

RESOLUTION 2024-0118-01

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 unanimously 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.

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: 

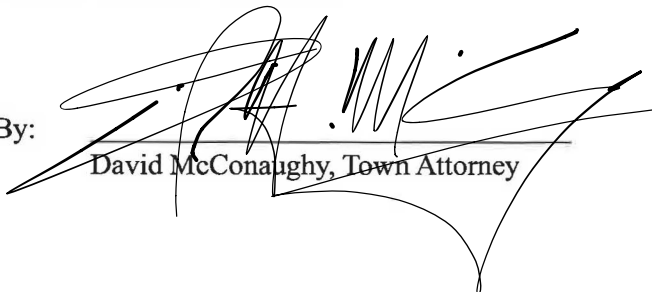
Martinique Prohaska, Mayor

ATTEST:

By: 

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

By: 

David McConaughy, Town Attorney

Exhibit A

1. Application dated 11/09/2023
2. Development Narrative dated 11/09/2023