



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

Date: July 3rd, 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 (food kiosk) on property located at Block 20, AMD lot 5, Town of Grand Lake; More Commonly Referred to as 612 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. The Board makes a motion.



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Attachments

- 1) Dog House application materials
- 2) Applicant presentation of the Dog House with letters of support
- 3) Resolution 39-2024 for the CUP

Purpose

The Town has received a special use permit (SUP) application from Gary Graham to operate a food kiosk called “The Dog House” on occupied commercial amended lot 5 Block 20, Town of Grand Lake, more commonly known as 612 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 Kirks Mountain Adventures, LLC and has given permission for the use. The Planning Commission held a public Hearing on July 3rd, 2024 and approved the Special use permit, as presented.

Background

Gary Graham of The Dog House has submitted a special use application to run a seasonal stationary food kiosk business, serving hot dogs at 612 Grand Ave for the summer of 2024. The business would be serving out of a yellow 4’ x 6’ building shaped like a dog house (see application material). The dog house will be placed along Grand Avenue on the northwest side of the shop until the boat storage building is completed and then the doghouse may move to the northwest corner of the lot. For restaurant/coffee shop, there is one parking space/250sf floor space required. There are no anticipated additional parking requirements.

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 seasonal commercial business “to provide high quality foods to the public and our customers at a fair, reasonable and affordable prices” The business would operate summer months only July- October. The proposed days and hours of operation are Thursday through Sunday with tentative hours between 10:30 am and 6pm. SUP permits are good for 6 months, so this would expire January 9th, 2025, if approved. The doghouse will stay on the same lot for the summer and not move each evening and will have a small sitting area (see application material). The dog house will cook all food using propane and not use any electricity from Kirks Flyshop. Mr. Graham has obtained a certificate in food safety manager training and will prepare all the food onsite. He has requested an exception to the design code be granted to allow his doghouse and sign to be yellow to draw attention to his stand.

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



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- Copy of Grand Lake Sales Tax License application
- Sign application
- Agreement with owner for use of space.
- Images of the proposed site and plan of the site
- Will obtain a current Town Business License, if approved.

17 certified letters were sent to property owners within 200 feet of the site and Legal Notice, 6 have been received and 3 returned unopened as of 6/28. Notice was posted in the Middle Park Times with no responses as of the time of writing.

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:

- The applicant has paid all fees and submitted all documentation for the application

The Commissioners voted to recommend the special use permit as the applicant has presented it. They did not take issue with the color of the temporary building or the sign (yellow). In making



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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:

1. Adopt Resolution 39 – 2024 as presented; OR
2. Adopt Resolution 39 – 2024 with the following additional conditions _____; OR
3. Deny Resolution 39 – 2024