



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
341 W 7th Palisade Civic Center
(Also Virtual Participation Via ZOOM)
May 4, 2021**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:00 pm by Chairman Parker with Commissioners present: Harbaugh, Hull, Wheeler, Prinster, Hamilton and Curry attended via Zoom. A quorum was declared. Also, in attendance were Community Development Director Brian Rusche and Planning Technician Lydia Reynolds.

AGENDA ADOPTION

Motion #1 by Commissioner Hull, seconded by Commissioner Harbaugh, to approve the Agenda as presented.

A voice vote was requested.
Motion carried unanimously.

ANNOUNCEMENTS and PRESENTATIONS

Community Development Director Brian Rusche announced that there will be a mobile vaccine clinic from 10 am to 6 pm on Friday May 7th at the Veteran's Memorial Park.

MINUTES

Motion #2 by Commissioner Hull, seconded by Commissioner Prinster, to approve the Minutes of April 20, 2021.

A voice vote was requested.
Motion carried unanimously.

PUBLIC COMMENT

None

PUBLIC HEARING

PRO 2021-5 – Conditional Use Permit (CUP) for a drive through restaurant, located at 450 Wine Valley Rd. (2937-043-42-002).

STAFF PRESENTATION

Community Development Director Brian Rusche reported that the Town of Palisade has received a request for a Conditional Use Permit (CUP) for a drive-through restaurant located at 450 Wine Valley Road

(Parcel # 2937-043-42-002). The parcel originally consisted of 4.62 acres but was approved on March 9, 2021 by the Town for a Minor Subdivision (PRO-2020-33) known as the Wine Valley Subdivision. Lot 2 of the Wine Valley Subdivision is 1.02 acres and is the proposed site for a drive-through restaurant of approximately 2000 square feet.

The recently amended Land Development Code (LDC) requires a Conditional Use Permit (CUP) for a restaurant *with drive-through* in the HR (Hospitality Retail) zone district. A restaurant without a drive-through is a permitted use. Therefore, the focus of request is on the drive-through component of the proposed restaurant.

Staff is asking the Planning Commission to review the request and make a recommendation to the Board of Trustees. The Board of Trustees will review the request at their public hearing on May 11, 2021 and make a final decision.

Community Development Director Brian Rusche informed the Commission that the applicant has submitted a site plan showing the location of the drive-through window in relation to the restaurant building, along with associated parking. The proposed restaurant would be approximately 2000 square feet, along with an approximately 960 square foot outdoor patio, all of which are located immediately adjacent (to the east) of the existing gas station. Wine Valley Road is a public street and infrastructure, including utilities and sidewalks, will be constructed to the east at the expense of the developer (J & L Development, LLC) along the Lot 2 frontage. These improvements, will need to be completed prior to receiving a Certificate of Occupancy (CO) for the restaurant.

It is noted by the applicant that there is an existing irrigation line running north-south through the east side of the property. The applicant will work with Dave Voorhees (who also happens to be the nearest residential neighbor to the east) and the Mesa County Irrigation District to relocate the line out from under parking areas, according to the letter of intent.

Mr. Rusche reviewed the following findings of fact that are used as approval criteria:

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 drive-through restaurant would be located adjacent to an existing auto-oriented use (Golden Gate) and accessible via a public street, built to current development standards. The drive-through window is located on the west side of the building, next to an existing semi-truck parking lot and fueling station. The window location provides sufficient queuing for automobiles (a total of 10 vehicles), as required by Section 10.01.F.1 – Off-street stacking requirements. A minimum of 20 parking spaces is required and 29 spaces are provided. In addition, the drive-through exit is physically separated from the rest of the parking lot and the patio area, and bicycle parking is also provided.

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 practices of sound land use planning. Drive-through restaurants, particularly during the pandemic, serve the needs of local and regional customers who are unable to physically enter a traditional sit-down restaurant due to social-distancing requirements and mandatory public health closures.

The design of the proposed restaurant is unlike a typical “fast-food” establishment. The low-rise building utilizes earth-tone colors, including brick accents, to ensure that it blends into the high-desert landscape.

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.

Mr. Rusche noted that the new Peach Shack is to the south west. The nearest residential property to the east (owned by Mr. Voorhees, who as noted earlier manages the irrigation lines in this neighborhood) is at least 500 feet from proposed drive-through. To the south, the residential Willow Tree Subdivision is separated by a canal with roads on both sides, a strip of undeveloped commercial property, Wine Valley Road (with future sidewalks on both sides), and at least 120 additional feet of setback from the back of sidewalk to the drive-through window itself.

The applicant has prepared a traffic study and has submitted it to CDOT, who controls access and traffic volumes in the vicinity of the I-70, Exit 42 interchange, for review and approval. The projected traffic volumes at the intersection of Elberta Avenue and Wine Valley Road generated by the existing Golden Gate convenience store (who constructed the new intersection) and the proposed drive-through restaurant, as well as the soon-to-be completed Peach Shack, could increase to a point 10% higher than the level anticipated (and approved) by CDOT in 2017, which is less than the threshold (20% increase) used by CDOT to require additional physical improvements to the intersection.

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.

Prior to 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.

APPLICANT PRESENTATION

Mark Austin, Austin Civil Group, stated he is representing Jim Cagle who is the owner and developer of the project, and is also present to answer any questions. Commissioner Prinster asked about the irrigation line. Mr. Austin explained he has had conversations with Mr. Voorhees and they will move the irrigation line forward along the east property line to get it out from under the asphalt pavement as much as possible. The part of the line that runs under the access point will be new structurally sound pipe and should perform adequately.

Commissioner Prinster asked if they have other locations that have drive-thru window. Mr. Cagle stated that they have one in Craig, CO and one in Fruita, CO that have a drive-thru. He noted that the only two of his Subways that were up in business last year, were those two. He explained that he and other restaurants such as Chick Fil A, McDonalds, Burger King, closed their inside dining and/or lobbies during the pandemic. He said there is an industry trend to provide drive-thru options in part due to preparing if something like the pandemic should happen again. Discussion continued and Mr. Cagle mentioned he has lived here 33 years, started his first Subway on 12th St. in Grand Junction, and he now has 22 locations.

Mr. Cagle explained that during the pandemic, the company was down 60% as a whole, with most stores down 10 to 30 percent. He added that the Fruita store was up 3% and Craig store up 5% and 40% of their business was through the drive-thru. Commissioner Prinster questioned how the Subway drive-thru model works. Mr. Cagle explained that it is a touch screen, with a voice option. He added that you can put your

phone number in as well, and it will remember what you ordered before. He said the touch screens are \$24,000, but provide better communication. Commissioner Harbaugh asked where people pull over if the order is delayed. Mr. Austin displayed the site plan and showed where a curb cut can be made. Mr. Cagle stated that they start the order as people are entering the order on the touch screen and he is not aware of any problems where cars back up.

PUBLIC COMMENT

None

Motion #3 by Commissioner Prinster and seconded by Commission Hull, to approve item PRO 2021-5 – Conditional Use Permit (CUP) for a drive through restaurant, located at 450 Wine Valley Rd. (2937-043-42-002).

A roll call vote was requested and the vote on the motion was as follows:

YES: Chairman Parker, Commissioners: Prinster, Hamilton, Harbaugh, Hull, Curry and Wheeler

NO: None

ABSENT: None



The motion passed unanimously.

ADJOURNMENT

Motion #4 by Commissioner Wheeler and seconded by Commission Prinster, to adjourn.

The motion passed unanimously

The meeting was adjourned at 6:30 pm.

X 	X 
Riley Parker Planning Commission Chairman	Lydia Reynolds Planning Technician