



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
August 3, 2021**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chairman Riley Parker with Commissioners present: Stan Harbaugh, Charlotte Wheeler, Penny Prinster, Andy Hamilton, Dave Hull, and Chris Curry. A quorum was declared. Also in attendance were Community Development Director Brian Rusche, Town Manager Janet Hawkinson, Town Clerk Keli Frasier, and Administrative Assistant Deb Mattson.

AGENDA ADOPTION

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

A voice vote was requested.
Motion carried unanimously.

APPROVAL OF MINUTES

July 6, 2021, Palisade Planning Commission Minutes

Motion #2 by Commissioner Prinster, seconded by Commissioner Wheeler, to approve the July 6, 2021, Palisade Planning Commission Minutes as presented.

A voice vote was requested.
Motion carried unanimously.

PUBLIC COMMENT

Bonnie Davis introduced herself as the new Director of the Palisade Chamber of Commerce.

PUBLIC HEARING I

PRO 2021-13 – Happy Camper Relocation - Conditional Use Permit (CUP) and Minor Subdivision For a Retail Marijuana Store at 400 Wine Valley Road

Chair Parker opened the public hearing at 6:05 pm.

Community Development Director Rusche reviewed his staff report, clarifying the findings of fact, and recommended conditions of approval.

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 retail marijuana store would be located on Wine Valley Road, which has been designed and partially built to current development standards, inclusive of sidewalks. More than

twice the amount of required parking is provided based on the square footage of the store (using Table 10.1) with sufficient area for additional parking if necessary.

The proposed use is limited to a retail marijuana store and does not include any growing of marijuana on site. Its location is adjacent to an already approved drive-through restaurant as well as other existing auto-oriented uses and accessible via a public street, the extension of which will be paid for by the owner and not the Town, which makes the property immediately accessible to I-70, as this type of use attracts visitors from out of Town. The site includes parking areas that provide a greater amount than the required number of spaces under the Land Development Code, with all parking happening onsite.

One of the proposed conditions would include the approval of a landscape design, including ensuring the use of xeric landscaping.

CDOT and the applicant's engineer have been coordinating on obtaining an access permit, as required due to a projected increase in existing traffic volume indicated by the prepared traffic study; this increase, however, does not warrant physical changes to the intersection according to the traffic study.

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 applicant shall comply with all required specifications and standards within the Land Development Code. The proposed use appears substantially compliant with parking, landscaping, trash containments, lighting, and all other required sections of the Land Development Code, based on the submitted site plan.

The retail marijuana store shall comply with the above-required standards for a retail marijuana establishment found in the Town of Palisade Marijuana Code and all applicable regulations of the State of Colorado.

The design of the proposed store is a lowrise building utilizing earth-tone colors and accents to ensure that it blends into the high-desert landscape. An outdoor patio area (shown on the elevations) is provided in front of the store, like that found at the existing Happy Camper location.

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 property is currently a vacant commercial lot and has been vacant for some time. The development of the Golden Gate convenience store has undoubtedly increased the value of the remaining undeveloped commercial property due to the construction of public infrastructure. The establishment of complementary uses along the Wine Valley Road corridor will increase the value of the remaining parcels.

The nearest residential property to the east would remain separated from the proposed retail marijuana store by approximately two (2) acres of undeveloped commercial property. To the south, the residential Willow Tree Subdivision is separated by a canal with roads on both sides, a strip of undeveloped commercial property, and Wine Valley Road. As noted earlier, there will not be marijuana grown onsite. The LDC requires the property to remain free of odors.

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 Comprehensive Plan (2007) predates the incorporation of the subject property into the Town limits. Nevertheless, it notes in Desired Future Condition – Policy 7: “For the area near I-70 Exit 42, encourage commercial development on vacant or undeveloped land that is consistent with preserving the agricultural character and an attractive entry into Palisade.”

Prior to the annexation of the property in 2017, Mesa County had designated this area around Exit 42 as commercial, but it had historically been underutilized, and there does not appear to be any agricultural production present in the decade between the 2007 Comprehensive Plan and the 2017 annexation and development of the Golden Gate convenience store, based upon a review of available aerial photos.

There are two distinct neighborhoods at Exit 42, with the west side of Elberta being more agricultural in look and feel (i.e., gravel roads, large acreage sizes, active agricultural uses) and the east side of Elberta being more highway convenience-oriented (i.e., a new road with sidewalk, ample paved parking, new buildings but with historical aesthetics).

The duly adopted Hospitality Retail zone was established to provide hospitality and retail development along I-70 in the vicinity of Exit 42, in a pedestrian-oriented village or mall environment, compatible with the character of the adjacent historic neighborhoods and existing uses. A retail marijuana store may be considered via this conditional use permit process in this zone. All retail marijuana applications must comply with all necessary standards within the adopted Marijuana Code and Land Development Code.

RECOMMENDATION ON THE CONDITIONAL USE PERMIT

Staff recommends the following conditions be included in the recommendation on this application:

1. The conditional use permit approval is based on the submitted plans, along with the supporting documents submitted with the application. No expansion of the area or use shall occur without the consideration and approval of the Board of Trustees. Development of any expansion shall be reviewed as an amendment to the approved conditional use permit and shall be subject to the notice and hearing procedures and standards which governed the initial approval, except that minor deviations may be approved by the Community Development Director pursuant to LDC Section 4.07.G.1.
2. The site plan for this use shall be reviewed by the Town administratively as per Section 4.06 of the Land Development Code. The applicant shall adequately address any comments that arise from the administrative review or from the public hearing. Any improvements to the building (structural, electrical, fire suppression, plumbing, and building) associated with this use require planning clearances and building permits before improvements commence; furthermore, a final occupancy shall not be issued until the applicant has demonstrated to the satisfaction of the Town this use will comply with all applicable building and fire codes.
3. No marijuana cultivation is permitted unless approved through a separate conditional use permit.
4. No “pole sign” shall be permitted that would be visible from either direction on I-70. Other signage, including wall and/or monument signs, shall meet the requirements of the LDC and Municipal Code. The term “cannabis” may not be used for exterior signage as per Section 6-129(a) of the Palisade Municipal Code.
5. The Conditional Use Permit is subject to a one-year review by the Town Board of Trustees. However, the Board may review the CUP at any time if complaints are received and the Board

determines that the use and the associated operations are unreasonably impacting adjoining properties.

6. The Conditional Use Permit shall only be valid in conjunction with a retail marijuana license issued by the Town of Palisade.
7. The Conditional Use Permit shall only be valid in conjunction with a Business License issued by the Town of Palisade.
8. The Conditional Use Permit shall become null and void if the use is discontinued for 12 consecutive months.
9. The owner or operator of the retail marijuana store shall adhere to the "Right to Farm" ordinance - specifically Section 7-173 of the Municipal Code.
10. A final landscaping design will be required and shall make use of xeric/water-wise landscaping principles.
11. An Access Permit shall be required from the Colorado Department of Transportation (CDOT), per the recommendations found in the traffic study. Any improvements at the intersection of Elberta Avenue and Wine Valley Road that are required by either CDOT or the Town Engineer will be the responsibility of the applicant and not the Town of Palisade.
12. The associated minor subdivision shall receive final approval by the Community Development Director and shall be recorded prior to receiving a Certificate of Occupancy for the building.
13. The design of public infrastructure in Wine Valley Road shall be approved by the Town Engineer, and infrastructure shall be completed prior to issuance of a Certificate of Occupancy (CO) for the building. A Subdivision Improvements Agreement may be recorded by the Town pursuant to the Land Development Code to ensure the completion of these improvements.

Colleen Scanlon-Maynard, representing the applicant HC Properties, LLC, and their landscape architect Ted Ciavonne gave a PowerPoint presentation explaining why they were requesting the Conditional Use Permit (CUP), the reasons for wanting to move their business, and how they feel they meet the requirements of the Land Development Code.

Chair Parker opened the hearing to public comment.

David Edwards 3781 Granada Drive #30, read a letter that will be a permanent attachment to these minutes.

Dave Walker 588 W 1st Street, asked for approval of the application to help mediate the traffic on 1st Street and Elberta Avenue, which is currently terrible and unsustainable. He went on to state that allowing this business to move would improve the health, safety, and livability of the Town, as well as keep in compliance with the Palisade Comprehensive Plan by moving a high volume retail business to an area by Exit 42 of I-70.

Tim Boyle 3845 N River Road, spoke in favor of approving the application, observing that most of the people driving to their current location have Utah license plates, and with the City of Grand Junction moving toward allowing retail marijuana sales, the requested location change would benefit not only the business but the Town as a whole with easy access from the interstate to the establishment.

Bonnie Davis, Palisade Chamber of Commerce Director, read a letter that will be a permanent attachment to these minutes.

Dave Voorhees 3758 G 7/10 Road, announced that, as a neighbor of the proposed CUP, he is in favor of approval, with the stipulation that he would like signage placed on Wine Valley Road stating that it is not a “through street” as indicated on Google Maps.

Lisa Pinder 509 Milliman Street, is in support of the application and reiterated that something needs to be done about the traffic on Elberta Avenue.

Chair Parker asked the audience who was there to speak in favor of the application to help minimize the public comment portion of the hearing, and approximately 14 of the 16 people raised their hand in support. No one raised a hand in opposition.

Chair Parker opened the hearing to Board comment.

Commissioner Prinster asked about requirements for windows and if they were still required to be break-proof and non-transparent. Mrs. Scanlon-Maynard responded that there are no anti-breakage requirements but that no one will be able to see in through the windows.

Commissioner Harbaugh asked if the staff’s recommended conditions were already covered in the Land Development Code and if the proposed sign would be lit. Community Development Director Rusche stated that MOST of the suggested conditions are already covered in the code but that it’s good to attach them to the CUP so everyone is on the same page. He went on to state that conditions numbers 4, 10, 12, and 13 are specific to this application. Mrs. Scanlon-Maynard described the proposed sign as not being back-lit but rather having lights shining on the sign from below – similar to their existing sign on N River Road.

Commissioner Parker announced that between the letters and in-person speakers, over 30 people expressed their support of the application.

Motion #3 by Commissioner Prinster, seconded by Commissioner Hull to approve PRO 2021-13 – Happy Camper Relocation - Conditional Use Permit (CUP) and Minor Subdivision For a Retail Marijuana Store at 400 Wine Valley Road as presented, WITH the 13 conditions recommended by staff.

A roll call vote was requested.

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

No:

Absent:

Motion carried.

Chair Parker closed the public hearing at 7:12 pm.

ADJOURNMENT

Motion #4 by Commissioner Harbaugh, seconded by Commissioner Hamilton to adjourn the meeting at 7:13 pm.

A voice vote was requested.

Motion carried unanimously.

X



Riley Parker
Planning Commission Chairman

X



Keli L. Frasier
Town Clerk