MANITOU SPRINGS
CITY PLANNING COMMISSION
REGULAR MEETING MINUTES
January 8, 2025

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 5:35 PM and declared a quorum present. The following Commission members attended:

PRESENT:
Chair Alan Delwiche
Commissioner Mike Casey
Commissioner Carey Storm
Commissioner Justin Wilson
Commissioner Roy Rosenthal
Commissioner Gloria Latimer
Commissioner Meghan Day

ABSENT: Commissioner Stephen Graybill
Commissioner David Armstrong

STAFF: Planning Director Frederick Rollenhagen
Senior Planner Chelsea Royston

GUESTS: Kunal Parikh, Planning Commission Attorney

II. APPROVAL OF MINUTES

ITEM 1. No Minutes to Approve

III. PUBLIC COMMENT ON NON-AGENDA ITEMS

John Maynard, 1320 Indian Oaks Place, Manitou Springs, CO 80829. Mr. Maynard states he is here to speak about what he believes are irregularities at last month's Planning Commission Meeting. He stated that Chair Delwiche did not disclose that he is a member of the URA Board for item 123 Manitou Avenue Density Variance. Mr. Maynard also stated that Chair Delwiche did not introduce the action that was taken by the URA Board supporting that item. He noted that based on Chair Delwiche's previous comments on the property, he believes there was bias involved and that Chair Delwiche should have recused himself. Mr. Maynard stated that the bias he is referring to is covered in Colorado Case Law Mountain States Telephone and Telegraph Company vs. Public Utilities Commission. Mr. Maynard stated he would read the citation if anyone was interested, and the case was a 1988 case. Mr. Maynard stated that additionally, the selection of alternatives was done outside of the public process. It is his understanding that one commissioner asked if she was needed days before the hearing and was told she was not, and a different alternative was seated. That leads Mr. Maynard to believe that the decision was made outside of the public process. If the tape of the meeting is reviewed, the alternate commissioner was in place with name tag in place before the meeting even started. Mr. Maynard stated he believes this is inappropriate or at least appears to be inappropriate. Mr. Maynard then stated that he has three recommendations as to how to proceed. First, he suggests adopting standard operating procedures for how this board operates as required by the City Code. His understanding is that there are none currently. Secondly, Mr. Maynard strongly recommends that the board annually has the City Attorney provide ethics training to all of the board members. Lastly, because of the appearance of impropriety at the hearing for 123 Manitou Avenue, he suggests the board vote to reconsider and rehear that item.

Rich Block, Paragon Realty, 8700 North Street, Suite 310, Fishers, Indiana. Mr. Block states that with him listening in is his son, John Block. He notes they both participated in the meeting last month. This is regarding the former La Fon property that they had the variance hearing with the Commission last month. Mr. Block stated he did write a letter to the Commission, but he did want to make a few quick points. The first is that they have decided not to appeal the decision as they felt as though a better approach is to work cooperatively with the City. Mr. Block stated that they presented at the Public Comments section last night during the City Council meeting requesting that Council or Staff or whomever the appropriate group is open up and work through a decision related to changing the code. Mr. Block stated it seemed to him that this was the matter that seemed to be at the heart of the decision by the Planning Commission. Clearly, they tried to present the case as to why it was necessary to increase the density for the number of units being proposed at this site. He believes the problem had to do with the existing code. Therefore, what they have asked for from Council is for the city to review the current code to address this matter. Mr. Block noted it is understood that it may take some time to do that, however, that is their desire, and they felt it is better done working in collaboration with Council, Planning Commission, and Planning Staff rather than appealing the decision.

Note for the Record: Chair Delwiche stated that both items in public comment are tangential issues, and there are two items on the agenda that will address both of those issues.

Chair Delwiche explained the process for New Business items. There were no conflicts or ex-parte contacts to disclose.

IV. NEW BUSINESS

ITEM 2. MJT 2404 Major Temporary Use Permit for Unpaved Parking Lot

Senior Planner Royston presented MJT 2404 to allow an unpaved parking in the commercial zone district at 132, 134, and 142 Manitou Avenue, formerly developed with the Dillon Motel. The City of Manitou Springs purchased this property in December 2023 with the intent to develop a surface parking lot and office space. All but two of the existing buildings were demolished for this purpose and the city is pursuing a phased approach to expedite the project. While the intent is to eventually develop a paved parking lot that conforms to code requirements the city is requesting a temporary use permit to allow a gravel or dirt parking lot to exist there. The reason for this is that while a parking lot is permitted in the commercial zone district, our development standards require it to be hard surface. The city is in a situation where to facilitate the timeline for another project, for the Hiawatha Gardens parking lot, that parking lot needs to be closed to work on that project this summer. To offset the loss of parking space in Hiawatha Gardens, the city is asking to have a dirt parking lot at the Dillon Motel temporarily with the intent that once design and permitting is in place and the Hiawatha lot is open again, the final construction of the Dillon parking lot can be completed.

Senior Planner Royston presented the proposed location. On the Easternmost lot, there are two preexisting buildings that are going to be rehabilitated for office spaces and restrooms. The two western lots are the focus of the dirt parking lot.

Senior Planner Royston presented the site plan. There are several improvements that are proposed to take place during this phase. There will be concrete ADA parking spaces, and these will be on the Easternmost lot, adjacent to the structures. Those are being designed and will remain and be the final condition, so the ADA compliance is never jeopardized through the process. There will also be curb stops to delineate the spaces as well as a split rail fence that will guide traffic through the property. There will also be electrical conduit for lighting and security that is going to be installed with the intent that it will facilitate the final condition which will be reviewed under the major development plan. The photometric plan will be part of that submittal that you will see at that point.

Senior Planner Royston presented the findings and review criteria for temporary use permits. Criterion one is that the use will not be detrimental to the health, safety, and general welfare of the zone district. Staff does not believe that it will be offensive in any of those manners. This is in the commercial zone district being developed in conjunction with a bus stop for Mountain Metro and the intent is to direct longer term (Four hours or more) to use the Dillon lot and then access public transit to get further into town or eventually access the Creekwalk Trail through a pedestrian bridge at the north of the site. All these improvements will be outlined in the Major Development Plan.

Senior Planner Royston continued with the second review item, stating if located outside the downtown zone district, adequate off-street parking meeting with standards provided in the code are available. This criterion is not applicable as this is a parking lot. Staff has used this mechanism to review other temporary surfaced parking lots in commercial zoned districts so while this isn't explicitly permitted in the code, staff finds there is adequate precedent in the code to utilize this mechanism for this purpose.

Senior Planner Royston presented the Motion Language Options which are: Approve the Major Temporary Use Permit with Staff's conditions as outlined; Approve the Major Temporary Use Permit with an alteration to Staff's conditions as follows; Deny the Major Temporary Use Permit; Postpone the Major Temporary Use Permit to February 12, 2025.

Chair Delwiche opened the discussion for public comment.

There being no public comment, Chair Delwiche closed the public comment hearing portion of the item.

Commissioner Day stated that she does believe that adding more parking, temporary or permanent, will endanger the public health, safety, and welfare of the people of Manitou and the visitors. Commissioner Day stated that she would like to recognize the lives lost in Los Angeles today. She would also like to recognize that in at least one instance public safety officers in the Los Angeles region instructed people who were in their cars trying to evacuate to abandon their cars and walk toward the ocean instead of being overtaken and burned alive in their cars because of the wildfires. The more parking built in Manitou the more lives are put at risk in the event of an emergency evacuation and those of visitors. Commissioner Day stated that for this reason she believes this project has a major impact on the health, safety and welfare of the community and she will be voting no.

MOTION:

Commissioner Storm made a motion to approve the Major Temporary Use Permit MJT 2404 as submitted and outlined with the Staff's conditions.

SECOND:

Commissioner Rosenthal seconded the motion.

Chair Delwiche asked Commissioner Storm to restate the motion without the conditions as there are none.

MOTION:

Commissioner Storm made a motion to approve Major Temporary Use Permit MJT 2404 as submitted.

SECOND:

Commissioner Rosenthal again seconded the motion.

VOTE:

Motion carries 6-1.

V. OTHER BUSINESS

ITEM 3: Election of Officers

Chair Delwiche opened discussion for nomination of Chair.

MOTION:

Commissioner Storm made a motion to nominate Alan Delwiche as Chair.

SECOND:

Commissioner Casey seconded the motion.

VOTE:

Motion carries.

Chair Delwiche opened the discussion for nomination of Vice Chair.

MOTION:

Commissioner Day made a motion to nominate Mike Casey.

SECOND:

Chair Delwiche seconded the motion.

Commissioner Casey stated that he appreciates the nomination, but he thinks this should be a rotating position so that other people get to experience the “thrill and the joy”.

Commissioner Day asked if Commissioner Casey believed only the Vice Chair should be rotating and not the Chair.

Commissioner Casey confirmed that is correct.

MOTION:

Commissioner Casey made a motion to nominate Justin Wilson for Vice Chair.

SECOND:

Chair Delwiche seconded the motion.

Commissioner Casey asked if there were any other nominations.

Chair Delwiche asked Commissioner Casey if he was withdrawing his nomination.

Commissioner Casey stated that yes, he is withdrawing his nomination and respectfully declines the nomination in hopes for the rotation theory.

VOTE:

The Motion for Justin Wilson for Vice Chair carries.

Note for the Record: Chair Delwiche noted that if the Chair and/or Vice Chair are not present the most senior person would take part in the meeting.

ITEM 4: Expectations for Alternate Commissioners

Chair Delwiche stated that he asked Staff to add this item to the agenda. This came up from last month and while it has never been formally articulated, it has been the policy in the long time that he has been on the Commission that in those rare instances where more alternates are in attendance than spots to seat, the Commission rotates. Chair Delwiche stated that when he was first an alternate, there were two alternates, and they always showed up and they would take turns. The idea was to get everybody to gain experience. It was his thought at the time that it was an expectation that alternates show up at every meeting. In reviewing the code, it states that it is recommended but not required. Chair Delwiche stated he wanted to present this and find out if there are any suggestions on if the policy should be changed.

Commissioner Day stated that she believes the challenge is that it is not formalized and not a policy. It should be written down somewhere so that alternates would know when they might be seated and when they wouldn't be.

Chair Delwiche stated that since he is the chair again, he will take on the responsibility of putting that in writing. He noted that a draft had been worked on.

Senior Planner Royston noted that she did find a draft from 2021 that had not been formalized. She stated that the code does grant the authority to the chair to seat an alternate. It does not give guidelines for how that is chosen. The draft SOP that had previously indicated seniority but that was redlined and brought before this commission to indicate that it would be alternating alternates. If that is the will of the commission, staff can work on formalizing the SOPs.

Chair Delwiche requested that Senior Planner Royston share the document with himself and the Vice Chair and put it on the agenda for next month to review.

Commissioner Latimer asked if this indicates that all alternates would attend every meeting for training and getting to know the procedures of the Planning Commission or will Chair Delwiche have one alternate attend each meeting rotating between alternates.

Chair Delwiche stated what he was suggesting that when multiple alternates attend and there are fewer seats than alternates, the alternates will just rotate so that everyone gets exposure and experience.

Commissioner Day advised that Municipal Code states that “Alternates are invited and requested to attend all meetings of the board or commission but are not required to do so. They may take part in the discussion of any matter that comes before the board except quasi-judicial matters in which they may not participate unless they have been appointed in the place of an absent member.” Commissioner Day noted that this is a bit of greater clarification that maybe all alternates are always seated but the vote would fall to whomever is seated to vote.

Chair Delwiche replied that the way he has interpreted it and the way that he has seen on other boards, for things that are not quasi-judicial, all participate, but do not deliberate and discuss. It is only the seven that are seated. However, on items such as these, if all seven commissioners are here, and the alternates were present, everybody would sit and discuss.

Commissioner Casey asked Commissioner Day if there if she had any orientation or teaching.

Commissioner Day replied, “My Planning degree and certification as a planner.”

Chair Delwiche stated that to be fair, he did meet with Commissioner Day when she started and advised that she could contact him with any questions and provided her with his phone number and email. He noted that is how it has generally been done. He did note that they had discussed an orientation process and there has been a lot of churning and other things that have driven the conversation. Two years ago they were in the process of

the code update and did not want to add more work for the staff, as they were already overwhelmed.
Commissioner Casey stated that Chair Delwiche did not give him his phone number.

Chair Delwiche stated that was not true and he has texts that will prove otherwise.

Senior Planner Royston stated that it is her understanding that it is typically the Chair that does the orientation and initiation so she will seek clarification from the City Clerk, as she is the individual who guides how staff interacts with boards.

Chair Delwiche added that they have always had a more informal method of orientation.

Commissioner Day stated that the American Planning Association must have some video or course so as not to create a burden on staff or other members of the commission.

Senior Planner Royston noted that there are plenty of resources through CML and DOLA and APA. How it relates to Manitou Code is the area of clarification needed.

Chair Delwiche added that he believes there is a CML document that is an introduction to quasi-judicial boards, and they had discussed getting access to that.

ITEM 5: LUDC Updates

Chair Delwiche stated that individuals have informally mentioned this, and he brought this up when he met with Denise last month. One of the things that is found in the Municipal Code is that Boards and Commissions do not direct staff. The Commission can put together a request and then it will go to Council, as it is the prerogative of Council to decide if and when they want Commission to work on the code. There are some items that need to be addressed. If the ADU ordinance is not addressed by the 30th of June, DOLA will provide one, and one size does not fit all communities in Colorado. He also noted that the Commission needs to work on the variance procedures. The criteria are like a “straight-jacket” in some instances. It is very difficult to argue there is not reasonable use without a variance in most cases. He suggests that the Commission think about ways to clarify the criteria and clarify definitions such as hardship. Chair Delwiche noted that in reviewing codes for other municipalities along the Front Range, for example, some explicitly state that economic reality is not a hardship that justifies a variance. The current variance language contains some ambiguity that he feels can be further clarified.

Chair Delwiche also noted that a second area of the code that may be presented to Council for an update is Density. There has been some feeling in the community that they are outdated and not addressing reality.

Commissioner Rosenthal asked for clarification from Chair Delwiche, inquiring if Chair Delwiche is implying that the Commission must hear from City Council in order to move forward with suggestions or can the Commission make suggestions and then the City Council consider them.

Chair Delwiche advised that the Commission can present to City Council areas that are pressing, and recommend those items be addressed this year. Chair Delwiche reiterated that the Commission does not have the authority to tell Staff to do something. The process is to respectfully ask Council for direction to do the things they would like to do.

Commissioner Rosenthal asked if the Commission recommends that the variance be reconsidered, and the Council agrees, does the Commission then come up with recommendations for Council?

Chair Delwiche clarified that generally the way it works is that if there are specific things, or the Commission has a work session item at the end of a meeting and it gets kicked over to staff, on their schedule and timeline, they will come back and say this is where we want to go.

Planning Director Rollenhagen noted that it is always helpful for Boards and Commissions as well as Staff to get direction from City Council. It gives support and gives some cover to do what City Council wants done. All the departments will provide a work plan through the City Administrator that is vetted through City Council. If there is something in particular commission wants to look at, that's when it is helpful for the Commission to advise City Council and let City Council provide direction to Staff and to the Planning Commission.

Commissioner Rosenthal stated that his question is whether the Commission can agree to make the recommendation to City Council regarding the variances tonight.

Chair Delwiche stated they can make a recommendation to City Council for whatever they want and what he is suggesting making the recommendations. He has identified three things that he thinks are of interest that he has heard from various individuals, and he is opening it up to other items the Commission should be considering.

Commissioner Casey stated that he noticed that short term rentals have come to screeching halt and asked Senior Planner Royston if that is the case.

Senior Planner Royston confirmed and stated that short term rentals are almost at capacity and there are very few properties remaining outside of buffers that are developed with eligible residences.

Commissioner Casey then stated, "Geographically vs Quantity" meaning they were capped at 52 so the 500 circle is maxed out.
Senior Planner Royston confirmed that it is not the quantity but the geography. She noted that the quantity cap is close as well, but it is buffers setting the restrictions. Senior Planner Royston presented a map of the short-term rentals and explained the blue properties are the properties that are eligible in terms of buffers. Many of them do not have residential structures on them, or they are not zoned residential so that is why there has been the natural decline of those applications.

Commissioner Casey asked if Staff are getting applications that they are simply denying.

Senior Planner Royston stated that Staff do not get full applications, they just get inquiries and individuals are told, based on the map, they are ineligible.

Chair Delwiche noted that there was a discussion when Austin was still the city attorney. Austin was asked if the City could just stop doing short term rentals. Chair Delwiche believes that Austin stated that there is legal justification to stop doing short term rentals. The existing short-term rentals would be grandfathered in, because again, this is a housing issue.

Commissioner Wilson had a clarifying question. He stated that there was an application roughly a year ago that started some discussion about if a short-term rental owner ceased using the property for short term rentals there is a certain period in which it would lapse. Commissioner Wilson asked if that is indeed true and if it has happened recently.

Senior Planner Royston replied that there is theory and there is practice. In theory, there is software that goes through the short-term rentals in town and notes which don't have active business licenses haven't been actively used recently, and so these are being flagged. The enforcement part of it is lacking due to a capacity issue. Also, the software can only do so much, as some have short-term rentals, some have conditional use permits, some are just motel units because they are in commercial zones, but they are all using the same software to host the permitting and rentals. Senior Planner Royston stated that she believes they are being filtered out but not at any rapid rate.

Commissioner Latimer asked Senior Planner Royston if they must renew then business license on an annual basis, so if the business license did not renew, would that not make them ineligible to continue a short-term rental.

Senior Planner Royston confirmed that this is the case. She noted that many individuals, once they have a short-term rental, do not let it lapse. That is not something seen on a regular basis, as individuals know how valuable they are. Senior Planner Royston stated that Staff has seen a few that have transferred hands through sales but those are under very specific guidelines so there is not a lot of attrition on those.

Chair Delwiche then asked if there is still an interest in having that topic updated and discussed in a work session.

Commissioner Latimer asked Senior Planner Royston is she had any sense of how many short term rental inquiries that the Planning Department received per month.

Senior Planner Royston stated that the amount is probably under 5.

Commissioner Casey inquired Chair Delwiche if he is suggesting having the conversation about banning short-term rentals.

Chair Delwiche responded that yes, if there is that interest. He stated that when the subject was brought up a year or two ago, there was a general agreement that short term rentals are the most frustrating thing they do and everyone in the neighborhood hates them, and they undermine the housing. He inquired with the Commission if this is an item they would like to add to address with City Council.

Commissioner Day stated that she believes that the risk legal challenges if they ban all short-term rentals and one of the things the former city attorney stated is lawsuits against other communities from people who wanted more short-term rentals and the city ordinances restricting short term rentals were being challenged and undermined and that the law may "come for us too". Commissioner Day stated she believes there is a good plan going. It's capped and they should not bring it up because it is the most controversial item that could be addressed.

Chair Delwiche stated that it is a good point, and along those lines, he is aware that ordinance in Woodland Park has already been challenged.

Senior Planner Royston noted that Staff has also noticed a few items that could be potential conversations. She stated that she would agree that focusing on just ADUs instead of ADUs and short-term rentals at the same time, because the two oftentimes tend to get muddied, it may be beneficial to figure out one before the other. She noted that with the regulations on ADUs and Land Use regulations that were passed, she believes there are 5 total, but only 3 or 4 apply to Manitou Springs, so they would be pursuing those amendments as well. Items such as off-street parking and family definitions that are "clean-up" definitions. The other item that Planning Director and Senior Planner Chelsea Royston have spoken about a bit, is renewals for temporary uses and she would like some clarity or some administrative provisions to allow a certain amount of extension on that, or not allow it, however that issue seems to take up a lot of time.

Chair Delwiche clarified that Senior Planner Royston meant that they had to be renewed every 12 months.
Senior Planner Royston stated yes and noted that there is not actually a provision for extending them in the code.

Chair Delwiche again clarified that Senior Planner Royston was referring to the fact that the extension had to be done administratively.

Senior Planner Royston noted yes, but also through the Planning Commission but that has been the practice so it was determined a couple of years ago once the new code was in place that Staff could uphold what they had been previously doing in that regard. She noted that this item is a murky area that could use some clarity.

Chair Delwiche again clarified that Senior Planner Royston was stating the Temporary Use Code needed to be reviewed.

Senior Planner Royston confirmed Temporary Use but also Temporary Development Standards. Planning Staff also gets, for example, the dirt parking lot, which is not technically a temporary use. The use is permanent; however, the development standards are waived or modified temporarily. She believes that this is an item that can be discussed.

Commissioner Day stated that she believes the current Land Use Development Code makes the Historic Environment in Manitou illegal in many cases. Anybody who has an older house must come before the Commission if they need to do any work on their house. She believes items such as parking minimums should be eliminated; the minimum lot frontage should be dropped in the general residential zone from 50 feet to 25 feet.

Chair Delwiche stated that Commissioner Day is now getting into detail. He believes that category she is referring to is existing nonconforming.

Commissioner Day stated that is not what she is referring to. The category is the setbacks and minimum standards that require a sprawling single family detached garage expensive home development and cap densities including in the commercial zone. She stated that there is suburban sprawling zoning code requirement and many minimum standards; setbacks, frontage, lot size and dwelling units per acre all require sprawling development forms and make the historic built environment in Manitou illegal.

Chair Delwiche stated that he must take issue with saying it is illegal. None of the properties that were done prior to the zoning code have been made illegal.

Commissioner Day then stated that any new building that looks the historic building environment in Manitou illegal.

Commissioner Storm stated that part of the reason for that is safety because the built environment from the 1890's; 1920's where they did not have to have the setbacks to allow fire protection to come through, and to pull hoses, etc. is now required. Commissioner Storm asked Commissioner Day if she is saying that it is a bad thing.

Commissioner Day stated that she is saying that they can develop with safety requirements and accommodations, but there should be a zero front setback, and a smaller side setback. She believes they are currently 7 feet. She recommends 3 feet.

Chair Delwiche interjected stating that the current setback is 7.5 feet. He also noted that the sense he gets from speaking with the people knows on Counsel, there is not an appetite to open up the entire Land Use Code at this time. He believes they would be better served by focusing on things that are attainable such as ADUs, definition of family, temporary uses. He is not in favor of opening the issue of dimensional standards currently. After the work that was accomplished by the task force and the work sessions with Commission and Council, he does not believe it makes sense to open this issue up at this time.

Commissioner Day stated that she suggests they open the dwelling units per acre.

Senior Planner Royston asked if it would make sense for Staff to compile a list if Commissioners could email, and Staff could bring back a list to discuss strategically as opposed to debating.

Chair Delwiche asked Senior Planner Royston if she is suggesting they do not make a recommendation now and Staff comes back with a draft recommendation.

Senior Planner Royston stated that her suggestion is for Commissioners to email Staff with items that they would like to review, and during the next Planning Commission Meeting, there will be more of a work session set up in which the entire list is compiled.

Director Rollenhagen stated that either way can be done, depending on what the Planning Commission wants. He believes that by utilizing Senior Planner Royston's plan, the Commissioners are provided with more time to think about the issues before the Planning Commission acts. On the other hand, if the Planning Commission believes it has a complete list tonight, they can choose to send it on to City Council.

Chair Delwiche stated that he was hoping to prevent tasking any of the Planning Staff with the work without guidance from Council or guidance from the City Administrator. He does not want to get into the position of the Commission asking Staff to do work.

Senior Planner Royston commented that it would just be a matter of preparing meeting materials, but there is always time if City Council directs Staff to pursue these changes, for work sessions.

Chair Delwiche noted that he is comfortable with the list but asked for input from the rest of the Commission.

Commissioner Casey stated that he would like to hear the list, but perhaps instead of a list, Council should be given one or two top priorities.

Commissioner Rosenthal stated he agrees to go forward with the three chosen and bring those to City Council.

Chair Delwiche reviewed the three items: Variance Criteria; Density; and ADUs.

Commissioner Storm noted that ADUs have a deadline.

Commissioner Delwiche confirmed and Senior Planner Royston noted that ADUs are coming regardless of what City Council directs.

Chair Delwiche then restated the items as Variance Criteria, Density, and Clarification of Temporary Uses.

Senior Planner Royston stated the other Land Use Regulations that are coming from DOLA are in the same vein as ADUs. She noted there are about five bills that were passed in that session. One of them was ADU's and then minimum off-street parking, and then family definition, and several other new acts that apply to Manitou Springs.

Once again, Chair Delwiche confirmed the items that would be passed on to City Council are Variance Criteria; Density; and State mandated updates.

There was a brief discussion regarding how updates on Staff Mandates to Council would be provided.

Planning Director noted that he has had a conversation with legal counsel about some of the legislation that has passed, and City Council is going to be getting legal advice on how to respond to that legislation and that will undoubtedly effect what the planning commission does with those items.

MOTION:

Chair Delwiche made a motion to ask City Council to consider reviewing Variance Criteria, Density, and State Mandated Criteria updates to the Land Use Code.

SECOND:

Commissioner Casey seconded the motion.

VOTE:

The motion carried.

Commissioner Wilson stated he would like to interject and noted that he suggested that it may be meritorious to have a work session at the next meeting. All the Commissioners and alternates could be present, and a discussion can be had regarding the topics raised. The items can be prioritized. He noted that memories fade and, in a year, they may forget they wanted to discuss these items, and if the Commission decides there are specific items that they do not want to prioritize right now, they can be revisited later. This may help formalize and prioritize the thoughts.

Chair Delwiche inquired if Commissioner Casey wanted another motion.

Commissioner Casey stated that no, he did not want another motion, he was simply asking if there could be an agenda item added to the next meeting to schedule a work session after the quasi-judicial meeting. All the commissioners would be available, and they could do more brainstorming and create a priority list of items that they would like to raise. This list would act as a living, working document that assists in focusing efforts.

Chair Delwiche confirmed that this would be just a work session for the Commission's benefit, and not for staff or Council. He agreed that this is a good plan and noted that it will not take Staff preparation.

Senior Planner Royston reminded the Commission that the annual legal training is also on the agenda for next month.

VI. NOTICE OF COUNCIL ACTION AND UPDATES

Planning Director Rollenhagen had a few updates. He stated that anyone who was on the Plan Manitou 2.0 Working Groups should have received an email before the holidays indicating that a draft is out and available for public review. It is available on the Plan

Manitou web page, and Director Rollenhagen stated that he will send all Planning Commissioners a link. The next round of public engagement working groups, Tuesday, January 21, 2025. There will be a public meeting on Wednesday, January 22, 2025. Planning Director Rollenhagen stated he is still working with Denise in scheduling another joint working session between the Planning Commission and City Council scheduled. The hope is to do that in February, however, dates are still being reviewed. The joint work session may not occur until the last week of February.

Commissioner Casey wanted to confirm that Commissioners are encouraged not to attend public meetings.

Planning Director Rollenhagen stated that from his perspective, he is neutral on that. He noted that this is a legislative action and not quasi-judicial action. He has seen City Council members attend public meetings and so he believes it is fine for Planning Commissioners to attend public meetings. It can provide Commissioners and idea of what the public is thinking.

Senior Planner Royston did ask that any Commissioner who attends give staff advance notice so that it can be publicly noticed as a potential open meeting.

Planning Director confirmed, stating that if there is a quorum, it does have to be noticed. He stated that is what Staff has done in the past when a quorum of City Council members have attended a public meeting. Staff has made sure that they noticed it as a formal City Council meeting.

Chair Delwiche stated that an example would be last night's meeting to talk about Dillon mobility.

There was a brief discussion that when there is a quorum of commissioners attending, it should be noticed as a meeting.

Senior Planner Royston stated that she does believe that work sessions are different because there is not an opportunity for public engagement but posed the question to Attorney Parikh.

Attorney Parikh introduced himself as the new attorney for the Manitou Planning Commission. He noted that he needed to investigate the issue and get back to staff and commission but his first instinct was to say no, Commissioners would not be able to attend public engagement sessions for Plan Manitou update which would eventually be reviewed by the Planning Commission and recommended action would be sent to City Council. He states that if it is coming before the Commission, then going to a meeting beforehand, the

Commission is getting information that is not on the record and potentially not submitted for review.

Commissioner Casey stated that at the legal training next month, this could be an agenda item. He noted that his initial question was not necessarily for the upcoming meeting but for any meeting that the city holds that has public engagement.

Attorney Parikh stated that, as citizens of Manitou, attending a meeting with topics that are not coming in front of the Planning Commission is fine. However, there may be some conflict-of-interest issues that arise if a commission member goes to a meeting that raises an issue that will be coming before the Planning Commission later.

Commissioner Latimer stated that most times that do not know that. She stated that oftentimes at a public meeting an item is discussed and six months later, it comes before the Planning Commission. She stated that if they could get a more specific answer that would be helpful, because she has felt like she has had a limbo with wanting to attend and feeling that it may be inappropriate to do so.

Attorney Parikh stated he will get further clarification.

VII. ADJOURNMENT

There being no further business before the Commission, Chair Delwiche adjourned the meeting at 6:46 pm.

Minutes prepared by Nicole Tankersley, Senior Administrative Assistant