

Council approves permit for vacation rental Parking variance appeal for property denied

By Anthony Welch

Property owner Jay Rohrer was willing to go through a somewhat lengthy process just to prove a point.

Manitou Springs City Council heard from Rohrer at its regular meeting Tuesday night. He was appealing a Planning Department decision to deny his request for a parking variance for properties he and Karen Cullen own at 202 and 208 Ruxton Avenue.

Rohrer and Cullen plan to reside in the building at 202 Ruxton and turn the 208 building into a vacation rental. Planning staff suggested that Rohrer and Cullen were required to have four parking spaces for 208 Ruxton Avenue. The suggested requirement is seven total spaces for both addresses.

The former bed and breakfast will be converted to a single-family vacation rental, Rohrer said. He currently leases four parking spaces from an adjacent property at 214 Ruxton. Rohrer and Cullen plan to continue leasing spaces no matter what.

"We do want to keep leasing spaces from them," he said. "We just don't want to be required to."

A letter from Rohrer and Cullen to the Planning Department and Council said the two feel the parking requirements are excessive, unreasonable and against code in comparison to other recent approvals. A vacation rental doesn't have a specific code to reference but could fall somewhere between a boarding or rooming house, which requires half a parking space per bed; a bed and breakfast which suggests one space per guest room; or a hotel/motel which requires one space per guestroom plus two spaces for onsite residence or staff, according to the letter.

Councilman Matt Carpenter and Mayor Marc Snyder were somewhat perplexed by the appeal, citing that if Rohrer and Cullen plan to lease spaces regardless, what was the point of the appeal? Rohrer said it was to prove a point. He said he felt he was being regulated by the Planning Department in an unfair manner.

"Are we going a different direction in town and only allow uses that totally conform?" Rohrer asked.

Snyder said it's no mystery the city has parking problems. When an application like Rohrer's comes in, the goal is to keep those problems in mind when considering parking variances. Rohrer is vice chair on the City's Parking Authority Board.

"I'm a little bit disturbed by your response earlier that you're making a point, that you intend to do this, but you don't want to be forced to do this," Snyder said. "I just want to get cars off the street."

Council denied the appeal, but approved a conditional use permit for Rohrer and Cullen to operate a vacation rental.

Council also changed the condition requiring seven parking spaces to six. Three are available onsite and Rohrer and Cullen will have to lease three spaces on adjacent property.

"Vacation rentals are really about families," Rohrer said. "Planning goes under assumption that it would be 100 percent occupied 100 percent of the time. That isn't so."

Iron Mountain acquisition

In his report, Planning Director Dan Folke said there's a good possibility that GOCO could award the City a \$397,500 grant that would go toward making Iron Mountain an open space and purchasing the property.

Twelve open space grants have been submitted, and six will be funded, Folke said. The City's request is ranked third, so chances are it will be awarded, according to Folke.

Total price tag for the Iron Mountain acquisition is \$530,092. To cover the balance, the City is also receiving \$60,000 from Colorado Springs TOPS and \$25,000 from the Hillsdale Fund, a private foundation. The City is responsible for the remaining \$47,592, according to Folke.

Snyder said his fundraising efforts for that amount will begin in January. He added that a contractor has offered his services if and when the City decides to remove the house on top of Iron Mountain.

Councilman Rick Barry questioned if a process had been discussed on what to do with the house. Snyder said it hadn't been discussed yet as the City was waiting to find about the GOCO grant. Folke mentioned the City said it would remove the house and restore the site in its application for the grant.

In other business, Council...

- Approved a major development request for Paulson Architects, who are overseeing the construction of a second level on the building located at 935 Manitou Ave. The building houses the European Cafe and Restaurant. The remodel will increase the restaurant's size and add seating on a second level.

- Approved second reading of two ordinances requiring licensing and regulation of businesses that sell non-cigarette tobacco products and procedures for preventing youth access and purchase of such products.

- Approved an ordinance vacating a right-of-way at Otter Path between blocks 14 and 20.

- Will meet for a special work session to discuss the 2012 budget at 7 p.m. Nov. 29.

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