



**AGENDA**  
**for the Planning Commission**  
**of the Town of Palisade, Colorado**  
**341 W 7<sup>th</sup> Street (Board Chambers)**  
**February 2, 2021**  
**6:00 pm Regular (Virtual) Meeting**

*The following items will be presented before the Planning Commission of the Town of Palisade for their consideration. The Planning Commission will formulate a recommendation, which will be forwarded to the Board of Trustees of the Town of Palisade. For those items for which the Planning Commission retains Decision Maker status, they will weigh the options and cast a vote.*

***ZOOM MEETING ETIQUETTE:*** *In order to comply with Colorado Open Meeting Laws, the “chat” ability has been disabled for all participants on the Zoom platform we are using to conduct this meeting. Additionally, the video and audio have been disabled for all participants except for staff and Board members. If you wish to speak to the Planning Commission during Public Comment or on a single Agenda Item, please log-in or call into the meeting early and advise the meeting Host of which topic you wish to speak on, or use the ‘hand raise’ function during the appropriate public comment portion. Staff and Commissioners, please mute your microphone at all times unless you are speaking*

- I. REGULAR MEETING CALLED TO ORDER AT 6:00 pm.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. INTRODUCTION OF NEW COMMUNITY DEVELOPMENT DIRECTOR - BRIANRUSCHE
- V. AGENDA ADOPTION
- VI. APPROVAL OF MINUTES - OCT. 6, 2020
- VII. ANNOUNCEMENTS
- VIII. PUBLIC COMMENT - Any public comment for items not listed on the agenda. *Please limit comments to three minutes, state your name and address.*
- IX. PUBLIC HEARING
  - PRO 2021-1, AN APPLICATION TO AMEND THE LAND DEVELOPMENT CODE, SECTION 6.01 USE TABLE.
    - i. Staff Presentation
    - ii. Public Comment (*Please limit comments to three minutes, state your name and address*)
    - iii. Planning Commission Discussion
    - iv. Applicant Closing Remarks
    - v. Decision (*motion, second, rollcall vote*)
- X. NEW BUSINESS
- XI. ADJOURNMENT

## **Planning Commission Regular Scheduled Virtual Meeting Electronic Participation Instructions**

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*Due to the rise in COVID-19 (coronavirus) cases in Mesa County, the Town of Palisade has decided to return to virtual public attendance at meetings.*

**Regular Meeting starts at 6:00 pm**

**<https://zoom.us/j/95252758389>**

**Meeting ID Number: 952 5275 8389**

To Join Zoom Meeting:

**BY COMPUTER/SMARTPHONE:** Click on the link above and follow the instructions. Participants from the audience will be able to speak during public comment. **There is a hand symbol to push that will allow the meeting moderator to see who wants to speak.** Please remember to state your name and address before speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes. **If using a smartphone, you must download the app.**

**\*BY TELEPHONE:** Members of the public who wish to provide public comment on any specific agenda item or during general public comment must call the number provided below between 5:15 pm and 5:29 pm. During that time, the **moderator of the call will ask your name and the agenda item or if you wish to speak to an item, not on the Agenda.** Once that information has been provided, your line will be muted. When it is time to talk during the meeting, the moderator will unmute the line, state the person's name who will be speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes.

To participate, dial the following phone number: **1 (253) 215 8782**, then there will be a prompt to enter the meeting **ID Number Noted Above**, and the User ID is the pound (#) sign.

**BY ELECTRONIC MAIL:** Members of the public may also provide public comment or comment on a specific agenda item by sending an email to [lreynolds@townofpalisade.org](mailto:lreynolds@townofpalisade.org) must be received by 4:00 pm on the day of the meeting. **The Planning Technician will read the email into the record during public comment or public comment for an agenda item.**



**MINUTES OF THE REGULAR MEETING OF THE  
PALISADE PLANNING COMMISSION  
(Also Virtual Participation Via ZOOM)  
October 6th, 2020**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chairman Parker with Commissioners present: Hull, Wheeler, Prinster, Curry, Harbaugh. Commissioner Hamilton was absent. A quorum was declared. Also, in attendance were Community Development Director Allyson Shellhorn and Planning Technician Lydia Reynolds appeared via Zoom.

**AGENDA ADOPTION**

*Motion #1* by Commissioner Prinster, seconded by Commissioner Harbaugh, to approve the agenda as presented.

A voice vote was requested.  
Motion carried unanimously.

**MINUTES**

*Motion #2* by Commissioner Harbaugh, seconded by Commissioner Prinster, to approve the Minutes as presented.

A voice vote was requested.  
Motion carried unanimously.

**ANNOUNCEMENTS**

Planning Technician Lydia Reynolds explained that the Colorado Chapter of the American Planning Association has recognized The Palisade Plunge Trail as one of their “Colorado Greatest Places.” This designation will be announced at their Annual Conference this month. A video was created on the planning and creation of the Palisade Plunge Trail and will be shown at their award ceremony. The video was then shown to the Commission.

Community Development Director Allyson Shellhorn announced that Search and Rescue will have a helicopter landing at Peach Bowl Park this Saturday morning to take volunteers up the Palisade Plunge Trail to scout for helicopter landing areas, should there be a need. She also mentioned that the annual Halloween “Trick or Treat Street” event will be held on October 30<sup>th</sup> on 3<sup>rd</sup> and Main. Code Compliance appreciation month is this month. The Town is also improving Riverbend Park Playground by adding a zip line and shade structures in November. The Board of Trustees will be discussing reuse of the old High School building at their next meeting on October 13<sup>th</sup>.

Chairman Parker announced that the Rotary Club has provided a new sign at the entrance of the Riverbend Park, and it will be installed soon.

**PUBLIC COMMENT**

Rondo Buecheler, 239 S Main, stated he would like the Commission to revisit, allowing modified storage /retail containers for businesses in the downtown area.

Sean Tallant, 3819 North River Road, would like a stop sign at Troyer and North River Road. He was referred to the Public Works Department. Community Development Director Allyson Shellhorn stated she would bring it back to the Utilities to discuss.

## **PUBLIC HEARING I**

### **PRO 2020-30, An application to amend The Land Development Code, Sections 6.01, 7.03, and 14.02, to allow for a Tavern as an allowable use under Town Center and Commercial Business Zoning Districts.**

Community Development Director Allyson Shellhorn gave a brief presentation and explained that this text amendment would add Taverns as an allowable use for two zoning districts. The amendment also proposed a 500 ft. required distance from a Tavern to a school or daycare.

Rondo Buecheler, 239 S Main St. stated he was in favor of allowing Taverns in the downtown area but not in the Commercial Business Zoned areas. He did not feel the infrastructure was adequate for allowing that, and it was too close to residential areas.

Tammy Tallant, 3819 North River Road, agreed with Mr. Buecheler and was ok with a Tavern in the Downtown area, but not allowed in the Commercial Business zone district. She would like to see a Conditional Use Permit required if the Commission was to approve the use in the Commercial Business.

Tim Wedel, 3815 North River Rd. stated he agreed with the others and is ok with a Tavern in the downtown but not in Commercial Business.

Caleb Hicks, 315 Troyer, stated he is ok with a Tavern in the downtown, but not in the Commercial, and if the Commission approved it, he would like to see a way that the Town could have control over the application at certain properties.

Gail Evans, 126 Majestic Ct., stated she was against having more Taverns in Town and would like to see other types of businesses.

Karina Parenteau, 3289 C 1/2 Rd., stated she agreed with allowing Taverns in the Downtown area and understands the concerns of having them in Commercial zone districts that are close to residential districts.

The Commission had a discussion about the 500 ft. distance rule, and Community Development Director Allyson Shellhorn explained that the Town did away with the 500 ft. rule (from schools) in 2005 for Tasting Rooms, but a Tavern is different. Community Development Director Allyson Shellhorn referred the Commissioners to the liquor code that she included in the staff report. Discussion continued regarding other related uses that are use by right.

***Motion #3*** by Commissioner Prinster, seconded by Commissioner Harbaugh, to recommend to the Board of Trustees to amend The Land Development Code, Sections 6.01, 7.03, and 14.02, to allow for a Tavern as an allowable use under Town Center and Commercial Business Zoning Districts.

Commissioner Harbaugh moved to amend the motion to eliminate the 500-foot distance from schools and daycares requirement from the proposal to be consistent with the other alcohol-related uses in the Land Development Code. Commissioner Prinster expressed agreement with the amendment to the motion.

A roll call vote was requested.

Yes: Commissioner Harbaugh, Wheeler, Prinster, Curry, Hull (*Commissioner Hull qualified his vote: he objected to the elimination of the 500 feet distance requirement and would like to see 1,000 feet.*)

No: Chairman Parker

Absent: Commissioner Hamilton

Motion carried 5-1.

## **NEW BUSINESS**

None

## **ADJOURNMENT**

Chairman Parker adjourned the meeting at 6:51 pm.

X

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Riley Parker  
Planning Commission Chairman

X

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Lydia Reynolds  
Planning Technician

# **PRO 2021-1, AN APPLICATION TO AMEND THE LAND DEVELOPMENT CODE,**

## **SECTION 6.01 – USE TABLE**

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### **SUMMARY**

Staff has identified changes to the land use table in Section 6.01 of the Land Development Code that would clarify the review of specific land uses. These include hemp growing and processing, marijuana processing and testing (sales are not affected), restaurants that include a drive-through, and gravel pits (of which there are none).

The proposed changes would make these uses a Conditional Use in their respective zones, rather than permitted outright, in order to allow for review by the Planning Commission and Board of Trustees. The exception is gravel pits, which would be eliminated as a use within the Town.

It is important to note that this change does not affect any of these uses which may already exist under a previous code and/or approval by the Town. Instead, it is part of an ongoing effort to clarify and refine the Code so that staff can better respond to business inquiries regarding these uses that reflect the desires of the community.

Staff is asking the Planning Commission to review the proposed text amendments to the LDC and make a recommendation to the Board of Trustees. The Board of Trustees will review the application at their public hearing on February 9, 2021 for a final decision.

## LAND DEVELOPMENT CODE

### Section 6.01, Use Table:

The following section, Section 6.01, Use Table, details the allowable uses allowed under the Land Development Code within specified zoning districts. The proposed changes are highlighted in **RED/BOLD TEXT**:

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	U	HR	CB	Specific Use Standards
School (public or private)							P	P			P	<a href="#">Section 7.02B</a>
Technical, trade, business school						P	P	P	P		P	
Utility, minor*	Pump stations, telephone exchanges, lift stations, electric substation or any similar use.	P	P	P	P	P	P	P	P	P	P	
Utility, major*	Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use.	C									C	
Commercial Uses												
Agriculture, limited*	Orchard, vineyard, row and field crops, floriculture, pasturage, viticulture, tree or sod farm, silviculture; packing house for fruits or vegetables, produce stand; processing of fruits or vegetables or any similar use.	P									P	<a href="#">Section 7.03B</a>
Amusement center, indoor							P	P	P	P		
Bed and breakfast		P	C	P	P	P	P	P		P		<a href="#">Section 7.03C</a>
Brewpub							P	P	P	P		<a href="#">Section 7.03D</a>
Club, private					C	P	P	P				
Distillery							C	P	P			<a href="#">Section 7.03D</a>
Funeral home								P	P			
Gas station with convenience retail							P	P	P	P		<a href="#">Section 7.03E</a>
<b>Hemp Growing Establishment</b>		C							C			<a href="#">Section 7.03F</a>
<b>Hemp Processing Establishment</b>		C							C			<a href="#">Section 7.03G</a>
Hotel, motel							P	P	P	P		
Indoor recreation*	Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club or any similar use.					C	P	P	P			
Kennels		C										<a href="#">Section 7.03H</a>
Lumberyard, wholesale								C	P			
<b>Medical marijuana center</b>							C	C	C	C		
<b>Medical marijuana infused products manufacturer center</b>		C					C	C	C	C		
<b>Medical Marijuana Optional premises cultivation operation</b>		C					C	C	C	C		<a href="#">Section 7.03L</a>
Microbrewery							C	P	P	P		<a href="#">Section 7.03D</a>



Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	U	HR	CP	Specific Use Standards
Newspaper publisher						P	P	P	P			
Office, general*	Advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, contractor or architect; sales office, travel agency or any similar use.				C	P	P	P	P			
Office, medical*	Doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical use.					P	P	P	P			
Outdoor recreation*	Any recreational facility where activity takes place primarily outdoors, including RV parks and campgrounds, miniature golf courses, motocross tracks, batting cages, swimming pool, driving range or any similar use.	C					C	C	P			
Outdoor storage, general									P			<a href="#">Section 7.03I</a>
Radio or television studio						P	P	P	P			
Recreational club or lodge, private							C	P				<a href="#">Section 7.03J</a>
Restaurant		C			C	P	P	P	P	P		
<b>Restaurant, drive through</b>									<b>C</b>	<b>C</b>		
Retail, general*	Antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods auto parts (no service repair); plant nursery; plant nursery with landscape supply or any similar use.					C	P	P		P	C	
Retail Marijuana Cultivation Facility, Contiguous		C					C	C	C	C		<a href="#">Section 7.03M</a>
Retail Marijuana Cultivation Facility, Noncontiguous		C					C	C	C	C		<a href="#">Section 7.03M</a>
<b>Retail Marijuana Products Manufacturer</b>		<b>C</b>					C	<b>C</b>	<b>C</b>	<b>C</b>		<a href="#">Section 7.03M</a>
<b>Retail Marijuana Testing Facility</b>		<b>C</b>					C	<b>C</b>	<b>C</b>	<b>C</b>		<a href="#">Section 7.03M</a>

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	U	HR	CP	Specific Use Standards
Manufacturing, limited*	Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items; printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use.	P						C	P			<a href="#">Section 7.04B</a>
Processing of food and related products		C						C	C			<a href="#">Section 7.04A</a>
<del>Gravel pits</del>		<del>C</del>										
Research & development*	Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product or any similar use.								C			
Waste service*	Animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; oil and gas facilities or any similar use.								C		C	

\*As set forth in the Use Table, certain uses are grouped together based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered and likely impact on surrounding properties and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any use not specifically set forth in this LDC is expressly prohibited, unless determined otherwise as set forth in [Section 6.02](#) below.

## **Section 4.01.E., Text Amendment Approval Criteria**

In evaluating any proposed amendment of the text of the Land Development Code, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;

*The proposed text amendment is consistent with the remainder of the LDC. The text amendments simply convert some uses permitted by right into conditional uses, allowing for additional review by the Planning Commission and Board of Trustees.*

2. The amendment must not adversely affect the public health, safety or general welfare;

*The proposed text amendment would not adversely affect the public health, safety or general welfare; in fact, it would allow for a greater review of this question on future projects by the Planning Commission and Board of Trustees.*

3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;

*The proposed text amendment would address current social values regarding certain uses such as marijuana and hemp and allow input by the Planning Commission and Board of Trustees to reflect the community's desires.*

4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law; or

*The proposed text amendment does not go against any state or federal statutes or case law.*

5. The proposed text is found to be consistent with the Town's adopted comprehensive plan.

*The adopted Comprehensive Plan does not address specific allowable uses as this element is left to the Land Development Code. The proposed amendment only changes the type of review required for these uses, except for gravel pits of which there are none currently within town limits.*

## **RECOMMENDATION**

Staff is asking the Planning Commission to review the proposed text amendments and make a recommendation, based on the above approval criteria, to the Board of Trustees. The Board of Trustees will review the application and make a final decision on February 9, 2021.

## **ATTACHMENTS**

Palisade Zoning Map



## Palisade Area: Current 2020 Zoning Map

