



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE BOARD OF TRUSTEES
June 27, 2023**

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 Somerville, Nicole Maxwell, Stan Harbaugh, and Mayor Pro-Tem Ellen Turner. Absent were Trustees Thea Chase and Bill Carlson. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Town Clerk Keli Frasier, Community Development Director Brian Rusche, and Police Chief Jesse Stanford.

AGENDA ADOPTION

Motion #1 by Trustee Somerville, seconded by Trustee Harbaugh, to approve the agenda as presented.

A voice vote was requested.
Motion carried unanimously.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson updated the Board on Chief Stanford's training with the FBI, the new parade route, and national award nominations for the Palisade Sunday Farmers Market.

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 – June 7, 2023 – June 21, 2023
- **Minutes**
Minutes from the June 13, 2023, Regular Board of Trustees Meeting
- **One Riverfront Appointments**
 - Joel Sholtes - Term expiring 7/31/2026
 - Jennifer Reyes - Term expiring 7/31/2026
 - Jane Quimby - Term expiring 7/31/2026
 - Sarah Brooks - Term expiring 7/31/2026
 - Tom Barry – Partial-term expiring 7/31/2024

Motion #2 by Mayor Pro-Tem Turner, seconded by Trustee Harbaugh, to approve the consent agenda as presented.

A roll call vote was requested.

Yes: Mayor Mikolai, Trustee Maxwell, Trustee Harbaugh, Mayor Pro-Tem Turner, Trustee Somerville

No:

Absent: Trustee Chase, Trustee Carlson

Motion carried.

PUBLIC HEARING I

PRO 2023-07 – Colterris Collections Wine Museum CUP

Mayor Mikolai opened the public hearing at 6:08 pm.

Community Development Director Brian Rusche reviewed the staff report, including the approval criteria as follows:

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 proposed museum use will not materially endanger the public health or safety.

The existing winery has underutilized space that is proposed to be used for the museum. The combination of a museum and winery adds to the destination draw of this facility. There is sufficient parking available for both uses. One of the existing driveways will be eliminated, which is consistent with the proposed access control plan by CDOT. No additional square footage will be added to the building. Any necessary interior remodeling will need to be done to current building codes.

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 proposed museum conforms to the standards and practices of sound land use planning.

The Palisade Historical Society has a museum less than ½ mile to the east. The visibility of two (2) museums along Highway 6 as a means of conveying the culture of Palisade to those who visit is consistent with sound land use planning. Combining the museum with a winery further establishes the connection between the products grown here and the history of wine-making in general.

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 be detrimental to their use.

The property is five (5) acres and is located across the street from another winery. The distance from the high school to the winery, computed by direct measurement from the nearest property line used for school purposes to the nearest portion of the building in which fermented malt beverages and wine are to be sold using a route of direct pedestrian access (per state law) is over 1000 feet. The addition of a museum focused on wine artifacts to a legally permitted winery will not be detrimental or injurious to adjoining or abutting property, as the property has been a winery for decades.

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 proposed museum will not adversely affect the adopted plans of the Town or violate the character of the adjacent properties.

The Palisade Game Plan (2022) acknowledges the importance of agriculture to the community. By adding a wine museum to an existing winery, the Goal of balancing growth with preserving the agricultural heritage to maintain a sense of community is addressed (Palisade Game Plan, Goal 2.1, Page 60). Exterior improvements to add parking for the museum will not reduce the amount of agricultural acreage that currently exists on the property.

Applicant Scott High gave a brief presentation about the history of the project and the hope for the previous location to become something more feasible.

Mayor Mikolai opened the public hearing to public comment.

Roger Granat, 810 Lincoln Court; expressed his support of the project, stating that he has seen some of the artifacts that will be displayed in the museum and stressed that the location is excellent for a wine museum.

Mayor Mikolai opened the hearing to Board comment. None was offered.

Mr. High expressed his appreciation for all the patience from all involved with the project and looks forward to developing more properties in the Town of Palisade in the future.

Motion #3 by Trustee Maxwell, seconded by Mayor Pro-Tem Turner, to approve PRO-2023-07 Colterris Collections Wine Museum Conditional Use Permit, finding that the criteria of Section 4.07.E have been met and with the conditions of approval found in the staff report.

A roll call vote was requested.

Yes: Trustee Maxwell, Trustee Harbaugh, Mayor Pro-Tem Turner, Trustee Somerville, Mayor Mikolai

No:

Absent: Trustee Chase, Trustee Carlson

Motion carried.

Mayor Mikolai closed the public hearing at 6:18 pm.

3708 G Road Fence Height Variance

Mayor Mikolai opened the public hearing at 6:18 pm.

Community Development Director Brian Rusche reviewed the staff report, including the approval criteria as follows:

Section 4.17.F. Variance 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 that makes the parking and/or loading requirements of this LDC unrealistic];

There are exceptional conditions pertaining to this property because of the size of the lot and the proposed conditional use.

The property consists of 4.99 acres, with approximately 420 linear feet of frontage along Highway 6. The nature of the proposed museum, according to the applicant, warrants

additional security that would not be afforded by a four-foot fence. No other properties within the AFT zone have a front yard adjacent to a state highway.

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 the variance requested will not confer upon the applicant any special privilege.

The Town does receive other inquiries for variances to this rule on fence height. Applications for a variance, therefore, must be evaluated on a case-by-case basis using the criteria set forth in this section.

As noted above, no other properties within the AFT zone have a front yard adjacent to a state highway.

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.

A literal interpretation of the code would deprive the applicant of the ability to provide additional parking and outdoor gathering space.

A six-foot tall fence may be built outside of the front yard setback, which would be 35 feet from the front property line. This would effectively reduce the ability to add parking on the west side of the property and leave a no-man's land between the edge of the highway and the start of the allowed fence if the variance is not approved.

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 requested variance will be in harmony with the purpose and intent of the LDC and will not be injurious to the neighborhood or to the public.

The intent of the LDC is to have four-foot fences along the street to encourage interaction with neighbors and pedestrians. In this case, there are no pedestrian facilities on the north side of the highway, and the actual land use is set far from the road, creating a potential issue with after-hours trespass upon the property. The proposed fence will be wrought iron to not create a blank or opaque screen along the road. Other agricultural or commercial uses in the area would not be affected by a new fence along the road.

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

The current owner purchased the property in its existing configuration.

The property was recently acquired, and the winery was renamed. There is a wooden, split rail fence that surrounds the circle drive, but the additional parking and configuration of the site (see conditional use site plan) is different than the previous use.

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

The requested variance is the minimum necessary to effectively provide security for the site.

The only variance requested is to the height of the fence. A 6-foot fence is a typical fence height; just the location of the fence along the front property line, which is directly on the state highway, is different than other properties.

Applicant Scott High shared that he was surprised when they bought the property at how many cars use the driveway as a turnaround space. He stressed safety as an issue from a traffic standpoint, as well as the security for some of the objects in the museum. The proposed fence will help mitigate some of the trespass potential.

Mayor Mikolai opened the public hearing to public comment. None was offered.

Mayor Mikolai opened the hearing to Board comment.

Mayor Pro-Tem Turner and Trustee Maxwell asked for clarification on the fence materials and if the entire property would be fenced.

Motion #4 by Mayor Pro-Tem Turner, seconded by Trustee Harbaugh, to approve the 3708 G Road Fence Height Variance, finding that the criteria of Section 4.17.F have been met.

A roll call vote was requested.

Yes: Trustee Harbaugh, Mayor Pro-Tem Turner, Trustee Somerville, Mayor Mikolai, Trustee Maxwell

No:

Absent: Trustee Chase, Trustee Carlson

Motion carried.

Mayor Mikolai closed the public hearing at 6:26 pm.

CONTINUED BUSINESS

Ordinance 2023-04 Off-Highway Vehicles and Golf Carts

Town Manager Hawkinson reviewed the staff report, clarifying the changes made per the Board's direction at the June 13, 2023, meeting.

Motion #5 by Trustee Maxwell, seconded by Mayor Pro-Tem Turner, to table Ordinance 2023-04 to the July 25, 2023, regular Board of Trustees meeting in order to separate the ordinance into two separate ordinances one for OHVs and one for Golf Carts.

A roll call vote was requested.

Yes: Mayor Pro-Tem Turner, Trustee Maxwell

No: Trustee Somerville, Mayor Mikolai, Trustee Harbaugh

Absent: Trustee Chase, Trustee Carlson

Motion failed.

Trustees noted that the proposed ordinance is necessary for the safety of residents and visitors alike and that it makes sense to put regulations on golf carts.

Motion #6 by Trustee Somerville, seconded by Trustee Harbaugh, to approve Ordinance 2023-04 amending Chapter 8, Article I of the Palisade Municipal Code regarding off-highway vehicles for Town use only and golf carts on local streets, as written.

A roll call vote was requested.

Yes: Trustee Somerville, Mayor Mikolai, Trustee Harbaugh, Mayor Pro-Tem Turner

No: Trustee Maxwell

Absent: Trustee Chase, Trustee Carlson

Motion carried.

PUBLIC COMMENT

None was offered.

COMMITTEE REPORTS

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


ADJOURNMENT

Motion #7 by Trustee Somerville, seconded by Mayor Pro-Tem Turner, to adjourn the meeting at 6:51 pm.

A voice vote was requested.
Motion carried unanimously.

X 

Greg Mikolai
Mayor

X 

Keli Frasier
Town Clerk

