

PALMER LAKE, COLORADO

RESOLUTION NO. 5 OF 2019

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ESTABLISH A MIXED RESIDENTIAL DWELLING AND COMMERCIAL USES OCCURRING IN
THE SAME BUILDING ON A PROPERTY CURRENTLY ZONED C-C CONVENIENCE
COMMERCIAL
ZONE DISTRICT AND LOCATED AT 56 HIGHWAY 105 ("PROPERTY")**

WHEREAS, PALMER LAKE IS A STATUTORY TOWN ORGANIZED UNDER AND AUTHORIZED PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE 31 OF THE COLORADO REVISED STATUTES; AND

WHEREAS, SECTION 17.38.020 OF THE PALMER LAKE MUNICIPAL CODE PROVIDES THAT A A MIXED RESIDENTIAL WITH COMMERCIAL USE IS A CONDITIONAL USE IN THE C-C CONVENIENCE COMMERCIAL ZONE DISTRICT; AND

WHEREAS, SECTION 17.08.090 PROVIDES THAT THE PLANNING COMMISSION SHALL MAKE RECOMMENDATIONS OF APPROVAL OR DENIAL OF CONDITIONAL USES TO THE BOARD OF TRUSTEES, WHICH HAS THE FINAL AUTHORITY TO GRANT OR DENY SUCH APPLICATIONS; AND

WHEREAS, SECTION 17.08.090 FURTHER PROVIDES THAT THE APPLICANT FOR A CONDITIONAL USE SHALL FOLLOW THE SAME PROCEDURE AS IS REQUIRED FOR AN APPLICATION FOR A ZONING DESIGNATION CHANGE, INCLUDING THE POSTING AND PUBLICATION OF LEGAL NOTICE; AND

WHEREAS, CHAPTER 17.76 SETS FORTH THE PROCEDURE FOR ZONING AMENDMENTS ALSO APPLICABLE TO CONDITIONAL USE APPLICATIONS; AND

WHEREAS, PUBLISHED AND POSTED NOTICE OF THE PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND BOARD OF TRUSTEES AS REQUIRED BY SECTION 17.76.10 WAS DULY AND TIMELY ACCOMPLISHED; AND

WHEREAS, THE PALMER LAKE PLANNING COMMISSION RECOMMENDED APPROVAL OF THIS CONDITIONAL USE.

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

Section 1. The application pursuant to Section 17.38.020 for a Conditional Use Permit to establish a mixed residential with commercial use on property currently zoned "CC" Convenience Commercial, and located at 56 Highway 105 is hereby approved, subject to the following conditions:

1. The building will not exceed two stories.
2. The preliminary site plan and building design will be brought to the Planning Commission for final review,
3. Construction of a sidewalk in front of building.

Section 2. This Resolution shall be effective immediately.

APPROVED AND ADOPTED ON THIS 28th DAY OF MARCH 2019, BY A VOTE OF __ FOR AND AGAINST.



JOHN CRESSMAN, MAYOR

ATTEST:



VERLA BRUNER, TOWN CLERK

Approved as to Form:

MAUREEN JURAN, TOWN ATTORNEY