

**TOWN OF GRAND LAKE  
BOARD OF TRUSTEES  
RESOLUTION NO. 10-2023**

**A RESOLUTION APPROVING WITH CONDITIONS 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 5<sup>th</sup>, 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.
- and;

**WHEREAS**, the Planning Commission recommended approval of the Application for the Use on the Property, and;

**WHEREAS**, The Planning Commission has recommended approval of an annually reoccurring Special Use Permit not to exceed three (3) years,

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AS FOLLOWS:**

1. The proposed location of the Use is in accord with the purposes of this Chapter and the purposes of the Commercial District; and
2. 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.
3. The proposed Use will comply with all of the applicable provisions of the Code of Ordinances.
4. The Applicant shall comply with such terms and conditions as the Board of Trustees determines are necessary to carry out the letter and intent of the Special Use Permit process.
5. The Board of Trustees hereby grants the Special Use Permit for a temporary “Use” located on the Property subject to the following conditions:
  1. The hours of operation are 10 am to 5pm, four to five (4-5) days a week with the ability to increase hours upon request of staff.
  2. The SUP is valid beginning May 1<sup>st</sup> 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.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND SIGNED THIS 10<sup>TH</sup> DAY OF APRIL, 2023.**

( S E A L )

Votes Approving:

Votes Opposed:

Absent:

Abstained:

**ATTEST:**

**BOARD OF TRUSTEES OF THE**

**TOWN OF GRAND LAKE, COLORADO**

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Alayna Carrell, Town Clerk

By: \_\_\_\_\_  
Steve Kudron, Mayor