



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

Date: June 10th, 2024

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

RE: **(QUASI JUDICIAL) PUBLIC HEARING** Resolution 32-2024: 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 21, Lot 15, Town of Grand Lake; More Commonly Referred to as 625 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.

Purpose

The Town has received a special use permit (SUP) application from TruePenny Pitstop, LTD. to operate a food truck on occupied commercial lot 15 Block 21, Town of Grand Lake, more commonly known as 625 Grand Avenue. This will be the third year in a row for this request, although this year



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the location is a few blocks west of the years prior. This requires Planning Commission recommendation and Board of Trustees review. The primary landowner is Zach Heiliger of Otherside Gear and Coffee Shop 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 625 Grand Ave. lot for the summer of 2024. The business received a Special Use Permit for the summer of 2022 and 2023 without any complaints received by the Town. The applicant has requested to renew the Special use permit for the 2024 season (see 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 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 9am-5pm, June through September, but the permit would be good through November 11th. 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 trailer will not block the Big Horn Lodge sign.

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.
- Letter from neighboring business in support
- Images of the proposed site and plan of the site
- Will obtain a current Town Business License.

14 certified letters were sent to property owners within 200 feet of the site and Legal Notice, 9 have been received to date. Notice was posted in the Middle Park Times with one positive comment (exhibit 2) and 1 negative response (exhibit 3) to the notices.

Per the municipal code:

1. *In the case of reoccurring applications, the Planning Commission may make recommendation to the Town Board of Trustees for the Board's approval of an annually-reoccurring Special Use Permit not to exceed three years.*

At the June 5th, 2024 Planning Commission hearing, the commissioners voted 5:1 to recommend the approval of the Conditional Use Permit for TruePenny Pitstop, LLC at 625 Grand Ave. for three years.



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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.

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.

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.



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- (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. I move to adopt BOT Resolution 32 – 2024 as presented; OR
2. I move to adopt BOT Resolution 32 – 2024 with the following additional conditions; OR
3. I move to deny Resolution 32 – 2024