



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

April 6, 2021

6:00 pm Regular and Virtual Meeting with Limited In-Person Seating

- I. REGULAR MEETING CALLED TO ORDER AT 6:00 pm
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. AGENDA ADOPTION
- V. ANNOUNCEMENTS / PRESENTATIONS
 - A. **PUBLIC COMMENT REMINDER:** All emails sent to the Planning Technician for public comment on a specific agenda item prior to the day packets are published will be included in 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 (virtually or in-person) at the meeting and make said statements to the Commission directly.
 - B. **Town of Palisade Clean-Up Day - Saturday, April 24, 2021, from 8:00 am to 12:00 pm at Riverbend Park.**
- VI. APPROVAL OF MINUTES
 - A. **Minutes from March 16, 2021, 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.

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. For those items for which the Planning Commission retains Decision Maker status, they will weigh the options and cast a vote.

A. PRO 2021-4 – Turley Rezone

The Planning Commission will consider a request for rezone at 724 37 3/10 Rd. (2937-092-00-035) from a High Density Residential (HDR) Zone District to a Hospitality Retail (HR) Zone District, as applied for by Richard Turley. The Planning Commission shall review the application and forward its recommendation to the Board of Trustees for consideration.

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

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. ADJOURNMENT



TOP Planning Commission Regular Scheduled Virtual Meeting Electronic Participation Instructions

Due to the rise in COVID-19 (coronavirus) cases in Mesa County, the Town of Palisade has decided to continue virtual public attendance at meetings with limited in-person seating in accordance with current restrictions

Regular meeting starts at 6:00 pm

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

Meeting ID Number: 332 007 5780

To Join Zoom Meeting:

BY COMPUTER/SMARTPHONE: Click on the link above and follow the instructions. Participants from the audience will be able to speak during public comment. **There is a hand symbol to push that will allow the meeting moderator to see who wants to speak.** Please remember to state your name before speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes. **If using a smartphone, you must download the app.**

***BY TELEPHONE:** Members of the public who wish to provide public comment on any specific agenda item or during general public comment must call the number provided below between 5:15 pm and 5:29 pm. During that time, the **moderator of the call will ask your name and the agenda item or if you wish to speak to an item not on the Agenda.** Once that information has been provided, your line will be muted. When it is time to talk during the meeting, the moderator will unmute the line, state the person's name who will be speaking. The person has three minutes to speak. The line will be muted at the end of the three minutes.

To participate, dial the following phone number: **1 (253) 215 8782**, then there will be a prompt to enter the meeting **ID. Number Noted Above**, and the User ID is the pound (#) sign.

BY ELECTRONIC MAIL: Members of the public may also provide public comment or comment on a specific agenda item by sending an email to lreynolds@townofpalisade.org. The email must be received by 2:00 pm on the day of the meeting. **The Clerk will FORWARD THE EMAIL TO THE PLANNING COMMISSION.** *Any member of the public who wishes to have a statement read into the Minutes is required to appear (virtually) at the meeting and make said statements to the Commission directly.*



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
120 W 8th Veteran's Memorial Community Center
(Also Virtual Participation Via ZOOM)
March 16, 2021**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:03 pm by Chairman Riley Parker with Commissioners present: Dave Hull, Charlotte Wheeler, Penny Prinster, Stan Harbaugh, and Andy Hamilton (via Zoom). Commissioner Chris Curry was absent. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Community Development Director Brian Rusche, and Planning Technician Lydia Reynolds(via Zoom).

AGENDA ADOPTION

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

A voice vote was requested.
Motion carried unanimously.

ANNOUNCEMENTS and PRESENTATIONS

Town Manager Janet Hawkinson announced that the Highway 6 project engineer plans are 30% complete and will be presented at an open house on Thurs, March 25,2021, from 2:00 pm - 8:00 pm. She also reported that \$50,000 was awarded to the Town through a Main Street grant. These funds were part of the COVID funding and will provide parklets for Pêche and Diorio's restaurants.

Town Manager Hawkinson asked for a moment of silence to honor Harry Talbott, who passed away on Sunday.

MINUTES

Motion #2 by Commissioner Prinster, seconded by Commissioner Wheeler, to approve the Minutes of March 2, 2021.

A voice vote was requested.
Motion carried unanimously.

PUBLIC COMMENT

None was offered.

PUBLIC HEARING

A. PRO 2021-3 – Colorado Weedery CUP (Conditional Use Permit)

STAFF PRESENTATION

Community Development Director Brian Rusche informed the Commission there have been two updates since he has submitted his staff report. The first change is that the applicant has requested that lot two of this proposal be removed from consideration as it will not be a part of the marijuana operation. The second change is the addition of a diagram for suggested traffic access that he will display during the presentation.

Community Development Director Rusche gave a brief background of the proposed relocation of the retail marijuana operation from 125 Peach Ave, Unit C, to the proposed location. There will be 22 parking spaces required at the new site. The proposed property is addressed as 787 37 3/10 Road (a.k.a. Elberta Avenue) but is not adjacent to the road. Rather, it is accessible by an access, utility, and irrigation easement (a.k.a. Grande River Drive). It was noted that Colorado Department of Transportation (CDOT) regulates Elberta Ave's access in that area and may require a traffic study and /or improvements that would be the applicant's responsibility. Mr. Rusche displayed an access/traffic flow map that was amended by the applicant. Mr. Rusche then gave an overview of the Conditional Use Permit (CUP) requirements for a marijuana dispensary that included hours of operation/deliveries and the use of an air filtration system to prevent odors. It was noted that this proposal does not include a marijuana cultivation operation.

Mr. Rusche concluded his presentation by informing the Commission of the code criteria and the four findings of fact to be considered in the approval of a CUP.

APPLICANT PRESENTATION

Jesse Loughman stated that he and his wife Desa Loughman have been running cannabis-related businesses in Palisade for over 11 years. This last year they have not only stayed open but were deemed critical/essential. Their business continues to grow; however, he noted the possibility of marijuana stores being allowed in Grand Junction in the near future. They would like to stay competitive and bring commerce to Palisade. Parking downtown has always been an issue, and this move should alleviate some of that. Mr. Loughman clarified that the medical marijuana operations would stay in the same location.

PUBLIC COMMENT

Juliann Adams, 3839 G Rd., noted that she submitted a letter that was included in the packet and highlighted three points: 1) possible negative impact to neighboring businesses such as the Wine Country Inn and Talon Winery 2) she would like the applicants to look at alternative sites such as the east side of Golden Gate Gas Station, the old bakery warehouse by the Brewery, and the Food Bank of the Rockies that will be leaving Palisade soon.

Mrs. Adams expressed concern regarding the traffic impact at that intersection and did not think it would be a good look for the gateway to Palisade. Ms. Adams questioned that there would be 2 locations for one owner. Ms. Adams concluded that she is not against the business, just the location.

Dan Bigelow, 1023 Grand River Dr. spoke at the podium, as did Ian Kelley, General Manager of the Wine Country Inn at 777 Grand River Dr. Due to audio issues, participants on Zoom indicated that they could not hear the testimony given [they were invited back to the podium later in the meeting].

Shelly Dackonish stated she was an attorney representing the owners of the Wine Country Inn at 777 Grande River Dr.,. She noted that she has submitted a letter for the record. A CUP is a zoning exception that allows a property owner to have a use on their property that is not normally permitted. Therefore, the use cannot be permitted unless the applicant can demonstrate that it will not negatively impact nearby properties. Ms. Dackonish did not feel there was enough evidence provided to the Commission to base their decision that the criteria has been met, such as how it will be free of odors. Ms. Dackonish pointed out that the relocation would adversely affect their business and the investment the Tally's have made to their property. Ms. Dackonish asked that if the CUP is approved, they would at least like the odor control to be part of the CUP and air filtration devices be installed to address the entire building.

Donaldson Lawry 3882 G Rd., read a letter into the record. (attached to these minutes)

Willie Millang 3728 G 7/10 Rd., stated her property borders south and west of the Grand River Winery. She did not have an objection to the marijuana business and expressed confidence that the owner will use proper odor controls. Ms. Millang stated she is more concerned about security for the business than about traffic, odor, or other things.

Brent Goff, 3873 Highway 6 & 24 asked for denial of the CUP as it would negatively affect neighboring property values. Mr. Goff stated he has 30 years experience as an appraiser and operates a small orchard and vineyard. Mr. Goff noted a 2020 study done by the National Association of Realtors called "Marijuana and Real Estate - A Budding Issue" that states: 1) in states where marijuana was legal the longest, 27% saw a decrease of residential property values near dispensaries, and 2) states that where both medical and recreational marijuana legal, crime increased 17%. Mr. Goff was concerned about the location of the proposed dispensary being at the highway exit.

Tammy Craig, 150 E 3rd St., stated she is the owner of Fruit and Wine Real Estate and noted that she is the realtor for the seller of this property which has been on the market for two years. She reported that this is the best offer he has had in the two years. Ms. Craig noted that the value of the two houses behind the current dispensary did not depreciate and were sold at premium prices. Ms. Craig asked the Commissioners to approve the proposal.

Stacey Libby, 1015 Grand River Dr., stated she is concerned about the traffic, and it is already a difficult turn to her property. She stated that they have had people walk down the road already and is concerned about more people walking down the road. She also expressed concern about the existing grapevines.

Curt Lincoln, 683 38 3/8 Rd., asked the Commissioners to deny the CUP. Mr. Lincoln stated that he feels the Loughmans are responsible business owners, and he hopes Steve gets a good price for his property. That being said, he feels the identity of Palisade is at stake. Mr. Lincoln did not feel a larger, more accessible marijuana store at that location was good for the entire community. He felt the Wine Country Inn is beneficial to the entire community and was concerned the dispensary would compromise their business and property value.

Steve Smith stated he was the founder and proprietor of the Grand River Winery. Mr. Smith stated he has been trying to sell his winery for two years. This is a private transaction, and he requested the Commissioners to approve the CUP.

Susan Barstow, 564 W 1st St., stated she understands the concerns about the entrance to Town. She reported that traffic on 1st Street has been an ongoing issue. Ms. Barstow noted that 1st Street is like a noisy highway.

Shannon and Crystal Day, 1019 Grand River Dr., stated her access road is currently quiet and feels the road cannot support the potential traffic. Ms. Day reported that people treat the stop sign coming off the highway like a yield sign. She noted the gates that were on the site plan and is concerned about the implications of those and that this CUP will negatively affect their property values.

Ryan McConnell, 126 Kluge Ave., stated he was a next-door neighbor of the current dispensary location and had no problems or concerns with this business. They have been very accommodating with addressing any parking concerns he had.

Megan Napoleon, 3722 G 7/10 Rd., asked that the first two speakers repeat their comments as they were not audible. The Commission agreed to allow the speakers to return to the podium. Dan Bigelow, 1023 Grand River Dr. expressed concerns with traffic, especially after the increase in traffic that Golden Gate generated.

Ian Kelley stated he is the General Manager and Controller of the Wine Country Inn at 777 Grande River Dr., and expressed opposition to the application. The location of the Weedery at Exit 42, the gateway to the Town, does not present an image that is favorable for tourism. They did not feel the criteria for the CUP has been met. They were concerned about property values and odor.

COMMISSIONER DISCUSSION

Commissioner Hull disclosed that he has a relationship with Steve Smith and the Grand River Vineyards, but he does not derive direct income from these relationships. He stated that he did not feel he needs to recuse himself from the discussion of this proposal.

Commissioner Hamilton suggested adding additional conditions regarding odors emitted from this business. Commissioner Hull added that he lives at 204 W 1st St. and is familiar with the odors, but after 11 years, he has become accustomed to the smell. He expressed concern regarding the moratorium on additional retail licenses within the Town. Community Development Director Rushe clarified that this is a CUP application and not a store license application. The license is addressed by the Board of Trustees.

Commissioner Wheeler stated her only concern is traffic.

Commissioner Prinster asked if the odor emitted is from growing marijuana. Mr. Loughman stated that the odor is generally from a grow operation and that the products he will have at the dispensary are generally prepackaged and leave the store in smell-proof containers. Mr. Loughman asked if the Town Manager has received complaints on odor issues associated with the business. Town Manager Hawkinson stated she has not received complaints directly, but she will check with the Code Enforcement Officer. Mr. Loughman added that there are many Palisade citizens who grow their own marijuana, and that can contribute to an odor in Town.

Commissioner Harbaugh felt the application did not meet three of the four criteria of approval. Specifically, he cited Criteria 1, public health and safety, expressing concern over adding traffic to an already busy road. He thought this was not sound land planning, which is Criteria 2, for what the comprehensive plan indicated with the emphasis on fruit and wine. He did not feel the marijuana industry should be front and center. In addition, he felt this location could affect negatively the property value of the Wine Country Inn, which is Criteria 3.

Chairman Parker stated after reading all the letters submitted it appears the biggest opposition is the odor, citing two compelling letters from S. Dackonish (attorney for Wine Country Inn) and C. Sumnicht at 229 W. 1st St.. He suggested that there may need to be a reconsideration of the CUP that currently exists.

Commissioner Hamilton noted that the current visitors already pass through the intersection of I-70 and Elberta on the way to the current location. The winery location seems to alleviate some of the concerns of those neighboring the current location.

APPLICANTS CLOSING REMARKS

Mr. Loughman stated that his business has not had a negative impact in the 11 years he has been in Palisade. Regarding the turn down Grand River Dr.. Mr. Loughman pointed out that an engineered traffic study will be conducted that can address the concerns that would happen to any growing business that locates there and that they would take care of any concerns to the best of their ability. Mr. Loughman stated that they have one retail marijuana license, separate from the medical license he owns, and he is just relocating it. Mr. Loughman pointed out that they are entitled to a beautiful location, just like any other business. He also stated that a lot of the guests of the Wine Country Inn are his customers as well. Mr. Loughman noted that property values have not decreased in the 11 years they have been there. Mr. Loughman added that the price he is paying would reflect positively to the neighboring property values and was excited to show the Town the plans for the design of the new location.. He plans upgrades to the landscaping and will have a robust security plan. He also noted that the road is private, meaning anyone loitering would be trespassing. Mr. Loughman stated that he realizes that the Wine Country Inn is great for Palisade, and he plans to respect that with his property. He added that Palisade is not only a wine town and that his business satisfies all three of the uses described in the zoning – hospitality, retail and ag. Mr. Loughman noted that this move would mitigate some of the traffic going down W 1st Street, which is not all a result of his business, and free some parking downtown. He further indicated that he would rather not have gates but that they are to help direct traffic.

Mr. Loughman reported that he would keep the second parcel next to Wine Country as a development property down the road, possibly for another hotel, but assured the Commission that the parcel would remain as agriculture, as it is a benefit for tax purposes, until it is time to develop the property. Mr. Loughman added that his present location is low key and they have a good business model.

Ms. Hawkinson made a Point of Clarification that CDOT owns the portion of Elberta from I-70 to the canal, not the Town. The applicant will need to work with CDOT with a traffic study and the expensive of any possible upgrades to the intersection to the property and Elberta. The Town is not financially responsible for these improvements.

Commissioner Prinster asked for clarification about growing marijuana or hemp on this parcel. Mr. Loughman replied that he wanted to be clear, they will not be growing marijuana or hemp there.

Motion #3 by Commissioner Prinster and seconded by Commission Wheeler to recommend approval to the Board of Trustees of item PRO-2021-3 with the conditions included in the packet.

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

YES: Commissioners:Hamilton, Wheeler, and Prinster

NO: Commissioners: Hull, Harbaugh and Chairman Parker

ABSENT: Curry

The motion failed 3-3

UNFINISHED BUSINESS

Discussion about Commissioner emails and IPADs was discussed.

NEW BUSINESS

None

ADJOURNMENT

Chairman Parker adjourned the meeting at 7:49 pm.

X

Riley Parker
Planning Commission Chairman

X

Lydia Reynolds
Planning Technician

PRO 2021-4, TURLEY REZONE

LOCATED AT 724 37 3/10 ROAD, PARCEL # 2937-092-00-035

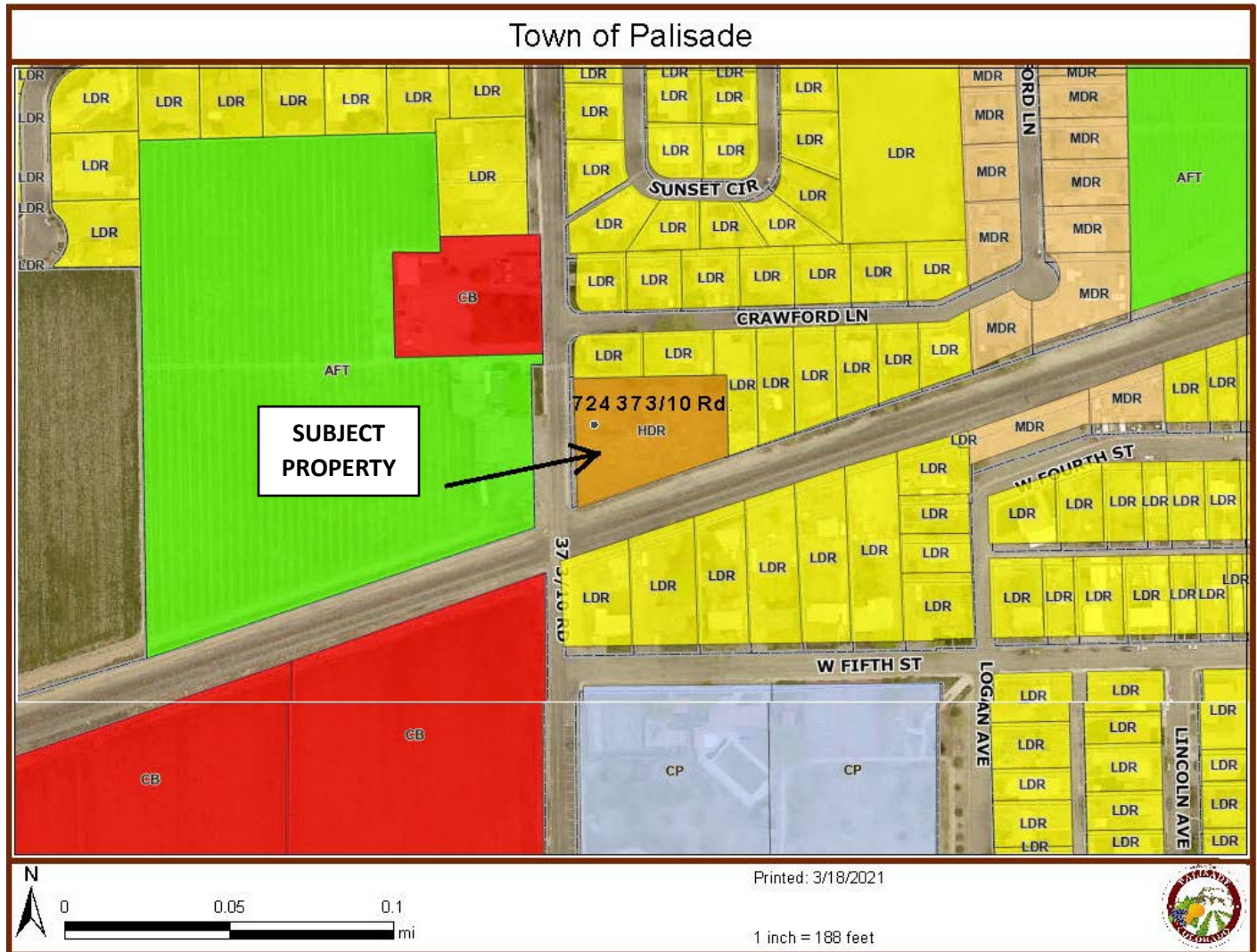
SUMMARY

The Town of Palisade has received a request for a rezone of the property located at 724 37 3/10 Road (a.k.a. Elberta Avenue) (Parcel # 2937-043-42-002). The property consists of approximately one (1) acre with about 213 feet of street frontage. The property is currently zoned High Density Residential (HDR), and the request is for Hospitality Retail (HR) zoning, with the intent of establishing a tasting room and retail sales outlet for Colorado Cellars on the property.

Prior to the current owner, the property had been approved for a bank with drive-through (2018). The property has been undeveloped since the residence was demolished in anticipation of the proposed bank.

The applicant has submitted concept drawings of the proposed tasting room, which would be reviewed in more detail pending the outcome of the requested rezone.

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 a public hearing on April 13, 2021 and make a final decision.



LAND DEVELOPMENT CODE

Section 4.02 Rezoning (Zoning Map amendment):

The rezoning procedure provides a process to make amendments to the Official Zoning Map of the Town of Palisade to reflect changes in public policy, changed conditions or to advance the welfare of the Town.

Section 4.02.E. Approval Criteria:

No rezoning may be approved by the Town Board unless all of the following criteria are satisfied:

1. Consistency with the adopted plans and policies of the Town;

The Comprehensive Plan – Future Land Use Map (2007) designates the property as low density residential, which reflected its use at the time the plan was developed. However, the residence has been demolished and the property is zoned for high density residential, which also permits a range of small-scale commercial uses. The most recent action on the property was approval of a bank with a drive-through in 2018, which was not constructed.

The Hospitality Retail (HR) zone was created after the adoption of the Comprehensive Plan to provide hospitality and retail development compatible with the character of adjacent historic neighborhoods with a design complementary to the existing wineries and agricultural uses (which exist across the street from the subject property).

Since the property is no longer being used for residential purposes, and no residential use has been proposed, and a commercial use has previously been approved, there has been a change in condition and public policy that warrants consideration of the proposed rezone as an action that would advance the welfare of the Town.

2. Suitability of the subject property for uses permitted by the current versus the proposed district;

A tasting room, as distinguished from a winery, requires a Conditional Use Permit (CUP) within the current HDR (High Density Residential) zone. A tasting room is permitted within the AFT (which is the zoning across the street), MU, TC, CB (also across the street), LI, and HR (Hospitality Retail) zones. In addition, neighborhood retail, including the sale of gifts or souvenirs, and the 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) requires a CUP in the HDR (current zoning), but is permitted within the MU, TC, CB, and HR (Hospitality Retail) zones – note that this is not allowed (at least under the matrix) in an AFT zone.

The applicant has provided concept drawing (attached to this report) that show how a tasting room, along with associated parking and landscaping, would fit within upon the one-acre lot.

3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;

The current property owner operates a winery outside of the Town limits and is intending on developing a tasting room at this location, which would provide access to customers who might not otherwise venture directly to the winery. Tasting rooms are an important part of the Town's commercial and tourist appeal. This property is on a visible street across from an established agricultural business (McLean Farms) that offers products to locals and visitors traveling the corridor between I-70 and Highway 6. The property has not attracted interest in residential development, potentially because it would be difficult to subdivide and is located directly adjacent to the railroad tracks.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;

Unlike a residential use, a commercial use does not impact school enrollment or parks and recreation facilities. The site is only accessible by 37 3/10 Road (a.k.a. Elberta Ave.) which has other commercial uses across the street and to the south. There is an existing sidewalk adjacent to the property as well. It is bordered on one side by the Union Pacific Railroad, which can be a detriment to residential uses. The property does have an existing water tap, though any new use may require an upgrade to both the water and sewer tap, along with the appropriate fees. Water, sewer and stormwater facilities are accessible within the public roadway.

5. It has been determined that the legal purposes for which zoning exists are not contravened;

The legal purposes for which zoning exists are not contravened by this request.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and

While there is a residential neighborhood adjacent to the property on the north and east, there is no access to this property from that neighborhood, meaning that traffic will not traverse a residential neighborhood, but rather utilize an existing collector road (Elberta). The Land Development Code (LDC) requires a landscape buffer of between 10 and 15 feet for development in the HR zone (proposed) adjacent to development in the LDR (neighboring zone on the north and east); the applicant's concept plan includes a garden area on the east side of the potential building site that would serve as this buffer.

Google Maps 727 37 3/10 Rd



Image capture: Jun 2018 © 2021 Google

7. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

The public would benefit from the increase in revenue generated by a commercial use, particularly one that is consistent with the predominant market of the region (fruit/wine) and contributes sales taxes, as well as property taxes, to the Town.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this request to the Board of Trustees.

ATTACHMENTS

Letter of Intent

Concept Plans

Zoning Abbreviations

Land Use Table(s)



COLORADO CELLARS WINERY

3553 E Road ♦ Palisade, Colorado 81526
Phone (970) 464-7921 ♦ Fax (970) 464-0574 ♦ 1-800-848-2812

February 2nd, 2021
Town of Palisade
Commercial Development Department

Planning Clearance Application

I wish to REZONE my PROPERTY
at 724 37th Road (Elberta Avenue)
to HR zoning, in ORDER to build
a winery tasting room / retail sales
outlet for my winery - Colorado Cellars.
Our design plan will exhibit a design
continuity, compatible and complementary
to the town's existing wineries and agri-
cultural uses. We feel our intended use
of our property will correspond to the
Comprehensive Plan's "Commercial /
Agricultural / Lodging" land use design.

Thank You,
Richard Turler
Richard Turler
OWNER

0' 20" 12" E. BASIS OF BEARING FROM 6' V.A.L.C.S.

1066.74'

37 3/10 ROAD - A.K.A. EIBERTA AVE.

N 1/16 COR. SEC. 9

30.00'

589' 39" 48" E
30.00'

5' IRRIGATION EASEMENT RECEPTION NO. 171939

212.46'

N00' 10' 18" E

PARKING 29 SPACES

589' 01" 34" E

2937-092-24-009
545 CRAWFORD LN
SALLEGOS DANIEL

20,000 SF

100'

BUILDING
approx 5000
sq. ft.

253.94'

5,600 SF

60'

2937-092-24-009
537 CRAWFORD LN
WILLIAMS DANIEL

15,500 SF

90'

4,100 SF

GARDEN

500' 35" 16" W

190.47'

572' 59" 01" W

NO. 2657295

20' TELECOMMUNICATIONS EASEMENT RECEPTION NO. 158497 (NO WIDTH GIVEN)

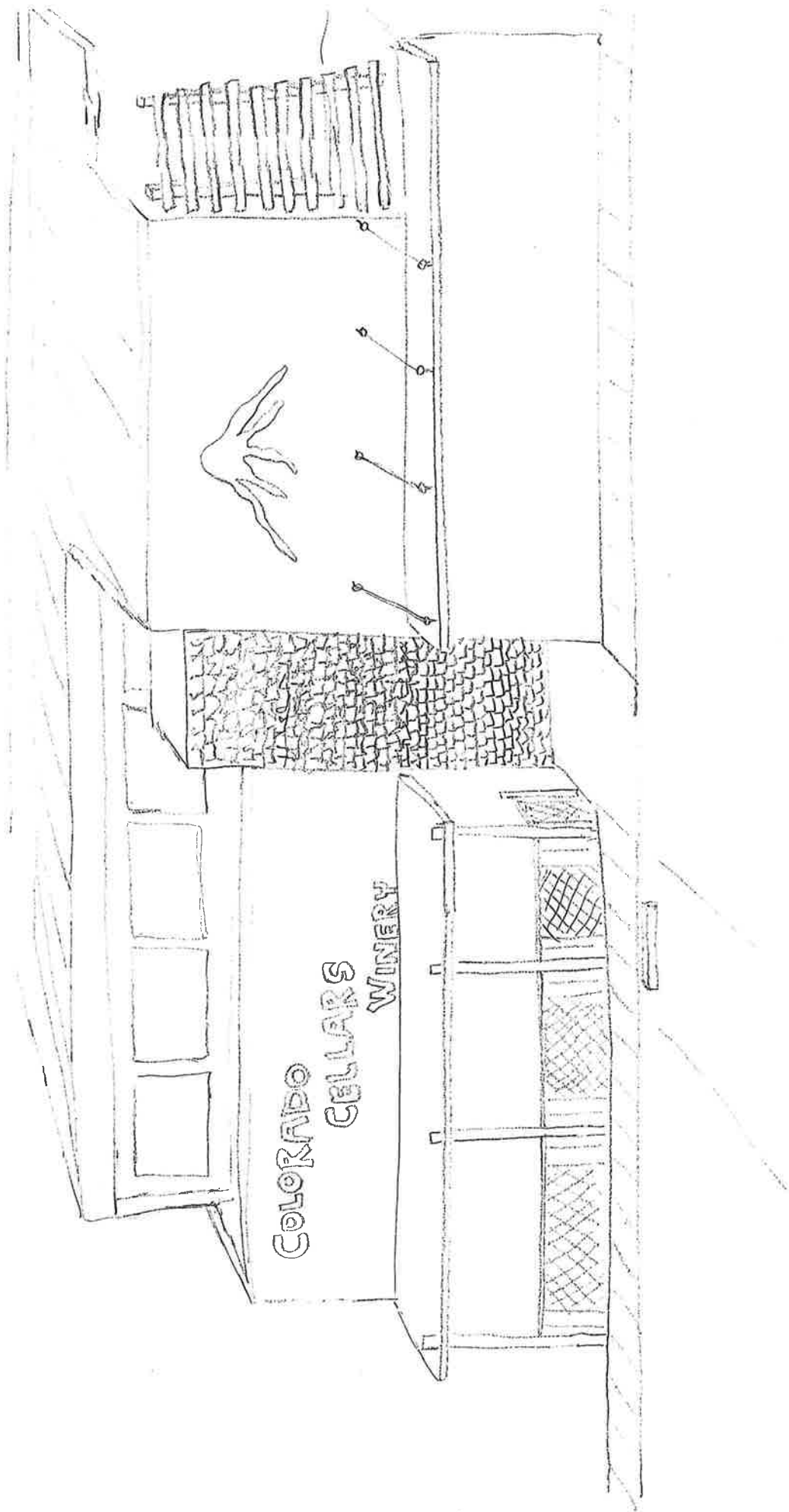
3.0'

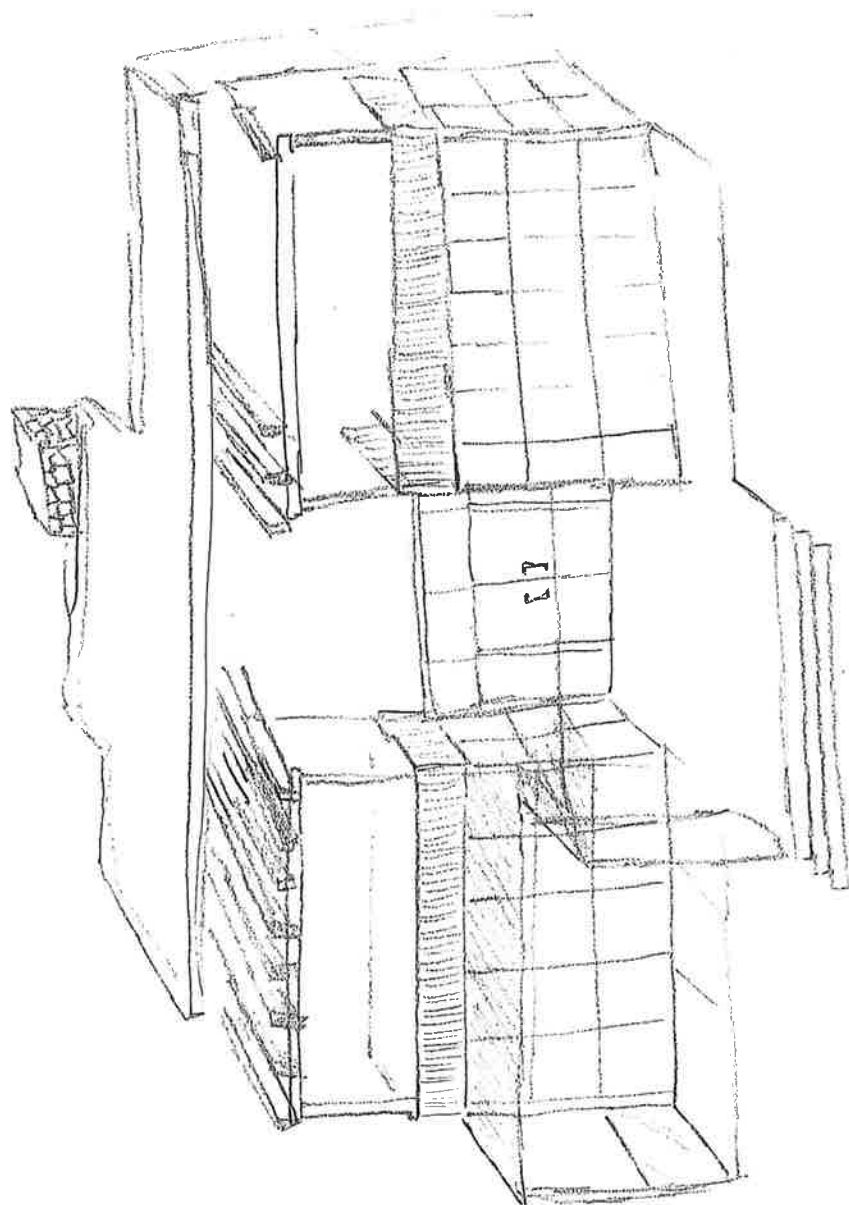
50.0'

100'
RIO GRANDE WESTERN RAILROAD

265.38'
DRAINAGE EASEMENT

2937-092-24-010
529 CRAWFORD LN
MALNEE, ERIK & VICTORIA





TOWN OF PALISADE ZONING DISTRICTS

AFT – AGRICULTURAL AND FORESTRY TRANSITIONAL

Provides for wineries, vineyards and related lodging and commercial activity compatible with Town's rural and agricultural character.

LDR – LOW DENSITY RESIDENTIAL

Provides for orderly residential development, intended to maintain and protect residential areas at moderate densities, characterized predominantly by single-family detached units.

MDR – MEDIUM DENSITY RESIDENTIAL

To maintain and protect residential areas of higher density which include a variety of small lot residential development options – proximity to public parks and open space is an asset.

HDR – HIGH DENSITY RESIDENTIAL

Provides for orderly high density residential areas which include multifamily dwellings mixed with other housing types – appropriate as a transitional district between low density residential and MU, TC and CB districts.

MU – MIXED USE

Facilitates adaptive re-use and preservation of older residential structures and compatible new nonresidential uses, which are encouraged to occupy existing structures without changing the residential character and to emphasize pedestrian rather than vehicular access.

TC – TOWN CENTER

Provides for business and civic functions that make up the Town core – has a strong pedestrian character and provides buildings that cover the entire street frontage.

CB – COMMERCIAL BUSINESS

Provides for commercial uses such as offices, services, and retail for the community as a whole – provides for auto-oriented uses with site design standards to mitigate impacts on adjacent residential neighborhoods.

LI – LIGHT INDUSTRIAL

Promotes the retention and growth of employment opportunities in areas with industrial uses that are relatively clean and quiet.

HR – HOSPITALITY RETAIL

Provides for hospitality and retail along I-70 and in pedestrian-oriented village or mall environments that are complementary to the historic Town and existing wineries and agricultural uses.

CP – COMMUNITY PUBLIC

Designates areas for public uses, including recreation, within the Town.

PD – PLANNED DEVELOPMENT

A development option to encourage and incorporate innovations in residential, commercial and industrial development that represent a more efficient use of land and relate to the site's natural characteristics.

Source: Article 5 – Zoning (Land Development Code – LDC)

C. Medium Density Residential (MDR)

Established to maintain and protect residential areas of higher density which include a variety of small lot residential development options. The MDR district allows moderate to high residential density development. Proximity to public parks and open space is an asset for MDR district development.

The MDR district is intended to implement and correspond in part to the Comprehensive Plan's "Medium Density Residential" land use designation.

Table 5.4: MDR District Standards						
Use						
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Nonresidential Development ⁽¹⁾
Density (maximum)						
Density	7 dwelling unit per acre					N/A
Lot Requirements (minimum)						
Lot area (square feet)	5,000	5,000	5,000	10,000	2,000	6,000
Lot width (feet)	55	55	45	80	25	60
Setback Requirements (minimum)⁽²⁾						
Street yard (feet)	20	15	15	15	15	20
Side yard – interior (feet)	10	10	0	10	10	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	20	N/A	N/A	N/A
Side yard – street (feet)	10	10	10	15	15	20
Rear yard (feet)	20	20	20	20	20	20
Building Requirements (maximum)						
Height (feet)	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	50%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

D. High Density Residential (HDR)

Established to provide orderly high density residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density which include multifamily dwellings mixed with other housing types. Proximity to public parks and open space is an asset for HDR district. The HDR district is appropriate for use as a transitional district between low density residential districts and MU, TC and CB districts.

The HDR district is intended to implement and correspond in part to the Comprehensive Plan's "High Density Residential" land use designation.

Table 5.5: HDR District Standards							
Use							
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Multi-family	Nonresidential Development ⁽¹⁾
Density (maximum)							
Density	11 dwelling unit per acre						N/A
Lot Requirements (minimum)							
Lot area (square feet)	3,500	3,500	3,500	7,000	2,000	11,000	6,000
Lot width (feet)	65	65	40	80	25	110	60
Setback Requirements (minimum)⁽²⁾							
Street yard (feet)	20	15	15	15	15	15	20
Side yard – interior (feet)	5	5	0	5	10	15	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	10	N/A	N/A	N/A	N/A
Side yard – street (feet)	15	15	15	15	15	15	20
Rear yard (feet)	15	15	15	15	20	20	20
Building Requirements (maximum)							
Height (feet)	35	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	75%	60%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

C. Light Industrial (LI)

Established to promote the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities and research facilities. The regulations of this district are intended to prohibit the use of land for industries, which by their nature, may create some nuisance to surrounding properties. Unless separated by a principal arterial, the LI district is not appropriate adjacent to any residential district.

The LI district is intended to implement and correspond in part to the Comprehensive Plan's "Industrial" land use designation.

Table 5.9: LI District Standards	
Lot Requirements	
Lot area (minimum square feet)	8,000
Lot width (minimum feet)	60
Setback Requirements	
Street yard (minimum feet)	35
Street yard (maximum feet)	None
Side yard – interior (minimum feet)	20
Side yard – street (minimum feet)	15
Rear yard (minimum feet)	40
Building Requirements	
Height (maximum feet)	45
Impervious surface (maximum)	75%

D. Hospitality Retail (HR)

Established to provide for hospitality and retail development along I-70 in the vicinity of Exits 42, in a pedestrian-oriented village or mall environment, compatible with the character of the adjacent historic neighborhoods and existing uses. Development within the HR district will exhibit a design continuity, compatible and complementary to the historic Town and to its existing wineries and agricultural uses. Upper floor residential uses are appropriate and desirable in the village setting envisioned for the HR district.

The HR district is intended to implement and correspond in part to the Comprehensive Plan's "Commercial—Agricultural/Lodging" land use designation.

Table 5.10: HR District Standards			
Use			
Allowed Uses	Nonresidential Development	Town-house	Multi-family
Density			
Density (maximum)	N/A	11 dwelling unit per acre	
Lot Requirements			
Lot area (square feet)	20,000	2,000	11,000
Lot width (minimum feet)	N/A	25	110
Setback Requirements⁽²⁾			
Street yard (minimum feet)	0 ⁽¹⁾	N/A	N/A
Street yard (maximum feet)	10	20	20
Side yard – interior (minimum feet)	0	15	5
Side yard – street (minimum feet)	10	15	15
Rear yard (minimum feet)	10	10	15
Building Requirements			
Height (maximum feet)	50	25	25
Impervious surface (maximum)	80%	80%	75%

⁽¹⁾Minimum distance from the street must allow for ten-foot sidewalk.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B.](#)

ARTICLE 6 USE REGULATIONS

Section 6.01 Use Table

A. Permitted

A "P" indicates that a use is allowed subject to all other applicable regulations of this LDC.

B. Conditional

A "C" indicates that a use is allowed only if approved by a conditional use permit in accordance with the procedures of [Section 4.07](#).

C. Uses Not Allowed

A blank cell indicates that a use is not allowed.

D. Specific Use Standards

The final column titled "Specific Use Standards" contains a cross-reference to standards that apply to specific uses. Where no cross-reference is shown, no additional use standard shall apply.

Table 6.1: Use Table

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Residential Uses												
Alley-loaded house			P	P	P	P						Section 7.01C
Group home (8 or more)		C	C	C	P	P	C	P				Section 7.01J
Manufactured home park or subdivision			C	C								Section 7.01I
Multifamily					C					C		Section 7.01G
Nursing home or assisted living center		C			P	C	P	P	P			Section 7.01K
Single-family detached		P	P	P	P	P						Section 7.01A
Short term vacation rental		P	P	P	P	P						Section 7.01M
Townhouse				P	P	P				P		Section 7.01F
Two-family dwelling (duplex)				P	P	P						Section 7.01B
Upper-story residential		P				P	P	P	P	P		Section 7.01H
Zero lot line house				P	P	P						Section 7.01D
Public and Civic Uses												
Airport, heliport									P		P	
Child care center					C	C	C	P		P	P	Section 7.02A
Civic club						P	P	P	P	P	P	
Hospital						C	C	P	P		C	
Museum, library		C			C	P	P	P	P	P	P	
Park, open area*	Tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; areas suitable for concerts, festivals, and special events or any similar use.	P	P	P	P	P	P	P	P	P	P	
Place of worship		P	P	P	P	P	P	P	P	P	P	
Public facility		C					P	P	P	C	P	

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	U	HR	CP	Specific Use Standards
School (public or private)							P	P			P	Section 7.02B
Technical, trade, business school						P	P	P	P		P	
Utility, minor*	Pump stations, telephone exchanges, lift stations, electric substation or any similar use.	P	P	P	P	P	P	P	P	P	P	
Utility, major*	Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use.	C									C	
Commercial Uses												
Agriculture, limited*	Orchard, vineyard, row and field crops, floriculture, pasturage, viticulture, tree or sod farm, silviculture; packing house for fruits or vegetables, produce stand; processing of fruits or vegetables or any similar use.	P									P	Section 7.03B
Amusement center, indoor							P	P	P	P		
Bed and breakfast		P	C	P	P	P	P	P		P		Section 7.03C
Brewpub							P	P	P	P		Section 7.03D
Club, private					C	P	P	P				
Distillery							C	P	P			Section 7.03D
Funeral home								P	P			
Gas station with convenience retail							P	P	P	P		Section 7.03E
Hemp Growing Establishment		C								C		Section 7.03F
Hemp Processing Establishment		C								C		Section 7.03G
Hotel, motel							P	P	P	P		
Indoor recreation*	Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club or any similar use.					C	P	P	P			
Kennels		C										Section 7.03H
Lumberyard, wholesale								C	P			
Medical marijuana center							C	C	C	C		
Medical marijuana infused products manufacturer center		C					C	C	C	C		
Medical Marijuana Optional premises cultivation operation		C					C	C	C	C		Section 7.03L
Microbrewery							C	P	P	P		Section 7.03D

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	U	HR	CP	Specific Use Standards
Newspaper publisher						P	P	P	P			
Office, general*	Advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, contractor or architect; sales office, travel agency or any similar use.				C	P	P	P	P			
Office, medical*	Doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical use.					P	P	P	P			
Outdoor recreation*	Any recreational facility where activity takes place primarily outdoors, including RV parks and campgrounds, miniature golf courses, motocross tracks, batting cages, swimming pool, driving range or any similar use.	C					C	C	P			
Outdoor storage, general									P			Section 7.03I
Radio or television studio						P	P	P	P			
Recreational club or lodge, private							C	P				Section 7.03J
Restaurant		C			C	P	P	P	P	P		
Restaurant, drive through									C	C		
Retail, general*	Antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods auto parts (no service repair); plant nursery; plant nursery with landscape supply or any similar use.					C	P	P		P	C	
Retail Marijuana Cultivation Facility, Contiguous		C					C	C	C	C		Section 7.03M
Retail Marijuana Cultivation Facility, Noncontiguous		C					C	C	C	C		Section 7.03M
Retail Marijuana Products Manufacturer		C					C	C	C	C		Section 7.03M
Retail Marijuana Testing Facility		C					C	C	C	C		Section 7.03M

Table 6.1: Use Table

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Retail Marijuana Store							C	C	C	C		<u>Section 7.03M</u>
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	C	
Self-storage facility								C	P			
Service, general*	Personal services that include: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; tattoo parlor; 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		
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 similar use.	C						C	P			

Table 6.1: Use Table

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Vehicle service, passenger	Service to passenger vehicles and other small consumer vehicles such as: alignment shop; quick lubrication facilities; brake service, battery sales and installation; outdoor car wash; auto detailing, tire sales and mounting or any similar use.	C					C	P	P			
Veterinarian, animal hospital		C					C	C	C			Section 7.03K
Warehouse/freight movement*	Bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred or any similar use.							P	P			
Wholesale storage and/or sales							C	P	P			
Winery		P					C	P	P	P		Section 7.03D
Industrial Uses												
Crematorium								C	C			
Main line railroad facilities, shed, yards							P	P				
Manufacturing, general*	Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items, printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; laundry or dry cleaning plant; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use.								P			