



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
August 8, 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 6:01 pm and declared a quorum present. The following Commission members attended:

PRESENT: Chair ALAN DELWICHE
Vice Chair JEANNE VROBEL
Commissioner JULIE WOLFE
Commissioner GLORIA LATIMER
Alternate Commissioner WHITNEY LEWIS

ABSENT: Commissioner LORI BURRIS (excused)
Commissioner MIKE CASEY (excused)
Commissioner JULIA SIMMONS (excused)

STAFF: Michael Davenport, Interim Planning Director
Michelle Anthony, Senior Planner
Dylan Becker, Planner I

GUESTS: None

II. APPROVAL OF MINUTES

ITEM 1. July 11, 2018

MOTION:

Vice Chair Vrobel moved to approve the Regular Meeting Minutes of the July 11, 2018 Planning Commission Meeting, as presented.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 4-0. Commissioner Wolfe abstained as she was not present for the July 11, 2018 Regular Meeting of the City Planning Commission.

III. NOTICE OF COUNCIL ACTION

ITEM 2. Ordinance to Regulate Sexually-Oriented Businesses (SOBs). Consideration of this proposed Ordinance has been delayed. City Council has approved an extension of the moratorium to December 20,

2018. Staff will report when Council discussion regarding how they want to proceed in regard to regulating SOBs is scheduled.

ITEM 3. SW 1801 – Subdivision Waiver (Encroachment into No Build Area) – 2 Keithley Place – Jerry Peterson, Architectural Concepts, on behalf of Elizabeth Crawford, Owner. The Planning Department is awaiting a Geologic and Soils Study from the Applicant prior to submitting the recommendation for approval from the Planning Commission to City Council.

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

Michelle Anthony, Senior Planner, presented the Staff Report dated August 7, 2018. Ms. Anthony also distributed a revised set of elevation drawings and stated the Applicant would inform the Commission of what alterations had been made.

Commissioner Latimer inquired, regarding the Traffic Impact Study, why drawing A2.3 had two (2) driveways for ingress and egress and whether this was accurate. Ms. Anthony responded there was only one (1) driveway and the latest Site Plan depicted this better.

Commissioner Latimer inquired if this portion of Manitou Avenue would be three (3) lanes. Ms. Anthony responded it would and the application noted the design team had looked into whether the development would need a dedicated turn lane. However, it was determined it would not need one. Ms. Anthony commented the planned three three-lane design for Manitou Avenue would be sufficient to accommodate the anticipated vehicular traffic for this development.

Commissioner Wolfe stated she thought the State of Colorado had passed a law in which any major development in a city was required to perform an analysis of potential water usage of new development and whether the city was able to support this usage. Ms. Anthony responded the State did require this, but it had not been incorporated into the City's Code. Commissioner Wolfe inquired if the State law somehow excluded Manitou Springs. Ms. Anthony responded it did not and had simply not been incorporated into the City's Code. Ms. Anthony stated it was still a requirement under State law, but it was not something Staff could require the Applicant to provide, as it was not codified in Manitou Springs Municipal Code. Ms. Anthony stated the Commission could, however, include this as a condition of their approval. Ms. Anthony noted Public Services had reviewed the application and indicated there was no issue regarding water usage and the City's ability to provide water service to the development or rest of the community.

Commissioner Wolfe inquired why the City of Manitou Springs was ignoring a law mandated by the State of Colorado. Ms. Anthony responded the City had not incorporated this requirement into the City code, but the Commission could require the information through a recommended condition of approval. Commissioner Wolfe stated she understood Ms. Anthony's explanation.

Commissioner Wolfe inquired, regarding the chart on page four (4) of the Staff Report referencing maximum building height in relation to the stepped provisions, if the verbiage in the report was written in

the Code or was just an interpretation of what was written. Ms. Anthony responded the Code specified the additional five foot (5 ft.) difference in height was allowed with a twenty-five percent (25%) and seventy-five percent (75%) split between the higher and lower portions of the front elevation of the building. In looking at what was written and the diagram included in the Code, it was determined the higher portion of parapet line could be either the 25% or the 75%.

Chairman Delwiche inquired if El Paso County Transportation had any requirements or concerns regarding the request. Ms. Anthony responded the City had not received any information from El Paso County regarding this, but suggested it might be worth imposing a condition that the development be required to comply with any county access permit requirement.

Commissioner Latimer stated Condition #2 seemed vague and inquired if there was a reason for not being specific on this condition. Ms. Anthony responded the Applicant had technically met the requirements and she was not certain what to specifically require in regard to making changes, but wanted them to look into the matter themselves.

Chairman Delwiche inquired if this had been required for the Days Inn on the adjacent property. Ms. Anthony responded the Days Inn applicants presented to the Commission how they intended to lower the building height and fixtures, so that was incorporated into the final motion for that application.

Commissioner Latimer inquired if the requirement for compliance with floodplain regulations was changed to three feet (3 ft.) or if this was a change which would occur any time soon. Ms. Anthony responded this was a current requirement and the Applicant could not obtain a Building Permit unless the base elevation was three feet (3 ft.) above the floodplain. Ms. Anthony stated the Commission might want to double-check with the Applicant, but it was her understanding the current proposal met this requirement.

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

Nicholas Pirkl, Architect for Design2Function, 10004 Noor Avenue, Albuquerque, New Mexico, stated since the last meeting in which this request was heard, his team had tried to incorporate all of the comments made by both the Commissioners and residents into their revisions. Mr. Pirkl stated, in regard to the various facades, his team had provided revised drawings showing the intended management of the parapet heights. Mr. Pirkl stated his team had also tried to make the appearance have a more "Manitou" feel and they would also be planting the required trees on the property along Manitou Avenue and near the proposed bus stop. Mr. Pirkl stated, in regard to the lighting of the property, his team had performed nine (9) different iterations to try to reduce the number of fixtures and reduce the lumen count on each fixture. They were actually able to get rid of one of the poles in the parking lot. Mr. Pirkl stated they had tried not to go above a lumen count of five (5) in the parking lot and there was an option, should the Commission feel the current steps taken to reduce lighting was inadequate, in which the lights in the parking lot could be powered down to fifty percent (50%) when there was no one in the lot in order to reduce lighting impacts even further. Mr. Pirkl stated the lights would operate on a motion sensor.

Commissioner Latimer inquired if pedestrian foot traffic would be enough to trigger the motion sensor for the lighting in the parking lot. Mr. Pirkl responded it depended on the fixture and the fixtures on the building itself would always be at full power for safety reasons. Mr. Pirkl stated the pole lights, however, could easily be made power down when no one was present.

Ms. Anthony inquired when the pole lights were powered down, if movement was detected so the lights came to full power, how sudden that transition would be. Mr. Pirkl responded the lights would operate

similar to a dimmer switch and would come on gradually as opposed to suddenly. Ms. Anthony commented this was best so as to prevent surrounding neighbors from feeling like a spotlight had suddenly come on. Commissioner Wolfe inquired if Mr. Pirkl was amenable to some of the alternatives mentioned in the Staff Report regarding the building architecture itself, such as utilizing greenstone in the materials, as she felt the design looked too industrial. Mr. Pirkl responded Ms. Anthony had agreed to provide them with the information for obtaining the greenstone, but the current design proposed the use of stacked stone. Mr. Pirkl stated the main elements on the building, under the current design proposal, were the two (2) different stucco colors and textures and stacked stone, including capstones, and this was the direction his team preferred in terms of design. Commissioner Wolfe commented she felt the design looked more in line with a design one would see in Downtown Denver as opposed to Manitou Springs.

Vice Chair Vrobel inquired if Mr. Pirkl would be amenable to utilizing the manufactured Manitou Greenstone. Mr. Pirkl responded he had not yet seen the product for himself and would need to look at it, but he was not opposed to the change. Vice Chair Vrobel commented she would like to see the Manitou Greenstone used for some variety because stacked stone was used on the Days Inn next door, but she did not feel it was necessary to make it mandatory. Mr. Pirkl stated he was amenable to looking further into the matter.

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

Patsy Sitzman, 125 Beckers Lane, stated she was concerned about the water usage of this commercial endeavor because the water pressure in her neighborhood was already very low and recommended a study be done to comply with State Law regarding water usage. Ms. Sitzman stated she would like to see this as a requirement for this development, as she was concerned it could potentially further reduce the water pressure in the surrounding neighborhood.

Debra Stockham, 48 El Paso Boulevard, stated she had not received notice of this Public Hearing and inquired if this was because they were outside of the two-hundred foot (200 ft.) requirement area. Ms. Anthony responded the only reason Ms. Stockham would not have received the mailed notification was if she was at a greater distance than two-hundred feet (200 ft.) from the Applicant's property. Ms. Stockham inquired if the notification just went out to the other hotels in the area as they were the only properties within the required two-hundred feet (200 ft.) area or whether there were any residences included within this radius because, as far as she could ascertain, no residence on El Paso Boulevard seemed to have been notified regarding this request. Ms. Stockham stated she was concerned because she felt residents on El Paso Boulevard should have been notified of this hearing, as they had the view of the backside of this development. Ms. Stockham stated she was also concerned about the light and noise pollution this development would generate because the trees on the property, which would be removed as a result of this development, currently acted as a natural barrier for the residents on El Paso Boulevard. Ms. Stockham stated she was concerned about what the development would look like to the residents on El Paso Boulevard.

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

Commissioner Wolfe commented she did not feel the design fit well with the aesthetics of Manitou Springs and wanted something to be done to improve the aesthetic appeal of the design for a quainter, more "Manitou" feel. Commissioner Wolfe stated she did not feel qualified to suggest how those design changes should be made, but felt the use of the manufactured Manitou Greenstone would help in achieving this to a degree. Commissioner Wolfe stated she would also like to add the State water law requiring a study of the water usage for this development to the conditions of approval and would also like to see the lighting

reduced so as not to disturb the neighbors and passers-by. Commissioner Wolfe stated, regarding employee parking, she would like to see a condition of approval which required lot spaces to be purchased and provided for employees.

Vice Chair Vrobel stated she was pleased with the efforts made by the architect in his design revisions but still felt the building was less attractive to Manitou Springs residents. Vice Chair Vrobel stated she was apologetic to the design team as she felt the City could have done more to provide them with a better understanding of what was desired from the community. Vice Chair Vrobel stated she did not feel the Commission could ask the Applicants to perform another revision and did not feel there was enough justification regarding the design aesthetics to deny the request. Vice Chair Vrobel stated she did not feel there was enough in the Code or guidelines which gave applicants a good idea of what the community was really looking for. Vice Chair Vrobel stated she was agreeable to the addition of the condition requiring compliance with the State law to perform and complete a water usage study and report. Vice Chair Vrobel stated she did not, however, agree to a condition regarding the purchase of employee parking spaces because there was not a nearby lot which was close enough to the property and the shuttle did not run as often or year-round in this area. Vice Chair Vrobel stated she would also like to see the Applicants consider the Manitou Greenstone to be used on the building façade and wall and would like to see a robust Landscaping Plan which may help alleviate some of the aesthetic concerns of the building design.

Commissioner Wolfe stated she was under the impression, based on the Staff Report, the Major Development code called for the design to create visual interest consistent with the community's identity and she did not feel the design accomplished this. Commissioner Wolfe stated she would like to see one more round of revisions to the design aesthetic to try to get the building to fit in better with the community.

Commissioner Latimer stated she appreciated the design revisions which had been made and, to her, the design did fit in with the other hotels in town and the immediately adjacent area. Commissioner Latimer commented she did not have an issue with the design and did not feel it was distasteful. Commissioner Latimer stated she also appreciated the reduction in lighting fixtures.

Commissioner Lewis stated it seemed unfair to the Applicants to ask for another revision as she felt the Applicants had met the requirements of the Code and felt the Commission needed to discuss making amendments to provide guidelines for Applicants to give a better understanding of what the community expected from a design and aesthetic perspective.

Chairman Delwiche stated he did feel a bit disappointed about the design aesthetics, but agreed with Commissioner Latimer and Commissioner Lewis regarding the imposition of any further conditions on the request without having it supported by the Code. Chairman Delwiche stated he did want to see a condition which referred to the State law and the required water usage study and felt the lighting was his biggest concern because it had the potential to impact numerous people.

Commissioner Wolfe inquired if it was true that water pressure may actually be reduced in the surrounding neighborhood due to the water supply needs of this development. Ms. Anthony responded many of the properties in the City actually had to have pressure reducers due to the high water pressure of the City's water distribution system and low pressure could actually be more directly a result of the size or calcification in the main and/or secondary lines, or a number of other potential issues. Commissioner Wolfe stated she felt it was reasonable to include the water usage and supply study as a condition of approval because it was State Law and for the purpose of determining whether any restrictions on usage may need to be imposed. Ms. Anthony commented there was no any issue in the City requiring the study and report to be performed and submitted for review prior to permitting. Ms. Anthony stated if some sort of deficiency was discovered

in the City's water capacity, the City would then be aware of this and able to respond accordingly. Commissioner Wolfe inquired, if there was a deficiency, whether this would be handled by Staff or would this request need to come before the Commission once more. Ms. Anthony responded it was up to Commission how they would like the matter to be handled, should it occur, but it would definitely need to be worked out between Staff and the Applicant at the very least. Ms. Anthony stated if the Commission decided to include the requirement for this study as a condition of approval, she could find the reference to the applicable State Law.

Commissioner Wolfe inquired if Chairman Delwiche had any comments regarding the request. Chairman Delwiche responded he felt the design was consistent with the other hotels on the east end of town and met the requirements of the Code. Chairman Delwiche commented he did not feel the Commission had the right or authority to require anything further.

Commissioner Wolfe inquired if the Commission should include a condition requiring the Applicants to come back before the Commission with additional revisions regarding the aesthetic appearance of the development. Commissioner Latimer stated the current proposal met the requirements of the Code and the Applicant had already stated he would look into alternatives regarding the lighting and Manitou Greenstone, therefore she was comfortable approving the request as presented. Ms. Anthony commented the Commission could include a condition which incorporated the fifty percent (50%) reduction in the brightness of the parking lot pole lights, as the Applicant had already agreed to do so on the record.

Commissioner Lewis inquired if the Commission wanted to include a condition regarding the use of the Manitou Greenstone. Vice Chair Vrobel stated she did not feel the Commission should make this a requirement and she hoped the Applicant would look into the matter and, if financially feasible, implement the change on their own.

MOTION:

Commissioner Latimer moved forward a recommendation for approval of MJR 1801 to City Council for construction of a 62-room hotel at 114 Manitou Avenue based on the plans, reports, and memos dated or submitted on July 27, 2018, with the following conditions:

1. The Final Landscape Plan will meet all the Zoning Code requirements under the MDP Landscape Plan and shall be revised to provide not more than 25% of the landscape area in rock mulch and 75% of the landscape area in live or other acceptable ground cover.
2. The Applicant shall reduce the amount of light emitted by the pole lighting in the parking lot by fifty percent (50%) when there is no vehicular or pedestrian traffic present in the lot.
3. The building design shall be as or similar to the elevation drawing provided 8/8/2018 showing the Manitou Avenue elevation incorporating stepped provisions as required in the zoning code, therefore, a 40' height as measured from the sidewalk on Manitou Avenue is allowed.
4. Approval is contingent upon final review and comments/approval and the required updates of all plans and information as outlined in the comments and recommendations by the Planning, Public Services and Fire Departments and IMEG Consulting Engineers and per the responses provided by the Applicant in the application memos dated July 27, 2018. All amendments and requirements to be provided prior to the issuance of any Building Permits for the property.

5. The Applicant shall provide the Water Sufficiency and Capacity Report per State Law and include any required upgrades to the construction plans/drawings prior to issuance of a Building Permit.
6. The Applicant shall comply with all El Paso County street access requirements and obtain any applicable permits.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ADDITIONAL INFORMATION:

At the Planning Commission meeting, Staff agreed to provide the citation and information regarding the State Statute referenced in Condition #5 in the above recommendation.

The State Statute citation is **29-20-303. Adequate Water Supply for Development**, and that section states:

1. A local government shall not approve an application for a development permit unless it determines in its sole discretion, after considering the application and all of the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. A local government shall make such determination only once during the development permit approval process unless the water demands or supply of the specific project for which the development permit is sought are materially changed. A local government shall have the discretion to determine the stage in the development permit approval process at which such determination is made.
2. Nothing in this part 3 shall be construed to require that the applicant own or have acquired the proposed water supply or constructed the related infrastructure at the time of the application.

The requirements for the information that needs to be submitted by a development applicant is under **29-20-304. Water Supply Requirements** as follows:

1. Except as specified in subsections (2) and (3) of this section, and applicant for a development permit shall submit estimated water supply requirements for the proposed development in a report prepared by a registered professional engineer or water supply expert acceptable to the local government. The report shall include:
 - a) An estimate of the water supply requirements for the proposed development through build-out conditions;
 - b) A description of the physical source of water supply that will be used to serve the proposed development;
 - c) An estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions;
 - d) Water conservation measures, if any, that may be implemented within the development;
 - e) Water demand management measures, if any, that may be implemented within the development to account for hydrologic variability; and
 - f) Such other information as may be required by the local government.

Please note Staff has not included Subsections 2 and 3 of the above section of the State Statute because they are applicable to projects that get water from entities other than a local government, such as a water district.

Staff recommends City Council reference these two sections of State Statute in Condition #5 as follows:

5. The Applicant shall provide the Water Sufficiency and Capacity Report per State Statute Sections 29-20-303 and 29-20-304.1.a-f and include any required upgrades to the construction plans/drawings prior to issuance of a Building Permit.

ITEM 5. RE 1754 – Rezone (Commercial to High Density Residential – Public Hearing) – 110 El Paso Boulevard – Cristine Gritz, Applicant

Michelle Anthony, Senior Planner, presented the Staff Report dated August 3, 2018.

Chairman Delwiche inquired if the red color on the Zoning Map insert in the Staff Report was meant to signify Commercial Zoning. Ms. Anthony confirmed it was.

Chairman Delwiche inquired how this property came to zoned Commercial in the first place. Ms. Anthony responded it was leftover from when the whole block was zoned Commercial, prior to the construction of the adjacent townhomes and adjacent residential uses.

Chairman Delwiche inquired how this property was able to be used for residential use when it was zoned Commercial. Ms. Anthony responded, at the time, it was allowed under the Code which was why some of the townhomes in the City were currently still zoned Commercial. Ms. Anthony commented the Planning Department has previously presented information to the Commission on inappropriately zoned properties all over the City and the plan for correcting this.

Vice Chair Vrobel inquired if, under the proposed rezoning, the density would increase to seven (7). Ms. Anthony responded this was only the case if the current structures were demolished and/or a new development plan was submitted to construct new units.

Vice Chair Vrobel inquired if this meant the existing structure was grandfathered. Ms. Anthony responded it was not grandfathered entirely because the use was changing.

Vice Chair Vrobel inquired if the car garages would be required to be located under any new development, as this property was in the floodplain. Ms. Anthony responded it would, but if the owner was able to comply with the requirements of floodplain permitting, which was under a certain cost threshold, the buildings would not need to be raised. However, once that fifty percent (50%) threshold was met and exceeded, then the full floodplain compliance would be required.

Vice Chair Vrobel inquired if Staff or the City knew what that threshold was. Ms. Anthony responded the threshold she believed this was based on the Assessor's valuation and appraisal, but was not certain how the fifty percent (50%) threshold was calculated. Vice Chair Vrobel commented she felt the Commission was being asked to render a decision without knowing something the Commission should be considering. Ms. Anthony responded no one would know this until the property was rezoned and subject to the residential requirements and regulations.

Ms. Anthony stated it would then be determined what was necessary for residential occupation of the property and there was no way to know at this point how much money a new owner would put into the property and whether or not that would meet, fall short, or exceed the fifty percent (50%) threshold.

Commissioner Latimer thanked Ms. Anthony for clarifying all of the issues raised at the Initial Hearing for this request and inquired if the fence had been relocated as she did not think it appeared to have been relocated. Ms. Anthony responded it was her understanding the fence had been moved and it had been permitted.

Commissioner Latimer inquired, regarding the recommendations in the Staff Report if she intended to say "Planning Staff recommends" as opposed to "Planning Commission recommends" as it does. Ms. Anthony responded the wording was intended to provide the motion for the Commission to send forward to the City Council, and the Commission was able to amend the conditions as they saw fit.

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

Cristine Gritz, 5017 Weaver Drive, Colorado Springs stated she wanted to address the neighbors in regard to this request and wanted to let them know she felt she had improved the area considerably. Ms. Gritz stated she had nothing but the best intentions for the property and the neighborhood and had decided to create four (4) units, versus the seven (7) units which existed under the hotel operation. Ms. Gritz felt the larger units would attract more desirable renters who would ultimately stay longer which would help create the secure and safe neighborhood they wanted. Ms. Gritz stated she would do whatever it took to ensure the tenants were heavily vetted and the right tenants were selected to live on the property with no more than two (2) tenants per unit.

Commissioner Latimer inquired if Ms. Gritz intended to oversee the properties herself. Mr. Gritz responded she did and she was a commercial property manager by trade.

Vice Chair Vrobel inquired if the units were one (1) or two (2) bedrooms. Ms. Gritz responded there were two (2) bathrooms in each unit with the option of setting them up to have two (2) bedrooms each with a private bathroom, or one (1) bedroom and one (1) living room with two bathrooms. Vice Chair Vrobel stated in Colorado Springs, if you had a two (2) bedroom, you had to allow up to nine (9) people to stay in the unit per law. Ms. Gritz responded she would abide by the law, but felt the size of the space would limit this considerably.

Commissioner Latimer inquired, regarding the electrical and kitchen issues raised at the previous meeting, if Ms. Gritz had resolved those issues. Ms. Gritz responded she assumed the kitchens were installed as part of the original construction of the property and she had re-plumbed everything with new pipes. Ms. Gritz stated she had thought this had all been permitted, but had found out from Ms. Anthony that it was just the bathrooms which had been permitted. Ms. Gritz stated anything which was replaced in the kitchens was replaced in the exact same position as the original.

Commissioner Wolfe inquired if any electrical upgrades had been made. Ms. Gritz responded all she had done was put new faces on the outlets to match, but no change had occurred other than this.

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

Patsy Sitzman, 125 Beckers Lane, stated the rezoning request would change the occupancy classification of the property and the property was located in the floodplain, which would require flood insurance. Ms. Sitzman inquired who and how would this be enforced. Ms. Sitzman stated there had been no permits issued for structural, gas, plumbing, or electrical work and Ms. Gritz appeared to simply be assuming the kitchens and appliances had been in place since the property's construction. Ms. Sitzman stated she had remodeled part of her home and the electrical, gas, and plumbing work cost her tens of thousands of dollars and required inspections to verify the work was done correctly. Ms. Sitzman stated the sidewalks needed to be improved, as well as, the landscaping and lighting in the neighborhood. Ms. Sitzman stated the neighborhood was a little concerned regarding the lighting and the fire safety issues and felt a new fire suppression system needed to be required before occupancy of the units. Ms. Sitzman inquired if a bear-proof trash container would be purchased and utilized, as required by City Ordinance. Ms. Sitzman stated the mailboxes for the property were located on Via San Miguel and inquired if these would be relocated to El Paso Boulevard, as this was the street the property was addressed to. Ms. Sitzman stated the purpose of a three-sided fence bewildered her and felt Ms. Gritz had much more work to complete before further consideration of this request is given. Ms. Sitzman commented she had no issue with who was selected to rent the units, she just wanted them to be safe and for this request to be held to Code.

Darlene Kennedy, 18 Via Loma, stated she was not opposed to more apartments in the neighborhood, but wanted everything to be done right. Ms. Kennedy inquired if the request was approved and Ms. Gritz kept the property or sold it, who would be responsible for monitoring the property to ensure the units were not occupied prior to the completion of all of the requirements. Ms. Kennedy stated a new Certificate of Occupancy would require the Manitou Springs Fire and Planning Departments, the Pikes Peak Regional Building Department, and the Floodplain Manager to sign off on the certificate prior to occupancy of the units. Ms. Kennedy stated Ms. Gritz had written a letter to the surrounding neighbors and one of the comments in the letter stated she was working with the Manitou Springs Fire Department to ensure the Fire Code requirements were met. Ms. Kennedy stated the letter further stated any requirements for the rezoning process would be completed by the time the building was **fully** occupied, which was a red flag for her as it sounded as though there would be occupants living in the units prior to the issuance of the Certificate of Occupancy. Ms. Kennedy stated the neighborhood was concerned about the safety of the future tenants and felt every application should be treated equally. Ms. Kennedy commented Mr. Bishop, who was currently redeveloping the property formerly known as The Beckers Lane Lodge, had to meet all of the requirements for Code compliance and so did the owner of the Garden Village Townhomes. Ms. Kennedy claimed that despite the shell of the building, this was essentially a new development, just like the properties mentioned previously. Ms. Kennedy stated she would like to make a correction to the Staff Report regarding where it said the property must comply with all requirements of the International Residential Code, as it should state the International Building Code. Ms. Kennedy stated this should be verified with Pikes Peak Regional Building Department, but the report could also just state "all applicable codes". Ms. Kennedy stated she would like to see a condition stating that a Certificate of Occupancy must be approved prior to any portion of the building being occupied which would close the loophole on everything which needed to be done.

Chairman Delwiche asked for confirmation from Ms. Kennedy this addition would bring her and neighborhood to satisfaction regarding the Staff Recommendation. Ms. Kennedy stated the paving, trash, parking, landscaping, and fire suppression system would alleviate the concerns of the neighborhood. Ms. Kennedy stated the Pikes Peak Regional Building Department was capable of sending someone out to the property to inform the owner of everything which would be required to bring the current structure to Code under the new use and zoning because when the occupancy changed, it was a requirement the structures and property be brought up to present-day Code. Ms. Kennedy stated in doing so, the Certificate of Occupancy would be issued regarding the new use and zoning, as opposed to the current use and zoning.

Tom Dunn, 43 Via Chula Vista, stated he had just moved into this neighborhood five years (5 yrs.) previously and his main concern was this property did not turn into another situation like the old Beckers Lane Lodge. Mr. Dunn stated he felt reassured by the owner's statements regarding the property, but since he did not know her, he was hesitant to fully trust her. Mr. Dunn stated he would like to support the notion the gate located on Via San Miguel be closed and remain so. Mr. Dunn stated he would also like to plead with the owner not to put seven (7) units on the property, as he felt this was too dense and could lead to issues.

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

Chairman Delwiche stated he felt the High Density Residential Zoning designation was stricter than the Commercial Zoning district, as this would restrict the setback requirements, restrict building height, and restrict the use of the property. Chairman Delwiche stated, with this in mind, he felt the proposed request was beneficial to the neighborhood as a whole and felt the Commission should consider a recommendation for approval.

Commissioner Wolfe inquired if the Commission had the right to ask the property owner to tear down the sheet rock to have inspectors look at the electrical, gas, and plumbing alterations to ensure they were done correctly and to Code. Ms. Anthony responded Pikes Peak Regional Building Department would make this determination and if it was needed to perform the inspection, the owner would be required to expose areas that required inspections.

Commissioner Wolfe inquired if the fire suppression requirements would be handled, reviewed, and inspected by the Pikes Peak Regional Building Department. Ms. Anthony responded the Manitou Springs Fire Department had jurisdiction over the Fire Code for the City, but the requirements set forth by the Pikes Peak Regional Building Department often dovetailed with the City's requirements. Ms. Anthony stated the Fire Department had indicated that, based on the proposed occupancy, the building would require a fire sprinkler suppression system be installed.

Commissioner Wolfe inquired if the Commission could limit the number of occupants per unit, even if it was significantly less than what was required by law. Ms. Anthony responded the Commission could not do so.

Commissioner Wolfe inquired, regarding the Certificate of Occupancy, if the City had any authority to not allow tenants to occupy the building until it was issued. Ms. Anthony responded the Certificate of Occupancy was issued by the Pikes Peak Regional Building Department and was the end result of bringing the building up to current Code requirements. Ms. Anthony stated the Commission could, if they wanted, amend Condition #2.a) to add "and obtain a Certificate of Occupancy prior to any occupancy of the building.

Mike Davenport, Interim Planning Director, stated this was a standard requirement under the Building Code and was the last step prior to residents moving in and occupying any of the units. Ms. Anthony stated whether this was incorporated into the conditions of approval or not, it was still a requirement under the law and would not be issued until the building was brought up to current Code requirements.

Commissioner Wolfe inquired who would oversee this. Ms. Anthony responded the Code Enforcement Officer would be responsible for monitoring the property to ensure there was no occupation of the units until the Certificate of Occupancy was issued, but he was not able to be on-site twenty-four (24) hours a day, seven (7) days a week. Ms. Anthony stated the City would certainly receive calls from the surrounding neighbors if there was evidence of some habitation occurring.

Commissioner Wolfe inquired, regarding a live-in property manager for the hotel use of the property, if this use would be grandfathered and continue to occur after the rezoning process and prior to the issuance of the Certificate of Occupancy. Ms. Anthony responded the property manager would not be permitted to live on site, as noted in the recommended conditions of approval.

Commissioner Wolfe inquired if the Commission had the authority to require that one (1) of the vehicular entrances be blocked off and replaced by vegetation as mentioned by one of the residents of the neighborhood. Ms. Anthony responded she did not think it was a good idea to include this as a condition because the Fire Department may have a reason it should remain open for their access.

Commissioner Wolfe inquired if the Commission could add this as a condition and stated it was subject to the Fire Department's approval. Ms. Anthony responded this was her intention in the recommendation she had made to the Commission under Condition #2.d)ii. Commissioner Wolfe commented she was proposing not an installation and improvement, but the elimination of the vehicular access point off of Via San Miguel. Ms. Anthony stated the Commission could alter the condition to state this.

Commissioner Latimer inquired, regarding Condition #2.d)iii. if this was something to be performed by the Applicant or whether the condition should require the plan be performed by a licensed professional. Ms. Anthony responded as long as the owner had, at the very least, an Improvement Location Certificate of the property and was capable of accurately drawing the plan to scale, it was feasible for the property owner to complete this requirement.

Ms. Sitzman inquired if this paving would need to meet ADA requirements. Ms. Anthony stated she did not know, as this was typically handled by the Pikes Peak Regional Building Department.

Commissioner Lewis inquired if Ms. Sitzman could restate what she had stated earlier regarding the mailboxes on the property. Ms. Sitzman stated the property was addressed to El Paso Boulevard, but the mailboxes were located on Via San Miguel. Ms. Anthony commented at this time, it was undetermined which access drive would be eliminated, whether that be the one on El Paso Boulevard or the one on Via San Miguel, and it may turn out that this property is readdressed to Via San Miguel. Ms. Anthony stated if this was the case, the mailboxes did not need to be relocated, but the mailboxes should be located to conform to the street address in either scenario.

MOTION:

Commissioner Wolfe moved forward a recommendation to City Council for approval of RE 1754 at 110 El Paso Boulevard from Commercial to High Density Residential with the findings that a public need exists and the proposed use and location of the rezoning is compatible with adjacent land uses, with the following findings:

- A. Complies with the purpose and intent of Plan Manitou;
- B. Complies with all applicable statutory provisions;
- C. The character of the area has changed to more residential, with multi-family and higher density residential uses since it was previously zoned and developed with small motels on El Paso Blvd. and Beckers Lane;
- D. The subject site is developed and has existing utilities and access to maintained public streets; the rezoning will have no adverse impact on the provision of public facilities and services;
- E. The proposed rezoning is compatible with the surrounding land uses;
- F. The subject land is suitable for the intended, residential use.

Commission Wolfe further recommended the following conditions:

1. Upon final rezoning approval, the Business License for motel use of the property will be relinquished and no motel or residential occupation of the existing building will be allowed until such time as code compliance for long-term residential use is established.
2. If the existing structures are to remain and be repurposed, the following shall be required:
 - a) Before the existing building or site can be used for long-term residential habitation, the property owner shall provide to the Planning Department, Manitou Springs Fire Department, and the Regional Building Department all necessary code compliance information furnished by a qualified professional, and obtain permits for all existing property improvements to remain in place that were not previously permitted, or for new work required to meet building, fire, floodplain, and housing codes for residential occupancy. A Certificate of Occupancy shall be issued by the Pikes Peak Regional Building Department and obtained by the property owner prior to the occupancy of any of the units.
 - b) Residential units will need to comply with the applicable International Building Code (IBC) administered by the Pikes Peak Building Department, the International Fire Code (IFC) administered by the Manitou Springs Fire Department, and the 1997 Uniform Housing Code administered by the City of Manitou Springs. All required Floodplain Permits shall be obtained from the Regional Floodplain Administrator and the property shall conform to all adopted evaluation criteria regarding structures in the flood plain.
 - c) Confirmation that the existing utilities are adequate for the anticipated residential usage.
 - d) Prior to residential occupancy, the property owner will make the following site upgrades:
 - i. Installation of sidewalks on the El Paso Blvd. and Via San Miguel frontages of the property which comply with Manitou Springs standards and as approved by the Public Services Department.
 - ii. Installation and improvement of a single access drive at the size and location approved/required by the Public Services Department and the Fire Department and elimination of any other access drives not required by the Public Services Department and the Fire Department.
 - iii. Submittal of a paving, parking and striping plan showing the area for parking and drive aisles to be paved with either asphalt, concrete, or other approved paving (i.e., pavers, permeable pavers) and code compliant parking spaces in both number for the residential use and dimension/orientation within the paved parking areas. Installation of the parking improvements is required as part of the conversion of the property to residential usage.
 - iv. A Landscape and Irrigation Plan following the MDP landscape requirements in the Zoning Code shall be submitted for review and approval by the Planning Department. Installation of the landscaping improvements is required as part of the conversion of

the property to residential use.

- v. Provisions for storm water management (drainage) showing best management practices and in compliance with any Public Services Department requirements for on-site collection, detention, and release at historic rates and any necessary erosion controls will be included in the paving and landscape plans.
 - vi. All exterior lighting, including any security lighting, shall be downcast or have cut-off shields. If parking area lighting, other than low-voltage landscape lighting, is proposed, a lighting plan and photometric plan shall be provided per the MDP Lighting Plan requirements.
 - vii. Addressing and mail delivery shall conform to the site access of the property.
3. The above conditions apply to reuse of the existing building and site. The above conditions are not required if the site is proposed for redevelopment unless the owner wants the property to be inhabited pending development and platting approvals.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

V. NEW BUSINESS

ITEM 6. MiCUP 1805 – Minor Conditional Use (Vacation Rental) – 171 Clarksley Road – Caleb Elwell, Applicant

Michelle Anthony, Senior Planner, presented the Staff Report dated August 3, 2018.

Commissioner Wolfe inquired if the Applicant intended the property to allow pets. Ms. Anthony responded the Applicant had verbally indicated he would not allow pets to accompany guests, as he already had pets in the house, but this may be noted in the conditions should the Commission choose to do so.

Commissioner Wolfe inquired, regarding the wording of Condition Number Five, if the owners were permitted to rent if they were out of town for more than a twenty-four hour (24 hr.) time period. Ms. Anthony responded this was how the City had been advised to word this type of thing, to allow a little bit of flexibility, but any time longer than a day would require an additional local emergency contact.

Commissioner Wolfe inquired if one of the conditions mentioned no oversized vehicles. Ms. Anthony responded this was noted in Condition Number Two.

Chairman Delwiche inquired what the term kitchenette meant. Ms. Anthony responded it meant the kitchen was fully functional, but was not full sized. Ms. Anthony commented it was more than a wet bar and less than a full kitchen.

Chairman Delwiche inquired if this building was a duplex. Michael Davenport responded the residence did have a kitchen on both floors, as well as bathrooms and bedrooms on each floor, but it was clearly not designed to be two (2) separate units.

Chairman Delwiche stated he thought any time there was a second stove in a residence it was considered as a separate unit. Ms. Anthony responded it also depended on whether or not there was separate access and a range of other amenities which came into play as well.

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

Caleb Elwell, 171 Clarksley Road, stated he and his wife often stayed in vacation rental properties when they travelled and they were currently working to grow their family, as they recently found out his wife was pregnant. Mr. Elwell stated, he felt this situation had made him and his wife acutely sensitive to the disturbances brought by guests and would seek to mitigate those disturbances as much as possible.

Mr. Elwell stated he and his wife would be living in the upstairs of the property and guests would occupy the basement area.

Mr. Elwell stated he and his wife had met some of the adjacent and surrounding neighbors, and he felt confident those neighbors would reach out to them should any issues arise with guests. Mr. Elwell commented he also felt that since he and his wife would be living in the rental along with the guests, this would further discourage and curtail any issues.

Mr. Elwell stated, in regard to the opposition letter from Mr. Burton at 163 Clarksley Road, he did not feel the operation of his vacation rental would significantly increase traffic in the neighborhood. Mr. Elwell commented, with the required separation distances imposed on vacation rental operations, his operation would be the only operation on his block, which would only increase traffic by a vehicle or two and perhaps eight (8) more car trips a day.

Mr. Elwell stated, in regard to the parking requirements, he and his wife would park on the street and already did so. Mr. Elwell stated he understood the requirements would remain the same regardless, but wanted the Commission to know he intended to install a parking pad to expand the off-street parking for guests.

Mr. Elwell stated he was amenable to the conditions as proposed and inquired if the additional parking area would allow them to rent to six (6) adults. Ms. Anthony responded it would not, as he would be required to have five (5) parking spaces for six (6) adults, as the requirement in the Code called for one (1) parking space for every two (2) adults and/or one (1) parking space for each bedroom. Mr. Davenport commented this was in addition to the two (2) required spaces for the residence, so there would be one (1) space required for each of the three (3) bedrooms plus the two (2) spaces required for the residence.

Ms. Anthony inquired how many spaces currently existed. Mr. Elwell stated the property currently had four (4) parking spaces, including the garage, with the expansion of the parking pad.

Mr. Elwell stated he had no information or history regarding the basement bedroom and was uncertain whether a permit had been pulled for the work. Mr. Elwell stated he and his wife had moved in to the residence in April of this year, after the work had been completed. Ms. Anthony responded the Commission would likely strike the condition pertaining to this, but Mr. Elwell needed to contact the El Paso County Assessor to correct the information.

Commissioner Wolfe inquired if the basement had its own access. Mr. Elwell responded it did.

Commissioner Wolfe inquired if Mr. Elwell would be opposed to an additional condition imposed regarding no guest pets permitted. Mr. Elwell stated he did not mind the addition of this condition, but inquired why this needed to be explicitly stated. Commissioner Wolfe stated neighbors of previous applications had complained about pets of vacation rental guests causing various disturbances. Mr. Elwell responded he understood the reasoning.

Vice Chair Vrobel inquired if Mr. Elwell was still amenable to the Commission limiting the number of guests to two (2) adults and two (2) children. Mr. Elwell responded he was amenable.

Commissioner Latimer stated she had driven by the property this morning and felt if the garage parking space was in use, it would make it very difficult to have more than one (1) car parked on the parking pad.

Mr. Davenport stated aerial photos of the parking area had been provided as part of the Staff Report.

Commissioner Latimer inquired if the parking area was comprised of mulch or a more impervious surface. Mr. Elwell responded it was currently dirt and inquired what the City's requirements were in terms of creating a parking area. Ms. Anthony commented the parking area was required to be paved with either asphalt, concrete, or pavers and contain a minimum footprint of nine feet by eighteen feet (9' x 18'). Mr. Elwell stated it was his intention to comply with all regulations.

Commissioner Lewis inquired, regarding the contact for the emergency person in the event the owners are out of town, if it was required for that contact to be a local person. Ms. Anthony responded the Code did not specifically state it had to be a local person, but stated the contact person had to be within a reasonable distance. Mr. Elwell commented his emergency contact would be either a neighbor or his in-laws in Colorado Springs. Ms. Anthony commented, in the past, reasonable distance had been interpreted as fifteen to twenty (15 – 20) minutes from the rental operation.

Commissioner Lewis stated she would like to see a condition pertaining to a notification to the neighbors within five-hundred feet (500 ft.) of the process for filing a complaint against the rental operations should any issues arise. Vice Chair Vrobel agreed.

Mr. Elwell inquired what this notification was, as he was not familiar with this requirement. Vice Chair Vrobel commented the Commission, at their last Regular Meeting, decided they would add this condition to all Minor Conditional Use Permits which stated that a notification must be sent out to all surrounding neighbors within five-hundred feet (500 ft.) of the rental operation to notify them of the proper steps and channels to file a complaint against the rental should any issues arise. Vice Chair Vrobel commented the Commission seemed to receive a fair amount of complaints during meetings about rental operations, which was not the proper procedure for filing a complaint, and never following up with City Staff to notify them of the issue. Vice Chair Vrobel stated the procedure needs to go through the rental operator first and if that was not resolved, the Code Enforcement Officer. Vice Chair Vrobel stated only after those two options have been exhausted should a complainant make a formal complaint with the Planning Department and it would then be up to the Planning Department to determine whether the Minor Conditional Use Permit should be heard by the Planning Commission and potentially revoked.

Mr. Elwell inquired why this notification needed to be sent out to neighbors within five-hundred feet (500 ft.), when the notification he sent out to notify the neighbors of this meeting only went out to those within

two-hundred feet (200 ft.). Ms. Anthony responded this notification needed to go out to a wider range of people to ensure the proper procedure for filing complaint was known by anyone who may potentially harbor an issue with the operation; however, this notification did not require the proof of mailing.

Hearing no further comment from, or questions for, the Applicant, Chairman Delwiche opened the Public Hearing for public comment. Hearing none, the meeting continued.

MOTION:

Commissioner Wolfe moved approve MiCUP 1805 for operation of a short-term vacation rental at 171 Clarksley Road with the following conditions:

1. A maximum of up to four (4) adult guests and a total up to six (6) total guests including children are allowed at any one time and in no more than two vehicles.
2. All advertisements and/or listings for the vacation rental must contain the approval number (MiCUP 1805) 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 two (2) passenger vehicles and the property cannot accommodate oversize vehicles, RVs, campers, or trailers, the rooms will not be rented to guests who arrive in these types of vehicles.
3. The required fire extinguishers, smoke detectors, and CO² detectors must be in place as required by code.
4. A guest notice complying with 18.89.040.G (1-7) must be submitted to the Planning Department for review, and approval must be received prior to issuance of a City Business License. Notice must also include a statement prohibiting smoking outside of the house. Notice must be provided to the guests indicating no disorderly conduct will be tolerated and state the quiet hours.
5. The owners must not schedule guests during any time they will be either off-site or outside the reasonable proximity of the property for more than 24 hours, or are required to provide an additional emergency contact who will be available during any such periods who lives within a reasonable distance.
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 Applicant must provide an updated site plan that includes the following information.
 - a. An outline of each parking space
 - b. Dimensions (length and width) of each parking space that comply with the Zoning regulations
 - c. North arrow
 - d. The date the site plan was updated
 - e. Note indicating an approved surface for the dirt area to be used as the 4th parking space will be provided prior to the issuance of a City Business License.
 - f. Path from the parking area to the door used by the guests

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

VI. OTHER BUSINESS

ITEM 7. Discussion regarding Residential Lodging Ordinance

Chairman Delwiche stated it was getting late and he would like to postpone this item until the next Regular Meeting.

MOTION:

Vice Chair Vrobel moved to postpone discussion regarding the Residential Lodging Ordinance until the next Regular Meeting of the City Planning Commission.

SECOND:

Commissioner Latimer seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

NON-AGENDA ITEMS FOR DISCUSSION: MISCELLANEOUS

Vice Chair Vrobel stated she felt the architectural design compatibility of new developments needed to be clearer to Applicants and felt it needed to be discussed so both the Commission and the Applicants have more concrete guidelines to follow. Michael Davenport, Interim Planning Director responded he had done something similar to this in Telluride, where he had worked for nine (9) years and where almost all applications were subject to design reviews to ensure aesthetic compatibility. Mr. Davenport stated he could provide some basic information and concepts to the Commission.

Commissioner Wolfe inquired if Telluride had these things actually incorporated into their Code. Mr. Davenport responded they did, but the main difference between Manitou Springs and Telluride was that Manitou Springs utilized design guidelines for the historic districts, whereas Telluride had them for the entire city. Ms. Anthony commented if the Commission was looking for certain things, they would need to do better than simply state it must "fit the character".

Commissioner Wolfe suggested Planning Staff come up with some ideas for the Commission to mull over. Mr. Davenport stated he could add elements which had been previously discussed by the Commission, such as stepped roofs. Vice Chair Vrobel commented she felt bad about what the Commission had said regarding the Major Development, but did not know how else to explain the Commission did not like the design. Commissioner Wolfe commented she felt the Code was too vague. Mr. Davenport stated the Commission could hold a work session next month and inquired if the Commission preferred this.

Chairman Delwiche stated he would like to hold a work session in September.

Commissioner Wolfe inquired if Mr. Davenport felt he would have enough time to get the documents prepared for a September work session. Mr. Davenport responded he would.

VII. ADJOURNMENT

Hearing no further business before the Commission, Chairman Delwiche adjourned the meeting at 9:12 pm.

Minutes Prepared by Dylan Becker, Planner I