



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
SPECIAL MEETING MINUTES
Wednesday, January 27, 2016**

I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held Wednesday, January 27, 2016, in Council Chambers @ 606 Manitou Avenue. Vice Chair Vrobel called the meeting to order at 6:00 pm and declared a quorum present. The following Commission members attended:

PRESENT: Vice Chair JEANNE VROBEL
Commissioner LORI BURRIS
Commissioner TIP RAGAN
Commissioner JULIE WOLFE
Commissioner ALAN DELWICHE

ABSENT: Commissioner MIKE CASEY (excused)
Commissioner GLORIA LATIMER (excused)

STAFF: Wade Burkholder, Director of Planning
Michelle Anthony, Senior Planner
Sherri Johnson, Planning Technician

Vice Chair Vrobel reviewed the meeting procedures for everyone present and asked if any Commissioner had Ex Parte Contacts or Conflicts of Interest to declare. Hearing none, the meeting continued.

ITEM 1. Nominations and Election of Chair

ITEM 2. Nominations and Election of Vice Chair

MOTION:

Commissioner Wolfe moved to discuss elections at the end of the meeting.

SECOND:

Commissioner Delwiche seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0

II. APPROVAL OF MINUTES

ITEM 3. December 9, 2015

MOTION:

Commissioner Delwiche moved to approve the December 9, 2015 minutes as presented.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 4-0. Commissioners Burris abstained as she was not present for the December meeting.

III. NOTICE OF COUNCIL ACTION

ITEM 4. RE 1504 Rezoning (Downtown to Public Facility – Public Hearing) - Manitou Springs Public Library - 701 Manitou Avenue - City of Manitou Springs, Applicant. *At the November 24, 2015 meeting, City Council approved first reading of the Rezoning Ordinance and set the Public Hearing for December 15. On December 15, City Council approved the rezoning on Second Reading.*

ITEM 5. RE 1505 Rezoning (HLDR to Public Facility – Public Hearing) - Manitou Springs City Hall - 606 Manitou Avenue - City of Manitou Springs, Applicant. *At the November 24, 2015 meeting, City Council approved first reading of the Rezoning Ordinance and set the Public Hearing for December 15. On December 15, City Council approved the Rezoning on Second Reading.*

ITEM 6. RE 1506 Rezoning (HLDR to Park – Public Hearing) - Ute Chief Gusher - 0 Manitou Avenue - City of Manitou Springs, Applicant. *At the November 24, 2015 meeting, City Council approved first reading of the Rezoning Ordinance and set the Public Hearing for December 15. On December 15, City Council approved the Rezoning on Second Reading.*

ITEM 7. Ordinance 4315 Amending the Zoning Code Regarding Definitions. *At the November 24, 2015 meeting, City Council approved first reading with a request for minor changes to the “Nursery” and “Rainbow Vision/Community Master Plan” definitions and set the Public Hearing for December 15. At the December 15 meeting, Council postponed this item until January 19, 2016, as the revised Master Plan definition was not ready and discussed/removed the definition for “Sustainability”.*

IV. UNFINISHED BUSINESS

ITEM 8. **MNS 1503** - Minor Subdivision (Create Two Lots) - 514 El Paso Boulevard, 425 Washington Avenue, and 103 Cliff Road - Don Goede for KatsPaw, LLC, Applicant

ITEM 9. **SW 1504** - Subdivision Waiver (Encroachment into 30% + Slopes) - 514 El Paso Boulevard, 425 Washington Avenue, and 103 Cliff Road - Don Goede for KatsPaw, LLC, Applicant

Senior Planner Michelle Anthony presented the staff report dated December 3, 2015.

Vice Chair Vrobel asked if there were any questions for staff. Hearing none, the applicant was invited to the podium.

Don Goede, 103 Cliff Road, stated he had improved the properties quite a bit and it made sense to keep the properties together. He was happy with the conditions in the staff report adding he was very grateful for all of staff's work.

Vice Chair Vrobel asked if there was anyone in the public who wished to comment. Hearing none, the Public Hearing was closed.

MOTION:

Commissioner Delwiche moved to approve Minor Subdivision 1503 to create a two lots and Subdivision Waiver 1504 for encroachment of approximately 4,500 square feet into previously established No Build area and establishment of new No Build areas as depicted on the Sun Water Reflections plat with the following finding:

“Approval of the proposed Subdivision Waiver will not be detrimental to the public good or impair the intent and purpose of the Subdivision Regulations and is justified based on the benefits of the existing encroachments to both public and private property.”

and the following conditions:

- 1) The Applicant shall confirm the total square footage of the requested encroachment into the No Build area prior to or at the Planning Commission meeting.
- 2) Prior to filing, an updated minor subdivision plat with the following, additional or corrected information must be submitted:
 - a) The required signature blocks for the property owners of record for both lots shall be provided and these owners shall be correctly identified in the ownership and dedication statements.
 - b) The plat name shall be corrected in the owners' dedication statement.
 - c) Areas which are not part of the subdivision shall be labeled as such.
 - d) The “Platted” and “Replatted” graphics shall be shown at the same scale
 - e) Plat Note #11 shall be corrected to identify the currently adopted Flood Insurance Rate Map and the current flood zone line shall be correctly shown on the plat, if there are any areas of floodway on the private property.
- 3) A revised site plan meeting the requirements of the Subdivision Site Plan shall be submitted with the following, additional information not currently shown:
 - a) The grades of all surrounding streets adjacent to the subject property
 - b) Correction of the land use at 425 Washington
- 4) The final Minor Subdivision document and closing calculations shall be reviewed and approved for conformance with the technical code requirements for subdivisions by the City's Consulting Engineer. Comments shall be addressed by the Applicant.
- 5) A copy of a current Title Insurance Policy shall be submitted for the Planning Staff's review to confirm there are no exceptions that would affect the plat.
- 6) An up-to-date Certificate of Taxes showing that all property taxes are current shall be submitted prior to filing of the plat.

7) Prior to recording the plat, fees-in-lieu of land dedication totaling \$162.02 shall be remitted to the City of Manitou Springs.

8) The Applicant shall execute a written easement agreement with the City of Manitou Springs for the existing, public utilities and drainage easements on the property prior to filing of the plat.

9) The Applicant has 90 days from the date of approval to provide all required information, corrections and additions, allow time for City review, and submit the final Mylar for filing or this approval will expire.

10) The Applicant is required to cause his surveyor to provide CAD drawings of the final, approved plat at the time of submission of the final Mylar for filing to allow the City to update its GIS data.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed 5-0.

ITEM 10. V 1511 - Lot Size/Density Variance (Allow Second Dwelling Unit) - 107 Oak Place - Andy Wells, Applicant

ITEM 11. MNS 1504 - Minor Subdivision (Create One Lot) - 107 Oak Place - Andy Wells, Applicant

Vice Chair Vrobel asked if staff knew why the applicant requested to be postponed again.

Senior Planner Michelle Anthony said the applicant requested postponement because today was his birthday.

MOTION:

Commissioner Wolfe moved to postpone V 1511 and MNS 1504 to the February meeting.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed. 5-0.

V. NEW BUSINESS

ITEM 12. V 1601 - Rear Setback Variance (To Allow Deck/Pergola) - 126 Pawnee Avenue - Rebecca Patterson, Applicant

Planning Director Wade Burkholder presented the staff report dated January 8, 2016.

Vice Chair Vrobel asked if there were any questions for staff. Hearing none, the applicant was invited to the podium.

Rebecca Patterson, 126 Pawnee Avenue said she understood that just because the structure was there when she purchased the property, did not mean it could stay.

Vice Chair Vrobel asked if there were any questions for the applicant. Hearing none, the meeting was opened for public comment.

Cindy Duncan, 128 Pawnee Avenue, stated she is a licensed contractor and was concerned the structure was not designed to support a roof. Ms. Duncan also stated that she was concerned the property line had been encroached on. She felt the subject property should have a setback as she was required to do when she built her addition.

Hearing no further public comment, Vice Chair Vrobel closed the Public Hearing.

MOTION:

Commissioner Wolfe moved to deny V 1601 for a Rear Yard Setback Variance as requested noting that the criteria for granting a Variance per the Zoning Code has not been satisfactorily met per the staff report.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed 5-0.

Senior Planner Michelle Anthony advised the applicant she had 10 days to make an appeal to City Council regarding this decision.

Ms. Duncan asked about when an appeal might be heard and was concerned that might happen without her being able to attend. She was advised to contact the City Clerk to see if an appeal was submitted.

VI. OTHER BUSINESS

ITEM 1. Nominations and Election of Chair

ITEM 2. Nominations and Election of Vice Chair

MOTION:

Commissioner Wolfe moved to postpone Nominations and Elections of Chair and Vice Chair to the February meeting.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed 5-0.

VII. ADJOURNMENT

Hearing no further business, the meeting was adjourned at 6:33pm.

Minutes prepared by Sherri L. Johnson, Planning Technician