



TO: PALMER LAKE PLANNING COMMISSION

FROM: PALMER LAKE DEVELOPMENT REVIEW TEAM (DRT)

RE: BUC-EE'S ANNEXATION AND DEVELOPMENT ITEMS ON AUGUST 20, 2025
AGENDA

DATE: August 15, 2025

Introduction

The Planning Commission has three items before it: annexation; zoning in the form of a Planned Development (PD) (including PDP Graphic Plan and PDP Written Plan); and the first stage of subdivision, referred to as sketch plan. All three relate to a request to annex property to the Town of Palmer Lake that is located approximately 1.5 miles from the Town's current boundary, at the southwest corner of the intersection of County Line Road and I-25, for the purpose of developing a Buc-ee's Travel Center comprised of approximately 74,000 sq. ft. of retail and 120 fueling stations.

A note regarding Planned Developments and Annexations generally

Usually, the PC is charged with looking at a land use application and deciding whether it satisfies certain criteria that apply to the type of application involved. If the criteria set forth in the Town Code are not satisfied, then the PC generally recommends denial of the application. However, it is different when the PC or the BOT consider a PD, and particularly in the annexation context, as there is substantial flexibility to be negotiated between the Town and the applicant with regard to matters addressed in the Town Code.

This increased flexibility in creating a Planned Development (PD), particularly in the context of an annexation, is recognized in the draft annexation agreement you will be receiving before your meeting. As discussed in greater detail below, the PD sections of the Town Code contemplate the negotiation and modification of dimensional requirements and development standards, among other things, than what would otherwise apply to the subject property. In addition, as part of an annexation, the Town and the applicant are able, by agreement, to exempt the property from provisions of the

code that would otherwise apply or to vary such requirements, as applied to the subject property.

1. Annexation

Please note: Certain aspects of a proposed draft annexation agreement are in the process of being refined and finalized by the staff and the applicant, including updating based on discussions with the BOT, as recently as last night. A draft annexation agreement will be provided prior to the PC hearing on August 20, 2025. Although the ultimate issue of annexation, including the negotiation of the annexation agreement is to be determined by the BOT, the Palmer Lake Town Code, provides for the Planning Commission's review of certain aspects of the annexation. It provides, in part:

17.14.040. Annexation of land.

...

(b) Specific procedure

...

- (7) The town shall provide to the applicant a draft annexation agreement prior to the zoning public hearing before the planning commission. The annexation agreement shall outline the responsibilities of the applicant and the town regarding the provision and extension of streets and utilities, the dedication of water rights, the payment of fees and charges related to the annexation and proposed development, the provision of facilities for the public and for residents and occupants of the annexed land, and other matters related to the impacts of the annexation on the town. Any changes or additions to the annexation agreement proposed by the town or suggested by the applicant shall be resolved before the public hearing before the planning commission. ...The final annexation agreement shall be signed by the applicant and made available to the town clerk before final action by the town board of trustees on the proposed annexation.

...

- (e) *Criteria for decision.* In making their recommendation or decision, the planning commission, and board of trustees, respectively, shall approve the annexation of land, only if it makes the findings required by C.R.S. § 31-12-110. In addition, the annexation shall comply with the annexation policies of the town's community master plan (aka comprehensive plan).

C.R.S. §31-12-110, requires the following findings:

§ 31-12-110. Findings

(1) Upon the completion of the hearing, the governing body of the annexing municipality, by resolution, shall set forth its findings of fact and its conclusion based thereon with reference to the following matters:

(a) Whether or not the requirements of the applicable provisions of section 30 of article II of the state constitution and sections 31-12-104 and 31-12-105 have been met;

(b) Whether or not an election is required under section 30(1)(a) of article II of the state constitution and section 31-12-107(2).

(2) The governing body shall also determine whether or not additional terms and conditions are to be imposed.

(3) A finding that the area proposed for annexation does not comply with the applicable provisions of section 30 of article II of the state constitution or sections 31-12-104 and 31-12-105 shall terminate the annexation proceeding.

At the conclusion of the eligibility hearing on May 29, 2025, the Board of Trustees adopted Resolution 46-2025 making all of the findings required by Section 31-12-110, C.R.S. Accordingly, this aspect of the criteria has been satisfied and no further action is needed by the PC or BOT on this this criteria.

The remaining criteria for the PC to provide a recommendation on with regard to the annexation portion of the application, is whether the proposed land uses are consistent with the Town's master plan. This is essentially the PC consideration of the PD zoning, which is discussed in greater detail in the next section of this memo.

Although a draft annexation agreement must be provided prior to the PC's public hearing on this development application, the PC's consideration of the annexation agreement should be limited to the land use aspects of the agreement. This is consistent with the general authority of the PC under the Town Code and Colorado statute. Those provisions create the Palmer Lake Planning Commission and authorize it to exercise all rights and powers granted by §§ 31-23-201, et seq., C.R.S. Those

statutes authorize a planning commission to develop the community master plan and to review and provide recommendations on land use matters such as zoning and subdivision, as provided for in the Town Code.

Accordingly, the Planning Commission's review of the proposed annexation and the draft annexation agreement should be limited to consideration of the land use aspects. All other items in the annexation agreement are solely a matter of negotiation between the Board of Trustees and the applicant.

In reviewing the applicant's land use proposal for a PD, there are a few provisions of the draft annexation agreement that the PC should keep in mind. As discussed above, in the PD context, and particularly in the annexation context, where there is a conflict between the provisions of the Town Code and the PDP/FDP or Annexation Agreement, the terms that were negotiated related to this specific piece of property as reflected in the FDP/PDP and the annexation agreement, govern over any contrary provisions of the Town Code. With regard to the subdivision regulations, the applicant has stated they are not seeking any modifications to the subdivision requirements as allowed by the adopted PD ordinance. As discussed in greater detail below, you will see that the applicant seeks to vary Town Code provisions related to lighting, sign and landscape standards, among others.

My understanding is that the lighting, sign, and landscape standards adopted by the Town were primarily directed at development and land uses within the area that was included in the Town of Palmer Lake at the time of their adoption and were not necessarily tailored to apply to a development along a well-lit and highly traveled interstate highway located well outside the Town limits as they existed at the time the standards were adopted. . The site in question was included in the 3-Mile Annexation Plan during the drafting of the Community Master Plan. The reasoning was that it was better to have a say in the development and control of a development at this site because this site is also included in the Town of Monument's 3-Mile Annexation and is currently zoned for commercial development in El Paso County. Accordingly, it is appropriate for the Planning Commission to consider and provide recommendations on lighting, signs, and landscaping that fit the land use and development of the subject property, independent of whether they vary from the standards that apply within the existing Town.

2. Zoning – Planned Development (PD)

The applicant is proposing a Planned Development Zoning designation pursuant to Section 17.72 of the municipal code. The PD zone designation allows *"the negotiation of a specialized zoning district that accommodates innovative patterns of development. This district is*

intended to be used only when no district in this Code, and no combination of districts can be used to approve a new development that provides substantial additional benefits to the town that would not otherwise be required by this Code, nor is it intended to be used to approve variations from the standards and criteria in this Code. Since the planned development accommodates innovative patterns of development, development standards, dimensional requirements, and permitted uses are negotiated and shall be allowed as set forth in the planned development plan (PDP) and final development plan (FDP). Significant additional benefits to the town must be demonstrated. This chapter is to implement the provisions of the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101 et seq.) as amended."(17.72.010)

The PDP is comprised of two required submittal items: A written plan and a graphic plan. the applicant's proposal is for a 74,000 square foot retail travel center, supported by 820 parking spaces and 120 fueling stations. Sheet 5 of the drawing set outlines all proposed uses. Unlike many PD developments, this development has one planning area, one primary use, no phases, and one owner.

The reason for the request to zone the property PD is 7-fold:

1. There is no existing zone district that allows both retail and gas station services.
2. The applicant has proposed different sign standards given its location along Interstate 25.
3. The applicant has proposed different lighting standards and operates 24 hours a day, 365 days a year.
4. The applicant has suggested modifications to the required setbacks found in 17.72.070 by allowing specific encroachments into the setbacks.
5. The applicant has proposed different parking standards. The proposed Parking Ratio is: 1 parking stall per every 100 square feet of travel center building (minimum).
6. The applicant is allowed to propose different dimensional standards. This is a negotiated item and allowed per 17.72.140 (7). For example, lot coverage is 80% per their written PDP and the maximum building height is 40 ft.
7. The applicant has proposed landscaping standards for both the perimeter of the site and the parking lot.

The criteria for approval of the requested zoning to PD can be found in Section 17.72.050. - Conditions and standards and also in Section 17.14.010. The applicant's written plan addresses these criteria. It is the role of the Planning Commission to determine if these criteria have been met and if the Planning Commission is satisfied with the negotiated items proposed by the applicant. The DRT's suggestion is to review the written plan and proposed standards, and Sheet 5 of the drawing set. The lighting plan and landscape plan should also be reviewed.

3. Subdivision

- a. Overview of Subdivision Codes. The general requirements of a subdivision are outlined in the Town Codes under Title 16. The proposed project is classified as a Major Subdivision in accordance with Section 16.20.030 of the Town Code. The Major Subdivision classification is due to the requirement for public infrastructure to serve the proposed development. In accordance with Section 16.20.030 of the Town Code, a Major Subdivision consists of three phases: sketch plan, preliminary plat and final plat. This submittal has been prepared by the applicant pursuant to the first phase of the process, the sketch plan. Section 16.20.020 of the Town Code outlines the procedures and requirements for the sketch plan phase of a subdivision submittal and is the basis upon which the applicant should prepare the sketch plan submittal documents.
- b. Criteria for Approval. The criteria by which a sketch plan submittal is evaluated to determine approval are given in Section 16.20.080, Paragraph (5). Based on the review of the sketch plan submittal documents against the specified criteria, the Planning Commission may decide to approve the sketch plan, approve it with conditions, or deny approval of the sketch plan.
- c. Applicant's Proposal. The submitted sketch plan documents have been prepared to address the items required in Section 16.20.020 of the Town Code. It is noted that the proposed project is a PD zoning, which allows for negotiation of certain project parameters through the PD process and through the annexation agreement. Negotiated project parameters may deviate from Town Code requirements as described above for the reasoning of the PD zoning. Although those negotiated processes are outside the sketch plan process, the negotiated project parameters are reflected in the Sketch Plan submittal documents.
- d. Proposal Review. The proposal has addressed the required items stated in Section 16.20.020 of the Town Code with regard to the Sketch Plan submittal. The following items are noted for the Sketch Plan submittal documents:
 - i. The negotiated project parameters which may deviate from Town Code requirements as described above for the PD zoning rationale are included in the drawing set. The DRT's suggestion is to review those items and the drawings' representations of those items.

- ii. A table of open space dedication was provided on the Sketch Plan drawings. The table appears to indicate the land dedication areas provided to meet the Title 17 Zoning requirements, with a note that the annexation agreement includes cash in lieu. The cash in lieu negotiated as part of the annexation agreement appears to be applied to the Title 16 Subdivision requirements for land dedication. The table also references the Grading and Erosion Control drawing. The Grading and Erosion Control drawing was included in the PDP submittal package rather than including that drawing in the Sketch Plan drawing set.
- iii. The legal description included in the drawing set appears inconsistent with the legal description provided in the annexation maps and should be corrected.

We look forward to discussing these matters with you on August 20, 2025.