



**CITY OF MANITOU SPRINGS  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, OCTOBER 11, 2017**



**I. CALL TO ORDER and APPROVAL OF AGENDA**

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 6:00 pm and declared a quorum present. The following Commission members attended:

**PRESENT:** Vice Chair JEANNE VROBEL  
Commissioner GLORIA LATIMER  
Commissioner JULIE WOLFE  
Commissioner MIKE CASEY  
Commissioner JULIA SIMMONS  
Alternate Commissioner CAREY STORM

**ABSENT:** Chair ALAN DELWICHE (excused)  
Commissioner LORI BURRIS (excused)

**STAFF:** Wade Burkholder, Planning Director  
Dylan Becker, Planner I

**GUESTS:** Coreen Toll, City Council Liaison

**II. APPROVAL OF MINUTES**

**ITEM 1.** September 13, 2017

**MOTION:**

Commissioner Latimer moved to approve the September Regular Meeting Minutes with the following amendments:

1. Page 5, paragraph 6: omit “would be”

**SECOND:**

Commissioner Storm seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 5-0. Commissioner Wolfe abstained as she was not present for the September 13, 2017 Regular Meeting.

**III. NOTICE OF COUNCIL ACTION**

**ITEM 2. ORD 3417** – An Ordinance regarding amendment of the Zoning Code to Amend Section 18.08.060, and Repeal and Reenact Chapter 9.12 of the Manitou Springs Municipal Code concerning

Sexually Oriented Businesses. The Ordinance was denied at First reading on September 19, 2017, with direction to the Planning Staff to look at other potential locations on Manitou Avenue, to investigate an Intergovernmental Agreement with El Paso County or City of Colorado Springs that would fulfill Manitou's provision for these businesses, to look at creating signage restrictions, and creation of general Architectural standards for businesses outside of the Historic District.

Commissioner Wolfe inquired if City Council was interested in deciding on a specific address and whether or not the City could do so. Mr. Burkholder responded the City could not limit the location of sexually oriented businesses to a single, specific address and would need to base the regulation on zoning. Commissioner Wolfe inquired if the City was paying the City Attorney to do research on whether the City can skirt the First Amendment Rights of the Constitution by claiming our City was a part of Colorado Springs and wondered why the City was wasting thousands of dollars to research an issue which would go nowhere. Mr. Burkholder responded, of the four projects, that was the one the City Attorney was researching. Commissioner Wolfe inquired if the City Attorney was just going to research until he was done. Mr. Burkholder responded the moratorium went through November, but he was looking for any kind of case law which might allow this idea to occur. Commissioner Latimer inquired what good this did the City and it seemed like the issue was much more complex. Commissioner Wolfe commented it would get the City sued. Mr. Burkholder responded it would be complex and there needed to be some legal standing found which would allow the City to jointly look at a property in other jurisdictions as a means of getting the City off of the hook so to speak. Commissioner Storm inquired if this would allow Colorado Springs to proxy adult businesses for the City of Manitou Springs. Mr. Burkholder responded Commissioner Storm was correct. Commissioner Latimer inquired if the directive for Staff was to start looking at other potential locations. Mr. Burkholder responded Staff would need to play with distances between x, y, and z uses and reduce those distances to see if one or two other properties along Manitou Avenue would open up. Commissioner Wolfe commented it seemed to her the City Council was looking for locations off Manitou Avenue. Commissioner Casey stated he did not feel the Commission should be discussing the topic at this time because it was not on the agenda. Vice Chair Latimer agreed and asked Mr. Burkholder to proceed with the Notice of Council Action.

**ITEM 3. ORD 3517** – An Ordinance regarding amendment of the Zoning Code to Regulate Shipping Containers. Approved at First Reading on September 19, 2017, with some clarification that the restrictions did not apply to dwelling units. Second Reading was heard on October 3, 2017 and approves, as recommended, by a vote of 5-1.

**ITEM 4. ORD 3617** – An Ordinance regarding amendment of the Zoning Code to Provide for Administrative Approval of Minor Subdivisions. First Reading was approved on September 19, 2017. Second Reading was heard on October 3, 2017 and approved, as recommended, by a vote of 6-0.

**ITEM 5. ORD 3717** – An Ordinance extending an Existing Moratorium on Applications for Adult Business in the City was approved at First Reading on October 3, 2017. Second Reading is scheduled to be heard on October 17, 2017.

**ITEM 6. ORD X** – An Ordinance regarding amendment of the Zoning Code to Regulate Site Plan and Lot Coverage. Pending Scheduling for First Reading.

*At this time, 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 7. MaCUP 1705** – Major Conditional Use (Event Space) – 717 Manitou Avenue, Unit 301 – Priscilla B. Stachel, Applicant. **APPLICATION WITHDRAWN**

Wade Burkholder, Planning Director, presented the City Memorandum dated September 26, 2017. Mr. Burkholder stated Staff had received an email from the Applicant which stated she was withdrawing the application for the event usage of the property because she did not feel she could afford to make the required Fire Code upgrades at this time.

Commissioner Casey stated he was confused as he thought the upgrades were not necessarily required. Mr. Burkholder responded there needed to be a second egress from the space and it was discovered in order to use the back stairs, a person would need to access another part of the building which was otherwise closed off from the window to the stairway. Mr. Burkholder stated the space was found not to be in compliance with Fire Code due to this issue. Commissioner Casey inquired if Ms. Stachel's withdrawal had anything to do with the sprinkler system. Mr. Burkholder responded the sprinkler system would have been an option for her, but she felt the cost was too prohibitive to do so.

**ITEM 8. 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, presented the Staff Report dated October 6, 2017.

Commissioner Wolfe inquired if there was a law in Manitou Springs which stated, as part of a Major Development, the Commission was required to review whether there was enough water in the system to support it. Mr. Burkholder responded the water review was covered in the property improvement plan in which the size of the water pipe was evaluated. Commissioner Wolfe commented she did not know it was a pipe related matter, but thought there was a law to verify whether there was enough water in the system to support the development. Mr. Burkholder stated he was not familiar with the law. Commissioner Wolfe stated she thought it had passed shortly after the hearing with the Cliff House and the Wheeler Property, but she was not certain.

Commissioner Wolfe stated, in regard to page three (3) paragraph four (4) of the Staff Report which referred to the new development not being a part of the redevelopment overlay while still applying the parking requirements for that area, she had concerns about setting a precedent for avoiding the actual parking requirements for future applications and inquired if the ordinance could be revised so this property was included in the redevelopment overlay. Mr. Burkholder responded he agreed and also felt shared parking was something the City should look into. Commissioner Wolfe inquired if Mr. Burkholder was proposing Staff's analysis was not based on what the law stated the Commission should be analyzing concerning parking. Mr. Burkholder responded Commissioner Wolfe's assessment was correct, however, the uses of the property were being mitigated by the amount of parking spaces available on the site. Commissioner Wolfe stated she was not necessarily concerned about that, but to applying a law which was not supposed to be applied to this application. Mr. Burkholder responded he thought, in this case, the Commission could recommend an alternative solution if the Commission felt the uses were not mitigated well enough by imposing another condition and would therefore not be setting a precedent because the conditions were specific to each property with which there was an application. Commissioner Wolfe thanked Mr. Burkholder for his explanation and clarification.

Hearing no further questions for Staff, Vice Chair Vrobel invited the Applicant to the podium.

Todd Liming, 438 N. Prospect Street, Colorado Springs, introduced himself and handed out a written statement regarding the landscaping and lighting of the proposed development.

David Walton, 235 Mesa Avenue, stated he had held a neighborhood meeting in February 2016 where it was discussed whether the community wanted a parking lot for a trailhead or a building and the consensus fell on the building. Mr. Walton stated he had also had Pre-Application Meetings with Staff and had proposed a building toward the back of the lot, but the building was ultimately moved forward on the lot per Staff's recommendations. Mr. Walton stated they had also submitted a Concept Plan for the project, which was heard by the Commission a few months prior, and had tried to incorporate the feedback into this Development Plan.

At this time, Mr. Walton introduced his consultants and engineers who had a hand in the project. Mr. Walton stated the twenty-five foot (25 ft.) drainage easement was created at the end of the subdivision process he had gone through in 2008 with the property to determine if there were any drainage issues with the City and five and a half feet (5.5 ft.) of the easement was given to the Highway Department, which was where the nineteen and a half foot (19.5 ft.) number came from and would be squeezed down to five feet (5 ft.). Mr. Walton also stated the lot generally sloped back from the street with No Build Areas, which had caused the parking lot to be relocated to the back of the building, and the encroachment areas into the No Build Area pertained to the parking lot and retaining walls, should they be needed. Mr. Walton commented Welcome Lane was a fifty-foot (50 ft.) right-of-way and had been designed as a turn-around for fire trucks in a hammerhead situation.

Commissioner Casey inquired how the community meetings were attended and what the gist of the conversation was. Mr. Walton responded there were three (3) neighbors present at the meeting in August and one (1) email communication regarding the proposal and the changes made to the proposal, such as landscaping and light overflow, were based on those meetings.

Commissioner Vrobel inquired if Mr. Walton had any issue regarding the conditions recommended by Staff. Mr. Walton responded he had no issue and explained a few things were still in flux regarding the request and stated the team was looking for the best way to route the necessary utilities.

Commissioner Wolfe inquired if there was any further analysis regarding whether the mineral springs would be negatively affected or not. Mr. Walton responded he thought not, but he was not an expert in the matter and inquired if the two wells had been capped for relocation across the street. Mr. Burkholder responded the wells had been capped and were either getting ready to or proceeding with drilling the new well on the bottling plant property. Mr. Walton stated, concerning the bio-swale, the narrative could be omitted because the two wells had been taken care of.

Amanda Orsillo, 815 North Foote Avenue, Colorado Springs, stated she was the architect and the team had come up with a more contemporary take on the building. Ms. Orsillo stated the team had tried to incorporate raw materials which played off the stone common to the area and was designed in a mountain lodge style of appearance. Ms. Orsillo stated two-thirds of the roofline sloped down below the thirty-five foot (35 ft.) mark and helped break up the mass of the front of the building on the pedestrian side. Ms. Orsillo stated the general layout of the building was retail and restaurants on the first floor and the upper floors contained apartments and studios. Ms. Orsillo commented the second floor was accessible via a ground level entrance

and would be handicap accessible, as required by Code. Ms. Orsillo stated the general materials were stone; a rusted, corrugated metal; EIFS siding; and cement board siding.

Commissioner Wolfe inquired if the living areas would be handicap accessible in the interior. Ms. Orsillo responded they had the potential to be handicap accessible inside. Commissioner Wolfe inquired if this access would be granted by means of an elevator. Ms. Orsillo responded it was actually accessible from the ground level due to the grade of the lot. Commissioner Wolfe inquired if the units would be handicap accessible, such as the bathroom doorways. Ms. Orsillo responded, per the Code, it must be easily modified for handicap and wheelchair use and all of the units on the second floor would be built to that Code. Commissioner Wolfe inquired if any of the units would be built specifically so someone with a wheelchair could move in right off the bat. Ms. Orsillo responded Mr. Wellens had expressed interest in doing so, but all units would be constructed in a manner in which they were ready to accept the modifications with ease.

Mr. Liming stated the parking lot was four to four and a half feet (4 ft. – 4.5 ft.) above the sidewalk and there were two (2) handicapped parking spaces located there. Mr. Liming stated the encroachment into the No Build Area next to the residential entrance of the building would be utilized to make a handicap accessible ramp, which was on the level of the second floor grade.

Mr. Liming stated he had designated all deciduous trees as two-inch (2”) caliper and was looking at ornamental-type trees, such as choke cherry or crab apple, in order to provide an attractive screen for the low retaining wall and some of the parking spaces. Mr. Liming also stated the team had been working with a natural bio swale, which may disappear if the well across the street was drilled, and it was decided to leave one tree out of the bio swale because it could have pine mineral water which might make it difficult for a deciduous tree to survive. Mr. Liming commented the team decided on a maple tree near the outside patio seating to provide shading and another maple tree would provide a bit of a canopy and buffer between the park site and the parking lot or building. Mr. Liming stated seven new trees would be deciduous with a two-inch (2”) minimum caliper and the team had not decided whether to install ash bore resistant ash trees or more maple on site to provide a canopy for nearby neighbors. Mr. Liming also stated the back area would be lightly landscaped with native grass seed and the front would be more landscaped and maintained. Mr. Liming commented run-off would be captured for a rain garden and the water filter feature would drain into the City storm water system after the sediment was settled out in the garden area.

Hearing no further comment from, or questions for, the Applicant, Vice Chair Vrobel opened the Public Hearing for comment. Hearing none, Vice Chair Vrobel closed the Public Hearing.

Commissioner Latimer inquired if Staff Recommendations four (4), five (5), and six (6) should be addressed prior to addressing the Major Development Request, as they appeared to be rather significant recommendations. Mr. Burkholder responded if recommendations four (4) and five (5) were removed or not approved, the Applicants would be required to redesign their Major Development and the public improvement plan was something that was not typically ironed out at this stage of the game as it did not affect building location, building uses, or parking spaces. Mr. Burkholder commented, however, if something were to be found in need of change, it would be the responsibility of the Applicants to fix the Major Development Plan to address those issues. Commissioner Latimer inquired if they would need to resubmit the development plan if that were the case. Mr. Burkholder confirmed the Applicants would need to resubmit should this be the case.

Commissioner Casey inquired if there had been any discussion regarding sidewalks on Welcome Lane. Mr. Burkholder responded there had not been a discussion regarding a sidewalk on Welcome Lane, but believed

there was a five foot (5 ft.) wide sidewalk depicted on the site plan along Welcome Lane. Commissioner Wolfe inquired if there was also one on Manitou Avenue and commented it looked huge, but if it met the requirements of the Code, she was happy. Mr. Burkholder responded there was also a five-foot (5 ft.) wide sidewalk along Manitou Avenue. Commissioner Wolfe commented she felt it was difficult to determine whether the building fit in with the surrounding neighborhood because there were no depictions of the surrounding buildings and area and felt it would be helpful for her to see this in order to make a determination.

Commissioner Storm inquired if there were neighbors who came to a recent meeting to speak to the Commission in support of the proposal. Vice Chair Vrobel stated Commissioner Storm was thinking of the future development on Beckers Lane and stated there was nothing further to the west of the property and was a considerable distance to the east before another developed property. Commissioner Wolfe stated if the Commission was supposed to perform an analysis for how well the structure fit into the surrounding neighborhood, it was difficult to determine without a panoramic view of the area and inquired if it was customary for an Applicant to have a site plan showing the neighboring properties to view the elevation differences between structures. Commissioner Storm stated Commissioner Wolfe could look at Google Maps street view. Commissioner Wolfe stated she did not feel it would solve the problem because she knew which buildings were there, but she did not know how tall the other buildings were in relation to this building. Mr. Burkholder responded he was not sure what else in the area the building could be compared to, other than the bottling plant. Commissioner Simmons commented instead of looking at whether the proposal fits the context of what was already existing, perhaps there was a hope that future infill development would also be in the same character in order to ensure whether it was appropriate or not. Commissioner Wolfe stated she thought it was a good point.

Commissioner Casey commented he felt the Staff Report was detailed and there were no neighbors at the meeting to object.

Commissioner Wolfe inquired if Coreen Toll would provide input regarding the Housing Advisory Board and whether the proposal was a low-income housing option for people. Coreen Toll, City Council Liaison, stated she agreed with Commissioner Simmons regarding the new development having the ability to set a tone and the Housing Advisory Board would be happy to see a proposal for a building like this in the Urban Renewal Area on the east end. Ms. Toll stated studio apartments and one-bedroom apartments had a great value in Manitou Springs and there was a national trend for people to move into smaller buildings which were more affordable. Ms. Toll commented the Housing Advisory Board would be pleased with this development and the accessory development surrounding the building, such as the rain garden, would have value for the community as a model for development.

**MOTION:**

Commissioner Casey moved to approve MJR 1701 for a Major Development at 1335 Manitou Avenue with the following conditions:

1. The Planning Commission support the total amount of 27 parking spaces as effectively meeting the parking demand generated by this proposal via the use of 2 shared parking spaces.
2. Provide a final Landscape Plan developed by a certified landscape expert prior to approval of the final grading permit for the site.

3. Submittal and approval of a photometric plan in addition to fixture details prior to issuance of building permits from Manitou Springs.
4. Approval of a minor subdivision plat reducing the 19.5-foot drainage easement per the Arch at Manitou Springs plat dated 3/03/08 to 5 feet.
5. Approval of a subdivision waiver for encroachment of construction into No Build Areas.
6. Approval of a Public Improvements Plan by Shelley Cobau, Public Services Director and IMEG Engineering prior to issuance of a building permit.
7. The Applicant shall submit a pre-construction stormwater permit (SWMP) for review and approval by the City's Stormwater Manager prior to issuance of a Building Permit.
8. Prior to final approval and issuance of a Certificate of Occupancy, a post construction storm water permit (SWMP) shall be submitted and approved by the City.
9. A Grading Plan focused on the area where parking, landscaping and retaining walls will be installed at the southeastern part of the lot shall be included in the plans submitted for Building Permit or at the time of SWMP application.
10. Floodplain Development Permits must be filed with the City of Manitou Springs prior to issuance of a building permit.
11. Prior to issuance of a building permit, a letter of credit must be submitted and approved by Manitou Springs City Engineer, IMEG and approved by City Council or its representative.
12. Sidewalks along the Manitou Avenue frontage shall conform to historic district standards regarding color.
13. Certification of height shall be submitted prior to issuance of certificate of occupancy by Pikes Peak Regional Building Department.

**SECOND:**

Commissioner Simmons seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 6-0.

**V. NEW BUSINESS**

**ITEM 9. MNS 1705** – Minor Subdivision – 36 and 40 Via Maria Theresia – Noel Black and Robert Weizenecker, Applicants.

Wade Burkholder, Planning Director, presented the Staff Report dated October 5, 2017.

Commissioner Casey inquired if the encroachments were only between the two property owners. Mr. Burkholder responded they were.

Hearing no further questions for Staff, Vice Chair Vrobel invited the Applicant to the podium.

Robert Weizenecker, 36 Via Maria Theresia, stated there was a property dispute in the past between himself and the previous owners, the Goldens, and the neighbor to the east of him had his property surveyed in order to erect a fence. Mr. Weizenecker stated in doing so, it established where the eastern part of his property was, so he took a plat map and marched off one-hundred feet (100 ft.) from that point and discovered his property went half-way into Mr. Black's driveway at 40 Via Maria Theresia. Mr. Weizenecker stated when he had brought this up with John Golden, the previous property owner at 40 Via Maria Theresia, an explosive argument ensued and he had decided to drop the matter in order to keep the peace. Mr. Weizenecker stated when Mr. Golden passed away and Mr. Black moved in, he decided it was time to bring the issue up once more and worked out an easement swap with the new owner. Mr. Weizenecker stated in exchange for the piece of property he actually owned that encroached on 40 Via Maria Theresia and a payment of ten thousand dollars (\$10,000.00), he was receiving the entire strip of land located in the back of 36 Via Maria Theresia.

Commissioner Casey inquired if Mr. Weizenecker was required to mail a notification to the neighbors. Mr. Weizenecker responded he did not send a notification to neighbors as he was under the impression this was a matter solely between he and Noel Black and there was no proposed or planned development of the land. Commissioner Casey inquired if there was any comment from the neighbors at all. Mr. Weizenecker responded since he did not notify the neighbors, he did not think there would have been any comment. Mr. Burkholder commented this is a property, which under the new ordinance, would have been approved through the administrative approval process.

Hearing no further comment from, or questions for, the Applicant, Vice Chair Vrobel opened the Public Hearing for public comment. Hearing none, Vice Chair Vrobel closed the Public Hearing.

**MOTION:**

Commissioner Casey moved to approve MNS 1705 for a Minor Subdivision to create Lots 1 and 2 in the Weizenecker-Black Subdivision at 36 and 40 Via Maria Theresia based on the criteria for approval of a Minor Subdivision set forth in Chapter 16.10 of the Subdivision Code with the following conditions:

- 1) Prior to filing, the plat shall be updated to include the following:
  - a) Size of the property in feet and acreage added to the legal description for each property on page 1 of the plat document.
  - b) The areas of 30% or greater slope on both lots designated by shading and with a key provided.
  - c) The information required on the Subdivision Site Plan shall be removed from the plat document.
  - d) Any amendments as recommended by the City's consulting Engineer upon review of the final plat document be incorporated.
- 2) The property owners shall pay the School Fees of \$661. Payment of Parks and Open Space fees of \$2,315 are hereby waived per the recommendations of the Parks and Recreation Advisory Board and Open Space Advisory Committee.

- 3) The Applicant has 90 days from the date of approval to provide all required information, corrections and additions, allow time for City review, and submit the final Mylar for filing or this approval will expire.
- 4) The Surveyor shall provide CAD drawings of the final, approved plat at the time of submission of the final Mylar for filing to allow the City to update its GIS data.

**SECOND:**

Commissioner Latimer seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 6-0.

**ITEM 10. MiCUP 1703** – Minor Conditional Use (Bed and Breakfast) – 358 Ruxton Avenue – Alexandria Hopper, Applicant. **APPLICATION POSTPONED**

Wade Burkholder, Planning Director, stated there were some Code issues which needed to be worked out regarding the property prior to going through the Minor Conditional Use Process.

**MOTION:**

Commissioner Casey moved to postpone MiCUP 1703 until the November Regular Meeting.

**SECOND:**

Commissioner Wolfe seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 6-0.

**ITEM 11. MaCUP 1706** – Major Conditional Use (Telecommunication Facility) – 107 Manitou Avenue – Colleen Nebel, Black and Veatch, on behalf of John Lee, SH Lee LLC, Applicant.

Wade Burkholder, Planning Director, presented the Staff Report dated September 27, 2017.

Commissioner Casey inquired if the removal of the Castaways signs should have been performed by the property owner as opposed to burdening this Applicant. Mr. Burkholder responded the condition provided Staff with another hook in order to get the obsolete signage taken down.

Hearing no further questions for Staff, Vice Chair Vrobel invited the Applicant to the podium.

Colleen Nebel, 4600 S. Syracuse Street, Denver, thanked Staff for their report and stated she was willing to answer any questions the Commission may have.

Vice Chair Vrobel inquired if the Applicant was in support of the Staff recommendations and findings. Ms. Nebel stated she had an issue with recommendation number three because she did not have the landowner's permission to remove the obsolete signage. Mr. Burkholder stated he felt the sign structures could stay so long as the faces were removed so the signage was not advertising something which did not exist.

Commissioner Wolfe inquired if the signage was even on the property rented by Verizon. Ms. Nebel stated Verizon had only leased rooftop space for the equipment. Mr. Burkholder stated the application was technically an application by the property owner. Ms. Nebel stated her main concern was the large sign by the highway and she would like to see it removed. Mr. Burkholder stated he had no issue with the structure staying in place if the faces were flipped or whited out. Commissioner Casey inquired how long the signage had been non-functioning. Mr. Burkholder responded he had been with the City going on four (4) years and during his entire tenure with the City, they had been obsolete.

Hearing no further comment from, or questions for, the Applicant, Vice Chair Vrobel opened the Public Hearing.

Coreen Toll, City Council Liaison, inquired if the signage had any historic value. Mr. Burkholder responded it did not.

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

Commissioner Casey inquired who John Lee was. Mr. Burkholder responded John Lee was the owner of the property. Commissioner Casey inquired if he was the owner of Castaways, the business, or the owner of the property. Mr. Burkholder clarified he only owned the property, not the business. Commissioner Wolfe commented the business, Castaways, was not a business and had not been a valid business the entire time Mr. Burkholder had been working with the City. Commissioner Casey inquired if the owner of Castaways left and stuck the property owner with the signage. Mr. Burkholder confirmed. Commissioner Wolfe commented the only thing which needed to be done was for the sign to be whited out, not removed. Mr. Burkholder stated he was fine with the sign structures remaining in place.

**MOTION:**

Commissioner Wolfe moved to forward a recommendation for approval of MaCUP 1706 to City Council based on the criteria and evaluation required to approve a Major Conditional Use Permit to allow a new telecommunications facility at 107 Manitou Avenue within the Commercial Zoning District with the following conditions:

- 1) Structural plans for the new cupola shall be submitted to the Planning Department for review and permitting prior to any construction.
- 2) If the building style is altered in the future, the cupola on the northeast corner of the building shall be altered to match the style of the rest of the building in design and appearance.
- 3) Removal of all signage related to Castaways be removed from the building by the building owner as these signs are now considered obsolete prior to issuance of a building permit for the new cupola and antennas.

Further Staff recommends the following findings:

- A. That the value and qualities of the neighborhood surrounding the conditional use will not be injured and the proposed use, under the conditions imposed, has no impact on the character of the community and is compatible in function and design with surrounding land uses.
- B. That the conditional use is consistent with the intent and purpose of the Zoning Code to promote public health, safety and general welfare.
- C. That the conditional use is consistent with Plan Manitou.
- D. That the conditional use will not create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community or a violation of any provisions of the Design Guidelines of the city of Manitou Springs, City Code, state law, rule or regulation promulgated pursuant thereto.

**SECOND:**

Commissioner Storm seconded the motion.

**DISCUSSION:**

There was no discussion regarding the motion.

**VOTE:**

Motion passed, 6-0.

**ITEM 12. CP 1704** – Concept Plan (New Building) – 722 Manitou Avenue – Faruk Sahin, Applicant.

Wade Burkholder, Planning Director, presented the City Memorandum dated October 5, 2017.

Commissioner Casey stated the only issue which he had read about was the height of the building and felt it would actually be a bit better if the building were a little higher in order to stagger it against the adjacent buildings.

Commissioner Simmons inquired to which lot the request was referring. Commissioner Casey responded it was the lot to the west of Heart of Jerusalem, to the east of Mavi Kabob, and across the street from Swirl Wine Bar. Mr. Burkholder commented the lot was actually the location of the original firehouse and police station. Commissioner Casey commented the jail also used to be located there and joked the City should call Giraldo Rivera prior to digging there.

Commissioner Latimer inquired if there were any issues regarding upkeep of the property. Mr. Burkholder responded there was some concern with the adjacent property, Heart of Jerusalem, owned by the brother of Faruk. Mr. Burkholder stated there were some structural concerns with the rear of this lot and general upkeep concerns, but otherwise, the concerns were relatively minor. Commissioner Storm commented the Applicants would go through geologic and technical analysis prior to building on the lot. Commissioner Casey stated the second story exit of the Heart of Jerusalem was actually an easement, which would require the stairwell on the far west side of building be maintained as a point of egress.

Commissioner Latimer stated she hoped the health department would be involved with regulating the spa. Mr. Burkholder responded, in regard to the baths, the basement cannot be occupied based on floodplain regulations, so unless the baths were moved into the floors above, the Applicant may be unlikely to go through with that aspect of the plan. Commissioner Casey inquired if a bath was considered to be occupied. Mr. Burkholder responded it was considered occupied because it was a business, people would be in them, and the regulations would not allow a business to occupy space in a floodplain.

**VI. OTHER BUSINESS**

There was no other business to discuss.

**NON-AGENDA ITEMS FOR DISCUSSION:**

Commissioner Casey inquired what had happened with the Variance the Planning Commission had denied at 1207 Manitou Avenue. Mr. Burkholder responded the Applicants had decided to appeal the decision and the item was ready to be heard by the City Council. Mr. Burkholder stated the City Attorney had summarized the entire issue and the decision rendered by the Planning Commission and he was also working with the Regional Building Department to revoke the Conditional Certificate of Occupancy they issued without the City of Manitou Springs' signature.

Commissioner Casey inquired if he could attend the appeals. Mr. Burkholder responded the Commissioners were allowed to attend. Commissioner Wolfe commented the last time she went to an appeal, she was told even though she was a citizen, because of her role on the Planning Commission, she was not able to speak. Mr. Burkholder stated they could attend, but were not permitted to speak and there was an ordinance which stated no new information could be heard. Mr. Burkholder also stated the ordinance stated only the Applicants and Staff were permitted to speak. Commissioner Wolfe inquired if that was stated in an ordinance. Mr. Burkholder responded it was found in the appeals document. Ms. Toll commented the City Attorney did enforce the no citizens speaking policy during the meetings. Vice Chair Vrobel commented it was due to the fact a Commissioner may have undue influence over a decision. Commissioner Wolfe stated there was no new information allowed, yet the Council always allowed the individual who was appealing a decision to give their perspective and Staff to present their report. Mr. Burkholder stated Staff relied more on the Mayor and the Attorney to be asked questions and did not necessarily change or add anything to their report, but were there to answer questions and respond to comments. Ms. Toll stated City Council received the same documents from Staff as the Commission. Commissioner Wolfe inquired if City Council received the minutes of the Planning Commission meeting. Mr. Burkholder stated, concerning an appeal, City Council received a verbatim transcription of the meeting and the Minutes Mr. Becker took.

Commissioner Casey inquired if the driveway was required to be colored. Mr. Burkholder responded it was required and Staff was working with the Applicant on this issue as well. Commissioner Casey stated the sidewalk was orange and the driveway was white. Mr. Burkholder stated the driveway would need to be stained as well.

Commissioner Storm commented she felt bad for the owners. Commissioner Wolfe commented she did not because there was legal recourse for the owners.

Commissioner Latimer inquired, regarding the notice of council action, if there was any further discussion needed. Mr. Burkholder stated he would defer to the Chair, but felt it would be more appropriate during Other Business or at the close of the meeting.

**VII. ADJOURNMENT**

Hearing no further business before the Commission, Vice Chair Vrobel adjourned the meeting at 7:54 pm.

*Minutes Prepared by Dylan Becker, Planner I*