



**CITY OF MANITOU SPRINGS
PLANNING COMMISSION
SUMMARY AGENDA
Wednesday, MAY 8, 2019, 6:00 pm**



I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held in Council Chambers @ 606 Manitou Avenue. Chairman Delwiche called the meeting to order at 6:02 pm and declared a quorum present. The following Commission members attended:

- PRESENT:** Chair ALAN DELWICHE
Vice Chair JEANNE VROBEL
Commissioner MIKE CASEY
Commissioner JULIA SIMMONS
Commissioner BRYANT “TIP” RAGAN
- ABSENT:** Commissioner JULIE WOLFE (excused)
Commissioner WHITNEY LEWIS (excused)
- STAFF:** Kimberly Johnson, Planning Director
Michelle Anthony, Senior Planner
Karen Berchtold, Senior Planner
Dylan Becker, Planner I
- GUESTS:** Robert Todd, City Council Liaison
Tareq Wafaie, Clarion Associates
Waiverly Klaw, Department of Local Affairs

II. APPROVAL OF MINUTES

ITEM 1. April 10, 2019

MOTION:

Vice Chair Vrobel moved to amend Item 1 of the May 8, 2019 Regular Meeting Agenda to correct the date of the minutes to be approved as February 13, 2019.

SECOND:

Commissioner Simmons seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 4-0. Commissioner Ragan abstained as he was not present for the February 13, 2019 Regular Meeting of the City Planning Commission.

MOTION:

Vice Chair Vrobel moved to approve the February 13, 2019 Regular Meeting Minutes of the City Planning Commission, as presented.

SECOND:

Commissioner Simmons seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 4-0. Commissioner Ragan abstained as he was not present for the February 13, 2019 Regular Meeting of the City Planning Commission.

III. NOTICE OF COUNCIL ACTION

There was no Notice of Council Action to report.

At this time, Chairman Delwiche reviewed the meeting procedures for those present in the audience and asked if any Commissioner had Ex Parte Contacts or Conflicts of Interest to declare. Hearing none, the meeting continued.

IV. UNFINISHED BUSINESS

ITEM 2. MNS 1801 – Minor Subdivision (Replat) – 708 Manitou Avenue – Kyle Fenner on behalf of the Manitou Springs Metropolitan District **POSTPONEMENT TO JUNE 2019 REQUESTED**

Michelle Anthony, Senior Planner, presented the City Memorandum dated May 2, 2019. Ms. Anthony stated the Applicants were requesting postponement until the June 12, 2019 Regular Meeting of the City Planning Commission in order to resolve some of the outstanding issues and questions to requested changes desired by the Manitou Springs Metropolitan District Board of Directors.

MOTION:

Vice Chair Vrobel moved to postpone MNS 1801 to the June 12, 2019 Regular Meeting of the City Planning Commission.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 3. Public Hearing - V 1907 – Variance (Lot Frontage) - 202 & 204 Roca Street - Becker/Johnson Inc. on behalf of Tim and Terry Haas, Owners

MOTION:

Vice Chair Vrobel moved to approve V 1907 to allow platting of Lot 2 and Lot 3 in the Tollie Subdivision without the required 45-foot street frontage and with the following findings in support of the variance:

1. That the representations in the application are valid and the application has met the criteria established in Section 18.32.010* of the Zoning Code;
2. That the reasons set forth in the application and Staff's evaluation in regard to the Frontage Variance for Lots 2 and 3 justify the granting of the variance and the variance is the minimum that will make possible the reasonable use of the land;

3. That the granting of the variances will be consistent with the general purpose and intent of the City's Zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SECOND:

Commissioner Simmons seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 4. Public Hearing - MNS 1904 – Minor Subdivision (Create Three Lots) – 202 & 204 Roca Street - Becker/Johnson Inc. on behalf of Tim and Terry Haas, Owners

MOTION:

Commissioner Ragan moved to approve MNS 1904 to create Lots 1, 2, and 3 in the Tollie Subdivision with the following conditions:

1. Prior to filing, the plat shall be updated to include the following:
 - a. The square footage of Lots 2 and 3 adjusted to provide a minimum of 8,756 square feet on Lot 3.
 - b. The label regarding the former Midland right-of-way shall be removed from the platted document, as will any lines not part of the platted lots, easements, or no build areas.
 - c. Any easement(s) required for separate water and sewer service lines for each lot as determined through submission of the Utilities Plan in Condition 2 below.
 - d. "Drainage" be added to the purpose of the access easement on the plat.
 - e. A graphic depicting the existing property configuration be added and the graphics be labelled "existing" and "platted".
2. Prior to filing the plat, a Utilities Plan showing separate water and sewer services, connection details, meter, and stop locations for each lot shall be submitted Public Services review and approval. If new service lines are required for either developed lot, a letter of credit at 125% of costs sufficient to guarantee the payment of tap fees and installation of required utilities improvements shall be provided to the City of Manitou Springs. Such utilities improvements shall be performed prior to any sale of Lot 1 or Lot 3.
3. Prior to filing the plat, the payment of Schools fees in lieu of land dedication in the amount of \$1,102 shall be paid to the City of Manitou Springs for remittance to School District 14. Further, Parks and Open Space fees in the amount of \$2,391 shall be remitted to the City, unless the PARAB and OSAC waive fees associated with the existing development. In that case, the Parks fee shall be \$129 and the Open Space fee \$437 based on the land area and single unit development anticipated on Lot 2.
4. The Declaration of Covenants shall be updated to reflect specific utilities easements or separate easement documents benefitting each lot (as necessary) shall be submitted for Staff review prior to filing of the plat. The covenants or easements shall make specific provisions assigning maintenance/repair/replacement responsibilities to the lot(s) that benefit from the utilities easements, including restoration of paving, landscaping, or other improvements that might be effected if a service

line has to be installed or dug up. The covenants shall be updated to reflect that the access easement also allows drainage and that no parking is allowed on the shared driveway (even that portion on Lot 3 outside of the easement) so that private access and emergency services are not impacted. Both the access easement and the covenant documents shall incorporate language that the City of Manitou Springs must approve any proposed changes prior to adoption by the property owners and filing with the El Paso County Clerk and Recorder. These documents shall be finalized and provided to the City with the final plat Mylar for filing sequentially.

5. The Fire Department has approved a 15-foot wide driveway serving all three lots and this shall be shown on the plat, in easement documents, and provided on the property. The driveway shall be located entirely within the access easement. The driveway and surface parking areas serving the existing duplexes shall be paved with asphalt, concrete, or pavers prior to the filing of the plat, or a Letter of Credit guarantee provided if filing of the plat pre-dates the improvements.
6. The grade of Roca Street along the frontage of the property shall be added to the Subdivision Site Plan.
7. A Certificate of Taxes from the El Paso County Treasurer's Office showing that property taxes are current shall be provided.
8. Addressing of Lots 1 shall remain as 202 Roca Street. Addresses for Lot 2 and 3 shall be as follows:
 - Lot 2 – 204 Roca Street
 - Lot 3 – 206 Roca Street
9. The Applicant has 90 days from the date of approval to provide all required information, corrections and additions, allow time for City review, and submit the final Mylar with easements, covenants and Letter(s) of Credit (as applicable) for filing or this approval will expire.
10. The Surveyor shall provide CAD drawings of the final, approved plat at the time of submission of the final Mylar for filing to allow the City to update its GIS data.

SECOND:

Vice Chair Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

V. NEW BUSINESS

ITEM 5. Preliminary Meeting - RE 1901 – Rezone (Commercial to General Residential) – 17 Mayfair Avenue – Joshua and Aaron Smit on behalf of Richard and Sharon Smit, Owners

MOTION:

Vice Chair Vrobel moved to set the Public Hearing date for RE 1901 to the June 12, 2019 Regular Meeting of the City Planning Commission.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 6. Public Hearing and Recommendation to City Council Regarding an Ordinance Repealing and Reenacting Title 16 of the City of Manitou Springs Municipal Code Concerning Subdivisions to Implement Hazard Mitigation Provisions

MOTION:

Vice Chair Vrobel moved to forward a recommendation to City Council for approval of the ordinance to repeal and reenact Title 16 of the City of Manitou Springs Municipal Code concerning Subdivisions to implement Hazard Mitigation Provisions.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

ITEM 7. Public Hearing and Recommendation to City Council Regarding an Ordinance Repealing and Reenacting Title 18 of the City of Manitou Springs Municipal Code Concerning Zoning to Implement Hazard Mitigation Provisions

MOTION:

Vice Chair Vrobel moved to forward a recommendation to City Council for approval of the ordinance to repeal and reenact Title 18 of the City of Manitou Springs Municipal Code concerning Zoning to implement Hazard Mitigation Provisions.

SECOND:

Commissioner Ragan seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-0.

VI. OTHER BUSINESS

ITEM 8. Short-Term/Vacation Rental Ordinance – Update and Discussion Regarding Public Engagement Process.

Kimberly Johnson, Planning Director, stated she would like to postpone discussion regarding this item until a time in which there were more Planning Commissioners present.

ITEM 9. Marijuana Ordinance - Update and Discussion Regarding Proposed Code Amendments.

Kimberly Johnson, Planning Director, presented the City Memorandum dated May 8, 2019.

Discussion ensued regarding the combination of the Medical Marijuana Regulations and the Retail Marijuana Regulations under the same Code section, updates to address state residency requirements, and clarifying the number of licenses and locations permitted in the City.

Ms. Johnson stated the City's Marijuana Regulations were not located in the Zoning Code which made the proposed changes outside the purview of the Planning Commission, but encouraged the Commissioners to attend the City Council sessions regarding the updates and amendments.

ITEM 10. Live Streaming and Board Training - Discuss Live Streaming of Meetings and Board Training

Kimberly Johnson, Planning Director, presented the City Memorandum dated May 8, 2019.

Discussion ensued regarding the Commissioners' awareness of the video camera and their behavior, Commissioner training regarding live streaming and the Sunshine Law, and the on-going issues with the live streaming.

VII. ADJOURNMENT

Hearing no further business before the Commission, Chairman Delwiche adjourned the meeting at 8:37 pm.

Minutes Prepared by Dylan Becker, Planner I