



**FRUITA**  
COLORADO

## AGENDA ITEM COVER SHEET

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**TO:** FRUITA CITY COUNCIL AND MAYOR

**FROM:** PLANNING & DEVELOPMENT DEPARTMENT

**DATE:** JANUARY 18, 2022

**AGENDA TEXT:** DWELL PLANNED UNIT DEVELOPMENT – A request for approval of the Dwell Final PUD Plan and approval of Ordinance 2022-06, a 2<sup>nd</sup> Reading, amending the Official Zoning Map of the City of Fruita by zoning approximately 5.09 acres of property located at 1136 17 ½ Road to a Planned Unit Development (PUD) zone.

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### BACKGROUND

This is a request for approval of the Dwell Final PUD Plan and rezone application from a Community Residential (CR) zone to Planned Unit Development (PUD) zone for the property located at 1136 17 ½ Road. The application was submitted prior to the adoption of the changes to the Land Use Code and has thus been processed through the former Code Sections 17.01 (General Provisions), 17.13 (Zoning Review and Amendment Procedures), and 17.17 (Planned Unit Developments). The Planned Unit Development Guide (PUD Guide), attached with the Ordinance titled Dwell PUD Guide, contains details related to the development plan which pertain to lot sizes, front yard setbacks, and building heights by housing type (attached and detached). The PUD Guide also designates which lots will have attached single-family or detached single-family dwelling units. Anything not included in the PUD Guide will need to adhere to the Community Residential zoning district regulations.

Furthermore, this development plan proposes two access points: one from Wildwood Drive connecting to an existing street stub in the Wildwood Acres subdivision and another access onto North Maple Street. Internal streets within the development will have approximately 25 feet of asphalt with a detached sidewalk on one side with landscaping between the street and the sidewalk. This application proposes 37 total dwelling units over 2 filings. Filing 1 consists of 17 dwelling units and the park and Filing 2 with the remaining 20 dwelling units. In total the proposal consists of 27 attached dwelling units and 10 detached dwelling units with the intent to construct modern row houses that make efficient use of the site for an overall density of about 7.6 dwelling units per acre.

As requested by the Planning Commission and Staff, Applicant submitted a revised and updated PUD Guide on December 1, 2021. The Dwell PUD Guide is a product of the initial responses to Staff's review comments. It should be noted that in order to be transparent with the public, the final PUD Guide, if approved, may be modified based on any additional conditions of approval from the public hearing before it is recorded.

The Planning Commission recommended approval of this application to the City Council by a vote of 3-1 at their November 9, 2021, public hearing.

Related to the zoning portion of the application, the City Clerk's office received a protest petition, and it was determined by the City Clerk to be sufficient in accordance with what was Section 17.13.060 (C) in effect at the time of the submission of the Application and petition. The supporting documents for the protest petition and the City Clerk's certification are attached with the packet information. With the certification of the protest petition, the applicable Land Use Code states that "such rezoning application shall not become effective except upon a favorable vote of three fourths (3/4) of the entire membership of the City Council, whether present or not." Therefore, in order for this ordinance to pass, there must be a favorable vote by at least 5 Council Members. Both the Applicant and the protestors have been informed of this requirement.

There are still review comments and issues raised by Staff that have not been fully addressed by the Applicant. That information is set forth in more detail in the Staff Report materials.

### **Attachments**

1. Ordinance 2022-06
  - a. Exhibit A – Legal Description
  - b. Exhibit B – Dwell PUD Guide
2. Staff Report
3. Review Comments
4. Land Development Application and applicants Final Plan and PUD Guide submittal
5. Responses to PUD Guide Comments – from applicant
6. Meeting Minutes – Planning Commission – March 10, 2020
7. Meeting Minutes – City Council – May 19, 2020
8. Meeting Minutes – Planning Commission – April 13, 2021
9. Meeting Minutes – City Council – May 4, 2021
10. Meeting Minutes – Planning Commission – November 9, 2021
11. Public Comments – Final Plan and PUD Zoning
12. Protest Petition

### **PUBLIC HEARING TIMELINE**

#### Concept Plan:

1. Planning Commission – March 10, 2020 (recommended approval with conditions by a vote of 4-0 to City Council)
2. City Council – May 19, 2020 (approval with conditions by a vote of 6-0)

#### Preliminary PUD Plan:

3. Planning Commission – April 13, 2021 (recommended approval with conditions by a vote of 3-1 to City Council)
4. City Council – May 4, 2021 (approval with conditions by a vote of 4-2)

#### Final PUD Plan:

5. Planning Commission – November 9, 2021 (recommended approval with conditions by a vote of 3 to 1 to City Council)

\*Minutes from past public hearings are included with the Staff Report materials.

## **FISCAL IMPACT**

Because the nature of this Ordinance is residential, there are no fiscal impacts associated with adoption. If the subject property is to develop, a fiscal impact will be associated with the public improvements.

## **APPLICABILITY TO CITY GOALS AND OBJECTIVES**

The proposed Planned Unit Development zoning is in general conformance with the City of Fruita's Land Use Code and Comprehensive Plan. The Comprehensive Plan, adopted in February 2020, provides guidance and support for efficient development, connectivity, infill development, open space, and diversity of housing types. Influenced heavily by community values, the vision statement was created and states, *"The City of Fruita values quality of place. It's an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that's responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation."* (Page 3, Fruita In Motion: Plan Like A Local Comprehensive Plan)

## **OPTIONS AVAILABLE TO THE COUNCIL**

1. Approve the Dwell Final PUD Plan and adopt Ordinance 2022-06, a 2<sup>nd</sup> Reading, amending the Official Zoning Map of the City of Fruita by zoning approximately 5.09 acres of property located at 1136 17 ½ Road to a Planned Unit Development (PUD) zone.
2. Approve the Dwell Final PUD Plan with the condition that all review agency comments and issues identified in the Staff Report be met and adopt Ordinance 2022-06, a 2<sup>nd</sup> Reading, amending the Official Zoning Map of the City of Fruita by zoning approximately 5.09 acres of property located at 1136 17 ½ Road to a Planned Unit Development (PUD) zone.
3. Deny the Dwell Final PUD Plan and continue the adoption of Ordinance 2022-06 until the City Council is satisfied that the application has met or can meet all the City Council's concerns with regard to the Final PUD Plan.
4. Deny the Dwell Final PUD Plan and deny Ordinance 2022-06.

## **RECOMMENDATION**

Staff recommends that the Council move to:

**APPROVE THE DWELL FINAL PUD PLAN WITH THE CONDITION THAT ALL REVIEW AGENCY COMMENTS AND ISSUES IDENTIFIED IN THE STAFF REPORT BE MET AND ADOPT ORDINANCE 2022-06 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FRUITA BY REZONING APPROXIMATELY 5.09 ACRES OF PROPERTY LOCATED AT 1136 17 ½ ROAD TO A PLANNED UNIT DEVELOPMENT ZONE.**