



**TOWN OF WINTER PARK  
PLANNING COMMISSION  
Tuesday, December 12, 2023 8:00 AM**

**A G E N D A**

**I. Call to Order**

**II. Roll Call of Commission Members**

**III. Public Comment**

*This time is reserved for anyone from the public to speak about items not on the agenda. The Planning Commission is not prepared to decide on matters brought up during this time, but if warranted, will place them on a future agenda.*

**IV. Conflict of Interest**

**V. Consent Agenda:**

- a. None – the November 28, 2023 Minutes are not yet available

**VI. General Business:**

- a. PUBLIC HEARING: Special Use Permit – 33 Parsenn Road – Mary's Mountain Cookies (PLN23-097)

**VII. Director's Report:**

*This time is reserved for specific items from staff requiring Commission direction and for relaying important information to the Commission.*

**VIII. Planning Commission Items of Discussion**

*This time is reserved for Commission discussion items that are not listed on the agenda.*

**Online Meeting Login Instructions – See next page**

### **Computer Login Instructions**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81725744995?pwd=RnVOb2hpVmN1SXBydzFBZEc3NGhGZz09>

Passcode: 113389

### **Phone Login Instructions**

Dial In Numbers (for higher quality, dial a number based on your current location):

- +1 719 359 4580 US
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- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 564 217 2000 US
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
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Webinar ID: 817 2574 4995

Passcode: 113389

International numbers available: <https://us02web.zoom.us/j/81725744995?pwd=RnVOb2hpVmN1SXBydzFBZEc3NGhGZz09>

You can log into the Zoom meeting through the link above to view what is projected on the screen. You can use either your computer audio or the number above. Everyone will be muted upon entry into the meeting to ensure that we have manageable background noise and limited interruptions.

### **Public Hearing Process**

If you would like to participate in the public hearing, please follow these instructions so we can make sure everyone that wants to speak has the opportunity. When you log into Zoom you will be automatically muted to limit background noise. When the public hearing is opened for public comment, please use the “raise your hand” feature and staff will unmute citizens in the order they were received. To enable “raise your hand” feature, click on the “Participants” button the bottom of the screen.

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## MEMO

**TO** Planning Commission  
**FROM** Hugh Bell, Planner  
**THROUGH** James Shockey, AICP, Community Development Director  
**DATE** December 12, 2023  
**RE** PUBLIC HEARING: Special Use Permit – 33 Parsenn Road – Mary’s Mountain Cookies  
(PLN23-097)

**Property Owner:** Winter Park Recreational Association

**Applicant:** Paul Klees of Skol Sweets LLC dba Mary’s Mountain Cookies

**Location:** 33 Parsenn Road (Balcony House)

**Special Use Permit:**

Request to operate a cookie cart, i.e. a mobile vending operation, at Winter Park Resort. This mobile vending operation qualifies as “long-term mobile vending” as the vending is proposed to exceed 30 consecutive days within a six (6) month period. A mobile vending license, which must be issued for the applicant to operate, has been approved by the Community Development Director (the “Director”) with two (2) conditions (Town Code of Ordinances, § 3-9-2). See below under “Applicable Provisions of the Town Code of Ordinances”.

Long-Term Mobile Vending Permits require an SUP under Title 7 and a mobile vending license under Title 3. The mobile vending license was administratively approved by the Director on December 8, 2023 after finding that it met the applicable criteria in Title 3, with the two (2) following conditions: 1) The SUP receives approval; and 2) Approval from Grand County Public Health Department is received as this operation involves food.

**Applicant’s Reasons why the Permit Should be Granted:**

See applicant’s application for details.

**Applicable Provisions of the Unified Development Code (UDC):**

§ 2-B-3, Limited and Special Uses

**Applicable Provisions of the Town Code of Ordinances:**

Title 3, Chapter 9, Mobile Vending

As stated above, the Director has conditionally approved issuance of a Long-Term Mobile Vending Permit for the proposed use. The Long-Term Mobile Vending Permit shall expire one (1) year from issuance and shall require a new permit for continued operation in accordance with Title 3.

**§ 2-B-3(D), Review Criteria Applicable to all Limited and Special Uses:**

An application for use approval may be approved if it is demonstrated that:

1. The proposed use in its proposed location will not conflict with the implementation of current adopted plans of the Town.

2. The use is compatible with surrounding land uses and the natural environment and will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment plans for surrounding land uses.
3. There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
  - a. Providing a needed community service;
  - b. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
  - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
  - d. Making more efficient use of public infrastructure.

**§ 2-B-3(E) Review Criteria Applicable to All Special Uses:**

An application for special use permit may be approved if it is demonstrated that:

1. Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have been provided; and
2. Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) shall be available without the reduction of services to any existing uses.

**§ 5-B-8 Public Notice Requirements:**

This SUP application has had proper public notification pursuant to § 5-B-8 of the UDC. A Newspaper Publication (PUB) was published in the Middle Park Times on November 30, 2023, providing notification of the hearing and requesting comments. A Surrounding Property Owners Mailing (ML) was sent to property owners within 300' of the property on November 28, 2023. A Property Posting (PO) was posted on November 28, 2023.

One (1) comment has been received as of December 7, 2023 and is attached in the packet.

**Staff Comments:**

**Background**

Applicant requests to operate a long-term mobile vending operation to sell cookies from a renovated gondola car. The Planning Commission is reviewing this application to determine if the SUP application meets the applicable criteria in §§ 2-B-3(D) and 2-B-3(E) of the UDC.

**Location**

This would occur on an existing metes and bounds lot that contains several Winter Park Resort buildings. This operation would specifically operate in front of the Balcony House (the "Property"). The Property is in the D-C (Destination Center) zone district. The operation will occur on the southwest side of the Balcony House building. The Property is bordered to the east by Winter Park Drive (D-C); to the north by Union Pacific Railroad's lot (D-C); and to the south and west by Winter Park Resort's base village (D-C, P-D (Planned Development)). Staff finds that the proposed used is compatible with the surrounding land uses and environment as the Property is surrounded by the D-C district and other retail uses.

**Design**

The gondola has a roughly 6' x 6' footprint and will simply be a vending location for the cookies. All baking will take place in Granby at the company's main location. Electricity is provided by the Resort and no water or sewer services are necessary.

Outdoor Lighting

N/A, existing outdoor lighting on Property will be used.

Parking

N/A, parking is not being altered by this application.

Loading

UDC Text Amendment 3 eliminated the requirement for a loading space as the structure is under 5,000sqft.

Odor Control

N/A.

Operation

Tentatively between 10am and 6pm roughly five to seven days a week until April.

Signage

Signage will be processed administratively and is limited to 30 sq. ft. Code, § 6-2. The Property is not within the Village Center Neighborhood so is therefore not governed by their Sign Code (§ 6-2(A)).

Staff Conclusions

Staff believes the Application meets § 2-B-3(D) and (E) of the UDC. Staff supports the location of this proposed use as the use is compatible with surrounding commercial land uses in the area including restaurants, retail, and hotels. The D-C zone district is the most appropriate district for this use and the relevant site has operated as retail for many years. Staff finds that any adverse impacts of the use are adequately addressed.

**Staff Recommendation:**

Staff recommends the Planning Commission recommend approval of the SUP for Mary's Mountain Cookies with the conditions outlined below:

1. In accordance with § 5-B-13 of the UDC, the Special Use Permit shall remain in effect so long as the business is continuously operated in conformance with this approval.
2. Approval of this Special Use Permit is contingent upon the approval and issuance of any and all applicable State and Town licenses and/or permits.
3. The Town shall have the right to suspend the Special Use Permit at any time upon non-compliance with the conditions of the Special Use Permit.
4. The Special Use Permit is not assignable to any other person or entity.

However, this is a decision for the Commission to make, and the Commission may choose to recommend approval or denial based on the testimony and evidence it hears. Two sample motions are included below for convenience only. They do not limit the evidence the Commission can rely on or the decision the Commission makes.

**Sample Motion Recommending Approval:**

I move to recommend approval of the SUP with conditions set forth in the staff memo based on... *[walk through factors 1-5]* finding the application meets all criteria required in § 2-B-3(D) and (E) of the UDC, specifically:

1. The proposed use in its proposed location will not conflict with the implementation of current adopted plans of the Town because the D-C zone district contains other retail and food operations and the relevant site has operated with these uses for many years;
2. The use is compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment plans for surrounding land uses because the proposed use is contained within an aesthetically pleasing gondola that fits the alpine nature of the Resort;
3. There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
  - a. Providing a needed community service;
  - b. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
  - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another;
  - d. Making more efficient use of public infrastructure because this use will contribute a high-quality product to the Resort village, will be able to serve many people as it's located in a busy area, and will be a source of tax revenue;
4. Provisions for hours of operation, loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have been provided because these were indicated on the application;
5. Adequate public services (such as: streets, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) shall be available without the reduction of services to any existing uses because no water, sewer, or gas services are required for the gondola, as no baking is conducted there, and electricity will be provided by the Resort's existing infrastructure. Staff anticipates no impact on police and fire protection services as this is merely a food vendor.

**Sample Motion Recommending Denial:**

I move to recommend denial of the SUP based on... *[walk through factors 1-5]*, finding the applicant has failed to meet all criteria required in § 2-B-3(D) and (E) of the UDC, specifically:

1. The proposed use in its proposed location will conflict with the implementation of current adopted plans of the Town because ***[insert explanation supported by the evidence here];***
2. The use is incompatible with surrounding land uses and the natural environment, and will materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment plans for surrounding land uses because ***[insert explanation supported by the evidence here];***
3. There is a practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is incomparable or less favorable in terms of:
  - a. Providing a needed community service;
  - b. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;

- c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
  - d. Making more efficient use of public infrastructure because ***[insert explanation supported by the evidence here].***
- 4. Provisions for hours of operation, loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have not been provided because ***[insert explanation supported by the evidence here];***
- 5. Adequate public services (such as: streets, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) are not available without the reduction of services to any existing uses because ***[insert explanation supported by the evidence here].***



**PUBLIC NOTICE  
TOWN OF WINTER PARK  
PLANNING COMMISSION AND TOWN COUNCIL  
SPECIAL USE PERMIT**

**Applicant:** Paul Klees

**Property Owner:** Winter Park Recreational Association

**Case Number:** PLN23-097

**Physical Address of Property for Which the Special Use Permit Approval is Requested:** 33 Parsenn Drive (Balcony House)

**Legal Description of Property for Which the Special Use Permit Approval is Requested:** See "Exhibit A"

**Description of Request:** Request to operate a cookie cart, i.e. a mobile vending operation, at Winter Park Resort.

**Applicable Provision(s) of the Unified Development Code:**

§ 2-B-3, Limited and Special Uses

The Planning Commission and Town Council will review this case and render a decision under § 5-E-2 of the UDC.

Additional information is available at this link: <https://wpgov.com/current-development-projects/>

**A Public Hearing at Winter Park Town Hall, 50 Vasquez Road and online via Zoom is scheduled for:**

**Planning Commission, Tuesday, December 12, 2023, at 8:00 A.M.**  
**Town Council, Tuesday, January 2, 2024 at 5:30 P.M.**

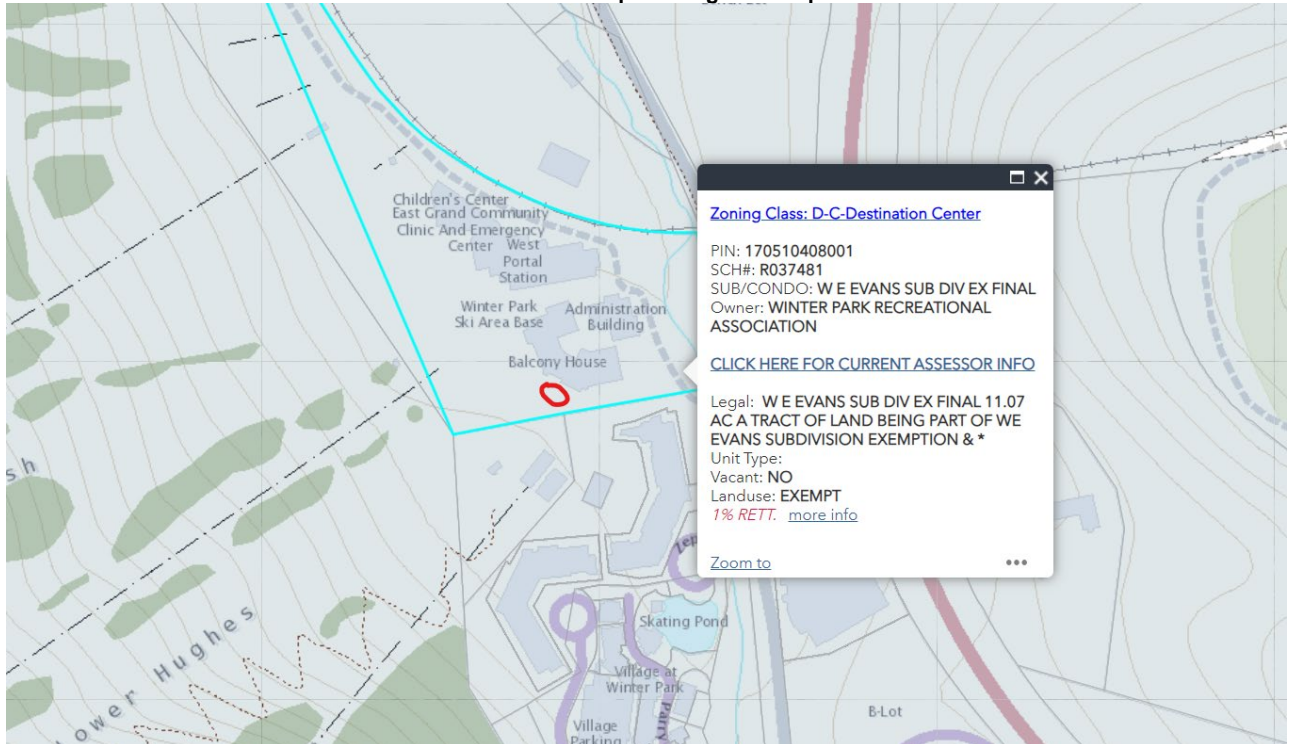
Members of the public wishing to make comment regarding the Special Use Permit request may do so at the scheduled meeting, or write to Planning, Town of Winter Park, P.O. Box 3327, Winter Park, CO 80482, or [hbell@wpgov.com](mailto:hbell@wpgov.com). For comments to be included within the digital packet, they must be submitted by 5:00 P.M. on the Wednesday before the hearing.

The Zoom link will be made available in the full agenda, which will be published by end of day the Friday before the hearing at <https://wpgov.com/our-government/agendas-minutes/>

**The meeting will be broadcast via Zoom and public comment can be made by those attending. If there are technical difficulties with Zoom, public comment via Zoom will not be available and the meeting will continue in person.**



### Exhibit A – Location Map and Legal Description



A TRACT OF LAND BEING A PART OF THE W.E. EV ANS HOMESTEAD AND H.E.S. NO. 117, THE PATENT THEREOF BEING RECORDED IN BOOK 53, AT PAGE 264 OF THE GRAND COUNTY RECORDS; SITUATED IN SECTION 10, - TOWNSHIP 2 SOUTH, RANGE 75 WEST OF THE SIXTH PRINCIPAL MERIDIAN, GRAND COUNTY, COLORADO; SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT A.P. NO. 2 OF B.L.M. TRACT 43, A BRASS CAP IN PLACE THE TRUE POINT OF BEGINNING; THENCE S22°55'1S"E, 306.96 FEET TO CORNER NO. 4 OF H.E.S. NO. 117, A DWD BRASS CAP IN PLACE; THENCE S79°48'17"W, 712.83 FEET TO CORNER NO. 5 OF SAID H.E.S. NO. 117 A DWD BRASS CAP IN PLACE; THENCE N23°26'57"W, 2,001.22 FEET TO A POINT LOCATED 25.00 FEET SOUTHERLY AND WESTERLY OF THE CENTERLINE OF SAID D&RGW RAILROAD TRACK; THENCE THE FOLLOWING THREE (3) COURSES ALONG A LINE SOUTHERLY AND WESTERLY OF, PARALLEL AND CONCENTRIC TO SAID CENTERLINE; 1) THENCE 486.51 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 5,744.22 FEET AND A CENTRAL ANGLE OF 04°51'10", (CHORD BEARS S31°00'48"E, 486.37 FEET); 2) THENCE S29°02'46"E, 561.50 FEET; 3) THENCE 1,015.96 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 934.34 FEET AND A CENTRAL ANGLE OF 62°18'03", (CHORD BEARS S60°11'36"E, 966.65 FEET), TO A POINT ON THE LINE BETWEEN CORNER NO. 3 OF H.E.S. NO 117 A."ID A.P. NO. 2 OF BLM TRACT 43; THENCE S22°54'28"E, 42.16 FEET TO THE TRUE POINT OF BEGINNING; SAID TRACT CONTAINING 11.07 ACRES MORE OR LESS.  
BASIS OF BEARING FOR THIS DESCRIPTION IS S79°48'17"W BETWEEN CORNER NO. 4 AND CORNER NO. 5 OF H.E.S. NO. 117, BEING DWD BRASS CAPS IN PLACE.

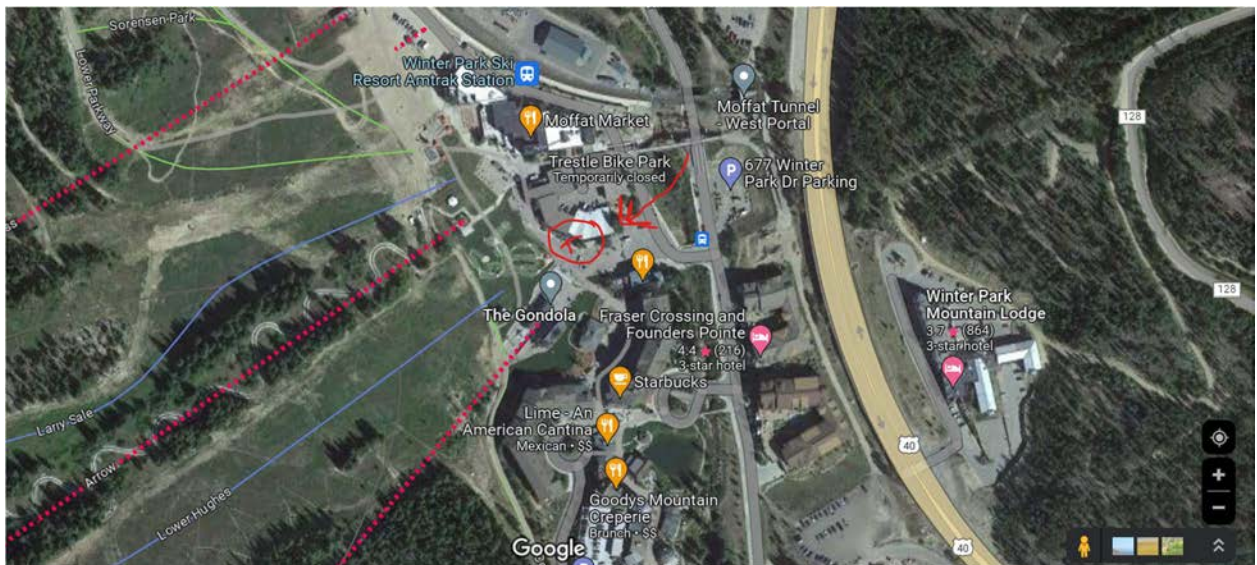
## Skol Sweets LLC dba Mary's Mountain Cookies

### Special Use Permit Narrative

- A. Company Information:
  - a. Skol Sweets LLC dba Mary's Mountain Cookies
  - b. Owner: Paul Klees
  - c. Mailing Address: PO Box 2832, Winter Park, CO 80482
  - d. Email: [skolcapital@outlook.com](mailto:skolcapital@outlook.com)
  - e. Phone: 970.519.1643
  - f. Website: [mtncookies.com](http://mtncookies.com)
- B. Project Location:
  - a. Winter Park Resort
    - i. 85 Parsenn Road, PO Box 36, Winter Park, CO 80482
  - b. Site Location: See attached Map. **EXHIBIT 1**
  - c. Zoning: D-C Destination Center
  - d. Total Space Used – 6' by 6'
  - e. Parking – No additional parking required.
- C. Agreement with Levy @ Winter Park Resort
  - a. Agreement upon request.
- D. Structure:
  - a. Mobile Gondola designed for retail. Will be an outlet of the store front located in Granby, CO
  - b. See attached photos: **EXHIBIT 2**
  - c. Gondola will be placed on the ground with electrical running to it provided by Winter Park Resort.
  - d. Timeframe – Nov through April
- E. Business:
  - a. Retail cookies. Cookies will be brought in daily from Granby location. No cooking will take place inside the unit.
  - b. Operating hours will be 5-7 days a week with tentative hours between 10am – 6pm.
  - c. Product menu can be found at [www.mtncookies.com](http://www.mtncookies.com)
- F. Site Preparation:
  - a. Power is already located at site.
  - b. Gondola will be placed in noted location and leveled as needed.
- G. Exterior Lighting
  - a. Provided by existing buildings and sidewalk lights.
- H. Ability to Serve Letter:
  - a. No water needed in Gondola
- I. Letter of Evidence from Developer
  - a. N/A

## EXHIBIT 1: Site Location Map

Physical Address: Winter Park Resort - 85 Parsenn Road, Winter Park CO 80482





## Exhibit 2: Gondola Pictures & Specs

More info @ <https://thegondolashop.com/products/coffee-bar>



### DETAILS

- One color industrial paintwork (basecoat-clearcoat)
- Refurbished-modified Steamboat 8 passenger gondola from 1986
- Custom-built wood shelving
- Custom-built serving door that serves as awning once opened
  - lockable at night with inside latches
- Ceiling white LEDs
- Refurbished plexiglass windows
- 6 plug power-bar pre-installed
- Pallet jack access for easy movability
- Outside wood shelf for extra counter space (7"x36")
- Outside dimensions 78"long x 66"wide x 85"high
- Inside dimensions within shelving 3'x5'x81" high
- Approx weight 850lbs

Floor Plan – Mary's Mountain Cookies – Gondola



Cookie Warmer location: located on top shelf – customer facing.

Appliance List: We won't have any appliances in the unit to start but may add a box warmer or conveyor belt to heat the cookies after opening.

Here are the two units we are looking at with specs (next page). Above – the warmer will be located on the top shelf as a display for customers to view product. We will be purchasing a unit to fit the space provided securely.

- Vevor commercial food warmer – 3 Tier Display Box (Picture and Specs below)  
Or
- Galaxy CT 10 Convey Belt (Specs and Picture below)

Vevor commercial food warmer 3 tier display box.



Appliance Type	Warming Drawer	Capacity (L)	0.6
Color/Finish	Stainless Steel	Color/Finish Family	Stainless Steel
Commercial Use	Commercial	Features	Adjustable Thermostat, Temperature Controls
Housing Material	Stainless steel	Includes	No Additional Items
Maximum Heating Temperature (Fahrenheit)	185	Number of Temperature/Cooking Controls	1
Number of Warming Sections	1	Pan Shape	Square
Product Weight (lb.)	55.3 lb	Returnable	90-Day
Small Appliances Color Family	Silver	Small Electric Product Type	Warming Tray
Warming Time after Unplugging (min.)	0	Wattage (W)	800 W

○

- Galaxy CT-10 Conveyor Toaster – 120V 1750W



Shipping Weight	39.25 lb.
Width	14 1/2 Inches
Depth	30 Inches
Height	16 1/2 Inches
Conveyor Width	10 Inches
Feeder Opening Height	3 Inches
Voltage	120 Volts
Wattage	1,750 Watts
Control Type	Infinite
Features	Pass-Through
Heating Source	Radiant
Installation Type	Countertop
Plug Type	NEMA 5-15P

## Hugh Bell

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**From:** David Worth <dworth@worthco.com>  
**Sent:** Saturday, December 2, 2023 1:14 PM  
**To:** Hugh Bell  
**Subject:** Case Number PLN23-097

Caution! This message was sent from outside your organization.

Town of Winter Park Planng Commission  
Town of Winter Park Town Council

RE:  
Case Number PLN23-097  
Paul Klees  
Winter Park Recreational Association  
Request to operate a cookie cart

Public Comment: Who doesn't like cookie carts?

Respectfully Submitted,

David and Cindy Worth  
Zephyr Lodge unit 2604  
Winter Park, CO 80482

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*David Worth | Retired President/CEO | The Worth Company  
Stevens Point, WI 54481 | USA  
[dworth@worthco.com](mailto:dworth@worthco.com) | <http://www.worthco.com> | Home 715-592-6670*

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