



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 14, 2018**



I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held in Council Chambers @ 606 Manitou Avenue. Chairman Delwiche called the meeting to order at 6:00 pm and declared a quorum present. The following Commission members attended:

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

ABSENT: Commissioner JULIA SIMMONS (excused)

STAFF: Barbara Cole, Interim Planning Director
Michelle Anthony, Senior Planner
Karen Berchtold, Senior Planner

GUESTS: None

II. APPROVAL OF MINUTES

ITEM 1. October 10, 2018

MOTION:

Vice Chair Vrobel moved to approve the October 10, 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, 6-0. Commissioner Wolfe abstained as she had not reviewed the October Minutes and Commissioner abstained.

III. NOTICE OF COUNCIL ACTION

ITEM 2. RE 1754 – Rezone (Commercial to High Density Residential) – 110 El Paso Boulevard – Cristine Gritz, Applicant. The Planning Commission recommendation was scheduled for First Reading on September 4, 2018, but was postponed to October 2 due to public notice issues. The rezoning was approved

and the rezoning ordinance passed first reading on that date unanimously. Second Reading was heard by City Council at the October 16, 2018 City Council Meeting and was approved unanimously.

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 Commission recommendation was to be heard by City Council on October 16, but was postponed due to improper notice. First Reading has been rescheduled for the November 20, 2018 City Council Meeting.

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. MNS 1801 – Minor Subdivision (Replat) – 708 Manitou Avenue – Kyle Fenner on behalf of Manitou Springs Metropolitan District, Applicant **POSTPONEMENT TO MARCH 2019 MEETING REQUESTED**

Michelle Anthony, Senior Planner, stated the Applicants had requested postponement until the March 2019 Regular Meeting of the Planning Commission due to considerations of the Metropolitan District Board in determining whether or not to move forward with the request. Ms. Anthony stated she had suggested a postponement until March of 2019 in order to allow the Board enough time to determine their course of action.

Vice Chair Vrobel commented she was surprised the Metropolitan District Board was considering not moving forward. Barb Cole, Interim Planning Director, responded she thought there were some budget concerns held by the Board.

Chairman Delwiche inquired if this was possibly due to costs with the City and commented he could see their concern considering the possibility of another location, such as Hiawatha Gardens, becoming a parking structure as this could potentially affect the expected return on investment. Ms. Anthony responded this was a possibility.

MOTION:

Commissioner Wolfe moved to postpone MNS 1801 for a Minor Subdivision to Replat at 708 Manitou Avenue until the March 13, 2019 Regular Meeting of the Planning Commission.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

V. NEW BUSINESS

ITEM 5. RE 1801 – Rezone (General Residential to Open Space – Initial Meeting) – 18 Manitou Terrace – City of Manitou Springs, Applicant

Michelle Anthony, Senior Planner, presented the Staff Report dated November 8, 2018.

Commissioner Latimer inquired if the Commission was legally permitted to make a recommendation to City Council even though the Open Space Advisory Committee had not yet seen or commented on the request. Ms. Anthony stated the Commission was legally permitted to do so.

Chairman Delwiche inquired if any of the Commissioners had any further questions for Staff.

Commissioner Casey inquired what organization had provided the grant funds associated with the Williams Canyon Drainage Project. Ms. Anthony stated the funds were from the Federal Emergency Management Agency (FEMA), but came through the Department of Local Affairs (DOLA) in a similar process to previous flood events and property purchases associated with those events.

Barb Cole, Interim Planning Director, commented another finding the Commission was able to make was this Rezoning was not considered Spot Zoning even though this parcel was not located near any other Open Space Zoning as there were pocket parks located in other neighborhoods with a similar use. Ms. Anthony commented she felt this helped reiterate the point she had made in the Staff Report regarding the fact the character of the neighborhood did not change and there was no expectation for other parcels in the neighborhood to be rezoned to this designation simply due to its proximity.

Commissioner Wolfe inquired the meaning of Spot Zoning. Ms. Cole responded the term was used by attorneys over the past several decades to describe zoning which is typically out of character with the surrounding neighborhood, such as rezoning a single residential lot to the Commercial Zone designation when it is surrounded by Low Density Residential Zoning.

Commissioner Wolfe inquired if this suggestion to include the statement regarding this request and Spot Zoning was meant to protect the Commission from legal ramifications should someone make that claim. Ms. Anthony and Ms. Cole both responded in agreement.

Commissioner Ragan inquired if there was any liability held by the City in terms of the remaining derelict structures on the property which were shown in the images in the Staff Report. Ms. Anthony responded the City was liable regardless of the zoning designation as it was still City-owned property, but the City was likely to place No Trespassing signage on the property to limit and mitigate the liability as much as legally possible.

Commissioner Burris inquired if there was any intention to plant trees or further vegetation on the property help maintain and stabilize the hill. Ms. Anthony responded there was no intention of doing so at this time.

Commissioner Casey inquired if Open Space, by definition, was supposed to be actual space which was open. Ms. Anthony responded the definition more referred to passive space and provided an example of a trailhead with parking and restrooms.

Commissioner Wolfe inquired if the City was permitted to put up No Trespassing signs on the property since it was Open Space. Ms. Anthony responded the designation did not mean open to the public, it just meant it was not to be developed.

Ms. Cole commented she did imagine that over time the City would eventually want this property open to the public. Ms. Anthony stated she agreed and could potentially become a park or a little neighborhood overlook at some point in time, but this would need to be formally done under the guidance of an Open Space Management Plan.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear public comment. Hearing none, the meeting continued.

MOTION:

Commissioner Wolfe moved to set RE 1801 to Rezone 18 Manitou Terrace from General Residential to Open Space for Public Hearing at the November 14, 2018 Special Meeting of the City Planning Commission following the November 14, 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.

ITEM 6. Discussion and Adoption Regarding Creek Walk Master Plan – Open Space Advisory Committee Recommendation for Approval

Barb Cole, Interim Planning Director, presented an overview of the Creek Walk Master Plan process and stated the City was already in the design process regarding the first segment of the Creek Walk Trail under this Master Plan.

Ms. Cole stated she had been asked by the Mayor the reason the City could not keep the Creek Walk Master Plan as it was and the reason it needed to be redone. Ms. Cole stated she had responded that the City had accepted a \$100,000 grant from the Colorado Springs Health Foundation to construct an Americans with Disabilities Act compliant trail which also promoted access to low income earning persons to help them achieve a more active and healthy lifestyle. Ms. Cole further stated this trail had been on record with the City as something the community desired since the 1980's and was a long overdue to come to fruition.

Ms. Cole stated the good news was this trail would connect to the Ute Trail which meant the City could go after funding from Great Outdoors Colorado as a Regional Trail.

Ms. Cole stated she had also done some investigating and found the City had not been adopting plans according to the procedure laid out in their own Code and in accordance with State Statutes. Ms. Cole stated the State Statutes were laid out in a manner in which planning commissions were viewed as apolitical bodies, unlike political bodies such as city councils or county boards of trustees, which were to be utilized to adopt plans and remain politically neutral as a city developed and changed over time.

Commissioner Wolfe inquired which document the Commission was supposed to be referring to in what had been provided in the meeting packet. Michelle Anthony, Senior Planner, responded the Commission was discussing the document titled "*Colorado Revised Statutes Title 31 Municipal § 31-23-206 Master Plan*".

Ms. Cole stated the main takeaway from the State Statutes was the Commission may amend, extend, or add to the City's master plan, Plan Manitou, from time to time and in this case, the Creek Walk Master Plan was an addition to Plan Manitou.

Ms. Cole stated the other major takeaway, but from the City's own Municipal Code under the Powers and Duties Section for the Planning Commission was the power and duty to formulate and approve a master plan for the City.

Chairman Delwiche inquired if City Council was the government body which should have adopted the City's master plan, Plan Manitou. Ms. Cole responded in the Staff Memorandum dated October 3, 2018 which was included in the meeting packet for this item, was a statement from the City Attorney, Jeff Parker, which concurred with the approach the Planning Commission be the governmental body responsible for formulating and adopting the City's master plan subject to the final approval of City Council.

Ms. Cole stated under the City's Municipal Code, City Council had the right to amend the master plan following the plan's adoption by the Planning Commission, but only after receiving comment and approval of the amendment or amendments from the Planning Commission. Ms. Cole stated this meant that City Council ultimately had the final approval, but the Code also referenced the State Statutes which, under the City Charter Section, there was no question it was the Planning Commission which was responsible for adopting a master plan for the City.

Commissioner Wolfe inquired how the City Attorney was able to reach the decision City Council was ultimately responsible for final approval. Ms. Cole responded there was some wriggle room in the authority vested to the Planning Commission based on the Code language which stated City Council may amend or alter the master plan, but only after the Planning Commission has had the opportunity to comment upon the proposed amendment. Ms. Cole stated the City Attorney had agreed with her that, as an apolitical body, it was the role and responsibility of the Planning Commission to be the adopting body for the City's master plan.

Commissioner Wolfe inquired if the City Attorney had concluded there were no conflicts with State Statutes regarding how the City was proceeding with this adoption. Ms. Cole responded the City Attorney had not made this conclusion.

Commissioner Wolfe inquired if Ms. Cole had made the conclusion there were no conflicts with State Statutes regarding how the City was proceeding with this adoption and whether Ms. Cole felt the City Attorney was comfortable with the idea the Planning Commission, which was an apolitical body, was adopting a plan which could then be undone or modified by City Council, which was political. Commissioner Wolfe commented she was wondering if it was a violation of State Statutes to allow a political body to undo a decision made by the apolitical body which was supposedly responsible for its adoption. Ms. Cole responded the City Attorney had stated any amendment or modification made by City Council would need to be approved by the Planning Commission and the proposed Resolution for the adoption also included signature lines for the Secretary of the Commission for the purpose of attesting and certifying the document to ensure this process goes accordingly.

Commissioner Ragan stated when he had read the Staff Memorandum earlier that day, he had initially interpreted what was written as the City Attorney was not in agreement with Ms. Cole, but now realized the City's Municipal Code was not consistent and did not agree with itself. Commissioner Ragan inquired if it was proposed to have the City regularize this process and set a precedent going forward that the Planning Commission was the body which would have the authority to adopt master plans. Ms. Cole responded she

did not feel there was need to amend the Code, but she had notified the Mayor Pro Tempore of the matter and had not received any pushback. Ms. Cole further stated she had always advised her clients in accordance with State Statutes which stated the Planning Commission was the apolitical body which was responsible for formulating and adopting master plans and was confident this was the best approach.

Ms. Cole stated with the Creek Walk Master Plan in place, Staff and the Planning Commission was able to make better and more informed decisions on applications and requests such as the Wichita Parking Lot which was not congruous or compatible with this Master Plan, or their own Service Plan. Ms. Cole stated another example in which this Master Plan was useful in guiding the decisions made by the Planning Commission was the Hiawatha Gardens property and iterated the fact the Planning Commission was essentially on the front lines when any application or request was made along the proposed alignment for the Creek Walk Trail.

Ms. Cole stated, in further response to Commissioner Ragan's inquiry, when she had spoken to the City Attorney he had stated he was comfortable with this approach regarding master plan formulation and adoption. Ms. Cole further stated it was important for the Planning Commission to keep in mind it was the apolitical body which served as the overseer of how the community managed change.

Commissioner Ragan thanked Ms. Cole for her dedication and research in the matter and for a thorough response to his inquiry.

Commissioner Wolfe stated she was in agreement with Ms. Cole's findings and interpretation of the Code regarding this issue and commented the City Attorney's position was a political position as he was hired by the Mayor and his interpretations, if not congruent with the political representative's interpretations or desired outcomes, could potentially lose this position.

Ms. Anthony stated should any future plans be created which were determined to be amendments to or components of the City's Master Plan, Plan Manitou, the Planning Commission needed to be much more involved in the public process and receive regular updates on the progress of those processes.

Commissioner Wolfe inquired who made the decision as to whether a given plan was stand alone or an amendment to the City's Master Plan. Ms. Cole responded typically any plan involving a recreation, transportation, or tourism component as required by the State Statutes should be considered as a component or amendment to the Master Plan and reviewed and adopted by reference in Plan Manitou by the Planning Commission.

Commissioner Wolfe inquired if there were any planning examples where a plan would not come before the Planning Commission. Ms. Cole stated she was not aware of any.

Commissioner Wolfe stated she felt some of the language was a little odd and it seemed to her it was ultimately the decision of Planning Staff to determine whether something was seen by the Planning Commission or not. Ms. Anthony responded it was part of the role of Planning Staff to determine whether a given plan was an amendment to the Master Plan or not. Commissioner Wolfe stated she felt this was an issue and was unclear regarding whether this decisions should be made by Planning Staff or the Planning Commission. Ms. Anthony it was the determination of Planning Staff to decide whether or not a given plan was an amendment to the Master Plan and the level of involvement for the Planning Commission. Ms. Anthony stated anything determined to be an amendment to the Master Plan would require more Planning Commission involvement because they would be the adopting body but anything determined not to be a component or amendment of the Master Plan would require less involvement and engagement in the process as they would not be the adopting body.

Commissioner Wolfe inquired if this was how the matter was handled in other municipalities as she felt determining whether or not a given plan was an amendment to or component of the Master Plan was a big decision. Chairman Delwiche stated he felt the Planning Commission should have this discretion.

Commissioner Wolfe inquired how the Planning Commission was expected to have this discretion and be able to make this determination if they were unaware of a given plan simply because Planning Staff had determined it not to be a component of the Master Plan. Commissioner Casey commented if Planning Staff brought every little potential document or small plan before the Planning Commission to make this determination, it could be a massive time consumer and he had concerns about this considering the already pressed time of the volunteer members of the Commission.

Commissioner Wolfe stated she felt the Commission should be notified and discuss any and all potential plans and make the determination whether or not the item was an amendment or component of the Master Plan and felt these decisions would not take more than a few minutes.

Ms. Anthony inquired how this would work if there was disagreement regarding whether a given document was a component or an addendum of the Master Plan or not.

Ms. Cole commented a perfect example was the Ruxton Functionality Study which was extremely specific, limited in terms of area, and was technical in nature, would not be considered to be an addendum or amendment to the Master Plan. Ms. Cole stated the typical criteria was any document which was a guide or provided guidance on how the City would develop or manage change over time, would be considered an addendum to the Master Plan. Ms. Cole further stated if a document was meant to help guide or inform decision making on potential projects, could be considered an extension or component of the Master Plan.

Commissioner Ragan commented the Commission was comprised of volunteers, not full time professionals and felt the proposed approach made sense. Commissioner Ragan gave an example of how Colorado College uses a similar approach.

Vice Chair Vrobel stated she was comfortable with the proposed approach and she trusted Staff's judgement. Commissioner Wolfe commented it was not that she did not trust Staff, as she did, but wanted to be sure this was the correct approach.

Karen Berchtold, Senior Planner, stated the Mobility Study, unlike the Ruxton Functionality Study, pertained to transportation and the City more comprehensively which made it useful as an addendum to Plan Manitou. Ms. Anthony commented this was correct.

Ms. Anthony stated another example was the Soda Springs Park Plan which would not be considered an addendum or component of the Master Plan, but the Parks, Trails, and Open Space Plan would be.

Commissioner Casey inquired about the large boulders which had been placed along Serpentine Drive following the July flood event and commented he felt this would have been a good opportunity for the City to enhance the area, but thought the boulders looked ugly and out of place. Ms. Anthony responded this could be remedied when the Creek Walk Trail was constructed in the area.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear comment from the public. Hearing none, the meeting continued.

MOTION:

Commissioner Casey moved to adopt the Creek Walk Master Plan and to forward a recommendation to City Council for approval of Resolution Number 3518 to formally adopt the Creek Walk Master Plan, as presented.

SECOND:

Commissioner Wolfe seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

VI. OTHER BUSINESS

ITEM 7. Discussion and Recommendation Regarding Amendments to the Public Notice Section of the Zoning Code

Barb Cole, Interim Planning Director, presented the Staff Memorandum dated November 8, 2018.

Commissioner Wolfe inquired, regarding the proposed three hundred foot (300 ft.) noticing requirement, if this was the maximum distance which was found in the current Code. Ms. Cole responded the noticing requirement which was currently in the Code ranged between two hundred and five hundred feet (200 – 500 ft.) depending on the nature of the request. Ms. Anthony commented the current Code stated the Planning Director, at their discretion, may require a notice be mailed out to surrounding properties up to five hundred feet (500 ft.).

Ms. Cole stated the typical noticing range requirement for most communities was between three hundred feet and seven hundred and fifty feet (300 – 750 ft.) and the difficulty with Manitou Springs was there were so many little lots that if the requirement was five hundred feet (500 ft.), this would require noticing the entire district. Ms. Anthony commented she had concerns about the volume of notices which would be required utilizing the three hundred foot (300 ft.) requirement.

Commissioner Casey inquired if it made sense to better define this requirement and asked where this distance was measure from. Chairman Delwiche commented he had recalled an instance involving a new parking lot at the Garden of the Gods Trading post years prior in which the applicants had used the boundary of the parking lot to measure the required two hundred foot noticing area, even though the property boundary had extended beyond the parking lot by a good distance. Chairman Delwiche stated the result was only two properties were sent notifications and felt it was wise to use the property boundary as the point in which the noticing distance was measured. Ms. Cole stated the City could use the same or very similar language to what was used in the Vacation Rental Ordinance for the separation distances which were measured from the property boundary.

Commissioner Casey commented he understood if the requirement was measured from the main structure on a property, given the small lot sizes of some properties, this requirement could result in a heavy volume of notices which would need to be sent out, but was concerned that some of the larger properties may not be required to notice anyone. Commissioner Wolfe commented if the distance was measured from the property boundaries, as opposed to the main structure or proposed location of construction, the scenario involving larger properties as described by Commissioner Casey, would not occur.

Ms. Cole stated she would add language which set the required noticing distance to be measured from the property boundaries. Commissioner Casey inquired if it was possible for the language for the required noticing distance to be measured across the closest five property lines adjacent to the requesting property. Ms. Anthony stated this may be difficult to do.

Commissioner Ragan stated he liked the idea of having a universal standard for noticing requirements, but would much prefer the required distance to be five hundred feet (500 ft.) as this was the distance used for vacation rentals.

Commissioner Wolfe stated she agreed with Commissioner Ragan but had concerns this may cause or become a financial burden for the applicants. Ms. Anthony responded this was a valid concern as the mailing required a Certificate of Mailing which was a couple of dollars per mailing.

Commissioner Casey inquired, regarding notifications in the Downtown Zone, if it was the property owner or the business owner which was notified. Ms. Anthony responded the notifications were sent to mailing address listed with the El Paso County Assessor's Office for the property owner as this was the legal owner of record. Ms. Cole commented the City did this because it needed to ensure the legal parameters set forth in the State Statutes and the City's Municipal Code were met regarding noticing.

Commissioner Casey stated he was told there had been a number of complaints regarding noticing and inquired if Staff was able to provide an example of the main complaints. Chairman Delwiche responded there were notification issues regarding the recent Rezoning of 110 El Paso Boulevard. Ms. Cole stated there was also a noticing issue regarding the new Holiday Inn development as well.

Ms. Anthony stated it was brought to the attention of the City that no department was noticing the City Council meetings, as the Planning Department had assumed it was performed by the City Clerk's Office. Ms. Anthony commented now the Planning Department was doing these notices. Ms. Cole stated she had worked with over sixty (60) municipalities and there was not a single one in which the Planning Department was responsible for noticing the City Council meetings and had raised this issue with the Interim City Administrator as this was almost always handled by the City Clerk's Office.

Ms. Cole stated, regarding the posting for meetings on the website and on the front door of City Hall, she had referenced State Statutes for open meetings which required the posting to be placed twenty-four hours (24 hrs.) prior to the meeting. Commissioner Wolfe inquired if it was the same as the Sunshine Law. Ms. Anthony and Ms. Cole both responded it was the same law, but the term used by Commissioner Wolfe was a nickname for the law.

Ms. Cole stated, regarding the manner in which days are counted for the noticing period, there was a discrepancy in different sections of the Code between calendar days and working days and it was determined the Code would be amended for uniformity and consistency to set the noticing period by working days across the board.

Commissioner Wolfe inquired if this meant when there was a holiday during the week which closed City Hall, that day would not be counted. Ms. Cole responded this was correct.

Ms. Cole stated all municipalities in Colorado were required to keep an Official Map, which was a Zoning Map, which was signed by the Mayor and attested by the City Clerk. Ms. Cole stated all GIS maps for the

City needed a disclaimer which stated the map was for planning purposes only and was to be used as a survey was used.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear public comment. Hearing none, the meeting continued.

MOTION:

Commissioner Wolfe moved to forward a recommendation for approval to City Council to adopt the amendments to Title 18 of the Zoning Code regarding Public Notice, as presented.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0

ITEM 8. Discussion and Recommendation Regarding Amendments to the Zoning Code Pertaining to Definitions of Dwelling Unit, Kitchens, and Occupancy of a Dwelling Unit

Barb Cole, Interim Planning Director, presented the Staff Memorandum dated November 8, 2018. Ms. Cole stated there were numerous lawsuits throughout the country regarding the definition of what constitutes a family and the proposed revisions removed the term “Family” from the Code to be replaced by the term “Single Household Unit”.

Ms. Cole stated there was an issue in the past year on Via Loma in which there was another family living with another family in a single household and questions arose around whether this constituted a second dwelling unit in a Zone which did not allow multi-family dwelling. Ms. Cole stated these revisions to the definitions were meant to resolve issues such as this.

Chairman Delwiche inquired how these revisions were meant to resolve these types of issues. Ms. Cole responded due to the rising cost of living and rental prices it was not uncommon to see a situation in which four (4) or more unrelated individuals living in a single household and under these revisions this type of situation would be more permissible as long as the Occupancy Code and Fire Code were in place and those regulations met.

Ms. Cole stated these revisions, given the peculiarities surrounding the manner in which the City of Manitou Springs identified accessory uses and structures, also made it permissible for accessory uses which served the use by right of the primary structure so long as it was subordinate and incidental to the primary use or structure.

Commissioner Wolfe inquired if there was a definition for subordinate included in the revisions. Ms. Cole stated under the definition for Accessory Use or Structure, the language stated accessory uses and structures must be clearly subordinate, incidental, customary to, and commonly associated with the operation of the use by right.

Chairman Delwiche inquired if there was any mention to the size of the accessory use or structure needing to be smaller than the primary use or structure. Ms. Cole responded the definition for Accessory Use and Structures laid out this criteria. Ms. Anthony commented the definition did not explicitly state the size needed to be smaller, but the definition language was generally interpreted to mean as such.

Commissioner Wolfe inquired if everyone in the Planning world understood this to be the case and wondered if this interpretation was universal regarding the terms subordinate and incidental carrying the meaning an accessory use or structure had to be smaller than the primary use and structure. Ms. Cole responded if one stated their garage was subordinate to their primary structure, or their house, it would be interpreted as smaller.

Commissioner Wolfe stated she did not feel the word subordinate directly translated or specifically interpreted to mean smaller necessarily, as it could simply be interpreted as less important. Commissioner Ragan commented he agreed.

Commissioner Wolfe stated she would like to see the word smaller or something which referenced size in the language in order for the definition to be easily interpreted by normal individuals who may not have a background in interpreting Code. Commissioner Wolfe commented she did not want to remove the subordinate language, but wanted the definition to be as solid as it could be.

Vice Chair Vrobel suggested using square footage as a means to better define the size relationship between the primary use and structure and the accessory use and structure. Ms. Cole stated this was a good idea and she would amend the language to include an accessory use or structure must be contained in less square footage than the primary use and structure.

Ms. Cole stated another component of the criteria under the definition for Accessory Use and Structure was it must be operated and maintained under the same ownership as the use by right on the same zone lot or nearby lot and provided the example of a garage located on an adjacent lot to the primary structure under use by the same owner and not leased to another party.

Chairman Delwiche inquired if the sum of the accessory units were permitted to exceed the primary structure and provided an example in which there was an existing primary structure of two thousand square feet (2,000 ft²) and an existing garage of one thousand square feet (1,000 ft²) and the permissibility of the owner constructing an additional accessory structure, such as an additional garage, which was one thousand square feet (1,000 ft²) or more in size as long as each structure was smaller than the two thousand square foot (2,000 ft²) primary structure. Ms. Anthony responded there was nothing this specific in the Code and nothing which stated it was not permissible to have twelve (12) sheds or accessory structures, but the restrictions regarding maximum lot coverage may restrict this do some degree. Ms. Anthony commented there were already instances in the City in which this scenario or a similar scenario had occurred.

Commissioner Wolfe stated she did not see any language which directly stated the accessory structure was not permitted to be leased to another party other than the owner. Ms. Cole responded this was covered under the criteria which stated the accessory use or structure be operated and maintained under the same ownership as the use by right in the same zone.

Commissioner Wolfe stated this language did not prevent the owner from leasing the accessory structure as the owner and inquired if the Commission should add language to the effect that the accessory structure was not permitted to be leased to a second or third party. Ms. Anthony responded the City benefitted from

the ability to tell people they could not park on the street simply because they had rented the garage out to another party unless they had other off-street parking nearby.

Commissioner Wolfe asked for clarification from Ms. Anthony and inquired if the City did not want to prohibit this potential use. Ms. Anthony responded it was good for the City to maintain the ability to manage this type of situation as there were apartments in the City which had off-street parking which was rented or leased to non-tenants, leaving the tenants to find their own parking on the street.

Ms. Cole stated she was able to add language which stated this was to the benefit of the same ownership, if this better suited the Commission.

Commissioner Wolfe inquired if it was not beneficial to a property owner to receive money from a tenant. Ms. Anthony responded the language was intended to tie the accessory use and structure to the primary use and structure.

Commissioner Ragan stated he wondered whether it was better to keep the definition and criteria somewhat open to allow for some interpretation and flexibility and felt it was of benefit to the City and the community for property owners to have the ability to rent out accessory structures as studios which could be leased by local artists. Commissioner Wolfe stated she agreed.

Ms. Cole inquired if the Commission cared if a property owner had a garage located on a nearby lot, not directly adjacent to the primary structure, which was leased to an outside party to accommodate their parking own needs. Commissioner Ragan reiterated his preference for flexibility. Ms. Cole stated the Code would go forward as currently written to allow for this flexibility.

Ms. Cole stated the current definition for the term “Dwelling” was replaced under the revisions of this Code amendment to better define duplex, dwelling unit, multi-unit dwelling, accessory dwelling unit, single household dwelling unit, principal dwelling unit, and efficiency unit or studio apartment.

Ms. Cole stated the terms “Occupancy, long-term” and “Occupancy, short-term” were removed under the revisions and replaced by a definition for the term “Occupancy” as definitions sections in the Code should not include rules.

Ms. Cole stated the term “Kitchen” was also defined as part of the Code amendments proposed, as there had been numerous issues surrounding the creation of a second unit as being determined by whether or not there was a second kitchen. Ms. Cole stated this was defined as a single household unit living independently, which contains a sink, stove/cooktop/built-in grill, convection oven or oven powered by either natural gas, propane, or 220/240 Volt electric hook up, and a refrigerator.

Ms. Cole stated the electrical hook up piece of the definition was key in determining the difference between an actual kitchen and a wet bar.

Chairman Delwiche stated he did not see, as with the current definitions, any distinction between what was required regarding sinks for long-term occupancy versus short-term occupancy in hotels and motels regarding the Kitchen definition. Ms. Anthony responded under the revisions an actual sink, not associated with the bathroom facilities, was required to be considered a kitchen. Commissioner Wolfe commented the way the definition was written with the semi-colons a kitchen was required to include a sink and all of the other requirements such as a stove and refrigerator in the same room or common area. Commissioner Wolfe

commented one could use the kitchen sink as their bathroom sink, but not their bathroom sink as their kitchen sink as it was written. Ms. Cole stated this was accurate.

Commissioner Ragan stated he recalled there was a requirement for two (2) sinks under the current Code. Ms. Anthony stated there was language to this effect in the current Code, but it had been worded in such a way people were able to forego installing a bathroom sink.

Commissioner Ragan stated he recalled discussion regarding language to the effect which a kitchen sink was not permissible for use as the bathroom sink and inquired if it was possible to include a definition for bathroom, just as there was one for kitchen, which also required the inclusion of a sink. Ms. Cole responded this was not necessary as there was still Building Code, Occupancy Code, Fire Code, and Sanitation Code which required sinks in bathrooms. Ms. Anthony commented under these Codes it was permissible to have a toilet without a shower, but not a toilet without a sink.

Commissioner Casey inquired why there was so much detail in the definition of Kitchen regarding ovens. Ms. Cole responded this was done as a means to differentiate between a wet bar and a kitchen because wet bars were not meant for cooking. Ms. Anthony responded what really made a kitchen a cooking facility was the oven and a wet bar would not be permitted to have a gas or electric range, stovetop, or oven.

Chairman Delwiche inquired if someone had only a cooktop whether this would be considered a kitchen and whether it would be beneficial to omit the language regarding ovens in the definition of kitchen as there were other options for ovens than what was listed. Vice Chair Vrobel responded she liked the language regarding ovens and did not want to see it omitted from the definition for Kitchen as she felt it was an important element of what a kitchen was.

Ms. Cole stated one issue with defining what a kitchen was, was the constantly changing technologies available for cooking and preparing food.

Chairman Delwiche stated he was thinking about the matter from a different angle because a kitchen was what was used to determine whether a space was a dwelling unit or not. Chairman Delwiche stated he was concerned someone could have a fully functional and operational kitchen which did not meet the requirements set forth in the definitions. Commissioner Wolfe stated it was possible that a Certificate of Occupancy would not be issued in an instance such as this.

Chairman Delwiche stated it was possible to obtain a microwave convection oven at 110 Volts which, under this definition, was not included. Ms. Anthony commented she had a countertop convection oven which ran on a 110 Volt outlet and felt it only made sense to include this in the definition of kitchen.

Ms. Cole inquired if the Commission was more amenable to keeping oven in the definition but removing the descriptors regarding the various types. The Commissioners agreed. Ms. Anthony stated the definition would then include a sink, a stovetop/range, grill, a refrigerator, and a convection oven or oven.

Ms. Cole stated another definition added as part of these revisions pertained to what was known as a Lock-off Unit which was included due to citizen concerns regarding under the table additional housing such as a basement which could be separated by a locked door which effectively created a de facto second unit.

Ms. Cole stated her concern in Manitou Springs was due to the housing market and the popularity of short-term rental operations which made it much more likely the City would see property owners trying to figure out ways in which to rent part of their homes to outside parties. Ms. Cole stated the purpose of defining a

Lock-off Unit was different from the definition for a duplex. Ms. Anthony commented a duplex was defined as a permanent design in which two (2) separate units were created, whereas a Lock-off Unit was considered impermanent due to the fact a lockable door was all that separated the unit from being standalone or a part of the rest of the house. Commissioner Wolfe commented the only difference then was the units' separation by either a wall or a door. Ms. Cole stated this was correct.

Ms. Cole stated without these definitions she was unsure how the City was able to approve the construction of condominiums as the State Statutes regarding how property was to be separated required a process for a Condominium Plat. Ms. Anthony commented the City currently did not have a process for this under the current Code. Ms. Cole stated one of the things required by State Law regarding a Condominium Plat and common ownership was As-Builts of the units which were signed off by the State.

Commissioner Wolfe inquired why this was required. Ms. Cole responded under the law regarding common ownership, a condominium owner did not own the land underneath their unit. Ms. Cole stated this meant there was a requirement for an association to handle and maintain the common areas and As-Builts were required to show how those condominiums had been built in reality.

Ms. Cole went over a recap of the revisions and inquired if the Commission was amenable to moving forward with a recommendation.

Commissioner Wolfe inquired if the Code authorized or provided for any discretion regarding the performance standards for accessory structures and uses and inquired if it permissible to construct an accessory structure so long as it was at least one-sixteenth of an inch (1/16 in.) smaller than the primary structure. Ms. Cole responded this was correct and Code should not be written with the probability of some specific occurrence happening. Ms. Anthony commented there was a possibility in the future of setting some standards for accessory structures which stated they could not be larger than a certain percentage of the primary structure based on square footage and any person requesting more than what was allowed would be required to seek a Variance.

Commissioner Wolfe inquired if, until the standards were updated to include the items mentions by Ms. Anthony, the only requirement was the accessory structure be smaller than the primary structure in order to be approved. Commissioner Ragan stated there were still lot coverage requirements in the standards which would help limit and restrict what was permitted as an accessory structure.

Chairman Delwiche stated he was only skeptical about the difference between an Accessory Dwelling Unit and a Lock-off Unit and inquired if a Lock-off Unit could be considered a type of Accessory Dwelling Unit. Ms. Cole responded this was an accurate means of looking at the matter.

Ms. Anthony stated one option for the Commission was to hold off on defining a Lock-off Unit until there was an issue, as it had been her experience that if something was defined in the Code it often gave people the idea it was a permitted use and numerous people would then start doing this. Ms. Anthony stated it may be best to leave it out of the Code until it became an issue so as not to encourage people to do so.

Vice Chair Vrobel this made her concerned about houses with attached garages which could essentially become a Lock-off Unit. Ms. Cole stated she was in agreement with Ms. Anthony and felt it was a good idea not to include Lock-off Unit and Lock-off Room in the definitions at this time and to keep these definitions ready for what was coming down the pike involving Timeshare operations and interval ownerships.

Ms. Cole stated under the current Code, there was not regulation regarding interval ownership and it was possible for anyone with available units to start operating a Timeshare in the community.

Commissioner Burris inquired what a Code pertaining to fractional or interval ownership would entail. Ms. Anthony responded the owner and operation would be required to comply with any criteria or standards set forth but, as of right now, there were none. Ms. Anthony commented there would likely be a public process. Ms. Cole commented under the current Code and any Code put forth the City could not deny these operations from operating within the City due to First Amendment issues.

Commissioner Wolfe inquired if it was possible to put a maximum threshold on the number of fractional or interval ownership operations which were permitted in the City much in the same way vacation rental operations were capped. Ms. Anthony stated she thought this was a potential possibility in terms of regulation.

Commissioner Wolfe inquired, since the City was wide open in terms of these types of operations without any form of regulation, if it was wise to pass a moratorium on these operations until regulations could be adopted. Ms. Anthony stated it was wise to determine how long it would take to put an ordinance together as a moratorium tended to hamper other development because developers often viewed a municipality which implemented numerous moratoriums as a potential liability to their interests.

Ms. Cole stated it was her recommendation to keep this on their radar, but there were actually far more critical Code revisions needed at this time, especially regarding the Subdivision Code.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear public comment. Hearing none, the meeting continued.

MOTION:

Vice Chair Vrobel moved to forward a recommendation for approval of Ordinance 2318 to amend Title 18 of the Zoning Code regarding Definitions of Dwelling Unit, Kitchens, and Occupancy of a Dwelling Unit subject to the amendments and alterations discussed.

SECOND:

Commissioner Burris seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

At this time, 8:10 pm, Commissioner Casey excused himself from the meeting.

ITEM 9. Discussion and Recommendation Regarding Amendments to the Zoning Code Pertaining to Short-Term Rental Regulations

Barb Cole, Interim Planning Director, presented the Staff Memorandum dated November 8, 2018. Ms. Cole then addressed all of the alterations which had been made to the language of the proposed ordinance since the previous meeting.

Ms. Cole stated one of the revisions was to clarify how the five hundred foot (500 ft.) separation distance was measured from the property boundaries and if there was any question about the measurement put forth by the Planning Department, an applicant was permitted to hire a surveyor to perform the measurement.

Commissioner Wolfe inquired if the Code should explicitly state the separation distance was to be measured from the property boundaries, as she did not see this referenced in the Code revisions. Ms. Anthony stated the language could be amended to say the separation distance was measured from the perimeter of the subject property's lot line.

Ms. Cole stated another revision was the addition of the term square footage for all required floor plans and the requirement an applicant provide proof demonstrating there was no encroachment into the public right of ways and walkways by oversized SUVs, recreational vehicles, campers, and trailers. Ms. Cole stated these types of vehicles would only be accommodated if an applicant was capable of providing a space no less than ten feet by thirty feet (10 ft. x 30 ft.).

Ms. Cole stated under the Conditions and Standards section regarding the two percent (2%) restriction, an example was provided of the 2016 State Demographer's count of the number of residential structures within the City.

Ms. Cole stated another addition included in these revisions involved the occupancy standards for the City and the requirement for compliance with the International Fire Code and International Housing Code, as may be amended.

Commissioner Wolfe inquired if the words "as amended" could be amended to read "as may be amended", as she felt this language may be crucial to the Codes interpretation. Ms. Cole stated she thought this was a good idea.

Ms. Cole stated another component of the revisions was the requirement for a fully-equipped kitchen for each short-term rental unit, as defined by the new definition revisions to the Zoning Code and for the purpose of maintaining consistency. Ms. Cole further stated there was language which also stated there was a requirement, if provided by the owner, that utensils and equipment are easily cleanable, durable, and kept in good repair and utensils shall be washed, rinsed, and sanitized after each occupancy.

Commissioner Burris inquired what was meant by sanitized. Ms. Cole responded there were regulations in the Housing Code regarding required water temperature and proper sanitization. Ms. Anthony responded, generally, a dishwasher met these requirements and it was possible to meet the requirements in doing the cleaning by hand if the water was hot enough.

Ms. Cole stated the term "Family" had been removed from the language and replaced with Single Housekeeping Unit for consistency with the newly amended definitions section of the Zoning Code.

Ms. Cole stated the final revision made pertained to the permission of signage for short-term rentals which was consistent with what was permitted for Home Occupations. Ms. Cole stated this meant short-term rental operations were permitted to put up signage no larger than two square feet (2 ft²) in size.

Commissioner Burris inquired if this was an option or a requirement. Commissioner Wolfe stated it was optional as was evident in the Code language which used the term "may" as opposed to "shall".

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear public comment. Hearing none, the meeting continued.

MOTION:

Vice Chair Vrobel moved to forward a recommendation for approval of Ordinance 2418 to amend Title 18 of the Zoning Code regarding Short-Term Rentals subject to the amendments and alterations discussed.

SECOND:

Commissioner Burris seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6-0.

ITEM 10. Discussion Regarding First Draft of Amendments to the Subdivision Code pertaining to Planning for Hazards and Other Updates

Barb Cole, Interim Planning Director, presented the Staff Memorandum dated November 8, 2018. Ms. Cole stated the Planning for Hazards project had made a number of suggestions for Code amendments, some of which were easily incorporated and some of which she had not yet had the chance to look at.

Ms. Cole stated one of the proposed amendments to the Subdivision Code was the definition of No-Build Area which needed to be taken and considered very seriously by the Planning Commission as the term meant exactly what it said. Ms. Cole stated it was platted and labeled as such due to steep terrain or significant natural features or vegetation which shall not be built upon or altered through cuts, fills, or any other development or construction activity.

Ms. Cole stated another proposed change to the Code was an updated Purpose section which clearly noted items such as erosion control and sedimentation shall be addressed and all Subdivision requests shall be compatible with the goals and objectives of the City's master plan, Plan Manitou.

Ms. Cole stated, regarding Issuance of Building Permits to Previously Platted Lands and Issuance of Building Permits to Unplatted Lands, had been removed by Clarion Associates the recommendation of Staff. Ms. Anthony commented, since the Minor Subdivision process had been made an administrative review process, the idea was to eliminate the process for an administrative Waiver of Replat, but the more Staff had thought about the issue, it was determined there was a need to implement a process to accommodate unplatted properties.

Ms. Cole stated due to this need, a section had been included which clarified which types of land division activities were exempt from the Subdivision Regulations. Ms. Cole stated if a property owner did not have a land survey of their property or only had a metes and bounds description of the property, this amendment would allow them to obtain a building permit and also gave the Planning Commission the authority to approve a metes and bounds description.

Ms. Cole stated one of the larger problems regarding this issue involved the Crystal Valley Cemetery, which was unplatted, and under these revisions, would be exempted from the Subdivision Regulations.

Ms. Cole stated there were also instances in which land or property was divided due to liens, mortgages, deeds of trust, or other security interests or by the State and this would spare those entities from the need to go through an expensive and time consuming process.

Ms. Cole stated the current Code stated public improvements may be accepted at the time of platting which had been removed under the proposed amendments as this was not something most municipalities did. Ms. Cole stated the best practice was to conditionally accept the improvements when they were constructed, set forth a maintenance period, and then a final approval.

Ms. Cole stated there were three (3) types of Subdivisions proposed. Ms. Cole stated the Minor Subdivision was one (1) phase which was the Final Plat and was defined as the creation of no more than five (5) lots. Ms. Cole stated a Major Subdivision was two (2) separate phases which were the Preliminary and Final Plat and never should those two (2) processes be combined. Ms. Cole stated the Preliminary Plat phase was the time in which City Staff and the City's On-call Engineer reviewed the construction documents related to any public improvements as a means of ensuring the improvement were headed in the right direction from an engineering perspective.

Ms. Cole stated she would also like to see Plat Amendments, which were a single (1) phase Final Plat process often done to correct plat errors, boundary corrections, or perform lot consolidations, taken out of the Minor Subdivision Regulations as this should be a simple administrative process.

Ms. Cole stated one thing which she had spoken to and agreed with Chairman Delwiche about was the need for criteria regarding the approval of Subdivision Waivers and she had also reached out to the City Attorney to determine the correct name of the process, whether that be "waiver" or "variance", but had not yet received a response.

Ms. Cole stated she had not been able to get to the Land Dedication section of the Subdivision Code updates, but felt it needed to be cleaned up a bit and the calculations for fees in lieu of dedication needed to be looked over and revised as well.

Commissioner Ragan inquired, regarding Plat Amendments and Replats, whether land dedications could be amended or altered through this process because, in the past, the City had typically foregone doing so as the applicant had likely already been required to do so when the property was originally platted. Commissioner Ragan commented he felt this was a good opportunity to amend those dedications or fees in lieu since the applicant was amending the original plat and this may alter what was best for the City. Ms. Anthony stated this sounded as though it could be resolved by imposing an impact fee. Ms. Cole stated she would look further into the suggestion proposed by Commissioner Ragan.

Ms. Cole stated she would also review and look into the Lot Standards for potential revisions, if needed, as these were typically pretty standard across municipalities.

Ms. Cole stated there was no reference in the Code regarding the requirement for an agreement for public improvements which was needed to ensure those improvement were made. Ms. Cole stated this was essentially a Letter of Credit and, often times, cities ran into trouble when they did not obtain the original copy of this document. Commissioner Wolfe recalled when the Cliff House was going through the redevelopment process, there was an issue surrounding this exact topic.

Commissioner Ragan inquired if it was possible to place standard language similar to the revisions proposed for the Subdivision Regulations to be used in the Major Development Regulations. Ms. Cole responded this was certainly possible, if desired.

Ms. Cole stated as part of the Subdivision Code revisions, Staff had listed and spelled out the required improvements which only applied in a circumstance in which the subdivision of land which resulted in the need for public improvements to serve the created lots with municipal services and facilities. Ms. Cole stated the improvements would need to be conditionally accepted with a maintenance period before a final acceptance was issued. Ms. Cole commented often times, if there was an issue in the engineering or construction of a public improvement, signs and flaws would appear within the initial two years (2 yrs.) following construction and had recommended a maintenance period of one year (1 yr.) before final acceptance, but this could be amended to extend longer should the Commission so desire.

Commissioner Wolfe inquired if a one year (1 yr.) maintenance period was the norm amongst other municipalities. Ms. Cole responded most municipalities had a maintenance period of one to two years (1 – 2 yrs.).

Ms. Cole stated there had also been language in the Subdivision Code regarding access and circulation which used language, such as “to the maximum extent practicable”, which was not a good idea in terms of enforceability. Ms. Cole stated the language was to be replaced with a requirement for all new Major Subdivisions provide two (2) vehicular access points to and from and external through street system.

Ms. Cole stated if it was not possible to provide these two (2) access points, it shall be up to the applicant and the Fire Department to determine a reasonable compromise and remedy to the situation.

Ms. Cole stated the City currently had no formally adopted standards noted or referenced in the Subdivision Ordinance pertaining to the construction of water, sewer, roads, or storm drainage as these standards were constantly changing. Ms. Cole stated Shelley Cobau, Public Services Director, was sending her the informal standards their department used which often referenced another municipalities design criteria and, for the City of Manitou Springs, many of the erosion and drainage standards were those used by Colorado Springs.

Ms. Cole stated she had reservations regarding whether this was beneficial to the City as its geography, topography, and geology was vastly different to Colorado Springs. Ms. Cole suggested collecting numerous design standards from surrounding communities and having the On-call Engineer look them over to create standards which were best suited for the conditions in Manitou Springs. Ms. Cole stated it was also helpful to include images and diagrams with the Code language for easier interpretation and understanding.

Michelle Anthony, Senior Planner, stated a final version of the revisions to the Subdivision Code was to be presented to the Commission at the next Regular Meeting in December.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear public comment. Hearing none, the meeting continued.

ITEM 11. Planning for Hazards Update – Karen Berchtold

Karen Berchtold, Senior Planner, presented the Staff Memorandum dated November 8, 2018.

Ms. Berchtold stated the City had worked with Clarion to create and obtain a second draft which incorporated the recommended changes made by the Planning Commission and additional changes made by Staff.

Ms. Berchtold stated Staff felt it was best to work through some of the Planning for Hazards pieces a little more thoroughly as some of the components were a bit awkward or overly complex.

Ms. Berchtold stated, regarding erosion and drainage control standards, these components needed to be strengthened and to be referenced through the Zoning and Subdivision Codes and Staff would be working with the new Planning Director, Kin Johnson, to perform this task.

Ms. Berchtold stated the City had a grant with the Colorado Department of Local Affairs (DOLA) regarding these Code changes, but was unsure if the City was able to meet the deadline for completion. Ms. Berchtold commented the City should have a mostly completed draft in which to share with DOLA at the scheduled deadline.

Ms. Berchtold stated the main objective for DOLA was to put the final, completed work on their website for other communities to view. Commissioner Wolfe commented how exciting it was to be a part of this pilot project with DOLA.

Barb Cole, Interim Planning Director, stated the majority of activity in Manitou Springs was not new development, but small property improvements and the way to alleviate some of the issues regarding natural hazards was through the Zoning and Subdivision Codes.

Ms. Cole stated City Council had determined the main objective of the Planning for Hazards Project was to educate residents, contractors, and developers but what the Commission needed was the ability to comment in regard to hazards, especially with Major Development Plans which came forward in the future.

Ms. Cole stated she wanted to see performance standards and criteria in place for the Commission to be able to do just that.

Ms. Cole stated one thing Clarion had overlooked in the Code revisions were any changes to Title 14 of the Municipal Code, the Stormwater Quality Management and Discharge Control Code, which contained regulations for a Watershed Permit. Ms. Cole stated the regulations were written so this permit went straight to the City Administrator for approval as opposed to going through the Planning Commission or the Planning Department, but there was useful information in this section of the Code pertaining to erosion and drainage control which had come forth from the intent to protect the City's mineral springs.

Ms. Cole stated it was important to understand the various Code pieces which could either be referenced or drawn upon to tackle these hazards and mitigate their potential impacts on the community.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear public comment. Hearing none, the meeting continued.

ITEM 12. Discussion Regarding Commercial Design Standards

Michelle Anthony, Senior Planner, stated Interim Planning Director, Mike Davenport, had created the Staff Memorandum dated November 14, 2018 and other Planning Staff had not yet had the chance to review and look over the proposed changes. Ms. Anthony stated she was recommending the Commission postpone the

discussion until a later date and noted, since there was no action requested for this item, the Commission did not need to make a motion to do so. The Commissioners agreed.

Hearing no further questions for Staff, Chairman Delwiche opened the Public Hearing to hear public comment. Hearing none, the meeting continued.

VII. ADJOURNMENT

Hearing no further business before the Commission, Chairman Delwiche adjourned the meeting at 9:00 pm.

Minutes Prepared by Dylan Becker, Planner I