

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 04-2023**

**CONSIDERATION TO RECOMMEND A SPECIAL USE PERMIT (SUP) TO ALLOW A
COMMERCIAL USE ON PROPERTY LOCATED AT BLOCK 5, LOT 4-6, TOWN OF GRAND
LAKE; MORE COMMONLY REFERRED TO AS 1016 GRAND AVENUE**

WHEREAS, the Town of Grand Lake (the “Town”) received a Special Use Permit (SUP) Application (the “Application”) from Blake Barbiche of TruePenny Pitstop LTD; (the “Applicant”); and

WHEREAS, Lots 4-6, Block 5, Town of Grand Lake (the “Property”) is zoned commercial; and

WHEREAS, the Property is owned by River Mountain LLC & Partners; and

WHEREAS, Municipal Code 12-2-31(A) General SUP states:

2. A [SUP] permit [is required] for the temporary use (six months or less) of private property.
(b) For Commercial/Mixed Use, the permit shall be utilized for the approval of proposed accessory uses, not incidental to the primary use of the property, or when there are two or more business present, with at least one business that is proposed to be located in a non-fixed structure, or a temporary facility.....

3. At a Public Hearing, after receiving comment and testimony, the Commission shall make recommendation to the Board of Trustees in the form of a resolution.; and

WHEREAS, Municipal Code 12-2-18 (A) Uses Permitted by Right in a Commercial District states: eating and drinking places; frozen food locker; and

WHEREAS, the Applicant is requesting a temporary, non-fixed food/drink facility (the “Use”) on the Property; and

WHEREAS, the Commission reviewed the Application at a Public Hearing on April 5th, 2023; and

WHEREAS, the Commission considered the following factors when reviewing the Application:

- (i) Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses.
- (ii) Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and (if applicable) snow removal from the streets and parking areas.
- (iii) Effect upon the character of the area in which the proposed Special Use is to be located, including the scale and bulk of the proposed Special Use in relation to surrounding uses and neighborhood.
- (iv) Such other factors and criteria as the Commission deems applicable to the proposed Special Use including but not limited to: proposed length of use; specific businesses; land owners or other interested parties to be notified; or proposed conditions of SUP issuance.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF
GRAND LAKE, COLORADO:**

THAT, the proposed location of the Use is in accord with the purposes of this Chapter and the purposes of the Commercial District; and

THAT, the proposed location of the Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor will the proposed use be materially injurious to nearby land uses, properties, or improvements; and

THAT, the proposed Use will comply with all of the applicable provisions of the Code of Ordinances; and

THAT, the Applicant shall comply with such terms and conditions as the Commission determines are necessary to carry out the letter and intent of the Special Use Permit process; and

THAT, the Planning Commission hereby forwards a favorable recommendation to grant the Special Use Permit for a temporary “Use” located on the Property with the recommended following conditions of approval:

1. The hours of operation are limited to 10 am to 5pm, four to five (4-5) days a week.
2. The SUP is valid beginning May 1st and shall expire on October 31st, 2023.
3. The Applicant shall provide signage for TruePenny, such signage to be approved by the Town of Grand Lake.
4. Any changes to this Special Use Permit shall be reviewed and approved by the Planning Commission and Board of Trustees.
5. Review of this Special Use Permit may be warranted by the Commission and Board of Trustees, if two (2) or more written complaints are received by the Town in any six (6) month period.
6. This SUP has a penalty clause included specifying a Fifty Dollar (\$50.00) per day fine for each and every day the business is out of compliance with the Date of this permit.
7. The Applicant complies with all other federal, state, and local regulations.
8. Failure to adhere to these conditions shall be cause for Town Staff to either suspend or revoke the SUP without notice or hearing.

DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO, THIS 5th DAY OF APRIL, 2023.

(S E A L)

Votes Approving: 0

Votes Opposed: 0

Absent: 0

Abstained: 0

ATTEST:

TOWN OF GRAND LAKE

/s/

Alyana Carrell, Town Clerk

/s/

James Shockey, Chairman