The following items will be presented at this public hearing of the Fruita Planning Commission for their consideration. The Planning Commission will formulate a recommendation that will be forwarded to the Fruita City Council. If you have an interest in an item on the agenda, please call (970) 858-0786 or come to the Planning & 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 both hearings is encouraged to ensure your concerns are accurately represented or you can write a letter detailing your concerns and submit it to the Planning & Development Department prior to the meetings. 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

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
B. PLEDGE OF ALLEGIANCE
C. AMENDMENTS TO THE AGENDA
   None.
D. APPROVAL OF THE AGENDA
E. WITHDRAWN ITEMS
   None
F. CONTINUED ITEMS
   None
G. CONSENT ITEMS

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<tr>
<th>Application #</th>
<th>2020-01</th>
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<tr>
<td>Application Name</td>
<td>Black Bear House</td>
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<tr>
<td>Application Type</td>
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<td>Location</td>
<td>496 Logan Lane</td>
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<tr>
<td>Zone</td>
<td>Community Residential (CR)</td>
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<tr>
<td>Description</td>
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Application # 2020-02
Application Name Christmas Farm Short Term Rental
Application Type Conditional Use Permit
Location 402 S. Pine Street
Zone Community Residential (CR)
Description This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast) in a Community Residential zone.

1. APPROVAL OF MINUTES: January 14, 2019 Planning Commission meeting

H. HEARING ITEMS:
None

I. OTHER BUSINESS
1. Community Development Activity Reports.
2. Visitors and Guests.
3. Other Business.

ADJOURNMENT

RULES OF PROCEDURE
1. THE HEARING IS OPENED BY THE CHAIR OF THE PLANNING COMMISSION
The Chair reads the item on the agenda.
2. THE STAFF PRESENTS THE STAFF REPORT
The Fruita City staff present their reports.
3. 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.
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 Commission.
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 Commission 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 Commission 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 Commission votes on whether to accept the amendment. After discussion and consideration of any amendments, the Commission 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 Commission may also table an item or continue an item to a later date.
8. FOLLOW UP
The Planning Commission’s decision is forwarded to the Fruita City Council. Once a project is approved by the City Council it must be revised to reflect all the conditions placed on it by the City Council before documents are recorded and/or building permits are issued. If the project fails to meet the Fruita Land Use Code time limits for final documents, the project approval of the project lapses and the project must be resubmitted.
9. The Planning Commission may also continue a project, or deny a project. At the request of the Planning Commission, the City Council may continue a scheduled public hearing to allow the Planning Commission more time to consider or reconsider the application.
A. CALL TO ORDER

Seven Planning Commissioners were in attendance. (Justin Gollob, Jesse Fabula, Mel Mulder, Doug Van Etten, Dave Karisny, Cullen Purser, and Patrick Hummel were present).

B. PLEDGE OF ALLEGIANCE

Whitney Rink led the Pledge of Allegiance.

C. AMENDMENTS TO THE AGENDA

Hearing Item 2019-43 Cook Short Term Rental Conditional Use Permit was moved from a Consent Item to a Hearing Item due to the receipt of a public comment.

D. APPROVAL OF THE AGENDA

COMMISSIONER MULDER MOVED TO APPROVE THE AGENDA

COMMISSIONER PURSER SECONDED THE MOTION

MOTION PASSES 7-0

E. WITHDRAWN ITEMS

None

F. CONTINUED ITEMS

None

G. CONSENT ITEMS

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<tr>
<th>Application #:</th>
<th>2019-38</th>
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<tr>
<td>Application Name:</td>
<td>Vic’s Place VRBO</td>
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<td>Application Type:</td>
<td>Conditional Use Permit</td>
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<td>Location:</td>
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<th>Application #:</th>
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<td>Application Name:</td>
<td>Village at Country Creek North</td>
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<tr>
<td>Application Type:</td>
<td>Preliminary Plan</td>
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<td>Applicant:</td>
<td>Sunshine of the Redlands</td>
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<td>Location:</td>
<td>1176 18 Road</td>
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<td>Zone:</td>
<td>Community Residential (CR)</td>
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<tr>
<td>Description:</td>
<td>This is a request for approval of a Preliminary Plan for 12 single family detached residential lots on approximately 3.4 acres.</td>
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APPROVAL OF MINUTES
November 12, 2019 Planning Commission meeting

COMMISSIONER KARISNY MADE A MOTION TO MOVE CONSENT ITEM 2019-43 COOK SHORT TERM RENTAL TO A PUBLIC HEARING ITEM AND APPROVE THE REMAINING APPLICATIONS ON THE CONSENT AGENDA.

COMMISSIONER MULDER SECONDED THE MOTION

MOTION PASSED 7-0 IN FAVOR TO APPROVE THE CONSENT AGENDA AND 5-0 IN FAVOR OF APPROVAL OF THE MINUTES. COMMISSIONER VAN ETTEN AND COMMISSIONER KARISNY ABSTAINED FROM VOTING ON APPROVAL OF THE MINUTES DUE TO THEIR ABSENCE AT THE LAST MEETING.

Commissioner Gollob had a clarifying question regarding application 2019-38 Vic’s Place VRBO. He asked about the Fire Department’s recommendation that they have an evacuation plan and he didn’t see it on the letter but that they have some kind of plan drawn up because the fire department was concerned that in the event of a fire they would have a delay getting to the property given the location. He didn’t see it in the conditions of approval by Staff in the review comments.

Henry explained that the concern from Lower Valley Fire in regard to emergency response was not knowing where the property is located. He continued that it was a recommendation from Staff that the owners work with Lower Valley Fire and produce an emergency plan with their guests. He said that after talking to the Fire Marshal it was clear that there was a section in the Fire Code that speaks to the location of properties that can’t be seen from the right-of-way. He added that the residents needed to work with Lower Valley Fire to address those concerns. He said that all parties will be working together toward a commonsense solution, but it didn’t have anything to do with the use.

H. HEARING ITEMS

Application #: 2019-43
Application Name: Cook Short Term Rental
Application Type: Conditional Use Permit
Location: 157 South Orchard Street
Zone: Community Residential (CR)
Description: This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast) in a Community Residential zone.

Commissioner Van Etten read the description of application 2019-43 Cook Short Term Rental Conditional Use Permit to the meeting attendees.

Henry Hemphill, Planner for the City of Fruita, went up to the podium to give the presentation. Mr. Hemphill explained that Staff had received a public comment at the end of the day and after reviewing the comments determined that they didn’t directly correlate with any of the approval criteria. He just wanted to be sure to mention this for the record and that concerns were brought up and that they are addressing those in a Public Hearing.
Slide 1 – Introduction of Application 2019-43 Cook Short Term Rental

Slide 2 – Legal Notice
Mr. Hemphill pointed out the buffer zone in which the legal notice requirement was sent and notified of the meeting. He also pointed to a picture of the property posting.

Slide 3 – Description
- The subject property contains a 1,556 square foot detached single-family dwelling unit on an approximately .17-acre lot.
- Located on South Orchard Street northwest of the intersection of East McCune Avenue and South Orchard Street.
- The applicant is proposing to rent, on a less than month-to-month basis, an attached 393 square foot mother-in-law suite that includes one-bedroom, full kitchen and bathroom.
- The Land Use Code defines this type of use as a Bed & Breakfast which requires a CUP in the Community Residential (CR) zone.

Slide 4 - Review of Land Use Code Requirements
- **Section 17.07.070 (A) Supplemental Zoning Regulations and Standards:**
  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;
  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;
  3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;
  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;

Slide 5 – Review of Land Use Code Requirements Continued
- **Section 17.07.070 (A) Supplemental Zoning Regulations and Standards:**
  5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;
  6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;
  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
  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.

Slide 6 - Review of Land Use Code Requirements Continued
- **Section 17.13.040 Conditional Uses:**
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;
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;
3. The proposed use will not materially endanger the public health or safety; and
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.

Slide 7 – Review Comments & Public Comments

Public Comments:
- No written public comments have been received regarding this application at this time.

Review Comments:
- No reviewer expressed concerns over the proposed application.

Slide 8 – 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 all review comments are met before the business becomes operational.

- City Council = February 4, 2020

Mr. Hemphill concluded his presentation.

Commissioner Van Etten invited the applicants to come up to speak.

Ryan and Renee Cook who reside at 154 South Orchard Street went up to speak. She said that she works in the community and they have a high school student that attends Fruita Monument High School. She said that her husband is disabled and at home most of the time. She said that they live in the house and it is their primary dwelling and they have the most interest in protecting who is in and out of the home. She continued that it would not be transients as mentioned in the letter. She said it is their home and they would be there and their daughter lives with them. She said that this is something that they need to do with the space. She said that it was built for her mother who unexpectedly passed away and they are left with the attachment to the home. They don’t want someone there all the time so they don’t want to rent it out as a monthly rental but on occasion they would like to offer the amenities of the town. She thanked them for hearing them and asked if they had any questions for them.

Commissioner Karisny said that if he wanted to give them the opportunity to respond to the letter.
Ryan Cook who lives at 154 South Orchard Street spoke. He said that he wanted to address one item in the letter. He said that he spoke to many of his neighbors and wrote three of them down which are the direct neighbors that this would impact. He got their permission to put their names down. He said that the letter they received was sudden. He said they did try to address every concern with all of their neighbors. He just wanted to be sure they knew that.

Commissioner Van Etten thanked him and said that he appreciated his neighbor outreach efforts. He then asked if anyone else wanted to provide public testimony on the hearing item.

There was none.

Commissioner Van Etten closed the public hearing portion on the item and asked the Planning Commissioners if they had any comments.

Commissioner Purser mentioned that the VRBO’s continued to be a point of discussion for the community. He said that potential solutions and problems in that it can bring healthy people to the community but can also erase the community for various reasons. He felt this was a model situation when the resident is living in the house and they are communicating with their neighborhood. This is what they encourage people to do.

Commissioner Hummel seconded that comment. He asked Mr. Hemphill what kind of oversight existed when you have a situation like this, an attached ADU to a primary residence. He asked if the Conditional Use Permit is only given to the 300 square foot unit, how does this differentiate?

Mr. Hemphill said that it is placed as a condition of approval on a resolution to City Council. He continued that this is approved, and the property owner is telling us that they are going to rent out 1 bedroom and it is encompassing this area, they have shown it in the project narrative, and the site plan. He said that this is the accountability tool that is used to make sure that this is what happens. He said that he could see his point in that they are telling us one thing and doing another. He said that it is hard to police that but as they progress towards these Conditional Use Permits and the placement of conditions via resolution to the City Council, they will get better over time to figure out best practices. He said that this is Fruita and they hope that people are doing the right thing by telling them one thing and following through. He said that this was an accountability measure.

Mr. Dan Caris added another comment. He said that having the Mayor and City Clerk ink the resolution itself, it has those specific performance measures about the limitations for what the application was approved for. He said those provisions are in place to make sure that it is only that unit. He said that there is a path to revoking the permit by taking the formal step of approving it by resolution and then knowing whether or not there are violations you can point to the resolution and number and put that on the record in the event of a revocation in the future.

Commissioner Van Etten asked if there were any other questions, comments or items of discussion.

There were none.

Commissioner Van Etten asked for a motion.
COMMISSIONER KARISNY MOVED TO APPROVE 2019-43 COOK SHORT TERM RENTAL CONDITIONAL USE PERMIT

COMMISSIONER PURSER SECONDED THE MOTION

MOTION PASSES 7-0

Commissioner Van Etten thanked everyone who came, and he welcomed them to stay for the remainder of the meeting if they wanted to.

Other Business

1. Community Development Activity Reports.
   a. Fruita In Motion: Plan Like A Local Comprehensive Plan

Commissioner Van Etten told the audience that they would be moving to Other Business and discussing Fruita In Motion: Plan Like A Local Comprehensive Plan.

Dan Caris Planning Director for the City of Fruita went up to give his presentation of the Comprehensive Plan that they have been working on for a year. He mentioned that in their packet was not the entire plan but was the basics of the chapters for review. He wanted them to provide feedback on elements that were discussed at the December 12 workshop for potential changes. He said he presented it with track changes and wanted to have a clarifying question and answer session with the Planning Commission. He felt it would be prudent for the record for the process to go through where they started, who was involved, the outreach efforts, the results they received and then have an informal discussion. He said that way when they have the joint workshop that they were invited to with City Council and the Steering Committee they will have the opportunity to button up the document and put it in software which will then put it in a format they are more traditionally used to seeing. He also wanted to talk about was the design templates at the end of their packets which is the snapshot of what they are planning on doing and any feedback on that would be appreciated.

Slide 1 - Fruita In Motion: Plan Like A Local Introduction

Slide 2 - Timeline

Slide 3 – Steering Committee - Dates and Who was involved
Mr. Caris said pointed out the consultants that were involved in the document were SE Group, Economic Planning Systems, and Studio Seed.
   April 18 – Vision Setting
   June 13 – Land Use & Growth
   June 20 – Land Use & Growth
   July 18 – Economic Development
   August 15 – Parks and Rec / Transportation
   August 22 – Community Character Workshop
   September 12 – Infrastructure
   December 12 – Wrap up meeting
Slide 4 – Public Engagement
    March 9 – Art Stroll
    March 14-15 – Stakeholder discussions
    May 23 – Open House Kick off
    October 3 – Draft Plan Party

Slide 5 – Road Show
Mr. Caris pointed out that this does not include the City Manager engagement series.
    October 8 – Fruita Lions Club
    October 9 – Rotary Club
    October 9 – Fruita Chamber of Commerce
    October 10 – Mesa County Planning Commission
    October 17 – Fruita Chamber of Commerce Economic Development Forum
    October 24 – Rimrock Elementary School
    October 29 – Fruita Middle School
    October 30 – Fruita Youth Action Council
    November 7 – Senior Potluck – Community Center
    November 18 – Fruita Monument High School & The Church of Jesus Christ of Latter Day Saints
    November 7 – 18 – Board presentation at Fruita Community Center
    November 22 – December 2 - Board presentation at Fruita Community Center

Commissioner Fabula asked if there was a point in time that the City was so far along in the process that feedback was no longer being brought into the plan or was feedback being constantly gathered?

Mr. Caris said that up until December 12 it was a living document. He added that there were different materials being presented at each check point. The questions narrowed and refined. This happened with the public and the Steering Committee.

Slide 6 – Highlights & Focus Areas
    • Focus on the community character without losing our identity and small-town feel
    • Continue connecting neighborhoods with off-street trail corridors.
    • Additional commercial zoning districts to capture varying uses and differing lots sizes
    • Growth Boundaries (Urban Development Boundary)
        • Density and Scale
        • Amenities
    • Downtown allowed uses and design
    • Housing variations vs demographics and how interacts with Fruita values (missing middle, workforce housing, senior housing, etc)
Mr. Caris asked the Planning Commission that as they reviewed the document if it made sense, was it in order, and did they feel that a citizen could read through it and say that this is Fruita and what we want. Mr. Caris said that he would continue to go on through the presentation and through the chapters, context and goals applicable to each section, but he would like to get their feedback and if they had achieved what they set out to achieve. He opened it up to the Planning Commission to gather their feedback.

Commission Gollob said he felt it represented the community and he felt it did capture that. He also felt it was organized but cautioned against the use of acronyms from a readability perspective. He thought the document sounded repetitive with the Why questions but thought it did make sense. He said he had questions on the maps.

Mr. Caris said that they wanted to make sure that they didn’t just have two open houses and adopt it and to share iterations and how they had changed. Part of the reason they saw circles on the maps is on December 12 they wanted to be sure it was on the record. He said that he didn’t just want to hand out a planning document that looked finished because he wanted feedback and didn’t want people to say they didn’t want to change a finished product. He said it is still an active document even in the search for a recommendation.

Commissioner Karisny complimented SE Group, Gabby, Ellie, Brian and the City Staff on their job of communicating with the public. He felt the outreach was unprecedented and it made a difference. He said that as someone who has been participating in it, he saw changes that he questioned. He said that in the Community Snapshot, which is a fiscal snapshot, he felt that there were statements that didn’t sound right. He said it uses Grand Junction as an example. He felt it would be misleading to put information in it that wasn’t right. He used the example of housing prices in Fruita versus Grand Junction and questioned it. He said that there needed to be some factual accountability. He said that there was a regional home price thing that Brian did that is based on the Land Title office and that could be a factual comparison. He wanted to footnote the things he was talking about and he understood that this leads into single family homes are really expensive.

Mr. Caris clarified that this was the reason that was highlighted. He said that those were bold statements that they wanted to have confidence in. They need to provide an appendix were the data came from supporting those claims.

Commissioner Karisny pointed out by page number where the bold statements were in the document.

Commissioner Fabula asked Commissioner Karisny if he just wanted it to be more accurate.

Commissioner Karisny confirmed that it was. He said to footnote what you are doing and show where the information is coming from.

Commissioner Mulder had an identical comment. He also felt it was inaccurate.
Commissioner Karisny said that a lot of the information came from 2017 and there was a big difference between 2017 and now.

Mr. Caris invited more comments on the document.

Commissioner Karisny wanted to make note on page 3 table X, the residential densities, and he pointed out the Monument Preservation area. He gave a brief history on the Monument Preservation zone. He said right now it is one dwelling per two acres. He pointed out a map of when the subdivisions were developed and briefly talked about that. He said that on the Fruita In Motion website under Community Character there is the same map and he talked about it being building by year. He said that there were conclusions and there were familiar themes and he recalled this was talked about with Iron Wheel. It has to do with compact development. He said that it seemed to be a driving force before the Land Use Code. He talked about a major land use area called 4-8 and they have the downtown area that got a lot of attention and has been broken up into 6 areas. He said that the 4-8 is just a big area everywhere and he felt it was a one size fits all. He thought this was a response to the lack of choices in house types and not enough affordable homes. He wanted to know where we got to the big leap to making the rest of Fruita the rest of Fruita being this 4-8? He asked if this was really the right direction to be going? He said that prior to doing this he would like to look at some of those areas to differentiate some of that rather than just blanket it. He said that when they looked at the 4-8 area, they talked about density bonuses. He talked about the Land Use Code as being Use by Right. He said the density is more efficient, better for the City, and the process referring to use by right is a smoother planning process. He said it left out some crucial parts, and he referred to the Planning Commission and City Council. He went back to the new zoning area which is 4-8 and talked about it covering everything. He felt that they needed to look at this more.

Mr. Caris said that this was a Future Land Use map not a zoning ordinance. He said that there will still be a public process through the annexation and rezoning process. He said that petitioners will need to provide those amenities to get to the max density. It is the subdivision process that they will be proposing for a more administrative process.

Commissioner Karisny talked about previous Use by Right projects. He said that there was little that they could participate in. He talked about the Oak Creek Subdivision. He said he would like to take smaller steps as opposed to leaping into it.

Mr. Caris asked if he felt that this might work in some areas but not all?

Commissioner Karisny said that was correct and it shouldn’t encompass the entire Fruita Community. He asked about existing developments and then saying they can develop at 4-8 acres. He talked about those subdivisions. He said the downtown area made sense but when you are going into existing subdivisions where can you put something else in there?

Mr. Caris said that those neighborhoods are already built out. He when they were having their discussions with the Steering Committee there were requests for what had been built out and they generated the map that shows that and the unannexed area to the City the same color. He asked if they were really creating another zone district or setting up zone districts and do they
want to keep the Community Residential zone in that color? He said that was a potential option. He talked about up zoning areas that had not been built out, they would have to go through the zoning process. He talked about the CC&Rs either allowing or disallowing this. Are they creating something that could be absorbed into the neighborhood? It seemed to them that in order to provide flexibility that the 4-8 even with Community Residential zoning and a minimum lot size of 7000 square feet, the raw gross density is 6 dwelling units per acre. He said that this is a consideration that should be brought up at the workshop.

Commissioner Karisny asked for clarification. He said the narrative suggested the dark green brown area in the middle is 4-8 on the map. He said that there were dozens of subdivisions that were built out in that area. He said that they weren’t going to subdivide. He asked if that was misleading?

Mr. Caris talked about the difference between a Future Land Use Map and a Zoning Map. He said that those were entitlements versus what could potentially happen. He said that when they go to zone property while trying to create the 4-8 thresholds was so the Planning Commission and City Council could deference what fits in what neighborhood.

Commissioner Fabula asked if a Legacy Zoning Map would solve the problem?

Mr. Caris talked about the Community Residential zoned areas that were not covenant controlled and that in the future they could be demoed and completely different neighborhoods.

Commissioner Karisny said to argue that they have a map showing when they were built, and would that be a more accurate map when talking about the potential 4-8? He had concerns about the Community Residential subdivisions and if they will be designated as 4-8 instead of their current zoning.

Mr. Caris said this is for the Future Land Use Map not as a Zoning Map.

Commissioner Karisny felt that this was misleading.

Commissioner Fabula commented that this was how he interpreted it as this zoning will be that in the future.

Mr. Caris said that 50% of the map isn’t in Fruita. The need to have a 3-mile plan, a plan for infrastructure, and a plan for the transportation network. He spoke more about Legacy Zoning. He also talked about taking some of those neighborhoods and designating them as built out neighborhoods with the zoning of Community Residential.

Commissioner Karisny felt this 4-8 area needed more attention. He reminded everyone that this was a 10-year plan. He talked about the Monument Preservation area which includes King’s View and other areas. He said he remembered that this area was part of Fruita in past plans. He felt Mr. Moir’s area needed to have a designation other than South Fruita. He talked about all of the points of interest within that area.
Mr. Caris talked about the December 12 meeting in which the King’s View and the Monument Preservation areas were discussed. He asked if this had an underlying future land use. He also felt the South Fruita designation was misleading there. He said that there was topography issues and a need for a lift station in this area. He said that there was discussion with the Steering Committee that this didn’t make sense to keep in the 201. He said that it is currently Mesa County.

Commissioner Van Etten asked Commissioner Karisny if his point about Mr. Moir’s land is that it rather than it being South Fruita Residential 2-5 it should be somewhere between that and Rural Residential.

Commissioner Karisny said somewhere between Monument Preservation.

Mr. Caris asked for more comments about the land use categories or descriptions.

Commissioner Hummel felt that the 4-8 was a big enough change to be concerned. He talked about the downtown residential area to make his point. He agreed that there could be a Legacy overlay, but he felt that there wouldn’t be much of a difference and he would like to see higher density.

Commissioner Mulder expressed that he didn’t like 4-8. He said that Fruita is taking the leading edge and he was not disappointed with what had been presented. He compared the central east part of the valley and 4-8 density and talked about his experience in this type density and his dislike of it. He also pointed out that this is a 10-year plan and the potential to create an 8 unit per acre designation in a project as a bonus density. He then talked about affordable housing. He talked about wanting to know what was considered affordable housing and what the income of the citizens are compared to home prices in Fruita. He talked about quality of life and he felt that 8 units per acre didn’t go with that. He used Aspen Village as an example of this. He also made note of the acronyms and the need for an appendix. He commented on trails along the irrigation ditches. He brought up police patrol. He addressed building height.

Mr. Caris said the elements he mentioned must be considered for the Land Use Code. He said their recommendations will set the stage for mass and bulk standards. He added context to what was being discussed by making mention of the downtown area and the placement of a duplex and what the density is.

Commissioner Mulder said that this needs to be defined and refined.

Mr. Caris asked if he felt it needed to be defined in this plan or the Land Use Code?

Commissioner Mulder said this plan.

Mr. Caris asked if the question was how to get there?

Commissioner Mulder acknowledged this. He then mentioned Commissioner Karisny’s comment on the radical price difference between Fruita and Grand Junction and he said he was
Mr. Caris brought up points about why this may have been skewed. He talked about what was being compared could be considered in the calculations.

Commissioner Mulder had a problem with the comparison to Grand Junction. He said that Fruita stood alone in their plans and their progress. He added that plans and definitions were very important.

Commissioner Karisny thought that citing resources would be adequate.

Commissioner Purser spoke generally that it would be nice to have a different strata of options in housing prices and affordable housing. He talked about the idea of small spaces and affordable spaces for the variety of people who wanted that. He would like to see that they do everything they can in the design processes to maintain creative answers to developers.

Commissioner Karisny asked if they could modify the document to include this idea.

Commissioner Purser thought that they could include a smaller, more affordable existence.

Mr. Caris talked about how to deal with density and sprawl.

Commissioner Mulder asked if the community understood what 8 units per acre would look like?

Mr. Caris believed that the people he talked to did understand what that meant and talked more about density. He used Village at Country Creek as an example.

Commissioner Mulder talked about Fruita Community values and read what it said in the proposed Comprehensive Update regarding the topic. He said that this was his understanding of the City of Fruita and he wanted it to continue. He said that the document is an extremely thoughtful document for the most part but there were some issues.

Commissioner Karisny talked about the boundaries to the east of Fruita on 19 Road. He talked about the 201 and a block to the east of 19 Road where sewer was going to end and then that was URR. He asked if they will be continuing to move out to 20 Road or stopping there?

Mr. Caris responded that people felt the need for absorption to the west of 18 ½ Road to consider going east of 19 Road. He talked about the investment in the trunk line extension and the properties it will serve. He then moved on to a discussion about the future and 201 boundary and urban development boundary up to J.2 to match the recapture area for Iron Wheel. He asked if they wanted to move it along the Adobe Wash alignment and include the area they included in the recapture?

Commissioner Karisny talked about his thoughts on it and thought it felt like sprawl.

Commissioner Purser said it made sense to him.
Mr. Caris suggested that they could put procedural steps in the Comp Plan about amending those lines when it made sense. He then brought up the To Be Determined area and talked about making it into a Flex Zoning district. He brought up the Lagoons area and Greenway Business Park. He felt this area should all be the same future land use and clearly defined in the Land Use Code.

Commissioner Fabula asked when it was anticipated to take place referring to the Land Use Code update defining that area.

Mr. Caris responded that this would be in the next 8-10 months. He then asked the Planning Commission for clear direction on the 4-8. He talked a feathered edge versus a defined hard edge that has a future land use of 4-8.

Commissioner Karisny asked if they could approve it but that they were not at a consensus on the 4-8 and then turn that into a discussion at the workshop?

Mr. Caris confirmed this.

Commissioner Gollob felt that there was not consensus on the 4-8 and he thought it should be on the agenda.

Commissioner Fabula questioned the type of edge Fruita would have and he liked the idea of a hard edge and having distinct boundaries. He asked if the other Commissioners could get behind that idea.

Commissioner Mulder and Commissioner Purser said they did.

Commissioner Karisny brought up that it is 4-8 everywhere and everywhere isn’t the same. He wanted a more in-depth discussion about the 4-8, Use by Right, what it looked like and the existing subdivisions.

Commissioner Hummel asked Staff for a report of examples of dwellings that were around the 4-8 dwelling units per acre to see what there was and examples they can look towards and see if they like it or not.

Commissioner Fabula talked about some of the attractive townhomes he saw images of at the workshop and was comfortable with the idea of higher density.

Mr. Caris commented that in the Land Use Code there could be different scenarios in order to get to that 8. He described several possibilities of these conditions of approval and these numbers would need to be petitioned for.

Commissioner Mulder talked about the workshop and he saw that discussion would be on hard or soft boundaries and 4-8. He said once the borders were determined they would be able to make the map.
Mr. Caris said that they could say that they had concerns about the residential densities in the Future Land Use map and wanted examples and they wanted a discussion with City Council and the Steering Committee on it. He said that this could be a recommendation of approval with that caveat. He then talked about the December 12 meeting.

Commissioner Gollob made comments about Mr. Caris’ points and that he thought they had a strong agenda.

Mr. Caris said they would put the agenda together and send it out and they can send in comments and that would be a part of the agenda for the workshop.

Commissioner Gollob talked about project funding and funding mechanisms. He also brought up intergovernmental cooperation and steps towards building it into the processes. He talked about the document saying that Fruita was a suburb of Grand Junction and thought the narrative didn’t match the goal they were trying to achieve.

Commissioner Karisny confirmed that Fruita is doing a good job with their intergovernmental agreements and he gave examples.

Mr. Caris reiterated what he heard. He said they needed to talk about the Lagoons with Greenway Business Park, the 4-8 Future Land Use, demographic data for real estate and market analysis for home prices, hard edge versus a soft edge and the 19 Road corridor as it relates to Future Land Use and infrastructure.

Commissioner added getting a read on existing developments and identifying them as 4-8.

Mr. Caris said 4-8 existing versus future.

Commissioner Fabula asked if the Monument Preservation area was settled.

It appeared it was.

Commissioner Gollob asked who was going to be at the meeting.

Mr. Caris told them who would be there.

Commissioner Mulder asked if they would see the finished document after the council meetings.

Mr. Caris confirmed that they would and said that everyone would be invited to everything until the conclusion of the adoption.

Mr. Caris asked for a motion.

COMMISSIONER KARISNY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FRUITA IN MOTION PLAN LIKE A LOCAL COMP PLAN WITH THE EXCEPTION OF LANGUAGE PERTAINING TO 4-8 DWELLING UNITS AS IT RELATES
TO EXISTING VERSUS FUTURE LAND USE, THE HARD AND SOFT EDGE, A REVIEW OF THE ECONOMIC ANALYSIS THAT WAS PROVIDED BY EPS, AND FURTHER DISCUSSION REGARDING THE BOUNDARIES ON 19 ROAD.

COMMISSIONER GOLLOB SECONDED THE MOTION

MOTION PASSES 7-0

2. Visitors and Guests.

Mr. John Moir who lives at 278 North Mesa Street went up to speak. He said that he has been involved with the Comprehensive Plan and he said that he is concerned about affordable housing. He said that there is no identification on the maps where the existing affordable housing inventory is. He felt that it is important to know where that is and said that that was the areas of opportunity where they can place affordable housing. He asked how they zoned affordable housing? He talked about density and lot size. He gave a hypothetical example of this and asked where would they do this? He said that right now it is blank, there is nothing that speaks to affordable housing. He said as a builder costs have gone up. He said they used to sell houses at $180,000.00 and that same house today sells around $280,000.00. He talked about the average income in Mesa County that this wasn’t obtainable housing. He wanted to bring this to their attention. He thanked them.

The Planning Commissioners discussed Mr. Moir’s comments.

Adjournment 9:33 pm

Respectfully submitted,

Kelli McLean
Planning Technician, City of Fruita
Planning & Development Department  
Staff Report  
February 4, 2020

**Application #:** 2020-01  
**Application Name:** Black Bear House  
**Application Type:** Conditional Use Permit  
**Property Owner:** Mike & Kristy Driver  
**Location:** 496 Logan Lane  
**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 2,371 square foot detached single-family dwelling unit on an approximately .24-acre lot located on the southeast corner of Logan Lane and J 2/10 Road. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner.

The applicant is proposing to rent, on a less than month-to-month basis the entire dwelling unit which is made up of 4 bedrooms and 3 bathrooms. 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:**

Surrounding zoning consists mostly of Community Residential and is surrounded by Unincorporated Mesa County properties. Most land uses surrounding the subject property are single family detached dwellings. There are similar types of uses (Bed & Breakfasts or Short-Term Rentals) nearby.
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 house contains 4 bedrooms and 3 bathrooms. This criterion has been met.

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 are aware that the kitchen and dining facilities may only serve the guests even though this is not directly expressed in the project narrative. This criterion can be met.

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 because the application doesn’t propose any changes to the residential character of the dwelling unit. The project narrative states that “the property will be perfectly maintained to attract high-end vacationing families including lawn, bushes, trees, and other curb appeal landscaping.” This criterion can be met.

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.
The Sign Code requires that signs be reviewed in conjunction with the Conditional Use Permit. There was no indication from the applicant in the submittal documents that would indicate a proposed sign. Thus, no signage is being proposed. If a sign were to be proposed, there would need to be an amendment to this Conditional Use Permit. Amendments to CUP’s require hearings by both the Planning Commission and City Council. This criterion is not applicable because no sign is being proposed at this time.

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

It appears that this property has at least 4 off street parking spaces. The project narrative states that guests are provided off-street parking and will be asked not to park on the street. No screening is recommended by Staff. This criterion **has been met.**

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

The dwelling unit was originally constructed in 2014 according to the Mesa County Assessors website. The subject property does not appear to have any outstanding building permits. This criterion **has been met at this time.**

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**

The subject property is in Grand Valley Estates. The applicants have submitted a letter of support from the HOA’s Vice-President stating that this type of use did not violate their covenants. This criterion **has been met.**

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.

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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.

Although there are short term rentals nearby, it appears that this proposed vacation rental can be compatible with surrounding land uses. Compliance with the regulations for vacation rentals should allow this business to coexist with other existing houses in the area without having a disproportionate or severe impact on the neighborhood. This criterion can be met.
3. The proposed use will not materially endanger the public health or safety; and

The use of the single-family dwelling unit for a vacation rental is not expected to endanger the public health or safety. Staff recommends that all guest bedrooms contain carbon monoxide and smoke alarms. This criterion can be 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.

Legal Notice:

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NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing Tuesday, February 11, 2020 at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue. 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 Tuesday, March 3, 2020 at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers. 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 # 2020-01
Application Name Black Bear House
Application Type Conditional Use Permit
Location 496 Logan Lane
Zone Community Residential (CR)
Description This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed and Breakfast) in a Community Residential 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: www.fruita.org
Review Comments:

- No reviewer expressed concerns over the proposed application.

- Conditions of approval by Staff:
  1. Lodger’s tax be paid to the City of Fruita pursuant to Chapter 3.18 of the Fruita Municipal Code.
  2. Maintain a current City of Fruita business license.
  3. Limited to 4 bedrooms.
  4. All bedrooms shall contain fire and carbon monoxide alarms.
  5. Annual review of the Conditional Use Permit by the Fruita Code Compliance Officer.
  6. Compliance with all laws and regulations as applicable.

Public Comments:

No written public comments have been received regarding this application at this time.

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 all review comments are met before the business becomes operational.

January 16, 2020
Fruita Planning Department
325 E. Aspen Avenue
Fruita, CO 81521

Re: Comments for 2020-01 Black Bear House

1. Fire extinguisher, carbon monoxide detector and smoke detectors must be in place and operational.

2. Second story escape window(s) and escape ladders need to be checked by MCBD.

Richard Pippenger
Fire Marshal
Kelli McLean

From: Darrell Bay <darrell.bay@mesacounty.us>
Sent: Tuesday, January 14, 2020 11:39 AM
To: Kelli McLean
Subject: Re: 2020-01 Black Bear House

Follow Up Flag: Follow up
Flag Status: Flagged

Kelli,
MCBD has no objections.
If inspections are required a permit must be obtained and only life safety items will be checked.
Thanks

Darrell Bay
Building Official
970-244-1651

On Thu, Jan 9, 2020 at 1:27 PM Kelli McLean <kmclean@fruita.org> wrote:

Hello,

Please send us your review comments for project 2020-01 Black Bear House by Thursday, January 30, 2020. I have included a link to the project below for your convenience. Thank you!

https://www.fruita.org/cd/page/2020-01-black-bear-house

KELLI MCLEAN
PLANNING TECHNICIAN
CITY OF FRUITA
970-858-0786

FRUITA
COLORADO
LAND DEVELOPMENT APPLICATION

Project Name: **Black Bear House**
Project Location: 496 Logan Ln, Fruita CO 81521
Current Zoning District: Single Family Residence
Tax Parcel Number(s): 2669-163-47a-001
Number of Acres: .23
Project Type: Short-Term Rental

Property Owner: Mike Driver
Address: 496 Logan Ln
City/State/Zip: Fruita CO 81521
Phone: 970-639-0015 Fax: E-mail: kristy@visitfruta.com

Property Owner: Kristy Driver
Address: 496 Logan Ln
City/State/Zip: Fruita CO 81521
Phone: 970-639-0280 Fax: E-mail: kristy@visitfruta.com

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: Conrad Gollob
Contact: 
Address: 787 22 Rd
City/State/Zip: Fruita, CO 81505
Phone: 970-639-0280 Fax: E-mail: conrad@visitfruta.com

Engineer: 
Contact: 
Address: 
City/State/Zip: 
Phone: 
Fax: 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.

Kristy Driver / Signature 1/27/2019

Name of Legal Owner / Signature / Date

Name of Legal Owner / Signature / Date

Name of Legal Owner / Signature / Date

STATE OF COLORADO) ss.
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this 27 day of DEC., 20.
My Commission expires: 7/15/23 Notary Public Tia Pershall
City of Fruita Conditional Use Permit
496 Logan Lane, Fruita, CO 81521
“The Black Bear 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. www.VisitFruita.com is committed to the premier guest experience.

Project Description: Short Term Vacation Home at 496 Logan Lane, Fruita. Rentals will range from 3 to 90 days.

Project Compliance, Compatibility and Impact:

- This home is approximately 2,371 Square Foot, Single Family Home on .23 acres. We will allow families a unique place to vacation in the downtown area.
- The house consists of 2 floors with 4 bedrooms and 3 full bathrooms. Maximum occupancy will be 8 adults.
- 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.
- The property exterior will be perfectly maintained to attract high-end vacationing families including lawn, bushes, trees and other curb appeal landscaping.
- 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.

Guest Management:

- The Management and Owners of the property are local residents of Fruita, Mike and Kristy Driver.
- Maintenance and daily guest contact is provided by our Local Fruita Team of 4 people plus the owners. Response time for any guest or neighbor of any issue is handled within 20 minutes.
- Management will notify all neighboring homeowners of 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.
- Guests are provided off-street parking and will be asked to NOT to park on the street
Safety and Compliance:
- Guests are notified in their "Rental Agreement" of the City of Fruita compliance rules upon booking.
- Most regulations in the Fruita Municipal Code Compliance pertaining to a guests stay including Pets, Parking, Noise, RV's and Trailers are presented to each guest in digital and written Guest Welcome Book.
- All safety features are updated and checked regularly, including fire extinguishers, carbon monoxide detectors, and second story egress ladders

Promoting Tourism to Fruita:
We want to keep the guest focus solely on Fruita. This past year, VisitFruita.com invested in our Hospitality App. The application allows us to electronically communicate and provide information to, and receive requests from our guests. As a guest reservation is confirmed, our hospitality app contains everything they need to know about local area restaurants, events, outdoor recreation, etc. Additionally, we have partnered with select media platforms which has resulted in the following economic impacts:

- In 2018, VisitFruita.com spent a total of $50,000 on several marketing channels to bring guests to Fruita. In 2020 we are increasing our budget 10%.
- In 2019, VisitFruita.com has accommodated 8176 Guest Stays.
  - This resulted in the following to the City of Fruita (in addition to lodging):
    - Approximately $1 Million spent by guests during their stay in Local Fruita business, restaurants, pubs, groceries, activities providers and festivals
    - Generating approximately $30,000 Retail Sales Tax Revenue.
    - And approximately $6,000 Lodging Tax Revenue.
Grand Valley Estates Homeowners Association

P.O. Box 211

Fruita, CO 81521

December 13, 2019

Re: 496 Logan Lane - Mike and Kristy Driver; VisitFruita.com

City of Fruita Planning Department,

My name is Matt McCurry. I am the Vice-President of the homeowners association for Grand Valley Estates. It is my understanding that Mike and Kristy Driver have purchased 496 Logan Lane, and intend to make it another short term rental rental.

They currently have three short term rentals in our neighborhood. I am pleased to report that there have not been any problems or any complaints in regards to their properties. Their properties are very well maintained and the people that they attract have been very respectable. Also, this type of use does not violate our covenants.

In addition to being a neighbor, Mike & Kristy volunteer for our boards and committees. They are a part of our community!

If you have any questions or would like to speak to me directly my number is 970-778-5423

Thank you,

Matt McCurry, Vice President
Grand Valley Estates HOA
Home Features: 4 Bedrooms and Bathrooms
- Residential Home with similar styled homes in the neighborhood
- Vacation Rental Home will be set up for Families with rentals from 3-days to 3-months.

Overhead View: Private Lot
- Large yard in the back that is fully fenced
- Large double car garage and driveway. There will be no on street parking allowed

Interior Building Specifications and Parcel Map
- First Floor: Garage, front and back Porches, Kitchen, 2 Full Bathrooms, 3 Bedrooms, Laundry Room/Mud Room, Dining and Living Space
- Second Floor: Bedroom and Full Bathroom

Overview of Neighborhood:
Approved Vacation Rental Properties
- 1437 Catalina Ave: Hawk House
- 1494 Catalina Ave: Juniper House
- 1477 Satterfield Ave: Velo House
Application #: 2020-02
Application Name: Christmas Farm Short Term Rental
Application Type: Conditional Use Permit
Property Owner: Amelia Bornert
Location: 402 South Pine Street
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 1,152 square foot detached single-family dwelling unit on an approximately .49-acre lot located on South Pine Street. The property owner has requested a Conditional Use Permit (CUP) to use the property for a vacation rental by owner.

The applicant is proposing to rent, on a less than month-to-month basis the entire dwelling unit which is made up of 2 bedrooms and 1 3/4 bathrooms. 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:

Surrounding zoning consists mostly of Community Residential, Unincorporated Mesa County, the East Carolina Condos and Windsor Park PUD properties. Land uses surrounding the subject property include single family detached and multi-family dwelling units.
**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 house contains 2 bedrooms and 1 3/4 bathrooms. This criteria has been met.

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 are aware that the kitchen and dining facilities may only serve the guests. The project narrative addresses this criteria stating “all food preparation will be for guests only and no commercial food services or food preparation for any other purpose will be allowed.” This criterion can be met.

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

   This criterion was addressed in the project narrative. The applicant specifically included in the project narrative that the residential character of the property and building will remain the same. This criterion can be met.

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.

The Sign Code requires that signs be reviewed in conjunction with the Conditional Use Permit. There was no indication from the applicant in the submittal documents that would indicate a proposed sign. Thus, no signage is being proposed. If a sign were to be proposed, there would need to be an amendment to this Conditional Use Permit. Amendments to CUP’s require hearings by both the Planning Commission and City Council. This criteria is not applicable because no sign is being proposed at this time.

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

It appears that this property has at least 2 off street parking spaces. The project narrative says that there is a detached garage with ample parking on the property. It also states that this will easily accommodate all parking needs for the maximum number of guests that are allowed. No screening is recommended by Staff. This criterion has been met.

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

The dwelling unit was originally constructed in 1922 according to the Mesa County Assessors website. The subject property does not appear to have any outstanding building permits. This criterion has been met at this time.

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**

The subject property does not have affiliations with any HOA’s. This criterion has been met.

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 can be compatible with surrounding land uses. Compliance with the regulations for vacation rentals should allow this
use to coexist with other existing houses in the area without having a disproportionate or severe impact on the neighborhood. This criterion can be met.

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

Use of the single-family dwelling unit for a vacation rental is not expected to endanger the public health or safety. Staff recommends that all guest bedrooms contain carbon monoxide and smoke alarms. This criterion can be 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.

Legal Notice:

Y N DATE

Postcards ☒ ☐ 01/23/2020
Paper ☒ ☐ 01/26/2020
Property ☒ ☐ 01/23/2020

NOTICE OF PUBLIC HEARING

The Fruita Planning Commission will hold a public hearing Tuesday, February 11, 2020 at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers, 325 E. Aspen Avenue. 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 Tuesday, March 3, 2020 at 7:00 p.m. at the Fruita Civic Center, 2nd Floor Council Chambers. 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 # 2020-02
Application Name Christmas Farm Short Term Rental
Application Type Conditional Use Permit
Location 402 S. Pine Street
Zone Community Residential (CR)
Description This is a request for approval of a Conditional Use Permit for a Vacation Rental by Owner (Bed And Breakfast) in a Community Residential 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: www.fruita.org
Review Comments:

- No reviewer expressed concerns over the proposed application.

- Conditions of approval by Staff:
  1. Lodger’s tax be paid to the City of Fruita pursuant to Chapter 3.18 of the Fruita Municipal Code.
  2. Maintain a current City of Fruita business license.
  3. Limited to 2 bedrooms.
  4. All bedrooms shall contain fire and carbon monoxide alarms.
  5. Annual review of the Conditional Use Permit by the Fruita Code Compliance Officer.
  6. Compliance with all laws and regulations as applicable.

Public Comments:

No written public comments have been received regarding this application at this time.

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 all review comments are met before the business becomes operational.

Mesa County Building Department

MCBD has no objections.

If inspections are required a permit must first be obtained and our office will check for life safety items only.

Lower Valley Fire District

Re: Comments for 2020 -02 Christmas Farm VRBO

1. Fire extinguisher and carbon monoxide detector must be in place.
2. Smoke detectors are required in all bedrooms and hallways per the IRC, Section R314 and Appendix J.
LAND DEVELOPMENT APPLICATION

Project Name: Bornert/Christmas Farm - Short Term Vacation Rental
Project Location: 402 S. Pine St. Fruita, CO 81521
Current Zoning District: Requested Zone:
Tax Parcel Number(s): Number of Acres:
Project Type: Conditional Use Permit

Property Owner: Amelia Bornert
Property Owner:
Address: 402 S. Pine St
City/State/Zip: Fruita, CO 81521
Phone: 970-270-3431 Fax:
E-mail: asbornert22@gmail.com

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: Amelia Bornert
Contact:
Address: 402 S. Pine St.
City/State/Zip: Fruita, CO 81521
Phone: 970-270-3431 Fax:
E-mail: asbornert22@gmail.com

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.

AMELIA BORNERT
Name of Legal Owner
Signature
Date

AMELIA BORNERT
Name of Legal Owner
Signature
Date

AMELIA BORNERT
Name of Legal Owner
Signature
Date

STATE OF COLORADO)

COUNTY OF MESA ) ss.

KELLI MCLEAN
Notary Public - State of Colorado
Notary ID 20144019506
My Commission Expires May 12, 2022

The foregoing instrument was acknowledged before me this 13th day of January, 2020,
My Commission expires: May 12, 2022 Notary Public
Project:
Bomett/Christmas Farm- Short Term Vacation Rental
402 S. Pine St.
Fruita, CO 81521

Owner:
Amelia Bomett
402 S. Pine St.
Fruita, CO 81521

- I am requesting approval for a Conditional Use Permit for a Vacation Rental (often referred to as an Air B & B or a VRBO) in a community residential zone. The room(s) is located within a short walking distance to Fruita's historic downtown and mixed use zone. Occupancy is approximate and projected for 6-12 months out of the year depending on the availability and as the seasons demands and allows.

- All development on the property is complete with the exception of future improvements on both the house and grounds for aesthetic appeal.

- The location of the property allows vacationers to stay in a quiet and private home environment rather than a hotel. The property will offer accessibility to all the amenities that Fruita and the surrounding area has to offer. In hopes of bringing revenue to the town of Fruita, and enrichment to the diversity of the community. The added appeal of being within walking distance of downtown’s festivals, farmers markets, and all of our wonderful local businesses make this location ideal. We hope this will be a unique option to encourage more vacationers to stay and play in our wonderful town. This vacation rental property will be a direct, financial benefit for the City of Fruita, providing additional lodging taxes and increase sales taxes as guests shop & eat.

- This property is in compliance with all existing rules and regulations that are outlined in 17.01.080 in the operations of a Bed and Breakfast. The property will offer 2 guest rooms that will accommodate 2 guests in each room. This meets the criteria for having no more than 4 bedrooms to operate as a Bed and Breakfast. There is a detached garage with ample parking on the property. This will easily accommodate all parking needs for the maximum number of guests that are allowed. All food preparation will be for guests only and no commercial food services or food preparation for any other purpose will be allowed.

- The residential character of the property and building will remain the same.

- The current dwelling was built in 1922 and there are no known current building code violations.