



MANITOU SPRINGS CITY COUNCIL WORK SESSION AGENDA

City Council meetings are held as hybrid, Zoom (remote) or in-person at Memorial Hall.

Memorial Hall

606 Manitou Avenue

Manitou Springs, CO 80829

Remote: www.manitouspringsgov.com; click on meeting link under "Government; City Council" page

Position	Name	Term Expires
Mayor	Natalie Johnson	January 4, 2028
At-Large	Mayor Pro Tem Judith Chandler	January 4, 2028
At-Large	John Shada	January 4, 2028
At-Large	Julie Wolfe	January 4, 2028
Ward 1	Nate Nassif	January 8, 2030
Ward 2	Carey Storm	January 8, 2030
Ward 3	Gloria Latimer	January 8, 2030

May 12, 2026

5:00 PM

NO DECISIONS WILL BE MADE AT THIS WORK SESSION

A. CALL TO ORDER

B. ROLL CALL

C. DISCUSSION

1. Discussion of Public Safety Staffing Needs for the Emma Crawford Coffin Race
2. Land Use Development Code Updates: Density and Height Allowances
3. Land Use Development Code Updates: Variances and Administrative Adjustments
4. Consideration of Amenity Requirements for Private Parking Facilities

D. RECEIVE COUNCIL CORRESPONDENCE

E. CITY ADMINISTRATOR REPORT

ADJOURN

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.



Memorandum

Title: Discussion of Public Safety Staffing Needs for the Emma Crawford Coffin Race

From: Bill Otto, Police Chief

To: Mayor and City Council

CC: City Administrator Denise Howell

Allocated Time: 30 Minutes

May 12, 2026

Purpose:

To inform City Council of the Police Department's assessment of public safety needs for the Emma Crawford Coffin Race and Parade, specifically the need for increased officer staffing to ensure adequate crowd control, emergency response, and overall event safety.

Background:

The Emma Crawford Coffin Race and Parade is one of the largest annual events in Manitou Springs, drawing significant crowds to a concentrated area within the City's downtown corridor. The Manitou Springs Police Department (MSPD) is responsible for maintaining public safety, managing traffic, and responding to incidents during the event.

MSPD has identified the need for an increased number of officers beyond current staffing levels. Additional officers would improve:

- Crowd management and pedestrian safety in high density areas
- Traffic control along parade routes and detour corridors
- Emergency response times across the event footprint
- Overall officer visibility, which supports deterrence and public safety

While MSPD has historically staffed the event, current staffing levels are at the minimum necessary to manage operations. Increased attendance and operational demands warrant the addition of more officers to ensure a safer and more controlled environment.

Current Staffing Model and Costs

Manitou Springs Police Department:



- Overtime (OT) pay rate: \$75.00 per hour
- Officers working their regular assigned shifts do not receive OT pay.
- Typically 8 to 10 officers are scheduled for the event as part of their regular shifts, including the Commander and Chief.
- An additional 8 to 10 officers are typically assigned on overtime for event coverage.
- Event duration: approximately 6 hours
- Chief and Commander do not receive OT pay.

Example: 8 officers x 6 hours x \$75/hour = \$3,600 (Total cost will vary depending on the number of officers assigned)

El Paso County Sheriff's Office (EPSO) (Supplemental Support):

- Patrol Deputy OT rate: \$67.00 to \$94.00 per hour
- Detentions Deputy OT rate (State and POST-certified): \$60.00 to \$84.00 per hour
- Important consideration if assigned positions are not filled by the EPSO cutoff date:
 - If assigned positions are not filled by the EPSO cutoff date:
 - Patrol Deputy rate increases to \$94.00 per hour
 - Detentions Deputy rate increases to \$84.00 per hour

These rate escalations can significantly increase costs when additional officers are requested late in the planning process.

Fiscal Impact:

\$5,600 for an additional 10 officers.

Workload Impact:

Minimal

Recommended Action:

Staff is seeking direction from Council on how they would like staff to fund the additional security measures.



Memorandum

Title: Land Use Development Code Updates: Density and Height Allowances
From: Frederick Rollenhagen, Planning Director and Chelsea Royston, Senior Planner
To: Mayor and City Council
CC: City Administrator Denise Howell
Allocated Time: 30 Minutes

May 12, 2026

Purpose:

The purpose of this work session is to discuss potential revisions to the Land Use and Development Code (LUDC) regarding height and density limitations in certain zoning districts. The City Planning Commission (CPC) has been reviewing a number of policy questions for potential revisions to Section 18; the Land Use and Development Code. The LUDC was recently revised in 2023. As with any major update, a revised code should be periodically reviewed to identify and address errors, inconsistencies, or unintended consequences that reveal themselves during the Code's application. One of the items the CPC asked to review was zoning density and height limitations for residential uses, and the CPC asked to engage the Urban Renewal Authority and Housing Advisory Board in the review.

Attached are the current draft revisions that were recommended for approval by the CPC on April 8th. The revisions would apply to both the Mixed Use Commercial (MUC) and Commercial (C) zoning districts. It currently includes increasing densities in both districts to 30 dwelling units per acre (du/ac) and increasing the maximum height to 39 feet. It should be noted that the maximum height in MUC and C is currently subject to a 'step back' of a minimum of ten (10) feet for the portion of building that extends beyond twenty-eight (28) feet in height. This step back requirement is intended to apply to the 'third story' of a building to assure massing on the front setback is broken up for visual quality.

The planning commission voted unanimously to approve the amendments to the code including changing the density to 30 du/ac and the maximum height to 39 ft in the C and MUC zone districts.

Background:

For background, the City's current densities and height limitations for residential development are noted below. The zoning districts shown in bold are those that are the subject of today's discussion.



Zone District Maximum Residential Density and Height:

Downtown: 30 du/ac density; 40 feet height

Commercial: 20 du/ac density; 35 feet height

Mixed Use Commercial: 20 du/ac density; 36 feet height

General Residential: 10 du/ac density; 25 feet height

Low Density Residential: 5 du/ac density; 25 feet height

High Density Residential: 15 du/ac density; 30 feet height

The City Planning Commission held a series of work sessions beginning in October 2024 and reviewed additional information. Information that the CPC reviewed included the Colorado Model Land Development Code and examples of density limits from other comparable municipalities. The CPC also hosted a joint work session with the Urban Renewal Authority (URA) and Housing Advisory Board (HAB) and received their input and recommendations in February 2026.

The URA recommended amending the code to what it recommended under the initial Code update. That is to establish an MUC zone density of 25 du/ac and establish a height limitation of 39 ft specifically for the south side of Manitou Avenue within the URA and 35 ft for the north side of Manitou Ave. Other recommendations, including rezoning parcels within the URA to MUC can be found in the attached URA correspondence. While the URA's recommendations were focused for property just within the URA, the CPC appeared to show general agreement to increasing the density in both the Mixed Use Residential (MUC) zoning district and Commercial (C) zoning district, which would include properties zoned C across the City and not just within the URA. As a reminder, the MUC district was created with the intention for it to be used in the URA area along Manitou Avenue. At this time, there are no properties in the City zoned MUC.

During the February work session, the HAB generally supported an increase in density in order to better accommodate affordable housing which is more difficult to build as regulations become generally more restrictive. During the CPC's public hearing in April, the HAB provided a more specific recommendation in a letter that is attached to this packet for Council's review. The HAB is agreeable to the draft 30 du/ac but also recommends revising the current density bonus to up to 50 du/ac when 25 to 30% of the units are deed restricted for affordable housing. Currently, the LUDC allows for a density bonus of up to twenty-five percent (25%) above the permitted density listed, if twenty-five percent (25%) or more of the proposed residential units are rented or sold at a price that is considered "affordable" as defined by the U.S. Department of Housing and Urban Development (HUD).

During the hearing, the CPC referred back to a housing proposal that was presented to them last year that proposed 39 to 40 units per acre on a parcel located in the URA.



This proposal would have required the approval of a density variance. The CPC recalled that the size of the units was relatively small and therefore may not accommodate families, which was part of the HAB's goals of providing more housing for families, but thought that recommending a 30 du/ac density as a compromise could be helpful.

Fiscal Impact:

No additional fiscal impact is anticipated from these changes

Workload Impact:

No additional workload impact is anticipated from these changes

Recommended Action:

Staff is seeking Council feedback prior to scheduling an ordinance for first reading.

Table 18.02.3.2-1: Dimensional Standards for the Commercial Zone District	
Lot Dimensions	Standard Requirements
Minimum Lot Size	N/A
Minimum Lot Frontage	50 ft.
Building Setbacks	
Minimum Front Setback - Permanent Principal Structure	10 ft. ^[1]
Minimum Front Setback - Permanent and Temporary Accessory Structures	10 ft.
Maximum Front Setbacks	N/A
Minimum Side Setback - Permanent Principal Structure	5 ft. ^[1]
Minimum Side Setback - Permanent Accessory Structure	5 ft.
Minimum Side Setback - Temporary Accessory Structure	5 ft.
Minimum Rear Setback - Permanent Principal Structure	10 ft.
Minimum Rear Setback - Permanent Accessory Structure	10 ft.
Minimum Rear Setback - Temporary Accessory Structure	5 ft.
Site Development Standards	
Maximum Lot Coverage	75%
Maximum Building Height	35 ft 39 ft. ¹
Residential Density	20 du/ac 30 du/ac

Table 18.02.3.3-1: Dimensional Standards for the Mixed-Use Commercial Zone District		
Lot Dimensions	Standard Requirements	Exceptions from Standard Requirements
Minimum Lot Size	N/A	
Minimum Lot Frontage	50 ft.	
Building Setbacks		
Minimum Front Setback - Permanent Principal Structure	10 ft. ^[1]	Decks and patios shall be allowed to encroach into front setbacks by 5 ft.
Minimum Front Setback - Permanent and Temporary Accessory Structures	10 ft.	
Maximum Front Setbacks	20 ft. ^[1]	
Minimum Side Setback - Permanent Principal Structure	5 ft. ^[1]	Where adjacent properties are under single ownership 0 ft. setback shall be allowed on internal side property lines to attach adjacent buildings to facilitate redevelopment of multiple parcels
Minimum Side Setback - Permanent Accessory Structure	5 ft.	
Minimum Side Setback - Temporary Accessory Structure	5 ft.	
Minimum Rear Setback - Permanent Principal Structure	10 ft.	Decks and patios on the ground floor shall be allowed to encroach into rear setbacks by 5 ft.; does not apply to areas within the Fountain Creek floodway unless such encroachments are constructed above Base Flood Elevation (BFE), Upper story balconies shall be allowed to encroach up into rear setbacks up to 8 ft.
Minimum Rear Setback - Permanent Accessory Structure	5 ft.	
Minimum Rear Setback - Temporary Accessory Structure	0 ft.	
Site Development Standards		
Maximum Lot Coverage	75%	
Maximum Building Height	36 ft. 39 ft	
Maximum Residential Density	20 du/ac 30 du/ac	

Community Comparison of densities and dimensional allowances for Commercial and Mixed Use-type zoning districts where multi-family uses are allowed

Estes Park

Downtown Commercial (CD)

Density: 2250 sq ft per unit (19 du per acre) on first floor, no min land area for units on upper floors

Max bldg. height: 42'

Accommodation (A)

Density: 5400 sq ft(?) (8 du per acre) per unit

Max bldg. height: 30'

Woodland Park

Central Business District (CBD), Service Commercial (SC), Community Commercial (CC), Neighborhood Commercial (NC)

Density: No specific restriction

Max bldg. height: 35'

Multifamily urban residential (MFU)

Density: no specific restriction

Max Bldg. height: 30'

Salida

RMU

Density: 2734 sq ft (15/16 du per acre) per unit

Max bldg.. height: 35'

Buena Vista

Commercial and high-density residential districts

Max lot coverage: 75%

Max bldg. height: 30 – 35'

Leadville

Retail Core, commercial and retail/residential districts

Max bldg. height 35'

40 – 60 du per acre, commercial; 20 du per acre

Durango

Central business dist, business park, mixed use arterial,
high-density residential: 24 – 42 du per acre

Fountain

Residential/mixed use, Mixed use
35 – 40' max bldg. height
16 du per acre

MEMORANDUM

To: Manitou Springs Planning Commission

From: Manitou Springs Urban Renewal Authority (MSURA)

Date: February 8, 2026

Subject: Urban Renewal Authority Board Recommendations Regarding Land Use and Development Code Provisions in the Urban Renewal Area

The Manitou Springs Urban Renewal Authority (URA) submits this memorandum to formally transmit the URA Board's recommendations to the Manitou Springs Planning Commission regarding density, zoning, and height provisions applicable within the Urban Renewal Area (URA). These recommendations are based on the original 2022 extensive Working Group deliberations and are intended to support feasible, context-sensitive redevelopment.

Primary Recommendation: Reversion to Original Working Group Recommendations

The URA Board's primary recommendation is that the Planning Department and Planning Commission revert to, and carry forward, the original Working Group recommendations that were formally presented in:

- City Planning Commission Special Meeting – Land Use and Development Code Presentation (November 17, 2022)
- City Council Meeting – Consultant and Planning Department Recommendations (December 20, 2022)

The URA Board specifically recommends that these original Working Group and consultant-supported recommendations be used as the basis for Planning Commission consideration, rather than the final version adopted by City Council. The Board believes the original recommendations more accurately reflect the consensus, intent, and redevelopment feasibility goals developed through the URA Working Group process.

Supporting Recommendations

1. Residential Density

The URA recommends a maximum residential density of 25 dwelling units per acre (25 DU/acre) within the Urban Renewal Area. This recommendation reflects full agreement among the 2022 Working Group and was a central component of the original recommendations.

2. URA-Wide Rezoning to Mixed Use Commercial

The URA recommends that all properties within the Urban Renewal Area be rezoned to Mixed Use Commercial. This rezoning should be initiated by the City and structured so as

not to place financial or procedural burdens on property owners. This approach was integral to the original 2022 Working Group discussions conducted over a two-year period.

3. Building Height

The URA recommends that building height standards within the Urban Renewal Area reflect the original 2022 Working Group recommendations, which recognized the importance of site context, topography, and redevelopment feasibility.

Specifically, the Working Group supported a graduated height approach tied to site orientation and landform:

- Building Height on South Side of Manitou Avenue (highway 24 Side): A maximum building height of 39 feet, where additional height can be accommodated with reduced visual impact and improved redevelopment feasibility. With a step back directly on Manitou Avenue as presented in 2022 recommendations
- Building Height North Side of Manitou Avenue (Creek Side) : A maximum building height of up to 35 feet on the North side of Manitou Avenue along the creek with step back where buildings are more visible from adjacent neighborhoods and public viewpoints.
- Building Envelope and Topography: As noted by Working Group member Alan Delwiche, building height should be evaluated through a building envelope approach that fits within the natural contour of the land, rather than a rigid, flat height plane. This approach allows buildings to step with grade, reduce perceived massing, and respond appropriately to topographic conditions while remaining within overall height limits as noted in Original 2022 Working group recommendations.

The URA notes that redevelopment efforts within the Urban Renewal Area have not been successful under existing height constraints. The Working Group's recommended height framework was intentionally designed to balance context-sensitive design with the practical realities of redevelopment, and the URA supports carrying this framework forward as originally presented.

4. Variances

The URA recommends that variance provisions remain unchanged and continue to be addressed through the City's existing variance process, consistent with the original recommendations.

Conclusion

In summary, the URA Board respectfully recommends that the Planning Department and Planning Commission carry forward the original Working Group recommendations as presented in 2022. These recommendations represent a carefully developed consensus between the URA, consultants, and Planning staff and were intended to balance community

character, redevelopment feasibility, and long-term public benefit within the Urban Renewal Area.

The URA appreciates the Planning Commission's consideration and looks forward to continued coordination in support of thoughtful and implementable land use policy.

March 25, 2026

Manitou Springs City Council
City of Manitou Springs
606 Manitou Avenue
Manitou Springs, CO 80829

RE: Housing Advisory Board Recommendation -- Strengthening MSURA Density Bonus to Deliver Affordable Housing

Dear Mayor and Council Members,

Summary

Manitou Springs has included housing as a priority in every comprehensive plan since 1974. Population has been flat for 50 years. The same blighted sites remain undeveloped.

A new teacher in this district earns \$51,112. Using the standard affordability measure of 30 percent of income toward housing, that teacher can afford a home priced at approximately \$190,000. The median home in Manitou Springs costs \$583,000.

Manitou Springs median household income fell 6 percent from 2018 to 2023, while the cost of a two-bedroom rental in El Paso County increased 45 percent over the same period. The El Paso County Regional Housing Needs Assessment identifies 159 rental units currently needed in Manitou Springs, a number that doubles within 10 years.

The draft code revision raises the density bonus ceiling to 30 units per acre. At 2.2 acres, that produces roughly 66 units. A real developer already demonstrated on this exact site that 35 units per acre is not enough to move a project forward. The draft revision does not solve the problem.

HAB requests that Council strengthen the density bonus to allow up to 50 to 55 units per acre when meaningful affordable housing is included. That is the threshold where projects become financially viable and affordable units can actually be delivered.

See Attachment A for the wage and housing cost analysis. See Attachment B, the El Paso County Regional Housing Needs Assessment, for regional data.

The Policy Record

Manitou Springs has included housing as a priority in every comprehensive plan update since 1974. Population growth has been essentially flat over that same period. The same blighted and underutilized sites identified decades ago remain largely unchanged today.

This is not a failure of stated intent. It is a failure of tools. The MSURA was established in 2006 to address exactly this pattern. Nearly twenty years later, the conditions it was meant to correct persist.

The proposed revisions are necessary and should be adopted. But to be effective, the density bonus must reflect actual market conditions rather than aspirational ones.

The Current Bonus Does Not Work

Under the current structure, residential density may increase by 25 percent if 25 percent of units are affordable. In practice, this moves a project from approximately 25 dwelling units per acre to roughly 30 or 31 dwelling units per acre.

The draft revision raises this ceiling to 30 units per acre. This is a step forward, but it does not change the financial outcome. Land, demolition, construction, financing, and long-term deed restriction compliance all cost more than they did when this code was written. Affordable units generate reduced revenue. The gap between what a project costs and what it can earn does not close at 30 units per acre.

If an incentive does not change the outcome, it is not functioning as an incentive.

We Have Already Seen This Locally

The former La Fun Motel site at 123 Manitou Avenue demonstrates this directly. Paragon Realty proposed approximately 78 units on 2.2 acres, roughly 35 dwelling units per acre. The project had support from HAB and the Urban Renewal Authority. It was on a transit corridor. The URA had already invested \$2.1 million in the site for purchase, demolition, and asbestos abatement.

Even at 35 units per acre, the project could not proceed under the current code. The Planning Commission denied the variance. A professional planner serving on that commission stated plainly that the current code forces a luxury condo density and makes affordable apartments impossible to build.

This is not a theoretical concern. It is a documented local outcome on a site the City has already invested in.

Who Cannot Afford to Live Here

The El Paso County Regional Housing Needs Assessment finds that Manitou Springs has the 10th highest median home sale price in the county at \$583,000, while its Area Median Income of \$76,550 is far below the county AMI of \$112,000. Eighty-three percent of Manitou renters earn below 80 percent of AMI. Thirty-eight percent fall in the extremely low-income category.

The HNA also documents a jobs-to-housing imbalance of 5.14 low-income jobs per affordable housing unit in Manitou Springs -- the most acute mismatch in the region. Residents must choose between commuting or paying housing costs that are not sustainable on local wages.

A new teacher in Manitou Springs School District 14 earns \$51,112 per year. A mid-career teacher earns between \$58,000 and \$63,000. Even at the top of the 30-year salary schedule with a master's degree, a teacher earns \$78,713. Using the 30 percent affordability standard, a new teacher can afford a home priced at approximately \$190,000. The median sale price in Manitou Springs is \$583,000.

The same is true for city employees, firefighters, and police officers. The people who make this community function cannot afford to live in it.

This data is documented in full in Attachment A and in Attachment B, the El Paso County Regional Housing Needs Assessment.

What Changes at the Right Density

At approximately 50 to 55 dwelling units per acre, the financial math changes. Fixed costs spread across more units. Financing becomes attainable. Affordable units can be included without making the project in-viable. Developers can participate.

At 123 Manitou Avenue, 2.2 acres on a transit corridor, already cleared and remediated, a density of 50 units per acre supports approximately 110 units. At that scale, a mixed-income building that includes deed-restricted housing for teachers, city employees, seniors, and working families becomes possible. That building does not exist at 30 units per acre.

This is the threshold where policy produces results.

A Scaled Bonus Structure Is Required

HAB recommends replacing the flat bonus with a graduated density bonus tied to the percentage of affordable housing provided. Projects should be eligible for a density increase beginning at 10 percent affordable units, with the bonus scaling upward to allow 50 to 55 units per acre when 25 to 30 percent of units are deed restricted.

Affordable units should be permitted across a range of income levels up to 100 percent of AMI, including deeper tiers at 60 and 80 percent AMI to support financially viable mixed-income design. All deed-restricted affordable units should be secured by covenant for a minimum of 30 years.

This structure aligns the level of incentive with the level of affordability and creates a realistic path to delivering units.

A Note on Wildfire Risk

HAB acknowledges that wildfire risk is a genuine concern in Manitou Springs. Infill development on already-disturbed urban sites, built to current construction standards and equipped with suppression systems, presents a different risk profile than development at the wildland interface. The vacant, deteriorating structures that currently occupy these sites also present fire hazard.

The Manitou Springs Fire Department does not produce formal evacuation maps and recommends individualized household evacuation planning because conditions vary too widely for a single route to be reliable. There is no established population threshold that determines safe evacuation capacity. The density bonus proposal does not change the evacuation planning framework.

State Direction

Colorado continues to advance legislation to increase housing supply and reduce barriers, including HB26-1001 and HB26-1065. The El Paso County Housing Needs Assessment satisfies the requirement under Proposition 123 and SB 24-174. Communities that align local regulations with these state housing production goals retain more local control over outcomes and are better positioned to access funding. Communities that do not will face increasing state intervention.

Conclusion

The proposed MSURA revisions should be adopted. To produce affordable housing, the density bonus must be strengthened to reflect what development actually costs today.

A density ceiling of 50 to 55 units per acre, available when meaningful deed-restricted affordable housing is included, is the threshold where projects become viable. Below that threshold, the code will continue to produce the same outcome it has produced for 50 years.

HAB respectfully requests that Council adopt the revisions and strengthen the density bonus so that affordable housing in Manitou Springs is not just a stated priority, but an achievable outcome.

Thank you for your consideration.

Respectfully submitted,

Alison Gerbig, Chair on behalf of the **Housing Advisory Board**, City of Manitou Springs



LUDC Revisions Density/Height Amendments

CITY COUNCIL WORK SESSION

05/12/26



Density/Height Amendments

Residential Zoning Densities

<u>Zone District</u>	<u>Maximum Residential Density</u>	<u>Maximum Height</u>
Downtown	30 du/ac	40 feet
Commercial	20 du/ac	35 feet
Mixed Use Commercial	20 du/ac	36 feet
General Residential	10 du/ac	25 feet
Low Density Residential	5 du/ac	25 feet
High Density Residential	15 du/ac	30 feet

Density/Height Amendments



Community Comparison – November, 2025

Estes Park

Woodland Park

Salida

Buena Vista

Leadville

Durango

Fountain



Density/Height Amendments

URA Recommendation

- 1) 25 du/ac max density within URA
- 2) Rezone all URA properties to MUC
- 3) Building Height –
39 feet, south side of Manitou Ave
35 feet north side of Manitou Ave
“step back” for upper floors
(Municipal Code currently contains “step back” requirements)



Density/Height Amendments

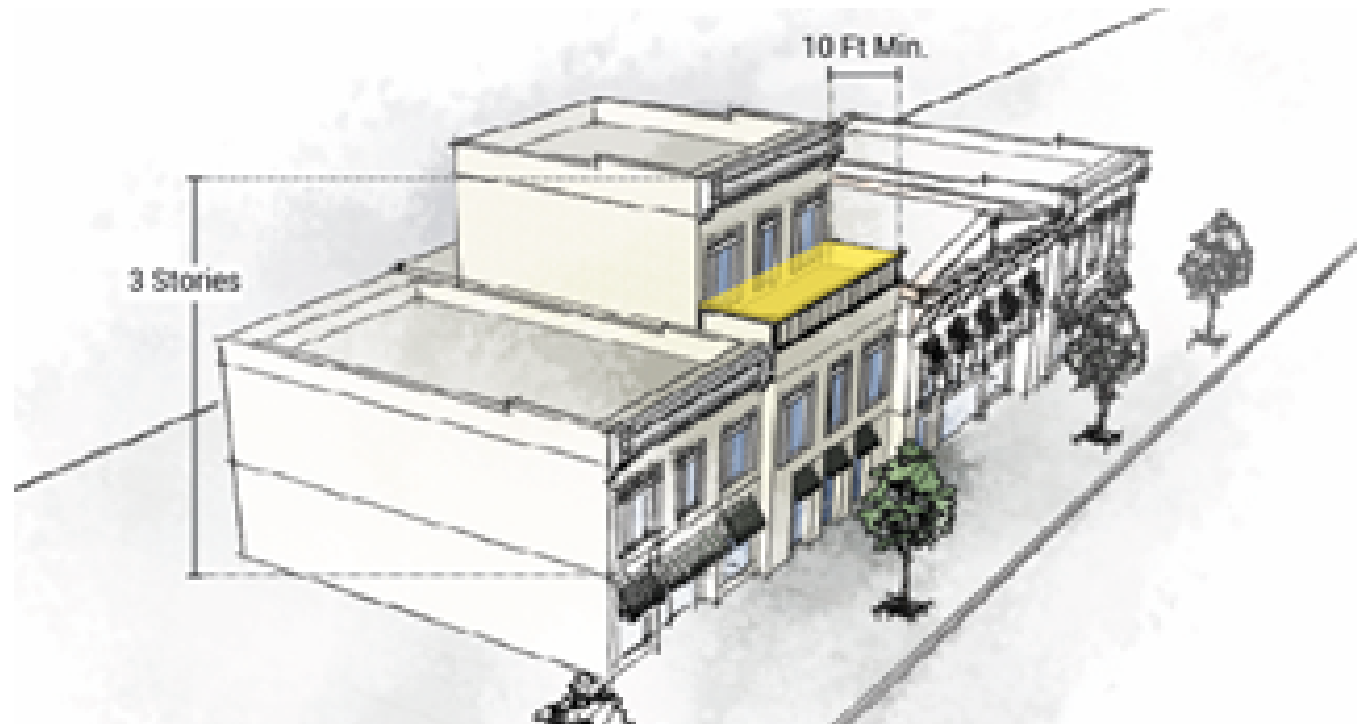
18.03.2.4.

Building Height and Scale.

A. Building height in the High Density Residential, Commercial, and Mixed-Use Zone Districts may vary based on location in relation to setbacks at the right-of-way based on the following:

1. *Buildings* shall include a step back of a minimum of ten (10) feet for the portion of *building* that extends beyond twenty-eight (28) feet in height.

Density/Height Amendments





Density/Height Amendments

HAB Recommendation

Strengthen affordable housing density bonus to allow up to 50 – 55du/ac.

Replace flat bonus with a graduated density bonus tied to % of affordable housing provided.

Example:

10-15% affordable housing provided = 35 – 40du/ac

15 – 20% affordable housing provided = 40 – 45du/ac

20 – 25% affordable housing provided = 45 – 50du/ac

25 – 30% affordable housing provided = 50 – 55du/ac



Density/Height Amendments

Section 18.02.1.4(A)(3).

Residential density may be increased by up to **twenty-five percent (25%)** above the permitted density listed herein if twenty-five percent (25%) or more of the residential units provided are rented or sold at a price that is affordable as determined by the U.S. Department of Housing and Urban Development (HUD) to a household earning one hundred percent (100%) of Area Median Income (AMI) or less as determined by HUD. All affordable units shall be documented by a legal covenant to be deed restricted for a minimum of thirty (30) years.

$30 \text{ du/ac} + 25\% = 37.5 \text{ du/ac}$

Density/Height Amendments



Draft Revisions

Maximum Building Height – increase from 35/36' to 39'

Residential Density – increase from 20 du/ac to 30 du/ac

MUC and C Zoning Districts

Density Bonus – no CPC recommendation



Memorandum

Title: Land Use Development Code Updates: Variances and Administrative Adjustments
From: Fred Rollenhagen, Planning Director, AICP, and Chelsea Royston, Senior Planner, AICP

To: Mayor and City Council

CC: City Administrator Denise Howell

Allocated Time: 30 Minutes

May 12, 2026

Purpose:

The Planning Commission has asked to review the process and criteria for granting variances to ensure the Land Use Development Code (LUDC) is performing its intended function.

Background:

Beginning in November 2025, the City Planning Commission (CPC) held a number of work sessions to evaluate the efficacy of the variance criteria that was adopted as part of the 2023 LUDC. The primary driver for the evaluation was due to confusion among Commissioners and staff over how to interpret and apply the code. The discussion originally focused on revising the language of the approval criteria, but further research led staff to propose more comprehensive revisions to the procedures and an additional form of administrative relief from standards. Staff identified and grouped the current Variance criteria into three groups: 1) Criteria that could be reviewed, refined and/or better defined, 2) Criteria that is currently regulated elsewhere in the Code, and 3) Criteria that could benefit from a new review process.

Staff analyzed a variety of resources that include the American Planning Association (APA), the Colorado Department of Local Affairs (DOLA) Model Land Use Code, and other municipalities in the region. Four common criteria topics were identified through these resources. Given the unique characteristics of Manitou Springs, and specific challenges the CPC has encountered while evaluating variance requests, staff proposed modified versions of those criteria. Staff also proposed a new procedure to structure the discussion and provide CPC with an opportunity to formally evaluate each criterion individually, and finally, a new consolidated section for administrative relief.

The proposed criteria are:

- 1. No variance shall be authorized unless the Planning Commission finds that the following condition has been met:**



Criteria A. 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. There was discussion during the January work session over whether the majority of the nuisance criteria applied. The commission generally seemed to agree that the first nuisance statement captured the intent of the criteria. Therefore, staff revised the proposed language to match the first nuisance statement. The Commission also discussed the merits of restricting the ability to be adversely impacted to properties sharing a property line with the subject parcel, properties within 300 feet of the subject property, or not limited. There was no consensus among the commission. The code permits any party to comment on applications. Therefore, staff eliminated the distance qualifier in the proposed revision.

Proposed Language: "The granting of a variance will not enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property, or which constitutes a health or safety hazard."

2. Additionally, variance requests must meet a minimum of two of the following criteria:

Criteria A 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: Literal enforcement of the code would result in an unnecessary hardship.

Criteria B. 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 documentation, 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 C. 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. The Commission recommended that subcriteria b, be rephrased to better meet the intent of the statement.

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

1. The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.
2. The variance is necessary to allow or improve access to sunlight.
3. The variance is necessary to protect heritage trees.
4. Other substantial documented circumstance.

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 "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. The Planning Staff will read each of the variance criteria and the commission will vote via hand-raised 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.

The proposed revisions also include a new application type for Administrative Adjustments. This section consolidates some previous variance criteria and other minor



relief sections. One benefit of the proposed section is the CPC will no longer rule on an ADA issue in a public hearing, while maintaining flexibility to residents that need reasonable accommodations as provided for by federal legislation. Some adjustments stem 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. For reference, of the 14 variance applications the CPC has heard since the adoption of the LUDC, only one would have been eligible for an Administrative Adjustment. Staff asserts that a number of pre-application meetings would have resulted in an application for an Administrative Adjustment, had the option been available, but opted not to pursue a Variance due to the financial and time burdens associated with Variance applications. Staff also has record of several applications that would have qualified for an administrative adjustment. However, they were addressed under the height measurement section of the code and did not require a separate approval.

Four CPC commissioners voted to recommend adoption of the proposed changes, while three voted in opposition. Chair Delwiche voted in opposition primarily due to the administrative adjustment section, as he feels that code requirements should not be varied without public hearings. He also thought that all four criteria should be required. Vice-Chair Wilson noted that he opposed the adoption primarily because he thought criteria two should also be required, but was in favor of only requiring three of the four in order to approve.

Fiscal Impact:

No fiscal impact is anticipated from these changes.

Workload Impact:

No additional workload impact is anticipated from these changes.

Recommended Action:

Staff is seeking Council feedback prior to scheduling an ordinance for first reading.



LUDC revisions Variances and Administrative Adjustments

CITY COUNCIL WORK SESSION

5/12/26

CPC work sessions



October 8, 2025

November 12, 2025

December 10, 2025

January 14, 2026

April 8, 2026 (Public Hearing)

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.



Existing Criteria (required)

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. 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;



Existing Criteria (4 of 6 required)

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;
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 a 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.

Proposed Criteria (required)



Criteria 1.a:

The granting of a variance will not enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property or which constitutes a health or safety hazard.

- Language pulled from nuisance definition 6.08.010.E.1

Proposed Criteria (2 of 3 required)



- (a) Literal enforcement of the code would result in an unnecessary hardship.
- (b) 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.
- (c) The property has one or more of the following extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district:
 1. The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.
 2. The variance is necessary to allow or improve access to sunlight.
 3. The variance is necessary to protect heritage trees.
 4. Other substantial documented circumstance.



Findings of Fact process

Codifies a new procedure to structure the discussion and provide CPC an opportunity to formally evaluate each criterion individually.

- a. Planning Staff will read each of the variance criteria
- b. The commission will vote via hand raise vote on whether the proposed variance/parcel meets the criteria
- c. Staff will note each vote on a form and at the end, will state will state whether the requisite criteria were met.
- d. 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.



Order of Proceedings

1. Order of Proceedings for each variance
2. Open public hearing
3. staff presentation, CPC questions to staff
4. applicant testimony, CPC questions to applicant
5. public comment
6. applicant rebuttal, if necessary
7. close public hearing
8. CPC deliberation
9. **Findings of Fact**
10. Vote

New Section: Administrative Adjustments



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.

New Section: Administrative Adjustments



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

New Section: Administrative Adjustments



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

New Section: Administrative Adjustments



4. Historic District.

- i. 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*.
- ii. 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')

(these are not codified in Chapter 17, will be included in future Ch. 17 revisions)

New Section: Administrative Adjustments



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:

- a. 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;
- b. 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;
- c. 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;
- d. The accessory projection is not constructed for the purpose of providing additional floor area in the building; and
- e. The accessory projection does not interfere with Federal Aviation Administration regulations

New Section: Administrative Adjustments



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 enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property, or which constitutes a health or safety hazard.
3. The intent of the specific regulation in question is met



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. No variance shall be authorized unless the Planning Commission finds that the following condition has been met:
 - a. The granting of a variance will not enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property, or which constitutes a health or safety hazard.

	Delwiche	Wilson	Graybill	Rosenthal	DeLay	Day	Harper		
yea									
nay									

2. Additionally, variance requests must meet a minimum of two of the following criteria:

- a. Literal enforcement of the code would result in an unnecessary hardship.

	Delwiche	Wilson	Graybill	Rosenthal	DeLay	Day	Harper		
yea									
nay									

- b. 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									

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

Select one:

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

	2	The variance is necessary to allow or improve access to sunlight for solar energy devices
	3	The variance is necessary to protect heritage trees
	4	Other substantial documented circumstance.

	Delwiche	Wilson	Graybill	Rosenthal	DeLay	Day	Harper		
yea									
nay									

Summary:

The City Planning Commission found that Criteria 1.a. (required) **has/has not** been met and; Two or more of the remaining three criteria required for approval of a variance **were/were not** 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)

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		

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 that is 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. . E. Approval Criteria. 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) No variance shall be authorized unless the Planning Commission finds that the following condition has been met:
 - (a) The granting of a variance will not enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property, or which constitutes a health or safety hazard.
 - 2) Additionally, variance requests must meet a minimum of two of the following criteria:
 - (a) Literal enforcement of the code would result in an unnecessary hardship.
 - (b) 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.
 - (c) The property has one or more of the following extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district:
 - (i) The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.
 - (ii) The variance is necessary to allow or improve access to sunlight.
 - (iii) The variance is necessary to protect heritage trees.
 - (iv) Other substantial documented circumstance.
- F. 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.
- G. 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. 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 whether the requisite criteria were met.
 6. Should the Planning Commission find that the requested variance meets the minimum number of criteria required in subsection E above, the Chair of the Commission will call for a motion to ratify the decision with a vote. The motion for this vote may impose, eliminate, or modify 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.
- H. 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.
- I. 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.
- J. 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 that is 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.
 - a. 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*.
 - b. 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:
 - a. 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;

- b. 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;
 - c. 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;
 - d. iv. The accessory projection is not constructed for the purpose of providing additional floor area in the building; and
 - e. 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. Approval will not enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property or which constitutes a health or safety hazard
 3. The intent of the specific regulation in question is met

Table 18.06.2-1: Procedures Table						
Application Type	Pre-application Meeting	Body of Authority			Submittal Notice	Public Hearing Notice
	X- Required (May be waived by Planning Director)	Staff Review	Planning Commission	City Council		
		R- Recommendation Body D- Decision Body				
Variances	X		D		X	X
Administrative Adjustments	X	X				

18.06.4.2 Variance.

- ~~A. 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 that is similar to, but not greater than, other lots in the same zoning district in the surrounding areas.~~
- ~~C. 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.
- ~~D. 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.
- ~~E. 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.
- ~~F. E. Approval-Criteria. E. Approval Criteria. 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: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) No variance shall be authorized unless the Planning Commission finds that the following condition has been met:
 - ~~(a) The granting of a variance will not enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property, or which constitutes a health or safety hazard.~~~~
 - ~~2) Additionally, variance requests must meet a minimum of two of the following criteria:
 - ~~(a) Literal enforcement of the code would result in an unnecessary hardship.~~
 - ~~(b) 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.~~
 - ~~(c) The property has one or more of the following extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district:
 - ~~(i) The property is partially encumbered by the flood zone, no-build area, or other restrictions resulting in a reduction in developable area.~~
 - ~~(ii) The variance is necessary to allow or improve access to sunlight.~~
 - ~~(iii) The variance is necessary to protect heritage trees.~~
 - ~~(iv) Other substantial documented circumstance.~~~~~~

~~a.—~~

b.—

- GG. 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.
- HH. 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. 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."
 6. Should the Planning Commission find that the requested variance meets the minimum number of criteria required in subsection E above, the Chair of the Commission will call for a motion to ratify the decision with a vote. The motion for this vote may impose, eliminate, or modify 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.
- HJ. 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.
- JJ. 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.
- KK. 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 that is similar to, but not greater than, other lots in the same zoning district in the surrounding areas without necessitating a variance hearing.
- C. 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.
 3. Accessibility. The proposed development or alteration is necessary to create reasonable accommodations to individuals with disabilities as outlined by the Americans with Disabilities Act.
 4. Historic District.
 1. 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.
 2. 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')
 3. 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:

- a. 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;
- b. 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;
- c. 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;
- d. The accessory projection is not constructed for the purpose of providing additional floor area in the building; and
- e. The accessory projection does not interfere with Federal Aviation Administration regulations

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

E. 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.

F. 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. Approval will not enable any condition or activity that unreasonably annoys or interferes with the use or enjoyment of public or private property or which constitutes a health or safety hazard
- 3. The intent of the specific regulation in question is met

Table 18.06.2-1: Procedures Table						
Application Type	Pre-application Meeting	Body of Authority			Submittal Notice	Public Hearing Notice
	X- Required (May be waived by Planning Director)	Staff Review	Planning Commission	City Council		
		R- Recommendation Body D- Decision Body				
Variances	X		D		X	X
Administrative Adjustments	X	X				



Memorandum

Title: Consideration of Amenity Requirements for Private Parking Facilities

From: Frederick Rollenhagen, Planning Director

To: Mayor and City Council

CC: City Administrator Denise Howell

Allocated Time: 30 Minutes

May 12, 2026

Purpose:

The purpose of this discussion item is to discuss Planning staff's preliminary high-level findings on requiring bathroom facilities in private parking facilities. Staff would request feedback and direction whether further information is requested or action be taken on this topic.

Background:

The City of Manitou Springs is well versed in issues caused by lack of public parking and has implemented several solutions with the intent of providing enough parking while still encouraging turnover. Currently, there are a number of parking lots within the city limits that are available for a fee for visitors, residents and employees. Most of these parking lots are managed either by the City's Mobility and Parking Department (6 parking facilities), or by the Manitou Springs Metropolitan District (2 facilities). A few smaller lots are owned and managed by private parties. These parking lots provide a valuable resource by supplying parking for patrons of the City's businesses, business employees, and visitors. Parking lots provide a resource that helps manage and relieve pressures on the City's on-street parking facilities and residential neighborhoods.

Recently, the community conversation has focused on whether public parking should, itself, be considered a gathering point for visitors and subsequently, if parking lots should be required to have public restroom facilities. The table below shows the current prominent public paid parking, and restroom facilities open to the public.

LOCATION AND NUMBER OF PARKING SPACES AND RESTROOM FACILITIES

- Barr Lot: 40 parking spaces; 4 restroom facilities
- Canon Lot: 40 parking spaces; 0 restroom facilities
- Dillon Mobility Hub: 86 parking spaces; 12 restroom facilities
- Duck Stop: 13 parking spaces; 0 restroom facilities
- Hiawatha Gardens: 93 parking spaces; 8 (future) restroom facilities



- Schryver: 53 parking spaces; 2 restroom facilities
- Soda Springs: On-street parking/park; 2 restroom facilities
- City Hall (exterior): City employee parking; 4 restroom facilities
- Wichita: 92 parking spaces; 2 restroom facilities
- Smischny: 42 parking spaces; 0 restroom facilities

A total of 406 (plus) parking spaces and 34 restroom facilities within the City.

New parking lots are subject to landscaping, lighting, drainage, and other regulations that may also reduce the portion of the lot available for parking use.

Staff has been asked to research a potential solution to this problem and to gather information on feasible alternatives.

Findings

Staff identified little precedent for such a concept. But it did find some context to understand when restroom facilities are generally required.

1. After a high-level search of communities in the state of Colorado, staff is unfamiliar with any Colorado community that requires bathroom facilities in paid parking lots without a specific - other- purpose/destination included. Staff researched a number of peer community codes, such as Woodland Park, Salida, Buena Vista, Estes Park and Telluride. Staff also reached out directly to a few of these communities. None of them require restroom facilities tied directly to paid parking lots.
2. In Colorado, restroom facilities are required and usually tied to requirements of the International Code Series (building code) that require restrooms in buildings that contain an occupancy load from another use located within the structure, or if the structure houses paid staff that support the parking structure itself.
3. Staff found that restroom facility requirements in parking lots are also tied to recreational amenity type uses. For example, at trail heads, campgrounds, beaches/coastal areas, and other places where parking is established to access a specific amenity. Many of these parking areas are owned or managed by the local government or agency supporting the amenity that the parking lot supports.
4. If a restroom facility requirement is desired for the construction of paid parking lots, a few considerations for the Council to consider are:
 - a. Number of parking spaces that trigger restroom facilities.
 - b. Standards for the restroom facility (portable vs. permanent, number of



- stalls required, cleaning frequency standards, hours of operation, etc.)
- c. Options for committing off-site restroom facilities for use by parking lot users.

Fiscal Impact:

No additional fiscal impact is anticipated from these changes.

Workload Impact:

No additional workload impact is anticipated from these changes.

Recommended Action:

Staff is seeking Council feedback and direction on this topic.