



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
Wednesday, JANUARY 10, 2018**



I. CALL TO ORDER and ELECTION OF OFFICERS

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

PRESENT: Chair ALAN DELWICHE
Vice Chair JEANNE VROBEL
Commissioner GLORIA LATIMER
Commissioner JULIE WOLFE (6:01 pm)
Commissioner MIKE CASEY
Commissioner JULIA SIMMONS
Alternate Commissioner TIP RAGAN

ABSENT: Commissioner LORI BURRIS (excused)

STAFF: Wade Burkholder, Planning Director
Michelle Anthony, Senior Planner
Dylan Becker, Planner I

GUESTS: None

ITEM 1. Nominations and Election of Chair

MOTION:

Vice Chair Vrobel moved to elect Commissioner Alan Delwiche as Chair of the City Planning Commission.

SECOND:

Commissioner Casey seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

ITEM 2. Nominations and Election of Vice Chair

MOTION:

Commissioner Delwiche moved to elect Commissioner Jeanne Vrobel as Vice Chair of the City Planning Commission.

SECOND:

Commissioner Wolfe seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

II. APPROVAL OF MINUTES

ITEM 3. December 13, 2017

MOTION:

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

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0. Commissioner Ragan and Commissioner Simmons abstained as they were not present for the December 13, 2017 Regular Meeting of the Planning Commission.

III. NOTICE OF COUNCIL ACTION

There was no Notice of Council Action

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 4. V 1703 – Variance (Parking) – 722 Manitou Avenue – Faruk Sahin, Applicant
POSTPONEMENT REQUESTED

ITEM 5. V 1704 - Variance (Lot Density) – 722 Manitou Avenue – Faruk Sahin, Applicant
POSTPONEMENT REQUESTED

Michelle Anthony, Senior Planner, stated the Applicant was requesting postponement due to a change in uses proposed in the building.

MOTION:

Commissioner Latimer moved to postpone V 1703 and V 1704 until the February 14, 2018 Regular Meeting of the Planning Commission.

SECOND:

Commissioner Simmons seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

ITEM 6. SW 1703 – Subdivision Waiver (Encroachment into No Build Area) – 0 Manitou Terrace – Bill Koerner, Applicant **POSTPONEMENT REQUESTED**

Michelle Anthony, Senior Planner, stated the Applicant was requesting postponement due to last minute changes to the application.

MOTION:

Commissioner Latimer moved to postpone SW 1703 until the February 14, 2018 Regular Meeting of the Planning Commission.

SECOND:

Commissioner Simmons seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

ITEM 7. RE 1734 – Rezone (Commercial to Open Space – Public Hearing) - 0 Manitou Avenue (Schedule No. 7405203117) – City of Manitou Springs, Applicant

ITEM 8. RE 1735 – Rezone (Hillside Low Density Residential to Open Space – Public Hearing) - 0 Manitou Avenue (Schedule No. 7405203117) – City of Manitou Springs, Applicant

ITEM 9. RE 1736 – Rezone (General Residential to Open Space – Public Hearing) - 0 Elkhorn Road (Schedule No. 7406411050) – City of Manitou Springs, Applicant

ITEM 10. RE 1737 – Rezone (General Residential to Open Space – Public Hearing) - 0 Elkhorn Road (Schedule No. 7406411053) – City of Manitou Springs, Applicant

ITEM 11. RE 1738 – Rezone (General Residential to Open Space – Public Hearing) - 0 Fairview Avenue (Schedule No. 7406407005) – City of Manitou Springs, Applicant

ITEM 12. RE 1739 – Rezone (Hillside Low Density Residential to Open Space – Public Hearing) – 13 Hydro Street (Schedule No. 7406302017) – City of Manitou Springs, Applicant

ITEM 13. RE 1740 – Rezone (General Residential to Open Space – Public Hearing) – 0 Pine Tree (Schedule No. 7405200007) – City of Manitou Springs, Applicant

ITEM 14. RE 1741 – Rezone (General Residential to Open Space – Public Hearing) – Schedule No. 7405200008 – City of Manitou Springs, Applicant

ITEM 15. RE 1742 – Rezone (Hillside Low Density Residential to Open Space – Public Hearing) – Schedule No. 7404200005 – City of Manitou Springs, Applicant

- ITEM 16. RE 1743** – Rezone (Hillside Low Density Residential to Open Space – Public Hearing) – Schedule No. 7404303021 – City of Manitou Springs, Applicant
- ITEM 17. RE 1744** – Rezone (Hillside Low Density Residential to Open Space – Public Hearing) – 288 Crystal Park Road (Schedule No. 7409303007) – City of Manitou Springs, Applicant
- ITEM 18. RE 1745** – Rezone (Hillside Low Density Residential to Open Space – Public Hearing) – 0 Kiowa Road (Schedule No. 7405421003) – City of Manitou Springs, Applicant
- ITEM 19. RE 1746** – Rezone (Hillside Low Density Residential to Open Space – Public Hearing) – 0 Ridge Road (Schedule No. 7405449005) – City of Manitou Springs, Applicant
- ITEM 20. RE 1747** – Rezone (General Residential to Open Space – Public Hearing) – 0 Peakview Boulevard (Schedule No. 7405413028) – City of Manitou Springs, Applicant
- ITEM 21. RE 1748** – Rezone (General Residential to Open Space – Public Hearing) – 133 Pinon Lane (Schedule No. 7405423006) – City of Manitou Springs, Applicant
- ITEM 22. RE 1749** – Rezone (General Residential to Open Space – Public Hearing) – 0 Peakview Boulevard (Schedule No. 7405449006) – City of Manitou Springs, Applicant
- ITEM 23. RE 1750** – Rezone (General Residential to Open Space – Public Hearing) – 0 Burn Road (Schedule No. 7405432020) – City of Manitou Springs, Applicant
- ITEM 24. RE 1751** – Rezone (General Residential to Open Space – Public Hearing) – 0 Via Maria Theresia (Schedule No. 7404408028) – City of Manitou Springs, Applicant
- ITEM 25. RE 1752** – Rezone (Low Density Residential to Open Space – Public Hearing) – 0 Cheltenham Road (Schedule No. 7409202043) – City of Manitou Springs, Applicant
- ITEM 26. RE 1753** – Rezone (Low Density Residential to Open Space – Public Hearing) – 0 Keithley Road (Schedule No. 7404313024) – City of Manitou Springs, Applicant

Wade Burkholder, Planning Director, presented the Staff Report dated January 4, 2018.

Commissioner Casey inquired if the gentleman from the Cliff Dwellings had seen the Staff Report. Mr. Burkholder responded he was hoping the gentleman would be at the meeting, but he had not forwarded the Staff Report to him at this point.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing for public comment. Hearing none, Chairman Delwiche closed the Public Hearing.

MOTION:

Commissioner Wolfe moved to forward a recommendation to City Council for approval of RE 1734 – RE 1753 to rezone the subject properties from Hillside Low Density Residential, Low Density Residential, General Residential, and Commercial Zoning to the Open Space Zoning Designation with the finding a public need exists and the use and location are compatible with adjacent land uses.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

V. NEW BUSINESS

ITEM 27. MiCUP 1706 – Minor Conditional Use (Vacation Rental) – 901 Prospect Place – Jay Rohrer and Karen Cullen, Applicants

Michelle Anthony, Senior Planner, presented the Staff Report dated January 5, 2018.

Commissioner Wolfe inquired if there was a specific ordinance outlining when the Commission may approve or deny a parking waiver. Ms. Anthony responded under a Conditional Use, the Commission would be approving conditions pertaining to parking, but the City did not normally add a Parking Variance to a Conditional Use because it was already a package, so to speak.

Commissioner Casey asked Ms. Anthony to respond to the Staff Report where it stated the occupancy was acceptable for transient stay units. Ms. Anthony responded there were different occupancy requirements depending upon the type of unit and transient stay units were meant for lodging as in a hotel or motel and are not intended for long-term lodging. Ms. Anthony stated even though the property was a house, it still fell under this designation. Commissioner Casey inquired if the density was two-hundred square feet (200 ft²) of space per person. Ms. Anthony responded the minimum for long-term lodging was reduced to one-hundred and fifty square feet (150 ft²). Wade Burkholder, Planning Director, commented the change was due to the fact a large number of the long-term units in the City would not be able to meet the requirement. Ms. Anthony commented, Staff was now using this for any sort of lodging as a standard.

Commissioner Casey stated he did not recall any previous applicants being required to install hardwired smoke detectors. Ms. Anthony responded an applicant could discuss this with the Fire Department and as long as the Fire Department approved the system, Staff was agreeable. Commissioner Casey stated the recommendation and report slightly differed on this, where one stated the system needed to be hardwired, while the other simply stated there needed to be smoke detectors and fire extinguishers. Ms. Anthony stated she was amenable to whatever the Fire Department would approve.

Commissioner Ragan, in regard to Section H of the Staff Report, stated the requirement for a notice to guests regarding noise seemed like a broad requirement and some applications directly stated how far away the owner could live from the rental property in case they were notified their guests were in violation of the City's regulations. Ms. Anthony stated under the current regulations, there was no requirement for distance or time it would take a property owner to arrive on site, but, as part of the application, there were requirements for emergency contact information for guests should anything occur. Ms. Anthony stated she felt it was best to look at this in terms of the overall proposal.

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

Jay Rohrer, 208 Ruxton Avenue, stated he was comfortable with the Staff Recommendations and would talk to the Fire Department regarding the hardwired smoke detector system. Mr. Rohrer noted the verbiage from Staff stated "should", as opposed to "will" regarding the hardwired system and he would wait for direction from the Fire Department on what to do.

Commissioner Casey inquired how the Applicant intended to accommodate four (4) guests in such a small house. Mr. Rohrer responded the house was four-hundred and fifty square feet (450 ft²) which had a bed

and a pull-out sofa which could sleep two (2) guests each. Commissioner Casey inquired if the set-up was intended for families with two (2) adults and two (2) kids. Mr. Rohrer responded this was the intention and he was very upfront with potential guests.

Commissioner Wolfe inquired if Mr. Rohrer minded if the conditions explicitly stated there could be no more than two (2) adults and two (2) children. Mr. Rohrer responded by explicitly limiting the rental in this way, it would bring up issues regarding what constituted a child and felt getting this granular was counterproductive. Vice Chair Vrobel commented she did not agree with Commissioner Wolfe because there was also the possibility of someone travelling with an elderly person who could use one of the beds as well.

Commissioner Latimer inquired if Mr. Rohrer would be the person managing the property should anything happen. Mr. Rohrer responded he and his wife would be, as they actively managed their rental properties themselves.

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

MOTION:

Vice Chair Vrobel moved to approve MiCUP 1706 for operation of one short-term vacation rental at 901 Prospect Place with the following conditions:

1. Prior to licensing and operation, one, off-street parking space shall be constructed and paved on the property. One guest parking hang-tag shall be provided for the use of the vacation rental unit.
2. All advertisements and/or listings for the vacation rental must contain the approval number (MiCUP 1706) 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 oversize vehicles, RVs, campers, or trailers cannot be accommodated and the units will not be rented to guests who arrive in these types of vehicles.
3. The required fire extinguishers, smoke detectors and CO² detectors shall be installed per the code/Fire Department requirements and the floorplan shall be revised to show the locations of each of these items.
4. 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.
5. The owners may not schedule guests during any time they will be unavailable for more than 24 hours, or are required to provide an additional emergency contact who will be available during any such periods.
6. The owners 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.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

Commissioner Wolfe stated previous approvals had stipulated when it was appropriate to put trash cans out and notified guests of the bear-smart ordinance. Commissioner Wolfe stated she felt it was a good idea for Mr. Rohrer to include this in his guest packet. Mr. Rohrer responded he did not currently offer a trash can for his tenants, but if they were staying longer than two (2) days, they were instructed to call he or his wife to pick it up and not to put it outside.

ITEM 28. MiCUP 1707 – Minor Conditional Use (Vacation Rental) – 324 Terrace Place – Samantha and Alexander Belding, Applicants

Michelle Anthony, Senior Planner, presented the Staff Report dated January 9, 2018.

Commissioner Latimer asked Ms. Anthony to give more information regarding the culvert or drainage ditch on the property. Ms. Anthony responded there was a City drainage system which ran through the property, with portions which were culverted and un-culverted, and the drainage was under a drainage easement held by the City. Commissioner Latimer inquired the location of the drainage easement on the property. Ms. Anthony responded it was located on the back side of the property and was noted in the Improvement Location Certificate provided by the Applicants. Ms. Anthony stated her main concern was someone would overshoot the parking area and wind up in the drainage ditch.

Commissioner Wolfe inquired why there was no requirement in the recommendations for the Applicants to put up a barrier of some sort to ensure a car did not end up in the ditch. Ms. Anthony responded she thought she had noted so in the conditions. Chairman Delwiche commented Condition One stated the parking area shall be paved in asphalt, concrete, or pavers with curbing that defined the boundaries of the parking area. Commissioner Wolfe inquired if the curbing needed to be something more to ensure a vehicle did not go over it. Ms. Anthony stated she simply intended the curbing to define the boundary of the parking area to ensure guests knew not to drive over it, but the Applicants could install a vehicle stop or concrete barrier should they deem it necessary. Ms. Anthony commented the Applicants could even put plants up, but there needed to be something there so guests realized where the parking area ended.

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

Alexander Belding, 324 Terrace Place, introduced himself.

Samantha Belding, 324 Terrace Place, stated she and her husband would like to respond to the concerns regarding the drainage ditch and had already begun looking into the matter prior to the meeting. Mr. Belding stated the image of the property in the Staff Report was taken in 2012 by Google Maps and the drainage ditch had undergone some changes in the time since. Mr. Belding stated the City had since installed a concrete drainage culvert so there was no actual ditch between the parking and the house. Mr. Belding also stated the photos were misleading because they had actually removed a hill shown in the images and there was a walkway from the parking area leading up to the house. Mr. Belding stated the parking area was currently a loose gravel parking area.

Ms. Belding stated she had spoken to one of the City's drainage engineers and was informed vehicles could actually drive across the culvert, but did not recommend heavy machinery or equipment to do so. Mr. Belding stated a bobcat had actually driven over the culvert and commented he did not expect a dump truck or anything of the sort to arrive to rent the room.

Chairman Delwiche inquired if the Applicants were comfortable with the recommendations made by Staff. Mr. Belding responded the only recommendation he had an issue with was the requirement a barrier be built to keep cars from creeping past the parking area as the area was already well defined and requested if a retaining wall be required, they be allowed some time to install it. Commissioner Wolfe inquired if Mr. Belding was opposed to the requirement to pave the parking area. Mr. Belding responded he was more referring to the part which stated the boundary of the parking area needed to be more defined. Ms. Belding commented many of the homes in her neighborhood had loose gravel driveways and inquired if all of the other gravel driveways in the neighborhood should be paved as well.

Commissioner Ragan inquired what the time frame would be to allow the Applicants to pave the parking area. Mr. Belding responded his plan was to finish off the yard and landscaping project by the end of the summer in 2018.

Commissioner Latimer inquired if this would be when the parking area would be completed. Mr. Belding responded the parking area would be included in the project. Commissioner Latimer inquired if the Applicants were amenable to the condition that no RVs and oversized vehicles be accommodated. Mr. Belding responded he would put this in their listing. Ms. Anthony responded it was not unusual for the Commission to allow the Applicants to make improvements on their property.

Mr. Belding inquired if Condition Number Four referred to the guest handbook they were required to give to guests. Ms. Anthony confirmed.

Commissioner Wolfe inquired what the Applicants intended to do in regard to trash. Mr. Belding responded there was a trash can in the unit and guests would be informed not to put their own trash out, as it would be collected by him and his wife. Commissioner Wolfe inquired if the Applicants were willing to put this information in their guest notice. Mr. Belding responded they absolutely would.

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

Commissioner Wolfe asked if Staff would comment on whether it was useful or not to pave the driveway if the road was not paved. Ms. Anthony responded both Terrace Place and Plainview Place were paved.

Vice Chair Vrobel stated she would like to see Condition Number One remain, as is, while allowing the Applicants time to complete the work and worried the removal of the condition could set an unwanted precedent.

Commissioner Ragan stated he felt nine months, or near the end of September, was a reasonable amount of time to complete the parking area work. Commissioner Wolfe commented this would also allow the Applicants not to give up potential income during the summer due to parking construction. Vice Chair Vrobel stated she had no issue with the nine month time frame. Commissioner Ragan stated October 1, 2018 seemed like the most reasonable date. The other Commissioners agreed.

MOTION:

Vice Chair Vrobel moved to approve MiCUP 1707 for operation of one short-term vacation rental in addition to the property owner's residence at 324 Terrace Place with the following conditions:

1. A minimum of two off-street parking spaces off of Plainview Place shall be provided on the property as indicated in the application. This parking shall be paved in asphalt, concrete, or pavers with curbing that defines the boundaries of the area by October 1, 2018.
2. All advertisements and/or listings of the vacation rental must contain the approval number (MiCUP 1707) and copies of the 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 extended length vehicles, RVs, campers, or trailers cannot be accommodated and the unit will not be rented to guests who arrive in these types of vehicles.
3. The required fire extinguishers, smoke detectors, and CO² detectors shall be provided and maintained as shown on the floorplans submitted and per the Fire Department requirements.
4. 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.
5. 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.

SECOND:

Commissioner Wolfe seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

VI. OTHER BUSINESS

There was no Other Business to discuss.

NON-AGENDA ITEMS FOR DISCUSSION:

Commissioner Latimer inquired if the terms of office on the agenda were accurate. Chairman Delwiche responded they were not accurate on the agenda, but they were accurate on the website. Ms. Anthony asked for clarification the terms of office were not accurate on the paper agenda. Chairman Delwiche stated he thought Commissioner Casey's term of office went through 2019 based on a four year term, and Commissioner Latimer should also be 2019. Ms. Anthony responded the new ordinance stated there was a four year (4 yr.) term, however, on the older ordinance, which these Commissioners were serving under, the term of office was only three years (3 yrs.). Mr. Burkholder commented the ordinance was approved and the term of office was now four years (4 yrs.). Chairman Delwiche stated he had gone back and looked at the prior terms of office and found the term of office had always been four years (4yrs.). Ms. Anthony responded Staff would get this straightened out and correct the terms of office.

VII. ADJOURNMENT

Hearing no further business before the Commission, Chairman Delwiche adjourned the meeting at 7:06 pm.