



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

**June 1, 2021**

**6:00 pm Regular and Virtual Meeting with 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. **The Town of Palisade has a NEW WEBSITE!** [palisade.colorado.gov](https://palisade.colorado.gov)
  - C. **PALISADE FARMERS MARKET begins Sunday, June 6, 2021, downtown from 9:30 am – 1:30 pm**
- VI. APPROVAL OF MINUTES
  - A. **Minutes from May 18, 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 2021-9 – STEINWEG SITE PLAN – SHORT TERM VACATION RENTAL**

*The Planning Commission will consider a site plan for a Short Term Vacation Rental (STVR) pursuant to Section 7.01.M of the Palisade Land Development Code (LDC) for the property located at 831 Logan Street, as applied for by Danny and Angela Steinweg. The Planning Commission shall review the application and make a decision to approve or deny the application.*

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 increase in public participation in Town meetings, the Town of Palisade has decided to continue virtual public attendance at meetings with in-person seating at the Board Chambers.*

**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 [breynolds@townofpalisade.org](mailto:breynolds@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  
341 W 7<sup>th</sup> Palisade Civic Center  
(Also Virtual Participation Via ZOOM)  
May 18, 2021**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:04 pm by Chairman Parker with Commissioners present: Harbaugh, Hull, Wheeler, Prinster, Hamilton and Curry attended via Zoom. A quorum was declared. Also, in attendance were Community Development Director Brian Rusche and Town Clerk, Keli Frasier.

**AGENDA ADOPTION**

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

A voice vote was requested.  
Motion carried unanimously.

**ANNOUNCEMENTS and PRESENTATIONS**

Community Development Director Brian Rusche announced Farmer's Market will open Sunday, June 6<sup>th</sup>. Mr. Rusche stated the mobile vaccine bus will be at the Community Center parking lot on May 28<sup>th</sup> from 10:00am to 6:00pm.

**MINUTES**

*Motion #2* by Commissioner Prinster, seconded by Commissioner Hamilton, to approve the Minutes of May 4<sup>th</sup>, 2021.

A voice vote was requested.  
Motion carried unanimously.

**PUBLIC COMMENT**

None

**PUBLIC HEARING**

***PRO 2021-8 – Text Amendments to the Land Development Code Table 6.1 – Use Table***

## STAFF PRESENTATION

Community Development Director Brian Rusche displayed the Use Table from the LDC and explained that since the beginning of 2021, there have been a few commercial spaces that have come open for lease on Third Street and Bower Avenue that have spurred staff to review whether the uses allowed in these areas fit with the desires of the Town. Specifically, there is a limited amount of retail/restaurant space available on Third and Main Street, the lack of which could be detrimental to the marketing of Palisade as a tourist destination. In addition, the anticipated relocation of the Food Bank of the Rockies warehouse has prompted an evaluation of the warehouse use category within the Town.

As a result of this review, two primary changes have been identified to Table 6.1 (Use Table) that can be summarized as follows:

- 1) Warehouse and freight movement has been reclassified as a Conditional Use. The intent is to give the Town the opportunity to restrict the number of trucks utilizing such a facility to a number that can be reasonably accommodated on Town streets.
- 2) Office uses within the Town Center zone have been limited to only the upper-story of buildings. The intent is to reserve the street level space for uses that would promote shopping and dining within the Town Center and, by extension, generate sales tax revenue for the Town.
- 3) Other changes that clean up existing uses and/or are consistent with the two goals stated above.

Mr. Rusche added that it is important to note that this change does not affect any of these uses which may already exist under the current code (prior to adoption of these amendments) and/or approval by the Town. Instead, it is part of an ongoing effort to clarify and refine the Code so that staff can better respond to business inquiries regarding these uses that reflect the desires of the community. Any existing use that would be affected by these changes would be categorized as legal nonconforming and be subject to the standards of Section 12.03 – Nonconforming Uses.

## PUBLIC COMMENT

None

## COMMISSIONER DISCUSSION

Commissioner Prinster asked about the Chamber of Commerce location and noted that tourists would not want to walk upstairs for information. Rusche stated that they would not be affected because they are already existing, but with the code change, future office/business such as the Chamber, would have to be located in the upper floor. Commissioner Hull expressed concern that if medical offices have to be upstairs, the building would have to be ADA compliant. Mr. Rusche reminded the Commissioners that this only applies in TC which is a limited part of the downtown. Mr. Rusche then displayed a zoning map to illustrate where the TC parcels are located. Mr. Rusche explained how current businesses are considered “existing non-conforming.”

Commissioner Harbaugh noted that Short Term Vacation Rentals (STVR) are not allowed in TC and a Bed and Breakfast is allowed. Mr. Rusche explained that the Short Term Vacation Rental is a more recent addition to the code and there is a cap that has been reached. In addition, although allowed by code, there are no Bed and Breakfast businesses currently in the TC zone district. Commissioner Harbaugh asked to eliminate the “permitted” status of the Bed and Breakfast in the TC zone since STVRs are not allowed.

Commissioner discussion continued regarding minor utility, conditional use permits and marijuana cultivation in the TC zone district. Mr. Rusche explained that this proposal is to make a few changes to the Land Use Table that have been identified, but not to consider all possible changes to all uses at this time.

**Motion #3** by Commissioner Prinster and seconded by Commission Wheeler, to approve item **PRO 2021-8 – Text Amendments to the Land Development Code Table 6.1 – Use Table with a recommendation to remove “Bed and Breakfast” as a permitted use in the TC zone district.**

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

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

**The motion passed unanimously.**

### **ADJOURNMENT**

**Motion #4** by Commissioner Hamilton and seconded by Commission Hull, to adjourn.

The motion passed unanimously

The meeting was adjourned at 6:40 pm.

X

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Riley Parker  
Planning Commission Chairman

X

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Lydia Reynolds  
Planning Technician



# PRO 2021-9, A REQUEST FOR APPROVAL OF A SITE PLAN TO OPERATE A SHORT TERM VACATION RENTAL

**LOCATED AT 831 LOGAN ST. (PARCEL # 2941-032-07-008)**

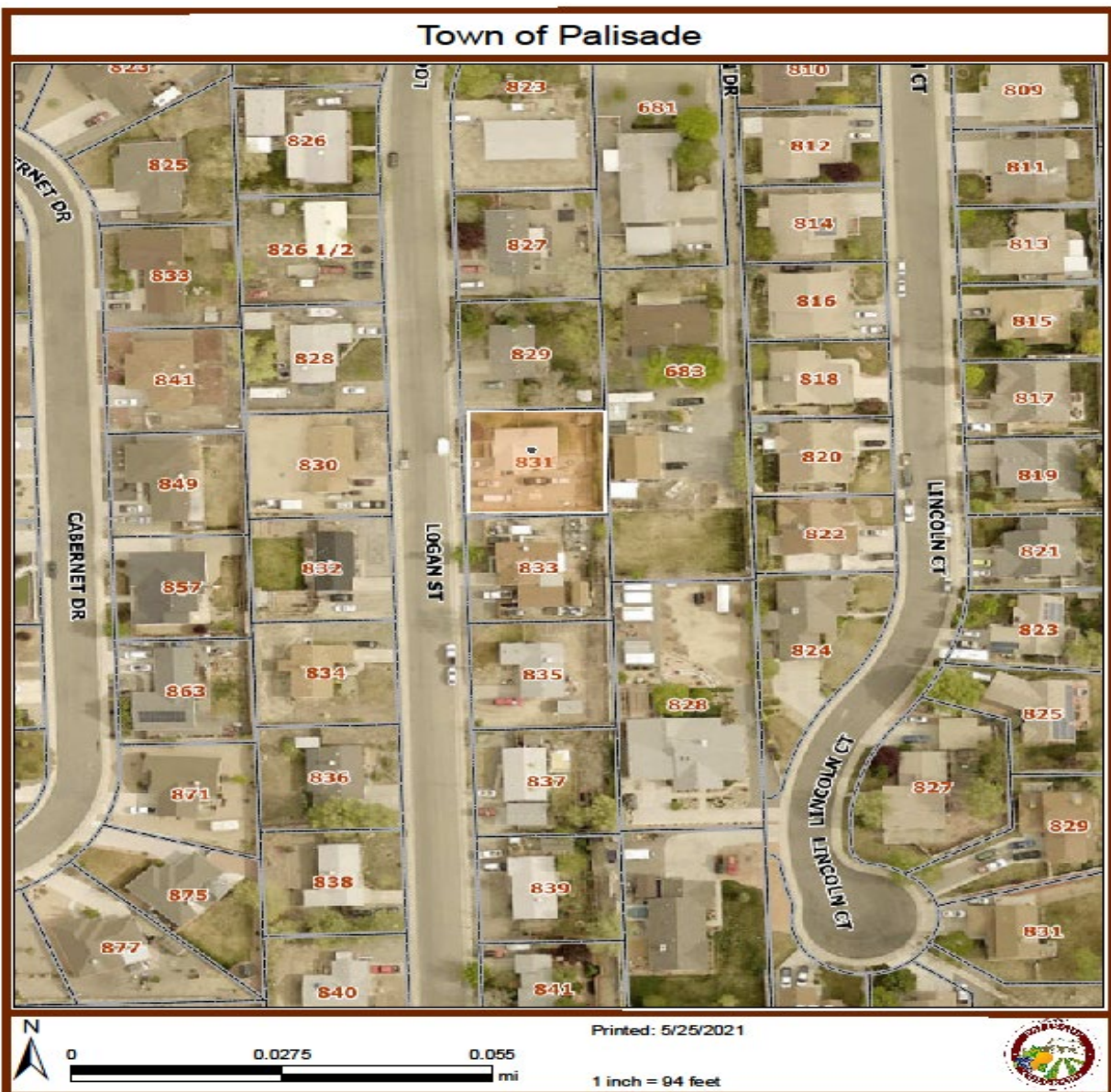
**AS APPLIED FOR BY DANNY AND ANGELA STEINWEG.**

## SUMMARY

The Town of Palisade has received an application from Danny and Angela Steinweg for a site plan to run a short term vacation rental at 831 Logan Street. The home is zoned Low Density Residential (LDR), which permits short term vacation rentals under the Land Development Code. Ordinance 2014-16, adopted in November of 2014, established short term vacation rentals as a permitted use in residential zoning districts. The ordinance was last amended in July of 2017 (Ordinance 2017-18) to include some additional application requirements and standards.

The hearing of June 1<sup>st</sup>, 2021 has been duly advertised, posted and all property owners within 300 feet have been notified of the time and date of the hearing.

Staff is asking the Planning Commission to review the request and make a final decision.



## SITE INFORMATION

The property is approximately 0.22 acres. The residence is a single-family home built in 1992. The home was built as a 1,092 square foot (sf.) home with an attached garage of 308 sf. In 2020 the garage was converted to living space that includes a bathroom, closet, and storage. It is this area that will be used for the short term vacation rental, according to the submitted floor plan. There is currently a detached garage being built south of the residence that is 728 sf.



## LAND DEVELOPMENT CODE

A *Short term vacation rental* is defined in the Land Development Code (LDC) as a single-family dwelling unit rented on a regular or seasonal basis for monetary consideration for a period of time less than thirty (30) consecutive days, not including a bed and breakfast, residency unit, boarding or rooming house, or hotel. A short term vacation rental may be owner-occupied or a non-owner-occupied residence.

### Section 7.01.M Short Term Vacation Rental:

A short term vacation rental is permitted subject to the following standards:

1. Site plan

The short term vacation rental shall be subject to site plan approval by the Planning Commission with public notification as per Section 4.06 of this LDC. The site plan shall demonstrate compliance with the standards as set forth. Any decision to approve or deny the application may be appealed to the Board of Trustees in accordance with the notice requirements and procedures of Section 4.14 of this LDC. The appeal shall be received from either the applicant or an affected property owner within the notification area by the Town Clerk within ten (10) days of the Planning Commission decision.

*The applicant provided a site plan (see attached). Included with the site plan is the floor plan detailing the accommodations for guest occupancy and parking.*



## 2. A property management plan

A property management plan demonstrating how the vacation rental will be managed and how impacts to neighboring properties will be minimized, shall be submitted for review and approval as part of the site plan approval.

- a. The property management plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, etcetera.

*The property management plan was provided by the applicant and includes two points of contact, in addition to their contact information. Staff recommends that Planning Commission require the addresses of the emergency contacts. The property management plan lists two additional contacts in case of emergency.*

- b. The property management plan shall be mailed to all adjoining property owners within three hundred (300) feet as a condition of approval, and shall be posted in a visible location within the short term vacation rental. If the responsible party of a short-term rental use does not reside within the Town, the management plan must identify an individual or individuals within a twenty-five-mile radius of the property to serve as local contacts and respond to emergency conditions.

*If approved, staff will mail out the property management plan to all adjoining property owners within 300 feet of 831 Logan Street. The short term vacation rental operator shall post the property management plan in a visible location.*

- c. If concerns are raised by any affected person within the area of notification at the time of or prior to the public hearing, the Planning Commission may establish, at the time of public hearing, specific conditions on the use of a short term vacation rental to address impacts to the neighborhood. Those conditions shall be incorporated into the property management plan that is mailed to all adjoining property owners within three hundred (300) feet of the property.

*Staff has not received any concerns at the time of writing this report regarding the proposed site plan application for a short term vacation rental. The Planning Commission may consider conditions to the site plan approval to address any concerns or address any possible impacts to the surrounding neighborhood that are discussed at the time of the public hearing.*

## 3. Standards and requirements

Vacation rentals are permitted subject to the following standards:

- a. No sign identifying the short term vacation rental is permitted on the property.

*The property management plan states there shall be no signs identifying the short term vacation rental.*

- b. No changes shall be made to the dwelling or site which would diminish or detract from the residential appearance in the neighborhood.

*The applicant shall ensure the dwelling is not diminished as a result of the operation of the short term vacation rental. The conversion of the garage to living space, which is proposed for use as the short term vacation rental, is similar in appearance to the rest of the residence.*

- c. Overnight guest occupancy for short term vacation rentals shall be two (2) persons per sleeping room or guest room on the main level of the house and/or the upper floor(s), plus two (2) additional renters overall, up to a maximum occupancy of no more than eight (8) persons. Any sleeping room located in the basement of the house may only be occupied by the home owner or primary resident(s) but not the guests.

*The property management plan allows for a maximum of four persons. The applicant indicates they will have 2 guests and 2 overall guests for a total of four people in the vacation rental portion of the home.*

- d. During the daytime, maximum number of total guests and visitors allowed at any time in a short term vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property, or fourteen (14) persons, whichever is less.

*The applicant indicates they will limit daytime guests to up to four overnight guests and up to six additional daytime guests for a total of ten (10) persons, not including the residents themselves.*

- e. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. and no outside assembly of more than the maximum overnight occupancy shall be permitted during this period.

*The short term vacation rental users shall abide by these quiet hours, from 10:00 pm to 7:00 am.*

- f. Outdoor amplified sound (microphone or speaker system) shall not be allowed at any time. This provision does not apply to casual music from personal music devices or similar situations that are typical of residential surroundings.

*The applicant does not permit outside amplified music, according to the property management plan. Outside of the required quiet hours, the property management plan allows for casual music to be played from a personal device or similar situation.*

- g. Pets if allowed by owner shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited per Section 7-116 of the Palisade Municipal Code.

*No pets are permitted under the property management plan.*

- h. Outdoor fire areas, when not prohibited by state or local fire codes, may be allowed but shall be limited to three (3) feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is unattended or by 10:00 p.m. whichever is earlier.

*The applicant shall remain aware at all times of local fire codes and fire bans. The Property Management Plan shows there is a fire pit provided on the property which must be covered with a screen and extinguished prior to 10:00 pm.*

- i. Parking shall be provided to accommodate one (1) space per the dwelling unit plus one (1) space for each occupied sleeping room or guest room with a minimum of two (2) off-street parking spaces provided. Any on-street parking, where appropriate, shall be limited to no more than one (1) parking space.

*The site plan allows for one car parked in the driveway and three gravel parking spaces is provided to the south, next to the driveway.*

- j. All vehicles shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.

*The site plan only shows parking in the driveway and the gravel spaces to the south. The site plan does not show any parking permitted on lawns or sidewalks.*

- k. The short term vacation rental shall be subject to the same safety and health inspections, licenses, registrations, fees and taxes, including the occupation lodging tax, to which other licensed businesses or places of accommodation are subject.

*The applicant will need to schedule an inspection with Mesa County Building Dept. The inspection will address items including posted exit plans, fire extinguishers in cooking areas, smoke and carbon*

*monoxide detectors and any visible electrical deficiencies. The short term vacation rental is subject to the Occupation Lodging Tax.*

1. The number of short term vacation rentals that may operate at any one time, shall be no more than 3 percent of the total number of single family housing units in the Town. The number of single family housing units shall be based on the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's office.

*Staff tracks the number of short term vacation rentals operating within Town limits. The number of short term vacation rentals does not exceed three percent of the total number of single family housing in Town. The current limit is a total of twenty (20) rentals (this application would be #20).*

- m. No food service shall be offered to overnight guests by the owner or operator of the short term vacation rental.

*The property management plan acknowledges that there will be no food service offered to overnight guests.*

4. If no business license is issued for a short term vacation rental within a year of approval by the Planning Commission, the Planning Commission approval shall expire. If a business license is not renewed for a short term vacation rental for a consecutive year, the use as a short term vacation rental shall be considered discontinued. An expired approval or discontinued use, as per this Section, shall require notification, hearings and approval to re-establish the short term vacation rental consistent with this Section of this LDC.

*Upon approval of this application, the applicant will be required to register the business with the Town of Palisade, including registration for pay of the Occupation Lodging Tax. The registration will be required on an annual basis. As a part of the business registration, the applicant will need to provide evidence of a completed inspection with Mesa County Building Department.*

5. Any violations of this Section are subject to the enforcement and penalty provisions of Article 13. Upon receipt of any combination of three (3) citations, or violations of any section of this LDC or Municipal Code by the Town of Palisade, within a two-year period, the use of the short term vacation rental is summarily revoked. The revocation is subject to an appeal to the Board of Trustees, if requested within ten (10) days of the decision of revocation. Should such a revocation occur, an application to re-establish a short term vacation rental at the subject property shall not be accepted by the Town of Palisade for a minimum period of two (2) years after the revocation takes effect.

*Neither the applicant nor the property has any code enforcement violations within the last two years that would preclude them or the property from being considered as a short term vacation rental.*

6. Upon approval by the Planning Commission, the applicant shall obtain a business license in order to operate the short term vacation rental consistent with the approved site plan and management plan. Operation and/or advertisement of a short term vacation rental prior to the issuance of a business license is considered a violation of this LDC and is subject to the enforcement and penalty provisions of Article 13. Violation as per this Section shall also impose an automatic re-consideration of the application by the Planning Commission at the next available meeting, subject to the same public notification of the original application.
7. If a short term vacation rental is denied either by the Planning Commission or upon an appeal by the Board of Trustees, a request for a short term vacation rental for the same property may not be made until at least six months from the date of denial. This provision does not apply if the property is transferred after the denial and a request is made by a new land owner.

## **RECOMMENDATION**

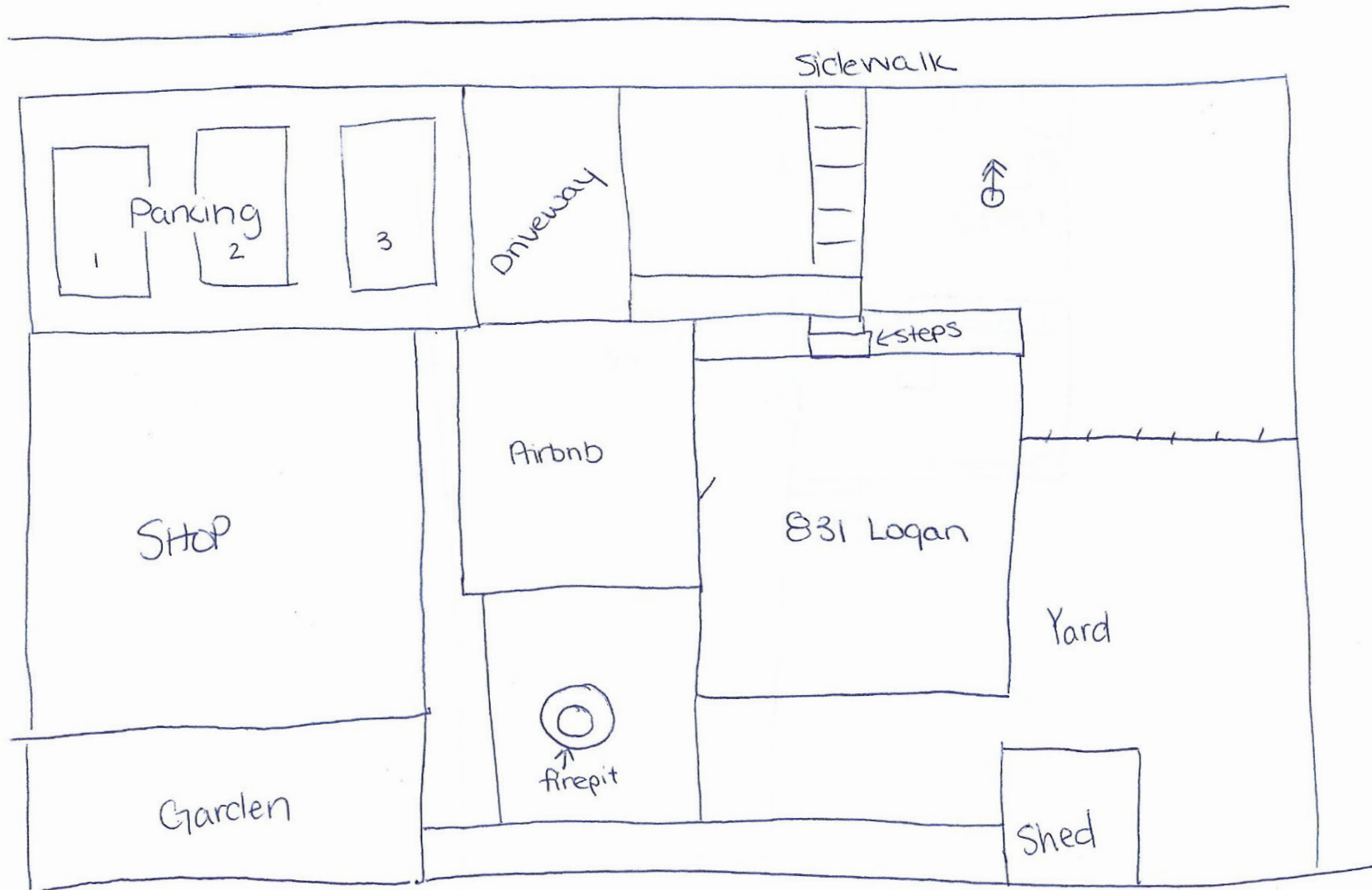
Staff recommends approval of the proposed site plan to operate a short term vacation rental based on the submitted property management plan.

## **ATTACHMENTS**

Site Plan and Floor Plan

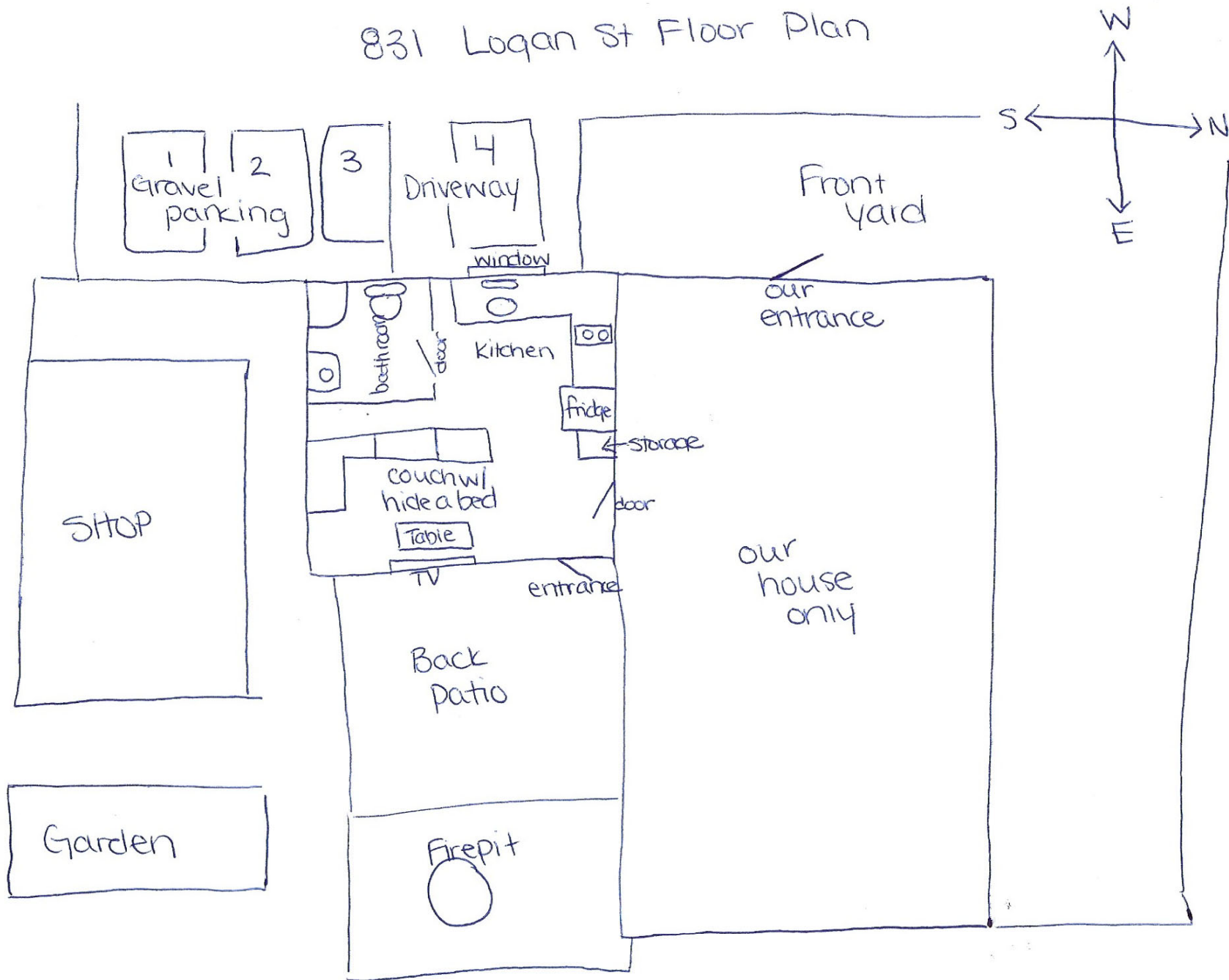
Property Management Plan

# LOGAN STREET





# 831 Logan St Floor Plan



## Property Management Plan

April 28, 2021

Dear Planning Commission for Palisade,

Here is the Property Management Plan that is required by Section 7.01.M Residential Use Standards Short term vacation rental for the Palisade Land Development Code.

### M) Short Term Vacation Rental

1. Site Plan is attached which will show the layout of the property.
2. A Property Management Plan

#### A. Contacts

Emergency contact 911

If there are complaints about the property such as cleaning up garbage, managing unruly tenants, etc. contact property owners:

Angela and Danny Steinweg

Danny- 619-606-4064

Angela- 509-520-9355

- B. We will send out a property management plan through the mail to all property owners within 300ft, this will be visibly posted on the short term vacation rental. Emergency contacts for the Airbnb if the owners are not available.

Chelsea Loy 970-261-8884

Tyler Loy 970-822-3699

Address: 3745 G Road, Palisade, CO 81526

- C. We have read paragraph C and understand that those will be incorporated into my property management plan.

### 3) Standards and Requirements

- A. We will not have a sign that will be identifying that we have a short term vacation rental.

- B. The appearance will not be changed to the property or detract from the residential appearance in the neighborhood.

- C. We understand that overnight guest occupancy will not exceed two persons per sleeping room, plus two overall for a total of four.

- D. During the daytime we plan to have up to four guests and daytime guests up to six additional guests would be allowed.

- E. Quiet hours are 10P.M to 7A.M.

F. Outdoor amplified sounds, microphone, or speaker systems are not allowed. Casual music from a personal device or similar situations is fine.

G. Pets are not allowed on this property.

H. Fire will be kept in the fire pit that is provided with the screen covering the top. The fire must be extinguished before leaving. No fires after 10 P.M.

I. Off street parking is ok right in front of the house, there is room for 4 cars on the front of the property one on the driveway and three to the side of that on the gravel.

J. No parking on lawns or sidewalks. Parking at designated areas such as right beside the driveway in the gravel is fine.

K. Short term vacation rental shall meet and exceed all safety and health inspections, licenses, registrations, fees and taxes. These will all be met.

L. Our vacation rental is based off of the 3 percent rule for our town of palisade code. This is the most recent data that is available through the U.S. Census Bureau and the State of Colorado Demographer's office.

M. No food will be given to renters for overnight guests.

We hope you enjoy your stay,

Sincerely,

Angela and Danny Steinweg