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**PLANNING & DEVELOPMENT DEPARTMENT  
STAFF REPORT  
NOVEMBER 9, 2021**

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<b>Application #</b>	<b>2021-41</b>
<b>Application Name</b>	<b>Dwell Final PUD Plan</b>
Application Type	Final PUD Plan and Rezone to PUD
Location	1136 17 ½ Road
Current Zone	Community Residential (CR)
Description	This is a request for approval of a Final PUD Plan for a 37 lot subdivision on approximately 5.09 acres featuring single family detached and attached housing units along with a 1 acre park and to rezone the subject property to a Planned Unit Development (PUD) zone.

**PROJECT DESCRIPTION:**

This is a request for approval of a Final PUD Plan and to Rezone approximately 5.09 acres from a Community Residential (CR) zone to a Planned Unit Development (PUD) zone.

As described in the Preliminary PUD Plan review, this subdivision is proposing to provide two access points from both Wildwood Drive connecting to an existing street stub in the Wildwood Acres subdivision and have another access onto North Maple Street. Internal streets within the subdivision are proposed to 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. In addition to housing, the proposed PUD Guide contains preliminary design standards of what the dwelling units will look like. It appears that from the application that the overall intent of this subdivision is to create an inviting and pleasant subdivision while incorporating open space, trails, a mix of housing types, and alternative street sections.

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 Concept Plan was submitted to get an overall idea of the concept of the proposed subdivision and whether the modifications proposed met the intent of the Land Use Code and

Master Plan. 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. This Final PUD Plan and Rezone is a response to the review of the Preliminary PUD Plan in order to ensure that review comments and issues identified in the previous applications have been adequately resolved.

### **Project 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:**

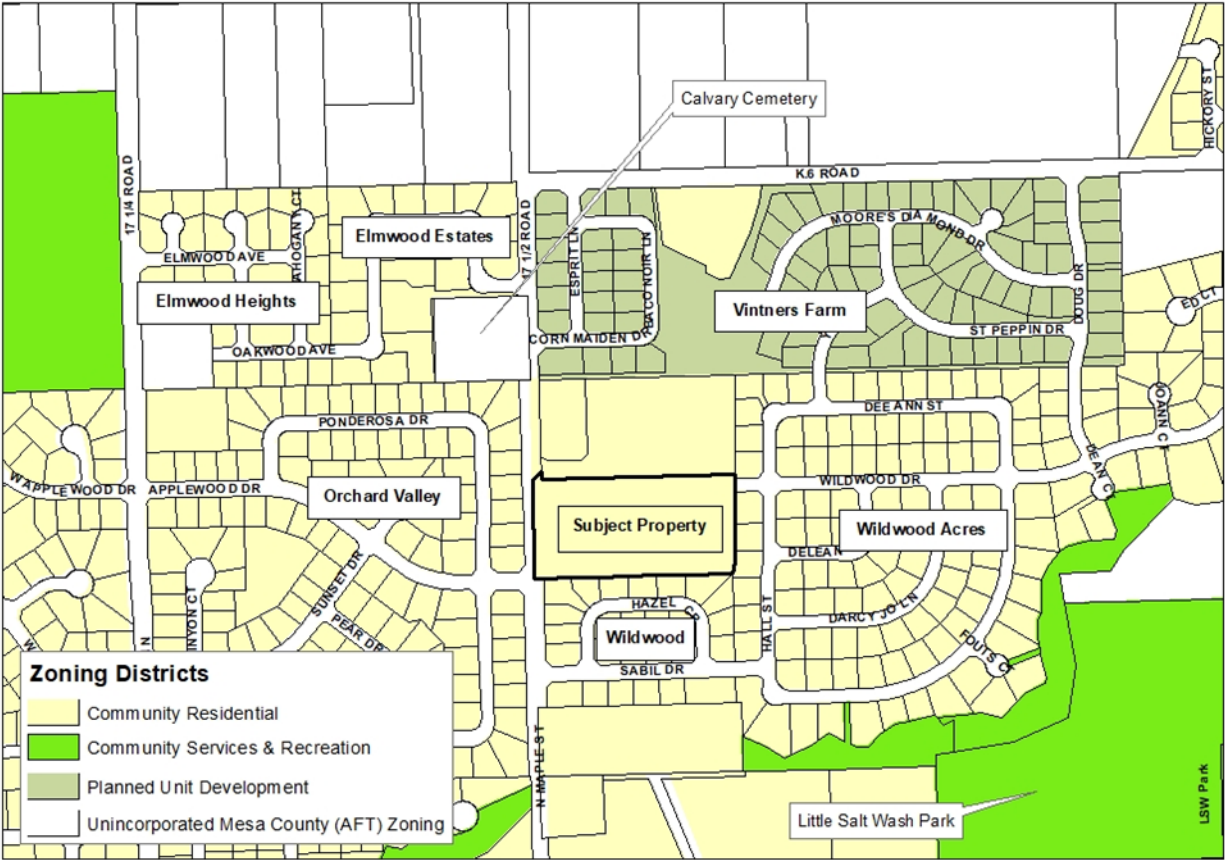
3. Planning Commission – April 13, 2021 (recommended approval with conditions by a vote of 3-1 to City Council)
4. City Council – May 4, 2021 (approval with conditions by a vote of 4-2)

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

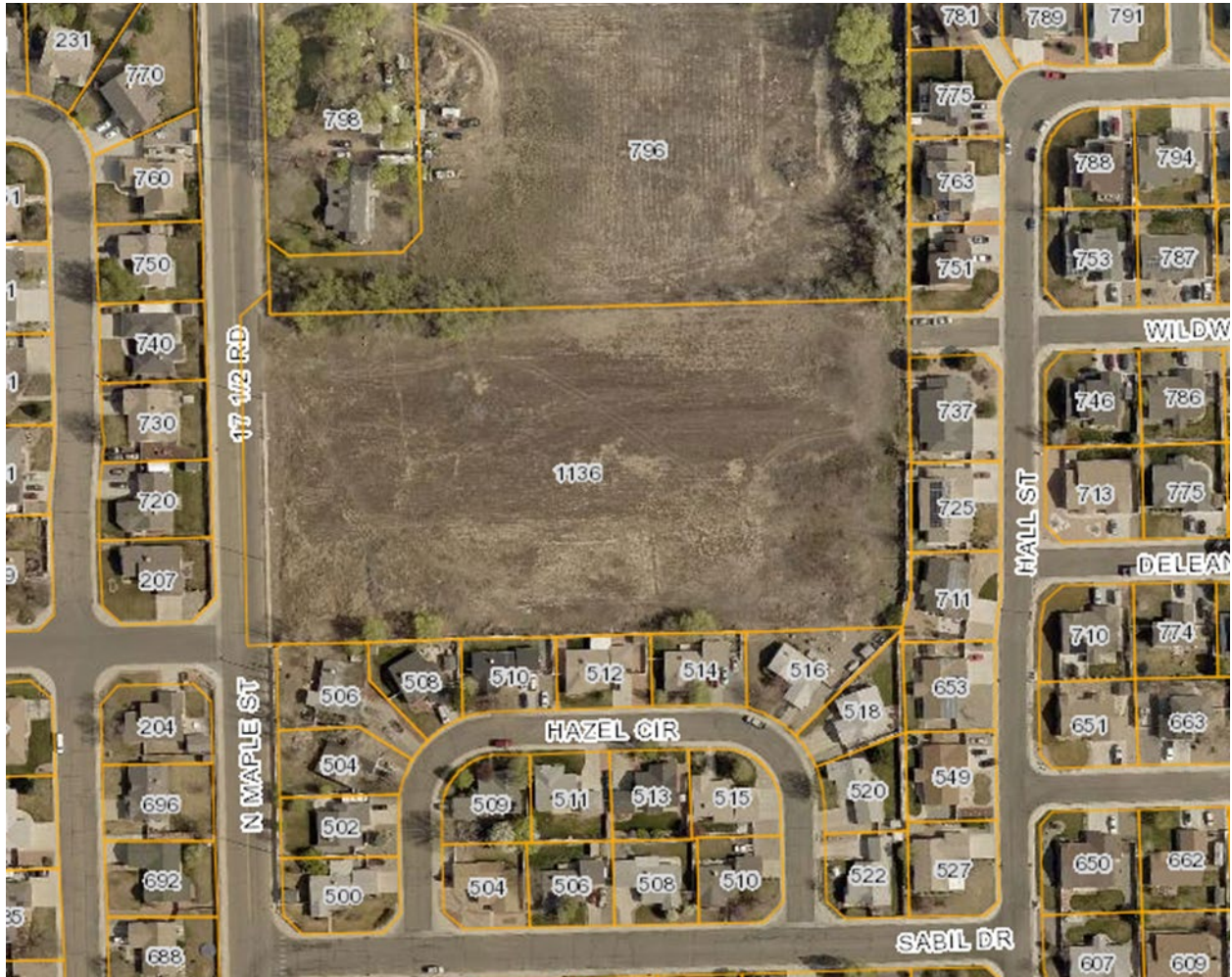
### **SURROUNDING LAND USES AND ZONING:**

The property is surrounded by single family detached residential land uses, open space, and the Calvary Cemetery to the northwest. The cemetery is outside of the city limits and is zoned Agricultural Forestry Transitional (AFT) in the County. Community Residential (CR) zoning is to the south, east and west of the subject property with a Planned Unit Development (PUD) for residential land uses to the north.

**ZONING MAP**



### **2020 AERIAL PHOTO**



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

Section 17.17.040 (C) states that, “An application for Final Planned Unit Development Plan/Plat application shall conform to the previously approved Preliminary Planned Unit Development Plan, all conditions of approval, and the requirements of Section 17.17.030, and 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.”

Section 17.17.040 (D) states that, “Upon approval of the Final Planned Unit Development Plan/Plat the City Council shall enact an ordinance zoning the subject property as a Planned Unit Development. The Final Planned Unit Development Plan/Plat shall then be recorded by the

Community Development Department in the manner and by the deadline provided for approved subdivision Final Plats and related documents in Section 17.15.080. No Final Planned Unit Development Plan, development or subdivision improvements agreement shall be recorded until the developer has paid to the city all review, filing and recording fees, as well as any applicable impact fees. The applicant shall sign the Planned Unit Development Guide before it is recorded.”

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.*

*Connectivity is another plan theme that this proposed subdivision plan has been found to meet. This Plan Theme reads, “It is easy for vehicles, cyclists, and pedestrians to get around Fruita and to visit local destinations. The City of Fruita offers safe, intuitive, and well connected on- and off-street trail networks for pedestrians and cyclists.” Dwell is proposing to provide trail opportunities within the subdivision. Also, this subdivision is utilizing an existing street stub from the Wildwood Acres subdivision. As long as the streets and trails are designed in a safe manner, this portion of the Master Plan can be met.*

*Chapter 3 of the City’s Master Plan speaks to Land Use and Growth. The ideas contained within this chapter were developed from conversations reflecting on lessons learned in the last ten to twenty years, an analysis of existing land uses and market conditions, and public meetings discussing the desired character of Fruita and how it should grow and change in the future. This chapter also contains the Future Land Use Map (FLUM), based on core concepts that are meant to guide Fruita’s future growth. The goal of the FLUM is to turn the Community Values from Chapter 1 and the Land Use Vision for the Future into changes on the ground. The FLUM shows and supports residential densities of 4-8 dwelling units per acre for these properties. Additional*

*support for infill developments comes from the analysis of vacant parcels within the existing city limits and comparing it to the FLUM, the plan shows that there is enough land within both the city limits and the UGB to grow from within rather than continue to expand beyond our borders.*

*Continuing in Chapter 3 of the Fruita In Motion Comprehensive Plan, the Residential 4-8 category is defined as a “land use category intended for undeveloped areas where public infrastructure and services are available and proximal.” This section continues to state that, “Innovative neighborhood designs in this land use category are encouraged. Neighborhoods in this area can be developed up to 8 units per acre in order to incentivize developers to provide amenities such as parks and trail connections and different types of housing.”*

*In Addition, Goal #2 within Chapter 3 states that the City needs to “Prioritize infill development over development at the edge of the city limits.” This is because development within the city boundary is typically less costly for both the developer and those providing infrastructure and services such as sewer and roads. Residential development within the city will be able to take advantage of existing nearby roads, parks, trails and community resources. Infill development, typically, will create more customers for the existing downtown and commercial centers. Additional support for infill development within the Comprehensive Plan states, “Infill development at a minimum of 4 dwelling units/acre will likely produce more affordable house products than what has typically been built out over the last ten years.”*

*Goal #4 within Chapter 3 states that the City “Allow and encourage a diversity of housing types to fit the needs of the Fruita community and provide the diverse ‘funky’ character that is treasured by residents.” This goal was created because Fruita’s housing stock is getting more homogenous and more expensive. As a community that prides itself on being inclusive, this ethos should extend to providing types of housing for people of different ages, income ranges, family structures, and aesthetic preferences. Additionally, allowing and encouraging more apartments and/or townhomes in appropriate locations could contribute to more affordable housing options.*

*A vision of Chapter 5 - Parks, Health, Recreation, Open Space and Trails of the Comprehensive Plan states, “The City provides unparalleled recreational programming and events, well-maintained parks and recreational facilities that are accessible to all residents, and a well-connected network of bike and pedestrian facilities.” In conjunction with Goal #3 which states, “Enhance the city’s trail system to allow residents and visitors to walk and ride safely within the city and to surrounding trail systems.” With the application as proposed, the Dwell PUD Subdivision supports the intention of this Chapter of the Comprehensive Plan.*

*The vision of Chapter 6 – Transportation states, “The City of Fruita has well-maintained and safe roadways, intersections, sidewalks, and trails. It has a transportation system that balances access and mobility through multimodal improvements on existing roads as well as coordinated planning with new development. Transportation facilities contribute*

*to the character of the community by providing inviting streetscapes, off-street connections, and attractive gateways to the community.” It is clear from the plan submitted that the application is supporting the vision of Chapter 6. This application also supports the intentions of the goals set forth in this Chapter.*

*Chapter 7 – Services and Infrastructure provides context on the importance of Fruita’s ability to provide efficient and effective public services to its residents. Providing efficient and effective public services to its residents directly meets the City Council’s goals of providing strong Core Services. The primary goal of this plan as stated under Goal #2 is, “to promote efficient development and infill in order to keep Fruita from sprawling...” Infill development allows the City and other public service agencies to continue to provide efficient services without expanding the city limits.*

*Based on this Preliminary PUD Plan review, it appears that this plan does meet the applicable Chapters of the City’s Comprehensive Plan. The subdivision is proposing to create an infill neighborhood that incorporates nearly 20% of its overall acreage into open space. This neighborhood, much like the Vintners Farm PUD Subdivision directly to the north, is proposing to develop the majority of its open space into a neighborhood park with a playground and trail connections throughout. It also appears that approximately half of the dwelling units in this subdivision, once built out, will have either its front or rear portion of the house facing this park. In addition to innovative neighborhood design, the subdivision is proposing alternative street sections along with an alley. These street sections will be incorporating modified widths and proposing detached sidewalks on one side with landscaping between the street and the sidewalk. It appears that the proposed alternative street section can work. From a housing perspective, it appears from the project narrative and the proposed PUD Guide that the developer is planning to incorporate housing types that differ from the homogenous housing inventory that has been built within the city over the last ten to twenty years.*

*In conclusion, the following Dwell PUD Plan can meet the Fruita In Motion: Plan Like A Local Comprehensive Plan.*

The Final PUD Plan and related rezone from Community Residential to Planned Unit Development still meet this criteria.

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

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

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: Based on the project narrative and draft PUD Guide, it appears that the developers overall intent is to create a variety of housing types by incorporating attached and detached dwelling units. Further design standards within the PUD Guide will need to be accomplished, however, from what has been submitted, it appears to Staff that the developer intends to use a variety of building materials and colors for this neighborhood. As far as providing housing of varying income levels, this can be difficult to achieve with the real estate market changes that occur overtime. Although not expressed in the PUD Guide, the project narrative states that, "The applicant's intent is to construct modern row houses that make efficient use of the site and provide attainable housing with both attached and detached single family dwelling units." However, it does appear that this PUD meets the majority of this general purpose criteria.*

The Final PUD Plan does appear to include additional design standards from what was submitted from the Preliminary PUD Plan. All other elements of this criteria can be met or have been met.

**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: There does not appear to be any natural features, wildlife, vegetation or natural drainage features on the subject properties that have any significant importance that Staff feels is necessary for preservation. However, it's important that scenic characteristics be preserved as best as possible. There is a 35 foot maximum height restriction for a dwelling unit in the Community Residential zone district in which this property is currently zoned. The PUD Guide is proposing a 40 foot maximum height of the dwelling units. The property has been vacant for a long time and the current scenic views have been preserved thus far, however, under current regulations a 35-foot-tall dwelling unit could still be built in this area. The Concept Plan*



*approval contained conditions from the City Council that requires the perimeter homes to be more compatible with the existing adjacent ranch homes in height and the interior homes having the 40-foot height allowed. This criteria can be met but has not yet been addressed.*

The Final PUD Plan is no longer requesting the 40-foot maximum building heights. It does appear that the applicant has addressed the concerns of the 40-foot heights by proposing heights that are allowed in the Community Residential zone. The dimensional standards contained on page 11 of the PUD Guide submitted shows no deviation to the building heights from the Community Residential zone. The motion from the May 19, 2020 City Council meeting is contained in the Planning & Development review comments for reference. The motion indicated that the perimeter homes be more compatible in height with the existing adjacent ranch homes. Although the applicant is no longer requesting the 40-foot height, it still does not appear that the application is addressing the motion passed by City Council from the May 19, 2020 meeting.

**D. To conserve and make available open space;**

*Preliminary PUD Plan: The Dwell PUD Plan is proposing nearly 20% open space in this proposal. Within the proposed open space, the large park is centrally located while incorporating trail connections to sidewalks. Additionally, the park is proposed to have benches and playground equipment as part of the overall design. There doesn't appear to be any natural features on the property that Staff would recommend the developer conserve. This criteria has been met.*

The Final PUD Plan shows no changes affecting this criteria.

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

*Preliminary PUD Plan: The proposed Dwell Preliminary PUD Plan is proposing to deviate from a number of conventional zoning restrictions that are available under the Community Residential zoning classification. Such deviations include, but are not limited to, building height, setbacks, density, and lot size. It appears that they are proposing these alternatives in order to achieve the maximum density suggested from the Future Land Use Map (FLUM) in the Fruita In Motion Comprehensive Plan. There are a number of Planned Unit Developments in the City of Fruita, each have their own unique characteristics, however, most of them do not propose densities over the maximum for which an underlying zone is called out.*

*The Dwell PUD Guide also contains information about Uses. Allowed Uses within PUD's should follow an underlying zone district in case there are elements within the PUD Guide that are not addressed (example, a PUD could call out an underlying zone of Community Residential for anything the PUD Guide does not address). This is important when it comes to types of Land Uses in the zone. It is Staff's recommendation that the*

*PUD Guide be very specific when it comes to allowed uses. In this case, page 8 of the Dwell PUD Guide states that Home Occupations, Home Childcare, Home Daycare and Residential accessory uses are all allowed. Since the application isn't proposing anything that is different than what is allowed in the Community Residential zone, Staff recommends that the application call out the Community Residential zone as an underlying zone for allowed uses. Additionally, the PUD Guide calls out Short-Term Rentals as an allowed use subject to the permitting requirements of the Fruita Land Use Code.*

The Final PUD Plan has called out the underlying zone as being Community Residential (CR), this is to ensure that any elements not reflected in the PUD Guidelines are covered by the Fruita Land Use Code. It should be noted that the Preliminary PUD Plan included the request to increase the maximum building height from 35 feet to 40 feet. This is no longer a request for this application. Page 12 of the PUD Guide shows allowed uses, the uses are identical to the allowed uses in the Community Residential zone and don't necessarily need to be included in the PUD Guide.

**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 still remains as an infill project, however, still does not address the latter portion of this review criteria resulting in more information needed from the applicant.

**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: The Dwell Preliminary PUD Plan, when the development is complete, should add value to the land. With regards to the Preliminary PUD Plan and the FLUM (Future Land Use Map), the density is represented as 4-8 dwelling units per acre in this area. The Planned Unit Development section of the Land Use Code provides an opportunity in flexibility for the achievement of these purposes than would otherwise be available under conventional zoning restrictions.*

*When it comes to the Dwell PUD Guide (the zone district regulation guide), there needs to be more clarification on the design standards and a process established on how the proposed design standards actually get constructed. Establishing clear design standards*

*and establishing a clear process for how the design standards get constructed will only preserve the intentions set forth in the PUD Guide and the intentions stated by the applicant.*

The Final PUD Plan has included additional design standards and sets forth a process for review of architectural design standards review by the Architectural Control Committee (ACC) set by the HOA. The plans submitted also indicate which lots will be attached or detached dwelling units. The motion from the May 4, 2021 City Council meeting is in the Planning & Development review comments attached with this Staff Report. The motion included the condition that the applicant return with limited elevations. The applicant has submitted additional building elevations with this application. These building elevations can be found on pages 14 and 15 of the PUD Guide, additional building elevations are also included within the Project Narrative on pages 5-8 and page 10.

**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 the Dwell PUD Plan can be consistent with Section 17.17.010 of the Fruita Land Use Code.*

The review from the Preliminary PUD Plan still applies with this criterion.

**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.*

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

**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. There are a number of review comments that must be addressed in order to meet this criterion. All review comments have been attached with this Staff Report.*

The review of the Final PUD Plan still contains review comments that must be addressed prior to construction.

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

Preliminary PUD Plan: ***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.*

*The single family land uses and open space will be compatible with the current surrounding residential and open space land uses. Additionally, the types of Uses called out in the PUD Guide should align with the surrounding neighborhoods that are zoned Community Residential. With that said, there does not appear to be any unusual land use types being proposed that would conflict with adjacent neighborhoods. Its also important to reiterate the decision by the Fruita City Council at their May 19, 2020 public hearing. The motion is copied into Staff’s review comments.*

The Final PUD Plan and the uses proposed in this application continue to meet the land use compatibility criteria. As stated in the Land Use Code, the review authority may require conditions of approval to promote compatibility between uses.

## **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 review still contains review comments related to the required services and facilities that must be addressed prior to construction. Responses to review comments will be necessary to fully meet this criterion.

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

Preliminary PUD Plan: *As stated previously in the Staff Report, there does not appear to be any natural features that are in need of preservation. However, adequate environmental protection practices should take place pre- and post-construction.*

The Final PUD Plan submitted has not changed with regards to this review criteria.

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

Preliminary PUD Plan: *Resolving various review comments could cause the subdivision to be redesigned, however, Staff does not anticipate a major redesign.*

The Final PUD Plan must respond to review comments. The response to comments may cause the subdivision to be redesigned, however, Staff does not anticipate a major redesign.

#### **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: *This subdivision will need to meet Section 17.11.070 which was previously Section 17.11.050 of the Land Use Code. The Concept Plan was designed to meet this section (17.11.050) of the Land Use Code at the time of submittal. Since then, the Design Standards chapter has been amended. Because the timing of the applications are unique to the Land Use Code, Staff has reviewed this application in accordance to both the previous standards and new standards and finds it to be in compliance with the principles contained in the residential design standards.*

*This section of the Code speaks to the Design Standards of attached single family residential, multi-family residential and single-family residential lots measuring less than 7,000 square feet in size and lots less than 60 feet in width.*

*The primary purposes of this section is promote the incorporation of larger portions of open space, trail connections, encourage safe alley access and shared driveways.*

*During the course of reviewing this Preliminary PUD Plan, it does not appear that the applicants are requesting any adjustments to the residential design standards. The Guiding Principles contained in the previous Design Standards chapter when the Concept Plan was proposed are as follows:*

- 1. New development and redevelopment should support walkable and attractive neighborhoods with a variety of housing types that are designed to be compatible with adjacent uses.*

*2. Architecture should provide for compatibility with historic structures where applicable.*

*3. Provide for street connectivity and pedestrian access and safety both within new developments and between new and existing subdivisions.*

*4. Integrate open space and parks into the design of new neighborhoods and subdivisions.*

*As supported in this Staff Report, Preliminary PUD Plan proposal appears to meet all of these Guiding Principles and thus meets this criterion.*

The Final PUD Plan review and submittal has not been modified and the review from the Preliminary PUD Plan still applies.

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### **REZONE APPROVAL CRITERIA:**

Section 17.13.060 (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 17.07.080, and is consistent with the city's goals, policies and Master Plan; and**

The proposed rezone from Community Residential to Planned Unit Development will be compatible with the surrounding land uses as expressed previously in this Staff Report. The application for the Planned Unit Development is consistent with the Master Plan as expressed previously in this Staff Report.

- 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**

The land to be rezoned was not previously zoned in error. The existing zoning is still consistent with the city's goals, policies and Master Plan. The proposal for the Planned Unit Development zone is subject to many review criteria that are expressly addressed within this Staff Report. The proposed PUD is in alignment with the future land use map and the Master Plan. Planned Unit Developments allow for modification of the normal use, density, size or other zoning restrictions for the development to accomplish the purposes set forth in Section 17.17.010 (A)-(H) of the Land Use Code. Based on the PUD review criteria with regards to the Master Plan, this criteria can be met upon adequate resolution of review comments that are specific to the PUD Guide and zoning.

- 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**

This criteria is not applicable at this time because of the request for a Planned Unit Development. The underlying zone district is proposed to be Community Residential, which the subject property is already zoned. The Community Residential zone should ensure land use compatibility with surrounding areas.

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

This criteria is not applicable because there is no comprehensive revision of the city's Official Zoning Map in this area.

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

The criteria is not applicable because the subject property is already in the city limits.

**LEGAL NOTICE:**

Legal Notice was accomplished in accordance with Section 17.01.130 of the Fruita Land Use Code. The Land Use Code requires that legal notice be accomplished no later than 15 days prior to the hearing.

	Y	N	DATE
Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10/21/2021 (19 days prior to Planning Commission meeting)
Postcards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10/22/2021 (18 days prior to Planning Commission meeting)
Paper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10/22/2021 (18 days prior to Planning Commission meeting)

NOTICE OF PUBLIC HEARING	
The Fruita Planning Commission will hold a public hearing <b>Tuesday, November 9, 2021 at 6:00 p.m.</b> 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 <a href="http://www.fruita.org">www.fruita.org</a> . 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 <b>Tuesday, January 18, 2022 at 7:00 p.m.</b> Please check <a href="http://www.fruita.org">www.fruita.org</a> 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 #	2021-41
Application Name	Dwell Final PUD Plan
Application Type	Final PUD Plan and Rezone to PUD
Location	1136 17 ½ Road
Current Zone	Community Residential (CR)
Description	This is a request for approval of a Final PUD Plan for a 37 lot subdivision on approximately 4.85 acres featuring single family detached and attached housing units along with a 1 acre park and to rezone the subject property to a Planned Unit Development (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: <a href="http://www.fruita.org">www.fruita.org</a>	

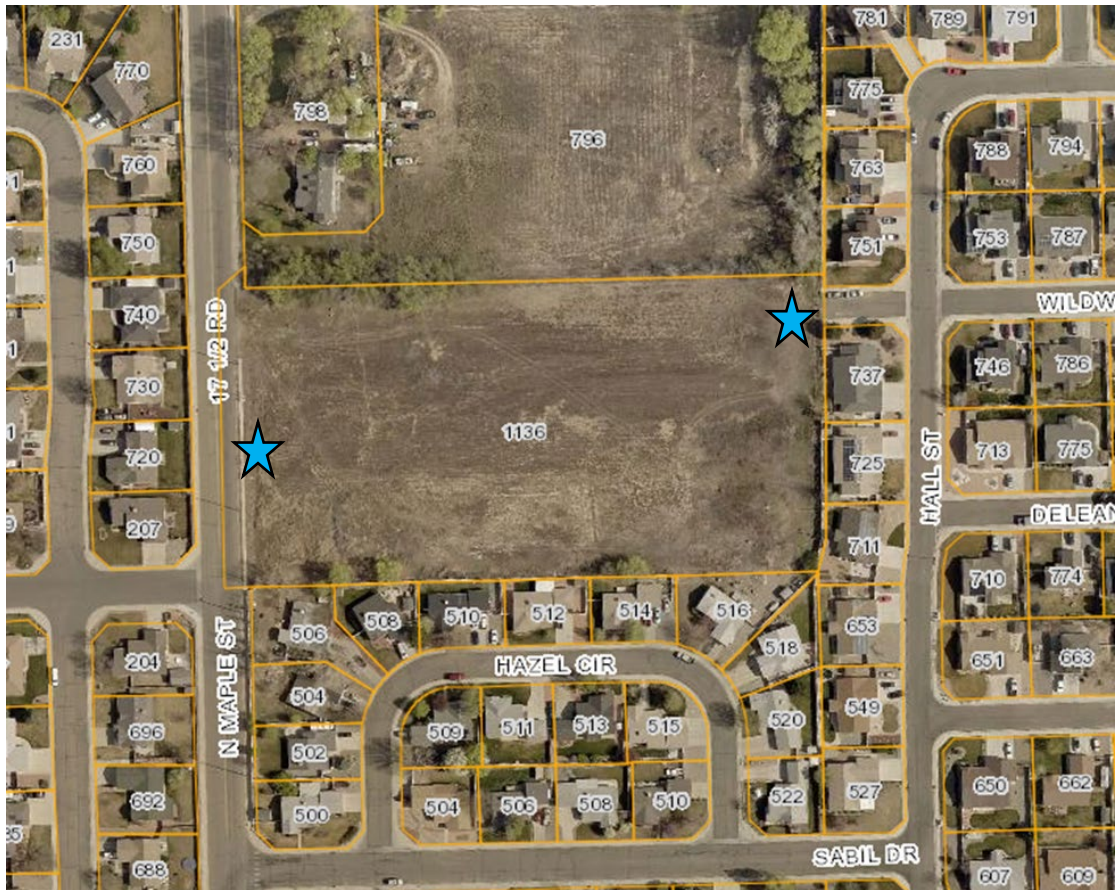
**\*\*Legal notice postcard language**



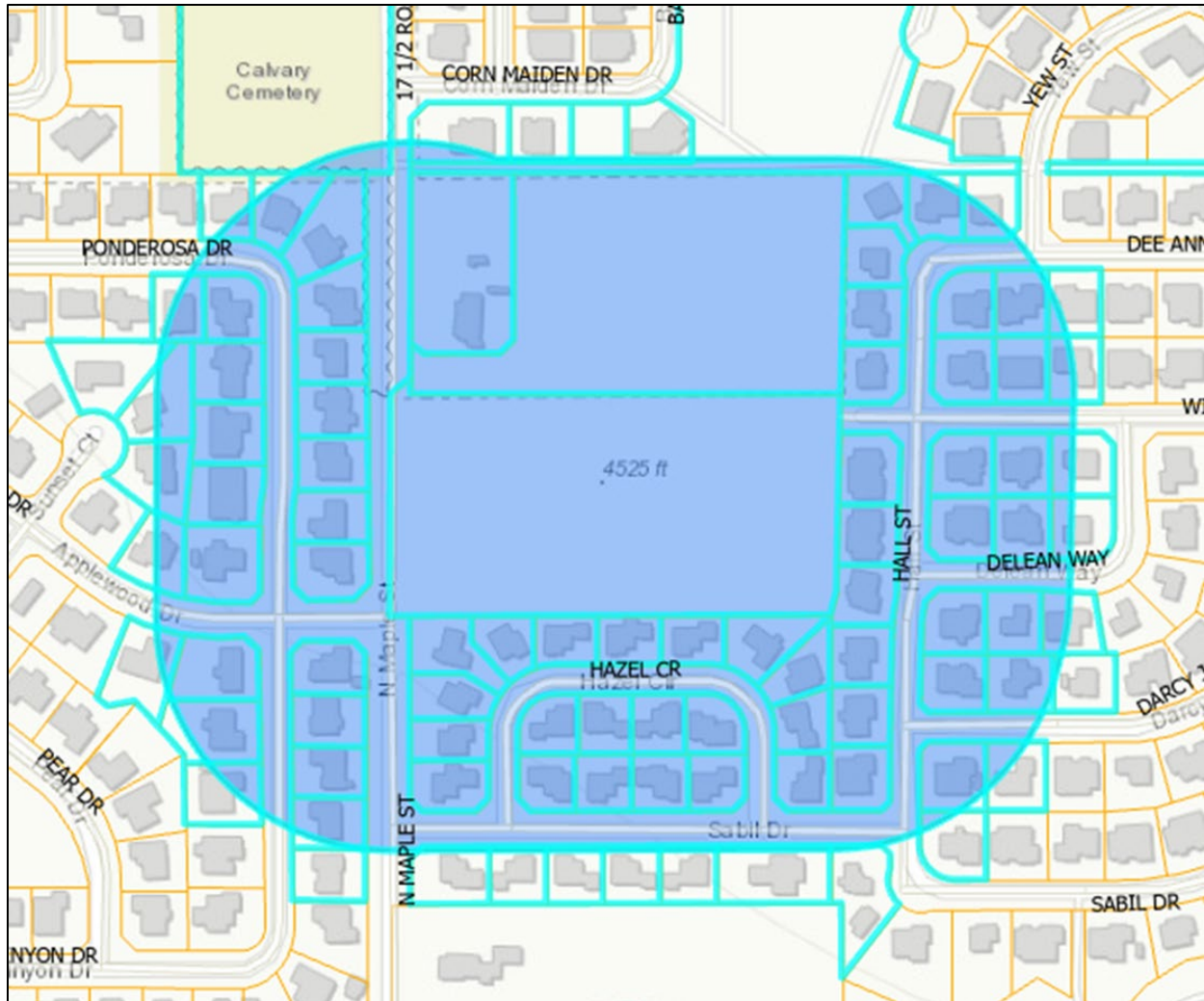


**\*\*Signs posted on the subject property in accordance with Section 17.01.130 (A)(3)**





\*\* Location of public notice sign locations on the subject property.



\*\*350-foot buffer around the subject property in accordance with Section 17.01.130 (A)(4)

**REVIEW COMMENTS:**

All review comments received are included with this Staff Report. All review comments must be adequately resolved.

**PUBLIC COMMENTS:**

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

**STAFF RECOMMENDATION:**

Staff recommends approval of application 2021-41, the Dwell Final PUD Plan including the rezone from Community Residential to Planned Unit Development, with the condition that all review comments and all issues identified in the Staff Report are adequately resolved prior to the recording of the PUD Guide and Plat.

**OPTIONS AVAILABLE TO THE PLANNING COMMISSION:**

1. Recommend approval of application 2021-41, the Dwell Final PUD Plan including the rezone from Community Residential to Planned Unit Development as proposed.
2. Recommend approval of application 2021-41, the Dwell Final PUD Plan including the rezone from Community Residential to Planned Unit Development with conditions.
3. Recommend denial of application 2021-41.

**OPTIONS AVAILABLE TO THE CITY 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 TO CITY COUNCIL:**

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.**

<b><u>FRUITA PLANNING COMMISSION: NOVEMBER 9, 2021</u></b> <b><u>FRUITA CITY COUNCIL: JANUARY 18, 2022</u></b>
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