



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, December 13, 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. Chairman Delwiche called the meeting to order at 6:03 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
Commissioner JULIE WOLFE
Commissioner MIKE CASEY
- ABSENT:** Commissioner JULIA SIMMONS (excused)
- STAFF:** Wade Burkholder, Planning Director
Michelle Anthony, Senior Planner
Dylan Becker, Planner I
- GUESTS:** Coreen Toll, City Council Liaison (6:10 pm)

II. APPROVAL OF MINUTES

ITEM 1. November 8, 2017

MOTION:

Vice Chair Vrobel moved to approve the November Regular Meeting Minutes as presented.

SECOND:

Commissioner Burris seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 6-0.

III. NOTICE OF COUNCIL ACTION

ITEM 2. ORD 4517 – An Ordinance regarding amendment of the Zoning Code to Regulate Site Plan and Lot Coverage Requirements. City Council heard this request at First Reading on November 21, 2017. Second Reading was scheduled for December 5, 2017 and approved, as recommended, by a vote of 7-0.

ITEM 3. MJR 1701 – Major Development (Three-Story Mixed-Use Building) – 1335 Manitou Avenue – Todd Liming, Planning Matters, on behalf of Greg Wellens, Elezier Inc., Applicant. City Council approved this request at their November 21, 2017 regular meeting as recommended, by a vote of 7-0.

ITEM 4. MaCUP 1706 – Major Conditional Use (Telecommunication Facility) – 107 Manitou Avenue – Colleen Nebel, Black and Veatch, on behalf of John Lee, SH Lee LLC, Applicant. City Council approved this request at their November 21, 2017, as recommended, by a vote of 7-0.

ITEM 5. ORD 4717 - An ordinance vacating a portion of a drainage easement on Lot 1 of the Arch at Manitou Springs Replat. City Council heard this request at First Reading on November 21, 2017. The request was approved at Second Reading by City Council on December 5, 2017 and approved, as recommended by a vote of 7-0.

ITEM 6. AP 1701 – Appeal of Variance Denial – 1207 Manitou Avenue – Mike Edwards on behalf of Gregory Cobble and Jennifer Parker, Applicants. City Council heard the appeal on November 21, 2017 and voted 7-0 to grant the appeal and thus overturned the Planning Commission denial of the height variance request.

ITEM 7. ORD 4817 – An ordinance vacating the right of way known as Rosemary Lane. City Council heard this request at First Reading on November 21, 2017. The request was approved at Second Reading by City Council on December 5, 2017 and approved, as recommended by a vote of 7-0.

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 8. MiCUP 1704 – Minor Conditional Use (Vacation Rental) – 454 El Paso Boulevard – Shawn and Lisa Conary, Applicants

Michelle Anthony, Senior Planner, presented the Staff Report dated December 7, 2017.

Commissioner Wolfe stated, in regard to the Staff Report, SUVs were prohibited from parking at the rental property in the body of the report but were not prohibited in the conditions and inquired if this was a mistake or an oversight which needed to be addressed. Ms. Anthony responded she had just worded it a little differently in the conditions by using the terms oversized vehicles, RVs, campers, or trailers as opposed to outright stating SUVs. Commissioner Wolfe stated the body of the report listed all of those things, including SUVs, and inquired if it was necessary to include it in the conditions. Ms. Anthony responded the term oversized vehicle could refer to a truck, SUV, or anything like it. Commissioner Wolfe commented if she was a tenant, she would not particularly think of an SUV as an oversized vehicle. Ms. Anthony stated if the Commission felt there needed to be more clarification, they could change the wording of the condition.

Commissioner Wolfe inquired if the City required an alternate phone number be provided to the Planning Department in the event the owners would be out of town. Ms. Anthony responded this was something the Commission could require the owners to provide, but the Code only stated the owners were required to provide an emergency contact number.

Commissioner Wolfe inquired if the Commission had the legal authority to mandate a deadline for carbon monoxide detectors, smoke detectors, and fire extinguishers to be put in the basement unit. Ms. Anthony responded the application actually provided some of this information, but the Commission could impose such a mandate if it so desired.

Commissioner Wolfe stated she felt it was a good idea to include in the conditions of approval the owners be in compliance with the new bear smart trash container ordinance and the owners be mandated to provide notification to the renters stating 5 AM as the earliest time in which they can put the trash out.

Commissioner Wolfe inquired if the request would be counted as two (2) vacation rentals against the two percent (2%) cap or as one (1) vacation rental. Ms. Anthony responded the City considered it one vacation rental operation with a number of units. Commissioner Wolfe inquired if the ordinance put a limit on the number of units a vacation rental may have. Ms. Anthony responded there was only a limit on the number of properties which could legally operate in the City. Commissioner Wolfe commented this request would only count as a single rental property.

Vice Chair Vrobel inquired if there was a time limit on how soon the paving for the off-street parking needed to be completed. Ms. Anthony responded there was not, but the Commission could certainly consider imposing one, whether the Commission wanted it to be completed prior to the approval of the business license or at a later date to allow the owners some time in operation prior to the fulfillment of the requirement. Ms. Anthony commented the Commission had typically gone one of these two ways in the past.

Commissioner Casey inquired how many vacation rentals there were currently operating in the City. Wade Burkholder, Planning Director, responded the City was approaching forty (40) rentals. Commissioner Casey inquired if the basement unit had a separate entrance. Ms. Anthony responded the basement unit had its own separate entrance.

Hearing no further questions for Staff, Chairman Delwiche invited the Applicants to the podium.

Shawn Canary, 480 Bear Creek Road, Colorado Springs, introduced himself.

Lisa Canary, 480 Bear Creek Road, Colorado Springs, stated the bedrooms in the Staff Report were a little mixed-up and there were actually two (2) bedrooms in the main house, one (1) bedroom in the carriage house, and one (1) bedroom in the basement unit. Ms. Canary stated this clarification may help with the off-street parking requirements.

Commissioner Casey inquired how this would help with the parking requirements. Ms. Canary responded there would be less parking required because the report actually listed an extra bedroom, which the parking requirements were based upon. Chairman Delwiche commented there were actually only two (2) bedrooms in the main house, as opposed to the three (3) listed in the Staff Report.

Commissioner Casey inquired if this meant there would be thirteen (13) potential guests and only five (5) beds. Ms. Canary responded this was correct as there was a sofa sleeper in the living room of the main house. Commissioner Casey inquired if this would require the off-street parking to be tandem. Ms. Anthony responded parking was based on the number of bedrooms, but if a rental property had the ability to accommodate more guests, outside of what the bedrooms permitted, the Commission would need to consider this in regard to the parking requirements and stated the same parking calculation shown in the Staff Report would still be applicable.

Ms. Canary stated she had planned to update the landscaping and was not opposed to the paving of the off-street parking.

Mr. Conary inquired if pavers could be used. Ms. Anthony responded they could. Mr. Conary stated he wanted to do so in order to make access to the underground plumbing easier should something happen and felt the pavers would not only look good aesthetically, but save him the trouble of having to tear up the pavement should he need to.

Commissioner Latimer inquired if the Applicants intended to rent all three units at the same time. Ms. Conary responded they primarily wanted to rent the main house and the carriage house and they would be going through the variance process to get the basement unit into compliance as a legal unit. Mr. Conary stated the basement apartment was rented out prior to their ownership of the property, but the problem in the unit was the head room as there was only about six feet (6 ft.) of clearance which could potentially limit its usage. Mr. Conary stated because of this, they were going to keep the unit as a long-term rental unit for the time being.

Commissioner Wolfe inquired if the basement was not intended to be a part of the short-term vacation rental. Ms. Conary responded they would be using the basement unit for long-term rental until it could be approved for short-term use and they were seeking approval to rent the unit as a vacation rental in the future as things changed.

Commissioner Wolfe inquired if the Applicants had a sense of how much time they would need to complete the installation of the pavers for the off-street parking areas. Ms. Conary responded, depending on the weather, they could have the pavers installed in about four to six (4 – 6) weeks. Mr. Conary inquired if this included the area under the parking garage/carport. Ms. Anthony responded it did if the Applicants intended to utilize the space for parking. Mr. Conary stated he had the dimensions of the off-street parking area which were forty feet by fifty-five feet (40 ft. x 55 ft.).

Commissioner Wolfe inquired where the Applicants kept the trash at the property and if the receptacles were lockable. Mr. Conary responded they were located on the east corner of the property near the driveway. Ms. Conary responded it was actually a dumpster, not cans, but they could lock the dumpster if need be. Mr. Conary responded the dumpster on site had a bar which went across the top which could lock to secure its contents. Commissioner Wolfe commented it sounded like the Applicants would need to provide a key to the guests. Mr. Conary stated he would likely use a lock with a key pad and pin number.

Vice Chair Vrobel inquired if the Applicants were seeking approval of the basement unit for short-term rental despite the fact it would not be used as such for some time, because the Code stated short-term rentals must be occupied by guests for twenty-one (21) calendar days per year. Ms. Anthony responded she thought the intent of the Code was each unit must be rented twenty-one (21) calendar days per year, not just the property, and with a Conditional Use Permit, an applicant must begin operation within a year of approval. Ms. Anthony commented if the Applicants were unable to begin the operation of the basement unit within that time, they would need to go through the process again. Commissioner Wolfe inquired since they had a year to begin operation, and another year once operation began in which to rent for twenty-one (21) calendar days, if the Applicants had more like two years in which to become compliant. Ms. Anthony responded as soon as the Applicants had obtained a business license, the year in which they would be required to rent twenty-one (21) calendar days began.

Chairman Delwiche inquired if the Applicants would just lose the one unit or the whole operation if they were unable to get the basement unit into compliance and in operation for twenty-one calendar days in the year after obtaining a business license. Ms. Anthony responded she was unsure at this point which would occur and recommended having the City Attorney look into the interpretation of the code as to how this would actually play out. Commissioner Wolfe stated she thought the twenty-one (21) days rule was imposed

so other properties could apply, as opposed to the City being stuck with unused rentals and it seemed rather irrelevant if there were multiple units. Ms. Anthony responded she agreed with Commissioner Wolfe and the original intent was to ensure a property did not receive an approval to operate without actually following through.

Vice Chair Vrobel commented she did not feel it was a good idea to approve three (3) units for operation when only two (2) were legal units at this point and wondered why the application wasn't just for the operation of the two legal units. Ms. Anthony responded the application was for three (3) units in order to give the Applicants the option to bring the third unit into compliance and have the option to rent it short-term.

Commissioner Latimer stated the floor plans showed three (3) bedrooms in the main house, not two (2) as the Conarys had stated. Mr. Conary stated although the floor plan labeled the main house as having three (3) bedrooms, one was actually a backroom which would not be utilized as a bedroom.

Commissioner Wolfe inquired if the Applicants were requesting the potential for three (3) additional guests outside of the bedrooms, were there any ordinances or anything in the Code which the Commission should consider in regard to the maximum occupancy the house can safely accommodate. Ms. Anthony responded the Fire Department did not report any issues with the proposed occupancy and did not think the property would be an issue under the Housing Code. Ms. Anthony stated under the Fire Code, the Applicants would be required place carbon monoxide and smoke detectors either in or adjacent to bedrooms.

Commissioner Casey inquired if the number of people who could potentially occupy the property at one time would trigger the need for a Density Variance. Ms. Anthony responded the Density Variance regarded the number of units on a given property and the square footage of the property, not the number of people, and would therefore not require one. Chairman Delwiche commented in the long-term lodging section of the Code, there were certain requirements pertaining to how much living space was needed. Ms. Anthony confirmed this was true.

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

Commissioner Burris stated she was unclear on what the Commission would be approving should they approve the request for three (3) units and felt it made sense to only approve the two (2) legal units at this time for short-term rental operation. Commissioner Wolfe commented the Commission could approve all three units with a condition stating the third, currently illegal unit had to become legal prior to being rented. Ms. Anthony responded the Staff Recommendation already stated what Commissioner Wolfe was suggesting.

Vice Chair Vrobel stated she disliked items to go through with an approval without knowing for sure the status of the illegal unit or with something just hanging in the air unresolved.

Commissioner Wolfe inquired if the Commission could require the Applicants to install a sidewalk for safety purposes. Ms. Anthony responded the Commission was allowed to condition related improvements. Chairman Delwiche commented since there were no other sidewalks along that stretch of El Paso Boulevard it may be a safety concern to install them. Ms. Anthony commented the Commission had the right to look into the matter, but she had chosen not to include it in the current conditions of approval.

Chairman Delwiche stated another option would be to just approve the two legal units and stated he felt more comfortable with doing so. Commissioner Latimer responded she was also more comfortable with only approving the two legal units.

Commissioner Casey stated he felt thirteen (13) people in a four (4) bedroom house seemed a bit much and the tandem parking was likely to be a complete mess. Commissioner Burris commented she agreed it would be a mess if the rentals were at capacity. Commissioner Casey commented he felt better if the Applicants were not permitted to rent out the basement unit at this time due to these concerns and felt the basement unit would not be a desirable rental anyway due to the six foot (6 ft.) clearance for the ceiling. Commissioner Wolfe commented the fact Commissioner Casey had concerns made her concerned and inquired if there was a certain number of tenants which Commissioner Casey was more comfortable with approving. Commissioner Casey stated he felt the better option was to approve the two (2) legal units. Commissioner Wolfe commented even with just the two units being approved, there was still seven (7) people in the main house and tandem parking would still be an issue. Commissioner Burris stated there would still be six (6) people in the main house and four (4) in the carriage house. Commissioner Wolfe commented there would still be seven (7) people in the main house and inquired how Commissioner Casey would like to go about solving the tandem parking and number of tenants allowed. Ms. Anthony responded she had a couple of suggestions, one was to approve guests only in the bedrooms which would mean two guests per bedroom. Ms. Anthony commented this would limit the main house to four (4) adult guests and the carriage house to two (2) guests. Ms. Anthony stated this would take the required parking for the property down to two (2) required spaces for the main house and one (1) for the carriage house.

Commissioner Wolfe inquired if this would eliminate the necessity for the tandem parking. Ms. Anthony responded she was unsure if it was possible to eliminate all tandem parking on the property, but this would certainly lessen its impact. Commissioner Casey commented if the Applicants were permitted to rent out the basement unit, and that tenant arrived and parked first, there was potential for two more cars to park behind it renting the other units and felt things could get very messy, very quickly. Ms. Anthony responded the Applicants would need to manage their parking much better than this and commented the driveway next to the house should be used for the main house renters, the area on the second driveway would be used for the carriage house guests, and a space not in tandem for the long-term renter in the basement unit. Ms. Anthony stated this way, the only vehicles in tandem parking were from the same parties who were there together. Commissioner Casey inquired where the basement tenant would be parking. Ms. Anthony responded there was enough room on the property to essentially have three rows of parking.

Vice Chair Vrobel stated she felt it was a good idea to limit the number of people because often times the rental owner was not informed about child guests which could potentially make the number of tenants staying at the rentals much more than thirteen (13) people.

MOTION:

Commissioner Wolfe moved to approve MiCUP 1704 for operation of two short-term vacation rental units in the main house and the carriage house at 454 El Paso Boulevard with the following conditions:

1. Prior to issuance of a Business License for the vacation rental operation, the Applicants shall provide or the Planning Department shall establish evidence regarding the creation and use of the basement apartment in the main structure sufficient to establish it as a legal unit. Inspection of the unit by the Fire and Building Departments, and Code Enforcement is required and any issues regarding fire, building or housing code compliance shall require appropriate permits or modification of this proposal. If the legality of the unit cannot be established, a Business License for the other, two units on the property may be issued. The Applicants shall then request a Lot Density Variance prior to

the third residential (basement) unit on the property being used for either vacation or long-term residential rental. Should such variance not be approved, the basement unit shall be removed and vacation (or standard residential) rental of two units shall be allowed.

2. Parking for four (4) required parking spaces for the three proposed units shall be provided as specified by the Planning Commission. The off-street parking shall be paved, or improved using pavers, per the parking plan, with striping and signage to direct guest parking. The Applicants shall comply within eight (8) weeks of approval of MiCUP 1704.
3. Guests shall be provided parking information in regard to the stacked configurations for the main level and carriage house units, noting that parties with more than a single vehicle will be required to park in back of each other in two driveways. The main house shall be limited to two (2) vehicles and the carriage house shall be limited to one (1) vehicle.
4. The Planning Staff shall review the existing address numbering and unit designations on the property and make any changes required under good enumeration practice. The current or revised addressing shall be posted on the property such that emergency responders (and guests) understand the location and entrance to each unit.
5. All advertisements and/or listings for the vacation rental must contain the approval number (MiCUP 1704) and copies of advertisements and/or listings must be submitted to the Planning Department for retention in the property file. The advertisement(s) and postings shall also note oversized 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.
6. A 5lb. fire extinguisher shall be installed in the carriage house garage area and the floorplans shall be revised to show the locations of all smoke and CO² detectors and fire extinguishers as required. If smoke detectors are not currently hard-wired and interconnected, the installation of new units that conform to the Fire Department comments shall be required.
7. The Applicants are encouraged to develop a landscape plan for the property that will improve its appeal and appearance as a way of benefiting the surrounding neighborhood.
8. A guest notice complying with 18.89.040.G (1-7) shall be submitted to the Planning Department for review and approval shall be provided prior to issuance of a City Business License.
9. The owner must obtain a business license from the City of Manitou Springs and the required tax licensing prior to listing the property for vacation rental operation.
10. The owner must provide a notice for guests regarding the handling of trash which is in compliance with 7.10 of the Municipal Code.
11. The number of guests permitted to rent shall be limited to no more than four (4) guests in the main house and two (2) guests in the carriage house.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 6-0.

ITEM 9. SW 1703 – Subdivision Waiver (Encroachment into No Build Area) – 0 Manitou Terrace – Bill Koerner, Applicant

Michelle Anthony, Senior Planner, stated the Applicant had come by earlier in the afternoon and requested postponement of this request. Ms. Anthony stated the Applicant was going to revise his proposal and needed more time before he was seen by the Planning Commission.

MOTION:

Vice Chair Vrobel moved to postpone SW 1703 until the next Regular Meeting of the Planning Commission.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 6-0.

V. NEW BUSINESS

ITEM 10. MiCUP 1705 – Minor Conditional Use Permit (Vacation Rental) – 470 Crystal Hills Boulevard – Paul and Rebecca Gilbert, Applicants

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

Commissioner Casey inquired why the Applicants would need to re-apply for a Minor Conditional Use Permit should they move out of their residence on the property. Ms. Anthony responded the information provided on the application was part and parcel to that particular application and if any circumstances were substantially changed, it would require a new Conditional Use Permit. Ms. Anthony stated in this instance, since the Applicants were renting out individual rooms in a house they lived in, per the Code, if they were to move out of the residence, they would no longer be able to rent out individual rooms. Commissioner Casey inquired if another property owner had a short-term rental and hired a property manager, fired said property manager, and hired a new property manager, they would be required to go through the Conditional Use process again. Ms. Anthony responded Commissioner Casey's scenario would not trigger the property owner to re-apply because it would not significantly alter the operation, however, as in this application, a change from being an on-site manager to an off-site manager would substantially change its operation.

Hearing no further questions for Staff, Chairman Delwiche invited the Applicants to the podium.

Paul Gilbert, 470 Crystal Hills Boulevard, stated there was a question posed by his neighbors in several letters of opposition to his request which posed the question if he would mind someone operating a short-term rental next door and his answer was he did not mind because he would assume his neighbors would continue to be good neighbors, even if they were renting out rooms. Mr. Gilbert stated he would assume his neighbors would have a greater interest in selecting good guests than anyone else, since they would be staying with them in their home.

Mr. Gilbert stated he was surprised by the level of opposition to the request because they had not realized people had such a negative view of people renting rooms and had been informed that several neighbors had actually gone door to door asking other neighbors to oppose their permit request. Mr. Gilbert commented he felt they had every right to do so and wanted the Planning Commission to know this was not an entirely spontaneous uprising. Mr. Gilbert stated he and his wife had deliberately not gone into the neighborhood to promote their request because they wanted their neighbors to be able to fully express their opposition without any pressure from them and felt it was important to understand their concerns. Mr. Gilbert stated they did not hold any resentment toward their neighbors and wanted them to feel comfortable voicing their concerns in the future should the application be approved.

Mr. Gilbert stated one of the major concerns from his neighbors was renting to bad guests and he planned to utilize the service Air B-N-B to advertise the rental and select guests. Mr. Gilbert stated Air B-N-B performed a background check through local, federal, and state criminal records and sex offender registration lists, however, their disclaimer notes that background checks were imperfect and could not catch everyone who may be a bad guest.

Mr. Gilbert stated they had decided to implement their own precautions in conjunction with Air B-N-B's background check by ensuring their phone number, names, and address was only given out to already approved guests. Mr. Gilbert also stated Air B-N-B allowed them to screen guests based on their reputation from previous stays as guests booked through the web site. Mr. Gilbert stated the service also allowed them to post house rules and they would not allow guests to smoke on the property. Mr. Gilbert stated the quiet hours would also be listed in the advertisement along with a statement regarding the general quietness of the neighborhood and this would serve to further limit the type of person who rented a room because the enforced quiet hours and the fact the owners were on site would cause the partiers and louder guests to self-select themselves out of the rental.

Mr. Gilbert stated, in regard to parking, they only expected one extra vehicle at a time as they would only be taking one guest or group at a time. Mr. Gilbert stated he had written a statement regarding parking which would be submitted to the Planning Department.

Mr. Gilbert stated, in closing, he and his wife cared about their neighbors and their concerns and had no intention of violating their neighbor's rights. Mr. Gilbert commented being good neighbors was more important to them than renting rooms and would only operate if it did not pose serious problems for the neighbors.

Commissioner Latimer inquired if Mr. Gilbert could address the Staff recommendations and asked for clarification on their intention to rent only one room at a time. Mr. Gilbert responded he intended to only rent to one group or party whether they occupy one room or more at any given time.

Commissioner Latimer inquired about the minimum stay requirement and asked what it would be. Mr. Gilbert responded he and his wife had not yet decided on this and were unsure if it was actually necessary.

Commissioner Latimer inquired if Mr. Gilbert had checked with his Home Owners Association regarding the short-term rental of the property. Mr. Gilbert responded he had not and was actually not aware it existed or was active.

Commissioner Latimer inquired if the Applicants would be providing breakfast. Rebecca Gilbert, 470 Crystal Hills Boulevard, responded she and her husband had been guests at several short-term rentals in which their first move was to purchase groceries for their stay and she felt this was a potential hassle for a

guest. Ms. Gilbert stated she would like guests to be welcome to certain items, such as milk, juice, and eggs which they had purchased for their guests prior to their arrival and the guests would essentially be sharing a kitchen with them.

Chairman Delwiche stated in the letter submitted in October of 2017, the Applicants stated guests would be parking on the street. Mr. Gilbert responded it was their original plan to have guests park on the street, but had learned this would not be permitted by the City. Chairman Delwiche responded the concern was the stacked parking on Crystal Hills Boulevard could have a detrimental impact on the neighborhood and commented he did not think the driveway was very deep based on the images supplied in the Staff Report. Mr. Gilbert responded the driveway was not very deep, but they now intended to have guests park on one side of the driveway, leaving access to part of the garage for their personal use.

Commissioner Wolfe inquired if the Applicants paid Home Owners Association fees or attended Home Owners Association meetings. Ms. Gilbert responded they had never attended a meeting, paid any dues, or known the Home Owners Association was active at all.

Hearing no further questions for, or comment from, the Applicants, Chairman Delwiche opened the Public Hearing for comment.

Michael Youngs and Jami Fannin, 475 Crystal Hills Boulevard, thanked the Commission for taking their concerns into consideration and stated they had moved into Crystal Hills about ten (10) years ago when the neighborhood was a little quieter. Mr. Youngs stated his biggest concern was smoking because of fire hazards and there had been a suspected illegal vacation rental at the end of their block. Mr. Youngs stated after a two week period he had gone and collected all of the cigarette butts lying in the street in front of the property and held up a large bag of cigarette butts for the Commissioners to see. Mr. Youngs stated he was concerned people who were not familiar with the community and the potential hazards it faced, would be careless or unaware of the precautions they needed to be taking and this was a potential hazard for the community at large.

Mr. Youngs inquired who he would contact in the City should any violations be noticed regarding the Conditional Use or the property itself. Ms. Anthony stated any concerns could be addressed by the Code Enforcement Officer or the Planning Department.

Mr. Youngs stated the Commission had unanimously denied a vacation rental on Sutherland Place in 2014, prior to the current regulations being in place. Mr. Young stated the regulations stated the Commission was to consider the request ensured neighborhood compatibility, protect the existing housing stock, and facilitate economic growth. Mr. Youngs stated there was a paragraph in Chapter 18.89.010 which stated the request shall not adversely impact the surrounding uses within the City and shall not encroach upon traditional neighborhood characteristics.

Mr. Youngs stated there was an article in the Independent from April 2016 in which they had stated there were fifty-six (56) short-term rentals already approved within the City. Ms. Fannin corrected Mr. Youngs stating the article mentioned there were fifty-six (56) short-term rental permits which could be issued, not that there were fifty-six (56) rentals in operation at the time. Ms. Anthony commented the City was currently at around forty (40) short-term rentals at this point. Ms. Fannin commented the article also stated a Commissioner was quoted as saying there was a loss to the housing stock caused by short-term rentals and worried allowing this request to be approved would potentially harm the character of the neighborhood.

Mr. Youngs also commented a Minor Conditional Use Permit could be transferred to new owners, as the Code stated Minor Conditional Use Permits ran with the land and was concerned, should the Gilberts move out, the new owners would simply be able to operate under this permit. Ms. Anthony responded the permit would only transfer if it was the same operation.

Mr. Gilbert stated under Chapter 18.89.110 the violations and penalties section stated short-term rentals shall mean the rental of a dwelling unit, or a portion thereof, that is rented for personal lodging for not less than one (1) day and not more than twenty-nine (29) days and was concerned about the potential for the home to be rented to twelve (12) guests a year or three-hundred and sixty-five (365) guests a year.

Commissioner Wolfe stated the Commission was bound by the City's Code and could only deny the request if they were able to find something in the law or requirements for short-term rentals was not being met. Commissioner Wolfe inquired if there was anything in the Code or ordinances which this particular application did not comply. Mr. Young responded he was currently not aware of anything, but he had tried to contact someone in the neighborhood who had materials and documents from the Home Owners Association. Commissioner Wolfe stated she was not interested in hearing about the Home Owners Association. Chairman Delwiche stated the Commission was not legally able to even consider the rules of the Home Owners Association and could only base a decision on the City's Code and ordinances. Commissioner Wolfe stated there had to be a valid reason per the City's Code or ordinances for the Commission to deny the request and inquired if Mr. Youngs or Ms. Fannin had found anything in the Code which the request would be in non-compliance for. Ms. Fannin stated they were not able to find any specific way in which the spirit of the Code was not being upheld, but were opposed to the request either way.

Ms. Fannin inquired if, when the short-term rental code and ordinances were put forth, they were supposed to be a ballot item for the citizens to vote upon and decide whether or not they wanted them in their community. Chairman Delwiche commented the City initially had a six month (6 mo.) moratorium on short-term rentals which was well publicized and there was a series of public hearings in the Planning Commission followed by public hearings at City Council who actually passed the ordinance. Chairman Delwiche stated City Council had two separate meetings where the public was able to give their input. Commissioner Wolfe stated citizens were allowed to initiate a ballot initiative, but did not recall the specific requirements to do so and the citizens were actually able to un-do a local law through this process if there was enough opposition to it. Mr. Youngs inquired if the ordinance was written during this time. Vice Chair Vrobel commented there were public meetings which were well publicized and the public was able to give their input regarding the ordinances. Mr. Youngs stated he was unaware the meetings had ever taken place and had actually heard about the ordinance through a neighbor. Commissioner Wolfe commented perhaps they should read the local paper as this was the place where public meetings were advertised.

Fred Bormann, 479 Crystal Hills Boulevard, stated there were a lot of neighbors who were in opposition to the request and when the subdivision was originally platted it was platted as an R-1 Low Density Residential subdivision. Mr. Bormann stated he had anticipated this zoning would ensure property owners in the subdivision would be able to maintain a certain lifestyle without disruption and inquired if the original zoning had any weight on the request. Mr. Bormann stated each new resident received the covenants held by the Home Owners Association which were enforceable in and amongst the residents and stated if he desired he was capable of enforcing the covenants by himself and to bear that cost. Mr. Bormann stated he felt it would be a good idea for the Gilberts to have a review under the covenants before their application and request went any further. Mr. Bormann stated Ms. Anthony had done a good job in summarizing the impact the request would have on the neighborhood and hoped the type of people the Gilberts would be renting to would be the type of people he would allow into his home.

Manning George, 336 Sutherland Place, stated copies of the covenants of the Home Owners Association were given to new residents by the title company and, although the association was not very active at this point, he would be joining Mr. Bormann in pursuing a review under those covenants. Mr. George stated, in regard to parking, the streets were not as wide as most people thought and there would be an issue if guests were permitted to park on the street. Mr. George stated he would like to see the single-family character of the neighborhood to remain intact.

Alan Peterson, 454 Crystal Hills Boulevard, stated he had lived in the neighborhood for thirty-one years (31 yrs.) and wished no animosity between himself and the neighbors. Mr. Peterson stated he was not pleased with this commercial endeavor in his neighborhood and felt his ignorance was of no excuse in reacting to the change in ordinances when there was a public hearing held. Mr. Peterson encouraged the Commission to deny the request in favor of maintaining the character of the neighborhood. Mr. Peterson stated he accepted the fact the law was the law and if there was no legal reason to deny the request, he understood.

Hearing no further comment from the public, Chairman Delwiche closed the Public Hearing.

Commissioner Casey stated, per the regulations, if the request was approved the separation distances would be applied and no other short-term rentals would be permitted to operate within five-hundred feet (500 ft.) of this one. Commissioner Casey commented this could actually be the best worst case scenario for the neighborhood because the property owners were going to be living in the rental as well, as opposed to another city or state.

Commissioner Casey commented there were, without a doubt, covenants in Crystal Hills but there was no actual Home Owners Association to police those covenants and rules. Commissioner Wolfe commented the Commission was not allowed to be involved with the Home Owners Association and even if the Commission approved the request the community still had the ability to re-invigorate the association and disallow the short-term rental outside of the Commission's final decision.

Chairman Delwiche stated there was also an appeal process through City Council in which the neighbors could appeal the decision and they had ten (10) days following the Commission's decision to do so. Chairman Delwiche stated the Commission was constrained by the ordinance and his main concern was the stacked parking from different parties in the driveway as it would be very difficult to manage.

Commissioner Casey commented when the ordinance was written, the common denominator was that it was always a Conditional Use of the property which meant every request and property was different and his argument was approving the request would create a nuisance in the neighborhood. Commissioner Wolfe responded she agreed with Staff that if the Commission was to deny the request there needed to be a solid and specific reason from the Code and she had yet to hear any facts which would hold up in court to prove this request would be a nuisance.

Vice Chair Vrobel stated she agreed with Commissioner Wolfe and commented when the Commission was deciding on the language of the ordinance she had initially felt there were some neighborhoods in which short-term rentals should not be permitted to operate. Vice Chair Vrobel stated, during the public hearings regarding short-term rentals, the Commission did not hear much opposition stating Low Density Residential neighborhoods should not permit them and, because of this, the City had decided to permit them in all zones. Vice Chair Vrobel stated she did not feel the Commission had any choice but to approve the request since there was no reason per the Code to deny it.

MOTION:

Commissioner Wolfe moved to approve MiCUP 1705 for rental of two bedrooms in the home at 470 Crystal Hills Boulevard with the following conditions:

1. Vacation rental activity may not occur when the applicants are out of town or away from the home for an extended period, i.e. 24 hours or more.
2. Parking for a minimum of four required parking spaces for the property owners' and guest vehicles shall be provided as specified in the Staff Report, or as outlined in the parking management information provided by the Applicants. Guests shall be provided parking information in regard to the stacked configuration in the driveway. Guests shall be limited to one vehicle per party. On-street parking by guests is not allowed.
3. All advertisements and/or listings for the vacation rental must contain the approval number (MiCUP 1705) and copies of advertisements and/or listings must be submitted to the Planning Department for retention in the property file. The advertisement(s) and postings shall also note oversized vehicles, RVs, campers, or trailers cannot be accommodated and the rooms will not be rented to guests who arrive in these types of vehicles.
4. The floorplan shall be revised to show the locations of all smoke and CO² detectors and minimum 5lb. fire extinguishers as located and approved by the Fire Department.
5. A guest notice complying with 18.89.040.G (1-7) shall be submitted to the Planning Department for review and approval shall be provided prior to issuance of a City Business License.
6. The owner must obtain a business license from the City of Manitou Springs and the required tax licensing prior to listing the property for vacation rental operation.
7. Guests shall be limited to no more than one vehicle per party.

And the following findings:

1. The conditional use is consistent with the intent and purpose of the Zoning Code to promote public health, safety, and general welfare.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

Commissioner Latimer stated she wanted clarification regarding Commissioner Wolf's amendment regarding only allowing guests to have one (1) vehicle because a single party of four (4) may have two (2) vehicles. Commissioner Wolfe responded considering the small size of the garage and the driveway, there would be issues if more than two (2) vehicle were permitted to use it.

VOTE:

Motion Passed, 4-2. Commissioner Casey and Commissioner Latimer voted in opposition of the motion.

ITEM 11. V 1703 – Variance (Parking) – 722 Manitou Avenue – Faruk Sahin, Applicant

ITEM 12. V 1704 - Variance (Lot Density) – 722 Manitou Avenue – Faruk Sahin, Applicant

Michelle Anthony, Senior Planner presented the City Memorandum dated December 5, 2017. Ms. Anthony stated the Planning Consultant of the project contacted the Planning Department to ask for postponement

of this request until the January Regular Meeting of the Planning Commission. Ms. Anthony stated the owner was making some changes to his plans which would affect the proposed variances and need to submit revised information for the public hearings.

MOTION:

Vice Chair Vrobel moved to postpone V 1703 and V 1704 until the next Regular Meeting of the Planning Commission.

SECOND:

Commissioner Burris seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 6-0.

ITEM 13. RE 1734 – Rezone (Commercial to Open Space – Preliminary Hearing) - 0 Manitou Avenue (Schedule No. 7405203117) – City of Manitou Springs, Applicant

ITEM 14. RE 1735 – Rezone (Hillside Low Density Residential to Open Space – Preliminary Hearing) - 0 Manitou Avenue (Schedule No. 7406101045) – City of Manitou Springs, Applicant

ITEM 15. RE 1736 – Rezone (General Residential to Open Space – Preliminary Hearing) - 0 Elkhorn Road (Schedule No. 7406411050) – City of Manitou Springs, Applicant

ITEM 16. RE 1737 – Rezone (General Residential to Open Space – Preliminary Hearing) - 0 Elkhorn Road (Schedule No. 7406411053) – City of Manitou Springs, Applicant

ITEM 17. RE 1738 – Rezone (General Residential to Open Space – Preliminary Hearing) - 0 Fairview Avenue (Schedule No. 7406407005) – City of Manitou Springs, Applicant

ITEM 18. RE 1739 – Rezone (Hillside Low Density Residential to Open Space – Preliminary Hearing) – 13 Hydro Street (Schedule No. 7406302017) – City of Manitou Springs, Applicant

ITEM 19. RE 1740 – Rezone (General Residential to Open Space – Preliminary Hearing) – 0 Pine Tree (Schedule No. 7405200007) – City of Manitou Springs, Applicant

ITEM 20. RE 1741 – Rezone (General Residential to Open Space – Preliminary Hearing) – Schedule No. 7405200008 – City of Manitou Springs, Applicant

ITEM 21. RE 1742 – Rezone (Hillside Low Density Residential to Open Space – Preliminary Hearing) – Schedule No. 7404200005 – City of Manitou Springs, Applicant

ITEM 22. RE 1743 – Rezone (Hillside Low Density Residential to Open Space – Preliminary Hearing) – Schedule No. 7404303021 – City of Manitou Springs, Applicant

ITEM 23. RE 1744 – Rezone (Hillside Low Density Residential to Open Space – Preliminary Hearing) – 288 Crystal Park Road (Schedule No. 7409303007) – City of Manitou Springs, Applicant

ITEM 24. RE 1745 – Rezone (Hillside Low Density Residential to Open Space – Preliminary Hearing) – 0 Kiowa Road (Schedule No. 7405421003) – City of Manitou Springs, Applicant

ITEM 25. RE 1746 – Rezone (Hillside Low Density Residential to Open Space – Preliminary Hearing) – 0 Ridge Road (Schedule No. 7405449005) – City of Manitou Springs, Applicant

- ITEM 26. RE 1747** – Rezone (General Residential to Open Space – Preliminary Hearing) – 0 Peakview Boulevard (Schedule No. 7405413028) – City of Manitou Springs, Applicant
- ITEM 27. RE 1748** – Rezone (General Residential to Open Space – Preliminary Hearing) – 133 Pinon Lane (Schedule No. 7405423006) – City of Manitou Springs, Applicant
- ITEM 28. RE 1749** – Rezone (General Residential to Open Space – Preliminary Hearing) – 0 Peakview Boulevard (Schedule No. 7405449006) – City of Manitou Springs, Applicant
- ITEM 29. RE 1750** – Rezone (General Residential to Open Space – Preliminary Hearing) – 0 Burn Road (Schedule No. 7405432020) – City of Manitou Springs, Applicant
- ITEM 30. RE 1751** – Rezone (General Residential to Open Space – Preliminary Hearing) – 0 Via Maria Theresia (Schedule No. 7404408028) – City of Manitou Springs, Applicant
- ITEM 31. RE 1752** – Rezone (Low Density Residential to Open Space – Preliminary Hearing) – 0 Chelton Road (Schedule No. 7409202043) – City of Manitou Springs, Applicant
- ITEM 32. RE 1753** – Rezone (Low Density Residential to Open Space – Preliminary Hearing) – 0 Keithley Road (Schedule No. 7404313024) – City of Manitou Springs, Applicant

Dylan Becker, Planner I, presented the Staff Report dated November 29, 2017.

Wade Burkholder, Planning Director, stated Staff had received a letter via email in opposition to the Rezoning of the parcels adjacent to the Cliff Dwellings, Cedar Heights, and the Black Canyon Area on behalf of the Manitou Cliff Dwellings Museum, 10 Cliff Road LLC, Rogers Properties Investments, and Donna Rogers.

Hearing no questions for Staff, Chairman Delwiche opened the Public Hearing for comment.

Robert Heffner, 10 Cliff Road, stated he was a little confused and he had thought there were some proposed trails which would go through the thirty plus (30+) acre open space lot adjacent to the Manitou Cliff Dwelling's property. Mr. Burkholder responded the Black Canyon Open Space currently had an Open Space Management Plan in place and the property was purchased by the City using funds from Great Outdoors Colorado which required the City place a conservation easement on the property. Mr. Burkholder stated the conservation easement was held by Palmer Land Trust and the easement was very strict on what the City could or could not do on the property. Mr. Burkholder stated if the City desired to put a trail on the property it would require the approval of the Palmer Land Trust who own the conservation easement, there would be public hearings, and the Open Space Advisory Committee would need to be consulted and recommendations made to City Council. Mr. Burkholder stated there was nothing currently planned at this time but was aware of an old wagon road on the property which was somewhat of an unofficial trail, but there was nothing in the works to make this a marked trail or trailhead. Mr. Burkholder stated if the City were to implement any passive use of the property and the surrounding property owners would be notified by letter of any public hearings should the City decide to do so. Mr. Burkholder stated the property was currently zoned as Low Density Residential which meant a residence could potentially be placed on the property if not rezoned to Open Space. Mr. Burkholder commented the reason for rezoning to the open space designation was actually to prevent the property from development and bring the zoning of the property into conformance with its use.

Mr. Heffner stated he represented the Manitou Cliff Dwellings and was concerned about the influx of traffic and homeless encampments being pushed onto their property as a result of this rezoning. Mr. Burkholder

stated as part of the conservation easement, the City was required to perform annual inspections to clean up and remove any encampment found and last year there were remnants of three (3) separate camps found on the property. Michelle Anthony, Senior Planner, commented if there were reports of encampments on the property the City could perform an inspection as well outside of the annual inspection.

Mr. Heffner stated he understood this was a preliminary meeting, but wanted to voice opposition and let the Cliff Dwellings concerns be heard and inquired who would be responsible for placing boundary markers on the edge of the property to keep trespassers off of privately owned land. Mr. Hefner stated the old wagon road mentioned earlier was a part of the thirty plus (30+) acre parcel up for rezoning but went well beyond the boundaries of the property and, as any hiker was aware, it did not take long to walk across a piece of land that size. Mr. Hefner stated most hikers would want to reach the highest point possible which was all owned privately.

Commissioner Wolfe stated the Commission did not consider whether the City was allowed to place hiking trails on the property or not. Mr. Heffner responded he just wanted it to be understood the Manitou Cliff Dwellings were opposed to the rezoning of this particular parcel which could potentially allow a trail to be constructed. Commissioner Wolfe suggested Mr. Heffner show up to the public meetings, should there be any, regarding the property and trails being constructed because it was futile to bring up this issue at this stage of the process. Mr. Heffner stated the letter he received in November from the Planning Department was the first he had heard of any of this and he was surprised he had not been informed when the City purchased the property and of their intentions. Commissioner Wolfe asked for clarification he was unaware the property had been purchased by the City for Open Space. Mr. Heffner responded he was unaware of the purchase and had they been aware the property was for sale, the owner of the Cliff Dwellings would have purchased the property as a buffer. Chairman Delwiche stated the Public Hearing for the rezoning would be next month at the Regular Meeting of the Planning Commission. Mr. Heffner stated he would be in attendance and just wanted the Commission to be aware of their opposition to the rezoning.

Commissioner Casey stated if there was a trail from this property which led into the Cliff Dwelling's property, he simply needed to post a sign informing them they were entering private property to keep them out. Mr. Heffner stated he felt the City should be responsible for putting up a fence and signage informing people they were encroaching on private property. Chairman Delwiche stated the land was public land owned by the City and it was the responsibility of the private property owners to erect a fence or put signs up to keep trespassers out. Chairman Delwiche commented the City preferred not to put up fences which would disturb wildlife patterns and routes to the natural beauty of the open space.

Coreen Toll, 457 Crystal Hills Boulevard, inquired if any of the parcels up for rezoning had buildable land. Mr. Burkholder responded with enough money, there would be buildable lots on the property Mr. Heffner was concerned about. Ms. Toll stated she was concerned as she knew the community greatly valued viewsheds and open space, but it also valued housing. Ms. Toll noted there was somewhat of a conflict regarding this particular property, but she would attend the public hearing.

Ms. Anthony stated if the land had been purchased, dedicated, or donated as Open Space, the City could not use it for housing. Commissioner Wolfe commented the thirty plus (30+) acre piece of land in question was purchased as Open Space. Ms. Toll commented she was not just talking about that particular piece of property, but any of the parcels up for rezoning. Ms. Anthony stated she was not sure anything the City was rezoning to Open Space was open for development because they were obtained through some mechanism as Open Space and were part of the Open Space Plan.

Commissioner Casey stated there was no doubt some of the parcels were buildable and assumed if they were to be developed they would have to go through a rezoning to a designation other than Open Space. Ms. Anthony responded they could not be rezoned to anything other than Open Space because of the way in which they were obtained and there were strict restrictions placed on these parcels due to this. Commissioner Wolfe commented when the land was donated, dedicated, or purchased it was done so with the stipulation it could only be used for this purpose. Chairman Delwiche commented the property dedicated to the City when the Taos Village was constructed was done so as Open Space and only Open Space. Ms. Anthony stated when the Open Space Plan was made they went through a process in which they looked at all of the City owned parcels and how they were obtained. Ms. Anthony stated any parcel which was donated, dedicated, or purchased as Open Space was put on a list and that was the list which these rezonings were pulled from.

Commissioner Wolfe commented in the future, when land was purchased by the City for Open Space, it would be worth considering whether the property could be used to develop more housing. Commissioner Wolfe commented there was obviously nothing the City could do about the properties already purchased for this purpose, but felt it was a good idea to consider this option in the future.

Hearing no further comment or questions from the public, Chairman Delwiche closed the Public Hearing.

MOTION:

Vice Chair Vrobel moved to set the date for the Public Hearing for RE 1734 through RE 1753 for the next Regular Meeting of the Planning Commission on January 10, 2018.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 6-0.

VI. OTHER BUSINESS

ITEM 33. Discussion Regarding Seasonal Lodging Ordinance – Howard Morrison

Wade Burkholder, Planning Director, presented the City Memorandum dated December 7, 2017. Mr. Burkholder stated the Housing Advisory Board and Staff's recommendation was to keep the ordinance as is, without amendment.

Hearing no questions for Staff, Chairman Delwiche invited the representing attorney to the podium.

Howard Morrison, 302 Sutherland Place, stated he was an attorney and had lived in the City of Manitou Springs for over fifty (50) years. Mr. Morrison stated he had attempted to present this request before City Council during a Public Comment period to inquire if they would put this item on their next agenda and after a couple of weeks was asked to go through the Planning Commission first. Mr. Morrison commented the Housing Advisory Board also intervened and had an interest in reviewing the documents as well.

Mr. Morrison stated last year during the winter, The Manitou Inn & Suites found they had guests which wanted to stay longer than thirty (30) days, but were unable to accommodate the requests due to the current laws regarding long-term lodging. Mr. Morrison stated as a result, the business owner lost a potential source of income and was the reason he had been hired to present amendments to the regulations to allow seasonal long-term lodging in the winter. Mr. Morrison posed the question why it mattered whether a guest stayed twenty-nine (29) days or thirty-two (32) days or more and commented, currently, guests who wanted to stay longer than twenty-nine (29) days were required to change hotels, not just rooms. Mr. Morrison stated that to date, there had only been one hotel or motel which had been qualified to operate for seasonal long-term lodging under the current ordinances because it took a lot of money to install a kitchen and the necessary electrical, heating, and plumbing upgrades.

Mr. Morrison stated he and his client were seeking allowance and permission from the City to allow seasonal long-term lodging in the winter without being required to make the upgrades required by the current ordinances. Mr. Morrison stated he was proposing guests be permitted to rent a room longer than thirty (30) days with a new lease signed on a weekly basis, at which time the linens would be changed and an inspection performed to look for any violations. Mr. Morrison stated with the amendments the City would still receive the lodging taxes for the full duration of tenant's stay.

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

Commissioner Wolfe stated the Commission had spent countless hours discussing this topic and suggested the Commission keep the ordinances as they were, at least for a period of time to determine how the current ordinances had worked. Commissioner Wolfe commented if a hotel or motel did not want to make the upgrades to allow for seasonal long-term lodging under the current ordinances, it was their choice, but to legally operate they would need to make those upgrades for the health, safety, and welfare of the residents. Chairman Delwiche agreed with Commissioner Wolfe and felt changing the ordinance was not in the best interest of the City or the tenants.

Commissioner Casey inquired if Staff had any thoughts outside of what had been discussed. Mr. Burkholder responded there were some provisions under the current ordinances for families in emergencies which allowed them to stay up to one-hundred and eighty (180) days within a year or if someone was here on business, if they had a signed letter from their company, could also stay longer than thirty days. Mr. Burkholder stated there was a way in which the hotel or motel owner could allow seasonal long-term lodging, but it required upgrades to be made. Commissioner Wolfe commented the Commission had reason to deny the request and recommendation to amend the ordinances such as the health, safety, and welfare of the residents.

Commissioner Casey inquired if there had been any negative feedback since the current ordinance had been established. Mr. Burkholder responded this was the first negative concern of this nature.

Vice Chair Vrobel commented she agreed with Commissioner Wolfe and felt the hotels and motels, if they wanted to do long-term lodging, needed to make the necessary upgrades in compliance with health and safety standards. Commissioner Wolfe commented the exceptions to the ordinances were made for people who really needed a place to stay, not for commercial property owners who were trying to make more money.

Commissioner Latimer stated she felt the exceptions to the current ordinances were reasonable and did not feel it was in the best interest of the City to amend them.

MOTION:

Commissioner Wolfe moved to deny the request for amendments to the Seasonal Lodging Ordinance due to the fact the amendments would allow seasonal long-term lodging without making any upgrades to the rental units for health, safety, and welfare of the residents.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion

VOTE:

Motion Passed, 6-0.

NON-AGENDA ITEMS FOR DISCUSSION:

Chairman Delwiche stated, regarding the November 8, 2107 Meeting Minutes, he thought Commissioner Simmons was absent. Ms. Anthony stated she was present at the meeting on November 8, 2017 but she came in late.

VII. ADJOURNMENT

Hearing no further business before the Commission, Chairman Delwiche adjourned the meeting at 8:41 pm.

Minutes Prepared by Dylan Becker, Planner I