

**TOWN OF PARACHUTE, COLORADO  
PLANNING COMMISSION  
RESOLUTION NO. 2021-02-PC**

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**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT AND SITE-SPECIFIC DEVELOPMENT PLAN FOR PERSONAL STORAGE UNITS (MINI-STORAGE) USE FOR PROPERTY IDENTIFIED BY GARFIELD COUNTY PARCEL NO. 2409-121-00-011 IN THE TOWN OF PARACHUTE**

**WHEREAS**, pursuant to the Parachute Municipal Code (“PMC” or “Code”), JAZ Holdings, LLC (the “Applicant”) submitted an application for a special use permit and site specific development plan for personal storage units (mini-storage) use (the “Application”) related to property identified by Garfield County Parcel No. 2409-121-00-011 (the “Property”);

**WHEREAS**, Parachute Management, LLC (the “Owner”) owns the Property and authorized the Application;

**WHEREAS**, the Applicant is under contract to purchase the Property from the Owner;

**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 construct storage units on the Property, as an expansion of its existing operations on an adjacent property;

**WHEREAS**, the Property is zoned High Density Residential (HDR) District; however, Applicant has submitted an application to rezone the Property as Service Commercial (SC) Zone District;

**WHEREAS**, the Application for a special use permit is contingent upon the Property being rezoned from HDR to SC Zone District;

**WHEREAS**, pursuant to Schedule of Uses contained at Section 15.02.230 of the Code, personal storage units (mini-storage) is a special use in the Service Commercial (SC) 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**, pursuant to Sections 15.01.420 and 15.01.270.F of the Code, approval of a special use pursuant to PMC Section 15.02.210 shall be considered a site specific development plan, approval of which creates a vested property right for a period of three (3) years, which may be extended where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions;

**WHEREAS**, a vested property right means the right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan and be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town;

**WHEREAS**, pursuant to Section 15.01.270.G of the Code, the Town may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions

may, at the option of the Town Board, after public hearing, result in the forfeiture of vested property rights;

**WHEREAS**, the Planning Commission of the Town of Parachute reviewed the Application at a public meeting, finds the Application in conformance with the review criteria set forth in Section 15.02.210.C, subject to the conditions set forth herein, which is incorporated herein (the "Conditions").

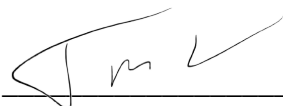
**NOW THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO THAT:**

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

Section 2.     Recommendations. The Planning Commission hereby recommends the Town Council approve Applicant's Application and approve/issue a special use permit for personal storage units (mini-storage) use on the Property, subject to the Town Council rezoning the Property to Service Commercial (SC) District.

**SO RESOLVED** by a vote a vote of 5 to 0, of the Planning Commission of the Town of Parachute at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 14th day of January, 2021.

**PLANNING COMMISSION OF THE  
TOWN OF PARACHUTE, COLORADO**

By  \_\_\_\_\_  
Chair

**ATTEST:**

  
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Lucy Spalmerka, Town Clerk