



**MANITOU SPRINGS
PLANNING COMMISSION
REGULAR MEETING AGENDA
Wednesday, May 8, 2013, 7:00 pm**

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. February 13, 2013
2. April 13, 2013

III. NOTICE OF COUNCIL ACTION

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

3. SW 1301 – Subdivision Waiver (Encroachment into 30% > Slopes) – 104 Manitou Terrace – Bill Koerner, Applicant
4. SV 1301 – Variance (Sign) – 702 Manitou Avenue (Stagecoach Inn) – Dave Symonds, Applicant
5. V 1306 – Variance (Side and Rear Setbacks) – 227 Pilot Knob Avenue – Nancy Wilson, Applicant

VI. OTHER BUSINESS

6. List of Code Changes to Recommend to City Council

VII. ADJOURNMENT

Commissioners:

Mike Casey (Term exp 12/31/14)
Alan Delwiche, Chair (Term exp 12/31/14)
Gil Price, Vice Chair (Term exp 12/31/14)
Tip Ragan (Term exp. 12/31/16)
Lisa Streisfeld (Term exp. 12/31/14)
Jeanne Vrobel (Term exp 12/31/16)
Julie Wolfe (Term exp. 12/31/16)
Ron Heine, Alternate (Term exp. 12/31/2015)
Corina McKendry, Alternate (Term exp. 12/31/2016)
Tom Lundgren, Alternate (Term exp. 2/19/2017)

City Council Liaison: Michael Gerbig

Staff:

Dan Folke, Planning Director
Michelle Anthony, Planner
Ray Winn, Planning Technician

- Please contact the City Clerk if you need special assistance attending this meeting: 719-685-2554; dkast@comsgov.com. Interested citizens are invited to volunteer to serve on any of the City's Boards or Commissions. Please contact the City Clerk for additional information or visit our website at www.manitouspringsgov.com.



MANITOU SPRINGS PLANNING COMMISSION REGULAR MEETING MINUTES Wednesday, February 13, 2013, 7:00 P.M.

I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held Wednesday, February 13, 2013 in Council Chambers @ 606 Manitou Avenue. Chairman Delwiche called the meeting to order at 7:03 pm and declared a quorum present. The following Commission members were in attendance:

PRESENT: Chairman ALAN DELWICHE
Commissioner TIP RAGAN
Commissioner LISA STREISFELD
Commissioner MIKE CASEY
Commissioner JULIE WOLFE
Alternate Commissioner RON HEINE

ABSENT: Commissioner GIL PRICE
Vice Chair JEANNE VROBEL

GUESTS: None

STAFF: Dan Folke, Planning Director
Raymond Winn, Planning Technician

II. APPROVAL OF MINUTES

ITEM 1. January 9, 2012

MOTION:

Commissioner Casey moved to approve the Minutes as presented.

SECOND:

Commissioner Streisfeld seconded the Motion.

DISCUSSION:

None.

VOTE:

Motion passed, 3-0 (Commissioners Ragan, Heine, and Wolfe abstained as they were absent at the January 9th meeting)

IV. NOTICE OF COUNCIL ACTION

CU 1111 – Conditional Use Permit (Outdoor Chainsaw Carving) – 347 Manitou Avenue – Bill Fee, Applicant. This item was heard at the February 5 City Council meeting. Approved with hours expanded to 9:30 am, no annual review.

V 1110 – Front and Side Setback Variances (Modification to Previous Approval to Allow Additional Garage Height) – 45 and 49 Delaware Road – Greg Bell, Applicant. The item was heard at the January 29 City Council meeting. The appeal was denied, upholding Planning Commission’s denial of the variance.

CU 1015 – Conditional Use to Allow for Medical Marijuana Center (Modification to Condition Regarding Frontage Improvements) – 2 Manitou Avenue – Reza Hassani, Applicant. This item was heard at the February 5th City Council meeting. The request was approved with some additional language on the size of the planters and requirement that they have living plants.

Review and Recommendation of Ordinance 0113 Amending the Municipal Code in Regard to Regulation of Outdoor Display, Outdoor Seating, and Mobile Vending. City Council approved this item on 2nd reading.

Chairman Delwiche reviewed the meeting procedures and asked if any Commissioner had ex parte contacts or conflicts of interest to declare. Hearing none, the meeting continued.

V. UNFINISHED BUSINESS

ITEM 2. MNS 1211 - Minor Subdivision (Create Three Whole Lots from Two Lots and One Parcel) – 944, 946 and 948 Midland Avenue – Joanne Pearing for Judith, Jenelle and Jeffrey Pearing, Applicant

Planning Director Dan Folke indicated the applicant was absent and suggested the commission postpone the item until the end of the meeting.

MOTION:

Commissioner Ragan moved to postpone the item to the end of the meeting after Item 4.

SECOND:

Commissioner Heine seconded the motion.

VOTE:

Motion Passed: 6-0

VI. NEW BUSINESS

ITEM 3. CU 1102 – Conditional Use (Recreational Facility – Zip Line – 6 Month Report) – 1300 Block of Manitou Avenue – Greg Wellens on behalf of Adventures Out West, Applicant

Planning Director Dan Folke presented the staff report dated February 7, 2013, which reviewed the permit history and facility operation and design. Mr. Folke indicated that the operation was very unobtrusive and the business has been successful with over 3000 customers. The City had not received any complaints and some neighbors did not even know the facility existed. Mr. Folke noted the applicant had met all the conditions of the permit.

At this time Chairman Delwiche invited the applicant to comment.

Greg Wellens, Adventures Out West 1300 Manitou Avenue, stated they had only one reported twisted ankle and felt the operation was extremely safe.

At this time Chairman Delwiche opened the hearing to the public. Hearing no comments, Chairman Delwiche closed the public hearing.

Commissioner Wolfe asked if the city collected any tax on the operation. Director Folke stated the city collected an Excise Tax of 5% on each ticket.

MOTION:

Commissioner Wolfe moved to recommend approval of Conditional Use Permit #1102 to continue operation pursuant to the conditions originally contained in the permit with no additional reviews required.

SECOND:

Commissioner Ragan seconded the motion

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 6-0.

ITEM 4. MNS 1302 – Minor Subdivision (Create One Lot from Two Lots) – 935 & 941 Osage Avenue – LWA Land Surveying, on behalf of Summit Ministries, Applicant

Mr. Folke presented the staff report dated February 8, 2013.

Commissioner Wolfe asked if the sprinkler systems were already installed. Mr. Folke stated the applicant had not installed the fire suppression sprinkler system.

Chairman Delwiche asked the applicant if they would like to make a statement for the record.

Kevin O’Leary, 1813 Grant Avenue, Colorado Springs, CO, indicated he was in agreement with the recommended conditions in the staff report.

Adam Hinkle, Summit Ministries representative and resident on Osage, indicated the proposed stairwell would contain a 2-hour rated fire door and would enclose the stand pipe for the sprinkler system making the stairwell central to the life safety plan for the building. Mr. Hinkle also stated he agreed with the conditions in the staff report.

Chairman Delwiche opened the hearing to the public. No public comment was received and Chairman Delwiche closed the public hearing.

Commissioner Wolfe indicated concern with the proposed waiver for the Parks and Open Space fees, noting those entities were entitled to the fees by law and felt the commission should obey the current law.

Commissioner Ragan commented that he felt differently; according to the law the commission had the right to ask for that money, but waiving the fees had been the precedent and that carried a lot of weight. Commissioner Ragan hoped the City would be developing a new procedure. However, improvement for safety reasons warranted consideration of a fee waiver. Commissioner Ragan stated that until new procedures are developed he was more comfortable continuing with the current precedent.

Commissioner Wolfe asked if the ordinance mandated or authorized the commission to collect the open space fees.

Chairman Delwiche indicated that up until 3 years ago the Planning Commission made recommendations to Council on minor subdivisions, including the waiver of fees. However, when the procedure for minor subdivisions changed to planning commission having approval authority, the issue of waiving open space fees was never addressed.

Mr. Folke recited the ordinance.

Commissioner Wolfe stated the fees were mandatory unless the commission applied the fee-in-lieu.

Mr. Folke indicated the logic behind the fees were related to an increase in population.

Commissioner Wolfe indicated that until such time as the ordinance changes, the Commission should follow the law except where precedent dictated it shouldn't.

Mr. Folke stated he is very careful when speaking to applicants that even though this has been the precedent there is no guarantee of fee waiver. Mr. Folke indicated a set open space fee is complicated because not every situation results in impacts to the parks or open space systems.

Commissioner Streisfield stated Mr. Folke was conservative in counting the hotel as one dwelling unit instead of counting each room. Therefore, the hotel was receiving a big discount. However, the applicant paying the school fee did not make as much sense when the kids only use the hotel in the summer months.

Mr. Folke stated that we do not have the authority to waive the school fees and provided his thoughts regarding applying a single dwelling unit calculation.

MOTION:

Commissioner Wolfe moved to approval Minor Subdivision 1302 with the following conditions:

- 1) Prior to filing the Plat the following will be completed:
 - a. Pay School fees in the amount of \$660.96, Parks fees of \$580.17 and Open Space Fees of \$1276.02.
 - b. The shed encroachment from 109 Manitou Place will be removed or an easement will be added to the plat.

SECOND:

No Second, Motion died.

MOTION:

Commissioner Casey motioned to approve Minor Subdivision 1302 with the following conditions:

- 1) Prior to filing the Plat the following will be completed:

- a. Pay School fees in the amount of \$660.96.
- b. The shed encroachment from 109 Manitou Place will be removed or an easement will be added to the plat.

SECOND:

Commissioner Streisfield seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 5-1.

Commissioner Wolfe voted against the motion and stated her reasoning was that the commission should follow City laws until such time as they are changed. Also, the fees presented were significantly scaled down based on alternative method used to calculate the fees that reduced the number of units.

Commissioner Ragan stated he did not feel comfortable voting on the issue one way or another and that it is a difficult issue. He indicated the City needed to do something about amending the code soon.

Commissioner Casey stated the focus should not be on what projects should be waived but on what projects should be charged.

V. UNFINISHED BUSINESS (CONTINUED, POSPONED FROM EARLIER)

ITEM 2. MNS 1211 - Minor Subdivision (Create Three Whole Lots from Two Lots and One Parcel) – 944, 946 and 948 Midland Avenue – Joanne Pearing for Judith, Jenelle and Jeffrey Pearing, Applicant

Mr. Folke presented the staff report dated February 13, 2013

Commissioner Wolfe asked about item f on page 4 regarding on-street parking and widening of Midland. Mr. Folke clarified there were no curb and gutter improvements on Midland and residents park on the street.

Commissioner Wolfe asked if the fee waiver precedent applies to this case in regard to the reduction of fees in the staff report. Mr. Folke indicated that since the new construction is replacing a current home the applicant would be credited that part of the.

Commissioner Streisfeld asked about the school fee calculations used in the staff report and if there are three units proposed why the school fees are not three times the amount.

Mr. Folke clarified the calculations used for schools fees focusing on density rather than individual numbers of units.

Chairman Delwiche invited the applicant to make a statement for the record.

Joanne Pearing, 109 Pawnee Avenue, stated she agreed to the conditions in the staff report and did not have any questions or concerns.

Chairman Delwiche opened the hearing to the public. No public comment was received and Chairman Delwiche closed the public hearing.

Commissioner Wolfe stated she would stick with her previous approach and oppose the open space fee waiver.

Commissioner Streisfeld agreed with Commissioner Wolfe because the project created three new units.

Commissioner Wolfe suggested the recommendations be adopted with the exception of deleting the approximately \$1400 discount and the numbers on page 2e of the proposal be adopted.

Mr. Folke asked that the commission consider whether or not to require the no-build area. The condition as written would require the applicant to plat area of 30% or greater slope next to the street at no-build. Mr. Folke's view was that this area was already disturbed and should not be defined as a no-build. Mr. Folke recommended the commission delete item 2c.

Commissioner Ragan clarified that the actual difference in fees would be \$450.00. Mr. Folke confirmed Commissioner Ragan's calculation.

MOTION:

Commissioner Wolfe moved to approve MNS 1211 to allow a replat to create Lots 1, 2 and 3 in the Pear Ring Subdivision following conditions:

1) Approval of the plat as requested is contingent upon City approval of the demolition of the existing building on the property. Should demolition be approved, but the building not be removed prior to when the plat must be filed, the property owner(s) shall be required to enter into an agreement stating that no building permits may be obtained for any of the lots until the structure is removed. Alternatively, if demolition is not approved, the property owner(s) will be required to have the shared line between Lots 2 and 3 adjusted. This adjustment shall prevent building encroachment and either provide a conforming side setback, which would require a frontage variance for Lot 3, or apply for a side yard setback variance on Lot 2.

2) Prior to recording the plat:

- a) Fees in lieu of land dedication for Schools (\$661), Parks (\$263), and Open Space (\$1,155) shall be remitted to the City of Manitou Springs.
- b) The plat shall be amended to include the required labels for properties outside of the subject boundaries.
- c) Costs for any street, utilities, or drainage improvements required to facilitate new development shall be the responsibility of the developer. If this information cannot be satisfactorily determined prior to when the plat must be filed, then a Plat Note to this effect shall be added to the plat.

SECOND:

Commissioner Streisfeld seconded the motion.

DISCUSSION:

No discussion.

VOTE:

Motion passed, 6-0.

VII. OTHER BUSINESS

ITEM 5. . Information Item: El Paso County Master Plan – 2012 Highway 94 Access Management

Mr. Folke presented the information received from El Paso County.

ITEM 6. Review of Revisions to Municipal Code Provisions for Waiver/Collection of Fees-in-Lieu of Land Dedications.

Mr. Folke reported there had been no progress on this item.

VIII. ADJOURNMENT

With no further business before the Commission, Chairman Delwiche adjourned the meeting at 8:11 pm.

Minutes prepared by Ray Winn, Planning Technician



MANITOU SPRINGS PLANNING COMMISSION REGULAR MEETING MINUTES Wednesday, April 10, 2013, 7:00 P.M.

I. CALL TO ORDER

A Regular meeting of the Manitou Springs Planning Commission was held Wednesday, April 10, 2013 in Council Chambers @ 606 Manitou Avenue. Chairman Delwiche called the meeting to order at 7:02 pm and declared a quorum present. The following Commission members were in attendance:

PRESENT: Chairman ALAN DELWICHE
Commissioner TIP RAGAN
Commissioner LISA STREISFELD
Commissioner MIKE CASEY
Commissioner JULIE WOLFE
Commissioner JEANNE VROBEL
Vice Chair GIL PRICE

ABSENT: Commissioner LISA STREISFELD

GUESTS: City Attorney Kelly Donlon

STAFF: Dan Folke, Planning Director
Michelle Anthony, Planner
Raymond Winn, Planning Technician

II. APPROVAL OF MINUTES

ITEM 1. February 13, 2013

MOTION:

Commissioner Vrobel moved to postpone approval of the February Minutes to the May meeting to allow corrections to some of the statements attributed to various commission members.

SECOND:

Commissioner Wolfe seconded the motion.

DISCUSSION:

None.

VOTE:

Motion passed, 7-0

ITEM 2. March 13, 2013

MOTION:

Chairman Delwiche moved approve of the March minutes, noting that Commission Price was Vice Chair not Commissioner Vrobel.

SECOND:

Commissioner Vrobel seconded the motion.

DISCUSSION:

None.

VOTE:

Motion passed, 5-0. (Commissioners Price and McKendry abstained as there were not present at the March meeting.)

III. NOTICE OF COUNCIL ACTION

CU 1301 – Conditional Use (Wine Bar in the Downtown Zone) – 717 Manitou Avenue, Unit #107 – Andrew Palmer, Applicant. Mr. Folke stated the item was approved with a correction to the hours of patio operation to allow being open until midnight.

CU 1302 – Conditional Use (Vacation Rental) – 3, 9, 11 Keithley Road – LWA Douglas K. Edmondson, on behalf of Nancy Galles, Applicant. Mr. Folke stated the item was approved as recommended.

CU 1303 – Conditional Use (Vacation Rental) – 1 Loretta Lane – Laura Steinbach, Applicant. Mr. Folke stated the item was approved as recommended.

CU 1102 – Conditional Use (Recreational Facility – Zip Line – 6 Month Report) – 1300 Block of Manitou Avenue – Greg Wellens on behalf of Adventures Out West, Applicant. Mr. Folke stated that the item was heard by City Council at the March 5th meeting and was approved unanimously.

Chairman Delwiche reviewed the meeting procedures and asked if any Commissioner had ex parte contacts or conflicts of interest to declare. Hearing none, the meeting continued.

IV. UNFINISHED BUSINESS

ITEM 3. RE 1301- Rezoning (Commercial to High Density Residential – Public Hearing) - 56 El Paso Boulevard – Suzie Hawkins on behalf of 56 El Paso Boulevard LLC. Applicant.

Ms. Anthony stated the applicant has asked for a postponement. Ms. Anthony stated that Staff recommended the Commission postpone the item to give the applicant more time to work on updating and completing the application.

MOTION:

Commissioner Ragan moved to postpone RE 1301 to a date uncertain.

SECOND:

Commissioner Vrobel seconded the motion

DISCUSSION:

None.

VOTE:

Motion passed 7-0

V. NEW BUSINESS

ITEM 4. AP 1301 - Appeal of Administrative Action – Sign Permit 1302 (Freestanding Sign) – 30 Manitou Avenue – Travis Garrigan, Applicant.

Director Folke introduced the City Attorney Kelly Donlon who was attending the meeting via speaker phone. Ms. Donlon read rules for the proceeding and read the code into the record.

Commissioner Wolfe asked if the appeal was denied would the sign stay or would it be removed. Mr. Folke stated the City had not required owners to take down signs and the code sections on nonconforming and obsolete signs were not clear.

Commissioner Ragan asked when the last time the sign was used. Mr. Folke stated he did not know.

Commissioner Regan noted one block west is a sign featuring a Native American that may have historical significance and had there been any consideration of historical significance of the sign. Mr. Folke stated the Planning Department has not considered historical significance.

Chairman Delwiche asked if there was a record of notification regarding the 1985 non-conforming ordinance. Mr. Folke stated he was not aware of a record of notification.

At this time Chairman Delwiche invited the applicant to comment.

Travis Garrigan, 30 Manitou Avenue, reviewed his interpretation of the code and stated his case to be able to utilize the sign.

Commissioner Ragan asked when the last time there was a business in the building. Mr. Garrigan stated 6 years ago.

Commissioner Ragan asked the applicant when the last time the sign was used and if it had ever been used in the 20 years that the property was owned by his parents. Mr. Garrigan stated banners had been hung from the sign for the unsuccessful attempts at using the space commercially.

Commissioner Vrobel asked when the sign itself was last used, not just to support a banner. Mr. Garrigan stated the sign had not been used in the 20 years of property ownership.

The Commission discussed the code ambiguities between inactive and abandoned signs, historic significance, and setting precedence for other signs.

Commissioner Wolfe asked the attorney if under the existing code an approval decision was made, would a code modification be retroactive. The City Attorney stated that any decision would stand and code changes would not be applied retroactively. The City Attorney also stated that the memo in the Commission's packets should not be specifically referenced as this is Attorney/Client privilege.

There was not public comment allowed for this part of the proceeding

MOTION:

Commissioner Price moved to reverse the decision of the Planning Director for denial of Sign Permit 1302 based on the findings that the City had no definition of abandonment, noting that the sign had been physically maintained and was able to be used immediately.

SECOND:

Commissioner Vrobel seconded the motion.

DISCUSSION:

Commissioner Vrobel offered an amendment to the motion to note that the sign could also have historical standing.

Commissioner Wolfe stated the sign was too tall and too close to the road. This was another example of the burden of the City to make the code more clear if enforcement of the rules is to be applied.

Commissioner Ragan stated he wished there was more documented information about when the sign was last used.

VOTE:

Motion Passed, 7-0.

ITEM 5. MNS 1303 – Minor Subdivision (One Lot) – 104 Manitou Terrace – Bill Koerner, Applicant

Planning Technician Ray Winn presented the staff report dated March 5, 2013.

Commissioner Price asked if the open space and park fees were going to be waived like when lots are combined. Mr. Folke stated that only happens when a dwelling unit exists but when new or vacant lots are created fees are always collected

Commissioner Wolfe asked why the Public Works Director changed his mind with his improvement requests. Mr. Winn stated the Bruno was on vacation and did not realize what mains were on the property or that the street was already paved.

Mr. Folke clarified further regarding the lawsuit settlement agreement between the City and the applicant.

Commissioner Wolfe asked if the curb and gutter requirements were implemented would it benefit the residents below? Mr. Folke clarified storm water was directed with slopes and swales, but the Public Works Department indicated there were not any storm water issues in the area

At this time Chairman Delwiche invited the applicant to comment.

Bill Koerner, 205 Ruxton Avenue on behalf of 125 Cave LLC., gave the history of the lot in regards to utility service, the old house, and the court proceedings. The applicant agreed with all the conditions except the collection of parks and open space fees. He equated the fees to tap fees waived because a previous house had existed. The applicant also had issue with the any no build designation on the front of the property, stating the existing driveway was the only way to provide parking for two cars.

Mr. Folke stated the no build waiver might be reasonable but it needed to be request either under or a separate application.

Chairman Delwiche asked when the old house was abandoned. Mr. Koerner stated it was lived in until the late 1970s.

At this time Chairman Delwiche opened the meeting to the public. Hearing no comments, Chairman Delwiche closed the public hearing.

Mr. Folke stated the litigation in the file had to do with sewer and water issues and nothing to do with park and open space fees. Mr. Folke did not agree with the applicants request to not require parks and open space fees.

Chairman Delwiche confirmed that if the Planning Commission approved the subdivision with the required fees, that the applicant could appeal that decision to the City Council. Mr. Folke stated the applicant could appeal any condition that he did not agree with.

MOTION:

Commissioner Wolfe moved to approve Minor Subdivision 1303 with the following conditions of approval:

1. Prior to filing the Plat:
 - a. Revise the labeling indicating all areas shown on the map, which do not constitute a part of the subdivision shall be labeled "not a part of this subdivision."
 - b. Provide lot closures to one in ten thousand.
 - c. The City will collect parks and open space fees-in-lieu of land dedication in the amount of \$1049.00. School fees in the amount of \$220.32 will be paid.
 - d. The applicant must provide evidence of satisfactory title insurance or commitment showing record ownership prior to recording the plat.
 - e. The plat will be revised to show all areas with 30% or greater slope as "No Build" or a subdivision waiver to encroach in to the "No Build" is required.

SECOND:

Commissioner Vrobel seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

After the vote passed the applicant stated his understanding was fees had have been waived in the past. Chairman Delwiche stated that the fees have previously been waived when there was an existing house.

Commissioner Wolfe stated that the reasoning could follow that a new home could be larger than the n longer existing home and thus add more residents and impacts on City Parks and Open Space

ITEM 6. V 1303 – Variance (Building Height) – 16 Sunrise Road – Christina Krych, Applicant

Planner Michelle Anthony presented the staff report dated April 4, 2013.

Hearing no questions for Staff, Chairman Delwiche invited the applicant to comment.

Jaroslav Krych, 111 Crystal Park Road, stated he was comfortable with the staff recommendations and thanked Ms. Anthony for all of her hard work. The applicant spoke about the placement, architecture and height of the home.

Commissioner Casey asked how many neighbors were contacted. Mr. Krych stated he believed 12. Ms. Anthony confirmed that 10 neighbors had been contacted.

At this time Chairman Delwiche opened the meeting to the public. Hearing no comments, Chairman Delwiche closed the public hearing.

Commissioner Price stated he thought the proposal was a dramatic improvement over what was submitted before.

Chairman Delwiche agreed this was a better solution than spreading out the home and meeting the code.

MOTION:

Commissioner Vrobel moved to recommend approval of Variance #1303 to allow for a height variance with the following findings:

1. That the representations in the application are valid and that the applicant has met the criteria established in Section 18.32.010 of the Zoning Code in regard to the topography of the property;
2. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum that will make possible the reasonable use of the land;

3. That the granting of the variance as conditioned will be in harmony with the general purpose and intent of the City's Vision Plan and the Zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SECOND:

Commissioner Price seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0.

ITEM 5. V 1305 – Variance (Parking) – 337 Manitou Avenue – Jack Paulson on Behalf of T.C. Danzler, Applicant

Planner Michelle Anthony presented the staff report dated April 5, 2013.

Chairman Delwiche clarified that the owner of the 7-11 had been notified they did not own two spaces on the west side of the subject property and that the Mushroom Monday spaces were not included in the Staff calculations. Ms. Anthony stated the applicant had indicated the adjacent neighbor had been contacted and the spaces at Mushroom Monday were not counted because they are not considered a long term solution due to the potential for redevelopment of that site.

Chairman Delwiche invited the applicant to comment.

Jack Paulson, Paulson Architects 4440 Barnes Suite 210, Colorado Springs, stated they agreed with the staff recommendations. Mr. Paulson indicated all of the staff options could work and parking parallel between the sidewalk and the street, while not on the property would increase the number of spaces and stated he would present Staff with a reconfigured on-site parking layout.

T.C. Danzler, 12594 Antonon Avenue, Peyton CO, reviewed the planned operation of the facility, the benefits it would provide to the community, and the transportation, parking, and shuttle proposals.

Commissioner McKendry questioned the bicycling aspect of the proposal. Mr. Danzler stated the facility wanted to utilize cycling for cool down and warm up for the Incline, as well as for transportation of patrons to local merchants. Commissioner Wolfe stated it was very hard to bicycle downtown.

Mr. Danzler further related the target customer is the average person that wants to use the Incline and maybe train for a marathon where they have everything they need to be successful and healthy.

Commissioner Casey stated he really appreciated what Mr. Danzler was doing.

At this time Chairman Delwiche opened the meeting to the public. Hearing no comments, Chairman Delwiche closed the public hearing.

Commissioner Vrobel stated she welcomed the idea and liked that it was located in a non-congested side of town, reusing a vacant building. Commissioner Vrobel stated she was comfortable with the parking and alternative parking options.

Commissioner Price stated if the Parking Authority Board was ok with the proposal than he was ok with the proposal.

Commissioner Ragan stated the parking would be much easier in this location rather than downtown. He further stated he would welcome a system where instead of approving parking variances there would be a fee assessed that went to support City acquisition of parking facilities.

Commissioner Wolfe asked if the 7-11 owned the property by the boulders and the access to the two parking spaces on the west side of the property. Ms. Anthony stated 7-11 did not own the two spaces and there could be access to them from the subject property.

Discussion ensued about revising the Zoning Code.

MOTION:

Commissioner Vrobel moved to approve Parking Variance 1305 to allow a minimum of 12 on-site parking spaces at 337 Manitou Avenue to facilitate the operation of a health spa/fitness facility with the following conditions:

1. Prior to the issuance of a business license, the business owner shall submit information on options for increasing the on-site or immediately adjacent parking to include: stacked parking on the west side of the property; shared parking with the property immediately to the east; reconfiguration of the existing lot in front of the building to provide the maximum number of parking spaces.
2. Prior to issuance of a business license, the business owner will submit a plan for approval and execute removal of the physical barrier on the west side of the property, which shall also provide for striping and signing of the parking on this side of the lot to make it accessible from 337 Manitou Avenue and clear that it is for the use of the business on this site.
3. The variance is valid for two years from the date of issuance of a Business License. Prior to the end of this two year term, the applicant will submit information on the parking solutions implemented and their effectiveness for the review and re-approval of the variance by the Planning Commission.

Commissioner Vrobel further recommended the following findings in support of the variance:

1. That the representations in the application are valid and that the applicant has met the criteria established in Section 18.32.010 of the Zoning Code in regard to the existing development and the topography at the back of the property;

2. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum that will make possible the reasonable use of the land;

3. That the granting of the variance as conditioned will be in harmony with the general purpose and intent of the Rainbow Vision/Comprehensive Plan and the Zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SECOND:

Commissioner Price seconded the motion.

DISCUSSION:

There was no discussion regarding the motion.

VOTE:

Motion passed, 7-0

VI. OTHER BUSINESS

Discussion of Code Amendments:

Commissioner Wolfe asked what the process was for getting the Planning Department help with writing a new code. Mr. Folke the Planning Commission should ask City Council to provide a budget for certain code amendments. Mr. Folke stated Staff would present the Planning Commission with a list of code amendments to vote on during the next meeting.

Commissioner Wolfe further stated not putting on the top of the memo about the sign appeal that it was confidential and Attorney/Client privilege in large bold type was very poor on the part of the City Attorney.

There was also discussion regarding lodging tax in relation to vacation and short term rental units.

VII. ADJOURNMENT

With no further business before the Commission, Chairman Delwiche adjourned the meeting at 9:25 pm.

Minutes prepared by Ray Winn, Planning Technician



Memo

To: Manitou Springs Planning Commission
From: Ray Winn, Planning Technician
Date: May 3, 2013
Re: SW 1301 104 Manitou Terrace

Subdivision Waiver 1301 has been postponed until the June 12, 2013 Planning Commission meeting due to insufficient application materials.

PLANNING COMMISSION REVIEW FORM - V 1306

REQUEST FOR – Side and Rear Yard Setback Variance

PLANNING COMMISSION MEETING DATE – May 8, 2013

CITY COUNCIL MEETING DATE - N/A

APPLICANT'S NAME – Nancy Wilson

ADDRESS OF PROPOSAL – 227 Pilot Knob Avenue

ZONE – General Residential

PROPOSAL:

The Applicant requests approval of the construction of a new deck off the back of the existing cottage with a 2' side yard setback and a 7' rear yard setback where 7.5' and 15' respectively are required within the General Residential zoning district. Please see the attached information regarding the request.

REPORT:

The property owner originally requested a rear yard setback variance in 2012. Because of the proximity to an existing retaining wall and drainage channel and lack of a current survey in regard to the location of the property line/City right-of-way line, Staff requested survey information and for the retaining wall to be evaluated and repaired or replaced, as necessary. The Applicant was able to have repairs done on the wall and a survey of the property completed and is now ready to move forward with the request.

The proposal is to construct an approximately 220 SF deck onto the rear of the existing 672 SF cottage. The land area is approximately 3,100 SF (4,400 SF is the zone standard) and according to the Assessor's records was developed in 1951. In addition to the single family home, there is a 231 SF, one-car garage (which is actually located partially on the adjacent property next to another garage that belongs to 236 Pilot Knob). The property backs to a drainage facility and Montcalm Avenue, so there are no neighbors adjacent to the request along the rear property line. There is one neighbor adjacent to the side yard for which the reduced setback is requested.

The Zoning Code requires that the following criteria be met for a Variance to be granted:

1. The property has extraordinary or exceptional physical conditions, as stated in Section 18.32.010*, that do not generally exist in nearby properties in the same zoning district; *the size of the subject property is small, even for the older part of the City, and is further impacted by the stepped retaining wall across the southwest corner of the small yard. The Applicant has noted that the property backs up to a drainage channel and a City street, so there is more than adequate separation between the subject rear yard and any other privately-owned properties. The adjacent house to the south side of this property is fairly close, however the proposed deck would maintain the alignment of the existing cottage on this property and the deck will not be directly next to the neighbor's house, but will be adjacent to the neighbor's outdoor space.*
2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; *in the most generous location, the cottage itself is only 13' from the rear property line. Therefore a deck of any width would require a setback*

variance. Although a narrower deck could be constructed, this would reduce the usability of the space and significantly impact accommodations for outdoor furnishings, grill, and circulation space. In regard to the side yard, the deck could be moved toward the center of the property; however there is a tree in this area which would require either removal or for the deck to wrap around. There are few trees on the property, so Staff would not suggest removal is a reasonable option. Wrapping the deck around the tree would have the same result as narrowing the size – this would take up a significant portion of the usable area. Staff notes that an on-grade patio would not require any setback. However the Commission has generally supported decks serving as outdoor living space and, given the size of the property and house on this site, the development of the proposed deck area seems to be a minimal improvement to provide useable outdoor living area.

3. That the granting of the variance will not have an adverse impact upon surrounding properties; *as mentioned by the Applicant and in the report above, there is no privately-owned property to the west of this lot that the lessened setback could impact and the 2' side setback should not impact the adjacent neighbor since this is next to their outdoor area.*

The owner has sent the required notification to surrounding property owners within 100 feet. To date, Staff has received one email in support of the request (attached) which is from the only adjacent neighbor.

STAFF RECOMMENDATION:

Staff recommends approval of V 1306 for construction of a deck as shown on the site plan dated April 9, 2013, with a 2' side and a 7' rear yard setback where 7.5' and 15' respectively are required with the following findings:

1. That the representations in the application are valid and the applicant has met the criteria established in Section 18.32.010 of the Zoning Code;
2. That the reasons set forth justify the granting of the variance and make possible the reasonable use of the property;
3. That the granting of the variance will be in harmony with the general purpose and intent of the Rainbow Vision/Comprehensive Plan and the Zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*** 18.32.010 POWER TO GRANT VARIANCES**

Upon submittal of a complete variance application, the City Planning Commission has the authority, subject to the requirements of this part, to grant variances from the strict application of this Zoning Code, so as to relieve difficulties or hardships where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Zoning Code or amendment thereof, or by reason of exceptional topographic condition or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation adopted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property; provided however, that such relief may be granted only without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Code.

April 8th, 2012

Dear Members of the Commission,

I am requesting a set-back variance of 8 feet to the south and 5'6" on the east side of my property under 18.32 of the Municipal Building Code. I am a private homeowner who seeks to improve the aesthetics of my home and property exclusively for my own and my neighbors' enjoyment. I have made several improvements to the property both inside and out and intend to continue to do so. At the City's request I have had the property surveyed as well as had the retaining wall repaired and repainted, both at considerable expense.

18.32.030, A.1. ii, iii, iv

The legal description of the property is as follows:

LOT 1 EX PART LY NWLY OF A LN DRAWN PARA TO SELY LN
35 FT SWLY FROM MOST WLY COR OF SD LOT + EX SELY
12.5 FT BLK 2 EAST IRON SPRINGS ADD MANITOU SPGS

My home is located in such a way that I have streets on two sides of the property, Montcalm St. to the southwest and Pilot Knob Ave. to the northeast. I am the first residence on the corner, a neighbor's garage being on the corner itself. I have a garage on one side, and one neighbor to the east. (see attached map from the El Paso County Assessor's office) The rear of the property (on Montcalm St.) contains a high (4 to 7 feet) curved concrete-block retaining wall that limits the use of the space in a functional manner. This is an odd-shaped tiny property of only 3,100 sq. feet containing a small 672 sq. ft. house and single car garage of 231 sq. feet. The front of the house is located on Pilot Knob; this is the only access to the property.

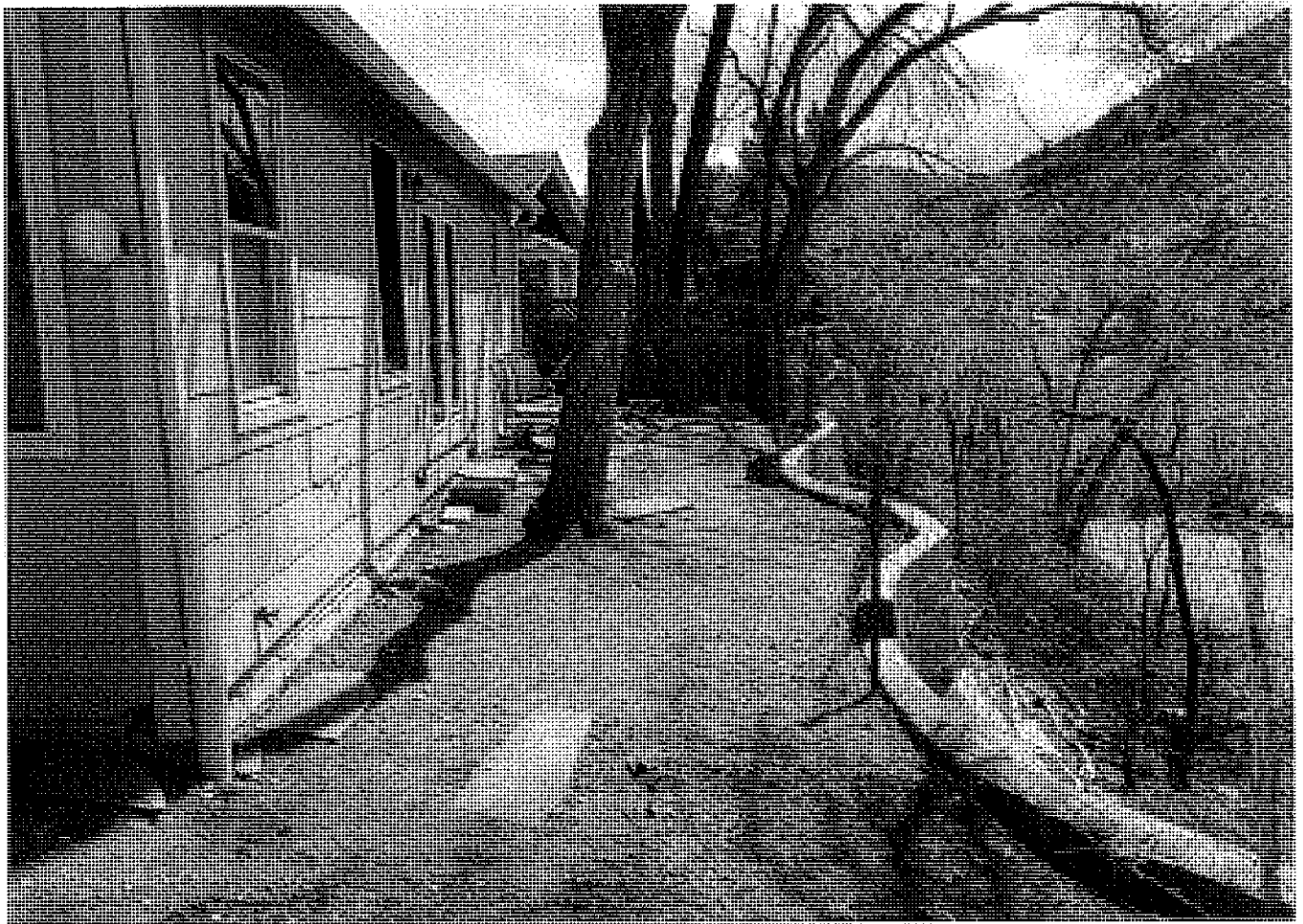
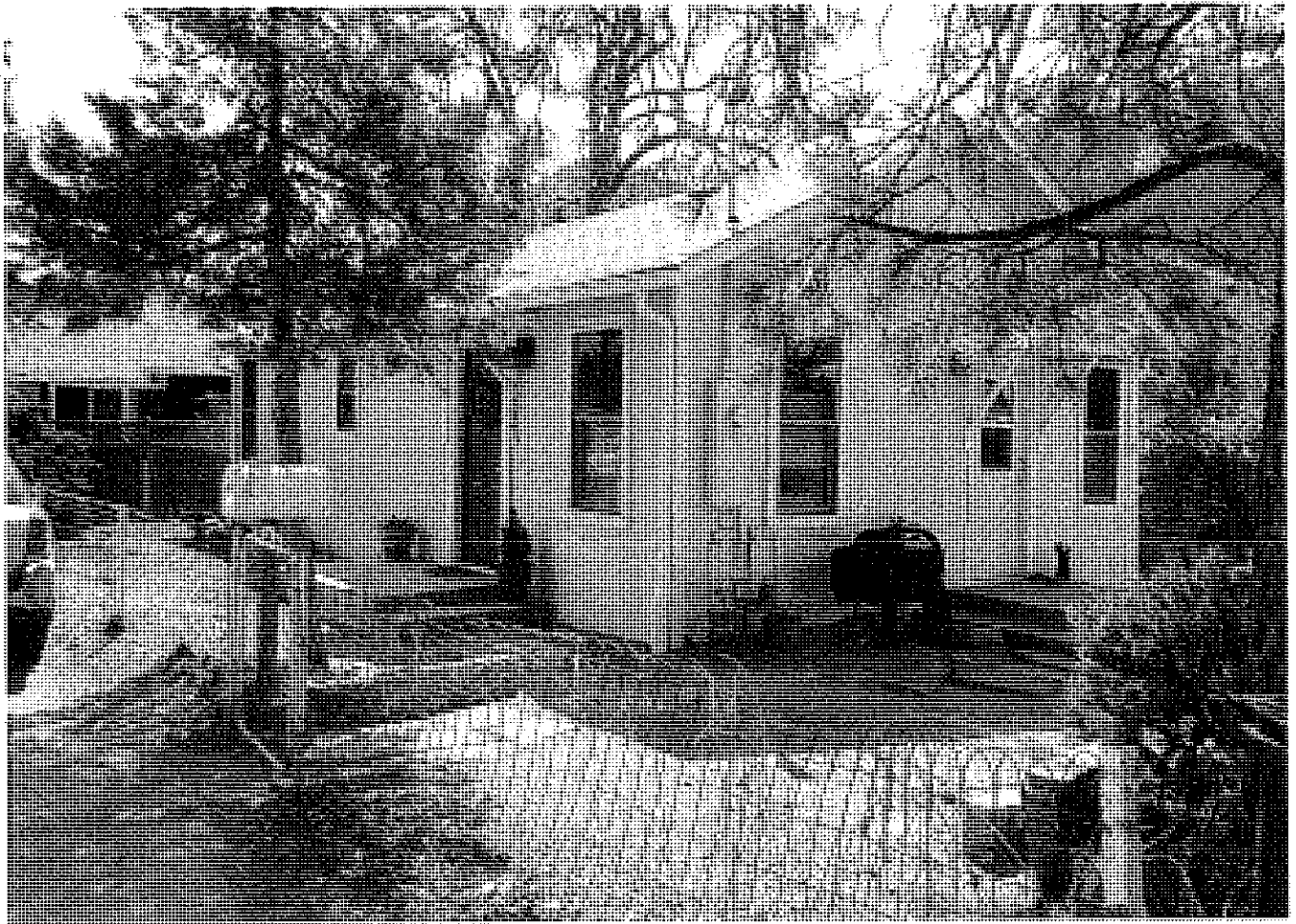
Mine is the narrowest property on the block. The width of the property between the house and the retaining wall varies from 8 to 12 feet. This is a narrow space that is difficult to improve and that does not allow for much reasonable use other than for a deck. I have located the deck all the way to the southeastern side of the house in an attempt to gain the most usable space. All of the properties in the block have steep slopes that fall onto Montcalm Ave. All of them have rear decks on the Montcalm side. There is a drainage ditch and culvert between my property and the street on the Montcalm side, the deck would not interfere with this as it would sit well above it in elevation at the top of the retaining wall and back from the road a distance of 15-20 feet.

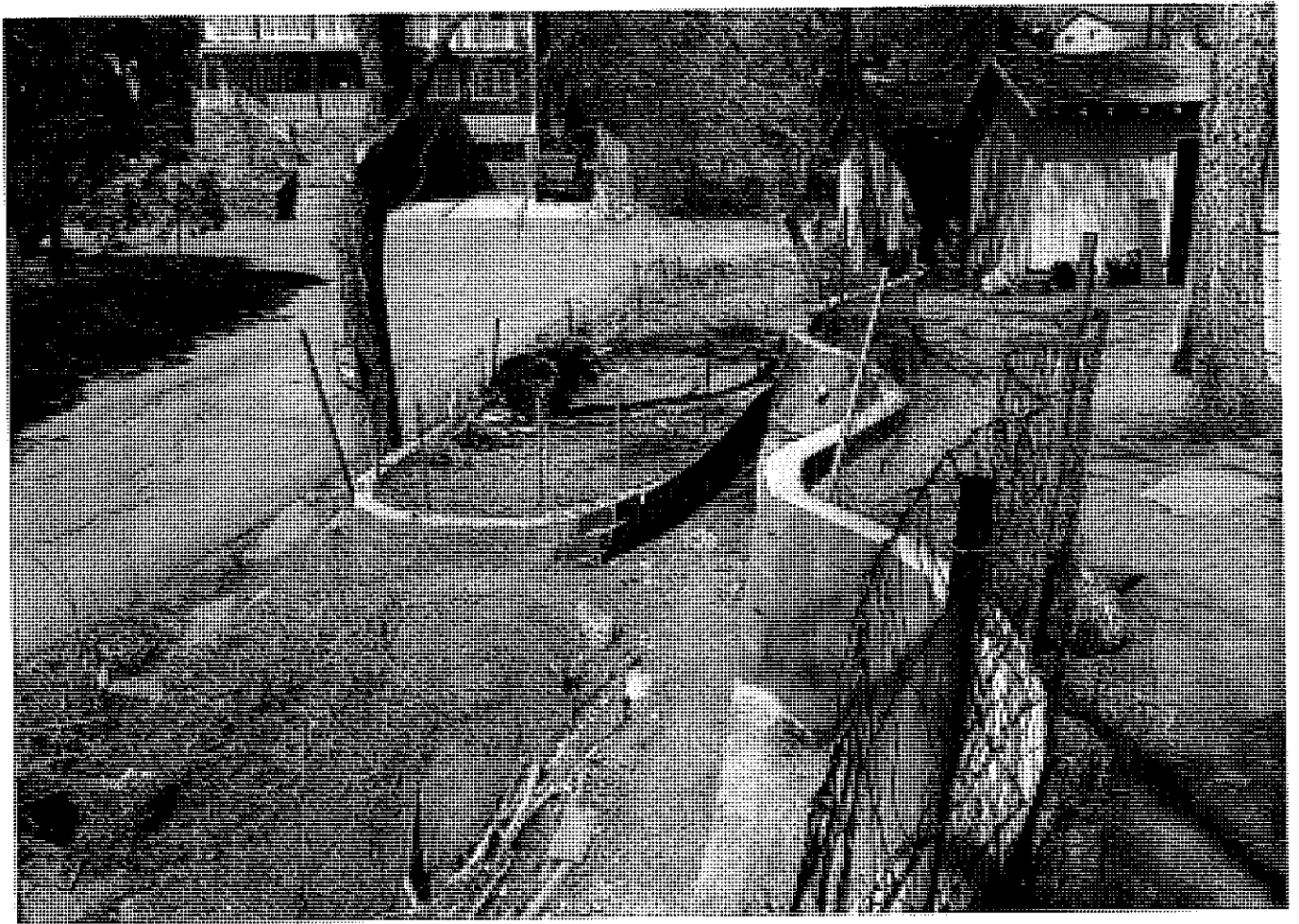
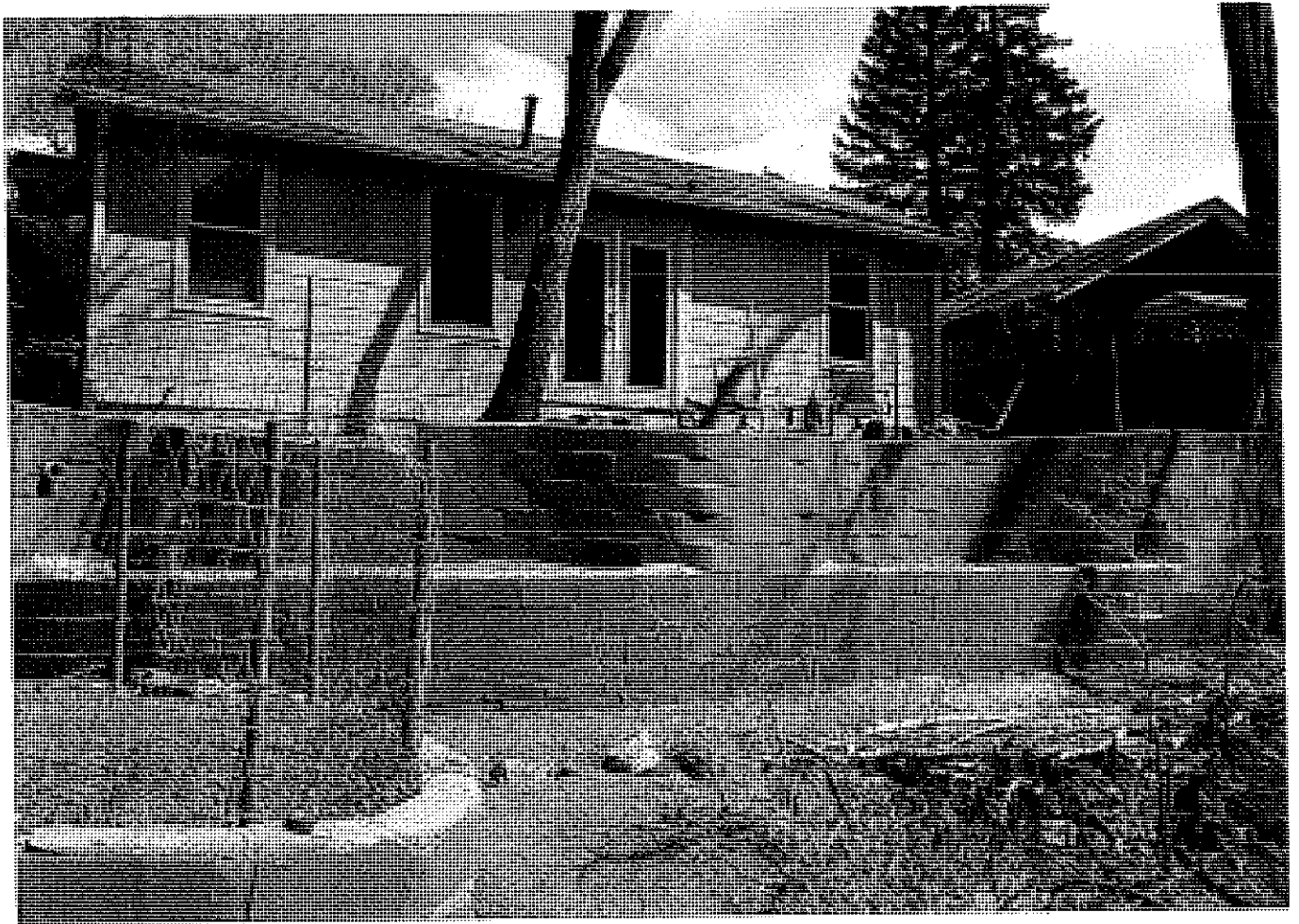
The intention of this request for variance is not to have any adverse effects on the surrounding properties or to City infrastructure. As you can see from the enclosed photos this was an extremely distressed property that was sold in "below average condition" according to the PPRBA website. I have made consistent improvements to the house and site. The deck does not cut down any trees or remove any plant material. It will add a well-maintained attractive feature to my home and the neighborhood and will include landscaping improvements as well. This is my primary permanent residence.

Thanks you very much for your consideration. I am happy to show the property to you and respond to any questions you may have.

Respectfully,

Nancy O. Wilson
227 Pilot Knob Ave.
Manitou Springs, CO 80829
nancy.o.wilson@gmail.com
729-287-3644





Michelle M. Anthony

From: sageart7 [sageart7@gmail.com]
Sent: Sunday, April 28, 2013 8:53 PM
To: Michelle M. Anthony
Subject: letter

223 Pilot Knob Avenue
Manitou Springs, CO 80829
April 28, 2013

Dear Members of the Commission,

Please consider this letter a sign of my support for the variance requested by my next-door neighbor, Nancy Wilson, residing at 227 Pilot Knob Ave. She is seeking rear and side set-back variances to build a deck onto her home; I adjoin her property on the east side. I am aware of this request and have no objection to your granting of this variance.

Sincerely,

Sheryl Cline Matthews

PLANNING COMMISSION REVIEW FORM - SV 1301

REQUEST FOR - Sign Variance (Setback)

PLANNING COMMISSION MEETING DATE – May 8, 2013

CITY COUNCIL MEETING DATE – N/A

APPLICANT'S NAME – Dave Symonds (Stagecoach Inn)

ADDRESS OF PROPOSAL – 702 Manitou Avenue

ZONE – Downtown

PROPOSAL:

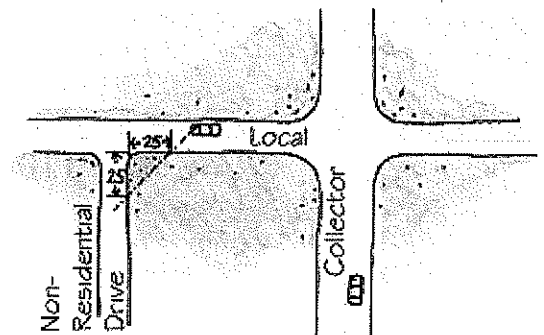
The Applicant proposes a freestanding sign with a 1' foot front setback where 11 feet is required.

STAFF REPORT:

Businesses within the Downtown zone district may have up to three permanent signs and one sandwich board sign. The code allows 3 square feet (SF) of permanent signage for each 1 foot of frontage, not to exceed 100 SF. Freestanding signs must be set back a minimum of 6 feet from the side and front property lines; each foot of height over 6', requires another foot of front setback up to 15'. A vision clearance triangle is required at all non-residential driveways which prohibits any structure or other obstruction to view which is over 36 inches in height within a 25 foot triangle formed by the property line immediately adjacent to a street or non-residential driveway as illustrated below:

The Stagecoach Inn has over 180' of frontage on Manitou Avenue, so is allowed up to 100 SF of signage. There was a Freestanding Sign on the east side of the driveway into the property, which blew down in early 2012 and of which the property owner had not been able to pursue replacement. The property currently has a freestanding menu board which faces the sidewalk and a sign on the south facing building wall which has been designated as historic (which does not count toward the total sign SF, per the sign code). The proposal is to replace the menu board with the proposed sign

that will face east and west vehicle and pedestrian traffic. One side of the sign will serve as a new menu board. The existing menu board is approximately 10-15 SF in size. Staff is unsure what size the Freestanding Sign which blew down was, but estimates it was at least as large as the proposed new sign.



The Sign Code states the following are grounds for issuance of a Sign Variance:

1. A variance may be granted if, by reason of exceptional shape, topography, cultural significance, or other situation peculiar to a particular piece of property or sign, strict application of any provisions of the sign regulations would result in exceptional, demonstrable, and unnecessary hardship; *due to the curvature of the street in this location, installing a sign 11' back from the front property line*

would place it approximately at the location of the stagecoach replica sitting in the front lawn area. The sign will have limited visibility for travelers going eastbound on Manitou Avenue (leaving the downtown). At the required setback, given the locations of an existing fence and large tree on the eastern side of the property, the sign would also have very limited visibility for westbound traffic entering the downtown. Historically, signs on this property (such as the previous freestanding sign) have been located much closer to the street in response to the conditions limiting visibility for both vehicles and pedestrians.

2. A variance from strict application of any provisions of the sign regulations may also be granted for an action involving unusual circumstances if it can be demonstrated that the purposes of this chapter would be better served as a result;

The purposes of the Sign Regulations are stated as:

- A. To preserve the beauty of the community and it's setting by promoting attractive signs;
- B. To ensure appropriate identification of establishments;
- C. To protect the public welfare by controlling infringement of signs upon public rights-of-way;
- D. To maintain a reasonable number and moderate scale of signs;
- E. To promote attractive signs consistent with the city's comprehensive plan and the Manitou Springs Design Guidelines;
- F. To enhance the appearance of the community to attract outside business and improve the city's economic base;
- G. To regulate signs outside of buildings and within twelve inches inside of windowed areas.

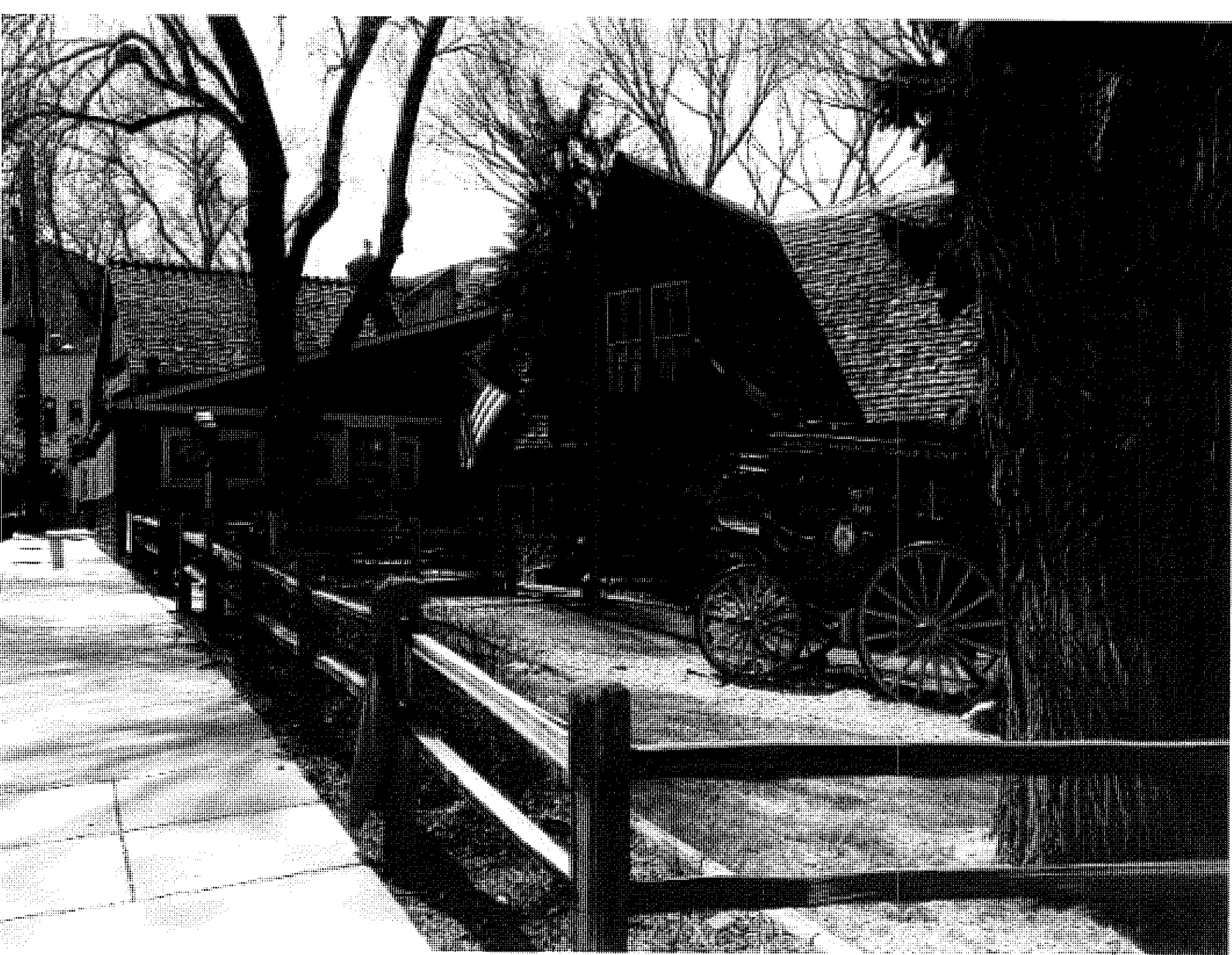
The proposed sign is very attractive, so there is no issue in regard to appearance. At less than 35 SF, the sign is under the maximum size allowed by the code (50 SF) and will not be too large or out of scale with the existing building or property frontage. Staff's notes that the proposed sign location is outside of the required vision clearance triangle; therefore there is no issue regarding this requirement. Staff made several turning movements out of this driveway and found that the proposed sign should not be an issue.

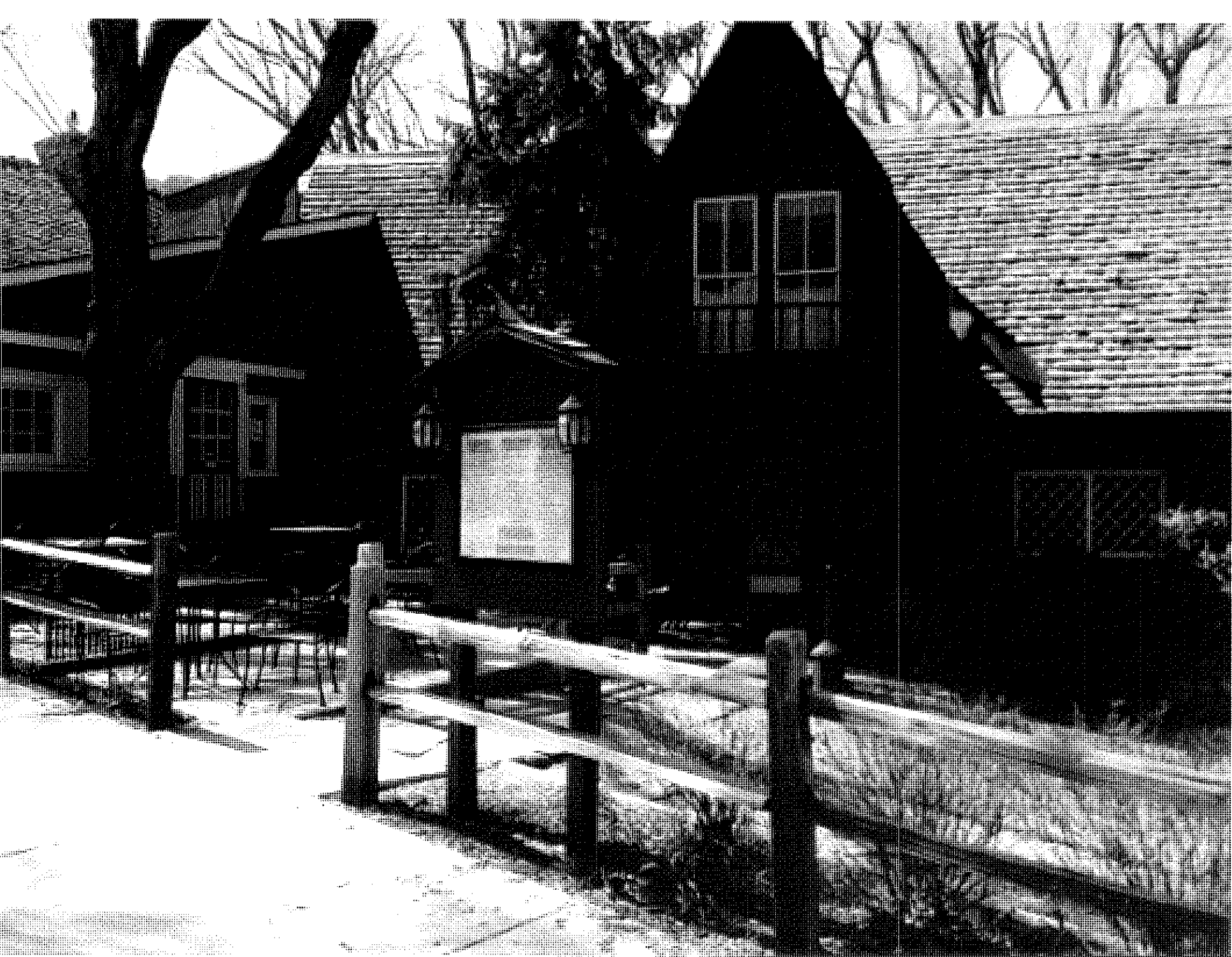
STAFF RECOMMENDATION:

Staff believes approval of this request will better serve the purposes of the Sign Code in regard to attractive and appropriate identification of businesses and given the specific conditions existing on this property, the requested sign is reasonable in location.

Staff recommends approval of the proposed 11' on-premise, Freestanding Sign with a 1' front setback as shown on the drawings submitted in the application with the following findings:

1. Because of the existing property development, curvature of the roadway, and long-standing locations of other freestanding signs on the property, strict application of the provisions of the sign regulations would result in exceptional, demonstrable, and unnecessary hardship.
2. The purposes of the Sign Regulation will be better served by approval of the variance.









STAGECOACH INN

CLASSIC COLORADO COMFORT

702 Manitou Avenue • Manitou Springs, CO 80829
(719) 685-9400 • Fax: (719) 685-1216 • www.stagecoachinn.com

Dan Folke
Planning Department
City of Manitou Springs
606 Manitou Ave
Manitou Springs, Co 80829

March 8, 2013

Dr. Mr Folke:

Enclosed please find an application for a variance for the replacement of the sign that was blown down last year in a storm.

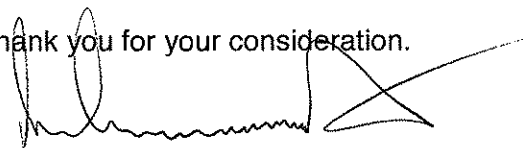
We propose moving the location of the sign from its original location, east of the entrance to our parking lot next to the Legion parking lot, to a location 5 feet from the sidewalk entrance to the restaurant.

We are asking for a set back variance as we intend on the southern post of the sign to be one foot from the sidewalk on Manitou Avenue.

Currently at this location is our menu board. It is approximately 7 feet tall, 4 feet wide and 1 foot set back from the sidewalk. Our intent is to remove the current menu board and put the new sign in its place. On the side of the new sign that would face west, we would use as our menu board. The side facing the traffic traveling into town we would use as our sign.

As you look at the current menu board, the post on the right (east) side is where the front (south) post of the new sign would be. The rear post would be perpendicular to Manitou Avenue about 6 feet back.

Thank you for your consideration.


Dave Symonds
Owner
Stagecoach Inn

















STAGECOACH INN

EST. 1961

RESTAURANT & PUB

LUNCH		HAPPY HOUR		DINNER	
 Burger \$5.99	 Fries \$3.99	 Beer \$2.99	 Wine \$3.99	 Steak \$12.99	 Salmon \$14.99
 Sandwich \$4.99	 Taco \$3.99	 Coke \$1.99	 Dessert \$2.99	 Pasta \$9.99	 Soup \$4.99

WEST SIDE



EAST SIDE



$\Delta=7'14'41''$
R=1146.51
L=144.97
CHORD
N76°09'20"E
144.88

$\Delta=0'30'38''$
R=1146.51
L=10.21
CHORD
N72°16'40"E
10.21

$\Delta=2'17'56''$
R=1146.51
L=46.00
CHORD
S70°52'24"W
46.00

$\Delta=12'41'18''$
R=131.00
L=29.01
CHORD
S65°57'12"W
28.95

$\Delta=10'06'53''$
R=131.00
L=23.13
CHORD
S64°40'00"W
23.10

$\Delta=2'48'33''$
R=1146.51
L=56.21
CHORD
S71°07'43"W
56.21

$\Delta=12'03'42''$
R=175.00
L=36.84
CHORD
S78°19'42"W
36.77

$\Delta=8'43'41''$
R=300.00
L=45.70
CHORD
S88°43'24"W
45.66

NOTE:
PORTIONS OF THE
WOOD DECK AND THE
CONCRETE WALL ARE
WITHIN THE PUBLIC
R.O.W.
THE LIGHT STANDARD/
BUILDING COLUMN ARE
WITHIN THE PUBLIC R.O.W.

MANITOU AVENUE
80' R.O.W.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

