



## PLANNING COMMISSION

Wednesday, January 17, 2024 at 5:00 PM

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

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### MINUTES

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**Call to Order.** Chair Ihlenfeld called the meeting to order at 5:02 pm.

**Roll Call.** Present: Lindsey Zapalac, Susan Miner, Tim Caves, Mark Bruce, Amy Hutson, Bill Fisher, Charlie Ihlenfeld.

**Approval of Minutes.** MOTION (Fisher, Caves) to approve Minutes from December 20, 2023. Motion passed 7-0.

**Public Hearing.** Chair Ihlenfeld addressed each item, hearing then consideration for recommendation.

2. Application for Conditional Use Permit for Landscape Yard in C2 Zone, 650 Illumination Point. Mr. Jared Whiteley, owner of Greater Grounds, explained the transition to his new lot and his future plans to sell landscape material. Commissioner Miner inquired about the order of activity. Discussion took place about the zoning requirements for permitted and conditional use, building material.

Ms Kari Hutchinson inquired about retail sales creating more cars in and out of the site and expressed concern of increased traffic off Hwy 105. Mr. Matt Stephen expressed general concern about the Illumination Point site looking disorderly and parking/driving on dirt vs. organized and clean. He cautioned members about adding more disorder. Mr. Whiteley reiterated his services to the community. Commissioner Hutson inquired about moving dirt. Jared responded that he is working with a consultant to document the plans including drainage. Chair Ihlenfeld asked about setbacks. Discussion took place about the fit of landscaping yard to the C2 zoning district and dust control. Collins noted that the site has its own agreement of setbacks for development between landowners, explaining that there are multiple lots but originally platted, approved and viewed as one development site. Commissioner Fisher asked about staff input. Collins noted that Greater Grounds has been cooperative since the call about needing a conditional use permit and a land use application for modification/improvement to the property, noting that they acted on their own without permission of the use, per the town's legal interpretation of the zoning code. Fisher mentioned options to stick to the zoning intent or work through a difficult situation with proper conditions. Commissioner Caves stated he does not see the business as a fit and expressed concerns about dust control, dirt carried onto the highway, and drainage. Chair Ihlenfeld closed the hearing.

6. Consider Recommendation on Conditional Use in C2 Zone, Landscape Yard (Illumination Point). Discussion ensued about making the best of a poor situation and options for conditions. Chair Ihlenfeld reopened the hearing for comment. Mr. Jeremy Harrigan suggested the members table the hearing to

get more information from the applicant and move to other items on the agenda. Chair Ihlenfeld closed the hearing. Members continued discussion of the intent of the commercial zone not being light industrial. MOTION (Miner, Hutson) to continue the hearing for the applicant to bring back a site plan showing appropriate screening from Hwy 105 and residential areas of the landscape material, a designated roadway to the business, a fit to the zone district, and a detailed dust control plan for the March meeting. Motion passed 6-1 (Caves).

3. Application to Vacate Undeveloped Right of Way Petite Ave (Akers). Mr. Brad Akers, landowner of 621 Petite, explained his reasons for the vacation request, making it fully private property. Commissioner Caves asked if there are property owners behind his property and Mr. Akers stated yes. Mr. Mike Brickell stated that Petite is one of the available roadways to get to the back lots. He expressed concern about his property decreasing in value if vacated. He stated that the owner of 309 Montana is also opposed. Commissioner Fisher stated that Petite is too steep to develop as a roadway. He then recused himself from the discussion because he is a neighbor and left the room at 6:25 pm. Mr. Steven Beebe stated he supports the vacation of Petite ROW because is too difficult to build and not viable as a road. Mr. Tony Beltran's property borders the ROW and stated that it would not be viable as a roadway for travel or emergency. Collins provided background of undeveloped right of ways in town and stated that staff does not support the vacation of Petite because it does limit access in a difficult area to develop. Mr. Akers stated that they will combine their lots to decrease density if vacated. Chair Ihlenfeld closed the hearing.

7. Consider Application to Vacate Undeveloped Right of Way (Petite Ave). Discussion ensued among members about possible development and limited access. MOTION (Bruce, Caves) to recommend that the Board not approve the request to vacate Petite ROW. Motion passed 5-1 (Zapalac), 1 abstain (Fisher). This recommendation will go to the Board of Trustees.

Commissioner Fisher returned to the room.

4. Rezoning Parcels to RE for United Congregational Church. Commissioner Hutson disclosed that she is an abutting property owner. Mr. Dan Madison, Manhard Consulting, addressed the Board about the rezoning request, describing the area of 345 acres, requesting Residential Estate (RE) with minimum of 2.5 acre lots. It was noted that the item includes the annexation petition because the requests are running concurrently. The annexation, under the authority of the Board of Trustees, will be required prior to zoning/rezoning of the property. This is a recommendation to the Board regarding zoning. Additional processes will be followed for the preliminary plat and for development plans. Members inquired about general plans for development and Mr. Madison stated there have been concepts discussed with the applicant but no plans at this time.

Ms. Catherine McGuire, located directly south of the property, asked there be responsible development of Ben Lomand. She questioned numerous points in the letter included with the application – pg 3, para 1, future lots; pg 3, para 3, Monument Fire District; waiver requests stating the applicant will keep water rights. Mr. Rian Snowborger, abutting property owner, expressed concern about a religious property being tax exempt not providing revenue to the town. He added comments of concern about water supply if they share the same aquifer with 80 additional homes having wells. He also stated concerns about traffic on County Line, fire hydrants, other utilities having to be added in the area, needing additional fire resources, school availability, and inquired about the grading activity taking place on the property. Mr. Hans Buss expressed concern about traffic and water and asked about this being a prior project in the County. Collins provided background of the applicant to El Paso

County, the Town Board denying the disconnect from the town, and the applicant considering annexation to the town. Mr. Jeremy Harrigan stated his concern about bulldozers on the property; what if the town master plan changes; repair of the rural roadways; heavy equipment with development; and Capella being used. Mr. Larry Widow owns a home above the existing church and is not against the development. He stated that the applicant are good people and wants the development to stay in Palmer Lake. He expressed concern about the property meeting all the needs of the community with parks and open space. He also stated that Capella is a rural road and expressed concern of fire, roadway access, and asked that the development be done in a responsible way. Mr. Matt Beverly stated concerns about lighting, traffic, and roadways. Kris Norris explained the evacuation exercise completed by Colorado Estates being a mess. He commented that every winter there is a crash on his property. He warned members that this big decision will lead to many big decisions. Ms. Lori VanDerWege stated concerns about being tax exempt property and hopes the town gains revenue with the development. She asked at what cost to the neighbors – Colorado Estates. She suggested the property be annexed first and then rezone and stated concerns about roadway access and visibility from Indi Drive onto County Line. She asked for a better idea of the plans. Mr. Kane Cotton stated that he is not opposed to 2.5 acre lots and seems a fit to the area but does have concern about roadways connecting to Capella and fire mitigation. He would like to see the top of the mountain preserved. Mr. Wyley Cotton commented that his concerns are water and fire safety.

Mr. Dan Madison responded to numerous concerns – access is planned from County Line; emergency only from Capella. A full traffic study will be part of the planning process and will be addressed with site development, drainage, geotechnical report, etc., which will come in future steps. The water rights were addressed and needed for private use. The application stipulates a maximum of 80 lots with private well and septic and must be minimum size pursuant to statute. Fire will be discussed further as well as utility providers. Dan stated there will be open space as 200 acres are intended to be built out with remaining acres open. The grading taking place agrees with the Forest Service for fire mitigation and access. The applicant will work accordingly with the town. Commissioner Fisher identified an approximate 30 ft wide roadway. Further discussion ensued about roadway development with the slope of the terrain. Dan responded that topography will be further evaluated. Ms. Lori VanDerWege wants to know that UCC will be a good neighbor, not only to the town but also to Colorado Estates. She asked if each lot will be developed by separate contractors or will one developer complete the work. Mr. Larry Widow asked why not five acre lots. He also inquired about artifacts that may exist at the top of the mountain. Mr. John Blumm expressed concern about water capacity for the development. Mr. Jeremy Harrigan inquired further about the current grading taking place on the property and why a cul de sac or large width. Chair Ihlenfeld closed the hearing.

8. Consider Rezoning Parcels to Residential Estate (RE). MOTION (Caves, Miner) to recommend approval of the rezoning to RE to move the process forward. Commissioner Caves stated that many of these concerns will be addressed in the next steps. Motion passed 6-1 (Fisher).

5. Application for Conditional Use Permit in M1 Zone, Event Center (707 County Line Rd)--  
*Application Withdrawn*

### **Business Items**

9. Consider Sign Permit Application - Yak's Maintenance & Repair. Mr. Creighton Smith presented the signs for Yak's Motorcycle Maintenance & Repair location, including a wood look sign on a pole to fit the surrounding corner and lighting was discussed, which would not change. MOTION (Zapalac,

Hutson) to approve the signs as presented for Yak's. Motion passed 7-0. Mr. Smith invited members to the opening in March and to stop by to see the remodel work.

10. Consider Summary of AIA Concepts for Downtown Corridor. The streetscape design including pedestrian crossing and on-street parking was reviewed. MOTION (Hutson, Zapalac) to add the streetscape summary to the Community Master Plan. Motion passed 7-0.

#### **Public Comment**

Mr. Roger Moseley reported his observation of events since the November Planning Commission decision on the conditional use permit for The Movement Church at TLCA. He expressed concern that the town is not enforcing what is expected. He handed a copy of the Board Resolution to authorize the conditional use permit to some members.

#### **Next Meeting (February 21) and Future Items**

**Adjourn.** MOTION (Hutson, Bruce) to adjourn at 8:21 pm. Motion passed.

*Minutes by: Dawn A. Collins, Town Clerk*