



the Planning Commission. The primary landowner is Buck Blessing 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 1016 Grand Ave. lot for the summer of 2023. The business received a Special Use Permit for the summer of 2022 without any complaints received by the Town. The applicant is requesting to renew the Special use permit for the 2023 season and extend it for a total of 3 seasons thereafter (2025)

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 10am-5pm, June through September. 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 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.

Certified letters were sent to property owners within 200 feet of the site and Legal Notice was posted in the Sky-Hi News for the Board of Trustees public hearing on April 10th, 2023, no comments were received. 12 of 16 certified letters were delivered to the neighbors.

At the April 5th, 2023 Planning Commission hearing, the commissioners voted 5:0 with 1 abstention, to recommend the approval of the SpecialUse Permit for TruePenny Pitstop, LLC at 1016 Grand Ave. for one year. If the Board wishes to allow the permit for three years, the Commission has recommended that the applicant provide a letter from the landlord permitting the use for the same three years.



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; ...; 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.

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.

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 Trustees discuss amongst themselves.
7. Trustees makes a motion.

Recommended Motions:

I move to adopt Resolution 10-2023 as written

Or

I move to adopt Resolution 10-2023 with the following conditions:

- to allow this Special Use Permit as written for up to 3 more seasons (through 2025).

- _____.

Or

I move to deny Resolution 10-2023