



MANITOU SPRINGS CITY PLANNING COMMISSION REGULAR MEETING AGENDA

This meeting is scheduled to be remote only via Zoom.
Remote: A link is provided on the City's Official Website at
<https://www.manitouspringsgov.com/544/All-Boards-and-Commissions>

January 14, 2026

5:30 PM

- A. CALL TO ORDER**
- B. APPROVAL OF MINUTES**
 - 1. December 10, 2025
- C. UNFINISHED BUSINESS**
- D. PUBLIC COMMENT ON NON-AGENDA ITEMS**
- E. NEW BUSINESS**
 - 1. MJT 2503 - 134 and 142 Manitou Avenue Dillon Mobility Hub
 - 2. Election of Officers
 - 3. 2026 Meeting Schedule
 - 4. Adoption of Standard Operating Procedures (SOP)
- F. OTHER BUSINESS**
 - 1. LUDC Revisions - Variances
- G. NOTICE OF COUNCIL ACTION AND UPDATES**
- H. ADJOURNMENT**

Commissioners:

Alan Delwiche, Chair (12/31/2026)
Justin Wilson, Vice Chair (12/31/2029)
Stephen Graybill (12/31/2026)
Roy Rosenthal (12/31/2028)
Megan Day, Alternate Commissioner (12/31/2027)
Frank DeLay, Alternate Commissioner (12/31/2029)
Keith Harper, Alternate Commissioner (12/31/2029)

City Council Liaison: Julie Wolfe

Staff:

Fred Rollenhagen, Planning Director
Chelsea Royston, Senior Planner
Erin Ringsred, Planner and Landscape Architect II
Zachary Davison, Planner II

3 regular positions 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
December 10, 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 Carey Storm
Commissioner Roy Rosenthal
Commissioner Gloria Latimer
Alternate Commissioner Frank DeLay
Alternate Commissioner Megan Day

COMMISSIONERS ABSENT FOR ROLL CALL:

Vice Chair Justin Wilson
Commissioner Stephen Graybill
Alternate Commissioner Keith Harper

STAFF PRESENT:

Planning Director Frederick Rollenhagen
Senior Planner Chelsea Royston

GUESTS PRESENT:

CPC Attorney Kunal Parikh

B. APPROVAL OF MINUTES

1. CPC Minutes 11.12.2025

Commissioner Latimer moved to approve the minutes. Commissioner Storm seconded the motion. Commissioner Storm abstained due to absence from the November meeting. The motion carried unanimously (3-0).

C. PUBLIC COMMENT ON NON-AGENDA ITEMS

Mike Yan, the owner of the Days Inn in Manitou Springs, shared concerns about construction at the Dillon Motel. He stated that he has received multiple customer complaints about noise. He inquired if the construction at the lot was completed or if more was anticipated.

Chair Delwiche clarified that this was not within the purview of the CPC.

Planner Royston explained that there would be no further construction at the Dillon Motel site. There were further phases planned, but the funding for this was yet to be obtained.

D. UNFINISHED BUSINESS

No unfinished business was discussed.

E. NEW BUSINESS

1. MJT 2503 – 134 and 142 Manitou Avenue Dillon Mobility Hub Temporary Use Permit

Planner Royston requested a continuation of Major Temporary Use Permit 2503 to the January 14, 2025, CPC meeting.

Commissioner Storm motioned to move MJT 2503 to the January 2025 CPC meeting. The motion was seconded by Commissioner Rosenthal. The motion carried unanimously. (6-0)

F. OTHER BUSINESS

1. LUDC Updates – Density, Height, and Variance Criteria

Director Rollenhagen summarized previous work sessions on the Land Use Development Code (LUDC) and showed sections of the Variance Criteria which should be reviewed and redefined, including adverse impacts, hardship, design alternatives, rights enjoyed by others in same zone, and self-imposed hardship. Natural hazards and historic preservation related relief were regulated elsewhere, and a disability related variance criterion was presented as a possible new section.

The current rule regarding natural hazard variances was shown to be that the variance cannot result in development areas at risk of natural hazards unless adequately mitigated. Commissioner Storm asked what the standards were for adequately mitigating a natural hazard. Planner Royston explained that technical documents were referred to experts in specific fields in regard to different hazards.

Director Rollenhagen pointed out that adverse impacts and adjacent are not defined within the code, in regard to adverse impacts on adjacent properties. Chair Delwiche voiced that determining what constitutes an adverse impact is a matter of Commission judgement. Commissioner Rosenthal proposed using the phrase adjacent and nearby properties in the code. Planner Royston presented an example of 300 feet that is used for public notification as a possibility. Commissioner Latimer agreed with Chair Delwiche that definitions would be too strict in some situations. Planner Royston suggested that adverse impact could be defined, while adjacent could be left up to CPC judgement.

There was a discussion regarding the definition of unique hardship. Chair Delwiche pointed out that the Commission has had trouble with the definition of reasonable use. Commissioner Latimer and Chair Delwiche discussed Manitou's complex history with hillside development, and voiced concern about encouraging too much building on slopes, versus allowing reasonable use. The term reasonable use was voiced by Chair Delwiche to be one of the hardest to define. Planner Royston cited the American Planning Association's (APA's) universal criterion of "whether there are alternative means to obviate the owner's predicament" as a possible solution to reasonable use.

Director Rollenhagen explained that the intention of rights enjoyed by others in the same zone criteria was to ensure that strict enforcement of code does not deprive applicants of commonly enjoyed rights by other properties in the district. Chair Delwiche raised the question regarding homes built before code revisions and whether they should be judged to the same standards. Planner Royston provided that Colorado Springs and Pueblo have rules regarding setbacks that adjust to adjacent properties. This was explained to provide a more predictable way to respect existing neighborhoods while maintaining safety constraints.

Self-imposed hardship was defined as whether the need for a variance is due to current or previous owners. Director Rollenhagen stated that the goal was to allow a variance for residents to clean up their property from a situation caused by a previous owner. Commissioner Rosenthal inquired why residents should not be allowed to clean up their own property from their own work. Planner Royston suggested that the current language regarding previous property owners could mirror the Historic Preservation Code which allows a 10-year building permit moratorium on illegally demolished historic resources, to discourage demolition for redevelopment. A short discussion ensued regarding self-imposed hardship versus prior owner actions.

Disability criteria were provided as a proposed new section. The purpose was explained by Director Rollenhagen to allow for disability-related needs to justify a variance. This criterion was explained to be only one of four that must be met to approve a variance. Commissioner Day voiced her concerns that the proposed new section could be unnecessary hardship for residents. There was a discussion regarding current versus possible future mobility issues, and how this could relate to the current definition of a disability. Director Rollenhagen stated that he would review the matter with Attorney Parikh to ensure legal sufficiency.

The historic resources criterion was explained to be regulated elsewhere. Director Rollenhagen provided that Title 17 within the City Code already provides the ability for the Historic Preservation Commission (HPC) to allow reduced side setbacks within the historic district.

Chair Delwiche commented that a little more flexibility in the variance code would help, yet too many variances would be bad for the community.

Planner Royston clarified that the goal was to make the criteria more effective, rather than more subjective or less stringent. The main goal was to provide a legally defensible decision.

Commissioner Day noted the complicated nature of the current criteria and that the APA provided criteria was far simpler and affords flexibility. She proposed lowering the number of criteria that must be met.

Director Rollenhagen stated that staff would review APA general criteria along with defining reasonable use. He laid out the four APA variance rules, including that the variance is not contrary to the public interest, there are special conditions pertaining to the parcel that warrant variance, literal enforcement of the code would result in unnecessary hardship and the spirit of the ordinance is observed and justice done.

G. NOTICE OF COUNCIL ACTION AND UPDATES

Director Rollenhagen shared that the City Council approved the Accessory Dwelling Unit (ADU) ordinance with the Commission's recommendation for certain criteria. He then acknowledged and thanked outgoing commissioners, as well as thanked Commissioner Mike Casey who recently resigned.

H. ADJOURNMENT

With no further business to discuss, Chair Delwiche adjourned the meeting at 7:00 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 2503 - 134 and 142 Manitou Avenue Dillon Mobility Hub
From: Chelsea Royston, AICP, Senior Planner
To: City Planning Commission
Address of Proposal: 132, 134, and 142 Manitou Avenue
Applicant: City of Manitou Springs

January 14, 2026

Proposal:

The applicant is requesting a Major Temporary Use Permit to allow the site to continue to be used as a parking lot prior to the paving of the permanent surface.

Zone District:

The site is zoned Commercial (C).

Background & Existing Conditions:

This use was previously permitted under MJT 2402, no changes are currently proposed. The City of Manitou Springs purchased the site, which was previously developed with the Dillon motel (now called the Dillon Mobility Hub), in December 2023 with the intent to develop a surface parking lot and office space. All but two of the existing buildings were demolished for this purpose. The City is pursuing a phased approach in order to expedite the project. The schedule for this project is largely determined by the schedule of another public project, the Hiawatha Gardens project. In order for that project to move forward, the parking lot at Hiawatha Gardens must be (partially) closed, and alternative parking capacity at the Dillon must be available. However, the design documents and construction of the Dillon Mobility Hub can not be completed in time to meet the Hiawatha Gardens schedule, necessitating a phased approach. If approved, the temporary use permit will allow an interim dirt parking lot to be created on the site which will meet the capacity needs during peak tourist season.

Parking Facilities are a permitted use in the Commercial Zone District. However, use standards require the lot to be paved with a hard surface. Paving the lot would require several development applications and reports such as: Development Plan, Grading and Erosion Control Plan, Drainage Report, Landscape Plan, Photometric Plan, etc. This final application package will be heard by the City Planning Commission and City Council once it is prepared.

Application Detail:

In accordance with the previously approved Major Temporary Use Permit, minor site improvements were installed in 2025, including:

- gravel surface
- split rail fencing
- curb stops
- permanent ADA parking spaces.



There are no proposed changes to the use of the site during the period of this temporary use permit. Due to budget constraints, funds have not been allocated for future phases of the development. As funding is identified, future development applications will be reviewed as appropriate.

Public Involvement:

This application was publicly noticed for December 10, 2025 but was continued to January 14th at the request of the applicant. One interested party appeared at the December hearing and inquired about additional construction due to the impact the noise has had on his nearby lodging business. No additional comments have been received.

Findings & Review Criteria:

§18.06.4.8.H of the Land Use and Development Code lists the following approval criteria for Major Temporary Use Permits:

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; and

The proposed use as a parking lot will generally not be detrimental to the public 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 supports tourism-related businesses, such as parking for the Incline and other regional attractions and tours.

2. If located outside the Downtown zone district, adequate off-street parking meeting the standards in Section 18.03.8 is provided to serve the use.

This criterion is not applicable, as the application is to allow the use of the parcels as parking lots.

Staff Recommendation:

Should the City Planning Commission find it appropriate to grant approval of the Major Temporary Use Permit, staff does not recommend conditions.

Motion Language Options:

MJT 2503 – Major Temporary Use Permit

Approve the Major Temporary Use Permit, 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, 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, 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 to February 11, 2026 for further consideration.

Dillon Mobility Hub

Temporary Use Application
Narrative & Property Description

DECEMBER 13, 2025



PREPARED BY:
City of Manitou Springs
606 Manitou Avenue
Manitou Springs, CO 80829

Owner/ Developer: City of Manitou Springs
606 Manitou Avenue
Manitou Springs, CO 80829
(719) 685-2569

Applicant/ Civil Engineer: City of Manitou Springs
606 Manitou Avenue
Manitou Springs, CO 80829
(719) 685-2569

Tax Schedule No: 7404410036, 7404410035, 7404410024

Total Acreage: 1.99 Acres

Narrative Description for Temporary Use:

The City of Manitou Springs is submitting a Major Temporary Use Permit Application for the combined parcels 132, 134, and 142 Manitou Ave. The site is currently in the post construction phase (temporary capacity) for the overall Dillon Mobility Hub and has been introduced in the City of Manitou Springs. The first public engagement meeting was held on November 21, 2024, to go over the concept as well as to City Council on December 3, 2024, to go over the temporary use capacity for this site. The Major Temporary Use application is to get the Dillon Mobility Hub open in a temporary capacity strictly for parking as the Major Development Plan and Construction Drawings have been completed and approved for the overall Dillon Mobility Hub.

This temporary use request is for the existing gravel lot to be utilized for parking and a bus stop. Improvements include installed pavement for the ADA parking stalls in front of the existing building, some minor grading efforts, temporary fence to protect the existing trees and then placing curb stops to help designate parking spaces. Some lighting and security cameras will be installed as well at this time and the intention is that they will also play into the final site plan, so these efforts are not being redone. Each of these elements are discussed in more detail below.

The anticipated extension of the temporary use of the site is for Jan 2026-2027. It is anticipated to operate as a temporary means of parking thru 2026 to alleviate the influx of visitors to several amenities around the City of Manitou Springs during the peak time of year.

The temporary use will be operational daily (including weekends) from 5:00am – 6:00pm to residence and visitors for parking. The Mountain Metro Transit bus will pull off Manitou Ave to pick up passengers that have parked at the temporary facility. Security will be implemented during the temporary use phase to ensure the safety of residence and visitors. Lighting (on building facilities exterior), fencing and cameras are proposed along with having staff in the mobility office located on site.

Access will be from the existing 35' paved driveway and parking is strategically placed to avoid all existing natural features. No trees 3" or greater will be impacted during the temporary use phase of this project. Trees and other natural features will be protected by a proposed split rail fence.

ADA parking is a concrete pad on the 132 Manitou Ave parcel in front of the building. ADA access is provided as a concrete sidewalk to the bus stop in front of the site.

These properties are located outside of the Downtown zone district. With the primary proposed temporary use being parking, the off-street parking requirements per the LUDC are being met. The proposed temporary use of parking and a bus stop will also not be detrimental to the public, health, safety or general welfare of the public.

The Pre-Application meeting with the City of Manitou Springs was held on 06/20/2024 and stated the applied LUDC standards that apply to this project and are implemented within this application.

Description of Property:

The preliminary and interim grading and erosion control plans are references for the proposed temporary use permit. The site is currently zoned commercial. The temporary use of 132, 134, & 142 Manitou Avenue will be parking for the Park-N-Ride. Details for this temporary parking area are found in the initial and interim grading and erosion control plans. The total property is approximately 1.99AC. All three parcels are currently zoned commercial. All three parcels are zoned currently zoned commercial. The proposed temporary uses are permitted within this zone district, and it is not anticipated that a rezone will be needed as a part of this application.

132 Manitou Avenue is a 0.41-acre site with two building that was renovated for Park-N-Ride customer use. Additionally, the property has existing concrete and asphalt that was demoed and 5 handicap stalls and sidewalk stretching from the stalls to the existing Manitou Ave sidewalk were constructed in replacement. These upgrades required minor grading and hardscaping.

134 Manitou Avenue is a 1.14-acre site that slopes to the northeast at approximately 4 percent. This site has 10 large trees that were sustained. Each parking stall for this lot is designated with a curb stop. A base course will be placed on the site to accommodate vehicle access and parking.

142 Manitou Avenue is a 0.44-acre site with minor slope and has accommodated parking. This site, like 134 Manitou Ave, is used for Park-N-Ride customers to park. Each parking stall is designated by a curb stop. There is a large tree in the northeast corner of site remained.

To the east of the 1.99-acre site is a Days Inn Hotel, to the west is Buffalo Soldiers Memorial Hwy's west bound off and on ramp, to the south is Manitou Avenue, and to the north is Fountain Creek and a thick canopy of trees. This temporary use is compatible with the surrounding land uses.



Title: 2026 Meeting Schedule
From:
To: City Planning Commission
Address of Proposal:
Applicant:

January 14, 2026

Proposal:

Meetings of the City Planning Commission are typically scheduled for the second Wednesday of each month.

January 14, 2026

February 11, 2026

March 11, 2026

April 8, 2026

May 13, 2026

June 10, 2026

July 8, 2026

August 12, 2026

September 9, 2026

October 14, 2026

November 11, 2026 (conflict with Veteran's Day, proposed alternate date is Thursday, November 12, 2026)

December 9, 2026

Zone District:

Background & Existing Conditions:

Application Detail:

Public Involvement:

Findings & Review Criteria:



Staff Recommendation:

Motion Language Options:



Title: Adoption of Standard Operating Procedures (SOP)

From:

To: City Planning Commission

Address of Proposal:

Applicant:

January 14, 2026

Proposal:

The attached Standard Operating Procedures have been drafted in accordance with Section 2.09.080 of the Municipal Code.

Zone District:

Background & Existing Conditions:

Application Detail:

Public Involvement:

Findings & Review Criteria:

Staff Recommendation:

Motion Language Options:



City Planning Commission Standard Operating Procedures

PURPOSE

This set of Standard Operating Procedures (SOP) is intended to guide the activities and procedures of the Manitou Springs City Planning Commission (CPC). These procedures do not supersede any City Ordinance and are in support of the city. The board shall act in accordance with Chapters 2.09, 2.20, and Chapter 18 of the Manitou Springs Municipal Code.

IMPLEMENTATION AND REVIEW

The CPC will implement this SOP with a majority vote. The SOP shall be reviewed annually, and any changes made with a majority vote. Votes will be recorded by the Secretary and changes to the SOP will be made by the Chair or Secretary, who shall maintain the official version of the SOP.

NONDISCRIMINATION

No person or organization shall be excluded from participating in, be denied the benefits of, or be subject to discrimination by the board, on the grounds of race, age, national origin, religion, creed, gender, sexual orientation, or handicap.

OPEN MEETINGS LAW

The board shall comply with Open Meetings Law (C.R.S. §§ 24-6-101 — 24-6-502).

- Meetings with three or more members of any local public body, or a quorum, whichever is less, at which any public business is discussed or at which any formal action is to be taken is an Open Meeting.
- Public Notice is required at least 24 hours in advance with specific agenda information where possible, for any meeting where formal action occurs or at which a majority or quorum of the Board is in attendance or expected to be in attendance.
- Meeting Minutes are required for meetings where formal action occurs or could occur.
- Executive Sessions are not open to the public and are held under very limited circumstances. Staff Liaisons and the City Clerk's Office can provide additional assistance for the requirements of holding an Executive Session.

OFFICES AND ALTERNATES

The board shall appoint a Chair, Vice Chair and Secretary at the first meeting of each calendar year, by a motion, second and majority vote. The City Clerk's Office shall be notified of appointments within one week of the meeting each year (2.09.070).

Chair

- Collaborates with the Staff Liaison to create agendas for meetings.
- Conducts meetings, including ensuring the board stays on track with the approved agenda.
- Signs and executes any agreements approved by the board (if applicable).
- Maintains the official CPC SOP (the Secretary may assume responsibility for this if the board so chooses).

Vice Chair

- In the absence of the Chair the Vice Chair shall perform all duties of the Chair.

Secretary

- May be a city employee.
- Records minutes of all regular and special meetings. Submits minutes to the board and ensures minutes are published once approved.
- Tracks the rotation of Alternates for promotions to voting member.

Alternates (2.09.040(B))

- May attend every meeting but is not required to do so.

Alternate members may take part in the discussion of any matter that comes before a board or commission, except for quasi-judicial matters, in which they may not participate unless they have been appointed in the place of an absent member. An alternate member may not vote on any matter unless designated to do so by the chairperson of the board or commission, in place of an absent member.

Regular Meetings

Meetings shall be held on the second Wednesday of each month at 5:30 P.M.. All upcoming board meetings are scheduled to be hybrid. In the event a regular meeting falls on a holiday, the board will agree to another day (and location if need be) or cancel the meeting.

Special Meetings

In accordance with Open Meetings Law, The Chair or City Administrator may call a Special Meeting for any business that may normally be transacted at a Regular Meeting.

Work Sessions

A Work Session may be called by the Chair, in compliance with Open Meetings Law public notice. Work Sessions are for the purpose of discussion only, and no action shall be taken at a Work Session. Minutes are not required for a Work Session.

Agendas

The Staff Liaison and Chair shall work together to create the agenda prior to meetings.

- Each Agenda shall include Call to Order, Roll Call, and Adjournment.
- Approval of the Agenda shall be included for Regular and Special Meetings to allow the Board to agree to follow the agenda from top to bottom.
- Public Comment shall be included for Regular Meetings as required by the City's Municipal Code (2.09.080(A)).

Rules of Order

- The Chair shall state the time when calling the meeting to order for the record.
- During Roll Call, the board shall determine if any members are absent or excused.
 - Board Members may be excused by a motion, second and majority vote. The motion shall include dates for excusal if the member is expected to take an extended leave of absence.
 - If any member arrives late or leaves early, the Chair shall announce the time that the member has arrived or left for the record. The Chair shall announce if a quorum is still present or not, as well.
 - If it is determined that a quorum is not present, the Chair, or Board shall immediately adjourn the meeting.
- An Alternate may be called upon for an entire meeting or a specific topic if the board does not have a complete, seven voting members present.
 - If more than one Alternate is present at a meeting, the Alternate shall be chosen by the Chair, based off a rotation intended to provide equal participation opportunity to all alternates.
 - The Alternate rotation will be tracked by the Secretary.
 - The chosen Alternate will be promoted to voting member during the meeting by a motion, second and majority vote.
- Executive Sessions shall be conducted in accordance with Open Meetings Law and by the following procedures.
 - Prior to entering the Executive Session the Chair shall read the purpose of the session into the record.
 - A Board Member shall make a motion to enter Executive Session for the stated purpose. The board may enter with a second and approval by majority vote.
 - Upon returning to the public portion of the meeting the Chair shall confirm that the session was held solely for the stated purpose and that no formal action was taken.
 - The time that the Executive Session was entered and the time the board returned shall be recorded.
- Meetings shall be adjourned by a motion, second and majority vote.

Attendance

Five days prior to scheduled meetings the Staff Liaison shall remind the board of the upcoming meeting and request confirmation of attendance. Confirmation of attendance shall be provided by Board Members to the Chair and Staff Liaison no later than Tuesday at 12:00 P.M. (noon), Prior To Meeting..

Quorum

A majority of the appointed non-vacant seats shall constitute a quorum (2.09.080(a)).

In the event a quorum is not present at the start of the meeting the chair shall call the meeting to order at the scheduled time and state that there is not a quorum present. The Chair shall announce if the board will wait for more members to present themselves, including the designated time that the present members shall wait. If the board is unable to establish a quorum after the designated waiting period, then the meeting shall be adjourned and the chair shall announce a designated time for the rescheduled meeting or that the rescheduled meeting date is to be determined. No public business shall be discussed during the process of establishing a quorum to ensure that a majority of the board is present for agenda item discussions. The meeting minutes shall include only the Call to Order and Adjournment sections.

Alternatively, upon seeing that no quorum is present prior to calling the meeting to order the Chair may announce that the meeting is cancelled. Anytime a meeting is cancelled after the agenda is published the agenda shall be published again with a "Cancelled" watermark.

MEMBERSHIP STATUS

Board Member Appointment

Any Manitou Springs Resident interested in serving on the Board should contact the City Clerk's Office or Visit the City's website at www.manitouspringsgov.com. Applicants should attend at least one board meeting and submit an official application to the City Clerk's Office prior to scheduling the application for the City Council's review and decision.

Reappointment

If a Board Member's Term is coming to an end and they wish to be reappointed and continue to serve the board, they may write a letter of interest to the City Council and submit it to the City Clerk's Office. The letter of interest shall be submitted at least one month prior to the end of the member's term.

Applicant Board Review

Upon notification of a membership application, the Chair will reach out to the applicant and invite them to a meeting, if the applicant is not already known to the board. The Chair may add the applicant to an upcoming agenda to discuss with the board and determine the board's recommendation.

Resignations

If any Board Member is planning to resign for any reason, a letter of resignation shall be submitted to the Chair, Staff Liaison, and City Clerk's Office.

Grounds for Removal (2.09.110)

Any conflict-of-interest violation, any other violation of applicable law, regulation, or policy, or non-attendance to duty, failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by the board, or any other good cause is grounds for removal by the City Council. A request to remove a Board Member may be submitted to the City Clerk's Office by one or more members of the City Council and ultimately would be decided by the City Council.

TRAINING

- During onboarding, an orientation packet will be provided by the Chair, Secretary or Staff Liaison to new members, which will include Chapter's 2.09, 2.20 and Chapter 18 of the Manitou Springs Municipal Code, the CPC SOP, the Annual Plan and CPC Budget.
- In the event that the city hosts board training event CPC Members are expected to attend.

ANNUAL PLAN & BUDGET

Annually the board will work with staff to prepare its budget presentation, including the board's accomplishments and goals for the City Council. The Staff Liaison will advise the board of the timeline.



Title: LUDC Revisions - Variances
From: Fred Rollenhagen, Chelsea Royston
To: City Planning Commission
Address of Proposal:
Applicant:

January 14, 2026

Proposal:

The purpose of this work session is to continue the discussion on potential code revisions related to Variance Criteria. Please note that the Urban Renewal Authority and Housing Advisory Board will be invited to an upcoming CPC meeting for the discussion on density and height once construction in Memorial Hall is completed.

Zone District:

Background & Existing Conditions:

This conversation is a continuation of the December 10th discussion during which staff presented slides identifying the potential areas of improvement. Staff presented an analysis of resources that include the American Planning Association (APA) Quicknotes on Variances, the Colorado Department of Local Affairs (DOLA) Model Land Use Code, and other municipalities in the region.

Four basic variance criteria were identified through these resources and CPC directed staff to consider adopting the four general criteria as presented. Given the unique characteristics of Manitou Springs, and specific challenges that the Planning Commission has encountered while evaluating variance requests, staff proposes modified versions of those criteria. Staff also proposes the following revisions to the LUDC section.

- New section describing the intent of the Variance process and spirit of the code.
- Revised variance criteria that blend the intent of the four general criteria with the existing criteria
- New procedure to structure the discussion and provide formal evaluation of each criterion
- new consolidated section for administrative relief

Application Detail:

The thought process behind the amended criteria is outlined in the attached table.



First, the two existing variance criteria that are regulated elsewhere in code (E.1. and F.6.) were removed so that they may be wholly regulated by the appropriate code sections. Criterion F.4. was identified as potentially being more of an “intent” statement, as exists in the DOLA Model Land Use Code. The verbiage was revised to focus less on deprivation of rights, and more on equitability between adjacent land owners.

Criteria F.5. was discussed at the previous meeting, and was removed from the variance criteria in favor of creating a new section for administrative adjustments. As previously stated, the proposed section is intended to prevent the CPC from having to rule on an ADA issue in a public hearing, while still providing flexibility to residents that need reasonable accommodations as provided for by federal legislation. Other adjustments identified for this new section of code are consolidated from elsewhere in code. Some come from footnotes on the Dimensional Standards tables, some come from the section that defines how height is measured. This will create one section where all minor adjustments are accounted for. In addition, staff is proposing two additional allowances, as seen in neighboring municipalities. The first allows for a minor (up to 15%) deviation from the dimensional standards, with exceptions. The second allows for encroachment into the front yard setback to be consistent with existing encroachments/legal nonconformities on either side of the subject property. The intent of this section is to authorize encroachments only where it would serve to create a more consistent streetscape and development pattern. These are typically seen in certain historic districts with smaller lots and prominent front porches.

With four of the eight original criteria relocated, the remaining four align fairly well with the basic variance criteria identified by the APA. Please note that the order of criteria below are consistent with the currently adopted language, and the proposed redlines reorganize them to better suit the anticipated flow of discussion.

Criteria E.2. restricts adverse impacts. Previously, the CPC requested staff work on defining "adverse impacts", and while the focus could be narrowed to only zoning-type adverse impacts (noise, glare, odor, vibration, etc.), staff proposes to reword it as "nuisance" and refer back to the Nuisance Code in Chapter 6.

Proposed Language: "The granting of a variance will not constitute a nuisance to the adjoining properties."

Question for CPC: Should this be limited to properties sharing a property line with the subject parcel, properties within 300 feet of the subject property, or not limited.

Criteria F.1. requires special and unique conditions specific to the site/parcel. The proposed language specifies what would constitute special site conditions, and requires that the site meet one or more of the subcriteria. Item a is intended to capture restrictions that are often mapped by official means and have objective standards. Solar allowances are required by the state. Heritage Trees are protected by PlanManitou. Item d is a more flexible criterion that anticipates the need to approve uncommon hardships.



Proposed Language: The property has one or more extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district:

- a) The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.
- b) The variance is necessary to allow or improve access to sunlight for solar energy devices
- c) The variance is necessary to protect heritage trees
- d) Other substantial documented circumstance.

Criteria F.2. requires the consideration of design alternatives. The proposed language is intended to address the "null alternative" that CPC has struggled to interpret. The proposed language would require the applicant to determine the threshold for infeasibility of other solutions. This language is intentionally broad so that the scope of the project and requested variance can help inform the feasibility of other solutions. The intent is that another solution should only be deemed "infeasible" if it requires extraordinary feats of engineering, additional land use applications requiring more supporting technical documentations, or would exponentially increase costs beyond what would be considered appropriate for the scope of the project.

Proposed Language: There are no design alternatives that achieve the same objective, reduce the degree to which a variance is needed, and do not result in a technically or financially infeasible solution.

Criteria F.3. Requires a hardship. The original language focused on the self-imposed hardship and the intent of the property owner, which can be very difficult to prove. The referenced documents indicate that variances should only be granted to properties, not people. In an effort to refocus the discussion, the proposed language permits the hardship to be defined by the property owner, so long as the proposed variance addresses that hardship.

Proposed Language: An unnecessary, and unreasonable hardship exists, which could be alleviated in whole or in part by the variance requested by the applicant

Accompanying the proposed criteria is a change to the review process. It has become common for the CPC to informally evaluate each criterion for a proposed variance. This process, called a "Findings of Fact" would formalize the process. After the public comment portion of the public hearing, and during deliberations, the Chair of the Commission will call for the Findings of Fact to be read. Planning Staff will read each of the variance criteria and the commission will vote via hand raise vote on whether the proposed variance/parcel meets the criteria. Staff will note each vote on a form and at the end, will state "The City Planning Commission found that (number) of the four criteria required for approval of a variance were met." At that time the Chair of the Commission will call for a motion to ratify the vote at which point the Commission may identify conditions to be imposed on the approval.



In addition to the "Questions for CPC" identified above, how many of the proposed 4 criteria must be met for the variance to be approved?

Public Involvement:

Findings & Review Criteria:

Staff Recommendation:

Motion Language Options:

Column1	Existing Criteria	Action/thought	Four Basic Variance Criteria	Proposed Language
E.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	remove from Variance section, regulated elsewhere		
E.2.	No adverse impact will result on adjacent properties;	include, revise to narrow the scope of "no adverse impact" to "not a nuisance (as defined elsewhere in code)	The variance is not contrary to public interest;	The granting of a variance will not constitute a <i>nuisance</i> to the adjoining properties
F.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;	include, specify documentable conditions of the parcel. Solar allowance is mandated by state. Heritage trees are in PlanManitou.	There are special conditions pertaining to the parcel;	The property has one or more extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district: a)The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area. b)The variance is necessary to allow or improve access to sunlight for solar energy devices c)The variance is necessary to protect heritage trees d)Other substantial documented circumstance.
F.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 <i>structure</i>	include, revise to address the null alternative that the CPC has struggled to interpret. Infeasibility threshold is defined by the applicant	The spirit of the ordinance is observed and justice done	There are no design alternatives that achieve the same objective, reduce the degree to which a variance is needed, and do not result in a technically or financially infeasible solution
F.3.	The need for the variance is not the result of from actions of previous property owners or is a an otherwise self-imposed hardship;	include, revise to redirect the focus from the intent of the owner.previous owner, which is difficult to prove, indicate that the hardship exists, is unnecessary, can be alleviated. Hardship here is defined by the applicant.	Literal enforcement of the code would result in unnecessary hardship; and	An unnecessary, and unreasonable hardship exists, which could be alleviated in whole or in part by the variance requested by the applicant
F.4.	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;	move to the "intent" statement, revise		
F.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;	Administrative Section		
F.6.	The variance request is required in order to preserve a contributing structure in a historic sub district.	remove from Variance section, regulated elsewhere		



Manitou Springs Land Use & Development Code

Findings of Fact for Variance

Section 18.06.4.2 of the LUDC

This document is the official record of the Planning Commission's findings that the requested variance meets or does not meet the criteria outlined in Section 18.06.4.2 for granting of a variance. While the findings of fact inform the decision, the final motion and vote shall prevail.

Case Number and Description: _____

Address of Proposal: _____

Applicant Name: _____ Hearing Date: _____

1. An unnecessary, and unreasonable hardship exists, which could be alleviated in whole or in part by the variance requested by the applicant.

	Delwiche	Wilson	Graybill	Rosenthal	DeLay	Day	Harper		
yea									
nay									

2. The granting of a variance will not constitute a nuisance to the adjoining properties,

	Delwiche	Wilson	Graybill	Rosenthal	DeLay	Day	Harper		
yea									
nay									

3. There are no design alternatives that achieve the same objective, reduce the degree to which a variance is needed, and do not result in a technically or financially infeasible solution

	Delwiche	Wilson	Graybill	Rosenthal	DeLay	Day	Harper		
yea									
nay									

4. The property has one or more extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district:

Select one:

	A	The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.
	B	The variance is necessary to allow or improve access to sunlight for solar energy devices
	c	The variance is necessary to protect heritage trees
	d	Other substantial documented circumstance.

	Delwiche	Wilson	Graybill	Rosenthal	DeLay	Day	Harper		
yea									
nay									

Summary:

The City Planning Commission found that (number) _____ of the four criteria required for approval of a variance were met.

Based on the ratification detailed in the minutes of the meeting and in accordance with Section 18.06.4.2.H.5, the application is hereby:

	Denied
	Approved as Presented (including staff conditions)
	Approved with additional conditions (please refer to minutes)

Recorded by:

Signature: _____

Print : _____

Title: _____

Date: _____

(acting secretary to the City Planning Commission)

18.06.4.2 Variance.

A. Purpose. The Planning Commission has the authority to vary or modify the application of the requirements of the LUDC, not related to use, so that the spirit of the LUDC is observed when the strict application of this LUDC will deprive a property of the privileges enjoyed by other properties of the same zoning classification State and federal laws or requirements may not be varied by the City. State and federal laws or requirements may not be varied by the City.

B. Intent: The intended effect of granting a variance is to allow the applicant development potential similar to, but not greater than, other lots in the same zoning district in the surrounding areas.

B. Applicability. A variance may be initiated only by the property owner or the designated representative. The application must state the relief sought and must specify the facts or circumstances that are alleged to meet the review criteria within this Section.

C. Submittal Requirements. No application shall be set for a hearing concerning a variance before the Planning Commission until the applicant has completed the submittal requirements as found in the general development review procedures as described in Section 18.06.3. of this chapter.

D. Procedure. Applications for a Variance follow the General Application Procedures as outlined in Section 18.06.2 and further described in Section 18.06.3. of this Chapter.

E. Approval Criteria. No variance shall be authorized unless the Planning Commission finds that all ~~all~~ of 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. An unnecessary, and unreasonable hardship exists, which could be alleviated in whole or in part by the variance requested by the applicant

3. The granting of a variance will not constitute a nuisance to the adjoining properties

4. There are no design alternatives that achieve the same objective, reduce the degree to which a variance is needed, and do not result in a technically or financially infeasible solution

5. The property has one or more extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district:

a) The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.

b) The variance is necessary to allow or improve access to sunlight for solar energy devices

c) The variance is necessary to protect heritage trees

d) Other substantial documented circumstance.

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

2. No adverse impact will result on adjacent properties;

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

Commented [CR1]: Some may wish to reduce the number required

Commented [CR2]: Define and refer to police code

Commented [CR3]: Could be changed to align with public notice area of 300 ft radius

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;

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;
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;
4. The need for the variance is not the result of from actions of previous property owners or is an otherwise self-imposed hardship;
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;
6. The variance request is required in order to preserve a contributing structure in a historic sub-district;

Commented [CR4]: Create new section

Commented [CR5]: Expand HPC allowances

- G. The power to grant variances. The Planning Commission may authorize variances from the requirements of this chapter, not related to use. Variances are not available to allow a use that is not permitted in a particular zone district. A variance shall be considered an extraordinary remedy.
- H. Public Hearing and Action on the Variance Request.
1. The applicant has the burden of proof to establish the application meets the criteria set forth in this chapter.
 2. The Planning Commission may impose any conditions related to the impacts created by the variance on the issuance of a variance and may amend the variance from that requested. Such conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the property with the use of the property as contemplated by the requested variance.
 3. No single decision of the Planning Commission sets a precedent. The decision of the Planning Commission shall be made on the particular facts of each case.
 4. At the public hearing, the applicant and members of the public may appear and present such evidence and testimony as they may desire. The Planning Commission may take notice of, and may consider, any relevant facts within the personal knowledge of any member of the Planning Commission which are stated on the record. For requests for variances, the Planning Commission shall make specific findings on the factors set forth in this Section of LUDC.
 5. Should the Planning Commission find that the requested variance meets the criteria outlined in subsection E above, the Commission shall ratify the decision with a vote. The motion for this vote may modify, create, or eliminate conditions of approval.
 - a. in no event shall the ratification contradict the findings of fact (i.e. resulting in a denial if all criteria were met, and vice versa).

b. No ratification vote is required in the event that the request is denied through failure to meet the criteria for approval.

- I. Issuance of Permit. Where a variance is required, a building permit may not be issued by PPRBD until the variance is approved by the Planning Commission and shall be issued subject to the conditions imposed by the Planning Commission on the variance. For requests for variances, the Planning Commission shall make specific findings on the factors set forth in this Section of LUDC.
- J. Violation and Enforcement. Violation of an approved variance and its conditions shall be deemed a violation of this Chapter and shall be punishable as provided in Section 18.06.4.27 of the LUDC.
- K. Expiration. Failure to obtain a Building Permit for the construction of a *structure* for which the variance was granted prior to one (1) year from the date of approval of the variance will cause the variance to expire. Requests for an extension of said period shall be presented to the Planning Director in writing at least thirty (30) days prior to the scheduled expiration date. The Planning Director may authorize up to one (1) additional year if cause exists for the extension and there would be no harm to the adjacent property owners or the community. Once a *structure* is completed, the variance may no longer expire and shall be transferable with the land.

18.06.4.XX Administrative Adjustment.

A. Purpose. The purpose of the Administrative Adjustment is to provide an administrative procedure that allows minor deviations to dimensional standards within the limits set forth by this section. Any adjustments exceeding the thresholds identified shall be required to obtain approval of a variance as authorized by the City Planning Commission.

B. Intent: The intended effect of granting an administrative adjustment is to allow the applicant development potential similar to, but not greater than, other lots in the same zoning district in the surrounding areas without necessitating a variance hearing.

B. Applicability. An administrative adjustment can be applied to any development application in the following circumstances:

1. Development Standards. The Planning Director or designee has the authority to authorize adjustments up to fifteen (15) percent from any dimensional standard or numerical requirement set forth in this LUDC, except for the following:

a. The granting of the Administrative Adjustment will not allow an increase in the number of dwelling units on a parcel above the permitted density in the zone district.

b. The granting of the Administrative Adjustment will not reduce the required number of parking spaces beyond what is permitted by Section 18.03.8.5 of this LUDC.

2. Encroachment into front yard setbacks. A new principal structure, or an addition to an existing principal structure, may encroach into the required front yard setback up to the average existing front yard setback of the existing principal structures on adjacent lots on the same street frontage

2. Accessibility. The proposed development or alteration is necessary to create reasonable accommodations to individuals with disabilities as outlined by the Americans with Disabilities Act.

3. Historic District.

Commented [CR6]: Create new section

Commented [CR7]: Create new section

Commented [CR8]: Do they still need MCAC approval?

i. Height. Within Historic Districts, the maximum *building height* for the Zone District may be exceeded subject to the Historic District Design Guidelines or approval of a Material Change of Appearance Certification which incorporates steep roof pitches.

Commented [CR9]: Contradicts subsection iii

ii. Within the Historic District, subject to the Historic District Design Guidelines, a permanent side setback of less than seven and one-half feet (7'6") may be reviewed and approved, conditionally approved, or denied by the Historic Preservation Commission. At no time without *variance* approval, shall the side setback be less than five feet (5') or less than a ten feet separation from neighboring buildings/structures including across *property lines*.

iii. Heights of *structures* shall be as calculated in the Building Height definition unless property is located within the Historic District and receives a Material Change of Appearance Certification incorporating steep roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed thirty feet (30')

Commented [CR10]: Move these from footnotes of each residential dimensional table

4. Accessory projections. Except as specifically provided elsewhere in this LUDC, the height limitations contained in the dimensional standard tables for each Zone District shall not apply to accessory projections, provided they meet the following criteria for height exceptions:

i. Architectural features such as such as parapets, pipes, chimneys, heating and venting systems, cupolas, stairwell towers, elevator overrun, roof-mounted solar energy systems, or other similar projections shall not extend more than five (5) feet above the maximum permitted building height of the associated Zone District;

ii. Church belfries, towers, or spires shall not extend more than five (5) feet above the maximum permitted building height of the associated Zone District provided the largest horizontal cross-section of the belfry, tower, or spire feature does not exceed fifteen percent (15%) of the footprint of the primary structure from which it rises;

iii. Antennas used for television or radio shall be of a height that is determined by the Planning Director as necessary to comply with Federal Communications Commission regulations and guidance, provided that the height of the antenna structure may not exceed a dimension equal to the distance of the antenna structure from the nearest property line;

iv. The accessory projection is not constructed for the purpose of providing additional floor area in the building; and

v. The accessory projection does not interfere with Federal Aviation Administration regulations

Commented [CR11]: Move this from 18.02.1 Building Height

C. Submittal Requirements. Applicants shall make a submittal to the Planning Department in accordance to the Administrative Adjustment Checklist.

D. Procedure. Applications for an administrative adjustment shall follow the General Application Procedures as outlined in Section 18.06.2 and further described in Section 18.06.3 of this Chapter.

E. Approval Criteria. The Planning Director or designee shall approve the Administrative Adjustment so long as the following criteria are met:

1. The essential character of the neighborhood will not be substantially altered

2. The resulting development will not constitute a *nuisance* to the adjoining properties

Commented [CR12]: Define and refer to police code

Commented [CR13]: Could be changed to align with public notice area of 300 ft radius

3. The intent of the specific regulation in question is met

18.06.4.2 Variance.

- A. Purpose. The Planning Commission has the authority to vary or modify the application of the requirements of the LUDC, not related to use, so that the spirit of the LUDC is observed when the strict application of this LUDC will deprive a property of the privileges enjoyed by other properties of the same zoning classification State and federal laws or requirements may not be varied by the City. State and federal laws or requirements may not be varied by the City.
- B. Intent: The intended effect of granting a variance is to allow the applicant development potential similar to, but not greater than, other lots in the same zoning district in the surrounding areas.
- B. Applicability. A variance may be initiated only by the property owner or the designated representative. The application must state the relief sought and must specify the facts or circumstances that are alleged to meet the review criteria within this Section.
- C. Submittal Requirements. No application shall be set for a hearing concerning a variance before the Planning Commission until the applicant has completed the submittal requirements as found in the general development review procedures as described in Section 18.06.3. of this chapter.
- D. Procedure. Applications for a Variance follow the General Application Procedures as outlined in Section 18.06.2 and further described in Section 18.06.3. of this Chapter.
- E. Approval Criteria. No variance shall be authorized unless the Planning Commission finds that all of 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. An unnecessary, and unreasonable hardship exists, which could be alleviated in whole or in part by the variance requested by the applicant
 - 3. The granting of a variance will not constitute a *hivisance* to the adjoining properties⁴. There are no design alternatives that achieve the same objective, reduce the degree to which a variance is needed, and do not result in a technically or financially infeasible solution
 - 5. The property has one or more extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district:
 - a) The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.
 - b) The variance is necessary to allow or improve access to sunlight for solar energy devices
 - c) The variance is necessary to protect heritage trees
 - d) Other substantial documented circumstance.
- G. The power to grant variances. The Planning Commission may authorize variances from the requirements of this chapter, not related to use. Variances are not available to allow a use that is not permitted in a particular zone district. A variance shall be considered an extraordinary remedy.
- H. Public Hearing and Action on the Variance Request.
 - 1. The applicant has the burden of proof to establish the application meets the criteria set forth in this chapter.

Commented [CR1]: Some may wish to reduce the number required

Commented [CR2]: Define and refer to police code

Commented [CR3]: Could be changed to align with public notice area of 300 ft radius

-
2. The Planning Commission may impose any conditions related to the impacts created by the variance on the issuance of a variance and may amend the variance from that requested. Such conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the property with the use of the property as contemplated by the requested variance.
 3. No single decision of the Planning Commission sets a precedent. The decision of the Planning Commission shall be made on the particular facts of each case.
 4. At the public hearing, the applicant and members of the public may appear and present such evidence and testimony as they may desire. The Planning Commission may take notice of, and may consider, any relevant facts within the personal knowledge of any member of the Planning Commission which are stated on the record. For requests for variances, the Planning Commission shall make specific findings on the factors set forth in this Section of LUDC.
 5. Should the Planning Commission find that the requested variance meets the criteria outlined in subsection E above, the Commission shall ratify the decision with a vote. The motion for this vote may modify, create, or eliminate conditions of approval.
 - a. in no event shall the ratification contradict the findings of fact (i.e. resulting in a denial if all criteria were met, and vice versa).
 - b. No ratification vote is required in the event that the request is denied through failure to meet the criteria for approval.
 - I. Issuance of Permit. Where a variance is required, a building permit may not be issued by PPRBD until the variance is approved by the Planning Commission and shall be issued subject to the conditions imposed by the Planning Commission on the variance. For requests for variances, the Planning Commission shall make specific findings on the factors set forth in this Section of LUDC.
 - J. Violation and Enforcement. Violation of an approved variance and its conditions shall be deemed a violation of this Chapter and shall be punishable as provided in Section 18.06.4.27 of the LUDC.
 - K. Expiration. Failure to obtain a Building Permit for the construction of a *structure* for which the variance was granted prior to one (1) year from the date of approval of the variance will cause the variance to expire. Requests for an extension of said period shall be presented to the Planning Director in writing at least thirty (30) days prior to the scheduled expiration date. The Planning Director may authorize up to one (1) additional year if cause exists for the extension and there would be no harm to the adjacent property owners or the community. Once a *structure* is completed, the variance may no longer expire and shall be transferable with the land.

18.06.4.XX Administrative Adjustment.

- A. Purpose. The purpose of the Administrative Adjustment is to provide an administrative procedure that allows minor deviations to dimensional standards within the limits set forth by this section. Any adjustments exceeding the thresholds identified shall be required to obtain approval of a variance as authorized by the City Planning Commission.
- B. Intent: The intended effect of granting an administrative adjustment is to allow the applicant development potential similar to, but not greater than, other lots in the same zoning district in the surrounding areas without necessitating a variance hearing.

B. Applicability. An administrative adjustment can be applied to any development application in the following circumstances:

1. Development Standards. The Planning Director or designee has the authority to authorize adjustments up to fifteen (15) percent from any dimensional standard or numerical requirement set forth in this LUDC, except for the following:

a. The granting of the Administrative Adjustment will not allow an increase in the number of dwelling units on a parcel above the permitted density in the zone district.

b. The granting of the Administrative Adjustment will not reduce the required number of parking spaces beyond what is permitted by Section 18.03.8.5 of this LUDC.

2. Encroachment into front yard setbacks. A new principal structure, or an addition to an existing principal structure, may encroach into the required front yard setback up to the average existing front yard setback of the existing principal structures on adjacent lots on the same street frontage

2. Accessibility. The proposed development or alteration is necessary to create reasonable accommodations to individuals with disabilities as outlined by the Americans with Disabilities Act.

3. Historic District.

i. Height. Within Historic Districts, the maximum building height for the Zone District may be exceeded subject to the Historic District Design Guidelines or approval of a Material Change of Appearance Certification which incorporates steep roof pitches.

ii. Within the Historic District, subject to the Historic District Design Guidelines, a permanent side setback of less than seven and one-half feet (7'6") may be reviewed and approved, conditionally approved, or denied by the Historic Preservation Commission. At no time without variance approval, shall the side setback be less than five feet (5') or less than a ten feet separation from neighboring buildings/structures including across property lines.

iii. Heights of structures shall be as calculated in the Building Height definition unless property is located within the Historic District and receives a Material Change of Appearance Certification incorporating steep roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed thirty feet (30')

4. Accessory projections. Except as specifically provided elsewhere in this LUDC, the height limitations contained in the dimensional standard tables for each Zone District shall not apply to accessory projections, provided they meet the following criteria for height exceptions:

i. Architectural features such as such as parapets, pipes, chimneys, heating and venting systems, cupolas, stairwell towers, elevator overrun, roof-mounted solar energy systems, or other similar projections shall not extend more than five (5) feet above the maximum permitted building height of the associated Zone District;

ii. Church belfries, towers, or spires shall not extend more than five (5) feet above the maximum permitted building height of the associated Zone District provided the largest horizontal cross-section of the belfry, tower, or spire feature does not exceed fifteen percent (15%) of the footprint of the primary structure from which it rises;

Commented [CR4]: Create new section

Commented [CR5]: Create new section

Commented [CR6]: Do they still need MCAC approval?

Commented [CR7]: Contradicts subsection iii

Commented [CR8]: Move these from footnotes of each residential dimensional table

iii. Antennas used for television or radio shall be of a height that is determined by the Planning Director as necessary to comply with Federal Communications Commission regulations and guidance, provided that the height of the antenna structure may not exceed a dimension equal to the distance of the antenna structure from the nearest property line;

iv. The accessory projection is not constructed for the purpose of providing additional floor area in the building; and

v. The accessory projection does not interfere with Federal Aviation Administration regulations

- C. Submittal Requirements. Applicants shall make a submittal to the Planning Department in accordance to the Administrative Adjustment Checklist.
- D. Procedure. Applications for an administrative adjustment shall follow the General Application Procedures as outlined in Section 18.06.2 and further described in Section 18.06.3 of this Chapter.
- E. Approval Criteria. The Planning Director or designee shall approve the Administrative Adjustment so long as the following criteria are met:
 - 1. The essential character of the neighborhood will not be substantially altered
 - 2. The resulting development will not constitute a *nuisance* to the adjoining properties
 - 3. The intent of the specific regulation in question is met

Commented [CR9]: Move this from 18.02.1 Building Height

Commented [CR10]: Define and refer to police code

Commented [CR11]: Could be changed to align with public notice area of 300 ft radius