



AGENDA ITEM 9
PLANNING & DEVELOPMENT SERVICE
PLANNING DIVISION
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

TO: Town of Mountain Village Town Council
FROM: Drew Nelson, Senior Planner
FOR: Town Council Public Hearing; January 18, 2024
DATE: January 9, 2024
RE: Staff Memo – Consideration of a Resolution Regarding a Conditional Use Permit Application, Lot OS 3XRR, Conference Center Plaza, pursuant to CDC Section 17.4.14

APPLICATION OVERVIEW: Conditional Use Permit for a Food Truck/Trailer in Conference Center Plaza

PROJECT GEOGRAPHY

Legal Description: A TRACT OF LAND LYING IN THE NE QUARTER OF SECTION 3 T42N R9W AND THE SE QUARTER OF SECTION 34 T43N R9W NMPM SAN MIGUEL COUNTY COLORADO DESCRIBED AS FOLLOWS: TRACT OS 3XRR TOWN OF MOUNTAIN VILLAGE PLAT BK 1 PG 4061 RECPT 405665 FEB 11 2000 CONT 2.726 ACRES MOL

Address: Conference Center Plaza

Applicant/Agent: Jason Smith

Owner: Town of Mountain Village

Zoning: Village Center Open Space

Existing Use: Open Space

Proposed Use: Food truck/trailer

Lot Size: 2.951 acres

Adjacent Land Uses:

- **North:** Open Space/Mixed Use
- **South:** Mixed Use

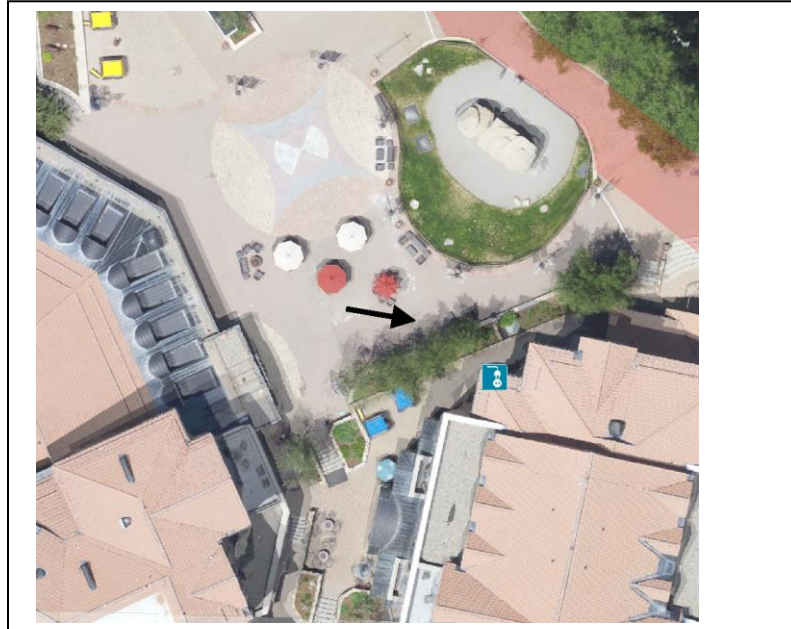


Figure 1: Vicinity Map, Conference Center Plaza

- **East:** Open Space/Mixed Use
- **West:** Mixed Use/Conference Center

ATTACHMENTS

Exhibit A: Project Narrative/Pictures

Exhibit B: Staff/Public Comments

Case Summary: Jason Smith, on behalf of The Wok of Joy, is requesting Town Council approval of a Conditional Use Permit Application for the ability to position a food truck/trailer in the Conference Center Plaza, adjacent to the climbing rock. The proposal would allow for the preparation of food in a contained trailer unit with a full kitchen assembly, with a service counter for ordering and food delivery. This application is different from the Town's Plaza Vending application process, as it would allow for a larger, more complex operation in an area that currently has lower activity and foot traffic than other plaza locations. If approved for a Conditional Use Permit, the Town would issue a plaza license agreement for the specific space on the plaza where the food trailer is located. The trailer would be allowed to remain on the plaza overnight, instead of being removed daily like our more traditional vending carts. The Wok of Joy previously did business in Mountain Village under the existing cart program, it left in 2021 to open a retail space in the Town of Telluride, and now wishes to return to the Village.

The Conditional Use Permit process allows for uses that are not contemplated within the Community Development Code (CDC) and which are outside of the normal permitting review and approval process. Since food trucks are not a contemplated use within the Land Use Schedule of the CDC (Section 17.3.3.), the Director of Community Development has determined that this application can be reviewed under the CUP process as codified. The CDC identifies this proposal as a Class 4 Development Application, and referrals to internal and external agencies was performed. This report and analysis will focus solely on the use, not specific design standards required by the CDC.

This application was also analyzed by the Economic Development Department in accordance with policies and goals identified by the Town. As this proposal involves a trailer larger than the typical vending space, and would be somewhat more permanent than a use removed daily, this proposal falls outside of the Town's normal vending permit process. The Economic Development team also reports in their referral that they do not believe that there are other viable locations for a similar use in Mountain Village, making this a unique proposal and thus the Conditional Use Permit standards were applied in this review.

Applicable CDC Requirement Analysis: The applicable requirements cited below follow CDC Section 17.4.14.D Conditional Use Permits, Criteria for Decision and 17.4.14.E General Standards for Review. ***Please note that Staff comments will be indicated by Blue Text.***

17.4.14.D. Criteria for Decision.

Section 17.4.14.D contains nine criteria which must be met for approval of a Conditional Use Permit. Staff has described the criteria in relation to the proposed development below.

Conformity with Policies, Principles, and Actions of the Comprehensive Plan

Within the Comprehensive Plan, multiple policies provide direction on economic development opportunities within the Village Center Subarea. In particular, the following apply to the proposed CUP application:

Land Use Principles and Policies

- I. Mountain Village promotes a balanced approach to land use that responds to the different character of areas throughout the Town.*

Mixed-Use Center

- B. Support strategies to increase year-round activity in the Village Center, which serves as the community's vital core.*

Mountain Village Center Subarea Plan

- I. Mountain Village Center is developed and redeveloped in accordance with the Mountain Village Center Subarea Plan to reinforce its role as the center of tourist accommodations, activity, and conferencing in addition to locally-serving commercial, cultural, recreational, and civic spaces in order to maintain year-round vibrancy.*
- K. Evaluate the inclusion of small, iconic, architecturally interesting commercial buildings in Heritage Plaza to provide a human scale and interconnect this wide open space.*

Implementation Strategies

Economic Development

- Diversify the retail base to include more locally-focused establishments. Recognizing the data that shows an increasingly homogenized retail base, invest funds that expand the commercial composition of Mountain Village.*
- Form a policy framework in which the Town can leverage resources to support more local retail opportunity. Within this framework, include traditional and innovative sources of revenue.*

Staff has observed that use of the Conference Center Plaza area tends to receive less foot traffic than other parts of the Village Center, especially as compared to the adjacent Heritage Plaza. This is due to a variety of factors, not the least of which is a smaller amount of locally-serving restaurant establishments that front onto the Plaza. Currently, the largest restaurant space on that Plaza area (the previous site of the Village Table) is vacant. The proposed addition of a retail food establishment that was previously in the Village Center and ran a successful business (though on a more limited scale through the cart vending program) would add foot traffic to this part of the community, in conformance with the general policies of the Comprehensive Plan.

The applicant has proposed to provide a unique food trailer that could mimic the visual interest seen in the gondola cars that populate various areas of the Village Center. The applicant has suggested that this could include a horse trailer conversion (similar to Coffee Cowboy), a vintage camper conversion (i.e. Airstream), or vintage trucks. Sample photographs are attached to this staff memo.

The Design Review Board reviewed this Conditional Use Permit application at their regular meeting on January 4, 2024, and unanimously recommended approval of the application. The DRB found that the use is compatible with the Comprehensive Plan and would provide for an opportunity to increase foot traffic in Conference Center Plaza.

Compatibility and Impacts to Surrounding Land Uses

The proposed use is compatible with surrounding uses, as the Conference Center Plaza currently includes plaza-level retail uses and would allow for other restaurants if proposed. By its nature alone as a restaurant, the proposed use would compete with surrounding similar businesses/restaurants; however, the proposed use is a different product in that it provides more

of a “grab and go” opportunity rather than sit-down dining found elsewhere in the Village Center. In addition, there are currently no similar restaurants currently operating in the Conference Center Plaza.

Physical Hazards to Neighborhood, Public Facilities, Infrastructure, or Open Space

The applicant has indicated a willingness to situate the trailer in a location that does not create a hazard to the neighborhood, public facilities, public infrastructure, or open space. The Town received referral comments from the Plaza Services Manager reflecting the need to not place or drive the trailer over the FKL parking garage, and that the trailer would need to be removed during the Telluride Film Festival (see attached). Otherwise, staff believes that the proposed location is appropriate and would not cause a hazard.

Significant Adverse Effect to Surrounding Property Owners and Uses

Since Heritage and Sunset Plazas currently allow for smaller vendors, staff does not believe that the proposed use would create a significant adverse effect on adjacent property owners and uses. This application is unique to existing Mountain Village uses within the Village Center and would increase the diversity of food offerings in the Conference Center Plaza. However, inclusion of new food opportunities in the Village Center would increase competition to other food providers and may create an imbalance in equity for existing brick-and-mortar restaurants. Since this proposal would bring back a local business that previously operated in the Village Center, staff believes this impact would not be significant. Finally, the Business Development Advisory Committee and Town staff has met with surrounding businesses, and the general sentiment is that adding this particular business to Conference Center Plaza would increase interest in the area and hopefully drive additional foot traffic to the vicinity. It is important to note that there are no vending carts currently licensed or operating in Conference Center Plaza.

Significant Adverse Effect on Open Space or the Purposes of Facilities Owned by the Town

As the Conference Center Plaza is owned by the Town of Mountain Village, this application could impact facilities owned by the Town since it has the potential to increase similar requests by other business owners who would like to operate from a food trailer in the Village Center as well. However, the physical impact of swapping out gondola cars for a food truck would not create significant strain on a Town-owned facility. They would request to connect to an electric outlet on the plaza and can be accommodated by the Town and would expect to pay a utilities fee for this service.

Adverse Environmental and Visual Impacts

The proposed use would not create adverse environmental or visual impacts to the area, as the proposed trailer would be much smaller in scale than the surrounding buildings. In addition, the total size of the proposed trailer would be relatively similar to the two gondola cars that currently occupy the space, essentially swapping out similar infrastructure.

Adequate Infrastructure

In the application, the proponents state that the proposed trailer unit would be entirely self-contained with washing stations, grease traps, coolers, and the like. The only infrastructure required would be an electrical hookup, which would be provided through a building permit application with the Building Department. They would request to connect to an electric outlet on

the plaza and can be accommodated by the Town and would expect to pay a utilities fee for this service.

Damage or Contamination to Public, Private, Residential, or Agricultural Water Supply

Again, as this is a fully self-contained trailer unit, there would be no damage or contamination from the use of any water supply. The applicant has indicated that all water resources would be brought to the trailer and any gray water would be removed daily.

Applicable Town Regulations and Standards

Interestingly, the CDC does not contemplate mobile food trucks/trailers and thus does not have any relevant regulations or standards that would apply to this application. However, the CDC does include certain use designations within the Land Use Schedule (Section 17.3.3.) that specifically identifies restaurants as a permitted use within the Village Center. As such, staff believes that this proposed use is generally in conformance with the applicable use table in the CDC.

17.4.14.E. General Standards for Review

The location of a conditional use shall best serve the proposed use while minimizing potential adverse impacts.

Generally, the proposed Conditional Use would be located in an area that has lower levels of pedestrian activity. It is Town staff's belief that the proposed use is in line with other retail and restaurant uses within the Village Center. In addition, staff believes that the application is supported by provisions within the Comprehensive Plan, and would add vitality to the community. Finally, there are few (if any) potential adverse impacts that the use would create.

Staff Recommendation: Staff recommends the Town Council approve the Conditional Use Permit, with conditions as noted below.

Staff Note: It should be noted that reasons for approval or rejection should be stated in the findings of fact and motion.

Proposed Motion:

If the Town Council deems this application to be appropriate for approval, Staff requests said approval condition the items listed below in the suggested motion.

I move to approve Resolution _____, approving a Conditional Use Permit for a mobile food truck/trailer to be located in Conference Center Plaza on Tract OS 3XRR, owned by the Town of Mountain Village, based on the evidence provided in the staff memo dated January 18, 2024, and the findings of this meeting with the following conditions:

- 1) The Conditional Use Permit shall be valid for a period of three (3) years, expiring on December 31, 2026. The applicant shall be solely responsible for any reapplication in the future.*
- 2) Prior to siting the mobile food truck/trailer, the applicant shall acquire a building permit for installation of an electric power source in conformance with all applicable building codes.*
- 3) The applicant will enter into an agreement with the Town, the form of which to be approved by the Town Attorney, for monthly billing of electric utility, the rate to be determined by Town Manager.*

- 4) *The applicant shall provide proof of compliance to the Telluride Fire Protection District of Section 319 of the 2018 International Fire Code.*
- 5) *Prior to siting the mobile food truck/trailer, the applicant shall work with the Plaza Services Manager to site the truck/trailer in such a manner as to avoid driving over or parking on all underground parking structures.*
- 6) *Prior to purchasing the mobile food truck/trailer, the applicant shall provide designs and pictures of the proposed vehicle to the Business Development Advisory Committee Chairperson, the Design Review Board Chairperson, the Community Outreach Coordinator, and the Community Development Director for review and approval. The applicant shall strive to acquire a vehicle that is visually interesting and complimentary to the existing resort infrastructure of Mountain Village.*
- 7) *Prior to operation of business, the applicant will execute a plaza license agreement with the Town for the trailer space.*

The Wok of Joy would like to return to food vending in the Mountain Village core this summer, but we wish to elevate the food vending experience by using a custom, professionally built, and professionally wrapped food trailer. From our several years as a MV food cart vendor and restaurant operator in Telluride, we know that we can provide another popular food option that is fast and affordable for the Mountain Village.

We would like to keep our food trailer in place, on site, in the Conference Center plaza along the short stone wall where the two blue gondola cabins are currently situated. This is an ideal location for our food trailer as the pavers are solid enough to support the weight (which is similar to an average pickup truck) and power is available. We believe The Wok of Joy can attract a lot of local and tourist foot traffic to this under-served plaza, and add some vibrancy to this area of the MV core.

Our food trailer will measure 14' long by 8.5' wide by 7.5' high. It is completely self-contained, so there will be no business equipment outside of the trailer. Nor will there be any mess on the pavers created by cooking. Having an enclosed trailer will allow us to offer more consistent food service and higher food quality since the weather will not have an impact on doing business outdoors. We plan to stay open all year, roughly following the Gondola schedule. Our operating hours would focus on lunch service extending into early evening to allow people getting off work or skiers coming off the mountain to grab a meal at the end of their day. Special events at the Conference Center could also see us stay open later to serve those customers.

The location along the short stone wall will keep us on the peripheral of Conference Plaza, yet still easily accessible via the Fairmont Breezeway and the Boot Doctors corridor. There is a power junction box directly behind the stone wall at this location that will allow us to run the cooking hood, fridges, and lights in the trailer. We would pay for an electrician to create a shore power connection for our trailer, and we would expect to pay a monthly electric bill for this service. The simple 115V power cord to the trailer would be discreet and out of sight. The trailer does not need a water connection as our water system is self-contained within the trailer. Propane gas powers the cooking equipment.

The food trailer can easily be moved as needed by The Town. Access in and out can be done via the stanchions entry next to the old Wells Fargo Bank. Our daily movement of supplies would be managed by hand cart, so there will be no need for us to drive onto the site once the trailer is in place. Our commissary is the Ghost Pocket Kitchen in Illium, where our food supplies will be kept and prepped. The aesthetics of the trailer will be clean and professional, using our soft-color graphics and logo from our original food cart (as shown in the image attached).

Joy plans to offer her Pad Thai noodles, daily curry, and daily specials as available. We will also sell our Bao Buns, steamed dumplings, and a variety of house-made drinks. All containers and utensils will be eco-friendly. Customers can take advantage of the Town's existing seating options in Conference Plaza.

As shown in the attachments, the food trailer will contain a professionally-built commercial kitchen on a tiny scale. Equipment includes a griddle, two burners, and undercounter fridges. A commercial hood will vent all of the cooking vapor through the roof of the trailer, minimizing the effects of cooking on the surrounding environment. For a size perspective, the length of a 14' food trailer is shorter than your average pickup truck (at 19' long) so we feel the visual impact on the Conference Plaza will be minimal. If approved, The Wok of Joy hopes to have the trailer built and in operation by June 1 2024.

As we have learned from our time as a food cart and a restaurant, there is still a massive demand for affordable, fast food options in both the Mountain Village and Telluride. We have our menu and cooking methods completely dialed in, and will be able run at full speed from Day One. We are fully licensed and insured. We look forward to returning to our roots as food vendors and keeping Joy's Thai food accessible to everyone.



Town of Mountain Village
Geographical Information Systems

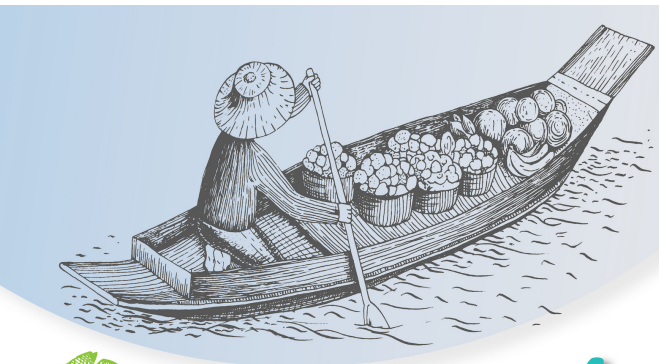


455 Mountain Village Blvd. Unit A
Mountain Village, Colorado 81435

Mountain Village Special Events Conference Center Plaza

Map Disclaimer

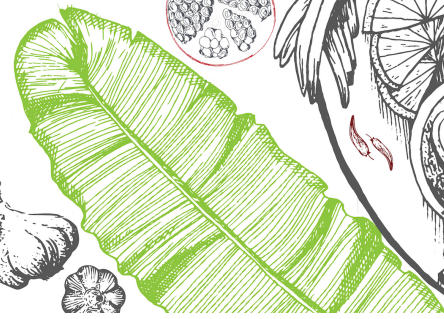
This information is a product of the Town of Mountain Village Geographic Information Systems (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge, and agree that it is not a guaranteed accurate legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge, and agree that the Town of Mountain Village GIS Department has not made and representations, warranties, or guarantees of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.



The Wok of Joy

fresh and tasty

Thai Food









455 Mountain Village Blvd. Mountain Village, CO 81435
(970) 369-8606

TO: Planning Department
FROM: Economic Development Department
DATE: December 22, 2023
RE: **Economic Development Department Referral - Wok of Joy Conditional Use Permit Application**

SUMMARY:

The Economic Development team was approached by the owners of the Wok of Joy in the Summer of 2023 to begin exploring the possibility of bringing their Thai food concept back to Mountain Village as a food trailer. After discussing ideas and concepts, it was proposed to bring a Conditional Use Permit forward as the request differs from and does not fall within the traditional plaza vending program and the Plaza Vending Regulations. This memo outlines the Economic Development team's referral on the application to place the Wok of Joy food trailer in Conference Center Plaza as well as recommendations related to the possible implementation of the proposal.

BACKGROUND:

Mountain Village's vending program was established to provide diversity of food and service options for guests and community members in the Village Center. Town's vending program provides a unique and flexible opportunity for the micro-entrepreneur looking to test their family recipes, incubate their business ideas and/or showcase their wares and services to our community.

While vending requests typically fall under the Town of Mountain Village Plaza Vending Regulations and application process, the use being discussed falls outside of the Plaza Vending process as the trailer will remain on the plaza (like Coffee Cowboy in Oak Street Plaza) rather than moved to storage each day and does not fit in the small footprint size allocated for plaza vending carts.

Town staff has heard repeatedly from Conference Center Plaza businesses the need for more vibrancy and vitality in this plaza space. With the Village Table space sitting empty for over a year now, there is currently only one food offering provided in Conference Center Plaza (Communion Wine Bar – small plates, evenings only).

CONSIDERATIONS:

Existing Vending Program

The existing vending program regulations exist to provide small scale vending, primarily in Heritage Plaza. Vendors are limited to a footprint of 40 square feet and carts must be removed from the plaza at the end of each day. Currently, the most desirable location for vending is Heritage Plaza. It receives the most foot traffic and provides the easiest location for moving carts from the storage locations to the plaza. Town staff has encouraged and attempted to incentivize vending in Sunset and Conference Center Plazas as a way to add more vibrancy to these plazas, but thus far, no vending cart has been able to successfully operate outside of Heritage Plaza. The general consciousness is that any vending cart in an outer plaza would need 1) a different storage option, 2) be an establishment with an existing following (i.e. not a brand new vendor trying a brand new concept), and 3) create a destination – a place guests want to visit.



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(970) 369-8606

The Wok of Joy's application provides an opportunity to explore a new and unique concept to the Village Center. The Wok of Joy is an established business with a strong local following as well as offering menu items not currently available in Mountain Village during daytime hours. A fully wrapped and customized trailer for Mountain Village with tables and chairs and firepits set up outside of the trailer provides a destination location. It would be ideally situated near two establishments primarily catering to beverage service.

Of course, an application like this may open the door for other vendors to pursue a Conditional Use Permit to move from cart to trailer vending. The Economic Development team, at this time, does not see any additional viable locations for food trailers in the Village Center beyond this proposed location. Both Sunset Plaza and Conference Center Plaza are constrained with underground garages and weight limitations. While Town staff intends to further explore the idea of additional food trailer concepts in Conference Center Plaza, until the adventure rock is removed and proper utilities can be provided, space in this plaza for additional trailers is limited. Additionally, the Economic Development team is not supportive of changing the vending program in Heritage Plaza at this time and would not support the use of trailer vending apparatuses in Heritage Plaza for a number of reasons. There is not the need nor the space nor the desire for such use in Heritage Plaza.

Brick and mortar businesses

In November 2023, the Economic Development team and TMVOA met with the Conference Center Plaza businesses to discuss ways to drive more foot traffic and vibrancy to their businesses. A major point of feedback from the group was the vacant Village Table space and lack of food options in their plaza area. Town and TMVOA are currently working on a separate project to bring live music, vending, and pop-up shops to the Conference Center Plaza for a weekly après event in the winter. We believe adding the Wok of Joy to this space with their trailer concept is in line with the requests of the business community in the Conference Center Plaza.

The vending program has a rather contentious history in Heritage Plaza, with disagreement between brick and mortar and vending carts on the purpose, location and competitiveness of food products. The vending program is strongly supported by Town staff and Council. In November 2023, Town Council heard an appeal of a vending cart application which was approved with a limited menu due to competitiveness and overlap of product with existing brick and mortar. Council overturned the Plaza Vending Panel's discussion, disagreeing with the Panel's views on competition. Town staff does not believe that adding a trailer concept to Conference Center Plaza, with a food offering not found elsewhere in Mountain Village, offered by two Mountain Village residents with a local following will have a significant impact on Mountain Village's existing brick and mortar businesses.

Comprehensive Plan and Economic Development Goals

Town staff feels the Wok of Joy application is in line with the goals and strategies of the Economic Development department and the Comprehensive Plan. The Economic Development team is responsible for working closely with the Mountain Village business community to promote vibrancy and vitality of the Village Center. Town staff has heard the feedback of our Conference Center Plaza business community and believe this application is a step in the right direction to assisting the business community in that plaza. The Comprehensive Plan recognizes the significant costs of brick and mortar, the substandard sales/square foot of our retail outlets and promotes diversifying our homogeneous retail base and considering the inclusion of different types of commercial spaces to provide a better



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human scale and better interconnect the wide open spaces of our plazas.

STAFF RECOMMENDATION:

The Economic Development department supports the application for the Wok of Joy to operate out of a food trailer in Conference Center Plaza. A plaza license agreement shall be established, similar to the Coffee Cowboy, for the semi-permanent use of Town-owned plaza space. Rent and utilities shall be set by the Town Manager, recognizing the more significant impact and use of the plaza space as compared to a vending cart. Requirements around operating days, hours and need to move the trailer for special events shall also be outline by Town staff in the plaza license agreement.



DEVELOPMENT REFERRAL FORM

Planning & Development Services
Planning Division
455 Mountain Village Blvd. Ste. A
Mountain Village, CO 81435
(970) 728-1392

The Planning & Development Services Department has provided this referral form to solicit your input on a development proposal that has been submitted to the Town.

Within the first five (5) calendar days of the referral for a Class 1 or 2 application, or ten (10) calendar days for a Class 3, 4 or 5 application, a referral agency may request an extension of time to review a development application for good cause. The Planning Division shall determine if any requested extension is warranted and notify the referral agency and applicant of its decision and the number of days allowed for the extended review time, if any, within three (3) business days of such request.

If a referral agency fails to respond by the date requested on the referral form, its failure to respond shall be interpreted as "no comment" in which case it shall be presumed that such referral agency does not take issue with the development application.

Application Information

Class of Development Application : Class 4

Date Referral Emailed to Dept. or Agency :

November 15, 2023

Class 1 or 2 Application Referral Comment

Deadline: 15 calendar days from date above: n/a

Class 3,4, & 5 Application Referral Comment

Deadline: 21 calendar days from date above (12/6/23)

Planner Name: Jason Habib

Planner Email: jhabib@mtnvillage.org

Planner Phone Number: 970-369-6434

Applicant Name: Jason Smith, Wok of Joy

Applicant Email Address:

thewokofjoy@gmail.com



DEVELOPMENT REFERRAL FORM

Planning & Development Services
Planning Division
 455 Mountain Village Blvd. Ste. A
 Mountain Village, CO 81435
 (970) 728-1392

Description of Development Application(s):

Conditional use permit for a Wok of Joy food trailer in the Conference Center Plaza.

Referral Agency Information

Referral Agency	Referral	Email Address
Town Public Works	x	fkjome@mtnvillage.org
Town Plazas and Environmental Services Dept.		bbutton@mtnvillage.org
Town Attorney		dmconnaughy@garfieldhecht.com
Town Forester	x	rwalters@mtnvillage.org
Mountain Village Cable	x	doug@clearnetworx.com
Transportation Department		jloebe@mtnvillage.org
Recreation Department		jloebe@mtnvillage.org
Police Department	x	cbroady@mtnvillage.org
Telluride Fire Protection District	x	sheidergott@telluridefire.com
San Miguel Power Association	x	jeremy@smpa.com ; terry@smpa.com Benjamin.wiles@smpa.com , bwilliams@smpa.com
Black Hills Gas	x	brien.gardner@blackhillscorp.com paul.ficklin@blackhillscorp.com
Century Link (800-526-3557)	x	Mike.Gardner@lumen.com
Colorado Geologic Survey (fee required)		Kaberry@mines.edu
San Miguel County		kayes@sanmiguelcountyco.gov
Town of Telluride		rquarles@telluride-co.gov
San Miguel Regional Housing Authority		courtney@smrha.org
Colorado State Forest Service		Jodi.rist@colostate.edu
United States Army Corps of Engineers		Carrie.A.Sheata@usace.army.mil



DEVELOPMENT REFERRAL FORM

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455 Mountain Village Blvd. Ste. A
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Referral Agency Comments Lot OS-3X, CUP for Wok of Joy:

Approval from TFPD with the condition of compliance with 2018 IFC Section 319.

From: [Christopher Luck](#)
To: [cd](#)
Subject: Jason Smith
Date: Thursday, December 21, 2023 10:58:33 AM

Caution: External Message - Please be cautious when opening links or attachments in email.

As a condo owner at Centrum in Mountain Village, I am totally in favor of the Wok of Joy food trailer in the Conference Center Plaza.

Christopher Luck

RESOLUTION 2024-_____

RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE APPROVING A CONDITIONAL USE PERMIT FOR A FOOD TRUCK/TRAILER ON TRACT OS-3XRR

WHEREAS, the Town of Mountain Village (the “Town”) owns certain real property in San Miguel County, Colorado described as Tract OS-3XRR, Mountain Village, Colorado, according to the plat recorded at Reception No. 405665, and commonly known as the Conference Center Plaza (the “Property”); and

WHEREAS, the Property is zoned Village Center Zone District; and

WHEREAS, Jason Smith on behalf of The Wok of Joy (the “Applicant”), with the Town’s consent, applied to the Town of Mountain Village for a Conditional Use Permit to operate a food truck/trailer on the Property (the “Application”); and

WHEREAS, the Application consists of the materials submitted to the Town and itemized on Exhibit A, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public hearings before the Design Review Board (“DRB”) and Town Council; and

WHEREAS, Section 17.3.3 of the CDC establishes the permitted and conditional uses of the Village Center Zone District; and

WHEREAS, the Applicant’s proposed food truck/trailer use is eligible for conditional use review by virtue of the Community Development Director’s determination in accordance with Section 17.3.3.B and, therefore, requires issuance of a Conditional Use Permit pursuant to Section 17.3.4.H of the CDC; and

WHEREAS, the DRB held a public hearing on January 4, 2024, to consider the Application and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to recommend to Town Council approval of the Application; and

WHEREAS, the Town Council held a public hearing on January 18, 2024, to consider the Application, the DRB’s recommendation, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted ___ to approve this Resolution (“Approval”); and

WHEREAS, the public hearings and meetings to consider the Application were duly noticed and held in accordance with the Town’s Community Development Code (“CDC”); and

WHEREAS, the Town Council has considered the general standards for review set forth in Section 17.4.14.E of the CDC, as well as the criteria set forth in Section 17.4.14.D.1 of the CDC and finds that each of the following have been satisfied or will be satisfied upon compliance with the conditions of this Resolution as set forth below:

- a. The proposed conditional use is in general conformity with the policies of the principles, policies and actions set forth in the Comprehensive Plan;
- b. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure;

- c. The design, development and operation of the proposed conditional use shall not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space;
- d. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses;
- e. The design, development and operation of the proposed conditional use shall not have a significant adverse effect on open space or the purposes of the facilities owned by the Town;
- f. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use;
- g. The design, development and operation of the proposed conditional use shall provide adequate infrastructure;
- h. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source; and
- i. The proposed conditional use permit meets all applicable Town regulations and standards.

WHEREAS, the Town Council now desires to approve the Application, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

1. **Recitals**. The recitals set forth above are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.
2. **Approval**. The Town Council hereby approves a Conditional Use Permit for the operation of a food truck known as the “Wok of Joy” on the Property, as described in the Application.
3. **Conditions**. The Approval is subject to the following terms and conditions:
 - a. The Approval is valid until December 31, 2026. The Applicant shall be responsible for any renewal of the Conditional Use Permit in accordance with then-existing regulations.
 - b. Prior to siting the food truck/trailer, the Applicant shall obtain a building permit from the Town for installation of an electric power source in conformance with all applicable building codes.
 - c. The Application will enter into an agreement with the Town, in a form to be approved by the Town Attorney, for monthly billing of electric utility. The rate shall be determined by the Town Manager.

- d. The Applicant shall provide proof of compliance to the Telluride Fire Protection District of Section 319 of the 2018 International Fire Code.
- e. Prior to siting the food truck/trailer, the Applicant shall work with the Town’s Plaza Services Manager to site the food truck/trailer in such a manner as to avoid driving over or parking on all underground parking structures.
- f. Prior to purchasing the food truck/trailer, the Applicant shall provide designs and pictures of the proposed vehicle to the Town’s Business Development Advisory Committee Chairperson, DRB Chairperson, Community Outreach Coordinator, and Community Development Director for review and approval in accordance with Town regulations. The Applicant shall strive to acquire a food truck/trailer that is visually interesting and complimentary to the existing resort infrastructure of the Town.
- g. Prior to operation of business, the Applicant shall execute a Plaza License Agreement with the Town for the trailer space.
- h. [Insert any conditions imposed by the Town Council.]

4. **Effective Date.** This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held this 18th day of January, 2024.

TOWN OF MOUNTAIN VILLAGE, COLORADO

By: _____
Marti Prohaska, Mayor

ATTEST:

By: _____
Susan Johnston, Town Clerk

APPROVED AS TO FORM:

By: _____
David McConaughy, Town Attorney

Exhibit A

[LIST OF APPLICATION MATERIALS]