



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

July 18, 2023

6:00 pm Regular Meeting

<https://us06web.zoom.us/j/3320075780>

Meeting ID: 332 007 5780

- I. REGULAR MEETING CALLED TO ORDER AT 6:00 pm
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. AGENDA ADOPTION
- V. ANNOUNCEMENTS
- VI. APPROVAL OF MINUTES
 - A. Minutes from June 20, 2023, 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.
 - 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.

VIII. PUBLIC HEARING

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.

A. PRO 2023-04 – SKILLED GAMING BUSINESSES TEXT AMENDMENT

The Planning Commission will consider a text amendment to Section 6.01 – Use Table and Section 14.02 – Defined Terms concerning skilled gaming businesses.

The Planning Commission shall review the application and forward its recommendation to the Board of Trustees for consideration.

1. Staff Presentation
2. Public Comment (*Please limit comments to **three (3) minutes**, state your name and address*)
3. Commission Discussion
4. Decision (*motion, second, roll call vote*)

IX. FUTURE AGENDA ITEMS / CURRENT PLANNING TOPICS

X. ADJOURNMENT



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
June 20, 2023**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chair Amy Gekas, with Commissioners present: Riley Parker, David Hull, Brandon Burke, Ed Seymour, and LisaMarie Pinder. Absent was Commissioner Don Bosch. A quorum was declared. Also in attendance were Community Development Director Brian Rusche and Town Clerk Keli Frasier.

AGENDA ADOPTION

Motion #1 by Commissioner Hull, seconded by Commissioner Parker, to approve the agenda as presented.

A voice vote was requested.
Motion carried unanimously.

ANNOUNCEMENTS

Community Development Director Rusche introduced LisaMarie Pinder as the new Planning Commissioner.

APPROVAL OF MINUTES

Motion #2 by Commissioner Seymour, seconded by Commissioner Parker, to approve the Minutes from the May 2, 2023, regular meeting of the Palisade Planning Commission, as presented.

A voice vote was requested.
Motion carried unanimously.

APPOINTING PLANNING COMMISSION VICE-CHAIR

Commissioner Burke nominated Commissioner Seymour for the position of Vice-Chair of the Planning Commission. Commissioner Seymour accepted the nomination.

Motion #3 by Commissioner Hull, seconded by Commissioner Burke, to appoint Commissioner Ed Seymour as Vice-Chair of the Palisade Planning Commission.

A voice vote was requested.
Motion carried unanimously.

PUBLIC COMMENT

None was offered.

PUBLIC HEARING**PRO-2023-07 – Colterris Collections Wine Museum CUP**

Chair Gekas opened the public hearing at 6:04 pm.

Community Development Director Rusche reviewed the staff report, including the history of property zoning, use, parking, and application. He went on to review the approval criteria per the Palisade Land Development Code which is as follows:

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 vision for the proposed museum and discussed the need for additional security.

Chair Gekas opened the hearing to public comment. None was offered.

Commissioners had a brief discussion, including questions to the applicant regarding tasting room hours, museum hours, vineyard property, open areas, parking, and the proposed opening date.

The applicant passed out a brochure for the proposed museum. The brochure will be a permanent attachment to these minutes.

Various members of the Commission expressed their support of the project.

Motion #3 by Vice-Chair Seymour, seconded by Commissioner Hull, to forward a recommendation of approval of 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 to the Board of Trustees for the Town of Palisade.

A roll call vote was requested.

Yes: Vice-Chair Seymour, Commissioner Burke, Commissioner Pinder, Commissioner Hull, Commissioner Parker, Chair Gekas

No:

Absent: Commissioner Bosch

Motion carried.

Chair Gekas closed the public hearing at 6:31 pm.

FUTURE AGENDA ITEMS

Community Development Director Rusche reviewed current Town of Palisade projects and reminded the Commission that there will be no meeting on July 4, 2023. Community Development Director Rusche

also stated that he would send out a list of topics for the Planning Commission to prioritize for the upcoming Land Development Code update.

ADJOURNMENT

Motion #3 by Commissioner Hull, seconded by Commissioner Burke, to adjourn the meeting at 6:36 pm.

A voice vote was requested.
Motion carried unanimously.

X

Amy Gekas
Planning Commission Chairperson

X

Keli Frasier
Town Clerk

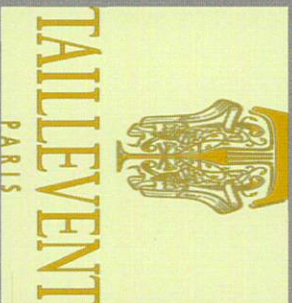
DRAFT

Hotel St. Francis
Wine List
(circa 1936)
335 Powell Street, San
Francisco, California
Opened 1904

“The center of San
Francisco’s social, literary,
and artistic life.”

Just two years after its grand opening, the hotel experienced the ravages of the Great 1906 San Francisco Earthquake. The structure of the hotel withstood the quake, but the fire that followed destroyed its interior. After a complete restoration in 1907, in commemoration, the great Magnolia clock (the first master electric clock introduced to the western United States) was installed in its place of honor in the lobby. A fashionable phrase for San Franciscan society for more than a century has been “Meet me under the clock.”

Wine Facts: Many of the important California wineries at the time are represented on this list: Beaulieu, Beringer Brothers, Concannon, Cresta Blanc, Inglenook, Italian Swiss Colony, Korbel, Paul Masson, and Roma. The wine category term “French Rhine Wines” used in the Imported White Wines section was seldom used again after World War II.



Restaurant Le Taillevent
Carte des Vins
(May 1987)

15 Rue Lamennais, Paris,
France

Opened 1946

“A reference point in the world of gastronomy. A legendary Parisian restaurant if ever there was one, set in the classic French tradition.”

The establishment was named as a tribute to Guillaume Tirel, called Taillevent, a chef in the 14th century known to have written the first cuisine book in French, “Le Viandier,” on the order of King Charles V of France. This top haute cuisine restaurant is situated close to the Avenue des Champs Elysees and just a short walk from the Arc de Triomphe was founded in 1946 by André Vignat, and now owned by the Gardinier family (which also owns Les Crayères in Reims).

Wine Facts: This “La Cave de Taillevent” wine list includes a significant number of the greatest French wine producers from Bordeaux and Burgundy but if you wanted to order Champagne or Eaux de Vie you would need to request another special wine list as these categories are hardly represented here. Today, the restaurant’s remarkable wine cellars “La Cave de Taillevent” offers a choice of over 2,800 wines and spirits.

Carte
des Vins



Maison Prunier
Carte des Vins
(January 1937)

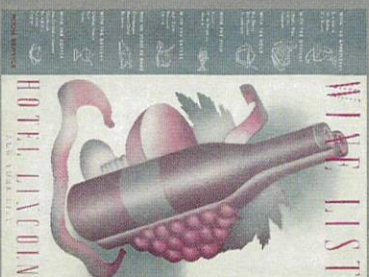
16 Avenue Victor-Hugo,
Paris, France

Established in 1872

“The world of Prunier is an adventure of 150 years, rich in love, joy and celebration for the pleasure of the senses and spirit”.

Maison Prunier is an icon of French gastronomy specializing in seafood. The flagship restaurant Prunier on Avenue Victor-Hugo opened in 1921 and it was the first establishment to prepare and sell French caviar, invented the oyster bar, champagne by the glass and home delivery by bicycle in Paris.

Wine Facts: An outstanding French wine list for being 83+ years old. Oscar Wilde, Sarah Bernhardt, Arthur Conan Doyle, F. Scott Fitzgerald, and Ernest Hemingway all frequented Prunier and drank Champagne (when their finances allowed) and its easy to understand why, the Champagne selection offered on this wine list is extraordinary. There are well over sixty vintage dated Champagnes presented for sale on the wine list.



Hotel Lincoln Wine List
(March 1937)

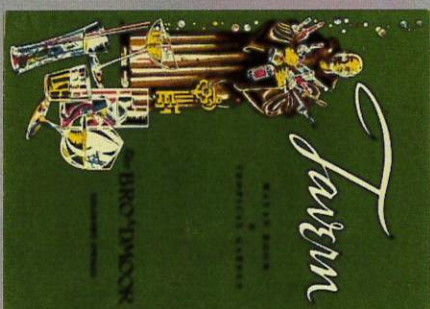
700 Eighth Avenue, New York
City, New York

Opened 1928 – Closed 1956

The Hotel Lincoln was one of the largest hotels located conveniently in Midtown Manhattan’s Theatre District and its restaurants and ballroom were continually packed with partygoers. It featured 1,300 rooms spread out across 27 floors. For almost three decades, the hotel hosted salesmen, tourists, and people connected to the theater district.

Starting in 1956, the building went through a series of new owners and names, Hotel Manhattan (1956-1969), Royal Manhattan (1969-1974), Milford Plaza Hotel (1980-2011), and now operated as the Row NYC Hotel.

Wine Facts: Chateau d’Yquem, 1925 (Bordeaux White) was priced at \$6.50 per bottle, today the same vintage of that wine can be purchased for around \$9,000 per bottle. The wine list includes six wonderful French Champagnes from the extraordinary 1928 vintage (arguably one of the best vintages ever in Champagne).



Tavern at The Broadmoor
Hotel
(June 1959)

1 Lake Avenue, Colorado
Springs, Colorado

Opened 1918

“The Grand Dame of the Rockies. One of the World’s Premier Resorts.”

The Broadmoor is a legendary world-class destination resort founded by Spencer Penrose over 100 years ago. Located on 5,000 acres at the base of Cheyenne Mountain, it was originally designed to evoke the elegant look, excellent service, and fine cuisine of celebrated European hotels.

Wine Facts: The back page of this Tavern Menu lists a portion of the extensive collection of Pre-Prohibition era wine and spirits bottles that were part of Spencer Penrose’s personal collection. The 1,000+ bottles are displayed in glass cases along the walls just off the lobby in the original main building.



McHenry’s Tail o’ The Cock
Restaurants Wine List
(1955)

477 South La Cienega
Boulevard, Los Angeles, and

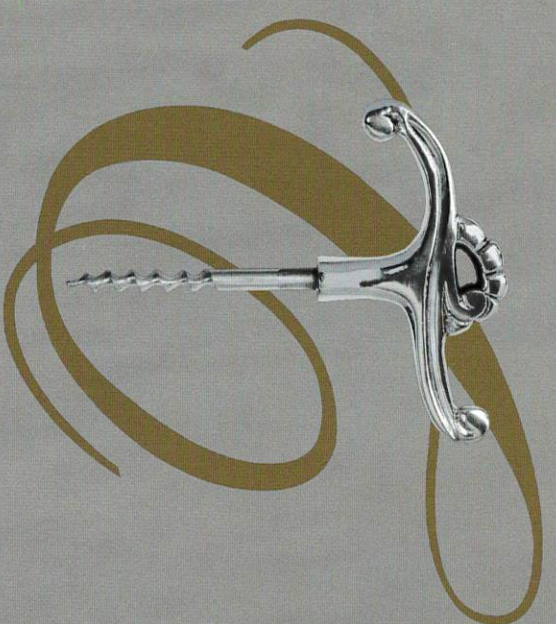
12950 Ventura Boulevard,
Studio City, California

Opened 1940s – Closed 1980s
(both locations)

As one might gather from the name, the big selling point at Tail o’ The Cock wasn’t the food so much as the cocktails. It was a popular place to meet for drinks, especially late in the afternoon.

An awful lot of Hollywood deals were consummated there over martinis. The restaurant claimed to be the first place in Los Angeles to serve Margaritas. During its heyday, the Studio City restaurant was the place where stars ate lunch while working at nearby Warner Brothers Studios and CBS Studio Center. Celebrities like Ronald Reagan, Elizabeth Taylor, Richard Burton, Gene Autry, and John Wayne were regulars.

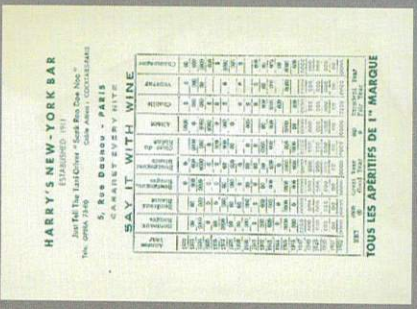
Wine Facts: This extensive twenty-four page wine list includes many pages of helpful information to better educate wine consumers during the 1950s such as: “The Bordeaux Classified Growths”, a wine “Pronouncing Glossary”, and a “Vintage Chart” in addition to the lists of wines available for sale.



Colterris®
Collections

The “Vintage” wine lists on display in the Colterris Collections Tasting Room represent just a few of the more interesting wine offerings from famous hotels and restaurants covering the past eighty years. These are high resolution enlargements taken from the original wine lists that are displayed in the Colterris Collections Museum.

3708 G Road Palisade, CO 81526
(970) 464-1150
Colterris.com



Harry's New York Bar Vintage Chart & Price List (circa 1953)
 5 Rue Daunou, Paris, France
 Opened 1911
"Just Tell the Taxi Driver - Sank Roo Doe Noo."

When Ian Fleming decided on a favorite bar in Paris for James Bond, there was only one option: the discerning secret agent: the legendary Harry's New York Bar. Its address, "5 Rue Daunou", was the bar's calling card, with advertisements in the international press running a tagline telling visitors to simply ask taxi drivers in Paris to head to "Sank Roo Doe Noo." It was in Harry's piano bar that George Gershwin is said to have composed *"An American in Paris"*.

Harry's also claims to be the home of legendary drinks. Fernand Petiot is said to have invented the "Bloody Mary" there in 1921 (although other accounts place the restorative cocktail's birthplace at Manhattan's 21 Club by George Jessel). Harry MacElhone himself invented the "French 75", a potent mix of champagne, gin, lemon juice and sugar that Harry likened to being hit by a French 75mm artillery shell.

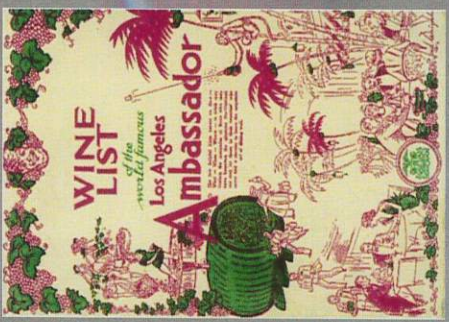
Wine Facts: The Harry's Bar vintage wine chart indicates that the latest year depicted, 1952 was a "Great Year." In hindsight, the 1952 vintage proved to be much less exciting than the initial hype. With each new harvest, many French wine growers declared "the greatest ever" as a common refrain in order to generate excitement for wine sales.



Café de La Paix Carte des Vins (January 1954)
 5 Place de l'Opéra, Paris, France
 Opened 1862
"The Café de La Paix, the Café of Peace."

One of the world's most famous cafes, located near the Opera Garnier. It quickly became a major cultural phenomenon and over the last one hundred and sixty years it has been depicted in "My Old Man" by Ernest Hemingway, "The Absinthe Drinker" a poem by Robert Service, numerous films, and musicals. In June 1948, Maurice Chevalier, Henri Salvador, and Yves Montand met at the Café de la Paix to record *"This Is Paris"*, the first-ever live radio broadcast from Paris to the United States.

Wine Facts: The list features over forty fabulous Champagnes from eighteen of the most prestigious producers and also offers grand format bottles (magnums, jeroboams, and imperials) from several of the First Growth Bordeaux.



Ambassador Hotel Wine List (circa 1937)
 3400 Wilshire Boulevard, Los Angeles, California
 Opened 1921 - Closed 1989

The Ambassador Hotel was home to the famous Cocoanut Grove nightclub. Prominent figures such as Frank Sinatra, Nat King Cole, Judy Garland, Lena Horne, Liza Minnelli, Bob Hope, Barbara Streisand, Ray Charles, Sammy Davis, Bing Crosby, Lucille Ball, Marilyn Monroe, and The Supremes were some of the many entertainers who attended and performed professionally at the Cocoanut Grove. From 1930 to 1943, six Academy Awards ceremonies were hosted at the hotel.

Wine Facts: This wine list from the Ambassador Hotel is twenty-eight pages long and presented over 800 wines, spirits, cocktails and beers from which to select.

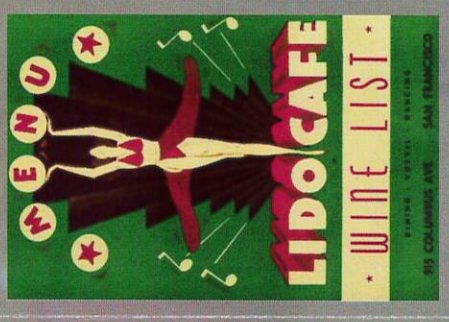


Edgewater Beach Hotel Wine List (circa 1940)
 5301 North Sheridan Road, Chicago, Illinois
 Opened 1916 - Closed 1967

"Magic by The Lake, Chicago's Place to See and Be Seen."

The Edgewater Beach Hotel sat majestically on the lakefront six miles north of downtown Chicago. It was a hotel in name but a resort in practice. Not only did it contain handsome rooms with terrific views, but elegant lobbies and lounges, shops, restaurants, banquet rooms and dance floors. Its spacious grounds had tennis courts, a putting golf course, a waterfront and beach, and gardens in which to stroll. It was the first home of WGN, and The Edgewater Beach Hotel had the world's first indoor parking garage.

Wine Facts: The most expensive table wine on the list was a Schloss Johannisberger Cabinet German wine not a French Bordeaux or Burgundy. The "American Wines" section of the list included categories for "Rhine and Moselle Types, Red Bordeaux Types, and Red Burgundy Types. This illustrates that American wine consumers during that time related common "wine styles" to well-known European "wine regions."

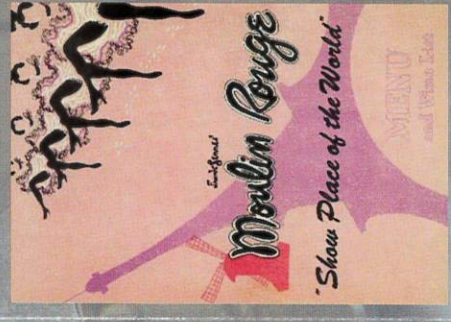


Lido Café Wine List (April 1943)
 915 Columbus Avenue, San Francisco, California
 Opened 1923 - Closed 1953

"San Francisco's Most Beautiful Restaurant, Dance and Dine at The Lido."

This beautiful art-deco styled wine list cover for the Lido Café in 1943 was created by an unknown artist. The building on Columbus Avenue was originally opened in 1923 as the Club Lido Nightclub & Café and had seating for 600. In 1953 a fire ravaged the premises, and it was reopened in 1956 as the Village Nightclub. Today the building is occupied by Cobb's Comedy Club.

Wine Facts: Chateau Lafite (Bordeaux) sold for \$4.50 per bottle (now sells for \$1,500 per bottle) and "Korbel Sec Champagne (California)" sold for \$8.00 per bottle (now sells for \$12 per bottle).

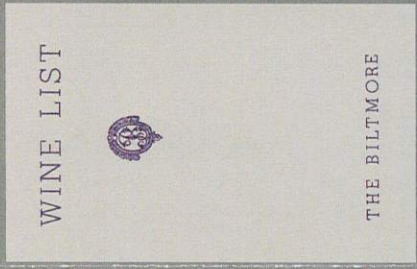


Moulin Rouge Menu & Wine List (July 1956)
 6230 Sunset Boulevard, Los Angeles, California
 Opened 1953 - Closed 1965

"Show Place of the World, Featuring the Most Beautiful Girls in the World."

The building was originally opened in 1938 as the Earl Carroll Theater and attracted the "Who's who of 1930's Hollywood celebrities". Frank Sennece, Sr. opened the Moulin Rouge Nightclub in 1953 occupying the same building and with over 1,000 seats it was billed as the biggest nightclub, restaurant, and showroom in America. After it closed, the building continued to operate as "The Hullahaloo Club" (mid 1960s), the "Aquarius Theatre" (late 1960s), and the "Nickelodeon Theatre" (1990s).

Wine Facts: Lancer's Rosé (Portugal), Chateaux Latour, Mouton-Rothschild and Haut Brion (Bordeaux) all sold for \$9.00 per bottle (now the Lancer's Rosé sells for \$10 per bottle and the Chateaux all sell for over \$1,500 per bottle).



New York Biltmore Hotel Wine List (circa 1936)
 335 Madison Avenue, New York City, New York
 Opened 1913 - Closed 1981

"We're Stopping at the Biltmore, Of Course."

The New York Biltmore was a luxury hotel with over 1,000 rooms and suites developed by the New York Central Railroad (Cornelius Vanderbilt) following the completion of the Grand Central Terminal nearby in Midtown Manhattan. In the basement of the hotel was a reception room that led by tunnel directly from the Grand Central Terminal.

Wine Facts: Sixteen incredible Champagne houses represented by twenty-five superb selections. The 1926, 1928, and 1929 vintages were the three best vintages ever to occur within a four year time period. "The Golden Age" in Champagne. Chateau d'Yquem 1929 for \$86.50 per bottle and Chateau Lafite-Rothschild 1928 for \$4.00 per bottle, two monumental wines!



Locke-Ober Restaurant Wine List (October 1959)
 2 Winter Place, Boston, Massachusetts
 Opened 1870 - Closed 2012

"One of the oldest restaurants in the country and one of the best-known in Boston."

The restaurant began around 1875 by Louis Ober a native of the Alsace region of France and judging from an advertisement in 1871 he ran a very high-quality establishment - "The French Hotel and Restaurant, having been newly arranged and furnished throughout, commands itself to the favor of gentlemen of Boston and vicinity as the only resort for STRICKLY FRENCH COOKING. Louis Ober also imported wines from France and Germany at that time - "The proprietor retains his unequalled facilities for the direct importation of French and German Wines which he can supply at all times, wholesale or retail, at lowest possible prices."

Wine Facts: A fantastic wine list in 1959. All five the the First Growth Bordeaux (Lafite-Rothschild 1953, Latour 1949, Margaux 1953, Haut-Brion 1953, and Mouton-Rothschild 1953. Domaine Romanée-Conti, 1952 sold for \$12.00 per bottle (now it sells for around \$7,500 per bottle).

PRO 2023-04, SKILLED GAMING BUSINESSES TEXT AMENDMENT

Table 6.1 – Use Table and Section 14.02 – Defined Terms

SUMMARY

Throughout the Grand Valley, a new type of business known as *skilled gaming* has emerged. These businesses purport to offer *games of skill* that are distinguished from *games of chance*. However, these businesses look, feel, and operate much like casinos and use technology that complicates the investigation of these activities as illegal gambling. Unlike lawful gambling operations, allowed only in certain communities under the Colorado Constitution and regulated by the State, there are no regulations in place that protect consumers of skilled gaming from unscrupulous practices or regulations on the flow of money associated with these businesses.

State law has attempted to address this issue, starting with House Bill 15-1047, which bans *simulated gaming devices*, with the Legislature finding: “These machines, systems, and devices, as more fully described in this article, appear designed to evade the existing constitutional and statutory regulations on gambling activity in Colorado and therefore are declared to be contrary to the public policy of this state” (C.R.S. 18-10.5-101(1)(a)). This statute has been amended since then to clarify provisions and implement penalties for violations of the statute. However, investigations concerning these businesses for violating the gambling laws of Colorado are complex, labor intensive, and beyond the capabilities of local law enforcement agencies. Furthermore, as these businesses have proliferated throughout the Grand Valley, they have garnered the attention of the public due to problems with increased crime tied directly to these businesses.

The Board of Trustees adopted Ordinance 2023-01 on January 24, 2023, an emergency ordinance establishing a temporary moratorium on the establishment of any skilled gaming business within the Town.

The Land Development Code (LDC) does not address skilled gaming businesses. At the time of the moratorium, no such businesses existed within the Town. Staff believe that it is necessary to ensure that remains the case, citing the problems of increased crime in neighboring jurisdictions, which have also implemented moratoriums.

The proposed text amendment to the LDC would explicitly prohibit skilled gaming businesses in all zones within the Town. Skilled gaming has been added to Section 14.02 – Defined Terms with a definition that mirrors prohibited activities already found in State law.

LAND DEVELOPMENT CODE

Table 6.1, Use Table:

The following is the proposed amendment to Table 6.1, Use Table, which details the allowable uses allowed under the Land Development Code within specified zoning districts. Impacted sections are highlighted in **RED TEXT with new additions underlined and removals in strikethrough.**

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	U	HR	CP	Specific Use Standards
Retail Marijuana Testing Facility		C					C	C	C	C		Section 7.03M
Retail Marijuana Store							C	C	C	C		Section 7.03M
Retail, neighborhood*	Selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.			C	C	P	P	P		P	C	
Self-storage facility								C	C			
Service, general*	Personal services that include: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; security service; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds; canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith							P	P			
Service, neighborhood*	Personal care services such as hair, nail, tanning, massage therapy or any similar use.				C	P	P	P		P		
Skilled Gaming Business	<u>Not permitted in any zone district</u>											Section 14.02
Sexually oriented business									C			
Tasting room		P			C	P	P	P	P	P		
Tattoo parlor							P	P	P			
Vehicle sales*	A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment; and other consumer motor vehicles such as motorcycles and boats or any similar use.							P	P			
Vehicle service, heavy*	Repair services or auto body work to tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment or any	C						C	P			

The following amendment is proposed to Section 7.03, Commercial Use Standards, with words changes highlighted in **RED TEXT with new additions underlined and removals in strikethrough**.

Section 14.02 Defined Terms

Skilled Gaming Business means any business location which features slot machine(s), gambling device(s), simulated gambling device(s), or any mechanical, electrical, video, electronic or other device, contrivance or machine which after insertion or conveyance of a coin, debit card, credit card, cash, token or similar object or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive monetary compensation and/or redeemable game credits, or any other thing of value.

This definition expressly includes ‘fish game’ ‘fish game table’ ‘fish game gambling table’ whoever denominated that consists of a tabletop electronic display with one or more stations featuring buttons, joysticks, or other control(s) that delivers to the player cash, cash premiums, redeemable game credits or any other thing of value for successful play, whether the redeemable payout is made from the machine, another machine, or from an employee of the business.

This definition expressly excludes any business location which features bona fide amusement devices that pay nothing of value, cannot be adjusted to pay anything of value, provide only unredeemable free games, or provide only tickets redeemable for nonmonetary prizes consisting of toys or novelties of nominal value, crane games, bingo operations, coin-operated music machines, or any bona fide amusement device authorized within restaurants by C.R.S. 44-3-103(47).

Slot Machine means any mechanical, electrical, video electronic, or other device, contrivance, or machine which, after insertion of a coin, token, or similar object, or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance or both may deliver or entitle the player operating the machine to receive cash premiums, merchandise tokens, redeemable game credits, or any other thing of value other than unredeemable free games, whether the payoff is made automatically from the machines or in any other manner; except that the term does not include a crane game or vintage slot machine models introduced on the market in 1984, does not contain component parts manufactured in 1984 or thereafter, and is not used for gambling purposes or limited gaming purposes.

Gambling Devise means a device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine, except that the term does not include a crane game.

Simulated Gambling Devise means a mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other mechanism, except that the term does not include bona fide amusement devices, as authorized in C.R.S. 44-3-103 (47), that pay nothing of value and cannot be adjusted to pay anything of value.

“Simulated gambling device” includes:

- a) Video poker game or any other kind of video card game;
- b) Video bingo game;
- c) Video craps game;
- d) Video keno game;
- e) Video lotto game;
- f) Video roulette game;
- g) Pot-of-gold;
- h) Eight-liner;

- i) Video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols;
- j) An electronic gaming machine, including a personal computer of any size or configuration that performs any of the functions of an electronic gaming machine;
- k) Slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Section 9 (4)(c) of Article XVIII of the Colorado constitution; and
- l) A device that functions as, or simulates the play of, a slot machine where results are determined by reason of the skill of the player or the application of the element of chance, or both as provided by Section 9 (4)(c) of Article XVIII of the Colorado constitution.

“Simulated gambling device” does not include any parimutuel totalizator equipment that is used for pari-mutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under Article 32 of Title 44 of Colorado Revised Statutes.

Crane Game means an amusement machine that, upon insertion of a coin, bill, token, or similar object, allows the player to use one or more buttons, joysticks, or other controls to maneuver a crane or claw over a nonmonetary prize, toy, or novelty, none of which shall have a cost to the arcade of more than twenty-five dollars per item, and then, using the crane or claw, to attempt to retrieve the prize, toy, or novelty for the player.

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 rise of skilled gaming businesses within the Grand Valley has created concerns about the circumvention of state law regarding regulated gambling and the increase in crime that results from these businesses.

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

The proposed text amendment would positively affect the public health, safety or general welfare.

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 is necessary to address the societal ramifications of unauthorized, unregulated gambling.

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

The proposed text amendment incorporates specific provisions of state law that already prohibit unauthorized, unregulated gambling.

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

The recently adopted Palisade Game Plan contains the following Goals, Strategies, and Actions that are relevant to the discussion of appropriate land uses in Table 6.1:

Goal 2.1: Balance growth with preserving the agricultural heritage to maintain a sense of community.

Strategy 2.1B: Continue evaluating existing zoning regulations to determine if it promotes balance[d] growth with community preservation.

There are currently no skilled gaming businesses within the Town and the goal of the proposed text amendment is to ensure that remains the case.

RECOMMENDATION

The Planning Commission is asked to review the proposed text amendment to the LDC and make a recommendation, based on the above approval criteria, to the Board of Trustees.

AFFIDAVIT OF PUBLICATION

State of Florida, County of Hernando, ss:

Stefan Edward Pla, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agents of Grand Junction Daily Sentinel, a newspaper printed and published 5 days a week in the City of Grand Junction, County of Mesa, State of Colorado, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
2 Jul 2023

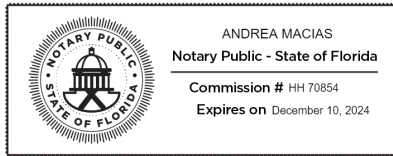
NOTICE ID: kn7m3j5X2CmNekO7Bs4A
PUBLISHER ID: 171619
NOTICE NAME: Skilled Gaming Businesses

Stefan Edward Pla

(Signed) _____

VERIFICATION

State of Florida
County of Hernando



Subscribed in my presence and sworn to before me on this:
07/03/2023

Andrea Macias

Notary Public
Notarized online using audio-video communication

NOTICE OF PUBLIC HEARING – SKILLED GAMING BUSINESSES
Notice is hereby given that a public hearing will be held before the Planning Commission of the Town of Palsade, Colorado, at the Palsade Civic Center, 341 W. 7th Street, Palsade, Colorado at 6:00 p.m. on July 18, 2023, and by the Town of Palsade Board of Trustees at the Palsade Civic Center, 341 W. 7th Street, Palsade, Colorado at 6:00 p.m. on July 25, 2023 to consider a text amendment to Section 6.01 – Use Table and Section 14.02 – Defined Terms of the Palsade Land Development Code (LDC) concerning skilled gaming businesses.
All interested parties are encouraged to attend. Additional information may be obtained from the Town Clerk’s office at 175 E. Third Street or by calling 970-464-5602. For agenda, please visit www.palsade.colorado.gov
Published: July 2, 2023.