



# Grand Lake Planning Commission

Wednesday, April 05, 2023 at 6:30 PM

Town Hall - 1026 Park Ave. \* Participation In-Person Only\*

*The Town of Grand Lake upholds the Six Pillars of Character:  
Citizenship, Trustworthiness, Respect, Responsibility, Fairness and Caring*

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## AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes: [03/15/2023](#)
4. Unscheduled Citizen Participation  
*This time is reserved for members of the public to make a presentation to the Commission on items or issues that are not scheduled on the agenda. The Commission will not make any decisions on items presented during this time.*
5. Conflicts of Interest
6. Items of Business
  - A. (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 on property located at Block 3, Lot 4-6, Town of Grand Lake.
7. Items for Discussion
  - B. Comprehensive Plan Items**
8. Future Agenda Items
9. Adjourn Meeting

For live streaming (listening only) scan the QR code.  
You will not be able to actively participate via the web streaming.



<https://us06web.zoom.us/j/96360206519?pwd=VHcwODFTNnQ2SWNOTDA1M2d5NFYwUT09>

**You can also dial in using your phone. 1 (346) 248-7799**

**Meeting ID: 963 6020 6519**

**Access Code: 642153**



# Grand Lake Planning Commission

Wednesday, March 15, 2023 at 6:30 PM

Town Hall - 1026 Park Ave. \* Participation In-Person Only\*

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## AGENDA

1. Call to Order: Commissioner Shockey called meeting to order at 6:33pm
2. Roll Call

### PRESENT

Chairman James Shockey  
Commissioner John Murray  
Commissioner Judy Burke  
Commissioner Heather Bishop  
Commissioner Greg Finch

### ABSENT

Vice Chairman Heather MacSllarrow  
Commissioner Christina Bergquist

Commissioner MacSllarrow emailed and stated she is traveling.

Commissioner Bergquist has not notified that she will not be attending. This is her third missed meeting and will be removed from the commission.

Motion made to excuse Commissioner MacSllarrow by Commissioner Murray, Seconded by Commissioner Bishop. Voting Yea: Chairman Shockey, Commissioner Burke, Commissioner Bishop, Commissioner Finch  
**Approved 5 to 0**

3. Consideration to approve Meeting Minutes: 02-01-2023

Motion made to approve minutes by Commissioner Finch, Seconded by Commissioner Burke.  
Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop,  
Commissioner Finch **Approved 5 to 0**

Minutes 02-15-2023

Commissioner Murray has questions regarding the noted driveway vs alley for the Barnes-Daven Haven item. Commissioner Shockey and Community Development Director White clarified.

Motion made to approve minutes by Commissioner Murray, Seconded by Commissioner Bishop.  
Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop,  
Commissioner Finch **Approved 5 to 0**

4. Unscheduled Citizen Participation: No unscheduled citizen participation.

5. Conflicts of Interest: No conflicts of interest.

6. Items of Business

- A. Quasi-Judicial:** Consideration of **Resolution 01-2023**, Resolution to Grant a Special Exception to Allow an Expansion to a Non-Conforming, Pre-Existing Single Family Residential Home located in the Water Quality Setback and Front Setback Located at Lot 2, Block 10, Grand Lake Estates 1st Filing, More Commonly Referred to as 530 Lakeside Dr.

Community Development Director White presented the Item of Business, introducing the owner of the property and the architect. She did note that Staff would suggest that steps to protect water quality be taken.

Owner of the property, Robert Rhone of 530 Lakeside Drive, made a short statement regarding the project.

Commissioner Murray questioned if the owner had notified the neighbors. The owner has not, but Community Development Director White did state that she had notified the neighbors.

Commissioner Burke questioned the structural integrity of the building due to the age and location of the building. The owner stated the structural engineer did not believe so. Commissioner Burke confirmed that the view shed surrounding and parking would not be affected, the owner confirmed they will not. The owner also mentioned that the some roof constriction would be to correct some current issues.

Commissioner Murray and Commissioner Bishop stated they do not see and issue.

Motion made to approve resolution as written by Commissioner Finch, Seconded by Commissioner Bishop. Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **Approved 5 to 0**

- B. Resolution 02-2023;** Consideration of a Shared Driveway for Lot 6, Block 32, Town of Grand Lake, aka 309 Mountain Ave. and Lot 5, Block 32, Town of Grand Lake, aka 317 Mountain Ave.

Community Development Director White presented the Item of Business, noting that the owners of the properties and the project manager have all been in communication and agreement regarding maintenance.

Commissioner Bishop requested clarification on where parking will be on each location. Community Development Director clarified that there is enough parking on each property.

Charles Schueller of 735 Everett St, Lakewood, CO, owner of the existing structure, spoke at the podium, stating that he was also concerned with his parking, but he does not believe that will be an issue. He also believes that the shared driveway would be beneficial to both properties due to the natural water erosion. He would also like to request a culvert be installed at the entrance of the driveway, due to the water erosion. Community Development Director White suggested speaking with Public Works Director Reed, she will also give his contact information to Mr. Schueller.

Motion made to approve resolution by Commissioner Murray, Seconded by Commissioner Burke. Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **Approved 5 to 0**

- C. **Resolution 03-2023**; Consideration to Recommend Updating the Accessory Dwelling Unit (ADU) Definition to Include Detached Structures in Municipal Code 12-2-6

Community Development Director White presented the Item of Business.

Commissioner Finch requested clarification on water, electric, and sewer. Community Development Director clarified that we only handle water.

Motion made by Commissioner Bishop, Seconded by Commissioner Burke.

Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **Approved 5 to 0**

- 7. Items for Discussion: none

- 8. Future Agenda Items: Commissioner Burke wanted to confirm that the Comprehensive Land Use plan would be brought back for discussion. Community Development Director confirmed they would be.

- 9. Adjourn Meeting: 7:15pm

Motion made by to adjourn meeting Commissioner Finch at 7:15pm, Seconded by Commissioner Bishop.

Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Commissioner Finch **Approved 5 to 0**

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James Shockey, Chairman

ATTEST:

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Alayna Carrell, Town Clerk



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

Date: April 5<sup>th</sup>, 2023

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 on property located at Block 3, Lot 4-6, Town of Grand Lake.



**Purpose**

The Town has received a special use permit (SUP) application from TruePenny Pitstop, LTD. to operate a food truck on occupied commercial lots 4-6 Block 3, Town of Grand Lake, more commonly known as 1016 Grand Avenue. This will be the second year in a row for this request and requires Planning Commission recommendation and Board of Trustees review. 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



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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.
- Letter from neighboring business in support
- 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 Middle Park Times without any negative or positive responses.

### **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; bank; bus terminal; eating and drinking places; frozen food locker; offices; drugstore; laundromat; liquor store; gift store; jewelry store; bakery; clothing store; grocery; hardware store; sporting goods store; general store; 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.*



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**(f) Commission Processing and Review Criteria for a General SUP:**

1. The Planning Commission shall review the SUP application in a Public Hearing to receive testimony and comment of interested citizens, businesses, and adjoining property owners prior to making a recommendation to the Town Board of Trustees.

2. In making determination of a recommendation of approval or denial of the SUP application, the **Commission shall consider 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.

3. At the Public Hearing, after receiving comment and testimony, **the Commission shall make a recommendation to the Board of Trustees in the form of a Resolution.** Nothing in this Section shall preclude the Commission from tabling or continuing the Public Hearing to another time and place. **If the Resolution is to approve the request, it shall contain the following findings:**

- (i) That the proposed location of the use is in accord with the purposes of this Chapter and the purposes of the district in which the SUP site is located.
- (ii) That the proposed location of the Special 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.
- (iii) That the proposed use will comply with all of the applicable provisions of the Code of Ordinances.
- (iv) That the applicant shall comply with such terms and conditions as the Commission determines are necessary to carry out the letter and intent of the Special Use Permit process.
- (v) That the SUP shall be valid for a specific duration of time, citing specific dates.

**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.**



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### **Staff Comments**

Staff has the following comments regarding the applicant's Special Use Permit request.

- Commissioners shall consider the four factors above prior to making a motion.
- The Town has not received any complaints about the food truck from the 2022 season.
- Staff recommends the Commission approve the permit through 2025.

### **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 Commission discuss amongst themselves.
7. Commission makes a motion.

### **Commission Action**

The Commission has the following options:

1. Adopt Planning Commission Resolution 04 – 2023 as presented; OR
2. Adopt Planning Commission Resolution 04 – 2023 with the following additional conditions; OR
3. Deny Resolution 04 – 2023



# Town of Grand Lake

## Planning Department

• P.O. Box 99 • 1026 Park Avenue • Grand Lake, CO 80447  
• Phone: 970-627-3435 • Fax: 970-627-9290  
• Email: [glplanning@townofgrandlake.com](mailto:glplanning@townofgrandlake.com) • Website: [townofgrandlake.com](http://townofgrandlake.com)

### SPECIAL USE PERMIT APPLICATION FORM

APPLICATION DEADLINE IS 90 DAYS PRIOR TO THE PROPOSED USE

#### PROPERTY LOCATION OF SPECIAL USE:

Street Address (or general location if not addressed): 10110 GRAND AVENUE  
Legal Description: Lot 4 Block 5 Subdivision TOWN OF GRAND LAKE  
Lot Area (in square feet or acres): 100 SQ FT STREETSIDE OF LOT 4  
Existing Use of Property: NONE / TRUEPENNY SET UP FROM LAST YEAR

#### APPLICANT INFORMATION:

TRUEPENNY PITSTOP LTD.  
Name: BLAKE BARBICHE Email: blake.barbiche@gmail.com  
Address: PO 2523 Phone: 908.500.1241  
City: GRANBY State: CO Zip: 80446 Fax: \_\_\_\_\_  
Contact Person (if not applicant): \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

#### PROPERTY OWNER INFORMATION: Is the applicant the property owner? YES NO

• Name: RIVER MOUNTAIN LLC Email: buck@gb85.com  
• Address: 260 N. JOSEPHINE ST. SUITE 200 Phone: 719.499.1234  
• City: DENVER State: CO Zip: 80206 Fax: \_\_\_\_\_  
• Address: \_\_\_\_\_ Phone: \_\_\_\_\_

#### REQUIRED INFORMATION CHECKLIST:

- Description of Proposed Use (including hours of operation, operating characteristics, anticipated impacts, and measures to make the use compatible with the surrounding properties)
- Site Plan (showing dimensions to existing and proposed features, locations of specific activities, proposed and existing signage, parking, ingress and egress points, traffic circulation, utilities, drainage features, and property lines)
- Copy of current Colorado Sales Tax License
- Copy of current Grand Lake Sales Tax License
- Copy of current Grand Lake Business License
- Agreement for Services
- \$250 application deposit
- Additional Information (other helpful information for review or if required by Town Staff)

#### AFFIDAVIT:

BY MY SIGNATURE, I attest that the information contained or attached to this Special Use Permit application is true and correct to the best of my knowledge. I further understand that submission of false or misleading information shall be sufficient cause for the Special Use Permit to be revoked immediately without notice or hearing.

Print Name: BLAKE BARBICHE  
Signed: [Signature] Date: 2/20/23

#### STAFF USE ONLY

Application Received By: \_\_\_\_\_ Date / Time: \_\_\_\_\_  
File Name: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_ Amount: \_\_\_\_\_ Reimbursement Form Signed: \_\_\_\_\_



## Description of Proposed Use

### Hours of operation:

Intent to operate June through September.  
(Memorial Day weekend if weather permits)  
Standard hours will be Thursday - Sunday 10am - 5pm.  
Will open for holidays and events that fall outside of these days/hours.

### Operating characteristics:

Truepenny Pitstop serves nutritious, whole food smoothies and smoothie bowls. We do not use fruit concentrates or water our smoothies down with ice so that they may be a satisfying, balanced snack or light meal. We bake our own granola, and provide a unique and healthy assortment of toppings for smoothie bowls. Our menu is gluten free, with an abundance of options for nut-free, dairy-free, vegan and other dietary restrictions and preferences.

Another notable quality of the Pitstop is its prioritising of environmentally sustainable business practices. Smoothies, bowls and other treats are served in reusable containers, encouraging visitors to keep and reuse or return their vessels.

Being an 8' x 12' trailer, Truepenny provides "take away" window service, but this location will allow for a small seating area to be created so that visitors may enjoy their smoothies and snacks on site if they wish.

Logistically, electricity, water and other necessary utilities will be provided by Gifts Unlimited, just next door to the site.

### Anticipated impacts:

One of the most positive impacts of Truepenny Pitstop utilising this site for the summer of 2023 is that it will continue to invigorate the space which would otherwise be left unused.

Blake Barbiche will remain responsible for tending to and up-keeping the property as part of the lease agreement for the summer season.

The Pitstop was very well received last summer by locals and visitors. Most comments mentioned how nice it was to have at least a portion of the property be cleaned up and given a purpose. Many were also grateful to have a healthier drink/snack option available in town.

Dietary restrictions are abundant, and can cause travellers distress in trying to find restaurants that can accommodate. This gap in Grand County food and beverage is one that Truepenny strives to help fill. Our menu is unlike any other current businesses in town, and therefore will not conflict or detract, but rather contribute to the greater collective of what Grand Lake can offer its visitors.

As stated above, Truepenny is mindful of its waste and environmental impact. Since its switch to reusables for the 2021 season, the Pitstop has saved over 8,000 single use plastic cups and straws from landfill.

### Measures to make the use compatible with the surrounding properties:

As previously mentioned, Truepenny's menu and manner of operation does not impinge on any existing permanent businesses in Grand Lake. Visitors may enjoy a flow of energised spaces along the boardwalk, rather than skipping past a large vacant lot.

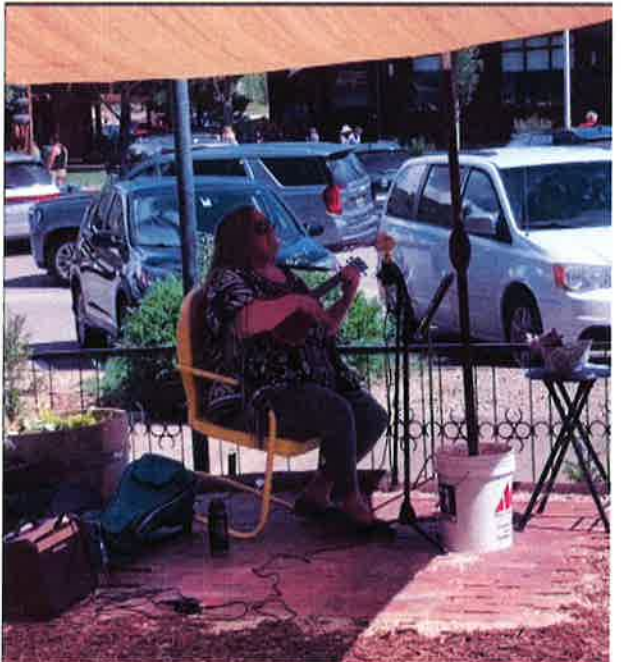
Because of the Pitstop's relationship with Gifts Unlimited, the trailer is able to go generator free, and thus, noise free, causing no disruption to surrounding businesses.



Truepenny had a successful first season at 1016 Grand Avenue, and was well received by visitors and locals alike. Most of the feedback was regarding the reinvigoration and use of the space itself. Folks were happy to see that the property had been given some love, and many with dietary restrictions and preferences were pleased to have a nourishing snack/light meal option in town. Having been at this location for a season now, we will be able to improve upon and refine what is already established on site in order to make it even more accommodating and enjoyable to guests of the business. Since summer, Truepenny's homemade granola has gained popularity and can now be found on menus and retail shelves across the county. So thank you for granting this permission last year. This location gave our little business a boost, and we had a great deal of fun too.



SITE -->  
BEFORE



Our power pup cups were a hit with the doggos!

Many weekend mornings we hosted our pal Sierah the Daring to serenade the Pitstop on ukulele



# ALTA/NSPS LAND TITLE SURVEY

## A Retracement Survey of 1016 Grand Avenue Lots 4,5,6, Block 5, Town of Grand Lake Grand County, Colorado Part of Sec. 5 T3N R75W, 6TH P.M.

**NOTICE:**

1. In the event of title, reference is hereby made to the Record Document, Land Title Insurance Policy, and the original survey on which this survey is based. The original survey is recorded in the Public Records of Grand County, Colorado, Book 11, Schedule B. In the event of a discrepancy between the original survey and this survey, the original survey shall prevail. This survey is a retracement survey of the original 1908 Tractate Survey, relying on the best remaining evidence found.

2. No other utility are not shown.

3. This document is certified as correct, complete document. Any change, addition, alteration or omission to any part of this document by any person, in any manner, depends not in violation of professional information and certification.

4. The ALTA/NSPS Land Title Survey was conducted by the Company, Azimuth Survey Company, Old Breckinridge National Title Insurance Company, Stone Mountain, LLC and Vera Horvath, LLC, whose name and address are shown on the front cover of this document. This survey was conducted in accordance with the requirements of the ALTA/NSPS minimum detail requirements and the ALTA/NSPS standard of care as set forth in the ALTA/NSPS standard of care and recent statements as listed by the Record Document, in accordance with Table A thereof.

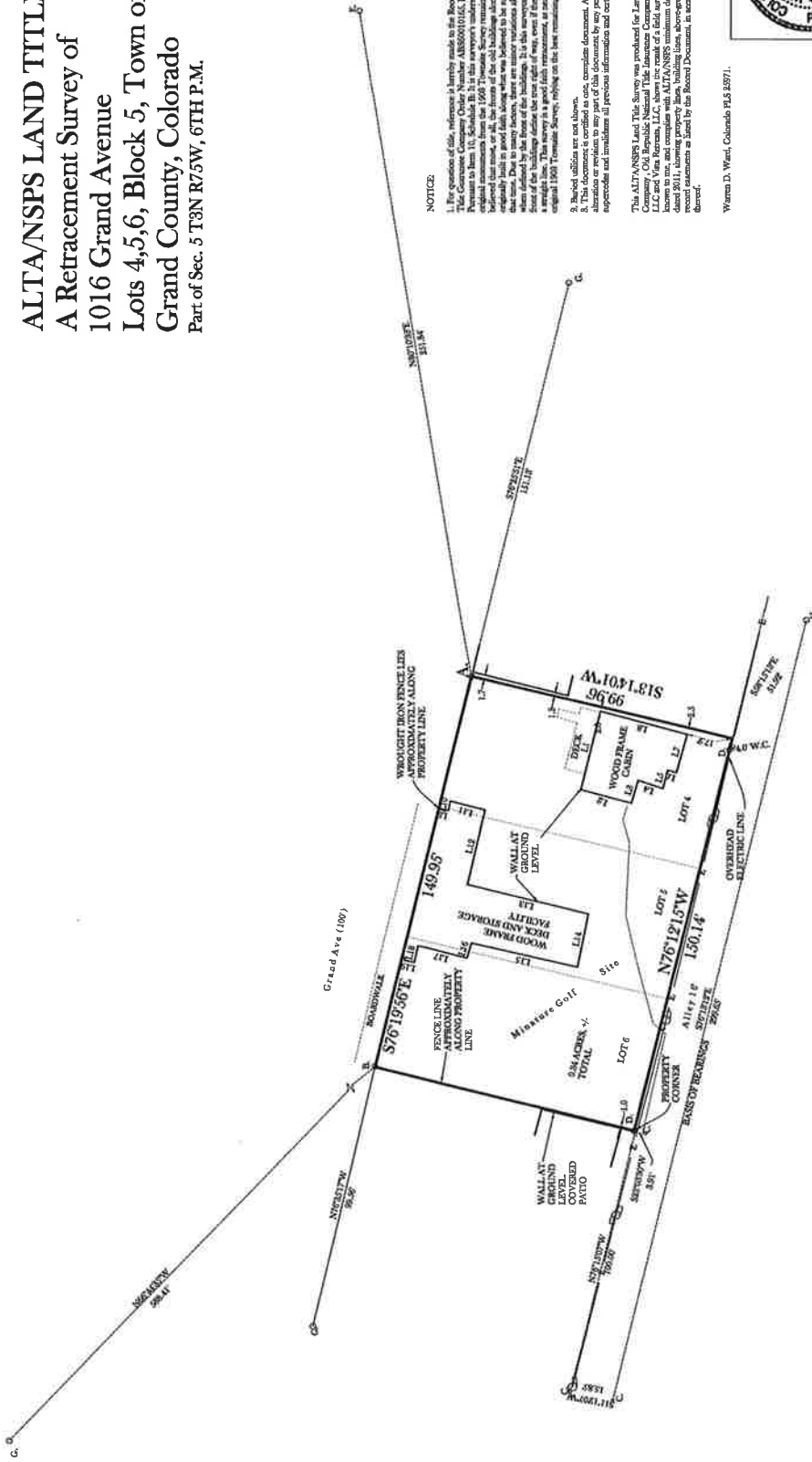
Warren D. Ward, Colorado PLS 8971.



**Azimuth Survey Company**  
P.O. Box 853, Fraser, Colorado 80442  
1800-725-2734 970-831-1120

ALTA/NSPS LAND TITLE SURVEY  
A Retracement Survey of  
1016 Grand Avenue  
Lots 4,5,6, Block 5, Town of Grand Lake  
Grand County, Colorado  
Part of Sec. 5 T3N R75W, 6TH P.M.

DATE: 1-15-18  
SCALE: 1" = 20' (SEE 6TH P.M. 2018-02-14)



LINE	BEARING	DISTANCE	AREA
1	N 76° 19' 56" E	149.95	1.0166
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- KEY:**
- A. - SET ALUMINUM CAPTED 'X' BEAR STAMPED PLS 8971.
  - B. - SET BRASS TAG STAMPED PLS 8971 ON TOP OF WOOD FENCE POST.
  - C. - FOUND BRASS TAG, 1.5 8688.
  - D. - FOUND ALUMINUM CAP 1.5 8194
  - E. - FOUND BRASS TAG STAMPED PLS 8194
  - F. - FOUND BRASS TAG STAMPED PLS 1748.
  - G. - CALCULATED BLOCK CORNER.



BASED ON BEARINGS ASSUMED CORRECT PER THE SURVEY. THE SURVEY IS A RETRACEMENT SURVEY. ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED.

Section 6, Item A.

YOU WILL NOT AUTOMATICALLY CLOSE YOUR ACCOUNT. IN ORDER TO CLOSE YOUR ACCOUNT AND CEASE ANY FUTURE LIABILITY, YOU MUST

DR 0140 (02/16/11)  
DEPARTMENT OF REVENUE  
DENVER CO 80261-0013

STATE COLORADO COUNTY GRAND

Must collect taxes for:

**SALES TAX LICENSE**

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION			ISSUE DATE			LICENSE VALID TO DECEMBER 31
	county	city	industry type	liability date	month	day	
94489133-0000	53	0206-010	L	010121	Dec	03	21
							2023

THIS LICENSE MUST BE POSTED AT THE FOLLOWING LOCATION  
IN A CONSPICUOUS PLACE: 89 COUNTY ROAD 4056 GRANBY CO 80446

**THIS LICENSE IS NOT TRANSFERABLE**

TRUEPENNY PITSTOP LTD.  
89 COUNTY ROAD 4056  
GRANBY CO 80446



Executive Director  
Department of Revenue



**Town of Grand Lake**  
**State of Colorado – County of Grand**  
**2022 – 2023 Business License**

License # NE100

Section 6, Item A.

**LICENSE PERIOD: JULY 1, 2022, THROUGH JUNE 30, 2023**  
**LICENSE TYPE – NON-FIXED \$82.50**



**PERMISSION IS HEREBY GRANTED TO:**

**Truepenny Pitstop**  
**Smoothie Trailer**

To conduct business in the Town of Grand Lake, for the period of July 1, 2022, through June 30, 2023. The holder of this license is subject to all laws of the State of Colorado, and to all the Ordinances of the Town of Grand Lake, which are now, or may hereafter, be in force.





TOWN CLERK

DATE ISSUED

**TOWN OF GRAND LAKE – P.O. BOX 99 – GRAND LAKE, CO 80447 – 970-627-3435**



**Town of Grand Lake**  
**2023 Sales Tax License**

Sales Tax License # 10

**LICENSE PERIOD: JANUARY 1, 2023, THROUGH DECEMBER 31, 2023**

**PERMISSION IS HEREBY GRANTED TO:**

**Truepenny Pitstop**



The holder, having complied with Ordinance No. 67, is duly authorized to conduct business in the Town of Grand Lake.





Grand Lake Town Clerk

Date Issued

**\*THIS LICENSE IS NOT TRANSFERABLE\***

*This License Must Be Posted in a Conspicuous Place*

**TOWN OF GRAND LAKE – P.O. BOX 99 – GRAND LAKE, CO 80447 – 970-627-3435**

**TOWN OF GRAND LAKE  
PLANNING COMMISSION  
RESOLUTION NO. 04-2023**

**CONSIDERATION TO RECOMMEND 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.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO:**

**THAT**, the proposed location of the Use is in accord with the purposes of this Chapter and the purposes of the Commercial District; and

**THAT**, 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; and

**THAT**, the proposed Use will comply with all of the applicable provisions of the Code of Ordinances; and

**THAT**, the Applicant shall comply with such terms and conditions as the Commission determines are necessary to carry out the letter and intent of the Special Use Permit process; and

**THAT**, the Planning Commission hereby forwards a favorable recommendation to grant the Special Use Permit for a temporary “Use” located on the Property with the recommended following conditions of approval:

1. The hours of operation are limited to 10 am to 5pm, four to five (4-5) days a week.
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.

**DULY MOVED, SECONDED AND ADOPTED BY THE PLANNING COMMISSION OF THE TOWN OF GRAND LAKE, COLORADO, THIS 5th DAY OF APRIL, 2023.**

( S E A L )	Votes Approving: 0 Votes Opposed: 0 Absent: 0 Abstained: 0
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ATTEST:

TOWN OF GRAND LAKE

/s/  
Alyana Carrell, Town Clerk

/s/  
James Shockey, Chairman



Date: April 5th, 2023  
To: Chairman Shockey & Commissioners  
From: Kim White, Community Development Director

The following information was taken from the 2/15/2023 meeting minutes identifying the Commissioners prioritization of the items in the 2020 comprehensive land use plan.

Please look over the following items and be prepared to:

- Let staff know what is the order of importance within the following list.
- Let staff know how you would like to move forward with each item. What you would like to see changed in the code in reference to each of the items.
- Let staff know if there is another item that you would like to see on the list of priorities for this year.

COMP PLAN ITEMS IDENTIFIED FROM 2/15/2023 ([LINK TO THE COMP PLAN FOR YOUR REFERENCE](#)):

**Update Chapter 12 Article 9 of the Town’s Land Use Regulations to streamline development review procedures and consolidate application types into a single table for ease of reference.**

[https://library.municode.com/co/grand\\_lake/codes/code\\_of\\_ordinances?nodeId=CH12LAUSRE\\_ART9LADERE](https://library.municode.com/co/grand_lake/codes/code_of_ordinances?nodeId=CH12LAUSRE_ART9LADERE)

**Update Chapter 12 Article 2 of the Town’s Land Use Regulations to create a scenic overlay zoning district and associated supplemental regulations for viewshed protection.**

[https://library.municode.com/co/grand\\_lake/codes/code\\_of\\_ordinances?nodeId=CH12LAUSRE\\_ART2ZORE](https://library.municode.com/co/grand_lake/codes/code_of_ordinances?nodeId=CH12LAUSRE_ART2ZORE)

**Update Chapter 12 Article 9 of the Town’s Land Use Regulations to clarify the language in relation to the land dedication requirements for open space,**

[https://library.municode.com/co/grand\\_lake/codes/code\\_of\\_ordinances?nodeId=CH12LAUSRE\\_ART9LADERE](https://library.municode.com/co/grand_lake/codes/code_of_ordinances?nodeId=CH12LAUSRE_ART9LADERE)

**Update Chapter 12 Article 7 of the Town’s Land Use Regulations to discourage flat roofs.**

[https://library.municode.com/co/grand\\_lake/codes/code\\_of\\_ordinances?nodeId=CH12LAUSRE\\_ART7DEREST](https://library.municode.com/co/grand_lake/codes/code_of_ordinances?nodeId=CH12LAUSRE_ART7DEREST)

This was edited and adopted already.

12-7-4(d)Roofs.1.Use of "false fronts" / parapets on commercial buildings in the central business district is encouraged to screen flat roofs.2.False fronts should be designed to screen mechanical and HVAC equipment from the street level.3.Flat roofs shall be designed to accommodate maximum snow loading conditions.

**Update and adopt the draft Parks, Trails and Open Space Master Plan to include all lands designated as Open Space on the Land Use Plan and an evaluation of potential pocket parks on Town properties**

[https://www.townofgrandlake.com/sites/default/files/fileattachments/community/page/2346/post\\_committees\\_recommendations.pdf](https://www.townofgrandlake.com/sites/default/files/fileattachments/community/page/2346/post_committees_recommendations.pdf)

**Update the proposed trail network section in the draft Parks, Trails and Open Space Master Plan to be consistent with recommendations in the HTA Strategic Trails Plan**

<https://www.townofgrandlake.com/comdev/page/headwaters-trail-alliance-strategic-trails-plan-2019>