



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, November 9, 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 6:00pm 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 LORI BURRIS
Commissioner JULIE WOLFE

ABSENT: Commissioner TIP RAGAN (Excused)

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

GUESTS: Darcie White, Clarion & Associates
Charlie Brennan, Clarion & Associates

II. APPROVAL OF MINUTES

ITEM 1. September 21, 2016

MOTION:

Commissioner Vrobel moved to approve the September Minutes as presented.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6-0

ITEM 2. October 12, 2016

MOTION:

Commissioner Latimer moved to approve the October Minutes as presented.

SECOND:

Commissioner Casey seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0. Commissioner Burris abstained as she was not present at the October meeting.

III. NOTICE OF COUNCIL ACTION

There was no Notice of Council Action to discuss.

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.

IV. UNFINISHED BUSINESS

ITEM 3. MICUP 1612 - Minor Conditional Use Permit (Vacation Rental) - 315 Pawnee Avenue - Karole Campbell, Applicant

Planning Director Wade Burkholder presented the staff report dated November 4, 2016. He read into the record a letter from Lana Zemler regarding previous issues with the applicant's dogs, inadequate fencing and guests noise disturbing her.

Commissioner Casey asked if this was an ongoing vacation rental. Mr. Burkholder replied it was, adding the applicant was catching up with the current process and working toward becoming compliant.

Chairman Delwiche asked if back lodging taxes would be paid prior to issuance of a business license. Mr. Burkholder answered yes.

Commissioner Wolfe asked if the code required a back-up manager if the applicant was unavailable. Mr. Burkholder replied it required someone in El Paso County be identified as an additional contact should the owner not be available.

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

Karole Campbell, 315 Pawnee Avenue, addressed the concern of her neighbor regarding her dogs and explained the fencing issue. She noted her dog was on a zap collar and she intended to fix the fence in the Spring. Ms. Campbell said she has had people from all over Europe and younger folks who brought their dogs, noting several people commented they would not be able to visit had their dogs not been allowed. She said she worked from home and it has been fun and a great experience to have people there.

Commissioner Vrobel said it sounded like the fencing may not be adequate for dogs. Ms. Campbell said she did have some code enforcement issues relative to dogs jumping the fence and had done aggressive training with the dog she now has and had done multiple things to enhance the fence, but acknowledged more was needed.

Commissioner Casey asked if she had a back-up contact in case she was out of town. Ms. Campbell initially indicated she would not operate the vacation rental if she was out of town. After further discussion she agreed to provide a backup contact person located in Manitou Springs.

Chair Delwiche asked if there were any comments from the audience. Hearing none, the Public Hearing was closed.

Commissioner Casey stated he felt the proposal was fine as long as there was a back-up contact person.

For clarification, Mr. Burkholder read the portion of the code regarding when a contact other than the owner was required.

Commissioner Vrobel stated the applicant should either not accept dogs or fix the fence. Chair Delwiche agreed saying that could be crafted into a condition.

Commissioner Wolfe agreed and asked if there were any building codes regarding fencing minimum standards as she felt the fence would be very important to the safety of other dogs and neighbors.

Mr. Burkholder said a permit is not required by Pikes Peak Regional Building Department for a fence less than 7' tall.

Ms. Anthony suggested the condition be worded " structurally adequate and of a height to contain any animals".

There was further conversation regarding dogs. Commissioner Casey stated the Commission was not in the business of fencing or dog control. Commissioner Wolfe replied the Commission was supposed to make a finding that the use would not injure or impact the neighborhood.

Commissioner Burris clarified with the other members the applicant could operate the business just not accept dogs until she has the fence fixed. The Commissioners agreed.

Commissioner Vrobel stated requiring adequate fencing should be a condition as she did not want the neighbors to feel endangered.

Chair Delwiche noted the code may need to be revised as pets had not been considered however this could be considered a health and safety issue.

Ms. Campbell clarified that the Commission was not requiring her to get rid of her dog. Chairman Delwiche replied the condition would only apply to the vacation rental use, not her personal animal.

MOTION:

Commissioner Vrobel moved to approve **MICUP 1612** for a short-term vacation rental at 315 Pawnee Avenue with the following additional conditions:

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. Should the owner not be present and available during the time of rental that an El Paso County property manager or Manitou Springs neighbor contact information be supplied to the City as an emergency contact number.
3. No on-street parking shall be permitted associated with the short term vacation rental use and no oversized or recreational vehicles are permitted.
4. The property owner will improve the fencing and gate such that it provides containment for resident and guest animals prior to accepting vacation rental reservations for guests with pets.

SECOND:

Commissioner Wolfe seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6- 0

V. NEW BUSINESS

ITEM 4. V 1606 – Variance (Lot Coverage) - 358 Ruxton Avenue - Alexandria Hopper, Applicant

ITEM 5. V 1607 – Variance (Side Yard Setback) - 358 Ruxton Avenue - Alexandria Hopper, Applicant

Senior Planner Michelle Anthony presented the staff report dated November 1, 2016.

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

Alexandria Hopper, 358 Ruxton Avenue, introduced her father, Scott Hopper. Mr. Hopper explained why the variances were necessary in order to get Regional Building Department approval.

Commissioner Casey thanked the applicant for taking on the project as the existing property was an eyesore and had been for some time.

Chairman Delwiche asked for public comment. Hearing none, the Public Hearing was closed.

MOTION:

Commissioner Casey moved to approve **V 1606** for Side Yard Setback Variances from 7’6” to 0 feet from the east property line and 4 feet from the west property line, and **V 1607** for Lot Coverage of 890sf (51% of the lot area) where 871sf (50% of the lot area) is allowed to facilitate the reconstruction of the existing front porch with the following findings:

1. That the representations in the application are valid and the applications have met the criteria established in Section 18.32.010* of the Zoning Code;
2. That the reasons set forth in the application and Staff's evaluation in regard to the setback and lot coverage justifies the granting of the variances and the variances are the minimum that will make possible the reasonable use of the land;
3. That the granting of the variances will be in harmony with the general purpose and intent of the City's Vision Plan and the Zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SECOND:

Commissioner Wolfe seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6- 0

ITEM 6. RE 1602 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405313002) - City of Manitou Springs, Applicant

ITEM 7. RE1603 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314001) - City of Manitou Springs, Applicant

ITEM 8. RE 1604 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314002) - City of Manitou Springs, Applicant

ITEM 9. RE 1605 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314007) - City of Manitou Springs, Applicant

ITEM 10. RE 1606 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314023) - City of Manitou Springs, Applicant

ITEM 11. RE 1607 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314003) - City of Manitou Springs, Applicant

ITEM 12. RE 1608 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314011) - City of Manitou Springs, Applicant

ITEM 13. RE 1609 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314009) - City of Manitou Springs, Applicant

ITEM 14. RE 1610 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Utah Road (Schedule No. 7405314022) - City of Manitou Springs, Applicant

ITEM 15. RE 1611 - Rezoning (Hillside Low Density Residential to Open Space – Initial Meeting) – 0 Mariposa Drive (Schedule No. 7405319005) - City of Manitou Springs, Applicant

Planning Director Wade Burkholder presented the staff report dated November 4, 2016.

Chairman Delwiche asked if there were any questions for staff. Hearing none, the meeting was opened to the public.

Monty Farris, 5 Midland Avenue, stated he and his brother owned vacant property adjacent to some of the open space area and asked if, once this was designated as open space, would there be public access to the properties. Mr. Burkholder indicated that zoning open space would not create the need for public access unless there was a planned trail or some sort of facility. There was no use planned for the properties and they would remain undeveloped open space at this time.

Mr. Farris stated if there ever was any access, he would want the City to identify where the corner of his property was and so it could be posted No Trespassing. Commissioner Vrobel indicated Mr. Farris would need to get his own survey if he wanted to know the boundaries of his property.

Mr. Farris said there is some items of historic and archeological interest on some of the city's and his property. He noted he knew where a large "M" from a sign for the Red Mountain Incline was and that things were grown over in the summer but in the winter you could see the trails to the Red Mountain Incline. Commissioner Lattimer asked Mr. Farris to approach and show her where his property was on the map.

Joel Lane, 917 Chipeta Road, asked if the rezoning would be permanent and would "No Camping" apply. Mr. Burkholder confirmed that rezoning is not a temporary measure and camping would not be allowed on the property.

Hearing no further comments, the Public Hearing was closed.

Commissioner Casey asked about conservation easements. Staff noted there were no conservation easements on these properties because they were not purchased with grant funds.

Commissioner Lattimer felt the proposed rezoning was a good idea for these properties. She asked further about camping on City open space. Mr. Burkholder replied that camping outside of a licensed campground was not allowed in the City limits.

Commissioner Wolfe asked about recreational use by citizens and suggested people could walk on the land. How would that be impacted if there was no access? Mr. Burkholder stated there was no intention of passive use for the properties. It would be trespassing if someone attempted to get to the property through someone else's property.

MOTION:

Commissioner Vrobel moved to set the public hearings for rezoning the City-owned properties for the December 14, 2016, Regular Planning Commission meeting.

SECOND:

Commissioner Lattimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6-0.

VI. OTHER BUSINESS

ITEM 16. Plan Manitou: Project Update, Short- and Long-term Action Plans, and Preview of Draft Plan

Darcie White with project contractor Clarion & Associates provided an update about Plan Manitou and presented a power-point presentation.

Charlie Brennan presented information on the short and long-term Action Plan draft dated November 6, 2016.

ITEM 17. Update Regarding Hiawatha Gardens Working Group

Senior Planner Michelle Anthony stated the Hiawatha Gardens Working Group would be a standing item on the agenda.

Chairman Delwiche reported the Historic Preservation Commission Chair Neale Minch was heading up the project and had been setting up meetings and looking for potential private sector partners. He noted Mr. Minch had already covered a lot of ground. The focus was maintaining the historic part of the building and the investigation was ongoing in order to show the range of possibilities to Council. Some issues might need to be brought to the Planning Commission. Chairman Delwiche indicated there was a group of people working on the project and suggested if any Planning Commissioner's wanted to help, let him know and he would get them put on the email list.

ITEM 18. Review of Planning Department Application Processes

Senior Planner Michelle Anthony presented the memorandum dated November 3, 2016, reviewing the planning department application process.

VII. ADJOURNMENT

Hearing no further business, Chair Delwiche adjourned the meeting at 8:18pm

Minutes prepared by Michelle Anthony, Senior Planner