



TOWN OF ELIZABETH

**TOWN OF ELIZABETH
Planning Commission Regular Meeting
Tuesday, August 02, 2022 at 6:30 PM
Town Hall, 151 S. Banner Street**

CALL TO ORDER

ROLL CALL

AGENDA CHANGES

UNSCHEDULED PUBLIC COMMENT

CONSENT AGENDA

MINUTES

1. Minutes of the Regular Meeting of July 5, 2022

NEW BUSINESS

2. Discussion regarding Planning Commission laptops and emails – Pam Cherry
3. Discussion regarding Elizabeth Municipal Code Review – Pam Cherry

REPORTS

4. Staff Report

ADJOURNMENT



TOWN OF ELIZABETH

PLANNING COMMISSION

PLANNING COMMISSION – RECORD OF PROCEEDINGS JULY 5, 2022

CALL TO ORDER

The Regular Meeting of the Elizabeth Planning Commission was called to order on Tuesday, July 5, 2022, at 6:30 PM by Vice Chair Barbara McGinn.

ROLL CALL

Present were Vice Chair Barbara McGinn, Commissioners Jenny Case, 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 Deputy Town Clerk Harmony Malakowski.

AGENDA CHANGES

No agenda changes from staff.

No agenda changes by the Commissioners.

PUBLIC COMMENT

No Public Comment.

MINUTES

Regular Minutes of May 3, 2022

Motion by Commissioner Case, seconded by Commissioner Uhernik, to approve the minutes from May 3, 2022.

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

NEW BUSINESS

Election of new Planning Commission Chairperson for 2022

Motion by Vice Chair McGinn, seconded by Commissioner Uhernik, to appoint Commissioner Case as the new Chairperson for 2022.

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

Chair Case opened the Public Hearing at 6:38 PM.



TOWN OF ELIZABETH

PLANNING COMMISSION

PUBLIC HEARING

Ordinance 22-07

Chair Case opened the public hearing to public comment. There was no public comment.

Chair Case closed the public hearing at 8:10 PM.

NEW BUSINESS

Discussion and possible action of recommendation to Board of Trustees approval of Ordinance 22-07, an Ordinance Repealing and Reenacting Chapter 2 Article VIII and Chapter 16 Article XI of the Elizabeth Municipal Code

Motion by Vice Chair McGinn, seconded by Chair Case, recommending the approval of Ordinance 22-07, an Ordinance Repealing and Reenacting Chapter 2 Article VIII and Chapter 16 Article XI of the Elizabeth Municipal Code.

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

Discussion regarding Code Review Workshop

Mr. Higgins provided information to the Commissioners regarding an upcoming workshop to discuss upcoming code changes.

Discussion of new microphone training

Ms. Cherry provided information to the Commissioners regarding the upcoming training on the new microphone system.

REPORTS

- Discussion regarding post office boxes and an upcoming meeting.
- Ms. Cherry provided an update regarding the Cleary building.
- Welcome to Mr. Lindbloom, the new Planning Commissioner.
- No reports from the Planning Commission.

ADJOURNMENT

Motion by Vice Chair McGinn, seconded by Commissioner Uhernik, to adjourn meeting at 8:28 PM. The vote of those Commissioners present was unanimously in favor. Motion carried.



TOWN OF ELIZABETH

PLANNING COMMISSION

Chair Jenny Case

Town Clerk Michelle Oeser

**TOWN OF ELIZABETH**

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission

FROM: Pam Cherry, Community Development Director
Zach Higgins, Planner/Project Manager

DATE: August 02, 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 expects that getting feedback and direction on this list will take multiple meetings.

STAFF 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

Code comments provided by CORE Engineering

Elizabeth Municipal Code Review		
	Code Location	Code Language
1	Firework Restrictions	Sec. 10-5-210. - Open fire and open burning restrictions. https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH10GEOF_ARTVPUPEORDE_S10-5-210OPFIOPBURE
2	Physical Copy Requirements (Site Plan)	Sec. 16-2-30. - Application submittal requirements. https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIISIPSTPR_S16-2-30APSURE
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
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
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
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
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
8	CMU - Residential	Table 16-5 https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-160COMIUSCMDI
9	Public Institution - Private School	Table 16-5 https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-140PUSEBLINDI
10	Downtown District - schools	Table 16-5 https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-180DODTDI
11	Define Education Institutions	Sec. 16-1-20. - Definitions. https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-20DE
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
13	Setback tables - Front vs Street Side Setbacks	Table 16-2, Table 16-4, Table 16-6
14	Attached Dwelling Units	Sec. 16-1-20. - Definitions. https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-20DE
15	Site Plan requirements	Sec. 16-2-30. - Application submittal requirements. https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIISIPSTPR_S16-2-30APSURE
16	Site Plan requirements	Sec. 16-2-30. - Application submittal requirements. https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIISIPSTPR_S16-2-30APSURE
17	Short Term Rentals	N/A
18	Downtown District Lot Coverage	Table 16-6 https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-180DODTDI
19	Downtown District Height Requirements	Table 16-6 https://library.municode.com/co/elizabeth/codes/municipal_code?nodeId=CH16LAUSDE_ARTIZO_S16-1-180DODTDI

	Code Comments	
1	Firework Restrictions	Further regulations required?
2	Physical Copy Requirements (Site Plan)	Digital submittal now preferred and has been utilized for quite some time.
3	ADU - Residential Zoning	Allow ADU's in all Residential/Dwelling zone types including MH
4	ADU - Yearly review	Reduce ADU review to only original review not yearly
5	Parking Space Requirements	Better define attached residential/dwelling unit parking requirements (possibly more categories)
6	Beverage Processing	Possibly allow small scale beverage, beer, wine, and spirit processing in RC and DT (eliminate spot zoning where possible)
7	Lot Line Adjustments	Possibly make administrative review and approval (possible percentage increase/decrease limitation)
8	CMU - Residential	Residential/Dwelling uses allowed?
9	Public Institution - Private School	Allow private schools in P.I.
10	Downtown District - schools	Allow private schools in D.T.
11	Define Education Institutions	Public, Private, Vocational, Recreational, etc
12	Use by Special Review - Every year review	Possible reduction in Use by Special review reviews to once versus every year
13	Setback tables - Front vs Street Side Setbacks	Provide better definitions for Front vs Street Side Setbacks
14	Attached Dwelling Units	Provide definition for Attached Dwelling Units
15	Site Plan requirements	Add signature block requirements and scan final document for record keeping
16	Site Plan requirements	Details regarding Civil engineering details (CORE Engineering comments provided)
17	Short Term Rentals	Currently not regulated
18	Downtown District Lot Coverage	Possible addition of coverage for commercial development
19	Downtown District Height Requirements	Allow for three stories?

CORE Engineering Comments

ARTICLE II Site Plan Standards and Procedures

Sec. 16-2-10. Intent.

- (a) The site plan process is required to ensure that development is consistent with the Town's Community Master Plan and this Code. It also ensures that development is consistent with all applicable federal, state and local standards.
- (b) This Article promotes sustainable design, water conservation and orderly and sound development standards as they apply within the Town. These site development standards are intended to preserve, enhance and protect the community's natural, as well as man-made, environments.

(Ord. 13-09 §1)

Sec. 16-2-20. General requirements.

- (a) An approved site plan shall be required prior to the commencement of any site or building improvements or construction activities. Site development regulations shall also apply to all new development, changes in use and uses by special review. Legal conforming single-family detached residential housing shall not be subject to the site plan process. Approved site plans may be revised or amended, as required, for changes in allowed uses or changes to buildings or structures, including additions thereto or major alterations to exteriors of buildings, including but not limited to changes to color schemes and materials. Site plans shall also be required for alterations to an existing site. Permits shall not be issued until a site plan has been approved. In the event that the Planning Commission and/or the Board of Trustees waive their respective rights to review site plans in accordance with Section 16-1-200 of this Chapter, an approved site plan shall still be required prior to commencement of any proposed improvements. Site plan applications shall not be processed until a land use application has been executed, applicable fees paid and the required documentation submitted in accordance with Section 16-2-30 of this Article. A site plan application is typically comprised of a site plan/plat, a landscape plan, lighting or photometrics plan, a grading/drainage plan, including grading, drainage, erosion and sediment control plans (GESC/DESC), details, notes, drainage studies, construction documents and all other pertinent documents. Additional information as deemed necessary may also be required for the review process. The applicant is strongly encouraged to attend a preapplication meeting with Town staff prior to the formal submittal. These site development regulations shall not apply to properties that seek only a new use or change of use for buildings that have received an historic designation either through a federal or state designation or through a designation by the Board of Trustees, provided that exterior site modifications are not proposed. Site development regulations shall, however, apply to all new buildings, new structures or major alterations to existing building exteriors and sites, regardless of whether the building or site has received an historic designation. These site development regulations shall apply to the following:
 - (1) All uses allowed in the PD Planned Development zone district, with the exception of those uses relating to use-by-right single-family detached housing.
 - (2) Uses which are located or to be located within any zone district which is specifically made subject to this Section by the Board of Trustees.

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- (b) Site plans shall not be approved prior to the platting of the subject property. A final plat or minor development plat may be submitted simultaneously with the proposed site plan upon approval by the Board of Trustees. In such cases, approval of the site plan application may be made conditional upon the final approval of the subdivision plat by the Board of Trustees.
- (c) Building permits for any use other than legal conforming single-family residential detached housing shall not be issued for the construction of any new building, structure or improvement to a site or any addition or alteration to the structure or site, including exterior materials or colors, without first obtaining approval of a site plan (GESC/DESC plan included) for the proposed use.
- (d) Overlot grading, drainage work, parking lot construction or other site improvements shall not be allowed unless specifically provided for by the Board of Trustees, without first obtaining approval of a site plan (GESC/DESC plan included) for the proposed use.
- (e) Certificates of Occupancy (CO) shall not be issued until all improvements approved as part of the site plan have been completed.
- (f) The site development standards outlined by this Section apply to all improvements to new and existing sites and buildings throughout the zone districts and land uses, with the exception of legal conforming single-family detached housing. These standards are in addition to any other development or design standards which may otherwise be applicable to a particular property or specific area within the Town. In the case of any perceived conflict among applicable development standards, the more restrictive standard shall apply.
- (g) The following items must be addressed on all site plan submittals:
- (1) Rooftop mechanical structures shall be fully screened, either separately or by a parapet wall level with the top of such structure.
 - (2) Trim schemes shall appear on all sides of the building.
- (h) The Town may require public improvements to be constructed as a condition of site plan approval. Any such improvements shall be reasonably related to the proposed use and may include, but not be limited to, street widening, acceleration/deceleration lanes, access control devices, traffic signals, water and sewer lines, pedestrian/bicycle trails or other related improvements.
- (i) Changes to an approved site plan shall be reviewed and evaluated for scale and impact to determine if the proposed changes can be processed as a minor revision or a formal amendment to the approved site plan requiring submittal to referral agencies. Modifications beyond the scope of the site revision or formal amendment which require submittal to referral agencies shall be subject to the full site plan review and approval process.
- (j) A revision to an approved site plan shall be administratively processed by an authorized Town official. Revisions shall be limited to minor changes consistent with the intent of the approved site plan and shall not adversely impact adjacent property values or disrupt community harmony. Such revisions shall further comply with all conditions of the originally approved site plan.
- (1) Revisions may include, but not be limited to, site and building maintenance activities, such as reroofing, painting or re-siding buildings, removing or replacing plant materials, restoring drainage facilities, replacing windows, generally activities that shall not increase a building footprint, shall not alter site grading or drainage or increase impervious surfaces or otherwise impact fire and life safety issues on the subject site.
 - (2) The authorized Town official shall review and either approve or deny the revision request in a timely manner, not to exceed ten (10) business days. If the modifications proposed are beyond the scope of the site plan revision review process, the application shall be processed as an amendment to the approved site plan, and therefore subject to additional review.

- (k) Formal amendments to an approved site plan shall be based upon the scale, and impacts of the proposed changes may require submittal to referral agencies. Such amendments generally consist of modifications to the site plan, including changes of use, grading/drainage alterations, increased parking, site and building access, enlarged or altered building footprints and/or landscaping, and any other improvements that may create life safety concerns.
- (1) An amendment to an approved site plan shall be administratively processed by the authorized Town official and subject to, including but not limited to Fire, Building, Engineering and Public Works referral reviews.
 - (2) Proposed site plan amendment modifications shall be consistent with the intent of the approved site plan and shall not adversely impact adjacent property values or disrupt the local community character and harmony.
 - (3) The authorized Town official shall review and either approve or deny the amendment request in a timely manner, not to exceed twenty (20) business days. If the modifications proposed are beyond the scope of the site plan amendment review process, the application shall be processed as a new site plan application subject to the full Planning Commission and Board of Trustees review and approval processes.

(Ord. 13-09 §1)

Sec. 16-2-30. Application submittal requirements.

- (a) Each request for a site plan approval shall be accompanied by an executed land use application, a written narrative, twelve (12) copies of the proposed site plan with all related information and the appropriate application fee. This submittal information shall be accompanied by a signed transmittal letter from the applicant describing the contents of the submittal. Applicants who submit revisions or amendments to an approved site plan shall be required to submit properly prepared site plan drawings, color and materials boards, elevations and/or landscape and grading plans that clearly depict the proposed modifications.
- (b) Submittal requirements. The applicant shall submit the information listed below to the authorized Town official:
 - (1) Completed land use application form and appropriate fees.
 - (2) Twelve (12) full-sized copies of the site plan (folded to 9" x 12") prepared in accordance with the site plan exhibit standards listed below.
 - (3) A written narrative outlining the proposal.
 - (4) A copy of the warranty deed and title commitment current within thirty (30) days of submittal.
 - (5) A disclosure letter and/or letter of consent from the property owner.
 - (6) ~~Three (3) copies of the drainage plan with GESC/DESC BMPs, as applicable (folded to 9" x 12"), if not already approved as part of a subdivision.~~

Three (3) copies of:

- Grading and Drainage plan
- Final Drainage Report
- GESC/DESC Plan (may be combined with Grading and Drainage Plan above)

- Utility Plan which includes Water Mains and service lines and meter locations, Sanitary Sewer mains and service line, and Storm Drainage lines and related inlet, and detention facilities.
 - The above items typically require substantial Engineering Detail, and may require numerous plans sheets to provide that level of detail. For the purpose of the Site Plan this level of detail may be minimized, as long as a separate set of Engineering Construction Documents are simultaneously provided with the required level of detail, which then will be processed concurrently with the Site Plan.
- (7) Twelve (12) copies of the landscape plan (folded to 9" x 12").
- (8) Twelve (12) copies of the building elevations (folded to 9" x 12"), to include rooftop mechanical structures.
- (9) Colored building elevations of all sides.
- (10) Two (2) color and materials boards (one [1] of 9" x 12" maximum size and one [1] of suitable size for presentation to the Planning Commission) containing materials, colors, specifications, manufacturers' names and product numbers.
- (11) A diagram or schematic showing screening of rooftop mechanical structures.
- (12) A photometric plan which identifies proposed lighting intensities across the subject property in the form of Ft-candles, and includes detailed "cut sheets" or similar of proposed exterior lighting facilities including parking lot facilities, attached building facilities, walkway etc.
- (13) An Engineers Estimate of costs identified as "Public Improvements" of Civil related items and a separate estimate of "Public Improvement" Landscape related items, based on current itemized costs and each estimate to include a 15% contingency. The items that constitute "Public Improvements" are, at minimum, those items located within any adjacent public right of way.
- (14) The preferred method of plan submittal is by use of electronic file transfers such as PDF's, which negates the need for multiple plan copies described above, with the exception of item (10) above.

Failure to submit all required documentation shall result in a delayed application. Additional information may be requested after the formal application is received.

(c) Submittal standards.

- (1) Site plan exhibit. The proposed site plan shall be prepared by a qualified professional (architect, landscape architect, land planner or engineer) and drawn on one (1) or more sheets of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Scales drawn at 1" = 40', 1" = 30', 1" = 20' and 1" = 10' may be acceptable. Each site plan shall be signed by the applicant and shall contain the following information:
- a. Date of preparation.
 - b. North arrow with written and graphic scale.
 - c. Vicinity map showing the relationship of the site to the surrounding area within a one-half-mile radius with zoning districts designed thereon.
 - d. Listings of the site zoning, gross lot and net acreage of each proposed use, as well as the number of dwelling units and/or the number of buildings and gross floor area.

- e. The existing grading and drainage information on the site drawn at five-foot intervals and related to United States Geological Survey (USGS) datum, as well as finished grades and contours proposed by the applicant.
 - f. The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
 - g. The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on site.
 - h. Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii.
 - i. The location and dimensions of bike/pedestrian paths and walkways.
 - j. The location, dimensions and number of bicycle storage spaces or facilities.
 - k. Listings of the number of all parking stalls, as well as indications of the number of compact cars and accessible spaces.
 - l. The proposed layout of the parking lot, including locations and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indications of direction of travel.
 - m. Location of all exterior lighting, signage and fencing used to divide properties and to screen mechanical equipment and trash receptacles. All trash receptacles shall be screened by a solid opaque fence surrounding at least three (3) sides of the container.
 - n. Existing specific physical features on the site, including drainage ways, lakes, buildings and structures, with indications as to which are to be retained.
 - o. Adjacent properties and their physical features within fifty (50) feet of the property line with zoning and land uses, including setback dimensions of adjacent structures.
 - p. The location and dimensions of landscaped areas, locations and names of all plant material and ground cover and the locations of other pertinent landscape features.
 - q. Location of all existing and proposed recreational amenities, such as open play areas, swimming pools, tennis courts, tot lots and similar facilities.
 - r. **The maximum height and type of material and color of any proposed Retaining Walls**
- (2) Other information which shall be required, but need not be designated on the site plan, includes:
- a. A plat or metes-and-bounds description of the property verified and signed by a registered land surveyor in the State. If the site is on a portion of land that has an existing recorded plat, a legal description referencing lot, block and subdivision name will be sufficient.
 - b. A copy of the executed covenants (when applicable).
 - c. A copy of the approved development guide and plan required by the Planned Development PD District (when applicable).
 - d. Additionally, the applicant shall provide any reasonable information not covered above to aid in the review of the request by the authorized Town official, including but not limited to plat notes, easements and design guidelines. Such items may include traffic studies, soil and geo-tech surveys and other engineering information that may be required, depending on the circumstances of the particular application.
- (3) Site plan narrative. The applicant shall submit a narrative which includes the following information:

- a. Applicant's name.
 - b. Detailed description of the general proposal.
 - c. Present zoning.
 - d. General development schedule and phasing plan if the project is not to be constructed at one (1) time.
- (4) Deed. The applicant shall submit a copy of the most recent deed recorded with the County Clerk and Recorder.
- (5) **Grading & Drainage plan, Final Drainage Report, GESC/DESC plan, Utility plan.** Each request for site plan approval shall be accompanied **by these 4 items.** ~~plan if a final drainage plan as part of a subdivision was not approved.~~ Three (3) copies of the proposed **Grading & drainage plan, Final Drainage Report, GESC/DESC Plan and Utility Plan** indicated on the plans, prepared by a professional engineer or architect shall be submitted to the authorized Town official with the site plan submittal and then forwarded to the office of the Civil Engineer. ~~Review of the drainage plan will be simultaneous with that of the site plan.~~ **The plans described in this item (5) shall be submitted in accordance with Section 16-2-30(b)(6). Any separate detailed Engineering Construction plans, which may be submitted, will process concurrently with the Site Plan.**
- (6) Each request for a site plan approval shall be accompanied by a landscape plan prepared by a qualified professional and drawn on one (1) sheet of paper measuring 24" x 36" with a minimum scale of 1" = 50'. Larger scales are encouraged to effectively portray the landscape plan. The landscape plan shall contain the following information:
- a. Date of preparation.
 - b. Scale and north arrow.
 - c. Building footprint.
 - d. Parking lots.
 - e. Location, quantity and size of landscape materials. The location of all landscape materials shall be shown on the plan, accompanied by a chart or legend showing the quantity planted, mature size and years to maturity, common names of the plant materials and planting notes.
 - f. A calculation of the percentage of the site that is to be landscaped in accordance with Town regulations.
- (7) Building elevations. Each request for site plan approval shall be accompanied by a set of elevations of the proposed buildings or structures. Five (5) 24" x 36" paper copies of the illustration or rendering will be submitted to the authorized Town official. These drawings shall include front, rear and side elevations accurately depicting the finished building or structure on the site. Perspective renderings showing the building in one (1) or more oblique angles, color chips, material boards, scale models, photographs, on-site mockups or other similar techniques may also be submitted. In addition to this submittal, the following information shall be supplied:
- a. All exterior surfacing materials and colors shall be specified on the plans.
 - b. Outdoor lighting, furnishings and architectural accents shall be specified on the plans.
 - c. Any proposed signage for the site and its placement in relationship to the building or structure shall be indicated on the plans.

(Ord. 13-09 §1)

Sec. 16-2-40. Review procedures and requirements for approval.

- (a) The site plan submittal, narrative, application form and fee and accompanying information shall be submitted to the authorized Town official. The applicant will be issued a receipt acknowledging the date of the submittal package. **This submittal Should include any separate detailed Engineering plans related to Grading & Drainage, GESC/DESC, and Utilities, which will process concurrently with the site plan.**
- (b) The authorized Town official will review the submittal package and indicate any deficiency found in the application. Once the application is found to be complete, the review procedure shall begin.
- (c) ~~Drainage and GESC/DESC plans will be forwarded by the authorized Town official to the Civil Engineer. The Civil Engineer shall be in receipt of these plans within the first twenty (20) working days of the review procedure.~~
- (d) Revisions or amendments to an approved site plan shall be processed administratively by the authorized Town official. In the event the proposed modifications exceed the scope or intent of the revision or amendment administrative procedures, the authorized Town official may determine that additional review processes are required to ensure compliance with Town standards and codes. The application shall then be processed as a new site plan application subject to the full Planning Commission and Board of Trustees review and approval processes.
- (e) The authorized Town official shall schedule a meeting before the Planning Commission to consider a new site plan application during a regularly scheduled meeting. The public meeting shall be the next available date on the Planning Commission's agenda. The applicant must post the land on which the site plan is proposed. Posting shall be in accordance with Subsections 16-4-30(b) through (d) of this Chapter.
- (f) The Planning Commission shall, at the public meeting, carefully consider the attributes of the proposal as presented by the applicant, input by the members of the Planning Commission and any public opinion expressed during the meeting.
- (g) The Planning Commission shall then consider the application and make a recommendation to the Board of Trustees to approve, approve with conditions, continue to obtain additional information or deny the site plan. The Planning Commission's recommendation shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.
- (h) Following the recommendation from the Planning Commission, the authorized Town official will schedule the site plan with the Board of Trustees and notify the applicant of the hearing date and time. The applicant shall be responsible for providing public notice prior to the Board of Trustees' hearing in compliance with the public notice requirements contained in Subsections 16-4-30(b) through (d) of this Chapter. At the public hearing, the Board of Trustees shall evaluate the site plan, referral agency comments, the Planning Commission recommendation and public testimony, and shall either approve, conditionally approve, continue to obtain additional information or deny the site plan. The Board of Trustees' decision shall be based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines, and its decision shall be final.
- (i) If and when the application is approved or conditions for approval have been met, a building permit may be issued upon the request of the applicant.
- (j) The certificate of occupancy will be issued, provided that:
 - (1) Landscaping requirements have been met by the applicant.
 - (2) A final drainage plan with GESC/DESC BMPs has been approved by the Civil Engineer.
 - (3) Parking lots and drainage facilities are in and are useable.

- (4) Sufficient fire flows or protection is present and accepted by the Fire Protection District.
- (5) Any other requirements made by the Building Official, utilities or other agencies are satisfied.
- (k) Additional referrals. In the event the Board of Trustees or the Planning Commission determines that any land use application submitted under this Article has been materially changed following its initial referral to referral agencies and prior to the Planning Commission making a final advisory recommendation or the Board of Trustees making a final decision on the application, the Planning Commission or the Board of Trustees may require that said land use application as materially amended, be re-sent to referral agencies for additional referral comments prior to any final advisory decision by the Planning Commission or any final decision being made by the Board of Trustees.

(Ord. 13-09 §1)

Sec. 16-2-50. Landscape regulations.

- (a) The authorized Town official hereby finds that it is in the public's best interest for all developments, including but not limited to all new development, to provide landscape improvements for the purposes of complementing the natural landscape; improving the general appearance of the community and enhancing its aesthetic appeal; preserving the economic base; improving the quality of life; delineating and separating use areas; increasing the safety, efficiency and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the adverse effects of climate, aspect and elevations; conserving water and energy; abating erosion and stabilizing slopes; sound mitigation; and preserving air and water quality.
- (b) Xeriscape and low-water indigenous landscaping is the preferred form of landscaping. To ensure that landscaping is provided and maintained, the following requirements for the installation, maintenance and protection of landscape areas shall be met for every project.
 - (1) Landscape plan. Each request for a site plan approval shall be accompanied by a landscape plan prepared in accordance with the following standards:
 - a. Landscape areas and buffer strips shall be a minimum of fifteen percent (15%) of the total site areas.
 - b. All material in a landscaped area shall be live plant material. Artificial landscape materials, including but not limited to plastic trees, shrubs, etc., are prohibited within landscape areas. Nonliving materials, such as bark, crushed aggregates and river rock, may be used only if approved as part of the overall landscape plan.
 - c. All materials shall be utilized in accordance with recognized landscaping industry standards.
 - d. All materials planted under the provisions of this Section shall meet the material specifications.
 - e. When a landscaping plan is required, plant material shall be provided in the following quantities:
 - 1. Along all public and private streets and along buffer strips adjacent to or within a residential zone district, deciduous and coniferous trees shall be planted at forty-foot intervals within ten (10) feet of the pavement or curb line, except along State Highway 86 where the property line shall be used.
 - 2. In all landscaping areas, one (1) tree and five (5) shrubs shall be planted for each one thousand five hundred (1,500) square feet of lot area not covered by a building or required parking.
 - 3. A mix of deciduous and coniferous trees is encouraged to provide year-round color and screening.

- f. Landscape areas in excess of five thousand (5,000) square feet shall have a properly designed irrigation system providing full coverage to all sod and plant material areas. Impacts, pop-up and surface spray or rotary stream sprinklers, bubblers and drip or trickle irrigation, as appropriate for the area to be landscaped, shall be an acceptable method of irrigation. All irrigation systems shall be designed and installed to minimize overspray, run-off and water waste. Landscape areas of five thousand (5,000) square feet or less are strongly encouraged to have an automatic irrigation system, but an adequate water source, such as outdoor hose bibs within fifty (50) feet of the center of the area regularly used to keep the materials alive and growing, is also acceptable. Any area to be landscaped that cannot meet these irrigation requirements shall comply with Xeriscaping attributes (www.csu.org) if approved by an authorized Town official.
- (2) Landscaping requirements.
- a. All portions of a property which are not occupied by structures or water bodies or surfaced by streets, roads, driveways, sidewalks, parking areas, other vehicle use areas, trails or paths shall be required to be landscaped in accordance with this Section. A minimum of fifteen percent (15%) of a site's total area shall be required for landscaping. Xeriscaping may be used for these areas.
- b. At least seventy-five percent (75%) of the area required to be landscaped shall have a ground cover of living plant materials, including but not limited to grass and other recognized ground-covering plant materials.
- c. The remaining twenty-five percent (25%) of the area required to be landscaped may be covered with bark, wood chips, wood shavings, rock, stones or other materials approved during the site plan processes.
- d. All open industrial or commercial storage areas shall be screened from all public rights-of-way or adjacent properties by use of landscaping, berms, solid opaque fencing or walls, or a combination thereof to a minimum height of six (6) feet.
- e. When a parking lot and public right-of-way are contiguous, a landscaped or Xeriscaped area of a minimum of ten (10) feet in width separating the parking lot from the right-of-way shall be provided to screen off-site views. An earthen berm, view-obscuring hedge/evergreen plantings or fence or decorative wall, or combination thereof, shall be constructed to screen the parking lot.
- f. All development projects requiring off-street parking spaces for fifty (50) or more cars shall allocate a minimum area equal to ten percent (10%) of the total area covered by the parking lot for landscaped islands. The area covered by the parking lot shall include parking stalls and vehicular circulation aisles, but exclude driveways, access drives, loading areas and similar access features.
- g. Landscaped islands within parking lots shall meet the following requirements:
1. Landscaped parking lot islands shall be at least one hundred fifty (150) square feet in area and contain a minimum of four (4) shrubs and one (1) tree per individual island.
 2. Landscaped parking lot islands greater than one hundred fifty (150) square feet in area shall have one (1) additional shrub for each additional fifteen (15) square feet in area or fraction thereof.
 3. When landscaped islands exceed two thousand (2,000) square feet, plant material quantities may be calculated at a rate of one (1) tree or ten (10) shrubs for every six hundred (600) square feet of area in the island.
 4. One (1) tree may be substituted for ten (10) shrubs if approved during the site plan process.

5. Landscaped parking lot islands shall be dispersed throughout the parking lot in such a manner as to divide and break up the expanse of paving. Landscaped islands shall be a minimum of ten (10) feet in width.
 6. Landscaping within landscaped islands shall not obstruct visibility for vehicles entering, maneuvering in or exiting the parking lot.
 7. Interior landscaped islands shall not satisfy any portion of the minimum fifteen-percent landscaping requirement for the total property.
- h. Where a parking lot boundary adjoins property zoned for any residential use, a minimum landscape buffer of twenty-five (25) feet from such parking lot boundary to the residential property shall be required. Within this landscape buffer, an earthen berm with average side slopes no greater than 3:1, a view-obscuring fence or a decorative wall, a minimum of four (4) feet in height, shall be required.
 - i. All landscaped areas, with the exception of an approved Xeriscape plan, shall be served by a functioning irrigation system. Individual single-family residential lots are exempt.
 - j. The landscaping materials required by these provisions shall be evenly distributed throughout the areas to be landscaped in such a manner as to avoid overmassing plant materials, except in those areas necessary to obstruct off-site views.
 - k. Landscaping shall be protected from vehicles by the placement of wheel stops, barriers, raised curbs, planter beds or other acceptable means.
 - l. To the greatest extent possible, existing trees shall be saved or preserved in place during development of a property unless it can be demonstrated that site restrictions necessitate their removal.
 - m. Existing trees saved during the development of a site shall be credited for required landscaping based on the size and species of the preserved tree.
 - n. Any site contiguous to or fronting any residential use or future residential use shall screen its parking lots, loading docks or similar uses from off-site views through the use of landscaping elements or fencing to a height of four (4) feet.
 - o. Deciduous trees shall be planted at forty-foot intervals within ten (10) feet of the pavement or curb along all public and private streets and along buffer strips adjacent to or within a residential zone district.
 - p. Large trees shall be planted and staked as per American Nursery standards.
- (3) Landscaping material specification.
- a. Landscape plant materials shall be provided in a sufficient variety of species to ensure that the aesthetic appeal of a site remains intact in the event a particular species is killed through disease or infestation. Insect- and disease-resistant plant species are highly recommended.
 - b. The size and characteristics of a plant and other landscaping materials at the time of planting or installation shall be as follows:
 1. Deciduous trees shall be at least two-inch caliper measured at DBH (diameter at breast height), except ornamental and flowering trees, which shall be one-and-one-half-inch caliper measured at DBH.
 2. Evergreen trees shall be a minimum height of six (6) feet.

3. Shrubs shall be five-gallon container size or larger. Three (3) shrubs of one-gallon size may be substituted for each five-gallon shrub per the approved site plan.
 4. Ground cover and vines shall be a minimum one-gallon size.
 5. Wood chips and wood shavings have no minimum size, but shall be a minimum depth of four (4) inches installed over an approved geotextile weed barrier fabric.
 6. Rock or stone shall be one (1) inch to six (6) inches in diameter and a minimum depth of three (3) inches installed over an approved geotextile weed barrier fabric.
- c. These requirements shall not apply to homeowner-owned single-family detached dwellings, duplexes, townhouses or manufactured homes unless so processed as a use by special review. In those instances when plantings and landscape materials are to be installed by a commercial home builder (or developer), a homeowners' association or special district, these regulations shall apply.
- (4) Xeriscaping definition and requirements.

- a. *Xeriscape* is an attractive, sustainable landscape that conserves water and is based on sound landscape architectural practices. The Xeriscape concept has been defined by Denver Water as seven (7) basic principles:

1. Plan and design. Create a diagram, drawn to scale, that shows the major elements of the landscape, including house, driveway, sidewalk, deck or patio, existing trees and other elements.

Once a base plan of an existing site has been determined, the creation of a conceptual plan (bubble diagram) that shows the areas for turf, perennial beds, views, screens, slopes, etc., is undertaken. Once finished, the development of a planting plan that reinforces the areas in the appropriate scale is done.

2. Soil amendment. Most plants will benefit from the use of compost, which will help the soil retain water. Some desert plants prefer gravel soils instead of well-amended soils. Plants should either fit the soil or soil should be amended to fit the plants.
3. Efficient irrigation. Xeriscape can be irrigated efficiently by hand or within an automatic sprinkler system. Zone turf areas separately from other plants and use the irrigation method that waters the plants in each area most efficiently. For grass, use gear-driven rotors or rotary spray nozzles that have larger droplets and low angles to avoid wind drift. Spray, drip line or bubbler emitters are most efficient for watering trees, shrubs, flowers and groundcovers.

If watering by hand, avoid oscillating sprinklers and other sprinklers that throw water high in the air or release a fine mist. The most efficient sprinklers release big drops close to the ground.

Water deeply and infrequently to develop deep roots. Never water during the day, to reduce water lost to evaporation. With the use of automatic sprinkling systems, adjust the controller monthly to accommodate weather conditions. Also, install a rain sensor to shut off the devices when it rains.

4. Appropriate plant and zone selection. Different areas in a yard receive different amounts of light, wind and moisture. To minimize water waste, group together plants with similar light and water requirements and place them in an area that matches these requirements. Put moderate-water-use plants in low-lying drainage areas, near downspouts or in the shade of other plants. Turf typically requires the most water, and shrub/perennial beds will require approximately half the amount of water. Dry, sunny areas support low-water-use plants

that grow well in this climate. Planting a variety of plants with different heights, color and textures creates interest and beauty.

5. Mulch. Mulch keeps plant roots cool, prevents soil from crusting, minimizes evaporation and reduces weed growth. Organic mulches, such as bark chips, pole peelings or wood grindings, should be applied two (2) to four (4) inches deep. Fiber mulches create a web that is more resistant to wind and rain washout. Inorganic mulches, such as rocks and gravel, should be applied two (2) to three (3) inches deep. Surrounding plants with rock makes that area hotter; limit this practice.
6. Alternative turf. Native grasses (warm season) that have been cultivated for turf lawns, such as buffalo grass and blue grama, can survive with one-quarter ($\frac{1}{4}$) of the water that bluegrass varieties need. Warm-season grasses are greenest in June through September and are straw brown the rest of the year.

Native grasses (cool season), such as bluegrass and tall fescue, are greenest in the spring and fall and go dormant in the high heat of the summer. New cultivars of bluegrass, such as Reveille, and tall fescue can reduce typical bluegrass water requirements by at least thirty percent (30%). Fine fescues can provide substantial water savings and are best used in areas that receive low traffic or are in shady locations.

Use the appropriate grass and limit the amount of grass to reduce the watering and maintenance requirements.

7. Maintenance. All landscapes require some degree of care during the year. Turf requires spring and fall aeration, along with regular fertilization every six (6) to eight (8) weeks. Keep the grass height at three (3) inches and allow the clippings to fall. Trees, shrubs and perennials will need occasional pruning to remove dead stems, promote blooming or control height and spread. Much of the removed plant material can be shredded and used in composting piles.
- b. Xeriscape materials. See Paragraph (3) above for landscaping materials; see below for additional suggestions as appropriate.
1. Grasses may include buffalo grass, blue grama, western wheat grass, crested wheat grass and smooth brome grass.
 2. Consult the Natural Resources Conservation Service, Soil Conservation Service and the Cooperative Extension Service in the County.
 3. Consult with the Colorado State Forestry District Forester in Franktown, the Town's Tree Advisory Board and the Arbor Day Foundation for appropriate trees and plants materials.
 4. Refer to the City of Colorado Springs www.csu.org website for more information.
- (5) Landscape maintenance requirements.
- a. All plantings shall be maintained in a healthy and attractive manner by the property owner of record or whoever has assumed landscape maintenance responsibilities. Maintenance shall include, but not be limited to, periodic mowing, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating. In addition to these requirements, the property owner shall be responsible for ensuring that the subject site is maintained in an orderly and clean manner with regularly scheduled trash and litter pick-up and immediate removal and replacement of dead or dying plant materials. Dead or dying plant materials shall be replaced with another living plant consistent with the intent of the originally approved site plan. All replacement plants shall be installed within a time schedule consistent with industry standards and permissible per the local weather and climate conditions. It shall be the property owner's responsibility to ensure

that the site remains compliant with all applicable Town codes and standards, including the approved site plan.

- b. Natural landscape materials, such as rock, stone, bark chips and shavings, shall be replenished on a regular basis to ensure adequate coverage consistent with the approved site plan (minimum of three- to-four-inch depth).
- c. Landscape structures and site features, such as fencing, planter boxes, benches, site furniture, etc., shall be maintained in a sound structural and attractive condition to ensure that public health, welfare and safety are not compromised.

(Ord. 13-09 §1)

Sec. 16-2-60. Lighting standards.

Refer to Article VIII of this Chapter.

Sec. 16-2-70. Parking space requirements.

Refer to Article VI of this Chapter.

Sec. 16-2-80. Signage requirements.

Refer to Article XII of this Chapter.

Sec. 16-2-90. Screening standards of mechanical and visible equipment.

- (a) Unless otherwise specifically noted in this Chapter, all required screening shall be constructed and maintained in accordance with the regulations of this Section.
- (b) Required screening shall be appropriate to the height of the equipment being screened. (Refer to Subsection 16-2-20(g) of this Article for more information.)
- (c) The Board of Trustees may allow alternative screening when it finds:
 - (1) The alternative standard meets to exceeds the purposes of the screening; and
 - (2) The alternative technique does not adversely impact neighboring properties.
- (d) In the event a development is approved utilizing an alternative screening method different from the standards as set forth in this Section, the standards established in the development review process shall control.
- (e) Required screening shall be constructed of:
 - (1) Brick, stone or concrete masonry, stucco, concrete or wood unless a different but equivalent material is specifically approved by the authorized Town official.
 - (2) Earthen berm planted with turf grass or ground cover generally recognized by landscape architects and horticulturalists for local area use.
 - (3) Evergreen plant materials generally recognized by landscape architects and horticulturalists for local use. The plant materials shall be located in a bed that is at least three (3) feet wide. Initial plantings shall be capable of obtaining a solid appearance within three (3) years. Plant materials shall be placed a maximum of twenty-four (24) inches on center over the entire length of the bed unless an alternative

planting density is determined to be capable of providing a solid appearance in three (3) years and is approved by the Town.

- (4) Any combination of the above.
- (f) A required screening wall or fence may not have more than ten (10) square inches of openings in any given square foot of surface. Plant materials used for required screening shall obtain a solid appearance and provide a visual barrier of the required height within three (3) years of their initial planting.
- (g) Access through the required screening may be provided by a solid gate or other site feature that preserves the integrity of the screening.
- (h) Garbage storage areas shall be visually screened on all sides by a brick, stone, concrete masonry, stucco, concrete or wood wall or fence consistent with the architecture of the primary structure. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service.
- (i) An owner shall provide screening in accordance with this Section for the rear or service side of a nonresidential building if:
 - (1) The nonresidential building is in a residential district and is visible from the residential use; or
 - (2) The nonresidential building is in a nonresidential district and is exposed to and closer than one hundred fifty (150) feet to the boundary line of a residential district or an arterial street or regional thoroughfare.
- (j) When all service, storage and loading facilities are contained within a nonresidential building, the screening requirements of this Section do not apply.
- (k) Plant materials used for required screening shall be maintained in a healthy growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all plantings as needed. Any and all plant materials that die shall be replaced with another living plant consistent with the intent of the originally approved site plan. All replacement plants shall be installed within a time schedule consistent with industry standards and permissible per the local weather and climate conditions.
- (l) All required screening with plant materials shall be irrigated by an automatic irrigation system installed to comply with the Town's standards and specifications.

(Ord. 13-09 §1)

Sec. 16-2-100. Pedestrian circulation requirements.

- (a) The Town hereby finds that it is in the public's best interest for developments within the Town that require site plan approval to provide convenient, accessible, and practicable connections for pedestrians between improvements within the public right-of-way and parking areas connecting to building entrance(s).
- (b) For the purposes of this Section 16-2-100, the following definitions shall apply:
 - (1) *Connections* are defined as continuous, unobstructed ways of pedestrian passage by means of which the building improvements may be approached, entered, and exited, and which connects the accessible building entrance with an exterior approach (including sidewalks, streets, and accessible parking areas);
 - (2) *Facilities within the public right-of-way* shall include sidewalks, streets, trails, or other defined pedestrian ways; and
 - (3) *Entrance* means any point of access to a building or portion of a building or facility.

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- (c) Where permitted by the Town, drive-throughs must be placed in a manner that do not require pedestrians entering and exiting the building to cross the drive-through lane(s). When it is necessary for individuals to have to cross drive-through lanes, crosswalks shall be clearly demarcated from the parking area to the building entrance.
 - (d) None of the requirements of this section shall be deemed to supersede or otherwise modify other generally applicable standards or requirements, including those identified in the Americans' With Disabilities Act.

(Ord. No. 21-01 , § 1, 1-26-2021)



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission
FROM: Pam Cherry, Community Development Director
DATE: August 02, 2022
SUBJECT: Staff Report

Staff have been reviewing the Town of Elizabeth Land Use application fees and those of other jurisdictions. We will have a work session on the fees and suggested regulation amendments that is tentatively scheduled for August 23rd, beginning at 5:00 p.m.

There was a work session scheduled with the Board of Trustees to work jointly on the suggested regulation amendments. Discussion occurred on several of the items, and there are many more to cover. The spreadsheet is in your packet tonight to begin work on.

Please check your Town email, this is the approved and utilized method of communicating town business. It is important that you check the town email address at least once a week, preferably twice.

We have been working on identifying who is responsible for inspecting restriped parking lots for compliance with approved Site Plans and ADA requirements. The site plan for Countryside Village was approved in May of 2021 and it appears that the restriping is not in compliance with that plan.

We have had meetings with the property owner's consultant on Walnut Grove. They are working on revising and preparing the plan for submittal. There was also discussion about them requesting an early grading permit to begin to get the existing infrastructure removed from the property.

Winchester Estates has completed some of the infrastructure construction require for the subdivision. The existing Letter of Credit expires in November. I will be speaking with the property owner to remind him of that expiration.

A new Community Development Administrative Assistant has been hired and started July 25. Her name is Dianna Hiatt and has 10 years' experience in Community Development with Douglas County. I anticipate that she will have immediate contributions to the department.