



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
SPECIAL MEETING AGENDA
Wednesday, NOVEMBER 14, 2018
*Immediately Following Regular Meeting***



I. CALL TO ORDER

II. APPROVAL OF MINUTES

III. NOTICE OF COUNCIL ACTION

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

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

VI. OTHER BUSINESS

VII. ADJOURNMENT

Commissioners:

Mike Casey (Term exp. 12/31/2019)
Alan Delwiche, *Chair* (Term exp. 12/31/2018)
Jeanne Vrobel, *Vice Chair* (Term exp. 12/31/2020)
Julia Simmons (Term exp. 12/31/2020)
Julie Wolfe (Term exp. 12/31/2021)
Lori Burris (Term exp. 12/31/2018)
Gloria Latimer (Term exp. 12/31/2019)
Tip Ragan, Alternate (Term exp. 12/31/2021)
Whitney Lewis, Alternate (Term exp. 12/31/2021)
One Alternate Needed

City Council Liaison: Robert Todd

Staff: Barb Cole, Interim Planning Director
Michael Davenport, Interim Planning Director
Michelle Anthony, Senior Planner
Karen Berchtold, Senior Planner
Dylan Becker, Planner I

The City of Manitou Springs does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities. Reasonable accommodation will be provided to ensure equal access to all. Individuals who would like to request auxiliary aids or services should contact ADA Coordinator Donna Kast at (719) 685-2554 or dkast@comsgov.com to discuss specific needs. Please provide a minimum of 3-5 day's advance notice.



PLANNING COMMISSION REVIEW FORM – RE 1801

REQUEST FOR – Rezone to Open Space (Public Hearing)

PLANNING COMMISSION SPECIAL MEETING DATE – November 14, 2018

CITY COUNCIL MEETING DATE – December 4, 2018 (Ordinance First Reading)
December 18, 2018 (Ordinance Second Reading)

APPLICANT'S NAME – City of Manitou Springs

ADDRESS OF PROPOSAL – 18 Manitou Terrace

CURRENT ZONING – General Residential

STAFF CONTACT – Michelle Anthony, AICP, Senior Planner

REQUEST:

The City proposes rezoning the subject property from General Residential to the Open Space designation. Please see the map information at the end of this report.

PROJECT SUMMARY:

The Planning Commission’s initial meeting on this request occurred at the Regular Meeting this same evening prior to the Special Meeting at which this public hearing is being held. The request was posted on the property, published in the newspaper, and letters to surrounding owners within 200 feet were notified by letter of this meeting and the first Council meeting. Staff had no public comment; there is time for comment up to the final Council meeting and also we will obtain comments from the Open Space Advisory Committee that will be provided to City Council.

As was noted in the initial meeting Staff Report, there is a timing issue with processing of this request due to a grant funder requirement that the rezoning must be done by the end of the contract period (which is the end of 2018). Staff, based on the advice of the City Attorney, is facilitating the proposal so there is time for two Council meetings in December on the Rezoning Ordinance which follow the Planning Commission recommendation.

The subject property was purchased by the City in April 2017 in order to remove the house that previously existed, due to concerns with slope stability over the Williams Canyon drainage project. The primary zoning classification in the area is General Residential; Commercial zoning and use is located uphill and in back of the property. The lot is 4,167 square feet in size and is vacant, except for some areas of retaining wall remaining after removal of the house.

STAFF EVALUATION AND COMMENTS:

The Open Space zone permits uses such as undeveloped natural land, passive outdoor recreation (trails and trailheads, picnic area, scenic overlook, etc.) that do not require infrastructure such as roads or utility services and other uses as approved in an Open Space Management Plan. There is no use proposed for the property at this time and none anticipated in the future. However, Staff does encourage the Open Space Advisory Committee to do a management plan for the multiple, single lots that are owned as open space.

This provides the opportunity to see if there is any passive use for properties or trailhead opportunities on any of these parcels and to document the circumstances of their becoming part of the open space inventory (i.e. purchase, donation, restrictions on use, etc.)

As was noted in the preliminary meeting report, the purpose of the Open Space zone is:

“... to provide for areas intentionally left free from development for the preservation of natural resources, including forest lands, wildlife corridors/habitats, unique biological, physical, topographical, or botanical areas, scenic view sheds; cultural, historic, and archaeological resources. These areas shall provide buffers between the City and surrounding El Paso County in order to protect the City's mountain backdrop and unique character, and shall provide preservation of unique areas within existing neighborhoods.

These areas may represent diverse types of land and possess varied physical and geographical conditions and are important physical, environmental, social, aesthetic and economic resources, which should be protected. The preservation of open space will complement public parks provided by the City and also protect the surrounding mountain backdrop that gives the City its unique character. This character supports the conservation values and significant tourism industry that the City thrives on.

This district is established to encourage the preservation and restoration of open lands in Manitou Springs for the protection of the flora and fauna in their natural state, for the passive recreational use by citizens of the City, and to accomplish the following:

- 1. To enable applicable lands under City ownership acquired by donation or purchase to be rezoned Open Space.*
- 2. To enable owners to petition to rezone land as Open Space.”*

The **Plan Manitou** Vision and Goals/Policies that relate to this proposal are:

Land Use and Built Environment Vision:

Our land use pattern and built environment reflect the core character and values of our community by applying sustainable techniques and technologies to strengthen and connect all areas of the City, improve public safety and community resiliency, and bolster a healthy sense of place.

Goal LU-1: Minimize risks to property, infrastructure, and lives from natural hazards and disasters. **HMP**

 **Policy LU-1.1 High Hazard Areas**
Guide new development away from and discourage density increases in high risk areas, including identified flood, wildfire, steep slope and geological hazard areas. Adopt the use of incentives and other strategies where feasible to support the implementation of this policy.

 **Policy LU-1.2 Steep Slopes and Geologic Hazards**
Avoid development on slopes with grades steeper than 30 percent to the maximum extent practicable. Utilize slope stabilization, erosion controls, and stormwater management best practices in all areas with steep slopes to reduce risks of erosion, landslides, and other geological hazards. Encourage implementation of these best management practices for both existing and new development, as appropriate.

Staff has highlighted sections of the above vision, goal and policies applicable to this request. The City took steps to mitigate the geological hazards on and impacted by this property by removing the non-historic house that was making the slop instability issues worse.

STAFF RECOMMENDATION:

The proposed rezoning will allow the City to comply with a requirement of the grant that provided the funding to obtain the subject property and conforms with the City’s Zoning Regulations in regard to properties the City does not want development on. There are no changes to the property; rezoning simply recognizes the existing conditions on the lot and the City’s ownership.

Staff proposes the Planning Commission recommend approval of RE 1801 to the City Council for the rezoning of 18 Manitou Terrace from the General Residential to the Open Space designation with the following findings:

- A. The Rezoning complies with the Manitou Springs Comprehensive Plan.
- B. The proposal has complied with all applicable statutory provisions.
- C. There has not been a change in the character of the neighborhood since the land was zoned General Residential. However, rather than providing for a different use of the property, the Open Space zone ensures no future building or active use of the parcel.
- D. The proposed rezoning will help to protect and preserve the Williams Canyon Drainage project by not allowing for new building on this site. The proposal does not have any adverse impacts on the provision of public facilities and services.
- E. The Open Space zone does not require location adjacent to similar zone types and is allowed anywhere in the community. As such, it is considered as compatible with any surrounding land use.
- F. There is no proposed use of the property and any passive use would need to be determined through an Open Space Management Plan. The subject property is suitable for Open Space zoning and this zoning is beneficial for the properties in the vicinity.



Location of 18 Manitou Terrace



18 Manitou Terrace – current and surrounding zoning