

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 40 - 2024

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A LANDSCAPE YARD IN GENERAL BUSINESS AND COMMERCIAL (C2) ZONE DISTRICT, LOT 4, ILLUMINATION POINT SUBDIVISION, LOCATED AT 650 ILLUMINATION POINT, PALMER LAKE, COLORADO, SUBJECT TO CONDITIONS

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, Jared Whiteley (“Applicant”) purchased and developed Lot 4, Illumination Point Subdivision, located at 650 Illumination Point, Palmer Lake, Colorado (the “Property”) and developed it into a landscaping business known as Greater Grounds; and

WHEREAS, the Applicant submitted an application for a conditional use permit for a landscape yard on the Property; and

WHEREAS, the Property is located in the General Business and Commercial (C2) zone district; and

WHEREAS, Section 17.44.020(18) of the Palmer Lake Town Code authorizes uses that are not specifically listed as conditional uses in the C2 zone district if they are not more detrimental than the specifically listed conditional uses, as determined by the planning commission and town board; and

WHEREAS, beginning in January through July 18, 2024, the Palmer Lake Planning Commission considered the application, and on July 18, 2024, by a vote of 7-0, recommended that the Board of Trustees approve the conditional use permit subject to a number of conditions that are set forth in Section 3, below; and

WHEREAS, on July 25, 2024, the Palmer Lake Board of Trustees considered the application, including the recommendation of the Planning Commission, and public comment and concluded that the conditional use permit should be granted on the conditions set forth in Section 3, below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Board of Trustees reviewed the application, considered the recommendation of the Planning Commission, and the comments of the public, and finds that the proposed use of the Property by the Applicant for a landscape yard is similar in nature and not more detrimental than other uses allowed as conditional uses in the C2 zone district, provided the conditions set forth in Section 3 are fully complied with.
2. The Application of Jared Whiteley, dba Common Ground, for a conditional use permit to operate a landscape yard in the C2 zone district on the Property located at Lot 4, Illumination Point Subdivision, 650 Illumination Point, Palmer Lake, Colorado is approved subject to the conditions set forth in Section 3, below.

3. The conditional use hereby approved shall be subject to the following conditions.
- a. At all times the Applicant must maintain dust control in the manner presented by the applicant with a dedicated pick up mounted water truck and applying Dust R/X Hydro as needed. Such dust control shall be performed when the Applicant or the Town Administrator deems it to be needed;
 - b. Screening to be completed within 90 days of the date of this resolution. Fencing will include an 8 ft opaque fence (not wire wildlife) at the north and east lot lines and evergreens outside the fence a minimum of 4 ft high at 20 ft on center at the north and east lot lines;
 - c. All dumpster and other storage must remain behind the screening;
 - d. no retail sales shall be conducted on the Property;
 - e. Applicant shall meet all required CDOT regulations pertaining to the access permit and town regulations pertaining to the land development within 90 days of the date of this Resolution or on such date as may be specifically agreed to by CDOT and the Town Administrator; and
4. The conditional use permit approved by this Resolution is limited to Jared Whiteley and the Greater Grounds business and may not be transferred without the advance written approval of the Board of Trustees.
5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
6. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 25th DAY OF JULY 2024.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor