



Grand Lake Planning Commission

Wednesday, June 05, 2024 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*

AGENDA

1. Call to Order
2. Roll Call
3. Consideration to approve Meeting Minutes: [Minutes](#) 05-15-2024
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. Public Hearing (Quasi-Judicial) Resolution 07-2024; Consideration To Recommend A Special Use Permit (Sup) To Allow A Commercial Use On Property Located At Block 21, Lot 15, Town Of Grand Lake; More Commonly Referred To As 625 Grand Avenue
7. Items for Discussion
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/83779056558>

You can also dial in using your phone. 1 (346) 248-7799
Meeting ID: 837 7905 6558



Grand Lake Planning Commission

Wednesday, May 15, 2024 at 6:30 PM

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

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AGENDA

1. Call to Order: 6:31 pm

2. Roll Call

PRESENT

Chairman James Shockey
Commissioner John Murray
Commissioner Judy Burke
Commissioner Heather Bishop
Board Liaison Mike Sobon

ABSENT

Commissioner Greg Finch

Motion made by Commissioner Murray to excuse Commissioner Finch, Seconded by Commissioner Burke.
Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Board Liaison Sobon **motion passed 5:0**

3. Consideration to approve Meeting Minutes: Motion made by Commissioner Murray to approve Minutes 05-01-2024, Seconded by Commissioner Burke.

Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Board Liaison Sobon **Motion passed 5:0**

4. Unscheduled Citizen Participation: *none*.

5. Conflicts of Interest: none

6. Items of Business

A. Appeal to the Denial of New Single Family Home Permit Request at Block 2, Lot 3, Grand Lake Estates 1st Filing, Also Known as 833 Cairns Ave. Grand Lake CO.

Commissioner Murray motioned to recommend option 1 with the addition of a wooden garage door, instead of metal for approval by the BOT. Motion died for lack of a second.

Commissioner Sobon recommend option 2 for approval to the BOT. Motion died for lack of a second.

Commissioner Bishop motioned to recommend option 3 to the BOT for approval. Commissioner Burke second. 2:3 motion failed.

Motion made by Commissioner Bishop to recommend denial of the appeal to the BOT, Seconded by Commissioner Burke.

Voting Yea: Chairman Shockey, Commissioner Burke, Commissioner Bishop

Voting Nay: Commissioner Murray, Board Liaison Sobon **Motion passed 3:2**

- B. Recommendation of a public hearing for a Conditional Use Permit for a inclined elevator (Tram) at 1532 Grand Ave. also known as Block 3, lot 37-38, Sunnyside Addition to Grand Lake

Recommendation of a public hearing for a Conditional Use Permit for a inclined elevator (Tram) at 1532 Grand Ave. also known as Block 3, lot 37-38, Sunnyside Addition to Grand Lake

Motion made by Commissioner Murray for Recommendation of a public hearing for a Conditional Use Permit for a inclined elevator (Tram) at 1532 Grand Ave. also known as Block 3, lot 37-38, Sunnyside Addition to Grand Lake Seconded by Commissioner Bishop.

Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Board Liaison Sobon **Motioned Passed 5:0**

7. Items for Discussion: none

8. Future Agenda Items: none

9. Adjourn Meeting

At 7:40pm a motion was made by Commissioner Bishop to adjourn, Seconded by Commissioner Burke. Voting Yea: Chairman Shockey, Commissioner Murray, Commissioner Burke, Commissioner Bishop, Board Liaison Sobon **motion passed 5:0**

James Shockey, Chairman

ATTEST:

Alayna Carrell, Town Clerk



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

Date: June 5th, 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 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 commission.
4. Take all public comment.
5. Close the Public Hearing.
6. Have Commission discuss amongst themselves.
7. Commission 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 is requesting 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 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 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 not negative responses to any of the notices.

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;



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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.

(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.



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-
- (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.

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 or 2023 season.
- Staff recommends the Commission approve the permit.

Commission Action

The Commission has the following options:

1. Adopt Planning Commission Resolution 07 – 2024 as presented; OR
2. Adopt Planning Commission Resolution 07 – 2024 with the following additional conditions; OR
3. Deny Resolution 07 – 2024



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 • Website: 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): 1025 Grand Ave, 1 OTHERSIDE
Legal Description: Lot 15 Block 21 Subdivision Grand Lake
Lot Area (in square feet or acres): 5,009 sq. ft
Existing Use of Property: USED Gear + Coffee BUSINESS

Gear + Coffee

APPLICANT INFORMATION:

Name: Blake Barbiche Email: [REDACTED]
Address: [REDACTED] Phone: [REDACTED]
City: [REDACTED] 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: Zachary Heiliger Email: [REDACTED]
• Address: PO 13290 Phone: [REDACTED]
• City: Nederland State: CO Zip: 80466 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: 4/25/24

Application Received By: [Signature] Date / Time: 4/24/24 1:00 PM
File Name: Deposit
Fee Paid: 250 Amount: \$1065 Reimbursement Form Signed: yes

Description of Proposed Use

The Truepenny Pitstop trailer intends to operate similarly to the past couple summers, serving smoothies and other nourishing treats, but in a new location at 625 Grand Avenue, The Otherside Gear and Coffee Shop.

Proposed hours are Thursday through Sunday 9am to 5pm. Hours will be extended for holidays and events. Intent to operate June into September.

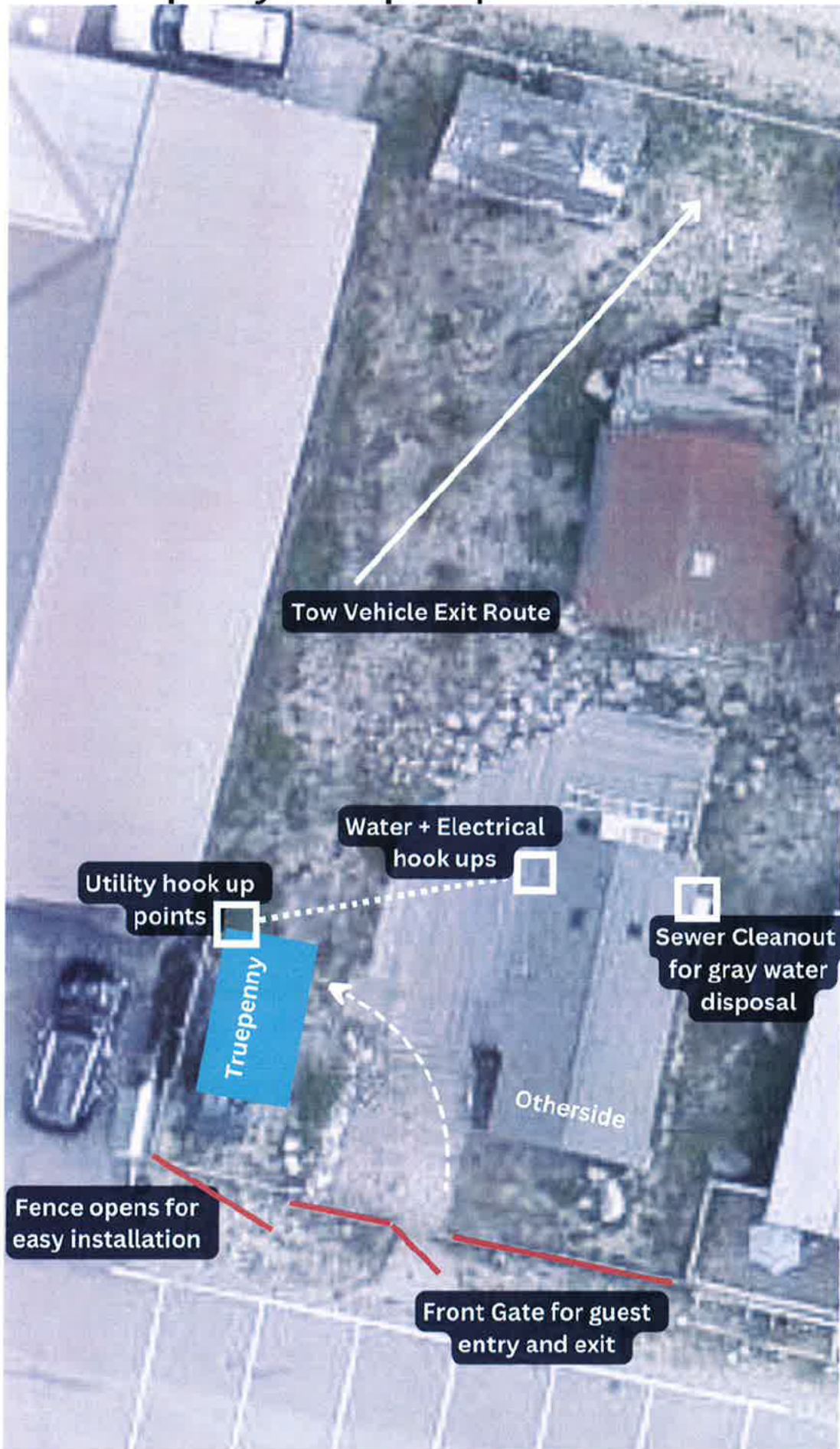
All utilities will be sourced from Otherside. Outdoor seating and bathroom facilities will also be shared. Utility sites are located on map. Hoses and cords will be fed under the decking to avoid tripping hazard.

Truepenny trailer (8' x 12') will be located street side corner of property within the fencing, facing Otherside building. Fence opens for ease of trailer placement. Vehicle towing trailer will exit through the rear of the property. Trailer will be positioned so as not to block Hot Tub Vacancy sign at Big Horn Lodge.

Signage will be on the trailer itself. No additional unattached signage will be added to the site. There is plenty of on street parking for customers.

625 Grand Avenue - Other Side Used Gear and Coff Truepenny Pitstop Proposed Site 2024

Section 6, Item A.



From: [Redacted]
To: [Kim White](#)
Subject: Re: TruePENNY Summer 2024
Date: Saturday, May 4, 2024 12:52:42 PM
Attachments: [TP SIGN APP.pdf](#)
[TP SITE MAP SIGN APP.png](#)

Caution! This message was sent from outside your organization.

Sounds good. Thanks, Kim.
Attached is the application and supplemental materials.
Let me know if there's anything else you need.

Best,

Blake

blake barbiche



Sign 1.5' x 3' will hang from TP roof line by eye hooks and caribiners. Brown wood with white painted lettering.



625 Grand Avenue - Other Side Used Gear and Coffee
TruePENNY Pitstop Proposed Site 2024



TRUEPENNY PITSTOP LTD.
m (us): +1 9085001241

From: [Erik Stenbakken](#)
To: [Kim White](#)
Subject: TruePenny special use
Date: Wednesday, May 15, 2024 10:15:41 AM

Caution! This message was sent from outside your organization.

As owner of a nearby property (612 Park Ave), I want to voice my SUPPORT for a special use permit to ALLOW a food truck location and operation in town per the May3 letter. I love to see Grand Lake expanding it's options and businesses.

Erik

Erik Stenbakken
[Real Estate Investor](#)
Colorado Broker Associate, [Y & M Real Estate](#)
Photography & Video Production: [Stenbakken Media](#)

Cell: 970-978-6937
6700 W 21st Street RD
Greeley, CO 80634

**TOWN OF GRAND LAKE
PLANNING COMMISSION
RESOLUTION NO. 07-2024**

**CONSIDERATION TO RECOMMEND A SPECIAL USE PERMIT (SUP) TO ALLOW A
COMMERCIAL USE ON PROPERTY LOCATED AT BLOCK 21, LOT 15, TOWN OF
GRAND LAKE; MORE COMMONLY REFERRED TO AS 625 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 15, Block 21, Town of Grand Lake (the “Property”) is zoned commercial; and

WHEREAS, the Property is owned by Atypical Properties, LLC; 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 June 5th, 2024; 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 9 am to 5pm, Thursday through Sunday, to be extended for holidays and events.
2. The SUP is valid beginning June 11th, 2024 and shall expire on November 11th, 2024.
3. Any changes to this Special Use Permit shall be reviewed and approved by the Planning Commission and Board of Trustees.
4. 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.
5. 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.
6. The Applicant complies with all other federal, state, and local regulations.
7. 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 JUNE, 2024.

(S E A L)

Votes Approving:
Votes Opposed:
Absent:
Abstained:

ATTEST:

TOWN OF GRAND LAKE

/s/ _____
Alyana Carrell, Town Clerk

/s/ _____
James Shockey, Chairman