



## **FRUITA BOARD OF ADJUSTMENT MEETING**

**Date:** Thursday, November 17, 2016

**Time:** 7:00 p.m.

**Place:** Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue, Fruita, CO.

The following item will be presented at this public hearing of the Fruita Board of Adjustment for their consideration. If you have an interest in the item on the agenda, please call (970) 858-0786 or come to the Community Development Department office located at 325 E. Aspen Avenue to review the information in the file. If you have a concern with an item on the agenda, your appearance at the hearing is encouraged to ensure your concerns are accurately represented or you can write a letter outlining your concerns and submit it to the Community Development Department prior to the meeting. Physically disadvantaged persons, who wish to obtain information or need assistance in attending the public hearing, may call (970) 858-0786. The hearing impaired may call Relay Colorado at 1-800-659-2656, or visit our website: [www.fruita.org](http://www.fruita.org)

### **General Rules**

Land use public hearings are similar to a court proceeding. Proper procedures will ensure a fair hearing for all and allow the land use items to be acted on in a timely manner. In the interests of time and to assure a fair hearing for everyone, the following rules will be followed:

1. There will generally be a 15 minute presentation (maximum) by the applicant.
2. Individual speakers will normally be limited to 3 minutes each.  
(Additional comments may be submitted in writing.)
3. The applicant will then have a rebuttal time of approximately 5 minutes.

Each person wishing to speak will raise their hand and be recognized by the Chair and asked to come forward and speak into the microphone stating their name and address. The purpose of a land use hearing is to have the facts of a case presented in a manner that will assist the decision-makers in making a fair, legal, and complete decision. The hearing is a fact-finding forum by unbiased decision-makers. Unruly behavior, such as booing, hissing, cheering, applause, verbal outbursts, or other inappropriate behavior, detract from the hearing and will not be permitted.

#### **A. CALL TO ORDER & ROLL CALL**

#### **B. PLEDGE OF ALLEGIANCE**

#### **C. APPROVAL OF THE AGENDA**

#### **D. APPROVAL OF MINUTES**

August 11, 2014

#### **E. HEARING ITEMS**

Application #:	2016-25
Application Name:	Redcliff Variance
Application:	Variance
Property Owner:	Mary Huseman
Representative:	Norrice Derner
Location:	239 Red Cliffs Drive
Zone:	Planned Unit Development (PUD)
Discription:	This is a request for approval of a 6 foot variance to the minimum required front and rear setbacks required in the Red Cliffs Subdivision PUD Guide.

#### **F. ADJOURNMENT**

## **RULES OF PROCEDURE**

### **1. THE HEARING IS OPENED BY THE CHAIR OF THE BOARD OF ADJUSTMENT**

The Chair reads the item on the agenda.

### **2. THE PETITIONER SUMMARIZES THE PROJECT**

The petitioner or his/her representative is asked to present the proposal. Presentations should be brief and to the point, but covering all of the main aspects of the project.

### **3. THE STAFF PRESENTS THE STAFF REPORT**

The Fruita City staff present their reports.

### **4. PUBLIC COMMENTS**

People speaking should step up to the microphone and speak clearly, stating their name and address. They should be brief and to the point and try not to repeat what others have said. The Chair asks for those in favor of the item to speak and then those opposed to the item to speak. Any others who wish to speak are then asked to come up to the microphone.

### **5. REBUTTAL**

The Chair asks for the petitioner's rebuttal. During this brief time, the petitioner should address the major questions raised by the public and the Board.

### **6. THE HEARING IS CLOSED TO PUBLIC COMMENTS AND THE ITEM IS DISCUSSED**

The Chair closes the public hearing to public comments. No further comments from the public are allowed at this time. The Board discusses the item and may ask the petitioner, staff or members of the public to come back to the microphone to answer questions.

### **7. VOTE**

The Chair asks the Board for a motion on an item. After the motion is seconded, the Chair asks for a discussion on the motion. The motion may be amended and if it is amended, the Board votes on whether to accept the amendment. After discussion and consideration of any amendments, the Board votes on the motion. If the motion fails, or if there is a tie vote, another motion may be made and voted on using the same procedure. In addition to recommending an item be approved, approved with conditions or denied, the Board may also table an item or continue an item to a later date.

**FRUITA BOARD OF ADJUSTMENT MINUTES**

Monday, August 11, 2014

**ITEMS FOR CONSIDERATION:**

**2014-10 Cole Variance**  
**Application: Variance**

**A. CALL TO ORDER & ROLL CALL**

Chairman Bruce Bonar called the Board of Adjustment public hearing to order at 6:31 p.m. Board of Adjustment members in attendance were: Janet Brazfield, Bruce Bonar, Jim Morris and Lisa Connors.

**B. PLEDGE OF ALLEGIANCE**

Janet Brazfield led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA**

Bruce Bonar- We have an agenda before us, are there any additions, subtractions or amendments?

Janet Brazfield- Mr. Chair, it has been recommended that we move the Application 2014-10 Cole Variance to a Consent Agenda, as all the criterion has been met and staff has no issues or comments; as long as it is approved of the Cole Variance for 11.5 feet with the condition that it applies to the existing building footprint.

Jim Morris-Second

4 Yes Votes; Motion Passes

**D. APPROVAL OF MINUTES**

Bruce Bonar- Okay, Item D is approval of the minutes from the April 29, 2014 meeting. Do we have a motion to approve?

Jim Morris- I make a motion we approve the minutes of the April 29 meeting.

Janet Brazfield- Second

4 Yes Votes; Motion Passes.

**E. HEARING ITEMS**

**2014-10 Cole Variance**  
**Application: Variance**

Property Owner: Thomas and Sharon Cole

Representative: Sharon Cole

Location: 984 E. Aspen Avenue

Zone: Community Residential

This is a request for an 11 foot 6 inch variance to the minimum 20 foot setback required for a street-side setback in the Community Residential zone.

Bruce Bonar- Item E is the Consent Agenda for the hearing. We will open this up to a public hearing. Is there anyone in the public who would like this pulled off Consent Agenda for a discussion? Hearing none, I will close the public hearing and take it back to the Board. Anybody second guessing their decision? Hearing none, I will ask for a motion to approve the Consent Agenda.

Janet Brazfield- Mr. Chair, I recommend that we approve the Consent Agenda, as stated.

Jim Morris- Second

4 Yes Vote; Motion Passes

**Other Business:**

Bruce Bonar- Is there any other business before the Board?

Dahna Raugh- No.

**G. ADJOURNMENT**

Bruce Bonar- I declare us adjourned. (Meeting Adjourned at 6:34 p.m.)



**Community Development Department  
Staff Report  
November 9, 2016**

**Application #:** 2016-25  
**Project Name:** 239 Red Cliffs Variance  
**Application:** Variance  
**Property Owner:** Mary L. Huseman  
**Representative:** Norrice Derner  
**Location:** 239 Red Cliffs Drive  
**Zone:** Planned Unit Development (PUD)  
**Request:** This is a request for approval of a 6 foot variance to the minimum required front and/or rear building setbacks.

**Project Description:**

This is a request for a 6 foot variance to the front and/or rear building setbacks required for the subject property which is zoned Planned Unit Development (PUD). The property is located at 239 Red Cliffs Drive in the Red Cliffs Mobile Home Village #1 subdivision which was platted in 1981.

The lot measures 100 feet long and 60 feet wide and the applicants would like to place a manufactured house on the property which measures 76 feet long and 15.5 feet wide. The building setback for the front yard is required to be a minimum of 20 feet and the building setback for the rear yard is required to be a minimum of 10 feet. The manufactured house is 6 feet too long to fit on this lot and stay within the building setback lines.

The house has not been set up on the lot and has not been connected to utilities, but the house is on the property at this time waiting for the outcome of this variance request. Staff understand that the applicants do not have a strong opinion as to where exactly the house should be placed, as long as the house is able to be placed on the lot. In other words, if a variance is granted, it could be to allow the house to be moved 6 feet into the front setback, or 6 feet into the rear setback, or a combination such that the house does not encroach on the required building setbacks by more than 6 feet total. There is a 5 foot wide utility easement at the rear of the property and the house should not encroach onto the easement.

The property is zoned PUD and a PUD zone is defined as a zone which allows for modification of the normal use, density, size, or other zoning restrictions for a

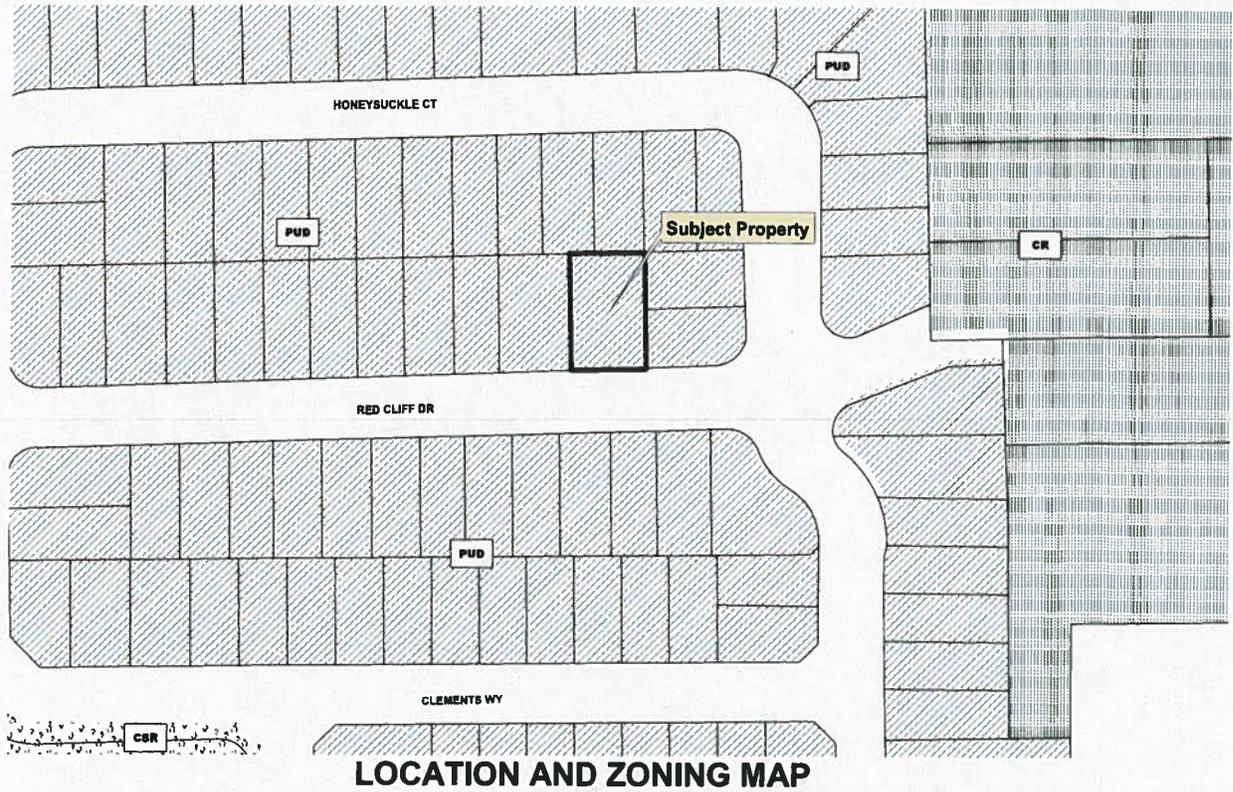
particular development. As part of the PUD zone approval process, a PUD Guide is required to be provided which identifies the modifications to the otherwise applicable zoning. When this PUD zone was approved in 1981, no PUD Guide was provided. Over the past 40+ years that this development has existed, it appears that the setbacks and other development requirements were not consistently applied because there was no PUD Guide to identify requirements. Additionally, the city's Land Use Code has been amended many times in the past 40+ years which also leads to an inconsistency in some aspects of development standards for this PUD zone.

This isn't the only PUD zone in Fruita without a PUD Guide and city staff has been working diligently to put together PUD Guides where no PUD Guide exists based on information in the development files (if a file exists), minutes to the Planning Commission and City Council meetings, the plat including plat notes, covenants (if any), previous Building Permits issued in the same area, the current and previous Land Use Codes, and any previous requests for variances, Conditional Use Permits, and other development applications that may shed light on what modifications the PUD zone allows or requires.

Several years ago, staff put together a PUD Guide for all the subdivisions zoned PUD in this area and attached is a copy of this PUD Guide that staff has been using for many years.

### **Surrounding Land Uses and Zoning:**

All surrounding land is zoned PUD for a mobile home subdivision and all surrounding land is used for mobile home residences. There is a Community Residential (CR) zone farther to the east and a Community Services & Recreational zone farther to the southwest.



## **Review of Applicable Land Use Code Requirements:**

The Land Use Code defines a variance as an exception from the numerical requirements of this Title excluding the numerical standards contained in Chapters 11 (Design Standards) and 41 (Sign Code). Use variances are not permitted.

**Section 17.13.050 states that the Board of Adjustment may approve a variance upon finding that the variance application meets or can meet the following approval criteria:**

- 1. That the variance granted is without substantial detriment to the public good and does not impair the intent and purposes of this Title and the Master Plan, including the specific regulation in question;**

Building setbacks are required for a variety of reasons. Staff does not see a detriment to the public good and does not believe that the intent or purpose of the Land Use Code (this Title) and Master Plan would be impaired by the requested variance.

- 2. By reason of exceptional narrowness, shallowness, depth, or shape of a legal lot of record at the time of enactment of this Title, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property, the strict application of the subject regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property;**

The lot in question and conditions on the property do not appear to be exceptional in any way to justify the variance request. The lot is similar to all the other lots in this subdivision and is wider than most of the other lots.

- 3. A variance from such strict application is reasonable and necessary so as to relieve such difficulties or hardships, and the variance will not injure the land value or use of, or prevent the access of light and air to, the adjacent properties or to the area in general or will not be detrimental to the health, safety and welfare of the public;**

Although staff certainly understands that the applicants are in a tough spot with a house that is too big for the lot it is intended to occupy, there does not appear to be a difficulty or hardship related to the *land* that would make the requested variance reasonable and necessary.

- 4. That the circumstances found to constitute a hardship are not due to the result or general conditions throughout the zone, was not induced by any action of the applicant, and cannot be practically**

**corrected, and;**

The subject property is not unique compared to all the other lots in this subdivision. Although manufactured houses can be constructed to be shorter than 76 feet, the applicants already own the 76 foot long house.

**5. That the variance granted is the minimum necessary to alleviate the exceptional difficulty or hardship.**

A 6 foot variance to either the front or rear setback, or a combination of both to equal no more than six feet, would be the minimum necessary to allow the manufactured house to be legally placed on this lot.

Although the requested variance can be considered to meet a couple of the approval criteria that must be met, a majority of the criteria have not been met.

**Review Comments:**

There are no review comments for this variance request. This variance request was reviewed by city staff but is not required to be reviewed by outside agencies such as Ute Water or the Grand Valley Drainage District because the variance does not affect outside agencies.

**Public Comments:**

No written public comments have been received regarding this variance application.

**Staff Recommendation:**

Because the variance request does not meet the approval criteria that must be met, staff recommends denial of the requested variance.

**Board of Adjustment:** November 17, 2016



# LAND DEVELOPMENT APPLICATION

Project Name: \_\_\_\_\_  
 Project Location: 239 Red cliff  
 Current Zoning District: \_\_\_\_\_ Requested Zone: \_\_\_\_\_  
 Tax Parcel Number(s): 2697-202-04-032 Number of Acres: \_\_\_\_\_  
 Project Type: Trailer accommodations

Property Owner: Brandy & Alexander Steele Developer: \_\_\_\_\_  
 Property Owner: Reams & Reams Contact: \_\_\_\_\_  
 Address: 222 N 7th St. Address: \_\_\_\_\_  
 City/State/Zip: CO, Co 81501 City/State/Zip: \_\_\_\_\_  
 Phone: 970-242-7847 Fax: 970-242-7849 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Please designate a representative as the coordinator for this application. The representative should attend all conferences/hearings, will receive all correspondence, and communicate all information to the property owners.**

Owner Rep: Norrie Derner Engineer: \_\_\_\_\_  
 Contact: 970-261-5994 Contact: \_\_\_\_\_  
 Address: 807 26 1/2 Rd. Address: \_\_\_\_\_  
 City/State/Zip: CO Co 81506 City/State/Zip: \_\_\_\_\_  
 Phone: 970-261-5994 Fax: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: Norriederner@bresnan.net E-mail: \_\_\_\_\_

**This Notarized application authorizes the owner's representative, if designated, to act on behalf of the property owners regarding this application.**

The above information is correct and accurate to the best of my knowledge.

Brandy & Alexander Steele, minor  
 Name of Legal Owner Signature Date  
By Charles F. Reams, Conservator  
 Name of Legal Owner Signature Date 9-21-16  
 Name of Legal Owner Signature Date

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 21 day of September, 2016

My Commission Expires \_\_\_\_\_  
**LINDA M. ROTERT**  
 NOTARY PUBLIC  
 STATE OF COLORADO  
 NOTARY ID #19924004228  
 My Commission Expires April 8, 2020

Linda M. Rotert  
 Notary Public

## **Project Narrative for Variance Request**

Re: 239 Red Cliffs

Tax No. 2697-202-04-032

Owner: Estate of Brandy and Alexander Steele, minor protected persons. Charles F. Reams, Conservator.

**Requested Variance.** A setback variance of Six (6) feet from the curbside/rear lot line is requested.

**Background information:** This matter concerns a residence for Brandy and Alexander Steele, minor children under a conservator/guardianship in Mesa County case No. 08PR360. The minor children lost their mother Jenny Trover in a tragic automobile accident May 12, 2008 and are currently residing with their grandmother/guardian Mary Noose. Alexander Steel is developmentally disabled. Mary Noose owed the children money. Her only asset was the subject land located at 239 Red Cliffs and that was traded to reduce the debt. The family currently rents a residence adjacent to the subject property. The Conservator felt it would be in the best interest of the entire family to purchase a new home owned by the children for them to reside in rent free. A mobile home in the lower valley was purchased at a discounted rate, but costing about half of the minors funds, and moved to the subject location. The entire process took approximately one year to complete. After the mobile home was installed it was determined that a setback violation occurred.

### **Basis for Variance Request:**

1. The amount of the variance requested is without substantial detriment to the public good. It is slight, 6 feet overall. If the mobile home was moved on an angle the amount of variance would be 3.5 feet but by doing so it would be contrary to the placement of all other mobile homes and would have an adverse impact on the neighborhood appearance.
2. The primary violation is in the rear set back. But, the encroachment of the mobile home does not impact any neighbor. The adjacent rear setback is a utility easement. Whereas the variance does not encroach upon the easement or affect the utility access, no neighbor is directly affected.
3. Although the mobile home is larger than most, the subject lot is twice the normal size. The standard lot size is 30 x 100, the subject lot is 60 x 100 and does adequately accommodate the mobile home except for the front and rear setback requirement.
4. From a street view, the mobile home appears to be in conformity with most of the other mobile homes on the block and the setback violation is not immediately noticeable.
5. The subject mobile home will not injure the land value but will enhance it. The subject mobile home and lot are one of the better appearing on the block and will increase values in the neighborhood. The mobile home is newer than many on the street. The mobile home replaced a preHUD mobile home that was there previously. Thus, the current mobile home substantially increased the appearance and value of the lot and neighborhood.

Combined Courts, Mesa County, Colorado Court Address: 125 N. Spruce Street Grand Junction, Colorado 81502 (970) 257-3625	<p style="text-align: center;"><b>COURT USE ONLY</b></p> <hr/> Case Number: 08PR360  Division: 5 Courtroom: Robison
<b>In the Interests of:</b>  <b>ALEXANDER J. E. STEELE,</b>  <b>Minor</b>	
Attorney or Party Without Attorney (Name and Address): Charles F. Reams, No. 12906 Zachary T. Reams, No. 46614 REAMS & EGGERT, LLC 222 N. 7th Street, P. O. Box 118 Grand Junction, Colorado 81502 Phone Number: (970) 242-7847 E-mail: cfreams@reamslaw.com FAX Number: (970) 242-7849	
<b>LETTERS OF CONSERVATORSHIP - MINOR</b>	

Charles F. Reams was appointed by Court Order on Nov 25, 2013 (date).

These Letters of Conservatorship for a Minor are proof of the Conservator's full authority to act, except for the following restrictions:

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Date: Jan 24, 2014

**LORRI STONE**  
 Probate Registrar/(Deputy)/Clerk of Court

**CERTIFICATION**

or Certified to be a true copy of the original in my custody and to be in full force and effect as of:



Date: Jan 24, 2014

*Lorri Stone*  
 Probate Registrar/(Deputy)Clerk of Court

Combined Courts, Mesa County, Colorado Court Address: 125 N. Spruce Street Grand Junction, Colorado 81502 (970) 257-3625	<b>COURT USE ONLY</b> <hr/> Case Number: 08PR361  Division: 5 Courtroom: Robison
<b>In the Interests of:</b>  <b>BRANDY STEELE,</b>  <b>Minor</b>	
Attorney or Party Without Attorney (Name and Address): Charles F. Reams, No. 12906 Zachary T. Reams, No. 46614 REAMS & EGGERT, LLC 222 N. 7th Street, P. O. Box 118 Grand Junction, Colorado 81502 Phone Number: (970) 242-7847 E-mail: cfreams@reamslaw.com FAX Number: (970) 242-7849	
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Date: Jan 24, 2014

**LORRI STONE**  
 \_\_\_\_\_  
 Probate Registrar/(Deputy)/Clerk of Court

**CERTIFICATION**

Certification Stamp

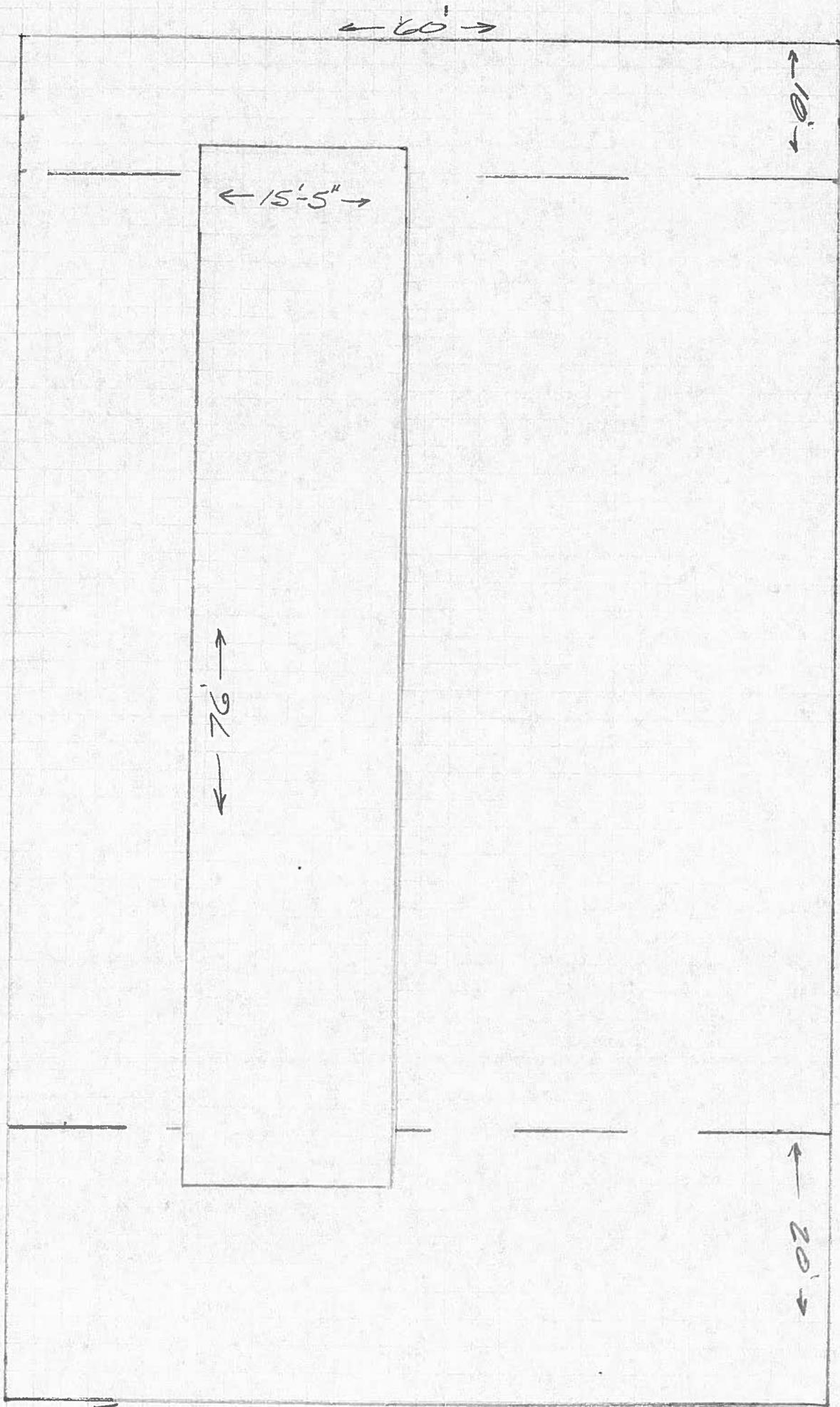
or Certified to be a true copy of the original in my custody and to be in full force and effect as of:



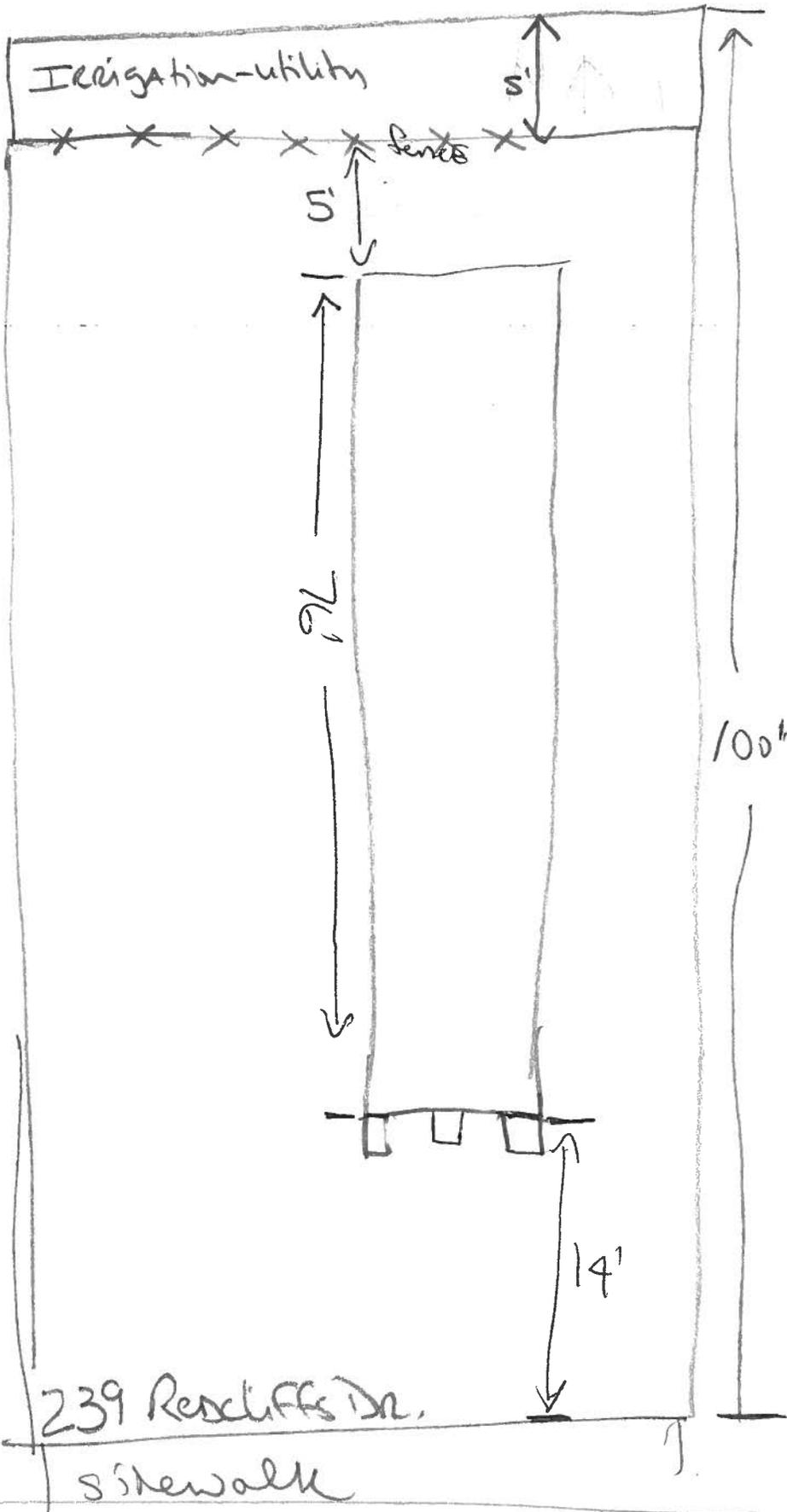
Date: Jan 24, 2014

*Lorri Stone*  
 \_\_\_\_\_  
 Probate Registrar/(Deputy)Clerk of Court

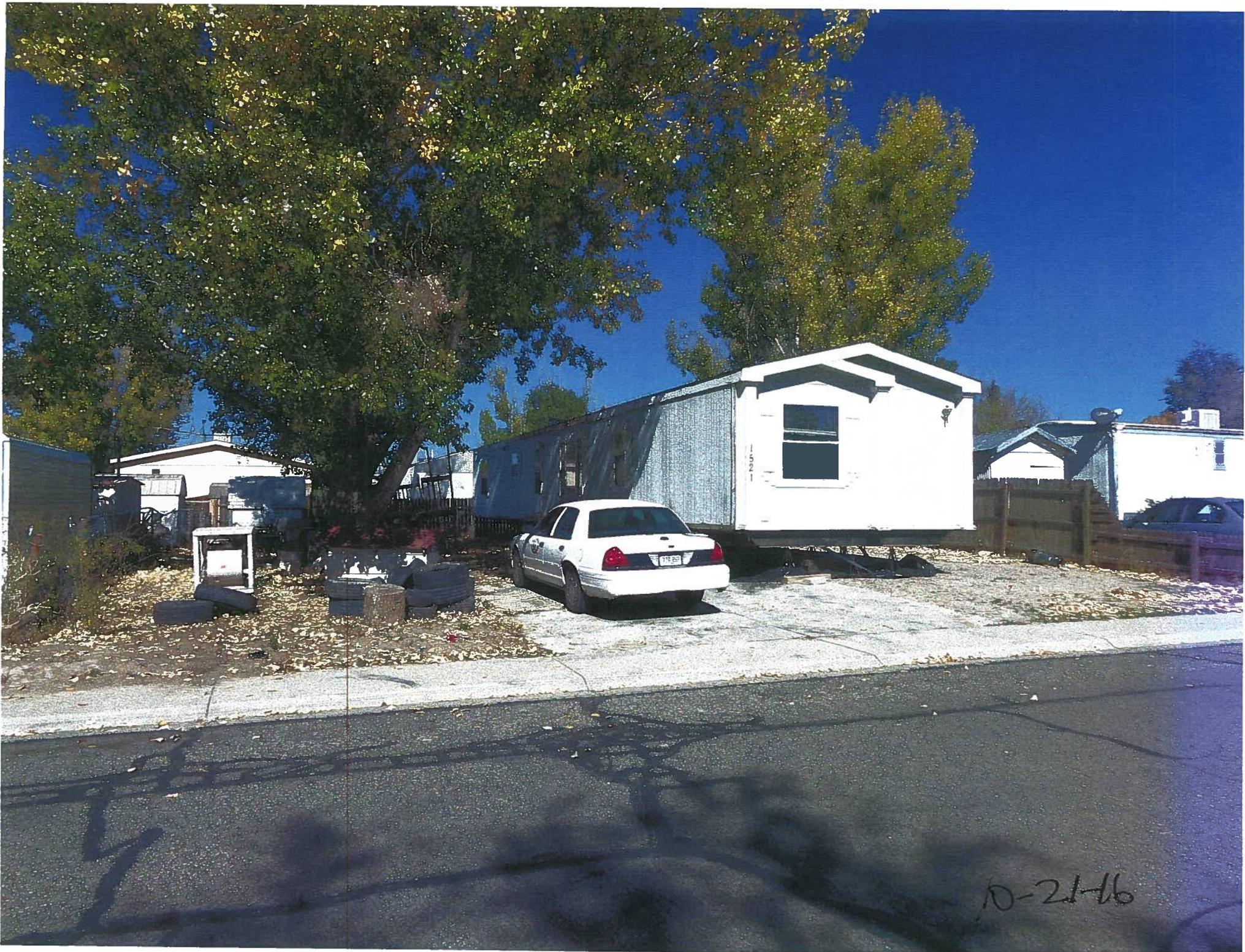
1" = 10'



FRONT



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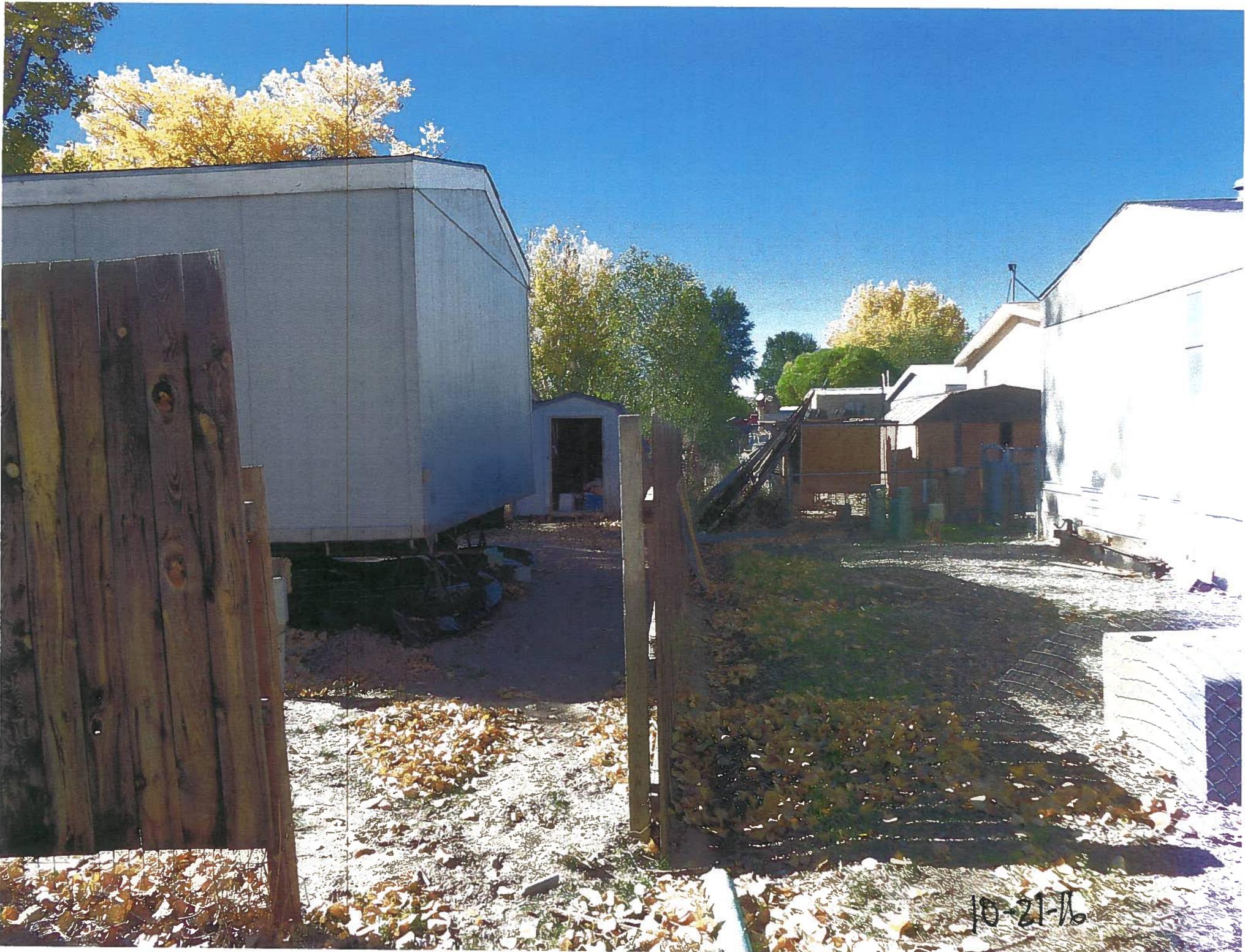
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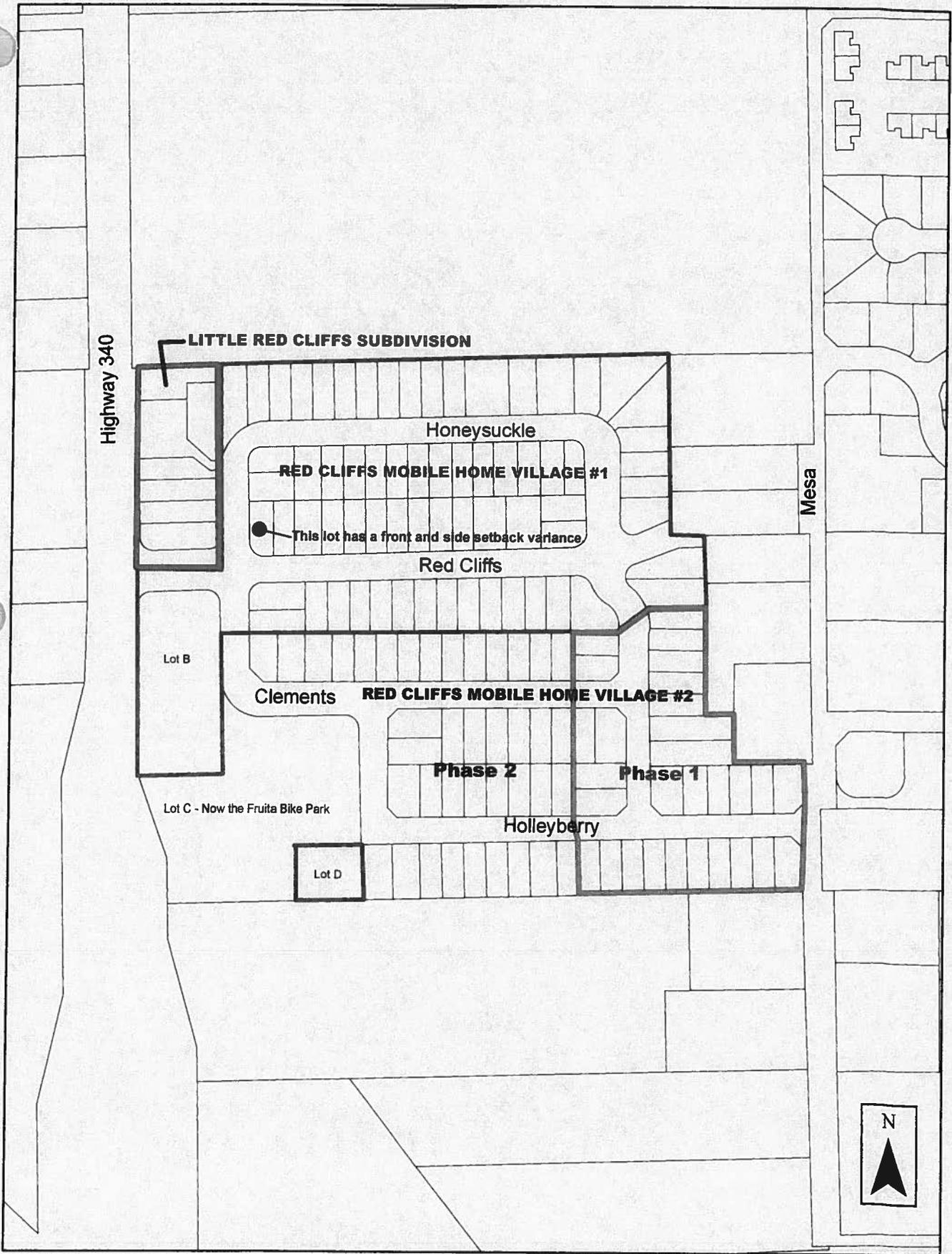
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# RED CLIFFS SUBDIVISIONS PUD GUIDE INFORMATION



Planning / Dahma / Temp / Red Cliffs Map

**PUD GUIDES  
FOR  
RED CLIFFS MOBILE HOME VILLAGE #1 & #2  
AND LITTLE RED CLIFFS SUBDIVISION**

The following are the zoning requirements for the three separate PUD zones covering the Red Cliffs subdivisions. Items not addressed by this PUD Guide are required to follow the Community Residential zone (including all changes over time). This is for items such as fences, home occupations, keeping of animals, etc.

Included with this PUD Guide is a summary of the review of the information used to create this PUD Guide. The recorded plats for Red Cliffs Mobile Home Village, Little Red Cliff Subdivision, and Red Cliffs Mobile Home Village No. 2 serve as the Final PUD Plans for these PUD zones.

The following apply to all three PUD zones:

- Each residential lot is permitted one mobile home, and appurtenances (like an attached carport or porch and stairs), and can be used only as a single family dwelling (skirting required).
- Only one accessory building (like a shed) is permitted for each mobile home lot.
- Two off-street parking spaces per dwelling unit are required.
- One recreational vehicle is permitted to be parked on each residential lot (in compliance with the Municipal Code.

Red Cliffs Mobile Home Village (#1):

- Building setbacks which are applicable to the primary building are: Front - 20 feet (including all street frontages); Side - 5 feet; Rear - 10 feet. The setbacks for accessory buildings follow the standards of the Community Residential zone.
- It should be noted that 287 Red Cliffs Drive has a front and side setback variance that affects the lot to the east also. The front setback can be 19'-6" and the east setback can be 4'-6". The lot directly east requires a west side setback of 5'-5".
- Permanent foundations are not required.
- Uses permitted on Lot B (the lot abutting Highway 340 directly south of Red Cliffs Drive) are identified in the letter dated May 8, 2001, and signed by Bennett Boeschstein (included as part of this PUD Guide). The only issue with this letter is that the City will not require changes to the covenants in order to use this lot for the uses listed in the letter; the commercial lot can be used for limited commercial development, or it can be used for a residential mobile home lot as stated in the

letter. Any subdivision of the commercial lot or uses not identified in the May 8<sup>th</sup> letter will require a PUD zone amendment.

Little Red Cliffs Subdivision:

- The required building setbacks are the same setbacks as Red Cliffs Mobile Home Village #. Primary Building: Front - 20 feet (including all street frontages); Side - 5 feet; Rear - 10 feet. The setbacks for accessory buildings follow the standards of the Community Residential zone.
- Maintenance on the Highway 340 side of the rear yard fences is the collective responsibility of the owners of the lots abutting Highway 340 (these lots extend west past the existing fence, almost to the sidewalk)
- Permanent foundations are required.
- The east 20 feet of lots 1 & 3 are reserved for a common driveway for lots 1, 2 & 3 and no structures or parking is allowed in this shared driveway area.

Red Cliffs Mobile Home Village No.2:

- Building setbacks which are applicable to the primary building (not accessory buildings): Front - 15 feet (including all street frontages except as identified below); Side - 5 feet; Rear - 5 feet. Except lots 1-10, Block 2 have a 10 foot rear setback. The setbacks for accessory buildings follow the standards of the Community Residential zone.
- Block 3, Lot 1 and Block 4, Lot 13 (148 & 149 Hollyberry Way) are required to have a 20-foot setback from 17 ¼ Road (Mesa Street).
- Permanent foundations are required.
- The second phase of development will require City Council approval through the public hearing process before construction can begin on public improvements and before Planning Clearances are issued.

Impact Fees:

With the exception of the second phase of Red Cliffs Mobile Village #2, the following impact fees have been paid: Transportation Impact Fee; Drainage Impact Fee; Chip/Seal fee; Parks, Open Space and Trails fee.

Vacant lots require payment of the School Land Dedication Fee in effect at the time of Planning Clearance. It should be noted that there are only three vacant lots, all of which are located in Red Cliffs Mobile Village #2. These are 148 & 149 Hollyberry Way and 189 Honeysuckle Circle.

May 8, 2001

PART OF  
RED CLIFFS MOBILE HOME  
VILLAGE

Ms. Jan Kerr  
911 24 Road  
Grand Junction, Co 81505

PUD GUIDE

Re: Lot B Redcliffs Subdivision

Dear Ms. Kerr:

This letter is in response to the request you made concerning Lot B in the Red Cliffs Subdivision. You have asked us to research the status of this lot and what land uses would be allowed on it. From our research it appears that his lot is part of a Planned Unit Development that was approved by the City of Fruita in 1981. In reviewing the project description that was prepared for the project we find the following statement:

"The following park and recreation amenities and accessory use will be incorporated as part of the development plan for Red Cliff Mobile Home Park.

1. Mail station and play area, located adjacent to Colorado 340 and the primary access road to the site.
2. A building containing the office located near the entrance of the subject site.
3. A laundry and convenience store for the use of the residents.
4. Developed play, rest or picnic areas are located in the southern portion of the development.
5. Mini storage units and RV parking are also provided for the use of the residents of Red Cliff Mobile Home Park.

The total area set aside for accessory uses is 1.2 acres."

(Preliminary Development Plan for Red Cliff Mobile Home Park narrative c. 1981).

*OR one residential dwelling unit - manufactured house*

Lot B is 1.8 acres. This section indicates that one of the above uses might be allowed on lot B.

We also find the following statement in the recorded Declaration of Covenants, Conditions and Restrictions (Book 1328, page 24):

"Article V, Section 2. Land Use and Building Type. Each Lot shall be used solely for the placing of a mobile home thereon, plus appurtenances thereto, which home shall be used only as a single-family residence. (page 3)



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ita CO 81521

/858-3663  
/858-0210 FAX

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a@fruita.org

Site  
a.org

Manager's Office  
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-0360

Under Article VI we find the following with regard to amending the covenants:

"This Declaration may be amended during the first ten-year period by an instrument signed by not less than ninety percent of the Lot Owners, and thereafter by an instrument signed by not less than seventy five percent of the Lot Owners. Any amendment must be recorded. (page 4)"

This paragraph indicates that you must have seventy five percent of the property owner's signature on a petition or amendment to the covenants to allow anything other than mobile homes on the lot.

As I indicated at our meeting two weeks ago, the best course of action for the small commercial development that you are proposing is to prepare an amendment to the Red Cliffs Planned Unit Development plan and an amendment to the covenants allowing neighborhood commercial uses on this lot.

We would be happy to schedule a pre-application conference with you for such an amendment. It appears that you will also have to prepare an amendment to the Red Cliffs covenants and have this approved by 75% of the lot owners in Red Cliffs.

As an alternative, you could propose a mobile home subdivision similar to Mike McGinnis's development, which would also have to be approved by the Planning Commission and the City Council. We would be happy to set up a pre-application conference with you for such an application.

Please let us know if you have additional questions.

Sincerely,



Bennett Boeschenstein,  
Community Development Director

Xc. Steve Schrock, City Manager  
Ed Sands, City Attorney  
Planning Staff  
File: Red Cliffs Mobile Home Park Subdivision

No covenant  
amendment  
required  
(by the City -  
the HBA might  
require this  
however).