

PALMER LAKE, COLORADO

RESOLUTION NO. 14 OF 2018

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ESTABLISH A CELLULAR TOWER AT 11 PRIMROSE ("PROPERTY")
ON A PROPERTY CURRENTLY ZONED C-C COMMERCIAL CONVENIENCE**

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 CELLULAR ANTENNA IS A CONDITIONAL USE IN THE C-C COMMERCIAL CONVENIENCE 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 WITH CONDITIONS.

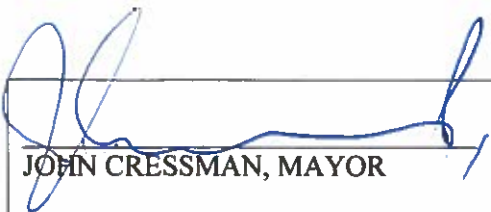
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. The application pursuant to Section 17.38.020 for a cellular antenna, and located at 11 Primrose is hereby approved, subject to the following conditions:

1. All equipment and antennas must be removed from the building after 6 months of non use.
2. Verizon or the owner of the antennas may be asked to come to a Planning Commission meeting every 5 years for a review of service. The Planning Commission may request that the owner upgrade antennas if a smaller, less visible antenna providing the same level of service becomes available.

Section 2. This Resolution shall be effective immediately.

APPROVED AND ADOPTED ON THIS 11th DAY OF OCTOBER 2018, BY A VOTE OF 5 FOR AND 0 AGAINST.


JOHN CRESSMAN, MAYOR

ATTEST:


VERLA BRUNER, TOWN CLERK

Approved as to Form:

MAUREEN JURAN, TOWN ATTORNEY