



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
MAY 9, 2018**



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 JULIE WOLFE
Commissioner MIKE CASEY
Commissioner JULIA SIMMONS
Alternate Commissioner BRYANT “TIP” RAGAN
Alternate Commissioner WHITNEY LEWIS

ABSENT: Commissioner GLORIA LATIMER (excused)
Commissioner LORI BURRIS (excused)

STAFF: Michelle Anthony, Senior Planner
Karen Berchtold, Senior Planner
Dylan Becker, Planner I

GUESTS: Robert Todd, City Council Liaison

II. APPROVAL OF MINUTES

ITEM 1. April 11, 2018

MOTION:

Commissioner Ragan moved to approve the April 11, 2018 Regular Meeting Minutes of the City Planning Commission, as presented.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 4-0. Commissioner Casey and Commissioner Lewis abstained as they were not present for the April 11, 2018 Regular Meeting of the Planning Commission. Commissioner Wolfe abstained as she had not read the minutes.

III. NOTICE OF COUNCIL ACTION

ITEM 2. ORD - Ordinance Clarifying the Hotel/Motel Definition in the Zoning Code. The date for First Reading at City Council has not been determined.

ITEM 3. ORD - Ordinance Providing for Processing Both Bed & Breakfasts and Vacation Rentals Per Chapter 18.89 in the Zoning Code. The date for First Reading at City Council has not been determined.

ITEM 4. ORD – Ordinance to Regulate Sexually-Oriented Businesses (SOBs). The date for First Reading at City Council was scheduled to be heard on June 19, 2018.

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

There was no Unfinished Business to discuss.

V. NEW BUSINESS

ITEM 5. VAC 1801 – Vacation of Right of Way (Portion of Prospect Place) – 901 & 903 Prospect Place – Jay Rohrer and Karen Cullen, Applicants.

Michelle Anthony, Senior Planner, presented the Staff Report dated May 4, 2018.

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

Jay Rohrer, 208 Ruxton Avenue, stated he was willing to answer any questions.

Chairman Delwiche inquired if Mr. Rohrer was comfortable with the recommendations made by Staff. Mr. Rohrer stated he was comfortable with the recommendations.

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:

Commissioner Wolfe moved to forward a recommendation for approval to City Council of VAC 1801 for a vacation of a portion of the Prospect Place right-of-way as shown and described on the “Easement Sketch” exhibit dated February 22, 2018, provided by the Applicants with the following findings:

1. The use of the areas of right-of-way as shown on the vacation exhibit are unnecessary for future public access; and
2. The proposed vacation will not deprive abutting properties of adequate, legal access.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

At 6:19 pm, Chairman Delwiche gave the Commission a short recess to get Karen Berchtold, Senior Planner, and to retrieve the hard copies of the Planning for Hazards Project Updates to the Zoning and Subdivision Codes. Chairman Delwiche resumed the meeting at 6:29 pm.

VI. OTHER BUSINESS

ITEM 6. Planning for Hazards Update – Karen Berchtold

Karen Berchtold, Senior Planner, presented a PowerPoint presentation and gave an overview of the proposed first draft changes to Title 16, Subdivisions, and Title 18, Zoning, in relation to the Planning for Hazards Project.

Ms. Berchtold stated, in regard to the revised Concept Plan procedure and Landscaping standards, the draft had several standards which stated “to the maximum extent feasible”, but this was amended to state “to the maximum extent practicable” for reasons of flexibility. Commissioner Wolfe inquired which term was stricter between “feasible” and “practicable” in the proposed changes to the Code. Ms. Berchtold responded “feasible” was actually stricter language and there were also allowances for the Planning Director in terms of discretion.

Ms. Berchtold stated, regarding applying geologic hazards to the building permit process, whenever a grading permit or excavation permit was requested, the Applicant would be required to comply with the standards set forth in the draft which required them to identify hazards on the site.

Ms. Berchtold stated the work group was still wrestling with additions and alterations to structures and whether it wanted to enforce wildfire mitigation standards or not, but the Planner reviewing the plans would check to ensure what was being built was not at risk, or was at reduced risk for hazards, and the percentage of lot area which would be disturbed. Ms. Berchtold stated structures would be required to be as far from steep slopes as possible and the Fire Department would provide the wildfire guidance piece through their review process.

Ms. Berchtold stated there was a Wildland Urban Interface Code, but rather than adopt the entire code, the work group opted to take bits and pieces of it to bring into the City’s Code. Ms. Berchtold stated one of the major components of this code was landscaping and there was a requirement for ten feet (10 ft.) of defensible space around a given structure with a broader thirty foot (30 ft.) defensible space for clustered vegetation. Ms. Berchtold stated alternatives may be presented based on an on-site assessment.

Ms. Berchtold stated the geologic hazards mapping the City had recently paid for significantly updated the City’s geologic mapping of the area, but it was not detailed enough for individual parcel level assessments which could be performed by Staff and/or professionals. Ms. Berchtold stated, however, she had looked into the average cost of performing a basic geologic assessment by a professional geologist to the residents and found it would cost around \$350.00 for an assessment to determine whether a geologic hazards report was needed for a typical site.

Commissioner Wolfe inquired, regarding the geologic assessment, whether every Applicant would be required and expected to pay \$350.00 to obtain this basic assessment to determine whether a geologic hazards report was necessary or if there was some sort of limitation or threshold which made it only necessary on certain sites. Ms. Berchtold responded it would apply in a situation in which Staff felt the site required further geologic study and the Applicant felt it was not necessary, or when an Applicant did not feel it was necessary to submit/perform a geologic hazards report and would serve as an alternative to the

requirement that a geologic hazards report be submitted. Ms. Berchtold commented it was a middle ground solution to the issue.

Commissioner Wolfe inquired if defensible space meant there were no trees and vegetation in proximity to a structure. Ms. Berchtold responded it actually meant creating clusters of vegetation which had separation between one another and minimizing the lower branches of trees.

Commissioner Wolfe inquired if it was true that it was less risky if a property owner had three trees, for them to be spread out so they were less likely to catch and spread fire between them. Ms. Berchtold responded a property owner could have a small cluster of trees, but they would want them away from the roof and porch and commented having a chain of trees was not good in terms of reducing fire risk. Ms. Berchtold stated this would obviously only apply to new developments, but felt it would be beneficial to disseminate the information to all residents for property owners to apply to their own properties. Chairman Delwiche commented the idea was if a property owner had a thirty foot (30 ft.) tree within ten feet (10 ft.) of a structure, the branches needed to be trimmed upwards of ten feet (10 ft.) from the ground. Ms. Berchtold stated the idea behind this was to eliminate ladder fuels and there were other practices such as not storing firewood under the porch and properly maintaining a property which also greatly reduced wildfire risks.

Commissioner Wolfe inquired if there were boxes in which a property owner could keep their firewood to contain and protect it. Ms. Berchtold responded she would look into the matter.

Ms. Berchtold stated she and the Fire Department had reviewed the current Landscape Plan requirements and it was determined the current requirements were not conducive to mitigating and reducing risk from wildfires. Ms. Berchtold stated the workgroup had incorporated some sustainable principles in its mission statement, such as a five foot (5 ft.) perimeter of non-organic material surrounding a structure. Ms. Berchtold stated the landscape requirements were currently only applicable to new applications, but this would allow the City to review landscape plans for redevelopment sites and changes of use as well.

Commissioner Wolfe inquired what non-organic mulch was comprised of. Ms. Berchtold responded non-organic mulch was essentially rock. Commissioner Wolfe inquired if the document could just say rocks, as it was more clear to the general public. Ms. Berchtold responded it may be beneficial to call them non-flammable rock mulch.

At this time, 6:57 pm, Commissioner Simmons excused herself from the meeting.

Ms. Berchtold explained the changes so far pertained to the Zoning Code and she was now moving on to the changes to the Subdivision Code. Ms. Berchtold stated the changes to this section were significantly less involved than the changes to the Zoning Code.

Ms. Berchtold stated the work group had enhanced the approval criteria for Subdivision requests and created approval criteria for Preliminary and Final Plats, as there currently were none. Ms. Berchtold stated the Master Plan approval criteria was essentially crafted to show how phasing for a Subdivision request would be implemented. Ms. Berchtold stated the Preliminary Plat process would also include a requirement for defensible space.

Commissioner Wolfe inquired, regarding the Preliminary Plat Procedure changes, why the language stated "The Director may require", as opposed to "The Director shall require". Ms. Berchtold responded this was due to the fact the actual recommendations came from the Fire Department, but incorporated the Planning Director, and was dependent on several factors such as whether fire suppression systems were required and

water supply evaluations. Ms. Berchtold stated the matter was really based on the Fire Department's assessment of vulnerability.

Commissioner Wolfe inquired if the language meant the Director of the Fire Department "may require" the Fire Protection Plan. Ms. Berchtold responded the language was referring to the Planning Director and commented the process was a Fire Department review which was incorporated into the Subdivision requirements. Ms. Anthony commented the Planning Department would be forwarding Subdivision requests to the Fire Department for review and there were different requirements enforced based on their findings. Ms. Anthony further commented not every Subdivision request would be required to evaluate the water supply such as when a request was located in an area which was fully developed, but, at this point, Staff was considering making the Fire Protection Plan a standard requirement for all Subdivision requests.

Commissioner Wolfe stated the wording to her implied the Planning Director might decide to ask the Fire Department for their input. Ms. Anthony stated this was incorrect, as this was what the City would be telling the Applicant was a requirement, not the Fire Department. Commissioner Wolfe responded it seemed the City would be telling the Applicant they may or may not be required to submit a Fire Protection Plan by the Planning Director and inquired if Ms. Anthony was saying that, in real life, this would be required to go to the Fire Department. Ms. Anthony responded this was the case ninety-nine point nine percent (99.9%) of the time.

Commissioner Ragan stated the way in which he interpreted the wording was the Planning Department would ask the Fire Department to review the application and if the Fire Department determined there was no need for a Fire Protection Plan, the Planning Director would then waive the requirement or, on the reverse side, if the Fire Department was requesting further review, or a report, they would notify the Planning Director who would then require the Applicants to provide further information or reporting. Ms. Anthony stated Commissioner Ragan's point of view was an accurate summary and portrayal of the process.

Ms. Anthony stated she and Ms. Berchtold were currently working to determine the outcome and results of the proposed Code changes by testing the new regulations on old applications.

Commissioner Ragan stated it may be a good idea to separate the preliminary Fire Department assessment and recommendations from the plan itself. Ms. Anthony commented she agreed.

Ms. Berchtold stated there were also updates made to Subdivision Waivers in regard to approval procedures, standards for access roads, and mitigation requirements related to the protection of sensitive lands component.

Commissioner Wolfe stated, in regard to Staff capacity and the proposed procedures, she was concerned there were not enough people on Staff to implement the changes. Ms. Anthony responded Staff was also concerned with this, as well, and she was currently working with Ms. Berchtold to better understand the impacts of the changes on Staff workload. Commissioner Wolfe commented it seemed like the chicken and the egg situation, where the City had spent a lot of time and money on consultants and City Council would need to understand if this was to be implemented, there would need to be additional Staff. Commissioner Wolfe further stated if City Council was not willing to spend budget money on an additional Staff member, they should inform the Planning Commission in order to stop further spending of City money on this topic and asked if City Council could weigh in on the matter. Ms. Anthony stated it was difficult to tell how the changes would impact Staff time and the true impact would only be known once the changes were physically implemented. Ms. Berchtold commented Staff had the support of an on-call engineer and the Fire Department had also stepped up to perform site assessments to reduce fire risk.

Ms. Berchtold stated the next step was working on the second draft of the changes based on the feedback from the first draft.

Ms. Berchtold gave a brief summary of the upcoming timeline for the second draft and when the drafts may go to Council.

Ms. Berchtold explained the new hazard mapping would not impact insurance rates or cause an insurer to, or not to, insure a property and all of the changes to be made were positive. Ms. Anthony commented where it may impact insurance was on the National Flood Insurance Program with the Federal Emergency Management Administration which may give the City a higher rating. Ms. Anthony commented this would mean people actually payed less for flood insurance.

Vice Chair Vrobel inquired if this was also the case for wildfire insurance. Ms. Anthony responded wildfire insurance was based on several factors, such as the distance from the property to the nearest fire station, and rates were based on risk for the City, as well as, the actual property to be insured. Ms. Berchtold commented the proximity to open space and slope also impacted fire insurance rates.

Ms. Berchtold stated a property could be mapped with the geologic hazard and mapping data the City had obtained in working with the Colorado Geologic Survey and if a property was found to be in a hazard area, it did not necessarily mean those hazards were present, but that further study and information was needed. Ms. Berchtold stated the Applicant would then be asked to address the matter.

Commissioner Ragan inquired, regarding waivers and setback requirements, if it was a good idea to supply potential Applicants with case studies or examples. Ms. Anthony responded the waiver only pertained to the Subdivision Code and was not the same as a Variance. Commissioner Ragan commented he felt the City was frontloading feedback, but it didn't appear to have much impact on decision making. Ms. Anthony responded this was because it was already an existing process which the City was refining and was essentially just a better tool the City could use. Ms. Anthony further stated she felt it would be a good idea for the City to look into though.

Commissioner Ragan stated, in regard to Staff capacity, he felt the topic was worth discussing in the Planning Commission in order to make some kind of recommendation to City Council. Ms. Anthony responded this would certainly be a part of the process because once these regulations were ready for adoption, the Commission would need to review them and make a formal recommendation to City Council.

Commissioner Wolfe stated she felt it would be helpful when making a recommendation to have more information from Planning Staff regarding their work schedules and workloads.

Ms. Berchtold stated she had worked with the Colorado Geological Survey on the Ordinance and had asked them to review the document again to ensure the City was crafting these changes in a non-onerous way. Commissioner Wolfe commented she would hate to water anything down at this stage or to put forth a document which was unable to be implemented due to Staffing levels. Commissioner Wolfe commented she liked the fact Ms. Berchtold was presenting something so well crafted and thought out and suggested Planning Staff figure out the Staffing costs for each section to send to City Council just to see what their response will be. Commissioner Wolfe commented she felt it was a waste of time and effort otherwise.

Commissioner Ragan stated he felt part of this would be the framing of the initiative and felt it was important to iterate the importance of these regulations and why the City needed them. Commissioner Ragan stated when enough time had passed following an event, people tended to forget what that experience

was actually like and, even though the Waldo Canyon Fire was several years ago, it was still important to relay the exigency and necessity of these regulations.

Ms. Berchtold commented the research she had read indicated there was a three-to-one (3:1) savings on an investment for wildfire mitigation and commented how astonished she was by the coverage of the City which was steeper than thirty percent (30%) slope. Ms. Berchtold commented the City would likely see much more challenging development sites. Ms. Anthony commented it if was easy, it would have already been built upon.

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

Tim Beeson, 27 Sandra Lane, inquired if this information could be found on the City's website and whether there was a funding deadline regarding this project. Ms. Berchtold responded the documents were loaded on the City's web page and she would load the PowerPoint presentation after the meeting. Ms. Berchtold also stated the City and the Department of Local Affairs had obtained a Certified Local Government Grant to utilize some of their guidance in creating the Land Use Tools which worked best for the community and there was a deadline for this, but she did not know it off of the top of her head.

Mr. Beason inquired what was meant by the term "pilot program" in conjunction with the proposed Code updates. Ms. Berchtold responded the Department of Local Affairs, since they were unable to go and perform this work for every community, wanted a way in which they could provide guidance to those other communities to utilize this same process. Ms. Berchtold commented the Department of Local Affairs was essentially trying to learn how to do this through the City of Manitou Springs' experience with the program as a means to help draft some guidance and workbooks for other Planners and professionals in other communities. Ms. Berchtold stated Manitou Springs was one of two communities selected for the pilot program and the other community which was selected was Milliken, Colorado.

Ms. Berchtold stated the City had applied for this grant, but it was actually just for technical assistance and the City was not required to provide matching funding.

Mr. Beason stated, in regard to samples of completed applications, felt this would be immensely beneficial to property owners to better understand how this process would add to the cost of construction.

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

VII. ADJOURNMENT

Hearing no further business before the Commission, Chairman Delwiche adjourned the meeting at 7:31 pm.

Minutes Prepared by Dylan Becker, Planner I