



## SPECIAL PLANNING COMMISSION MEETING

Wednesday, December 03, 2025 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

### MINUTES

#### Call to Order 5:00PM

#### Pledge

#### Roll Call

- Present: Richard Kuehster, Andre Bergeron, Matt Stephen, Bill Fisher
- Absent: Charlie Ihlenfeld, Herb Tomitsch

#### Presentation

1. Presentation on MS4 requirements, including Town Liabilities. By town Consultant John Chavez.
  - Mr. Chavez provided a high-level summary of the Municipal Separate Storm Sewer System (MS4) permit, a five-year permit issued by the Colorado Department of Public Health and Environment.
  - The permit covers the town's entire jurisdictional boundary and requires six minimum controls, including public education, illicit discharge detection, and construction site runoff control.
  - Construction sites disturbing more than one acre must implement control measures and undergo inspections every 14 to 90 days.
  - Palmer Lake participates in a regional outreach campaign organized by Colorado Springs, contributing \$1,250 annually.
  - Mr. Chavez highlighted the risks of non-compliance by citing a consent decree involving Colorado Springs, which has cost that city over \$226 million to date.
  - Following the presentation, the Commission held a question-and-answer session covering the permit's scope, personnel definitions, and operational logistics. Key discussion points included the clarification that the permit covers the entire town, the definition of field staff and certified pesticide applicators, and the distinction that fire mitigation is not considered a land-disturbing activity unless stumps are removed. Additionally, the Commission reviewed the town's current compliance status, the oversight inspection process, and the reimbursement structure for Chavez consulting, with no major concerns raised regarding the upcoming 2026 permit renewal.

**Public Hearing** – *Chair will introduce the item and hear the applicant request. Chair will ask if any public member wishes to speak for or against the request. Public should address the Commission members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Chair will close the hearing and members will discuss the item, move a recommendation, and/or continue the hearing to a particular date.*

Hearing Opened at 5:41PM

2. Application for Rezoning & Re-Subdivision of Highbrook (Applicant)
  - Presentation by Calvin Berstler and Doug Allen
  - Project Overview and Vision: The applicants, local residents with multi-generational ties to the area, expressed their intent to build personal residences rather than pursuing high-density commercial development. They proposed rezoning the land from PUD (Planned Unit Development) to R3 (Medium Density) to better align with the "Old Town" master plan, subdividing the 1.67 acres into four residential lots.
  - Adherence to Hillside Ordinance: A central focus of the presentation was the commitment to the Town's Hillside Ordinance. The applicants stated they are not seeking variances; instead, they have designed homes with footprints that stay well within the 15% maximum allowable disturbance (currently ranging from 6% to 13% per lot).
  - Topography-Based Design: Addressing concerns regarding steep terrain, the developers confirmed that the homes are being custom-designed to fit the hillside rather than using flat-site designs that require large retaining walls. They emphasized that while two lots are flatter, the others will be built responsibly into the slope to stabilize areas that were left in poor condition by past excavations.
  - Easement Rectification: The applicants are working to fix historically inaccurate easements, including a town water tower access road that currently incorrectly runs through existing neighboring townhomes.
  - Utility & Access Protection: They proposed granting new, beneficial easements to neighbors to ensure permanent garage access and to the town to protect existing electric and drainage infrastructure found on the property.
  - Road Maintenance: The town's maintenance road to the water storage tank will remain its current width, with the addition of a wider turning radius, requested by the Town Engineering consultant, to improve access for maintenance vehicles.

- Commitment to the Community: The applicants pledged to leave the land in better condition than they found it, including cleaning up historical debris (pallets and logs) and addressing long-standing erosion issues on the Brook Street ridge through proper grading and erosion control plans (developed by Drexel, Barrell & Co.).

**Public Testimony:** *All members of the public giving testimony were sworn in by the planning chair prior to giving testimony.*

- Beverly Voelker – raised concerns regarding the geological composition of the mountain's "front face," describing it as "scree" that lacks stable vegetation and is prone to continuous sloughing once disturbed. She argued that no development should be considered until extensive geotechnical surveys determine the depth of the stable bedrock. Furthermore, she questioned the R3 zoning, suggesting that only lower-density R1 (single-family) zoning might be feasible without causing the "entire mountain to come down," and urged the Commission to require comprehensive engineering studies before making any final land-use decisions.
- Alysse Forde – spoke in opposition, questioning why town rules are not being followed despite the clear restrictions of the Hillside Ordinance. She highlighted historical precedent, noting that the Planning Commission unanimously denied a similar proposal in 2019 due to excessive land disturbance, reportedly 30% to 60%, far exceeding the 15% allowable limit. Significant concerns were raised regarding the geological instability of the "soft and slippery" terrain and the potential for severe watershed issues, citing the 1965 flood and recent 2023 runoff that caused deep ruts on their property. She concluded by asking for the record whether a new engineering study has verified a disturbance rate under 15%, who would be liable for future road and property damage caused by runoff, and what specific watershed mitigation projects have been approved to prevent the town from being "washed out."
- Kellie Currie – spoke in opposition to the development, emphasizing the geological instability of the hillside and the potential for property damage. She noted that her real estate agent had previously indicated the land would never receive water taps, a factor in her decision to purchase her home, and expressed frustration over the \$300 cost to access historical records regarding previous development restrictions on the property. She highlighted that the current land remains in "terrible condition" from past disturbances, noting she personally mitigated fire hazards by clearing logs and crates—and argued that the town's own documentation appears to shield the municipality from liability while leaving current residents vulnerable. She concluded by stating that she can feel the mountain shake when trains pass, raising concerns about existing foundation issues in the neighborhood and promising to seek legal and financial recourse if the approval of this land use results in any future damage to her property.
- Heather Kruger – a fifth-generation resident of Palmer Lake, raised concerns regarding the potential for setting a legal or procedural precedence by altering the application of the Hillside Ordinance. She questioned whether allowing changes to accommodate this specific development would enable future developers to subdivide and build multiple homes on other protected lands, such as the area behind the "Star" on the mountain. She argued that if the Commission permits a shift from the current standards to fit a

specific project, it could lead to a cumulative transformation of the town's landscape and eventually obstruct the visibility of iconic landmarks like the Star.

**Applicant Response:**

- **Geotechnical Reporting:** The applicant confirmed that extensive soil samples have been taken at the four proposed lot locations. He noted that while a formal geohazard report is currently an open item, they have consulted with a geotechnical expert and possess stamped Colorado engineering reports for the house foundations based on those soil samples. He expressed willingness to pay for a "full-blown" report if formally requested by the Commission but asserted that the existing engineering plans already account for the ground conditions.
- **Compliance with Hillside Ordinance:** The applicant explicitly stated that they are not seeking a variance to the Hillside Ordinance. He provided estimated disturbance rates for the four lots—two at 13%, one under 6%, and one at 8%—all of which fall below the 15% maximum allowable limit. He contrasted this with a failed 2019 proposal for eight units, which would have required over 8,000 square feet of disturbance per unit, making it impossible to meet town standards.
- **Response to Public Concerns:** Addressing resident comments, the applicant argued that the property is stable for the four planned residences and that his team intends to "fix" the hillside by compacting soil and taking down the slope rather than just digging into it. He noted that Pikes Peak Regional Building Department reviewed the project and anticipated minimal impact.
- **Drainage and Infrastructure:** The applicant explained that while a formal grading and erosion plan is a later step in the process, they intend to direct water flow responsibly, potentially using "water gardens" on certain lots to manage runoff more effectively than the current natural state of the hillside. He also confirmed that the developer is working with the town to legally record essential easements for drainage, water lines, and access roads as separate documents prior to the final plat.

Hearing closed at 6:51

**Discussion on zoning:**

- Comment from Commissioner Fisher – this was originally zoned for multifamily. It is surrounded by R3, and that at this point, rezoning it to R3 feels appropriate.
- Comment from Commissioner Kuehster – Stated that this might be better that it could go to a smaller zoning, as it could address existing issues with the property that might not be addressed otherwise.

- Comment from Commissioner Bergeron – Complaint about not getting packet until the night before same with public comments. Agreed with Commissioner Fisher’s comments about zoning.
- **Motion to recommend the rezoning of the property to R3** (Fisher, Kuehster) “Aye” vote. Motion passed unanimously.
  
- **Motion to recommend approval to the Board of Trustees under the provision that all of the conditions stated in the XX-2025 resolution are satisfied with the addition of a Geo-Hazard study.** (Resolution numbered by Records Custodian as 74-2025 at a later date) (Fisher, Bergeron) Roll Call Vote. Motion Passed unanimously.
  
- 3. Application for Planned Development Plan for Eco Spa, LLC (Applicant)
  - **Motion to continue this to the Regular meeting in January.** (Kuehster, Fisher) “Aye” vote. Motion passed unanimously

#### Business Items

- None

#### Public Comment - *This time is reserved for the public to speak to items not on the agenda.*

- Alyse Forde – Question to the Commission if disturbance rates are cumulative.
  - o The Commission responded that it is determined from the overall lot size, and that it would have to stay under 15% across all properties on a lot.
- Kellie Currie – Stated that she has tried for over a month to communicate with the Planning Commission. Stated that she has gotten no response.
- Carly McAdam – Stated that if you’ve ever had a child say that I’ll do that after I get what I want it doesn’t happen. Stated that people don’t have a problem before they get what they want. When they get what they want, they have a problem with all of these other things.
- Beverly Voelker – Stated her frustration that her written public comment was not specifically addressed. Asked what a better way to know what she is submitting is being addressed. Stated that the only confirmation she received was a receipt from the Deputy Town Clerk. Continued with a question how she could express her concerns going forward.
  - o Response from the Commission is that next opportunity would be when it goes to the Board of Trustees.

#### Next Meeting and Future Items

#### Adjourn

- **Motion to adjourn** (Fisher, Kuehster)
- Adjourned at 7:27PM