



**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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