



**Community Development Department  
Staff Report  
June 8, 2014**

Application #: 2016-09  
Applicant: Rick and Tona Goering  
Application Name: Great Divide Villa  
Application Type: Conditional Use Permit  
Location: 1950 Timber Falls Drive  
Zone: Planned Unit Development

Request: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). A Conditional Use Permit is needed to have a Bed and Breakfast in this PUD zone.

**Project Description:**

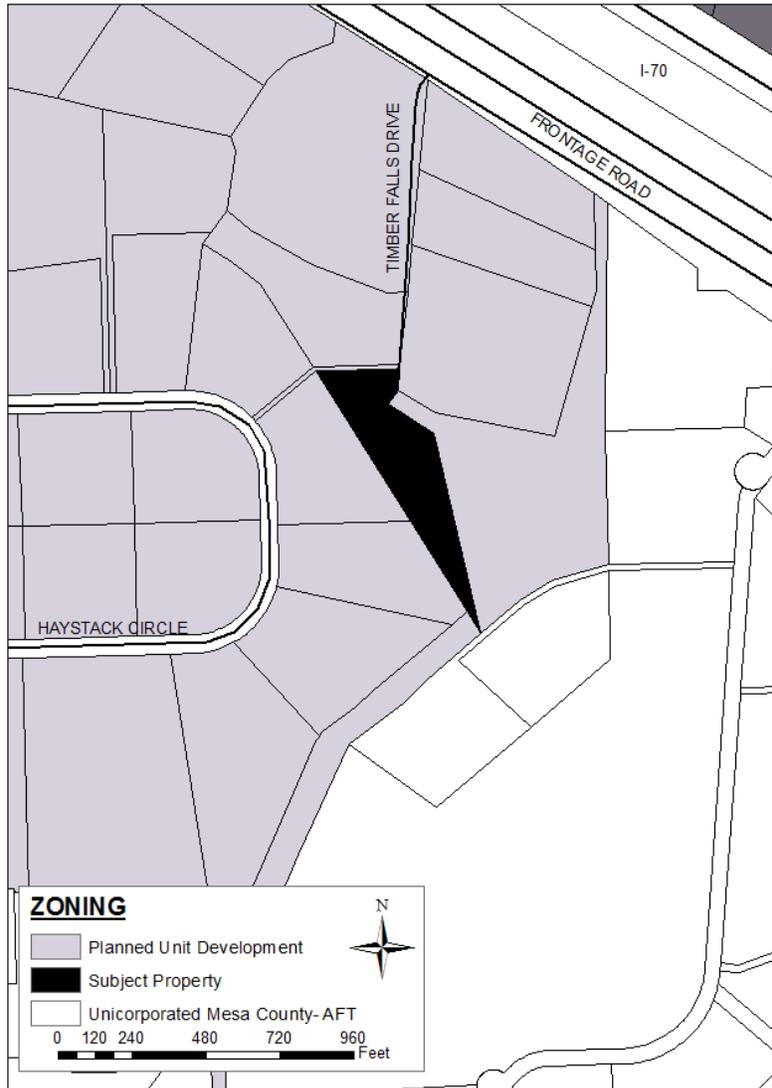
The subject property contains a 2,567 square foot, 4 bedroom and 2 ½ baths single family detached dwelling unit on an almost 3 acre lot located on Timber Falls Drive. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner which is defined by the Land Use Code as a Bed and Breakfast. The entire dwelling unit is intended to be available for rent on a less than month-to-month basis.

Because no PUD guide was adopted when this PUD zone was established in 1997, Staff is using the information in the covenants, along with the plat and other information in the annexation and subdivision files to determine the development regulations applicable to this PUD zone. The Fruita Land Use Code requires a CUP to operate a Bed and Breakfast in all zones that allow single family detached dwelling units, Staff has determined that a CUP also be required for a Bed and Breakfast in this PUD zone and is subject to the supplemental zoning standards for this use. The subject property is zoned Planned Unit Development.

**Surrounding Land Uses and Zoning:**

The subject property is surrounded by large lot single family detached dwelling units and unincorporated Mesa County land zoned AFT (agricultural, forestry, transition)

**ZONING MAP**



## 2015 AERIAL PHOTOGRAPH



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

Table 17.07.060(F) of the Land Use Code requires a Conditional Use Permit (CUP) for Bed & Breakfast type of land use in all zones that allow single family detached residential uses. The Land Use Code defines a Bed & Breakfast as a facility of residential character that provides sleeping accommodations with or without meals for hire on a day-to-day basis with no more than four guest rooms. It is not required to be owner occupied.

Section 17.07.070, Supplemental Zoning Regulations and Standards, Section A, identifies conditions and standards that must be met for a Bed & Breakfast use:

- 1. Where the applicable zoning district allows bed and breakfast uses as a Conditional Use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;**

The entire house will be used as the vacation rental. The house contains 4 bedrooms.

- 2. Kitchen and dining facilities in bed and breakfast dwellings may serve only residents and guests and shall not be operated or used for any commercial activity other than that necessary for bed and breakfast purposes;**

According to the project narrative, "The kitchen facilities will serve residents and guests only the facilities will NOT be used for any commercial activity."

- 3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;**

According to the project narrative, "The residential character will remain the same."

- 4. In residential zones (including residential developments in the CMU zone), there shall be no advertising display or other indication of the bed and breakfast use on the premises other than a sign that is in compliance with the provisions of Chapter 17.41;**

Chapter 17.41 of the Land Use Code permits an Address or Identification Sign, identifying the address and/or the occupants of a dwelling unit or of an establishment, with a maximum size of two square feet and a maximum height of four feet for a sign in this zone. No illumination of this sign is permitted. There are no signs on the subject property at this time. And based on the project narrative, "No advertising or signage will be present."

- 5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;**

According to the project narrative, "Parking is available for at least 4+ vehicles." Because this is a large lot area with ample parking available, screening of parking areas does not appear to be necessary.

**6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;**

A building inspection will be required before the business becomes operational to ensure that the building complies with the City's adopted Building Codes.

**7. It shall be the responsibility of the applicant to demonstrate that the relevant subdivision's declarations, covenants, conditions or restrictions allow for a bed and breakfast use and/or associated signing; and**

All property owners within 350 feet of the subject property have been notified of this CUP application. At this time, staff has received no written public comments regarding this application.

**8. Where a bed and breakfast use is subject to Conditional Use Permit approval, any existing or proposed uses in addition to that of a dwelling unit (e.g. home occupation, accessory dwelling unit, etc.) are considered as part of the conditional use review.**

Staff is unaware of any other existing or intended use of this property other than as a dwelling unit and/or as a short term rental as proposed by this CUP request.

Based on this information, this CUP request for a Bed & Breakfast meets or can meet the supplemental zoning regulations and standards of the Land Use Code.

Chapter 13 of the Land Use Code identifies the approval criteria that must be considered for Conditional Use Permit (CUP) requests. The Code defines a CUP as a use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone district. After due consideration, as provided for in Section 17.13.040 of the Land Use Code, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

According to Section 17.13.40.C of the Land Use Code, a Conditional Use Permit may be granted for a conditional use in a particular zone provided the City Council finds as follows:

**Section 17.13.040, Conditional Uses, of the Land Development Code requires that a conditional use be approved after considering the following:**

- 1. The proposed use is consistent with the provisions and purposes of this Title, with the purposes of the zone in which it is located, and with the city's Master Plan;**

The proposed conditional use can be consistent with the provisions and purposes of this Title, which is to promote the health, safety and welfare of the present and future inhabitants of the community.

The main concern with the proposed use is in relation to an address problem in this area because the addresses don't fit in the city's address number grid system. Sometime last year, emergency medical services had a difficult time finding the location of a house along Timber Falls Drive because the address grid numbers and street names are incorrect. Timber Falls Drive was platted and approved as a private shared driveway, not as a public roadway, in 1997. Subsequent plats to create more lots identify the shared driveway and don't identify a name for the driveway. The address numbers assigned to the lots in the subdivisions correspond to the 1900 block of Frontage Road, an east-west road, so all houses should be addressed as the 1900 block of Frontage Road. Between 2000 and 2006, the private shared driveway acquired the name Timber Falls Drive, which is oriented north-south, and is in the 1600 block of the city's address grid. All lots in this area are addressed with 1900 numbers and some lots use the name Frontage Road, and some houses use the name Timber Falls Drive, leading to more confusion.

Additionally, the Mesa County Assessor's Office identifies the subject property as 1953 Frontage Road, yet the property owners believe that their address is 1950 Frontage Road. Staff recommends that the address issues be resolved so that guests of this vacation rental business do not have problems if emergency services are necessary. Additionally, solving the address issues in this area will help guests and visitors find this business or other properties in the area and will help avoid long term problems with deliveries as well as emergency services. This issue should be resolved before the business becomes operational.

Staff recommends that the private driveway not be named and require all lots be readdressed with Frontage Road for the street name. This avoids problems with determining who is responsible for maintaining the driveway (because it appears to be a public street) including eliminating the need for private property owners to maintain a street sign which is an on-going problem in the city. Staff can spearhead this issue to help resolve the problem as soon as possible.

If the address issue is resolved, and the supplemental zoning regulations and standards (identified above) are met along with the approval criteria for CUPs, this criterion can be met. The Land Use Code is one of the main documents used to implement the goals and policies of the City's Master Plan.

**2. The proposed use is compatible with existing and allowed uses surrounding or affected by the proposed use, pursuant to the criteria in Section 17.07.080;**

Section 17.07.080 requires that a proposed development be compatible with adjacent properties, considering both existing and potential land uses on adjacent properties. 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 a proposed use and existing uses in the vicinity to ensure compatibility.

It appears that this proposed vacation rental will be able to coexist with other existing houses in the area without having a disproportionate or severe impact on the neighborhood. Due to the characteristics of the surrounding land uses it appears that this Bed & Breakfast will be compatible with the Planned Unit Development zoning that surrounds the subject property. Staff sees no negative impact to the neighborhood or being disproportionate to the current land uses in the surrounding area. This criterion has been met.

**3. The proposed use will not materially endanger the public health or safety; and**

Use of the house for a vacation rental is not expected to endanger the public health or safety. A building inspection will be required to ensure that the house meets the minimum requirements of the adopted Building Codes. According to the project narrative, “This property is in compliance with all building codes adopted by the city.” This criterion has been met.

**4. Public services and facilities including, but not limited to, transportation systems, wastewater disposal and treatment, domestic water, fire protection, police protection, and storm drainage facilities are adequate to serve the proposed use.**

Public services and facilities have been available to this property and will continue to be available to this property while it is used as a vacation rental. The impacts are not expected to be any greater than those generated by a single family residence. This criterion has been met.

Based on this information, this requested Conditional Use Permit meets or can meet all approval criteria for Conditional Use Permits and all supplemental zoning standards.

**Review Comments:**

All review comments received are included with this Staff Report. There are no concerns from reviewers regarding this Conditional Use Permit request.

**Public Comments:**

No written public comments have been received regarding this application.

**Staff Recommendation:**

Because all of the approval criteria for Conditional Use Permits and all supplemental zoning standards and regulations either are or can be met, Staff recommends approval of the proposed Bed & Breakfast with the condition that the address issue be resolved before the business becomes operational.

**Fruita Planning Commission:** June 14, 2016

**Fruita City Council:** July 5, 2016

**CITY OF FRUITA  
CITY ENGINEER REVIEW SHEET**

PROJECT: Goering VRBO  
1953 Timber Falls Drive

Petitioner: Rick and Tona Goering

Reviewer: Sam Atkins

REVIEW STAGE:  Sketch Plan  Preliminary Plan  Final Plan  
(Check One) **VRBO/Site Plan**

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REVIEW COMMENTS

General: Petitioner is requesting the use of an existing building on the property for VRBO type use at 1953 Timber Falls Drive.

**Summary of Recommendations:**

**Engineering recommends approval of application.**

**Great Divide Villa  
1950 Timber Falls Drive  
Fruita, CO 81521**

**Rick and Tona Goering  
970-640-9203  
970-640-9262**

**Proposed usage: Vacation Rental House; Bed and Breakfast Regulations & Standards**

**Size: 3 acres  
2,567 sq ft  
4 bedrooms, 2 1/2 baths**

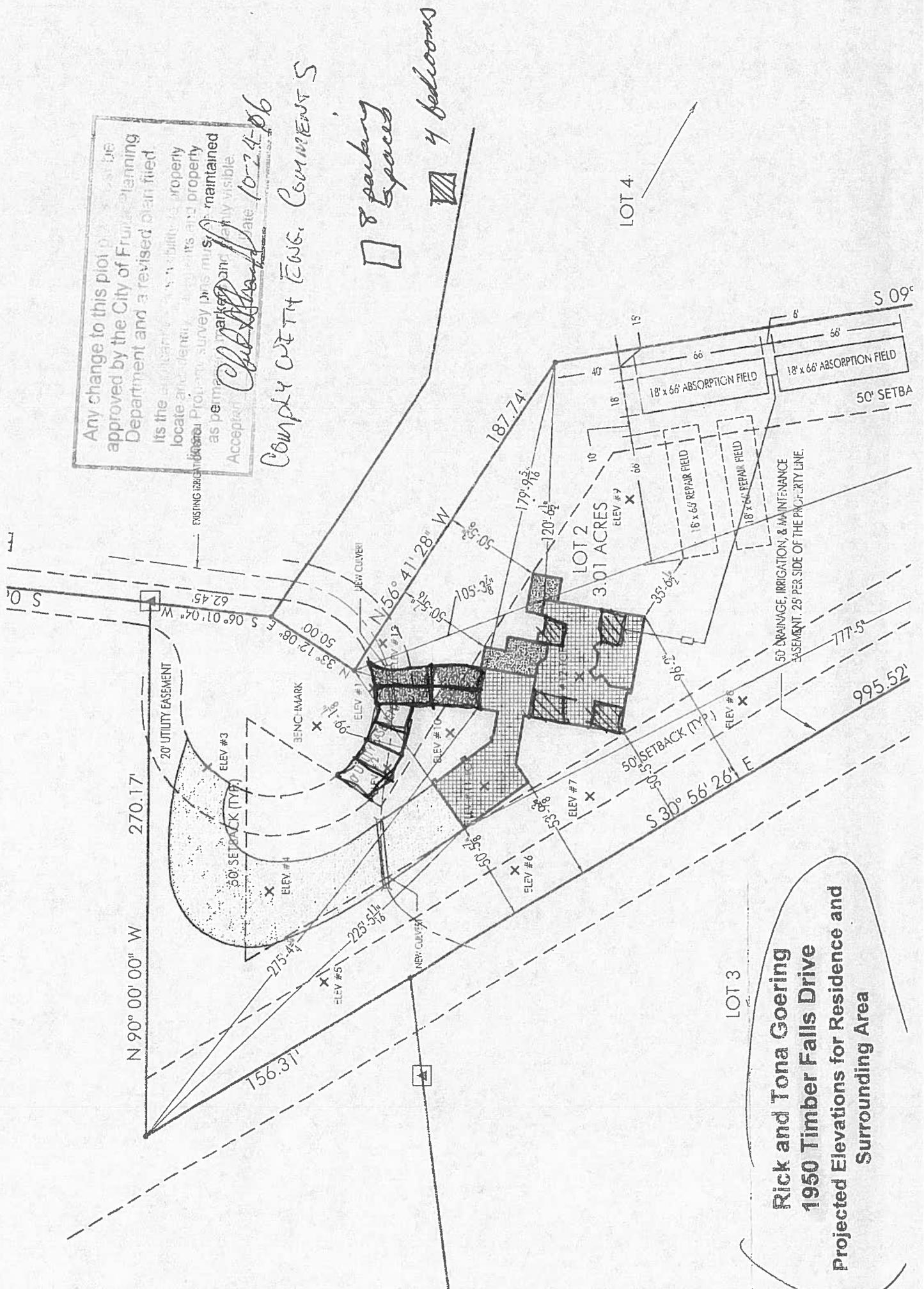
- 1. This is a residential dwelling that contains 4 bedrooms. The guests provide all of their own meals.**
- 2. The kitchen facilities will serve residents and guests only. The facilities will NOT be used for any commercial activity.**
- 3. The residential character will remain the same.**
- 4. No advertising or signage will be present.**
- 5. Parking is available for at least 4+ vehicles.**
- 6. This property is in compliance with all Building Codes adopted by the city.**
- 7. There is no HOA for this property.**
- 8. Home Occupation**
  - 1. All materials, products, fixtures and activities associated with the home occupation are stored in the house itself, which is fully enclosed and complies with applicable building and land use codes.**

Any change to this plot must be approved by the City of Fruitvale Planning Department and a revised plan filed. Its the contractor's responsibility to properly locate and identify all monuments and property markers and to maintain them as permitted and clearly visible. Acceptance Date: 10-24-06

Comply with ENG. COMMENTS

8 parking spaces

4 balconies



**Rick and Tona Goering  
1950 Timber Falls Drive  
Projected Elevations for Residence and  
Surrounding Area**