



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

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Date: June 24th, 2024

To: Mayor Kudron and Board of Trustees  
From: Kim White, Community Development Director

RE: **(QUASI JUDICIAL) PUBLIC HEARING** Resolution 35-2024: Consideration of Approval for a Special Use Permit to Allow a Food Truck Business in a Temporary, Non-Fixed Structure on Property located at Block 19, Lot 3, Town of Grand Lake; More Commonly Referred to as 712 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 Board.
4. Take all public comment.
5. Close the Public Hearing.
6. Have Board discuss amongst themselves.
7. Board makes a motion.



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### **Purpose**

The Town has received a special use permit (SUP) application from Lone Eagle Lodge to operate their own food truck called Let's Taco About it on their commercial lot 16 Block 3, Town of Grand Lake, more commonly known as 712 Grand Avenue. This will be the first year for this request. This requires Planning Commission recommendation and Board of Trustees review. The primary landowner is Lone Eagle Lodge and has given his permission for the use.

### **Background**

Jose De Los Santos of Lone Eagle Lodge has submitted a special use application to run a stationary food truck business at the 712 Grand Ave. lot while they ramp up business at the Lone Eagle Lodge, with the intent of eventually building a kitchen in the northeastern building on the property. The business has previously been a gas station and hotel, and will now be used as a restaurant and hotel (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.**

The Applicant's proposed Special Use is a commercial business offering freshly-made Mexican cuisine known as Let's Taco About It. The business would operate from 6:00AM until midnight, daily. Restrooms are located in the Lone Eagle lobby along with the trash receptacles. If approved, the permit would be good through December 25<sup>th</sup>. The truck will stay in the same location daily and not move each evening (image 1). The seating would be located in the garage and on the chained off patio (image 2), with the lobby being transformed into a bar area.

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.
- Images of the proposed site and plan of the site
- Will obtain a current Town Business License, for food truck separate from Lodge.

11 certified letters were sent to property owners within 200 feet of the site and Legal Notice, x have been received to date. Notice was posted in the Middle Park Times with no comments received to date (exhibit 2). The planning commission heard the application at the properly notice public hearing on June 19<sup>th</sup>, 2024 and voted unanimously to approve the application. They requested that the wheels be covered with a skirt of some sort, and the applicant agreed.

### **Municipal Code**

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



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2. Amusement and/or recreational businesses other than those provided for in 12-2-18(A)8; automobile parking lot; ...; eating and drinking places; frozen food locker; offices...; 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.*

### **2. Recommendation of Commission Approval or Conditional Approval:**

*(i) Upon adoption and transmittal of the Commission's Resolution, Town Staff shall set a date for a Public Hearing on the application before the Board of Trustees. At least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP Public Hearing and certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP Public Hearing.*

*(ii) Final action on the Special Use Permit is to be taken by the Board of Trustees at the Public Hearing; except that the Board may continue the Public Hearing to another time before taking final action.*

### **Staff Comments**

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

In making determination of a recommendation of approval or denial of the SUP application, the Commission considered 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.

### **Board Action**

The Board has the following options:



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1. I move to adopt BOT Resolution 35 – 2024 as presented; OR
2. I move to adopt BOT Resolution 35 – 2024 with the following additional conditions; OR
3. I move to deny Resolution 35 – 2024