



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
341 W 7th Palisade Civic Center
(Also Virtual Participation Via ZOOM)
July 6th, 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, Wheeler, Prinster, and Curry. Commissioner Hamilton was present via Zoom and Commissioner Hull was absent. A quorum was declared. Also in attendance were Community Development Director Brian Rusche and Planning Technician Lydia Reynolds.

AGENDA ADOPTION

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

A voice vote was requested.
Motion carried unanimously.

ANNOUNCEMENTS and PRESENTATIONS

Community Development Director Brian Rusche announced there is a ribbon cutting party for the Palisade Plunge Trail in downtown Palisade on Friday, July 23 from 5pm until 9pm.

MINUTES

Motion #2 by Commissioner Prinster, seconded by Commissioner Curry, to approve the Minutes of June 1st, 2021.

A voice vote was requested.
Motion carried unanimously.

PUBLIC COMMENT

None

PUBLIC HEARING

PRO 2021-12 – Conditional Use Permit for Mural at 305 Main St.

STAFF PRESENTATION

Community Development Director Brian Rusche explained that the Town of Palisade has received an application from REO Holdings LLC, for a Conditional Use Permit (CUP) for a mural located at 305 Main Street (Parcel # 2937-091-04-001). The proposed mural would be located on the east side of the building, visible only from East Third Street. Previously, there was a drive-through window along this wall servicing the bank. This drive-through has been removed and the wall has been primed for the installation of artwork. It the mural will cover the entire side of the building and emphasize agriculture and wine according to the applicant. Mr. Rusche referred the Commissioners to the staff report that contains the Conditional Use Permit Findings of Fact in Sec. 4.07.E. The Planning Commission must make certain findings about the request in the form of a recommendation to the Board of Trustees.

APPLICANT PRESENTATION

Alex Hood, applicant, and partner of REO Holdings LLC, owners of the building spoke via Zoom. Mr. Hood explained they will need to paint the building either way. He referred to the mural illustration being displayed by Mr. Rusche and noted an architectural feature of the building near the top that will not be painted and will become part of the Mt. Garfield illustration. Mr. Hood added that the artist plans to add bicyclists on the road and the word Palisade to the wine barrel in the mural. He noted that the artist lives in Grand Junction.

Mr. Hood commented that this is not public art with public involvement. It is private art funded by the owners and cost thousands of dollars. Mr. Hood stated they had over 20 applicants for the mural in response to an advertisement placed on the building. Commissioner Curry asked what they were going for with the glass of wine on its side, spilling over. Mr. Hood explained that the “wine” from the glass is spilling over to the sidewalk below; therefore, people can interact with the mural and take pictures with the mural.

PUBLIC COMMENT

Gary Haushultz, 316 33 ¾ Rd stated he was an artist and Art Administrator. He stated that considering the proportions of the wine glass, the shape of the barrel, and Mr. Garfield etc., he did not feel this rendering was a “mature” vision. He was surprised that the applicants process considered the best of the best. He read his comments into the record, and they are attached to these minutes.

Don Metzler, 834 Shiraz Dr. stated that his reaction to this illustration, with the wine glass spilling, gives the impression that the tourists came, got drunk, left, and what is left behind is the spilled wine.

Mr. Hood responded that we are edging into very tricky territory when people’s comments start to verge into what they perceive the art to say or what they perceive the art to mean. He said he does not see that type of art as encouraging that behavior and cautioned the Commissioners from interpreting the art one way or another or accepting comments about the interpretation of the art one way or another. The applicants believe that this art represents what is good about Palisade.

Brian Moffett, 844 Shiraz Dr. stated that he agrees with Mr. Metzler and the spilling glass did not seem to “fit” into the Palisade image and questions how the spilled wine artistically lends itself to the mural.

COMMISSIONER DISCUSSION

Commissioner Prinster stated that since the building owners are paying for it, they should have the right to pick the art unless it degrades the Town or makes people uncomfortable. She did not see anything wrong with it.

Commissioner Curry referred to the other mural of Mt. Garfield on a private house and questioned why the Commission reviews art on private property at all.

Commissioner Prinster stated that she does not understand why this is a Conditional Use Permit, especially if it is only approved for a specified length of time.

Community Director Rusche explained that the code currently stated a mural needs a CUP. The review, in part, is look out for the health and safety and welfare of the citizens. Commission Harbaugh asked if all CUPs come up for review at a certain time. Mr. Rusche explained that there is an option for the Commissioners to request that a CUP is brought back up before the board for review. He did not see that it would apply in this case.

Commissioner Prinster stated that it seems they used to have CUPs automatically come up for review after a specified time. She said over time, they have taken a less proactive stance, and CUPs have been reviewed if there was an issue (unless set up with a condition of review in the future).

Chairman Parker felt that his opinion of the art was not in the scope of the review. Commissioner Harbaugh noted that the code states (Sec. 4.07.i) a CUP expires in 3 years. Mr. Rusche's interpretation of that section is that the approval of a CUP is permanent unless the use ceases to exist. A condition of the CUP could be to require a review period.

Motion #3 by Commissioner Prinster and seconded by Commission Harbaugh, to approve item **PRO 2021-12 – Conditional Use Permit for Mural at 305 Main St.**

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

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

NO: None

ABSENT: Hull

The motion passed 6-0.

PUBLIC HEARING

PRO 2021-11 – Stone Orchard Townhomes Preliminary Plat

STAFF PRESENTATION

Community Development Director Brian Rusche explained that the Town of Palisade has received an application for a Major Subdivision – Preliminary Plat application from Darin J. Carei for the Stone Orchard Townhomes, located at 3691 G Rd. (Parcel # 2941-041-00-079). The property is zoned Hospitality Retail (HR), and townhomes are a permitted use within the HR zoning. The project, formerly known as Bella Palizzata, has been presented to the Town previously, starting with an original concept plan on July 23rd, 2019. The proposed townhome development consists of fourteen (14) total units, with two buildings of four units each and three buildings of two units each. Two parking spaces, per code, will be provided for each unit via a one-car garage and associated driveway, with an additional parking area

of five (5) spaces provided for guest parking. Landscaping will be provided as a buffer to the residences to the south, as well as around each of the units. The access to the development is via a cul-de-sac, so there is no direct access from Shiraz Dr.

Mr. Rusche explained that subdivisions of ten (10) or more lots or ten (10) or more dwelling units shall occur in three (3) stages, beginning with review of a concept plan [completed], followed by review of a preliminary plat [this application], and a final plat. The Preliminary Plat requires two (2) public hearings: before both the Planning Commission and Board of Trustees. Within twelve (12) months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one (1) section of the subdivision. This development is proposed for only one phase. Final Plat requires review by staff of all final construction documents and approval by the Board of Trustees but does not require a public hearing.

The applicant shall bear the costs of installation of all on-site improvements as required by this LDC, including provision for surface drainage, pavement, landscaping and utilities. The developer shall be responsible for construction and installation of all required improvements, unless otherwise provided, in accordance with the requirements of the LDC. A Subdivision Improvement Agreement will be required in conjunction with the Final Plat.

APPLICANT PRESENTATION

Kim Kerk of Kerk Land Consulting and Development (Grand Junction) stated she was representing the owner and introduced Stephen Swindell, the project engineer with Vortex Engineering. Ms. Kerk explained they have taken the feedback from the previous concept plan presentations and made changes to address this feedback. Ms. Kerk noted that they will be using xeriscaping when possible. She presented power point slides with examples of some of the projects the owner has done, such as Graff Dairy and other local businesses, to highlight some of the owners' other developments.

PUBLIC COMMENT

Don Metzler, 834 Shiraz Dr. stated he was Vice President of the Palisade Vineyard HOA on Shiraz. Mr. Metzler stated he had spoken with Chairman Parker and was advised to put his concerns in writing. Mr. Metzler reported that about 6 months ago he had submitted 9 concerns in writing but has not heard back. Arsenic in the soil was one concern after a previous owner walked away from a project for the property. Mr. Metzler noted that he had asked for a sidewalk along the highway and was told it was not required. In addition, he anticipates traffic turns in/out of the development will be a problem.

Brian Moffett, 844 Shiraz Dr., expressed concern about traffic that will be generated by the development. In addition, he was concerned that there will be overflow parking on Shiraz.

COMMISSIONER DISCUSSION

Commissioner Prinster asked Mr. Rusche about the perceived arsenic in the soil issue. Mr. Rusche noted, and Mr. Swindell confirmed, that a soil analysis was completed and submitted and there was no remediation recommended. Commissioner Prinster commended the applicants for the changes they made to the application. Mr. Swindell noted that a sidewalk has been added to the north side of the development. Mr. Rusche stated that a traffic analysis was completed and submitted to CDOT.

Motion #4 by Commissioner Prinster and seconded by Commissioner Hamilton, to pass on a recommendation for approval for PRO 2021-11 – Stone Orchard Townhomes Preliminary Plat with a note that they have demonstrated good will and made changes as requested.

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

YES: Chairman Parker, Commissioners: Harbaugh, Prinster, Hamilton, Curry and Wheeler
NO: None
ABSENT: Hull

The motion passed 6-0.

NEW BUSINESS

Mr. Rusche stated that there will be an educational joint workshop with the Board of Trustees at their July 27th meeting. There is no Planning Commission meeting on July 20th.

ADJOURNMENT

Motion #5 by Commissioner Harbaugh and seconded by Commissioner Wheeler, to adjourn the meeting.

A voice vote was requested.
Motion carried unanimously.

The meeting was adjourned at 7:11 pm.

X 

Riley Parker
Planning Commission Chairman

X  FOR

Lydia Reynolds
Planning Technician