

TOWN OF PALMER LAKE MEMO

Date: Wednesday, October 15, 2025, *Amended November 26, 2025*

Through: Glen Smith, Interim Town Administrator, Town of Palmer Lake (TOPL)

To: TOPL Planning Commission, Doug Allen, and Calvin Berstler, on behalf of Owner Tri Lakes Developers, applicant

CC: Erica Romero, Town Clerk, Town of Palmer Lake
Scott Krob, Town Attorney, Town of Palmer Lake
Mark Morton, PE, GMS, Inc., Consulting Engineers, Town of Palmer Lake
John Chavez, Chavez Consulting Inc., LLC, Stormwater Consultant
Mike Davenport, Community Matters Institute, Contract Town Planner

From: Barb Cole, Founder/Executive Director, Community Matters Institute

Re: **Recommend Approval - Brook Street Rezoning from Obsolete PUD to R-3** (new Land Use Code name is **R-5,000 - Small Lot Residential**)

This application was deemed complete for both the rezoning and minor subdivision and was sent out for referral on September 25, 2025. No comments were received regarding the rezoning to **R-5,000 - Small Lot Residential** (R-3).

However, there are comments regarding required easements and the need to ensure that the Water Department has the necessary easement to reach the tank. In addition, Mark Morton, GMS, and John Chavez have unresolved comments regarding slope disturbance and additional required easements.

Background: The property was previously zoned PUD, but the required files to allow a past PUD to move forward were never completed. Per Code, the following is required (Code sections are in italics):

Sec. 17.1.90 Expiration of Land Use Approvals.

(a) Approval by the Board of Trustees of any Planned Development District PD plan, Final PD development plan (FDP), subdivision plat, conditional review use, site plan, or any other land use approval that does not constitute an amendment to the Official Zoning Map shall remain in effect for three (3) years unless a longer vesting period is granted by the Board of Trustees.

Sec. 17.2.162 Effective date and establishment of a planned development district (PD).

Existing PDs shown on the official zoning map. Planned developments without a planned development plan (PDP) or final development plan (FDP) recorded at the El Paso County Clerk and Recorder's Office are required to initiate a new planned development zoning application.

This PUD was not recorded, and there is no evidence of any ordinance rezoning this parcel to PUD. No development plan, neither a Planned Development Plan nor a Final Development Plan, was ever submitted. Thus, the applicant was advised that a PD was not possible because all new zone districts, including PD must be 5 acres or more.

DRT Recommendation in May 2025: The applicant was advised to rezone the parcel to R-3, which is consistent with the surrounding land all of which is zoned R-3. The attached rezoning exhibit shows the rezoning of this property to R-3 as provided for in Title 17: Land Use **Code**.¹ The only option for this property is to rezone to R-3 (NKA R-5000).

Sec. 17.2.040 Minimum Size for New Zone Districts.

Unless contiguous to the same zone district, all newly created zone districts or zone changes shall be greater than five (5) acres in size

Recommendation: The Town Planning Consultant and Development Review Team recommends approval of this rezoning to R-5000 (previously known as R-3). Please note that the dimensional requirements dictate how much can be built, and this will be reviewed before sending any building plans to PPRBD.

As noted in both the old Zoning Ordinance and the newly adopted Land Use Code, the following applies:

New Code: Sec. 17.1.30 Legal Authority. "All new construction, remodels, additions, installations, electrical work, retaining walls, decks over 200 sq ft. or above 30 inches, and other accessory uses and installations require a certificate of zoning compliance from the Town of Palmer Lake."

Previous Zoning Ordinance: 17.12.065. - Certificate of zoning compliance.

All construction requiring a building permit shall also require a land use permit to certify zoning compliance, which certificate shall be issued prior to application for building permit with the building inspection agency. In addition, either a plot plan or site development plan shall be required.

¹ New name with the passage of the new Land Use Code on August 14, 2025, is R-5000. All zone districts have new names to better reflect lot size required.

The dimensional requirements that must be adhered to are as follows for R-5000:

Dimensional Requirements.

- a. Minimum lot size: 5,000 square feet.
- b. Minimum lot width: 50 feet street frontage.
- c. Front yard setback from property line: 25 feet.
- d. Minimum side yard setback from property line: 7.5 feet per floor.
- e. Rear yard setback from property line: 25 feet.
- f. Maximum impervious coverage: 45%.
- g. The percentage of the site that shall remain in a natural state shall comply with Section 17.3.610 Slope and Stormwater Quality Control and is dependent on the percent of the average slope of the entire parcel of land. For purposes of measurement regarding areas, all measurements shall be made on the horizontal. ²
- h. Maximum building height: 30 feet.
- i. Minimum Distance between structures: 10 feet.

The above dimensional standards apply to any single-family home and all allowed accessory structures. This review is solely to rezone the property to R-5000. In addition to the Slope and Stormwater Control requirements, the property is also required to meet all MS-4 requirements, which require a permit.

A copy of the rezoning exhibit meeting Code requirements follows. Rezoning to R-3 is the only option for this property. Compliance with the Hillside Overlay District, now called Slope and Stormwater Quality Control (see Section 17.3.610 in the newly adopted land use code -*no change to the text*) is being addressed through the resubdivision process and will also be reviewed at the time of review for zoning compliance.

² Disturbance due to active construction activities is limited on all slopes. The definition of "Applicable construction activities" means construction activities that result in a land disturbance of greater than or equal to one acre or that is less than one acre, but is part of a larger common plan of development or sale that would disturb, or has disturbed since March 2, 2001, one acre or more- this will apply to all lots created as a result of the rezoning.

Resubdivision: The applicant is also seeking to re-subdivide the property into 4 lots for 4 single-family dwellings if the applicant can meet the dimensional requirements, Slope and Stormwater Control requirements, and MS-4 permitting. The applicant, GMS, and the DRT are working to create the necessary easements based on referral comments and the need for access. This item is being continued per the GMS memo.

