

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 04 – 2024**

**A RESOLUTION RECOMMENDING APPROVAL OF THE CONDITIONAL USE PERMIT
FOR A MARIJUANA BUSINESS LOCATED AT BLOCK 26, LOT 15, TOWN OF GRAND
LAKE; MORE COMMONLY REFERRED TO AS 525 GRAND AVENUE**

WHEREAS, the Town of Grand Lake (the “Town”) received an application for a conditional use permit to operate a marijuana business (the “Application”) at 525 Grand Avenue (the “Property”); and

WHEREAS, staff reviewed the application and found it to be complete and to comply with the requirements of Section 12-2-31(B); and

WHEREAS, the Town of Grand Lake Municipal Code (the “Municipal Code”), Section 6-5-10(E)(3) Regulations Issuance or Denial of [Marijuana] License states “[T]he Board shall not issue the [Marijuana] License until...*the Board has voted to approve the Applicant's Conditional Use Permit*”; and

WHEREAS, Municipal Code 12-2-31(B)(3)(a)(2)(i): Conditional Use Permits, allows the Planning Commission the option of scheduling a Public Hearing on a Conditional Use Permit Application prior to formulating a recommendation to the Board; and

WHEREAS, the Planning Commission properly noticed and conducted a public hearing on the Application on April 17, 2024; and

WHEREAS, Municipal Code 12-2-31(B): Conditional Use Permits states: *The Planning Commission shall take the following factors into consideration prior to making recommendation to the Town Board of Trustees:*

- 1. Relationship of the proposed Conditional Use to the economic development objectives of the Town and the anticipated impact of the Conditional Use on existing businesses and neighborhood residences.*
- 2. Effect upon the character of the area in which the proposed Conditional Use is to be located, including the scale and bulk of the proposed Conditional Use in relation to surrounding uses and neighborhood.*
- 3. Such other factors and criteria as the Commission deems applicable to the proposed Conditional Use including but not limited to: hours of operation; signage; specific businesses, land owners or other interested parties to be notified; or proposed conditions of CUP issuance.*

WHEREAS, the Municipal Code Section 6-5-5(B)(3)(a)(3) limits the location of marijuana businesses to *“property within the Commercial Zoning District or a planned development district; but shall not be permitted on any parcel east of Broadway Street. Regulated Marijuana Stores shall not be permitted to operate as "home occupations."*; and

WHEREAS, the Property is located within the Commercial Zoning District west of Broadway Street.

WHEREAS, the Municipal Code Section 6-5-5(C)(1) prohibits the location of the marijuana businesses within three hundred (300) feet of: Any established and conspicuously identified elementary or secondary school; Existing licensed child care facility; or Any existing Regulated Marijuana Store.

WHEREAS, the Property is not located within 300 feet of any established and conspicuously identified elementary or secondary school; Existing licensed child care facility; or Any existing Regulated Marijuana Store.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO,

THAT, the Planning Commission has reviewed the Conditional Use Permit application for a marijuana business located at Block 26, Lot 15, Town of Grand Lake during a properly noticed public hearing; and

THAT, the applicant has operated a successful business in the State similar to the proposed use; and

THAT, after taking into consideration the applicable factors in Municipal Code Section 12-2-31(B)(3)(a)(3), the Planning Commission hereby recommends to the Board of Trustees the approval of the Conditional Use Permit application, subject to the following conditions :

1. The applicant shall comply with the requirements of Municipal Code Chapter 6: Article 5 for Regulated Marijuana businesses;
2. All permits and approvals necessary to comply with the Municipal Code and applicable state laws shall be obtained by the applicant prior to commencing commercial operations, and shall be maintained in good status at all times.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO THIS 17th DAY OF APRIL.

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

TOWN OF GRAND LAKE

Alayna Carrell
Town Clerk

James Shockey
Planning Commission Chairman