



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, July 13, 2016**

I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held in Council Chambers @ 606 Manitou Avenue. Chair Delwiche called the meeting to order at 6:02pm and declared a quorum present. The following Commission members attended:

PRESENT: Vice Chair JEANNE VROBEL (arrived at 6:05pm)
Commissioner TIP RAGAN
Commissioner JULIE WOLFE
Commissioner LORI BURRIS
Chair ALAN DELWICHE
Commissioner MIKE CASEY

ABSENT: Commissioner GLORIA LATIMER (Excused)

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

GUEST: Coreen Toll

II. APPROVAL OF MINUTES

ITEM 1. June 8, 2016

MOTION:
Commissioner Ragan moved to approve the June Minutes as presented.

SECOND:
Commissioner Burris seconded the motion.

DISCUSSION:
There was no discussion regarding the motion.

VOTE:
Motion passed, 3-0. Chair Delwiche and Commissioner Casey abstained, as they were not present at the June meeting.

III. NOTICE OF COUNCIL ACTION

ITEM 2. RE 1601 - Rezoning (General Residential to Open Space – Public Hearing) - 0 Dudley Road - City of Manitou Springs, Applicant. *At the June 21, 2016, meeting Council approved the rezoning on second reading.*

ITEM 3. An Ordinance Amending Certain Sections of Chapter 18.30 Regarding the Procedures Related to Conditional Use Permits and Creating a Minor Conditional Use Permit. *At the June 21, 2016, meeting City Council adopted the ordinance on second reading.*

ITEM 4. An Ordinance Adding a New Chapter 18.89 Concerning Vacation Rentals and Adding a New Definition for Vacation Rentals. *At the June 21, 2016, meeting City Council adopted the ordinance on second reading.*

ITEM 5. CU 1601, CU 1602 and CU 1603 – Conditional Use (Multi-Use Inn) – 336, 302 and 328 El Paso Boulevard (Onalage, Red Crags and Rockledge) – Don Goede for Katspaw, LLC, Applicant. *These requests will be heard at the July 19 Council meeting and Staff will report to the Commission in August.*

Chair Delwiche 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.

Commissioner Vrobel arrived and took her seat at this point in the meeting.

IV. UNFINISHED BUSINESS

ITEM 6. V 1510 - Front Setback Variance (Allow New Dwelling Unit Construction) - 356 Ruxton Avenue - Todd Liming on behalf of Joel Grotzinger, Applicant

ITEM 7. V 1512 – Lot Size/Density Variance (Allow Additional Dwelling Unit) - 356 Ruxton Avenue - Todd Liming on behalf of Joel Grotzinger, Applicant

Senior Planner Michelle Anthony said the applicant had requested postponement to the August meeting at which time he will come in with an additional variance.

MOTION:

Commissioner Ragan moved to postpone **V1510 and V1512** to the regular August meeting.

SECOND:

Commissioner Burris seconded the motion.

DISCUSSION:

There was no discussion

VOTE:

Motion passed, 6-0

ITEM 8. MNS 1504 - Minor Subdivision (Create One Lot) - 107 Oak Place - Andy Wells, Applicant.

Director Wade Burkholder said Mr. Wells was present and would like to make a request to postpone to the December 2016 meeting.

Andy Wells, 139 Clarksley Road told the commission he believed the density will be changing because of the Housing Committee and Plan Manitou meetings held over the next few months. Mr. Wells asked what the difference was between postpone indefinitely verses postpone to December.

Mr. Burkholder said postpone indefinitely meant the item would be removed from the agenda and if the item were to come before the commission again a new application and payment would be required. If the meeting were postponed to a date certain, no new application or fee would be required.

Mr. Wells asked to have his item postponed to the December meeting.

MOTION:

Commissioner Wolfe moved to postpone **MNS 1504** to the December meeting.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6-0.

ITEM 9. MJR 1601 – Major Development (Expand Existing Building for Commercial and Residential Uses) – 327 Manitou Avenue – Todd Liming on behalf of Happy Cats Haven, Applicant

Chair Delwiche said he did not see anywhere in the zoning ordinance where an animal shelter was a permitted use and asked why the applicant was not applying for a conditional use. Senior Planner Michelle Anthony said she believed the use was allowed as the applicant had discussed the proposal with the previous Planning Director and was told it was permitted, but she was not aware of the issue before the meeting and had not reviewed that section of the code for some time, so would have to look into this.

Chair Delwiche stated he felt the proposed use was not permitted and the proposal should not be considered until the commission had the whole picture and a Conditional Use request was made. Ms. Anthony replied the applicant was present and wished to postpone to August anyway. She indicated she would confirm the use was permitted and, if not, the Conditional Use application process would be started.

MOTION:

Commissioner Wolfe moved to postpone **MJR 1601** to the August meeting.

SECOND:

Commissioner Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6-0.

Ray Ferguson, 327 Manitou Avenue for Happy Cats Haven said concerning the use, when he first looked at this proposal with Dan Folke, he found it fell under the “Kennel” designation, which is a permitted use.

Ms. Anthony said under the commercial zone, she believed Kennel was listed. Mr. Delwiche said he did not see that when he reviewed the code. Ms. Anthony replied she would double-check.

V. NEW BUSINESS

There was no new business on the agenda.

VI. OTHER BUSINESS

Chair Delwiche said after a recent hearing where someone had not met all the conditions of their conditional use permit, it reminded him of Adventures OutWest and was curious about what the Planning Department’s plan was to get them into compliance. Director Burkholder stated he believed the only issue was the requirement to make improvements to the parking lot. Mr. Delwiche said he had not seen a paved parking lot. Mr. Burkholder replied chip seal was applied, which the City had accepted as complying with the requirement.

Commissioner Casey said he was curious about how MJR 1601 got on the agenda because the application was incomplete. Ms. Anthony replied at a certain point after staff worked with an application, it was determined to bring it forward and let the commission make a decision as to whether it could approve with conditions or would want more information. In some instances, applicants do not want to provide information requested and may be able to convince the commission that some conditions did not need to be met or the commission will require more information. Sometimes Staff needs to move items on to a hearing.

The Commission discussed how to handle incomplete applications. Bringing forward with a negative recommendation was proposed as an option. Commissioners were interested in Staff providing an overview of the application process for their information and understanding. Not accepting incomplete applications was discussed. Council Liaison Toll asked if the application stated anywhere that incomplete applications were not accepted. Ms. Anthony replied there is a similar statement on the application; however; there are times when issues are not apparent until deep in process and applications are already accepted. Discussion regarding being cognizant of everyone’s time – applicants, staff, the commission and the public – occurred.

Commissioner Vrobel said, she was curious about how enforcement of the vacation rental that had been a habitual issue since 2008 was going. Mr. Burkholder replied staff was being told the property was being rented long term.

Chair Delwiche stopped the conversation saying he did not think they should be talking about properties not on the agenda. Commissioner Wolfe said this was Other Business. Commissioner Vrobel said, she did want to talk about this because there were 686 vacation rentals showing up on a search for “Manitou”. Some had licenses and many did not and she was concerned with real issues going forward.

Mr. Burkholder informed the Commission the City had contracted with an independent, national company that searches all the websites for compliance and had already received two reports. Staff had identified properties who had permits and those that do not. Mr. Burkholder said this company would take enforcement as far as filing tax claims on the City’s behalf for those operators not paying taxes. Currently there were 15-20 vacation rental operating illegally and the enforcement process has started for those properties.

Commissioner Wolfe asked for a brief description of what the enforcement procedure was once a property was notified. Director Burkholder replied they received a courtesy compliance letter that gave a two-week timeframe to comply. If owners did not comply, a sterner letter would be sent giving a deadline before municipal court procedures would be put into motion.

There was discussion regarding tax liens being placed on non-compliant properties and who followed up on those payments.

Commissioner Ragan suggested one meeting a year where the commission could get feedback on ongoing issues and a formal way to say we want to move forward on particular items or problems. Discussion ensued regarding a Worksession with City Council or a Board Retreat as is done with several other boards and commissions.

VII. ADJOURNMENT

Hearing no further business, Chairman Delwiche adjourned the meeting at 6:39pm.

Minutes prepared by Sherri Johnson, Planning Technician