



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, JUNE 14, 2017**

I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held in Council Chambers @ 606 Manitou Avenue. Vice Chair Vrobel called the meeting to order at 6:01 pm and declared a quorum present. The following Commission members attended:

PRESENT:	Vice Chair JEANNE VROBEL Commissioner MIKE CASEY Commissioner JULIE WOLFE Commissioner LORI BURRIS Commissioner JULIA SIMMONS
ABSENT:	Chair ALAN DELWICHE (excused) Commissioner GLORIA LATIMER (excused)
STAFF:	Michelle Anthony, Senior Planner Dylan Becker, Planner I
GUESTS:	Coreen Toll, City Council Liaison

II. APPROVAL OF MINUTES

ITEM 1. May 10, 2017

MOTION:

Commissioner Casey moved to approve the May Planning Commission Regular Meeting Minutes as presented.

SECOND:

Commissioner Burris seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 2-0. Commissioner Simmons abstained as she was not present for the May meeting and Commissioner Wolfe and Commissioner Burris abstained as they had not read the minutes.

III. NOTICE OF COUNCIL ACTION

ITEM 2. RE 1701-1715 – Rezoning from Low Density Residential to Open Space Parcels. Staff reported City Council approved First Reading on June 6 and Second Reading on was scheduled for July 11, 2017.

ITEM 3. VAC 1701 – Vacation of Right of Way – 304 Pawnee Avenue – Karen To, Applicant. City Council considered the Planning Commission recommendation on June 6, 2017 and approved, as recommended, by a vote of 7-0.

ITEM 4. MaCUP 1703 – Major Conditional Use Permit – 306 Manitou Avenue – Julius Grant Howell, Applicant. City Council considered the Planning Commission recommendation on June 6, 2017 and approved, as recommended, by a vote of 7-0.

ITEM 5. Ordinance Regarding Amendment of the Zoning Code to Regulate Adult or Sexually Oriented Businesses. Staff Reported First Reading by City Council was scheduled on July 11, 2017.

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

IV. UNFINISHED BUSINESS

ITEM 6. MNS 1504 - Minor Subdivision (Create One Lot) - 107 Oak Place - Andy Wells, Applicant

Michelle Anthony, Senior Planner, presented the staff report dated June 9, 2017, and stated there were two letters from neighbors in support of the Minor Subdivision. She noted the cover letter written by Todd Liming of Planning Matters regarding the Minor Subdivision request was at the dias.

Hearing no questions for staff, Vice Chair Vrobel invited the applicant to the podium.

Todd Liming, 438 N. Prospect Street, Colorado Springs, on behalf of Andy Wells, 107 Oak Place, stated he agreed with the Staff recommendation. Mr. Liming stated Mr. Wells was surprised by the fees associated with the Subdivision Code, but he had explained the purpose of the fees and showed Mr. Wells another Minor Subdivision request on the same agenda with fees greater than those for this request. Mr. Liming stated he had spoken to Surveyor Kevin O’Leary who felt there would be no issue with any of the proposed conditions. Mr. Liming thanked Ms. Anthony for her efforts regarding the request and Mr. Becker for keeping the flow of documents going.

Commissioner Casey inquired why the Subdivision request had been previously denied. Ms. Anthony responded the Minor Subdivision request had not been denied; the Density Variance request to put in a second unit had been denied and this application had been postponed previously.

Hearing no further questions for, or comments from, the applicant, Vice Chair Vrobel opened the Public Hearing.

Patsy Sitzman, 125 Beckers Lane, stated she was at Terrace Place, which was unpaved, earlier that morning and inquired about Section F of the Staff Report which stated the surrounding City streets were paved. Ms. Anthony stated Plainview Place and Oak Place were both paved and the report referred to the immediately adjacent streets to this property.

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

MOTION:

Commissioner Wolfe moved to approve MNS 1504 to create Lot 1 in the 107 Oak Place Replat with the following conditions:

1. Prior to filing, the plat shall be updated to include the following:
 - a. Correction of the square footage of the lot.
 - b. The existing public utilities easement in place along the northern property boundary shall be shown on the plat and extended over the undeveloped Oak Place right-of-way incorporated into the lot. Manitou Springs Public Services will confirm the final width of this easement area to insure it is sufficient for existing or proposed utility lines.
 - c. An area of three-hundred and seventy-one square feet (371 ft²) along the southern property frontage shall be dedicated as a public right-of-way to the City of Manitou Springs.
 - d. All areas not part of the subdivision shall be labeled as such.
 - e. The widths of Plainview Place and Oak Place shall be amended to reflect their dedication and inclusion respectively.
2. Amendment of the following items on the Subdivision Site Plan shall be provided prior to filing of the plat:
 - a. the grade of Oak Place and Plainview Place
 - b. contours on the property per the regulations
3. The property owner shall execute a written easement agreement with the City of Manitou Springs for the public utilities easement along the northern property boundary prior to filing of the plat.
4. Unless approved for waiver by the Parks and Recreation Advisory Board and/or the Open Space Advisory Committee, the property owner shall pay \$182.00 in total Schools, Parks, and Open Space Fees as outlined in the chart contained in the Staff Report.
5. The applicant has ninety (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.
6. 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 Simmons seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 7. MaCUP 1617 – Major Conditional Use (Expansion of Non-Conforming Use) - 515 Ruxton Avenue - Spencer Wren on behalf of the Manitou & Pikes Peak Railway, Applicant

Michelle Anthony, Senior Planner, presented the staff memo dated June 8, 2017, and asked for an indefinite postponement as both parties, the City of Manitou Springs and the Manitou & Pikes Peak Railway, had agreed to an abeyance in processing this application until a time in the future at which the application would be re-advertised and posted.

MOTION:

Commissioner Simmons moved to postpone MaCUP 1703 indefinitely until a time in the future at which the application will be re-advertised and posted for public notification.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

V. NEW BUSINESS

ITEM 8. MNS 1703 – Minor Subdivision (Create One Lot) – 0 Manitou Terrace – Bill Koerner, Applicant

Michelle Anthony, Senior Planner, presented the staff report dated June 9, 2017.

Commissioner Wolfe inquired if the Planning Commission was authorized to include the dedication for a turn-around for the Fire Department as a mandate. Ms. Anthony stated the Commission could do so, however, the applicant had already stated he desired to dedicate the property if it was feasible to develop a turnaround. However, if this was not feasible, Ms. Anthony felt the Commission should not mandate dedication.

Commissioner Wolfe inquired if the Commission could craft language stating subject to approval by the Fire Department the dedicated turn-around be a requirement to prevent a fire from spreading across the town. Ms. Anthony responded the Commission could do so if they pleased.

Ms. Anthony stated one thing the Commission might want to note was the total for Schools, Parks, and Open Space Fees could be amended because of the potential dedication for a turn-around. She suggested wording referencing the potential turnaround dedication for any motion of approval.

Hearing no further questions for staff, Vice Chair Vrobel invited the applicant to the podium.

Bill Koerner, 205 Ruxton Avenue, stated he wanted to thank Ms. Anthony and was in agreement with the Staff Report. Mr. Koerner indicated he was willing to restrict the lot to only one unit as he felt it appropriate given the neighborhood. He commented on his concern regarding being out of town for a period of time and inquired of Staff if the subdivision would be discussed with the Fire Department quickly. Ms. Anthony

responded the Fire Department and the Streets Department would be assessing the situation the following Monday to determine the feasibility of installing a functional turn-around given the steep grades and topography. She could provide Mr. Koerner with the information from that meeting by email, so he could direct his surveyor in finalizing the plat.

Mr. Koerner stated, in regard to Manitou Terrace, there was currently no place to turn around which he felt was not a good situation and thought the Fire Department might be able to get a sixty to seventy foot (60-70 ft.) diameter area provided the grade was not too steep. He was also concerned about the engineering review and asked if it would be expedited and completed in a reasonable timeframe. Ms. Anthony responded Staff always gave the engineer a deadline for comment and that was usually not more than ten (10) days. Once Mr. Koerner's surveyor received final word, he could make the changes and then Ms. Anthony could send the final draft plat to the City's consulting Engineer. She commented it would be a fairly simple process and did not expect many comments regarding the plat.

Mr. Koerner submitted a letter to Staff and the Planning Commission to address the issues brought up by Staff regarding the labelling of the lot.

Commissioner Wolfe inquired if Mr. Koerner would have any objections to having a requirement for dedicating a right-of-way to the Fire Department in the conditions of approval of his Minor Subdivision request. Mr. Koerner stated he was not opposed to the requirement.

Commissioner Casey inquired if the item were postponed, would he have any issues, difficulties, or problems. Mr. Koerner replied he would like for the issue to be resolved as he had been working on the plat for over a year, but did not have any plans for immediate construction.

Hearing no further questions for, or comments from, the applicant, Vice Chair Vrobel opened the Public Hearing. Hearing no comment from the public, Vice Chair Vrobel closed the Public Hearing.

Commissioner Casey stated he was confused and asked Ms. Anthony if the Fire Department had been contacted about this request and the potential turn-around. Ms. Anthony responded they had been contacted and were scheduled to check it out on June 19, 2017. Commissioner Casey inquired if the City Engineer or Streets Department had seen the request. Ms. Anthony responded the Streets Department had seen the request in the current configuration and they had not requested a turn-around, a dedication, or improvements. Ms. Anthony stated she had suggested to Mr. Koerner through the Staff Report this was something he may want to look at and Mr. Koerner had agreed. Ms. Anthony stated the Streets and Fire Departments had not looked at the request with the addition of the potential turn-around but had looked at the actual plat. As far as the City Engineer, the Planning Department usually did not send the request to them until the final draft of the plat in order to cut down on charges for multiple reviews.

Commissioner Casey stated he felt because of the location it would be difficult for the Fire Department to back a truck out from Manitou Terrace and requested postponement until there was definitive direction from the Fire Department or mandate a requirement for a turn-around to be included with the Staff Recommendation.

Commissioner Wolfe inquired the exact meaning of the word mandatory in Commissioner Casey's request and asked if he meant the dedication be made mandatory even if the Fire Department said they could not possibly get up there. Commissioner Wolfe suggested the Commission make the dedication be subject to the determination that a turnaround was feasible. Commissioner Casey stated he felt Commissioner Wolfe's suggestion was a better idea.

Commissioner Simmons inquired if the property was able to be accessed by the Fire Department and who had the responsibility for developing the right-of-way. Ms. Anthony responded in this case, it was the responsibility of the City to develop the turnaround if right-of-way was dedicated; if the request had been for platting a new street or for improving an unimproved street, was usually the developer's responsibility.

MOTION:

Commissioner Wolfe moved to approve MNS 1703 to create Lot 1 in the Manitou Heights Filing No. 2 Subdivision noting the applicant is working with the Fire Department and Streets Department regarding a potential right-of-way dedication for the turnaround and with the following conditions:

1. Prior to filing, the plat shall be updated to include the following:
 - a. Square footage of the lot in feet
 - b. Labelling of the lot as Lot 1
 - c. Width of Manitou Terrace right-of-way
 - d. The No Build area on the property shall be cross-hatched in order to more clearly identify its location
 - e. Any amendments as recommended by the City's consulting Engineer upon review of the final plat document
2. The grade of Manitou Terrace shall be added to the Subdivision Site Plan.
3. An up-to-date Certificate of Taxes showing that all property taxes are current shall be submitted prior to filing of the plat.
4. The property owner shall pay \$1,164.00 in total Schools, Parks, and Open Space Fees as outlined in the chart contained in the Staff Report before filing of the plat. This total may be amended based on final property square footage following any right-of-way dedication for the turnaround.
5. The applicant has ninety (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.
6. 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.
7. If the Manitou Springs Fire Department determines it had the ability to access the area with a fire truck, in that event, the applicant shall be required to provide a right-of-way dedication for the Manitou Springs Fire Department to access the property and, at that time, the total Schools, Parks, and Open Space Fees shall be recalculated accordingly.

SECOND:

Commissioner Casey seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 9. RE 1716 - Rezone (Commercial to High Density Residential – Initial Hearing) - 115 Beckers Lane – Ryan Lloyd of Echo Architecture on behalf of Eddie Bishop of Manitou LLC, Applicant

Michelle Anthony, Senior Planner, presented the staff report dated June 8, 2017.

Commissioner Casey inquired if the request required the notification to surrounding property owners for the Preliminary Meeting or if it would occur prior to the Public Hearing. Ms. Anthony responded mailed notifications had been sent out before the Preliminary Meeting and the request was also published in the local paper and posted on the property.

Commissioner Wolfe inquired if the postings were done in compliance with the Zoning Code. Ms. Anthony responded the postings were done in compliance with the Zoning Code requirements and explained the reason there were two publications for the June Regular Meeting.

Commissioner Simmons inquired if the property was abandoned or derelict and also asked if there had been a traffic study completed for the project. Ms. Anthony responded a traffic study, if required, would be triggered when the project went through the Major Development process following the rezoning request.

Hearing no further questions for the applicant, Vice Chair Vrobel opened the Public Hearing.

Ryan Koeniger of Echo Architecture, 2803 Ute Drive, Colorado Springs, on behalf of Eddie Bishop thanked Ms. Anthony for her assistance in getting this request going and stated the property was located in a transition neighborhood. Mr. Koeniger stated the property used to be one lot, but was divided into two lots under separate ownership. Mr. Koeniger stated the lot on the north side had the perfect conditions to become a High Density Residential zoned property and the lot on the south side had been purchased by another party to be developed into a motel. Mr. Koeniger commented he believed the High Density Residential rezoning would be beneficial and was a good fit for this lot because it was in a transitional neighborhood between Commercial and Low Density Residential zoning and it made more sense for there to be High Density Residential zoning in between the two zonings to soften the abrupt change from Commercial to Low Density Residential zoning. Mr. Koeniger stated the design had not been developed yet, as Echo Architecture was waiting for the rezoning process to unfold, but the thought was there would be eight to ten (8 - 10) dwelling units in the development and they intended to comply with the southwestern architectural style as required by local neighborhood covenants, which this property was not required to do, but the owner wanted to fit in with the area. Mr. Koeniger commented Echo Architecture and the Applicant were excited about the future development and Echo Architecture enjoyed working in the City and looked forward to improving the property as the current conditions of the property were a blight on the neighborhood.

Commissioner Casey stated he did not see a parcel to the south of the proposed Rezoning from the Assessor's map. Mr. Koeniger responded the lot was south on the other side of Via San Miguel.

Commissioner Simmons inquired if there were design guidelines which pertained to the request. Ms. Anthony responded there were no guidelines for this area, noting when Mr. Koeniger referenced the neighborhood covenants, those were from the homeowner's association of the neighborhood near the property, which this property was actually not subject to. Mr. Koeniger added that Echo Architecture's intention was to be amicable with neighbors and to aesthetically fit into the neighborhood.

Patsy Sitzman, 125 Beckers Lane, stated the surrounding community had spent the better part of three years (3 yrs.) attempting to rid the neighborhood of the blight of this property and was excited to get this over with and move forward. Ms. Sitzman stated the proposed development would improve the neighborhood, provide stability, and increase property values. She commented she did not think traffic would be an issue and urged the Commission's immediate approval.

Commissioner Casey asked the audience to indicate who supported the Rezoning; everyone present supported the request. Vice Chair Vrobel confirmed there was no one present opposed to the request.

Tom Dunn, 43 Via Chula Vista, stated he had been in the Brook Street Bridge meeting occurring at the same time as this meeting and hadn't realized until a very short time ago he was in the wrong place. He asked what would be the best way to get a summary of what he had missed earlier in the Planning Commission meeting. Commissioner Wolfe responded the Planning Commission Web Site had a link to the packet for the meeting and there would be minutes posted as well.

Mr. Dunn inquired what it would look like to have eight to twelve (8 - 12) units constructed on the lot as far as the number and height of the buildings. Vice Chair Vrobel responded Echo Architecture had not yet drawn up the plans and it was therefore not possible to know the answer to Mr. Dunn's question. Commissioner Wolfe commented the Development Plan would be presented at another meeting.

Mr. Dunn also inquired if the applicants had plans to cut down the trees on the property. Ms. Anthony responded Mr. Dunn would have to ask the applicant regarding plans to remove trees and vegetation.

Eddie Bishop, Manitou LLC, stated he had worked in development for 40 years and he had never seen so much support from surrounding neighbors at any City meeting prior for one of his requests. He had met with Planning Staff to discuss and get ideas to keep the project moving forward and would be getting with his team to discuss how many units would fit best, talk about height, and where the buildings would be placed in relation to trees. Mr. Bishop stated many of the trees were dead and decayed, but if his team were to remove any sizeable trees, they would replace them with sizable trees and vegetation to impose the least amount of impact to the neighborhood. Mr. Bishop thanked the Commission and Staff and stated he was looking forward to working with the City on this development.

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

MOTION:

Commissioner Wolfe moved to set RE 1716 for a Public Hearing at the next Regular Planning Commission Meeting on July 12, 2017, at which time the Commission will consider a formal recommendation to the City Council.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

- ITEM 10. RE 1717** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Ramona Road (Schedule No. 7405312005) – City of Manitou Springs, Applicant
- ITEM 11. RE 1718** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Hill Street (Schedule No. 7405313005) – City of Manitou Springs, Applicant
- ITEM 12. RE 1719** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Hill Street (Schedule No. 7405314019) – City of Manitou Springs, Applicant
- ITEM 13. RE 1720** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Hill Street (Schedule No. 7405314005) – City of Manitou Springs, Applicant
- ITEM 14. RE 1721** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Spirea Drive (Schedule No. 7405320005) – City of Manitou Springs, Applicant
- ITEM 15. RE 1722** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Spirea Drive (Schedule No. 7405320007) – City of Manitou Springs, Applicant
- ITEM 16. RE 1723** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Spirea Drive (Schedule No. 7405320003) – City of Manitou Springs, Applicant
- ITEM 17. RE 1725** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Columbine Drive (Schedule No. 7405332008) – City of Manitou Springs, Applicant
- ITEM 18. RE 1726** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Columbine Drive (Schedule No. 7405320013) – City of Manitou Springs, Applicant
- ITEM 19. RE 1727** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Mariposa Drive (Schedule No. 7405319007) – City of Manitou Springs, Applicant
- ITEM 20. RE 1728** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Columbine Drive (Schedule No. 7405319006) – City of Manitou Springs, Applicant
- ITEM 21. RE 1729** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Columbine Drive (Schedule No. 7405319003) – City of Manitou Springs, Applicant
- ITEM 22. RE 1730** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Mariposa Drive (Schedule No. 7405319002) – City of Manitou Springs, Applicant
- ITEM 23. RE 1731** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Columbine Drive (Schedule No. 7405320001) – City of Manitou Springs, Applicant
- ITEM 24. RE 1732** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Columbine Drive (Schedule No. 7405320003) – City of Manitou Springs, Applicant
- ITEM 25. RE 1733** – Rezone (Hillside Low Density Residential to Open Space – Initial Hearing) 0 Columbine Drive (Schedule No. 7405319011) – City of Manitou Springs, Applicant
- ITEM 26. RE 1724** – Rezone (Low Density Residential to Open Space – Initial Hearing) 0 Pawnee Avenue (Schedule No. 7408222002) – City of Manitou Springs, Applicant

PUBLIC COMMENT:

Dylan Becker, Planner I, presented the staff report dated June 8, 2017.

Hearing no questions for staff, Vice Chair Vrobel opened the Public Hearing. Hearing no comment from the public, Vice Chair Vrobel closed the Public Hearing.

MOTION:

Vice Chair Vrobel moved to set RE 1717 – RE 1724 for a Public Hearing at the next Planning Commission Meeting on July 12, 2017, at which time the Commission will consider a formal recommendation to the City Council.

SECOND:

Commissioner Wolfe seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

V. OTHER BUSINESS

There was no other business on the agenda to discuss.

NON-AGENDA ITEM FOR DISCUSSION

Commissioner Casey inquired if any kind of deed restriction could be placed on a property. Ms. Anthony responded yes, so long as it was legal. Commissioner Casey commented he had not heard of anyone doing so prior to the Minor Subdivision request by Bill Koerner and thought it was, in some ways, a rezoning without going through the process. Ms. Anthony responded there had been previous situations, although it was a rare occurrence, in which applicants had been required to put notes on their plats which restricted the density because there were circumstances, such as only a small portion of buildable area on a large lot. Commissioner Casey asked if the plat note would convey to a new owner of Mr. Koerner's property. Ms. Anthony responded it would; the plat would be in the public record and should someone buy the lot and they were not disclosed this information, there could be a lawsuit. Commissioner Casey stated he felt the applicant was arbitrarily rezoning and placing a restriction on the property which could affect future owners. Ms. Anthony stated the plat note was legal and it was the applicant's right to incorporate it. She also stated if a future owner did not want to comply with the note, they could request a replat to have it removed and the City could consider at that point whether it agreed more density was appropriate or not.

VI. ADJOURNMENT

Hearing no further business before the Commission, Vice Chair Vrobel adjourned the meeting at 7:29 pm.

Minutes prepared by Dylan Becker, Planner I