



PLANNING COMMISSION - SPECIAL MEETING

Wednesday, September 03, 2025 at 5:00 PM

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

MINUTES

Call to Order/Roll Call – Commissioner Ihlenfeld called the meeting to order at 5:04PM. Roll Call: Herb Tomitsch, Andre Bergeron, Matt Stephen, Charlie Ihlenfeld, Michael Beeson, Bill Fisher.

Pledge

Commissioner Bergeron requested to address the Commission regarding an unsolicited package he received over the weekend. He stated the package appeared personal and intimidating, referencing his residence and family, and noted prior damage to his personal property. Commissioner Bergeron explained that these circumstances have compromised his ability to remain fair and impartial and have caused fear for his wife and family. Accordingly, he requested to recuse himself from this matter. Attorney Krob provided guidance on the proper recusal procedure

Public Hearing - *Continuation of Public Hearing before the Palmer Lake Planning Commission for the purpose of making a recommendation to the Palmer Lake Board of Trustees regarding the following applications: a) planned development plan (zone PD) for a family travel center on 24.77 acres consisting of gasoline, food, beverages and retail sales, along with rest rooms and rest areas, b) sketch development plan for subdivision, and c) petitions for annexation of a flagpole to parcels 7102200016 and 7102200014 and said parcels, for a total of approximately 25.20 acres, located at the southwest corner of I-25 and County Line/Palmer Divide Road, owned by Monument Ridge West, LLC. The Planning Commission may recommend for approval, approval with conditions, denial or continuation.* The introduction of the matter by Town staff, the presentation of the matter by the applicant, and the public comment portion of the public hearing have been completed, and the public comment portion has been closed. The purpose of the continued public hearing is to allow the Commission to receive responses to certain questions raised by the Commission to the applicant and staff, and for the Commission to discuss the applications and make its recommendation to the Board of Trustees.

Materials provided to the commission for their continued discussion include:

1. Staff Memo-Attorney Scott Krob
2. Planned Development Plan – Drawing
3. Planned Development Plan - Written Plan
4. Sketch Plan
5. Addendum

6. Additional Reports/Studies - Environmental Assessment, Water Study, Traffic Study

Commissioner Ihlenfeld explained the process of submitting questions and gave the applicant time to respond to the question. Applicants will respond to questions. By adoption of appropriate resolutions. They can approve with conditions, deny or continue. At the end of these questions Commissioner Ihlenfeld will close the hearing and the matter will be concluded. Commissioner asked any questions from staff. Commissioner Beeson requested time to review the three new studies that audience did not view. The studies were presented to the town in June. Attorney Krob stated they were posted online two weeks ago for public viewing. He continued to state that how the commission wants to address this is up to the commission. Commissioner Beeson stated no one notified him, however he received them directly over the weekend from the firm. The studies are included in packet item #6. They are not new studies they are the same studies that were posted to the website two weeks prior. Commissioner Beeson then asked about the questions and Attorney Krob stated the applicants are prepared to address those tonight.

Nina Ruiz with Vertex consulting, representing the applicant, stated she understands the concerns and that the copies of the questions and answers are available for the public and board and are available to recess to give everyone the opportunity to review. Recess was called for review.

Meeting reconvened 5:29pm now that everyone had the opportunity to review Nina Ruiz asked for any additional questions or clarification pertaining to their answers.

Commissioner Beeson acknowledged that based on recent reports, there is a high likelihood of increased radium levels that may eventually require treatment to comply with state standards.

A question was raised asking whether Buc-ee's would pay its proportional share of remediation costs to bring radium levels into compliance.

The Applicant responded to that.

- If the land is annexed into the Town of Palmer Lake, Buc-ee's would become a regular water user, subject to the same rates, fees, and policies as any other user.
- Buc-ee's would not take on any additional financial responsibility beyond what is specified in the annexation agreement.
- Any future remediation or cost-sharing would depend on how the town structures charge for all water customers. If prorated fees are applied to all users, Buc-ee's would also be obligated to pay its share.
- Commissioner Beeson also had a concern about how water shortages would affect residential and commercial users, particularly whether Buc-ee's would still have access to water if residents' supply were limited. Nina responded that she couldn't not comment on behalf of the town. Water shortage management is a policy decision made by the town, not by Buc-ee's.

Attorney Krob clarified the towns process with water shortage.

- Water shortage management is a policy decision made by the town, not by Buc-ee's.
- In such events, towns typically prioritize in-house domestic use (residential indoor water) over outdoor irrigation, commercial, and industrial uses.

- All commercial and industrial users share equally in any required reductions; the town cannot favor one business over another.
- The annexation agreement does not specify this prioritization because it is handled through town policy at the time of any shortage.
- Buc-ee's would be obligated to follow the same water restrictions and procedures as all other users.

Commissioner Fisher raised questions about the water analysis, comparing references to long-term renewable water resources in the new report with the GMS report. He asked whether the cost of the actual wells was included and sought clarification on prioritization and quantification of improvements. Town consultant Mark Morton explained that project elements were scheduled by priority but indicated additional detail was needed to quantify specific costs. Commissioner Fisher also asked about the scope and costs of the new wells and treatment facilities

Discussion turned to the declining aquifer capacity and the need for renewable water sources:

- That the current wells provide sufficient capacity but are finite resources and cannot sustain long-term needs indefinitely.
- That the town is heavily reliant on its existing wells, and additional proposed wells include:
 - A redundant well to serve as a backup.
 - A capacity well associated with the Buc-ee's project, which will also benefit the town's overall water supply capacity.
- That long-term planning must include the pursuit of renewable water rights or regional interconnections with nearby municipalities and water providers.
- That the existing wells are expected to remain viable for approximately 18–20 years before significant depletion occurs.
- During that time, the town should be developing and implementing renewable or regional solutions to supplement declining well production.
- Morton had the well and treatment plant lumped together with the numbers. A separate number for water line extension down County Line Rd.

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Commissioner Beeson had questions regarding a memo on the water reports from the Town water supervisor. Interim Town Administrator Glen Smith stated that information was in a previous report on the original water study.

Commissioner Stephen asked clarifying questions about lights. The applicant stated it meets town requirements regarding lighting. Sign height was also discussed, and the proposed sign is at the lower elevation the applicant stated. Initial proposal was 100ft now new proposal is 75ft. Commissioner Ihlenfeld stated the Bass Pro shop sign height and asked if Buc-ee's would be willing to negotiate the height. The applicant stated the proposed sign has a lessor impact. The applicant stated the annexation agreement covers all this. Commissioner Ihlenfeld asked Attorney Krob to describe the resolutions in front of them. Attorney Krob stated they have nine drafts in front of them. Attorney Krob's recommendation was to start with the Plan Development (PD) Zoning – Discussion & Actions

Key discussion points

- Conditions proposed with approval (member proposal):
 - Sign height negotiated down (target ≤ 75 ft, preferably lower/"low monument" approach).
 - Trails/bike connectivity: Convert the proposed 12-inch waterline corridor to a bike/hike trail linking west toward Hwy 105/Santa Fe Trail Loop; add a pedestrian crossing to reach town open space (current access is only from the east by the old motorcycle track).
 - Funding for trails: Town to use the \$150,000 cash-in-lieu for open space (committed at the building site) toward open space/trails/parks, including the new trail segment. (A suggestion was made to name it the Tim Watkins Bike Trail.)
- Master Plan compliance:
 - Some commissioners: project not in substantial compliance with the Community Master Plan (CMP) vision—scale, character, density, views, parking/traffic, and rural corridor protections.
 - Others: site lies along I-25 corridor intended for commercial; PD overlay could accommodate corridor-specific standards while preserving small-town core.
- Corridor & compatibility controls requested:
 - Confirm compliance with Rural 105 corridor setbacks (commission noted the current plan already meets the 200-ft building setback).
 - Impervious surface: reduce to (referencing Village Mixed Use standard) implies fewer stalls/less paving; concern current is too intensive.

- Night sky/lighting: adopt lowest safe illumination for canopies/parking; questions raised that current photometrics appear 2–3× typical values; keep lighting functional (safety), not advertising.
- Water conservation/green building: Add conservation measures as part of sustainability and resource protection.
- Bike/pedestrian safety: ensure safe lanes across the County Line Rd bridge/roundabouts; explore crossing solutions (at-grade crosswalk deemed impractical; a pedestrian bridge was floated as a long-term idea).
- Traffic/scale: Concerns about continuous traffic volumes (back-of-envelope estimates: a dozen vehicles/minute) and regional draw vs. local-serving intent.
- Local economy/labor: Concern that higher-wage jobs could pull workers from existing town businesses.

Motions & votes

- **Motion 1: Approve Planned Development with conditions** (sign height ≤ 75 ft; add bike/hike trail along County Line; allow town use of \$150k cash-in-lieu for trails).
Vote: Failed 2–3
 - **Yes: (approve)** Herb Tomitsch, Charlie Ihlenfeld
 - **No:** Matt Stephen, Mike Beeson, Bill Fisher
- **Motion 2: Recommend Denial of Planned Development**, citing non-compliance and concerns (master plan, scale, impervious surface, water conservation, lighting/night sky, need for trails/bike/ped accommodations, parking screening; acknowledge 105 setbacks met).
Vote: Passed 3–2
 - **Yes: (deny):** Matt Stephen, Michael Beeson, Bill Fisher
 - **No:** Herb Tomitsch, Charlie Ihlenfeld

2) Sketch Plan – Discussion & Action

- Substantially same concerns as PD item (CMP compliance, scale, lighting, impervious surface, screening, trails/bike/ped, water conservation).

Motion: Recommend DENIAL of Sketch Plan for the same reasons as Planned Development denial.

Vote: Passed 3–2

- **Yes (deny):** Matt Stephen, Michael Beeson, Bill Fisher
- **No:** Herb Tomitsch, Charlie Ihlenfeld

3) Annexation Agreement – Discussion & Action

Points raised for Board consideration

- Store size stated as “at least 74,000 sq ft” — request to remove “at least” or otherwise cap to avoid unintended upward expansion.
- Impervious change allowance: Concern that ±10% “minor change” could push site over 80% impervious without further approvals request tighter control.

- 10(D) Sales-tax credit: Concern that a 20-year function to serve as a cost recovery method is beyond what typical developers provide (e.g., on-site infrastructure) and may exceed ordinary requirements; why should the Town share back local revenue?
- Long-term water costs: Concern about future wells/renewables in 5–20 years; fear Town ends up banking revenues to cover future capital serving the site; seek clearer developer obligations for long-term supply resilience.
- Cleanup of references: Strike all references to a “Final Development Plan” being reviewed/approved by the Commission (not yet provided).

Motion: Recommend Denial of the Annexation Agreement, with the comments above forwarded to the Board of Trustees (and striking Final Development Plan references if the Board proceeds).

Vote: Passed 4–1

- **Yes: (deny)** Herb Tomitsch, Matt Stephen, Michael Beeson, Bill Fisher
- **No:** Charlie Ihlenfeld

4) Public Comment

- Not reopened at this stage due to public hearing being closed on 8/20.

5) Adjournment

- Motion to adjourn: Passed by voice vote (“aye”).
- Meeting adjourned.

Summary of Commission Recommendations to the Board of Trustees

- Planned Development Zoning: Recommend DENIAL (3–2), citing: CMP non-compliance; project scale/density; request to reduce impervious to ≤65%; enhance parking screening/landscaping; adopt dark-sky lighting at lowest safe levels; implement water conservation measures; ensure bike/ped connectivity (County Line bridge/roundabouts, linkage to Santa Fe Trail/Greenland Open Space); confirm 105 corridor setbacks (met).
- Sketch Plan: Recommend DENIAL (3–2) for the same reasons Planned Development Zoning.
- Annexation Agreement: Recommend DENIAL (4–1), with comments: cap the store size (remove “at least”); clarify funding for County Line Rd improvements (developer); re-evaluate sales-tax share back/credit; address long-term water capital responsibilities; strike Final Development Plan references.

Adjourn: 7:31PM