



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 13, 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. Vice Chair Vrobel called the meeting to order at 6:00 pm and declared a quorum present. The following Commission members attended:

PRESENT: Vice Chair JEANNE VROBEL
Commissioner JULIE WOLFE
Commissioner MIKE CASEY
Commissioner JULIA SIMMONS
Commissioner GLORIA LATIMER
Commissioner LORI BURRIS
Alternate Commissioner BRYANT “TIP” RAGAN

ABSENT: Chair ALAN DELWICHE (excused)

STAFF: Michael Davenport, Interim Planning Director
Karen Berchtold, Senior Planner
Dylan Becker, Planner I

GUESTS: Robert Todd, City Council Liaison

II. APPROVAL OF MINUTES

ITEM 1. May 9, 2018

MOTION:

Commissioner Ragan moved to approve the May 9, 2018 Regular Meeting Minutes of the City Planning Commission, as presented.

SECOND:

Commissioner Casey seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 4-0. Commissioner Latimer and Commissioner Burris abstained as they were not present for the May 9 Regular Meeting of the Planning Commission. Commissioner Wolfe abstained as she had not reviewed the minutes.

III. NOTICE OF COUNCIL ACTION

ITEM 2. Ordinance Providing for Processing Bed & Breakfasts and Vacation Rentals, Clarifying Definitions and Minor, Associated Amendments to the Zoning Code. First Reading of this Ordinance is scheduled for the June 19 City Council meeting.

ITEM 3. Ordinance Correcting the Vacation of Rosemary Lane. The City Council vacated Rosemary Lane in December 2017 on the recommendation of the Planning Commission. The El Paso County Assessor contacted the Planning Department about only a portion of the platted width being vacated per the legal description provided in the application. Staff contacted the applicant and was provided a new legal description and submitted an ordinance correcting the vacation of the undeveloped right-of-way to City Council, which approved the first reading on June 5. Second Reading was set for June 19.

ITEM 4. Ordinance to Regulate Sexually-Oriented Businesses (SOBs). Consideration of this proposed Ordinance has been delayed. Staff does not have a meeting date for City Council consideration.

ITEM 5. VAC 1801 – Vacation of Right of Way (Portion of Prospect Place) – 901 & 903 Prospect Place – Jay Rohrer and Karen Cullen, Applicants. The Planning Commission recommendation and the Vacation Ordinance were considered at the June 5 City Council Meeting and approved on First Reading by a vote of 6-0. Second Reading of the vacation ordinance was scheduled for June 19.

At this time, Vice Chair Vrobel reviewed the meeting procedures for those present in the audience and asked if any Commissioner had Ex Parte Contacts or Conflicts of Interest to declare. Hearing none, the meeting continued.

IV. UNFINISHED BUSINESS

ITEM 6. MiCUP 1801 – Minor Conditional Use (Vacation Rental) – 312 Clarksley Road – Jeffrey Warren, Applicant

Michael Davenport, Interim Planning Director, presented the City Memorandum dated June 8, 2018. Mr. Davenport stated the Applicant was requesting postponement due to the fact they were unable to attend this meeting because of business travel.

MOTION:

Commissioner Latimer moved to postpone MiCUP 1801 until the July 11, 2018 Regular Meeting of the City Planning Commission.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 5-0.

V. NEW BUSINESS

ITEM 7. MiCUP 1802 – Minor Conditional Use (Vacation Rental) – 38 Sandra Lane – Scott & Heather Ryder, Applicants

Michael Davenport, Interim Planning Director, presented the Staff Report dated June 11, 2018.

Commissioner Wolfe inquired if the ordinances gave the Commission the authority to limit the number of vehicles, including for the guests of guests, in the conditions. Mr. Davenport replied he did not believe so.

Vice Chair Vrobel stated she would like to see whether or not the Commission was permitted to do so and asked Staff to look into the matter.

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

Heather Ryder, 32 Sandra Lane, stated she was amenable to the recommendations from Staff regarding the maximum number of guests at eight (8) persons and limiting the number of vehicles to four (4) at any given time. Ms. Ryder stated she and her husband were somewhat confused on whether this number included children or not. Vice Chair Vrobel responded it meant eight (8) humans, period, and inquired if the Applicant had any issues with any of the other recommendations made by Staff. Ms. Ryder responded she did not.

Commissioner Latimer inquired if Ms. Ryder would be able to supply a second, additional point of contact for guests. Ms. Ryder responded she intended to do so and the other point of contact would be Tish Ryder located at 2 Mountain View Lane.

Vice Chair Vrobel inquired if Ms. Ryder's residence at 32 Sandra Lane was located a few houses away from the proposed vacation rental. Ms. Ryder responded her residence was located three (3) houses down the street and she walked down to the proposed vacation rental property on a near daily basis.

Commissioner Ragan commented the recommendation regarding Condition One explicitly stated eight (8) adult guests. Commissioner Wolfe commented she was unsure the Commission had the authority to say how many children could also be there at any given time. Commissioner Ragan responded in the past, as he recalled, these types of discussions revolved around the number of human beings, not the number of adults and children, and was also unsure if the Code stipulated a difference between them.

Vice Chair Vrobel stated according to Hospitality Law in the State of Colorado, an operator was required to provide beds with enough occupancy for each of their guests and gave the example of a twin bed being able to accommodate one (1) guest and a queen bed being able to accommodate two (2) guests.

Mr. Davenport stated the regulations only referred to the number of guests which were there and would also be required to have permission for non-guest visitors from the vacation rental operator.

Commissioner Ragan stated he felt the controlling mechanism regarding guests of guests was the fact that if there were numerous complaints, their Minor Conditional Use Permit may be suspended or revoked and this provided incentive for the operator to limit the number of guests and guests of guests.

Commissioner Wolfe inquired if the bottom line was there could only be up to eight (8) adults and any number of children. Vice Chair Vrobel responded this was incorrect and it was eight (8) guests, period, regardless of age.

Commissioner Wolfe inquired if Ms. Ryder was amenable to the change in the wording of Condition One to state eight (8) guests as opposed to eight (8) adult guests. Ms. Ryder confirmed she was.

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

Commissioner Latimer stated she had heard of some noise issues regarding the vacation rental operation located at 12 Sandra Lane and inquired if there was any way to reach out to the complainant to notify them there was a complaint process regarding Minor Conditional Use Permits and the City. Mr. Davenport responded Staff was amenable to doing so.

Commissioner Burris commented the operation at 12 Sandra Lane was one of the newer operations and perhaps the operators were not yet in control of their guests, but felt it was a good idea to have someone look into the complaint. Vice Chair Vrobel commented it always seemed like the Commission heard about issues with vacation rentals after-the-fact and had heard other residents say they were unsure of where to make a complaint when they did not want to call the police. Vice Chair Vrobel stated she felt it was important to let the neighbors know who to call if there was an issue.

Commissioner Burris stated she had gone by the property and was concerned there was a fire hazard with the overgrown weeds on the property and would like to see those removed prior to the initiation of operation.

Vice Chair Vrobel stated she had driven by the property as well, and was concerned about the large deck located in the back of the property and smoking. Vice Chair Vrobel stated there was a smoking and burn ban in the City this summer and she did not see anything in the Staff Report regarding this, although she would like to see a no smoking on the property notification to guests included as a condition of approval.

Commissioner Burris inquired if the separation distance requirement was met from 12 Sandra Lane to 38 Sandra Lane. Vice Chair Vrobel responded according to the map this requirement was met.

Karen Berchtold, Senior Planner, stated the requirement regarding notification about fire restrictions, smoking, and water usage was a good addition.

MOTION:

Commissioner Wolfe moved to approve MiCUP 1802 for operation of a Vacation Rental at 38 Sandra Lane with the following conditions:

1. A maximum of up to eight (8) guests is allowed at any one time
2. All advertisements and/or listings for the vacation rental must contain the approval number (MiCUP 1802) 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 guests must not arrive in more than four passenger vehicles and the property cannot accommodate oversize vehicles, RVs, campers, or trailers, and the home 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 submitted as part of the application.
4. A revised guest notice complying with 18.89.040.G (1 – 7) shall be submitted to the Planning Department for review and approval prior to the 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.
7. The owners shall provide a notice informing guests of the City's Fire and Water Restrictions. The notice shall include a statement that outdoor smoking of any kind shall not be permitted on the property per the City's Fire Restrictions.
8. The owners shall not rent to guests until weed removal on the property has occurred. Evidence of weed removal on the property shall be submitted to the Planning Department for verification and retention in the property file.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 7-0.

ITEM 8. MiCUP 1803 – Minor Conditional Use (Vacation Rental) – 417 Washington Avenue – Kathy E. Eans, Applicant

Michael Davenport, Interim Planning Director, presented the Staff Memorandum dated June 12, 2018. Mr. Davenport stated the request needed to be postponed until the Residential Permit Parking for Lower Washington Avenue was final, as the parking plan for the short-term rental was contingent upon its approval.

MOTION:

Commissioner Burris moved to postpone MiCUP 1803 for a Vacation Rental at 417 Washington Avenue until the July 11, 2018 Regular Meeting of the City Planning Commission.

SECOND:

Commissioner Simmons seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 7-0.

ITEM 9. MiCUP 1804 – Minor Conditional Use (Vacation Rental) – 17 Ute Trail – Jenna Gallas, Applicant

Michael Davenport, Interim Planning Director, presented the Staff Report dated June 9, 2018.

Commissioner Wolfe stated, regarding page four (pg. 4) of the Staff Report, she thought there was a statement which was in opposition to the requirements of the regulations and inquired if the Staff Report meant to say the property did meet the separation distance requirements, as opposed to did not meet them. Mr. Davenport responded the intent of the wording was meant to convey that the separation distance requirements had been met.

Commissioner Wolfe inquired what was intended by the wording of Condition One and whether the Applicant would be required to obtain two (2) parking spaces or just one (1) parking space. Mr. Davenport responded he believed the intent was that one (1) space would be adequate, but two (2) would be ideal.

Commissioner Wolfe inquired if Staff felt one (1) parking space was adequate enough for four (4) adults. Mr. Davenport responded this was correct.

Commissioner Wolfe inquired if this meant when the place was rented to four (4) guests that they would need to arrive in a single vehicle. Mr. Davenport responded it was intended that if the Applicant was only able to obtain one (1) parking space, they would only be permitted to rent to guests arriving in one (1) vehicle, but if the Applicant was able to obtain two (2) parking spaces, they would be permitted to allow guests to arrive in two (2) vehicles.

Commissioner Ragan inquired what business was located at 1218 – 1222 Manitou Avenue in which the Applicant was proposing to rent parking. Mr. Davenport responded it was the old Mill Wheel Motel and a letter from the owner of this establishment had been provided as part of the Staff Report which stated there would be two (2) parking spaces available to rent to this Applicant, although a legal agreement would need to be formally drafted and signed by the two (2) parties involved. Mr. Davenport stated the legal agreement would also need to ensure that these two (2) spaces were rented for the exclusive use of this vacation rental in a manner so those spaces can be filled only by guests of this vacation rental and not for the use of the Mill Wheel Motel.

Commissioner Ragan inquired what would occur regarding this agreement should the owner of the Mill Wheel Motel decide to sell the property and a redeveloper want to redevelop the property. Mr. Davenport responded the intent would be to make an agreement which ran with the land and which would not allow those two (2) spaces to be double counted for the parking requirements of the new development.

Commissioner Wolfe inquired how the City was supposed to know when and if the contract expired or not. Mr. Davenport responded the agreement would be filed with the El Paso County Clerk and Recorder.

Commissioner Wolfe commented she was concerned there could be some sort of disagreement between the two (2) parties and the agreement would be voided without the City ever knowing anything about it. Mr. Davenport responded the City would be notified because there would be a written restriction on the property just so that, if there was a complaint received regarding the agreement, the City would be able to look up the agreement filed with the county and enforce it.

Commissioner Wolfe stated she did not think she was being clear enough in her question, but what she was concerned about was the terms of the parking lease agreement, its duration, and how the City would know if it was terminated, still in effect, or revoked. Mr. Davenport responded the agreement would have to be written to run with the land, which meant it did not have a timeframe like a lease did and would remain in effect when and if the property ever changed ownership. Mr. Davenport stated the only way to terminate such an agreement was with another agreement to do so.

Commissioner Wolfe inquired how the City would have a right to approve the termination or release of the agreement if there was no way for them to know when it occurred. Vice Chair Vrobel commented the Commission, in the past, had required there to be a one-year (1 yr.) lease for the parking and were required to show a new lease had been signed to the Planning Department every year their business license was renewed.

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

Jenna Gallas, 106 Spencer Avenue, stated the new owner of the Mill Wheel Motel and she had worked out an agreement to lease two parking spaces at that location, but would submit a formal agreement should the request be approved for retention in the property file. Ms. Gallas stated the agreement would be written for a one-year (1 yr.) lease and renewed every year when she renewed her business license. Ms. Gallas stated those spaces would be exclusively for the use of the proposed vacation rental and would not be utilized by the business located at 1218 – 1222 Manitou Avenue.

Ms. Gallas stated she also lived and worked in Manitou Springs and would be in close proximity to the proposed operation at all times should there ever be an issue.

Ms. Gallas stated she would be utilizing the services of Air BNB who are known for vetting their users and only allowed guests to use their services if they had a good guest rating and reputation. Ms. Gallas commented she was aware there was still room for bad guests to slip through the cracks and was also aware of the concerns raised by those who live nearby. Ms. Gallas stated she intended to be as respectful of the neighbors as she could be and felt the proposed agreement between herself and the new owner of the Mill Wheel Motel would help to alleviate some of the parking congestion on Ute Trail.

Ms. Gallas stated she felt, in regard to children and the lack of yard space, from a liability standpoint, she was not in favor of allowing children to stay as guests in the proposed vacation rental and would be indicating this in her listing. Ms. Gallas also stated guests would not have access to the back yard or shared access points, such as gates, between her property and the surrounding neighbors' properties.

Ms. Gallas stated, in regard to smoking and fire hazards, she intended to include a notice to guests stating there was no smoking on the property, not just because of the fire ban, but so as not to disturb the neighbors.

Commissioner Casey inquired if the locked gate would create any ingress or egress issues. Ms. Gallas responded the locked gate was simply an access point to a locked shed in the backyard.

Commissioner Wolfe inquired if the locked gate would create a problem should there be a fire at the property. Ms. Gallas responded there was no ingress/egress issue with exiting at the back of the property with the gate locked and there was a secondary ingress/egress through a back window in the event of a fire.

Commissioner Latimer inquired if guests would be permitted to unload off of Ute Trail. Ms. Gallas responded this was likely, but there was room for traffic to maneuver around the vehicle if need be. Ms. Gallas suggested, if amenable to the Commission, guests be permitted to unload quickly in front of the house before relocating it to the parking area.

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

Anthony Hecker, 17 Minnehaha Avenue, stated he was concerned about the parking on Ute Trail and was pleased to hear there was an agreement to alleviate this concern. Mr. Hecker stated he had no further objection to the request.

Nancy Muise, 16 Ute Trail, stated she felt this was much more than a parking issue in this neighborhood and there had been numerous issues with the previous vacation rental at 18 Ute Trail. Ms. Muise stated the

houses in this neighborhood were within feet of one another and she had experienced guests of the former vacation rental operation at 18 Ute Trail driving over her garden, jumping on her roof in the middle of the night, and numerous noise violations which proved to be not only disruptive to her, but the rest of the neighborhood as well.

Commissioner Wolfe inquired if the vacation rental at 18 Ute Trail was still in operation. Ms. Muise responded it was no longer operating as a vacation rental, but as a standard rental.

Jim Ford, 5 Minnehaha Avenue, stated guests from the former vacation rental at 18 Ute Trail had brought out of state fireworks which were set off from the property the year following the Waldo Canyon Fire. Mr. Ford stated there were also former guests which had told him they were going to set out bait to attract a bear in which they could witness and he was opposed to this type of activity. Mr. Ford also stated there were also numerous large and loud festivities which had gone on at all hours of the night and he had heard his neighbors complain about lost sleep. Mr. Ford stated he was also concerned about the parking situation on the street.

Commissioner Wolfe stated if this request was approved, she wanted all of the surrounding neighbors to know they could file a formal complaint with the Police Department and to follow up by sending a letter to the Planning Department regarding the complaint for any issues experienced.

Mr. Ford stated he was concerned about noise and partying at the property and urged the Commission to deny the request for the sake of the surrounding property owners.

Penny Holmes, 17 Minnehaha Avenue, stated she wanted to call the Commission's attention to the opposition letter from Miles and Jodi Anderson at 23 Ute Trail which was included in the Commissioner's packets and discussed the proximity of these houses to one another. Ms. Holmes stated there was no off-street parking at the proposed vacation rental and was concerned an emergency vehicle would not be able to get around a vehicle parked on Ute Trail for unloading purposes due to how narrow the roadway was. Ms. Holmes commented she would prefer to see the proposed vacation rental as a standard long-term rental with a standard lease.

Elaine Navarro, 18 Ute Trail, stated she had rented her cottage for six years (6 yrs.) as a short-term rental, during which time she and her husband resided in Woodland Park and despite informing the neighbors to contact them directly with any issue and concerns, they had not received any. Ms. Navarro stated she felt there was no reason to deny the request.

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

Commissioner Latimer stated her main concern was the location and it seemed that either way, long-term or short-term rental, there was still a parking issue. Commissioner Latimer stated she just could not see guests being willing to park their vehicle at the Mill Wheel Motel and carrying their luggage up the steep hill to the rental location. Commissioner Latimer was concerned guests parked in the street on Ute Trail for unloading purposes could take up to thirty minutes (30 min.) to do so which would actually cause more congestion.

Commissioner Wolfe stated if the Commission approved the request, she felt there was perhaps a thirty percent (30%) chance the guests would obey the law by parking down the hill at the Mill Wheel, but if the Commission did not approve the request, whoever rented the place under a long term rental would be parking in front of the house one-hundred percent (100%) of the time. Commissioner Burris commented

there was no available parking space in front of the property anyway. Commissioner Wolfe stated regardless of this, there would still be another vehicle trying to occupy one of the few spaces on Ute Trail as this was still public parking and not under a Residential Permit Parking program.

Commissioner Ragan stated he was inclined to approve the request, but agreed with Commissioner Wolfe regarding the congestion created by a long-term lease versus a vacation rental. Commissioner Ragan stated he would like to see, if the request was approved, signage placed at the Mill Wheel Motel which designated two parking spaces explicitly for the use of this vacation rental.

Commissioner Ragan stated he felt due to the size and potential hazards for children on the property that families would be less likely to rent at this location and he understood residents not wanting a vacation rental in their neighborhood, but the way the ordinances were constructed, essentially spread these operations out. Commissioner Ragan commented this essentially evenly distributed these operations throughout all of the neighborhoods and so there was, essentially, one in every neighborhood as a means of keeping these operations from overrunning entire neighborhoods. Commissioner Ragan stated he felt some of the issues raised were not necessarily specific about this request, but about vacation rentals in general, which was a different issue.

Commissioner Ragan stated he was most sensitive to the close proximity of the structures in this area and he appreciated the fact the Applicant was limiting some of the access to the porch. Commissioner Ragan stated he felt he could really be convinced either way regarding this request.

Commissioner Wolfe stated it was her understanding that guests would be permitted to use the deck and porch area, but just the back gate would be locked. Commissioner Burriss responded the front deck was still usable to guests.

Commissioner Wolfe stated she felt there was nothing the Commissioner could do to about the parking situation on Ute Trail, but felt some of the congestion could potentially be alleviated if the request was approved. Commissioner Wolfe stated she was also concerned as she was aware vacation rental guests were more known for partying and making noise.

Commissioner Wolfe stated she did not like the wording of Staff Recommendation Number Two and felt instead up stating “up to two (2)”, it should just state “two (2)”. Commissioner Wolfe stated she would also like this condition to include the parking lease must be updated once per year and filed with the Planning Department for retention in the file and compliance. Commissioner Wolfe stated it should also include that if the lease was terminated for any reason, the City needed to be notified in order to suspend or possibly revoke the Minor Conditional Use Permit and the two (2) spaces under this lease were explicitly for the use of the vacation rental and not the business located at 1218 – 1222 Manitou Avenue.

Commissioner Wolfe stated she felt the steepness of the hill and the walk from the vacation rental to the parking area should also be required to be included in the listing and advertisements of the operation, as well as, notify potential guests of the fire ban. Commissioner Wolfe stated she would like to see no smoking on the property included in the listing as well.

Commissioner Wolfe stated she would be amenable to approving the request so long as these conditions were included.

Vice Chair Vrobel stated she was not comfortable with approving the request due to the parking issue and was concerned the approval of this request would set a precedent which would allow other applicants to get parking agreements or leases at locations which were not adjacent to the rental property.

Commissioner Casey stated the goal of the short-term rental ordinance was to prevent the City from being overrun by vacation rentals and each request was to be judged on a case-by-case basis. Commissioner Casey stated the Commission had the authority to approve, deny, or modify this request and the Applicant also had the right to appeal any decision the Commission made.

Commissioner Casey stated he felt this request was extremely odd in terms of the parking proposal and, if he was in the market for a vacation rental and knew I would be required to park a block away, he may rent there once, but not twice. Commissioner Casey stated he felt the market itself would regulate this, but still felt an approval would negatively and detrimentally impact the surrounding neighborhood.

Commissioner Burris stated, given the close proximity of the houses in the neighborhood, she felt the potential noise and traffic coming through would be detrimental to the neighborhood. Commissioner Burris stated she felt the location of this request was not a good location for a vacation rental operation due to all of the factors mentioned.

Commissioner Simmons stated she felt any pictures in advertisements would convey the numerous challenges and this rental would only be attractive to a specific market. Commissioner Simmons stated she felt all of the concerns raised were something which could be easily handled by the owner.

Commissioner Ragan inquired, in regard to parking, if someone could explain how parking with a long-term renter would be better than a short-term renter. Vice Chair Vrobel responded she had four cottages next to her which were under long-term lease and some of them did not even own a vehicle as they chose to ride a bicycle or walk. Vice Chair Vrobel stated another option was for a long-term renter to go down and lease a space from the Mill Wheel Motel for themselves.

Commissioner Burris commented when she had visited the site, there appeared to only be one on-street parking space and inquired if Commissioner Latimer had noticed any other parking. Commissioner Latimer responded she did not and also felt the location was less than ideal for a vacation rental due to the density.

Commissioner Ragan stated he was more nervous about where to park when he rented a vacation rental and if he was told to park somewhere specific he was much more likely to do so in fear of violating some sort of rule. Vice Chair Vrobel commented, because she operated a vacation rental herself, she was much more aware of the things guests typically did such as unloading in the middle of the road for extended periods of time.

Commissioner Wolfe stated the thing which had persuaded her just now to be in favor of denying the request was setting a precedent which would allow other applicants to satisfy the parking requirements by leasing off-site spaces which may not be anywhere near the actual rental property itself and she did not want to create this type of situation.

MOTION:

Commissioner Wolfe moved to deny MiCUP 1804 due to the fact the proposed parking was not located on-site and concern regarding noise and activity of guests in such a densely structured neighborhood.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 6-1. Commissioner Simmons voted in opposition of the motion.

ITEM 10. MJR 1801 – Major Development (Hotel) – 114 Manitou Avenue – Nicholas Pirkl, Design2Function, on behalf of Avik Amin, Owner

Michael Davenport, Interim Planning Director, presented the Staff Report dated June 11, 2018.

Commissioner Ragan stated he had been absent from the Commission for much of the last year, but he recalled that most Major Development Plans in the past went through several meetings with the Commission in which the concept was discussed and issues brought forth for revision prior to making a recommendation to City Council. Commissioner Ragan inquired if the Planning Commission had reviewed this request in the past. The Commissioners responded they had not yet reviewed this request.

Commissioner Ragan stated he felt there were some very large issues which needed to be discussed regarding the proposal and inquired if Mr. Davenport could help in better describing the situation in terms of process.

Commissioner Wolfe stated she had the same reaction as Commissioner Ragan and inquired why the Commission was being asked to make a recommendation to City Council when the Commission did not have a revised plan depicting the layout revisions made in the Staff Recommendations. Mr. Davenport responded due to his short time with the City, he was not able to provide much history regarding the proposal, but it seemed to him the Commission had three options; the first was to recommend approval to City Council, the second was to recommend denial of the request, or finally, to postpone the request until further information was provided and reviewed prior to making a recommendation to City Council. Mr. Davenport stated he felt it would be worthy to note as a reason for postponement that relocating the proposed building on the opposite side of the lot represented a significant change to the proposal.

Vice Chair Vrobel stated she had also noticed the plans were supposed to include green features, but she did not see this in the plans or in the narrative.

Commissioner Wolfe stated she would like to postpone the request until further plans were submitted showing the alternative design and orientation. Commissioner Ragan commented he also felt this was a good idea and would allow the Applicant to receive feedback from the Commission regarding the proposed plans.

Commissioner Ragan stated he was uncomfortable making a recommendation to City Council at this time. Mr. Davenport responded the Applicant was present and this was a Public Hearing which meant the Commission had the opportunity to hear from the Applicant regarding any questions should they choose to do so.

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

Nicholas Pirkl, Architect for Design2Function, 10004 Noor Avenue, Albuquerque, New Mexico, stated he understood the concerns raised by the Commission and their desire to have more information. Mr. Pirkl

stated he understood the desire and reasoning for the City to want the building to be located on the other side of the lot and had had several discussions on the matter with Michelle Anthony, Senior Planner.

Mr. Pirkl stated the main issue for his team was the building height and the thirty-five foot (35 ft.) restriction which, due to the elevator overrun which would be installed on the building roof, was near impossible to achieve. Mr. Pirkl stated his other concern was the fact the east façade would be the main franchise element in which signage would be placed.

Mr. Pirkl stated, regarding the stepped façade provisions and the elevator overrun, he felt by placing the overrun in the center of the roof he had met the requirements and, similarly, on the west façade which would become the east façade under the revised plan, there was a twenty-five percent (25%) threshold requirement which was also met in the design plan. Mr. Pirkl stated these were the only two areas in which the stepped provisions were used and required under the Code and he felt the requirements had been met for the additional height.

Mr. Pirkl stated due to the fact the site was located in the floodplain, he was required to use a traction elevator which meant all of the elevator's equipment was located in the elevator shaft itself and made the overrun slightly taller than usual. Mr. Pirkl commented if the site was not located in the floodplain, his team would have been able to use a hydraulic elevator which would have brought down the height of the overrun a little bit, but the height would still be in excess of the thirty-five feet (35 ft.) restriction.

Mr. Pirkl stated just with the floor-to-floor heights, the first floor to the second floor was twelve feet (12 ft.), another eight feet (8 ft.) to get to the third floor, another eight feet (8 ft.) on top of that to the ceiling, and then the height of the parapets and roofing materials, the project was right at thirty-five feet (35 ft.) tall.

Mr. Pirkl stated the reason behind setting the building on the east side of the property was because this gave them the lowest finished floor height because of the adjacent grade. Mr. Pirkl stated the revised plan which would located the building on the opposite side of the lot, would cause the finished floor of the main level to be raised by one and a half feet (1.5 feet). Mr. Pirkl stated this would mean there was less space to put in all of the mechanical systems and he intended to switch to a metal flooring frame in an attempt to reduce the space the wood frame would have taken.

Mr. Pirkl stated if the redesign caused a floor to be lost, the franchisee would lose twenty-six (26) rooms and the project would no longer be cost beneficial. Mr. Pirkl stated he hoped to receive some input regarding the stepped façade provisions in relation to the front elevation parapets and the elevator overrun during this meeting.

Vice Chair Vrobel inquired if Mr. Pirkl was seeking input in order to revise the orientation of the building on-site. Mr. Pirkl responded this was exactly what he was looking for.

Commissioner Ragan stated maintaining a sense of place was important to Manitou Springs residents and he felt the design of the proposed hotel looked like something which would be built on the east side of Colorado Springs. Commissioner Ragan gave several examples of improvements in the design and landscaping of the property which would help the property obtain a more Manitou Springs feel and appearance and suggested the architect look into them. Commissioner Ragan commented he was not very excited about the development as it was currently, but felt he and the community wanted a hotel like this in town and felt he would be more supportive if the architect would include some of the guidance explicitly stated in the regulations.

Mr. Pirkl stated the proposed building was up against an easement and the building was as close as it could possibly be to the setback requirements and some of the suggestions made were not feasible. Commissioner Ragan commented, from a visual perspective, he did not feel there was anything special about the design as it was. Commissioner Wolfe commented she felt the design made the hotel look like a prison.

Commissioner Simmons stated she understood the desire to have the building look more like west Colorado Springs and Manitou Springs rather than east Colorado Springs, but also understood this was a Holiday Inn with franchising requirements. Commissioner Simmons inquired if there was any variability in what could be done to the façade which would be allowed by corporate to bring the design into better conformance with other structures in the City. Mr. Pirkl responded there was a little bit of variability and he had no issue with changing the façade to try to better match with the design visions of the City.

Vice Chair Vrobel commented the Wal-Mart in Woodland Park had to redesign in order to better match the sense of place and typical design features of the area in order to be permitted by the community and this was essentially what the Commission was asking for in this case. Vice Chair Vrobel commented the changes made to the Wal-Mart were not anything drastic, but made the building appear more fitting to the region.

Commissioner Wolfe stated it was her understanding the intent of the code regarding the stepped provisions was to reduce the visual mass of the roofline by breaking it up into stepped façades of varying heights and did not feel it was intended to be used for something like an elevator overrun.

Vice Chair Vrobel stated she was not concerned with the elevator sticking up as long as the façade of the building was stepped or otherwise broken up visually because a giant rectangle was not aesthetically pleasing.

Commissioner Casey stated he felt this application was highly unusual for a number of reasons and felt the missing link was Michelle Anthony, Senior Planner. Commissioner Casey stated he was not comfortable going through this request without her because she was the one who was written the Staff Report and delved into this request full on. Commissioner Casey commented he was somewhat shocked to see a plan so cookie-cutter in design which had likely been constructed in many other places. Commissioner Casey stated he felt there just was not enough information to proceed or to make a recommendation to City Council.

Vice Chair Vrobel asked the Commission for an informal consensus regarding their thoughts on the elevator overrun being permitted to be forty feet (40 ft.) in height.

Commissioner Wolfe stated she did not feel comfortable making a comment in this regard until she had a depiction in front of her.

Commissioner Ragan stated he was comfortable with the additional height proposed for the elevator overrun so long as the façade design was altered to have a more local feeling to it.

Commissioner Wolfe stated if the architect needed more ideas than what the Commission was able to provide, Ms. Anthony would be a great person to discuss the matter with.

Commissioner Ragan stated the Urban Renewal documents may also be of assistance.

Karen Berchtold, Senior Planner, inquired if Commissioner Ragan was referring to the Urban Renewal Land Use Plan. Commissioner Ragan confirmed this was what he was referring to.

Commissioner Casey stated he was also surprised to see the lack of interest in Fountain Creek. Mr. Pirkl commented part of the issue was that to develop the lot, there was a requirement that all of the water from the Days Inn next door must be detained and the only way to do so while maintaining the room count was to do so underground. Mr. Pirkl stated the only option under this scenario was to raise the site level.

Commissioner Wolfe inquired if this prevented guests from being able to walk down to the creek. Mr. Pirkl responded it did not and he could add this as a feature to his design.

Commissioner Simmons inquired if there could be a path placed along the creek. Commissioner Ragan responded there could be something landscaped to beautify that side of the creek as well.

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

MOTION:

Commissioner Wolfe moved to postpone MJR 1801 until the August 8, 2018 Regular Meeting of the City Planning Commission.

SECOND:

Commissioner Ragan 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:

Michael Davenport, Interim Planning Director, stated he and the other Interim Planning Director, Barb Cole, would work to ensure there were at least two (2) knowledgeable Staff members present at the meetings who knew the details about the requests being presented.

Vice Chair Vrobel stated she felt the last request was a very different proposal from what was normally presented to the Commission and in terms of process. Mr. Davenport responded he and Ms. Cole were looking into making more time for review and the goal was to get the packets out the Friday before the scheduled meeting.

Vice Chair Vrobel state she felt there needed to be a condition for short-term rental operations which had the operators provide information regarding who to contact and the steps to follow if there was any trouble or issue which needed to be brought to the attention of the City and should also be required to have a document signed by the surrounding neighbors. Vice Chair Vrobel stated there needed to be some way for the neighborhood or anyone who had an issue regarding a short-term rental property to file a complaint which would get into the hands of the Planning Commission otherwise the complaint was essentially hearsay.

Commissioner Burris commented perhaps it would be a good idea to contact the existing short-term rental operations and add this as an addendum to their information. Mr. Davenport responded there were some communities which had this formally written into their regulations.

Commissioner Wolfe stated perhaps the Commission could make a recommendation to City Council to change the ordinance to require this notice. Mr. Davenport responded there were several ways of achieving this and stated some communities required this information at the beginning of the application process. Commissioner Wolfe commented she liked this idea and it may potentially cut down on the number of residents who came to speak in opposition to proposed short-term rental requests before the Commission because they would know the procedure for filing a formal complaint should an issue arise once an operation was up and running. Mr. Davenport commented a work session prior to the regular meeting may give applicants an opportunity to present a preliminary request, receive feedback from the Commission, and ask any questions regarding their request so when it came to regular session it was basically ready to go through the hearing more easily.

Commissioner Latimer inquired if City Council would be discussing this on June 19, 2018 during their regular session. Mr. Davenport responded Ms. Cole and Ms. Berchtold were working on putting the policies set forth in the City's comprehensive plan into the City's Codes and this was an item they would be working on.

Commissioner Latimer inquired if this was to be stated in the policies or was going to be stated in the actual Code itself. Mr. Davenport responded in some cases, there were already items which were policy that became criteria in the Code and in some cases, some of the policies set forth in the City's comprehensive plan were not yet written into the Code. Mr. Davenport stated once draft ordinances were created, they would then be presented to the Commission to make a formal recommendation to City Council.

Commissioner Latimer inquired if the Commission needed to forward a recommendation for postponement to City Council since this was scheduled on their agenda for June 19, 2018. Mr. Davenport responded there were likely a number of things to look over and he would check the Ms. Cole the following day.

Vice Chair Vrobel commented she would like to see it as a requirement to be submitted by the applicant at the time of application submittal. Commissioner Wolfe commented the Commission could still add this as a condition of approval until the law was put into place. Mr. Davenport stated regulation changes would require two (2) Planning Commission hearings and two (2) City Council Hearings.

Commissioner Ragan stated he had not looked over the City's website in some time, but he thought it would be a good idea to include a way to submit complaints. Commissioner Latimer stated it was possible to submit a complaint to Code Enforcement via the City's webpage. Commissioner Ragan commented this was a good thing to have in place.

Mr. Davenport stated he felt there were quite a few things he and Ms. Cole were looking into putting on the City's webpage, such as the hazard mitigation studies. Commissioner Wolfe commented it may be a good article for the local paper as well and suggested putting a tab on the website specifically labelled "complaints" so it is easily found. Mr. Davenport commented some city sites actually had a list of options which were sort of a "what do you want to do as a citizen from the city government" type of list.

Commissioner Casey commented there was a two-one-one (211) website for the City which sent back an automated generic response and was unsure what department fielded those.

Vice Chair Vrobel stated, in regard to short-term rental operations, if there was an issue over the weekend involving one of these operations, it was the El Paso County Sherriff's Office who responded because there were no City officers on duty. Vice Chair Vrobel provided an example of an individual she had seen lying in the middle of the road she nearly ran over recently one weekend and she had called the Sherriff's Department to come down, but because there was no address to tie the call to, there was no officer sent out.

Karen Berchtold, Senior Planner, stated the Code updates pertaining to the Planning for Hazards standards for floodplain criteria were currently in the works.

Commissioner Casey inquired what the future holds in regard to the Planning Director position. Mr. Davenport responded he and Ms. Cole's contracts were four (4) months and the City had already begun the recruiting process for a permanent director which was estimated to start around the close of the Interim Planning Directors' contracts.

VII. ADJOURNMENT

Hearing no further business before the Commission, Vice Chair Vrobel adjourned the meeting at 8:53 pm.

Minutes Prepared by Dylan Becker, Planner I