



**Community Development Department
Staff Report
June 8, 2016**

Application #: 2016-10
Applicant: Mike and Kristy Driver
Application Name: Sagebrush House Vacation Rental
Application Type: Conditional Use Permit
Location: 107 E. Pabor Avenue
Zone: Community Residential
Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast). The Fruita Land Use Code requires a Conditional Use Permit to operate a Bed and Breakfast in a Community Residential zone.

Project Description:

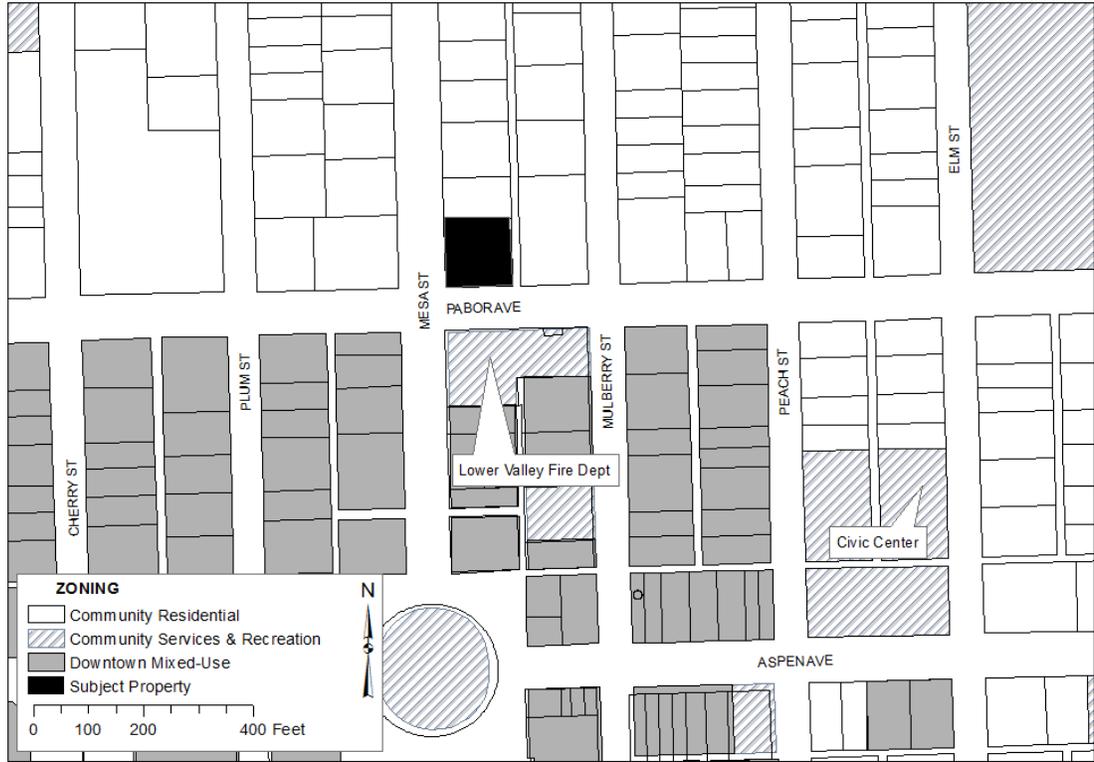
The subject property contains a 2,217 square foot detached single family house and a 600 square foot unfinished detached garage on an approximately .35 acre lot located on East Pabor Avenue. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner.

The entire home is intended to be available for rent on a less than month-to-month basis. The Land Use Code defines this type of use as a Bed & Breakfast which requires a CUP in the Community Residential (CR) zone.

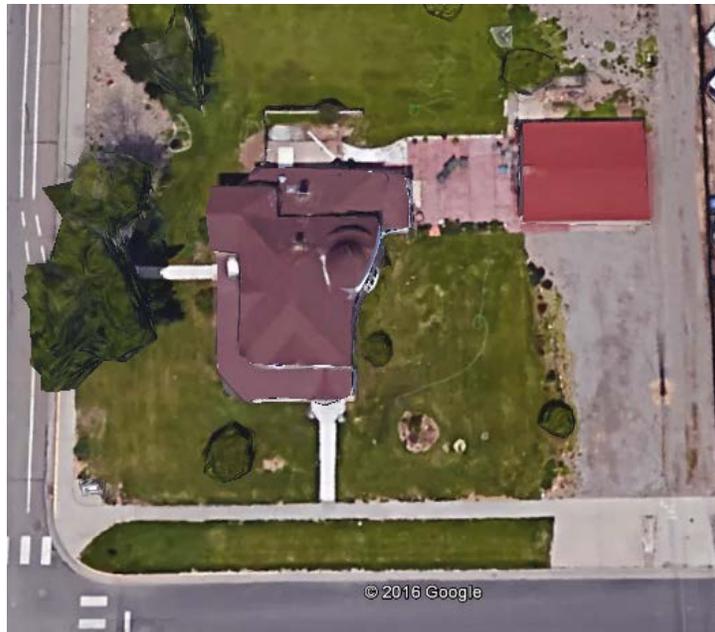
Surrounding Land Uses and Zoning:

Properties north of Pabor Avenue are zoned CR. The properties south of Pabor Avenue are zoned Downtown Mixed-Use (DMU) and Community Services & Recreational (CSR). The Lower Valley Fire Department is located directly to the south in the CSR zone. Uses to the south in the DMU zone are a wide mix including single family houses and commercial uses including bars, banks, offices, and other retail sales and service uses. The uses to the north are primarily single family residential dwelling units with an apartment building located directly to the east.

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 the Community Residential zone. 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 dwelling unit is intended to be used as the Bed and Breakfast. According to the Mesa County Assessor, this home contains 4 bedrooms and 1 ½ bathrooms.

- 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;**

The applicants know and understand that the kitchen and dining facilities may only serve the guests. According to the project narrative there will be “low to normal use of residential utilities.”

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

Staff believes that the residential character of this property will not change, and if anything the residential character will be enhanced. The goal of the applicants is “To enhance the small town atmosphere of the Fruita community, while providing an upscale vacation rental for our visitors.”

- 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.

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

Parking for guests will be provided by two parking spots in the detached garage and two spaces available in the driveway.

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

There is no HOA associated with this property. 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;**

Based on this review, the proposed conditional use can be consistent with the provisions and purposes of this Title (the Land Use Code), which is to promote the health, safety and welfare of the present and future inhabitants of the community, and with the purposes of the Community Residential zone, which is to allow for moderate density single-family neighborhoods . If 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 compatible with the wide mix of land uses existing and permitted in the DMU and CSR zone to the south. Compliance with the regulations for vacation rentals should allow this business to coexist with other existing houses and the

apartment building in the area without having a disproportionate or severe impact on the neighborhood. 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 the applicants, “Mike and Kristy Driver live and work in Fruita, so if issues arise we are close and available to handle them personally.” 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. No conditions of approval are recommended.

Fruita Planning Commission: June 14, 2016

Fruita City Council: July 5, 2016

**CITY OF FRUITA
CITY ENGINEER REVIEW SHEET**

PROJECT: Driver VRBO
107 E. Pabor Ave.

Petitioner: Mike & Kristy Driver

Reviewer: Sam Atkins

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

REVIEW COMMENTS

General: Petitioner is requesting the use of an existing building on the property for VRBO type use at 107 E. Pabor Ave.

Summary of Recommendations:

Engineering recommends approval of application.

City of Fruita
Conditional Use Permit
107 E Pabor , Fruita, CO 81521
“Sagebrush House” Vacation Rental

Project Narrative

Goal: To enhance the small town atmosphere of the Fruita community, while providing an upscale vacation rental for our visitors.

Project Description: Providing upscale residential lodging for vacationing families not wanting hotel type accommodations.

Project Compliance, Compatibility and Impact:

- **Use:** Single Family Home on .35 acres will allow families of 2 to 6 adults. A unique place to vacation in the downtown area. Rentals will range from 3 to 90 days.
- **Parking:** Parking allows for 2 cars in the garage and 2 in the driveway keeping with the upscale vacationing theme and increasing the values of the surrounding homes in the neighborhood.
- **Utilities:** Low to Normal use of residential utilities used including cable, water, sewer and weekly trash pick up. This is typically less than full time residential use.
- **Exterior:** The property will be perfectly maintained to attract high-end vacationing families including lawn, bushes, trees and other curb appeal landscaping.
- **Effects:** Downtown rental properties provide vacationers close proximity to restaurants, bars, shopping and events without driving. This also prevents additional parking problems during large events and more attendance to City activities.

Safety and Issues:

- The owners are Mike and Kristy Driver who live and work Fruita, so if issues arise we are close and available to handle them personally.
- Neighboring Homeowner will know how to contact us in case of any issues.
- Rentals are limited to those over the age of 25 and must have a valid credit card to book the home. This home will not be available for parties or events.
- A list of Noise Regulations will be posted at the home for all vacationing families.
- With the age and historic value of this house, the renters will be required to take extra care and caution during their stay.

107 E Pabor, Fruita, CO 81521

"Sagebrush House"

Site Plan

Overhead View: Large Private Lot

Home Features: Exterior View

1906 Historic Home with large yard with detached Garage and additional parking in driveway

