



AGENDA
for the Planning Commission
of the Town of Palisade, Colorado
341 W. 7th Street (Palisade Civic Center)

April 19, 2022

6:00 pm Regular Meeting

<https://youtu.be/fqPpt0q24EA>

- I. **REGULAR MEETING CALLED TO ORDER AT 6:00 pm**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **AGENDA ADOPTION**
- V. **ANNOUNCEMENTS / PRESENTATIONS**
 - A. **PUBLIC COMMENT REMINDER:**
All emails are to be sent to the Community Development Director at brusche@townofpalisade.org
Emails for public comment on a specific agenda item received prior to the day packets are published will be included with the staff report. Emails received after the packets are posted will be forwarded to the Planning Commission.

Any member of the public who wishes to have a statement or email read into the Minutes is required to appear in-person at the meeting and make said statements to the Commission directly.
 - B. **CERTIFICATE OF APPRECIATION:** Presented to Commissioner Stan Harbaugh for his service to the Planning Commission.
 - C. **CERTIFICATE OF APPRECIATION:** Presented to Commissioner Charlotte Wheeler for her service to the Planning Commission.
- VI. **APPROVAL OF MINUTES**
 - A. **Minutes from March 1, 2022, Regular Planning Commission Meeting**
- VII. **PUBLIC COMMENT – For items not on the Public Hearing agenda**
Please keep comments to 3 minutes or less, and state your name and address. Neither the Planning Commissioners nor staff will respond to comments at this time. The Commission may direct staff to look into specific comments to bring back as an Agenda item at a future meeting.
- VIII. **COMPREHENSIVE PLAN UPDATE**
- IX. **PLANNING COMMISSION VACANCY UPDATE**
- X. **ADJOURNMENT**



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
March 1, 2022**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chair Riley Parker with Commissioners present: Penny Prinster, Andy Hamilton, David Hull, and Vice-Chair Stan Harbaugh. Commissioner Charlotte Wheeler was absent. A quorum was declared. Also in attendance were Community Development Director Brian Rusche and Administrative Assistant Shelley Kopasz.

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

APPROVAL OF MINUTES

Motion #2 by Commissioner Prinster, seconded by Commissioner Harbaugh, to approve the Minutes from the January 18, 2022, Regular meeting of the Palisade Planning Commission, as presented.

A voice vote was requested
Motion carried unanimously

PUBLIC COMMENT

None was offered.

PUBLIC HEARING, I

PRO 2022-5, LINCOLN WOODWORKS REZONE LOCATED AT 119 N. BOWER STREET, PARCEL # 2937-091-00-112 LOCATED AT 119 N. BOWER STREET, PARCEL # 2937-091-00-112

Chair Parker opened the public hearing at 6:06 pm.

Community Development Director (CDD) Rusche reviewed his staff report, clarifying the findings of fact, and recommendation of approval. Mr. Rusche referenced the following sections of the Land Development Code:

Section 4.02.E. Approval Criteria:

NO REZONING MAY BE APPROVED BY THE TOWN BOARD UNLESS ALL OF THE FOLLOWING CRITERIA ARE SATISFIED:

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

The Comprehensive Plan – Future Land Use Map (2007) designates the subject property as commercial, which is reflected by its current zoning. However, it also designated the existing location of Lincoln Woodworks as commercial, despite its existing industrial zoning.

The Light Industrial zone is established to promote the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist (Section 5.04.C – LDC).

There is very little industrial property within the Town limits. In fact, this building appears to be the largest building available in Town for any kind of industrial use. The Land Development Code (LDC) has been amended since the 2007 plan to limit the intensity of industrial uses within the Town. The proposed zone change would allow for the transition of the Food Bank building to a viable, homegrown industry that has successfully operated in the exact same neighborhood for over a decade.

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

The Light Industrial zone is established to promote the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist (Section 5.04.C – LDC).

The subject property is surrounded by other commercial/industrial uses (including the existing location of Lincoln Woodworks) and has access to two streets. The building was constructed in 1972 and has been used by the Food Bank of the Rockies since 2012. Significant improvements to the site were made by the Food Bank as part of their approval in 2012.

The building has approximately 29,096 square feet of heated area. This is over five times as large as the existing location of Lincoln Woodworks in Palisade (they must rent additional space throughout the Grand Valley). The proposed relocation would allow the business to consolidate with room to grow. One of the primary concerns with the Food Bank operation was the increase in truck traffic because of the increased demand for their services. The proposed relocation of Lincoln Woodworks would reduce the overall truck traffic, as their business is differentiated by having smaller and less frequent deliveries to and from the site.

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

There is very little industrial property within the Town limits. In fact, this building appears to be the largest building available in Town for any kind of industrial use. The Land Development Code (LDC) has been amended since the 2007 plan to limit the intensity of industrial uses within the Town.

The proposed zone change would allow for the transition of the Food Bank to a viable, home-grown industry that has successfully operated in the exact same neighborhood for over a decade.

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;

Unlike a residential use, an industrial use does not impact school enrollment or parks and recreation facilities. The site is accessible from North River Road and Bower Avenue. The building is currently a warehouse use, and any interior improvements would have to be done to current building codes.

Utilities are already provided to the building. There is existing parking on this site that is shared with the current location of Lincoln Woodworks, so that arrangement would now become more formal due to the sale of the building to Lincoln.

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

The legal purposes for which zoning exists are not contravened by this request. The applicant has been up front about their intentions for the property and even hosted a “neighborhood meeting” on January 27, 2022, to discuss their plans with the neighborhood.

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

Adjoining property will not be adversely affected by this development. As compared to the current use,

which certainly provides a benefit to the community, the proposed use will have less impact while allowing for continued beneficial use of this large space. The Food Bank made significant upgrades to the property to bring the site into conformance with the LDC, including landscaping, that will be maintained by the new owner. The industry currently operates next door with little discernable impact upon the neighbors.

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.

The public would benefit from the consolidation of a viable, home-grown industry being able to remain in Palisade.

Applicant Curt Lincoln (683 38 3/8 Road Palisade, CO 81526) explained that he has been at the neighboring location for 13 years. They purchased the building at 119 N Bower Street and currently lease the building to the Food Bank. He stated that the Food Bank will be in the facility until December 2022. Mr. Lincoln said they plan to make interior renovations rather than to the exterior structure. This location will allow them to be in one facility larger than the 12,000 square feet they currently use in three different locations. They held an informal meeting for the neighboring property owners at the Ordinary Fellow.

Public Comment

James Cole (188 E 2nd Street, Palisade, CO). He expressed his support for the rezone. He did feel that there would be less truck traffic and would like to see no more access on Bower for truck traffic.

Chair Parker opened the hearing to Commissioner comment.

Commissioner Hull inquired about the truck traffic and how the change would impact the number of trucks delivering goods. Mr. Lincoln noted that bringing their locations under one roof will reduce truck traffic from their existing location next door.

Chair Parker commented that the truck traffic would significantly be reduced with the Food Bank no longer operating out of the location.

Vice-Chair Harbaugh questioned the code change regarding the Food Bank continuing to operate there and if they would be complying to the code change. Director Rusche responded that since they operated before the code change, they remain compliant.

Motion #3 by Commissioner Prinster, seconded by Commissioner Hull, to recommend approval of Pro 2022-5 – Lincoln Woodworks rezone – rezone property at 119 N. Bower Street to Light Industrial.

A roll call vote was requested.

Yes: Vice-Chair Harbaugh, Commissioner Prinster, Commissioner Hull, Commissioner Hamilton, Chair Parker.

No:

Absent: Commissioner Wheeler

Motion Carried.

Chair Parker closed the public hearing at 6:26 pm.

PUBLIC HEARING II

PRO 2022-7, TALLANT BED AND BREAKFAST CONDITIONAL USE PERMIT (CUP) LOCATED AT 3819 NORTH RIVER ROAD, PARCEL # 2937-091-00-051

Chair Parker opened the public hearing at 6:27 pm.

CDD Rusche reviewed his staff report, clarifying the findings of fact, and recommendation of approval. Mr. Rusche referenced the following sections of the Land Development Code:

LAND DEVELOPMENT CODE – CRITERIA FOR DECISION

Bed and Breakfasts are governed by Section 7.03.C of the Land Development Code (LDC). This section was recently amended by Ordinance No. 2022-01 to allow for the use of accessory buildings on the same property as the primary residence in the operation of a bed and breakfast. The applicant has addressed these standards as follows (*response in italics*):

7.03.C. Bed and Breakfast

A bed and breakfast establishment is permitted subject to the following standards:

1. Either the owner or operator of the bed and breakfast must be a full-time resident of the property in which the bed and breakfast establishment is housed.

The owner and operator are full time residents of the main residence on the property.

2. No exterior evidence of the bed and breakfast shall be allowed, except for one (1) wall sign no larger than twelve (12) square feet or one (1) free-standing sign not to exceed four (4) square feet and not to exceed a height of four (4) feet. A larger sign may be applied for under the conditional use permit process as defined in Section 4.07.

Signage will be used according to regulations and town approval. (An application will follow if this CUP is approved.)

3. No food preparation, except beverages, is allowed within individual guestrooms. Meal service may be provided.

Breakfast service will be provided.

The applicant has submitted a floor plan for the accessory unit that will become the guestroom. There are no cooking facilities shown on this floor plan.

4. Preparation and service of food shall conform to all applicable regulations of the State of Colorado.

Breakfast service will conform with State of Colorado regulations. (Applicant understands that food preparation is not permitted in the ADU.)

5. All parking areas on property (except driveways) shall be behind any building lines and must be screened from the view of adjacent residences to a height of six (6) feet by a solid screening fence or dense shrubs and vegetation.

Ample gravel parking is within the property line and screened from adjacent residences by a 6' fence.

6. Parties, receptions, events or similar functions intended to draw in excess of two hundred (200) people shall require a Temporary Use Permit and shall be limited to a total of six (6) such functions per calendar year.

Nightly guests will be limited to six (four adults and two children). The B&B property will not be used for special events of a commercial nature.

CONDITIONAL USE PERMIT

A conditional use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts on surrounding properties. Approval of a conditional use permit allows for flexibility and to help diversify uses within a zoning district.

Section 4.07.E. Conditional Use Permit Findings of Fact:

NO CONDITIONAL USE PERMIT SHALL BE APPROVED UNLESS THE FOLLOWING FINDINGS ARE MADE CONCERNING THE APPLICATION:

1. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

The application will not materially endanger the public health or safety.

The property is setback away from North River Road and has views of the Colorado River. Although the parcel is technically landlocked, access to the site is by means of a driveway within and easement for ingress and egress recorded in 1999 (Reception # 1882119). The site has sufficient space to accommodate the additional parking required for guests of the bed and breakfast.

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.

The application conforms to the standards and practices of sound land use planning.

The LDC requires a conditional use permit within the low-density residential zone for a bed and breakfast. The recently approved change to the LDC allows for the use of the accessory structure as part of the bed and breakfast, since it is on the same property as the primary residence. The standards for a bed and breakfast found in Section 7.03.C have been addressed.

3. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The application will not substantially injure the value of adjoining property or detrimental to their use.

The area along North River Road exhibits a mix of uses, including light industrial, commercial, and residential. This property has been used for a law office as well as an accessory dwelling unit (not at the same time) and the proposed bed and breakfast would replace these uses but would continue to have the same low-impact character as the previous uses. Adjacent to the property is the Palisade River House (311 Troyer), an approved short-term vacation rental (STVR).

4. That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

The application will not adversely affect the adopted plans of the Town or violate the character of the adjacent properties.

As noted above, this neighborhood is a mix of uses and the exterior residential character of the subject property would remain unchanged. The applicant has indicated that the operation of a bed and breakfast would be beneficial to the Town's economy. Furthermore, the applicant indicates that the property owner or agent of the property owner will be on premises (as required by the LDC) to monitor guest compliance with house rules, including quiet hours.

Applicant Tammy Tallant (3819 North River Road, Palisade, CO) presented an application for a Conditional Use Permit for the purpose of operating a Bed and Breakfast located at 3819 North River Road (Parcel # 2937-091-00-051). She explained that she has been renting the property out on a month-to-month basis. She talked about how the Bed and Breakfast business would be more conducive to the property and they would operate it as resident business owners.

Chair Parker opened the hearing to public comment.

No public comment was offered.

Chair Parker opened the hearing to Commissioner comment.

Vice Chair Harbaugh asked how many rooms were going to be available for rent and if there were going to be separate parties renting the Bed and Breakfast at the same time. He also inquired about the parking requirements and how many existing spaces there are currently. Ms. Tallant stated that there would only be one group of guests at a time. Director Rusche clarified that it is considered only one unit and that four parking spaces are required and are provided.

Commissioner Hull asked if the approval would set a precedence for future Bed and Breakfast businesses in the Town of Palisade. Director Rusche stated no; each would need to be reviewed separately.

Motion #4 by Commissioner Prinster, seconded by Commissioner Hamilton, to recommend approval of PRO 2022-7 - Conditional Use Permit to operate a Bed and Breakfast at the property, located at 3819 North River Road (Parcel # 2937-091-00-051).

A roll call vote was requested.

Yes: Commissioner Prinster, Commissioner Hull, Commissioner Hamilton, Chair Parker, Vice-Chair Harbaugh

No:

Absent: Commissioner Wheeler

Motion Carried.

Chair Parker closed the public hearing at 6:45 p.m.

NEW BUSINESS

Comprehensive Plan update

CDD Rusche intends to advertise a request for a consultant to assist in March of 2022. He also indicated that he is applying for additional funding for this project.

ADJOURNMENT

Motion #7 to adjourn by Chair Parker at 6:49 p.m.

X

Riley Parker
Planning Commission Chairman

X

Shelley Kopasz
Administrative Assistant