



**MANITOU SPRINGS**  
**HISTORIC PRESERVATION COMMISSION**  
**REGULAR MEETING MINUTES**  
**Wednesday, July 1, 2009, 7:00 P.M.**

**I. CALL TO ORDER**

A Regular Meeting of the Manitou Springs Historic Preservation Commission was held Wednesday, July 1, 2009 in Council Chambers @ 606 Manitou Avenue. Chairwoman Nichols called the meeting to order and declared a quorum present. The following were in attendance:

**PRESENT:** Commissioner CHARLES CASE  
Commissioner RANDY HODGES  
Chairwoman ANN NICHOLS  
Commissioner BRUNO POTHIER  
Commissioner MOLLY WINGATE  
Commissioner TAMMILA WRIGHT

**ABSENT:** Commissioner KAREN CULLEN (excused)

**GUESTS:** None

**STAFF:** Dan Folke, Planning Director  
Michelle Anthony, Planner

**II. APPROVAL OF MINUTES**

None.

**III. NOTICE OF COUNCIL ACTION**

MCAC 0804 – Material Change of Appearance Certification (Demolition for Construction of New Hotel) – 36 Park Avenue – Chad Hartley on behalf of the Cliff House, Applicant. At their meeting on June 23, 2009, Council unanimously approved the request.

MJR 0901 – Major Development Plan (New Hotel) – 36 Park Avenue – Chad Hartley on behalf of the Cliff House, Applicant. At their meeting on June 23, 2009, Council vote 6-1 to approve the request.

#### IV. UNFINISHED BUSINESS

None.

*Chairwoman Nichols asked if there were any ex parte contacts or conflicts of interest to declare. Hearing none the meeting continued.*

#### V. NEW BUSINESS

##### **ITEM 1. MCAC 0903 – Material Change of Appearance Certification (Demolition & New Construction – Initial Meeting) – 25 Fountain Place – Joe Church, Architect on behalf of Amanda Occhi & Greg Augspurger, Applicant.**

Michelle Anthony (City Planner) presented her Memo dated June 19, 2009. She explained that the purpose of the meeting was a little more informal than the public hearing; it was an opportunity to discuss and ask questions and also gave the Commission an opportunity to request more information, if needed.

Vice Chair Wingate discussed with Ms. Anthony and Dan Folke (Planning Director) the level of involvement Staff had had with the Applicant.

Vice Chair Wingate commented that it was the most complete demolition request she had seen.

Commissioner Case wondered if the Applicant had gone through the Guidelines.

Joe Church (Architect) explained the process of meeting with the home owners and Staff. He said that Ms. Anthony had been very helpful. Mr. Church explained that the style of the house was borne out of the owners' desire for a low-maintenance home and for it to be appropriate to the community. He said that the site had a rather steep grade and that the house was broken up so the scale and massing stepped down away from Fountain Place. This would bring in daylight and not overwhelm the site or the streetscape.

Commissioner Case felt that the home was International style and that there were other homes in the area with flat roofs but they were more of a Pueblo style. Mr. Church would say that the design was Pueblo/Southwest with some International style influences. He said it boiled down to modern times and modern clients and he wanted to make sure the materials were low-maintenance per his clients. Mr. Church added that as one moved around that area of Manitou Springs, maintenance was clearly an issue.

Commissioner Case said that most houses in that subdistrict were cottage or generic that required maintenance because they were wood-sided. Mr. Church felt that his examples #10 and #11 were similar styles. Commissioner Case stated that they were around the corner from 25 Fountain Place and not visible. Mr. Church replied, yes, but they were still in the same subdistrict.

Commissioner Wright saw the house as high-tech and felt that a flat roof was different from others in the subdistrict. She felt it was a house that fit out of the Historic District and encouraged Mr. Church to soften the edges so it looked more Southwestern.

Vice Chair Wingate felt that the massing of glass to wall was inconsistent with the District. When one looked at other facades one saw mostly wall and the windows were not so high. Where the windows were, how they were shaped and their relation to one another looked like International style with stucco and there was no other house like that in the area. Vice Chair Wingate did not buy the argument that it was consistent with the subdistrict. She pointed out that the original roof was pitched and that buildings in that area with flat roofs were one level, not three levels.

Mr. Church explained that the high window placement had to do with security and safety because someone walking up Fountain Place would be able to look in.

Vice Chair Wingate encouraged Mr. Church to walk through the neighborhoods where the road cut through the 2<sup>nd</sup> floor and notice how privacy issues had been dealt with.

Chairwoman Nichols had a discussion with Mr. Church about his sketches.

Commissioner Hodges felt the house looked Santa Fe. He was a little worried about the 3000 square feet but felt the different roof lines broke up the mass. Commissioner Hodges pointed out that the Guidelines stated that new structures should not try to duplicate historic styles.

Commissioner Case agreed that they should not duplicate historic styles but countered that they needed to be compatible and should be a reflection of the District.

Commissioner Pothier said he agreed with his colleagues in that the Southwest style could be easily added.

Mr. Church told the Commission that he had gone through the Guideline checklist but had not made it a part of the official submittal since the Guidelines were not yet adopted. He felt that the intent was to make sure new structures were sensitively designed to the site.

Chairwoman Nichols stressed that the intent was to the site AND to the Historic subdistrict.

Vice Chair Wingate wondered what would happen to the existing garage. Mr. Church explained that it was not part of the 25 Fountain Place property; it belonged to the neighbor Eric Drummond.

Chairwoman Nichols opened the hearing to the public.

Greg Augspurger (owner) said they had owned the property since 2002. They had lived in the house for awhile and their intent was to fix it up but they found it difficult and costly so they

looked at the opportunity to build something new. Their intent was a Southwest style and he felt they could work a little bit to make something softer.

Vice Chair Wingate encouraged him to reuse and/or recycle the materials. Mr. Augspurger confirmed that that was their intent.

Seeing and hearing no further comment, Chairwoman Nichols closed the hearing to the public.

Chairwoman Nichols summarized that the Commission should give the Applicant a general guide as to what additional information might be needed. She felt that the checklist would be good to see.

Mr. Folke cautioned the Commission to be sure to use the existing Guidelines.

Chairwoman Nichols asked for an assessment of comparative lot sizes.

Mr. Folke clarified that the Applicant could estimate lot coverage based on the County Assessor's website.

Chairwoman Nichols thought that the main discussion was around the design and features could be added to make it more compatible with a Southwest design.

Commissioner Case said it was a beautiful design but it was not a home that belonged in that neighborhood. There were no Pueblo style homes and all the homes had peaked roofs with wood window and door trim. He felt a better example of a compatible home that felt like it belonged in the neighborhood was a new home at 109 South Path.

Chairwoman Nichols thought that the Applicant's exhibit photo #13 was fairly close. Commissioner Case countered that one could not see it from 25 Fountain Place. Chairwoman Nichols mused that was a question of what does a neighborhood encompass.

Chairwoman Nichols said there were a number of Pueblo/stucco style homes in the vicinity. It was her opinion that the Commission had to give some deference to what the home owners would like to do, as long as it fit in the subdistrict. She agreed that a very modern design was out of place and thought that there had been some attempt to make it more Southwestern.

Commissioner Case asked Ms. Anthony to read the subdistrict description.

Commissioner Pothier felt that an ultramodern design would create a precedent but he agreed with Chairwoman Nichols that there was already precedent for a Southwestern home in the neighborhood.

Vice Chair Wingate still thought that the windows presented as modern, though she was not opposed to stucco.

Commissioner Hodges felt that the Commission should give the owners some leeway in their attempt to go “green” and use solar energy.

Vice Chair Wingate clarified that she did not have a problem with a lot of windows; her concern was with how they were presented and arranged.

Ms. Anthony clarified that the Applicant’s exhibits #10 and #11 were withdrawn from the Historic District; only #13 was considered contributing. From Staff’s standpoint what would be experienced was a flat roof; a pitched roof was dominant in that area and in the District overall. She told the Commission that the current Guidelines described 25 Fountain Place as part of the perimeter subdistrict and the description was huge, amorphous and not useful.

Mr. Folke suggested Staff include the new subdistrict description in the August packet because it gave a better feel of the area.

Vice Chair Wingate suggested that a pitched roof could present a better opportunity for solar power.

Commissioner Wright wondered if the owners were opposed to a pitched roof. Amanda Occhi (owner) explained that the flat roof was because they wanted to have a deck so they could have a view of the City and some outdoor living space.

Chairwoman Nichols asked Mr. Church to address how big of a change it would be to redesign with a pitched roof. Mr. Church replied that a pitched roof had never been considered because it was not what the client requested. He also said that he was not aware that #10 and #11 were not technically in the District.

Mr. Folke clarified that they were in the Historic District, but the properties were opted out so they did not have to go through the scrutiny that his project was.

Discussion ensued.

Chairwoman Nichols felt the Commission needed to give the Applicant some credible guidance if they came back with the primary design adjusted to be more Southwestern.

Commissioner Pothier referred to a new stucco home built on Prospect Place that the Commission must have approved and made the point that it was the only stucco house in the neighborhood so the current situation was less difficult since there were already three stuccos in the area.

Chairwoman Nichols asked the Commission for a straw poll to give the Applicant some usable guidance, remarking that she already knew how Commissioner Case felt.

Mr. Folke cautioned the Commission that they had not yet seen a formal evaluation from Staff.

Chairwoman Nichols wanted to go forward with the straw poll so that the Applicant would not be completely wasting his time for the next month.

Commissioner Hodges said he liked the design and felt the Applicant could maybe work to soften and make the windows more in harmony with the neighborhood.

Commissioner Wright said that she knew there were ways to soften the design and it was not the final version but she agreed with Commissioner Case. She hoped that the Commission had been helpful and not critical, adding that she knew there were really nice energy-efficient options besides the one presented.

Commissioner Pothier said he was not opposed to a Southwestern-type house but the design would have to be more Southwestern than what was presented.

Vice Chair Wingate said she agreed with Commissioner Case – it was a great design, but not in that area.

Chairwoman Nichols summarized that even those who thought a Southwest style was acceptable did not think the design as presented was Southwestern; there needed to be some re-thinking to make it more compatible.

Mr. Folke strongly suggested the Applicant do an analysis of the Design Guidelines as a basis for the design as they were what guided the Commission's decision.

Discussion ensued about doing a site visit.

**ITEM 2. MCAC 0904 – Material Change of Appearance Certification (Demolition) – 1202 Manitou Avenue (Shady Dell Motel) – Michael Pixley on behalf of Tenzing, LLC, Applicant.**

Chairwomen Nichols asked Dan Folke (Planning Director) to advise the Commission what they were being asked to do, as she was not clear from the staff memo. Mr. Folke reported on the background of the property in regard to issuance of the Dangerous Building Order and the Planning Department's follow-up over the last several years regarding enforcement of this. Mr. Folke stated that in reading the Historic Preservation Regulations, he believed the City Council could act on advice of the Regional Building Department without the HPC's recommendation. However, he felt it was appropriate for the Commission to advise the Council regarding the resources. Mr. Folke reviewed the information provided in the Staff Report, noting that the buildings are noncontributing due to alterations and in very derelict condition. Mr. Folke stated that Building #4 appeared to be in better shape and more secure and that the owners' intention was to fix this building and secure a tenant. However, Regional Building needed to advise whether that building was part of the demolition order. Mr. Folke advised the Commission that the State Water Board had also ordered the capping of the Creighton Spring on the property, which is back near the creek and a building that is not shown on the site plan but that needed to

be removed as well. Mr. Folke said his recommendation to the City Council will be to give 30 days from the passage of the demolition order for removal of the buildings.

Staff referred the Commission to the communications from Joanne Garrison at 1228 Manitou Avenue and Danu Fatt at 1201 Manitou Avenue supporting the demolition request. In addition, Ms. Garrison's letter spoke to larger issues on this end of Manitou Avenue and recommended conditions on approval of the demolition.

Commissioner Case asked if the demolition for 1134 Manitou Avenue (mentioned in Ms. Garrison's letter) would come before the HPC. Mr. Folke stated that the proposal for that property would be heard by the Commission.

Chairwomen Nichols noted that the demolition regulations required a plan for the redevelopment of the property and asked Mr. Folke if his reading of 17.04.08.O, which referred to dangerous buildings, trumped the other demolition requirements. Mr. Folke stated that nothing in the chapter could prevent demolition necessary to correct the unsafe or dangerous conditions upon advice of the Regional Building Department or Fire Department, as long as only the actions necessary to correct the conditions were proposed. In his opinion it was not necessary to have a replacement building.

Ms. Anthony offered that in this situation the Commission could simply note that the plan for use of the property is to retain the house and rent it as a single family residential property. Ms. Anthony also stated that Section 17.04.08.O could be interpreted that demolition can't be denied, but not necessarily that an application doesn't have to address the demolition criteria, such as reuse of the property. However, in this situation there is a plan for use of the property.

Chairwoman Nichols asked what Staff was looking for from the Commission - concurrence regarding the demolition, advice to City Council regarding the applicable criteria from the demolition recommendations, advice to Council regarding the conditions recommended in Ms. Garrison's letter. Mr. Folke stated he felt it was appropriate for the Commission to make recommendations and advise Council regarding applicable criteria from the demolition regulations, such as the issue of reuse of the property, and on any of the conditions in Ms. Garrison's letter that are within the Commission's purview.

Commissioner Wingate brought up the issue of demolition by neglect and setting a precedent. Commission should find that this is horrendous situation which the HPC is terribly embarrassed about and should never have been allowed to get this far. Commissioner Wingate stated this was related to the long-standing issue related to enforcement of the City's regulations. This situation is demolition by neglect – the good news was that this property is noncontributing. However, she was concerned that this action not open the door for the neglect and demolition of contributing resources. She called for fundamental enforcement and also that the property needs to be made useful and the house to remain cannot follow the path set by the demolished buildings and there needed to be time limits placed on accomplishing the renovations to that structure.

Mr. Folke stated that he needed to check with Regional Building regarding the status of the house in regard to the demolition order and what needed to be done to rehabilitate it.

Commissioner Hodges suggested the “current residents” of the derelict structures were likely to try to break into the remaining building and that consideration needed to be given to making sure that structure was renovated and occupied – perhaps even before the demolition occurred. He suggested that something be done to force or at least encourage the owners to deal with the remaining structure.

Mr. Folke stated he would be discussing these issues with the City Attorney who could advise what the City could require in regard to repair and even habitation of the house on the property.

Ms. Anthony suggested that the property needed to not appear to be abandoned, even if habitation couldn't be required. Landscaping and maintenance should be required.

Commissioner Case suggested that the owners be required to maintain the house in a habitable condition and provide maintenance and repair on the property, including repair of the sidewalks.

Commissioner Hodges asked how long the current owners had owned the property. Mr. Folke replied that they had purchase it approximately 3 years prior and noted that one of the partners of the LLC was Dr. Kwon, owner of the mineral water bottling plant down the street. The property was purchased for the mineral water and they really didn't have any long-term use for the property.

Chairwoman Nichols summarized that the Commission supported the demolition to abate the unsafe and dangerous conditions on the property and their strong recommendation would be to include conditions such as in Joanne Garrison's letter.

**MOTION:**

Commissioner Case moved to recommend approval of MCAC 0904 for demolition of the noncontributing buildings as the minimum action that would abate the unsafe and dangerous conditions at 1202 Manitou Avenue. Commissioner Case further recommended that the demolition be approved by the City Council under the following conditions:

- 1) The house (Building #4) proposed to remain on the property be repaired and maintained in a habitable and rentable condition.
- 2) The sidewalks along the property frontage are repaired/replaced.
- 3) The weeds on the property are abated.
- 4) The property be maintained on an ongoing basis; the owner is not permitted to board up and leave the remaining building or the property in an abandoned state.

**SECOND:**

Commissioner Wingate seconded the Motion.

**DISCUSSION:**

Commissioner Wright suggested if the City could require insurance coverage on the property, many of the maintenance issues would be taken care of through the insurance company's requirements.

The Commission discussed the circumstances that allowed this property to get to its current conditions and the issues of demolition by neglect and lack of property maintenance, which the City's regulations do not allow. The Commission asked that its concerns regarding the lack of adequate code enforcement again be communicated to the City Council.

**VOTE:**

Motion passed, 6-0.

**VI. OTHER BUSINESS**

**ITEM 3. Update on Historic Design Guidelines**

Mr. Folke reported that the consultant was done with the revisions and the next step was to get the document to Council for final approval. July 21, 2009 was suggested as a possible date.

**ITEM 4. Update on Historic Bridges and Walls Assessment Project.**

Ms. Anthony reported that she had received a letter from the state and the financial reporting had been accepted; for all intents and purposes she was done with that process. The next step was to get copies of the report to the appropriate property owners.

Mr. Folke reported that we were still waiting to hear from the State Historical Fund about the Canon Avenue Bridge. He thought there might be some opportunity for FEMA money.

**ITEM 5. Other.**

Mr. Folke and Chairwoman Nichols gave some information about the American Recovery and Re-Investment (ARRA) stimulus money ("Obama Bucks") and the process the City had been going through with Nolte to get some money for potential water and wastewater projects.

**VII. ADJOURNMENT**

As there was no further business before the Commission, Chairwoman Nichols adjourned the meeting at 9:02 pm.

*Minutes prepared by Kari Kilroy & Michelle Anthony*