



MANITOU SPRINGS CITY PLANNING COMMISSION REGULAR MEETING AND JOINT WORK SESSION WITH THE HOUSING ADVISORY BOARD 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>

June 11, 2025

5:30 PM

A. CALL TO ORDER

B. APPROVAL OF MINUTES

1. March 2025
2. April 2025
3. May 2025

C. UNFINISHED BUSINESS

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

E. NEW BUSINESS

1. MJT 2502 - Major Temporary Use Permit for EBikes Sales, Rental, Service at 302 Manitou Avenue
2. VAR 2504 and VAR 2505 - 11 Via Loma Vista - Rear and Side Setback Variance

F. OTHER BUSINESS

1. Code Revisions Work Session

G. NOTICE OF COUNCIL ACTION AND UPDATES

H. ADJOURNMENT

Commissioners:

Alan Delwiche, Chair (12/31/2026)
Justin Wilson, Vice Chair (12/31/2025)
Mike Casey (12/31/2027)
Stephen Graybill (12/31/2026)
Gloria Latimer (12/31/2025)

City Council Liaison: Julie Wolfe

Staff:

Fred Rollenhagen, Planning Director
Chelsea Royston, Senior Planner

Roy Rosenthal (12/31/2028)
Carey Storm (12/31/2028)
Megan Day, Alternate Commissioner (12/31/2027)
Frank DeLay, Alternate Commissioner (12/31/2029)

Erin Ringsred, Planner and Landscape Architect II
Zachary Davison, Planner I

1 alternate position available

The City of Manitou Springs does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities. Reasonable accommodation will be provided to ensure equal access to all. Individuals who would like to request auxiliary aids or services should contact the ADA Coordinator at (719) 685-5481 or jfryer@manitouspringsco.gov. You may also contact the City Clerk's Office at cityclerk@manitouspringsco.gov or (719) 685-2554. Please provide a minimum of 3-5 days advance notice.

Interested citizens are invited to serve on any of the City's Boards or Commissions. Please contact the City Clerk's Office for more information or visit our website at: www.manitouspringsgov.com.



**CITY OF MANITOU SPRINGS
CITY PLANNING COMMISSION**

Regular Meeting Minutes
Hybrid Meeting via Zoom and at Memorial Hall
March 12, 2025

A. CALL TO ORDER

A Regular Meeting of the Manitou Springs City Planning Commission (CPC) was held at Manitou Springs Memorial Hall, 606 Manitou Avenue. Chair Delwiche called the meeting to order at 5:30 PM and declared a quorum present.

COMMISSIONERS PRESENT FOR ROLL CALL:

Chair Alan Delwiche
Vice Chair Justin Wilson
Commissioner Stephen Graybill
Commissioner Gloria Latimer
Commissioner Carey Storm
Alternate Commissioner Megan Day
Alternate Commissioner Roy Rosenthal

COMMISSIONERS ABSENT FOR ROLL CALL:

Commissioner Mike Casey (Excused)

STAFF PRESENT:

Planning Director Frederick Rollenhagen
Planner Zachary Davison

GUESTS PRESENT:

Planning Commission Attorney Kunal Parikh
Clarion Associates

B. APPROVAL OF MINUTES

1. January 8, 2025

Commissioner Graybill moved to approve the minutes. The motion was carried (5-0), with Alternate Commissioners Day and Rosenthal abstaining.

2. February 12, 2025

Commissioner Graybill moved to approve the minutes. The motion was carried (5-0), with Alternate Commissioners Day and Rosenthal abstaining.

C. UNFINISHED BUSINESS

There was no unfinished business.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

E. NEW BUSINESS

1. City-Owned Parcel Rezoning

Planning Director Fred Rollenhagen shared that all three rezoning ordinances being presented to the commission are part of the same project. He explained that the city staff conducted an analysis and recommended rezoning based on current usage. Planning Director Rollenhagen stated that the five parcels to be rezoned to Park are spread throughout the central area of the city and are of varying sizes. He added that the parcels are not currently being utilized for any other purpose than Park space. He shared that the 13 parcels to be rezoned to Public Facilities zone primarily contain facilities maintained by the Public Works Department. He noted that the Chamber of Commerce is included in the list of parcels to be rezoned to the Public Facility District and that the property is currently zoned commercial. Lastly, He stated that the 38 parcels to be rezoned to Open Space are spread throughout the city of varying sizes and added that the parcels are not currently being utilized for any other purpose than open space.

There was a brief discussion regarding public feedback in which Planning Director Rollenhagen shared that there were many inquiries about the purpose of the project but that there were no comments in favor or opposition.

Commissioner Rosenthal moved to approve the rezoning of all 56 city owned parcels, as detailed in the staff report, because it aligns with the goals and policies of Plan Manitou, complies with the Land Use and Development Code, and meets the established review criteria for rezoning. The motion was seconded by Commissioner Graybill. The motion was carried unanimously (7-0).

2. Plan Manitou 2.0 Certification

Planning Director Rollenhagen introduced Director Darcie White of Clarion Associates who explained that Plan Manitou 2.0 is a targeted update focusing on current background data, economic and housing trends, alignment with recent studies, and ensuring the community's core vision and values still resonate. A key outcome is to establish clear strategic priorities. The plan builds on previous community planning efforts, including the 2017 Plan Manitou and the Vision Plan. The Hazard Mitigation Plan, initially integrated, is now a standalone document, though its principles are still reflected in the updated comprehensive plan. She shared that a year-long effort

included broad public engagement through surveys, community meetings, and pop-up events, alongside dedicated working groups and collaborative meetings with city departments, CPC, and the City Council. Approximately 55 percent of the 2017 plan's actions were completed within 5 years, which is notable for a 10 to 20 year plan. She noted that many actions are also continuously ongoing. She explained that the previous plan's extensive list of actions proved challenging for staff and officials to manage effectively. Consultant White stated that the core values and big ideas important to Manitou Springs have remained consistent over many years. There's a need to adjust implementation approaches to reflect current conditions and to strategically focus on completing ongoing major projects before initiating many new ones. She presented new elements in the draft plan, which included 6 new strategic priorities, 30 new actions and a tool for staff to objectively evaluate new priorities based on factors like lead entity, fiscal impact, staff capacity, alignment with community values, and social impact. She advised that the plan is designed to be an adaptable, living document and reviewed every 2 to 3 years. She requested CPC consider certifying Plan Manitou 2.0 for submission to the City Council on April 15, 2025.

There was a discussion about the term "certify" in the context of CPC's role in approving a comprehensive plan, during which it was confirmed that it essentially means to approve and forward the plan to the City Council.

Chair Delwiche opened the public hearing and subsequently closed the public comment portion of the hearing, due to no comments.

Commissioner Latimer raised several specific points regarding the draft Plan Manitou 2.0:

- On page 105, The term "non-family households" is potentially inflammatory language. It was suggested to change the verbiage to "households without children".
- On page 199, the map's depiction of "Gateway mixed use" along Becker's Lane was deemed outdated. Most of this area has been rezoned to residential, and a reference to the "Beckers Lane Lodge", which was replaced by townhouses three years prior, also needed updating.
- On page 201, a concern was raised that the wildfire risk map for the area east of Beckers Lane might be inaccurately depicted as "moderate," and it was suggested it should be "high" like the areas to the west.

Commissioner Rosenthal moved to approve Certification of Plan Manitou 2.0 with the corrections suggested by Commissioner Latimer. The motion was seconded by Commissioner Graybill. The motion was carried unanimously (7-0).

F. OTHER BUSINESS

1. Annual Legal Training

Note for the Record – The annual legal training was postponed to the April meeting for better attendance.

2. CPC Standard Operating Procedures

Note for the Record – A draft from 2021 was found and will be included in the April packet for review.

Staff noted upcoming agenda items including updates to the land use and municipal codes for stormwater management, and a discussion on Accessory Dwelling Units (ADUs).

Staff also provided an update that a judge in Woodland Park is expected to decide on a short-term rental case soon, which could be relevant.

G. NOTICE OF COUNCIL ACTION AND UPDATES

There were no updates of Council Actions.

H. ADJOURNMENT

With no further business to discuss, Chair Delwiche adjourned the meeting at 6:49 PM.

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**CITY OF MANITOU SPRINGS
CITY PLANNING COMMISSION**
Regular Meeting Minutes
Hybrid Meeting via Zoom and at Memorial Hall
April 9, 2025

A. CALL TO ORDER

A Regular Meeting of the Manitou Springs City Planning Commission (CPC) was held at Manitou Springs Memorial Hall, 606 Manitou Avenue. Chair Delwiche called the meeting to order at 5:30 PM and declared a quorum present.

COMMISSIONERS PRESENT FOR ROLL CALL:

Chair Alan Delwiche
Commissioner Mike Casey
Commissioner Stephen Graybill
Commissioner Gloria Latimer
Commissioner Roy Rosenthal
Alternate Commissioner Megan Day

COMMISSIONERS ABSENT FOR ROLL CALL:

Vice Chair Justin Wilson (Joined at 5:41PM)
Commissioner Carey Storm (Excused)

STAFF PRESENT:

Planning Director Frederick Rollenhagen
Senior Planner Chelsea Royston

GUESTS PRESENT:

Planning Commission Attorney Kunal Parikh

B. APPROVAL OF MINUTES

No minutes were presented.

C. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

D. UNFINISHED BUSINESS

No unfinished business was discussed.

E. NEW BUSINESS

1. Stormwater Management Updates to Title 18; Land Use and Development Code (LUDC)

Planning Director Rollenhagen, with input from Stormwater Consultant John Chavez with Chavez Consulting Inc., LLC, presented proposed amendments to the city's municipal code. It was noted that amendments to Title 6, Title 14, and Title 18 are recommended; however, CPC's purview extends only to the approval of Title 18. The proposed amendments to Title 18 are intended to support changes to Title 14. The primary objective of these amendments is to ensure the city remains compliant with its Municipal Separate Storm Sewer System (MS4) permit, issued by the Colorado Department of Public Health and Environment (CDPHE). This effort stems from a 2021 MS4 permit compliance evaluation conducted by Consultant Chavez, which identified deficiencies in the city's existing stormwater regulatory framework. A new section (18.03.11) on Stormwater Management was proposed to explicitly connect to Title 14, requiring drainage plans to meet Colorado Springs drainage criteria and specifying documentation for detention and infiltration facilities. Multiple revisions to the Grading and Erosion Control Permit section (18.06.4.23) were presented as well.

Proposed changes to the Grading and Erosion Control Permit section included:

- A revision to clarify applicability was recommended. A permit would be required if land disturbance meets the definition of an "applicable construction activity" as defined in Title 14. The definition of applicable construction activity primarily refers to projects disturbing greater than one acre of land, or smaller projects that are part of a larger plan exceeding one acre. These larger projects would trigger more rigorous requirements for standards and inspection frequencies.
- A proposed change to remove the word "installation" from the exemptions section, would result in utility installation projects that disturb over an acre being considered new construction rather than maintenance. These projects would require a permit under the stricter Title 14 guidelines, ensuring compliance with state definitions.

There was brief discussion about the applicability of the proposed code changes to current utility installations, specifically at 6 El Paso Boulevard, during which Senior Planner Royston clarified that because the project involved new utilities on private property and did not exceed the one acre disturbance threshold, it would not trigger the new requirements outlined in the proposed Title 14. Consultant Chavez, further explained how land disturbance for utility mains is calculated and confirmed that the 6 El Paso Boulevard project likely fell below the one acre threshold.

There was a brief discussion concerning references in the proposed code amendments, during which staff confirmed they would ensure the forms on the website match the names referenced in the code. They also clarified that financial surety is already covered elsewhere in the code.

Chair Delwiche opened the hearing for public comment at 06:04 PM. Due to no public comment, Chair Delwiche subsequently closed the public comment portion of the hearing.

Commissioner Graybill moved to approve the amendments to Title 18 Land Use Development Code based on the findings that the amendments will bring the city into compliance with the Municipal Separate Storm Water Sewer System MS4 permit issued by the Colorado Department of Public Health and Environment. The motion was seconded by Commissioner Rosenthal. The motion was carried (6-0).

Note for the Record – Vice Chair Wilson arrived at 5:41 PM.

F. OTHER BUSINESS

1. Best Legal Practices Presentation

CPC Attorney Parikh provided legal training for the commission, covering their roles, responsibilities, and legal boundaries. He explained that the purpose of CPC is to guide coordinated city development to promote health, safety, morals, and economy. The commission's authority is advisory, legislative, and quasi-judicial, exercised through recommending or deciding on land use applications after reviewing staff reports, evidence, and public testimony. Commissioners act as a body, not individuals, and lack authority to spend city funds, direct staff, or bind the city legally without the City Council's approval. Legal advice given to the commission is confidential. CPC Attorney Parikh also reviewed best practices and provided guidance on several key topics including, Colorado Open Records Act (CORA), Colorado Open Meetings Law (COML), conflicts of interest, governmental immunity and personal liability, ex parte communications and due process.

There was a general discussion regarding communications, best practices and proper procedure, during which it was clarified that commissioners may email staff, so long as the communication does not involve prejudging a decision. It was explained that Any party with standing can appeal CPC's decision, even a neighbor. Commissioners were advised to base their votes on established criteria and to remain focused on the facts when navigating community pressure or personal viewpoints. Lastly, alternate commissioners were advised to refrain from advocating for or against a pending quasi-judicial application, because such actions could create a conflict of interest, an appearance of impropriety, and violate due process, potentially leading to a challenge of the decision.

Commissioner Latimer noted recent excavation on the Manitou Springs side of 6 El Paso Boulevard, expressing concern that the location of the three units appeared different from what was initially proposed, particularly regarding excavation at what may be a "no-build zone" on the hillside.

Planning Director Rollenhagen clarified that the current plan is for single-family residential units on three lots, two of which are flag lots sharing a common access. They confirmed that they have been working with the developers to prevent encroachment into the "no-build area." While acknowledging the visual confusion at the site, staff committed to reviewing the plans and conducting a site visit the following day to ensure compliance with the approved designs. They also encouraged commissioners to use channels like SeeClickFix, phone, email, or in-person visits to the planning department for inquiries outside of public hearings.

G. NOTICE OF COUNCIL ACTION AND UPDATES

The Planning Director provided several updates:

- Roy Rosenthal was officially appointed as a regular member of the commission by the City Council.
- Plan Manitou will be presented to the City Council Tuesday April 15, 2025, incorporating the commission's recommended additions and changes. Additionally, the City Council will hold the second reading for the city parcel rezoning project, which CPC approved at the March 12, 2025 meeting.
- There is a significant update with the state legislation regarding Accessory Dwelling Units (ADUs). The city is aware of the June 30, 2025 deadline for communities to adopt certain requirements. A work session with CPC is scheduled for May to address this. Planning Director Rollenhagen emphasized the tight timeline for both CPC and City Council to consider code changes and legal counsel's advice, which could impact the final decision. The city is actively working with the Department of Local Affairs (DOLA) on related rulemaking to ensure they have adequate time to decide, even if it means potentially extending past the deadline if legally permissible.

H. ADJOURNMENT

With no further business to discuss, Chair Delwiche adjourned the meeting at 6:47 PM.

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**CITY OF MANITOU SPRINGS
CITY PLANNING COMMISSION**
Regular Meeting Minutes
Hybrid Meeting via Zoom and at Memorial Hall
May 14, 2025

A. CALL TO ORDER

A Regular Meeting of the Manitou Springs City Planning Commission (CPC) was held at Manitou Springs Memorial Hall, 606 Manitou Avenue. Chair Delwiche called the meeting to order at 5:30 PM and declared a quorum present.

COMMISSIONERS PRESENT FOR ROLL CALL:

Chair Alan Delwiche
Vice Chair Justin Wilson
Commissioner Stephen Graybill
Commissioner Gloria Latimer
Commissioner Roy Rosenthal
Alternate Commissioner Megan Day (via Zoom)
Alternate Commissioner Frank DeLay

COMMISSIONERS ABSENT FOR ROLL CALL:

Commissioner Mike Casey (Excused)
Commissioner Carey Storm (Excused)

STAFF PRESENT:

Planning Director Frederick Rollenhagen

GUESTS PRESENT:

Planning Commission Attorney Kunal Parikh

B. APPROVAL OF MINUTES

The City has a new policy wherein all boards and commissions minutes are sent to City Clerk Staff for review to maintain compliance with digital accessibility standards. Minutes are being formatted to the new standard.

C. UNFINISHED BUSINESS

No unfinished business was discussed.

E. NEW BUSINESS

Note for the record – Due to an audio issue with Zoom, Section D, Public Comment on Non Agenda Items was revisited after Section E, New Business.

1. ADJ 2501 – Boundary Adjustment, VAR 2502 – Variance (Setback), and VAR 2503 – Variance (Lot Frontage) at 360 Via Linda Vista and 370 Via Linda Vista

Chair Delwiche shared his previous involvement with the applicant in regard to educating them about joining the commission, and as a result has basic pre-existing knowledge of the case. Because there is no financial or personal conflict, staff advised the Chair that there is no need to recuse.

Note for the Record – Commissioner Rosenthal recused himself and left the room.

Planning Director Rollenhagen, presented on three intertwined cases concerning the properties at 360 and 370 Via Linda Vista, including a boundary line adjustment (Adjustment 2501) and two associated variance requests (Variance 2502 and Variance 2503). The core request is to revise the property line between 360 and 370 Via Linda Vista to incorporate an existing carport on 370 Via Linda Vista into the 360 Via Linda Vista property. This boundary adjustment, while typically administrative, requires CPC review because it creates two new nonconformities that necessitate variances:

- Variance 2502 (for 360 Via Linda Vista): A request to reduce the rear setback for the proposed new lot line from the required 25 feet to approximately 18 feet, directly behind the carport.
- Variance 2503 (for 370 Via Linda Vista): A request to reduce the lot frontage from the required 85 feet to approximately 15 feet. It was noted that 370 Via Linda Vista currently does not meet the 85-foot frontage requirement even without the proposed adjustment.

Staff reviewed the six approval criteria for boundary adjustments. Additionally, staff outlined the approval criteria for the variances, which include findings that the variance won't create natural hazard risks or adverse impacts on adjacent properties, and that it meets at least four additional criteria such as unnecessary hardship or lack of design alternatives. Staff identified a potential alternative parking space for 360 Via Linda Vista which could eliminate the need for the rear setback variance. Staff recommended two conditions to the CPC in the event the commission approved all three applications:

- All applications' approvals are contingent upon the approval of each other, as they are intertwined.
- Updated plat documents reflecting the new property configuration must be recorded with the County Clerk's Office.

Commissioner Latimer commented that the request only met three of the variance criteria and that the need for the variance was the result of a self-imposed hardship.

Planning Director Rollenhagen clarified that the current owners have owned the property since 1975, indicating that the hardship was not self-imposed by recent actions.

There was a brief discussion about the motivation behind the request, during which Planning Director Rollenhagen explained that the change was prompted by a potential sale of one of the properties and a desire to ensure the carport is located on the property where it will be used. He added that while an easement currently allows use of the carport, the owners prefer full ownership.

Planning Director Rollenhagen confirmed that the property is considered a legal nonconforming lot because it existed prior to the current frontage standard.

Applicant Jane Rosenthal, stated that she has owned 370 Via Linda Vista approximately 48 years. She added that they have done their best to make the process as smooth as possible and that they have tried to meet the required criteria.

Chair Delwiche opened the hearing for public comment at 06:07 PM.

Sean Warner – 240 Via Linda Vista

Mr. Warner stated that he knows the owner of 360 Via Linda Vista very well. He shared concerns that the location of the driveway proposed as an alternate is on a sheer drop off and would require a lot of construction. He added that it would obstruct views and cause an eyesore to the neighborhood. He stated that he believes it makes more sense to use the established carport since it was sold with the intention of belonging to 360 Via Linda Vista. He expressed hope that the request would be approved.

There was a brief discussion about where the residents currently park if not using the carport, during which Planning Director Rollenhagen explained that they have parking access from a shared driveway via the cul-de-sac.

With no other comments, Chair Delwiche closed the public comment portion of the hearing at 06:11 PM.

There was a general discussion about the proposed boundary adjustment and variances for 360 and 370 Via Linda Vista, in which commissioners expressed mixed feelings, particularly regarding the variance criteria.

Commissioner Latimer stated that she understood the applicants' reasoning and that the proposed boundary makes sense over a legal easement. However, she expressed concern that the application does not meet the minimum criteria that CPC is expected to follow.

Vice Chair Wilson echoed Commissioner Latimer's sentiments. He acknowledged the owners' efforts but emphasized that approving the request without meeting the criteria would exceed the commission's authority.

Chair Delwiche agreed that the application does not meet the criteria. He noted that while an easement exists, it could limit the property owner in the long term. He considered approval, viewing the request as a way to address a historic anomaly unique to the cul-de-sac and its configuration. He added that doing nothing could leave more of a mess than taking action.

There was a brief discussion regarding ownership related to easements, in which Planning Director Rollenhagen explained that an easement gives access but does not indicate any level of ownership. An easement agreement usually remains in effect in perpetuity unless one or both parties agree to terminate the easement.

Planning Director Rollenhagen advised that, since the three cases are intertwined, it's recommended CPC make a motion for all three together.

Applicant Rosenthal stated that she could not see how the residents at 360 Via Linda Vista not owning their carport would not be considered a hardship. She noted this situation made them unique on the block, as they would be the only ones not owning the property where their cars are parked. She also asked for clarification on how they could meet the criteria if required to move forward.

Chair Delwiche responded that the criteria are very specific and suggested the applicant work with staff, though he indicated staff might not have additional recommendations beyond what had already been provided. He concluded that a solution seemed to be in place but was uncertain if any changes could be made.

Commissioner Latimer moved to deny the boundary adjustment at 360 Via Linda Vista and 370 Via Linda Vista based on the findings that the request does not meet the review criteria for granting a boundary adjustment as set forth in city code section 18.06.4.20 and deny the approval of variance 2502 and variance 2503 based on the findings that the requests do not meet the applicable criteria set forth in the city's code. The motion was seconded by Vice Chair Wilson. The motion was carried (4-0).

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

Note for the Record – Commissioner Rosenthal rejoined the meeting.

Sean Warner – 240 Via Linda Vista

Mr. Warner stated that the current owners of 360 Via Linda Vista wanted to comment, but due to the technical issue were not able to. He explained that it is a hardship for the owners to have to pay for and maintain a structure that they don't legally own, and that there are no alternative parking options. He added that the owners will face the same issue when they sell the property. He commented that he believes the owners should be given the opportunity to speak before the vote is considered fair.

CPC Attorney Parikh, advised that since the commission has already voted on the item, it can no longer be discussed and voted on. The applicants do have the ability to appeal CPC's decision.

Vice Chair Wilson confirmed that the ownership of 360 Via Linda Vista had transferred to the new owners and was no longer under contract. He also clarified that the technical issues were no fault of the city. The applicants were given time to join the meeting, which was properly noticed, but they did not appear.

John Block – Owner of 123 Manitou Avenue

Mr. Block, with Paragon Realty provided an update on their Low-Income Housing Tax Credit (LIHTC) application. Despite substantial support from 20 local companies and residents, the City Council, the Housing Advisory Board (HAB) and the Urban Renewal Authority (URA), the application was denied by the Colorado Housing and Finance Authority (CHFA). He noted the significant investment of over \$50,000, time and effort in putting the application together. CHFA emphasized concerns about zoning density, noting the project was at a disadvantage because it could not support more units, which is an important factor in awarding tax credits. Although the project reached its maximum density with 43 units on 2.2 acres, their consultant noted that the average low income housing tax credit project now includes around 53 units, making higher density more competitive. Mr. Block encouraged CPC to revisit the density code.

F. OTHER BUSINESS

1. Code Revisions Work Session

Planning Director Rollenhagen noted that while they initially planned to cover density requirements and variance criteria, this session would primarily focus on the state's 2024 land use and housing legislation due to its complexity and urgency. He promised updates on density and variance criteria in June. Planning Director Rollenhagen shared that there were four key bills passed in 2024:

- House Bill 1007 prohibits local governments from setting maximum occupancy limits on single-family dwellings unless based on a demonstrated health and safety standard.
- House Bill 1152 mandates that municipalities with populations of 1,000 or more within a Metropolitan Organization allow Accessory Dwelling Units (ADUs) as a use by right accessory to any single-unit detached dwelling in any zoning district that permits such dwellings.
- House Bill 1304 prohibits local governments within a metropolitan organization and a transit service area from enforcing minimum parking requirements for multifamily residential developments, adaptive reuse projects, and mixed-use projects with at least 50 percent residential uses.

- A fourth bill was presented regarding transit oriented communities which staff advised does not apply to the city at this point but may be applicable or of use in the future.

Planning Director Rollenhagen elaborated on House Bill 1152, explaining that new state rules limit local and Homeowners Association (HOA) restrictions on ADUs, prohibiting requirements like off-street parking in certain cases, owner-occupancy mandates, or stricter design standards than those for primary dwellings. Cities must amend their codes for compliance but may still regulate aspects such as short-term rentals, setbacks, historic standards, utility capacity, and impact fees. Regarding House Bill 1304 he explained that to comply, the city must adopt an ordinance clarifying that minimum parking requirements do not apply in these zones for eligible projects. An exception allows up to one parking space per unit for developments with 20 or more units or those including regulated affordable housing. For projects with 19 or fewer units, off-street parking may not be required at all.

There was a brief discussion about whether the city could restrict structures like shipping containers, tiny houses or pre-manufactured units as ADUs, to which Planning Director Rollenhagen advised that the city could restrict these kinds of structures as ADU's.

Planning Director Rollenhagen confirmed that the law requires the city to allow ADU's where single family dwellings are allowed. He added that ADUs wouldn't be required in commercial districts where single family dwellings aren't allowed.

Regarding the June 30, 2025 deadline for ADU compliance, Planning Director Rollenhagen shared that he is exploring a six month extension request with the Department of Local Affairs (DOLA), citing the ongoing comprehensive work plan and the need for thorough code revisions.

Alternate Commissioner Day encouraged the commission to look beyond minimum compliance and consider the purpose behind the state legislation, to support more attainable and affordable housing. She suggested CPC consider removing minimum parking requirements in broader areas, such as downtown or historic districts.

There was a general discussion about moving forward with drafting an ordinance for ADUs and parking requirements. Chair Delwiche suggested meeting with HAB and others to get input on the matter and noted that HAB had a draft ADU ordinance from around 2018. It was determined that HAB would be invited to join CPC for the June meeting.

CPC Attorney Parikh advised the commission regarding House Bill 1304. He clarified that although no lawsuits have been filed, some municipalities are raising concerns about compliance, as the state is regulating in an area typically reserved for local governments. He cautioned that the risk remains that either the state or a resident could file a lawsuit for noncompliance.

G. NOTICE OF COUNCIL ACTION AND UPDATES

Planning Director Rollenhagen provided several updates on recent city actions:

- Plan Manitou 2.0 was approved by the City Council following the Planning Commission's approval.
- The stormwater ordinance revisions, specifically Title 18, are moving forward. After CPC recommended approval in April, the City Council requested a work session, which was held May 13, 2025. The ordinance is now ready for its first and second readings.
- The Historic Preservation Commission (HPC) has organized an Architectural Treasure Hunt for Historic Preservation Month. Participants can find specific features and submit their findings for prizes.

H. ADJOURNMENT

With no further business to discuss, Chair Delwiche adjourned the meeting at 6:41 PM.

If you need this document in an alternative format, such as large print, accessible PDF, or Braille, please contact the City Clerk's Office at cityclerk@manitouspringsco.gov or (719) 685-2554.



Title: MJT 2502 - Major Temporary Use Permit for EBikes Sales, Rental, Service at 302 Manitou Avenue
From: Chelsea Royston, AICP, Senior Planner
To: City Planning Commission
Address of Proposal: 302 Manitou Avenue
Applicant: Gregory Cobble, Applicant

June 11, 2025

Proposal:

The applicant is requesting a Major Temporary Use Permit to allow the continued operation of the E-Bikes Tours and Rentals business from the accessory structure at 302 Manitou Avenue.

Zone District:

Commercial (C)

Background & Existing Conditions:

This application was initially heard under MJT 2304 on June 14, 2023, which limited the temporary activities to the rental and storage of E-Bikes as a way for the applicant to assess viability of the site for a permanent business. The application was amended on August 9th, 2023 to include all aspects of the business (sales, service, accessories) so that the applicant could move the entire business from downtown Manitou Springs to the 240 square foot accessory structure in the parking lot of 302 Manitou Avenue. The business is currently operating under MJT 2403 which was approved on June 12, 2024

Application Detail:

The applicant proposes to use this site as the primary rental location as it is situated closer one of the company's popular tour destinations. The proposed hours of operation are 10:00am-5:00pm Tuesday – Sunday, which is consistent with MJT 2304 as amended. The applicant also proposes to use a pop-up tent/canopy to display the bikes under throughout the day. The applicant also indicated that customers would be directed to the public restrooms at Schryver Park as there is no running water to the accessory structure.

Staff previously informed the applicant that a Major Development Plan will be required for a permanent change of use, along with various studies and physical site improvements, such as:

- Site plan
- Drainage plan
- Landscape plan
- Ecological characterization study

Staff determined that a Major Development Plan would be required as this would qualify as a “change of a nonresidential use to another nonresidential use with the potential for significant off-site impacts.” The Colorado Department of Transportation (CDOT) has previously indicated



that improvements to this site would require one of the site's access points along Manitou Avenue, which is in CDOT right-of-way, to be closed off resulting in a change to site circulation at a busy intersection. Staff also clarified with the applicant that these plans, studies, and the resulting improvements would be applicable to the entire parcel, which includes the two other businesses (Jack's Liquor and Subway). Staff is not supportive of this use becoming permanent without completing the Major Development Plan process and associated improvements.

A Major Development Plan (MDP 2401) for a new commercial structure was initially submitted June 18, 2024 and completed two review cycles prior to being withdrawn at the request of the property owner on March 11, 2025.

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 publication 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 will generally not be detrimental to the public's health and general welfare. 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 is a tourism-related business.

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.

The applicant states that the business projects an average of approximately three customer vehicles per day to the site. It is unclear how many standard and ADA parking spaces are on the site. While not required for a Major Temporary Use Permit, if the applicant pursues a permanent presence on the site, a parking and circulation plan would be required.

Staff Recommendation:

Staff recommends the approval of the Major Temporary Use Permit with the following conditions:

1. The Major Temporary Use Permit will expire one year from the date of approval.



Motion Language Options:

Approve the Major Temporary Use Permit at 302 Manitou Avenue, 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 302 Manitou Avenue, 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 302 Manitou Avenue, 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 302 Manitou Avenue to July 9, 2025 for further consideration.



APPLICATION TYPE

Physical Development Permits

- | | |
|---|--|
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Hillside Development Plan |
| <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Minor Development Plan | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Major Development Plan | <input type="checkbox"/> Material Change of Appearance |

Use Permits

- | | |
|---|--|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Wireless Facility Permit |
| <input type="checkbox"/> Short-term Rental Permit | <input checked="" type="checkbox"/> Temporary Use Permit – Minor |
| <input type="checkbox"/> Long-term Occupancy Permit | <input type="checkbox"/> Temporary Use Permit- Major |

Subdivisions

- | | | |
|--|--|---|
| <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Boundary Adjustment | <input type="checkbox"/> Easement Vacation |
| <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Revised Final Plat | <input type="checkbox"/> Rights-of-Way Vacation |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Waiver of Replat | |
| <input type="checkbox"/> 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

4-22-25

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

Date



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 E-bike Tours & Rental
Physical Address 906 Manitou Ave #102
Lot, Subdivision _____
Tax Schedule Number (TSN) _____
Pre-Application Conference Number (if applicable) _____

Property Owner

Name Randy (Jack's Liquor) Phone 972-878-4899
Email randhir465@gmail.com ZIP _____
Mailing Address _____

Agent/Applicant

Name Gregory Cobble Phone 719-246-2675
Email gcobble@gmail.com ZIP _____
Mailing Address above

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: _____

From: [Gregory Cobble](#)
To: [Chelsea Royston](#)
Subject: Re: Aug. 9
Date: Friday, July 21, 2023 6:37:32 AM
Attachments: [image001.png](#)

Good Morning,
Please review my request for the Temporary Permit at 306 Manitou Avenue to be modified.

We are requesting in the event we have to move from our current location at 906 Manitou Avenue, that we would be able to move over our existing business, to the 306 Manitou Avenue, and conduct our overall business. Our overall business includes not only renting Ebikes as we are currently doing at 306 Manitou Avenue, but also selling Ebikes & various Ebike accessories, and servicing Ebikes that are in need of repair. Our hours of operation would be 10-5:00 pm, Tuesday - Sunday, and closed on Mondays. The current parking lot would be (by us) lined for parking, including 8-10 spaces, which is plenty for our operation. If approved, we will proceed in applying for a Minor Development Plan to assume doing business at this location longer term.

Thank you !

Gregory Cobble
Ebike Sales & Rental
906 Manitou Avenue #102
Manitou Springs, CO. 80829
C: 719-246-2675
gcobble@gmail.com

On Thu, Jul 20, 2023 at 9:15 AM Chelsea Royston <croyston@manitouspringsco.gov> wrote:

Yes, you're scheduled for August 9th. Please provide an email with the updated request. You mentioned wanting to sell bikes there, but please include any other activities, such as repairs. Also include any proposed changes to hours of operations, etc.

Thank you,



Chelsea (Stromberg) Royston,
AICP (she/hers)

Senior Planner
City of Manitou Springs

Main | (719) 685-4398

Direct | (719) 685-2559

croyston@manitouspringsco.gov

606 Manitou Avenue

Manitou Springs, CO 80829

www.manitouspringsgov.com

From: Gregory Cobble <gcobble@gmail.com>
Sent: Thursday, July 20, 2023 8:46 AM
To: Chelsea Royston <croyston@manitouspringsco.gov>
Subject: Aug. 9

Did I get this hearing date?

Gregory Cobble
Ebike Sales & Rental

906 Manitou Avenue #102

Manitou Springs, CO. 80829
C: 719-246-2675

gcobble@gmail.com

Under the Colorado Open Records Act (CORA), all messages sent to or from this e-mail account may be subject to public disclosure. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. City of Manitou Springs, 606 Manitou Avenue, Manitou Springs, CO 80829



Title: VAR 2504 and VAR 2505 - 11 Via Loma Vista - Rear and Side Setback Variance
From: Zach Davison - Planner
To: City Planning Commission
Address of Proposal: 11 Via Loma
Applicant: McCracken Professional Builders

June 11, 2025

Proposal:

To accommodate new structural support posts for the replacement of an existing deck, the property owner requests a variance (VAR 2504) to reduce the rear yard setback to eight (8) feet where twenty-five (25) feet is required, and a variance (VAR 2505) to reduce the side yard setback to eight (8) feet where ten (10) feet is required.

Zone District:

Low Density Residential (LDR)

Background & Existing Conditions:

The subject property is developed with a single-family residence situated on a sloped lot with a rocky outcrop in the backyard. A wood deck was originally constructed in 1971, wrapping around the west side of the house. The existing deck is approximately 630 square feet, standing five feet (5') high, and measuring approximately seventy feet (70') long, with a depth of approximately four feet (4') on its shortest side and twenty-three feet (23') on its longest side. Furthermore, the rear deck is an emergency egress and provides outdoor use for the residents and the owner states the deck has historically served as a buffer against hillside erosion and runoff.

The deck (and main house) currently encroaches into the rear and side setbacks. The deck was built in 1971 along with the main house, before the current zoning code was enacted. As a result, it is considered a legal nonconforming structure. Current setback measurements for the existing deck are:

	Required Setback	Current Setback	Proposed Setback
Rear Yard	Twenty-Five (25) feet	Nine (9) feet	Eight (8) feet
Side Yard	Ten (10) feet	Eight (8) feet over four-foot distance	Eight (8) feet over five-foot distance



Although the deck does not conform to current setback standards, it was built legally and has remained in use for over five decades. However, the structure has now significantly deteriorated due to age and weather exposure. The existing support posts have decayed and are no longer structurally reliable, and repairs are not feasible or cost-effective.

To achieve the necessary repairs, the contractor (Quality Decks) determined that the new support posts must be positioned approximately one foot (1) farther to the west from their current positions. This placement ensures the posts are not reinstalled into eroded or previously disturbed soil. The adjustment results in a slight enlargement of the deck and necessitates further encroachment of approximately one foot (1).

Application Detail:

VAR 2504—Rear Setback

The proposed reconstruction will increase the depth of the deck by one (1) foot, extending further towards the western (rear) property boundary. The proposed construction will sit approximately ten feet (10) from the rear property line at the northwest corner and eight feet (8) from the southwest corner. The Low-Density Residential zone district requires permanent accessory structures to maintain a twenty-five (25) foot rear setback.

VAR 2505—Side Setback

The proposed reconstruction will sit approximately eight feet (8) from the side property line on the north side. The Low-Density Residential zone district requires permanent structures to maintain a ten-foot (10) foot side setback. While the proposed construction will not further reduce the side yard setback, the westward expansion will increase the length of the nonconforming span on the northern end of the deck from four (4) feet to five (5) feet.

Public Involvement:

The application was noticed via postcards to properties within 300 feet of the property boundaries, in the newspaper and via a poster posted on site. No comments have been received as of the publication of this report.

Findings & Review Criteria:

18.06.4.2 –Variance—VAR 2504 (Rear Setback) and VAR 2505 (Side Setback)



E. Approval Criteria. No variance shall be authorized unless the Planning Commission finds that all 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. No new development is proposed within any area designated as having a risk of natural hazard.
2. No adverse impact will result on adjacent properties;
 - a. The variance will not have adverse effects on adjacent properties of which staff are aware.

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 applicant's property is uniquely situated on a steep slope with loose, erosion-prone terrain and a deteriorating 55-year-old deck that cannot be safely repaired. The enforcement of setback requirements without variance would prevent the placement of new support posts in suitable locations, causing a hardship not typically experienced by other properties in this zone district with flatter topography. Moreover, the existing deck has historically helped buffer the hillside from erosion and runoff, failure to repair this deck could have detrimental impacts to the rear portion of the property, exacerbating the existing hardship.
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. The applicant and contractor (Quality Decks) explored alternatives, but due to unstable and sloped terrain, the only structurally viable location for new posts is approximately one foot (1) beyond the current deck line. Redesigning the deck to comply strictly with setbacks would compromise safety, structural integrity, and access, making the variance the minimum necessary to enable a safe and functional replacement.



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. Enforcement of the current setback requirements would prevent the applicant from making essential structural repairs to a long-standing deck. This deprives the applicant of the ability to maintain safe, functional outdoor space and erosion protection. Without the variance, the applicant is burdened due to topography and age of the existing structure.
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 need for the variance results from the natural degradation of the original deck over 50+ years, combined with shifting environmental conditions like increased erosion. The original deck replacement—and expansion—is driven by safety, topographic, and environmental realities rather than self-imposed alterations.
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. While it is not noted that any household member has a documented disability, the deck provides essential outdoor access and movement along a steep and erosion-prone portion of the property. It is the opinion of staff that the ability to safely navigate this area is important not only for maintenance and emergency access, but also for aging residents or future occupants with mobility challenges. Reconstructing the deck with adequate width and property footing placement supports long-term accessibility and safety consistent with the intent of this provision. The request reflects the need to ensure continued use of the deck by individuals of varying physical ability, even in the absence of a specific diagnosed disability.
6. The variance request is required in order to preserve a contributing structure in a historic sub district.
 - a. The property is not located in a historic sub-district.

Staff Recommendation:

Should the City Planning Commission find it appropriate to approve the two variances, staff recommend the following conditions:



1. Approval of any of the applications shall be contingent upon the approval of both applications, as each variance is dependent on the other.

Motion Language Options:

VAR 2504 – Variance (rear setback)

Approve the Variance at 11 Via Loma, 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.

Approve the Variance at 11 Via Loma, 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 an alteration to staff's conditions as follows...

Deny the Variance at 11 Via Loma, 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 11 Via Loma, to July 9, 2025, for further consideration.

VAR 2505 – Variance (side setback)

Approve the Variance at 11 Via Loma, 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.

Approve the Variance at 11 Via Loma, 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 an alteration to staff's conditions as follows...

Deny the Variance at 11 Via Loma, 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 11 Via Loma, to July 9, 2025, 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 Finley Deck Replacement

Physical Address 11 Via Loma Manitou Springs, CO 80829

Lot, Subdivision _____

Tax Schedule Number (TSN) _____

Pre-Application Conference Number (if applicable) _____

Property Owner

Name Bruce Finley Phone 303-350-7259

Email brucefinley13@gmail.com ZIP 80829

Mailing Address 11 Via Loma Manitou Springs, CO

Agent/Applicant

Name MCCRACKEN PROFESSIONAL BUILDERS. /Quality Decks Phone 719-491-6198

Email office@mccrackenpros.com ZIP 80863

Mailing Address 750 E US24 Suite 202B Woodland Park, 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.
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For Office Use Only
Action Number: _____ Fee Paid: _____



APPLICATION TYPE

Physical Development Permits

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

Use Permits

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

Subdivisions

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

Relief from the LUDC

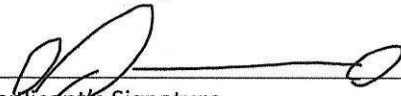
- Waiver
- Variance

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

4/25/25

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

5/6/25

Date

I need to replace the wood deck built around my house in 1971 for fire safety, structural stability, mobility (for maintenance and people with disabilities), and environmental resilience to better protect the foundations of the house from snow and rain that can worsen erosion. The Pikes Peak Regional Building Department has reviewed and approved plans submitted by Quality Decks, which present the most cost-effective and affordable option for me. I understand a variance will be necessary to facilitate this reasonable replacement.

The Quality Decks plans require sinking new posts into stable spots on the gravel slope close to the foundations at the house on a stable relatively flat area well away from a rocky outcrop running around the west side of the house on the hillside. The current 55-year-old deck is attached to the house along on the west side, and the plans require a slight width increase in this area, by approximately one foot, to sink new posts immediately adjacent to where the existing posts were installed in the gravel terrain around the foundations of the house. Please grant the variance needed to allow this deck replacement to proceed according to the Quality Deck plan.

The slight width increase is necessary for multiple reasons and will improve and maintain the house, increase safety, protect the foundations from direct hail and rain, and preserve the fragile erosion-prone terrain around the base of the house.

1) **SAFETY** - Quality Decks will remove the current deck and replace it without a non-flammable composite deck - fire-proof and in line with Manitou Fire Department and Colorado best practices for living in a fire zone. A hotter, drier climate and the increased risk of fire ignition in this area necessitate this replacement. The replacement deck must be wider than the existing deck to enable reasonable emergency access for fire crews with firefighting equipment in case of a fire on the hillside. The replacement deck would provide a viable platform that is less of a ledge and give fire crews a better chance of slowing the spread of a fire blowing up from heavily visited areas to the west. The solid non-flammable replacement deck above the native vegetation slope, as laid out in the Quality Decks plans, would better enable firefighters to douse flames to protect this home and adjacent homes and could be crucial in stopping the advance of a wildfire because the Loma street alone does not allow safe access to the hillside where a fire driven by the typical winds out of the west could run upward rapidly toward homes. To mitigate this risk, the owner has maintained a sprinkler hose around the edge of the deck as protection that could assist firefighters and keep them safer in a worst-case scenario.

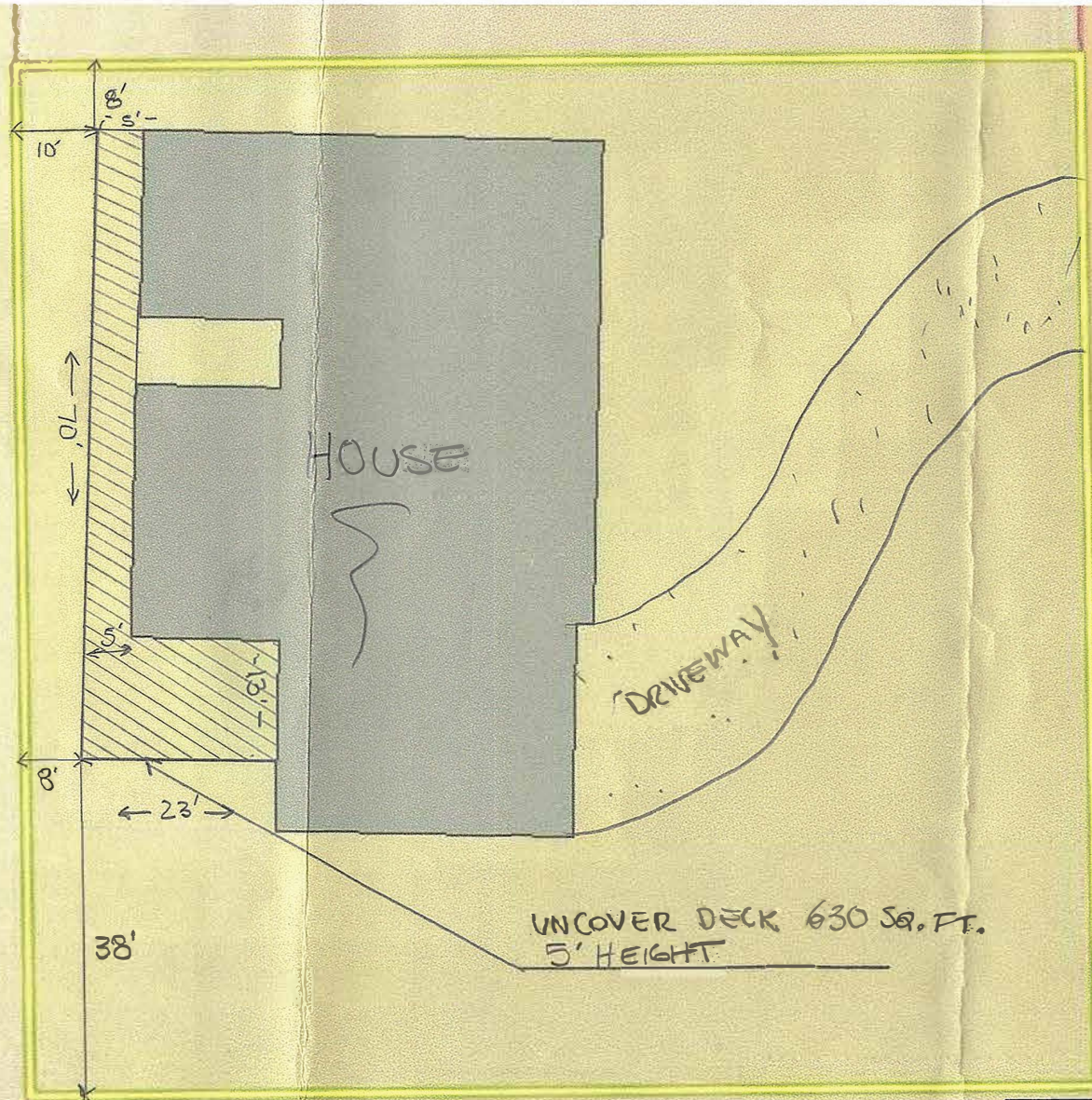
2) **FEASIBILITY ON TERRAIN** - The extra foot is necessary to make the replacement deck feasible, to ensure structural and slope stability. The new posts must be sunk into terrain immediately adjacent to the foundations of the house to be solid. The gravel and soil around the house is loose and not easily accessible. However, the terrain is level enough in this immediately adjacent area to sink new posts about one foot west of the current existing deck

posts, which have rotted and are no longer stable and cannot easily be re-dug. New holes a foot west of the foundation next to the house could be deeper and more durable and this is the only clear area to sink new posts. The strong posts are essential to make sure the replacement deck is solid.

3) RESILIENCE - Extra width over this portion of the property is necessary because the foundations are now exposed, increasingly so as the wood deteriorates, and not aligned with the foundations below. The extra width is necessary to shield that erosion-prone terrain around the foundations of the house from direct impact of snow, hail and rain and prevent under-cutting. The current deck is no longer sufficient for the changing conditions around the base of the house and a slightly wider structure is needed. Erosion and the impacts of a changing climate with more extreme storms are unavoidable. By covering the foundations of the house, the replacement deck would make the home more resilient and reduce the future need and costs of shoring up the foundations.

4) OLD MATERIALS DETERIORATING – It is unavoidable that, after 55 years, the wooden deck is deteriorating. Fixing it wouldn't solve the problem and repair costs are higher than the cost of replacement with a proper modern structure. Quality Decks plans are the most reasonable possible for an affordable replacement.

5) MOBILITY - The slightly wider deck also is necessary to facilitate easier use of wheelchair or other mobility devices and a caregiver because the current width is too narrow. For occupants, the ability to move around the house safely could be crucial in an emergency. The width would allow safe access and movement around the west side of the property in a way that is environmentally more sustainable on the erosion-prone slope. Being able to move around the house is also necessary to facilitate maintenance, giving access to the windows and roof.



1: 240



40.0 0 20.00 40.0 Feet

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
© Latitude Geographics Group Ltd.

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Owner Name:

Address:

Property TSN:

Zone District:

Legal Description:

Lot Size:

Height of Proposed Structure:

1st Floor SF:

Garage SF:

Proposed Structure SF:

Lot Coverage:

Legend

- Parcels
- Short-Term Rentals
- Building Footprints
- Impervious Surfaces

Disclaimer: By submitting this site plan, the applicant confirms all property lines, dimensions, and structure information is true and accurate.





Title: Code Revisions Work Session
From: Fred Rollenhagen
To: City Planning Commission
Address of Proposal: N/A
Applicant: N/A

June 11, 2025

Proposal:

Last month, the Planning Commission held a work session to review areas of the Code that could be affected by the 2024 State Land Use and Housing Legislation. In 2024, the Colorado General Assembly passed four (4) bills, that were signed into law by the Governor, that are a matter of mixed statewide and local concern and compel local municipal compliance. These laws intend to achieve the goal to build more housing and more affordable housing in the State. The City's legal council provided legal advice on the bills. At the end of the work session, the CPC requested to continue the discussion in order to consider revisions to the Code that would allow accessory dwelling units and other provisions required by the 2024 State Land Use and Housing Legislation. The CPC also requested that the Housing Advisory Board be invited to join in on the discussion.

This discussion does not include the 4th bill; HB 1313, that provides regulations to upzone areas within a city to increase housing availability through 'transit-oriented communities'. This is because this bill does not apply to any area within the City of Manitou Springs. Further discussion may be had as requested by the CPC at a later meeting date.

Zone District:

N/A

Background & Existing Conditions:

The three housing bills we are compelled to comply with, outlined by the City's attorney, are as follows:

1. HB 1007, Housing Occupancy Limits

This bill prohibits local governments from setting a maximum occupancy limit on a single dwelling unless the limit is based on a) a demonstrated health/safety standard or b) on governmental affordable housing program guidelines. It indicates that all occupancy limits, including those based on familial relationships, are void as of July 1, 2024.

In order to comply with this bill, the definition of household would need to be defined based on demonstrated health and safety standards that are found in the International Code Series (ICC) building codes and/or fire codes.



2. HB 1152, Accessory Dwelling Units (ADUs) This bill provides a land use regulation that allows ADUs for all municipalities with a population of 1,000 or more and are within a Metropolitan Planning District (MPO). Manitou Springs fits into these criteria. It requires the City to allow ADUs as a use by right, as an accessory use to any single-unit detached dwelling unit, in any zone district that allows single-unit detached dwelling units. The City also may not:

- a. Require new off-street parking spaces for the ADU except when no existing off-street parking exists, is in a zoning district that requires one or more parking spaces for the main dwelling unit, or is located on a block where on-street parking is prohibited.
- b. Require an ADU, or primary dwelling unit on the same lot to be owner-occupied.
- c. Apply restrictive design or dimension standards that are not required for the primary dwelling unit. HOA rules that are more restrictive than these rules are now void.

In order to comply with this bill, the City would need to adopt an Ordinance that amends the LUDC to permit accessory dwelling units in zoning districts that allow single-family dwelling units. Further discussion is in this report that discusses the alternatives available to the City for a potential Ordinance.

3. HB 1304, Minimum Parking Requirements

This bill prohibits local governments within an MPO and at least partially within a “transit service area” from enforcing minimum parking requirements for multifamily residential developments, residential adaptive reuse projects, and mixed-use projects with at least 50% residential uses. The Colorado Department of Local Affairs (DOLA) released a map identifying these areas in each community subject to the new law. A portion of Manitou Springs following the two established bus routes is located within a transit service area and would be subject to this law. See the attached map that shows these locations.

In order to comply with this bill, the City would need to adopt an Ordinance that inserts applicability language into the LUDC that clarifies that minimum parking requirements for multifamily residential development and the types of adaptive reuse projects covered by the law do not apply to the areas identified in the attached transit service area map.

Application Detail:

HB 1007; Housing Occupancy Limits, the City's current definition is as follows:

Household - Household means the greater of: (1) any number of persons who are related by blood, marriage, adoption, guardianship, domestic partnership or other duly-authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates; or (2) a group not in excess of five persons living together as a single



housekeeping unit.

Guidance provided by the Colorado Department of Local Affairs (DOLA) indicates that the International Residential Code used by the Colorado Division of Housing (2018 edition) requires that homes contain at least 150 square feet of space for the first occupant and at least 100 square feet of space for each additional occupant.

Title 15.08; the City's Housing Habitability Code also contains occupancy limits, but they are more lenient than the Colorado Division of Housing's limits:

100 sq ft for 1 person

175 sq ft - 2 people

250 sq ft - 3

325 sq ft - 4

400 sq ft - 5

475 sq ft - 6

60 sq ft for each additional person over 6

There are additional requirements for floor area.

If the City chooses to delete the definition of "household" in Title 18, and follow the occupancy limitations in Title 15, as well as those currently in the Pikes Peak Regional Building Code (2021 edition of the International Residential Code), it appears the city could be in compliance with HB 1007.

HB 1152: Accessory Dwelling Units

Please see the attached chart that shows how other select communities are regulating ADUs. In order to comply with this bill, the City could insert, as a use accessory to a single-household dwelling, one (1) ADU. This would allow all Development Standards to apply to the ADU that also apply to the main residence, including dimensional limitations, all building and fire codes and application of Historic District Preservation Regulations in the Historic District.

- One onsite parking space may be required where on-street parking is prohibited on the block.
- The short-term rental of ADUs may be prohibited.
- The size of the ADU may be limited to being no larger than the size of the main residence, or 750 square feet, whichever is less.

HB 1304; Minimum Parking Requirements

In order to comply with this bill, the City could adopt an ordinance that adds language in Chapter 18.03.8 - Mobility Requirements, that is the same or similar to the below:

No off-street parking shall be required for new multifamily development or for adaptive reuse development in which at least 50% of the gross floor area of the development is in multifamily use, within those areas designated by the status and identified in a map maintained by the Colorado Department of Local Affairs as Applicable Transit Service Areas, unless the multifamily project is a new development project containing 20 or more dwelling units, in which



case one (1) parking space per unit is required, or contains regulated affordable housing as defined in CRS 29-35-302.

The map that this language refers to is attached and shows the areas in the City that would be subject to this language.

Public Involvement:

This is an initial discussion; no public engagement has been completed at this stage.

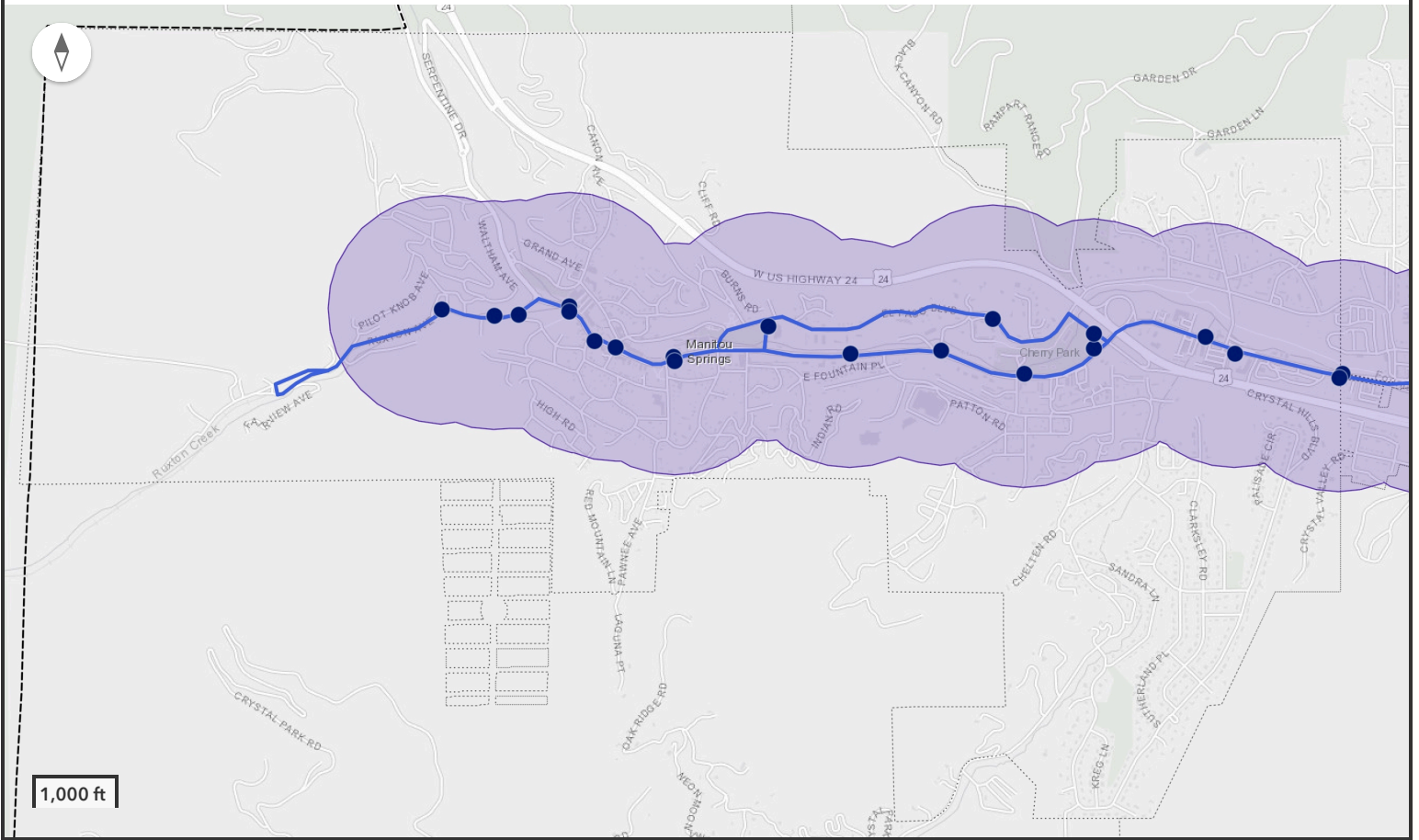
Findings & Review Criteria:

Staff Recommendation:

Motion Language Options:



Maps for HB24 1304 Minimum Parking Requirements



Applicable Transit Stops and Stations HB24 1304

- Bus
- Light/Commuter Rail
- Commuter BRT

Applicable Transit Routes HB24 1304

- Bus
- Rail
- Commuter BRT

Applicable Transit Service Areas HB24 1304 Dissolved

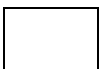


Reference layers

Municipalities and counties in metropolitan planning organizations



Colorado metropolitan planning organizations



ADU codes	Colorado Springs	Woodland Park	Green Mountain Falls	Idaho Springs
		18.33.135		
	Updated 4/8/25 via Ord. 25-45	Ord. 1209-2014 on 3/20/2014		
LAND USE ALLOWABILITY	One (1) ADU per lot developed with a single-family residence	Density Controls. ADUs are allowed on a percentage of properties over a defined radius. Urban Residential Zone is 10% over 300 foot radius. Suburban Residential is 10% over 600 foot radius.	Accessory dwelling units shall only be permitted on lots greater than 5,000 square feet.	One ADU is allowed per main dwelling in residential zone districts
	Detached, Integrated and Attached ADUs are permitted in all zone districts, except where a parcel is covered by the Wildland Urban Interface Overlay (WUI-O) district**	Maximum Number of ADUs Per Lot. There shall be no more than one single family residence with one ADU per lot.	There shall be no more than one accessory dwelling unit on a lot.	
SIZE	Limited to 50% of the primary structure or 1,250 sq. ft., whichever is less	Size. In no case shall an ADU be more than forty percent of the single family dwelling primary unit's total floor area, nor more than eight hundred square feet, nor less than three hundred square feet, nor have more than two bedrooms.	An accessory dwelling unit must not contain more than 1,000 square feet of gross floor area.	Such a dwelling is an accessory use to the main dwelling with a gross floor area not exceeding fifty percent (50%) of the principal building
	If the primary structure is less than 1,500 sq. ft., the ADU may be 750 sq. ft.			The minimum allowed size of an ADU is two hundred (200) square feet.
	ADUs are not counted against the lot's maximum total gross floor area of accessory structures			
SETBACKS	Minimum front and side setbacks are the same as the principal	same as principal	N/A	1.5x principal front setback, 5 foot side and rear setbacks
	Minimum five (5) foot rear for detached ADUs			
YARDS	Prohibited in front yards	same as principal	N/A	N/A
	Permitted in corner yards, side yards, rear yards			
SUBDIVISION & SALE	Regardless of the ADU type, the accessory unit may not be subdivided or sold separately from the principal residential structure.	The ADU shall not be sold separately from sale of the entire property, including the primary unit, and shall not be sublet.	No portion of a lot on which an accessory dwelling unit is located may be subdivided from or legally described differently than, the lot containing the primary residential unit, and no portion of a structure containing an accessory dwelling unit may have ownership different from the ownership of the primary dwelling unit.	N/A
HEIGHT	The maximum height of a detached ADU, or other accessory structure containing an ADU, shall not exceed sixteen (16) feet	same as principal	N/A	N/A
	Garages converted to a detached ADU shall not exceed twenty-five (25) feet			
	Attached or integrated ADUs must adhere to the maximum building height of the principal residential building			
PARKING	One (1) off-street parking space is required for an ADU in addition to parking required for other uses on the site	Parking Requirement. In addition to two off-street parking spaces required for the single family dwelling primary unit, there shall be one additional off-street parking space for every vehicle used by the occupants of the ADU.	There shall be one additional off-street parking space provided for the accessory dwelling unit.	1 space per ADU
ACCESS	For integrated and attached ADUs, exterior access may not be gained from the front.	N/A	N/A	N/A
	Where possible ADUs must provide a thirty-six (36) inch wide access path from front property line			
ARCHITECTURAL COMPATIBILITY	The architecture, design, color and materials of the ADU shall be compatible with the principal residential structure	Design and Appearance Standards. An ADU shall be designed to maintain the exterior architectural design, style, appearance and character of the single-family dwelling or garage in which the ADU is created or to which the ADU is added.	N/A	N/A
OTHER	ADUs are not permitted to be used as short-term rentals	At least one owner of the property must reside in the primary unit. No rooms in the owner's unit may be rented. The permit for an ADU runs with property owners, not the property.	Recreational vehicles may not be used as accessory dwelling units.	N/A
		Number of Occupants. Occupancy shall be limited to the following: no more than four persons in an ADU, whether or not related.		

Subject Jurisdictions May

Require the designation of an existing parking space on the lot for the use of the ADU. See the discussion on parking requirements below.

Regulate the Short-Term Rental of ADUs.

Require compliance with design and dimensional standards not included in the definition of a Restrictive Design or Dimension Standard.

Limit the maximum size of an ADU to be no larger than the size of the Single-Unit Detached Dwelling on the lot.

Allow ADUs smaller than 500 square feet, or larger than 750 square feet.

Allow the construction or conversion of more than one ADU per lot where a Single-Unit Detached Dwelling is allowed.

Define ADUs to include or exclude specific types of housing, such as motor homes, recreational vehicles, or multi-purpose trailers.

Apply historic district standards to ADUs located in historic districts.

Require compliance with adopted fire, building, utility, or stormwater codes.

Require proof of water supply or wastewater treatment capacity as a condition of ADU approval.

Require the payment of generally applicable development impact fees.

Require the mitigation of development impacts as permitted by the Colorado Regulatory Impairment of Property Rights Act, C.R.S. 29-20 Part 2.

Use local programs to encourage the construction of ADUs, or the conversion of Single-Unit Detached Dwellings to include ADUs, with income restrictions to increase the supply of affordable housing.

Subject Jurisdictions May Not

Require the designation of an existing parking space on the lot for the use of the ADU. See the discussion on parking requirements below.
Require the construction of an additional parking space for the ADU, with limited exceptions. See the discussion on parking requirements below.

Require that the ADU or the primary Single-Unit Detached Dwelling on the lot remain owner-occupied, with limited exceptions. See the discussion on owner-occupancy restrictions below.

Require compliance with architectural style, building material, or landscaping standards that are more restrictive than those that apply to the single-unit home on the lot.

Require a larger lot for the ADU than would otherwise apply for a Single-Unit Detached Dwelling on the lot.

Require larger side or rear setbacks than those stated in the law. See the discussion on setbacks below.

Apply more restrictive design or dimensional standards to factory-built ADUs than stick-built ADUs.

Define ADUs in such a way that excludes a type of ADU in the law's definition, such as internal, attached, or detached ADUs.

Disallow ADUs that are between 500 and 750 square feet in size.



Code Revision Work Session

CITY PLANNING COMMISSION AND HOUSING ADVISORY BOARD

JUNE 11, 2025

2024 State Land Use and Housing Legislation



CURRENT REVIEW

1. **HB 1007, Housing Occupancy Limits**
2. **HB 1152, Accessory Dwelling Units (ADUs)**
3. **HB 1304, Minimum Parking Requirements**

FUTURE REVIEW

1. **HB 1313, Transit Oriented Communities**

HB 1007

Housing Occupancy Limits

In order to comply with this bill, the definition of household would need to be defined based on demonstrated health and safety standards that are found in the International Code Series (ICC) building codes and/or fire codes.

Current Definition:

“Household means the greater of: (1) any number of persons who are related by blood, marriage, adoption, guardianship, domestic partnership or other duly-authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates; or (2) a group not in excess of five persons living together as a single housekeeping unit.”

Solution:

- Refer to Section 15.08 Housing Habitability Code and PPRBD Building Code
- Delete definition of household in LUDC



HB 1152

Accessory Dwelling Units

In order to comply with this bill, the City would need to adopt an Ordinance that amends the LUDC to permit accessory dwelling units in zoning districts that allow single-family dwelling units.

Currently not permitted per LUDC 18.04.24.1.5 *“Accessory structures may not include any sanitary or kitchen facilities.”*

Solution: the City could insert, as a use accessory to a single-household dwelling, one (1) ADU.

See next slide for a summary chart from the Colorado Department of Local Affairs (DOLA)



Subject Jurisdictions May

Require the designation of an existing parking space on the lot for the use of the ADU. See the discussion on parking requirements below.

Regulate the Short-Term Rental of ADUs.

Require compliance with design and dimensional standards not included in the definition of a Restrictive Design or Dimension Standard.

Limit the maximum size of an ADU to be no larger than the size of the Single-Unit Detached Dwelling on the lot.

Allow ADUs smaller than 500 square feet, or larger than 750 square feet.

Allow the construction or conversion of more than one ADU per lot where a Single-Unit Detached Dwelling is allowed.

Define ADUs to include or exclude specific types of housing, such as motor homes, recreational vehicles, or multi-purpose trailers.

Apply historic district standards to ADUs located in historic districts.

Require compliance with adopted fire, building, utility, or stormwater codes.

Require proof of water supply or wastewater treatment capacity as a condition of ADU approval.

Require the payment of generally applicable development impact fees.

Require the mitigation of development impacts as permitted by the Colorado Regulatory Impairment of Property Rights Act, C.R.S. 29-20 Part 2.

Use local programs to encourage the construction of ADUs, or the conversion of Single-Unit Detached Dwellings to include ADUs, with income restrictions to increase the supply of affordable housing.

Subject Jurisdictions May Not

Require the designation of an existing parking space on the lot for the use of the ADU. See the discussion on parking requirements below.

Require the construction of an additional parking space for the ADU, with limited exceptions. See the discussion on parking requirements below.

Require that the ADU or the primary Single-Unit Detached Dwelling on the lot remain owner-occupied, with limited exceptions. See the discussion on owner-occupancy restrictions below.

Require compliance with architectural style, building material, or landscaping standards that are more restrictive than those that apply to the single-unit home on the lot.

Require a larger lot for the ADU than would otherwise apply for a Single-Unit Detached Dwelling on the lot.

Require larger side or rear setbacks than those stated in the law. See the discussion on setbacks below.

Apply more restrictive design or dimensional standards to factory-built ADUs than stick-built ADUs.

Define ADUs in such a way that excludes a type of ADU in the law's definition, such as internal, attached, or detached ADUs.

Disallow ADUs that are between 500 and 750 square feet in size.

ADU codes	Colorado Springs	Woodland Park	Green Mountain Falls	Idaho Springs
		18.33.135		
	Updated 4/8/25 via Ord. 25-45	Ord. 1209-2014 on 3/20/2014		
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SIZE	Limited to 50% of the primary structure or 1,250 sq. ft., whichever is less	Size. In no case shall an ADU be more than forty percent of the single family dwelling primary unit's total floor area, nor more than eight hundred square feet, nor less than three hundred square feet, nor have more than two bedrooms.	An accessory dwelling unit must not contain more than 1,000 square feet of gross floor area.	Such a dwelling is an accessory use to the main dwelling with a gross floor area not exceeding fifty percent (50%) of the principal building
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	ADUs are not counted against the lot's maximum total gross floor area of accessory structures			
SETBACKS	Minimum front and side setbacks are the same as the principal Minimum five (5) foot rear for detached ADUs	same as principal	N/A	1.5x principal front setback, 5 foot side and rear setbacks
YARDS	Prohibited in front yards Permitted in corner yards, side yards, rear yards	same as principal	N/A	N/A
SUBDIVISION & SALE	Regardless of the ADU type, the accessory unit may not be subdivided or sold separately from the principal residential structure.	The ADU shall not be sold separately from sale of the entire property, including the primary unit, and shall not be sublet.	No portion of a lot on which an accessory dwelling unit is located may be subdivided from or legally described differently than, the lot containing the primary residential unit, and no portion of a structure containing an accessory dwelling unit may have ownership different from the ownership of the primary dwelling unit.	N/A
HEIGHT	The maximum height of a detached ADU, or other accessory structure containing an ADU, shall not exceed sixteen (16) feet	same as principal	N/A	N/A
	Garages converted to a detached ADU shall not exceed twenty-five (25) feet			
	Attached or integrated ADUs must adhere to the maximum building height of the principal residential building			
PARKING	One (1) off-street parking space is required for an ADU in addition to parking required for other uses on the site	Parking Requirement. In addition to two off-street parking spaces required for the single family dwelling primary unit, there shall be one additional off-street parking space for every vehicle used by the occupants of the ADU.	There shall be one additional off-street parking space provided for the accessory dwelling unit.	1 space per ADU
ACCESS	For integrated and attached ADUs, exterior access may not be gained from the front.	N/A	N/A	N/A
	Where possible ADUs must provide a thirty-six (36) inch wide access path from front property line			
ARCHITECTURAL COMPATIBILITY	The architecture, design, color and materials of the ADU shall be compatible with the principal residential structure	Design and Appearance Standards. An ADU shall be designed to maintain the exterior architectural design, style, appearance and character of the single-family dwelling or garage in which the ADU is created or to which the ADU is added.	N/A	N/A
OTHER	ADUs are not permitted to be used as short-term rentals	At least one owner of the property must reside in the primary unit. No rooms in the owner's unit may be rented. The permit for an ADU runs with property owners, not the property.	Recreational vehicles may not be used as accessory dwelling units.	N/A
		Number of Occupants. Occupancy shall be limited to the following: no more than four persons in an ADU, whether or not related.		

HB 1304

Minimum Parking Requirements

In order to comply with this bill, the City would need to adopt an Ordinance that inserts applicability language into the LUDC that clarifies that minimum parking requirements for multifamily residential development and the types of adaptive reuse projects covered by the law do not apply to the areas identified in the attached transit service area map.

