



**MANITOU SPRINGS
CITY PLANNING COMMISSION
REGULAR MEETING MINUTES
February 12, 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 Presti called the meeting to order at 5:00 PM and declared a quorum present. The following Commission members attended:

PRESENT:

Chair Alan Delwiche
Vice Chair Justin Wilson
Commissioner Mike Casey
Commissioner Carey Storm
Commissioner Gloria Latimer
Commissioner Stephen Graybill
Commissioner Megan Day

ABSENT: Commissioner David Armstrong

STAFF: Planning Director Frederick Rollenhagen
Senior Planner Chelsea Royston

GUESTS: Kunal Parikh, Planning Commission Attorney

II. PUBLIC COMMENT ON NON-AGENDA ITEMS

Frank Delay, applied for an alternate position on the board. He stated he is observing the meeting.

III. APPROVAL OF MINUTES

ITEM 1. December 11, 2024, Minutes

MOTION:

Commissioner Storm made a motion to approve.

SECOND:

Vice Chair Wilson seconded the motion.

VOTE:

The motion was carried 5- 0 with two abstentions.

IV. NEW BUSINESS

ITEM 2. MJT 2501 Major Temporary Use Permit -101 Higginbotham Road

Chair Delwiche asked if there were any conflicts of interest or ex-parte contacts to disclose. There were none.

Senior Planner Royston presented this request, stating it is a request for a temporary parking lot on unimproved lots. It is zoned commercial, and the use has been previously permitted under Temporary Use Permits from 2018- February 14, 2025. This is a renewal of the previous temporary use permits. As a reminder, the use of parking lot is used in the commercial zone district, however the performance standards outlined in the LUDC do require a paved surface. This temporary use permit is to permit the condition of a gravel parking lot rather than the use itself. The applicant provided a site plan for the proposed development that may take place in the future. It is not intended that it will be paved any time during this cycle of the temporary use permit. Staff recommends the same conditions as last year. No grading shall be completed on site prior to the approval of a grading permit; Major Temporary Use Permit will expire one year from date of approval; No overnight parking shall be permitted; and Trash and recycling receptacles shall be made available prior to the implementation of the use.

Senio Planner Royston stated that she believes that these are all in place or were in place during the use last summer. She believes it was active for three days a week and several months over the summer. It is operating in conjunction with El Paso County, and it is a park and ride for Rainbow Falls. That is still the intended use and there are no major changes from last year's temporary use permit.

Senior Planner Royston presented the Motion Language Options which include: Approve the Major Temporary Use Permit at 101 Higginbotham Road with staff conditions as outlined; Approve the Major Temporary Use Permit with an alteration to staff's conditions; Deny the Major Temporary Use Permit; or Postpone the Major Temporary Use Permit until March 12, 2025.

Commissioner Latimer asked Planner Royston if this is for all the parking area at Higginbotham or just the section closest to the storage facility where the signage is. She noted there seems to be at least two different lots divided by boulders.

Senior Planner Royston stated that she is not sure and that they should ask the applicant. He said that it is the same application as last year, but she does not recall exactly where the delineation is.

Chair Delwiche invited the applicant to speak.

Greg Wellens, Adventures Out West, 925 S. 8th Street, Colorado Springs, CO 80905. Mr. Wellens stated that there are two lots on the property. They only used one last year. The drawing Senior Planner Royston put up was provided to show that there is parking for 40-50 cars up there. He believed that he had submitted additional drawings that depicted what it looked like when it was being used. He wants to renew the permit. The parking lot was not used until last year with the opening of Rainbow Falls. Mr. Wellens stated that he had been trying to get the program running, and last year that finally happened. It seemed to be a success, and the city seemed to have enjoyed it. They did not do a great, robust business from it, however, it did get Rainbow Falls open. The Park and Ride worked well three days a week. Mr. Wellens reiterated that he was going to try to get started a little earlier this year in May, and it is still signed up for just three days a week, scheduled to run until the end of the fall at the end of October. He noted that they do have two winter viewings that El Paso County wanted to do. That would start this weekend and the following weekend it will be just Saturday and it is cold out so the waterfall should be frozen. Mr. Wellens stated they are trying to generate more use for that area. It is not intended that it will be used as a parking area forever. He is open to the Commission's ideas on what can be done with Higginbotham Flats. He stated he has tried to build the Adventure Center, but it is all very costly. The lot is for sale, and if whoever buys it, the Park and Ride would remain through the contract season of this year. The few interested parties that he has had want to build houses and apartments; however, it is zoned commercial so there could be a combination of commercial on the bottom and apartments upstairs. Mr. Wellens noted that this is the direction he is going. This is a temporary use so that he can continue to generate revenue and make the mortgage, support the city, and El Paso County and get Rainbow Falls open. Mr. Wellens stated that he enjoys the partnership and would like to develop some more uses during the week, perhaps some showings like the winter waterfall. He continued that they only have one parking lot set up and does not think it was ever full. Reservations are taken for ten cars per hour, with three or four people per car. The cost is \$20.00 per car and they run them back and forth. It is still possible to walk up from town and still go into the park.

Commissioner Casey asked Mr. Wellens if there was any intention on his part to pave the parking lot.

Mr. Wellens stated that he does not see how they could pay for the paving or justify it. He stated that they would have to be making a couple hundred thousand dollars a year in parking to get to that condition. He noted that he could set parameters to state that when they are doing \$200,000.00 in parking and it is a robust business then he could justify doing a full parking lot development in that area. Otherwise, the best use of that area must be something else. He is open to ideas from the Planning Commission. In the meantime, he

believes this is what it is. They kept the area looking nice. They collected all the chippings from the city last Spring. He thinks they can keep using it as is, as it is a good use. He posed the question “Do we need to pave the whole world?” Perhaps it is a bit more environmental do just let the water go back into the dirt.

Chair Delwiche opened the item to public comment. There were no public comments and therefore Chair Delwiche closed the public comment portion of the item.

Commissioner Graybill stated that “It’s a little like Groundhog’s Day”. He asked if this is how it’s going to work from now on. Every year Mr. Wellens comes back.

Chair Delwiche stated that is Mr. Wellens’ choice and at the discretion of the Planning Department if and when they feel they need to do something more formal. Right now, since it is in flux, it seems like a reasonable thing to do.

MOTION:

Commissioner Storm made a motion to approve the Major Temporary Use Permit MJT 2501 as submitted and outlined with the Staff’s conditions.

SECOND:

Commissioner Graybill seconded the motion.

VOTE:

Motion carries 7-0.

ITEM 3: Sub 2501- Minor Subdivision and VAR 2501-Variances

Chair Delwiche noted that the applicant is Shelagh Kasinger, and the request is for 66 Minnehaha Avenue and 68 Minnehaha Avenue.

Senior Planner Royston noted that the applicants are online so when it is time she will unmute them.

Chair Delwiche then asked if they were on video. He asked if there was any way to rearrange the screen because it is kind of lame not to be able to see the person who is the applicant.

Senior Planner Royston stated that she can go through her presentation, and she thinks the visuals will be more helpful. She said she can unshare and the applicants will be able to speak, and they will be visible.

Senior Planner Royston presented Sub 2501 and Var 2501 at 66 and 68 Minnehaha Avenue. She noted that it is unconventional to present several addresses in one staff report. There is a request for a minor subdivision and a request for two variances for a 0-foot setback where 7'5" is required. The owners wish to legally split a lot that has two existing attached dwelling units so they can be sold independently. The other outcome of these applications is legalizing existing encroachment of neighbor's house and legally combining previously vacated right of way with private property.

Senior Planner Royston noted that at this time, no new development is proposed. She presented a photo of the units as well as their location. These units are single family, residential units at 68 Minnehaha, which was illustrated on the left. On the right, a garage apartment was presented. This is also a single household, residential dwelling unit. These two structures are owned by one family, and they wish to separate them to retain ownership of one of the structures and sell the other.

Senior Planner Royston presented the minor subdivision map with the existing one parcel and the proposed two parcels. The new property boundary is shown, and it would be drawn right between the two dwelling units.

The variance requests are made because the units are attached to one another via the deck. The deck exceeds 8 feet in height and therefore is considered a structure through the Pikes Peak Regional Building Department. The proposed new property line would be drawn right at the southwest exterior wall of 66 Minnehaha and the deck which spans the distance between the two structures, would be the 0-foot setback on the 68 Minnehaha side. There is a line in green on the 66 Minnehaha side showing the setback and in blue on the 68 Minnehaha side. Other outcomes would be the creation of Tract A, which would legalize an existing encroachment where the neighbor's house extends onto the subject property. Tract A would be conveyed to the adjoining property owner so that this encroachment essentially goes away. A second outcome combines a previously vacated right of way that was vacated in 1984 to allow these properties to exist. They were built in the right of way and a series of variances in that right of way vacation were approved in 1984 by the Planning Commission and City Council. However, the vacated right of way was never formally combined with the private property so through this minor subdivision, that would all be remedied and presented as the two private properties.

Senior Planner Royston provided a slide with a closer view of the setbacks with the deck that spans the two structures. There is about 8 feet that separates the two residential structures, however due to the deck that is considered a structure that setback would be 0

feet, 0 inches. Planner Royston presented another photo showing how the deck is situated with the two structures. 66 Minnehaha is solely accessed through the second-floor deck. As a result, staff recommend a condition that would require a formal access easement to be shared between the two properties should this be approved.

Senior Planner Royston stated that she believes this will require two separate motions for the applications. For the variance, Staff recommends a shared access easement shall be recorded with the plat to allow both properties use of the stairs and deck. For the minor subdivision, Staff recommends the access easement be recorded and approval of the minor subdivision shall be contingent upon the approval of the side setback variances for 66 Minnehaha Avenue and 68 Minnehaha Avenue.

Planner Royston noted she has motion language. She stopped sharing her screen to promote the applicants so they could speak.

Chair Delwiche stated that he was curious in the finding for the four criteria on pages 37 and 38, if the language was provided by the applicant or Staff.

Senior Planner Royston stated that if it is in the Staff report it is her wording.

Shelagh Kasinger, 105 Rock Road, Manitou Springs, CO 80829. She noted that she owns the property with one of her sisters and it has been in her family for over 70 years. The property was left to the two of them, so they are trying to make it work so that one of them can keep a portion of the property and the other can sell a portion of the property. Both houses have alternate access. There is a front door to the garage apartment and a downstairs entrance into the two-story apartment. She added the piece they are trying to keep is the garage apartment, which gives access to the right of way through Trestle Trail, which then gives access to 105 Rock Road. There is no other accessible way to that home without going up Trestle Trail, and this property connects to Trestle Trail.

Chair Delwiche asked Ms. Kasinger if without this transaction, she could not get to Trestle Trail. He inquired if there is an easement.

Ms. Kasinger stated that if she had to sell both properties, she would lose the connection to Trestle Trail, and she does not know if legally she would lose the easement up Trestle Trail.

Chair Delwiche stated that it is a private matter and if she owns both properties, she could create an easement between the two properties.

Chair Delwiche opened the item up for public comment. There was no public comment, so this portion of the item was closed.

Chair Delwiche stated he would start the discussion and that he is a bit confused. Chair Delwiche referred to Page 37 of the staff report and inquired about how staff interpreted the application to meet the variance criteria. Specifically, he asked staff if having a house and an ADU (Accessory Dwelling Unit) is considered to be “reasonable use” of the property and how the statement about there not being any new development is relevant. Planner Royston indicated that the criteria are somewhat subjective and that staff’s analysis that a property of that size, could support eight dwelling units and comply with density limitations. Since there are only two dwellings, it could be interpreted to mean that not allowing the properties to be split could prevent reasonable use of the property in terms of density. Chair Delwiche stated that the term “reasonable use” is straightforward and that much of the lot is unbuildable.

Chair Delwiche also questioned how this application is not a self-imposed hardship. Staff’s analysis is that the City’s imposition of a setback requirement onto structures that predate that requirement is not the result of the property owner’s actions. She offered that a separate conversation regarding staff analysis of variance applications would be more appropriate when not discussing an active application.

Chair Delwiche asked about the third criterion and analysis, his perception is that the existing configuration is permitted as a Legal Nonconforming Structure under the Land Use and Development Code. He stated that it would be difficult to support this application and not then need to allow every other property owner with an ADU to subdivide their property. Staff indicated that this property meets frontage and lot size minimums, whereas many in town would not meet the minimum dimensional requirements.

Commissioner Storm asked for Planning Director Rollenhagen’s opinion. Director Rollenhagen stated that staff is making observations in the staff report, not advocating for or against an application. Staff intentionally leaves the decision to the Planning Commission. Commissioners Casey and Graybill made statements about the Planning Commission’s role to decide the anomalies that aren’t clearly regulated by code. Commissioner Day stated that the LUDC superimposes restrictions on historic homes and creates a hardship.

MOTION:

Commissioner Casey moved to 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.

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

SECOND:

Commissioner Graybill seconded the motion.

Discussion: Chair Delwiche asked Commissioner Casey specifically which of the six variance criteria he believes are met by the application. Commissioner Casey clarified that he agrees with staff's interpretation and analysis of the six variance criteria.

VOTE:

Motion carries 5-2 with Chair Delwiche and Commissioner Storm opposed.

MOTION:

Commissioner Storm moved to 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 Minor Subdivision, as set forth in City Code Section 18.06.4.14, with staff's conditions as outlined.

1. A shared access easement shall be recorded with the plat to allow both properties use of the stairs and deck
2. 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

SECOND:

Commissioner Latimer seconded the motion.

VOTE:

Motion carries 6-1 with Chair Delwiche opposed.

V. OTHER BUSINESS

VI. NOTICE OF COUNCIL ACTION AND UPDATES

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*