

MINUTES OF MEETING
PALISADE BOARD OF TRUSTEES
January 14th, 2020

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 p.m. by Mayor Granat with Trustees present: Bonds, Sundermeier, Somerville, Mikolai, Chase and L'Hommedieu. A quorum was declared. Also, in attendance were Town Attorney Jim Neu, Town Manager Janet Hawkinson, Town Clerk Lindsey Chitwood, Finance Director Travis Boyd, Utilities Director Matt Lemon, Police Chief Deb Funston, Community Development Director Allyson Shellhorn, Parks Recreation and Event Director Troy Ward, and Fire Chief Richard Rupp.

AGENDA ADOPTION

Motion #1 by Mayor Pro-Tem Mikolai, seconded by Trustee Sundermeier, to approve the agenda as presented.

A voice vote was requested
Motion carried unanimously

CONSENT AGENDA

The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board members may ask that an item be removed from the Consent Agenda for individual consideration.

- **Expenditures**
Approval of Bills from Various Town Funds – December 7th, 2019 – January 10th, 2020
- **Minutes**
Minutes from December 10th, 2019 Board Meeting

Motion #2 by Mayor Pro-Tem Mikolai, seconded by Trustee Sundermeier, to approve the Consent Agenda as presented.

A roll call vote was requested.
Yes: Trustee Bonds, Trustee Sundermeier, Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu
No: None
Absent:

Motion carried.

PUBLIC COMMENT

Charlotte Wheeler thanked the Board for allowing for cosmetic improvements at the Palisade Veterans Memorial Community Center in the 2020 Town of Palisade budget.

Bill Carlson thanked the Board for the exceptional Christmas lighting that the Town displayed around Town this year.

Ellen Turner thanked the Mayor and Trustee Somerville for attending the open house that the Town held regarding the upcoming April 2020 election.

PUBLIC HEARING
Ordinance #2020-01

Should the Board of Trustees for the Town of Palisade, Colorado, approve Ordinance #2020-01 entitled, "An Ordinance of the Town of Palisade, Colorado, Vacating a Public Easement Located at Parcel #2941-032-21-025 and Parcel #2941-032-21-100."?

Mayor Granat opened the Public Hearing at 6:18p.m.

The Community Development Director stated that an application was submitted to the Town of Palisade for the vacation of a public sewer easement at Cresthaven Acres, Parcel # 2941-032-21-025 and Parcel # 2941-032-21-100. The owner of these parcels is requesting the vacation of a 15' sewer easement. The 8" sewer line that existed in the public easement has been moved to Town right-of-way. The applicant had a pre-application conference on November 20th, 2019. The application was then sent out to review agencies.

The Planning Commission reviewed this application on January 7th, 2020 and made a recommendation to approve the application for a vacation of the public easement with a vote of 6-0. Staff is asking the Board of Trustees to make a decision regarding the application to vacate a public sewer easement.

Town of Palisade Land Development Code Section 4.17 Vacation of Right-of-Way or Public Easement

Section 4.17.E. Approval Criteria

No Vacation may be approved unless all of the following criteria are satisfied:

1. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the Town;

The vacating of this public easement is consistent with all adopted plans and policies of the Town. It is consistent with the Land Development Code regulations. Vacating this easement will not go against the Town Comprehensive plan.

2. No parcel shall be landlocked as a result of the vacation;

No parcel will be landlocked as a result of vacating this public easement.

3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

Access to any parcel will not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation. The vacation of this public easement will not restrict access to any parcel.

4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);

There will be no adverse impacts on the health, safety, and welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced. Moving the storm drain must be in condition that is as good or better than current conditions. Police, fire, and utility services will not see any reduction in services provided due to the vacation of the public easement.

5. The provision of adequate public facilities and services shall not be inhibited to any property as required in this LDC; and

The provision of adequate public facilities and services will not be inhibited to any property as required in the Land Development Code.

6. The proposal shall provide benefits to the Town such as reduced maintenance requirements, improved traffic circulation, etc.

The proposal provides no changes to traffic circulation, maintenance requirements, or safety. Vacating the public easement will result in the construction of residential properties. This will bring school dedication fees and tax revenue to the Town.

RECOMMENDATION:

Since the sewer system has been moved into the Town right-of-way, the 15' public sewer easement is no longer of use to the Town. Staff is recommending approval of the application to the Board of Trustees.

Mayor Granat asked for public comment.

None was offered.

Mayor Granat asked for Board comment.

None was offered.

Motion #3 by Trustee Somerville, seconded by Trustee Chase, to approve Ordinance #2020-01 entitled, "An Ordinance of the Town of Palisade, Colorado, Vacating a Public Easement Located at Parcel #2941-032-21-025 and Parcel #2941-032-21-100" as presented.

A roll call vote was requested.

Yes: Trustee Sundermeier, Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu, Trustee Bonds
No: None
Absent:

Motion carried.

Mayor Granat closed the Public Hearing at 6:23p.m.

PUBLIC HEARING II

Ordinance #2020-02

Should the Board of Trustees for the Town of Palisade, Colorado, approve Ordinance #2020-02 entitled, "*An Ordinance of the Town of Palisade, Colorado, Amending the Zone District Map of the Town by Zoning Certain Property Known as 105 Main Street (Parcel #2937-091-00-034) from Town Center (TC) to Mixed Use (MU).*"?

Mayor Granat opened the public hearing at 6:23p.m.

The Community Development Director stated that the Town of Palisade received an application to rezone the property located at 105 Main St. from Town Center (TC) to Mixed Use (MU) as applied for by Wood Properties, LLC. Currently, under Town Center, single family and townhome units are not allowed uses. The applicant would like to rezone the property with the intent of using it for residential purposes.

The Planning Commission reviewed this application on January 7th, 2020 and made a recommendation to approve the application to rezone the property at 105 Main St. from Town Center to Mixed Use with a vote of 6-0. Staff is asking the Board of Trustees to make a decision regarding the application to rezone the parcel located at 105 Main Street.

Town of Palisade Land Development Code Section 4.02 Rezoning
Section 4.02.E. Approval Criteria

No rezoning may be approved unless all of the following approval criteria are made concerning the property:

1. Consistency with the adopted plans and policies of the Town;

This application is consistent with the Land Development Code and the regulations set forth for the process of rezoning a parcel of land. The future land use for this parcel is zoned as low density residential in the Comprehensive Plan. However, many sites surrounding the discussed parcel are zoned as mixed use and would therefore be consistent with the surrounding zoning.

2. Suitability of the subject property for uses permitted by the current versus the proposed district;

The subject property is suitable for the permitted uses for the proposed mixed-use district. Attached is the use table including permitted uses for mixed use zoning.

3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;

The proposed change would meet a specific demand of the Town. The applicant is proposing to rezone the subject property with the intent of residential use. This would meet a specific housing demand in the Town of Palisade. The current zoning does not meet this demand.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;

Public facilities can adequately serve the proposed rezoning district. Rezoning this parcel to mixed use zoning will not be detrimental to the capacity of schools, roads, wastewater treatment, water supply facilities, stormwater drainage facilities, or recreation.

5. It has been determined that the legal purposes for which zoning exists are not contravened;

The legal purposes for which zoning exists is not contravened.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and

There will be no adverse effect upon adjoining property owners. Properties to the north and west are currently zoned as mixed-use zoning. This will not be detrimental to the properties to the east and south that are zoned as town center.

7. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

By rezoning this property, the property owners will not benefit materially from the change to the detriment of the general public.

RECOMMENDATION:

The Planning Commission made a recommendation of approval. Staff is asking the Board of Trustees to make a decision regarding the application to rezone property located at 105 Main Street. Staff is recommending approval of the application to rezone the property at 105 Main St. from Town Center to Mixed Use.

Nate and Karina Parenteau, applicant, briefly explained that they would like to have the property rezoned so that they may build a residential unit or units at this location.

The Board responded to the applicant with questions including:

- What size is the property? The applicant responded stating that the property is 90' wide by 77' deep.
- Has it been on the Market? The applicant stated that it has not been on the market.
- Has there been any interest in building commercial? The applicant stated that they have looked into commercial property being constructed in this location, but Palisade already has a number of retail space that is not occupied.

Mayor Granat opened the Public Hearing to public comment.

Sandy North spoke to the Board regarding concerns regarding rezoning from the property from Town Center to Mixed Use in this particular location. Ms. North also spoke about concerns regarding the lack of affordable housing in Palisade.

Mayor Granat opened the Public Hearing to Board comment.

Discussion ensued amongst the Board with the following points being made:

- Concerns about parking in the area.
- The other properties on the corners of First and Main Streets are already zoned mixed-use, rezoning this property to mixed use would be consistent.
- Concerns about how small the Town Center zoning currently is and trying to maintain Town Center.

Motion #4 by Mayor Granat, seconded by Mayor Pro-Tem Mikolai to approve Ordinance #2020-02 entitled, "An Ordinance of the Town of Palisade, Colorado, Amending the Zone District Map of the Town by Zoning Certain Property Known as 105 Main Street (Parcel #2937-091-00-034) from Town Center (TC) to Mixed Use (MU)" as presented.

A roll call vote was requested.

Yes: Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu, Trustee Bonds, Trustee Sundermeier

No: None

Absent:

Mayor Granat closed the Public Hearing at 6:42p.m.

PUBLIC HEARING III

Should the Board of Trustees for the Town of Palisade approve project #2019-26 "Application for approval of variance for number of units allowed under Mixed Use zoning, conditional upon approval of the approval of the rezoning of 105 Main Street from Town Center to Mixed Use."?

Mayor Granat opened the Public Hearing at 6:42p.m.

The Community Development Director stated that the Town of Palisade received an application for a variance on the maximum number of allowable units under Mixed Use zoning. This application is conditional upon the approval of Ordinance 2020-02 (an application to rezone 105 Main St. from Town Center to Mixed Use and will be presented to the

Board of Adjustment. Under Mixed Use zoning, the maximum number of dwelling units is seven per acre. Since the proposed property is 0.14 acres, it only allows for one dwelling unit on this parcel (7 units per acre x 0.14 acres = 0.98 units). The applicant is requesting a density variance to allow for two dwelling units rather than one. This would allow for two townhomes on the parcel, as proposed by the applicant.

Staff is asking the Board of Adjustment to make a decision on the application for a variance for number of dwelling units allowed under Mixed Use zoning at 105 Main Street.

Land Development Code, section 5.03.E Residential Districts – Mixed Use Zoning Mixed Use zoning, under the Town of Palisade Land Development Code allows for a maximum number of seven dwelling units per acre for residential uses.

This lot, under Mixed Use zoning, would only allow for one dwelling unit. The applicant is seeking a variance from the maximum density to allow for two dwelling units on this lot. If the variance application is approved, the applicant's site plan will still be required to meet all other Mixed-Use district standards. The variance application is for density only.

Town of Palisade Land Development Code section 4.12 Variance
Section 4.12.F. Findings of Fact

No Variance shall be approved by the Board of Adjustment unless all of the following findings are made:

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic.

The exceptional condition pertaining to this particular lot is the size. Due to the small size of the lot, it only allows for one dwelling unit which would not accommodate the housing need. The size of this parcel is not applicable to the other Mixed-Use parcels in the same district located to the north and west of this property. The Mixed-Use parcels to the north and west are larger in area and therefore allow for a higher number of units.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

Granting this variance will not confer upon the applicant any special privileges that are denied to other residents. Other Mixed-Use properties already contain a residence or multiple residences. Allowing for the variance on this property would not grant any special privileges.

3. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

A literal interpretation of the maximum number of dwelling units allowed would deprive the applicant of providing an additional dwelling unit to the property.

4. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.

The variance requested would be in harmony with the purpose of the LDC to promote public health, safety, and general welfare of the citizens of Palisade. It would not negatively affect the harmony and intent of the LDC. The requested variance would not be injurious to the neighborhood or adjoining properties.

5. The special circumstances are not the result of the actions of the applicant.

The special circumstances of a small lot are not a result of the applicant. The applicant has not had any effect on the lot size. Additionally, the lot size could decrease in the future if the Town widens Main Street. The applicant has provided a site plan that has planned to accommodate any future widening.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

The variance is the minimum variance requested. Requesting two dwelling units instead of one is the minimum the applicant could ask for while increasing the maximum number of dwelling units. This is a reasonable request that will make possible the legal use of the land, building, or structure.

Note: If the variance for two townhomes is approved, the applicant would then move forward with a site map application. This site map review would consider setbacks, height, off-street parking and other applicable Land Development Code regulations that were not discussed during the rezone or variance application. This application would be reviewed and approved or denied by staff. The site map proposed in this variance application is not an approved site map, but a proposed site map to illustrate how the applicant is planning to use the lot if the variance is approved.

RECOMMENDATION:

Staff is asking the Board of Adjustment to make a decision on the application for a variance for number of dwelling units at 105 Main Street. Staff is recommending approval of the variance application, PRO 2019-26.

Karina and Nate Parenteau, applicants, are asking for a change in density for this particular property in order to allow for two units to be constructed. Each of the proposed units would be two stories with a one car garage.

Mayor Granat opened the Public Hearing to public comment.

Joann Turner spoke to the Board regarding concerns about the way the house faces; will it face North or West because the other residential properties in the area face First Street.

Mayor Granat opened the Public Hearing to Board comment.

Brief discussion ensued amongst the Board with the following points being made:

- If the Townhome option isn't allowed, a single-family home would be built instead.
- Concerns about parking in the area.
- This project would be of proper usage for the property.
- There will be other places to expand commercially.
- Housing is a problem in Town already, this would be a benefit.
- Would it be a better use of the property to build a single-family home instead of Townhomes?
- A majority of the Board overall supports this project.

Motion #5 by Mayor Pro-Tem Mikolai, seconded by Trustee Somerville to approve project #2019-26 "An application for approval of variance for number of units allowed under Mixed Use zoning" as presented.

A roll call vote was requested.

Yes: Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu, Trustee Bonds, Trustee Sundermeier, Trustee Somerville

No: Mayor Granat

Absent

Motion carried.

Mayor Granat closed the Public Hearing at 6:49p.m.

NEW BUSINESS

Approve Contract to allow Ryan/Sawyer Marketing to Market the 2020 Palisade Bluegrass and Roots Music Festival

The Town Manager stated that the Town of Palisade put out an RFP for marketing services for the 2020 Palisade Bluegrass and Roots Music Festival. The Town received two bids. The Ryan/Sawyer Marketing bid is consistent with the last 5 years the town has paid for marketing this festival.

A brief discussion ensued amongst the Board with a final consensus being reached to move forward with Ryan/Sawyer Marketing for the 2020 Palisade Bluegrass and Roots Music Festival.

Approve Contract to Buy and Sell Real Estate for a Portion of Parcel #2937-092-01-017 between Main Street and Kluge Avenue for Palisade Plunge Parking Utilizing GOCO Grant Funds

The Town Manager stated that the Town of Palisade partnered with Mesa County in submitting a grant to Great Outdoors Colorado (GOCO) in April 2019, for the second phase construction of the Palisade Plunge Trail.

This grant includes the purchase of land in downtown Palisade for trail head parking for the Palisade Plunge Trail. The amount of the grant for the purchase is \$100,000.00. The contract to purchase this land is \$100,000.00.

Scott Winans, COPMOBA, stated that parking was a key point of discussion as the original concept for the project was developed and within the grant application the Mesa County submitted to Great Outdoors Colorado, this parking lot project was specifically mentioned.

The Town Attorney stated that he has been in contact with the owner of the property regarding the real estate contract and went on to confirm that the purchase price is appropriate for the property.

A brief discussion ensued amongst the Board with the following points being made:

- Will the parking lot be primarily used for the Plunge? Still to be determined.
- Is this a proposed layout for the parking? How many parking spaces? Still to be determined.
- Will it be difficult to receive railroad approval? Still to be determined.

Motion #6 by Trustee Somerville, seconded by Trustee Sundermeier, to allow the Town Manager to enter into a contract to purchase this land with general funds, to then be reimbursed by the Palisade Plunge Trail GOCO grant funding.

A roll call vote was requested.

Yes: Mayor Pro-Tem Mikolai, Trustee Chase, Trustee L'Hommedieu, Trustee Bonds, Trustee Sundermeier, Trustee Somerville, Mayor Granat

No: None

Absent

EXECUTIVE SESSION

For the Board of Trustees to discuss items pursuant to C.R.S. 24-6-402(4) (e) (a) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and discussion regarding the purchase, lease, transfer, or sale of any real, personal, or other property interest with Town Attorney, Jim Neu. REAL ESTATE MATTERS.

Motion #7 by Mayor Granat, seconded by Trustee Somerville to enter into an Executive Session at 7:32p.m. to discuss items pursuant to C.R.S. 24-6-402(4) (e) (a) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and discussion regarding the purchase, lease, transfer, or sale of any real, personal, or other property interest with Town Attorney, Jim Neu. REAL ESTATE MATTERS.

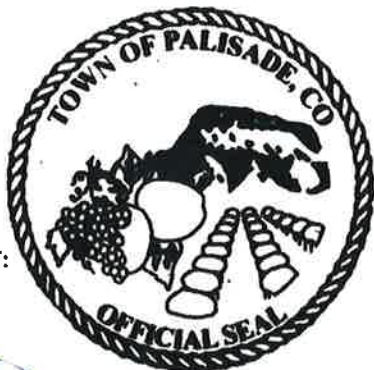
After a 13-minute recess, the Executive Session was called to order at 7:45p.m.

Those present were Town Attorney Jim Neu, Town Manager Janet Hawkinson, Trustee Bonds, Trustee Sundermeier, Trustee Somerville, Mayor Granat, Mayor Pro-Tem Mikolai, Trustee Chase and Trustee L'Hommedieu

The Executive Session adjourned at 8:55p.m.

ADJOURNMENT

Mayor Granat, stating that there was no further business before the Board, adjourned the meeting at 8:55p.m.



ATTEST:

X 
Lindsey Chitwood
Town Clerk

X 
Roger L. Granat
Mayor