

**TOWN OF PARACHUTE, COLORADO**  
**RESOLUTION NO. 2019-21**

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**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO DENYING A SPECIAL USE PERMIT TO JOSE L. CALDERON FOR A MOBILE HOME USE ON PROPERTY LOCATED AT 123 HILL COURT**

**WHEREAS**, pursuant to the Parachute Municipal Code (“PMC” or “Code”), Jose L. Calderon (the “Applicant”) submitted an application for a special use permit for a mobile home (the “Application”) related to property described as Lots 6-7, Block 1, Bathly Heights, located at 123 Hill Court, and identified by Garfield County Parcel Nos. 2409-121-00-002 (the “Property”);

**WHEREAS**, the Applicant owns the Property;

**WHEREAS**, pursuant to the Review Procedures Chart (Table 1.1) at Section 15.01.220 of the Code, an application for special use permit is a two-step review process and the Planning Commission reviews an application and makes a recommendation to the Town Council;

**WHEREAS**, the Applicant wishes to locate a mobile home on the Property;

**WHEREAS**, the Property is zoned Medium Density Residential (MDR) Zone District;

**WHEREAS**, pursuant to Schedule of Uses contained at Section 15.02.230 of the Code, a mobile home is a special use in the Medium Density Residential (MDR) Zone District;

**WHEREAS**, pursuant Section 15.02.210.A of the Code, uses designated as special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the comprehensive plan;

**WHEREAS**, pursuant to Section 15.02.210.C of the Code, in considering an application for special use, the Planning Commission and Town Council shall consider: (1) the compatibility of the use with adjacent uses and adjacent zone districts, as applicable, including the use’s potential traffic generation, noise, lighting, parking requirements, and general deleterious effects on such adjacent uses and properties; (2) conformance with the comprehensive plan; and (3) the applicant’s history of zoning compliance within the Town;

**WHEREAS**, pursuant to Section 15.02.210.D of the Code, the Town Council may impose conditions on a special use approval designed to lessen the adverse impacts, if any, of the special use, to protect the health, safety and welfare of Town residents, and to ensure compliance with all other applicable provisions of the Code;

**WHEREAS**, pursuant to Section 15.01.260 of the Code, a land use approval for a special use shall be 1 year; however, if, within the duration of the approval, no required subsequent

application has been filed, or authorized use established or building permit or other development action taken, the approval shall expire, except, for good cause, the granting authority may grant a single extension of the approval for a time period not to exceed the amount of the initial approval's duration;

**WHEREAS**, pursuant to Section 15.02.210.E of the Code, the Town Council may, in its discretion, specify that the length of the special use approval: (1) be personal to the original applicant, (2) run with the original location for which the permit is approved, or (3) be otherwise transferable, upon such terms and conditions specified by the Town Council; and, in the absence of any specific findings or orders of Town Council concerning the length of an approved special use, the special use approval shall be deemed to be non-transferable and personal to the applicant;

**WHEREAS**, the neighboring properties are developed with single-family dwellings, and there not any mobile homes in the neighborhood; further, the comprehensive plan contemplates the development of single-family residences in this zoning district;

**WHEREAS**, the Planning Commission reviewed the Application at a public meeting, and recommended the Town Council deny the Application for a special use permit for a mobile home; and

**WHEREAS**, the Town Council reviewed the application at public hearing and finds the Application is not in conformance with the review criteria set forth in Section 15.02.210.C, as the proposed use is inconsistent with uses of the neighboring properties and not in conformance with the comprehensive plan, and therefore wishes to deny the Application for a special use permit for a mobile home

**NOW THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Town Council hereby denies Applicant's Application for a special use permit for a mobile home on the Property.

**INTRODUCED, PASSED, APPROVED, AND ADOPTED** by a vote of 3 to 1 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at the Town Hall in the Town of Parachute, Colorado on the 21 day of NOVEMBER, 2019 and approved by the Mayor on the 21 day of NOVEMBER, 2019.

**TOWN COUNCIL OF THE  
TOWN OF PARACHUTE, COLORADO**



*Roy B. McClung*  
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Roy B. McClung, Mayor

**ATTEST:**

*Lucy Cordova*  
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Lucy Cordova, Town Clerk