

PALMER LAKE, COLORADO

RESOLUTION NO. 5 OF 2019

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ESTABLISH A MIXED RESIDENTIAL DWELLING AND COMMERCIAL USES OCCURRING IN
THE SAME BUILDING ON A PROPERTY CURRENTLY ZONED C-C CONVENIENCE
COMMERCIAL
ZONE DISTRICT AND LOCATED AT 56 HIGHWAY 105 ("PROPERTY")**

WHEREAS, PALMER LAKE IS A STATUTORY TOWN ORGANIZED UNDER AND AUTHORIZED PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE 31 OF THE COLORADO REVISED STATUTES; AND

WHEREAS, SECTION 17.38.020 OF THE PALMER LAKE MUNICIPAL CODE PROVIDES THAT A MIXED RESIDENTIAL WITH COMMERCIAL USE IS A CONDITIONAL USE IN THE C-C CONVENIENCE COMMERCIAL ZONE DISTRICT; AND

WHEREAS, SECTION 17.08.090 PROVIDES THAT THE PLANNING COMMISSION SHALL MAKE RECOMMENDATIONS OF APPROVAL OR DENIAL OF CONDITIONAL USES TO THE BOARD OF TRUSTEES, WHICH HAS THE FINAL AUTHORITY TO GRANT OR DENY SUCH APPLICATIONS; AND

WHEREAS, SECTION 17.08.090 FURTHER PROVIDES THAT THE APPLICANT FOR A CONDITIONAL USE SHALL FOLLOW THE SAME PROCEDURE AS IS REQUIRED FOR AN APPLICATION FOR A ZONING DESIGNATION CHANGE, INCLUDING THE POSTING AND PUBLICATION OF LEGAL NOTICE; AND

WHEREAS, CHAPTER 17.76 SETS FORTH THE PROCEDURE FOR ZONING AMENDMENTS ALSO APPLICABLE TO CONDITIONAL USE APPLICATIONS; AND

WHEREAS, PUBLISHED AND POSTED NOTICE OF THE PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND BOARD OF TRUSTEES AS REQUIRED BY SECTION 17.76.10 WAS DULY AND TIMELY ACCOMPLISHED; AND

WHEREAS, THE PALMER LAKE PLANNING COMMISSION RECOMMENDED APPROVAL OF THIS CONDITIONAL USE.

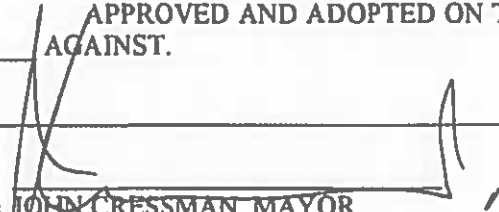

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

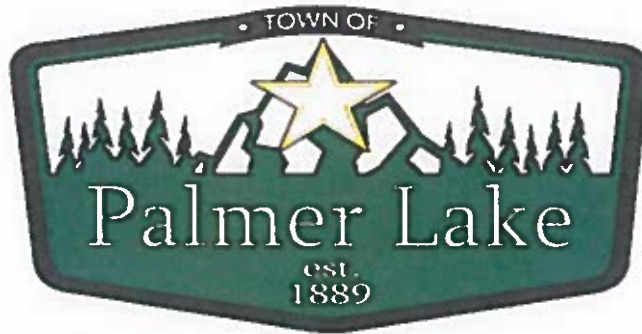
Section 1. The application pursuant to Section 17.38.020 for a Conditional Use Permit to establish a mixed residential with commercial use on property currently zoned "CC" Convenience Commercial, and located at 56 Highway 105 is hereby approved, subject to the following conditions:

1. The building will not exceed two stories.
2. The preliminary site plan and building design will be brought to the Planning Commission for final review,
3. Construction of a sidewalk in front of building.

Section 2. This Resolution shall be effective immediately.

APPROVED AND ADOPTED ON THIS 28th DAY OF MARCH 2019, BY A VOTE OF __ FOR AND
AGAINST.

<p> _____ JOHN CRESSMAN, MAYOR</p> <p>ATTEST:  _____ VERLA BRUNER, TOWN CLERK</p>	<p>Approved as to Form:</p> <p>_____ MAUREEN JURAN, TOWN ATTORNEY</p>
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RECORD OF MINUTES

Thursday, March 28, 2019

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

Board of Trustees Present

- Mayor John Cressman
- Mayor Pro Tem Mark Schuler
- Trustee Paul Banta
- Trustee Bob Mutu

Staff Present

- Town Administrator Cathy Green
- Interim Town Administrator/Finance Director Valerie Remington
- Town Attorney Chris Price
- Town Clerk Verla Bruner

1. Call to order

Mayor Cressman calls meeting to order at 6:02 PM

2. Pledge of Allegiance

Pledge of Allegiance lead by Mayor Cressman

3. Roll call

Trustee Mitch Davis- Absent

Trustee Glant Havenar -Absent

Trustee Gary Faust- Absent

4. Approval of the Agenda

Mayor Pro Tem Mark Schuler makes a motion to approve Agenda seconded by Trustee Bob Mutu All Aye Motion passes.

5. Approval of minutes from February 28, 2019

Trustee Paul Banta asks for the Minutes of February 28th, 2019 be amended to reflect no percentage identifier in the discussion item number Seven.

Trustee Paul Banta makes a motion to approve Minutes from February 28th as amended, seconded by Trustee Bob Mutu. All Aye Motion Passes.

7. Douglas Ave. Project- Notice of Award and Agreement

Mayor Pro Tem Mark Schuler makes a motion to approve awarding the Douglas Avenue Roadway and Drainage Improvement CDOT Project #21150 to Avery Asphalt Seconded by Trustee Paul Banta. All Aye Motion Passes.

Mayor Pro Tem Mark Schuler makes a motion to approve the agreement between the Town of Palmer Lake and Avery Asphalt, INC. for the Douglas Avenue Roadway and Drainage Improvement CDOT Project # 21150 Seconded by Trustee Paul Banta. All Aye Motion Passes.

8. Resolution NO.4 of 2019

A Resolution of the Board of Trustees of The Town of Palmer Lake, Colorado, Setting and Increasing the Water Tap Fees, Water Base Rates and Water Usage Rates for the Town.

Trustee Paul Banta makes a motion to table Resolution # 4 of 2019 -A Resolution of the Board of Trustees of The Town of Palmer Lake, Colorado, Setting and Increasing the Water Tap Fees, Water Base Rates and Water Usage Rates for the Town until April 25th 2019, Seconded by Mayor Pro Tem Mark Schuler. All Aye Motion Passes.

9. Resolution NO.5 of 2019

Public Hearing and Consideration of a Resolution Approving a Conditional Use Permit to Establish a Mixed Residential Dwelling and Commercial Uses Occurring in the Same Building on a Property Currently Zoned C-C Convenience Commercial Zone District and Located at 56 Highway, 105

Trustee Paul Banta makes a motion to approve Resolution #5 of 2019 with three conditions;

- 1. The building will not exceed two stories.*
- 2. The preliminary site plan and building design will be brought to the Planning Commission for final review,*
- 3. Construction of a sidewalk in front of the building*

Seconded by Mayor Pro Tem Mark Schuler. All Aye Motion passes.

10. Resolution NO.6 of 2019

Public Hearing and Consideration of a Resolution Approving a Conditional Use Permit to Establish a Single-Family Use on a Property Currently Zoned C-1 General Business and Commercial Zone District and Located at 296 Spring Street- Applicant Richard Willian

Trustee Paul Banta makes a motion to approve Resolution #6 of 2019 seconded by Trustee Bob Mutu. All Aye Motion passes.

11. Resolution NO.7 of 2019

Public Hearing and Consideration of a Resolution Approving a Conditional Use Permit to Establish a Day Care Home on a Property Currently Zoned R-3 Medium Density Residential and Located at 279 Walnut Ave- Applicant Maria Arefieva

Mayor Pro Tem Mark Schuler makes a motion to approve Resolution NO.7 of 2019 with three conditions;

- 1. A Children at Play sign placed on Walnut Ave.*
- 2. Business sign to reflect the style of Daycare home*
- 3. If The Town of Palmer Lake receives more than two complaints within a one year period the applicant will be required to have a new review by the Planning Commission.*

Seconded by Trustee Paul Banta. All Aye Motion passes.

12. **Unscheduled Public Comments (At Mayor's discretion)-** Reserved for members of the public to make a presentation to Council on items or issues that are not scheduled on the agenda. As a general practice, the Council will not discuss/debate these items, nor will Council make any decisions on items presented during this time, rather will refer the items to staff for follow up. Comments are limited to three (3) minutes per speaker.

Mr. Bill Dandino of 232 Park Street Palmer Lake asks for an update on the Pedestrian bridge.

13. **Purchase of Water Truck – Jason Dosch**

Trustee Bob Mutu makes a motion to approve the purchase of a 2005 Freightliner M2-106 in the amount of \$ 41,750.00 and the sale of the current water truck. Mayor Pro Tem Mark Schuler seconds the motion. All Aye Motion passes.

Trustee Bob Mutu makes a motion to approve the check to DTI Trucks in the amount of \$ 41,750.00 seconded by Mayor Pro Tem Mark Schuler. All Aye Motion passes.

16. **Executive Sessions**

Trustee Bob Mutu makes a motion to convene into Executive Session seconded by Trustee Paul Banta. All Aye Motion passes.

- 1. CRS 24-6-402 (4)(b) For the purposes of receiving legal advice on specific legal questions regarding liquor license transfers.*
- 2. CRS 24-6-402 (4)(f) For the purpose of a personnel matter with the permission of the person that is the subject of the session.*

Trustee Paul Banta makes a motion to adjourn Executive Session seconded by Trustee Bob Mutu. All Aye Motion passes.

17. **Adjourn**

Trustee Paul Banta makes a motion to adjourn the regular meeting at 9:26 PM seconded by Mayor Pro Tem Mark Schuler. all Aye Motion passes.

Mayor John Cressman

Town Clerk Verla Bruner



Town of Palmer Lake
Minutes of the Planning Commission
February 20, 2019 @ 6:00 PM
28 Valley Crescent/ Town Office

Planning Commissioners Present:

Chairman Cooper

Commissioner Bruce

Commissioner Padgett

Commissioner Ihlenfeld

Commissioner Mettler

Commissioner Brown

Planning Commissioners Absent:

Commissioner Fisher

Agenda:

1. Call to Order

Chairman Cooper called the meeting to order at 6:00pm.

2. Approval of Minutes (January 16, 2019)

Commissioner Mettler made a motion to approve minutes from 1.16.19. seconded by Commissioner Ihlenfeld. Motion passed 6-0.

3. V-1-19. An Application for a Street Vacation and Replat for parts of Trinity Addition, Palmer Lake, CO.

Chairman Cooper asked that V-1-19 be tabled until the March 20, 2019 meeting. Commissioner Ihlenfeld made the motion to table V-1-19, Commissioner Bruce seconded. Motion passed 6-0.

4. Z-1-19. An Application for a Conditional Use Permit for a Mixed Residential/Commercial Development in a CC Zone District. Applicant Sylvia Amos.

Staff explained that this request was for a conditional use permit to build a mixed use building with both residential and commercial in the same building, and that it was not to be taken as an approval of any specific floor plans, site plans or illustrations of buildings. Also, developments on this site must first show proof of water and sewer service, and conform with the requirements of the zone district and



any conditions that the Commission and/or Council place on the proposed permit.

Applicant Sylvia Amos described her vision of what the development would look like with commercial on the ground floor and residential units on the second and third floor. She said that she had been working with Pikes Peak Community College to possibly lease space to their culinary school. She does not yet know how many taps she would need or if they are available.

Matt Stephens spoke and asked that the Commission consider its location on HWY 105 and require that a sidewalk be placed in front of the building.

Commissioner Ihlenfeld made a motion to recommend approval of Z-1-19, seconded by Commissioner Bruce. Motion passed 6-0.

5. Z-2-19. An Application for a Conditional Use Permit for a Single-Family Home in a C-1 Zone District. Applicant Richard Willian.

Applicant Richard Willian explained where the property was located and said that he wants to build a single-family home. He has the required taps to build one home. He would like to add up to 3 more homes on the property in the future, however he will have to first subdivide the property.

Commissioner Padgett made a motion to recommend approval of Z-2-19, seconded by Commissioner Mettler. Motion passed 6-0.

6. Z-3-19. An Application for a Conditional Use Permit for a Day Care Home in an R-3 Zone District. Applicant Maria Arefieva.

Staff explained the general concept of a Day Care as a conditional use in a residential zone district. Applicant Maria Arefieva explained the concept of a Forest School which is common in Europe. These are day schools where children are in a natural area with trees and grass instead of plastic and concrete.

Jim Adams who live across the street, spoke in favor of the application but had the following concerns:

- **Traffic at the trailhead can be dangerous. Applicant described where and how they would cross streets.**
- **Should there be concerns about registered sex offenders? (PD was asked and said no)**
- **Bears. Will there be enough supervision to protect against wildlife? Applicant answered yes that state requires one adult per 12 children, and they will have 1 adult per 8 children.**
- **Will private residents be restricted from growing cannabis if the live close the day care. No.**
- **Gate closure on driveway. There was a discussion about how the driveway gate would be opened and closed, especially during snow events.**

Commissioner Mettler made a motion to recommend approval of Z-3-19 with two conditions: 1. A children at play sign be installed in

the roadway, and 2. The business's sign be built with a shingled roof to reflect the design of the house.

Motion was seconded by Commissioner Bruce. Motion carried 6-0

7. Commissioner Comments

Commissioner Ihlenfeld asked that the Commission consider recommending an ordinance amendment to require larger lots. A discussion followed regarding how this could and couldn't be done. It was decided that staff should plan a Planning Commission dinner/workshop to discuss this and other topics. If any Commissioner has an idea for discussion, it should be emailed to Cathy.

8. Adjourn

At 7:45 Commissioner Mettler made a motion to adjourn, seconded by Commissioner Brown. Motion passed 6-0.