



**CITY OF MANITOU SPRINGS  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, SEPTEMBER 13, 2017, 6:00 pm**



**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 5:58 pm and declared a quorum present. The following Commission members attended:

- PRESENT:** Chair ALAN DELWICHE  
Vice Chair JEANNE VROBEL  
Commissioner GLORIA LATIMER  
Commissioner LORI BURRIS  
Alternate Commissioner CAREY STORM
- ABSENT:** Commission JULIE WOLFE (excused)  
Commissioner MIKE CASEY (excused)  
Commissioner JULIA SIMMONS (excused)
- STAFF:** Wade Burkholder, Planning Director  
Michelle Anthony, Senior Planner  
Karen Berchtold, Planner II  
Dylan Becker, Planner I
- GUESTS:** Coreen Toll, City Council Liaison (6:04 pm)

**II. APPROVAL OF MINUTES**

**ITEM 1.** August 9, 2017

**MOTION:**

Commissioner Storm moved to approve the August Regular Meeting Minutes of the Planning Commission as presented.

**SECOND:**

Vice Chair Vrobel seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 4-0. Commissioner Latimer abstained as she was not present for the August meeting.

**III. NOTICE OF COUNCIL ACTION**

**ITEM 2. RE 1716 - Rezone (Commercial to High Density Residential – Public Hearing) - 115 Beckers Lane – Ryan Lloyd of Echo Architecture on behalf of Manitou LLC, Applicant. City Council approved the rezoning request at first reading on August 1, 2017. City Council approved the rezoning request at second reading on August 15, 2017 by a vote of 7-0.**

**ITEM 3. RE 1717 – RE 1733** – Rezone (Hillside Low Density Residential/Low Density Residential to Open Space) – City of Manitou Springs, Applicant. City Council approved the rezoning request at first reading on August 1, 2017. City Council approved the rezoning request at second reading on August 15, 2017 by a vote of 7-0.

**ITEM 4. VAC 1702** – Vacation of Right-of-Way (Undeveloped Rosemary Lane) – 320 and 326 Manitou Avenue – Janice Woodward Representing Dan C. Hill Estate, Applicant. Scheduling this request for City Council is pending the Applicant providing the legal description for the vacation.

*At this time, Chairman Delwiche 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 5. MaCUP 1705** – Major Conditional Use (Event Space) – 717 Manitou Avenue, Unit 301 – Priscilla B. Stachel, Applicant

Michelle Anthony, Senior Planner, presented the City Memorandum dated September 7, 2017. Ms. Anthony stated the Applicant would like more time to have an inspection and a second site visit from the Manitou Springs Fire Department and would, therefore, like to table the request until the Regular October meeting.

**MOTION:**

Commissioner Storm moved to table MaCUP 1705 until the Regular October Meeting of the Planning Commission.

**SECOND:**

Commissioner Latimer seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 5-0.

**ITEM 6. MJR 1701** – Major Development (Three-Story Mixed-Use Building) – 1335 Manitou Avenue – Todd Liming, Planning Matters, on behalf of Greg Wellens, Elezier Inc., Applicant

Wade Burkholder, Planning Director, stated the Applicant had requested the item be table until the Regular October meeting, as there were still many outstanding issues regarding the proposal.

**MOTION:**

Vice Chair Vrobel moved to table MJR 1701 until the outstanding items have been addressed.

**SECOND:**

Commissioner Storm seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 5-0.

**V. NEW BUSINESS**

**ITEM 7. MiCUP 1702** – Minor Conditional Use (Vacation Rental) – 733 Manitou Avenue – Jeff Kiepke, Applicant.

Michelle Anthony, Senior Planner, presented the Staff Report dated September 8, 2017.

Commissioner Burris inquired, hypothetically, if there was a lot with fifty units, would the parking requirements be the issue which could cause denial of a request. Ms. Anthony responded there were several similar vacation rentals which had been approved by the Planning Commission such as the Wheeler Carriage House on Park Avenue which had five (5) apartments, four (4) of which were approved for short term rentals, a duplex on Narrows Road which was also approved, and The Keithley Pines of which two cabins had been approved. Commissioner Burris commented she had not thought about it until this meeting, but she thought the parking situation would keep the request from being approved. Ms. Anthony responded if someone tried to convert an existing apartment building, like the Barker House which had very limited parking availability, into a short term rental, there would likely be issues, but if there was an apartment complex which wanted to change all of the units over to short term rentals, and they could provide enough parking for long term rentals, it would be up to the discretion of the Commission to approve or deny the request. Commissioner Burris inquired if it came down to individual addresses or properties. Ms. Anthony responded it came down to single property ownership and the legal description of the property and gave an example of several properties on a single parcel, which may or may not have separate addresses, under single ownership, could be approved for short term rental status.

Commissioner Burris inquired if the fire extinguishers would be located in each of the unit's kitchens or at another location. Ms. Anthony responded the typical location for extinguishers was in the kitchen. Commissioner Burris inquired if, since the units were all on one level, they would need only one extinguisher each. Ms. Anthony responded she felt they would need to have some extinguishers in the hallways as well. Commissioner Burris inquired if, then, they would not be required to have one in each unit. Ms. Anthony responded they would need one in every unit, as well as, additional extinguishers in the hallways.

Chairman Delwiche inquired if the previously approved multi-unit vacation rentals were approved prior to the current ordinances regulating short term rentals. Ms. Anthony responded the one on Narrows Road was approved after the ordinances were passed. Chairman Delwiche inquired if this request would count as five (5) rentals when assessing the two percent (2%) cap the City had placed on short term rental properties. Ms. Anthony responded it would be counted as one (1) because the rentals were on one (1) property.

Chairman Delwiche stated he did not feel it was the intent of the Code to allow multiple short term rental units on a single property and commented how Mendocino, California was almost completely over-run with tourists and nobody lived there anymore because all of the properties had been converted to vacation rental properties. Commissioner Storm commented there were similar problems in Del Mar and San Francisco. Ms. Anthony responded the City had limited the number of vacation rentals to around fifty (50) properties for this very reason, so whether the City counted it by unit or by property, it was not a significant number.

Commissioner Storm inquired if the Code only pertained to livable properties or to all properties. Ms. Anthony responded it referred to developed properties. Commissioner Storm clarified she was referring to non-livable commercial properties. Ms. Anthony responded even with properties that did not have any residential use, the number was still fairly insignificant, and the vast majority of the buildings in the City were residential.

Vice Chair Vrobel inquired if the Commission desired, could they add a condition to the approval which stated each unit would be counted as an individual short term rental. Ms. Anthony stated she did not feel it would be appropriate to put that as a condition on an individual Conditional Use and the City needed to work out a policy regarding the interpretation of the ordinances or change the Code language to specify how the units and properties should be counted under the Minor Conditional Use Section. Ms. Anthony further stated she also felt the City then needed to go back and start counting units in order to make everything uniform in treatment.

Chairman Delwiche commented the Code stated vacation rentals must be separated by a minimum radial distance of five hundred feet (500 ft.) and the definitions section stated a vacation rental shall mean the rental of a dwelling unit, which he saw five (5) dwelling units for this request. Commissioner Storm and Vice Chair Vrobel agreed with Chairman Delwiche's assessment of the Code. Chairman Delwiche stated the Commission could discuss and deliberate how to handle this, but his biggest concern on this request was the fact there were five (5) dwelling units, not one (1) dwelling unit. Ms. Anthony responded she felt the discussion regarding how to count the units was more of a policy issue and did not feel it needed to be resolved through a condition on this application. Commissioner Storm stated regardless of the decision made in this application, the City was not in danger of exceeding the allowable number of vacation rentals and felt the Commission could go back and review policy and recount the number, if necessary. Chairman Delwiche stated he felt Commissioner Storm's suggestion was reasonable.

Hearing no further questions or comments for Staff, Chairman Delwiche invited the Applicant to the podium.

Jeff Kiepke, 6725 Grey Wolf Court, Colorado Springs, commented he felt if the City were to go back and review their counting policy on vacation rentals, they would need to count every unit whether they were located on one property or more. Mr. Kiepke stated when 733 Manitou Avenue was first built it in the 1870s was built as the Park Place Hotel during a time when there were very few hotels in town. Mr. Kiepke implored the Commission to keep in mind the original intent of the building and how it was constructed.

Mr. Kiepke handed out further documentation regarding the request to the Commissioners at the dais and stated the first thing he wanted to address was the parking. Mr. Kiepke stated he currently had seven spaces and he had a professional recommendation letter from a local architect who also agreed one parking space was sufficient per each vacation rental. Mr. Kiepke stated he had two spaces for the current vacation unit, but in his advertising he had stated there was only one (1) parking space and that campers, RVs, and oversized vehicles were not permitted and never had any issues regarding the matter with renters. Mr. Kiepke stated he was fortunate this building had a parking lot with seven (7) spaces and asked for the Commission to consider that in their decision. Mr. Kiepke stated, in his experience with short term rentals, most of the renters were families and vacation rentals were attractive to families because everything was contained in one space, as opposed to multiple rooms as with a hotel. Mr. Kiepke reiterated he had received no pushback in regard to offering a single parking space for a regular sized vehicle.

Commissioner Storm inquired if Mr. Kiepke had advertised he only had one space and whether there were any instances in which a renter asked to bring two (2) vehicles. Mr. Kiepke responded he had gotten requests

for the use of two parking spaces, but he had told the renters it was not feasible as he only had one space to offer and if the situation did not work for them, they could rent elsewhere. Mr. Kiepke again stated he felt one parking space per unit was sufficient and stated he also included the advertising for his current rental property to the Commissioners. Mr. Kiepke commented he had been proactive in his approach with much success.

Mr. Kiepke stated, in regard to the paving and striping of the parking lot, he did have it signed and striped, but not paved. Mr. Kiepke stated the alleyway behind building is one hundred feet long and the parking lot was also behind the building, and felt there had not been a need to pave the parking lot. Mr. Kiepke stated Michelle had brought up the issue of debris and run-off, but because the parking lot was so far behind the building, if there was run-off, it would flow down the driveway and had never had it run onto the public road. Mr. Kiepke stated he had maintenance people who had cleaned it up in the past and had done so for twenty years.

Mr. Kiepke stated there were basically three issues, the number of parking spaces per unit, the paving of the parking lot, and stated most of the recommendations listed were already completed and he just needed to get them to Ms. Anthony.

Commissioner Storm stated there was the potential for nine space if Mr. Kiepke had the lot paved and restriped and inquired if Mr. Kiepke simply did not want the extra parking. Mr. Kiepke responded he felt the architect agreed more with the fact one space per unit was sufficient and, as far as the actual lay-out, he had not completed it yet. Mr. Kiepke stated he had told Michelle if he could get more spaces, it was great, but, as far as a requirement, he did not feel imposition from the City and the Commission was necessary.

Vice Chair Vrobel inquired if the architect actually came and performed a site visit. Mr. Kiepke responded the architect performed a Google satellite search.

Commissioner Latimer inquired if any of the current long-term units had any renters in them. Mr. Kiepke responded there were. Commissioner Latimer inquired how this had all worked out and asked if the decision was based on economic reasons. Mr. Kiepke stated it was not completely economic and it was also the wear and tear on the units was less with short term renters. Mr. Kiepke stated, according to Air B-n-B, his current short term rental was rented around fifty-five percent (55%) of the time it was available.

Commissioner Latimer inquired what the response time for Mr. Kiepke would be should there be an emergency considering he lived in Colorado Springs. Mr. Kiepke responded he lived approximately eleven (11) minutes from the rental property.

Vice Chair Vrobel commented it was her experience the trouble with multiple cars was from people who visit from in state, as opposed to out of state visitors who often flew in and rented a vehicle, and inquired how renters obtained the keys and got the rental rules upon arrival. Mr. Kiepke responded when renters arrived for check-in, he sent them a fairly lengthy email and texts which contained an electronic code for keyless entry, parking instructions, and mentions the renting rules. Mr. Kiepke commented to this date he had not had anyone show up in two (2) or more vehicles and if he did, he would not rent to them. Vice Chair Vrobel inquired if Mr. Kiepke was implying he was not around enough to know how many vehicles were showing up. Mr. Kiepke responded, because of his restaurant, Mona Lisa, he was around a lot.

Hearing no further comment from, or questions for, the Applicant, Chairman Delwiche opened the Public Hearing. Hearing none, Chairman Delwiche closed the Public Hearing.

Commissioner Storm stated she felt she could live with the seven parking spots, but she agreed with the request for a formal floor plan with fire extinguishers. Commissioner Storm also stated the floor plan should be placed on the back of the door showing fire exits.

Vice Chair Vrobel stated she liked the Staff Recommendations and had no issue with the request being approved so long as the recommendations were met. Vice Chair Vrobel also stated when there was an opportunity to expand the parking, Mr. Kiepke should do so, and commented there was some benefit to the property owner in allowing the other units to be used for short term rental. Vice Chair Vrobel stated she felt the recommendations made by Staff were reasonable and it would not take much in the future to re-do the parking, if done correctly and professionally, and she had witnessed too many issues in the past when people did not have their parking figured out by a professional.

Chairman Delwiche stated as far as the paving went, he was not convinced it was the best thing due to runoff. Vice Chair Vrobel stated she could live without the requirement for paving, but wanted the applicant to produce an off-site.

Commissioner Latimer inquired if Ms. Anthony would speak on the requirement for paving, as it seemed to her a gravel lot would be better in terms of absorbing runoff than asphalt. Ms. Anthony responded the problem on a lot of properties was they were unpaved and there was a lot of vehicle traffic, drainage issues, and debris being carried into the streets, but stated she had never witnessed any of those problems on Mr. Kiepke's property. Ms. Anthony stated there were other areas in the City where every time it rained, there was a river of dirt which was more problematic and, in past years, with Federal Air and Water Standards, the City had been strict regarding paving because of dust, runoff, and erosion. Ms. Anthony commented for a lot this size, with such limited traffic, paving was not as critical for this property as it was with others.

Vice Chair Vrobel inquired if the Commission could re-state recommendation number three to omit the paving requirement. Commissioner Storm stated she agreed with Vice Chair Vrobel.

Commissioner Burris inquired if overnight parking in the public lots was an option. Ms. Anthony responded overnight parking in the downtown lots was by permit only and currently there were no rules regarding the Hiawatha Gardens Lot and overnight parking, but there had been complaints of people sleeping in cars on the lot. Ms. Anthony stated this was something the City was working to address, but was not sure whether or not the changes would allow overnight parking or not. Commissioner Burris suggested perhaps if people wanted to bring more than one vehicle, Mr. Kiepke could purchase a couple parking passes in the lot for guests should they need it. Ms. Anthony responded guests could park in one of the lots and utilize the shuttle to and from the rental property. Commissioner Latimer stated she did want to encourage more vehicles when Mr. Kiepke seemed to have everything under control.

**MOTION:**

Vice Chair Vrobel moved to approve MiCUP 1702 for operation of five short-term vacation rental units at 733 Manitou Avenue, units 2A, 2B, 2C, 3A, and 3B, with the following conditions:

1. Prior to issuance of a revised Business License to allow operation of the additional, four units other than 2C, the following revised/additional information shall be provided to the Planning Department:
  - a. A site plan drawn by a professional showing the subject property
  - b. A professionally-produced parking plan based on the site plan information that provides the

maximum number of full-size and compact parking spaces, circulation aisle, and area for turn-around in compliance with the City's parking standards. If improvements are needed such as grading and/or retaining walls, those will be indicated on the plan.

- c. Professionally drawn floorplans of the entire building which define the areas utilized for short-term vacation rental, restaurant and any associated or other uses that occur within the structure and the locations of fire extinguishers and CO<sup>2</sup> detectors as applicable. These plans will be provided to the Manitou Springs Fire Department for their records and information.
  - d. A revised guest notice complying with 18.89.040.G (1-7) that, at a minimum, includes additional information regarding the trash pickup schedule. The Applicant is encouraged to address guest rules of conduct outside of quiet hours (Section 18.89.040.H) and all emergency contacts must be provided to guests.
  - e. The required notarized statement shall be executed and submitted.
2. Based on the final parking plan and the number of available parking spaces, the allowed occupancy of each unit and the assignment of parking spaces shall be determined by the Planning Staff based on the chart provided in the Staff Report.
  3. The off-street parking shall be improved per the final parking plan, with striping and signage to direct guest parking.
  4. All advertisements and/or listings for the vacation rental must contain the approval number (MiCUP 1702) and copies of advertisements and/or listings must be submitted to the Planning Department for retention in the property file. The advertisement(s) shall also note oversize vehicles, RVs, campers, or trailers cannot be accommodated and the units will not be rented to guests who will arrive in these types of vehicles.
  5. The owner must revise the existing business license from the City of Manitou Springs prior to listing the additional units on the property for vacation rental.

**SECOND:**

Commissioner Storm seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 5-0.

Commissioner Storm requested a units vs. addresses discussion in the near future to discuss and hash out the calculation. Vice Chair Vrobel stated her initial feeling was each dwelling unit be counted as a vacation rental. Chairman Delwiche commented if each unit was counted as an individual short term rental, the number of rental properties in the City would rise, which shouldn't be an issue since the City was still a ways away from the two percent (2%) maximum in the ordinance.

Coreen Toll, City Council Liaison, inquired how the requirement for paving was related to the master plan's recommendations for having more permeable land. Ms. Anthony responded, as she had mentioned earlier, there were past situations where the City was more concerned with having drainage which did not contain

a lot of runoff and unpaved parking had an impact on air quality standards. Ms. Anthony stated she felt it was something the City needed to look at in terms of specifying something along the lines of a minimum square footage requirement of a lot for paving, require permeable paving, or figure out how to manage drainage more effectively.

## **VI. OTHER BUSINESS**

### **ITEM 8. Plan Manitou Training – Karen Berchtold, Planner II**

Karen Berchtold, Planner II, handed out copies of the slides from her presentation to the Commissioners at the dais and stated one of the actions for the Planning Department, in regard to Plan Manitou, was to provide training to the City's Commissions, Boards, and Committees to get members as familiar with the plan as possible to use in their decision making processes. Ms. Berchtold also stated the Planning Commission was the board most involved with the master plan in terms of its development, implementation, applying it to development review, and in making recommendations to City Council for Code changes.

Ms. Berchtold stated the structure of the plan was the overall visions and goals were separated into policies and there was an Action Plan with a host of actions to be implemented by the City. Ms. Berchtold stated the Planning Elements served, basically, like chapters to the plan and each had its own goals and policies which provided more specific guidance in regard to the City's decision making. Ms. Berchtold stated some policies lead to actions and some policies guided decision making. Ms. Berchtold commented there were also key themes throughout the plan, like sustainability, which was carried forward from the Vision Forward Plan, and resiliency, which came out of the Hazard Mitigation Plan, and were woven into each Planning Element.

Ms. Berchtold stated she had re-engaged the Citizens Advisory Committee as the City approached the implementation phase of the plan to inform them of their role, to understand their membership, and to meet new committee members. Ms. Berchtold commented the Committee had informed her they would like to have someone representing the local religious and spiritual organizations and their businesses and City Council had given the approval for them to do so.

Ms. Berchtold stated the City should look to this Committee in establishing partnerships, community groups, and individuals interested in plan implementation and stated the Citizens Advisory Committee felt the website should be the primary tool for community engagement. Ms. Berchtold stated she would like to make the website more interactive by including more videos and educational tools, but she would still like to see the more nuts and bolts tools like groups, handouts, and more concrete approaches as well.

Ms. Berchtold stated one main aspect of the plan was the Reinvestment & Resiliency Framework, which was essentially the land use section of the plan, and contained three parts: The Future Land Use Plan, Guidance for Opportunity Areas, and the Annexation and Three Mile Plan. Ms. Berchtold stated pages 90-96 of Plan Manitou had a general overview of how to use the plan and what exactly went into the Future Land Use Plan.

Ms. Berchtold stated the Future Land Use Plan was created to help the City realize a number of other policies throughout the plan such as housing, economic development, transportation, and other important themes and commented it more specifically defined land use type, location, and design. Ms. Berchtold stated one of the big considerations for the plan was the City's natural hazard risk and creating a Future Land Use Plan which would help mitigate and reduce some of that risk. Ms. Berchtold also stated it should



help increase predictability regarding future growth and new development and help the City to make more consistent and transparent in our day-to-day decision making.

Ms. Berchtold displayed the Future Land Use Map created as part of the Future Land Use Plan and commented a fairly new piece was the Gateway Mixed-Use District and stated each category was a specific land use which had more specific guidance in terms of development. Ms. Berchtold stated the Gateway Mixed-Use District guidance covered guidance such as density, primary uses, secondary uses, and characteristics of the district and commented there were also design principles and hazard mitigation strategies for each land use category.

Ms. Berchtold stated the wording of the document was very intentional and it was noticeable that words like require were not used in favor of words like encourage.

Commissioner Storm commented when she saw the Future Land Use Map she thought it was depicting the floodplain, but it was the mixed-use overlay.

Ms. Berchtold continued her presentation and stated she hoped there was a high level of consistency among the categories and stated, in the future, the City would be translating some of the provisions into more detailed development guidance for each category.

Ms. Berchtold stated Opportunity Areas were four identified priority sites for infill, redevelopment, or new development and the guidelines for these areas were more detailed, but illustrative and flexible. Ms. Berchtold stated the upcoming Development Plan at 1335 Manitou Avenue was in the Went-End Opportunity Area and the Commission could refer to this section of the plan for more insight and input when making a decision.

Ms. Berchtold stated the Annexation Plan in Plan Manitou was the City's first and was actually required by state statute. Ms. Berchtold commented, as part of the Annexation Plan, the City had defined a three-mile (3 mi.) influence area around the City and looked at the sites they thought would be beneficial for the City to consider acquiring such as Cave of the Winds and open space areas. Ms. Berchtold stated the way this would work was Staff would prepare an Annexation Report and there was criteria in Plan Manitou to address in the report. Ms. Berchtold stated the City needed to codify the process and to draft some zoning code to build the annexation process into the development ordinances.

Ms. Berchtold stated the long-range planning policies and Future Land Use Plan were not meant to supplant the existing zoning and development standards, as the plan was an advisory document. Ms. Berchtold stated applying the planning tools would work as follows: the long range planner assessed whether the project was consistent with the most pertinent policies and the Future Land Use Plan and included recommendations and a summary in a Staff Report for Commissioners to consider in their recommendation or decision making process which could then become conditions or be used to support a recommendation or decision. Ms. Berchtold stated the City was looking for the Commission's insight and experience and commented it was important to have down the road when it came time to create ordinances or update the Code. Ms. Berchtold then gave examples of policies which could help inform development standards such as development policies for high hazard areas and impervious surfaces and stated the objective was to translate appropriate policies into Zoning Code and development standards.

Ms. Berchtold stated there were also some transportation tools in the plan and showed the Commission a map depicting the City's roadways which were classified using an approach called functional road classification. Ms. Berchtold stated, in the future, the City could refer to this map and it would help the City

to understand its roadway hierarchy a bit better in relation to its development and gave an example that the Commission would likely not want to approve a multi-family development on a neighborhood road if it was going to generate a lot of traffic. Ms. Berchtold also stated there were some new designs for consideration regarding roadways, as well, and stated the City had been relying on the standards for Colorado Springs, which were not really suitable for the City of Manitou Springs' development needs.

Ms. Berchtold stated, regarding the progress report she gave to City Council, she had checked in with her implementation plan, which was a matrix list of short term actions, what entity led them, who their partners were, and whether the action supported the City's Hazard Mitigation Plan. Ms. Berchtold stated the approach was to determine how the City was doing in moving forward with plan implementation even though it was still early in the process and certain groups and departments had been doing a lot to get implementation into action. Ms. Berchtold commented there was much more detail and direction given in the Hazard Mitigation Plan and stated there was over one hundred and two (102) actions pertaining to the focus areas of the short term action plan. Ms. Berchtold stated the topics with the most actions were the development tools, community initiatives, and hazard reduction.

Ms. Berchtold stated she had met with the department heads and asked them when they thought certain parts of the plan would be implemented and found forty-three percent (43%) of the actions would be completed this year. Ms. Berchtold stated this percentage included actions which were already underway which supported plan policy, but still felt the number was very impressive. Ms. Berchtold stated another thirty-nine percent (39%) would be completed the following year and stated the timing of implementation would allow departments to include certain actions in their budget. Ms. Berchtold stated the remaining eighteen percent (18%) would be completed in the last year and a half of the three year plan and, so far, plan implementation was on track across all of the focus areas. Ms. Berchtold stated there were a couple of focus areas which warranted extra attention, which were foundational actions, which included other plans such as the Hazard Mitigation Plan and Housing Plan, and capacity actions to increase capacity through identifying staff resources to get things done. Ms. Berchtold stated City Council felt comfortable with department/lead prioritization and felt the City was on track.

Coreen Toll stated City Council was very pleased with the amount of progress which had been made and the number of references the various boards and commissions made to the plan and she felt it was heartening to know the plan was not just sitting on the shelf for anyone.

Ms. Berchtold continued her presentation and showed a list of the top ten Hazard Mitigation actions and stated the green color meant the action would be completed this year, yellow meant it would be completed in 2018, and orange meant it was an ongoing process for 2018 or later. Ms. Berchtold also stated there were some actions which were just ongoing which would never really be completed and this year Staff would be working to come up with metrics to measure how plan implementation was occurring and to ensure the policies were being carried in the right direction.

Ms. Berchtold stated, as part of the plan, there were lots of community profiles and maps online which were helpful tools to reference, along with the Hazard Mitigation Plan, and felt the plan was incredibly easy to navigate and very readable for users. Ms. Berchtold commented, moving forward, she recommended the Commissioners familiarize themselves well with the plan and she would be happy to come back to provide further training and updates regarding implementation.

Vice Chair Vrobel commented she felt Ms. Berchtold's presentation was well thought out and put together.

Wade Burkholder stated, next month, Ms. Berchtold would be in Telluride, along with Michelle Anthony and Dylan Becker, and the City of Manitou Springs received an award for Plan Manitou from the Colorado Chapter of the American Planning Association, which was great recognition. Mr. Burkholder further stated the plan was also receiving national recognition and the National American Planning Association had invited the City to do a presentation at the National Conference in April in New Orleans. Mr. Burkholder stated Plan Manitou was garnering a lot of publicity and positive feedback.

Ms. Berchtold stated the consultants had provided good guidance to the City in regard to how to do this implementation plan and there were times when she felt the plan could be more complicated, but also felt everything had worked out incredibly well for the City.

Ms. Toll inquired, regarding annexation, if the annexed party needed to be willing and in support of the annexation for it to be implemented. Ms. Anthony responded eminent domain did not apply to the annexation process, but there was a process for a hostile annexation, but there were some disincentive written into the statutes which would prohibit the City from doing any further annexation for several years following, which, considering how little area the City was looking to annex, that disincentive may not be much of one. Mr. Burkholder commented the City would need to work with the prevailing jurisdiction where those properties are located and it could often be rather difficult. Mr. Burkholder stated the rules for annexing open space were a bit different and far less complicated and gave the example of the Iron Mountain Open Space, which was not in City Limits, which the City was looking to annex. Ms. Toll inquired if the Planning Department would take the lead in regard to that annexation. Mr. Burkholder responded Ms. Toll was correct in her assumption and in his time with the City, he had heard a lot of discussion regarding the Garden of the Gods RV Park which was split down the middle between Colorado Springs and Manitou Springs and there was likely a lot of political maneuvering to be done with properties like this. Ms. Toll commented the Cave of the Winds had been asked repeatedly if they'd like to be annexed and they have repeatedly denied the request to do so. Ms. Berchtold inquired if extending utilities to Cave of the Winds would be an incentive for them to be annexed. Mr. Burkholder responded extending utilities was one of Cave of the Winds main incentives for annexation. Ms. Anthony commented if the City was willing to do the research, it would be worth finding the grant funds to annex that property because she had a feeling just the tax benefit would pay for itself in a short period of time.

Ms. Toll inquired if, after having looked at different parts of the plan, the Commission thought there could be a checklist included with the applications which covered the applicable parts of Plan Manitou. Ms. Anthony responded, as part of the application process, Ms. Berchtold was already providing that information to the City prior to the production of the Staff Reports via the Request for Comment period when the application was sent out to various departments and outside consultants for comment, but this could ultimately evolve into something included in to the application itself. Ms. Toll commented she liked the idea because it seemed like things would evolve more naturally.

Commissioner Storm commented the plan was well done.

Commissioner Latimer commented she liked that the implementation was not difficult to comprehend when chunked into achievable pieces because when people were overwhelmed, they tended to do nothing.

**ITEM 9.** Presentation and Recommendation Regarding “*Planning for Hazards*” Project Options

Wade Burkholder, Planning Director, presented the City Memorandum dated September 8, 2017 and the Clarion Associates Memorandum dated July 27, 2017. Mr. Burkholder stated the City was currently working on creating a scope for each of Clarion’s four recommendations for planning implementation tools.

Mr. Burkholder stated City Council had looked at the recommendations from Clarion Associates and had provided feedback and the City wanted any feedback or comment from the Planning Commission before proceeding with the scope writing process. Mr. Burkholder stated, as the process evolved, the Commission would be first in line to see the scopes once they were written and to review the Codes once they were drafted. Mr. Burkholder also stated there would be community meetings for recommendations and then the Codes would go on to City Council for adoption. Mr. Burkholder commented the criteria Clarion had used to essentially rank the four hazard planning tools they were recommending were evaluated based on effectiveness, alignment with community goals, the costs/benefit to the community, administrative capability, community equity, and political and public support.

Mr. Burkholder stated the City would also soon begin discussion on what the Gateway Mixed-Use Zoning Codes to implement a portion of the Future Land Use Plan of Plan Manitou. Mr. Burkholder commented currently, the City only had the Commercial and Downtown Districts, but there was a need to make a density distinction in the gateway areas. Mr. Burkholder stated the Urban Renewal Authority was more hesitant in terms of increasing residential because it took away from the commercial tax base of what they were actually charged with protecting and improving. Mr. Burkholder commented in the next year the Commission would really be looking into what the Gateway Mixed Use Areas would look like and whether it required its own zoning distinction and codes or if it would better to modify the existing zoning regulations.

Coreen Toll, City Council Liaison, stated City Council had asked the Housing Advisory Board to look at the International Property Maintenance Code which would give more tools to Code Enforcement and the power to actually enforce property maintenance issues and certain hazard mitigation problems. Ms. Toll commented she also felt having only one Code Enforcement officer was not enough. Vice Chair Vrobel commented she agreed and added she could see the improvements made by adding more Planning Staff.

Ms. Berchtold stated the challenge with some of these Code pieces was some of the code codes were written for communities which were experiencing growth and Manitou Springs obviously had different needs. Vice Chair Vrobel commented there was even a little frustration and confusion earlier that night in regard to the approval of the multi-unit vacation rental. Ms. Anthony commented it was not unusual to have to go back and visit things like the concepts and implementation. Ms. Toll commented, regarding the Fountain Creek Watershed, Greenway had adopted a new design control manual with a lot of information about landscaping along the creek. Ms. Berchtold inquired if that was part of a master plan. Ms. Toll responded it pertained to design criteria and was posted on the website for public comment. Ms. Berchtold stated she had been participating in the meetings for the flood control master plan and as part of the plan they were looking at all of the applicable plans and would come up with specific actions. Ms. Toll commented City Council had not yet adopted the new Hazard Mitigation and design control and were likely still using the older version, but the newer version would allow the City to add its own unique needs to it. Ms. Toll also commented her only major concern was there were not enough information or attention paid to bridges, which was why it was so important to look at the documents from the perspective of our own community and adapt. Ms. Anthony commented it could be tricky sometimes to adopt these things by reference because you could get into whole areas which were not applicable or conflict with what the community wanted to do and she actually preferred taking a document like this and tailoring and adapting it to the City's specific needs. Ms. Toll stated she was excited the City was updating itself on so many levels. Ms. Anthony stated there was an International Building Code for historic properties, but thought the Maintenance Codes for historic properties may be a separate document. Ms. Toll commented the Maintenance Code had a lot of allowances for historic properties.

**ITEM 10.** Discussion and Recommendation Regarding Site Plan and Lot Coverage Regulations

Michelle Anthony, Senior Planner, presented the City Memorandum dated September 8, 2017. Ms. Anthony stated there were currently no regulations regarding what needed to be on a site plan submitted for review, which meant anyone could simply draw a site plan for review which had proven to be problematic in the past. Ms. Anthony stated this is an attempt to upgrade the City's process and Improvement Location Certificates, at the very least, would be required for modifications to existing structures, but additions and new construction would need something more, such as a survey from a reputable, professional, and reliable company. Ms. Anthony commented Improvement Location Certificates could be pretty good, but there had been instances in the past where she had seen some which bore no resemblance to the actual property.

Vice Chair Vrobel commented she recalled an Improvement Location Certificate for the Cliff House which showed the property line going right through an adjacent neighbor's living room and felt, at the very least, the City should require surveys for site plans. Ms. Anthony responded some Improvement Location Certificates were almost as good as a survey, and this was an upgrade to the current process and, unfortunately, it will cost people more money, but Staff did not feel comfortable perpetuating certain situations which cause neighbor conflicts and encroachment onto other properties. Ms. Anthony commented there may be a little heartburn because of the increased expenses, but it was an important step for good and solid planning. Vice Chair Vrobel commented she felt failing to implement site plan regulations for the City may result in insurance ramifications and insurance companies often wondered where the bad advice originated from which was why she felt it was so prudent and should be required.

Ms. Anthony stated there was a little bit of difference between commercial property and residential property requirements such as providing information on pervious and impervious surfaces, easements, buildings, and driveways. Ms. Anthony commented there had been issues in the past where a driveway grade was not provided and, once the driveway was installed, it was not usable because the grade was too steep. Ms. Anthony stated the ordinance provided was very detailed and specific regarding site plan criteria.

Wade Burkholder, Planning Director, commented the criteria was developed from other municipalities in the surrounding area. Ms. Anthony stated another thing Staff had noted was no one could use FIMS map data for topography because Staff had noticed with prior subdivisions the contractor had simply overlaid the FIMS data onto the site plan which showed no build areas that did not exist in reality when looking at the physical topography of the site and suggested the City require surveys be done on the sites for better accuracy.

Commissioner Burris inquired what would qualify as a professional in regard to a surveyor and whether or not there was a licensing factor to determine so. Ms. Anthony responded a qualified professional standard was more appropriate wording and would mean a developer or contractor could use the survey to base construction plans upon.

**MOTION:**

Commissioner Storm moved to forward a recommendation for approval of the ordinance to amend Section 18.60.01 of the Municipal Code of the City of Manitou Springs, Colorado, regarding the definitions of "lot coverage" and "site plan"; and amending Section 18.16.010.B providing requirements for site plans

**SECOND:**

Vice Chair Vrobel seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 5-0.

**ITEM 11.** Discussion and Recommendation Regarding Regulation of Shipping Containers

Wade Burkholder, Planning Director, presented the City Memorandum dated September 8, 2017. Mr. Burkholder stated there had been a bit of an ongoing issue regarding long term storage in shipping containers, which were unsightly and causing some community turmoil. Mr. Burkholder also stated the City did not currently require permitting for these containers and some of them were ending up directly in the floodplain. Mr. Burkholder stated the ordinance basically defined what an intermodal shipping container was, stating it was prohibited in all zones with the exception of construction projects/sites and would be required to be removed once the construction was completed. Mr. Burkholder commented the ordinance was a way for the City to say they were not going to allow people to put a shipping container on their property for long term storage.

Commissioner Storm inquired, regarding Section 7 of the proposed ordinance, how the ordinance protected the health, welfare, and safety of the community. Mr. Burkholder stated it was standard language in all ordinances which basically stated the City needed to do this to protect its citizens. Commissioner Storm inquired if the ordinance was really about aesthetics, should that not be in the wording of the ordinance as opposed the generic language. Ms. Anthony stated placing the containers in flood areas was a safety concern and welfare could mean a number of things like economic welfare or emotional welfare. Commissioner Storm commented she was aware of one container on Crystal Hills Boulevard which the entire neighborhood hated. Mr. Burkholder responded Planning Staff heard about the container frequently.

Chairman Delwiche inquired if existing containers would be grandfathered in or if they would be told to move them. Ms. Anthony responded if the containers were permitted, the City would need to grandfather them in, but if they were not permitted, there was no grandfathering.

**MOTION:**

Vice Chair Vrobel moved to forward a recommendation for approval to City Council for an ordinance amending Section 18.60.010 of the Municipal Code of the City of Manitou Springs, Colorado, regarding the definition of accessory structures in Residential and Commercial Zones; and amending Section 18.08.010 regarding regulations for accessory structures; and amending Section 12.34.010 regarding placement of storage pods on private property.

**SECOND:**

Commissioner Burris seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 5-0.

**ITEM 12.** Discussion and Recommendation Regarding Administrative Approval of Minor Subdivisions

Wade Burkholder, Planning Director, presented the City Memorandum dated September 8, 2017.

Michelle Anthony, Senior Planner, stated what she liked about this was it effectively got rid of two administrative processes and combined them into a single process.

Chairman Delwiche inquired who would be notified of requests for a Minor Subdivision. Mr. Burkholder responded any property owner within two-hundred feet (200 ft.) of the request would be notified and the procedure was essentially the same as the Public Hearing procedure, only there would be no Public Hearing.

Chairman Delwiche inquired if the notification would state a period of time for which neighbors could provide comment and wondered what would trigger a request to need a Public Hearing. Chairman Delwiche also commented the Minor Subdivision on Sandra Lane had a lot of neighbors who did not want to see the request go through despite the fact the request met the letter of the Code. Mr. Burkholder responded he would still sign off on the Minor Subdivision because it met the requirements set forth in the Code, unless there were changes made regarding drainage, no-build areas, etc. or there was a level of concern the request would be better off going to the Commission.

Chairman Delwiche inquired if this would be done under the Minor Subdivision Code, which was fairly skeletal and bare in his opinion. Ms. Anthony responded under the criteria set up under the Zoning Code, yes, but if there was a waiver or anything out of the ordinary, the request would be forwarded on to the Commission.

Commissioner Storm inquired, regarding the request for a Minor Subdivision at Sandra Lane, if there was a problem with a driveway. Chairman Delwiche commented the driveway was the Subdivision Waiver request associated with the Minor Subdivision request, but people had been upset by the lot sizes which the neighbors felt were too small in comparison to surrounding and adjacent lots. Mr. Burkholder responded, as Staff and the Commission were bound to the Code, they were not allowed to take into account whether or not the lots in the area were larger or smaller because it was not part of the Code. Ms. Anthony commented it helped keep the Commission out of the hot seat of being pushed into making a decision which was not legally defensible. Chairman Delwiche commented the Commission had made a decision which was legal in that case. Ms. Anthony responded, according to the City Attorney, the decision was not legal in regard to 17 Sandra Lane.

Commissioner Storm stated she would support looking at the Minor Subdivision Code to make alterations and amendments to close some of what was unclear and felt there was more people in the community who would like to see their neighborhoods preserved and not carved up.

Chairman Delwiche stated he could, at the moment, subdivide his lot into three (3) lots, but if he did, his neighbors would never talk to him again. Ms. Anthony responded from a standpoint of what Staff and the Commission were there for was the good of the community and in some areas it made a great deal of sense to conform to the Codes as opposed to public opinion because the City did not have a whole lot of buildable area. Ms. Anthony stated the population of the City could not grow unless there were more lots and if the City wished to keep they would need to raise the minimum lot size of certain zones so as to eliminate the possibility for smaller lots to be subdivided.

Coreen Toll commented all of the low hanging fruit for more housing is accessory dwelling units, but due to some hazard areas in the City, there were some places this was not feasible and stated Crystal Hills seemed to be ripe low hanging fruit to utilize accessory dwelling units. Ms. Anthony commented Crystal Hills had the space to build and allow more dwelling units.

Vice Chair Vrobel stated her only concern was she was comfortable with Mr. Burkholder making this decision, but if the City lost him, she was unsure she would be comfortable with the next Planning Director's ability to make sound decisions and inquired if there was a way for the Commission, in the event of Mr. Burkholder's departure, take back control of the process. Ms. Anthony responded unfortunately not once it was in the Code, but there was also no objectivity involved and so long as the next Planning Director was able to follow the Code, there should be no issues. Vice Chair Vrobel commented she had seen past Directors who had approved things which the Commission or community would never allow. Chairman Delwiche commented he agreed, but felt there should also be revisions to the Minor Subdivision Code along with this ordinance to make the process clear and robust. Ms. Anthony stated she felt it was a good idea. Chairman Delwiche stated he was comfortable with the ordinance and Mr. Burkholder in handling the requests administratively and felt the notification and comment process was key to making the process work smoothly.

Commissioner Latimer inquired how much time and money would be saved through this process. Mr. Burkholder responded it would save thirty (30) to forty-five (45) days in terms of scheduling the Public Hearings, however, there would still be the thirty day comment period.

**MOTION:**

Commissioner Burris moved to forward a recommendation for approval of an ordinance of the City of Manitou Springs, Colorado, amending portions of Chapter 16.10 regarding Minor Subdivision Approval.

**SECOND:**

Commissioner Storm seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 5-0.

**ITEM 13.** Discussion Regarding City-Initiated Rezoning

Michelle Anthony, Senior Planner, presented the City Memorandum dated September 8, 2017.

Chairman Delwiche inquired which parcels on the map were up for rezoning. Ms. Anthony responded the map depicted the zoning the City would like to ultimately go to or rezone to, but perhaps it would have been better to show the parcels for rezoning in bright pink or some way which better showed them. Chairman Delwiche stated he felt that would be appropriate, but was concerned about where the stables were and the Beverly Hills was because they were currently zoned Low Density Residential, and felt it was too harsh of a conversion. Ms. Anthony stated it would make more sense to perhaps rezone them to High Density Residential or General Residential. Chairman Delwiche agreed.

Vice Chair Vrobel inquired if the City would need permission from the property owners in order to initiate the rezoning. Ms. Anthony responded the property owners did not need to give their consent and felt for ninety-nine percent (99%) of the owners it would not be a problem, but there may be a few who were in opposition. Ms. Anthony commented they would simply need to show up to the Public Hearing to oppose the request.



Ms. Anthony stated the City initiated rezonings would more bring the existing zoning is line with current uses and fix mistakes like split zoning on properties. Ms. Anthony provided the example of the Commercial Zoning on Waltham which existed on Waltham Avenue in the past which was clearly not in line with the actual uses of the properties as single-family dwelling units so the City rezoned the area as General Residential. Ms. Anthony stated Staff would re-do the map to better show the locations of the proposed rezonings to bring back to the Commission for review and recommendation.

#### **NON-AGENDA ITEMS:**

Mr. Burkholder stated he wanted to bring the Short-Term Rental Ordinance back for further discussion and mentioned the Minor Conditional Use approved earlier was zoned Commercial, which meant Jeff Kiepe could call himself a hotel if he so desired. Mr. Burkholder also commented there were a few short term rentals in the west end of the City which were zoned Commercial and were calling themselves hotels despite the fact they were not. Ms. Anthony commented they had taken long term lodging units, turned them into short term rentals, and called themselves a hotel and there was not a thing the City could currently do about it.

Commissioner Burris inquired if all of these “hotels” were applied towards the five hundred foot separation distance. Ms. Anthony responded because the properties were licensed as a motel, and not a short term rental, the separation distance did not apply. Ms. Anthony stated there was also the issue of bed and breakfasts and whether or not they should be included in the separation distances and the need for discussion to better define the difference between a bed and breakfast and a vacation rental.

Vice Chair Vrobel commented her rental property was licensed as a bed and breakfast, of which, she was not. Ms. Anthony responded her original approval was for a bed and breakfast which was why it was licensed in such a way and closing the loopholes in the ordinance would help clear a lot of issues up.

#### **VII. ADJOURNMENT**

Hearing no further business before the Commission, Chairman Delwiche adjourned the meeting at 8:26 pm.

*Minutes Prepared by Dylan Becker, Planner I*