



## **PLANNING COMMISSION**

**Wednesday, May 18, 2022, 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.** Vice-Chair Fisher called the meeting to order at 5:05 PM.

**Roll Call.** Present: Bill Fisher, Mark Bruce, Shana Ball, Martha Brodzik, Susan Miner. Excused: Charlie Ihlendfeld, Amy Hutson.

#### **Meeting Minutes**

1. MOTION (Ball, Bruce) to approve the minutes from the April 20 meeting. Motion PASSED.

**Public Comments.** No comments.

#### **Public Hearing**

2. Public Hearing (continued) - Conditional Use (Tri-lakes Center for the Arts) – Mr. Michael Maddox shared that the TLCA had an engineer and architect working on plans to remodel the building. While the Commission members commended Mr. Maddox on his due diligence on his work to get the building up to code, they had a concern of moving commercial space into residential. Commissioner Miner would like the Planning Commission to continue to follow the Master Plan for the area along Hwy 105. Commissioner Ball suggested they defer to Fire Chief McCarthy's report on the building, which due to the lack of documentation, could not recommend approving a conditional use permit. Commissioner Brodzik had researched other municipalities (i.e., El Paso County) and found precedence for residential units allowing above street level in a commercial zone. Commissioner Bruce is in favor of a live/work scenario in the commercial zone and did not see an issue with a residence in the building. Dawn Collins reminded the commission that before debating the issue, they may want to allow for public comment. Mr. Maddox stated the lodging would be at the back of the building and the residency would not affect the use of the building. He was not able to find affordable housing, and the TLCA included the use as part of the Director salary. The TLCA board voted in favor of allowing him to live at the Center. Commissioner Miner stated that after reading Ch. McCarthy's memo, she would be unable to recommend the residential use due to the lack of documentation on file to make a determination on use. TLCA board member, Carla Maddox (Treasurer) restated the association giving the director a salary and living space. Jina Brenneman gave a history of the TLCA Center and the intended use of the original donor of the building, which was to offer art programs, exhibits and to open the building for use by other non-profit organizations in the area. The intent was not to be a living space for the director. She said a donor's intent is protected by state and federal law, and she stated the building is

not being used according to the donor's intent. Jessie Maddox, TLCA board member also in charge of the TLCA's IT and advertising for the last 10 years, stated that community participation in the programs has dropped in recent years causing artists to cancel classes. It was explained that the old business model is not sustainable. Walt Moore, potter, also a former resident artist, paid to rent a space. He believes the intent for the building was for the use of artists to create and teach art. A residency does not serve the community well. Mattie Rose, also a former resident artist at the Center, stated the Town needs a vibrant art center. Over time the TLCA Center has changed and the building deteriorated, all of which caused her to leave. She feels the Center is giving up the opportunity to reach the community. She stated the Center could "gin-up" community goodwill and be a community resource. Resident Lindsay Aho recalled the Center from her youth and stated the Center would be more beneficial to the community by holding more art classes. Currently, she travels to Colorado Springs to find classes for her children. She also inquired about the TLCA finding a director who did not need to live onsite. She asked if the building was public, and if so, should the public vote on the use. Collins stated that the building is in the hands of a non-profit organization, it does not belong to the Town of Palmer Lake. Mr. Maddox again stated that business plans evolve to keep the Center open, and he read a letter of support from the former TLCA president. Dusty Severn, local artist noted the pottery area closed to accommodate childcare, and she had to leave the Center. She stated the current TLCA president does not support the purpose. Mr. Roger Ward stated there were eight directors over the Art Center's history. He explained Kim, his wife, is the original donor. He feels responsible for Mr. Maddox living at the TLCA due to the selling of the Estimere, and the loss of Mr. Maddox's residency. While Mr. Ward doesn't necessarily agree with the living arrangement or other choices, he believes the Center to be viable, with classes, and artist support, which all benefit the community. He expressed that for the Center to remain viable, Mr. Maddox is the only one to date that has shown TLCA profitability. Genevieve Vatt, artist of woodworking, jewelry, and pottery, questioned the intention of the Center and the TLCA board members. She wants local art classes. She stated people should not drive 35-45 minutes for classes. Jina Brenneman suggested that if Mr. Maddox was living in the Arts Center without a conditional use, under code requirements, he should be billed accordingly. Discussion took place among the members. Commissioner Ball expressed concern of the Town's finances and suggested the Art Center reach out to area organizations to help them with their financial shortcomings. Commissioner Miner stated concern about the original intent for the building and would like to see all forms of the arts represented at the Art Center. She envisions lost opportunity for the community by removing this amount of square footage for a residency at the Center. Commissioner Brodzik stated that if the building is not being used as intended, it should be given an opportunity to do so. She also inquired about Chief McCarthy's inability to make a recommendation. Commissioner Fisher agreed the building must be brought up to code and stated, however, that is not the concern of the Planning Commission. He appreciated the public's passion and expressed concern if the Art Center will be able to continue with the structural issues. He questioned consideration of a smaller living space. Commissioner Bruce stated he is in favor of the live/work use of commercial space. Collins stated that meeting proper code requirements is not necessarily criteria for the conditional use; it would follow the approval of the conditional use for living space. MOTION (Miner, Brodzik) to recommend to the Board of Trustees to deny the request for the conditional use for residency at TLCA. Motion PASSED (4-1; no - Bruce).

3. Application for Conditional Use - Short Term Rental (Platt Ave) – Emilie Harker, 703 Platt Ln, has created two Short-Term Rentals units on her property. This will be a non-owner-occupied property.

There will be a property manager to oversee the property. She is asking for a conditional use to bring the property into compliance to the short-term rental (STR) code requirements. Collins explained the background on why this was a request. After the STR ordinance was adopted, it became apparent as applications were received that multiple dwelling units were utilized on one parcel. With the use of the conditional use (CU) process, the Town will be aware of and bring these properties into compliance. The CU applies only to the current property owner. When a property is sold or the use of the property changes, the owner, or new owner, must come back for a new or amended conditional use. Commission Brodzik expressed concern that using conditional use to allow these situations could lead to additional problems. Collins stated this is a non-conforming use and the CU application satisfies the ordinance terms. MOTION (Bruce, Ball) to recommend to the Board of Trustees approval of the conditional use as presented. Motion PASSED (4-1; no - Brodzik).

#### **Business Items**

4. Request to Amend PUD - Preliminary Review (Santa Fe Ridge, Hwy 105) – Mr. Jim Fitzgerald spoke to the history of the original PUD as a commercial endeavor. However, commercial use is not working for the property, and he would like to amend it to a mixed use. The plan presented was preliminary in nature but already cut down in density. The “Red Barn” would remain along with one other commercial structure and 3-story residential units would be added. The units would not exceed the height restriction to not obstruct views. He intends to combine parcels to help create a walking trail to the Palmer Lake Recreation Area and the Santa Fe Trail. Discussion took place about a second egress across from Vale St. CDOT will need to be contacted for access at Hwy 105. It was noted that pursuant to the new road standards, once more than twenty-five lots, a second egress is required. The number of residential units was discussed. Mr. Fitzgerald informed the members that he had already cut the number in half. The members were in favor of a trail for connectivity. Commissioner Brodzik inquired about the proposed fencing and the percentage of open space. The design of the fencing is for public safety from the railroad tracks and highway traffic. Jim did not know what percentage of open space would be required yet. Mr. Matt Dunston, a developer, along with Paul Rising and Jeffery Dunston, explained the focus of open space and detent pond with the possibility of a water feature and the style of the living units. Matt Dunston is in favor of the development and stated Jim has good sense of the proper “tone” for Palmer Lake. There were questions about water service, and it would be intended to tie into the town system; however, the infrastructure will need to be developed in the area. MOTION (Ball, Miner) to recommend to the Board of Trustees that the concept be developed for the PUD amendment. Motion PASSED (5-0).
5. Distribute ADU Material & Set Workshop Date – None of the residential zones allow for multiple dwelling units. Staff provided the members information for discussion about multi-family units and accessory dwelling units (ADU). Collins requested the members provide dates for a workshop. The workshop will be scheduled at a later date.
6. Review/Discussion of Code Relating to Banners – There have been complaints that banners are out far too long. The current code was reviewed, and a time limit is not provided. Collins requested that members consider a time frame for banners before/after an event. Discussion included pennants and flappers. Commissioner Brodzik turned discussion to Conditional Use application criteria not being in code. Collins noted criteria of an application is not required to be in code, referring to a site plan for example, and suggested this be a future item. Commissioner Miner suggested a 45-day time for the banners noting that 30 days is too short and 60 may be too long. MOTION (Miner, Fisher) to amend the

code to add that banners, pennants, and flappers be allowed to display for 45 calendar days before an event and removed by 7 calendar days following the event. Motion PASSED (5-0).

**Next Meeting (June 15) and Future Items**

Collins informed the members there is another a conditional use application for STR permit scheduled for June. An update for the Advisory Team was also provided. The team provided feedback on the guiding principles and polices. If Planning Commission members have input, please direct it to Kent Hutson. CMI is making some modifications from the advisor feedback. More mapping exercises are needed and if any members would like to assist, contact Dawn Collins or Kent Hutson. CMI would like the next meeting to include a joint workshop with the Advisory Team to review the final draft. It will be set at the end of the next meeting. Collins also informed members there will be a joint meeting with the Commission and Board of Trustees to review the concept proposals for development of the Elephant Rock property either June 28 or 29, requesting to hold these dates.

**Adjourn MOTION** (Fisher, Bruce) to adjourn at 8:28 PM. Motion PASSED.



Bill Fisher, Vice-Chair



ATTEST: Julia Stambaugh, Deputy Town Clerk