



**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 the city would not be required to allow ADUs in commercial districts where single family dwellings aren't permitted by right.

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.

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