



MANITOU SPRINGS CITY PLANNING COMMISSION REGULAR MEETING AGENDA

All upcoming CPC meetings are scheduled to be hybrid,
Zoom (remote) or in-person at Memorial Hall.

In Person: Memorial Hall

606 Manitou Avenue

Manitou Springs, CO 80829

Remote: A link is provided on the City's Official Website at

<https://www.manitouspringsgov.com/544/All-Boards-and-Commissions>

February 12, 2025

5:00 PM

A. CALL TO ORDER

B. APPROVAL OF MINUTES

1. December 11, 2024

C. UNFINISHED BUSINESS

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

E. NEW BUSINESS

1. MJT 2501 - Major Temporary Use Permit
2. SUB 2501 - Minor Subdivision and VAR 2501 - Variances

F. OTHER BUSINESS

G. NOTICE OF COUNCIL ACTION AND UPDATES

H. ADJOURNMENT

Commissioners:

Alan Delwiche, Chair (12/31/2026)

Justin Wilson, Vice Chair (12/31/2025)

David Armstrong (12/31/2028)

Mike Casey (12/31/2027)

Stephen Graybill (12/31/2026)

Gloria Latimer (12/31/2025)

Carey Storm (12/31/2028)

Megan Day, Alternate Commissioner (12/31/2027)

Roy Rosenthal, Alternate Commissioner (12/31/2028)

City Council Liaison: Julie Wolfe

Staff:

Fred Rollenhagen, Planning Director

Chelsea Royston, Senior Planner

Erin Ringsred, Planner and Landscape Architect II

Zachary Davison, Planner I

1 alternate position available

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**MANITOU SPRINGS
CITY PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 11, 2024**

I. CALL TO ORDER

A Regular Meeting of the Manitou Springs City Planning Commission was held at Manitou Springs Memorial Hall, 606 Manitou Avenue. Chair Delwiche called the meeting to order at 5:31 PM and declared a quorum present. The following Commission members attended:

PRESENT:

Chair Alan Delwiche
Commissioner Mike Casey
Commissioner Carey Storm
Commissioner Stephen Graybill
Commissioner David Armstrong
Commissioner Justin Wilson
Commissioner Roy Rosenthal

ABSENT:

Commissioner Gloria Latimer

STAFF:

Senior Planner Chelsea Royston
Planner II Erin Ringsred
Planner I Zachary Davison

GUESTS:

Elizabeth LeBuhn, Planning Commission Attorney

II. APPROVAL OF MINUTES

ITEM 1. Approval of September 11, 2024, Minutes

MOTION:

Commissioner Storm moved to approve.

SECOND:

Commissioner Wilson seconded the motion.

VOTE:

The motion carried (5-0).

ITEM 2. Approval of March 13, 2024, Minutes

MOTION:

Commissioner Storm moved to approve.

SECOND:

Commissioner Wilson seconded the motion.

VOTE:

The motion carried (6-0) with Commissioner Rosenthal abstaining as he was not present

III. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

ITEM 3. Var 2401- 7 Jade Avenue Variance (Front, Side, Side Setback Variances)

Note for the Record – None of the commissioners had any conflict of interest or ex parte communications to declare.

Senior Planner Chelsea Royston presented the Staff Report on the application for Variance 2401-7 Jade Avenue. The applicant is David Widener, and he is present. The applicant is requesting a front yard variance of zero inches where twenty feet are required. Applicant is also requesting a variance on the north and east property lines, which are classified as setbacks, as 7 Jade Avenue is classified as a corner lot. The variances on the north and east property lines are for a zero-inch setback where ten feet would be required. These variances are requested to legalize the reconstruction of an approximately 560 square foot permanent accessory structure (carport).

Senior Planner Royston presented a context map which showed a right of way to the south of the property, which is why this is a corner lot. She presented a site plan with red lines indicating the 20 feet setback requirements and blue ink indicating the 10 feet side setback requirement. Additional site plan slides presented the dimensions for the carport. Senior Planner Royston stated the carport was legally nonconforming until earlier this year. In Spring, 2024 the owners performed unpermitted work which included the demolition of the existing carport, carport reconstruction, and the reconstruction of a rooftop deck. The deck and stairs have been removed, and the owner is requesting variances to legalize an unpermitted carport. Senior Planner Royston noted that there are provisions in the code for maintenance for legally nonconforming structures, however when it is entirely removed for reasons other than nature hazards, natural damage, etc. it is required that any legally nonconforming structures are brought into compliance with current code. The act of willingly removing the carport is what lost the grandfathered status or legal nonconforming status.

Senior Planner Royston presented additional slides, depicting the carport from South, North, East and West Facing Elevations. Senior Planner Royston advised that there are provisions in the Code that restrict any expansion of any nonconforming structure. In this case, the carport was built back taller by a matter of inches, which technically expanded the legal nonconformity of the structure. Even if this were able to be viewed as maintenance, it did increase the nonconformity.

Senior Planner Royston provided photo documentation of the carport from November 2023 and July 2024 from an unrelated application. The photo on the left, from November 2023, shows the previous carport where it met the house below the eave, and the right side depicts the carport where it meets the house at the eave. It should be noted that the rooftop deck visible in the photo on the right has been removed and permission for that is not being sought at this hearing.

The next slides depict the altered structure of the carport, including the truss system, and the interior supports, which indicates to Staff that this is a full reconstruction of the carport and not merely maintenance.

Senior Planner Royston presented the Eligibility Criteria for a Variance. In the Staff Report authored by Planner Ringsred, there are differing viewpoints between what the applicant states and Staff analysis. The Eligibility Criteria being presented shows Staff's analysis, showing that criteria One and Three appear to be met. The applicant would suffer unnecessary hardship as they previously had a carport of approximately the same size, and strict adherence to this code would significantly reduce the permitted size of the carport. Regarding Criteria Two, the applicant states that there are no alternative locations or design alternatives for the structure. Staff notes that the variance request states zero-inch setbacks on the north and south property lines. That is not technically the minimum required dimensions as indicated by the plans provided by the applicant. Based on the site plans and improvement location certificate, the carport dimensions show a length of 32 feet, 6 inches, and the property line totals 34.9 feet. Therefore, if a 0-inch setback is granted for the north and south property lines it would allow the applicant to build a carport that is approximately 2 feet, 5 inches longer than the previous legal nonconforming carport.

Regarding Criteria Three, the applicant states that the LUDC has not been applied uniformly across the zone district. Staff notes that the carport only lost its grandfathered status due to the action taken by the property owner when they removed the previously existing carport.

Regarding Criteria Four, the structure lost its legal nonconforming status due to actions taken by the owner in removing the carport without permits and then reconstructing it without permits.

Criteria Five and Six are not applicable to this project. There are no disabilities affecting the owners or tenants and the property is not in a historic subdistrict.

Senior Planner Royston then displayed a slide in which Planner Ringsred notated the exact dimensions of the carport relative to the dimensions of the property. The 32 feet, 6-inch length is specific to the carport.

Senior Planner Royston stated that the Land Use and Development code notes two approval criteria that must be met to grant the variance. The variance will not result in the development of areas at risk of natural hazards, unless adequate mitigation is provided to the satisfaction of the Planning

Director Pursuant to the standards in Chapter 18.03; and no adverse impact will result on adjacent properties.

Senior Planner Royston stated that with 0 feet, 0-inch setback, there is the circumstance that the owner would have to trespass onto the adjacent property to maintain the structure, or to fully access the exterior of it. There has not been any easement that has been submitted and to ensure that the carport has been constructed wholly within the owner's property, as 0 inch is beyond what can reasonably be determined by Planning Zoning Staff, Staff does recommend a survey be included as a condition of the approval of this variance if the Planning Commission so chooses. Planning Staff did receive several phone calls in opposition to this application but has received no written comments.

Senior Planner Royston reiterated there is language recommending a survey confirming the property lines and locating improvements within those property lines, however it is noted that an alternate survey is required, and Staff has since revised that to an Improvement Survey Plat.

Senior Planner Royston then presented the Motion Language.

Chair Delwiche opened the item for questions from the Commission to Staff.

Commissioner Storm requested an impression of the phone calls and what the feedback was from the neighbors.

Senior Planner Royston stated that Planner Ringsred received the phone calls, however she was unavailable to be present at the meeting. She noted that the phone calls were in opposition and Planner Ringsred believes that the individuals who called in were intending to be at the meeting in person.

Commissioner Armstrong asked why the ILC was inadequate, requiring a full survey.

Senior Planner Royston stated that the ILC had a loose approximation of where improvements are relative to property lines, but do not nail down where property lines are. A survey is a more technical and accurate method of determining those locations.

Commissioner Armstrong replied that he thought that a licensed surveyor must sign the improvement location certificates.

Senior Planner Royston stated that is true, but they don't have to locate the points before measuring them. She noted that she typically refers to the ILC as a "survey light".

Planning Director Rollenhagen provided additional clarification. An Improvement Location Certificate is not a survey. A surveyor will stamp it as an Improvement Location Certificate but that just means that they are identifying generally where the improvements are located based on mapping and not based on surveying of property lines. A land survey or property improvement survey (Alta Survey) is where the surveyor goes out and physically locates the property corners and locates the improvements to identify exactly where they are in relation to each other on the ground.

There were no further questions from the Commission to Staff, therefore, the applicant was invited to speak.

David Widener, 7 Jade Avenue, Manitou Springs, CO 80829. Mr. Widener stated he purchased the property in 2022, and the carport was already there for many years. Mr. Widener has pictures of severe water damage to the carport, which was the reason for the repair to the carport. Mr. Widener also stated that Staff has stated that the dimensions have changed, and he believes that to be incorrect. He provided his viewpoint as to why the dimensions of the carport have not changed. Mr. Widener stated that the only reason that this came about was because his son decided to put a deck on the roof. He stated that the variance is for the concrete of the carport, so there are no dimension changes at all for the carport.

Commissioner Armstrong asked who owns the property.

Mr. Widener stated that both he and his son own the property. His son is in the Army and in Macedonia on deployment.

Chair Delwiche commented that it seems that all the work seems to have been done without a permit. There was stop work and then the applicant continued working. He asked the applicant what the thinking was about that.

Mr. Widener noted that the carport was completed and then his son, on his own, put up the deck, which was put up and then taken down. The carport was already built. He stated that the only reason the carport was even noticed by the Planning Department was because of the deck. He noted that based on his knowledge, two individuals complained that the deck was overlooking their property.

The hearing was then opened to the public.

Doug Fisher, 8 Jade Avenue, Manitou Springs, CO, 80829. Mr. Fisher lives directly across from Mr. Widener. The carport was never torn down completely, so the statement that the carport had been torn down was incorrect. He stated that Mr. Widener had improved it and the only reason anyone had started looking at it was because there was a deck put on top of the carport. Mr. Fisher states he has lived at his location for 35 years and the carport has been there the entire time, and the only thing Mr. Widener has done is to improve the roof and essentially improve everything on the house. He states that the deck made some individuals in the neighborhood mad, so he doesn't feel the carport should lose its grandfathered status. Mr. Fisher made several highly disparaging comments about Planner Ringsred stating "I do not know how well her education is in these matters since she doesn't even know where her boundaries are. She goes to the county because the county is right behind us and gives people tickets that are not even in the city of Manitou". He stated that he does not know how much he would put faith in her.

Commissioner Armstrong confirmed with Mr. Fisher that he lives immediately south and that the two houses face each other. He also verified with Mr. Fisher that he did not have any issues with the carport

Mr. Fisher confirmed the location of his home and that he has no issues with the carport, stating that it has been there the entire time his family owned the home.

Chair Delwiche closed the public comment portion of the hearing.

Chair Delwiche noted that this item may need further investigation, if it is not, indeed a carport that was demolished or destroyed. There is the legacy of the grandfathered use and having a variance applied to this doesn't make sense, stating it doesn't need a variance in that case. He suggested this item is tabled due to conflicting evidence. He suggested additional investigation and then bringing it back, stating that if there is no need for a variance, one should not be applied.

Commissioner Graybill asked if Chair Delwiche was proposing a vote. Chair Delwiche stated he was throwing out an idea and he would like some feedback on it.

Commissioner Casey stated that he was not sure what Chair Delwiche was saying. He asked if there is no need for a variance, how does he proceed with a clear conscience.

Chair Delwiche stated that he is suggesting they table the item because if the carport wasn't removed, it is grandfathered in, and in that case would not need a variance. If the applicant was just doing maintenance on a preexisting, nonconforming structure, it does not need a variance.

Commissioner Casey confirmed with Chair Delwiche that the research he is requesting is to determine if the carport has been rebuilt versus repaired.

Chair Delwiche confirmed this, stating that there is conflicting testimony.

Senior Planner Royston added that any work was completed without permits, she does not believe that any additional research will result in anything more than conflicting testimony. She does not know how Staff can prove, other than photographic evidence, that the structure of the carport is different. It was rebuilt rather than repaired.

Commissioner Storm stated that what they are hearing from Staff is that the carport was torn down completely and rebuilt and that would have been in the last 6 months, and that being the case, unless used lumbar was utilized, then you could look at the structure and know that it is a "weathered part" that has been there for a number of years.

Commissioner Roysenthal stated that he assumed because the structure was constructed without a permit that any relevant penalties or fees were paid.

Senior Planner Royston answered that she does not believe that any property improvement permits were paid for this project. She stated that Staff do not enforce Pikes Peak Regional Building Department fines.

Commissioner Casey then asked if, according to the staff report, an approved permit will be required to make sure it is structurally sound. He stated it seems it is just a matter of semantics. Repair versus rebuild. If staff require a survey to prove it is not on the neighbor's property, the carport has been there for decades, and the applicant is going to have to get a permit to make sure it is safe, so he does not see the issue.

Commissioner Storm stated that if the Commission determines the carport is grandfathered in, then some of the things that might be onerous, such as the survey, might not be required. However, if it is determined the carport is rebuilt, the survey may be required. Therefore, it may be less expensive to confirm it is a grandfathered, repaired property rather than trying to do a variance.

Commissioner Casey then asked to confirm that Staff is recommending Alta survey but requiring a building permit and a minor site plan.

Planning Director Rollenhagen attempted to clarify the situation regarding this variance. Because Staff believed this was new construction (applicant took down the carport and put up a new one), if applicant applied for a building permit, Staff would not have signed off on the building permit. Staff is indicating that the applicant get a variance first before staff will sign off on a building permit for the new carport. That is when a building permit would be obtained and when fees apply, if a variance is granted. Staff recommends, as a condition to the variance, a survey be provided to ensure that the new carport does not encroach on the adjacent property, since the request is for a 0-foot setback. If it is within the Planning Commission's authority to determine if a variance is necessary or not due to new information, then a different direction would have to be taken. Planning Director Rollenhagen stated he did not know if the Planning Commission can decide if a variance is not required because this is a new construction and not just repair.

Elizabeth LeBuhn, CPC Legal Counsel, stated that she would direct the Commission to the application that is before them and what has been applied for and the decision they are being asked to make. The question is not whether a variance is required or whether the property is grandfathered. The question is whether the commission is going to grant or deny the variance and if any conditions will be imposed. If the variance is denied, there would need to be additional steps for the property owner and staff. Denying the variance does not create a ripple effect that would grandfather the property once again. That is not the question being presented tonight.

Commissioner Rosenthal asked if the suggestion to table the item and do further investigation is permitted.

Counselor Lehune referred to Motion Language, where it is stated that the variance request can be postponed until Jan 8, 2025, for further consideration.

Commissioner Rosenthal noted that as he understands it, there were some phone calls, but there has been no public comment, except the one neighbor comment in support of the applicant.

Planning Director Rollenhagen confirmed that is correct.

Commissioner Rosenthal asked if the Commission can even consider nonwritten comment.

Senior Planner Royston stated that it has been the practice to give the general sentiment, but if specific points wish to be made, it is the responsibility of the public to submit it in writing or in person.

Counselor LeBuhn stated that since Staff included comments as a part of the report, it can be considered in the decision.

Commissioner Rosenthal stated that as of now, the Commission has no information from the individuals who objected.

Senior Planner Royston concurred, explaining that it was the individuals' choice, and they were told that it would be noted as a phone call in opposition.

Commissioner Rosenthal stated "Well, that's not good enough for me."

Chair Delwiche posed a question to Planning Director Rollenhagen regarding a building permit. He asked if the existing nonconforming carport was being worked on, what would trigger the need for a building permit.

Planning Director Rollenhagen stated he is not familiar enough with the building codes to know when a permit would be required.

Senior Planner Royston advised that two codes are acting on this structure. A property improvement permit is required anytime there is work being done on any structure that requires materials. That would have been triggered as soon as any work was done. A building permit and what was required structurally is outside of the Planning Department's jurisdiction.

Mr. Widener added the comment that on his property he had a carport that was legal nonconforming with no setbacks. The roof was replaced several years ago. He obtained a building permit, replaced the roof, it did not kick in any variance requirement. He added that if the posts holding up the carport are original, He does not understand why there should be one.

Commissioner Storm noted that it is almost as if the building of the deck as unpermitted work flagged the carport.

Mr. Widener stated that they did try to do an initial variance with the deck, and a structural engineer came out and designed a package with the deck and the carport. He noted that he still has the structural plans if needed to submit and show that the carport is structurally sound. Mr. Widener states that this is also creating a hardship for him as this was initially scheduled for October and was postponed. He must fly in from Sacramento to appear. Postponing it again until January seems a bit excessive for him for a carport.

Commissioner Armstrong stated that he shares Chair Delwiche's confusion about this item. He states there has been plenty of time to clarify. It appears to him that it's clear, as he has visited the site, that it is not a substantiated problem according to the neighborhood, Planning Department has figured out a way to address the lack of a building permit, and he suggests considering the variance and the lack of building permit and then property lines can be verified. If this issue has been continuing since October and owners are deployed and/or living out of state, it is a hardship.

Commissioner Graybill states that it appears that this item comes down to whether the structure was demolished or not. The question is whether it was taken all the way down and rebuilt or if it was repaired. He stated the variance does not address that issue in any way.

Mr. Widener added that according to staff, that information will not be found.

MOTION:

Commissioner Casey made a motion to approve Variance 2401-7 Jade Avenue -Front, Side, Side Setback Variance based on the findings that the request meets the review criteria for granting a variance set forth in City Code Section 18.06.3.10 with Staff's conditions outlines, specifically the Alta survey.

SECOND:

Commissioner Armstrong seconded the motion

VOTE:

The motion carried 5-2. Chair Delwiche and Commissioner Storm opposed.

Note for the Record: Chair Delwiche stated the Motion carries and it's done. Mr. Widener asked, "What's done"? Chair Delwiche stated to Mr. Widener, "You have the Variance. It was approved. My thought was deny it and it will go away, and never have to talk about it. In any case, it's done. And if you do need to come back, and you are in California as was stated, you can Zoom in."

ITEM 4. VAR 2402-123 Manitou Avenue Density Variance -Variance to the Maximum Residential Density

Senior Planner Royston presented Var 242-123 Manitou Avenue. Variance to the Maximum Residential Density. The owner of the property is Paragon Realty. The owners are requesting a variance to the maximum residential density to allow approximately 35 dwelling units per acre (78 units total) where the Commercial Zone District restricts residential density to 20 dwelling units per acre.

Senior Planner Royston displayed a slide of the existing conditions. 123 Manitou Avenue was the previous site of the La Fon Motel which was demolished in 2023. It is currently a vacant site. It is zoned commercial and is unsubdivided. It sits on 2.2 acres. The commercial zoned district limits the height of buildings to 35 feet and the maximum density to 20 dwelling units per acre. This commission previously saw a concept plan for this application. As a refresher, the concept plan was displayed, showing two, 39-unit apartment buildings, with 78 total units. They are 3 story buildings which complies with the maximum story building height. The owners intend to comply with parking minimums, and the density would equate to just over 35 dwelling units per acre.

Senior Planner Royston advised that as part of this project, future applications would be required that would be heard by the City Planning Commission and City Council. The Major Development Plan would be supported by the Tier 3 Geologic Hazards Evaluation; Landscape and Irrigation Plan; Drainage Report; Traffic Impact Analysis; Photometric Plan; and Ecological Characterization Study. The project would require a minor subdivision and a grading permit as well as building permits. The Minor Subdivision and Grading permits are reviewed administratively but the Major Development Plan is reviewed by the City Planning Commission and City Council.

The applicants have sought the variance that the whole project hinges on to reduce financial risk at the front end of the project and to understand whether to move forward with the technical drawings that are required for the major development plan. Senior Planner Royston referred to Section 18.06.4.2 and noted that this section has two approval criteria for variances, which the City Planning Commission will decide on. The first is whether this application will result in the development of areas at risk of natural hazards. The applicant completed processes with the Federal Emergency Management Agency (FEMA) to remove a flood plain on the site. A letter of map revision was completed in September 2024 and no other hazards have been identified on the site. The second criterion is whether any adverse impact will result on adjacent properties. City Planning staff met with the Fire Department, Utilities, Streets and Stormwater and no adverse impact on adjacent properties has been identified because of this proposed development. There are no adverse impacts to city infrastructure.

Senior Planner Royston presented Staff's assessment of Eligibility Criteria. The applicant states that they would suffer undue hardship as they allege comparisons with nearby hotels. The Staff report expands on this, however, residential units and hotel units are different in some ways and in some ways are similar. One difference is kitchens. If nearby hotel rooms are viewed as residential units, they would have similar density as to what is being proposed. These apartment buildings all have kitchens, bathrooms, and a minimum of one bedroom each, so applicant is making the argument that these two apartment buildings would create a very similar atmosphere to the nearby lodging structures. Criterion Two states there are no design alternatives or alternative locations for structures. That would eliminate the need for the requested variance. This is where the discussion about how "squishy" the variance criteria has been in the past. The applicants have stated that there are fiscal constraints, and this density is what is required to make the project pencil out. Criterion three states the enforcement of the LUDC deprives the applicant of rights enjoyed by the majority of other properties in the same zone district. Applicant states that this development would be consistent with developments at 114 and 120 Manitou Avenue, which are lodging structures. Criterion Four states the need for variance is not the result of actions of previous property owners or is an otherwise self-imposed hardship. The applicant states that the need for variance is due to the hardship created by market conditions and the financial viability of the proposed development is dependent upon the increased density. Criteria Five and Six are not applicable to this project as they are not in a historic district nor are there disabilities affecting the owners or tenants that require density.

Senior Planner Royston advised that staff received one written comment which was distributed at the beginning of the meeting. It was received after the publication of the packet, so per standard practice, those are held until the meeting. There is a letter of support from the Housing Advisory Board, which is included in the packet.

Senior Planner Royston noted that if the Commission opts to approve the application, staff does not recommend any conditions and presented the Motion Language which includes approve Var 2402 with Staff's conditions as outlined; Approve Var 2402 with an alteration; Deny Var 2402; or Postpone Var 2402.

Chair Delwiche opened the discussion for questions from the Commission to Staff.

Commissioner Casey asked if anything has changed since September 2024 as far as plans.

Senior Planner Royston confirmed that nothing has changed as far as plans.

Chair Delwiche invited the applicant to the table to speak.

Rich Block, 8700 N. Street, Suite 10, Fishers, Indiana. Mr. Block is joined by his son John, who will be acting as the development manager. Joining online is Adam Kanter from Kephart Design. Mr. Block stated they were encouraged and did have a hearing with the Housing Board, and the Commission has the summary letter from them, generally supporting the project. The Housing Advisory Board encouraged them to keep affordability as the priority and to introduce sustainable ideas to the project to make sure that, longer term, the apartments are efficient.

Mr. Rich Block noted that they got the Letter of Map Revision from FEMA, and he believes that helps nearly five other properties that were affected. The problem was that when Highway 24 was constructed there was a stream that was rerouted and as is oftentimes the case, floodplain maps are not updated. He also wanted to address one comment that was made by Darlene Kennedy. She is the lady that wrote the letter. One of the comments made was that prior to Paragon's purchasing of the property, they should have known about the zoning that was in place. In fact, Paragon purchased the property in August. The zoning that was being worked through with the city was a longer-term project by the city, but nothing was in place. Paragon became aware of it in October or November. They met with Hannah, the former Planning Director, who offered some additional input. It was passed at first reading in December and the final reading in January, after the property had been purchased. Mr. Rich Block gave an overview of his understanding of the December hearing and remarked on a few comments made during that hearing. He referred to studies and projects on density that reflected density that went from 20 units to as high as 90 units. He stated that there were comments made during the City Council meeting that made it seem as though this is something that they may have to revisit. He noted that there was a mention that Council may revisit the issue in 6-12 months. A comment was made that they wanted to start with a low density because if a higher density was put in place, it would be harder for the city to back off that. Mr. R. Block stated he took note of that as it seemed there was an understanding by Council that there could be items such as this that would come before them and before the CPC. He stated he was disappointed to receive a letter stating that "they didn't do their homework", as this was not in place before they purchased the property.

Adam Kantor, 2555 Walnut Street, Denver, CO 80205. Mr. Kantor provided a slide with the site plan for the project. He provided an overview of the project, noting that the site plan meets all the requirements of the commercial zoning except for the density limit of 20 dwellings per acre. As a reminder it is a mixture of studio, one bedroom and two-bedroom apartments with attached garages. They looked at multiple iterations for the plan and landed on this solution. Mr. Kantor noted that this vision provides a very simple, efficient structure that speaks to the history of Manitou Springs, this site, and takes advantage of the surroundings.

John Block, Development Manager, Paragon Realty, 307 Quay Street, Lakewood, CO 80226. Mr. Block stated based on the code, for the variance they need three things. The first requirement is no risk of natural hazard. The second requirement is no adverse impact on property owners, and the

third requirement is that four of the six additional criteria must be met. He stated that the first two criteria are very straightforward. There is no hazard and there is no impact on adjacent property owners. When you look at the previous use, which was a hotel that had nine buildings, 63 units and an outdoor pool, and coverage similar to what the new plan is, they don't believe it will be an issue for natural hazards or the adjacent properties, and if anything, it will be much better than anything that was there before. On the additional criteria, they believe that they do meet four of the six requirements. Mr. Block elaborated on context, stating that the question to be asked is what the surrounding area looks like and are they consistent with that. If you look at the surrounding uses, The Holiday Express, and the Days Inn, those hotels have similar or higher density than they are proposing. To put it in context, they are proposing 35 units an acre, whereas the Holiday Express is 66 units an acre. The second point to elaborate on is project viability. It is a feasibility problem. For most developers today, with high construction costs, operations are very challenging with small projects. Development projects often need to be in the range of 110 to 120 units, oftentimes higher. They started the development process at 110 units, with conversations with city staff, and others and reduced it to 78 units, with two 39-unit buildings. Where the market is, and other challenges in the financing market it is not financially viable to go below the 78-unit number. In summary, the context in what is around is the response for criteria one and three, and the financial viability market conditions cover criteria two and four. With that, they meet four of six of the additional requirements, plus the initial two.

Chair Delwiche opened the discussion for questions of the Commission to the Applicant.

Commissioner Casey inquired if it is known how many units the La Fon had total, prior to the demolition.

Senior Planner Royston advised that they were not "dwelling units", and that Mr. John Block had just mentioned that number.

Mr. John Block answered that the number is 63.

Commissioner Casey then asked Mr. Rich Block to clarify the date of the meeting with City Council.

Mr. John Block stated the meeting was on December 20, 2022. The property was purchased on August 26, 2022.

Commissioner Graybill asked if initially they were planning on Commercial property.

Mr. Rich Block stated that was one of the thoughts they had. At the last concept plan meeting, they mentioned they had marketed the site to Commercial. They had some hopeful traffic with a potential Natural Grocer, but that dried up and they have not been able to attract any commercial users at this time.

Chair Delwiche pointed out that when they did the adopt the new Land Use and Development Code the density was increased for this zone. One of the things that was discussed was inclusionary zoning and ultimately decided it was not feasible. Most of the other features of the LUDC of 2022

were left intact. They did a pushback of the first 50 feet, as they did not want to have the shear elevation right at the street.

Chair Delwiche then asked if the housing will be market rate housing.

Mr. R. Block stated that it is market housing, but he believes they are trying to bring the rents down to an attainable level.

Mr. J. Block elaborated, stating they are efficient unit sizes, so they are smaller. They will not have extensive amenities like some of the expensive units in downtown Colorado Springs. The units themselves will be nice, and will be at market rates, but they are looking at ways to reduce the rents. The Housing Advisory Board suggested ways to reduce utility bills by using solar and trying to get creative in other ways.

Chair Delwiche then stated that in the last four months they have had a project on a similar site that is not as large. He stated that they managed to pencil things out with approximately 8 dwelling units per acre, which was for a multiuse project with duplexes. In the past two years, a couple of other projects have succeeded with a much less density. They weren't apartment complexes, but they did seem to find reasonable use in their property.

Commissioner Graybill asked how much the city has invested in this project to date,

Senior Planner Royston answered that the city has not invested in this property.

Commissioner Graybill apologized, stating he meant the Urban Renewal Authority.

Mr. R. Block stated that 2.1 million dollars for the purchase and then the demolition and asbestos abatement.

Chair Delwiche asked how much Paragon has invested.

Mr. R. Block stated 1.1 million dollars.

Chair Delwiche asked if there were any additional questions from the Commission to the applicant, and there being none, asked the applicant if he would like to add any additional information.

Mr. R. Block stated he did not know about inclusionary zoning. He did recall some level of discussion at Council or some later change that reduced the number of units per acre from 25 to 20. He also commented on Chair Delwiche's statement about the 8 dwelling units per acre, without knowing the site and cost basis, among other things, it is hard to compare that to this property. He stated that he knows that it is something that would not work for this project, and that is the purpose for the variance. He is clearly aware that this is a sensitive subject for Manitou and the vote at the concept plan was very close. Yet, the hope is that they are doing something that Manitou will be proud of long-term. The goal is to make the units affordable, provide housing alternatives for people who work in Manitou, for people who are graduating in Manitou, high-school and beyond, and seek and desire to settle in Manitou. It becomes another option that is not currently available to a larger extent. This is only the beginning and Senior Planner Royston has outlined the plans that have to be prepared, and it is a huge investment. The hope is that they are doing things that

will benefit the community long term and really provide options for those who work and those who elect to live in Manitou long term.

Chair Delwiche opened the hearing for Public Comment.

Mike, Days Inn Owner. He stated he does not agree with a few points during the presentation. He stated that in the beginning he heard the property was purchased for commercial development. In his opinion, that would benefit the City of Manitou Springs, and the hotels and bring tax dollars to the city. Mike disagrees with the statement that the property will not negatively affect neighboring properties. At the time when La Fon was there, there were a lot of low-income residents, paid by the city and the government section, they would come over to his property to have free breakfast. With more units added to this property, they will be bringing into the city a group of residents who will not necessarily benefit the city. If you have a lot of low-income residents coming in, in the long run, the city of Manitou Springs will not attract tourists. People will not come into a bad neighborhood. As a property owner, he has had a lot of troubles with the individuals living at La Fon. They would constantly come in and oftentimes park their vehicles on his property. This is a big concern for him when it is stated that the new project will not affect neighboring properties.

Debbie Sagan, 523 Crystal Hills Boulevard, Manitou Springs, CO 80829. Ms. Sagan stated she is the current chair of the Urban Renewal Authority. She noted that she wanted to make a few remarks from that perspective and then a few remarks as a private citizen of Manitou Springs. The Urban Renewal Authority submitted a letter in support of this project at the concept plan stage in September. That letter does not appear tonight with the variance request, however, that does not mean the URA is not supportive. In fact, the URA mentioned the fact that they knew the developer would come forward with this request and that were supportive. Ms. Sagin stated she wanted to tie this proceeding back to their comments in the September meeting of the Planning Commission. Ms. Sagin stated that she is happy to answer any questions the Commission may have from a URA perspective. Their position was quite clear that this is a project that the URA has helped to support by assisting the developer to purchase this land. It is the largest single parcel of land in the URA, which runs from the East Avenue Entryway sign to Highway 24 bypass. It is about 50 acres in size. The URA has struggled to redevelop this area for many reasons. As the chair of the URA Board for the last three years, Ms. Sagin would like to give her perspective as to why. She stated that she is not speaking on behalf of the entire URA board, but only from her experience. She noted that she has interacted with six property owner/developer interested parties over her 3 years on the board who were interested in the La Fon property. Some were interested in retail, some in mixed use and some in affordable housing. This is the most viable proposal that the URA has seen so far. The commercial prospects, while strong before the pandemic, supply chain issues, interest rates, and cost of construction rose so quickly that it is not viable to do much commercial development except in places with high traffic. Therefore, the URA struggles with small lot sizes, many small property owners, and low traffic counts. To anyone who accesses Manitou Avenue regularly the traffic counts don't feel that low. However, for a commercial developer they are quite low. As a result, we can't attract a major grocery chain, or a big box store, or a major national restaurant chain. She noted that if that were the goal, traffic count would have to be raised so high, it would seem Manitou Springs was no longer very livable. The URA is struggling with how to

balance the appropriate development with what Manitou wants, what visitors want to experience when they come here, and what works best in the context of the surroundings. That is where the idea of pursuing an affordable housing project came into play, because while not a permitted use, La Fon acted as a short term rental property for years. Most of the tenants at the La Fon lived there for more than a few days. It was basically an apartment building. Therefore, the issue of variance for density, particularly when speaking of affordable housing, is tricky and it is the case that the URA advocated for an even higher density as the Land Use Code was being revised. Ms. Sagin pointed out that in the downtown zone for Manitou the allowable dwelling units per acre is 30. Therefore a 35-dwelling unit per acre does not seem that outrageous particularly when considering the retail activity along Manitou Avenue.

Ms. Sagin made additional comments about affordable housing in Colorado, because once it was determined that commercial development wasn't viable, it was realized that a mixed used development wasn't viable due to the parking that would be required, the height restrictions in the existing land use code. It was untenable to consider going up with this property because it was already elevated well above street level. The scale would have been massive if the proposal were to have a six to seven-story apartment building with retail on the first floor with parking.

Ms. Sagin then noted that she is aware that the preference is this project is truly low-income housing. It is important to note that the new Colorado Affordability Fund is just getting under way. There have been two full years of proposals. 104 proposals have been submitted in the State of Colorado and only 25 have been funded. If Paragon is asked to wait another year to submit another proposal with those odds, they aren't very good. Because the Annual Median Income in Manitou Springs is high, the market rates they are proposing are about where rates for affordable housing that did get funded are sitting. Requiring a developer to walk the gauntlet with a less than 1 in 3 chance of success doesn't pencil when an affordable housing project is available now that is viable with a first-rate developer at a much faster pace.

John Maynard, 1320 Indian Oaks Place, Manitou Springs, CO 80829. Mr. Maynard stated he is on the Urban Renewal Board and speaking today as a professional planner. He noted that he has almost 50 years of Land Use Planning experience and would like to share some of his comments based on that level of experience. First, he would like to mention two facts and correct one. Mr. Maynard stated that there has been discussion about the adoption of the new code and the limits of 20 units per acre. The committee, who went through and recommended changes to the code, recommended a higher density for the commercial zone and it was only at the last hearing that the density was reduced to 20 units per acre, so this must be taken into consideration. Also, when speaking about affordable housing in Manitou Springs, consideration must be placed on what a trailer in the mobile home park that is adjacent to the baseball field rents for. Mr. Maynard stated the answer to that is \$2200.00 per month. These units are going to be at a lower rental rate. Mr. Maynard stated he would prefer to live in one of the units being proposed than in one of the trailers existing in that location. Mr. Maynard continued, stating that as a planner, density is just a number. What is more important is the context and how the property fits with surrounding properties in terms of bulk and scale, parking requirements, etc. In his opinion, this project is very compatible from that standpoint. If looking at the downtown area, he would guess that the Commission is

unaware of the Barker House. It is 126 units per acre, which is significantly higher than any property in Manitou Springs. It is, however, appropriate in bulk and scale and location, as he believed the proposed property is. Mr. Maynard's final comment is that the Planning Commissioners have a dual role. The Commission has a judicial judgmental role, an enforcement role in looking at the land use code and determining compliance. The commission is, however, unique in the city in that they also have a visionary role as far as what we would like to see in the community. How would we like properties to develop? Do we have a project before us that is compatible with the goals and the residents want within the community.

Chair Delwiche stated that he must challenge these statements. He stated that as a quasi-judicial board, they cannot arbitrarily change the rules. It would be like a judge going in and saying well, you committed armed robbery, but I don't think you were really going to use the gun, so I am going to just charge you with shoplifting. Chair Delwiche stated the Commission does not have the authority to change the rules. They must honor what is in the code. The visionary role is to recommend changes and through experience, give feedback to the community, and City Council. City Council are the ones who can change the rules. The Commission are playing their role in the process. Chairman Delwiche stated he thinks that Mr. Maynard needs to keep that in mind. He believes it would be malpractice for the commission to start applying their own rules.

Mr. Maynard then stated that he would have to disagree to some degree. The commission has criteria in the code. The criteria can be interpreted. The applicants have interpreted them one way, staff has interpreted them one way, and each of the commission can interpret them a different way and the commission will still be within the parameters of zoning code.

Megan Day, 12 Capitol Hill, Manitou Springs, CO 80829. Ms. Day stated she is speaking both as a planner and a resident and she is here to support the proposed variance. One of the reasons is in one of the many planning processes that she has been either a participant or an observer in Manitou for the last several years, there is big question before us. Ms. Day posed the question are we planning the infrastructure for visitors or are we focusing on residents and the community? Ms. Day stated that this is a very good opportunity to focus on the community and building the community and building more housing to enable more people to live here. She stated that Manitou is losing more residents as people age, and kids move out of the home, and Manitou is struggling with availability of housing and attainable housing. This is an excellent opportunity, and it meets all criteria as described. It would be further hardship to reduce the density from what is proposed and make things more expensive. Ms. Day stated she wants to support the project and would encourage the commission to do the same, as it would enable planning for the community and not just visitors and it won't be low-income residents. These will not be section 8 housing as they will not be subsidized housing. It will be affordable; workforce housing and Ms. Day stated it is her hope that it can be supported.

Senior Planner Royston confirmed that there was nobody online for public comment.

Chair Delwiche closed the public comment portion of this item of the hearing.

Commissioner Armstrong stated that he heard very clearly that this is going to be a market rate project. He noted that it is a bit of a misnomer to call it affordable housing. He stated he applauds

the applicants' concept of a smaller project without a lot of bells and whistles which will allow it to be priced at a lower rate, but it sounds like it will be market rate housing. There are no section 8 housing subsidies. He stated that if there are properties adjacent with 86 units per acre whether they have kitchens or not, it is not relevant. Commissioner Armstrong stated he is all in favor of following the strictures of the code, but beyond that common sense says housing is housing, and he sees no problem with the density of this project.

Commissioner Storm stated that she supports the concept and likes the idea of having housing there and it is a good use of the property. However, the code currently does not allow it. When she looks at the four criteria, she does not believe the project meets it. She does not believe a 75 percent increase in density is something the board has the authority to grant based on the criteria. She noted that the commission spent a lot of time redeveloping and redesigning the code and putting it out to the community and getting community buy in and having meetings. The community agreed, and for the Commission to agree to a 75 percent increase for something that they have already put out in the community to approve, she does not believe the Commission should do this. Commissioner Storm noted that she believes they should change the code if they think this is the right thing to do and if that area needs to have a higher density. The Commission should work with the community and City Council to do that and not decide here.

Commissioner Wilson stated that he agrees with Commissioner Storm. He believes the project means a lot and surely exceeds the scope of just a variance. He noted that it was stated tonight that the committee for the LUDC update recommended a higher density yet made it lower, and the city passed it. That is the code. It is written as 20 dwelling units per acre, so who is the Commission, as a planning commission, in the quasi-judicial role, not the visionary role, to almost back door the code and say the code says that, but we are going to make it higher because this project feels right. He stated that he thinks that it is something that is inappropriate for the commission to consider tonight and they should be limited to focusing on the review criteria as outlined in the code, given the evidence provided tonight as it applies to that.

Commissioner Casey noted that the applicants can appeal to City Council and they could make a higher level decision.

Commissioner Graybill stated that he disagrees because their job is to look at variances and to look at every applicant on a case-by-case basis. They are not bound by any precedents, and they are not going to set any precedents. That is written in the code. The job of the Planning Commission is to look at applications on a case-by-case basis. The reason that he is in favor of this variance is because it is not that much more than what was there, so if you look at the La Fon prior, compared to what is being proposed, it is not a major increase.

Commissioner Graybill noted that despite the code, there is a variance process, and that is what they are discussing here. The Commission can give a variance if it is appropriate. He does not feel that decides any future variance. They are on a case-by-case basis.

Chair Delwiche noted that he agrees with Commissioner Storm and Commissioner Wilson in that the Commission must follow the code. He stated that he would love to have an apartment complex there, but he would like to follow the code. He mentioned that he reviews the criteria: "The

applicant would suffer unnecessary hardship”. He stated that the applicant is invoking hospitality use across the street. Specifically in the code, residential use is identified as being different than hospitality. If the applicant is not being denied anything there is no hardship. The applicant wishes to mimic the Holiday Inn or the Days Inn, they can do that. Chair Delwiche pointed out that he does not see this as any denial of rights that other users have. That is criteria 3.1. The next criteria Chair Delwiche identifies is “no design alternatives that will allow reasonable use of the land or structure”. Chair Delwiche notes that it has been demonstrated in the community that there are other reasonable uses. He then notes that continuing to criteria 3.3 and 3.4, they are just echoing the arguments for criteria 3.1 and 3.2. He does not feel that any of the four criteria have been satisfied. If the Commission wanted to equate residential and hospitality uses, it would be in the code, but it is not and it is not what the community decided. They can go back to the preamble which states “no adverse impact on adjacent properties”. Chair Delwiche stated that as a community it was decided what was required for density. If this project manifests itself, it is likely to assume that another developer would invoke the hospitality/residential unit equivalency and this could spring up all over that place, especially in that zone district. Eventually this would have a blow back on that neighborhood. The increased traffic would have an impact. Chair Delwiche stated that if this is what the community wants the code should be changed and he cannot support the variances.

Commissioner Graybill stated that what he is seeing is that as a community “we are shooting ourselves in the foot” and losing a very desirable project because we they did a poor job of writing the code. He believes that City Council will look at this project and believe the Planning Commission abdicated their responsibility to do what was best for the community so they will step up in their visionary role and approve the project.

Commissioner Armstrong stated that he agrees and asked if Commissioner Graybill would like to suggest a motion.

MOTION:

Commissioner Casey made a motion to approve the variance at 123 Manitou Avenue based on the findings that the requests meet the review criteria for granting a variance as set forth in city code section 18.06.42 with no conditions.

SECOND:

Commissioner Armstrong seconded the motion.

VOTE:

The Motion failed 4-3.

Note for the Record: Chair Delwiche stated that there is an appeals process, and Staff can assist applicant with that.

ITEM 5: Proposed Amendment to the Manitou Springs Municipal Code by the Addition of a New Section 18.04.25 entitled “Natural Medicine Businesses”.

Senior Planner Royston presented the slides for Natural Medicine. She stated that Natural Medicine is otherwise known as magic mushrooms. They produce effects of euphoria in mood, thought, perception, perceptual changes and the effects can last up to six hours with lingering cognitive effects thereafter.

Proposition 122, also known as the Natural Medicine Health Act of 2022, legalized the personal use and possession of natural medicine in Colorado and directed the establishment of a regulatory program for natural medicine. The regulatory act and the Senate Bill prohibited municipalities from banning natural medicine businesses within their jurisdictions. All licenses and regulations are being handled by the state, so while on the surface this seems similar to marijuana, it is regulated differently.

Natural Medicine Healing Centers are the primary type of natural medicine businesses. This is where someone would go to see a facilitator and receive natural medicine and the facilitator would observe and make sure they were safe, etc. The customer is required to stay at the center for the duration of the effects and would not be able to operate machinery and would need to have a ride home. There is no retail component.

Senior Planner Royston noted that the regulations state that local jurisdictions may not prohibit the establishments within its boundaries, but they may enact ordinances which govern the time, place, and manner of the operations. There is a timeline. If a jurisdiction chooses to regulate these businesses on top of what the state is regulating, they must enact by the end of the year.

City Council of Manitou Springs instructed Staff to draft regulations which govern the time, place and manner, however after the initial proposal it was determined that instead of these guidelines being in the business license section of code, they should be in the Land Use section of code.

Senior Planner Royston stated that she and the City Clerk reviewed peer communities and what they were recommending. They did consider a conditional use permit approach, however, they looked at all different types of regulations that could be implemented, such as buffers from other types of land uses, hours of operations, what closing time means, numeric limits, use by right, zoning, etc. City Council directed staff and heard on the first reading of the ordinance that Natural Medicine businesses shall be buffered, have distance restrictions from schools, childcare, substance rehabilitation. They are recommending citywide commercial zones that do not include downtown or mixed use. They recommend 7 days per week, the hours of operation from 8:00 am to 8:00 pm with the definition of closing time being all services must be concluded by closing time so that no participant is required to remain beyond the hours of operation.

City Council is also recommending the numeric limitations, with a maximum of four healing centers and a minimum of one of each of the other types of facilities that include grows, testing, and manufacturing facilities. They also recommend Use by Right, which is an administrative approval subject to use standards and the standards outlined by this ordinance.

Senior Planner Royston presented a slide that demonstrated the 1,000-foot buffers from schools. There are approximately 88 possible eligible parcels. These do not account for ownership or land use changes.

Senior Planner Royston presented the LUDC Amendment Criteria 18.06.4.1 for Land Use Amendments. Number One states the amendment is not likely to result in significant adverse impacts upon the natural environment; Number Two states the amendment is necessary for or supportive of the protection of health, safety and welfare of the community; Number Three states the amendment is consistent with the comprehensive Plan and the intent stated in the LUDC; Number Four states the amendment is consistent with any prior approvals, official plans or policies that apply; Number Five states the amendment will not significantly increase nonconformities.

Senior Planner Royston noted that it is Staff's assessment that these criteria are met. The State of Colorado has mandated that the Natural Medicine Businesses will be allowed statewide, and the city cannot create any unreasonable restrictions that would equate to a de facto ban. The legislation is very clear on that point and that informed City Council's recommendation. This has already gone through first reading, however if there are any other types of recommendations that the City Planning Commission would like to bring forth to City Council, the second reading of the ordinance is scheduled for next Tuesday and there will be a public hearing at that time prior to adoption.

Chair Delwiche stated he would like to make a point of clarification regarding the map that was presented. He noted that he believes centers would be permitted in the mixed-use commercial which is the URA area. He stated on the slide it shows only commercial being permitted.

Senior Planner Royston stated that it could be a recommendation from the City Planning Commission.

Chair Delwiche stated that is what he believes City Council discussed.

Senior Planner Royston stated that was not her understanding. There currently are no zoned mixed commercial parcels.

Chair Delwiche then stated it is his understanding that the area that was formerly called URA overlay zone is the mixed-use commercial zone.

Senior Planner Royston stated that no parcels have been rezoned to mixed use commercial. She does agree, however, that it would be compatible in the mixed use commercial, however, it was not the direction received from City Council.

Chair Delwiche stated that this would have to be clarified. He stated when they came up with the zoning districts, he was on that committee and clearly it was agreed that the Eastern Boundary to the Overpass to El Paso Blvd to 24 would be the mixed-use commercial district. He noted that it may have gotten changed in the translation.

Senior Planner Royston stated that her understanding as part of the future land use map, that is the intended zone, however the City never undertook a mass rezoning of commercial parcels in that area of town to change it to mixed use. While that zoning is supported it has not been implemented.

Chair Delwiche stated he recommends to Council that they include mixed use commercial.

Commissioner Casey suggested that Staff consider defining Natural Medicine Cultivation Facility; Natural Medicine Products Manufacturer; Natural Medicine Testing Facility. Senior Planner Royston stated those terms are defined at the State level. The intention is for our ordinance to reference back to those.

Attorney LeBuhn provided legal clarity. The Colorado Natural Medicine Code is codified in Title 44. That includes several definitions that are referenced in the ordinance. Without checking each one she states she would assume that all are defined in Title 44. Natural Medicine Businesses means any of the following entities licensed under the Colorado Natural Medicine Codes; Natural Medicine Healing Center, Natural Medicine Cultivation Facility; Natural Medicine Products Manufacture or Natural Medicine Testing Facility or another licensed entity created by the State licensing authority.

Commissioner Casey asked if there is a detailed explanation of what that means. In other words, cultivation vs. testing.

Senior Planner Royston confirmed that there are detailed explanations, and those uses are fairly similar to the marijuana code.

MOTION:

Commissioner Storm made a motion to recommend City Council approve the Amendment to the City's Use Regulations by adding a new section 18.04.25 based upon the findings that the request meets the review criteria for approval as set forth in City Code section 18.06.4.1 with Staff's conditions as outlined.

Senior Planner Royston asked if the Commission wanted to add in the mixed-use commercial.

Commissioner Storm added with the addition that mixed use commercial is reviewed as part of the area allowed.

SECOND:

Chair Delwiche seconded the motion.

VOTE:

Motion passes unanimously.

VI. OTHER BUSINESS

Planning Director Rollenhagen gave an update regarding Plan Manitou. Staff is currently reviewing the first rough draft received from consultants. Planning staff and departmental staff are reviewing strategic priorities that affect all departments in the city. Those are being reviewed, and comments will be provided to consultants by the end of the week, in the hopes a rough draft will be available before the holidays. There will be another round of public comment in January before it is taken to Planning Commission and City Council for consideration.

VII. NOTICE OF COUNCIL ACTION AND UPDATES

VIII. ADJOURNMENT

Chair Delwiche adjourned the meeting at 7:41 pm.

*Minutes prepared by Nicole Tankersley
Senior Administrative Assistant-Planning Department*



Title: MJT 2501 - Major Temporary Use Permit
From: Chelsea Royston, AICP, Senior Planner
To: City Planning Commission
Address of Proposal: 101 Higginbotham Road
Applicant: Greg Wellens, Applicant

February 12, 2025

Proposal:

The applicant is requesting a Major Temporary Use Permit to allow a temporary parking lot in the undeveloped lots at 101 Higginbotham Road.

Zone District:

Commercial (C)

Background & Existing Conditions:

This application is a continuation of MJT 2303 which was approved June 14, 2023, and MJT 2401 which was approved February 14, 2024. The Land Use and Development Code does not include provisions for extensions of Major Temporary Use permits. Section 18.06.4.8.G of the LUDC addresses duration of Major Temporary Use Permits. “A major temporary use permit shall be valid only for the time period stated on the permit unless otherwise authorized in this LUDC.” While the City cannot prevent the submittal of an application, staff recommends the City Planning Commission consider the intent of a Temporary Use Permit. This use has been authorized since approximately 2018 through a series of Temporary Use Permits with the understanding that physical improvements will be made after the use has been established, whereas typically, improvements are generally required prior to the implementation of a permanent use. Parking Facilities are a permitted use in the Commercial Zone District, however, use standards require the lot to be paved with a hard surface. Paving the lot would require several development applications and reports such as: Development Plan, Grading and Erosion Control Plan, Drainage Report, Landscape Plan, Photometric Plan, etc. Because grading is proposed to accommodate this season’s use, a Grading and Erosion Control Plan will be required at this time, too.

Application Detail:

The proposal does not include any permanent improvements but does include grading of the site to eliminate living ground cover (weeds) and level the parking areas. A parking attendant will be located on site during peak hours to manage circulation, the parking spaces will be marked with chalk lines. The applicant has provided preliminary site plans that include future development of a mixed-use office and storage building in addition to a developed parking lot.

Public Involvement:



The application was publicly noticed in the newspaper and on site. Owners of properties within three-hundred feet of the property boundaries were notified via postcard. No public comments have been received as of the distribution of this report.

Findings & Review Criteria:

§18.06.4.8.H of the Land Use and Development Code lists the following approval criteria:

1. The use will not be detrimental to the public health, safety, and general welfare, and is compatible with the purpose and intent of this LUDC and the zone district in which it will be located;

The proposed use as a parking lot will generally not be detrimental to the public health and general welfare. The proposed grading of the lot could potentially present some risk to public safety. More information on the proposed grading is needed. The proposed use is compatible with the purpose and intent of the LUDC. The Commercial Zone District is an appropriate location for this use as it supports tourism-related businesses, such as parking for Rainbow Falls and other regional attractions and tours.

2. If located outside of the Downtown zone district, adequate off-street parking meeting the standards in Section 18.03.8 is provided to serve the use.

This criterion is not applicable, as the application is to allow the use of the parcels as parking lots.

Staff Recommendation:

Should the City Planning Commission find it appropriate to grant approval of the Major Temporary Use Permit, staff recommends the following conditions:

1. No grading or vegetation removal shall be completed on site prior to the approval of a Grading and Erosion Control Plan.
2. The Major Temporary Use Permit will expire one year from the date of approval.
3. No overnight parking shall be permitted.
4. Trash and recycling receptacles shall be made available prior to the implementation of the use.

Motion Language Options:

MJT 2501 – Major Temporary Use Permit

Approve the Major Temporary Use Permit at 101 Higginbotham Road, based upon the findings that the request meets the review criteria for granting a Major Temporary Use Permit, as set forth in City Code Section 18.06.4.8, with staff's conditions as outlined.

Approve the Major Temporary Use Permit at 101 Higginbotham Road, based upon the findings that the request meets the review criteria for granting a Major Temporary Use Permit, as set forth in City Code Section 18.06.4.8, with an alteration to staff's conditions as follows...



Deny the Major Temporary Use Permit at 101 Higginbotham Road, based upon the findings that the request meets the review criteria for granting a Major Temporary Use Permit, as set forth in City Code Section 18.06.4.8.

Postpone the Major Temporary Use Permit at 101 Higginbotham Road to March 13, 2024 for further consideration.



Manitou Springs Land Use & Development Code

DEVELOPMENT COVER SHEET

The main component of any application is demonstration of compliance with the LUDC. Applicants are expected to review the specific submittal checklists and standards, found at www.manitouspringsgov.com.

Return completed applications to:
606 Manitou Avenue
Manitou Springs, CO 80829
Phone (719) 685-4398

APPLICATION INFORMATION

Project Information

Project Name Rainbow Falls Park + Ride
Physical Address 101 Higgerbothen
Lot, Subdivision Lot 2 Manitou Business Park / Lot 23, 24 Blk B Manitou Business Park
Tax Schedule Number (TSN) 7405202014 / 7405202005
Pre-Application Conference Number (if applicable) _____

Property Owner

Name Marbelly Sources Inc of Pueblo Phone 770-948-4465
Email gregwellens@AOL.com ZIP 80905
Mailing Address 925 S. 8th St. C/S CO

Agent/Applicant

Name Greg Wellens Phone 770-948-4465
Email gregwellens@AOL.com ZIP 80905
Mailing Address 925 S. 8th St C/S CO

Designate Primary Contact

☒ Property Owner

☐ Agent/Applicant

Application Package

- ☐ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See City Fee Schedule for list of application fees.
- ☐ **Electronic Submittal.** A complete digital file of the application with attachments/plans sent to planningdept@manitouspringsco.gov.
- ☐ **Hard Copy Submittal.** A complete printed file of the application with attachments/plans.
- ☐ **Corporations and Partnerships.** If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation.
- ☐ **Response to Submittal Checklist.** All applications require response to applicable review standards, as outlined on the submittal checklists for each application type. If a pre-application conference is held, submittal checklists will be provided at the conference. If no pre-application conference is required, see the website for the applicable checklists.

For Office Use Only

Action Number: _____

Fee Paid: _____



APPLICATION TYPE

Physical Development Permits

- | | |
|---|--|
| ☐ Concept Plan | ☐ Hillside Development Plan |
| ☐ Minor Site Plan | ☐ Sign Permit |
| ☐ Minor Development Plan | ☐ Grading Permit |
| ☐ Major Development Plan | ☐ Material Change of Appearance |

Use Permits

- | | |
|---|---|
| ☐ Conditional Use Permit | ☐ Wireless Facility Permit |
| ☐ Short-term Rental Permit | ☐ Temporary Use Permit – Minor |
| ☐ Long-term Occupancy Permit | ☒ Temporary Use Permit- Major |

Subdivisions

- | | | |
|--|--|---|
| ☐ Minor Subdivision | ☐ Boundary Adjustment | ☐ Easement Vacation |
| ☐ Major Subdivision | ☐ Revised Final Plat | ☐ Rights-of-Way Vacation |
| ☐ Preliminary Plat | ☐ Waiver of Replat | |
| ☐ Final Plat | | |

Relief from the LUDC

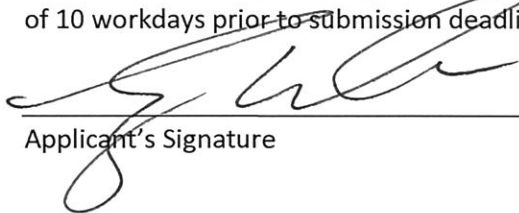
- ☐ Waiver
☐ Variance

Amendments

- ☐ LUDC Amendment
☐ Minor Modification
☐ Rezoning

Applicant's Statement

I understand the procedures that apply to my request and acknowledge an incomplete application shall not be processed or scheduled for public hearing until such time as it is complete. City acceptance of the application, fee, and any accompanying materials does not constitute completeness. I further agree to reimburse the City for technical and professional consultant expenses that may be incurred during the review of my request. Failure to reimburse the City for invoiced expenses constitutes an incomplete application. I understand and acknowledge the use or action for which approval is requested is not allowed unless the permit is granted. I understand a pre-application appointment is required a minimum of 10 workdays prior to submission deadline.



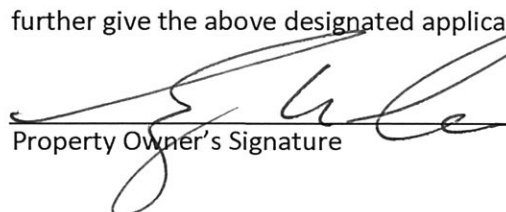
Applicant's Signature

1-15-25

Date

Owner's Statement

I have read and agree to the above statements. In addition, if I am not the applicant for this request, I further give the above designated applicant permission to make the request on my behalf.



Property Owner's Signature

1-15-25

Date

Rainbow Falls Park and Ride, Major Temporary Use Application January 15, 2025

Narrative description of the request

Adventures Out West as the owner of the subject parcels is requesting a Major Temporary Use for a slightly improved parking area to support El Paso County and visitors to Rainbow Falls. In the summer of 2024 AOW, The City of Manitou and El Paso County worked together to reopen Rainbow Falls. Due to the location of the falls and the unique assets of AOW, AOW was able to support the reopening of the falls. It is the goal of this application to continue to support these efforts in a financial reasonable manner and to ensure the responsible reopening and operation of the falls.

AOW has applied for the Temporary use of the parking area for several years. In 2024, actual use of the parking lot was realized with Rainbow Falls for the first time. Before this AOW applied for permits to use the lots for parking but El Paso County was unable to commit to a contract for use and or opening of the falls. Summer 2024 was the first year operating the Park and Ride. The park and ride was open 3 days a week, Friday, Saturday and Sunday. The Falls were open from June 14th to September 14th. Visitors to the parking area were able to Purchase a parking pass that included a ride to the Falls in the shuttle for \$20 per car. The passes could be purchased via online, or in person with the driver by cash or credit card. Parking for up to 30 cars was provided in a maintained and slightly improved dirt lot. Parking spots were identified with concrete parking blocks and decorative rocks. Mulch was also spread through out to beautify and to provide a place for the copious amounts of city collected tree debris from the past winter storms. ADA parking was provided at the base of the falls inside the park. Shaded waiting area included benches. Porta Poties were in the park and trash receptacle was provided on the shuttle van. The parking was sufficient and rarely full (Photos attached).

A typical Saturday saw about 100-150 people using the park and ride. Fridays and Sundays were slower. Additional visitors walked to the falls from town. Total visitation counts can be solicited from El Paso County.

It is anticipated in 2025 to have a similar visitation and operating schedule. El Paso County has committed to the summer program if the parking use is approved. An early opening is anticipated starting with Weekends in May and then 4 days a week for the remainder of the summer and into the fall. AOW desires to use the lot as is and to not make any additional improvements. The current setup worked well for the needs. The current volume of traffic does not justify additional infrastructure investment. A developed parking plan has been made and is submitted as part of this proposal. It is a future concept layout that shows parking for 85 cars is easily accommodated. **The plan will be used to guide our rough parking outline and is conceptual only. Future use and parking structures will vary based on demand.**

Description of Property

The existing parcels are generally flat, having been used for parking, special events and construction staging. The land is dirt and has a few weeds and grasses growing on it. The land is zoned commercial and is outside the historic core. No fixed development exists on the land but buried utilities are present and storm water grading was accommodated as part of the overall preparing of the land for development in past years. Access off Hwy 24 is at Serpentine Road and Cave of the Winds Road. Access to the land is capable for all vehicle types. Curb and gutter do not exist.

Nearby development is a storage facility and other vacant land owned by the City of Manitou Springs. One of the nearby lots is preserved for parkland.

Property Map

Include in the application is a map of the property from the El Paso County assessor's website.

Local Visitors



Open Air Adventure Shuttle



Natural Parking Lot



AOW Employee Creek Cleanup

El Paso County Assessor's Office

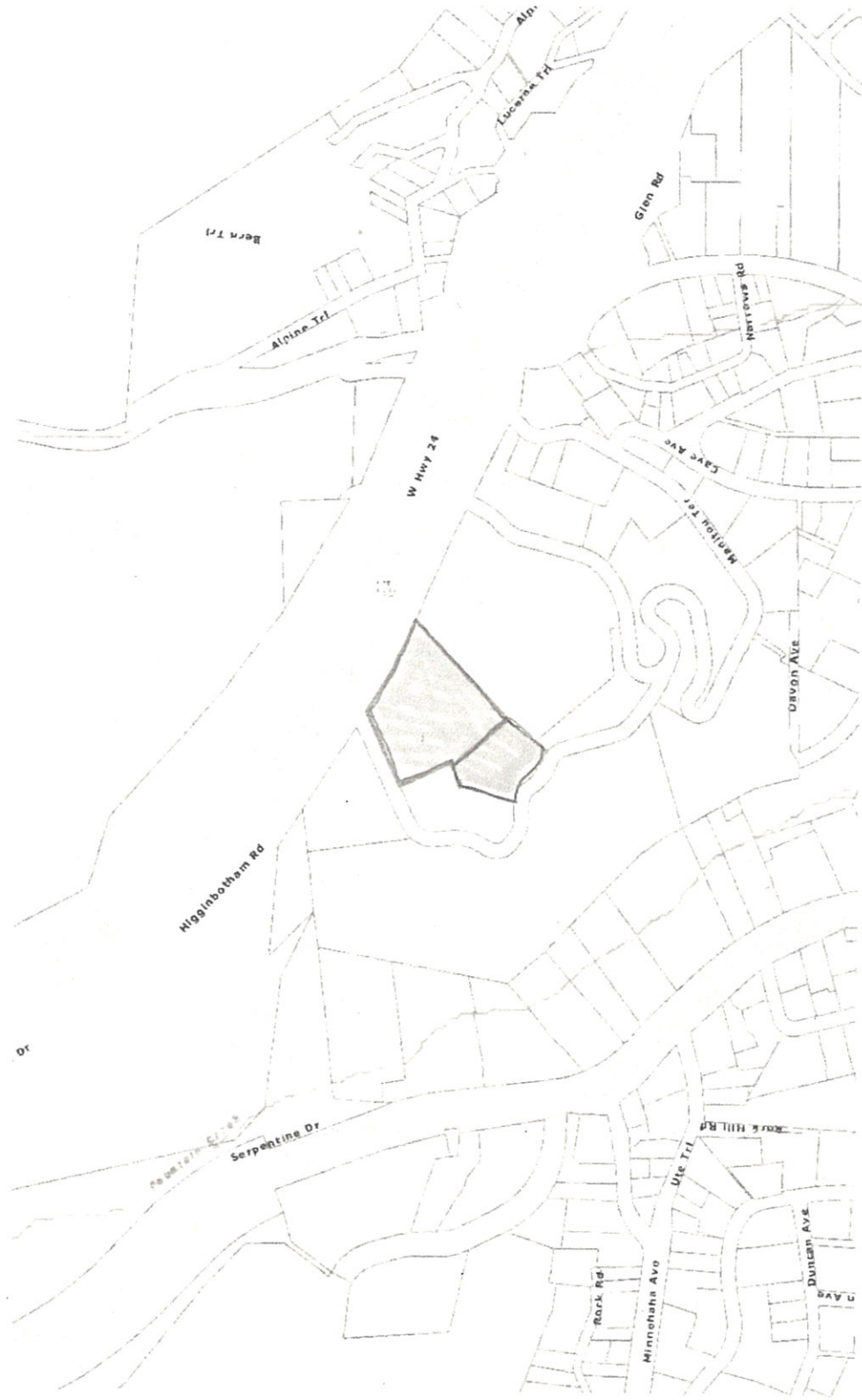
0 TOPEKA AVE

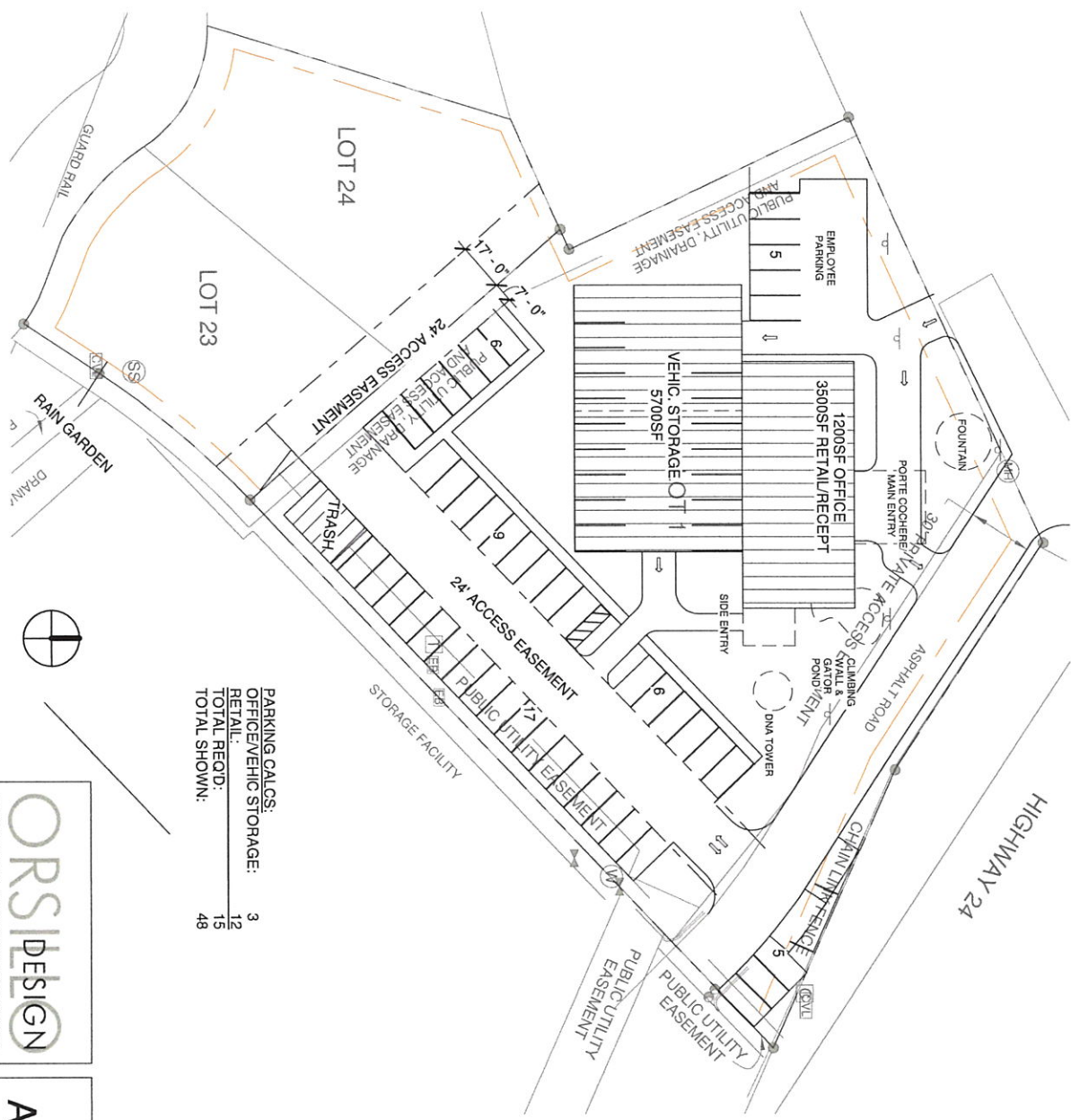
SCHEDULE: 7405202014 4 7405202005

OWNER: MANITOU BUSINESS PARK LLC



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PARKING CALCS:

OFFICE/VEHIC STORAGE:	3
RETAIL:	12
TOTAL REQD:	15
TOTAL SHOWN:	48

ORSI DESIGN

815 N FOOTE AVE - COLORADO SPRINGS, CO 80909
 P: 719-560-5938 - AMANDA@ORSIDESIGN.COM

**AOW
ADVENTURE
CENTER**

SITE PLAN - V2			A2.0
Project number	18-08		
Date	2/9/2019 11:33:52 AM		
Drawn by	AEO		
Checked by	Checker		Scale 1" = 40'-0"



ADVENTURES
OUT WEST

COLORADO SPRINGS

P.O. Box 38512
Colorado Springs
CO 80937-8512
(719) 578-0935
Fax (719) 444-0965

SCOTTSDALE

P.O. Box 12009-266
Scottsdale
AZ 85267
(602) 996-6100
Fax (602) 996-4890

Toll Free (800) 755-0935

www.adventuresoutwest.com

Balloon Flights

Jeep Tours

River Rafting

Scenic Van Tours

Horseback Activities

Hiking

Mountain Biking

Guided Fishing

To whom it may concern,

Resolution of Marketing Services Inc. of Pueblo

Greg Wellens, as the sole shareholder of Marketing Services Inc. of Pueblo, is authorized to sign on behalf of the corporation for items related to the Major Temporary Use Permit in Manitou Springs.

Permit Address 101 Higgenbotham

Signed, Greg Wellens, President

Date ~~May 30th~~, 2023

Jan 15, 2025



Title: SUB 2501 - Minor Subdivision and VAR 2501 - Variances
From: Chelsea Royston
To: City Planning Commission
Address of Proposal: 66 and 68 Minnehaha Avenue
Applicant: Shelagh Kasinger, Owner

February 12, 2025

Proposal:

The owner is requesting side setback variances for 66 and 68 Minnehaha Avenue, to allow zero (0) feet where seven feet six inches (7'6") is required in order to facilitate a minor subdivision. The intent is to legally separate the two structures so they may be sold independent of one another.

Zone District:

General Residential (GR Zone) District

Background & Existing Conditions:

The property is developed with two legal nonconforming dwelling units on one parcel. The structures are built at the hairpin curve where Rock Road, Minnehaha Avenue, and Pine Ridge Avenue meet. One of the structures is a two story single household residence, and other other is a detached garage with a dwelling unit on the second floor. Both structures were constructed in 1948. The two structures are connected via a second floor deck which serves as the main access to the second floor apartment above the garage. Since the deck would span the new property line, variances are required to reduce the side setbacks to zero.

Due to the steep topography of the site, the structures were constructed within the public right of way. This was remedied in 1984 through a set of setback variances and a vacation of a portion of the right of way (ORD 0684). In addition, the residential structure at 70 Minnehaha Avenue encroaches on the subject parcel. The proposed minor subdivision would legally join the vacated right of way with the property, split the parcel into two, and create a tract for the encroaching structure which would then be conveyed to the neighboring property owner.

Application Detail:

Variance

Staff required the setback variances as part of the Minor Subdivision. As the dimensional requests are identical, the two variance requests (one for 66 Minnehaha Avenue and one for 68 Minnehaha Avenue) will be analyzed together.

The residential structures are approximately eight feet four inches (8'4") apart at the narrowest point of separation. However, due to the height of the second floor deck that spans the distance between the two buildings, the deck is also considered a structure. Therefore, the setbacks requested are zero feet (0'), where seven feet six inches (7'6") is required.

Minor Subdivision

The Minor Subdivision is sought by the owner to facilitate the sale of one of the residential structures. If the City Planning Commission does not grant the setback variances, then the Minor



Subdivision may not be approved. Section 18.06.4.14.G of the LUDC states "The Planning Director may, in his or her discretion, refer a minor subdivision to the Planning Commission for review when the scope or nature of the proposed development may substantially impact the neighborhood due to vehicular or pedestrian traffic, parking, views, noise, disruption of natural areas, or similar impacts. The Planning Commission shall review the minor subdivision at a public hearing and shall conduct its review under the same standards set forth for review by the Planning Director in this section." In this instance, staff and the Planning Director felt that it was important to present the subdivision along with the variances, which require review by Planning Commission, to help portray the complexities of the case.

Public Involvement:

This application package was publicly noticed in accordance with Section 18.06.3.7 of the LUDC. No comments have been received as of the publication of this report.

Findings & Review Criteria:

Variances

Section 18.06.4.2.E of the Manitou Springs Land Use and Development Code states "No variance shall be authorized unless the Planning Commission finds that all of the following criteria have been met. The endorsement of the variance by adjacent landowners does not relieve the applicant of the burden of meeting the requirements set forth in this section:

1. Not result in *development* of areas at risk of *natural hazards*, unless adequate mitigation is provided to the satisfaction of the Planning Director pursuant to the standards in [Chapter 18.03](#); and

a. Though the site is severely encumbered by land designated as "no-build area" (land with slopes exceeding thirty percent), no additional development is proposed.

2. No adverse impact will result on adjacent properties;

a. Approval of the setback variances will not result in adverse impact on adjacent properties as the variances are specific to an interior property boundary of the proposed subdivision.

F. Additionally, variance requests must meet a minimum of four (4) of the following criteria:

1. The applicant would suffer unnecessary hardship as a result of the application the LUDC, which hardship is not generally applicable to other lands or structures in the same zone district because of the unusual configuration of the applicant's property boundaries, unique circumstances related to the location of existing structures thereon, or the existence of exceptional topographic conditions thereon;

a. The owner indicates that this property has been in their family since it was built. Their intent is to sell the residence, but to retain ownership of the building that once hosted a Manitou Springs radio station. Without the variances, the owners may not be able to retain family ownership of this structure.

2. There are no design alternatives or alternative locations for structures that would eliminate the need for the requested variance or would reduce the amount of the variance required. The variance is the minimum variance that will make possible the reasonable use of the land or *structure*;



a. No additional development is proposed. The zero foot setback is the minimum possible since the development is already constructed.

3. The enforcement of the provisions of the LUDC deprives the applicant of rights enjoyed by a majority of the other properties in the same zone district;

a. The current configuration of two detached dwelling units on one parcel is also legal nonconforming. The 68 Minnehaha Avenue structure is the principal structure, which makes the garage apartment at 66 Minnehaha Avenue an Accessory Dwelling Unit. Accessory Dwelling Units are not currently permitted per the LUDC. Granting the setback variances and approving the subdivision that would separate these two units would bring the use into compliance with the LUDC.

4. The need for the variance is not the result of from actions of previous property owners or is a an otherwise self-imposed hardship;

a. The structures were both constructed several owners ago and do not meet minimum separation distances required to meet minimum side setbacks.

5. There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property;

a. This criterion is not applicable.

6. The variance request is required in order to preserve a contributing structure in a historic sub district.

a. While the structure at 66 Minnehaha Avenue does not have an official Historic Survey Inventory Report it was verified that the structure hosted a radio station. The site is within the Minnehaha- Pilot Knob Historic Subdistrict.

Minor Subdivision

Section 18.06.4.14.I states the Planning Director (or City Planning Commission in this case) shall approve the request if:

1. The minor subdivision is consistent with the Comprehensive Plan and other adopted City plans;

a. The site is identified as Central Neighborhood in the Plan Manitou Future Land Use Map. The proposed minor subdivision generally supports the goals and policies in the Housing and Neighborhoods section of Plan Manitou.

2. The minor subdivision is consistent with and complies with the requirements specific zoning district in which it is located;

a. The proposed property boundary that will split the two properties has been drawn so that both resultant properties meet the minimum dimensional standards for the General Residential zone district.

3. The lots created with the proposed minor subdivision have a buildable area that would not require a future Waiver in order to construct the use the lot is intended for;

a. Apart of the existing structures, the lots do not have additional buildable area. Staff feels that the intent of this regulation has been met since each lot would have a habitable structure.



4. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved *plat* or *development* plan;
 - a. The previous plat does not have conditions specific to this property.
5. The minor subdivision exhibits the requirements of a Final *Plat* as defined;
 - a. The proposed plat complies with this requirement.
6. Will not limit the City's ability to effectively provide facilities or services; and
 - a. There is no proposed development, and therefore, the proposed plat complies with this requirement.
7. Identifies known *natural hazard areas* and/or *geologic hazard* conditions.
 - a. This requirement was waived per Section 18.03.10.7.B-4.vii as this is a replat of a previous subdivision in which no new structures or new building lots are being created and no new *development* is proposed

Staff Recommendation:

Should the City Planning Commission find it appropriate to approve the Variance, staff recommends the following conditions:

1. A shared access easement shall be recorded with the plat to allow both properties use of the stairs and deck.

Should the City Planning Commission find it appropriate to approve the Minor Subdivision, staff recommends the following conditions:

1. A shared access easement shall be recorded with the plat to allow both properties use of the stairs and deck.
1. approval of the minor subdivision shall be contingent upon the approval of the side setback variances for both, 66 Minnehaha Avenue and 68 Minnehaha Avenue

Motion Language Options:

VAR 2501 - Variance

Approve the Variance at 66 Minnehaha Avenue and 68 Minnehaha Avenue, based upon the findings that the request meets the review criteria for granting a Variance, as set forth in City Code Section 18.06.4.2, with staff's conditions as outlined.

Approve the Variance at 66 Minnehaha Avenue and 68 Minnehaha Avenue, based upon the findings that the request meeting the review criteria for granting a Variance , as set forth in City Code Section 18.06.4.2, with an alteration to staff's conditions as follows...

Deny the Variance at 66 Minnehaha Avenue and 68 Minnehaha Avenue, based upon the findings that the request does not meet the review criteria for granting a Variance, as set forth in City Code Section 18.06.4.2.

Postpone the Variance at 66 Minnehaha Avenue and 68 Minnehaha Avenue to March 12, 2025 for



further consideration.

SUB 2501 - Minor Subdivision

Approve the Minor Subdivision at 66 Minnehaha Avenue and 68 Minnehaha Avenue, based upon the findings that the request meets the review criteria for granting a Variance, as set forth in City Code Section 18.06.4.14, with staff's conditions as outlined.

Approve the Minor Subdivision at 66 Minnehaha Avenue and 68 Minnehaha Avenue, based upon the findings that the request meeting the review criteria for granting a Variance , as set forth in City Code Section 18.06.4.14, with an alteration to staff's conditions as follows...

Deny the Minor Subdivision at 66 Minnehaha Avenue and 68 Minnehaha Avenue, based upon the findings that the request does not meet the review criteria for granting a Variance, as set forth in City Code Section 18.06.4.14.

Postpone the Minor Subdivision at 66 Minnehaha Avenue and 68 Minnehaha Avenue to March 12, 2025 for further consideration.



Manitou Springs Land Use & Development Code

PRE-APPLICATION CONFERENCE SUMMARY

The main component of any application is demonstration of compliance with the LUDC. Applicants are expected to review the specific submittal checklists and standards, found at www.manitouspringsgov.com.

APPLICABILITY

The purpose of the pre-application meeting is to inform an applicant of review procedures, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal application. Staff comments presented during a pre-application meeting are informational only and do not represent a commitment on behalf of the City regarding acceptability of the proposal. Staff comments are not intended to be all-inclusive or to guarantee a favorable staff report recommendation. This Summary will be prepared by staff and is valid for 12 months.

APPLICATION INFORMATION

Pre-Application Meeting Information

Meeting Number _____ Project Manager Chelsea Royston

Meeting Date 11/5/24 Summary Issue Date 11/21/24

Project Information

Project Name Subdivision

Physical Address 66, 68 Minnehaha

Tax Schedule Number (TSN) 7406103031

Meeting Attendees

Name	Agency/Company	Email/Phone
Shelagh Kasinger		skasinger@comcast.net
Tiffany Hulsey (not present)		tk_ol@hotmail.com
Kevin O'Leary (not present)	LWA Land Surveying, Inc.	kevin@lwalandsurveying.com



Manitou Springs Land Use & Development Code

Minor Subdivision Checklist

Section 18.06.4.14 of the LUDC

This checklist is intended to aid applicants, however, it is not designed to be a substitute for the applicable LUDC provisions. Applicants are expected to review the details of the LUDC, available online at: www.manitouspringsgov.com under the "Government" tab and then click on "Municipal Code" in the drop-down menu.

Return completed applications to:
planningdept@manitouspringsco.gov

APPLICABILITY

The minor subdivision process is intended to provide a streamlined review process of a Final Plat for minor subdivisions creating four (4) or fewer lots.

When is a Minor Subdivision Required?

A minor subdivision is required for any subdivision creating four or fewer lots within the incorporated City or an adjustment between two lots that increases or decreases either lot size by an amount greater than 15%; unless the subdivision proposes dedication of public right-of-way, involves any waiver to the regulations of the LUDC, or results in changes affecting parties other than the applicant.

Do I Need a Pre-Application Meeting?

Yes. A Pre-Application Meeting is required prior to submittal.

PUBLIC NOTICE & HEARINGS

Hearings

A Planning Commission hearing is required if not approved administratively.

Notices

Submittal notice is required.

Public hearing notice is required if not approved administratively.

FINDINGS FOR APPROVAL

Approval Criteria

The Planning Director shall approve the request if:

1. The minor subdivision is consistent with the Comprehensive Plan and other adopted City plans;
2. The minor subdivision is consistent with and complies with the requirements specific zoning district in which it is located;
3. The lots created with the proposed minor subdivision have a buildable area that would not require a future Waiver in order to construct the use the lot is intended for;
4. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved plat or development plan;
5. The minor subdivision exhibits the requirements of a Final Plat as defined;
6. Will not limit the City's ability to effectively provide facilities or services; and
7. Identifies known natural hazard areas and/or geologic hazard conditions.



Manitou Springs Land Use & Development Code

DEVELOPMENT COVER SHEET

The main component of any application is demonstration of compliance with the LUDC. Applicants are expected to review the specific submittal checklists and standards, found at www.manitouspringsgov.com.

Return completed applications to:
606 Manitou Avenue
Manitou Springs, CO 80829
Phone (719) 685-4398

APPLICATION INFORMATION

Project Information

Project Name major Subdivision
Physical Address 66 minnehaha manitou Springs
Lot, Subdivision _____
Tax Schedule Number (TSN) _____
Pre-Application Conference Number (if applicable) _____

Property Owner

Name Shelagh KASINGER Phone 2814557855
Email SKASINGER@comcast.net ZIP 77306
Mailing Address P.O. Box 7212 Cut + Shoot TX

Agent/Applicant

Name _____ Phone _____
Email _____ ZIP _____
Mailing Address _____

Designate Primary Contact

☒ Property Owner ☐ Agent/Applicant

Application Package

- ☐ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See City Fee Schedule for list of application fees.
- ☐ **Electronic Submittal.** A complete digital file of the application with attachments/plans sent to planningdept@manitouspringsco.gov.
- ☐ **Hard Copy Submittal.** A complete printed file of the application with attachments/plans.
- ☐ **Corporations and Partnerships.** If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation.
- ☐ **Response to Submittal Checklist.** All applications require response to applicable review standards, as outlined on the submittal checklists for each application type. If a pre-application conference is held, submittal checklists will be provided at the conference. If no pre-application conference is required, see the website for the applicable checklists.

For Office Use Only

Action Number: _____

Fee Paid: _____



APPLICATION TYPE

Physical Development Permits

- | | |
|---|--|
| ☐ Concept Plan | ☐ Hillside Development Plan |
| ☐ Minor Site Plan | ☐ Sign Permit |
| ☐ Minor Development Plan | ☐ Grading Permit |
| ☐ Major Development Plan | ☐ Material Change of Appearance |

Use Permits

- | | |
|---|---|
| ☐ Conditional Use Permit | ☐ Wireless Facility Permit |
| ☐ Short-term Rental Permit | ☐ Temporary Use Permit – Minor |
| ☐ Long-term Occupancy Permit | ☐ Temporary Use Permit- Major |

Subdivisions

- | | | |
|--|--|---|
| ☐ Minor Subdivision | ☐ Boundary Adjustment | ☐ Easement Vacation |
| ☐ Major Subdivision | ☐ Revised Final Plat | ☐ Rights-of-Way Vacation |
| ☐ Preliminary Plat | ☐ Waiver of Replat | |
| ☐ Final Plat | | |

Relief from the LUDC

- ☐ Waiver
☒ Variance

Amendments

- ☐ LUDC Amendment
☐ Minor Modification
☐ Rezoning

Applicant's Statement

I understand the procedures that apply to my request and acknowledge an incomplete application shall not be processed or scheduled for public hearing until such time as it is complete. City acceptance of the application, fee, and any accompanying materials does not constitute completeness. I further agree to reimburse the City for technical and professional consultant expenses that may be incurred during the review of my request. Failure to reimburse the City for invoiced expenses constitutes an incomplete application. I understand and acknowledge the use or action for which approval is requested is not allowed unless the permit is granted. I understand a pre-application appointment is required a minimum of 10 workdays prior to submission deadline.

Shelagh Kasinger
Applicant's Signature

Dec 31, 2024
Date

Owner's Statement

I have read and agree to the above statements. In addition, if I am not the applicant for this request, I further give the above designated applicant permission to make the request on my behalf.

Shelagh Kasinger
Property Owner's Signature

Dec 31, 2024
Date



Manitou Springs Land Use & Development Code

Variance Application Checklist

Section 18.06.4.2 of the LUDC

This checklist is intended to aid applicants, however, it is not designed to be a substitute for the applicable LUDC provisions. Applicants are expected to review the details of the LUDC, available online at: www.manitouspringsco.gov under the "Government" tab and then click on "Municipal Code" in the drop-down menu.

Return completed applications to:
planningdept@manitouspringsco.gov

APPLICABILITY

The purpose of a variance is to allow a specific deviation from the LUDC when, due to special circumstances of the land, strict application of the LUDC would result in undue and unique hardship. State and federal laws or requirements may not be varied by the City. Variances are not available to allow a use that is not permitted in a particular zone district.

When is a Variance Required?

Variance approval is required for any use, physical development, development option, or subdivision proposal that fails to meet an applicable LUDC standard, where the strict application of that standard would deprive a property of the privileges enjoyed by those of the same zoning classification. The application must state the relief sought and must specify the facts or circumstances that are alleged to meet the review criteria within Section 18.06.4.2 of the LUDC.

Do I Need a Pre-Application Meeting?

Yes. A Pre-Application Meeting is required prior to submittal.

PUBLIC NOTICE & HEARINGS

Hearings

A Planning Commission hearing is required.

Notices

Submittal notice is required.

Public hearing notice is required.

FINDINGS FOR APPROVAL

Approval Criteria

No variance shall be authorized unless the Planning Commission finds that all of the following criteria have been met. The endorsement of the variance by adjacent landowners does not relieve the applicant of the burden of meeting the requirements set forth in this section:

1. Not result in development of areas at risk of natural hazards, unless adequate mitigation is provided to the satisfaction of the Planning Director pursuant to the standards in Chapter 18.03; and
2. No adverse impact will result on adjacent properties;

Request for Variances for 66/68 Minnehaha Manitou Springs Colo 80829

The property has been owned by one family for well over 70 years. Over the years residential structures have been added and have incrementally been sold over the years. Which has now complicated property lines as it has been handed down through generations. The current property consists of two residential dwellings, 66 Minnehaha a two-story house and 68 Minnehaha a garage apartment (Old Radio Station). We wish to separate the two residents, making them independent properties so one can be sold and one be kept and are seeking variances for the property. The boundaries of 68 Minnehaha are so close to 66 Minnehaha that variances are needed for the separation.

The residences are over 70 years old and are permanently constructed on cement slabs and there is no other way to separate them without the variances. The deck on 68 Minnehaha had to be rebuilt appropriately 15 years ago due to and it is so close to 66 Minnehaha a Zero variance is required. There is a portion on the garage at 66 Minnehaha where a 5 ft variance is being requested to separate the properties.

The only way to separate the residents is to obtain variances for the properties which are currently the same property. Without the two variances one owner would be deprived of ownership of one of the structures and both structures would have to be sold as one property. (Even though they hold two addresses).

Tiffany Hulsey and Shelagh Kasinger inherited the property from their mother Mary Rogers. It was her wish that the property would be kept. One of the parties wants to sell the other party is not financially able to buy out the other party. To be able maintain part of the family property the variances are needed.

66 Minnehaha was originally the KCMS radio station established in 1953 by my great uncle Charles(Bud) Edmonds. To keep this in the family we would need to have the variances granted. It will remain as in and is part of the historical district.

66 Minnehaha is not a wholly platted lot, is 25,596 sf and has approximately 120 feet of street frontage . The buildings originally existed in the Minnehaha Right of Way, but the city vacated part of the Right of Way in 1984 to accommodate the conversion of these commercial structures to residences. It does not appear that this vacated portion of Right of Way was ever combined with the rest of the private property through a subdivision action. A minor subdivision is required to create separate lots for each of the two structures. Lot lines must be redrawn so that lots and existing buildings conform with GR zone setbacks where possible. Zero foot side yard setback variances (one for each building) will need to be requested since a deck spans the gap between the two structures.

66 Minnehaha property crosses over Trestle Trail drive. This is the property I wish to keep if the variances are granted. I have legal right of way easement over trestle Trail which gives me the only access to my property at 105 Rock Rd. Without these

variance's this would be a severe hardship as that is the only way to access 105 Rock Rd by car.

Request for Minor Subdivision

A minor subdivision is requested to create separate lots for each of the two structures

The subdivision will only consist of the two existing structures.

No changes will be made to the structures and property regarding sewage, water, storm drainage. No electrical changes need to be made for the existing structures.

Land Title El Paso County Title Team <csresponse@ltgc.com>

9/17/2024 5:52 PM

**Commitment and Disclosures (66 MINNEHAHA AVENUE)(Buyer: DETERMINED)
(Our 55118971)** Land Title Guarantee Company

Your Documents from Land Title Guarantee Company

- [Invoice Document](#)
- [Commitment and Disclosures](#)

[All documents as one PDF](#)**Customer Distribution**

Prevent fraud - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: **SR55118971**Date: **09/17/2024**Property Address: **66 MINNEHAHA AVENUE, MANITOU SPRINGS, CO 80829****For Closing Assistance****For Title Assistance**

Land Title El Paso County Title Team
102 S TEJON #760
COLORADO SPRINGS, CO 80903
(719) 634-4821 (Work)
(719) 634-3190 (Work Fax)
csresponse@ltgc.com

Seller/Owner

TIFFANY E. KOLVE HULSEY
Delivered via: No Commitment Delivery

Seller/Owner

SHELAGH A. KASINGER
Delivered via: Electronic Mail

Estimate of Title FeesOrder Number: **SR55118971**Date: **09/17/2024**Property Address: **66 MINNEHAHA AVENUE, MANITOU SPRINGS, CO 80829**Seller(s): **TIFFANY E. (KOLVE) HULSEY AND SHELAGH A. KASINGER**Buyer(s): **A BUYER TO BE DETERMINED**

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction.
The final fees will be collected at closing. Visit ltgc.com to learn more about Land Title.

Estimate of Title Insurance Fees	
"TBD" Commitment	\$279.00
TOTAL	\$279.00

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

Chain of Title Documents:

- (1) [El Paso county recorded 12/29/2023 under reception no. 223105460](#)
 (1) [El Paso county recorded 09/18/2003 under reception no. 203219279](#)

Plat Map(s):

- (1) [El Paso county recorded 11/08/1911 at book N page 22](#)

ALTA COMMITMENT
Land Title Insurance Corporation
 Schedule A

Order Number: SR55118971

Property Address:

66 MINNEHAHA AVENUE, MANITOU SPRINGS, CO 80829

1. Effective Date:

09/12/2024 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment
 Proposed Insured:
 A BUYER TO BE DETERMINED

\$0.00

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE AS TO PARCEL A: AN EASEMENT INTEREST AS TO PARCEL B

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

TIFFANY E. (KOLVE) HULSEY AND SHELAGH A. KASINGER

5. The Land referred to in this Commitment is described as follows:

PARCEL A:

THAT PART OF LOTS 38 AND 39, BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, LYING EASTERLY OF A LINE DRAWN 150 FEET EASTERLY AND PARALLEL TO THE CENTER LINE OF THE MIDLAND TERMINAL RAILWAY,

TOGETHER WITH LOTS 40, 43 AND 44, BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS,

TOGETHER WITH THAT PART OF LOTS 37, 38 AND 39, BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, LYING WESTERLY OF A LINE DRAWN FROM A POINT ON THE SOUTHEASTERLY LINE OF LOT 37 THAT IS 119 FEET SOUTHWESTERLY OF THE MOST EASTERLY CORNER THEREOF, THENCE NORTHERLY 182 FEET TO THE MOST NORTHERLY CORNER OF LOT 39 THAT IS 104.1 FEET NORTHWESTERLY OF THE MOST NORTHEAST CORNER OF SAID LOT 39,

TOGETHER WITH THE ADJACENT ONE-HALF OF VACATED TRESTLE TRAIL ADJOINING SAID PROPERTY, AS SHOWN ON PLAT RECORDED SEPTEMBER 9, 1986 UNDER RECEPTION NO. 1450263.

AND TOGETHER WITH THOSE PORTIONS OF MINNEHAHA AVENUE AND PINE RIDGE AVENUE AS VACATED BY ORDINANCE RECORDED JUNE 20, 1984 IN BOOK 3885 AT PAGE 773, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL B:

A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS AND EGRESS 10 FEET IN WIDTH ADJACENT TO AND SOUTHEAST OF THE BOUNDARY LINE BETWEEN LOTS 37 AND 38 IN BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, AS

RESERVED ON DEEDS RECORDED DECEMBER 22, 1978 IN BOOK 3122 AT PAGE 967 AND RECORDED JANUARY 3, 1979 IN BOOK 3126 AT PAGE 422.

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ALTA COMMITMENT
Land Title Insurance Corporation
Schedule B, Part I
(Requirements)

Order Number: SR55118971

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

1. WARRANTY DEED FROM TIFFANY E. (KOLVE) HULSEY AND SHELAGH A. KASINGER TO A BUYER TO BE DETERMINED CONVEYING SUBJECT PROPERTY.

REQUIREMENTS TO DELETE THE PRE-PRINTED EXCEPTIONS IN THE OWNER'S POLICY TO BE ISSUED

A. UPON RECEIPT BY THE COMPANY OF A SATISFACTORY FINAL AFFIDAVIT AND AGREEMENT FROM THE SELLER AND PROPOSED INSURED, ITEMS 1-4 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED. ANY ADVERSE MATTERS DISCLOSED BY THE FINAL AFFIDAVIT AND AGREEMENT WILL BE ADDED AS EXCEPTIONS.

B. IF LAND TITLE GUARANTEE CONDUCTS THE CLOSING OF THE CONTEMPLATED TRANSACTIONS AND RECORDS THE DOCUMENTS IN CONNECTION THEREWITH, ITEM NO. 5 OF THE PRE-PRINTED EXCEPTIONS WILL BE DELETED.

C. UPON RECEIPT OF PROOF OF PAYMENT OF ALL PRIOR YEARS' TAXES AND ASSESSMENTS, ITEM NO. 6 OF THE PRE-PRINTED EXCEPTIONS WILL BE AMENDED TO READ:

TAXES AND ASSESSMENTS FOR THE YEAR 2024 AND SUBSEQUENT YEARS.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.

ALTA COMMITMENT
Land Title Insurance Corporation
Schedule B, Part II
(Exceptions)

Order Number: SR55118971

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO RECORDED NOVEMBER 08, 1911 IN BOOK N AT PAGE 22.
9. AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY PURPOSES OVER, ACROSS AND UNDER A PORTION OF SUBJECT PROPERTY, AS RESERVED AND DESCRIBED ON DEED RECORDED MARCH 8, 1984 IN BOOK 3843 AT PAGE 1105.
10. CONDITIONS AND PROVISIONS AS SHOWN ON ORDINANCE RECORDED JUNE 20, 1984 IN BOOK 3885 AT PAGE 773.
11. INGRESS EGRESS EASEMENT AS SHOWN ON IMPROVEMENT LOCATION CERTIFICATE AND AS DESCRIBED ON ATTACHED LEGAL DESCRIPTION RECORDED SEPTEMBER 23, 2003 UNDER RECEPTION NO. 203222762.
12. THE EFFECT OF ORDINANCE RE-ESTABLISHING THE BOUNDARIES OF THE MANITOU SPRINGS HISTORIC PRESERVATION DISTRICT, RECORDED NOVEMBER 17, 2011, UNDER RECEPTION NO. 211113855.

Commitment For Title Insurance Issued by Land Title Insurance Corporation

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE. REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE, THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice, Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Land Title Insurance Corporation, a Colorado corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

(I) DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or not easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

(IX) If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

(X) The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent; that may be in electronic form.

(VIII) COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

(IX) LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance on:
 - (I) comply with the Schedule B, Part I—Requirements;
 - (II) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (IV) acquire the Title or create the Mortgage covered by this Commitment.
- (e) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (f) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (g) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iv) or the Proposed Policy Amount.
- (h) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (i) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (j) In any event, the Company's liability is limited by the terms and provisions of the Policy.

(XI) LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

(VII) IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

(VIII) PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

(IX) ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
(303)321-1880

Land Title Insurance Corporation
P.O. Box 5646
Denver, Colorado 80217
(303)331-6296

Craig B. Rants, Senior Vice President

John E. Freyer, Jr., President

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions, Schedule A, Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Land Title Guarantee Company Disclosure Statements

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.

- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

Note: Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

Joint Notice of Privacy Policy of Land Title Guarantee Company Land Title Insurance Corporation and Old Republic National Title Insurance Company

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- (1) applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- (1) your transactions with, or from the services being performed by us, our affiliates, or others;
- (1) a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- (1) The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- (1) We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- (1) We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- (1) We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- (1) Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- (1) We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Affiliated Business Arrangement Disclosure Statement

PROPERTY ADDRESS: 66 MINNEHAHA AVENUE, MANITOU SPRINGS, CO 80829

TO: The undersigned Buyer and Seller

FROM: Land Title Guarantee Company

This is to give you notice that Land Title Guarantee Company has a business relationship with Land Title Insurance Corporation due to the common ownership of Land Title Guarantee Company and Land Title Insurance Corporation. Because of this arrangement, the referral may provide Land Title Guarantee Company a financial or other benefit.

Set forth below are the estimated charges or range of charges for each of the services You are NOT required to use the listed provider as a condition for your settlement of the purchase and sale of the subject property.

THERE ARE FREQUENTLY OTHER SETTLEMENT PROVIDERS AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THOSE SERVICES

Provider	Type of settlement service provided	Range of charges
Land Title Insurance Corporation	Owner's policy of title insurance	Rates are based on the amount of insurance coverage and other factors. Rates range from \$522 to \$2,964. Credits may be available.
Land Title Insurance Corporation	Loan policy of title insurance	Rates are based on the amount of insurance coverage and range from \$350 to \$575.

ACKNOWLEDGMENT

I/we have read this disclosure form, and understand that I/we Land Title Guarantee Company is referring me/us to the above described services. There may be a financial benefit as a result of this referral.

Seller(s)

Buyer(s)

TIFFANY E. (KOLVE) HULSEY

TIFFANY E. (KOLVE) HULSEY

A BUYER TO BE DETERMINED

A BUYER TO BE DETERMINED

SHELAGH A. KASINGER

SHELAGH A. KASINGER

CS Response CS Response

Land Title Guarantee Company
102 S TEJON #760
COLORADO SPRINGS, CO 80903
csresponse@ltgc.com
www.ltgc.com

Prevent fraud -Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Schedule Number

7406103031

Appraised Value

297955

District

HBH

Property Address

66 MINNEHAHA AVE

Assessed Value

19960

Description

**LOTS 40,43,44 AND THAT PART OF LOTS 37 TO 39 INC BLK 5 AS
FOLS: BEG AT MOST ELY COR OF LOT 37, TH SWLY ON SELY LN OF
SD LOT 119.0 FT, AND R, RUN NLY 182.0 FT ON A LN PARA TO AND
150.0 FT ELY FROM C/L OF MID TERM RR TO MOST WLY COR OF
LOT 39, AND R SELY 104.1 FT TO NELY COR OF LOT 39, TH SLY ON
CURVED LN ALG ELY LN OF SD LOTS 73.9 FT TO POB EX PART
CONV BY BK 3126-422 TOG WITH THAT PART OF VAC
MINNEHAHA AVE AND PINE RIDGE AVE ADJ BY BK 3885-773 TOG
WITH S2 OF VAC TRESTLE TRAIL BURNETT AND LENNON ADD
MANITOU SPRINGS, TOG W/ PART OF LOTS 37 TO 39 INC BLK 5
BURNETT & LENNON ADD MANITOU SPRINGS LY WLY OF A LN
DRAWN FROM A PT ON SELY LN OF LOT 37 THAT IS 119.0 FT SWLY
OF MOST ELY COR THEREOF, TH NLY 182.0 FT TO MOST NLY COR
OF LOT 39 THAT IS 101.1 FT NWLY OF NE COR OF SD LOT TOG
WITH VAC TRESTLE TRAIL ADJ TO LOT 39**

Current Year Payments Received

Date	Tax Year	Installment	Amount
NaN/NaN/NaN	2023	0	\$1,311.17

Record Type	Residential
Year	2023
Account Number	R7406103031
Due Date	04/30/2024

Taxes

Base Taxes	1298.19
Interest	0.0
Penalty	0.0
Total Due	0.00

Property Information

Prior Year(s) Transaction History

Date	Tax Year	Installment	Amount
NaN/NaN/NaN	2022	0	\$1,313.70
NaN/NaN/NaN	2021	0	\$1,370.12
NaN/NaN/NaN	2020	0	\$1,200

MARY ROGERS SUBDIVISION

A REPLAT OF LOTS 38, 39, 40, 43 AND 44, A PORTION OF LOT 37 AND THE VACATED RIGHTS OF WAY OF MINNEHAHA AVENUE, PINERIDGE AVENUE AND TRESTLE TRAIL, IN BLOCK 5, BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU SPRINGS, IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH P.M. NOW IN THE CITY OF MANITOU SPRINGS EL PASO COUNTY, COLORADO

BE IT KNOWN BY THESE PRESENTS:

THAT SHELAGH A. KASINGER AND TIFFANY E. HULSEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

PARCEL A:
THAT PART OF LOTS 38 AND 39, BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, LYING EASTERLY OF A LINE DRAWN 150 FEET EASTERLY AND PARALLEL TO THE CENTER LINE OF THE MIDLAND TERMINAL RAILWAY, TOGETHER WITH LOTS 40, 43 AND 44, BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, LYING WESTERLY OF A LINE DRAWN FROM A POINT ON THE SOUTHEASTERLY LINE OF LOT 37 THAT IS 119 FEET SOUTHWESTERLY OF THE MOST EASTERLY CORNER THEREOF, THENCE NORTHERLY 182 FEET TO THE MOST NORTHERLY CORNER OF LOT 39 THAT IS 104.1 FEET NORTHWESTERLY OF THE MOST NORTHEAST CORNER OF SAID LOT 39, TOGETHER WITH THE ADJACENT ONE-HALF OF VACATED TRESTLE TRAIL ADJOINING SAID PROPERTY, AS SHOWN ON PLAT RECORDED SEPTEMBER 9, 1986 UNDER RECEPTION NO. 1450263, AND TOGETHER WITH THOSE PORTIONS OF MINNEHAHA AVENUE AND PINE RIDGE AVENUE AS VACATED BY ORDINANCE RECORDED JUNE 20, 1984 IN BOOK 3885 AT PAGE 773, COUNTY OF EL PASO, STATE OF COLORADO.

THE DESCRIBED TRACT CONTAINS 26,465 SQUARE FEET, MORE OR LESS.

PARCEL B:
A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS AND EGRESS 10 FEET IN WIDTH ADJACENT TO AND SOUTHEAST OF THE BOUNDARY LINE BETWEEN LOTS 37 AND 38 IN BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, AS RESERVED ON DEEDS RECORDED DECEMBER 22, 1978 IN BOOK 3122 AT PAGE 967 AND RECORDED JANUARY 3, 1979 IN BOOK 3126 AT PAGE 422.

DEDICATION:

THE UNDERSIGNED PARTY IN INTEREST HAS CAUSED SAID PARCEL TO BE SURVEYED AND REPLATTED INTO LOTS, A TRACT AND EASEMENTS AS SHOWN ON THIS PLAT, WHICH PLAT IS DRAWN TO A FIXED SCALE AS INDICATED HEREIN AND ACCURATELY SETS FORTH THE BOUNDARIES AND DIMENSIONS OF SAID LOT AND WHICH PLAT SO PLATTED SHALL BE KNOWN AS "MARY ROGERS SUBDIVISION", IN THE CITY OF MANITOU SPRINGS, EL PASO COUNTY, COLORADO.

EASEMENTS:

AS SHOWN.

FLOODPLAIN STATEMENT:

THE PROPERTY IS LOCATED WITHIN ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER THE FEMA FLOOD INSURANCE RATE MAP NUMBERS 08041C0706 G, EFFECTIVE DECEMBER 7, 2018.

IN WITNESS WHEREOF:

THE AFOREMENTIONED SHELAGH A. KASINGER AND TIFFANY E. HULSEY HAVE EXECUTED THIS INSTRUMENT THIS ____ DAY OF ____ 2025.

SHELAGH A. KASINGER

TIFFANY E. HULSEY

NOTARIAL:

STATE OF COLORADO)
COUNTY OF EL PASO) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ 2025 BY SHELAGH A. KASINGER AND TIFFANY E. HULSEY

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

FILING APPROVALS:

THE UNDERSIGNED HEREBY APPROVE FOR FILING THE ACCOMPANYING PLAT OF "MARY ROGERS SUBDIVISION"

PLANNING DIRECTOR

DATE

RECORDING:

STATE OF COLORADO)
COUNTY OF EL PASO) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT ____ O'CLOCK ____ M., THIS ____ DAY OF ____ 2025, AND IS DULY RECORDED AT RECEPTION NO. ____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

STEVE SCHLEIKER

BY:

COUNTY CLERK AND RECORDER

FEE: _____

SURCHARGE: _____

FEES:

SCHOOL FEES: ____

PARK FEES: ____

PREPARED BY

LWA LAND SURVEYING, INC.

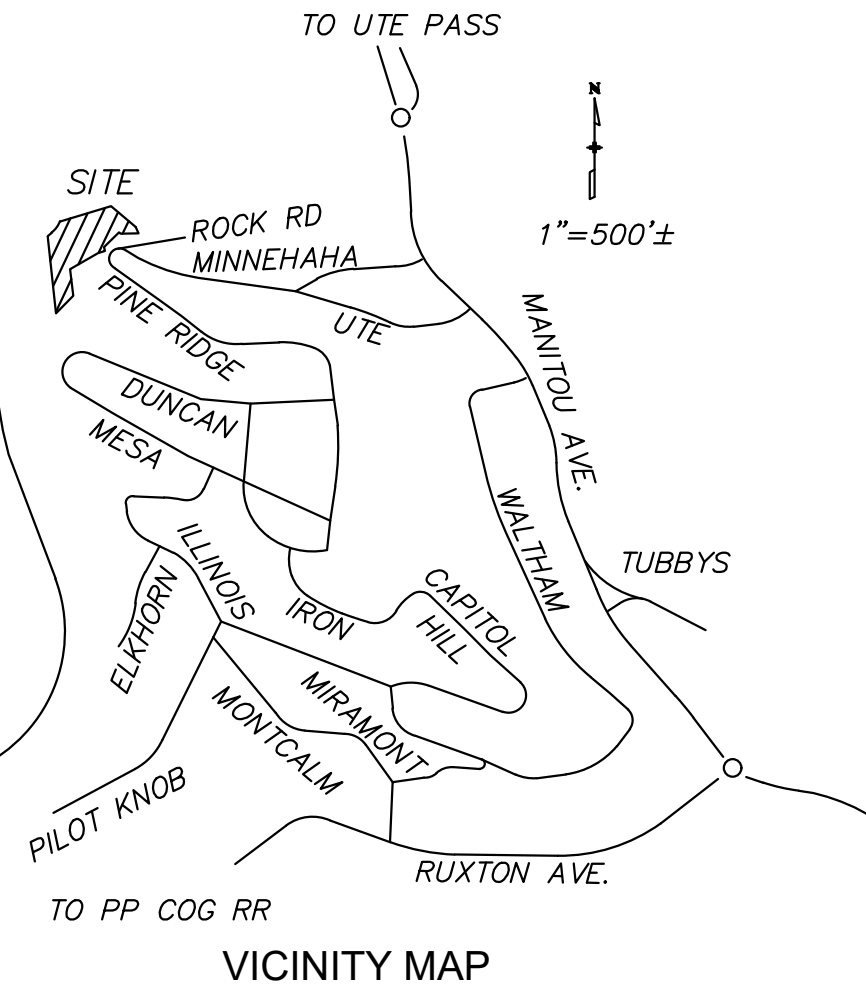
953 E. FILLMORE STREET
COLORADO SPRINGS, COLORADO 80907
Phone (719) 636-5179

FEBRUARY 4, 2025

JANUARY 3, 2025

PROJECT 24053

SHEET 1 OF 1



VICINITY MAP

1. MONUMENTS:

- FOUND MONUMENT AS NOTED.

- SET A 5/8" DIAMETER REBAR, 18" IN LENGTH, WITH A 1-1/2" DIAMETER ALUMINUM CAP STAMPED "LWA PLS 28658".

MONUMENTS ARE FLUSH WITH THE GROUND UNLESS NOTED OTHERWISE.
bg = BELOW GRADE, ag = ABOVE GRADE.

2. TITLE NOTES:

RESEARCH FOR RECORDED RIGHTS OF WAY AND EASEMENT WAS DONE BY LAND TITLE INSURANCE CORPORATION, ORDER NO. SR55118971, EFFECTIVE DATE 9/12/24.

THIS DRAWING DOES NOT CONSTITUTE A TITLE SEARCH BY KEVIN M. O'LEARY OR LWA LAND SURVEYING INC.

THE PROPERTY IS LOCATED WITHIN THE MANITOU SPRINGS HISTORIC PRESERVATION DISTRICT AS DESCRIBED IN THE DOCUMENT RECORDED AT REC. NO. 203222762 OF THE EL PASO COUNTY RECORDS.

IT APPEARS THAT THE INGRESS EGRESS EASEMENT ATTACHED TO THE IMPROVEMENT LOCATION CERTIFICATE RECORDED AT REC. NO. 203222762 WAS INTENDED TO DESCRIBE THE DRIVEWAY ENCROACHMENT FROM THE NEIGHBOR TO THE NORTH. THAT DESCRIPTION WAS POORLY WRITTEN AND IS NOT ACCURATE.

3. SURVEY NOTES:

DIMENSIONS SHOWN ARE BASED ON FIELD MEASUREMENTS.

DIMENSIONS SHOWN IN PARENTHESIS ARE THOSE DIMENSIONS OF RECORD THAT VARY FROM FIELD MEASUREMENTS.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF LOT 1, BLOCK 1, RAYMOND C. EDMONDS SUBDIVISION - N5°19'00"E - 162.49 FEET. THE LINE IS MONUMENTED AS SHOWN AND THE DIRECTION IS BASED ON THE RAYMOND C. EDMONDS SUBDIVISION.

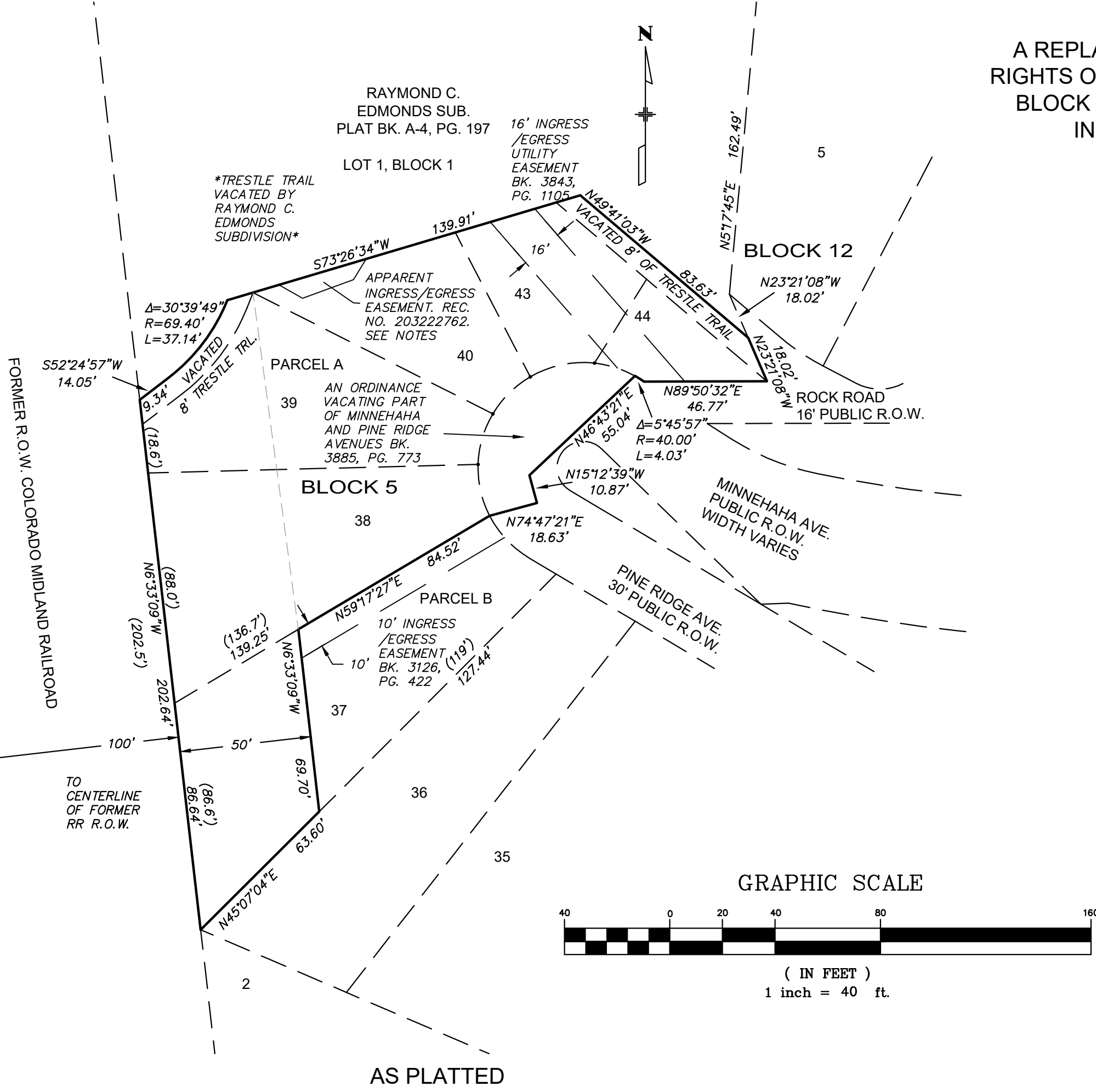
UNITS OF MEASURE ARE U.S. SURVEY FEET.

4. TRACT A TO BE CONVEYED TO THE ADJOINER.

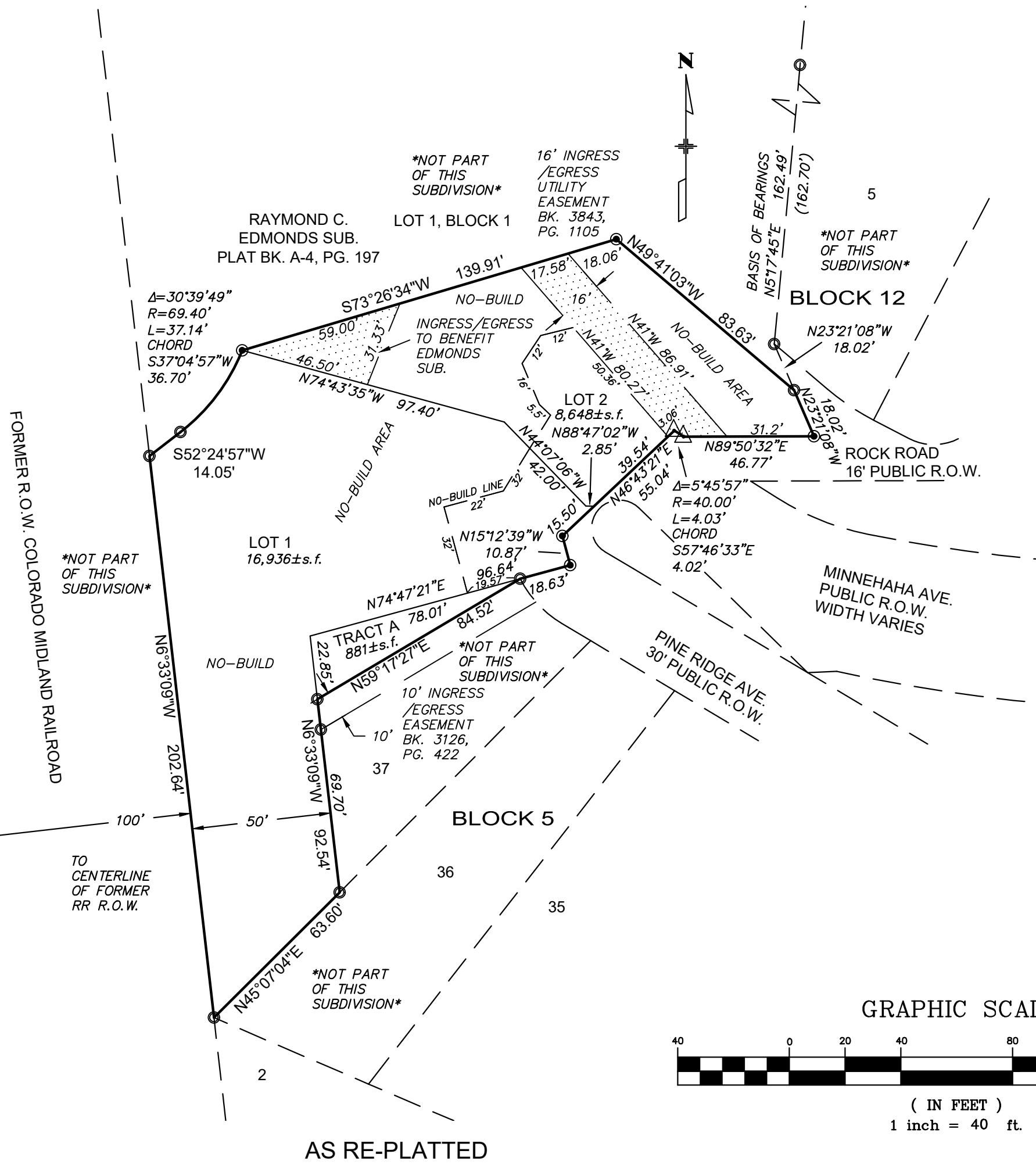
SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFIES THAT THE ACCOMPANYING PLAT WAS SURVEYED AND DRAWN UNDER HIS SUPERVISION AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND SUBDIVISION THEREOF, AND THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS KNOWLEDGE AND BELIEF.

KEVIN M. O'LEARY, COLORADO PLS #28658
FOR AND ON BEHALF OF
LWA LAND SURVEYING, INC.



AS PLATTED



AS RE-PLATTED

"NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON."

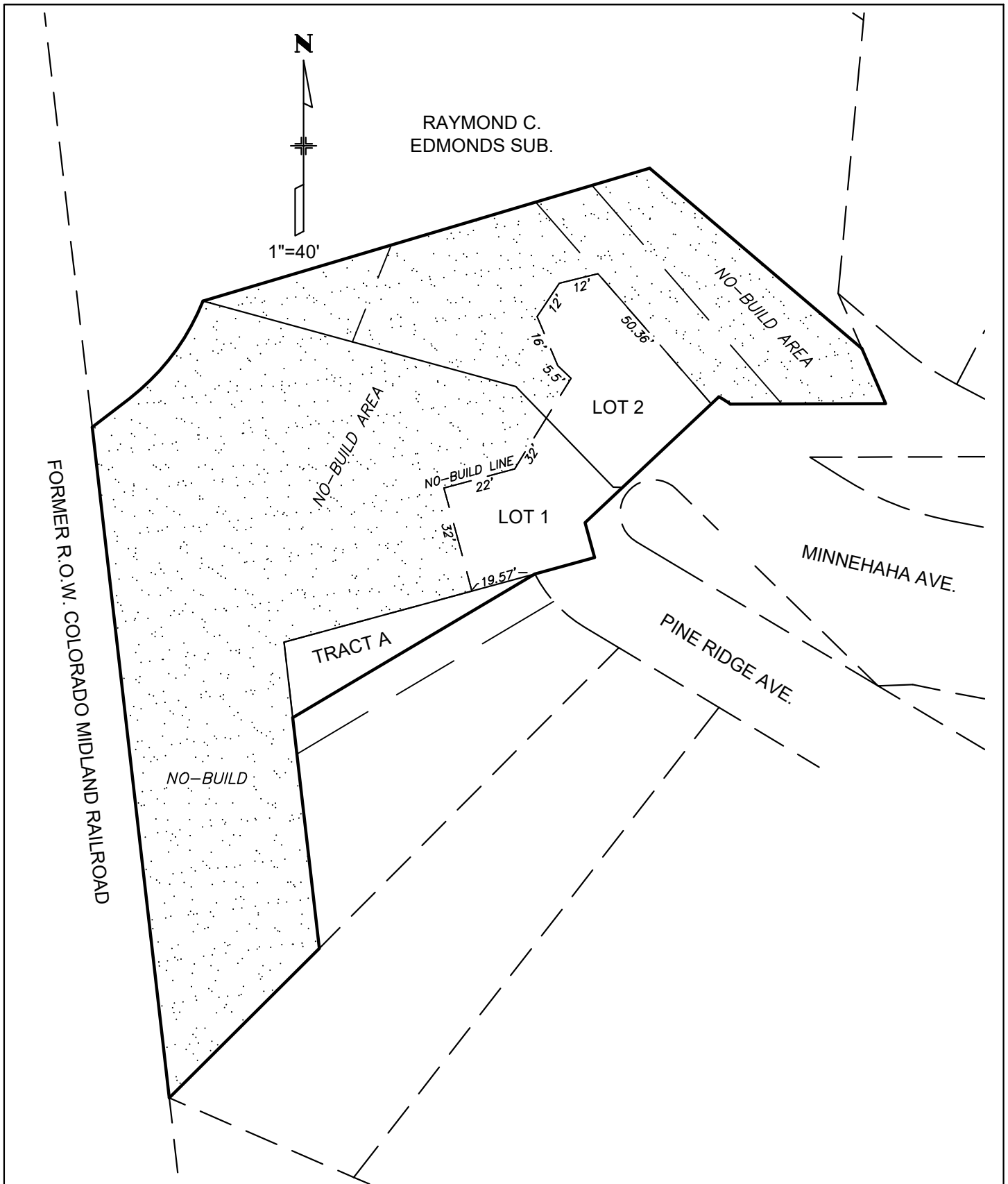
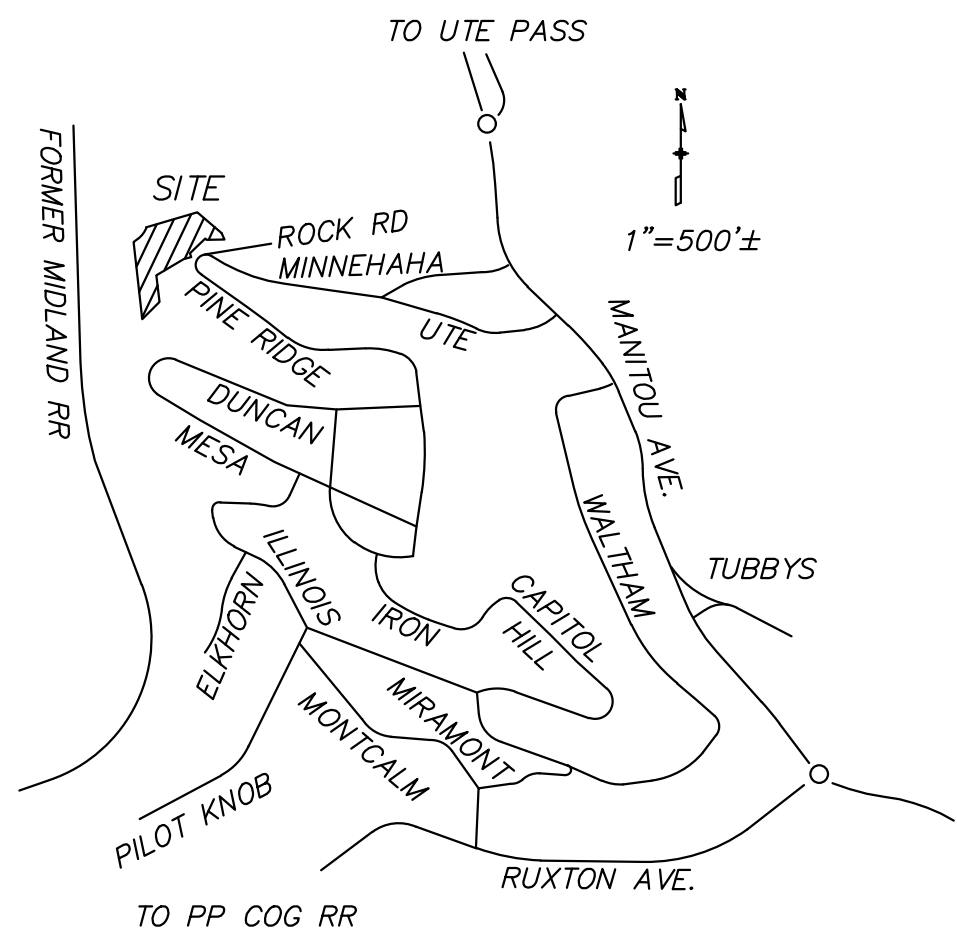
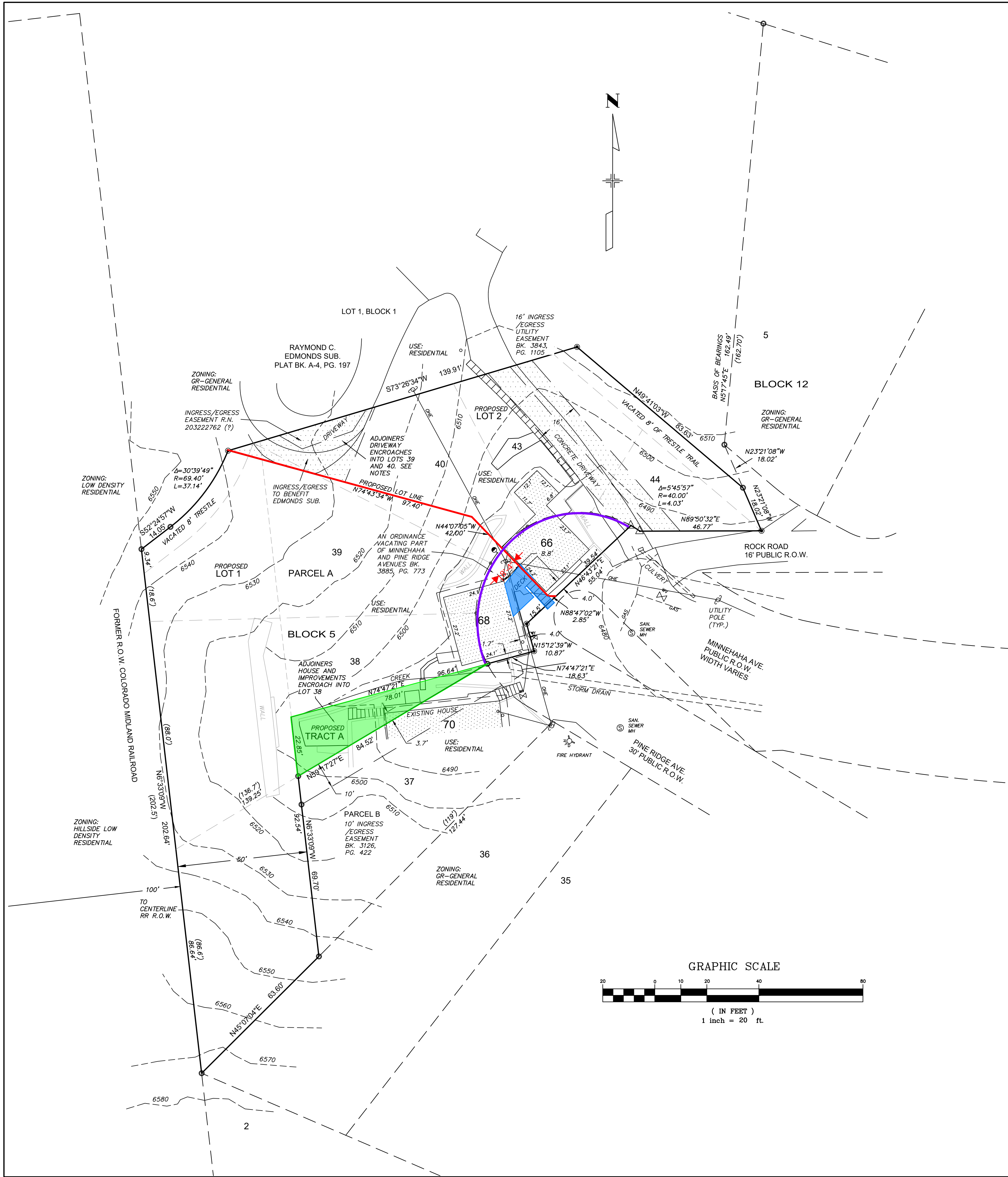


EXHIBIT A
NO-BUILD AREA
MARY ROGERS SUB.
MANITOU SPRINGS, CO

DWG: 66 MINNE
SCALE: 1" = 40'
DATE: 2/4/25
DRAWN: KMO
CHECKED: THK
PROJECT: 24053

LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, CO 80907
TELEPHONE (719) 636-5179

REVISIONS:



PROPERTY DESCRIPTION:

PARCEL A:
THAT PART OF LOTS 38 AND 39, BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, LYING EASTERLY OF A LINE DRAWN 150 FEET EASTERLY AND PARALLEL TO THE CENTER LINE OF THE MIDLAND TERMINAL RAILWAY, TOGETHER WITH LOTS 40, 43 AND 44, BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, LYING WESTERLY OF A LINE DRAWN FROM A POINT ON THE SOUTHEASTERLY LINE OF LOT 37 THAT IS 119 FEET SOUTHWESTERLY OF THE MOST EASTERLY CORNER THEREOF, THENCE NORTHERLY 182 FEET TO THE MOST NORTHERLY CORNER OF LOT 39 THAT IS 104.1 FEET NORTHWESTERLY OF THE MOST NORTHEAST CORNER OF SAID LOT 39, TOGETHER WITH THE ADJACENT ONE-HALF OF VACATED TRESTLE TRAIL ADJOINING SAID PROPERTY, AS SHOWN ON PLAT RECORDED SEPTEMBER 9, 1986 UNDER RECEPTION NO. 1450263, AND TOGETHER WITH THOSE PORTIONS OF MINNEHAHA AVENUE AND PINE RIDGE AVENUE AS VACATED BY ORDINANCE RECORDED JUNE 20, 1984 IN BOOK 3885 AT PAGE 773, COUNTY OF EL PASO, STATE OF COLORADO.

CONTAINING 26,465 SQUARE FEET, MORE OR LESS.

PARCEL B:
A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS AND EGRESS 10 FEET IN WIDTH ADJACENT TO AND SOUTHEAST OF THE BOUNDARY LINE BETWEEN LOTS 37 AND 38 IN BLOCK 5, IN BURNETT AND LENNON ADDITION TO THE TOWN OF MANITOU, COLORADO, NOW PART OF THE CITY OF MANITOU SPRINGS, AS RESERVED ON DEEDS RECORDED DECEMBER 22, 1978 IN BOOK 3122 AT PAGE 967 AND RECORDED JANUARY 3, 1979 IN BOOK 3126 AT PAGE 422.

NOTES:

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THE PROPERTY IS ZONED GENERAL RESIDENTIAL.

DIMENSIONS SHOWN ARE BASED ON FIELD MEASUREMENTS.

DIMENSIONS SHOWN IN PARENTHESIS ARE THOSE DIMENSIONS OF RECORD THAT VARY FROM FIELD MEASUREMENTS.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF LOT 1, BLOCK 1, RAYMOND C. EDMONDS SUBDIVISION - N5°19'00"E - 162.49 FEET. THE LINE IS MONUMENTED AS SHOWN AND THE DIRECTION IS BASED ON THE RAYMOND C. EDMONDS SUBDIVISION.

UNITS OF MEASURE ARE U.S. SURVEY FEET.

CONTOUR INTERVAL IS 10 FEET. VERTICAL DATUM IS NAVD 88.

THE HILLSIDE AREA OF THE LOTS WITH THE EXCEPTION OF A 10' BUFFER TO THE EXISTING BUILDINGS AND IMPROVEMENTS SHALL BE DESIGNATED AS NO-BUILD AREAS DUE TO THE EXISTING TOPOGRAPHY BEING IN EXCESS OF 30% IN SLOPE.

THE OWNERS REQUEST A VARIANCE FOR A 0 FOOT SIDE SETBACK WHERE 7.5' IS REQUIRED ALONG THE PROPOSED LOT LINE BETWEEN 66 AND 68 MINNEHAHA IN THE AREA OUTSIDE OF THE NO-BUILD AREA.

THE USE OF BOTH NEW LOTS WILL BE RESIDENTIAL. TRACT A WILL BE CONVEYED TO THE NEIGHBOR TO ALLEVIATE THE ENCROACHMENT ISSUES AS IDENTIFIED HEREON.

"NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON."

REVISIONS:

LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, CO 80907
TELEPHONE (719) 636-5179

DWG: 66 MINNE
SCALE: 1"=20'
DATE: 1/3/25
DRAWN BY: KMO
CHECKED BY: THK
PROJECT NO. 24063
SHEET: 1 OF 1

IMPROVEMENT SURVEY PLAT
66 & 68 MINNEHAHA
PART OF LOTS 37-44, BLOCK 5
BURNETT & LENNON - MANITOU