



**MANITOU SPRINGS
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING MINUTES
October 3, 2018**



I. CALL TO ORDER

The Regular Meeting of the Manitou Springs Historic Preservation Commission was held on Thursday, October 3, 2018, in Council Chambers at 606 Manitou Avenue. Chairwoman Nichols declared a quorum present and called the meeting to order at 6:00 pm. The following Commissioners attended:

PRESENT: Chair ANN NICHOLS
Commissioner ROBERT JACKSON
Commissioner TAMMILA WRIGHT
Commissioner SAMANTHA BELDING
Commissioner JOY PORTER

ABSENT: Vice Chair LISETTE CASEY (excused)
Commissioner NEALE MINCH (excused)

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

GUESTS: Robert Todd, City Council Liaison

II. APPROVAL OF MINUTES

ITEM 1. July 12, 2018

MOTION:

Commissioner Wright moved to approve the July 12, 2018 Regular Meeting Minutes of the Historic Preservation Commission, as presented. With the following amendments:

1. Page 4, Line 4: Amend “Morland” to “Morlan”
2. Page 2, Line 18: Remove Red Time Stamp

SECOND:

Commissioner Jackson seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion Passed, 4-0. Commissioner Wright abstained as she was not present for the July 12, 2018 Regular Meeting of the Historic Preservation Commission.

III. NOTICE OF COUNCIL ACTION

There was no Notice of Council Action to report.

At this time, Chairwoman Nichols explained the public hearing procedures to the audience and asked if any Commissioners had ex parte communications or conflicts of interest to declare. Chairwoman Nichols stated she had a conversation with one of neighbors while looking at the property regarding the location of the pole which had been erected to visualize the building height.

IV. UNFINISHED BUSINESS

ITEM 2. MCAC 1804 – Material Change of Appearance Certification (New Construction) – 2 Keithley Place – Jerry Peterson, Architectural Concepts, on behalf of Elizabeth Crawford, Owner

Michelle Anthony, Senior Planner, presented the Staff Memorandum dated September 27, 2018.

Commissioner Belding inquired, regarding the geologic study and report, if the existing drainage structures would be maintained to protect the other historic properties to the north, as she was concerned about potential damage to other properties in the district. Ms. Anthony responded the drainage for the district ran outside of the district and all the way to Fountain Creek. Ms. Anthony stated this was also something which was not under the purview of the Historic Preservation Commission, but the Applicant was well aware of the drainage issues and, since the road was privately owned, the Home Owners Association would be responsible for alleviating those issue. Ms. Anthony commented if a Home Owners Association had not been formed, the surrounding property owners would need to form one and it would behoove the Applicant to look into the legal liability issues on their own.

Chairwoman Nichols inquired if this would go back to the Planning Commission or on to City Council. Ms. Anthony responded this would go on to City Council and there would likely be some discussion regarding the drainage issues. Ms. Anthony commented she was not sure the City would be able to advise any of the neighbors or the property owners which were supposed to be a part of the Home Owners Association on their liability or course of action should there be an issue. Ms. Anthony stated it was an issue which needed to be addressed and it needed to be addressed by those who were responsible for it.

Chairwoman Nichols inquired if the City Attorney would be able to weigh in on any of this for the surrounding property owners. Ms. Anthony responded she was not certain whether the City Attorney would weigh in regarding the private property owners, but knew he would weigh in if the City was liable in any way.

Commissioner Wright stated she did not have any documentation of the existence of a Home Owners Association in the Keithley neighborhood.

Commissioner Wright inquired if the deck plans changed, whether or not this request would come back before the Commission. Ms. Anthony stated it would likely not come back before the Commission unless there was a more substantive change proposed, but minor alterations to a previously approved plan were more than likely able to be approved administratively by Staff.

Commissioner Wright stated she recalled some sort of study done on the property regarding slope. Ms. Anthony responded a thirty percent (30%) or greater slope was generally considered a no-build area unless there was a Subdivision Waiver.

Commissioner Wright inquired, regarding the addition of the wall, whether this would impact drainage of the property. Ms. Anthony responded it would likely have a nominal impact, but was designed to stabilize the slope which should be beneficial to the drainage problems.

Commissioner Wright inquired if the wall would be visually compatible with the Historic District. Ms. Anthony responded, given the location, she was not as concerned about the boulder wall even though it was not technically compatible with the district, as there had been other walls erected in the area of a similar nature, but it was up to the Commission to determine whether or not they were comfortable with its approval.

Commissioner Porter inquired, regarding the building height, whether the five inches (5 in.) the building extended above the required height was an issue. Ms. Anthony responded an evaluation would be performed after construction to determine the finished height and, if it appeared the building was taller than expected or than what had been approved, the Applicants would be required to come before the Commission once more with their data.

Hearing no further questions for Staff, Chairwoman Nichols invited the Applicants to the podium.

Jerry Peterson, 3750 Penny Pointe, Colorado Springs, stated his team had erected two (2) poles on site to demonstrate the building height to the neighbors and he had hired Doug Paige of PCI Builders to verify the existing grades of the lot to erect the poles to the correct heights.

Mr. Peterson stated, since the previous meeting, his team had also submitted plans showing the proposed change to a less steep roof pitch and was able to bring the building height to within five inches (5 in.) of the height requirement.

Mr. Peterson stated the request had also been before the Planning Commission which discussed the drainage issues at length and had approved the request pending the geologic studies and hazards report.

Chairwoman Nichols inquired if Mr. Peterson would address the height and size of the boulder wall. Mr. Peterson responded it was difficult to tell the grading in the location, but his best estimate was five to six feet (5 – 6 ft.) at its maximum height.

Commissioner Porter inquired how the boulders for the proposed wall were to be procured. Mr. Peterson responded this was a questions better answered by Doug Paige as he would be the person working on the wall.

Commissioner Belding inquired if the Applicants had considered using boulders found on site in the proposed wall construction. Mr. Peterson responded it was their intention to source as much material as possible from the site itself. Ms. Anthony commented there was not likely enough material located on site for the wall project, but did not feel concerned as there were plenty of locations around town in which material may be additionally sourced.

Doug Page, 613 West Midland Avenue, Woodland Park, stated he was the owner of PCI Builders and he hoped to procure some of the boulders to be used in the wall from the actual site, but felt the wall would look good constructed in the locally sourced material.

Commissioner Wright stated previous construction jobs in this area had restricted work trucks which travelled along Keithley Place so they were only permitted to approach the site from the south off of Oak Place, and inquired if this could be done again as a means of lessening the impact to the neighborhood and existing road infrastructure. Mr. Page responded he was amenable to the suggestion.

Chairwoman Nichols stated this was not something the Commission was able to impose or request of the Applicant and if this arrangement was preferred, it needed to be requested when the item went to City Council.

Hearing no further questions for, or comments from, the Applicants, Chairwoman Nichols opened the Public Hearing for public comment.

Erick Wright, 227 Plainview Place, stated he owned the property directly north of the proposed development. Mr. Wright stated he had spoken with some legal people, as well as several commercial and industrial developers in the area. Mr. Wright stated he was told, since there was no Home Owners Association, every home owner who owned property in the area and the developer who was developing this property, together as a conglomerate, were responsible and liable for any damages to surrounding properties created as a result of this development.

Mr. Wright stated since Keithley Place was under private ownership, any improvements to the road and/or drainage system, if not engineered and approved by the City of Manitou Springs and the Pikes Peak Regional Building Department, was a recipe for disaster. Mr. Wright further stated if the encroachment into the No-Build Area was approved under the Subdivision Waiver for this project, and something were to occur which damaged surrounding properties, lawsuits may be filed against every homeowner located in that neighborhood for damages caused because there was no Home Owners Association in place.

Mr. Wright stated, regarding large vehicle traffic and construction equipment, boulders had come down on to his property whenever a truck drove on that road which occasionally cause major issues for him and damage to his property.

Mr. Wright stated there was much to be worked out before the Historic Preservation Commission approved this request and allowed the developers to begin construction. Mr. Wright stated he had no issue with the property owner building a house on the property but needed some assurances in place to protect his property and surrounding properties and urged the Commission to keep his requests in mind when rendering a decision.

Chairwoman Nichols stated she wanted to clarify the Historic Preservation Commission was only reviewing the aesthetic design of the proposed development for compatibility with the Historic District Design Guidelines and the Commission, although sympathetic to the concerns of the neighborhood, only had purview over the design. Chairwoman Nichols further stated the issues and concerns raised by the neighbors was under the purview of the City Planning Commission and City Council.

Commissioner Wright stated she was concerned about the approval of the Subdivision Waiver to permit encroachment into the No-Build Area. Chairwoman Nichols responded the Historic Preservation Commission was not responsible for reviewing or approving this encroachment and reiterated this was reviewed and approved by the City Planning Commission.

Chairwoman Nichols stated she would allow some latitude in the discussion, but there was no purpose for the Historic Preservation Commission to hear issues in which they had no purview over and these concerns needed to be raised when the Subdivision Waiver request went before City Council for final approval.

Commissioner Wright inquired why the Historic Preservation Commission was presented with the Geologic Hazard and Drainage Reports regarding the request. Chairwoman Nichols responded Ms. Anthony had likely placed them in the packet to demonstrate the condition which had caused this request to be postponed at the last Historic Preservation Commission meeting had been satisfied and accomplished, not for the Commission to weigh in on or review as part of the Material Change of Appearance Certification.

Elizabeth Crawford, 16820 Oak View Drive, Los Angeles, California, stated she was the owner of 2 Keithley Place. Ms. Crawford stated she had requested her engineers postpone this hearing due to the latent issues regarding the previous developer and the surrounding neighbors which had recently come to light and come crashing down on her head.

Ms. Crawford stated she had received such opposition from the neighborhood about developing this property due to pre-existing and complicated issues which had nothing to do with her and she wanted to know why there was any discussion surrounding a Home Owners Association when the only discussion this evening should be about the appearance of her proposed development. Chairwoman Nichols assured Ms. Crawford there should be no further discussion of the matter, as it was not under the purview of the Historic Preservation Commission.

Ms. Crawford stated she was hereby rescinding her previous offer to pay for any improvements to the road, as she had offered to do so in a previous meeting and wanted the record to reflect she was no longer willing or offering to do so as an obligation of this development. Ms. Crawford commented she had only made the offer as a gesture of kindness to the surrounding property owners and had made every concerted effort to reduce the impacts of the development of this site to the surrounding neighborhood.

Ms. Crawford stated she had done everything she could possibly do to help alleviate the issues and felt she was not being treated fairly with respect to being permitted to build a house on her property due to the pre-existing conditions of a private road which was the responsibility of the current homeowners in the neighborhood. Ms. Crawford stated she felt she had gone beyond the pale in her attempts to make everyone involved happy and felt it had gotten her nowhere.

Ms. Crawford stated she would like for any improvements to the road and drainage system to be discussed by the homeowners in the neighborhood at the City Council meeting and for the costs to be divided amongst those homeowners, as it was their responsibility to maintain and improve that road since there was no Home Owners Association as there should have been. Ms. Crawford further stated she felt harassed and cornered by the neighbors and questioned why she was not able to build her home on her property just like everyone else.

Ms. Crawford stated she had only owned the property for eight (8) months and was considering selling it to another interested party who wanted to build an even larger home on the site. Ms. Crawford stated she had done her best to source materials from the local area for the design and construction of her home and felt the neighborhood was only harming themselves in the long-run as a new developer may not be as amenable as she had been.

Chairwoman Nichols inquired if there were any further comments to be made regarding the appearance of the design from the public.

Douglass Edmundson, 7 Keithley Road, stated he wanted to commend the architect and engineers for their efforts to bring the design into further compliance with the guidelines and commented he appreciated the changes made to the design regarding the roof pitch. Mr. Edmundson stated he was pleased the architects had decided to go with the log design over the stone pillar design for the back deck as he felt this was much more compatible with the Log Cabin Historic District.

Mr. Edmundson stated the retaining wall on the north/north west of the property would be an enhancement to the property and was consistent with other homes in the district. Mr. Edmundson stated the drainage concerns he had were addressed by the Geologic Hazards and Drainage report, however, he felt the Geologic Hazards study should not have been approved by the Planning Commission since it was not available to them at the time of the approval.

Mr. Edmundson stated due to the fact the Planning Commission had not reviewed the request for the Subdivision Waiver as a whole and complete package, he was going to request at the City Council meeting the Subdivision Waiver go back before the Planning Commission for review along with other issues he wanted to raise regarding drainage.

Mr. Edmundson stated, regarding the Keithley Road drainage issues and the question of City responsibility should any damage occur to surrounding properties as a result of this development, the City owned a tract of land in which the two (2) drainage systems were located and was therefore liable for damages incurred by surrounding property owners as a result of this development.

Mr. Edmundson stated he had no interest in forming or joining a Home Owners Association as he was a sovereign citizen and he owned the property immediately adjacent to the east of this development. Mr. Edmundson stated it was his intent to bring these issues before City Council and ask for the entire package to be brought back before the Planning Commission. Mr. Edmundson stated if his requests were not heard or followed by City Council, he would file an injunction against the development.

Mr. Edmundson stated he had heard the word “neighborly” thrown around numerous times during this process, but he had not been contacted once by Ms. Crawford or her architect and engineers since being introduced to her when she first purchased the property. Mr. Edmundson stated he had not seen or heard of any plans or proposals from Ms. Crawford regarding improvements to the road at any time during this process.

Ms. Crawford stated she felt there were veiled threats in relation to what Mr. Edmundson had said.

Chairwoman Nichols stated she wanted to put a stop to the arguing which was taking place and stated the Historic Preservation Commission only had purview over the appearance of the proposed development.

Ms. Crawford inquired if there was any action to be taken concerning the threats levied by Mr. Edmundson.

Chairwoman Nichols stated the Commission felt no threat or stress from Mr. Edmundson, either from Mr. Edmundson or what he had conveyed. Chairwoman Nichols stated Mr. Edmundson, as a private citizen, was permitted to make certain actions or steps following the decision of the Historic Preservation

Commission, but had not threatened the safety or well-being of any of the Commissioners, Applicants, or residents. Chairwoman Nichols stated the Commissioners were aware of what their job was and would render a decision following the discussion.

Jay Pretzer, 5 Keithley Place, stated he appreciated the work the architect had done to lower the roof pitch and felt the design would look great as a contributing resource to the district.

Hearing no further comment from the public, Chairwoman Nichols closed the Public Hearing.

Commissioner Porter stated she liked the boulder wall and felt utilizing boulders from the site was a good thing for the historic appearance of the property.

Commissioner Wright stated the addition of the windows on the garage was a huge improvement and helped break-up the shear mass of the feature. Commissioner Wright stated she was also pleased the designers were able to bring the height down to a reasonable level.

Commissioner Porter stated it seemed there were a lot of issues regarding communication and good communication between the surrounding property owners and the Applicant may have helped alleviate some of the tension the Commission witnessed during this meeting.

MOTION:

Commissioner Belding moved to approve MCAC 1804 for a Material Change of Appearance Certification for new construction at 2 Keithley Place with the finding that the design is compatible with the Historic District Design Guideline and with the following conditions:

1. The roof pitch and overall height of the proposed home are acceptable under the Guidelines and requirements of the Zoning Code.
2. The boulder retaining wall shown on the northern side of the lot is acceptable as a more “natural” retaining feature rather than a mortared wall in this specific location and within this sub-district.
3. All windows and doors with divided lights shall have grilles applied to the exterior of the glass. Cut sheets of the specific windows and doors shall be provided for administrative review and approval prior to issuance of the Building Permit to insure they meet this requirement.
4. The proposed architectural asphalt roof shingles shall be a darker, earth tone color, which shall be specified at the time of Building Permit.
5. Specifications for the stone to be applied to the building and a sample shall be submitted for administrative approval prior to purchase or installation.
6. The concrete driveway, and any other areas of un-faced concrete visible from either Keithley Road or Place, shall either be integrally colored per the City’s adopted formula, or a color proposed by the Applicant which matches the surrounding soil, to be approved administratively.
7. Specifications of the design and light levels for the exterior lighting fixtures shall be provided for administrative review and approval prior to purchase or installation.

SECOND:

Commissioner Jackson seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

V. NEW BUSINESS

There was no New Business to discuss.

VI. OTHER BUSINESS

ITEM 3. Review of Historic Preservation Commission 2019 Budget Request

Chairwoman Nichols stated she had received an electronic mail correspondence from Nancy Fortuin, Mayor Pro Tempore, which informed her the Historic Preservation Commission was invited to make a presentation to City Council regarding their budget if they so desired at an upcoming meeting.

Michelle Anthony, Senior Planner, presented the Staff Memorandum to City Council dated September 27, 2018.

Ms. Anthony stated, regarding upcoming surveys of several of the Local Historic Districts, Staff was applying for a no-match Certified Local Government (CLG) grant and pairing it with a match-required State Historic Fund (SHF) grant. Ms. Anthony stated the recommended reconnaissance level survey was intended to go through every property within a given Local Historic District, take photos, and provide a very basic assessment of the current conditions and any evident historic components located on site.

Ms. Anthony stated the City would also ask the consultant to compose a preliminary evaluation as to whether a given structure was contributing or not and, if determined not to be contributing, why this was the case and whether the structure could be restored to a contributing status.

Ms. Anthony stated the second project the grant money would be utilized for was a survey plan which would delineate which districts or areas were to be prioritized for the reconnaissance survey and photography, as these surveys could cost up to and exceed one thousand dollars (\$1,000.00) per property.

Chairwoman Nichols inquired if this project would be of any cost to the City due to the two (2) grants. Ms. Anthony responded the City was hopeful this would be the case.

Ms. Anthony stated it was the intention of the City to roll these two (2) grants together and to update the Historic District Design Guidelines based on the findings of the reconnaissance surveys. Ms. Anthony stated the surveys could also be used to help inform and update the City's guidelines regarding natural hazard mitigation for private property owners.

Commissioner Belding inquired, if the funding was available, whether it was possible to incorporate and document linear features, such as walls. Ms. Anthony responded historic walls and bridges were intended to be included as part of the reconnaissance surveys and it was possible there may be room to include some historic landscape features, such as historic trees, as part of the surveys as well.

Chairwoman Nichols inquired if any of this would be presented to City Council even though there was no money being requested. Ms. Anthony responded some funds had been allocated in the budget to provide match for other grants should the City be turned down for either the CLG grant or the SHF grant.

Chairwoman Nichols inquired if this was the twenty thousand dollar amount listed in the budget information provided in the Staff Memorandum. Ms. Anthony responded it was.

Ms. Anthony stated, regarding geographic information system (GIS) services, Staff and the City was becoming savvier and the Planning Department would be performing some mapping for this project. Ms. Anthony stated there had been discussion with Dylan Becker, Planner I, regarding the creation of an interactive web-based map for use by residents which would allow them to click on their property on a map and view the survey information, photographs, and documents.

Ms. Anthony stated, regarding public outreach brochures for residents in the Local Historic Districts, these needed to be updated and ready for distribution.

Ms. Anthony stated, regarding the Historic Preservation Incentives which was line item 10-419-575, there was \$5,000.00 set aside for the Maintenance Mini-Grants in 2019.

Chairwoman Nichols inquired what line item 10-419-577 was as this was labelled as Historic Preservation Grant Expenses. Ms. Anthony responded in the past, the City had acted as a pass through for State Historic Fund Grants and this line item was needed for a place to put that money. Ms. Anthony stated the line item also needed some money in the account in the event something came in which needed immediate action or payment which would later be refunded by the State.

Ms. Anthony stated, regarding line item 10-419-595 which was labelled HPC Support, was the money set aside for grant matches, the honor awards, and some training.

Chairwoman Nichols inquired, regarding historic signs for delineating the Historic Sub-districts, if this had been included in the budget as the Commission had requested. Ms. Anthony responded this had been funded in past budgets, but was never accomplished and given the budget concerns occurring in the City, she had opted for a more conservative approach which meant it was not included in next years budget. Ms. Anthony stated she felt the Commission was in a better place to ask for this type of funding once the Historic District Guidelines had been updated and the reconnaissance surveys completed.

Commissioner Wright inquired if the Commission had to specify the intended uses of the budgeted money under each line item. Ms. Anthony responded the line items had been specified as far as what the money was intended to be used for. Chairwoman Nichols stated an example was the HPC Support line item which was to be used for the awards, grant matches, and training.

Ms. Anthony stated she had also created an incentives brochure and the walking tour brochure for the historic plaques around town and, following the reconnaissance surveys, she felt it was a good time to

request funding for the second round of historic plaques in town. Ms. Anthony further stated the plaques which were in need of repair or replacement had all been refurbished and printed awaiting to be installed by the Code Enforcement Officer, Cy Cushenberry, when he was able to find the time.

Commissioner Belding stated the Sub-district signage stuff seemed like a good opportunity for the Historic Preservation Commission to interact with the residents in those districts and inquired the cost per sign as it may be a good opportunity to raise the funding from the residents. Ms. Anthony responded the City had actually been looking into street sign toppers similar to what was seen on the Old North End of Colorado Springs which were not too horribly expensive and thought the price was around one to two hundred dollars (\$100.00 - \$200.00) a piece.

Commissioner Belding commented, if interested, the residents could be offered to make a small donation in order to help finance the purchase, installation, and maintenance of these signs.

Commissioner Wright inquired, regarding the Staff Memorandum, if the City intended to supply tablets for the use of the boards and commissions. Ms. Anthony responded there was a proposal put forth for the City to supply a set of seven (7) tablets for use in public meetings by City Council and any of the boards, commissions, or committees as means of reducing the amount of paper used. Ms. Anthony stated it was great if the City was ultimately able to provide a tablet to each person on City Council and the various boards, commissions, and committees which they were able to take home and after their service, own.

Chairwoman Nichols inquired if Ms. Anthony would be presenting this to City Council and whether the Commissioners should attend the meeting. Ms. Anthony responded the department directors would be the ones making the presentation to City Council, but the Commissioners were invited to attend if they desired to do so.

Robert Todd, City Council Liaison, inquired if the discussion regarding the reconnaissance surveys had any relation or was tied into a previous difficult hearing involving the Historic Preservation Commission and the Lewis' earlier this year in which there was confusion about the contributing status of their property. Ms. Anthony responded it was not a result of anything involving the Lewis' or the previous hearing in which both parties were involved and the reconnaissance surveys had been on the Commission's to-do list for several years. Ms. Anthony commented although the two were not related, the reconnaissance surveys could certainly be used to alleviate issues like this in the future.

Mr. Todd inquired if the Planning Department was looking for a head count and, if they were, had there been any attempt in enrolling the help of the various boards, commissions, and committees to support this effort. Ms. Anthony inquired if Councilman Todd was asking about additional staff for the department. Mr. Todd confirmed. Ms. Anthony responded the only additional staff she had discussed was a proposal to hire someone part-time to attend meetings, take minutes, and help with filing.

VII. ADJOURNMENT

There being no further business before the Historic Preservation Commission, Chairwoman Nichols adjourned the meeting at 7:27 p.m.

Minutes Prepared by: Dylan Becker, Planner I