

A RESOLUTION APPROVING GCM, INC. AS THE NEW
PERMITEE OF AN EXISTING AND PREVIOUSLY
APPROVED SPECIAL USE PERMIT ALLOWING A
MORTUARY AND CREMATORY ON LOTS 2-3, BLOCK 21,
TOWN OF HOT SULPHUR SPRINGS

WHEREAS, the Town of Hot Sulphur Springs previously approved a Special Use Permit for a mortuary on Lots 2-3, Block 21, Town of Hot Sulphur Springs (the Property), located at 204 Byers Avenue; and

WHEREAS, said Special Use Permit was amended on July 31, 2007 to allow a crematory to be included as a permitted use within the Foran-Schoenfeld Mortuary, Inc. building on the Property; and

WHEREAS, GCM, Inc. is now the current owner of the Property, as well as Permittee of the existing Special Use Permit; and

WHEREAS, the record for this case includes, but is not limited to, the original Special Use Permit and Amendment applications, the Town of Hot Sulphur Springs Town Code, Town of Hot Sulphur Springs Master Plan, and all other applicable ordinances, resolutions and regulations, together with all Town of Hot Sulphur Springs land use application processing policies that relate to the subject matter of the public hearing, and accompanying maps, reports, studies and all other submittals of the Applicant, any evidence or correspondence submitted by members of the public at the public hearing, and the files and reports of the Town's planning consultant pertaining to this application; and

WHEREAS, the Town Board of Trustees has determined that the Special Use Permit, subject to the terms and conditions set forth in Exhibit "A", will not otherwise be detrimental to the health, safety, or welfare of the present of future inhabitants of the Town; will not change the predominant character of the neighborhood and will be compatible with the surrounding area; and otherwise meets the applicable criteria set forth in Section 9-4-5(C) of the Town of Hot Sulphur Town Code.

NOW, THEREFORE, BE IT RESOLVED by the Town of Hot Sulphur Springs Board of Trustees as follows:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Town Board of Trustees.

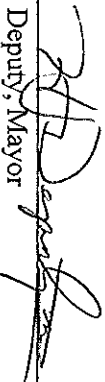
Section 2. The Town Board of Trustees hereby approves GCM, Inc. as the new Permittee of the existing and previously approved Special Use Permit, allowing a mortuary and crematory on Lots 2-3, Block 21, Town of Hot Sulphur Springs

Section 3. The Special Use Permit terms and conditions are fully described, set forth and attached hereto in Exhibit "A".

Section 4. This Resolution shall be effective immediately upon approval of the Board of Trustees for the Town of Hot Sulphur Springs.

ADOPTED BY A VOTE OF 5 IN FAVOR, 0 AGAINST, and 0 ABSTAINING THIS
19th DAY OF May, 2011.

TOWN OF HOT SULPHUR SPRINGS

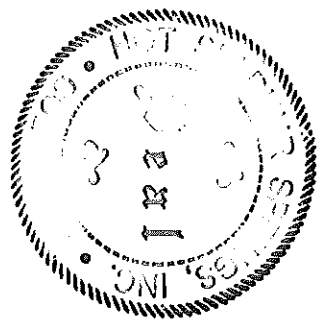
By: 
Hershah Deputy, Mayor

ATTEST:

By: 
Sandy White, Town Clerk

SEAL

By: _____
Hershal Deputy, Mayor



ATTEST:
By: _____
Sandy White, Town Clerk

Sandy White

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"EXHIBIT A"
RESOLUTION NO. 2011-5-3

1. PERMITEE:

Name: GCM, Inc
Address: P. O. 2496
Granby, CO 80446

2. USES PERMITTED:

Mortuary and Crematory Operations and associated uses incidental thereto.
On and off-street public parking

3. LOCATION OF PERMITTED USE:

Lots 2-3, Block 21, Town of Hot Sulphur Springs

4. BEGINNING DATE OF PERMIT: July 31, 2007

5. EXPIRATION DATE OF PERMIT: May 18, 2014

6. CONDITIONS OF THE PERMIT:

1. Hours of Operation: Typical "public" hours of operation are from 8:00 a.m. to 5:00 p.m., Monday-_____, with the exception of employees working early/late, as well as typical snow removal operations.

2. Additional Uses and Accessory Uses: Any uses prohibited in the R-1 Residential District shall not be allowed or permitted on the property. Any uses permitted by Special Review which are not listed or permitted in Section 2 shall not be permitted on the property without proper amendment of the SUP.

3. Modifications: Modifications to existing buildings and/or building footprints, include razing and rebuilding, are allowed as long as the modification adheres to all sections of Resolution 2011-5-___ (this resolution) and does not affect or impact the "criteria for approval" (Hot Sulphur Zoning Code 9-5-2 (C)) that has previously been met as part of the initial approvals of this SUP.

While considering any proposed modification, the applicant must follow relevant regulations for similar modifications made elsewhere in Hot Sulphur Springs, which include the following:

- Primary, additional & accessory uses;
 - Hours of operation;
 - Available parking;
 - Lighting;
 - Noise; and specifically from Hot Sulphur Springs R-1 Zone criteria:
 - Minimum lot size;
 - Maximum lot coverage;
 - Maximum building height;
 - Setbacks (front, side & rear); and
 - Other zoning issues that are site specific (i.e. ingress, egress, public street access, etc.)
- Proposed modifications shall be submitted to the Hot Sulphur Springs Town Clerk, and shall be reviewed by the Planning Commission, who may approve, approve with conditions, or deny any proposed modifications, based on the criteria specified above.

4. Permits: Permits for all buildings on the site are required from the Town of Hot Sulphur Springs and Grand County Building Department prior to starting construction on site.

5. Control of Site: Permittee shall be responsible for controlling and maintaining the site in an attractive condition at all times. No junk or other debris shall be allowed to accumulate on the site.

6. Compliance with Town, County, State and Federal Regulations: Permittee shall be subject to all Town, County, State and Federal Rules, Regulations and Statutes. Permittee will be responsible for insuring compliance with all applicable Town, County, State and Federal Rules, Regulations and Statutes. This Permit in no way relieves Permittee from complying with said Rules, Regulations and Statutes. Any violation of any Town, County, State or Federal Rules, Regulations or Statutes relating to this operation shall be grounds for immediate termination of this Permit.
7. Limitation of Liability: The Town of Hot Sulphur Springs Board of Trustees by the issuance of this Permit assumes no responsibility for the operation of the site and Permittee hereby covenants and agrees to hold Town of Hot Sulphur Springs harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation contemplated by this Permit. Permittee warrants that they will obtain appropriate liability and hazard insurance to compensate any individuals who may be injured or damaged in any manner by the conduct of this use. Permittee further warrants and agrees to compensate Town of Hot Sulphur Springs for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said Town as a result of said Permittee's operation of this use.
8. Alteration of Terms and Conditions: The terms and conditions of this Permit cannot be altered without proper notice and review by the Town of Hot Sulphur Springs Board of Trustees.
9. Binding Contract: This Permit shall become a binding contract between the parties hereto upon the execution hereof as provided for below. Said contract shall be binding upon and inure to the benefit of the successors, heirs, assigns and personal representatives of the parties.
10. Right to Enter Site: Permittee irrevocably consents to Town of Hot Sulphur Spring's right to enter the property to check for compliance with permit conditions at any time during normal business hours.
11. Violation of Terms and Conditions: In the event of violation of any of the restrictions, or conditions on the use of this Permit, or in the event of failure to fulfill any of the conditions required by this Permit, the Town of Hot Sulphur Springs Board of Trustees may, upon not less than ten (10) days notice in writing to Permittee, hold a public hearing to consider the revocation of this Permit or to take such other action in its sole discretion deems appropriate. Notice to Permittee shall be complete upon mailing at the following address:
GCM, Inc
P. O. 2496
Granby, CO 80446
12. Termination: No termination of this Permit shall be made without good cause shown and any modification of the Permit shall be made only upon resolution of the Town of Hot Sulphur Springs Board of Trustees and any oral representations or agreements shall be null and void and of no legal effect.
13. Off-site Impacts: Permittee shall control and minimize noise, dust, glare and odor on the site to minimize nuisances to adjoining properties.
14. Alteration of Terms and Conditions: The terms and conditions of this Permit cannot be altered without proper notice and review by the Town of Hot Sulphur Springs Board of Trustees.

6. **APPLICABLE SECTION OF ZONING REGULATIONS:**


Title 9 Hot Sulphur Springs Town Code

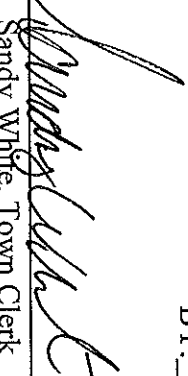
7. DATE AND TIME OF LAST PUBLIC HEARING:

July 31, 2007 at 5:30 PM

In the event of violation of any of the restrictions on the use of this Permit, or in the event of failure to fulfill any of the conditions required by this Permit, the Town of Hot Sulphur Springs Board of Trustees may, upon not less than ten (10) days notice in writing to Permittee at the above address, hold a public hearing to consider the revocation of this Permit or to take such other action as the Town of Hot Sulphur Springs Board of Trustees, in its sole discretion, deems appropriate. Notice to Permittee shall be complete upon mailing.

TOWN OF HOT SULPHUR SPRINGS BOARD
OF TRUSTEES

BY: 
Lucy Meirose, Mayor Pro Tem

ATTEST: 
Sandy White, Town Clerk

DATE: 5/20/11

PERMITTEE:

BY: 

DATE: 5-20-11