITY COUNCIL:

Staff Recommends that the Council move to:

ADOPT ORDINANCE 2022-07, 2ND READING – AN ORDINANCE GRANTING A MAJOR AMENDMENT TO THE BURENHEIDE PLANNED UNIT DEVELOPMENT (PUD) GUIDE TO INCREASE RESIDENTIAL DENSITY AND ALLOWED RESIDENTIAL LAND USES IN A PORTION THEREOF WITH THE CONDITION THAT THE SUBDIVISION/SITE PLAN AND ZONING BE SPECIFIC TO THE APPLICATION PROPOSED AND FURNISHED WITH A SUBDIVISION PLAT AND TO ALLOW THE SUBDIVISION AND SITE PLAN TO BE REVIEWED AND APPROVED ADMINISTRATIVELY.

PLANNING COMMISSION HEARING DATE: December 14, 2021

CITY COUNCIL PUBLIC HEARING DATE: February 1, 2022