



**MANITOU SPRINGS  
HISTORIC PRESERVATION COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, February 2, 2011; 7:00 P.M.**

**I. CALL TO ORDER**

A Regular Meeting of the Manitou Springs Historic Preservation Commission was held Wednesday, February 2, 2011 in Council Chambers @ 606 Manitou Avenue. Chairwoman Wingate called the meeting to order at 7:03 pm and declared a quorum present. The following were in attendance:

**PRESENT:** Commissioner CHARLES CASE  
Alternate Commissioner BARBARA DIAMOND  
Commissioner ANNE HYDE  
Commissioner ANN NICHOLS  
Chairwoman MOLLY WINGATE

**ABSENT:** Commissioner KAREN CULLEN (excused)  
Vice Chair RANDY HODGES (excused)  
Commissioner TAMMILA WRIGHT (excused)

**GUESTS:** None.

**STAFF:** Dan Folke, Planning Director  
Kari Kilroy, Planning Assistant

**II. APPROVAL OF MINUTES**

**ITEM 1. Minutes from January 5, 2011 Regular Meeting.**

Commissioner Case pointed out that Councilman Rick Barry had been present at the January 5<sup>th</sup> meeting and also made editorial changes to a statement attributed to him on page 3.

**MOTION:**

Commissioner Nichols moved to approve the minutes as amended.

**SECOND:**

Commissioner Case seconded the motion.

**DISCUSSION:**

None.

**VOTE:**

Motion passed, 3-0 (Commissioners Diamond and Hyde abstained).

### III. NOTICE OF COUNCIL ACTION

MCAC 1006 – Material Change of Appearance Certification (Demolition and New Construction) – 36 Park Avenue – Paul York (Cliff House General Manager) on behalf of Dan Dick, CFO (Colorado Landmark Hotels LLC), Applicant. At their January 18 Regular meeting, City Council approved the request.

### IV. UNFINISHED BUSINESS

None.

### V. NEW BUSINESS

*Chairwoman Wingate asked the Commissioners if they had any ex parte contacts or conflicts of interest to declare; there were none. She then reviewed the meeting procedures.*

#### **ITEM 2. MCAC 1101 – Material Change of Appearance Certification (After-the-Fact Window Change) – 818 Prospect Place – Richard & Martha Lundh, Applicants.**

##### **DISCUSSION REGARDING REQUEST AND PUBLIC COMMENT:**

Dan Folke (Planning Director) presented the Staff Report dated 01/28/11 and prepared by Michelle Anthony (City Planner) who was away at a conference. Mr. Folke explained that the request was difficult because the work had already been done. He said that it was Staff's preference to replace the picture window with a new 1/1. But Staff also felt that it would be punitive to require all the windows to be replaced with wood windows and would not help the [historic preservation] program.

Commissioner Diamond asked which was the picture window. Mr. Folke referred to the pictures on page 4 of the Staff Report.

Chairwoman Wingate wondered about any fines or punitive measures such as nullifying future MCACs. Mr. Folke explained that the Code allowed doubling of the use tax.

Commissioner Case noted that there had been two additions to the cottage and wondered when they were done. Mr. Folke did not have any information.

Commissioner Nichols wondered if the contractor had been educated about the process and if there were any punitive steps taken towards the contractor. Mr. Folke discussed and suggested writing an official letter to the contractor explaining Manitou's permitting process procedures.

Chairwoman Wingate said that she was wildly unhappy with the contractor; he was misinformed and didn't bother to double-check. The whole thing was a mess.

Gene High, 14 Waltham Avenue, said that the house belonged to his wife and to Dick Lundh. He explained that they allowed Mr. Lundh to use the house as a summer cottage.

Per Chairwoman Wingate's question, Mr. High explained that he was Mr. Lundh's brother-in-law. He said that the contractor had told him that he had never heard of anywhere in the area where permits were required to put in windows.

Chairwoman Wingate asked about the additions. Mr. High said that there had been no additions since he had known the house (since 1951).

Commissioner Case explained why he had asked about the additions.

Mr. High said that the only addition he knew of was the porch that was almost hidden by the telephone pole in the picture.

Per Commissioner Case's question, Mr. High replied that he did not know why the window was replaced as a picture window and added that he was surprised that the window had been replaced at all because it had been replaced in the 50s. He also said that the first he knew about it was when Mr. Lundh called him to let the contractor in.

Per Commissioner Case's question, Mr. High said that Mr. Lundh would be responsible for the use tax.

There was no public comment.

Commissioner Case said that he had mixed feelings. A lot of the older houses in the 700 block had picture windows and the whole frontage of the house in question was already a mix of sliders, fixed and double-hung windows. But they were vinyl windows and looked like vinyl windows, not wood. He also said that if the Commission required them to replace all the windows the owner could come back with a financial hardship argument. Commissioner Case finished by saying that he did not care about the picture window but he did care about the vinyl.

Commissioner Hyde agreed with Chairwoman Wingate in being mad at the contractor. She said that if he had done what he was supposed to do, this would not have happened.

Commissioner Nichols agreed with Commissioner Case saying that there were many different styles of windows in that area and there were also vinyl windows. The bigger problem was that many contractors replaced windows without permits. She added that the house had been maintained very well, she didn't particularly like vinyl windows, and she hadn't even noticed the picture window. It was difficult to require taking out the windows after-the-fact, especially if the integrity of the home wasn't compromised. Commissioner Nichols ended by saying that, for reasons previously articulated, she would target the contractor and would support the application.

Chairwoman Wingate cautioned to be careful of comparing apples and oranges saying that it was clearly a modern change. Had it come before the HPC she would have said it was an unsympathetic change and would have required 1/1. She also said that the vinyl issue was like a bad dream coming back again and that there was a misunderstanding about what vinyl did to a property. Chairwoman Wingate ended by saying that she felt that the contractor should be required to pull out the window and replace it.

Commissioner Case wondered if the property was opted out of the Historic District. Mr. High did not think so and Mr. Folke said that he was sure Ms. Anthony had checked otherwise she would not have brought it this far.

Commissioner Hyde commented that the Code Enforcement Officer did her job by finding this.

Discussion ensued regarding the Code Enforcement Officer.

Commissioner Case said that there was something to be said for setting an example so that neighbors might think twice.

Commissioner Nichols stated that the problem was that most of the neighbors had already changed out their windows.

Chairwoman Wingate commented that there were people on the block who had worked through the process.

Commissioner Nichols did not think that it was appropriate to make an example of Mr. Lundh saying that she thought that he had tried to do the right thing and that it was not a blatant attempt to fool us.

**MOTION:**

Commissioner Nichols moved to approve MCAC 1101 for after-the-fact approval of the installation of replacement windows at 818 Prospect Place. Commissioner Nichols added that the approval was based on the fact that the alteration did not remove the cottage from a contributing status to the local Historic District and did not have a detrimental impact to the District overall.

**SECOND:**

Commissioner Diamond seconded the motion.

**DISCUSSION:**

Commissioner Case felt that the finding needed stronger wording.

Commissioner Nichols said that it was after-the-fact – the work had been done. She strongly recommended finding ways to educate the window contractors so that they knew what was required and, if necessary, have penalties if they ignored the requirements.

Chairwoman Wingate said that she would like to have a strong conversation with the contractor. She also added the Mr. Lundh knew and had been told that the preference was to repair the windows. She was not willing to let it go and didn't know why they were bothering to hear it at all.

Commissioner Hyde asked what was the contractor's name. Neither Mr. High nor Mr. Folke knew.

Mr. Folke cautioned that the Commission could not compel the contractor to replace the window – it was something that would have to be worked out between the owner and the contractor. He also suggested that he would talk to the City Attorney about what could legally be done.

Per Commissioner Nichols' question, Commissioner Case explained that he felt a stronger finding needed to go along with the approval and that he was uncomfortable with the Motion's findings as stated.

Mr. Folke suggested incorporating Commissioner Case's comments regarding the different window styles.

Commissioners Nichols and Diamond agreed that the finding would be amended as follows: "Approval of this request is based on the fact that the proposed alteration will not remove the cottage from a contributing status to the local Historic District, will not have a detrimental impact to the District overall, and that the windows as visible from the front of the house are all of different styles."

**VOTE:**

Motion passed, 3-2 (Commissioner Case and Chairwoman Wingate cast the dissenting votes).

*Chairwoman Wingate asked the Commissioners again if they had any ex parte contacts or conflicts of interest to declare; again there were none.*

**ITEM 3. MCAC 1102 – Material Change of Appearance Certification (Restoration and New Construction) – 621, 623 & 627 Manitou Avenue – Ryan Lloyd (Architect) on behalf of Bert & Ruby Reissig, Applicant.**

**DISCUSSION REGARDING REQUEST AND PUBLIC COMMENT:**

Dan Folke (Planning Director) explained that the Applicant had originally presented a concept plan to the Planning Commission and that some changes had been made to the proposal since that meeting. He briefly discussed Staff's suggestions regarding rehabilitating the commercial building (621) and then presented the Staff Report dated 01/28/11 and prepared by Michelle Anthony (City Planner) who was away at a conference. Staff supported the overall concept but noted that it appeared to still be in a conceptual stage and Staff would need details to complete a full review. Mr. Folke recommended that the Commission discuss the issues and then postpone the request to a later date, perhaps the March 2, 2011 meeting. He also suggested that the Applicant complete the Design Guideline Checklist.

Chairwoman Wingate was a bit baffled by the proposed roofline detail of the building at 627 saying that it looked really modern and she was surprised that Staff did not comment on it. She also added that it would be okay to demo the existing building without heartache.

Ryan Lloyd (Echo Architecture), 202 Echo Lane in Colorado Springs, handed out new information saying that he had taken Staff's comments and reworked the submission. He also agreed with Mr. Folke that it was somewhat preliminary and explained that it was because the owners did not have a specific idea of what they wanted to do except to maximize the property. He added that they had met with Mr. Folke, Ms. Anthony, the Planning Commission and even the Parking Board and all had agreed that the garage needed to go. Mr. Lloyd finished by pointing out the new information regarding materials.

Commissioner Case confirmed with Mr. Folke that front-to-back parking was allowed.

Chairwoman Wingate confirmed with Mr. Lloyd that 627 had a flat front. Mr. Lloyd added that the lower porch was recessed.

Chairwoman Wingate confirmed with Mr. Lloyd that the front of the proposed 627 would be close to 30' from the street and commented that that was quite a ways for Manitou Avenue.

Per Chairwoman Wingate's next question, Mr. Lloyd confirmed that they were striving for three separate buildings saying that he thought that that would be compatible with the existing block.

Commissioner Diamond wondered about the commercial building. Mr. Lloyd said that there were no plans at this time but assumed that the owner would use it as an office. He also thought that it would be a great gallery or architect office and added that the interior needed a lot of work.

Commissioner Case asked about the timing of the project. Mr. Lloyd said that everyone was in a hurry but there was no specific schedule and this summer was too early.

Mr. Lloyd pointed out that Ms. Anthony's Staff Report had identified the property as being in the Peakview historic subdistrict but he thought that it was in Midland. Mr. Folke confirmed that it was in the Midland subdistrict.

Per Mr. Folke's questions, Mr. Lloyd explained that they were considering one or two lots and that the proposed building (627) was intended as an accessory structure.

There was no public comment.

Commissioner Case felt that it would be difficult to consider 627 as secondary even if it was connected because it was as wide and would take as much view as the main house (623) and felt that the destruction of the garage would certainly be a benefit. He addressed 627 again saying that he would argue strongly to make it a new structure in appearance, for example regarding the roof pattern, saying that it should be considered a primary infill structure as opposed to a secondary structure.

Chairwoman Wingate concurred with Commissioner Case adding that making the building taller and recessing the porch were steps in the right direction. She also agreed with the Staff Report in that the orientation of the roof would be more compatible if it were a hip roof.

Per Commissioner Nichols' question, Mr. Folke explained the practical differences if the structure were considered primary. He said that the front porch should be more prominent (which would be difficult to do because of the garage), the garage doors should be de-emphasized, it should be consistent with the surrounding heights (maybe make it taller), and you could see more mass.

Chairwoman Wingate suggested adding a simpler roof design.

Mr. Lloyd explained that they had started with a duplex that mimicked the roof structure (of 623) but that the Planning Commission had pushed back hard so that was the reason they had gone with the carriage house.

Per Commissioner Case's question, Mr. Lloyd explained that the Planning Commission did not feel that it was appropriate as an infill lot but said that the proposal was different then – it was more dense and more parking was required.

Commissioner Case commented that it now looked like a squat, modern house in between two historic houses.

Chairwoman Wingate and Commissioner Nichols agreed and Commissioner Nichols added that the Applicant should consider playing with the roof line so that it looked more historic.

Mr. Folke further explained that the previous submittal had been for a B&B, hostel and/or inn and that Staff had not supported the density variance required. He added that the Planning Commission felt like it would be totally squeezed in.

Todd Liming, 438 N. Prospect Street in Colorado Springs, said that he was sorry they hadn't brought the original duplex design because the roofline was exactly as the Commission was requiring. Mr. Liming felt that the risk of evolving architecture was that the owners would continue paying Mr. Lloyd for each design. He also said that Mr. Reissig had grown up in the 623 home and Mr. Liming thought that the owners were trying to do exactly what the Commission would have them do. Mr. Liming finished by asking if they brought back something that looked like the original Planning Commission design and moved it further back, would it meet the primary structure concerns?

Mr. Folke said that he recollected that the original design would meet the Guidelines.

Chairwoman Wingate stated that this was the first time the Commission had seen the design. She said that they had made suggestions so she encouraged Mr. Liming to continue working with Staff until the next meeting.

Mr. Lloyd felt that they were receiving conflicting suggestions.

Chairwoman Wingate said that she did not see it as a secondary structure and she would encourage Staff to review it as primary infill.

Commissioner Nichols disagreed. She characterized it as a garage with an apartment over it and felt that the only issue was the design of the roof; it should be more like the house next door. Commissioner Nichols added that she was not concerned with making it taller.

Commissioner Case mentioned that a hip roof design would make the building 6'-8' taller but said that that wouldn't bother him.

Discussion ensued.

Mr. Lloyd said that he was hearing: “it was fine to push it back, fine if it was taller, don’t like the roof and don’t mimic the house next door but reflect it.”

The Commission agreed with Mr. Lloyd’s assessment of the discussion.

Chairwoman Wingate suggested that Mr. Lloyd read the historic architect’s report regarding the Wheeler House.

Chairwoman Wingate confirmed with Mr. Lloyd that he felt that he had adequate guidance to continue.

**MOTION:**

Chairwoman Wingate moved that the Applicant should continue working on the proposal and bring it back to the Commission when it was ready.

**SECOND:**

Commissioner Case seconded the motion.

**DISCUSSION:**

None.

**VOTE:**

Motion passed, 5-0.

**VI. OTHER BUSINESS**

Mr. Folke told the Commission that the Mayor had invited the HPC to the Tuesday, February 8 Council Worksession. Discussion ensued. Chairwoman Wingate proposed that the Commission meet with Council after their February 26 Retreat and that they use that time to plan a presentation so that their time with Council would be wisely spent. She suggested March 8 as a possible meeting date with Council.

Chairwoman Wingate discussed the Retreat agenda items that she had devised, inviting the Commission to email her about any others.

Chairwoman Wingate mentioned that there was a good article in the Nov/Dec 2010 *Alliance Review* about demolition by neglect.

**VII. ADJOURNMENT**

As there was no further business before the Commission, Chairwoman Wingate adjourned the meeting at 8:44 pm.

*Minutes submitted by Kari Kilroy*