



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
August 24, 2021**

The regular meeting of the Board of Trustees for the Town of Palisade was called to order at 6:00 pm by Mayor Greg Mikolai with Trustees present: Jamie Sommerville, Bill Carlson, Susan L'Hommedieu, Ellen Turner, and Nicole Maxwell. Mayor Pro-Tem Thea Chase was absent. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Brian Rusche, and Police Chief Debra Funston.

AGENDA ADOPTION

Motion #1 by Trustee Sommerville, seconded by Trustee Turner, to approve the agenda as amended. *Agenda was amended to REMOVE item E "Ordinance 2021-09 Amending Chapter 14, Section 14-41 of the Palisade Municipal Code Regarding Regulated Activities Within the Town of Palisade Watershed Protection District" under New Business.*

A voice vote was requested
Motion carried unanimously

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed her report and thanked Juliann Adams for leading the 2021 Peach Fest, which had approximately 16,000 attendees.

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 – August 5, 2021 – August 18, 2021
- **Minutes**
Minutes from the August 10, 2021, regular Board meeting

Motion #2 by Trustee Sommerville, seconded by Trustee Turner, to approve the Consent Agenda as presented.

A roll call vote was requested.

Yes: Mayor Mikolai, Trustee Turner, Trustee Sommerville, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell

No:

Absent: Mayor Pro-Tem Chase,

Motion Carried.

PUBLIC COMMENT

Dave and Michelle Walker, 588 W 1st Street; both stressed their concerns over traffic on the corner of 1st Street and Elberta Avenue.

Gail Evans, 126 Majestic Court; declared her appreciation of staff making Zoom available for her to attend the meeting.

PUBLIC HEARING I

Vintners Restaurant Liquor License Application

Mayor Mikolai opened the public hearing at 6:14 pm.

Town Clerk Keli Frasier gave a brief overview of her report summarizing the satisfactory results of the application investigation.

Deitrich Hoeffner, representing the applicant Ten-Acre Winery, LLC, gave a brief review of the application and asserted that the application materials support the Board's approval.

Mayor Mikolai opened the hearing to public comment.

Dave Walker, 588 W 1st Street; Juliann Adams, 3839 G Road; Scott High, 3519 E ½ Road; Roger Granat, 810 Lincoln Court; and Gail Evans, 126 Majestic Court; all expressed their support of the application and the applicants.

Mayor Mikolai opened the hearing to Board comment.

Trustee Maxwell thanked the applicants for a thorough, complete application that answered her questions before she could ask them.

Trustee L'Hommedieu remarked that the requested Vintners Restaurant License is a great idea and added that Grande River Vineyards looks to be busier than in the past, and the Town may need to consider widening the road in the future.

Trustee Somerville agreed with the excitement of the plans for Grande River Vineyards moving forward.

Motion #3 by Trustee L'Hommedieu, seconded by Trustee Maxwell, to approve a Vintners Restaurant Liquor License at 787 37 3/10 Road as applied for by Ten-Acre Winery, LLC.

A roll call vote was requested.

Yes: Trustee Turner, Trustee Sommerville, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai

No:

Absent: Mayor Pro-Tem Chase

Motion Carried.

Mayor Mikolai closed the Public Hearing at 6:28 pm.

PUBLIC HEARING II

PRO 2021-15 Colterris Wine Bar and Museum Variance

Mayor Mikolai opened the public hearing at 6:28 pm.

Community Development (CD) Director Brian Rusche reviewed his report, citing the following findings of fact:

- 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];**

Setback: The building has historical significance to the Town and predates zoning, but the façade faces due east, while the property extends to the southwest adjacent to the railroad tracks, requiring some unique architectural design to fit the building to the lot, unlike more traditional downtown buildings that are perpendicular to the street. The goal is to both preserve the existing structure/facade as well as expand the facility for the proposed use as a museum and restaurant/wine bar. The applicant has indicated in their letter of intent that if the required rear yard setback is implemented per code, it would reduce the amount of seating capacity in the restaurant and/or would reduce the amount of museum space available due to the architectural challenges in fitting the new addition with the existing building.

Fence: The property borders the railroad tracks, and the original use of the building depended upon being adjacent to the tracks. Today, however, the existence of the tracks can be considered a security issue adjacent to the proposed museum, which according to the applicant, will house numerous valuable and irreplaceable artifacts.

- 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.**

Setback: The purpose of the ten (10) foot rear yard setback in the TC (Town Center) zone is ostensibly to provide room for parking and/or building access from an alley in a traditional downtown grid. However, this property is adjacent to the railroad tracks, which makes this side of the building inaccessible for parking without a lease from the railroad. Instead, parking will be provided on the west side of the property, as well as loading/unloading for the restaurant. The reduced setback allows more of the lot, which is wider than it is deep, to be utilized. In addition, the applicant notes the requirement for a secondary egress stairway from the proposed roof deck that, if not permitted within the required setback, would be difficult to relocate without disturbing the existing façade and/or reducing capacity within the building.

The adjacent property to the west does have a row of storage units that appear to be on or near the rear property line less than the currently required ten (10) foot setback.

Fence: The code does permit fences higher than six (6) feet within the LI (Light Industrial) zone district; the historical use of this area was more industrial in nature, and, as noted above, the property is adjacent to the railroad tracks, unlike most of the other Town Center buildings.

The Town did approve a seven (7) foot fence for Pressed (390-392 W. 3rd St.) in 2019, which is also adjacent to the railroad tracks on the same side of the street as the subject request and within the same zone district.

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

Setback: A literal interpretation would require a smaller building and/or significantly redesigned interior layout that may render the project unviable, according to the applicant. In addition, other properties with buildings adjacent to the railroad tracks have reduced setbacks, including the adjacent storage unit complex.

Fence: The applicant asserts that the proposed eight (8) foot fence is necessary for the security of the artifacts that will be housed within the museum, which is unlike other commercial properties.

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.

Setback: If the variance is approved, there will still be a setback of five (5) feet adjacent to the railroad tracks, allowing for the maintenance of the building exterior while not infringing upon the rights of the railroad to maintain their property. The adjacent storage complex has a similar setback, and therefore the aesthetic, as viewed from the railroad, would not be substantially different with buildings close to the tracks.

Fence: Certain zones/uses are permitted to have increased fence heights due to the necessity for security. While commercial uses are not typically in need of such fencing, the proposed museum, with rare artifacts, as well as the relative lack of neighboring properties, could be an attractive target without a deterrent such as a taller fence. Indeed, the property itself has been abandoned for so long that there is ample evidence of vandalism to the existing structure that a deterrent is warranted. The façade of the new addition will improve the look of W. 3rd Street and, with the exception of the entrance to the parking area, will not be fenced – only along the west and north side (adjacent to the storage complex and railroad track, respectively).

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

Setback: To create a viable new building addition and desirable use of the property while preserving the existing structure and façade, the applicant has asked for this variance to be considered. The applicant could choose to demolish the existing structure in its entirety in order to avoid the challenges of fitting within the existing footprint while meeting the required setbacks, which would be a loss for the history of the Town.

Fence: The applicant could construct a standard six (6) foot fence without a variance. However, the additional height of the fence could prove to be a deterrent to what is currently an attractive nuisance (an abandoned building) that would far outweigh the negative concern about a tall fence, whose location is adjacent to a storage complex and railroad tracks.

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

Setback: The requested variance is the minimum necessary to meet the requirements of the building code and make the most of the available land while preserving the existing building/façade.

Fence: The requested variance is consistent with fencing that would be necessary for the security of the property adjacent to the railroad tracks.

Applicant Scott High displayed his vision of preserving the existing building's history while adding a contemporary look to the proposed new square footage in a PowerPoint presentation for the Board.

Mayor Mikolai opened the hearing to public comment.

Roger Granat, 810 Lincoln Court; Juliann Adams, 3839 G Road; Shawn Burns, 307 W 3rd Street; Michelle Walker, 588 W 1st Street; Dave Walker, 588 W 1st Street; Theo Otte, 453 W 4th Street; Dan Vice, General Manager of Grande River Vineyards; and Brenna Ray, 453 W 4th Street; all expressed their support of the application and the applicants.

Mayor Mikolai opened the hearing to Board comment.

Trustee Somerville, Trustee Maxwell, Trustee Carlson, Trustee Turner, and Trustee L'Hommedieu declared their approval of the project, commended the professionalism of the application, and voiced no objections to the application.

Applicant Scott High gave a brief closing statement, reiterating that the establishment will be a “world-class event center.”

Motion #4 by Trustee Turner, seconded by Trustee Somerville, to approve a variance from the Palisade Land Development Code (LDC) to allow for a five (5) foot rear yard setback where ten (10) feet is required and to allow for an eight (8) foot high fence where not more than six (6) feet in height is permitted, for the property located at 244 West 3rd Street, as applied for by High Country Orchards, LLC.

A roll call vote was requested.

Yes: Trustee Somerville, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner

No:

Absent: Mayor Pro-Tem Chase

Motion Carried.

Mayor Mikolai closed the Public Hearing at 6:56 pm.

NEW BUSINESS

Ordinance 2021-07 Amending Ordinance No. 2020-08 Vacating A Portion Of Peach Avenue North Of Third Street And Reserving A Utility Easement

Town Manager Hawkinson reviewed the necessity of the Ordinance in regard to the Colterris Wine Bar and Museum project proposed in the previous agenda item.

Motion #5 by Trustee L'Hommedieu, seconded by Trustee Maxwell to approve Ordinance 2021-07 amending Ordinance No. 2020-08 vacating a portion of Peach Avenue north of Third Street and reserving a utility easement.

A roll call vote was requested.

Yes: Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Somerville

No:

Absent: Mayor Pro-Tem Chase

Motion Carried.

Lease of property from Union Pacific Railroad Railroad

CD Director Rusche reviewed his report, including the terms of the proposed lease with Union Pacific Railroad.

Trustees Maxwell, L'Hommedieu, and Carlson inquired about lot improvements and a parking management plan. CD Director Rusche stated that there would be gravel and fencing improvements, and going forward, there will be discussions about additional improvements if necessary.

Motion #6 by Trustee Maxwell, seconded by Trustee L'Hommedieu to approve entering into a lease with Union Pacific Railroad for property between Main Street and 1st Street north of the railroad tracks.

A roll call vote was requested.

Yes: Trustee L'Hommedieu, Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Sommerville, Trustee Carlson

No:

Absent: Mayor Pro-Tem Chase

Motion Carried.

Conveyance of Parcel # 2941-032-10-016 from Mesa County

CD Director Rusche explained that approximately 0.28 acres located at the end of Elberta Avenue south of Fairhaven Road had been subject to a tax lien for over 21 years when Mesa County took the property's deed and offered it for sale. There were no buyers, and the County Treasurer reached out to CD Director Rusche about the opportunity to quitclaim the property to the Town. The property is adjacent to another parcel to the east already owned by the Town south of Fairhaven Road, and the Town would be in a better position to maintain the property.

Trustee Carlson asked for clarification on the name of the street where the property is located (Rodeo Rd or Fairhaven Road). CD Director Rusche stated that the official name is Fairhaven Road.

Motion #7 by Trustee L'Hommedieu, seconded by Trustee Turner to approve the conveyance of Parcel # 2941-032-10-016 from Mesa County to the Town of Palisade.

A roll call vote was requested.

Yes: Trustee Maxwell, Mayor Mikolai, Trustee Turner, Trustee Sommerville, Trustee Carlson, Trustee L'Hommedieu

No:

Absent: Mayor Pro-Tem Chase

Motion Carried.

Ordinance 2021-08 Extending The Temporary Moratorium On The Issuance Of Additional Retail Marijuana Store Licenses

Town Manager Hawkinson explained that this ordinance is a request to extend the moratorium on retail marijuana stores to give the Board and staff more time to re-write the marijuana code.

Motion #7 by Trustee Turner, seconded by Trustee Maxwell to approve Ordinance 2021-08 extending the temporary moratorium on the issuance of additional retail marijuana store licenses until March 31, 2022.

A roll call vote was requested.

Yes: Mayor Mikolai, Trustee Turner, Trustee Sommerville, Trustee Carlson, Trustee L'Hommedieu, Trustee Maxwell

No:

Absent: Mayor Pro-Tem Chase

Motion Carried.

OPEN DISCUSSION

Trustee Turner requested that staff look into putting together an ordinance for the Board's consideration that will allow the Town to lay broadband conduit whenever trenches are opened for existing construction projects.

Trustee Maxwell proposed installing "no overnight camping" signs at the Palisade Plunge parking lot.

Trustee L'Hommidieu commended the Palisade Chamber of Commerce and Town staff for a great Ice Cream Social and Peach Festival.

COMMITTEE REPORTS

Board members briefly explained the various meetings they had recently attended.

ADJOURNMENT

Motion #8 by Trustee Turner, seconded by Trustee L'Hommidieu to adjourn the meeting at 7:22 pm.

A voice vote was requested
Motion carried unanimously

X 

Greg Mikolaj
Mayor

X 

Keli Frasier
Town Clerk





Town of Palisade

Board of Trustees

August 20, 2021

RE: Colterris Wine Bar and Museum Variance Request

Dear Trustees,

Please accept my letter of support to accept both requests for a variance by Colterris Wine Bar at 244 West 3rd Street in Palisade for a 5' setback and an 8' fence.

Scott & Theresa High plan to build a unique enterprise that will enhance the wine enthusiast visitors who come to enjoy the wines of Palisade. The town is also in high need for more eating establishments. This new business venture will fulfill those needs in a well designed and attractive setting.

We are also pleased to see an historic building in Palisade being reclaimed and revitalized while still maintaining the historic integrity.

The 5' variance is against the back of the property line that borders the railway tracks and in no way will encumber on a neighboring use.

The fence restriction in the current land use code should be updated to distinguish between a residential and commercial property use. The height of the fence requested by the Highs is for the purpose of security of the collection in the building and not for esthetics. The fence being proposed is attractive and a high quality design that will not hinder the view of the property nor take away from the town character.

As a fellow Winery owner I understand the importance of developing our attraction to the destination wine tourists. The addition of this collection of wine memorabilia and the wine bar restaurant will add an experience not found in any other part of this country. It is truly a one of a kind.

I ask the Board of Trustees to support Scott & Theresa High with their investment in this project and the investment to Palisade Wine Country.

Respectfully,

Juliann Adams

Juliann Adams

Vine 79 Wine Barn

