



MANITOU SPRINGS
HISTORIC PRESERVATION COMMISSION
REGULAR MEETING MINUTES
Wednesday, September 2, 2009, 7:00 P.M.

I. CALL TO ORDER

A Regular Meeting of the Manitou Springs Historic Preservation Commission was held Wednesday, September 2, 2009 in Council Chambers @ 606 Manitou Avenue. Chairwoman Nichols called the meeting to order at 7:03 pm and declared a quorum present. The following were in attendance:

PRESENT: Commissioner CHARLES CASE
Commissioner KAREN CULLEN
Commissioner RANDY HODGES
Chairwoman ANN NICHOLS
Commissioner BRUNO POTHIER
Vice Chair MOLLY WINGATE
Commissioner TAMMILA WRIGHT

ABSENT: None.

GUESTS: None

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

I. APPROVAL OF MINUTES

ITEM 1. Minutes from July 1, 2009 Regular Meeting.

Vice Chair Wingate pointed out typo errors on pages 3, 4, 5 and 7 of the Minutes. She also noted that Mr. Augspurger could not have owned 25 Fountain Place since 1981 as he was not that old (page 3). Ms. Kilroy would check the date and correct it and typos.

MOTION:

Commissioner Pothier moved to accept the Minutes with the changes indicated.

SECOND:

Commissioner Wright seconded the motion.

DISCUSSION:

None.

VOTE:

Motion passed, 6-0 (Commissioner Cullen abstained).

ITEM 2. Minutes from August 5, 2009 Regular Meeting.

MOTION:

Vice Chair Wingate moved to accept the Minutes as presented.

SECOND:

Commissioner Hodges seconded the motion.

DISCUSSION:

None.

VOTE:

Motion passed, 6-0 (Commissioner Cullen abstained).

III. NOTICE OF COUNCIL ACTION

MCAC 0903 – Material Change of Appearance Certification (Demolition) – 25 Fountain Place – Joe Church (Architect) on behalf of Amanda Occhi & Greg Augspurger, Applicant. At their August 25, 2009 Special meeting, Council unanimously approved the request with the Commission finding and conditions.

Chairwoman Nichols reviewed the meeting procedures and asked the Commissioners if they had any ex parte contacts or conflicts of interest to declare. Hearing none the meeting continued.

IV. UNFINISHED BUSINESS

ITEM 3. MCAC 0905 – Material Change of Appearance Certification (Dormer Addition) – 31 Waltham Avenue – Danu Fatt on behalf of Eli Hartman, Applicant. (continued from August 5, 2009)

DISCUSSION REGARDING REQUEST AND PUBLIC COMMENT:

Michelle Anthony (City Planner) presented her Staff Report dated August 24, 2009. Staff recommended approval depending on what the Commission determined regarding design alternatives for the roof.

Vice Chair Wingate confirmed with Ms. Anthony that the roof height as proposed did not require a variance; the issue was that the proposed height was above the existing roof line.

Commissioner Case referred to Guideline C.1.03 and confirmed with Ms. Anthony that “subordinate” essentially meant lower height.

Danu Fatt (Contractor), 1201 Manitou Avenue, handed out additional elevation drawings regarding Staff’s concern about the roof height. She explained that they showed three different roof pitch options:

- 8/12 pitch – the pitch of the existing roof; this would put the proposed dormer addition still 3’8” above the original roof line
- 6/12 pitch – lowered the proposed ridgeline by 1’
- 4/12 pitch – the existing shed roofs were 4/12 which was more common in ranch-style homes like those found in Pleasant Valley. Ms. Fatt’s opinion was that the mass would appear larger from the street with a 4/12 pitch

Ms. Fatt proposed a compromise of 6/12 pitch which she said would lower the height but still maintain an historic look. She also told the Commission that they were going to phase out the board and batten siding with 5” lap siding.

There was no public comment.

The consensus of the Commission was that they liked the 6/12 pitch and the change to lap siding.

MOTION:

Commissioner Case moved to approve MCAC 0905 for an approximately 195 square foot second floor addition located as shown on building plans received 07/31/09 with a 6/12 roof pitch and 5” lap siding and with the following finding:

“The Commission recognizes that available land area to expand the building is limited and the proposed addition will allow more usable space within an already existing second floor area. Additionally, the siting, overall size, final roof height and ridgeline orientation and materials for the proposed second floor addition mitigate to the greatest degree possible the visual impacts of the addition and are in scale and character with the existing house.”

SECOND:

Commissioner Cullen seconded the Motion

DISCUSSION:

None.

VOTE:

Motion passed, 7-0.

Chairwoman Nichols asked the Commissioners if they had any ex parte contacts or conflicts of interest to declare. Hearing none the meeting continued

V. NEW BUSINESS

ITEM 4. MCAC 0906 – Material Change of Appearance Certification (Request to be Removed from the Historic District – Repeal of Designation) – 328 Manitou Avenue (Green Willow Motel) – Beverly & Ronald Heruth, Applicants.

DISCUSSION REGARDING REQUEST AND PUBLIC COMMENT:

Dan Folke (Planning Director) presented his August 28, 2009 Memo providing analysis of the property. He explained that the HPC recommendation would go to Council for a worksession. Council would then set a public hearing.

Mr. Folke referred to and discussed the Staff Exhibit regarding the 1991 inventory surveys of the Green Willow and other similar motels including the El Colorado, Dillon, Park Row and Cottonwood.

Commissioner Cullen wondered who had left public comment. Michelle Anthony (City Planner) said someone had left her a phone message and no reason was given for their objection.

Commissioner Pothier asked Staff to explain the “opt out” process. Ms. Anthony explained that when the Historic District was formed in 1980, property owners could withdraw their properties with no criteria required. She said the process had changed a couple of times since then. In the past decade a deadline was set when no more properties could be withdrawn and as soon as opted out properties changed hands, they would come back into the District. When Ms. Anthony started working for the City there were at least 1000 properties opted out, now there were less than 300.

Discussion ensued.

Commissioner Case felt that the Commission’s charter was narrow – either they decided the property had characteristics to be in the District or it did not. Mr. Folke clarified that the HPC was in an advisory role and would make a recommendation to Council. Mr. Folke acknowledged that the Code provided narrow criteria (6 items) but he felt there were other considerations to make and thought that the 1996 redistricting process demonstrated that the City had used discretion in the past regarding what was included in the Historic District.

Chairwoman Nichols said she struggled with the number of motor court structures that had existed in the City yet only 2 were in the District. She told the Commission that she had wanted some history and so had asked Mr. Folke for the 1991 survey information.

Mr. Folke displayed and explained a map showing the previous and existing Historic District boundaries.

Chairwoman Nichols asked about motels on the west side of town. Ms. Anthony said that most were included in the District and were still part of it. Chairwoman Nichols wondered if that included the Shady Dell (1202 Manitou Avenue). Ms. Anthony confirmed yes.

Vice Chair Wingate thought there was some confusion about what “opt out” meant.

Commissioner Case asked Mr. Folke if he meant that the Commission could consider aspects beyond the ordinance and if so, wondered what allowed them to consider other things. Mr. Folke said he did not really have an answer for that because there were no other criteria given in the ordinance. Ms. Anthony clarified that Council might have discretion but the HPC might not. Mr. Folke said he would consult with the City Attorney and stated that Staff’s analysis was based on the Code.

Commissioner Pothier referred to a September 14, 2006 letter from John Glenn and Associates to Mr. Folke. He wondered if there was any paperwork to prove that the property was opted out. Mr. Folke confirmed that the property was opted out.

Discussion ensued regarding definitions of “opted out” and “withdrawn”.

Evelyn Wagner (Applicant’s daughter), 1005 E. Jackson in Colorado Springs, said that the ordinance talked about the “majority” of contributing structures on the property. Part of the Applicant’s argument was that they felt they did not have a majority of contributing structures. She also felt that the 1991 survey was not very thorough and referred to exhibit 2 of their submittal. Ms. Wagner wondered what use the property could have – she told the Commission that her parents were getting older and they wanted to retire to Nevada. Being retained in the Historic District resulted in a \$250,000 lower purchase price offer. She said that the buildings were over 100 years old with no heat and the wiring was getting defunct. Every year they had to hire more and more people to maintain the property. Ms. Wagner finished by saying she hoped the Commission would consider that.

Vice Chair Wingate asked Ms. Wagner if she considered the wash house a noncontributing structure. Ms. Wagner described the structure as just the outside and 2x4s on the inside. Vice Chair Wingate asked Ms. Wagner if she felt there was a disagreement between her assessment of the wash house and Mr. Folke’s [as a contributing structure]. Ms. Wagner was not adamant that there was a disagreement; she felt it could go 50/50 either way but she still maintained that they did not have a majority of contributing structures on the property.

Ms. Wagner explained why she considered the stones, walkway and wall noncontributing.

Commissioner Case asked Ms. Wagner if the walkway was visible from Manitou Avenue. She replied yes.

Commissioner Wright asked Ms. Wagner to give more details about the sale that fell through. Ms. Wagner explained that Dustin Gordon [developer of the Fountain Creek Villas next door] had made a contract with her parents and had taken preliminary architectural development plans

to the HPC. The informal feedback from HPC reduced his plans by 2/3 so the overall value he offered to her parents was reduced by \$250,000.

Commissioner Wright asked if they had tried to sell the property on the open market. Ms. Wagner said yes, several times and for sale by owner.

Commissioner Wright thought that aesthetically the property would present well but no heat – she could not imagine trying to market that. She added that an investing lender would never look at the property and she felt for the Applicants.

Chairwoman Nichols opened the meeting to the public.

Blake Allen said he had an office across the street from 328 Manitou Avenue and had been a previous member of HPC. He talked about members of Council engaging in shenanigans in the 1980s. Mr. Allen said he applauded the Heruths for their contribution to the community and said unfortunately it had been legislated so that what people were selling was different from what they had. He said it was a difficult situation and wondered if it was time to dissolve the HPC. Mr. Allen's assessment was that the slippery slope began with the demolition of the Cottonwood Court (120 Manitou Avenue) and felt the Heruths might have legal precedent. He opined that they were trying to sell the property for townhomes but what they had was motel property that was only marketable in the summer. Mr. Allen went on with many theories about the view shed and takings. He finished by saying that his last point was that the Green Willow was still marketable as a small property.

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

Commissioner Case said he had to repeat that the HPC charter, based on Mr. Folke's analysis, was quite narrow and it was a simple question: the Commission had to decide if the property had characteristics to be or not to be removed. He acknowledged that there were lots of emotions tied to it and stated that obviously it was an historic property, but that was an emotional argument. Commissioner Case further added that there was another question – what was the fate of the property if it was released from the District? He opined that it would be torn down and the land would be put to a higher use; they could not pretend that another owner would pay a lot of money to maintain it as it was. But if it was kept in the District would it stay as beautiful as it was kept up today? Commissioner Case felt the HPC could not consider those questions, but perhaps Council could. He finished by saying that step one was to take a look at the narrow characteristics of the property as it stood today.

Commissioner Hodges said he was sympathetic with the Applicant's plight and felt he was in a difficult position but stated that his position was as a Commissioner and since it was one of the last examples of early auto tourism he felt it had to be preserved and it was his opinion to leave it in the District.

Commissioner Wright said she battled with the decision but one could not buy that kind of history. She knew there was a market for it and thought it had some value.

Commissioner Pothier felt it was similar to the situation a year ago with the Wheeler House where the motel was in bad shape and there was a contributing structure. He said they found a solution that brought value to the town. His position was that there were noncontributing structures that could be removed and an attempt could be made to find a solution to do something with the contributing structures. Commissioner Pothier said that changing boundaries created precedence. He finished by saying that he understood where the Applicants were coming from and he would not be happy either.

Vice Chair Wingate agreed with Commissioner Case that the charter was narrow and said they could not consider business or revamping decisions. She did not know how the process would unfold but she had faith in how the town did the process. Vice Chair Wingate addressed the Applicants and said she understood their irritation and not wanting to be in the District in the first place but said “it is what it is today”. She said the property was beautiful and it was a pleasure to see it while driving down Manitou Avenue. She finished by saying that the Commission had a job and it involved the 6 criteria.

Commissioner Cullen said that they were opted out now and opined that if the property were sold in the future it would come before HPC for demolition. She feared it would come before them again for financial hardship.

Chairwoman Nichols referred to the two-year process with the Cottonwood saying it was painful and also felt the Commission would see the property back. She did not agree with the Cottonwood demolition but said one could not argue with numbers. Chairwoman Nichols felt that the Green Willow demolition was inevitable but also said one could not predict the future.

Vice Chair Wingate said she was reminded that creative possibilities abounded for creative minds. She was not willing to say it was inevitable at all but she did know what was in front of her at the moment.

Chairwoman Nichols said she understood the HPC’s circumvented role but felt they needed to step back a little and think about what they were doing. She thought that what Mr. Folke had demonstrated was odd given the number of motor courts the City had and only 2 ever ended up in the Historic District. It was hard to fathom that if what they were trying to do was preserve the historic chapter of motor courts what Mr. Folke demonstrated was that it was pretty hit and miss and, for whatever reason, courts found to be contributing were removed and courts that were noncontributing were left in, etc. Chairwoman Nichols said she got extremely nervous about whether or not criteria used to let properties in or out had left them in a place where they did not have a solid foundation; beyond the ordinance, they had to be equitable and fair. The Heruths raised the issue that it did not appear to be fair. She opined that it may not be the HPC’s decision to make but they had to reflect over the surveys done by volunteers and history showed that decisions had been fairly inconsistent – on that basis she was made very uncomfortable about the whole process and felt they were on shaky ground. Chairwoman Nichols did not find that when there was only one remaining example that provided adequate explanation for leaving the property in the District. She felt they were ending up with a punitive outcome to the owners because they had no ability to address what was perceived as an inequity. She finished by saying they had to have an equitable basis for what they did.

Commissioner Cullen agreed with Chairwoman Nichols and said that there were inconsistencies.

Commissioner Case said it was unfortunate the direction the HPC had taken in the past but with each decision he felt they had learned. He thought there were some mistakes made with the Cottonwood but they had not let them withdraw from the District. He was worried about precedence; even with wonderful arguments and the chance to relieve the pressure the Heruths were under. What would happen if another building considered more precious came before them? Commissioner Case finished by saying it was a difficult decision.

Chairwoman Nichols clarified that her argument was not based on financial hardship.

Commissioner Case said that her argument could be based on bad decision made in the past. Chairwoman Nichols said yes.

Vice Chair Wingate took offense at the statement of “apparent inconsistencies” saying she had been directly and tangentially connected to the HPC since 1992. She had faith that they were not silly people doing silly things. Her husband was chair when [the 1991 surveys and 1996 redistricting] happened and she knew about the blood, sweat and tears that occurred. Vice Chair Wingate was willing to hold that work up as substantial and she was not willing to trash that work.

Chairwoman Nichols said she was not trying to trash their work but she felt that there were inconsistencies and she found it completely uncomfortable that in the community there were many good examples of 1950s/40s motor courts and now we only had one.

Commissioner Wright pointed out that the difference was that the Green Willow was built in 1909.

MOTION:

Commissioner Wright said she accepted Staff’s analysis and report and moved to recommend that the Commission not support the removal of the Green Willow from the Historic District boundaries.

SECOND:

Commissioner Hodges seconded the Motion.

DISCUSSION:

None.

VOTE:

Motion passed, 5-2 (Chairwoman Nichols and Commissioner Cullen cast the dissenting votes).

Mr. Folke said it was possible that Council could discuss the application during their worksession on September 22. He would inform the Commission and the Applicants of the exact date.

VI. OTHER BUSINESS

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

Ms. Anthony announced that the City had received the final check for the assessment project.

Mr. Folke said we needed to move forward with a contract with the State Historical Fund and CDOT since we had been awarded grant money. He hoped to have a construction schedule similar to the Avenue project – starting in January and ending before Memorial Day.

ITEM 5. Other.

Mr. Folke updated the Council on the budget process.

Commissioner Cullen mentioned that the Manitou Springs Historic Society had presented historic maps, survey books and letters to Council the previous evening. She had recommended they come before HPC so the Commission could help them with grants, etc. Mr. Folke directed Ms. Kilroy to invite the MSHS, Inc. to present to the HPC during their October meeting.

Commissioner Pothier asked for an update on the new Design Guidelines. Ms. Kilroy would get copies to the HPC as soon as possible.

Vice Chair Wingate asked for an update on hiring a Code Enforcement Officer. Mr. Folke explained there was a possibility of contracting with the PPRBD for services.

Ms. Anthony asked about scheduling a retreat. The consensus was to focus on January/February 2010 dates.

VII. ADJOURNMENT

As there was no further business before the Commission, Chairwoman Nichols adjourned the meeting at 9:06 pm.

Minutes submitted by Kari Kilroy