



May 13th, 2024

To: Mayor Kudron and The Board of Trustees

From: Kim White, Community Development Director

RE: Resolution 31-2024: Conditional Use Permit business that generates income from the use of animals, also known as a dog boarding and training at Subd: Grand Lake Lots:9-10, Block 28, more commonly referred to as 304 West Portal Rd.



Purpose

The Town has received a Conditional Use Permit (CUP) application from George D. Wikinski (“The Applicant”) of Get Along Little Doggie Dog Training, for a business that generates income from the use of animals, also known as dog boarding and training located at Lot 9-10, Block 28, Town of Grand Lake, also known as 304 West Portal Rd. This requires recommendation by the Planning Commission and approval of a Conditional Use permit by the Board per Municipal code 12-2-31(B)

Conditional Uses are those uses allowed in a district, in addition to the uses by right, where so authorized, when and if a Conditional Use Permit (CUP) is granted under 12-2-31(B) of the Grand Lake Municipal Code.

The Conditional Use permit review process is intended to assure compatibility and harmony between the proposed conditional use with both the surrounding properties and the town at large. As implied by the name, a conditional use permit is subject to various conditions that may be imposed by the Town as decided by the Board of Trustees following a recommendation from the Planning Commission.

Background

Per municipal code 12-2-31 (B) staff presented the application to the Planning Commission on April 3rd, at which point the Planning Commission could decide to either formulate a recommendation to the Board of Trustees, or schedule a public hearing. The planning commission motioned to schedule a public hearing for May 1st. The Board of Trustees scheduled a Public Hearing for May 13th, 2024. Staff noticed the public hearing in the paper and to all the neighbors within 200’. 5 of the 19 notices have not been received to date. No letters for or against have been received in response to this notice.



At the May 1st PC hearing, the Planning Commission took into consideration the following factors while making a recommendation to the Town Board of Trustees:

- (ii) Relationship of the proposed Conditional Use to the economic development objectives of the Town and the anticipated impact of the Conditional Use on existing businesses and neighborhood residences. (as listed in 2.pdf)
- (iii) Effect upon the character of the area in which the proposed Conditional Use is to be located, including the scale and bulk of the proposed Conditional Use in relation to surrounding uses and neighborhood. (as listed in 3.pdf)
- (iv) Other factors such as: hours of operation; signage; specific businesses, land owners or other interested parties to be notified; or proposed conditions of CUP issuance. (as listed in 1.pdf)

At the May 1st, PC hearing, the Commission voted 4:0 to approve the Conditional use with conditions cited in the attached draft resolution.

The Board will hear the now matter and make a motion as described in the code as follows.

Municipal Code Procedure:

12-2-31 (B) 3 (b) Procedure before the Board of Trustees....

2. In the Public Hearing, the Town Board of Trustees may move to approve, modify or disapprove the recommendation of the Planning Commission by Resolution.

Staff Comments:

The Town may impose conditions with the review of a Conditional Use Permit, including improvements that are deemed necessary to achieve compatibility with the Town's commercial zoning appearance or other standards. The applicability of district regulations requires that buildings conform with Code standards. The change in the use and character requires a new development application which was submitted as the CUP application. The proposed use is deemed to amend previously approved CUP plans. The requirements to achieve compatibility and Code compliance vary based on the request.

The new business, Get Along Little Doggie, is proposing to change the use for the existing building. The previous business was employee housing for local businesses. The change of use will decrease the amount of full-time individuals on the property to the single owner, but will increase the animal use to allow 10-15 dogs during the day with proposed hours of 7 days a week from 8a-5p except Wednesday, when hours will be 6p-7pm.

The site will include an office space, agility course areas, two play areas with chain-link fencing screened from the property with wooden privacy fence, a garage used for evening training classes, a bunk house, parking stalls along the front and sides of the building on the property (site plan).

Per 11-4-1, Streets with on street parking require sidewalks or boardwalks. This site is outside of the Central Business District Design Area and does not have any improved shoulders, walkways, or on-street parking currently. As such, Staff has recommended that improvements to the parking area in the front of the property be made.



Code 12-7-4 includes design standards for commercial structures. All structures are subject to these Code standards.

- The color palette and materials have been reviewed and are found to be consistent with the Code.
- Refuse is located in the parking lot in the SE corner of the site plan (shown as TR). Per section E, fencing to screen the trash receptacle is requested.
- The applicant has addressed noise nuisance by stating that the dogs will always be supervised and he will ensure the dogs will not disturb the neighbors. Any nuisance violation will be handled as reported.
- Any lighting will be dark-sky compliant, and with bulbs not being able to be seen off of the property.
- Snow storage is shown on the east side of the lot.
- The sign submitted meets the guidelines of the Town sign code for material and color.
- The applicant has lease from the owners to run the business and the bunk house is located in the back 50' of the commercial lot, so living on site is in compliance with the code.
- The applicant has supplied 5 on-site parking spaces that are required.
- The planning commission reviewed requirements from a previous CUP with a similar business plan and included the following in their recommendation to approve the CUP for business:
 1. The applicant comply with the requirements of Municipal Code Chapter 8: Regulation of Animals; and
 2. The applicant is the considered the responsible party and/or "person" of the animals relating to Municipal Code Chapter 8: Regulation of Animals; and
 3. The applicant obtain all permits and comply with inspections required by the State of Colorado; and
 4. All permits necessary to comply with the Municipal Code shall be obtained by the applicant; and
 5. The outdoor operating hours are limited to 8a-5p, 7 days a week plus 6p-7pm on Wednesdays; and
 6. The breeding of animals is NOT permitted; and
 7. The applicant is responsible for maintaining a clean facility including the area immediately surrounding the premise, as determined by the Town; and
 8. The play area shall graded, drained and maintained by the applicant to prohibit off premise discharge of any and all animal waste; and
 9. All animal care activities such as grooming and washing shall be conducted inside the facility; and
 10. The applicant shall install a wood privacy fence; and
 11. All structures, including shade shelters, shall be constructed less than 6' in height and in accordance with the Municipal Code; and
 12. The applicant shall adhere to the site plan provided in Exhibit A; and



13. The Town shall review the Conditional Use Permit if two (2) or more written complaints, including citations, which are received by the Town in any twelve-month period. The review shall be conducted according to Municipal Code 12-2-18(B);

Submission Materials Complete:

Items located in the attached application have an X next to them if found.

There are multiple documents attached to this packet. The attachments have a number in the file name which can be cross-referenced with the items below and their location (number.pdf then page of the pdf).

operational hours and functions (1.pdf page 6)

management responsibilities (1.pdf page 4)

assessed neighborhood compatibility and impact (1.pdf page 4)

Signage (1.pdf page 7)

layout of the structure with the proposed use, ingress and egress point (1.pdf page 6)

parking and vehicular ingress and egress points (1.pdf page 6)

snow storage (1.pdf page 6)

Landowner or Homeowners Association approval (1.pdf page 5,8)

trash receptacles (1.pdf page 6)

specific businesses landowners or other interested parties to be notified

Suggested Motions:

1. I motion to approve Resolution 31-2024, A Conditional Use Permit for Get Along Little Doggie Dog Training at 304 West Portal Rd. to the Board as written.

OR

2. I motion to approve Resolution 31-2024, A Conditional Use Permit for Get Along Little Doggie Dog Training at 304 West Portal Rd. to the Board with the following necessary and appropriate terms and conditions _____.

OR

3. I motion to deny a Conditional Use Permit for Get Along Little Doggie Dog Training For the following reasons _____