



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, October 12, 2016**

I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held in Council Chambers @ 606 Manitou Avenue. Chairman Delwiche called the meeting to order at 6:03pm and declared a quorum present. The following Commission members attended:

PRESENT: Commissioner GLORIA LATIMER
Vice Chair JEANNE VROBEL
Chair ALAN DELWICHE
Commissioner MIKE CASEY
Commissioner TIP RAGAN

ABSENT: Commissioner LORI BURRIS (Excused)
Commissioner JULIE WOLFE (Excused)

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

II. APPROVAL OF MINUTES

ITEM 1. September 14, 2016

MOTION:

Commissioner Latimer moved to approve the September 14, 2016 Minutes as presented.

SECOND:

Commissioner Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0

ITEM 2. September 21, 2016

The September 21, 2016 Special Minutes were postponed to the November meeting.

Chairman 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.

III. NOTICE OF COUNCIL ACTION

There was no Notice of Council Action to discuss.

IV. UNFINISHED BUSINESS

There was no unfinished business to discuss.

V. NEW BUSINESS

ITEM 3. SW 1601 - Subdivision Waiver (Encroachment into 30% + Slopes) - 212 Illinois Avenue - Hillory Wallis, Applicant

ITEM 4. MNS 1605 – Minor Subdivision (Create One Whole Lot) – 212 Illinois Avenue – Hillory Wallis, Applicant

Senior Planner Michelle Anthony presented the staff report dated October 7, 2016.

Chair Delwiche asked if there were any questions for staff.

Commissioner Latimer asked, because portions of this and the neighbor's property were being traded, would both properties be required to replat. Ms. Anthony said there was no requirement, adding the neighbor knew not having a whole, platted lot could affect future building permits and had chosen not to include her property in the subdivision plat.

Commissioner Casey asked if the excavation mentioned early in the report was recent. Ms. Anthony replied that it was.

Hearing no further questions, the applicant was invited to the podium

Hillory Wallis, 212 Illinois Avenue, said the excavation was done recently to see what type of rock they would be dealing with. Ms. Wallis said they had to do some exploratory digging for information needed in relation to the construction loan.

Ms. Anthony remarked, as was noted in the staff report, the material removed did not damage parts of the property that would remain in the No Build area and if the waiver was denied the property could be restored.

Chair Delwiche asked Ms. Wallis her thoughts on the staff recommendation. Ms. Wallis said she was very happy with the staff recommendation and hoped they could move on with the plans as presented. In terms of the No Build area, if there was bedrock close to the surface there would be crawl space rather than an unfinished basement.

Chair Delwiche asked for any comments from the audience. Hearing none, the Public Hearing was closed.

Chair Delwiche asked Ms. Anthony if she was comfortable with the waiver. Ms. Anthony replied yes, it was consistent with the code and other waivers granted and neighbors were pleased with the development.

MOTION:

Commissioner Ragan moved to approve **SW 1601** and **MNS 1605** to allow for encroachment of 292 square feet into the identified No Build areas and to create Lot 1, Davis Subdivision with the following finding and conditions:

“The Subdivision Waiver is justified based on conditions peculiar to this site and without waiver an unnecessary hardship would be placed on not just the subdivider, but the adjacent property owner. The granting of the waiver is not detrimental to the public good and does not impair the intent and purpose of the Subdivision Regulations.”

- 1) No further excavation of the site is allowed until the plat is filed, following compliance with the following conditions, and the Building Permit for the new construction on this property is issued.
- 2) Prior to filing, the plat shall be updated to include the following:
 - a) Signature block for the Planning Commission Chair
 - b) The No Build area to reflect the approved Subdivision Waiver areas
 - c) Any corrections noted as necessary by the City Engineer upon review of the final, draft plat
- 3) A Title Commitment or Policy to allow the Surveyor and City to verify there are no applicable exclusions or easements which should be incorporated into the proposed plat shall be submitted prior to filing of the plat.
- 4) A Certificate of Taxes showing all property taxes are current shall be submitted prior to filing of the plat.
- 5) The property owner shall pay the fees in lieu of land dedication for Parks, Open Space and Schools in the total amount of \$789 as broken out in the table in the Staff Report.
- 6) The Subdivision Site Plan will be updated to include the grade of Illinois Avenue.
- 7) The Surveyor 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.
- 8) The Surveyor shall 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:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no further discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 5. MICU 1612 - Minor Conditional Use (Vacation Rental) - 315 Pawnee Avenue - Karole Campbell, Applicant

Director Burkholder stated the application was not yet complete and MICU 1612 was postponed to the November meeting.

ITEM 6. MICU 1613 - Minor Conditional Use (Vacation Rental) - 35 Via Chula Vista - Mark and Karen Storm, Applicant

Director Wade Burkholder presented the staff report dated October 7, 2016.

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

Karen and Mark Storm, 35 Via Chula Vista, introduced themselves. Mrs. Storm said they were excited and happy with the recommendation. Mr. Storm stated he had already marked the parking with treated 4 x 4s. He continued that they would not allow more than four people to stay at a time. He noted Mrs. Storm was an artist and they anticipated advertising in arts publications, hoping to attract artist clientele. Mr. Storm stated they wanted to take care of the property and had begun to improve the exterior. Mrs. Storm remarked they would be living in the house while their new home, also on this property, was being built. They would also block time for their children to stay in the vacation rental for holidays and such.

Commissioner Casey asked if it would be a vacation rental prior to the new house being built. Ms. Storm said they might rent the house out when they travelled.

Chair Delwiche asked if they were aware of the minimum number of days they must rent. Ms. Storm confirmed they did and asked when the calendar year would begin for them. Mr. Burkholder stated it would begin when the business license was issued.

Ms. Latimer asked if they planned to limit the size of travel trailers. Mr. Storm said they would and this would be clear in the advertising.

Chair Delwiche asked for audience comment. Hearing none, the Public Hearing was closed.

MOTION:

Commissioner Ragan moved to approve **MICU 1613** with the finding the applicants met all requirements for approval and the procedures outlined within the vacation rental regulations. Commissioner Ragan further recommended two conditions of approval in addition to the requirements for listing and permitting of the vacation rental prior to operation:

1. That the Applicant submits a copy of items under Section 18.89.040 G. (1-6) for the Planning Department files at the time of issuance of the Business License.
2. The three parking spaces be designated officially on site with either wheel stops or signage indicating where visitors are to park.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no further discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 7. MACU 1616 – Major Conditional Use (Review of CU 1207 Parking Plan) - 515 Ruxton Avenue - Spencer Wren on behalf of the Manitou & Pikes Peak Railway, Applicant

ITEM 8. MACU 1617 – Major Conditional Use (Expansion of Non-Conforming Use) - 515 Ruxton Avenue - Spencer Wren on behalf of the Manitou & Pikes Peak Railway, Applicant

Director Burkholder stated there was more to review than what could be accomplished by this meeting. He discussed postponement to November with the applicant, who asked for postponement to December.

VI. OTHER BUSINESS

ITEM 9. Review of List of Future Items for Worksession or Discussion from September 2016 Planning Commission Meeting

Ms. Anthony stated the Special Planning Meeting did not record and wanted commissioners to review the list as it was based on staff notes. Commissioner Vrobel said raising the price of parking on Ruxton could be struck from the list as that had happened.

Ms. Anthony asked if there were any areas of interest where Commissioners might like to take a field trip. Commissioner Ragan stated a field trip might not be necessary, but that traffic signage at Park and Manitou Avenues needed to be changed and recommended a mirror be installed on Washington Avenue where there is a blind spot. Ms. Anthony briefly explained the Mobile 311 system and advised sending requests to Alicia Stoke to create a work order for anything that need to be maintained, added or changed.

Ms. Anthony noted there would be a presentation in November regarding the application process.

Chair Delwiche felt variances should be reviewed saying the requirements were too stringent. Commissioner Ragan asked in addition to Variances under State law, if there could be allowances for certain issues. Ms. Anthony stated there may be some things the City could do to allow some flexibility.

Commissioner Casey said he would like to discuss neighbor notification letters being a set number of notifications rather than a distance. He also felt business owners and tenants should be notified. Commissioner Vrobel agreed renters as much as property owners should be notified.

VII. ADJOURNMENT

Hearing no further business, Chair Delwiche adjourned the meeting at 7:03pm

Minutes prepared by Sherri L. Johnson, Planning Technician