



1026 Park Ave · PO Box 99  
Grand Lake, CO 80447  
970-627-3435  
www.townofgrandlake.com

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Date: June 5<sup>th</sup>, 2024

To: Chairman Shockey & Commissioners  
From: Kim White, Community Development Director

RE: **(QUASI JUDICIAL) PUBLIC HEARING** - Consideration to approve a Special Use Permit (SUP) per Grand Lake Municipal Code section 12-2-31(A)2, to allow a commercial use on property located at Block 21, Lot 15, Town of Grand Lake; More Commonly Referred to as 625 Grand Avenue.



### **Public Hearing Process**

The public hearing should be conducted as follows:

1. Open the Public Hearing.
2. Allow staff to present the matter.
3. Allow the applicant to address the commission.
4. Take all public comment.
5. Close the Public Hearing.
6. Have Commission discuss amongst themselves.
7. Commission makes a motion.

### **Purpose**

The Town has received a special use permit (SUP) application from TruePenny Pitstop, LTD. to operate a food truck on occupied commercial lot 15 Block 21, Town of Grand Lake, more commonly known as 625 Grand Avenue. This will be the third year in a row for this request, although this year



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the location is a few blocks west of the years prior. This requires Planning Commission recommendation and Board of Trustees review. The primary landowner is Zach Heiliger of Otherside Gear and Coffee Shop and has given his permission for the use.

### **Background**

Blake Barbiche of TruePenny Pitstop LTD. has submitted a special use application to run a seasonal stationary food truck business at the 625 Grand Ave. lot for the summer of 2024. The business received a Special Use Permit for the summer of 2022 and 2023 without any complaints received by the Town. The applicant is requesting to renew the Special use permit for the 2024 season (see exhibit 1 application).

**The parcel is zoned Commercial and, while the business is a use by right (*eating and drinking places; frozen food locker- M.C. 12-2-18 (A) 2*), because the business is being run at the same location as another business and is a non-fixed/ temporary structure, a Special Use Permit is required per Municipal Code 12-2-31. A Special Use permit will allow this use of a temporary structure for a maximum of six months with the option to have it annually reoccurring for up to three years.**

The Applicant's proposed Special Use is a seasonal commercial business offering "nutritious, whole-food smoothies and smoothie bowls" known as TruePenny Pitstop LTD. The business would operate summer months only. The proposed days and hours of operation are Thursday- Sunday 9am-5pm, June through September, but the permit would be good through November 11<sup>th</sup>. The truck will stay in the same location for the summer and not move each evening and will have a small sitting area and not run off a generator to limit noise. The trailer will not block the Big Horn Lodge sign.

The Applicant's submission includes all required materials and supporting documentation:

- Application Main Form
- Cover letter detailing the business operation
- Narrative description of the nature of the Special Use
- Copy of Grand Lake Sales Tax License
- Letter from Owner stating a lease agreement is in place.
- Letter from neighboring business in support
- Images of the proposed site and plan of the site
- Will obtain a current Town Business License.

14 certified letters were sent to property owners within 200 feet of the site and Legal Notice, 9 have been received to date. Notice was posted in the Middle Park Times with one positive comment (exhibit 2) and not negative responses to any of the notices.

### **Municipal Code**

**Municipal Code section 12-2-18 (A) Uses Permitted by Right Commercial District:**

*2. Amusement and/or recreational businesses other than those provided for in 12-2-18(A)8; automobile parking lot; bank; bus terminal; eating and drinking places; frozen food locker; offices; drugstore; laundromat; liquor store; gift store; jewelry store; bakery;*



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clothing store; grocery; hardware store; sporting goods store; general store; said businesses being of a retail or service nature, and limited as set forth.

### **Municipal Code section 12-2-31 [Special and Conditional Use Regulations]**

*General SUP- A permit 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 businesses present, with at least one business that is proposed to be located in a non-fixed structure, or a temporary facility; or when the total square footage of the unit/structure does not meet the minimum floor area for the zoning district where it is located.*

#### **(f) Commission Processing and Review Criteria for a General SUP:**

*1. The Planning Commission shall review the SUP application in a Public Hearing to receive testimony and comment of interested citizens, businesses, and adjoining property owners prior to making a recommendation to the Town Board of Trustees.*

*2. In making determination of a recommendation of approval or denial of the SUP application, the **Commission shall consider the following factors:***

- (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.*

*3. At the Public Hearing, after receiving comment and testimony, **the Commission shall make a recommendation to the Board of Trustees in the form of a Resolution.** Nothing in this Section shall preclude the Commission from tabling or continuing the Public Hearing to another time and place. **If the Resolution is to approve the request, it shall contain the following findings:***

- (i) That the proposed location of the use is in accord with the purposes of this Chapter and the purposes of the district in which the SUP site is located.*
- (ii) That the proposed location of the Special 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.*
- (iii) That the proposed use will comply with all of the applicable provisions of the Code of Ordinances.*



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(iv) 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.

(v) That the SUP shall be valid for a specific duration of time, citing specific dates.

**1. In the case of reoccurring applications, the Planning Commission may make a recommendation to the Town Board of Trustees for the Board's approval of an annually reoccurring Special Use Permit not to exceed three years.**

### **Staff Comments**

Staff has the following comments regarding the applicant's Special Use Permit request.

- Commissioners shall consider the four factors above prior to making a motion.
- The Town has not received any complaints about the food truck from the 2022 or 2023 season.
- Staff recommends the Commission approve the permit.

### **Commission Action**

The Commission has the following options:

1. Adopt Planning Commission Resolution 07 – 2024 as presented; OR
2. Adopt Planning Commission Resolution 07 – 2024 with the following additional conditions; OR
3. Deny Resolution 07 – 2024