



**CITY OF MANITOU SPRINGS  
PLANNING COMMISSION  
SPECIAL MEETING AGENDA  
Wednesday, SEPTEMBER 18, 2019 6:30 pm**



**I. CALL TO ORDER**

**II. UNFINISHED BUSINESS**

**ITEM 1. MiCUP 1906 – Minor Conditional Use Permit (Vacation Rental) – 113 Deer Path Avenue – Michael Clark, Applicant (**POSTPONEMENT RECOMMENDED**)**

**III. NEW BUSINESS**

**IV. OTHER BUSINESS**

**ITEM 2. Discussion Regarding Zoning Code Update to Provide for Amendments of Existing Vacation Rental Approvals**

**V. ADJOURNMENT**

**Commissioners:**

Mike Casey (Term exp. 12/31/2019)  
Alan Delwiche, *Chair* (Term exp. 12/31/2022)  
Jeanne Vrobel, *Vice Chair* (Term exp. 12/31/2020)  
Julia Simmons (Term exp. 12/31/2020)  
Julie Wolfe (Term exp. 12/31/2021)  
Whitney Lewis (Term exp. 12/31/2021)  
Tip Ragan (Term exp. 12/31/2022)  
David Armstrong, *Alternate* (Term exp. 12/31/2022)  
Kathleen Klepfer, *Alternate* (Term exp. 12/31/2023)  
Justin Wilson, *Alternate* (Term exp. 12/31/2023)

**City Council Liaison:** Robert Todd

**Staff:** Kimberly Johnson, Planning Director  
Michelle Anthony, Senior Planner  
Dylan Becker, Planner I  
Aaron Schultz, Project Coordinator

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## From the desk of:

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## Memorandum

**DATE:** September 13, 2019

**TO:** Planning Commission

**RE:** **MiCUP 1906** – Minor Conditional Use Permit (Vacation Rental) – 113 Deer Path Avenue  
– Michael Clark, Applicant

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As requested by Planning Commission, Staff contacted the City Attorney regarding the issue of modification of a Conditional Use Permit for properties that were approved prior to the current Vacation Rental code was adopted. The Attorney advised that the City could not issue an approval that waived the 500' distance separation requirement that is in the new code.

Therefore, Staff recommends postponement of this request to a meeting that allows for processing of a recommended code amendment to resolve the issue of distance separation for those vacation rentals approved prior to the current regulations in the Zoning Code.

Staff recommends postponement of MiCUP 1906 to the Regular Planning Commission meeting of November 13, 2019.



## From the desk of:

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## Memorandum

**DATE:** September 13, 2019

**TO:** Planning Commission

**RE:** Discussion Regarding Zoning Code Update to Provide for Amendments of Existing Vacation Rental Approvals

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Staff and the City Attorney discussed updating the existing vacation rental regulations (Chapter 18.89 of the Zoning Code) to allow for amendment of existing approvals. Currently, the code is silent on amendments – whether they existed prior to, or were approved under, the current regulations.

We also discussed the proposed revision specifying that the 500' distance separation requirement would not be applicable to those properties granted approval prior to the adoption of the vacation rental regulations (June 7, 2016).

The intent of the current regulations was to allow previously approved vacation rentals to continue to operate (Section 18.89.070 - Existing permitted vacation rentals). However, if a pre-existing operation wants or needs to amend the original approval for any reason, they would not be allowed to do this unless they could meet the separation, and all other, requirements. Staff's review of the vacation rental map shows that approximately 19 – or almost ½ the current operations – could be impacted by not being able to amend an existing approval. The unintended result would be to drive operators “underground”, or in some cases out of business, because amendment would not be possible.

Staff understands there may be the inclination to want to wait until after the current review and public engagement of the vacation rental regulations is complete before proposing revisions to the current code. However, given that we have two, pending applications that are impacted by this issue and it is not known exactly how long the public engagement and then any larger amendment process might take, Staff feels it is important to address this now. Long-term, the City may want to consider a different process for amendments to Vacation Rental approvals, or CUPs overall. However, the minimal, proposed code update will solve the issue at hand without more extensive changes to the code.

Unless the Commission consensus does not support revision of the code to address this issue, Staff will put the proposed ordinance language on the October 9 meeting agenda for formal recommendation to the City Council.