



AGENDA
for the Planning Commission
of the Town of Palisade, Colorado
120 W 8th Street (Veteran Memorial Community Center)

March 16, 2021

5:00 pm Site Visit - Commission will visit the Land Use Application site at 787 37 3/10 Road
(no decisions or comments will be made at this time)

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. **Highway 6 Design Open House - Saturday, March 20, 2021, from 10:00 am to 6:00 pm at Veterans Memorial Community Center (120 W. 8th St.)**
- VI. **APPROVAL OF MINUTES**
 - A. **Minutes from March 2, 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 2021-3 – Colorado Weedery CUP (Conditional Use Permit)**

The Planning Commission will consider a request for a Conditional Use Permit (CUP) for the relocation of a retail marijuana dispensary (Colorado Weedery), as applied for by Jesse and Desa Loughman, for the properties located at 787 37 3/10 Road (Parcel # 2937-054-55-01 and 2937-054-55-02). 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 return to 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 2, 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: Hull (via ZOOM), Wheeler, Prinster, Curry, Harbaugh and Hamilton. A quorum was declared. Also, in attendance were Town Manager Janet Hawkinson, and Community Development Director Brian Rusche and Planning Technician Lydia Reynolds attended via Zoom.

AGENDA ADOPTION

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

A voice vote was requested.
Motion carried unanimously.

ANNOUNCEMENTS and PRESENTATIONS

- Town Manager Janet Hawkinson announced that on Friday, March 19, there may be smoke visible from Riverbend Park due to a training exercise. The Fire Dept. will be burning a pile of brush there.
- It was announced that 30% of the design for Highway 6 is complete. An open house will take place Thursday, March 25th from 2pm-8pm at the Veteran's Memorial Community Center.
- A ribbon cutting ceremony for The Palisade Plunge Trail will take place in July at 3rd and Main.
- Road improvements on North River Road are scheduled to begin this summer.
- Ms. Hawkinson perceived that there may be more wayfinding signage needed on Highway 6. She also offered to have a special Planning Commission meeting dedicated to the Highway 6 design phase if they would want that.

MINUTES

Minutes from February 16, 2021, Regular Planning Commission Meeting

Motion #2 by Commissioner Prinster, seconded by Commissioner Wheeler, to approve the Minutes of February 16th, 2021.

A voice vote was requested.
Motion carried unanimously.

PUBLIC COMMENT

None

PUBLIC HEARING

Commissioner Harbaugh inquired why the CUP presentation was going first. He noted that if the subdivision is not approved, the CUP would then become a moot point. Chairman Parker agreed and stated he would like to hear the subdivision before a motion on the CUP was made. It was agreed to reverse the order.

A. PRO 2020-33 – Wine Valley Subdivision

STAFF PRESENTATION

Community Development Director Brian Rusche informed the Commission that, if approved, this subdivision process will result in a new plat being recorded. An SIA (Subdivision Improvement Agreement) will also be recorded to ensure the infrastructure is completed. Mr. Rusche explained that the parcel is being divided so Golden Gate (owner) can sell one acre of the remaining parcel. The interested buyer would like to put in a Subway restaurant with drive-thru.

Chairman Parker asked if the street will only be paved up to the new lot. Mr. Rusche explained that the developers only obligation is to bring the road improvement to the east most portion of the new lot.

APPLICANT PRESENTATION

Mark Austin, Austin Civil Group, stated he was representing the applicant Jim Cagle Development. Mr. Austin noted that this subdivision is pretty straight-forward, feels Mr. Rusche did a good job covering the request, and offered to answer any questions.

Commissioner Harbaugh noted that Golden Gate was the owners of the property, yet Mr. Austin represents Mr. Cagle. Mr. Austin explained that Golden Gate signed the application, but he represents Mr. Cagle to work through the process.

PUBLIC COMMENT

None

Motion #3 by Commissioner Prinster and seconded by Commission Hull, to approve item PRO-2020-33 as presented.

A roll call vote was requested.

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

NO: none
ABSENT: none
The motion passed 7-0

PRO 2020-34 – Subway CUP (Conditional Use Permit)

STAFF PRESENTATION

Community Development Director Brian Rusche gave an overview of the application for a Conditional Use Permit for a Subway Restaurant/Drive Thru that will be placed on one of the two parcels that will be created by a subdivision. Mr. Rusche explained that the CUP meets the criteria in the code as outlined in his staff report. He displayed a rendering of the proposed building and how the drive-through traffic would flow.

APPLICANT PRESENTATION

Mark Austin, Austin Civil Group, stated he had no further comments and is available for questions.

PUBLIC COMMENT

Gail Evans, 129 Majestic Ct. asked where the drive through would stack the cars and the location of the ordering kiosk. She was concerned about the noise for the residents to the south. Ms. Evans also expressed concern about how a Subway at this location could effect other businesses in Town.

Mr. Rusche explained that the queuing would take place around the west side and to the back of building, closer to the interstate. Chairman Parker added that the economics is not a part of this review.

Dave Voorhess, 3758 G 7/10th stated that he represents the Palisade Irrigation Company and that Palisade Irrigation has an easement with a line that supplies water to the residents to the south, where the proposed driveway will be. He suggested they may need to move the easement to the east part of the property.

Mr. Austin said that they have known about the easement and the owner acknowledges that they are responsible for repairs needed due to wear and need to allow access for repairs. Mr. Austin did not think moving the easement would be expeditious as every water user would have to sign off on it. He stated that one option could be that the applicant upgrades the pipe during development so it is in good shape.

Mr. Rusche added that this is not the site plan review and those details will be part of the site plan approval process.

COMMISSIONER DISCUSSION

Commissioner Harbaugh asked about the signage. Mr. Rusche explained that the illustration provided of the building shows a flush wall sign, however, they are not requesting a free standing sign as part of this request.

Motion #4 by Commissioner Prinster and seconded by Commission Wheeler, to approve item PRO-2020-34 with the conditions listed and adding that the Director will work with the parties on the resolution of the irrigation easement.

A roll call vote was requested.

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

NO: none

ABSENT: none

The motion passed 7-0

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

Motion #5 by Commissioner Hamilton, seconded by Commissioner Curry to adjourn. Chairman Parker adjourned the meeting at 6:51 pm.

X

Riley Parker
Planning Commission Chairman

X

Lydia Reynolds
Planning Technician



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: March 16, 2021

Presented By: Brian Rusche, Community Development Director

Re: PRO 2021-3

SUBJECT: PRO-2021-3 – A REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO RELOCATE AND OPERATE A RETAIL MARIJUANA STORE (COLORADO WEEDERY) ON THE PROPERTY LOCATED AT 787 37 3/10 ROAD – PARCEL # 2937-054-55-01 AND 2937-054-55-002

CONTENTS: The Staff Report consists of the following sections:

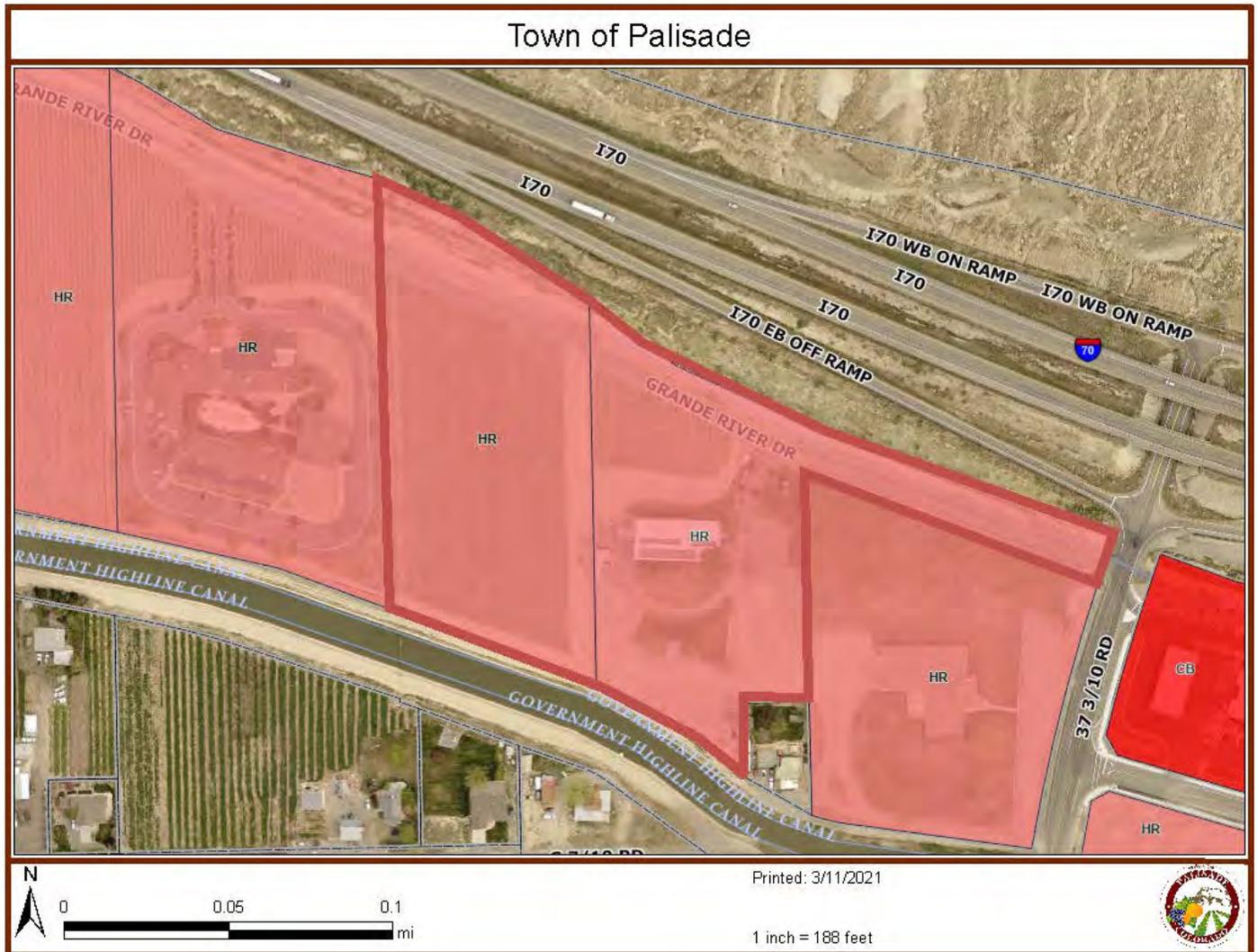
1. Summary
2. Zoning History
3. Summary of Proposed Use
4. Land Development Code
 - a. Section 7.03.M – Retail Marijuana Establishment
 - b. Section 4.07.E – Conditional Use Permit Findings of Fact
5. Recommendation
6. Attachments
 - a. Letter of Intent
 - b. Application and Exhibits
 - c. Grande River Replat
 - d. Letters received as of 3/12/2021

BOARD DIRECTION:

The Planning Commission is to make a recommendation to the Board of Trustees based on the Conditional Use Permit Findings of Fact. Planning Commission may recommend conditions to the Board of Trustees and staff has included recommended conditions within the staff report.

2. ZONING HISTORY

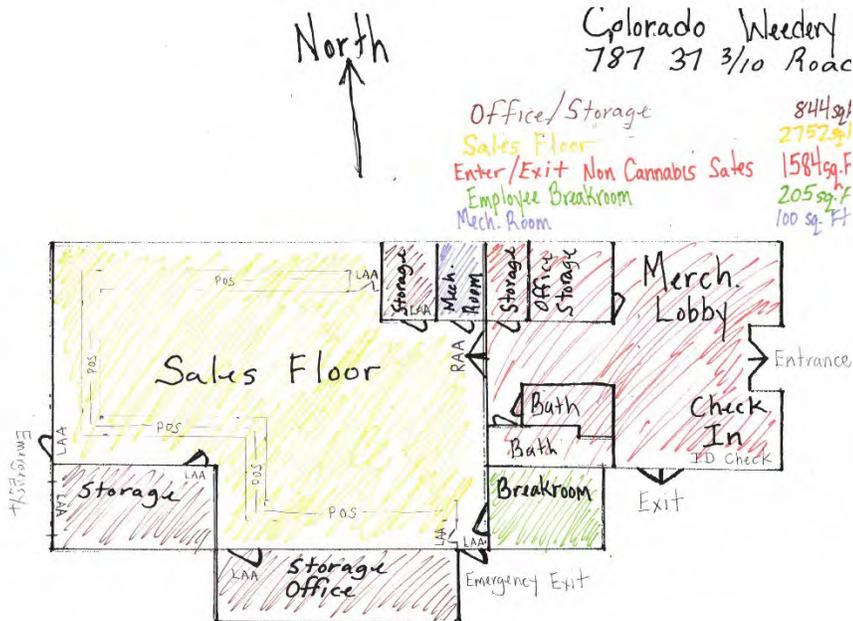
In May of 2017, the LDC was amended to include retail marijuana as a conditional use within certain zones (Ordinance 2017-7). The subject property was rezoned to HR – Hospitality Retail in July of 2017 (PRO2017-23), after it was determined that the zoning map of 2008 was in error.



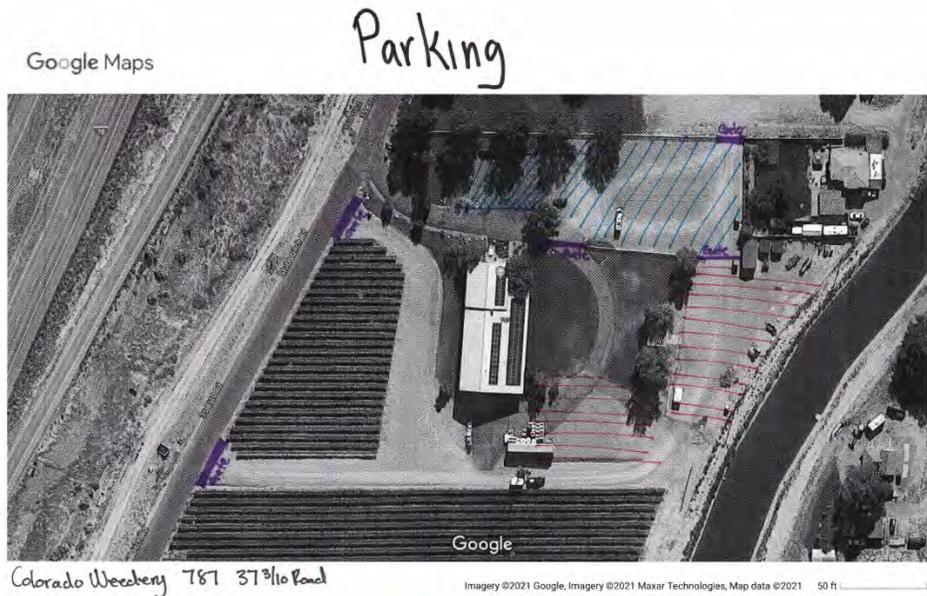
The Colorado Weedery was approved for a CUP at its current location of 125 Peach Avenue, Unit C in July of 2017 (PRO 2017-22).

3. SUMMARY OF PROPOSED USE

The proposed relocation of Colorado Weedery would allow the business to expand from its existing 1427 square foot, shared location at 125 Peach Ave, Unit C to an approximately 5485 square foot space, which includes 2752 square feet of sales area and 1584 square feet for interior circulation, restrooms, and non-cannabis merchandise.

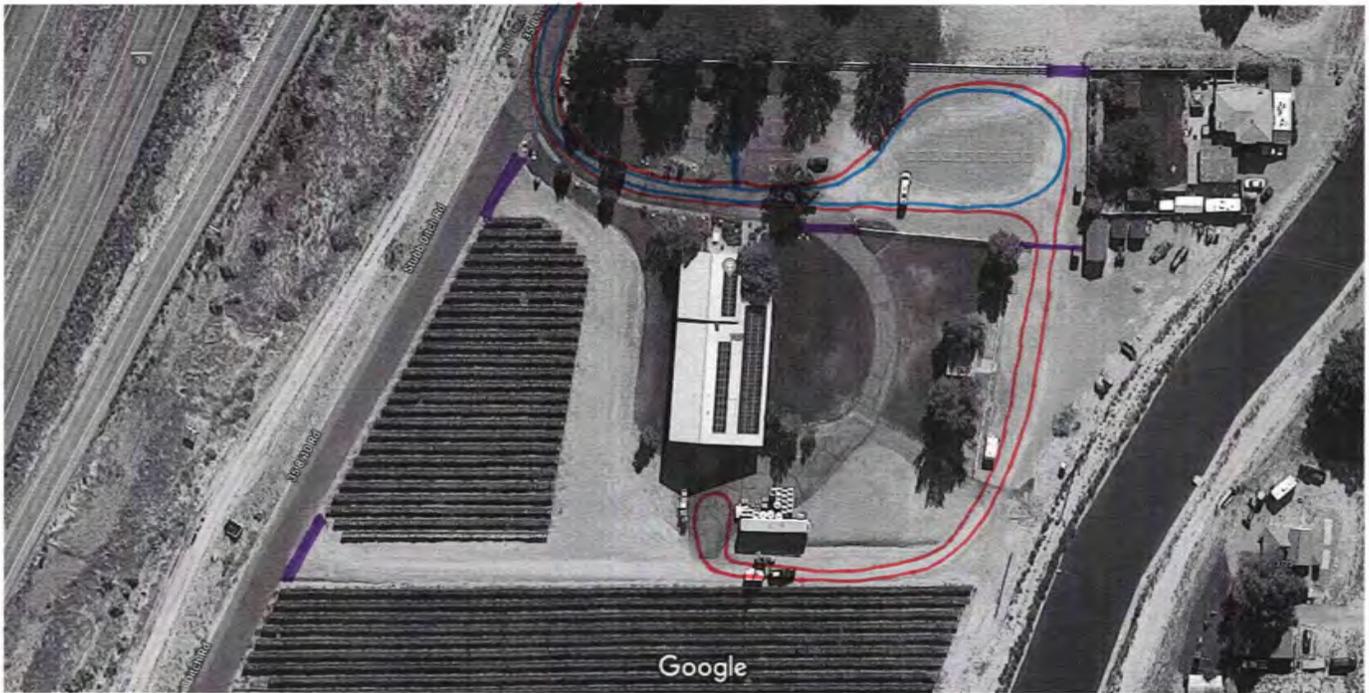


A total of 22 parking spaces (1 per 250 gross square feet) are required under the LDC, based on the square footages proposed. There are currently 12 paved parking spaces (including 1 handicapped). Adjacent to these spaces is an “overflow area” that is gravel. According to the applicant, approximately 56 spaces are available; however, a formal parking design will need to be provided as part of the site plan, to ensure that this parking area will function properly with the required number of spaces under the code.



The 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). This easement was

Traffic Flow



Colorado Winery 787 37 3/10 Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

Existing traffic flow for customers
Entrance and Exit with overflow parking lot

Deliveries and employee only traffic flow

— = Gate

The above drawing shows the proposed traffic flow through the site from the shared access road (Grande River Drive). The building already has a loading dock on the west side (bottom of this picture) that is proposed for deliveries. Other access points to the adjacent vineyards would be gated to prevent customer access.

4. LAND DEVELOPMENT CODE

On November 8th, 2016 the citizens of the Town of Palisade voted during the general election to authorize the establishment and operation of retail marijuana stores, retail cultivation facilities, retail marijuana manufacturing facilities and retail marijuana testing facilities. The Palisade Municipal Code and the Palisade Land Development Code (LDC) were amended in May of 2017 to establish the licensing and land use regulations for the approved businesses.

This application, if approved, would allow for the applicant to operate a retail marijuana store within the existing building at 787 37 3/10 Road. Under the Land Development Code, the application shall meet the standards of a retail marijuana establishment, which includes in its definition a retail marijuana store. **This report shall only cover the standards and approval criteria regarding the proposed land use as a retail marijuana store, which requires a Conditional Use Permit (CUP) within the HR (Hospitality Retail) zone district.**

The process for a retail marijuana license is an additional, separate process through the State of Colorado and the Town of Palisade. Retail marijuana businesses are licensed and regulated by the State of Colorado through the Marijuana Enforcement Division of the Colorado Department of Revenue. The Town of Palisade licensing regulations and requirements are found in Article V of Chapter 6 of the Palisade Municipal Code.

The following section, Section 7.03.M., for retail marijuana establishments details the standards required for approval to operate a retail marijuana store under the Palisade Land Development Code.

a. Section 7.03.M. Retail Marijuana Establishment:

A retail marijuana establishment is permitted subject to the following standards:

1. Regardless of zoning, no retail marijuana establishment shall be located in the designated Retail Marijuana Free Zone in the downtown core as identified by the Retail Marijuana Free Zone Map:



2. Regardless of zoning, no retail marijuana establishment, with the exception of the retail marijuana testing facilities, shall be established closer than a one thousand (1,000) foot distance from any school or preschool

as measured from the nearest property boundary of such school use to the boundaries of the proposed licensed premises.

The proposed location is neither within the Retail Marijuana Free Zone area nor within 1000 feet of any school or preschool. The nearest preschools are over 3000 feet (as the crow flies) away.

3. Retail marijuana stores may only be open to the public between the hours of 8:00 a.m. and 10:00 p.m. daily. A licensed cultivation facility or its contracted agent may deliver marijuana and marijuana products on any day of the week except between the hours of 9:00 p.m. and 7:00 a.m.
4. Shipping and receiving of products and supplies shall only occur between the hours of 4:00 a.m. and 10:00 p.m. daily for retail marijuana cultivation facilities, retail marijuana products manufacturing, and retail marijuana testing facilities.

These standards must be followed during the duration of the use. Failure to do so may result in a revocation of the CUP.

5. All retail marijuana businesses shall contain the best available filtration system, such as carbon air filter scrubbers or charcoal filtration systems.
6. For retail marijuana stores, the odor of marijuana must not be perceptible at the exterior of the building, the exterior of the licensed premises or at any adjoining use of the property.
7. Retail marijuana cultivation facilities shall be indoor only.

The applicant would need to comply with these standards, which would be implemented at the time of a site plan, planning clearance, or building permit issued for the property, should the CUP be approved. No cultivation has been proposed at this location.

b. Section 4.07.E. Conditional Use Permit Findings of Fact:

A conditional use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts on surrounding properties. Conditional uses may be approved for the uses indicated in the use regulations of the zoning district of the property for which the conditional use permit is requested. Approval of a conditional use permit allows for flexibility and to help diversify uses within a zoning district.

No Conditional Use Permit shall be approved unless the following findings are made concerning the application.

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 use would utilize an existing winery building that will no longer operate at this location. The property consists of a large building and associated parking area, along with vineyards and outdoor gathering spaces. The proposed use is limited to a retail marijuana store and does not include any growing of marijuana on site. Its location is served by a shared, private access road that is 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. One of the proposed conditions would include the preservation of the existing vineyard areas on site which will provide buffers for adjacent properties.

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 and Municipal Code. The retail marijuana store shall comply with the above required standards for a retail marijuana establishment. Additionally, the proposed use shall comply with parking, landscaping, trash containments, lighting, and all other required sections of the Land Development Code.

The application shall comply with all requirements of the Town of Palisade Marijuana Code and all applicable regulations of the State of Colorado.

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 located near other businesses that cater to regional customers, including a hotel and another winery. The building is located within the center of the property and is buffered by vineyards. There will not be marijuana grown onsite. The LDC requires the property to remain free of odors. The proposed circulation will utilize the existing routes used to access the winery, with all parking happening onsite – no parking is permitted on the shared drive per the covenants.

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 Future Land Use designation of this property is Commercial-Agricultural-Lodging. 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. The proposed use will be located within an existing winery building, which will not increase in size but will be remodeled as necessary to accommodate the proposed store. 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.

5. RECOMMENDATION

In granting a conditional use permit, the Planning Commission may recommend conditions to the Board of Trustees. The Board of Trustees may impose reasonable conditions which serve to assure that the required findings are upheld.

The Planning Commission is to make a recommendation to the Board of Trustees based on the Conditional Use Permit Findings of Fact. 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.
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 this report or from the public hearing. Any improvements to the building (structural, electrical, fire suppression, plumbing, and building) associated with this use requires 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 cultivation is permitted unless approved through a separate conditional use permit.
4. The existing “pole sign” that extends over the entrance to the property (the common access easement) is not to be used for the proposed use. Other signage, including wall and/or monument signs, shall meet the requirements of the LDC and Municipal Code. The term “weedery” 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. The existing areas within the two parcels currently used for vineyards shall only be used for the growing of crops, except for hemp, and shall not be converted into parking nor shall be permitted to go fallow unless approved by the Board of Trustees.
11. A traffic study must be conducted and reviewed by the Town Engineer and the Colorado Department of Transportation (CDOT) and any improvements at the intersection of Elberta Avenue (37 3/10 Road) required by either entity will be the responsibility of the applicant.

6. ATTACHMENTS

- a. Letter of Intent
- b. Application and Exhibits
- c. Grande River Replat
- d. Letters received as of 3/12/2021

Brian Rusche

From: Janet Hawkinson
Sent: Monday, February 1, 2021 8:56 AM
To: Brian Rusche
Subject: FW: Letter of Intent and application

From: Desa Loughman [REDACTED]
Sent: Friday, January 22, 2021 2:30 PM
To: Janet Hawkinson <jhawkinson@townofpalisade.org>; Keli Frasier <kfrasier@townofpalisade.org>; [REDACTED]; Jesse Loughman [REDACTED]
Subject: Letter of Intent and application

Thank you Town of Palisade and Board of Trustees for your time and consideration in regards to our intent to move Colorado Weedery to 787 37 3/10 Road in Palisade.

These last six months and several Board meetings have been a challenging for everyone involved. While we are proud of our accomplishments and success we never wanted to be a burden to our neighbors. We know we will never make everyone happy. But we can resolve the overflow of traffic and people standing outside by moving our recreational location. It's a beautiful building with easy access to I-70 and over 100 parking spots. This location gives us the opportunity to have ample spacing inside the building as well as plenty of parking. We believe we can make this location another place the citizens of Palisade can be proud of. We feel like this is our best solution for our current neighbors and for the future of our business.

We are anticipating that Grand Junction will open stores. We want a location that we believe will continue to be competitive for years to come. Many people have wanted us to open another store in Grand Junction. But Palisade is our home. We love it here and want to stay working in Palisade! We have always strived to be good Corporate Citizens holding ourselves to a high standard of professionalism with a great track record for over 11 years with the Town of Palisade and the Marijuana Enforcement Division. We will continue to do our best practices moving forward with your approvals.

We look forward to working with you and hope you approve of this move so we can open as soon as possible.

Thank you for your time and consideration,

Desa Loughman & Jesse Loughman

[REDACTED]

Confidentiality Disclaimer: The content of this email is confidential and intended for the recipient(s) specified in the message only. If you received this message by mistake, please reply to it so we might avoid similar mistakes in the future, and then delete all copies of this message immediately. **FDA Disclaimer:** These statements have not been evaluated by the Food and Drug Administration. None of our products or information provided are intended to diagnose, treat, cure, or prevent any disease.



TOWN OF PALISADE COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING CLEARANCE: PUBLIC HEARING

PERMIT ADDRESS/PARCEL NO. 787 373/10 Rd

DATE: 2/1/2021

OWNER INFORMATION:	APPLICANT/ CONTRACTOR INFORMATION:
<input type="checkbox"/> Check box if owner/applicant are the same	
Name: <u>Steve Smith</u>	Name: <u>Jesse & Aesa Loughman</u>
Address: <u>PO Box 1160</u>	Address: <u>378 W. 5th Street</u>
<u>Grand Junction, CO 81502</u>	<u>Palisade, CO 81526</u>
Phone Number: <u>[REDACTED]</u>	Phone Number: <u>[REDACTED]</u>
Email: <u>[REDACTED]</u>	Email: <u>[REDACTED]</u>

APPLICATION:	FEES:*
<input type="checkbox"/> Rezoning	\$250.00
<input checked="" type="checkbox"/> Conditional Use Permit	\$300.00
<input type="checkbox"/> Variance	\$250.00
<input type="checkbox"/> Text Amendment (Land Development Code)	\$250.00
<input type="checkbox"/> Short Term Vacation Rental (STVR)	\$50.00
<input type="checkbox"/> Public Right-of-Way/Easement Vacation	\$150.00
<input type="checkbox"/> Design Variance	\$75.00
<input type="checkbox"/> Administrative Appeal	\$250.00
<input type="checkbox"/> Annexation	\$150.00 (+\$600.00 Escrow)
<input type="checkbox"/> Performance Action	\$250.00

*Listed fees do not include any additional charges for legal/engineering review, mailings, or recording costs.

ADDITIONAL FEES:	
Business License (if applicable, \$10/day, \$50/calendar year)	
Sewer Fees (Number needed _____, tap size _____)	
Water Fees (Number needed _____, tap size _____)	
School Land Dedication Fee	
Transportation Impact Fee	
Fee in Lieu of Open Space Requirement	

TOTAL FEES DUE:

REQUIRED DOCUMENTS

Rezoning:

- Site Map (current and future zoning)
- Letter of Intent (include basis of request and approval criteria)

- Letter of Intent (include basis of request and approval criteria)
- ROW Construction Permit (if applicable)

Short Term Vacation Rental:

- Site Plan (show parking, rooms, layouts, ingress/egress, etc.)
- Letter of Intent (include basis of request and approval criteria)
- Property Management Plan

Conditional Use Permit/ Variance/ Design Variance/ Annexation:

- Site Plan (detailed site plan showing proposed project, setbacks, heights, etc.)
- Letter of Intent (include basis of request and approval criteria)
- Plan View/ Elevation Drawings

ROW/ Public Easement Vacation:

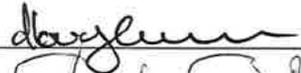
- Site Plan (detailed site plan showing proposed project, setbacks, heights, etc.)

Text Amendment/ Administrative Appeal/ Performance Action:

- Letter of Intent (include basis of request and approval criteria)

ACKNOWLEDGMENT

I hereby acknowledge that I have read this application and the information is correct; I agree to comply with any and all codes, ordinances, laws, regulations, or restrictions which apply to the project. I understand that failure to comply may result in legal action, which may include, but is not limited to, non-use of the building(s). I acknowledge the accuracy of any plot plan provided and further acknowledge that the burden for the accurate placement of any structure is the applicant(s) sole responsibility.

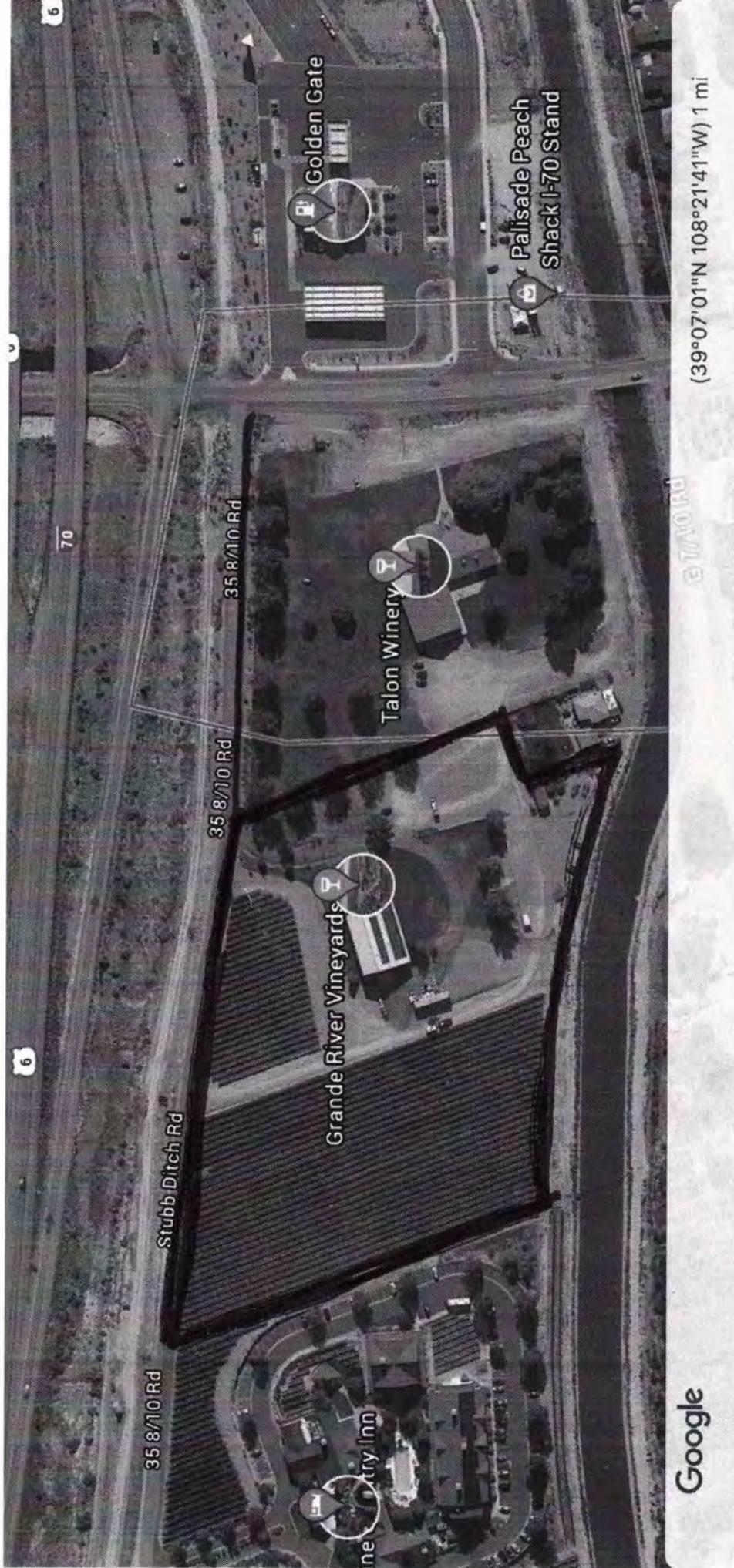
Applicant Signature:  Date: 2/1/2021
Owner Signature:  Date: 2/1/2021

Useful information for your project can be found within the Town of Palisade Land Development Code. The online version is available at:
<http://townofpalisade.org/departments/community-development/land-development-code>

STAFF NOTES:

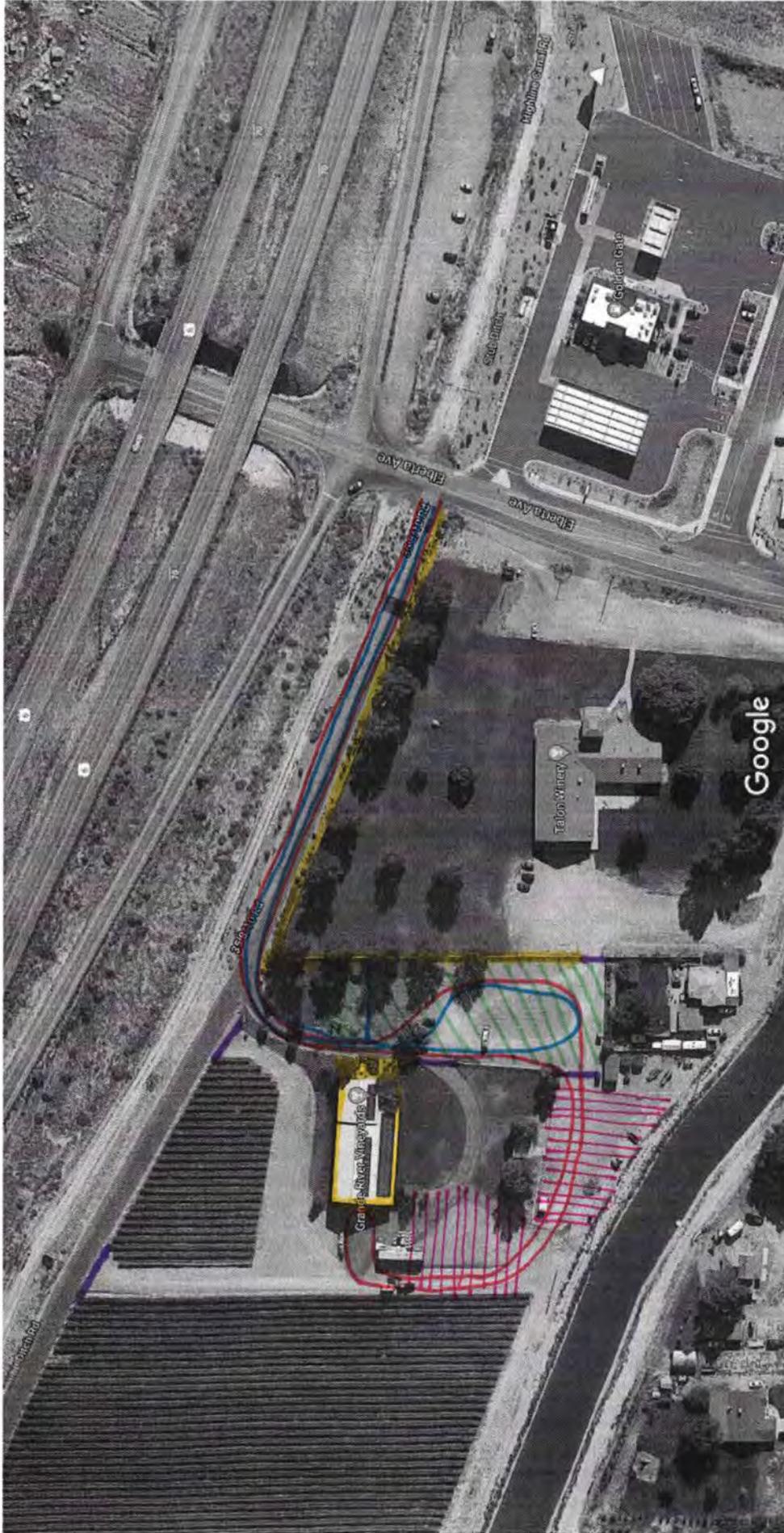
Colorado Weedery Operating Plan Version: Palisade C.U.P. Move

Colorado Weedery a retail marijuana facility CO. Dept. of Rev. license #402R-00695 will move from 125 Peach Ave. to 787 37 3/10 Rd. in Palisade Colorado. Colorado Weedery will continue to operate in compliance with all applicable town ordinances and state laws. Colorado Weedery will offer products derived and themed from Cannabis.



Google Maps

Overview



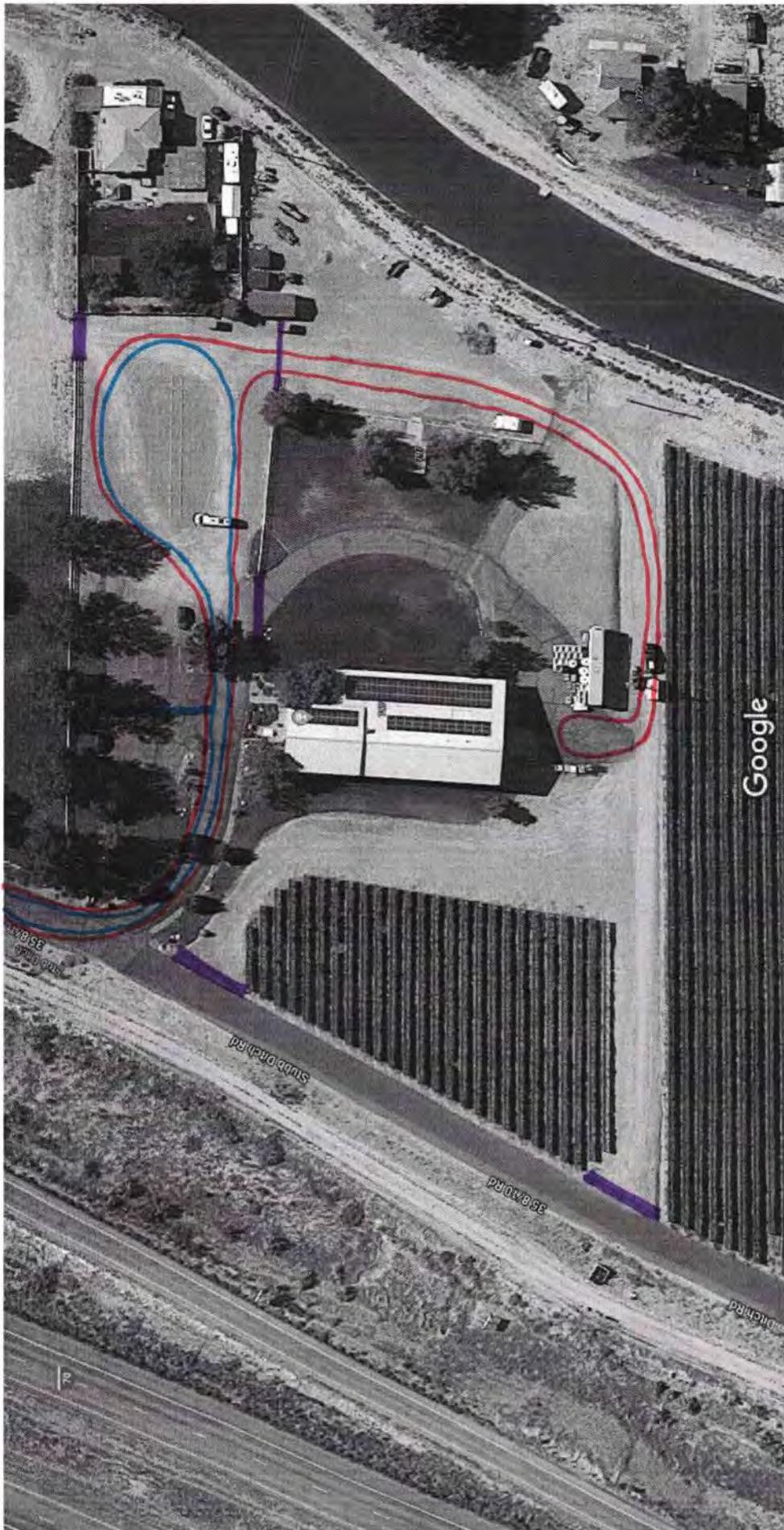
Colorado Weedery 787 37 3/10 Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021 100 ft

- Existing Traffic Flow
- Deliveries and Employee Traffic Flow
- Gate
- Customer Parking
- Employee Parking
- Lights

Traffic Flow

Google Maps



Colorado Weebery 787 37 3/10 Road

Existing traffic flow for customers
Entrance and Exit with overflow parking lot

Deliveries and employee only traffic flow

— = Gate

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

Parking

Google Maps



Colorado Weeberry 787 37³/₁₀ Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

- //// = Customer Parking
- 12 paved parking spots with a handicap spot
- 56 overflow parking spots
- == = Employee Parking
- == = Gates

Lighting Plan

Google Maps



Colorado Westbury 787 373110 Road

Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

Existing lights along fence, around building and doors.

Colorado Weedery
 787 37 3/10 Road

Office/Storage 844 sq. ft.
 Sales Floor 2752 sq. ft.
 Enter/Exit Non Cannabis Sales 1584 sq. ft.
 Employee Breakroom 205 sq. ft.
 Mech. Room 100 sq. ft.

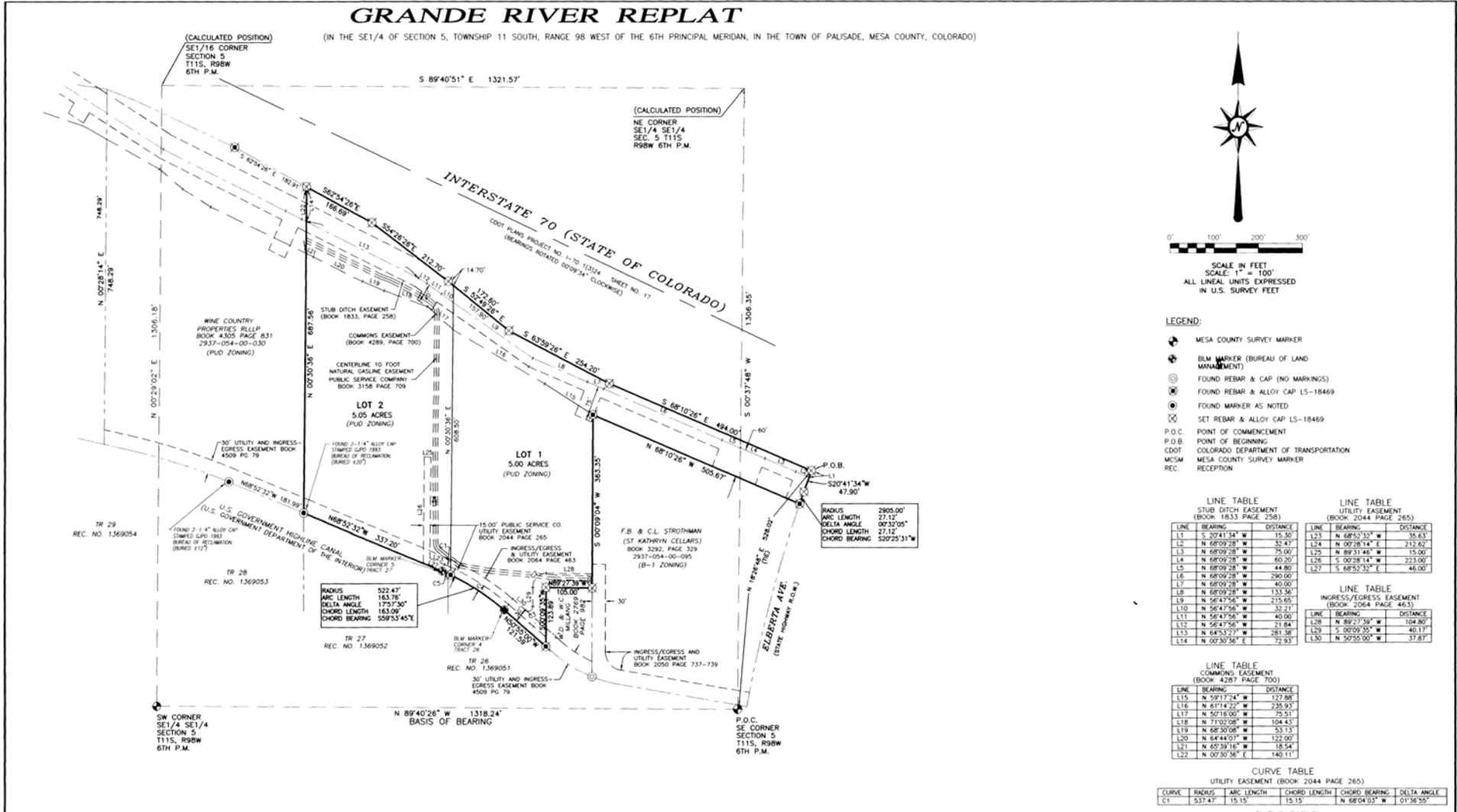
North ↑



RECEPTION #: 2437911, BK 4608 PG 158 05/05/2008 at 12:34:02 PM, 2 OF 2, R 820.00 @ \$1.00 Doc Code: PLAT Janice Rich, Mesa County, CO CLERK AND RECORDER

GRANDE RIVER REPLAT

(IN THE SE1/4 OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 98 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE TOWN OF PALISADE, MESA COUNTY, COLORADO)



SCALE: 1" = 100'
ALL LINEAL UNITS EXPRESSED IN U.S. SURVEY FEET

- LEGEND:**
- MESA COUNTY SURVEY MARKER
 - BLM MARKER (BUREAU OF LAND MANAGEMENT)
 - FOUND REBAR & CAP (NO MARKINGS)
 - FOUND REBAR & ALLOY CAP LS-18469
 - FOUND MARKER AS NOTED
 - SET REBAR & ALLOY CAP LS-18469
 - P.O.B. POINT OF BEGINNING
 - CDOT COLORADO DEPARTMENT OF TRANSPORTATION
 - MCSM MESA COUNTY SURVEY MARKER
 - REC. RECEPTION

LINE TABLE
STUB DITCH EASEMENT (BOOK 1833 PAGE 258)

LINE	BEARING	DISTANCE
L1	S 20°41'34" W	15.30
L2	N 68°09'28" W	32.47
L3	N 68°09'28" W	75.00
L4	N 68°09'28" W	60.20
L5	N 68°09'28" W	44.80
L6	N 68°09'28" W	250.00
L7	N 68°09'28" W	133.36
L8	N 68°09'28" W	40.00
L9	N 52°47'56" W	215.85
L10	N 56°47'56" W	32.21
L11	N 56°47'56" W	40.00
L12	N 56°47'56" W	71.84
L13	N 64°53'27" W	281.38
L14	N 00°30'36" E	72.93

LINE TABLE
UTILITY EASEMENT (BOOK 2044 PAGE 265)

LINE	BEARING	DISTANCE
L23	N 68°50'52" W	35.63
L24	N 00°28'14" E	212.62
L25	N 89°31'48" W	15.00
L26	S 00°28'14" W	223.00
L27	S 68°52'32" E	46.00

LINE TABLE
INGRESS/EGRESS EASEMENT (BOOK 2064 PAGE 463)

LINE	BEARING	DISTANCE
L28	N 89°27'59" W	104.80
L29	S 00°09'35" W	40.17
L30	N 50°55'00" W	37.87

LINE TABLE
COMMONS EASEMENT (BOOK 4287 PAGE 700)

LINE	BEARING	DISTANCE
L15	N 59°17'24" W	172.88
L16	N 61°14'22" W	235.93
L17	N 50°16'00" W	75.51
L18	N 71°02'08" W	104.43
L19	N 68°30'08" W	53.13
L20	N 64°44'07" W	122.00
L21	N 65°59'16" W	18.54
L22	N 00°50'56" E	140.11

CURVE TABLE
UTILITY EASEMENT (BOOK 2044 PAGE 265)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	537.47	15.15	15.15	N 68°04'03" W	01°36'55"

CURVE TABLE
INGRESS/EGRESS EASEMENT (BOOK 2064 PAGE 463)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C2	30.00	47.33	42.57	N 45°20'58" E	90°23'19"
C3	10.00	22.51	18.05	S 64°37'18" W	128°58'38"

CURVE TABLE
(LOTS)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C4	522.47	142.89	142.44	N 58°45'05" W	15°40'09"
C5	522.47	20.87	20.87	N 67°43'50" W	02°17'21"

GENERAL NOTES:

- Title information from Mesa County real property records and from Abstract title Co. Title Company, File No. _____ effective date _____
- Basis of bearing from U.S. Bureau of Reclamation map "Tract 25", 6-15-84, Reception Number 1369050, = N89°40'26" W 1318.24' Between Mesa County Survey Markers for the S.E. Corner and the S.W. Corner of the SE1/4 SE1/4 Section 5, Township 11 South, Range 98 West of the 6th Principal Meridian.
- Access to abutting properties between Interstate 70 and U.S. Government Highline Canal is via easement rights granted in "Commons Easement", Book 4287 Page 700.

AREA SUMMARY

DESC.	ACRES	PERCENT
LOT 1	5.00	49.75%
LOT 2	5.05	50.25%
TOTAL	10.05	100.00%

SURVEYOR'S STATEMENT

I, Richard A. Mason, a registered Professional Land Surveyor in the State of Colorado, do hereby state that the accompanying plat of Grand River Minor Subdivision, a subdivision of a part of the Town of Palisade, County of Mesa, State of Colorado, has been prepared by me and/or under my direct supervision and accurately represents a field survey of the same. This statement is applicable only to the survey data represented hereon, and does not represent a warranty or opinion as to ownership, liensholders, or quality of title.

EXECUTED this 3 day of April, 2008

Richard A. Mason
Registered Professional Land Surveyor
No. 18469

ROLLAND ENGINEERING
405 Ridge Blvd
Grand Jct. CO 81503
(970) 243-8300

PROJECT: C:\PROJECTS\A7226\A7226PLAT.DWG
A REPLAT OF A PORTION OF GRANDE RIVER P.U.D.
IN THE SE1/4 OF SECTION 5
IN T11S, R98W OF THE 6TH P.M.
MESA COUNTY COLORADO

Designed: RAM
Checked: RAM
Date: 4/03/08

Sheet 1 of 2

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

February 25, 2021

Partners

Barbara R. Butler
William S. DeFord
Nathan A. Keever
Michael A. Kuzminski*
Christopher G. McAnany*
Annie D. Murphy*~
John R. Pierce+
Sam D. Starritt◇

Brian Rusche, Town Planner
Town of Palisade Planning Commission
Town of Palisade Board of Trustees
175 East 3rd Street
P.O. Box 128
Palisade, CO 81526

Of Counsel

Shelly S. Dackonish

Via email to brusche@townofpalisade.org

Associates

Jon T. Burtard
Samuel H. Fresher
Kate E. Jaquith
Charlotte L. McEwen
Lauren F. O'Dell*
Bruce C. Walters

Re: Conditional Use Permit Application for Marijuana
Operations at 787 37 3/10 Road (Grande River Vineyards)
Applicants: Colorado Weedery, Steve Smith, Jesse and Desa Loughman

Dear Mr. Rusche, Planning Commissioners, and Board of Trustees:

I represent Richard and Jean Tally who own the Wine Country Inn, which is located immediately to the west of Grande River Vineyards (the "GRV Property") in the Town of Palisade. My clients vigorously object to the proposed use of the GRV Property for any marijuana operations, and for the reasons stated in this letter request that the above-referenced application be denied.

Retired Partners

William H.T. Frey
Richard H. Krohn
Laird T. Milburn

I. **Noxious Odor.**

The Weedery on GRV Property will be detrimental to the Wine Country Inn due to the pungent, offensive odor emitted by the proposed marijuana operations, which is typically described as skunk-like, sewer-like, and a combination of skunk and sulfur. The offensive smell travels long distances – 1500 yards or more typically. The Wine Country Inn's outdoor event area, pool and spa area, and Vintner's House are a mere 500 feet from the GRV Property, and the whole Inn property is well within this typical odor radius. In case you are not familiar with the Inn, it has an outdoor event area where weddings, anniversary and retirement parties, and other similar major life events that are very important to people, are held. The odor will fully permeate our outdoor venue making it an extremely unpleasant experience for those folks. The odor will also infiltrate and permeate guest rooms, lobbies, dining areas, meeting rooms, and other indoor spaces through the air intakes. It will offend guests and deter bookings, making the loss of income and value of the property enormous. As news travels fast in this era of social media and online hotel review, my clients are frankly concerned that a marijuana operation next door would quickly run the Inn into the ground.

D. J. Dufford
(1919-1998)

William G. Waldeck
(1923-2009)

+ Also admitted in Oregon
* Also admitted in Utah
~ Also admitted in Wisconsin
◇ Also admitted in Wyoming

SHELLY S. DACKONISH
970-248-5863
dackonish@dwmk.com

Brian Rusche, Town Planner
Town of Palisade Planning Commission
Town of Palisade Board of Trustees
February 25, 2021
Page 2

It is also possible that the lingering foul odor from marijuana plants will negatively affect our vineyards on Ten Acre Farm located just to the west of our Inn, although that potential effect is less certain. It is well known that grapes pick up odors and flavors from the air and soil; for example, oil from eucalyptus trees near vineyards attaches to the waxy surface of grapes, and persistent presence of wildfire smoke impacts the flavor and aroma of grapes.

In spite of this considerable risk to neighboring properties such as the Wine Country Inn, the Loughmans' CUP application does not mention a single odor mitigating proposal to protect neighboring businesses and land uses (no carbon filters, particle arrestance filters, scrubbers, or fog systems).

II. Access and Traffic.

Additionally, the Weedery will negatively affect the traffic flow and access, inhibiting the flow of traffic to and from the Inn. The CUP application file indicates that traffic has been a problem at the Colorado Weedery's present location. The Weedery will bring all that traffic onto our very narrow access road and make it difficult for guests and employees to come and go. Many guests of the Wine Country Inn use the shared access for bicycle and pedestrian traffic to go into town and tour around the area; the increased traffic, which again is already problematic at the Weedery's present location, will put these guests in danger on the narrow access. In addition, the guests of the Inn frequently enjoy the horse-drawn carriage and pedicab businesses that pick them up for tours of Palisade; the narrow shared-access road is not suitable for the increased vehicular traffic in combination with the existing Inn traffic. Moreover, the access point at Elberta is already less than ideal, being too close to the I-70 off and on ramps and having no good left turn onto the access road for northbound traffic.

III. Signage

Although the proposed signage for the Weedery is not described in the CUP application, the existing signage has created confusion that the Inn is part of Grande River Vineyards. It will be very damaging to the image of the Wine Country Inn if the Weedery uses the existing signage and gives the false impression that the Wine Country Inn is part of the Weedery, or vice versa. The Wine Country Inn is a smoke-free and illicit drug-free property, and the owners do not want any impression that it is a pot hotel, which is a very different image than the one the Inn has successfully cultivated.

IV. CUP Criteria Are Not Met by the Application

The CUP criteria are not met by the application and we believe that they cannot be met for the proposed land use on GRV Property. Pursuant to the Town's Land Development Code (the

Brian Rusche, Town Planner
Town of Palisade Planning Commission
Town of Palisade Board of Trustees
February 25, 2021
Page 3

“Code”), Section 4.07 B., a conditional use may or may not be appropriate depending on the location and the conditions imposed. Conditions are to be imposed to “reasonably mitigate **any** adverse impacts upon surrounding properties.” (Code, Section 4.07 B.) None of the adverse impacts are mitigated by the application. The Code states that no conditional use permit shall be approved unless the applicant has shown (among other criteria, which are discussed farther below) that the use proposed in the application will **not**:

- a) substantially injure the value of adjoining or abutting properties;
- b) be detrimental to the use or development of adjacent properties or other neighborhood uses;
- c) adversely affect the adopted plans and policies of the Town;
- d) violate the character of existing standards for development of the adjacent properties.

(Code, Section 4.07 E. 3. and 4.) The foregoing criteria are not met, and cannot be met, by the application. Because the foul odor will sharply and quickly decrease bookings, events, visits and stays at the Inn, the proposed use of the GRV Property will substantially injure the value of the abutting and adjoining Wine Country Inn property and will be severely detrimental to the use and development and use of the Wine Country Inn. It is worth noting that the Tallys have invested \$11.1 million dollars in the Wine County Inn and stand to lose a significant portion of the value of that investment if the Town grants a CUP for the applicants’ proposed marijuana operations next door. That investment has likewise greatly benefited the local economy, and the deleterious effects of the Weedery on GRV Property will diminish those benefits as well.

The proposed marijuana operations on GRV Property will also adversely affect the adopted plans and policies of the Town, as follows:

Marketing Plan. The Town’s recently developed Marketing Plan emphasizes tourism and outdoor recreation and does not include the marijuana industry as an economic driver or as something to be capitalized upon for the growth and image of Palisade. Tourism and outdoor recreation will be adversely affected by a foul-smelling marijuana operation on the GRV Property, frustrating a key goal of the Marketing Plan. Also, the contribution of the Inn to the local economy has been significant and a concomitant loss in that contribution can also be expected if the Colorado Weedery goes in next door. In addition, the decrease in guests of the Inn will negatively affect these other businesses as well, such as the horse-drawn carriage and pedicab businesses that take Inn guests to tours of the Town and area.

Comprehensive Plan. The Town’s Comprehensive Plan’s vision for the Town of Palisade is to “**preserve and enhance the agricultural village atmosphere of Palisade**”

Brian Rusche, Town Planner
Town of Palisade Planning Commission
Town of Palisade Board of Trustees
February 25, 2021
Page 4

while fostering tourism, economic growth and prosperity to create an attractive and vibrant community for residents and visitors.” The proposed Weedery operations on GRV Property will not further this vision; it will have a deleterious effect on tourism and the agricultural village atmosphere of Palisade. The odor will drive out both in this area of Palisade.

The HR district is intended to implement and correspond in part to the Comprehensive Plan’s “Commercial-Agricultural/Lodging” land use designation (Code, Section 5.04 D.), which is for “special types of commercial activity intended to be compatible with the Town’s rural and agricultural character while encouraging increased tourism.” (Comprehensive Plan, Ch. 3, p. 3-12). That designation encourages “similar uses” such as “a tastefully designed lodging establishment that would be compatible with agricultural surroundings.” The proposed Weedery on GRV Property completely frustrates these goals of the Town’s Comprehensive Plan.

The Weedery application will also violate the character of the standards for development of adjacent properties, violating criterion d), excerpted above. This includes but is not limited to the Wine Country Inn, which has adhered to a high standard of development, creating a lovely oasis for visitors to the area and a prime venue for major life events of locals and visitors. Moreover, the Hospitality Retail (HR) zone district is “[e]stablished to provide for **hospitality** and retail development along I-70 in the vicinity of Exits [sic] 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.” (Code, Section 5.04 D., **emphasis added**). The Weedery operation on GRV Property will significantly impair the hospitality component of the HR zone district, including but not limited to that of the Wine Country Inn, all but ruining the primary purpose for the zone district. A malodorous land use such as the Weedery, together with the significant traffic impacts on the narrow shared-access road is simply not compatible with the HR zone district or the neighborhood in which the GRV Property is located.

V. Application and Site Plan are Deficient

The application and site plan provided by the applicants do not provide sufficient information for the findings of fact which must be made to approve a CUP. A CUP is a special type of land use permit which, because it relates to a use not allowed by right within a zone district, and once granted it runs with the land for the duration of the use, the Town Board must review it for compatibility with adjacent uses in a special, individual review. (Code, Section 4.07 2.) In addition to the criteria discussed above in Section IV of this letter, the Board must find all of the following:

Brian Rusche, Town Planner
Town of Palisade Planning Commission
Town of Palisade Board of Trustees
February 25, 2021
Page 5

1. The CUP is consistent with the adopted plans and policies of the Town (Code, Section 4.07 D.7.b.);
2. The CUP is reasonable and in the public interest (including stating the reasons why) (Code, Section 4.07 D.7.b.);
3. 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 (Code, Section 4.07 E.1., emphasis added); and
4. The application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations (Code, Section 4.07 E.2., emphasis added).

The application does not contain sufficient information for the Board to make the required findings.

The application does not demonstrate whether or how the CUP is consistent with the adopted plans and policies of the Town. The application and site plan do not show, as required by #4 above, that the Weedery will meet the minimum use-specific standards for retail marijuana establishments set forth in Code Section 7-12 M., which include the following:

- i. Minimum distance from schools;
- ii. Limited hours of operation;
- iii. Limited hours of delivery;
- iv. Limited shipping and receiving hours;
- v. Best available filtration system;
- vi. Boundaries of the odor, including that the odor of marijuana will not be perceptible at the exterior of the building, the exterior of the licensed premises or at any adjoining use of the property; and
- vii. Where cultivation will occur, including that any cultivation must be indoors.

The application does not describe any filtration system, odor containment or elimination, or the means thereof. It does not demonstrate that the odor will not be perceptible outside the building or on Wine Country Inn property.

The site plan does not show how the applicants propose to use the full site, including the band shell and several acres of vineyards. Even assuming the site can be “separated” for purposes of this CUP into two areas (the building site and the fields as an “outparcel”), the Code still requires that “the application shall describe the relationship of the outparcel to the remaining site.” (Code, Section 4.07 4.) The application does not describe how the vineyards will be used by the applicant at all, let alone the relationship of them to the building site. Therefore, the information in the

Brian Rusche, Town Planner
Town of Palisade Planning Commission
Town of Palisade Board of Trustees
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application is not sufficient at this time for a finding that the application meets the standards and practices of sound land use planning or that it is compatible with and will not harm surrounding land uses.

The application does not show whether and where grow operations will take place in the building or on the property. Is the applicant going to have outdoor music or other events in the band shell? If so, how many and how often? Will the Weedery be open for business during such events? Will the fields be cultivated, wasted, or converted, and if the latter, to what? In order to make a determination that the proposed use complies with the CUP criteria, which are set forth above, additional information is required. At a minimum, the matter should be remanded to the applicant for a more fully developed site plan showing the use of the full property and addressing fully all the CUP criteria.

VI. Moratorium

Because the Loughmans will continue to operate a marijuana grow and shop at their current location in Town in addition to the proposed new location, the Loughmans' application for a Weedery on GRV Property creates a new licensed facility within the Town and violates the spirit of the Town of Palisade's marijuana business moratorium (Ordinance No. 2021-2). It makes little sense to have a moratorium if existing licensees can simply move part of their operations to other locations within the Town, thereby effectively increasing number of marijuana locations, which is what the moratorium is intended to prevent. Therefore, the CUP application should be denied on that basis, as well as on the application's failure to meet the CUP criteria, and the Weedery's deleterious effect on neighboring businesses and property values.

VII. Hemp

Although not addressed in their current CUP application, my clients are concerned that the Loughmans intend to replace the five-plus acres of vineyards on the GRV Property with hemp. Conversion to hemp would significantly increase the already deleterious odor problems, permanently change the character of the area, stray far from the HR zone district standards, and ruin the hospitality component which is the primary reason for the zone district. As mentioned above, without a full picture of how the entire site will be used by the applicants, the Board cannot make the necessary findings to approve the CUP. It would also be impractical and foolish not to consider the applicants' overall plans for the property when considering allowing a use that is not allowed by right in the zone district. Moreover, "a development comprised of uses regulated by separate rows of the table shall be reviewed using *the most restrictive process* from among the proposed uses," (Code, Section 4.07 B.3.). A hemp grow requires a CUP (Ordinance No. 2021-3) and has its own restrictive use-specific criteria (Code, Section 7.03 F). Considering a CUP for

Brian Rusche, Town Planner
Town of Palisade Planning Commission
Town of Palisade Board of Trustees
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only part of the GRV Property without considering the hemp fields does not employ the most restrictive process for the uses that the applicants will make of the Property.

VIII. **Conclusion and Relief Requested**

For the reasons stated in this letter, Richard and Jean Tally respectfully request that the Loughmans' CUP application for marijuana operations on GRV Property be denied.

Sincerely,



Shelly S. Dackonish

cc: Client



3839 G Road Palisade, CO 81526

March 9, 2021

Town of Palisade
Attn: Board of Trustees
PO Box 128
Palisade, CO 81526

Dear Mayor and Fellow Trustees,

You are about to make a decision on an application for a CUP on property at 787 Elberta Avenue to allow a recreational marijuana store. Please accept this letter as strongly opposing this approval on the grounds that it does not comply with the standards as such.

Section 4.07 Conditional Use page 4-17

E. Findings of Fact

No conditional use permit shall be approved unless the following findings are made concerning the application:

- 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.*
- 2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.*
- 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.*
- 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.*

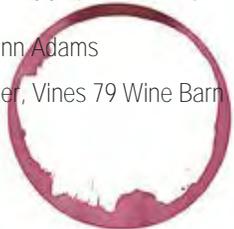
This is not to be misunderstood as an objection to retail marijuana but to the location as requested. We are not against a business wanting to expand. We are asking that the owners and the Planning Commissioners take into consideration the success and the impact on neighboring businesses. There are less impactful locations in Palisade to pursue. The Wine Country Inn and Talon Wine Brands are the most effected. It would have a negative appearance to the guests at both establishments. Weddings that take place outside would have a direct view of the Pot shop instead of a lovely winery and vines. Despite the comments in the Daily Sentinel there would be no advantage to keeping vines for a Marijuana facility. That entire area of Grande River drive emits a Wine theme that the hotel markets strongly.

The area of Exit 42 off I-70 has been identified as the gateway to Palisade, the first impression to our visitors will go from Fruit and Wine to Fruit and Weed. A great deal of money and effort over the last ten years has been spent to make Palisade a destination in its own right and not the shadow of Grand Junction. It has been a challenge but we have arrived and looking at the number of visitors we had in 2020 despite COVID proves that. Visitors love our small town and the agricultural surroundings. And yes, we have two retail marijuana shops, not in their face with loud colors and neon signs, but discreet and professional.

Mr Mayor and Trustees, I ask that you preserve our town character and culture and deny this application and to consider the impact of your decision on two other important businesses to the Town of Palisade and to the overall future of Palisade Tourism.

Respectfully,

Juliann Adams
Owner, Vines 79 Wine Barn



March 9, 2021
Town of Palisade
Planning Commission

Commissioners:

You will be reviewing a request for a CUP for the relocation of the Colorado Weedery from its current location on Peach Ave. to a location at Grande River Vineyards. Granting this request is not in the best interest of the community, the wine industry in the area, nor the adjacent property owners.

Palisade and the surrounding area have consistently promoted itself as the Fruit and Wine area of Colorado. Even the name for the scenic byway around the community is the Fruit and Wine Byway. Grand River Vineyards is located at the gateway to the community on the Elberta and I-70 interchange at exit 42. It has been a landmark attraction at that gateway, one of the earliest Wineries in the state and a highly visible location for travelers on I-70. While there can be no guarantee that it will always be a winery, it is NOT the location for the proposed Weedery. The applicants have publicly stated that they do not plan to operate the winery that is currently at the location (per the Grand Junction Sentinel article on Feb 18th.) Allowing a recreational Marijuana dispensary to locate at that particular location will undoubtedly create issues for the surrounding property owners by causing increased traffic on the access road to the winery and the Wine Country Inn while diminishing the appeal of the Fruit and Wine Byway and the adjacent properties that the town and surrounding areas promote so heavily. In addition, by allowing the business to be relocated to that location there will be a detrimental impact on other businesses in the town. According to the applicant, "if the location is moved, that would mean his retail customers would not have to drive through downtown Palisade anymore to visit his store." (again, per the Grand Junction Sentinel article on Feb 18th.)

Per the Land Development Code for the Town of Palisade In the LDC Section 407 Part E: Dealing with the Findings of Fact:

Item 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"

Item 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."

Neither of these two "Findings of Fact" can be supported at this location.

While I applaud the business success that the applicant has enjoyed at the current location and would be supportive of relocating the business to a different location, the current application and location under consideration will do nothing to improve the overall image of the town, nor enhance the continued promotion of the things that the town is known for throughout the state.

I hope both the Planning Commission and the Board of Trustees agree, approving this CUP is not in the best interest of the community, and does not deserve approval.

Sincerely
Donald Bosch
515 Milleman Street
Palisade, Colorado 81526

Planning Commission
Town of Palisade
175 East Third Street
Palisade, CO 81526

Ladies and Gentlemen:

As the vineyard manager and potential wine maker for the proposed Ten Acre Farm winery, I would like to register my strong objections to any prospective variance or usage of Grande River Vineyards Winery and its land for the cultivation or sale of marijuana or hemp.

Such an approval would be extremely detrimental to not only the operations of Wine Country Inn and St. Kathryn's winery, but also to the residents who live adjacent to that property. Besides the increased transient traffic to a retail outlet, the stench of either growth would be overwhelming for the businesses and residents nearby.

Then the prospect of increased water consumption to grow such crops threatens the grapevines already under cultivation and the growers who share the irrigation system that serves GRV, Ten Acre Vineyards and the other owners beyond.

I have had a long association with Wine Country Inn as Vineyard Manager and as former winemaker for them and GRV. I can vouch for the fact that the Tally family routinely contributes to the local wine industry by showcasing the many products offered by local wineries and by promoting local businesses to their guests. They have invested and continue to invest in upgrades to their hotel and vineyards and continue to provide a positive introduction to the town of Palisade for the many visitors who stay with them or come to weddings and events at their hotel.

In short, any proposed variance to grow and sell marijuana and/or hemp nearby is a bad idea that will have a negative impact on adjacent businesses, neighbors and the town. Please reject the variance request.

Sincerely,

Rainer Thoma
VENDANGE LLC.

To: Town of Palisade Planning Commission

From: Lafe Wood (383 W First St)

RE: Conditional Use Permit - Colorado Weedery

Date: March 9th, 2021

I am writing to express my opposition to the granting of a Conditional Use Permit to Colorado Weedery for the relocation of their recreational marijuana business to the Grande River Vineyards property at 787 N Elberta Ave.

I think that it is poor planning and land use to allow a retail marijuana business in between longstanding wine-based businesses. Allowing a marijuana dispensary to locate between St. Kathryn Cellars and Wine Country Inn would ruin our town's lovely "wine district" that draws visitors off the interstate.

While I have no doubt that a marijuana establishment would also draw in traffic, these visitors would not be likely to spend a night or check out other local businesses in the same way that wine lovers do.

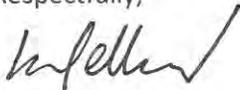
Per the Land Development Code, one of the findings of fact that must be satisfied for a CUP to be granted is that "the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses." Allowing this use would absolutely be detrimental to the current use of the adjoining properties and I think could only negatively impact their value.

Imagine you are an out-of-state visitor and you are wine tasting at St. Kathryn Cellars. The sommelier has just handed you a glass and you are trying to appreciate and analyze the "bouquet" of a new wine, but all you can smell is an aroma that is reminiscent of cat urine. Welcome to Palisade!

I live within a few blocks of Colorado Weedery's current location and I can tell you that the smell of marijuana is pervasive. The refrain we always hear with any new marijuana business is that there will be "no detectable odor." This is just not the case. My heart goes out to those who live even closer to the Weedery than I do.

Grande River Vineyards has represented Colorado winemaking for over three decades and this iconic property is part of the gateway to our town, the face that we put forward to the world. I do not think we really want to be known for having the biggest pot shop around. Are we trying to be the next Debeque or Parachute? I think Palisade is so much more than this. Let's aim higher!

Respectfully,



Lafe Wood