



**MANITOU SPRINGS
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING MINUTES
Wednesday, April 7, 2010, 7:00 P.M.**

I. CALL TO ORDER

A Regular Meeting of the Manitou Springs Historic Preservation Commission was held Wednesday, April 7, 2010 in Council Chambers @ 606 Manitou Avenue. Chairwoman Wingate called the meeting to order at 7:06 pm and declared a quorum present. The following were in attendance:

PRESENT: Commissioner CHARLES CASE
Alternate Commissioner BARBARA DIAMOND
Vice Chair RANDY HODGES
Commissioner ANNE HYDE
Commissioner ANN NICHOLS
Chairwoman MOLLY WINGATE
Commissioner TAMMILA WRIGHT

ABSENT: Commissioner KAREN CULLEN (excused)

GUESTS: None

STAFF: Dan Folke, Planning Director
Michelle Anthony, City Planner
Kari Kilroy, Assistant

II. APPROVAL OF MINUTES

ITEM 1. Minutes from March 3, 2010 Regular Meeting.

Commissioner Nichols, regarding 108 Elk Path (MCAC 1002), felt that the discussion regarding additional information requested, as well as direction to the Applicant, was missing from the March 3 minutes. She was a little unclear as to what the Commission actually asked for.

Ms. Anthony explained that Staff got a contractor to evaluate the property and he gave Staff a list of cost estimates but not a separate written report.

Commissioner Nichols commented that she had expected to see a report that mirrored the Staff Report.

Chairwoman Wingate asked Commissioner Nichols if she felt that the minutes were incomplete. Commissioner Nichols replied yes and requested that the Planning Assistant listen to the recording and fill in the missing information.

Commissioner Case pointed out that on the bottom of page 3 in the third line from the bottom, the word "rod" should have been "wrought".

MOTION:

Commissioner Case moved to postpone approval of the March 3, 2010 meeting minutes until amendments could be made.

SECOND:

Commissioner Nichols seconded the motion.

DISCUSSION:

None.

VOTE:

Motion passed, 7-0.

III. NOTICE OF COUNCIL ACTION

None.

Chairwoman Wingate reviewed the meeting procedures and asked the Commissioners if they had any ex parte contacts or conflicts of interest to declare. There were none.

IV. UNFINISHED BUSINESS

ITEM 2. MCAC 1002 – Material Change of Appearance Certification (Demolition and New Residence – Public Hearing) – 108 Elk Path – John McGee on behalf of Star Lumber & Supply Co., Inc., Applicant.

DISCUSSION REGARDING REQUEST AND PUBLIC COMMENT:

Michelle Anthony (City Planner) presented the Staff Report dated 04/05/10. Staff recommended denial of the request with the following finding:

“The circa 1906 house was typical to the neighborhood and could reasonably be restored to a contributing status within the Local and National Register Historic Districts. Needed repairs to the structure did not rise to a level that justified demolition. Desired, rather than necessary, upgrades (such as increased ceiling and door heights) were not justification for demolition. The property owner had reasonable alternatives to demolition such as repair, construction of an addition, and/or sale of this property. The owner had also received the potential of significant financial benefit from the subdivision of the property and subsequent

sale of lots, which would defray the costs of repair and rehabilitation. Demolition of this building would have a detrimental impact on the historic or architectural integrity of the surrounding neighborhood and the Historic District as a whole as it would set a low threshold and undesirable precedent for future demolition requests.”

Discussion ensued regarding how to proceed with review of the application.

Chairwoman Wingate wondered when rehabilitation had to meet building code standards. Ms. Anthony explained that it kicked in when an element was being changed. For example, a new furnace would have to meet code. In and of itself the building would not have to meet code unless it was failing or one was changing/updating something. Commissioner Case supported Ms. Anthony’s explanation based on conversations he had had with Pikes Peak Regional Building staff.

Chairwoman Wingate referred to page 4 of the Staff Report and confirmed with Ms. Anthony what she meant by “trigger additional foundation support.”

Chairwoman Wingate asked Ms. Anthony if, based on the statement that the property had been owned and rented for four years with no upgrades, it bordered on demolition by neglect. Ms. Anthony replied no.

Commissioner Case asked Ms. Anthony to remind him how the demolition ordinance was phrased. Ms. Anthony read from section 17.04.080 (A): “Prior to initiating an order for the Demolition of any Resource located within an Historic District, City Council shall obtain the advice of the Commission as to the historic significance of the Structure or architectural Feature for which Demolition is under consideration.” She pointed out that the ordinance did not specify whether the resource was contributing or noncontributing and said that the HPC had made recommendations on both types.

Commissioner Case asked what the square footage of the lot was. Ms. Anthony replied 14,898 square feet.

Commissioner Hyde wondered what would be the format of the state’s response. Ms. Anthony explained it would be either concurrence with Staff or disagreement and a statement of why. Dan Folke (Planning Director) mentioned that the state was reviewing the inventory form, not the Staff Report.

Commissioner Nichols felt that they were at a disadvantage in not seeing the consultant’s assessment in written form. She said that the Code was fairly clear on what needed to be done and that the economic assessment, including return, was fairly clear. Commissioner Nichols thought that neither the Applicant nor the Staff Report met that criteria and wondered why we thought we could circumvent that step. Ms. Anthony explained that Staff was not necessarily circumventing it but since the Applicant did not address it, Staff had not delved into it either.

Commissioner Nichols was uncomfortable going forward with just a cost estimate and said that the economic feasibility, including the economic return, was something that was absolutely essential.

John McGee (Applicant) thanked the Commission for visiting the house and Ms. Anthony for the work she had done. He wanted to focus on the term “noncontributing” and said that in the past the City had condemned eight or nine properties. Of those that were deemed noncontributing, he asked if any were denied demolition. Ms. Anthony explained that the evaluation process used was to determine whether the house was noncontributing. If yes, it was then determined if the house could be restored. If no, then it went on to be demolished. She said that she had used the same thought process with MCAC 1002 and had determined that the house could be rehabilitated.

Mr. McGee commented that Staff felt that bringing the house to its original state would be a simple process – he wondered who determined what was “simple”. In addition, Staff saying that the resource was noncontributing seemed to him to say that it did not matter if it cost \$1 or more to rehabilitate it, it did not belong there. He felt that any house could be brought back to contributing. To him it seemed easy – if it was noncontributing then demolish it. Mr. McGee felt that based on precedent of other demolitions, 108 Elk Path should be able to be torn down and Staff’s recommendation opened up a gray area.

Commissioner Case said he had been confused about the same point but pointed out that the ordinance said “resource” – it did not specify whether the resource was contributing or noncontributing.

Commissioner Case confirmed with Ms. Anthony that the estimates might not be accurate and felt that whatever was required to bring the house back to contributing should be accurately reflected in the estimate.

Commissioner Nichols stated again that the key was economic feasibility of the rehabilitation – whether it was contributing or not, the Code said to figure out the economic feasibility. To her, that was the issue.

Mr. McGee asked if a contributing resource would be torn down if it was not economically feasible to rehabilitate it; for instance, the Cliff House. Commissioner Nichols said yes, that was what the Code said. Mr. McGee then wondered why the Commission was called “historic” if it was just a money committee.

Mr. Folke interjected that the goal was to weigh everything and find a balance. He said it would be nice if it were simple enough to say that if it met criteria “A” then tear it down. Mr. Folke then said that he was hearing that the Commission was not comfortable with the lack of information on the economic feasibility item.

Chairman Wingate pointed out that it was the Commission’s job to preserve all the historic resources in Manitou, even the itty-bitty ones.

Mr. McGee again stated that Staff was distinguishing between contributing and noncontributing. Chairman Wingate suggested Mr. McGee move on with the rest of his presentation.

Mr. McGee said that Staff recommended three things to make the resource contributing: remove the front patio cover, re-side the east side of the house, and change the front windows. That was a start to making it look historic, but what about the inside? If one were to walk through, one

would not say it was livable. Was it only the look of the outside that the Commission cared about? Did the Commission care if the owner was able to get a FHA loan? In addition, Mr. McGee felt that Staff's builder (Bill Granda) had only touched on the costs and had not included permits, use tax, etc. The owner had \$175,000 invested in the property – that was all one could say. One could not say what it would sell for and it was difficult to say if they could break even. Mr. McGee reiterated that the owner had \$175,000 in the lot and a 900-square-foot house. It was his estimate that the owner would spend \$100,000 fixing it up – was that economically feasible? It was Mr. McGee's opinion that it was not and he said he would disagree with a lot of builder's prices and recommendations.

Commissioner Wright commented that the going rate was about \$90 per square foot for retros (not in Manitou) and rent return would be about \$700 per month – but good luck with getting that.

Mr. McGee said that the owner had subdivided as a way to diminish the costs and so had also spent about \$40,000 doing that.

Chairwoman Wingate confirmed with the other members of the Commission that they agreed that they did not have enough information to determine if there was economic feasibility.

There was no public comment.

Commissioner Case mentioned that the property under review was not the four lots and that any reference to the other three lots was mute and should not be used for the Commission's discussion. Commissioner Case figured out the economic feasibility based on the assumption that it could sell for \$224,700 lot value so the Commission would be asking the owner to contribute \$163,700 which did not sound reasonable to Commissioner Case. He also suggested that the endpoint might not be to retrofit the 900-square-foot house, but to add an addition once it was retrofitted.

Commissioner Nichols said she would like to see a written report from the City's contractor that addressed item by item points raised by the Applicant's contractor. She mentioned an economic approach done by Fred Crowley for Dave Jenkins and suggested a good analysis was the minimum to meet the Code.

Chairwoman Wingate said that a recommendation was needed from the state and to listen to the March 3 meeting minutes. She was troubled by extending the amount of time and told the Applicant that it was not what she had in mind. Chairwoman Wingate asked Ms. Anthony for a copy of what the City's contractor (Bill Granda) had written down. Ms. Anthony replied that she was going to have him do a thorough report.

Mr. Folke stated that the economic feasibility study was something the Applicant was required to provide. He suggested the Applicant could hire someone or have the City do it and then reimburse us for our expenses. Mr. Folke felt that the intention of the requirement was to review the Applicant's estimates and determine if they were reasonable.

Commissioner Case felt that, at a minimum, the economic study should address the three items identified as being the ones needed to bring the house back to contributing status.

Per a question from Chairwoman Wingate, Ms. Anthony stated that the City would have someone evaluate the Applicant's economic assessment. Chairwoman Wingate clarified that a qualified person should do the evaluation and wondered if there were any suggestions as to what the qualifications should include. Commissioner Nichols again suggested the analysis that Fred Crowley had done for Mr. Jenkins and Mr. Folke confirmed that that would be a good starting point.

MOTION:

Commissioner Case moved to postpone MCAC 1002 for the demolition of 108 Elk Path until the following items were received:

- Economic feasibility analysis provided by Applicant and reviewed by Staff
- Written report and review of Applicant's cost estimates by City contractor Bill Granda (following the same format as Applicant's)
- State response
- Evaluation of structural and repair needs and costs
- Additional analysis of what costs would be to bring the resource back to contributing status by addressing only the three items noted by Staff
- Corrected March 3, 2010 meeting minutes

SECOND:

Commissioner Hyde seconded the Motion.

DISCUSSION:

None.

VOTE:

Motion passed, 7-0.

V. NEW BUSINESS

None.

VI. OTHER BUSINESS

ITEM 3. Other.

Commissioner Case mentioned that it was getting close to Historic Preservation Week. Ms. Anthony stated that she intended to develop a list of eligible 2009 MCACs and email them to the Commission. Discussion ensued.

Mr. Folke presented his monthly report to the Commission.

Chairwoman Wingate asked for an update on the progress of repairing the City's historic stone walls.

Chairwoman Wingate encouraged the Commission to recruit new members since there were two alternate openings. Discussion ensued regarding qualifications.

VII. ADJOURNMENT

As there was no further business before the Commission, Chairwoman Wingate adjourned the meeting at 8:41 pm.

Minutes submitted by Kari Kilroy

