

TOWN OF PARACHUTE, COLORADO
RESOLUTION NO. 2016-21

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE,
COLORADO, APPROVING A SPECIAL REVIEW USE PERMIT FOR BRUCE
HOGGAN TO OPERATE AN OUTDOOR RECREATION FACILITY**

WHEREAS, Bruce Hoggan dba Rocky Mountain Lasertag, Inc. (the "Applicant") wishes to operate an outdoor recreation facility (that includes lasertage and archery team sports) on property located at 65 Cardinal Way, Parachute, CO 81635, identified as Garfield County Parcel No. 2409-124-43-003 (the "Property");

WHEREAS, the Property is owned by Hoggan Handfuls, LLC, an entity controlled by the Applicant;

WHEREAS, the Property is zoned Service Commercial (SC);

WHEREAS, SC zoning allows for an outdoor recreation facility as a special review use and, therefore, Applicant has applied for a special review use permit for such use on the Property, known as the Hoggan Lasertag and Archery Recreation Facility (the "Application");

WHEREAS, Section 15.05 of the Parachute Municipal Code (the "Code") allows for special review use to be approved as follows:

Uses designated as special review 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 Parachute Plan. It is the intent of these Regulations to provide a review of special review uses so that the community is assured that any proposed special review uses are suitable for the proposed location and are compatible with the surrounding land uses.

WHEREAS, the Planning Commission of the Town of Parachute reviewed the Application and has recommended approval, subject to the conditions set forth in Exhibit A which is incorporated herein (the "Conditions"); and

WHEREAS, the Board of Trustees has reviewed the Applicant's Application for a Special Review Use Permit to allow for an outdoor recreation facility to be located on the Property and finds that it conforms with the terms and conditions of Chapter 15.05 of the Code subject to the subject to Conditions, which are incorporated herein, and, therefore, wishes to approve such permit.

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

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

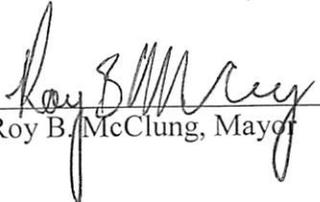
Section 2. The Board hereby approves Applicant's Application for a special review use permit for an outdoor recreation facility on the Property subject to the Conditions set forth in Exhibit A and authorizes the Town Manager to negotiate and approve a cash payment in lieu of land dedication pursuant to Section 15.01.111 of the Code.

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

INTRODUCED, PASSED, ADOPTED, AND APPROVED by a vote of 6 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 15th day of September, 2016 and approved by the Mayor on the 15th day of September, 2016.

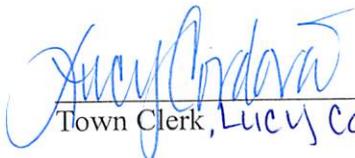
**BOARD OF TRUSTEES OF THE
TOWN OF PARACHUTE, COLORADO**

By



Roy B. McClung, Mayor

ATTEST:



Town Clerk, Lucy Cordova

EXHIBIT A - CONDITIONS

1. The Special Review Use Permit shall be approved for a period of up to two years. At the end of that time period, there shall be a Public Meeting at which time the operations of the Hoggan Lasertag and Archery Recreation Facility (the "Facility") will be reviewed. The Board of Trustees, in their discretion may approve a continuation of the operation of the Facility "as is", may recommend certain changes in the operational schedule or nature of the physical facility itself, or require that a structure or enclosed arena be constructed to house the Facility. The Board of Trustees may require at that time that the Facility also be hooked up to Town utilities and that parking and other improvements such as landscaping be constructed on site.
2. The Town Manager or his designee shall review the operation of the Facility at the end of one year from the opening of the Facility. At that time, any issues related to complaints from the public, suggestions from Town Staff, Department Heads or any special district may be considered in order to enhance the operation of the Facility and allow it to function at an appropriate level as part of the Central Business District.
3. A fence at least 7 feet tall, of a screened or other material approved by the Town Manager, that meets Parachute Municipal Code standards shall enclose the Property on all sides. Frontage landscaping shall be installed.
4. As required by the Parachute Municipal Code, the Applicant shall submit a detailed site plan subject to review and conformance with Sections 15.07.112 and 15.06.104 of the Municipal Code. Special consideration shall be focused on trash storage area and portable sanitation facilities areas. Relationship to the Shared Parking Facility with H2 Dentistry and signage/outdoor lighting (if proposed) shall also be considered.
5. The Applicant shall enter into a Development Improvements Agreement with the Town as per Section 15.03.165 D of the Parachute Municipal Code. The Development Agreement may include provisions for timely review and operation of the Facility per the approved Special Review Use permit including hours of operation, issues related to an outdoor recreational use without permanent Municipal Water and Wastewater Facilities, and use of the Shared Parking on an adjacent lot.
6. All use of the site shall conform to with 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.

7. The Resolution by the Parachute Board of Trustees for the Hogan Special Review Use shall be recorded in the real state records of the Garfield County Clerk and Recorder.
8. All representations made in the Applicant's written material or verbally as reflected in the minutes of the public meetings or hearings where the Application was presented to the Commission and/or Board of Trustees are considered part of the application and binding on the applicant.
9. Applicant shall reimburse the town for any and all fees, including consulting costs, incurred in the review of the Application.