

**TOWN OF PALMER LAKE  
EL PASO COUNTY  
STATE OF COLORADO**

**RESOLUTION NO. 34 - 2024**

**A RESOLUTION EXTENDING A TEMPORARY CONDITIONAL USE PERMIT  
FOR 12 MONTHS FOR 773 SOUTH HIGHWAY 105, PALMER LAKE, COLORADO**

**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**, Diacut is the owner of certain real property located at 773 South Highway 105 (“the Property”); and

**WHEREAS**, the Property is located in the C-2 General Business and Commercial Zone district; and

**WHEREAS**, Hayco uses the Property to operate a wholesale business including outside storage; and

**WHEREAS**, wholesale business including outside storage is allowed as a conditional use in the C-2 district; and

**WHEREAS**, on April 28, 2022, the Board of Trustees adopted Resolution 26-2022, approving a temporary conditional use permit for the operation of Hayco’s wholesale business including outdoor storage on the Property for 12 months, subject to specified conditions; and

**WHEREAS**, on May 25, 2023, the Board of Trustees adopted Resolution 41-2023, approving a one year extension of the temporary conditional use permit, to May 31, 2024; and

**WHEREAS**, the property and business owner have requested another extension for up to two years for the temporary conditional use on the Property; and

**WHEREAS**, the Planning Commission heard the request on May 15, 2024, and recommended the Board extend the conditional use permit for another 12 months, subject to certain additional conditions, set forth below.

**WHEREAS**, on June 13, 2024, the matter was heard by the Board of Trustees, who sent the matter back to the Planning Commission for clarification of an issue related to screening of materials on the Property; and

**WHEREAS**, on June 19, 2024, the Planning Commission recommended that Applicant be required to install screening 36 feet wide and five and one half feet tall, using green privacy screening.

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

**Section 1.** The temporary conditional use permit for the Property is extended for another period of twelve (12) months, to and including May 31, 2025, subject to the conditions set forth in Resolutions 26-2022 and 41-2023, and subject to the following additional conditions:

1. All vehicles, Connex, and other equipment on the Property must be screened from view from Highway 105 behind green privacy screening a minimum of 36 feet wide and 5 feet tall on or before August 1, 2024.
2. On or before May 31, 2025, the Applicants must submit an application for a permanent conditional use permit that fully complies with all applicable Town regulations, including but not limited to screening and/or structure to enclose materials. Such application will be subject to review and recommendation by the Planning Commission and approval by the Board. If no such application is submitted by May 31, 2025, or if such application is not approved, then Applicants must immediately cease use of the Property for the temporary conditional use.

**Section 2. 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.

**Section 3. 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 27TH DAY OF JUNE 2024.**

TOWN OF PALMER LAKE, COLORADO

  
Grant Havenar, Mayor

ATTEST:

By:   
Dawn A. Collins, Town Administrator/Clerk