PLANNING COMMISSION

Wednesday, August 20, 2025 at 5:00 PM

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

MINUTES

Call to Order

- Meeting Called to order at 5:00PM

Roll Call

- Present: Charlie Ihlenfeld, Bill Fisher, Andre Bergeron, Herb Tomitsch, Matt Stephen, and Michael Beeson.

Pledge

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.*

1. Staff Memo - Attorney Scott Krob
    a. Attorney Krob addressed a potential conflict of interest concern and concluded that the Chair of the commission is not disqualified because his prior comments were a permissible expression of opinion on a policy/legislative matter and he has no disqualifying conflict of interest.
    b. Attorney Krob recommended that the commission focus the majority of their efforts on the zoning part of the Annexation agreement, as deciding on the planned development/zoning part of the agreement helps provide direction on the rest of the agreement.
    c. Commissioner Beeson inquired about whether the hearing is Quasi-Judicial hearing or not.
        i. Attorney Krob responded that it is both a Quasi-Judicial hearing and a legislative hearing. Further explaining that annexation is a legislative matter and that zoning and the sketch plan are both quasi-judicial matters. Commissioner Beeson then followed up with asking if all testimony is binding. Attorney Krob responded that the expectation is that all representations from the applicant be accurate and that all public comments be accurate.
2. Planned Development Plan - Drawing

a. Applicant Presented their proposed plan for developing the property, which included signage, lighting, and wildlife mitigation.
b. Commissioner Stephen inquired about the zoning designation no longer being enforced.
    i. The response from the applicant was that the county has made it an obsolete zoning designation. Meaning that while new land cannot be zoned into it, existing land already zone can be developed.
c. Commissioner Beeson inquired about the land's lack of conservation and open space designation from the county.
    i. The applicant responded that designation of open space or as a conservations space is provided by El Paso County.
d. Applicant Presented their proposed plan for developing the property, which included signage, lighting, and wildlife mitigation.

3. Planned Development Plan - Written Plan
    a. Applicant addressed the content of their written plans including, zoning requirements, Planned development zone districts, dimensional standards, land use provisions, water usage, and engineering design standards. The applicant also covered an overview of the draft annexation agreement.
    b. Question from Commissioner Beeson asking about traffic modeling used.
        i. Applicant responded that they used a variety of modeling techniques including Synchro modeling, vehicle queuing analysis, Vissim analysis, and both IDOT & XCap intersection capacity analysis.
    c. Question from Commissioner Fisher for comment on the traffic counts now vs what's in the traffic study.
        i. Applicant responded that the improvements to the roadways around the proposed planned development account for the increase in traffic.
    d. Question from Commissioner Beeson for clarification on the phrasing of "conservation of the value of land."
        i. Applicant responded that specific phrasing is in regards to the proposed planned development land only, not surrounding properties.
    e. Question from Commissioner Beeson about the 100 foot sign.
        i. The applicant responded that the sign will emit less lumens than their parking lot lights and that it will not be a 100 foot sign. Applicant informed the commission that they are prepared to have further conversations about sign height.
4. Sketch Plan
    a. Applicant addressed the criteria that the town of Palmer Lake specifically had put forth. This included zoning, applicability to Palmer Lake Master Plan, lighting, traffic, and wildlife management.
    b. Question from Commissioner Beeson about guiding objective ED2.2
        i. Response from the applicant said that where the proposed development is already adjacent to where other franchises and big box stores already are, and that when the master plan was written, the town did not have any land adjacent to I-25. The applicant also noted that Buc-ee's is not a franchise business.
    c. Question from Commissioner Beeson about connectivity and multimodal transportation, particularly a bike lane.

    i. The applicant responded that they did coordinate with El Paso County, but they are not at a stage of development where they could commit or promise to include that in their plans.

d. Question from Commissioner Beeson about Sketch Plan D and open space criteria.
    i. Applicant responded that out of the 24.77 acres in the proposed planned development 3.72 acres of open space is what is required. They continued to say that they currently have 4.13 acres of open space in their plans.
e. Question from Commissioner Beeson about how the community will benefit from the proposed open space.
    i. Applicant responded that the community would have access to green spaces, a bike plaza, and dog walking provisions.
f. Question from Commissioner Fisher about how community members would access the bike plaza.
    i. Applicant responded that they could access the bike plaza through public roadways.
g. Question from Commissioner Beeson on encroachments into Douglas County.
    i. Response from the applicant is that there is a stipulation from Douglas County, El Paso County, and Douglas Land Conversancy regarding any areas of encroachments.
h. Question from Commissioner Beeson about how Buc-ee's a tourist destination and what effects it will have on local businesses.
    i. Buc-ee's will have a kiosk with local activities and will work with local businesses to bring their products to within the store.
i. Question from Commissioner Fisher to Attorney Krob about potential changes the commission could request.
    i. Attorney Krob responded that the commission has several options. He stated that the commission can approve it the way it's presented. They can approve it subject to conditions, additional things they would like to see in it, or the commission can deny it. If the commission thinks there are additional things that should be in it, then they would approve it subject to those conditions and that would go to the board of trustees as a as part of their recommendation.
j. Question from Commissioner Stephen for clarification on not asking for reimbursement on development costs.
    i. The applicant responded that the developer is not asking for cost recovery, instead they have proposed that 1% of the sales tax revenue will be rebated to the owner of the property for a period of 20 years.
k. Question from Commissioner Stephen about the taxable sales for the property.
    i. The applicant responded that any sales event on the property would be subject to the three penny tax and that they are asking that the town keep two pennies. They continued that based on comparable stores the total sales tax on two pennies would be plus or minus one million dollars.
l. Question from Commissioner Beeson about the fiscal impact part of the annexation agreement on page 5 part B.
    i. The applicant responded that the financial obligation he was asking about was part of the financial impact study done before the annexation agreement. The

applicant then clarified that in the annexation agreement no financial obligations were placed on the town.

5. Addendum
    a. Materials were presented in the meeting packet but not explicitly discussed. Addendum was documentation on proof of ownership.

Recess of proceedings

- 8:15PM – 8:30PM

Public Comment

- Mr. Todd Messenger, a land use attorney representing the United Congressional Church. Spoke on Colorado State Law he believed was relevant and asked commission to continue this hearing based on this. He requested that the commission recommend to the Board of Trustees that they deny the annexation petition, and the application for initial zoning. He continued to support this request with examples from the master plan, comments from citizen interviews, wildlife concerns, and water conservation concerns.
- Mr. Ian Griffis – Stated his opposition to the proposed annexation and urged the commission to verify statements given by the applicant with various agencies.
- Mr. Dan Neimela, a Water Resource Consultant speaking on behalf of John Malone and Ian Griffis. Spoke on the increased water demands from the proposed development. He then continued to speak about the long-term effects on increased water consumption in the town.
- Ms. Caitlin Quander, a land use attorney speaking on behalf of Protect Greenland Ranch LLC. Requested a continuance of the public hearing based on documents that were not a part of the packet provided to the Planning Commission. She continued to recommend denial of the application for initial zoning.
- Ms. Haley Griffis – Stated her opposition to the proposed annexation and gave examples of wildlife impacts in the annexation area.
- Mr. Brian Horan, a Traffic Engineer speaking on behalf of local landowners. Spoke on the two studies included in the presentations. Stated that there is not enough information to understand the impacts and said that additional studies are needed. He continued to point out specific issues he found in the existing studies.
- Mr. Steve Draper – Stated that the commission must vote for a continuance. Continued to express his disapproval against approving the proposed annexation.
- Ms. Kellie Currie – Question if the Planning Commission used the El Paso County zoning codes throughout the application process. Requested that the fire code be provided to the public.
- Ms. Lanette Posseda – Asked the Planning Commission about a Wall Street Journal article concerning the number of pumps. Gave concerns on garbage truck noise, and quiet hours. Requested that a Buc-ee's button be placed in the center of the town.
- Ms. Karen McVay – Expressed concerns about the proposed annexation, construction and increased traffic.
- Mr. Logan McConnel – Spoke about an environmental assessment that he conducted about the proposed planned development site. Expressed concerns about the impact this development site could have on local wildlife.

- Mr. J. Rene Trudel – Stated his opposition to the proposed planned development site. Expressed concerns about water usage, traffic, and snow removal.
- Ms. Grace Foy – Stated concerns about traffic impacts from the proposed annexation and expressed concerns about the accuracy of the provided traffic study from the applicant. Expressed concerns over the trustworthiness of the annexation process.
- Mr. Bill Benson – Expressed concerns about water levels in the aquifer and the increase in water usage. Stated that not having enough water should take priority.
- Mr. John Sweet – Stated that he did not agree that a planned development could not proceed with variations from the town code. Expressed that the property should not be annexed or rezoned. Continued with concerns with the environmental impacts, zoning applicability, lighting & sign standards.
- Ms. Genevieve Gustavson – Asked the commission to not proceed with the annexation. Expressed concerns about water usage in the Denver Basin Aquifer, traffic impacts, and financial impacts related to water usage on surrounding residences.
- Ms. Beth Harris – Stated that the Town of Palmer Lake's Master Plan should be the primary document considered. Expressed concerns with light pollution, the sign height and the increased water usage.
- Ms. Terre Christensen – Stated her opposition to the proposed annexation. Expressed that the project does not fit with the town master plan and that it is not wanted by its residents.
- Ms. Laurel Schow – Stated her recommendation that the Planning Commission give a recommendation to deny the proposed zoning application. She expressed with concerns with property values, views, traffic, light pollution, proposed zoning changes, and compliance with the town master plan.
- Ms. Kat Gayle – Chief Legal Counsel to Integrity Matters and Westside Watch. Objected to Charlie Ihlenfeld presiding over this hearing. Expressed concerns with the proposed zoning changes and wildlife concerns. Asked the commission to look at alternative locations and development options.
- Mr. David Parks – Stated his opposition to the proposed annexation. Expressed concerns about wildlife impacts, light pollution and wants of the town's residents.
- Mr. Roger Moseley – Stated his surprise about the lack of continuance given the size of the packet provided. Expressed concerns about the sign height, parking, master plan applicability, size of the development, proposed zoning changes, financial recompense to the town, and environmental impacts.
- Mr. Drew Walton – Stated his concerns about the impact of noise, light pollution, traffic, and air pollution to the neighbors to this proposed development.
- Mr. Shaun Sawyer – Expressed concerns about the lack of discussion at the hearing about water. Expressed concerns about the light ordinance, increase in hydrocarbons, and change in small town feel & character.
- Mr. Matt Dunston – Spoke about his concerns about misinformation, mob mentality, and intimidation involved in the public discourse on the proposed annexations. Continued to point out that the town sits in the Denver Basin Aquifer, infrastructure improvements, and long-term water resource benefits.
- Mr. Larry Widra – Stated his concern with the amount of time the applicant had to speak vs how much time is available for public comment. Expressed concerns with wildlife impacts, light pollution, traffic concerns, and noise increase.

- Ms. Debbie Hall – Stated her concerns about views, light pollution, traffic concerns, water drainage, property values and highway access. Continued to ask the Planning Commission to not approve this.
- Mr. David Moon – Stated concerns about snow removal, winter storm safe haven feasibility, and safety of potential customers due to ice. Expressed additional concerns about master plan applicability and the updated three-mile plan.
- Ms. Kathleen Coblor – Expressed concerns about the applicant coming back in the future and requesting more land than is currently proposed.
- Ms. Mary Scott – Spoke about the financial impact of the proposed development to the town. Expressed concerns that the numbers provided have changed and are of concern. Continued with concerns about the proposed zoning changes and the loss of open space.
- Mr. Rian Snowbarger – Expressed concerns about lack of storm water upgrades, traffic concerns, increase in tourists, increase in large trucks, lack of emergency personnel and challenges with snow removal.
- Mr. Chase Olivier – Spoke in opposition to the proposed annexation and development. Expressed concerns about safety, community character, icy road conditions, supposed revenue benefits, and the fiscal transparency of the town. Continued to urge the Planning Commission recommend denial.
- Mr. Kane Cotton – Representing the Cotton, McGuire, and the close families. Stated that this should be denied, and if not, a continuance issued. Continued with concerns about the proposed development not aligning with the El Paso County master plan and the Palmer Lake master plan.
- Mr. Jeffery Dunston – Stated his support for Buc-ee's and the annexation. Continued that he believes the increase in tax revenue and the applicant has been very willing to meet town conditions in the application process.
- Ms. Trina Shook – Admonished the Planning Commission for behavior during the public hearing. Requested that the Planning Commission listen to the engineers who have given public comments. Expressed concern over sex trafficking along I-25, community character, environmental impacts, and adherence with the master plan.
- Ms. Alex Olivier – Stated her disagreements with how the surrounding community has been treated during this application process. Expressed concerns that the proposed development will result in the surrounding community visiting Palmer Lake's businesses and events.
- Ms. Ashley Stieber – Stated her desire for Palmer Lake to remain a small town and that she believes that Buc-ee's does not meet the qualifications to be annexed.

Discussion of Matters before the Commission

- Commissioner Fisher raised issues with master plan compliance with the town code, potential consideration for a lower sign, more time to study the water reports addressing the aquifers, the percentage of impermeable surfaces, the parking count, and environmental impacts
- Commissioner Beeson asked for clarification on two traffic study reports mentioned by the applicant in their presentation and requested a copy of them.
    - Attorney Krob added that these reports were not from any town consultant.
- Commissioner Tomitsch commented that he would also like to see those two reports and that more time is needed to fully review the application.

- The commission discussed among themselves the logistics, timing, and date for a potential continuance.
- A motion to continue the public hearing to the 27th of August. (Ihlenfeld, Tomitsch) 3-3 Motion fails due to tie.
- A motion to continue the public hearing to the 3rd of September. (Beeson, Fisher) 6-0 Motion passed unanimously.
- The applicant clarified that they felt confident that they could provide a response to any question posed by the commission. They continued that if third party reports were mailed in to the town, then that may change. The applicant also requested that if questions are provided in seven days, then they could provide answers the following Monday.
- Attorney Krob requested the commission that any questions to the applicant should be provided to Town Clerk Romero by August 27th.

Next Meeting and Future Items

Adjourn

- Meeting adjourned at 11:29PM