

Feb. 2, allowing the county time to review the impact report.

Stern opened the public comment portion of the hearing. Resident Roger Mosely said the hearing did not meet requirements because the county had only had 22 days' notice, not the 25 days required by statute. He went on to argue the property was not eligible for annexation because the town's master plan was inadequate, the impact report had not been submitted, and the area to be annexed must be urban.

Resident Martha Brodzik said the town needed to consider the financial impact of annexation. Johan Moum said he was afraid the developer would change the nature of the development at some later time. Krob said issues of zoning could not be considered until after the annexation was complete.

Meggan Herington, the county Planning and Community Development director, said the Board of County Commissioners had received notice of the proposed annexation in early January and had asked her to tell the town what should be included in the impact report. She said she had sent the town a letter and asked that traffic and drainage studies be done, and that protection of Ben Lomand and existing trails should be considered. She said the commissioners would schedule a meeting quickly after receiving the impact report.

Residents made comments including:

- That fire prevention costs be considered.
- That residents should have input into the annexation impact report.
- That the town would be better stewards than the county.
- That the proposed development might lead to current residents needing to redrill their wells.
- That 5-acre lots would be better than the 2.5-acre lots the Palmer Lake Planning Commission had approved.
- That the presence of Native American artifacts in the land to be annexed should be considered.
- That the draft of the annexation agreement had issues about the compliance of accessory dwelling units with code.

Trustee Jessica Farr said the discussion about annexation had been going on for years and if the land was not annexed the town would still be obligated to provide police and fire service to any residents due to the principal of mutual aid, but all tax revenue would go to the county, so the town would not be reimbursed.

Trustee Shana Ball said she supported the annexation because it gave the town control.

In his closing statement, Madison said he believed the eligibility requirements had been met and residents' concerns would be addressed in the later steps of the development process. He said traffic, water availability, drainage, and environmental concerns would be handled in due course, and that the applicant had no intention to change the project as it proceeded through the development process.

Later in the meeting, the board voted to wait until its next meeting on Feb. 8 to vote on Resolution 13-2024, which would determine the Ben Lomand property's eligibility for annexation.

Board closes TLCA to public

At the Jan. 25 meeting, Town Administrator Dawn Collins reviewed the background of the conditional use permit granted to The Movement Church to use the TLCA building as a church.

At its Dec. 14 meeting, the board granted The Movement Church a conditional use permit to use the TLCA building for church services. The Planning Commission had previously approved that use on a three-to-two vote with the requirement to complete inspections by the Fire Department and Pikes Peak Regional Building Department (PPRBD) and to resolve any violations. Collins said the PPRBD can't complete its inspection without accurate plans, and the plans submitted included residential living accommodations. Residential living was never approved for the building. In addition, the fire inspection was incomplete because the fire chief had not been allowed access to some parts of the building.

Collins said the Fire Department had concluded the building was not safe and should not be open to the public, the town staff believed no one should be living there and she asked the board for guidance.

Fire Chief John Vincent said the only Certificate of Occupancy (CO) he could find was out of date and was approved in 1999 when the building was a garage. He said he had been asking the owner of the building for information since 2021 without any response and had been denied access to some of the building during his inspection. He recommended closure until the required information was provided.

John Cressman, speaking on behalf of The Movement Church, asked for more time to resolve outstanding issues. He said he had presented plans he had received from TLCA at a recent virtual meeting with town staff. The church was working hard to fix problems and many buildings had changed without updating their CO, Cressman said. In response to a question from Stern, Cressman said he did not know when accurate plans would be available.

Ball said she wanted to support the work that was being done but she had a concern about inadequate egress if there is a fire.

Krob summed up the situation by saying the building had no CO and a recommendation from the fire chief that it should be closed. The town could be liable. Krob recommended the town follow the recommendation of the fire chief.

Trustee Samantha Padgett made a motion to close the TLCA building to the public until the current issues were rectified. Krob clarified that the owner would need to obtain a CO and pass a fire inspection. The motion to close the building passed, with Trustees Ball, Nick Erhardt, and Padgett voting in favor and Stern and Trustee Jessica Farr voting no. Trustee Kevin Dreher and Mayor Glant Havenar were absent from the meeting.

Request for vacation of ROW denied

During the public hearing at the Jan. 25 meeting, the board considered a request to vacate a town ROW on Petite Avenue. In his application to vacate, resident Brad Akers asked the town to eliminate Petite Avenue completely and to change the address of his house to an address on Verano Avenue. His application argued Petite Avenue is too steep to ever be developed as a road.

At the hearing, Akers said he thought his request complied with the town's master plan.

Jim Brinkman, a surveyor working for David Sanchez, who owns property adjacent to Akers', opposed the vacation until all options for access to Sanchez's property were investigated. Claudia Beltran, another of Akers' neighbors, spoke in favor of the vacation.

Collins pointed out the Planning Commission had voted against approval of the vacation. Krob said the town was under no obligation to give up the right of way and said the town should consider if the right of way could be of use in the future. A vacation would mean the town's property would be gone forever.

The board voted unanimously to deny the request to vacate.

Liability issue complicates MOU

Krob told the board that the MOU between the town and ATL would need to address the liability questions

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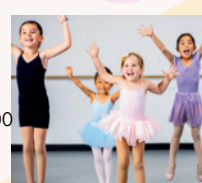
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