



TOWN OF ELIZABETH

**TOWN OF ELIZABETH
Planning Commission Regular Meeting
Tuesday, September 20, 2022 at 6:30 PM
Town Hall, 151 S. Banner Street**

CALL TO ORDER

ROLL CALL

AGENDA CHANGES

UNSCHEDULED PUBLIC COMMENT

CONSENT AGENDA

1. Minutes of the Regular Meeting of August 2, 2022

NEW BUSINESS

2. Discussion regarding meeting and motion protocol - Patrick Davidson
3. Discussion regarding Amendments/Additions to the Elizabeth Municipal Code - Pam Cherry, Zach Higgins
 - a. Beverage Processing
 - b. Lot Line Adjustments
 - c. CMU-Commercial Mixed Use
 - d. Public Institution - Private School
 - e. Downtown District - Allowed Uses - Schools
 - f. Define Educational Institutions

REPORTS

4. Staff Report - Pam Cherry
5. Commissioner Reports

ADJOURNMENT



TOWN OF ELIZABETH

PLANNING COMMISSION

PLANNING COMMISSION – RECORD OF PROCEEDINGS AUGUST 2, 2022

CALL TO ORDER

The Regular Meeting of the Elizabeth Planning Commission was called to order on Tuesday, August 2, 2022, at 6:45 PM by Chair Jenny Case.

ROLL CALL

Present were Chair Jenny Case, Vice Chair Barbara McGinn, Commissioners Julie Uhernik, Greg Lindbloom, Rob Porter, and Ed Beard. There was a quorum to conduct business.

Also present were Community Development Director Pam Cherry, Planner/Project Manager Zach Higgins, and Town Clerk Michelle Oeser.

AGENDA CHANGES

No agenda changes from staff.

No agenda changes by the Commissioners.

PUBLIC COMMENT

No Public Comment.

MINUTES

1. Regular Minutes of July 5, 2022

Motion by Vice Chair McGinn, seconded by Commissioner Beard, to approve the minutes from July 5, 2022.

The vote of those Commissioners present was unanimously in favor. Motion carried.

NEW BUSINESS

2. Discussion regarding Planning Commission laptops and emails

Community Development Director Pam Cherry discussed the use of Town emails with Planning Commission members.

3. Discussion regarding Elizabeth Municipal Code Review

Planner/Project Manager Zach Higgins led a discussion and requested direction from the Planning



TOWN OF ELIZABETH

PLANNING COMMISSION

Commission on possible changes and updates to sections 10 and 16 of the Elizabeth Municipal Code.

REPORTS

- Discussion regarding land use application fees.
- Discussion regarding a future work session with the Town Board.
- Discussion on moving back to two Planning Commission meetings a month.
- Discussion regarding the paving at Countryside Village.
- Discussion regarding the Walnut Grove Development.
- Discussion regarding the Winchester Estates Development.
- Ms. Cherry let the Commissioners know that a new Community Development Assistant has been hired.

ADJOURNMENT

Motion by Vice Chair McGinn, seconded by Commissioner Beard, to adjourn meeting at 8:21 PM. The vote of those Commissioners present was unanimously in favor. Motion carried.

Chair Jenny Case

Deputy Clerk Harmony Malakowski



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission
FROM: Pam Cherry, Community Development Director
Zach Higgins, Planner/Project Manager
DATE: August 16, 2022
SUBJECT: Discussion Regarding Elizabeth Municipal Code

SUMMARY

Staff has received some recommendations from consultants, advisory boards, and through internal reviews identified a number of code sections which staff recommends additional review. These code sections include language which may be confusing or ambiguous, are outdated, contain cumbersome processes, etc.

Staff requests your discussion and feedback on the sections from the attached spreadsheet. In previous meetings we completed discussion of items #1-#5. Tonight we begin with #6 Beverage Processing and will attempt to go through Item 11 related to defining educational institutions. The majority of these items are not in the regulations at the present time, I have attached Table 16-5 which states what uses are permitted in which commercial zone district.

The other item is to define Educational Institutions. Should that definition include cooking clubs, dancing, welding, carpentry, etc? Should private schools be included as a use-by-right in any zone districts?

RECOMMENDATION

Please provide feedback/comments regarding what is presented and direction on if a specific code section update should be explored further.

ATTACHMENT(S)

Code language spreadsheet

Applicable code sections

**Table 16-5
Public-Institution/Regional Commercial/Commercial
Mixed Use/Industrial/Downtown Use Matrix**

EXPAND

<i>Land Use/Activity</i> <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	<i>Public-Institution/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I⁽⁶⁾</i>	<i>DT</i>
Single-family detached dwellings		S	S		
Single-family attached dwellings			S		A
Duplex structures			S		
Accessory dwelling units (ADUs)		S	S		S
Townhouses					S
Multi-family dwellings			S		S
Accessory buildings	A	A	A	A	A
Home occupations			A		A
Accessory uses			A		A
Amphitheater			A		A
Amusement and recreation establishments and areas		A	A	S	S

Land Use/Activity <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Assisted living services			S		
Athletic fields	A				
Auto repair garages		A		A	
Automotive wrecking and graveyards, salvage yards and junkyards				S	
Bakeries		A	A		A
Bed and breakfast inns		A	A		A
Beer, wine and liquor stores (off-premises of alcohol consumption)		A	S		S
Boarding and rooming houses			A		A
Business schools, studios and vocational schools, not involving processes of a heavy industrial nature		A		A	
Business service establishments		A	A	A	A
Car lots - new and used		A			
Car service and sales establishments		A		A	
Car washes		A			

Land Use/Activity <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Car/vehicle rental or leasing		A		A	
Cemeteries or mausoleums	A			A	
Clubs and lodges		A	A		A
Commercial animal establishments		A	S		
Commercial food preparation kitchens		A	A		A
Computer design-generated CAD-CAM operations not involving heavy industry		A	A	A	A
Computer-generated CAD and similar nonoffensive "light" industrial uses				A	
Construction-related businesses		S		A	
Convenience stores or centers		A	A		A
Distribution centers				A	
Dormitories			S		
Drive-in restaurants		A			
Eating and drinking establishments		A	A		A

Land Use/Activity <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Exhibition and art galleries		A	A		A
Facilities for assembly, manufacturing, compounding, processing or treatment of products				A	
Farmers markets or other open markets		A	A		A
Fences, hedges, walls and trees ⁽⁴⁾	A	A	A	A	A
Financial institutions		A	A		A
Fitness, recreational sports, gym or athletic club		A	S	A	S
Food and beverage processing				A	
Fraternity and sorority houses			S		
Garden/flower shops		A	A		A
Golf courses					
Hospitals and emergency facilities	A	A			
Hospitals for animals		A	A		
Hotels and motels		A			

Land Use/Activity <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts				
	P-I	RC	CMU	L-I⁽⁶⁾	DT
Kennels and other canine-related facilities - commercial ⁽⁷⁾		S	S	S	
Kennels and other canine-related facilities - private ⁽⁷⁾			S		
Laboratories or specialized industrial facilities				A	
Mill-type factories				A	
Miniature golf establishments			A	A	S
Mobile home parks					
Mobile home subdivisions					
Mortuaries/funeral homes		A	S	A	
Movie theaters		A	A		S
Museums, exhibitions or similar facilities	S	A	A		A
Nursery schools and day care centers		S	S		
Parking lots and parking garages	A	A	A	A	A
Parks	A	A	A	A	A

<i>Land Use/Activity</i> <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I</i> ⁽⁶⁾	<i>DT</i>
Pawn shops ⁽⁸⁾		A		A	
Performance theaters			A		A
Personal service establishments		A	A		A
Plant or tree nurseries		A		A	
Playgrounds	A				
Private campgrounds					
Professional, commercial or business offices		A	A	A	A
Public buildings and lands	A	A	A	A	A
Public safety-related facilities	A	A	A	A	A
Public transportation terminals other than truck terminals	A	A	A	A	A
Public utilities	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S		S		
Recreation facilities - private		A	A	A	

<i>Land Use/Activity</i> <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I</i> ⁽⁶⁾	<i>DT</i>
Recreational facilities - public	A	A	A	A	A
Religious assembly, place of	A	A	A	A	A
Research and development services				A	
Restaurants and lounges		A	A		A
Retail stores, sales and display rooms and shops		A	A		A
Retirement/group housing services			S		
Schools - private		A	A	A	
Schools - public	A	A	A	A	
Service stations		A		A	
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning)				A	
Sexually oriented businesses ⁽⁹⁾		A			
Signs	A	A	A	A	A
Storage facilities, RVs, campers, trailers, large vehicles				S	

<i>Land Use/Activity</i> <small>(1)(2)(3)(4)(5)(9)(10)(11)</small>	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I</i> ⁽⁶⁾	<i>DT</i>
Tattoo parlors		A			
Trailer sales and service		A			
Universities, colleges, technical institutions - satellite locations			A		S
Warehouse and storage facilities				A	
Warehouse discount stores/superstores		A			
Wholesaling, exclusive of manufacturing		A			

- **Sec. 16-3-80. - Replat, vacation, or plat amendment.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

(a)

Intent. The intent of this Section is to provide a process of review for a change to a recorded plat or a replat of a superblock that ensures that the change is consistent with the zoning district requirements, including, but not limited to, the following:

(1)

Replat of a lot or tract, adjustment or vacation of a lot line, vacation of a plat without rights-of-way or easements; or

(2)

Vacation of right-of-way, easement or portion thereof.

(b)

Prerequisite. The submittal process shall vary according to the nature of the proposed amendment based on, but not limited to, the following: degree of change, design, size, impact to public facilities, services, roads and overall impacts.

(c)

Submittal process and requirements.

(1)

A change to a recorded plat due to an error or omission shall be processed in accordance with this Chapter.

(2)

A replat of a lot or tract, an adjustment or vacation of a lot line, a vacation of a plat (without rights-of-way or easements) or a minor reconfiguration of an easement shall be processed in accordance with the final plat process.

(3)

A vacation of a platted easement or right-of-way shall be processed in accordance with the final plat process. In addition:

a.

For a vacation of a public right-of-way, a public hearing is required by the Planning Commission and Board of Trustees. Public notice shall be required for both the Planning Commission and the Board of Trustees hearing in accordance with Subsections [16-4-30\(b\)](#) through (d) of this Chapter. (NOTE: An access easement, i.e., trail, shall be considered a right-of-way.)

b.

For a vacation of an easement, public notice shall be required for the Board of Trustees hearing in accordance with Subsections [16-4-30\(b\)](#) through (d) of this Chapter. In addition, the applicant shall send a notice of hearing to known easement holders notifying them of the proposed vacation by certified mail, return receipt requested.

(4)

A vacation of an unplatted easement or right-of-way shall be processed as follows:

a.

An ordinance shall be prepared that includes the legal description of the right-of-way or easement to be vacated and the book and page numbers as recorded by the County Clerk and Recorder.

b.

The vacation request shall be heard by the Planning Commission and Board of Trustees at a public hearing. Public notice shall be required only for the Board of Trustees hearing in accordance with Subsections [16-4-30\(b\)](#) through (d) of this Chapter. The ordinance shall be recorded in the office of the County Clerk and Recorder upon obtaining the signature of the Mayor.

(5)

An amendment to a plat which includes a redesign of streets, blocks, lots and easements shall be processed according to the sketch, preliminary plan and final plat process of this Chapter.

(d)

Public notice requirements. All public notice requirements shall be done in accordance with Subsections [16-4-30\(b\)](#) through (d) of this Chapter.

(e)

Plat title. The title shall be the same as the previously recorded plat followed by the amendment number along the first line at the top of the sheet (along the long dimension). The planning area, if applicable, and a brief description of all the changes shall be placed under the title.

(f)

Lot numbers. The lots shall be numbered consecutively starting with the number 1. Tracts shall be lettered alphabetically in consecutive order. Include the square footage within each lot.

(Ord. 01-20)

([Ord. No. 20-08](#), § 1, 7-28-2020)

Elizabeth Municipal Code Review				
	Code Location	Code Language	Code Comments	
1	Firework Restrictions	Sec. 10-5-210. - Open fire and open burning restrictions.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH10GE0F_ARTVPUPEORDE_S10-5-210OPFIOPBURE	Further regulations required? Temporary Use Section. Provide PC with options. Could prohibit fireworks in this section
2	Physical Copy Requirements (Site Plan)	Sec. 16-2-30. - Application submittal requirements.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIISPLSTPR_S16-2-30APSURE	Digital submittal now preferred and has been utilized for quite some time. Move forward with this.
3	ADU - Residential Zoning	Table 16-1 and Table 16-3	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-120MOHOSUDI	Allow ADU's in all Residential/Dwelling zone types including MH
4	ADU - Yearly review	Sec. 16-9-20. - Criteria for approval.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIXUSPESPRE_S16-9-20CRAP	Reduce ADU review to only original review not yearly
5	Parking Space Requirements	Sec. 16-6-10. - Parking space requirements.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTVIPASPRE_S16-6-10PASPRE	Better define attached residential/dwelling unit parking requirements (possibly more categories)
6	Beverage Processing	Table 16-5 Food and Beverage Processing	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-150RECORCDI	Possibly allow small scale beverage, beer, wine, and spirit processing in RC and DT (eliminate spot zoning where possible)
7	Lot Line Adjustments	Sec. 16-3-80. - Replat, vacation, or plat amendment.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIISUPPRE_S16-3-80REVAPLAM	Possibly make administrative review and approval (possible percentage increase/decrease limitation)
8	CMU - Residential	Table 16-5	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-160COMIUSCMDI	Residential/Dwelling uses allowed?
9	Public Institution - Private School	Table 16-5	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-140PUSEBLINDI	Allow private schools in P.I.
10	Downtown District - schools	Table 16-5	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-180DODTDI	Allow private schools in D.T.
11	Define Education Institutions	Sec. 16-1-20. - Definitions.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-20DE	Public, Private, Vocational, Recreational, etc
12	Use by Special Review - Every year review	Sec. 16-9-30. - Limitations.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIXUSPESPRE_S16-9-30LI	Possible reduction in Use by Special review reviews to once versus every year
13	Setback tables - Front vs Street Side Setbacks	Table 16-2, Table 16-4, Table 16-6		Provide better definitions for Front vs Street Side Setbacks
14	Attached Dwelling Units	Sec. 16-1-20. - Definitions.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-20DE	Provide definition for Attached Dwelling Units
15	Site Plan requirements	Sec. 16-2-30. - Application submittal requirements.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIISPLSTPR_S16-2-30APSURE	Add signature block requirements and scan final document for record keeping
16	Site Plan requirements	Sec. 16-2-30. - Application submittal requirements.	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIISPLSTPR_S16-2-30APSURE	Details regarding Civil engineering details (CORE Engineering comments provided)
17	Short Term Rentals	N/A	N/A	Currently not regulated
18	Downtown District Lot Coverage	Table 16-6	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-180DODTDI	Possible addition of coverage for commercial development
19	Downtown District Height Requirements	Table 16-6	https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-180DODTDI	Allow for three stories?



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission
FROM: Pam Cherry, Community Development Director
DATE: September 14, 2022
SUBJECT: Staff Report

The Community Development Department is quite busy and have hired a new Community Development Administrative Assistant, Diana Hiatt. She has lived in the area for 36 years and has worked with Elbert County. She has previous Community Development Experience in Douglas County and has already proven to be a strong contributing member of the Community Development team.

The Elizabeth West change of zone from Agriculture to Planned Unit Development will be on the next Planning Commission agenda, October 4. A resubmittal has been made and most issues have been satisfactorily addressed and resolved.

There was a workshop on the Main Street Streetscape Plan which is an ongoing task for the Main Street Board. Ed, Barb and Julie were present at the workshop to provide perspective on options for the plan which is in development.

There will be an upcoming workshop to discuss amendments to the regulations with the Trustees. They have requested a joint meeting with the Planning Commission. When that is scheduled I will notify all of you.

The Trustees held a workshop on the updates to Chapter Two – Article VIII Historic Advisory Board and the Historic Preservation, Article XI on August 23. On September 27th the Trustees will consider the amendments for adoption. The Town attorney had requested revisions that have been made in the final version.

At the Trustee meeting on September 13, a contract for The Old Town traffic study was approved.