

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

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO APPROVING WITH CONDITIONS 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, and legally described on Exhibit A (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 Zone District to SC Zone District, which was approved by Ordinance No. 789-2021;

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 Council, after public hearing, result in the forfeiture of vested property rights;

WHEREAS, the Planning Commission reviewed the Application at a public meeting, found the Application in conformance with the review criteria set forth in Section 15.02.210.C, and recommended the Town Council approve of the Application, subject to conditions; and

WHEREAS, the Town Council of the Town of Parachute reviewed the Application at a public hearing, finds the Application in conformance with the review criteria set forth in Section 15.02.210.C as it relates to a personal storage units (mini-storage) use on the Property and wishes to approve the Application for a special use permit, subject to the conditions set forth in **Exhibit B**, which is incorporated herein (the "Conditions").

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

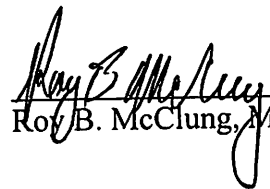
Section 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Special Use Permit. The Town Council hereby approves the Applicant's special use permit for personal storage units (mini-storage) use on the Property, subject to the Conditions set forth on **Exhibit B**.

Section 3. This Resolution shall be recorded in the public records of Garfield County, Colorado.

INTRODUCED, PASSED, APPROVED, AND ADOPTED by a vote of 4 to 0 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 January, 2021 and approved by the Mayor on the 21 day of January, 2021.

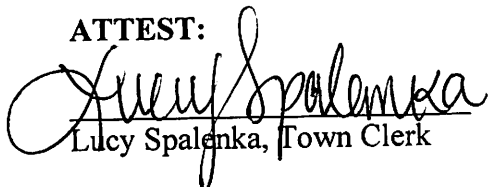
**TOWN COUNCIL OF THE
TOWN OF PARACHUTE, COLORADO**



Roy B. McClung, Mayor



ATTEST:



Lucy Spalenka, Town Clerk

EXHIBIT A

A parcel of land situated in the NW¼NE¼ of Section 12, Township 7 South, Range 96 West of the Sixth Principal Meridian, Town of Parachute, County of Garfield, State of Colorado, said parcel being more particularly described as follows:

Commencing at the Southeast corner of said NW¼NE¼ whence the Northeast corner of said Section 12 bears North 43°00'48" East a distance of 1900.31 feet to the POINT OF BEGINNING; thence South 87°40'17" West along the Southerly boundary of said NW¼NE¼ a distance of 12.68 feet to a point on the Easterly boundary of a parcel as described in Reception No. 719794 of the Garfield County Clerk and Recorders office; thence along said Easterly boundary North 01°36'03" West a distance of 31.44 feet to the Northeasterly corner of said parcel; thence leaving said Easterly boundary South 88°35'57" West along the Northerly boundary of said parcel and the Northerly boundary of Lot 2, Bookcliff P.U.D. a distance of 671.98 feet to a point on the Southerly right of way of County Road No. 215 as described in Book 756 at Page 13 of the Garfield County Clerk and Recorders office; thence leaving said Northerly boundary along said Southerly right of way the following seven (7) courses:

- 1) along the arc of a curve to the left having a radius of 1482.39 feet and a central angle of 02°53'30", a distance of 74.81 feet (chord bears North 77°15'24" East a distance of 74.80 feet)**
- 2) North 70°06'05" East a distance of 210.90 feet**
- 3) along the arc of a curve to the left having a radius of 686.62 feet and a central angle of 13°24'01", a distance of 160.58 feet (chord bears North 56°06'45" East a distance of 160.22 feet)**
- 4) North 43°28'26" East a distance of 207.63 feet**
- 5) North 40°24'12" East a distance of 42.85 feet**
- 6) North 43°00'45" East a distance of 132.88 feet**
- 7) along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 00°24'29", a distance of 3.20 feet (chord bears North 48°38'14" East a distance of 3.20 feet) to a point on the Easterly boundary of said NW¼NE¼; thence leaving said Southerly right of way South 02°05'46" East along the Easterly boundary of said NW¼NE¼ a distance of 475.00 feet to the Point of Beginning.**

EXHIBIT B

1. Applicant shall install a six-foot tall, opaque fence that is aesthetically pleasing along the eastern boundary of the Property.
2. In addition to all requirements of the Code and any requirements imposed by operation of state or local law, no building permits shall be issued for the Property until Applicant submits a detailed Site Plan subject to review and conformance with Section 15.01.215 of the Code and the Development Standards set forth in Chapter 15.04 of the Code, as applicable.
3. Prior to the commencement of any construction activities or subsequent uses, Applicant shall obtain all necessary and required permits and approvals, including but not limited to a building permit in accordance with Section 15.01.210 of the Code.
4. The Applicant shall comply with Section 15.07.305 – General Requirements for all Uses throughout the life of the project.
5. All use of the site shall conform to adopted Fire Codes applicable to the Town of Parachute and recommendations on emergency access and other appropriate safety measures as suggested by the Grand Valley Fire Protection District and the Town of Parachute Police Department.
6. Applicant shall reimburse the Town for any and all fees, including consulting costs and attorney fees, incurred in the review of the Application.
7. Applicant shall indemnify and hold the Town harmless from any and all claims against or losses of any nature whatsoever incurred by the Town arising under or resulting from development of the Property.
8. All representations of the Applicant made in the Application and in statements during the public meeting before the Planning Commission and public hearing before Town Council, either in writing, orally, or reflected in the minutes, shall be considered conditions of approval with which the Applicant shall comply.

ACKNOWLEDGED AND ACCEPTED

Applicant