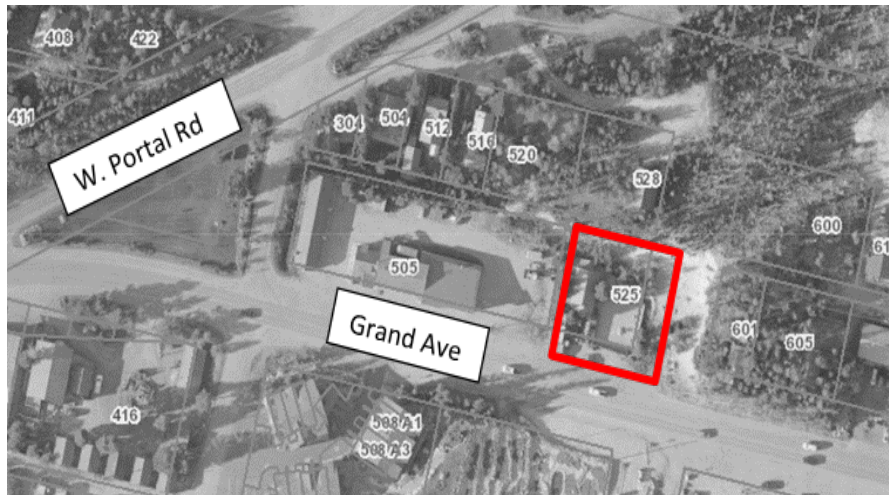




April 17th, 2024

To: Chairman Shockey and Planning Commissioners
From: Kim White, Community Development Director

RE: Resolution 04-2024, Reviewing a Conditional Use Permit for a Marijuana Business Located at Block 26, Lots 15, Town of Grand Lake; More Commonly Referred to as 525 Grand Avenue



Purpose

The Town has received a Conditional Use Permit (CUP) application from Verts Grand Lake, LLC (“The Applicant”) care of Daniel Rowland for a Marijuana business that requires recommendation by the Planning Commission and approval of a Conditional Use permit by the Board per Municipal code [6-5-10\(E\)\(3\)](#) and [12-2-31\(B\)](#) located at Lot 15, Block 26, Town of Grand Lake, also known as 525 Grand Avenue.

Conditional Uses are those uses allowed in a district, in addition to the uses by right, where so authorized, when and if a Conditional Use Permit (CUP) is granted under 12-2-31(B) of the Grand Lake Municipal Code.

Background

Applications were accepted by Town staff by November 6, 2023, at 4:00pm. Of the applications received, two entities had complete applications and were put into a lottery that was held on January 22, 2024. Verts Grand Lake, LLC was chosen via a number generator through random.org. to apply for a license as part of the process per GL municipal code 6-5-8. As part of the process, Verts Grand Lake, LLC must apply for a conditional use permit for this use. Per municipal code 12-2-31 (B) staff presented the application to the Planning Commission at the previous Planning Meeting on April 3rd., at which point the Planning Commission voted to schedule a public hearing. Staff noticed the meeting 15 days prior to the April 17th meeting. Of the 12 certified letters mailed, 9 have been received with no letters have been received for or against the application.

Municipal Code Procedure:

- (a) Procedure Before the Planning Commission. The applicant may propose a Conditional Use Permit request by submitting, to Town Staff, written material outlining the proposed use.



Included in this narrative should include (but not be limited to: operational hours and functions, management responsibilities, assessed neighborhood compatibility and impact). Written material must be accompanied by supporting documentation, including (if applicable) but not limited to:

1. A site plan depicting the layout of the structure with the proposed use, ingress and egress point, parking and vehicular ingress and egress points, snow storage, trash receptacles, and any other item that may be pertinent to the site plan of the property and proposed use.
2. *Landowner or Homeowners Association approval.*
 - (i) Application and supporting materials, including a CD of all drawings in PDF format, must be submitted at least twenty-one (21) days prior to the next regular Planning Commission meeting. Within fourteen (14) days, staff will determine if the submitted application, and supplemental materials, are complete and schedule the Conditional Use Permit request for the next Planning Commission. The Planning Commission shall either:
 1. Formulate a recommendation concerning the Conditional Use including such terms and conditions as it may deem necessary and appropriate. The recommendation shall be placed on the next agenda of the Board of Trustees, or
 2. Schedule a Public Hearing for a later date but no sooner than twenty-eight (28) days from receipt of the application. At least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the CUP Public Hearing and certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the CUP Public Hearing.

Commissioner Discussion:

3. After taking evidence in relation to said Condition Use application, the Planning Commission shall formulate a recommendation, including such terms and conditions as it may deem necessary and appropriate. The recommendation shall be placed on the next agenda of the Board of Trustees.
 - (i) The Planning Commission shall take the following factors into consideration prior to making recommendation to the Town Board of Trustees:
 - (ii) 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. (see attachment #6 for comprehensive plan section for econ. develop.)
 - (iii) 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. (see attachment #7 for comp plan character)
 - (iv) 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. (attachment 2.pdf, 3.pdf, 4.pdf, 5.pdf, 8.pdf)



Staff Comments:

Items located in the attached application have an X next to them if found.

There are multiple documents attached to this packet. The attachments have a number in the file name which can be cross-referenced with the items below and their location (number.pdf then page of the pdf).

X operational hours and functions (2.pdf page 1)

X management responsibilities (2.pdf page 2)

X assessed neighborhood compatibility and impact (2.pdf page 3)

X Signage (5.pdf document)

X layout of the structure with the proposed use, ingress and egress point (3.site plan)

X parking and vehicular ingress and egress points (3.site plan)

X snow storage (3.site plan)

X Landowner or Homeowners Association approval (2.pdf, page 4 lease agreement)

X trash receptacles (2.pdf page 2 and expanded on 4.pdf page 5)

X specific businesses landowners or other interested parties to be notified (notice sent)

Suggested Motions:

1. **I move to recommend a Conditional Use Permit for Verts Grand Lake, LLC at 525 Grand Avenue to the Board with the following necessary and appropriate terms and conditions**

2. **I motion to deny a Conditional Use Permit for Verts Grand Lake, LLC. For the following reasons**
