



TOWN OF ELIZABETH

TOWN OF ELIZABETH

BUDGET WORKSHOP
Tuesday, July 09, 2024, at 6:00 PM

BOARD OF TRUSTEES REGULAR MEETING
Tuesday, July 09, 2024, at 7:00 PM
Town Hall, 151 S. Banner Street

Conferencing Access Information: This is viewing-only access.

<https://us02web.zoom.us/j/89321919302?pwd=J7gKNSSfGlcTl3SOHailDhbPayRAnL.1>

Join via phone at 1 669 900 9128 Meeting ID: 893 2191 9302

Meeting Passcode: 057637

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

This is a meeting of the Board of Trustees held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name address to the Board. Your comments will be limited to 3 minutes. The Board of Trustees may not respond to your comments during this meeting, rather they may take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the Mayor will direct Staff to have a response at the next regularly scheduled Board meeting.

AGENDA CHANGES

CONSENT AGENDA

1. Minutes of the Regular Meeting of June 11, 2024
2. Minutes of the Special Meeting of June 26, 2024
3. Swear in Reserve Officer Tyler Rabideau
4. Swear in Reserve Officer James Kahler

PUBLIC HEARING

ACTION MAY BE TAKEN ON ANY AND ALL ITEMS LISTED ON THE AGENDA
ACCOMMODATIONS FOR DISABILITIES MAY BE MADE UPON REQUEST.

5. Town of Elizabeth, Friday Night Market Summer Series Alternate Location Special Event Liquor License application – Michelle Oeser

NEW BUSINESS

6. Discussion and possible action on approval of the Town of Elizabeth’s Alternate Location Special Event Liquor License application for the Friday Night Market Summer Series – Michelle Oeser

PUBLIC HEARING

7. Town of Elizabeth, Block Party Special Event Liquor License Application – Michelle Oeser

NEW BUSINESS

8. Discussion and possible action on approval of the Town of Elizabeth’s Block Party Special Event Liquor License application – Michelle Oeser

PUBLIC HEARING

9. Ordinance 24-06, amending Chapter 16 of the Elizabeth Municipal Code – Zach Higgins

NEW BUSINESS

10. Discussion and possible action on Ordinance 24-06, an Ordinance amending various provisions of Chapter 16 of the Town of Elizabeth Municipal Code, updating the Town’s Land Use and Development Code – Zach Higgins

PUBLIC HEARING

11. Ordinance 24-07, Amending Residential Zone Districts within Chapter 16 of the Elizabeth Municipal Code – Zach Higgins

NEW BUSINESS

12. Discussion and possible action on Ordinance 24-07, an Ordinance Amending various provisions of Chapter 16 of the Town of Elizabeth Municipal Code updating the Town’s Land Use and Development Code– Zach Higgins
13. Discussion and possible action on Ordinance 24-08, an Ordinance of the Board of Trustees of the Town of Elizabeth, Colorado stating the intent of the Town of Elizabeth to acquire real property for the purpose of obtaining the Town’s Well House Site through the utilization of the Town’s Power of Eminent Domain, and directing the Town’s Staff and Town Attorney to notify all persons affected thereby of the above stated intent of the Town and thereafter to comply with all pertinent provisions of C.R.§ 38-1-101, ET SEQ., relating to good faith notation – Patrick Davidson and Corey Hoffmann
14. Discussion and possible action on Ordinance 24-09, an Ordinance of the Board of Trustees of the Town of Elizabeth, Colorado stating the intent of the Town of Elizabeth to acquire real property for the purpose of providing Public Parking through the utilization of the Town’s power of Eminent Domain, and directing the Town’s Staff and Town Attorney to notify all persons affected thereby of the above stated intent of the Town and thereafter to comply with

all pertinent provisions of C.R.§ 38-1-101, ET SEQ., relating to good faith notation – Patrick Davidson and Corey Hoffmann

[15.](#) Discussion and possible action on Resolution 24R30, a Resolution accepting the Petition for Annexation and establishing August 27, 2024, as the date of Public Hearing on the requested annexation of a parcel of unincorporated territory located in the County of Elbert (889 South Elizabeth Street Annexation) – Zach Higgins

[16.](#) Discussion and possible action on the naming of the Jerry Garland Memorial Bench (Referral from the Naming and Memorial Committee) – Patrick Davidson

MANAGEMENT MONITORING REPORTS

[17.](#) Management Monitoring Reports

BOARD OF TRUSTEES REPORTS

18. Board Reports

MINUTES

[19.](#) Minutes of the Planning Commission Meeting of May 7, 2024

[20.](#) Minutes of the Main Street Advisory Board of Directors Meeting of May 13, 2024

[21.](#) Minutes of the Historic Advisory Board of Directors Meeting of June 3, 2024

ADJOURNMENT

MEETING PROTOCOL AND STANDARDS OF CONDUCT

Public Participation

Public comment is encouraged and will be listed as an agenda item at every regular Board meeting.

Each individual wishing to be heard during the public comment period will be given up to three (3) minutes to make a comment.

The public comment period will not be used to make political endorsements or for political campaign purposes.

Questions from the Board will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for listening to the comments of citizens without taking any formal action.

The Board may direct the Town Administrator to provide information requested by a speaker during the public comment period.

Speakers are not allowed to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.

The Mayor may elect to defer public comment on a specific issue that appears on the regular agenda until that specific item is addressed.

The Mayor may call for order when sidebar conversations occur in the audience. Those conversations are distracting from the Board addressing the topics at hand.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further participation at that meeting or removed from the Board Chambers pursuant to the Elizabeth Municipal Code and Colorado Revised Statutes.



TOWN OF ELIZABETH

Board of Trustees – Record of Proceedings

June 11, 2024

CALL TO ORDER

The Regular Meeting of the Board of Trustees of the Town of Elizabeth was called to order on Tuesday, June 11, 2024, at 7:00 p.m. by Mayor Tammy Payne.

ROLL CALL

Present were Mayor Tammy Payne, Mayor Pro Tem Linda Secrist, and Trustees Loren Einspahr, Barb McGinn, Joe Belongia, Marianne Mayer-Opl, and Michael Schroder. There was a quorum to do business.

Also present were Town Administrator Patrick Davidson, Town Clerk Michelle Oeser, Police Chief Jeff Engel, Public Works Director Mike DeVol, Assistant Public Works Director James McErnie, Community Development Director Zach Higgins, and Town Attorney Corey Hoffmann.

PLEDGE OF ALLEGIANCE

Mayor Payne led the Board in the Pledge of Allegiance.

UNSCHEDULED PUBLIC COMMENT

There was no public comment

AGENDA CHANGES

No agenda changes from the Administration.

No agenda changes from the Board.

Agenda set.

CONSENT AGENDA

1. Minutes of the Regular Meeting of May 14, 2024
2. Minutes of the Regular Meeting of May 28, 2024

Motion by Trustee Belongia, seconded by Trustee Einspahr, to accept the Consent Agenda as presented.

The vote of those Trustees present was 7 in favor and 0 opposed. The motion passed unanimously.

NEW BUSINESS



3. Discussion and possible action on Resolution 24R29, a Resolution approving the Collaborative Management Memorandum of Understanding between the Town and various agencies regarding the provisions of services to children and families who would benefit from Multi-Agency Services

Mr. Davidson provided a Staff report.

Motion by Trustee Belongia, seconded by Trustee McGinn, to approve Resolution 24R29, a Resolution approving the Collaborative Management Memorandum of Understanding between the Town and various agencies regarding the provisions of services to children and families who would benefit from Multi-Agency Services.

The vote of those Trustees present was 7 in favor and 0 opposed. The motion passed unanimously.

MANAGEMENT REPORTS

- Town Administrator Patrick Davidson.
 - Discussion on purchasing fuel from the Elizabeth School District.
 - Attended the Castle Rock Senior Expo.
 - Discussion of the mandatory safety zone.
 - Update on Maverix and Wi-Fi.
 - Update on meeting with Gold Creek HOA.
 - Update on sidewalk repair in Gold Creek.
 - Alternate site for planned Block Party in Gold Creek.
 - Trustee Mayer-Opl asked about the sidewalk repair timeline.
- Police Chief Jeff Engel.
 - Officer Josh Hunter is two days from solo patrol.
 - Officer Sammauro is entering phase three of FTO training.
 - Tyler Rabideau has accepted a position as Reserve Officer.
 - James Kahler has been offered a Reserve Officer position.
 - Sergeant Allen and Officer Lamas completed a Taser Re-certification Instructor course.
 - Rifles are in service.
 - Handguns will be in service by the end of the month.
 - The Stampede went well.
 - Updates on warrants filed.
 - Notable increases in DUI arrests.
 - Purchased a stainless-steel evidence table.
 - The Police Department is prepared for the Friday Night Markets.



- Policies and procedures are being updated.
- Received two of three pickup trucks for the department.
- Community Development Director Zach Higgins.
 - The streetscape project bid process is open.
 - Three Façade Grant applications have been received.
 - Two Main Street Interns have started.
 - The first Block Party is scheduled for June 19th.
 - Friday Night Markets start this Friday.
 - We should hear about the GOCO Grant funding by June 21st.
 - Discussion on Façade Grant opportunities.
- Public Works Director Mike DeVol.
 - Mayor Payne thanked Mr. McErnie and his crew for all their work.
 - The Stampede Parade went very well.
 - Trustee Schroder inquired about this year's parade route.
 - Praise for Mr. McErnie and the public Works Staff for getting everything ready for the Elizabash and the Friday Night Markets.
 - The wastewater plant is up and running.
 - Trustee Einspahr asked about repairs to the water tanks.
 - Discussion on higher water use.
- Town Clerk Michelle Oeser.
 - Ms. Oeser let the Board know what an outstanding job Ms. Malikowski has done cleaning up the town website and working through accessibility compliance.
 - Trustee Einspahr thanked the Clerk Staff for setting up the Board at Elizabash.

BOARD OF TRUSTEE REPORTS

- Ward 1 -
 - Trustee McGinn discussed ideas to get information out to Wards with contact information.
- Ward 2 -
 - Trustee Einspahr discussed finding residents interested in running in the upcoming election.
- Ward 3 -
 - Trustee Mayer-Opl has been introducing herself around the neighborhood.
 - Attended a Gold Creek HOA meeting.



- Trustee Belongia had discussions with neighbors on the upkeep of Gold Creek grounds.

MINUTES

6. Minutes of the Main Street Board of Directors Meeting of April 1, 2024
7. Minutes of the Historic Advisory Board Meeting of May 13, 2024

EXECUTIVE SESSION

Motion by Mayor Payne, seconded by Trustee Einspahr, to adjourn the regular meeting at 8:07 p.m. and enter into an executive session “To hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402 (4)(b) regarding a Town infrastructure property dispute”.

To hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402 (4)(b) regarding a claim against the Town of Elizabeth. To consider the purchase, acquisition, lease, transfer, or sale of real, personal, or other property, pursuant to C.R.S. § 24-6-402 (4)(a) for the establishment of parking lots for the Town of Elizabeth.

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

Motion by Mayor Payne, seconded by Trustee McGinn, to adjourn the executive session and return to the regular meeting at 9:51 p.m.

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

ADJOURNMENT

Motion by Trustee Belongia, seconded by Trustee Einspahr, to adjourn the meeting at 9:52 p.m. The vote of those Trustees present was unanimously in favor. Motion carried.

Town Clerk Michelle Oeser

Mayor Tammy Payne



TOWN OF ELIZABETH

Board of Trustees – Record of Proceedings

June 26, 2024

CALL TO ORDER

The Special Meeting of the Board of Trustees of the Town of Elizabeth was called to order on Tuesday, June 26, 2024, at 6:06 p.m. by Mayor Tammy Payne.

ROLL CALL

Present were Mayor Tammy Payne, Mayor Pro Tem Linda Secrist, and Trustees Joe Belongia, Marianne Mayer-Opl, and Michael Schroder. Trustee Einspahr arrived at 6:22 p.m. Trustee McGinn was absent. There was a quorum to do business.

Also present was Town Administrator Patrick Davidson.

EXECUTIVE SESSION

Motion by Mayor Payne, seconded by Trustee Belongia, to adjourn the regular meeting at 6:09 p.m. and enter into an executive session to consider the purchase, acquisition, lease, transfer, or sale of real, personal, or other property, pursuant to C.R.S. §24-6-402(4)(a) for the establishment of parking lots for the Town of Elizabeth and,

To consider the purchase, acquisition, lease, transfer, or sale of real, personal, or other property, pursuant to C.R.S. §24-6-402(4)(a) regarding possible site location(s) for the Elizabeth Community and Senior Activity Center.

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

Motion by Mayor Payne, seconded by Trustee Einspahr, to adjourn the executive session and return to the regular meeting at 7:25 p.m.

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

MANAGEMENT REPORTS

- Town Administrator Patrick Davidson.
 - Discussion on the growth of the Friday Night Markets.
 - Discussion of Stage II Fire Ban.
- Public Works Director Mike DeVol.
 - Discussion on moving forward on projects.



BOARD OF TRUSTEE REPORTS

- Ward 1 -
 - Trustee Schroder discussed answering resident questions.
- Ward 3 -
 - Trustee Mayer-Opl discussed water being used by the School District.
 - Trustee Belongia discussed the lift station located in Gold Creek.
- Mayor
 - Discussed water rates and costs associated with them.

ADJOURNMENT

Motion by Trustee Belongia, seconded by Trustee Mayer-Opl, to adjourn the meeting at 8:04 p.m.

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

Town Clerk Michelle Oeser

Mayor Tammy Payne



TOWN OF ELIZABETH

STATE OF COLORADO)

COUNTY OF ELBERT) SS.

TOWN OF ELIZABETH)

OATH OF OFFICE

I, Tyler Rabideau, do solemnly swear that I will support the Constitution of the United States and of the State of Colorado and Ordinances of the Town of Elizabeth, and faithfully perform the duties of the office of Reserve Police Officer, upon which I am about to enter.

Tyler Rabideau

Subscribed and sworn to before me this 9th day of July 2024.

Michelle M. Oeser, Town Clerk



TOWN OF ELIZABETH

STATE OF COLORADO)

COUNTY OF ELBERT) SS.

TOWN OF ELIZABETH)

OATH OF OFFICE

I, James Kahler, do solemnly swear that I will support the Constitution of the United States and of the State of Colorado and Ordinances of the Town of Elizabeth, and faithfully perform the duties of the office of Reserve Police Officer, upon which I am about to enter.

James Kahler

Subscribed and sworn to before me this 9th day of July 2024.

Michelle M. Oeser, Town Clerk



TOWN OF ELIZABETH

MICHELLE OESER, TOWN CLERK

TO: Honorable Mayor and Board of Trustees
FROM: Michelle M. Oeser, Town Clerk
DATE: July 9, 2024
SUBJECT: Town of Elizabeth Farmers Market Alternate Special Event License

SUMMARY

On June 10, 2024, the Town of Elizabeth applied for an Alternate location special Event Liquor License for the Town's Summer Friday Night Market series. Posting has been provided at the Gesin Lot.

Brendan Kloser will be the event manager for the Friday Night Markets. Zach Higgins will answer any questions you have as to the plans and needs for an alternate location.

The map that is included depicts where the stage, serving areas, and checkpoint gates will be located for the event.

There will be no alcohol served at these locations at the same time. If Running Creek Park cannot be used for any reason, then the Gesin Lot will be used in its place. The use and planned setup has been approved by Elizabeth Public Works, the Elizabeth Police Department, and the Elizabeth Fire Department.

The Elizabeth Police Department does not have any issues that would affect the approval of this license application.

STAFF RECOMMENDATION

Staff recommends approval of the Town of Elizabeth's Friday Night Market Alternate location Special Event License application.

ATTACHMENTS

Special Event Application
Map

Application for a Special Events Permit

Departmental Use Only

Town of Elizabeth

RECEIVED

JUN 10 2024

Town of Elizabeth

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|--|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input checked="" type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:

- 2110 ☒ Malt, Vinous And Spirituous Liquor \$100.00 Per Application
- 2170 ☐ Fermented Malt Beverage \$100.00 Per Application

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

Alternate Location

1. Name of Applicant Organization or Political Candidate

Town of Elizabeth

State Sales Tax Number (Required)

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP)

PO Box 159
Elizabeth, CO
80107

3. Address of Place to Have Special Event (include street, city/town and ZIP)

165 E. Main Street
Elizabeth, CO
80107

4. Authorized Representative of Qualifying Organization or Political Candidate

Patrick Davidson

Date of Birth

Phone Number

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

Same as above

5. Event Manager

Brendon Kloser

Date of Birth

Phone Number

Event Manager Home Address (Street, City, State, ZIP)

[Redacted]

Email Address of Event Manager

brendonk@brewelizabeth.com

6. Has Applicant Organization or Political Candidate been issued a Special Event Permit this Calendar Year?

No Yes How many days?

7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes?

No Yes License Number

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date 7-12-24 Hours From 5 p.m. To 10 p.m.	Date 7-19-24 Hours From 5 p.m. To 10 p.m.	Date 7-26-24 Hours From 5 p.m. To 10 p.m.	Date 8-2-24 Hours From 5 p.m. To 10 p.m.	Date 8-9-24 Hours From 5 p.m. To 10 p.m.
Date 8-16-24 Hours From 5 p.m. To 10 p.m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature

[Signature]

Title

Town Administrator 6/10/2024

Date

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)

☐ City
☐ County

Telephone Number of City/County Clerk

Signature

Title

Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information







License Account Number

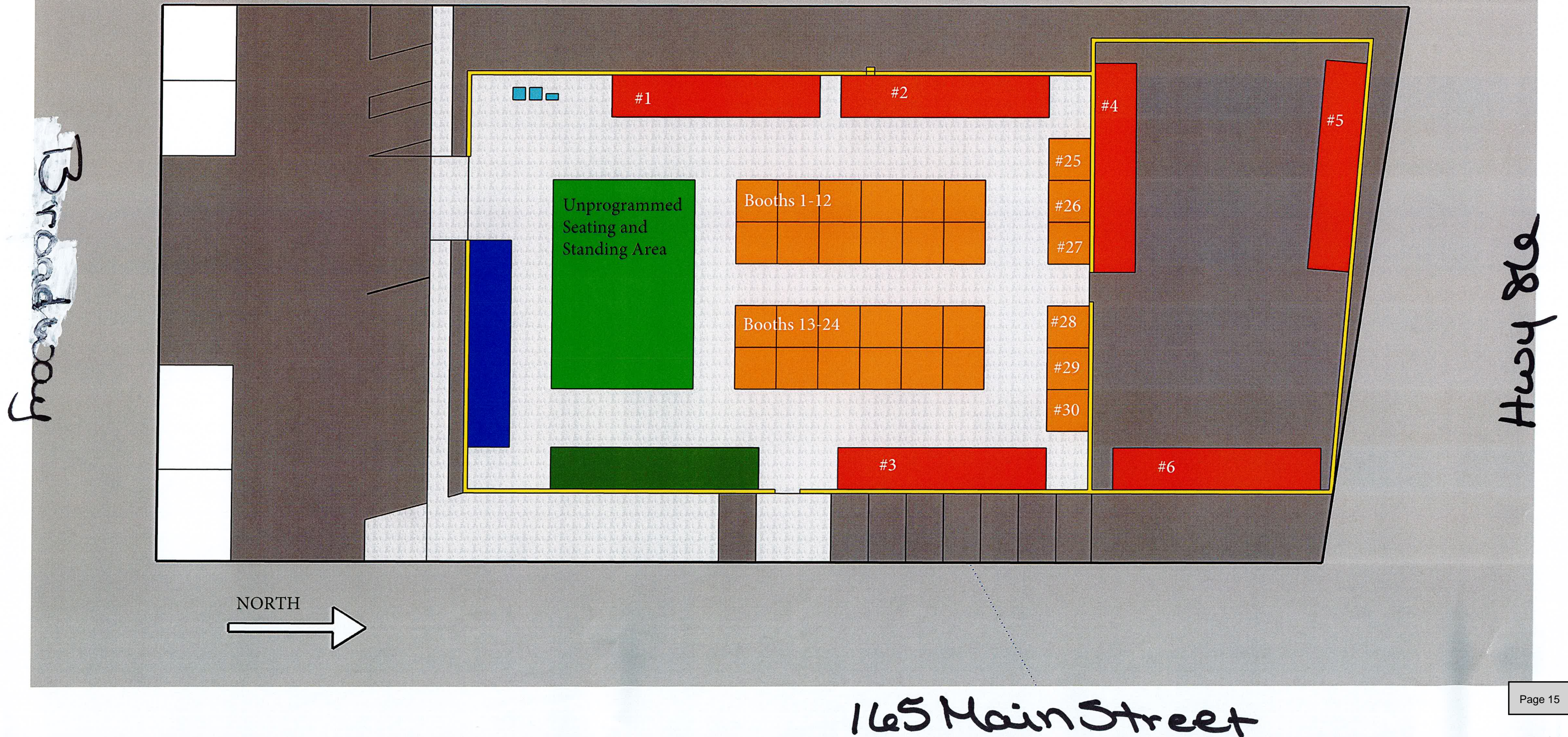
Liability Date

State

Total

(Instructions on Reverse Side)

	10'x50' Food Truck Space		10'x50' Band Space		10'x50' EBC
	10'x10' Vendor Booth		Portapotties		Gesin Lot Fencing Permanent and Temporary





TOWN OF ELIZABETH

MICHELLE OESER, TOWN CLERK

TO: Honorable Mayor and Board of Trustees
FROM: Michelle M. Oeser, Town Clerk
DATE: July 9, 2024
SUBJECT: Town of Elizabeth Block Party Special Event License

SUMMARY

On June 18, 2024, the Town of Elizabeth applied for a Block Party Special Event Liquor License for the Town's final 2024 Block Party event. Public notice has been posted at the Gesin Lot. Zach Higgins is the event manager and will answer any questions you have about the event plans.

The map that is included depicts where the serving area and checkpoint gates will be located for the event.

The use and planned setup have been approved by Elizabeth Public Works, the Elizabeth Police Department, and the Elizabeth Fire Department.

The Elizabeth Police Department does not have any issues that would affect the approval of this license application.

STAFF RECOMMENDATION

Staff recommends approval of the Town of Elizabeth's Block Party Special Event Application.

ATTACHMENTS

Special Event Application
Map

Departmental Use Only

RECEIVED


JUN 18 2024

Town of Elizabeth

Town of Elizabeth

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

☐ Social ☐ Athletic ☐ Philanthropic Institution
☐ Fraternal ☐ Chartered Branch, Lodge or Chapter ☐ Political Candidate
☐ Patriotic ☐ National Organization or Society ☒ Municipality Owned Arts Facilities
☐ Political ☐ Religious Institution

LIAB	Type of Special Event Applicant is Applying for:		DO NOT WRITE IN THIS SPACE	
2110	<input checked="" type="checkbox"/>	Malt, Vinous And Spirituous Liquor	\$100.00 Per Application	Liquor Permit Number 
2170	<input type="checkbox"/>	Fermented Malt Beverage	\$100.00 Per Application	

1. Name of Applicant Organization or Political Candidate
Town of Elizabethe

<p>2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP)</p>	<p>3. Address of Place to Have Special Event (include street, city/town and ZIP)</p>
<p>PO Box 159 Elizabeth, Co. 80107</p>	<p>165 E. Main St. Elizabeth, Co. 80107</p>

4. Authorized Representative of Qualifying Organization or Political Candidate Patrick Davidson	Date of Birth [REDACTED]	Phone Number [REDACTED]
Authorized Representative's Mailing Address (if different than address provided in Question 2.) [REDACTED]		

Same as above			
5. Event Manager		Date of Birth	Phone Number

Zach Higgins			
Event Manager Home Address (Street, City, State, ZIP)	3		Email Address of Event Manager

[REDACTED] Higgins@townofElizabethtown	
6. Has Applicant Organization or Political Candidate been	7. Is the premises for which your event is to be held currently licensed

☐ Issued a Special Event Permit this Calendar Year? ☒ Under the Colorado Liquor or Beer codes?

No Yes How many days? 10 No Yes License Number

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed?	Yes	No
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List Below the Exact Date(s) for Which Application is Being Made for Permit									
Date	7.31.24	Date		Date		Date		Date	
Hours From	5:00pm	Hours From	.m.	Hours From	.m.	Hours From	.m.	Hours From	.m.
To	7:00pm	To	.m.	To	.m.	To	.m.	To	.m.
Date		Date		Date		Date		Date	
Hours From		Hours From	.m.	Hours From	.m.	Hours From	.m.	Hours From	.m.
To		To	.m.	To	.m.	To	.m.	To	.m.
Date		Date		Date		Date		Date	
Hours From		Hours From	.m.	Hours From	.m.	Hours From	.m.	Hours From	.m.
To		To	.m.	To	.m.	To	.m.	To	.m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature	Title	Date
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Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
--	--	---------------------------------------

County	
Signature	Title Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total

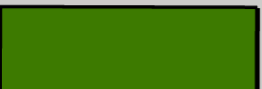
(Instructions on Reverse Side)



Food Truck



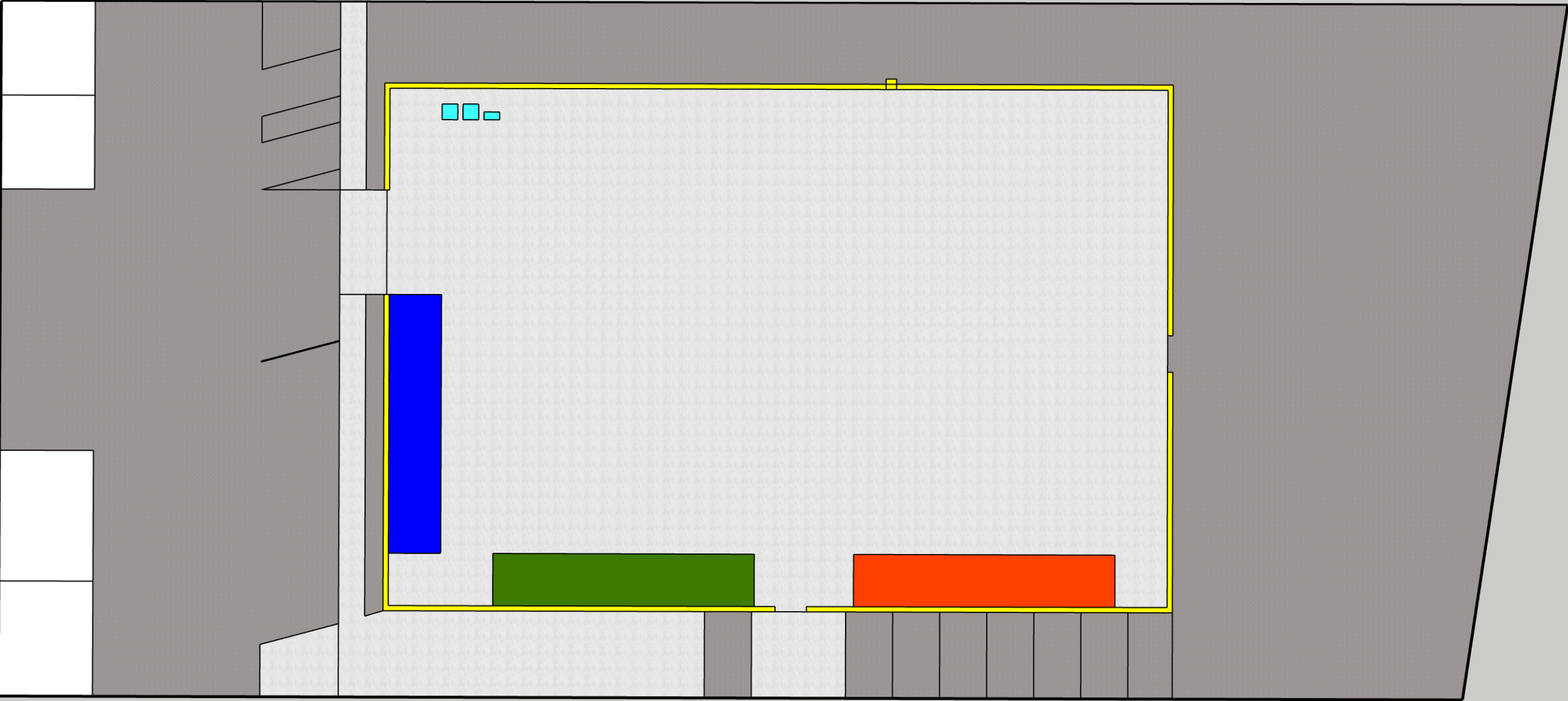
Elizabeth Brewing Company



Town of Elizabeth



Porta Potties





TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Board of Trustees

FROM: Zach Higgins, AICP Community Development Director
Alexandra Cramer, Planner/Project Manager

DATE: July 9th, 2024

SUBJECT: Ordinance 24-06

SUMMARY

Approval of Ordinance 24-06 would:

- Amend Section 16-1-30 to remove R-1-12, R-1-20, RE-2 and LR-1 Districts, and add R-CC, Residential Cottage Community District.
- Amend Table 16-1 to remove the R-1-12, R-1-20, RE-2 and LR-1 Districts and add R-CC District, allowing for Single-family detached dwellings and Accessory buildings as uses by right in the newly formed R-CC zone district.
- Amend Section 16-1-40, subsection (f) would be amended to add a new sub-subsection (16).
- Amend Subsection (g) would be amended to add a new sub-subsection (18).
- Amend Table 16-2 to remove the columns of the R-1-12, R-1-20, RE-2 and LR-1 Districts, remove the minimum width of lot row for all zoning districts, add dimensional standards for the new R-CC District, and amend the dimensional standards for the R-1, R-2, R-TH, and R-3 Districts.
- Repeals and reenacts Section 16-1-110 to replace the LR-Large Lot Residential District with the R-CC, Residential Cottage Community District, including its purpose, allowed uses, dimensional standards, and other requirements.

Background:

The Planning Commission requested a Planned Unit Development (PUD) analysis to identify any trends in those developments and potential reasons for developers to not choose the Town's standard zoning districts. Several dimensional standards used in the Town's most recent PUD's differed from the Town's standard zoning districts. The Town Staff, with the input of the Planning Commission and Board of Trustees, have identified a few key-dimensional standards which can be updated to provide more flexibility and freedoms to property owners within the Town. These dimensional standard updates also make clean

up old standards so that less of the requirements are contradictory to make the development process more straightforward for property owners.

Additionally, the Planning Commission had concerns regarding a gap in the Town's housing stock: the lack of new "starter homes", patio homes, or generally smaller scale homes for new home buyers or those looking to downsize. Staff and the Commission looked to successful models implemented in other Colorado communities to address this need, and one alternative in particular, the concept of "cottage communities", was identified as a viable option for the Town.

These cottage communities typically consist of several smaller, single-family detached homes clustered on a single acre lot. This model caters to those seeking a more suburban living experience without the extensive maintenance requirements of traditional suburban lots. While individual yards are usually small, these developments frequently offer larger-than-average community green spaces and shared amenities.

Providing opportunities for "infill" development within the Town's existing boundaries can lead to slower, more sustainable increases in the Town's housing stock which will utilize the existing Town infrastructure. In theory, this shares the same maintenance costs for streets, parks, sidewalks, water lines, and sewer lines across a larger pool of households.

By introducing the Residential Cottage Community (R-CC) District and updating the dimensional standards of the existing residential districts, these amendments provide property owners within the Town the ability to develop a wider range of housing options within the community. These changes have largely been designed to offer greater flexibility in the zoning code, potentially addressing some of the housing challenges identified by the Planning Commission and through the Elbert County Housing Needs Assessment.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 24-06, an Ordinance amending Chapter 16, Section 16-1-30, Table 16-1, Section 16-1-40, Table 16-2, Section 16-1-110 of the Elizabeth Municipal Code.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 3-2 in favor of recommendation for approval to the Board of Trustees, with the condition of removing R-CC from Ordinance 24-06, at their July 2nd meeting.

ATTACHMENT(S)

Ordinance 24-06

Section 16-1-30 (Current Code Language)

Table 16-1 (Current Code Language)

Section 16-1-40 (Current Code Language)

Table 16-2 (Current Code Language)

Section 16-1-110 (Current Code Language)

ORDINANCE 24-06

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 16 OF THE TOWN OF ELIZABETH MUNICIPAL CODE, UPDATING THE TOWN'S LAND USE AND DEVELOPMENT CODE

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 16-1-30, subsection (a) of the Elizabeth Municipal Code is amended to read as follows:

Sec. 16-1-30. - Districts.

- (a) Establishment of districts. The establishment of districts implements the land use policies of the master plan. Each subsection describes the relationship between the various zoning district and the master plan. In order to carry out the intent of the master plan and provisions of this Chapter, the Town is hereby divided into the following zoning districts:

Code §	Title	Name
16-1-50	R-1	Single-Family Residence Districts (R-1, R-1-12, R-1-20)
16-1-60	RE	Residential Estate Districts (RE-1, RE-2)
16-1-70	R-2	Single-Family and Duplex Residence District
16-1-80	R-TH	Townhouse District
16-1-90	R-3	Multi-Family Residence District
16-1-100	A-1	Agriculture District
16-1-110	R-CC	Residential Cottage Community District
16-1-110	LR	Large Lot Residential District (LR-1)
16-1-120	MH-1	Mobile Home Subdivision
16-1-130	MH-2	Mobile Home Park
16-1-140	P-I	Public, Semi-Public and Institutional District
16-1-150	RC	Regional Commercial District

16-1-160	CMU	Commercial Mixed Use District
16-1-170	L-I	Light Industrial District
16-1-180	DT	Downtown District
16-1-190	PUD	Planned Unit Development District

Section 2. Tables 16-1 and 16-3 of the Elizabeth Municipal Code are amended to read as follows:

Table 16-1
Residential Use Matrix

Land Use/Activity(1)(8)(9)(13)(15)(16)	Residential Zoning District										
	R-1	R-1-12	R-1-20	RE-1	RE-2	R-2	R-TH	R-3	A-1	LR-1	R-CC
Single-family detached dwellings (11)(14)	A	A	A	A	A	A		A	A	A	A (16)
Single-family attached dwellings (11)(14)		-	-		-	A	A	A		-	
Duplex structures (11)(14)		-	-		-	A	A	A		-	
Accessory dwelling units (ADUs)	S	S	S	S	S	S		S	S	S	
Townhouses (12)(14)		-	-		-		A			-	
Multi-family dwellings (12)(14)		-	-		-			A		-	
Accessory buildings (2)	A	A	A	A	A	A		A	A	A	A (16)
Accessory uses: home occupations (3)	A	A	A	A	A	A	A	A	A	-	
Assisted living services	S	S	S	S	S	S		S	S (10)	S (10)	
Bed and breakfast inns		-	-		S	S		A	S	S	
Boarding and rooming houses		-	-		-			A		-	
Cemeteries or mausoleums	A	A	A	A	A	A			A	A	
Commercial animal establishments		-	-	S	S				S	S	
Dormitories		-	-		-			A		-	
Fences, hedges, walls and trees (4)	A	A	A	A	A	A	A	A	A	A	
Forestry farming, including raising of trees for any purpose		-	-		A				A	A	

Fraternity and sorority houses								A		-	
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses (5)				S	A				A	A	
Golf courses	A	A	A	A	A	A		A		-	
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises		-	-	A	A				A	A	
Group homes or group quarters	S	S	S	S	S	S		S	S	-	
Horses/livestock (5)		-	A	A	A				A	A	
Hospitals and emergency facilities	A	A	A	A	A	A		A		-	
Kennels and other canine-related facilities - commercial (6)	S	S	S	S	S	S			S	S	
Kennels and other canine-related facilities - private (6)	A	A	A	A	A	A			A	A	
Nursery schools and day care centers	S	S	S	S	S	S	S	S	S (10)	S (10)	
Parks	A	A	A	A	A	A	A	A	A	A	
Playgrounds	A	A	A	A	A	A	A	A	A	A	
Public schools	A	A	A	A	A	A		A		-	
Public utilities	A	A	A	A	A	A	A	A	A	A	
Recreation centers - nonprofit neighborhood	S	S	S	S	S	S	S	S		-	
Religious assembly, place of	A	A	A	A	A	A		A		-	
Retirement/group housing services	S	S	S	S	S	S		S	S (10)	S (10)	
Riding stables/academies - commercial		-	-		S				S	S	

Signs (7)	A	A	A	A	A	A	A	A	A	A	
Stables and other equine-related facilities - private		-	-	A	A				A	A	
Structures for general farming		-	-		A				A	A	
Universities	A	A	A	A	A	A		A			

Section 3. Section 16-1-40, subsection (f) of the Elizabeth Municipal Code is amended by the addition thereto of a new sub-subsection (16) to read as follows:

- (16) Single-family dwellings and their accessory buildings typically do not require site plan approval; however, any development within the RCC, Residential Cottage Community District must comply with the site plan requirements specified in Article II.

Section 4. Table 16-2 of the Elizabeth Municipal Code is amended to read as follows:

Table 16-2
Residential Dimensional Standards

District(12)(13)(17)	Residential Zoning District										
	R-1(14)(15)	R-1-12(14)(15)	R-1-20(14)(15)	RE-1(14)(15)	RE-2(14)(15)	R-2(11)(16)(17)	R-TH(11)(16)(17)	R-3(11)(16)(17)	A-1(14)(15)	LR-1(14)(15)	R-CC(18)
Minimum lot size (square feet)	9,000 3,500	12,500	20,000	43,560	87,120	9,000 (1) 4,500 (1)	3,000 (3)	9,000 (7)	5 acres	10 acres	43,560
Maximum lot coverage:											
1) Under roof	60% 75%	50%	50%	20%	20%	40% 60%	40% 50%	35% 50%	10%	10%	20%
2) Minimum vegetative area (12)	20%	20%	30%	40%	40%	20%	20%	20%	50%	50%	50%
Minimum width of lot (measured in feet 25 feet back from front)	66	80	100	100	100	66(2)	55 per unit	55 per unit	120	120	

property line)											
Minimum yard setback (in feet):											
1) Front	25	25	25	30	30	25	25 (4) 15 (4)	15 (8)	50	50	15
2) Rear – principal building	25	25	25	25	25	25	15	15	50	50	15
3) Rear – accessory building	10	10	10	10	10	10	10	15 10	50	50	15
4) Interior side	7 5	10	10	10	10	5	10 (5) 5 (5)	5	50	50	15
5) Street side	10	10	10	20	20	10	10	15 10	50	50	15
6) Side – accessory building	2	5	10	10	10	2	2	2	50	50	15
Minimum square feet per dwelling	-	-	-	-	-		800 (6)	600 (6)			600
Density (maximum dwelling units per gross acre)		3 (9)	2 (9)	1 (9)	1 (9)	8 (9) 9 (9)	14	12 (9) 20 (9)	1 (9)	1 (9)	14
Principal building maximum height (in feet)	25 30	25	25	35	35	25 30	25 30	25 (10) 30 (10)	35	35	30
Accessory building maximum height (in feet)	20	20	20	30	30	20	20	25	35	35	20

Section 5. Section 16-1-40, subsection (g) of the Elizabeth Municipal Code is amended by the addition thereto of a new sub-subsection (18) to read as follows:

(18) For all lots in the Residential Cottage Community District, the following requirements apply:

- a. Front yard setback: Fifteen (15) feet from the property boundary.
- b. Rear yard setback: Fifteen (15) feet from the property boundary.
- c. Side yard setback: Fifteen (15) feet from the property boundary.
- d. The required setback between buildings within the internal portion of the lot is five (5) feet.
- e. In cases where the development is adjacent to a public right-of-way, the dwelling units must be oriented to face the public right-of-way.

Section 6. Section 16-1-110 of the Elizabeth Municipal Code is repealed and reenacted to read as follows:

Sec. 16-1-110. - Residential Cottage Community (RCC) District.

(a) Purpose. The Residential Cottage Community (RCC) District is designated to develop medium-density residential areas with small, detached single-family homes (typically 600-1,200 square feet) arranged around shared open spaces. These communities typically consist of multiple small homes located on a single lot, often owned and managed by a separate entity, such as a homeowners' association or a private developer. By clustering homes, RCC Districts aim to preserve open space, enhance community interaction, and offer affordable housing options, while maintaining neighborhood character and ensuring compatibility with surrounding areas.

(b) Allowed uses. See the Residential Use Matrix, Table 16-1 of this Article.

(c) Dimensional standards. The residential dimensional standards within the RCC District are outlined in Table 16-2 of this Article.

(d) Use by special review. See the Residential Use Matrix, Table 16-1.

(e) Town services are required.

Section 7. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 8. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2024.

Passed by a vote of _____ for and _____ against and ordered published.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

DRAFT

Sec. 16-1-30. - Districts.

- (a) Establishment of districts. The establishment of districts implements the land use policies of the master plan. Each subsection describes the relationship between the various zoning district and the master plan. In order to carry out the intent of the master plan and provisions of this Chapter, the Town is hereby divided into the following zoning districts:

<i>Code §</i>	<i>Title</i>	<i>Name</i>
<u>16-1-50</u>	R-1	Single-Family Residence Districts (R-1, R-1-12, R-1-20)
<u>16-1-60</u>	RE	Residential Estate Districts (RE-1, RE-2)
<u>16-1-70</u>	R-2	Single-Family and Duplex Residence District
<u>16-1-80</u>	R-TH	Townhouse District
<u>16-1-90</u>	R-3	Multi-Family Residence District
<u>16-1-100</u>	A-1	Agriculture District
<u>16-1-110</u>	LR	Large Lot Residential District (LR-1)
<u>16-1-120</u>	MH-1	Mobile Home Subdivision
<u>16-1-130</u>	MH-2	Mobile Home Park
<u>16-1-140</u>	P-I	Public, Semi-Public and Institutional District
<u>16-1-150</u>	RC	Regional Commercial District
<u>16-1-160</u>	CMU	Commercial Mixed Use District
<u>16-1-170</u>	L-I	Light Industrial District
<u>16-1-180</u>	DT	Downtown District
<u>16-1-190</u>	PUD	Planned Unit Development District

- (b) Boundaries. The boundaries of these districts are established as shown on the map entitled "Zoning Map" of the Town, which map is hereby made a part of this Chapter. District boundary lines are: lot lines; the centerlines of streets, alleys, highway rights-of-way, railroad rights-of-way or such lines extended; section lines; municipal corporate lines; or other lines drawn to scale on the Zoning Map. Disputes concerning the exact location of any district boundary line shall be decided by the Board of Adjustment. Where a lot is divided at the time of enactment of this Chapter by subsequent amendments or by a zoning district boundary line, the less restrictive zone requirements may be extended not more than twenty-five (25) feet into the more restrictive zoning district adjacent to such line.
- (c) Annexed territory. Any territory hereafter annexed to the Town shall be zoned in accordance with the provisions of the Colorado Municipal Annexation Act of 1965, Section 31-12-101, et seq., C.R.S., as the same may be amended from time to time, and the applicable provisions of this Code.

(Ord. 12-02 §1)

Sec. 16-1-40. - Application of regulations.

- (a) Except as hereinafter provided, no building, other structure or land shall be used, and no building or other structure shall be erected, reconstructed or structurally altered, except in conformance with the regulations herein specified for the district in which such building is located.
- (b) Generally. No use is allowed unless it is listed as an allowed or conditional use (use by special review) in this Section. Those designated uses or buildings within each zoning district are those uses listed in the Residential Use Matrix (Table 16-1). For use by special review regulations, refer to Article IX of this Chapter.
- (c) Uses not listed. Evaluation of these uses shall be interpreted as set forth in Subsection (d) below. Any use not listed as an allowed use or SUP is presumed to be prohibited from the applicable zoning district.
- (d) Interpretation of similar use. The Planning Director shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations shall be ratified by the Board of Trustees upon recommendation by the Planning Commission at a regularly scheduled meeting. It is the intent of this Chapter to group similar or compatible land uses into specific zoning districts, either as allowed uses or as uses authorized by use by special review.
- (e) In the event that a particular use is not listed in the Residential Use Matrix (Table 16-1) below and cannot be interpreted as a similar use in accordance with Subsection (d) above, or is not otherwise prohibited by law, the applicant may file for an amendment to the Chapter as

described in Subsection 16-1-240(c) of this Article.

Read across the chart until either "A" or "S" appears in one (1) of the columns. If "A" appears, the use is an allowed use; if "S" appears, the use is only allowed upon the issuance of a Use by Special Review permit. If left blank, the use is not allowed in that zone.

Table 16-1
Residential Use Matrix

Land Use/Activity (1)(8)(9)(13)(15)	Residential Zoning District									
	R-1	R-1-12	R-1-20	RE-1	RE-2	R-2	R-TH	R-3	A-1	LR-1
Single-family detached dwellings ⁽¹¹⁾⁽¹⁴⁾	A	A	A	A	A	A		A	A	A
Single-family attached dwellings ⁽¹¹⁾⁽¹⁴⁾						A	A	A		
Duplex structures ⁽¹¹⁾⁽¹⁴⁾						A	A	A		
Accessory dwelling units (ADUs)	S	S	S	S	S	S		S	S	S
Townhouses ⁽¹²⁾⁽¹⁴⁾							A			
Multi-family dwellings ⁽¹²⁾⁽¹⁴⁾								A		
Accessory buildings ⁽²⁾	A	A	A	A	A	A		A	A	A
Accessory uses: home occupations ⁽³⁾	A	A	A	A	A	A	A	A	A	
Assisted living services	S	S	S	S	S	S		S	S ₍₁₀₎	S ₍₁₀₎
Bed and breakfast inns					S	S		A	S	S

Boarding and rooming houses								A		
Cemeteries or mausoleums	A	A	A	A	A	A			A	A
Commercial animal establishments				S	S				S	S
Dormitories								A		
Fences, hedges, walls and trees ⁽⁴⁾	A	A	A	A	A	A	A	A	A	A
Forestry farming, including raising of trees for any purpose					A				A	A
Fraternity and sorority houses								A		
General farming, including grains, fruit, vegetables, grasses, hay, livestock raising and the keeping and boarding of horses ⁽⁵⁾				S	A				A	A
Golf courses	A	A	A	A	A	A		A		
Greenhouses and nurseries, including both wholesale and retail, provided that products sold are raised on the premises				A	A				A	A

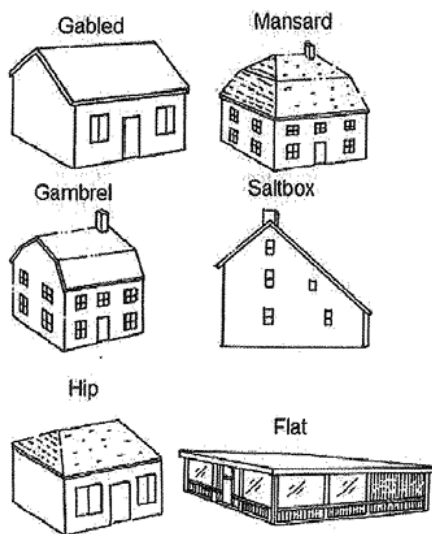
Group homes or group quarters	S	S	S	S	S	S		S	S	
Horses/livestock ⁽⁵⁾			A	A	A				A	A
Hospitals and emergency facilities	A	A	A	A	A	A		A		
Kennels and other canine-related facilities - commercial ⁽⁶⁾	S	S	S	S	S	S			S	S
Kennels and other canine-related facilities - private ⁽⁶⁾	A	A	A	A	A	A			A	A
Nursery schools and day care centers	S	S	S	S	S	S	S	S	S ₍₁₀₎	S ₍₁₀₎
Parks	A	A	A	A	A	A	A	A	A	A
Playgrounds	A	A	A	A	A	A	A	A	A	A
Public schools	A	A	A	A	A	A		A		
Public utilities	A	A	A	A	A	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S	S	S	S	S	S	S	S		
Religious assembly, place of	A	A	A	A	A	A		A		
Retirement/group housing services	S	S	S	S	S	S		S	S ₍₁₀₎	S ₍₁₀₎

Riding stables/academies - commercial					S				S	S
Signs ⁽⁷⁾	A	A	A	A	A	A	A	A	A	A
Stables and other equine-related facilities - private				A	A				A	A
Structures for general farming					A				A	A
Universities	A	A	A	A	A	A		A		

(f) The following general provisions shall apply to the applicable designated uses in Table 16-1 of this Section:

- (1) For all such uses, building setbacks from all property lines are shown in Table 16-2 of this Section.
- (2) Total lot coverage of accessory buildings shall not exceed twenty-five percent (25%) of the total square footage of the lot, and the total square footage of any single accessory building may not exceed the total square footage of the dwelling unit's footprint.
- (3) Total area used for such purposes does not exceed one-third (?) the total first floor area of the user's dwelling unit.
- (4) Fences, hedges and walls. Fences, hedges and walls shall be permitted in all districts and do not have to comply with the minimum setbacks of the zoning district in which they are located if the following regulations are complied with:
 - a. Fences, hedges and walls shall not exceed thirty (30) inches in height in corner lots consistent with Section 16-1-200 of this Article.
 - b. Fences, hedges and walls in residential areas shall not exceed six (6) feet in height and shall not exceed four (4) feet in height when located in required front yards.
- (5) In accordance with Section 16-1-45 of this Article.
- (6) In accordance with Section 16-1-20 of this Article.
- (7) Provided that each dwelling or use has no more than one (1) identification sign; and that such sign meets the requirements in Article XII of the Chapter.
- (8) Uses by Special Review: refer to Article IX of this Chapter.

- (9) For all zoning districts, minimum off-street parking: refer to Article VI of this Chapter.
- (10) Town services required.
- (11) The front building facade and main entrance to all residential buildings shall be oriented toward a public street.
- (12) Buildings, including front facades and building entries, shall front a landscape area, pedestrian plaza, courtyard or other permanently open area where the area directly abuts a public street.
- (13) Roofs shall have a minimum pitch of 6:12 (six [6] units rise to twelve [12] units run), and gable style roofing shall be utilized.
- a. Shallow-pitch gable roofs, mansard, flat, A-frame and other irregular roof forms are prohibited unless integral to a generally recognized architectural style.



- (14) Variation:
- a. Single-family dwellings and multi-family buildings shall vary by providing a range of compatible styles within neighborhoods and among neighborhoods throughout the community by utilizing differing elevations; sizes and footprints; number of stories; entry treatments; roof configurations; window design; use of color; and other features to achieve variety.
- b. Single-family homes using identical or near-identical elevation separated by a minimum of three (3) single-family homes with different elevations and details. Identical or near-identical elevations shall not be located directly or diagonally across the street from one another.
- (15) Access drives/curb cuts:
- a. Shared access driveways are permitted.
- b. Driveways, unless shared, shall not be closer than five (5) feet to an adjoining lot.

- c. At street access point, widths shall not exceed twenty-four (24) feet.
- d. Multi-family driveway widths shall not be less than twenty-four (24) feet.

Table 16-2
Residential Dimensional Standards

<i>District⁽¹²⁾</i> <i>(13)(17)</i>	<i>Residential Zoning District</i>									
	<i>R-1</i> <i>(13)</i>	<i>R-1-12</i> <i>(14)(15)</i>	<i>R-1-20</i> <i>(14)(15)</i>	<i>RE-15</i> <i>(14)(15)</i>	<i>RE-2</i> <i>(14)(15)</i>	<i>R-2</i> <i>(16)</i>	<i>R-TH</i> <i>(16)</i>	<i>R-3</i> <i>(16)</i>	<i>A-1</i> <i>(13)</i>	<i>LR-1</i> <i>(13)</i>
Minimum lot size (square feet)	9,000	12,500	20,000	43,560	87,120	9,000 (1)	3,000 (3)	9,000 (7)	5 acres	10 acres
Maximum lot coverage:										
1) Under roof	60%	50%	50%	20%	20%	40%	40%	35%	10%	10%
2) Minimum vegetative area ⁽¹²⁾	20%	20%	30%	40%	40%	20%	20%	20%	50%	50%
Minimum width of lot (measured in feet 25 feet back from front property line)	66	80	100	100	100	66 ⁽²⁾	55 per unit	55 per unit	120	120

Minimum yard setback (in feet):										
1) Front	25	25	25	30	30	25	25 ⁽⁴⁾	15 ⁽⁸⁾	50	50
2) Rear - principal building	25	25	25	25	25	25	15	15	50	50
3) Rear - accessory building	10	10	10	10	10	10	10	15	50	50
4) Interior side	7	10	10	10	10	5	10 ⁽⁵⁾	5	50	50
5) Street side	10	10	10	20	20	10	10	15	50	50
6) Side - accessory building	2	5	10	10	10	2	2	2	50	50
Minimum square feet per dwelling	-	-	-	-	-		800 ₍₆₎	600 ₍₆₎		
Density (maximum dwelling units per gross acre)	4 ⁽⁹⁾	3 ⁽⁹⁾	2 ⁽⁹⁾	1 ⁽⁹⁾	1 ⁽⁹⁾	8 ⁽⁹⁾	14	12 ⁽⁹⁾	1 ⁽⁹⁾	1 ⁽⁹⁾

Principal building maximum height (in feet)	25	25	25	35	35	25	25	25 (10)	35	35
Accessory building maximum height (in feet)	20	20	20	30	30	20	20	25	35	35

(g) The following additional dimensional requirements are applicable to the designated districts shown in Table 16-2 of this Section:

- (1) Nine thousand (9,000) single dwelling. Nine thousand seven hundred fifty (9,750) square feet when more than one (1) unit.
- (2) Seventy-five (75) feet when more than one (1) unit.
- (3) Three thousand (3,000) for end units and two thousand four hundred (2,400) square feet for center units with party walls on each side of the unit.
- (4) All buildings; provided, however, that the minimum front yard may include area in common ownership in calculating the minimum front yard.
- (5) None between units separated by a party wall. Ten (10) feet where units are not separated by a party wall and not abutting a street. Ten (10) feet where abutting a street.
- (6) Two hundred (200) square feet for each additional bedroom.
- (7) Per additional dwelling unit: fifty (50) square feet.
- (8) When more than one (1) building, buildings must have a five-foot staggered front setback.
- (9) Exception: Approved ADUs as provided in Article IX of this Chapter.
- (10) Buildings greater than allowed height require the approval of a variance: refer to Subsection 16-1-230(b) of this Chapter.
- (11) Open space: Within single-family attached and multi-family use areas, a minimum of twenty percent (20%) of the gross site area shall be set aside as common open space which may include, but not be limited to, landscaped areas, swimming pools, tennis courts, play areas.

walkways and bikeways, but excluding driving and parking areas.

- (12) All dwellings and structures shall be constructed in accordance with all applicable Town regulations and the International Building Code, as adopted by the Town.
- (13) Underground housing may be allowed subject to meeting all applicable Town regulations and site plan approval. No underground construction shall be allowed to encroach within designated easements or required setbacks from adjoining property lines without Town approval.
- (14) For all single-family detached dwellings, the following lot variations apply:
 - a. Not more than three (3) adjacent newly platted lots shall have the same width.
 - b. Required variations in lot width shall be not less than five (5) feet.
 - c. Required variations in front yard setbacks shall be in distances of not less than five (5) feet.
 - d. Not more than sixty percent (60%) of front yard setbacks on the same side of a street within a block shall be the same. A minimum difference of eighteen (18) inches is required.
- (15) Front-loaded garages:
 - a. Must be recessed a minimum of five (5) feet back from the main front building facade.
 - b. Are limited to not more than one (1) double-wide door and one (1) single-wide door or three (3) single-wide doors.
- (16) Side yard parking for all multi-family structures, whether in a garage or in surface-lot parking including access drives, shall not exceed thirty-five percent (35%) of overall front lot width. Otherwise, garages and parking in multi-family buildings shall be either off alleys/rear drives or in rear yard locations. No front parking is allowed for multi-family structures.
- (17) Building location on a lot, including subtle variations in front yard and side yard setbacks, shall be utilized to reduce the building mass and bulk for single-family and multi-family buildings, especially in larger development projects.

(Ord. 12-02 §1)

(Ord. 18-06, § 2, 7-10-2018; Ord. No. 19-14, § 1, 6-25-2019)

Sec. 16-1-110. - Large Lot Residential (LR-1) District.

- (a) Purpose. The Large Lot Residential (LR-1) District is to provide areas for very low density with lots a minimum of ten (10) acres in size. The LR-1 District is for preserving and protecting rural areas, valuable agricultural areas and pasture lands. Agricultural operations and natural resource industries are encouraged in this District. The LR-1 District may be used to establish a buffer of

low-intensity uses along streams, floodplains and similar environmentally sensitive areas. The LR-1 District is composed mainly of unsubdivided lands that are vacant or are in agricultural uses with some dwellings and some accessory uses.

- (b) Allowed uses. See the Residential Use Matrix, Table 16-1 of this Article.
- (c) Dimensional standards. The residential dimensional standards within the LR-1 District are outlined in Table 16-2 of this Article.
- (d) Use by special review. See the Residential Use Matrix, Table 16-1.
- (e) Town services are required, with the exception of properties already on an approved well or septic system and approved by the Board of Trustees.

(Ord. 12-02 §1)



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Board of Trustees

FROM: Zach Higgins, AICP Community Development Director
Alexandra Cramer, Planner/Project Manager

DATE: July 9th, 2024

SUBJECT: Ordinance 24-07

SUMMARY

Approval of Ordinance 24-07 would amend various sections of Chapter 16 of the Town of Elizabeth Municipal Code, updating several aspects of the Land Use and Development Code. The ordinance would:

- Amend Table 16-5 to allow single-family attached dwellings, duplex structures, and multi-family dwellings in the CMU District.
- Permit business schools, studios, and vocational schools (not involving heavy industrial processes) in the CMU and DT Districts with a Special Use Review.
- Amend Table 16-6 to remove the "Under roof" maximum lot/space coverage requirement for the DT District.
- Section 16-1-60(f) would be added to establish a maximum density of 18 dwelling units per gross acre in the CMU District.
- Amend Section 16-3-30(h)(3) which changes the notification method for road name changes from certified mail to regular first-class mail when addresses have been assigned. It also requires the applicant to provide an affidavit listing the notified addresses, while maintaining the existing requirements for public hearings and Board of Trustees approval.
- Amend Section 16-4-30, regarding the public notice procedure, to reflect the Town Hall address change to 151 S. Banner Street. Property owner notifications would change from certified mail to regular first-class mail, with an affidavit from the applicant listing notified addresses and property owners. The need for return receipts would be eliminated.
- Amend Section 16-9-30, regarding Uses by Special Review, which would create a new time limitation on approvals, not to exceed five years. This section would allow the Town to review Use by Special Review approvals every five years for compliance with criteria and conditions, linking the duration of approval to either the specified time or until the land use changes, whichever occurs first.

Background:

The proposed amendments to the Commercial Mixed Use (CMU) District stem from an assessment of the current uses allowed within the zone in comparison to the Elizabeth Municipal Code's definition of CMU. The changes would incorporate a wider range of uses, including residential components as uses by right. To accompany this expansion of allowed uses, a density requirement for the CMU District has been proposed to provide clear guidelines for potential development.

The ordinance also introduces business schools, studios, and vocational schools as uses by special review in both the CMU and Downtown (DT) Districts. By allowing these educational and training facilities through a special review process, the town can evaluate each proposal on a case-by-case basis to ensure compatibility with surrounding uses. This change provides opportunities for a broader range of services and educational options within the CMU and DT Districts, while maintaining oversight through the special review process.

Modifications to the Downtown (DT) District dimensional standards were intended to provide more freedoms to property owners to provide creative solutions to building in a unique environment in the Town. The removal of the "under roof" coverage specification allows for alternative approaches to development while maintaining all other regulatory factors such as setbacks, height requirements, minimum vegetative area, and maintaining historic flows or runoffs.

Additional changes proposed in the amendment address various administrative processes. These modifications are designed to streamline procedures related to notifications, road name changes, and Uses by Special Review.

This ordinance represents a culmination of numerous workshops with the Planning Commission, Board of Trustees, and recommendations from consultants and Town partners regarding review of the Town's Land Use and Development Code. The proposed changes aim to update the code based on current practices and administrative needs identified by Staff, the Planning Commission and the Board of Trustees.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 24-07, an Ordinance amending Chapter 16, Table 16-5, Table 16-6, Section 16-3-30, Section 16-4-30, Section 16-9-30, and Section 16-1-60 of the Elizabeth Municipal Code.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously provided recommendation for approval of Ordinance 24-07 at their July 2nd meeting.

ATTACHMENT(S)

Ordinance 24-07

Table 16-5 (Current Code Language)

Table 16-6 (Current Code Language)

Section 16-3-30 (Current Code Language)

Section 16-4-30 (Current Code Language)

Section 16-9-30 (Current Code Language)

Section 16-1-60 (Current Code Language)

ORDINANCE 24-07

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 16 OF THE TOWN OF ELIZABETH MUNICIPAL CODE UPDATING THE TOWN'S LAND USE AND DEVELOPMENT CODE

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Table 16-5 of the Elizabeth Municipal Code entitled "Public-Institution/Regional Commercial/Commercial/Mixed Use/Downtown Use Matrix" is amended as follows:

- A. "Single-family attached dwellings," "duplex structures" and "multi-family dwellings" are hereby amended to reflect that such uses are allowed (A) in the CMU District; and
- B. "Business schools, studios and vocational schools, not involving processes of a heavy industrial nature" are hereby amended to reflect that such uses are allowed upon the issuance of a Use by Special Review permit (S) in the CMU and the DT Districts.

Section 2. Table 16-6 of the Elizabeth Municipal Code entitled "Public-Institution/Regional Commercial/Commercial/Mixed Use/Downtown Dimensional Standards" is amended as follows:

- A. Maximum lot/space coverage for the DT District entitled "Under roof" is hereby deleted.

Section 3. Section 16-1-160 of the Elizabeth Municipal Code is hereby amended by the addition thereto of a new subsection (f) to read as follows:

- (f) Maximum density. The maximum density in the CMU District is eighteen (18) dwelling units per gross acre.

Section 4. Section 16-3-30, subsection (h)(3) of the Elizabeth Municipal Code is hereby amended to read as follows:

(3) When the request is for a road name change, the following shall apply:

- a. Where no addresses have been assigned, the request shall be heard at a public meeting before the Board of Trustees and an ordinance shall be adopted officially changing the name of the street. When addresses have been assigned, the applicant shall notify all affected individuals by ~~certified mail~~ **regular first class mail, accompanied by an affidavit from the applicant listing the addresses for which such notice was provided**, and the request shall be heard at a public hearing before the Board of Trustees. The Board of Trustees shall adopt an ordinance officially changing the name of the street.

b. A road name shall not duplicate any existing road name in the County.

Section 5. Section 16-4-30, subsections (b) and (c) of the Elizabeth Municipal Code are hereby amended to read as follows:

(b) At least fifteen (15) days prior to a public hearing, a notice shall be published at least one (1) time in the legal notice section of a general circulation newspaper within the Town. A publisher's affidavit shall be submitted to the Community Development Department prior to the hearing date to verify the publication of the required notice. The notice shall read as follows:

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the (Name of Board: Board of Trustees or Planning Commission) shall hold public hearings concerning (type of application request), located on property described in Exhibit A and generally located at (distance and direction of nearest major intersections), pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the (Name of Board) on (date), (year), at (time a.m./p.m.), or as soon as possible thereafter. The public hearing shall be held in the Town Hall, ~~324~~ **151** S. Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at (303) 646-4166.

ALL INTERESTED PERSONS MAY ATTEND.

EXHIBIT A (legal description)

(c) At least fifteen (15) days prior to a public hearing, a written notice shall be sent ~~by certified mail~~ **regular first class mail, accompanied by an affidavit from the applicant listing the addresses and property owners for which such notice was provided in accordance with Section 16-4-20(g)**, to all owners of property within five hundred (500) feet of the site for which the land use application is made. ~~Return receipts~~ **All such information** shall be submitted ~~with a list of all area property owners~~ to the Planning Office prior to the hearing date. The written notice shall contain the following information:

(1) The entire notice of public hearings outlined in Subsection (b) above, including the legal description; and

(2) A narrative outlining the proposed land use application before the Planning Commission and the Board of Trustees.

Section 6. Section 16-9-30 of the Elizabeth Municipal Code is hereby repealed

and reenacted to read as follows:

Sec. 16-9-30. Limitations.

Uses by special review shall be permitted for a duration of time specified by the Board of Trustees at the Board of Trustees' discretion for no longer than five (5) years, depending on the nature and the intensity of the use, or until the land use changes, whichever first occurs, and the Town may review such approval every (5) five years in order to ensure compliance with the criteria set forth in Section 16-9-20, and any other conditions of approval.

Section 7. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 8. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2024.

Passed by a vote of _____ for and _____ against and ordered published.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

Sec. 16-1-140. - Public, Semi-Public and Institutional (P-I) District.

- (a) Purpose. The P-I District is to provide a zoning designation for uses that are publicly owned or public in nature and do not generally pay property taxes.
- (b) Allowed uses. See Use Matrix - Table 16-5 below.
- (c) Dimensional standards. The Dimensional Standards within the P-I District shall be determined on a case-by-case basis.
- (d) Use by special review. See the Use Matrix - Table 16-5 of this Article.

Read across the chart until either "A" or "S" appears in one (1) of the columns. If "A" appears, the use is an allowed use; if "S" appears, the use is only allowed upon the issuance of a Use by Special Review permit. If left blank, the use is not allowed in that zone.

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

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<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⁽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
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			
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
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			
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
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	

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	
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			

(e) General provisions. The following shall apply to the applicable designated uses in Table 16-5 above:

- (1) For all such uses, building setbacks from all property lines are shown in Table 16-6 of this Section.
- (2) Uses by special review: refer to Article IX of this Chapter.
- (3) For all zoning districts, minimum off-street parking: refer to Article VI of this Chapter.
- (4) Town services required.
- (5) Fences, hedges and walls: Fences, hedges and walls shall be permitted in all districts and do not have to comply with the minimum setbacks of the zoning district in which they are located if the following regulations are complied with:
 - a. Fences, hedges and walls shall not exceed thirty (30) inches in height in corner lots, consistent with Section 16-1-200 of this Article.
 - b. Fences, hedges and walls in residential areas shall not exceed six (6) feet in height and shall not exceed four (4) feet in height when located in required front yards.
- (6) Development standards in accordance with Section 16-1-170 of this Article.
- (7) In accordance with Section 16-1-20 of this Article.
- (8) Outside storage must be screened in accordance with Subparagraph 16-2-50(b)(2)d of this Chapter.
- (9) In accordance with Chapter 6, Article IV of this Code and Subsection 16-1-150(f) of this Article.
- (10) Any and all construction within this District shall be in accordance with an approved site development plan as is more specifically described in Article II of this Chapter.
- (11) Minimum unloading area: For buildings in excess of three thousand (3,000) square feet in area, an unloading area of at least twelve (12) feet by thirty (30) feet shall be provided on the lot adjacent to the alley. However, this requirement can be waived if a portion of the off-street parking area is designed to function in a safe and attractive manner as the unloading area. The area used for unloading shall not be used to meet the off-street parking requirements.

Table 16-6

**Public-Institutional/Regional Commercial/Commercial
Mixed Use/Industrial/Downtown Dimensional Standards**

<i>District Standard</i>	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I</i>	<i>DT</i>
Minimum lot/space size (square feet)		2,500	2,500	6,000	800
Maximum lot/space coverage:					
1) Under roof		50%	50%	50%	70%
2) Minimum vegetative area		10%	10%	10%	5%
Minimum width of lot/space (measured in feet; 25 feet back from the front property line)		50	50	50	32
Minimum yard setbacks (in feet):					
1) Front - public right-of-way		25	25	25	0
2) Front - private right-of-way		10	15	15	0
3) Rear - principal building		5	5	20	5
4) Rear - accessory building		5	5	20	2
5) Interior side		5	5	10	0
6) Street side - public right-of-way		10	10	12	5
7) Street side - private right-of-way		5	5	12	5
8) Side - accessory building		5	5	5	2
Principal building maximum height (in feet)		35	30	30	30
Accessory building maximum height (in feet)		30	30	30	25

Sec. 16-1-160. - Commercial Mixed Use (CMU) District.

- (a) Purpose. The purpose of the CMU (Commercial Mixed Use) District is to permit a mix of commercial and residential uses with easy access to a major arterial and/or a major collector street. The CMU District is to accommodate a mix of nonresidential and residential uses including small-scale retail, professional offices, live/work developments, professional services, higher density residential developments and commercial accommodations that encourage pedestrian activity. The CMU District is to provide a transition between a limited group of uses of a commercial nature and lower density residential areas.
- (b) Allowed uses. See the Use Matrix - Table 16-5 of this Article.
- (c) Dimensional standards. The Dimensional Standards within the CMU District are outlined in Table 16-6 of this Article.
- (d) Use by special review. See the Use Matrix - Table 16-5.
- (e) General provisions. The requirements as outlined in Subsection 16-1-140(e) above are applicable to the designated uses in Table 16-5.

(Ord. 12-02 §1)

Sec. 16-3-30. - General requirements.

- (a) Description of the subdivision process.
 - (1) The five (5) steps required to obtain approval of a subdivision are:
 - a. Pre-application meeting: the applicant and the Community Development Director shall have a pre-application meeting prior to application submittal for all subdivision applications except for amended plats and minor development final plats. The Community Development Director shall outline any major areas of concern, explain any applications required, and outline the process timeline at the meeting. The Community Development Director may waive the pre-application meeting requirement upon the applicant demonstrating that the proposed subdivision will not result in any significant impacts;
 - b. Neighborhood meeting: the applicant shall host a neighborhood meeting prior to application submittal for all subdivision applications except for amended plats and minor development final plats. The Community Development Director shall notify properties within a 500-foot radius of the property by sending mailed notice at least 15 calendar days prior to the meeting. At the meeting, the Applicant shall present the proposed development and receive feedback from neighbors. A written summary of the neighborhood meeting shall be prepared by the Community Development Director and included in the staff report to the applicable decision-making body. The Community

Development Director may waive the neighborhood meeting requirement upon the applicant demonstrating that the proposed subdivision will not result in any significant impacts;

- c. Sketch plan: the review of the feasibility of the project, including conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, locations of parks, schools and open space, source of required services, vehicular and pedestrian circulation and general conformance with the principles of the Town Master Plan and zoning requirements;
 - d. Preliminary plan: a review of preliminary technical engineering; and
 - e. Final plat: a review of all final engineering and construction plans, execution of subdivision agreements, provision of a letter of credit or cash to secure the construction of the public improvements described in the subdivision agreement and other legal requirements.
- (2) Each step is a distinct process involving the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, and public hearings/meetings, except the pre-application meeting and neighborhood meeting. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and, therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.
- (3) The sketch plan shall be reviewed by the Planning Commission and reviewed and approved by the Board of Trustees at a public hearing prior to submittal of the preliminary plan. The preliminary plan and final plat processes may be combined upon the approval of the Board of Trustees based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access and transportation network.
- (4) If the proposed plan or plat is denied by the Board of Trustees, a new subdivision application for the same or substantially the same request, as determined by the Board of Trustees, shall not be accepted with one (1) year of such denial.
- (b) Applicant's responsibility. The applicant or representative is responsible for understanding the requirements and procedures contained in this Chapter, the Town Master Plan and applicable zoning regulations, and is responsible for attending all Planning Commission and Board of Trustees hearings and meetings at which the request is considered. Failure to attend the hearings and meetings may result in the request being denied or tabled and a new hearing or meeting date scheduled. The applicant is responsible for submitting the information requested by the Town, for the review of the proposal, and for posting or publishing all public notices as required.
- (c) Review fees. The applicant shall be responsible for payment of reasonable review fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters that may be charged to applicants for relief sought under this Chapter. The amount of the fees

charged shall be established by resolution of the Board of Trustees filed in the office of the Town Clerk. Payment of the fees shall be as follows:

- (1) The Town will bill applicants for any and all costs of professional and consulting services which the Town incurs as a result of an applicant or his or her project. Professional or consulting services include, but are not limited to, legal, engineering or hydrological services.
- (2) Fees established in accordance with this Subsection (c) shall be paid upon submission of a completed land use application or notice of appeal. All applications for which there is a fee shall be accompanied by the appropriate fee. Applications which are not accompanied by the appropriate fee shall be considered incomplete and shall not be processed nor shall any permit be issued until the appropriate fee accompanies the application. The applicant shall pay to the Town the actual cost to the Town for engineering, planning, surveying, inspection and legal services rendered in connection with the review of the proposed development application, plus fifteen percent (15%) to cover administrative costs.
- (3) The Town will send the applicant a statement for the actual and administrative costs incurred by the Town for the services rendered by the Town. The applicant shall pay the amount due on the statement within fifteen (15) days of the date of issuance of such statement. In the event the applicant fails to pay the amount due on the statement within the time period specified above, the Town shall immediately stop the review process for the proposed development. The application will be deemed withdrawn if the statement is not paid in full within thirty (30) days of the date of issuance of the statement.
- (4) If the statement is not paid in full within thirty (30) days after issuance of the statement, in addition to the application being withdrawn, the Town shall impose interest on the amount due and outstanding at the rate of one and one-half percent (1.5%) per month from the date when due.
- (5) In addition to the Town's remedies to stop the review process upon nonpayment of such statement, and to impose penalty interest, the Town shall additionally possess the right to initiate an enforcement action against the applicant for nonpayment of such fees. Such enforcement action may be initiated either in the County Court or in the Municipal Court. In the event such collection action is determined in favor of the Town, the Town shall be awarded its attorneys' fees and court costs in addition to the unpaid fees as part of any judgment.
- (6) The payment of fees of the costs of professional and consulting services under this Section shall be due and payable as set forth within this Section, regardless of whether the project is completed or approved, and/or regardless of whether the owner or applicant chooses to complete the Town's land review process.

(d)

Withdrawal of application. The applicant may withdraw an application at any phase of the process upon submittal of a written request to the Town. Application fees will be refunded only when the withdrawal request is submitted prior to the mailing of the referral packets.

- (e) Expiration of approvals. The approval of any subdivision request shall be subject to the following restrictions and shall apply to all sketch plans, preliminary plans, final plats, amended plats or minor development final plats approved prior to the effective date the initial ordinance codified in this Article:
 - (1) The sketch plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Board of Trustees may grant an extension of time of no more than one (1) year, upon a written request by the applicant prior to the expiration of the one-year period.
 - (2) The preliminary plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Board of Trustees may grant an extension of time, of no more than one (1) year, upon a written request by the applicant prior to the one-year period. However, when a part of the approved preliminary plan is final platted, the remaining area of the preliminary plan shall be effective for the one-year period or as otherwise extended by the Board of Trustees.
 - (3) Within ninety (90) days of approval of the final plat, the applicant shall submit the approved final plat and all required documentation to the Town for recordation or the approval shall be null and void, unless stated otherwise in such approval. Within thirty (30) days of receipt of the final plat, the Town shall obtain the signatures required of Town representatives on the plat along with the required subdivision agreement and security for public improvements, and record the final plat. The Board of Trustees may grant no more than one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant for good cause being shown.
 - (4) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Town Master Plan or this Chapter that have occurred since approval of the plan or plat as these changes affect the plan or plat and the anticipated time schedule for completing the platting process. Additional review of the plan or plat may occur resulting in additional conditions, as applicable.
 - (5) Denial of the extension of time by the Board of Trustees shall void the sketch plan, preliminary plan, final plat, minor development, exemption, replat or vacation plat and result in the necessity for the resubmittal of a new application, fees and all required documentation.
 - (6)

Any final plat, replat, amended plat or minor development plat approved prior to the adoption of the ordinance codified herein which has not been recorded, along with all the required documentation, shall be submitted to the Town for recordation within six (6) months of the adoption of the ordinance codified herein. A reasonable effort must be made by the Town to notify the subdivider of this requirement.

- (f) Inactive files. Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months, shall become void, and the resubmittal of a new application and fees shall be required to pursue the subdivision request. The Board of Trustees may grant no more than two (2) extensions of time, of no more than three (3) months each, upon a written request by the applicant. After five (5) months, the Town shall notify the applicant in writing that the application will become void within thirty (30) days. After thirty (30) days, provided that the applicant has not submitted the required additional information or requested a hearing date, the Town shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the Town upon the effective date of adoption and any application thereafter.
- (g) Inactive subdivisions. Any subdivision which has received approval by the Board of Trustees for a period of time in excess of three (3) years prior to the date of adoption of the initial ordinance codified herein and for which no public improvements have been constructed or secured, shall be required to submit an amended plat which complies with the requirements of this Chapter in effect at the time of the amendment, and the required subdivision agreement. No building permits shall be issued until the plat amendment and new subdivision agreement have been approved by the Board of Trustees.
- (h) Plat corrections. Due to errors or omissions, changes may be made to recorded plats according to the following procedure:
 - (1) An ordinance shall be prepared which identifies the error or omission, the specific plat to be corrected, the reception number of the plat and the necessary corrective action, and said action must be approved by the Town Attorney.
 - (2) The ordinance shall be presented to the Board of Trustees at a public meeting ready for recordation. The ordinance shall be recorded, upon obtaining the signature of the Mayor.
 - (3) When the request is for a road name change, the following shall apply:
 - a. Where no addresses have been assigned, the request shall be heard at a public meeting before the Board of Trustees and an ordinance shall be adopted officially changing the name of the street. When addresses have been assigned, the applicant shall notify all affected individuals by certified mail and the request shall be heard at a public hearing before the Board of Trustees. The Board of Trustees shall adopt an ordinance officially changing the name of the street.
 - b. A road name shall not duplicate any existing road name in the County.

(Ord. 01-20; Ord. 08-06 §2)

(Ord. No. 23-02, § 2, 1-24-2023)

Sec. 16-4-30. - Public notice procedures.

- (a) The following applications shall be subject to the public notice procedures outlined herein:
 - (1) Rezoning (amendments to the Official Zoning Map);
 - (2) Site plan review;
 - (3) Planned developments;
 - (4) Major amendments to a development guide or plan;
 - (5) Sketch plan and preliminary plans for subdivision;
 - (6) Vacations and replats; and
 - (7) Zoning and sign code variances.
- (b) At least fifteen (15) days prior to a public hearing, a notice shall be published at least one (1) time in the legal notice section of a general circulation newspaper within the Town. A publisher's affidavit shall be submitted to the Community Development Department prior to the hearing date to verify the publication of the required notice. The notice shall read as follows:

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the (Name of Board: Board of Trustees or Planning Commission) shall hold public hearings concerning (type of application request), located on property described in Exhibit A and generally located at (distance and direction of nearest major intersections), pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the (Name of Board) on (date), (year), at (time a.m./p.m.), or as soon as possible thereafter. The public hearing shall be held in the Town Hall, 321 S. Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at (303) 646-4166.

ALL INTERESTED PERSONS MAY ATTEND.

EXHIBIT A (legal description)

- (c) At least fifteen (15) days prior to a public hearing, a written notice shall be sent by certified mail to all owners of property within five hundred (500) feet of the site for which the land use application is made. Return receipts shall be submitted with a list of all area property owners to the Planning Office prior to the hearing date. The written notice shall contain the following information:
 - (1) The entire notice of public hearings outlined in Subsection (b) above, including the legal description; and

(2) A narrative outlining the proposed land use application before the Planning Commission and the Board of Trustees.

- (d) Sign. At least fifteen (15) days prior to a public hearing, a notice shall be posted on the property for which the land use application is made. These notices shall consist of at least one (1) sign facing each adjacent public right-of-way. In the case of a variance request, only one (1) sign shall be posted on site in the general vicinity the variance is being considered. These notices shall be in the form of signs measuring not less than three (3) feet by four (4) feet, with lettering a minimum of three (3) inches high and on posts no less than four (4) feet above the ground. All lettering shall be clearly legible from the right-of-way the sign faces. These notices shall read:

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the property upon which this sign is posted shall be considered at public hearings for (type of application request) pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the (Name of Board) on (date), (year) at (time a.m./p.m.), or as soon as possible thereafter. The public hearing shall be held in Chambers for the Town of Elizabeth. Further information is available through the Town Community Development Department at (303) 646-4166.

ALL INTERESTED PERSONS MAY ATTEND.

- (e) Sign affidavit. The applicant shall provide the Community Development Department with a notarized affidavit to the posting of the sign. The affidavit shall be in substantially the following form:

SIGN POSTING AFFIDAVIT

(Attach Photo Here)

_____, The above sign was posted on (date) pursuant to the Town of Elizabeth Land Development Code, by (Applicant or Representative).

Signature

STATE OF COLORADO)

) ss.

COUNTY OF _____)

Subscribed and sworn to before me this ____ day of _____, 20__, by _____.

My commission expires: _____.

(SEAL)

Notary Public

- (f) Vacation requests of lot lines, easements, approved plats or rights-of-way shall follow the same public notice procedures found in Subsections (b) through (d) above, except that references to the hearings before the Planning Commission and the Board of Trustees may be combined upon approval of the Planning Director.

(Ord. 01-20)

Sec. 16-9-30. - Limitations.

Uses by special review shall be permitted for a duration of time specified by the Board of Trustees, or until the land use changes, or is terminated, whichever occurs first. Each use is subject to yearly review by the Town, or as often as the Board of Trustees deems appropriate to ensure compliance with the criteria stated in Section 16-9-20, and any other conditions of approval.

(Prior code 14-5.3)



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: July 9, 2024
SUBJECT: Acquisition of 1123 High Point Trail, Elizabeth, CO.

BACKGROUND

On July 5, 2023, the Town Administrator met with the Board of the Gold Creek Homeowners Association. During this meeting, the HOA asserted ownership of the lands upon which the Town previously drilled and completed two (2) water wells, as well as the associated infrastructure and wellhouse. The claim was asserted from an initial review of the records maintained by the Elbert County Assessor.

In reviewing the records regarding the re-platting by Lennar as part of the build-out of Gold Creek, the conveyances executed regarding common areas and the Town, and other documents, it became clear that several scrivener errors occurred, and that each compounded prior errors. The net result is that the Gold Creek HOA became title owner to property intended for the Town of Elizabeth for operations of water facilities for the Town.

On April 12, 2024, Counsel for the Gold Creek HOA provided notice to the Town that upon a review of the documents previously provided, it did appear that the land was conveyed in error. Unfortunately, under the Colorado Common Interest Ownership Act (CCIOA), it was believed that the error could not be corrected independently by the Gold Creek HOA, but rather was dependent upon the approval of 67% of the owners in Gold Creek or by eminent domain. Due to the extremely low level of participation by members of the HOA, the Town was encouraged to pursue eminent domain as a means of quickly and effectively obtaining title to the property. Therefore, this action follows.

ANALYSIS

The Town of Elizabeth, Colorado possesses the power of eminent domain for the purposes of obtaining the property upon which the Town's well and well house are located pursuant to the provisions of C.R.S. § 38-6-101 and C.R.S. § 31-35-402(1)(a). The acquisition of the Subject Property serves a public purpose and is necessary and essential to the Town's ability to provide water facilities for the residents of the Town of Elizabeth.

STAFF RECOMMENDATION

Staff recommend the above-described action, and as necessary, the exercise of the powers of eminent domain in order to secure fee simple title to the lands identified herein, for the benefit of the residents of the Town of Elizabeth.

BUDGET CONSIDERATIONS

The Town does not regularly budget for litigation, and as such, no specific funds have been allocated for this matter. Funding will need to be either from cost savings within the General Fund budget, or funds will need to be reallocated and identified for purposes of covering these expenses. As is nearly always the case with litigation, the costs are unknown. However, as the Gold Creek HOA is requiring eminent domain to simply clear title, the costs are expected to remain relatively low.

ATTACHMENTS

Ordinance 24-08. An Ordinance Of The Board Of Trustees Of The Town Of Elizabeth, Colorado Stating The Intent Of The Town Of Elizabeth To Acquire Real Property For The Purpose Of Obtaining The Town's Well House Site Through The Utilization Of The Town's Power Of Eminent Domain, And Directing The Town's Staff And Town Attorney To Notify All Persons Affected Thereby Of The Above Stated Intent Of The Town And Thereafter To Comply With All Pertinent Provisions Of C.R.S. § 38-1-101, *Et Seq.*, Relating To Good Faith Negotiation

ORDINANCE 24-08

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO STATING THE INTENT OF THE TOWN OF ELIZABETH TO ACQUIRE REAL PROPERTY FOR THE PURPOSE OF OBTAINING THE TOWN'S WELL HOUSE SITE THROUGH THE UTILIZATION OF THE TOWN'S POWER OF EMINENT DOMAIN, AND DIRECTING THE TOWN'S STAFF AND TOWN ATTORNEY TO NOTIFY ALL PERSONS AFFECTED THEREBY OF THE ABOVE STATED INTENT OF THE TOWN AND THEREAFTER TO COMPLY WITH ALL PERTINENT PROVISIONS OF C.R.S. § 38-1-101, *ET SEQ.*, RELATING TO GOOD FAITH NEGOTIATION

WHEREAS, the Town of Elizabeth, Colorado possesses the power of eminent domain for the purposes of obtaining the property upon which the Town's well and well house are located pursuant to the provisions of C.R.S. § 38-6-101 and C.R.S. § 31-35-402(1)(a),

WHEREAS, the owner of the property attached hereto as **Exhibit A**, attached hereto and incorporated herein by this reference (the "Subject Property") has requested that the Town of Elizabeth exercise the power of eminent domain to acquire the Subject Property for good and valuable non-monetary consideration, and therefore the Town of Elizabeth wishes to acquire the Subject Property through the non-contested exercise of the power of eminent domain;

WHEREAS, the Board of Trustees of the Town of Elizabeth wishes to comply with all applicable provisions of C.R.S. § 38-1-101 *et seq.*, including without limitation the notice and negotiation requirements and provisions thereof; and

WHEREAS, the acquisition of the property more particularly described in **Exhibit A** is also based on a negotiated resolution of a disputed property issue.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT

Section 1. Notice is hereby given pursuant to C.R.S. § 38-1-121(1) that the Town of Elizabeth, Colorado, intends to acquire the parcels of property more particularly described in **Exhibit A** (the "Subject Property") based on the request of the property owner, and based on a negotiated settlement for the acquisition of the Subject Property.

Section 2. The acquisition of the Subject Property serves a public purpose and is necessary and essential to the Town's ability to provide water facilities for the residents of the Town of Elizabeth.

Section 3. The Town Attorney is hereby directed to provide a copy of this Ordinance to all persons who presently own or maintain an ownership interest in the Subject Property notifying them of the intent of the Town of Elizabeth to acquire such property through the use of the Town's power of eminent domain based on the request of the property owner.

Section 4. The staff of the Town, together with the Town Attorney, and any and all persons retained or employed by the Town of Elizabeth in the prosecution of this matter, are directed to comply with all requirements set forth in C.R.S. § 38-1-101, *et seq.*, in the conduct of the within authorized eminent domain actions.

Section 5. In the prosecution of the within authorized eminent domain action, the Town shall retain all rights and powers lawfully delegated to it by C.R.S. § 38-1-101, *et seq.*, C.R.S. § 38-6-101 and C.R.S. § 31-35-402(1)(a),

Section 6. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 7. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 8. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2024.

Passed by a vote of _____ for and _____ against and ordered published.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

EXHIBIT A – ORDINANCE 24-08

TOWN OF ELIZABETH WELL HOUSE SITE ACQUISITION

Parcel ID Number 8513308005

Legal Description. Section 13, Township 8, Range 65, Subdivision RITORO F2, Tract E, and more commonly known as 1123 High Point Trail, Elizabeth, Colorado 80107



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: July 9, 2024
SUBJECT: Acquisition of 349 E. Broadway Street, Elizabeth, CO.

BACKGROUND

The Town of Elizabeth has sought to purchase 349 E. Broadway Street from Joel Wendler on at least two (2) separate occasions. The first discussions were held in the Spring of 2022, and again in late Winter 2023. The property is estimated to be approximately 6,534.00 sq. ft. in overall size and has located upon it one single-wide mobile home. The property is otherwise unimproved, although it has electricity, and Town provided water and sewer service.

The property is surrounded by the Town of Elizabeth on three (3) sides, namely Town owned property to the immediate West, Broadway Street to the immediate South, and the Town's Gesin Lot immediately to the East.

If eminent domain is authorized, the property at 349 E. Broadway would be developed to serve as public parking for the Gesin Lot, Town Hall, and downtown businesses. The Town is already developing the lots to the immediate West for parking, thereby providing a public need and making substantial improvements to the property.

While the Town remains hopeful that a mutually beneficial transaction may be reached between the parties, it is in the Town's interest to acquire this property by either means of sale or by means of eminent domain.

ANALYSIS

The Town of Elizabeth possesses the power of eminent domain for the purposes of constructing public parking as a "public improvement" pursuant to the provisions of C.R.S. §38-1-101, et seq., and C.R.S. §38-6-101. The acquisition of the property serves the public purpose and is necessary and essential to the Town's ability to provide public parking for the residents, businesses and visitors of the Town of Elizabeth.

The purpose of the Ordinance is to provide formal direction and intention of the Town to acquire, through purchase or through eminent domain, the described property. The Ordinance also requires and directs Town Staff, the Town Attorney, and all others to act in good faith in furtherance of the direction of the Board.

STAFF RECOMMENDATION

Staff's recommendation is to renew negotiations with Wendler, in good faith, to reach an amicable resolution that allows the Town to purchase the property. However, for the public good the Town

should be prepared to exercise its rights of eminent domain to acquire this property for the benefit of the public and the public need.

BUDGET CONSIDERATIONS

Within the Town's 2024 Annual Budget, the total sum of \$250,000 was set aside for land acquisition. [Account Number 31-80-0100.] The matter should be resolved with the allotted funds.

ATTACHMENTS

Ordinance 24-09. An Ordinance Of The Board Of Trustees Of The Town Of Elizabeth, Colorado Stating The Intent Of The Town Of Elizabeth To Acquire Real Property For The Purpose Of Providing Public Parking Through The Utilization Of The Town's Power Of Eminent Domain, And Directing The Town's Staff And Town Attorney To Notify All Persons Affected Thereby Of The Above Stated Intent Of The Town And Thereafter To Comply With All Pertinent Provisions Of C.R.S. § 38-1-101, *Et Seq.*, Relating To Good Faith Negotiation

ORDINANCE 24-09

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO STATING THE INTENT OF THE TOWN OF ELIZABETH TO ACQUIRE REAL PROPERTY FOR THE PURPOSE OF PROVIDING PUBLIC PARKING THROUGH THE UTILIZATION OF THE TOWN'S POWER OF EMINENT DOMAIN, AND DIRECTING THE TOWN'S STAFF AND TOWN ATTORNEY TO NOTIFY ALL PERSONS AFFECTED THEREBY OF THE ABOVE STATED INTENT OF THE TOWN AND THEREAFTER TO COMPLY WITH ALL PERTINENT PROVISIONS OF C.R.S. § 38-1-101, *ET SEQ.*, RELATING TO GOOD FAITH NEGOTIATION

WHEREAS, the Town of Elizabeth, Colorado possesses the power of eminent domain for the purposes of constructing public parking as a "public improvement" pursuant to the provisions of C.R.S. § 38-1-101, *et seq.*, and C.R.S. § 38-6-101;

WHEREAS, the Town of Elizabeth wishes to acquire the parcel of property more particularly described in **Exhibit A** (the "Subject Property"), for the purpose of constructing and maintaining public parking as a public improvement to serve Main Street area of Downtown Elizabeth; and

WHEREAS, the Board of Trustees of the Town of Elizabeth wishes to comply with all applicable provisions of C.R.S. § 38-1-101, *et seq.*, including without limitation the notice and negotiation requirements and provisions thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT

Section 1. Notice is hereby given pursuant to C.R.S. § 38-1-121(1) that the Town of Elizabeth, Colorado, intends to acquire the parcel of property more particularly described in **Exhibit A** (the "Subject Property").

Section 2. The acquisition of the Subject Property serves a public purpose and is necessary and essential to the Town's ability to provide public parking for the residents, businesses and visitors of the Town of Elizabeth.

Section 3. The Town Attorney is hereby directed to provide a copy of this Ordinance to all persons who presently own or maintain an ownership interest in the Subject Property notifying them of the intent of the Town of Elizabeth to acquire such property through the use of the Town's power of eminent domain.

Section 4. The staff of the Town, together with the Town Attorney, and any and all persons retained or employed by the Town of Parker in the prosecution of this matter, are directed to comply with all notice and good faith negotiation requirements set forth in C.R.S. § 38-1-101, *et seq.*, in the conduct of the within authorized eminent domain actions.

Section 5. In the prosecution of the within authorized eminent domain actions, the Town shall retain all rights and powers lawfully delegated to it by C.R.S. § 38-1-101, *et seq.*

Section 6. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 7. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 8. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2024.

Passed by a vote of _____ for and _____ against and ordered published.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

EXHIBIT A – ORDINANCE 24-09

TOWN OF ELIZABETH – BROADWAY STREET ACQUISITION

Parcel ID Number 8418103010

Legal Description. Section 18, Township 8, Range 64, Subdivision ELIZABETH ORIGINAL, Block 004, Lot 0013 – and Lot 0014, and more commonly known as 349 E. Broadway Street, Elizabeth, Colorado 80107



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Honorable Mayor and Board of Trustees
FROM: Zach Higgins, AICP Community Development Director
DATE: July 09, 2024
SUBJECT: Resolution 24R30, Substantial Compliance regarding Annexation of 889 S Elizabeth Street

SUMMARY

The owner of unincorporated territory located at 889 South Elizabeth Street has submitted a petition for annexation to be included in the incorporated boundaries of the Town of Elizabeth. Resolution 24R30 accepts the petition for annexation and establishes August 27, 2024, as the date for the public hearing.

Resolution 24R30 also memorializes that the Board of Trustees has examined the annexation petition for 889 South Elizabeth Street and the provided exhibits for completion and compliance with the adopted procedures and regulations. Staff and the Town's consultants have reviewed the documentation and feel that those parameters have been met to proceed with 24R30.

STAFF RECOMMENDATION

Staff recommends the Board of Trustees approve Resolution 24R30, a Resolution accepting the petition for annexation and establishing August 27, 2024, as the date of public hearing on the requested annexation of a parcel of unincorporated territory located in the County of Elbert (889 South Elizabeth Street Annexation).

ATTACHMENT(S)

Resolution 24R30
Annexation Petition
Narrative
Annexation Exhibit

RESOLUTION 24R30

A RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION AND ESTABLISHING AUGUST 27, 2024, AS THE DATE OF PUBLIC HEARING ON THE REQUESTED ANNEXATION OF A PARCEL OF UNINCORPORATED TERRITORY LOCATED IN THE COUNTY OF ELBERT (889 SOUTH ELIZABETH STREET ANNEXATION)

WHEREAS, the owner of unincorporated territory, comprising more than fifty percent (50%) of the area proposed for annexation pursuant to C.R.S. § 31-12-107, has filed a petition for annexation of a certain unincorporated property to the Town (the "Petition"), which territory is more particularly described in **Exhibit A**, attached to the Petition;

WHEREAS, C.R.S. § 31-12-108 requires that the Town accept the Petition and establish a date, time and place that the Board of Trustees will hold a public hearing to consider the annexation and the various requirements of Title 31, Article 12, C.R.S.;

WHEREAS the Board of Trustees, at its regular meeting on July 9, 2024, reviewed the Petition and various documents submitted in support of the Petition;

WHEREAS, the Board of Trustees has examined the record in this case and the various exhibits; has considered the request, and the recommendations of the staff and consultants; and based upon the record which has been made concerning the request, has arrived at its decision; and

WHEREAS, it has been found and determined that the applicant has complied with all of the procedural requirements as provided in Title 31, Article 12, C.R.S., in connection with the Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

Section 1. The Petition is hereby accepted and found to be in substantial compliance with the requirements of Title 31, Article 12, C.R.S.

Section 2. That a public hearing to consider the Petition is scheduled for August 27, 2024, at 7:00 p.m., at the Town Hall of the Town of Elizabeth, which is located at 151 S. Banner Street, Elizabeth, Colorado, 80107, to determine if the proposed annexation complies with C.R.S. §§ 31-12-104 and 31-12-105, or such part thereof as may be required to establish eligibility under the terms of Title 31, Article 12, Part 1, as amended, known as the Municipal Annexation Act of 1965, and the Constitution of the State of Colorado, Article II, Section 30, as amended.

Section 3. Any person living within the area proposed to be annexed, any landowner of lands thereof, any resident of the municipality to which the area is proposed to be annexed, any municipality located within one mile of the proposed annexation, or the Board of County Commissioners of Elbert County, may appear at such hearing and present evidence upon any matter to be determined by the Board of Trustees.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2024, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

RECEIVED
MAY 16 2024
Town of Elizabeth

PETITION FOR ANNEXATION

TO: THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO

RE: PROPERTY KNOWN AS: 889 SOUTH ELIZABETH STREET

The undersigned landowners, in accordance with the provisions of Title 31, Article 12, Part 1, C.R.S., known as the Municipal Annexation Act of 1965, as amended, hereby petition the Board of Trustees of the Town of Elizabeth, Colorado for annexation to the Town of Elizabeth of the following described unincorporated area situate and being in the County of Elbert, and State of Colorado:

(See **Exhibit A** attached hereto and
incorporated herein by reference)

In support of their Petition, Petitioners state as follows:

1. That it is desirable and necessary that such area be annexed to the Town of Elizabeth, Colorado

2. That the area sought to be annexed meets the requirements of C.R.S. §§ 31-12-104 and 105, in that:

a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the Town of Elizabeth, Colorado, disregarding for contiguity purposes, as allowed by C.R.S. § 31-12-104(1)(a), the existence of any platted street or alley, any public right-of-way, any public or private transportation right-of-way or area, public lands (except county-owned open space), or any lakes, reservoirs, streams, or other natural or artificial waters located between the Town and the land proposed to be annexed. The contiguity required by C.R.S. § 31-12-104(1)(a) has not been established by use of any boundary of an area which was previously annexed to the Town of Elizabeth where the area, at the time of its annexation, was not contiguous at any point with the boundary of the Town of Elizabeth, and was not otherwise in compliance with C.R.S. § 31-12-104(1)(a), and was located more than three (3) miles from the nearest boundary of the Town of Elizabeth, nor was the contiguity required by C.R.S. § 31-12-104(1)(a) established by use of any boundary of territory which was subsequently annexed directly to, or which was indirectly connected through subsequent annexations of such an area.

b. The proposed annexation will not create any disconnected municipal satellites.

c. A community of interest exists between the area proposed to be annexed and the Town of Elizabeth, Colorado.

d. The area proposed to be annexed is urban or will be urbanized in the near future and said area is integrated or is capable of being integrated with the Town of Elizabeth, Colorado.

e. No land held in identical ownership, whether consisting of one (1) tract or parcel of real estate or two (2) or more contiguous tracts or parcels of real estate:

i. is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road, or other public way.

ii. comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation is included within the area proposed to be annexed without the written consent of the landowner or landowners.

f. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the territory proposed to be annexed.

g. The annexation of the area proposed to be annexed will not result in the detachment of area from any school district and the attachment of same to another school district.

h. The annexation of the area proposed to be annexed will not have the effect of extending the boundary of the Town of Elizabeth more than three (3) miles in any direction from any point of the Town's boundary in any one year.

i. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area to be annexed.

j. Reasonable access will not be denied to landowners, owners of easements or the owners of franchises, adjoining any platted street or alley to be annexed that will not be bordered on both sides by the Town of Elizabeth.

3. That attached hereto and incorporated herein by reference are four (4) prints of the annexation map, containing the following information:

a. A written legal description of the boundaries of the area proposed to be annexed.

- b. A map showing the boundary of the area proposed to be annexed.
 - c. Within the annexation boundary map, a showing of the location of each ownership tract of unplatted land, and, with respect to any area which is platted, the boundaries and the plat numbers of plots or lots and blocks.
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
4. That Petitioners are the landowners of more than fifty percent (50%) of the area sought to be annexed, exclusive of streets and alleys.
 5. That all Petitioners signed this Petition for Annexation no more than one hundred eighty (180) days prior to the date of the filing of this Petition for Annexation.
 6. That this Petition for Annexation satisfies the requirements of Article II, Section 30 of the Colorado Constitution in that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the Town of Elizabeth.
 7. That no election has been held within the last twelve (12) months for annexation of the area described in Exhibit A to the Town of Elizabeth.
 8. That upon the Annexation Ordinance becoming effective, all lands within the area sought to be annexed shall become subject to the ordinances, resolutions, rules and regulations of the Town of Elizabeth, except for general property taxes which shall become effective on January 1 of the next succeeding year following passage of the Annexation Ordinance.
 9. That, by the date that is ninety (90) days after the effective date of the Annexation Ordinance, Petitioners will request that zoning be granted.
 10. That this Petition, and the annexation of the property described in Exhibit A hereto, is specifically conditioned on the negotiation and execution by Petitioners and the Town of a mutually acceptable annexation agreement.
 11. That Petitioners reserve the right to withdraw this Petition at any time prior to the adoption of an annexation ordinance.

Therefore, the undersigned Petitioners respectfully request that the Board of Trustees of the Town of Elizabeth, Colorado approve the annexation of the area described in Exhibit A to the Town of Elizabeth.

Whenever from the context it appears appropriate, each term stated in either the singular

or plural will include the other, and pronouns stated in either the masculine, eminent or the neuter gender will include each of the other genders.

[Signature] 5/14/24
Name Date
TURN 2 DEVELOPMENT LLC
MANAGING MEMBER

Name Date

PO Box 2586, Elizabeth CO 80107

Mailing Address

Mailing Address

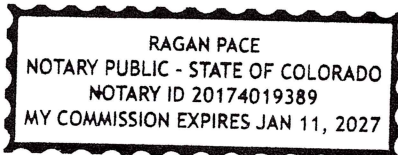
STATE OF COLORADO)
)
COUNTY OF Denver) ss.

Subscribed, sworn to, and acknowledged before me this 4 day of May, 2024, by

Witness my hand and official seal.


My Commission expires:

[SEAL]



[Signature]
Notary Public

The undersigned, being of lawful age, being first duly sworn upon oath, deposes and says:


Circulator

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 14 day of May, 2024, by Ragan Pace.

My Commission expires:

RAGAN PACE
 NOTARY PUBLIC - STATE OF COLORADO
 NOTARY ID 20174019389
 MY COMMISSION EXPIRES JAN 11, 2027



Notary Public

EXHIBIT A

889 SOUTH ELIZABETH STREET ANNEXATION

LEGAL DESCRIPTION:

A Tract of land situated in the Southeast quarter of the Northeast quarter of Section 13, Township 8 South, Range 65 West of the 6th P.M., County of Elbert, State of Colorado, more particularly described as follows:
Commencing at the Southeast corner of said Southeast quarter of the Northeast quarter thence North 89°21'41"
West along the South line of said Southeast quarter of the Northeast quarter a distance of 370.75 feet to the West
right of way line of Elizabeth Street and to the True Point of Beginning;
Thence North 89°21'41" West along South line a distance of 269.92 feet;
Thence North 2°10'53" West a distance of 315.98 feet;
Thence South 89°21'41" East, a distance of 282.18 feet to the West right of way line of Elizabeth Street;
Thence South 0°02'29" West along said West right of way line a distance of 315.62 feet to the Point of Beginning.



P.O. Box 2586
Elizabeth, CO 80107
303-881-5005

March 1, 2024

Dear Town of Elizabeth:

Please accept this annexation and zoning application for the property located at 889 South Elizabeth Street. The land use application involves the annexation of a 2-acre property located in the middle of the Town of Elizabeth. The application also involves zoning the property to Commercial Mixed Use (CMU) at annexation. We believe this proposal makes a lot of sense and are pleased to be working with you on this initial step in the development process.

The subject property is zoned Elbert County R-1 and consists of two residences as well as outbuildings. The property is located at the intersection of two major collectors, County Road 136 and South Elizabeth Street. The property is surrounded by apartments zoned CMU to the north, vacant land zoned Regional Commercial to the northeast, unincorporated, enclaved, residential property to the east, Planned Unit Development residential lots to the south, and Agricultural property to the west.

The subject property is enclaved, as it is surrounded by the corporate limits of the Town of Elizabeth on all sides. That said, the property has 100% contiguity, exceeding the 1/6 minimum contiguity outlined in Colorado Revised Statutes.

The proposed zoning of CMU is consistent with the Town of Elizabeth Comprehensive Plan which outlines mixed use as the recommended future land use designation. Additionally, the comprehensive plan states that "development of new projects in Elizabeth should focus on areas closer to the Town's core as a priority, and avoid the 'urban sprawl' of Elizabeth into the surrounding countryside". Consistent with what's stated in the comprehensive plan, we believe that incorporating this parcel into the Town limits and zoning the property for mixed use is both compatible with the surrounding land area and more sustainable from a future tax and infrastructure standpoint.

Existing well and septic would be abandoned upon development of the subject property, and the property is anticipated to be served by Town of Elizabeth water and sewer. Water and sewer connections both exist within range of the property due to the property being located within the middle of the Town's corporate limits.

While there is no set development plan or timeline at this time, we anticipate moving forward with platting the lot within the Town of Elizabeth once the property is annexed and zoned. Based on the community feedback received, future development is anticipated to involve a childcare facility or similar, compatible use.

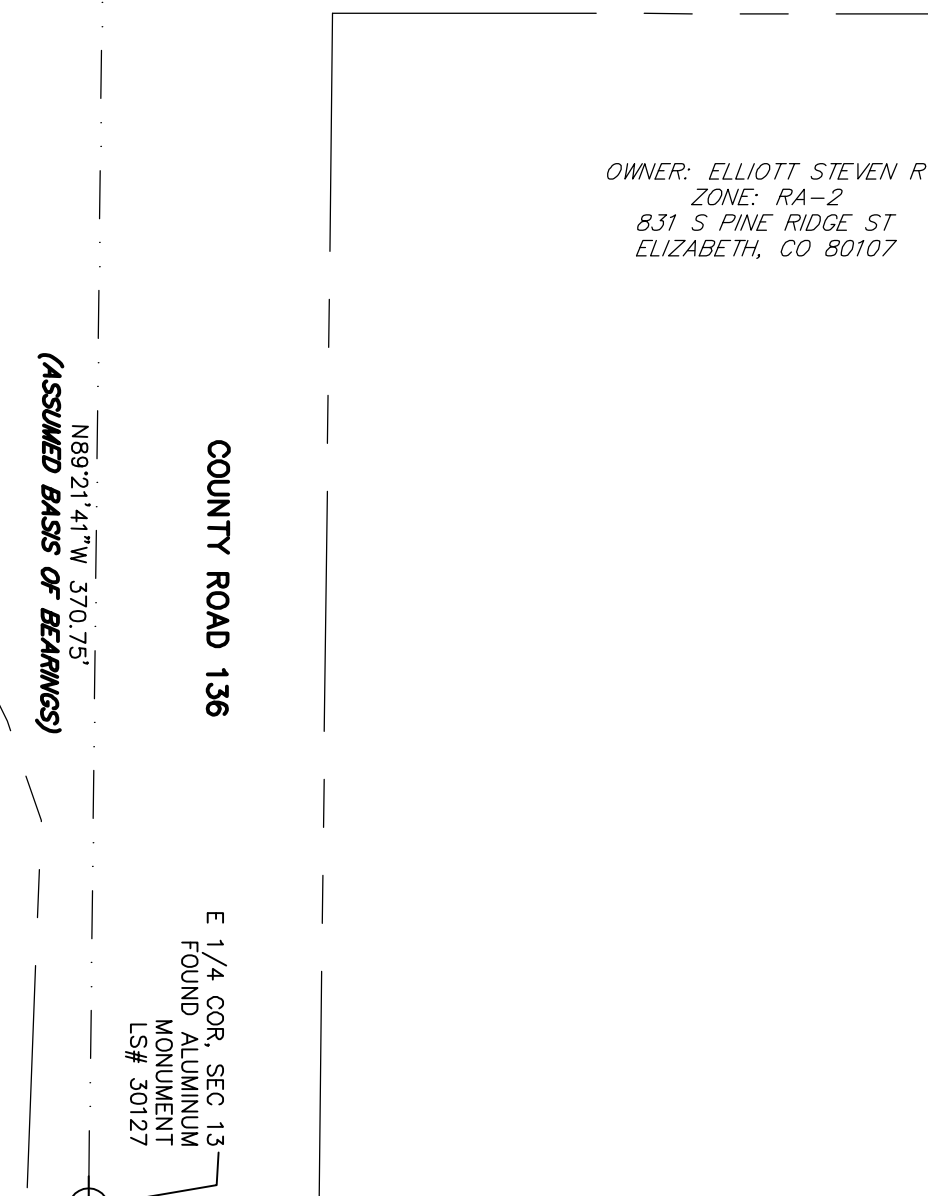
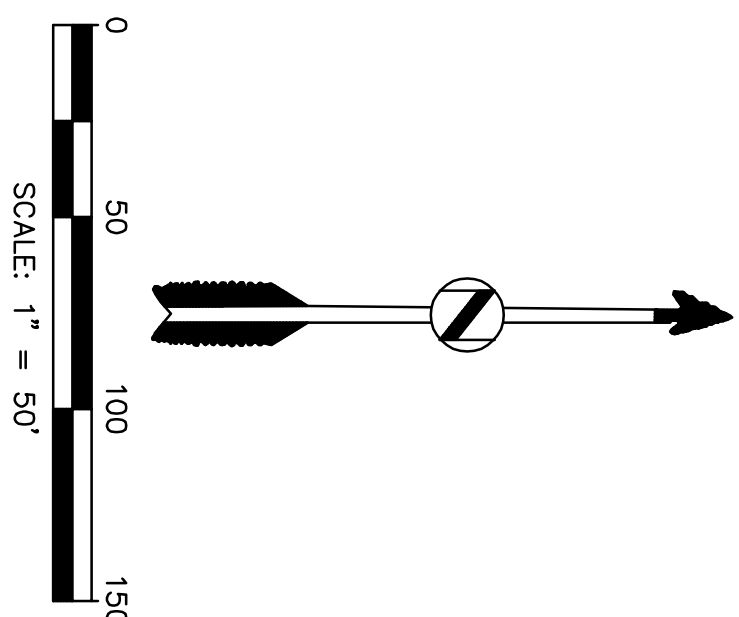
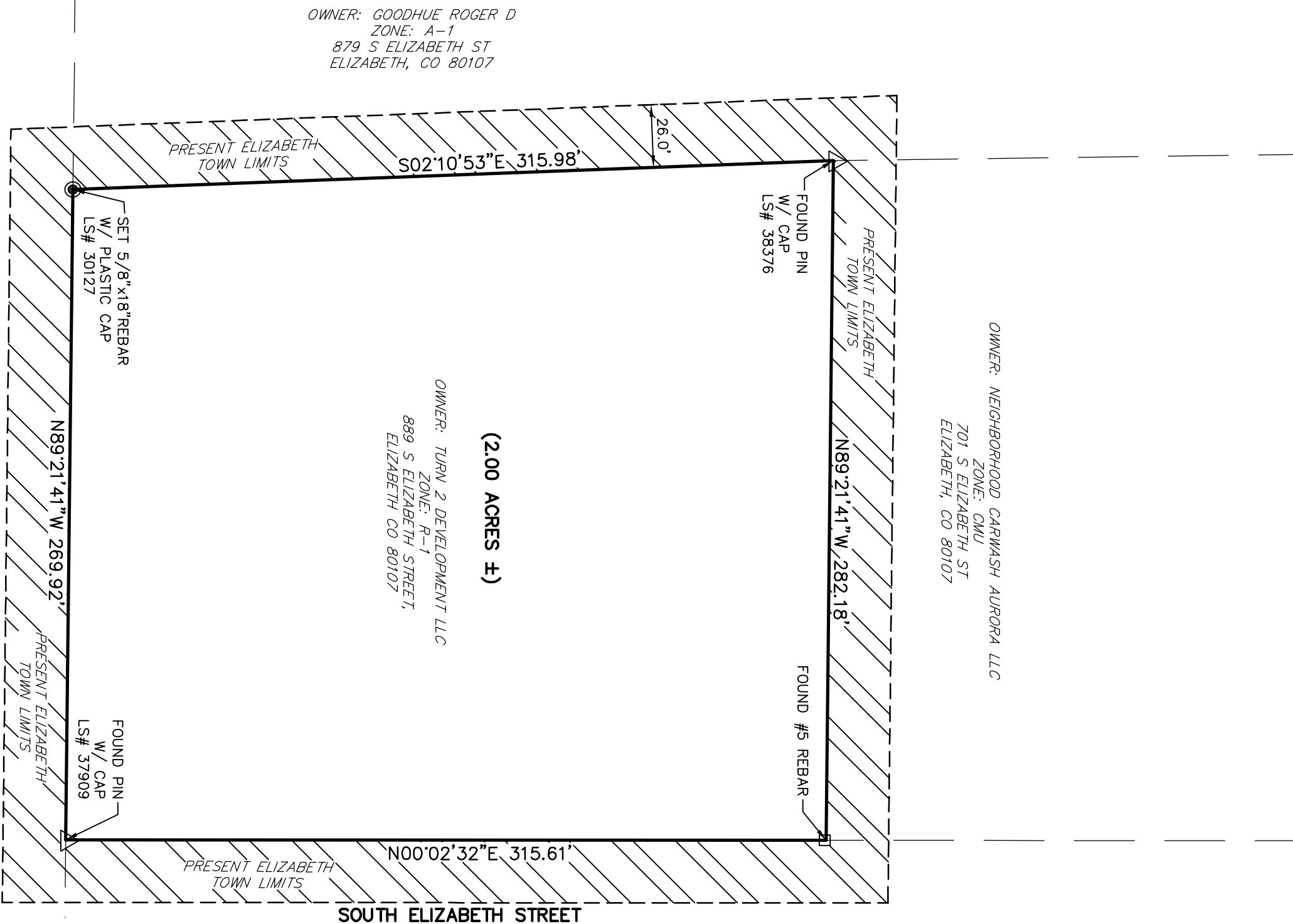
We believe that the application meets all applicable Town of Elizabeth criteria and standards. We received good community feedback at our public meeting when discussing bringing this property in, and we find that it is most logical for this enclaved property to be brought into the Town of Elizabeth which will serve to support its tax base. We appreciate your thoughtful review and consideration of approval of our application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Darren Spradling', with a stylized flourish at the end.

Darren Spradling

889 SOUTH ELIZABETH STREET ANNEXATION
TO THE TOWN OF ELIZABETH
PART OF SECTION 13, T. 8 S, R. 65 W, 6TH P.M.
COUNTY OF ELBERT, STATE OF COLORADO



OWNERS:
TURN 2
DEVELOPMENT LLC
889 S ELIZABETH
ST, ELIZABETH
COLORADO, 80107
303-646-2559

PROPERTY DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER THENCE N89°21'41"W, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 370.75 FEET TO THE WEST RIGHT-OF-WAY LINE OF ELIZABETH STREET AND TO THE TRUE POINT OF BEGINNING

THENCE N89.2141°W, ALONG SOUTH LINE, A DISTANCE OF 269.92 FEET; THENCE N02°10'53"W, A DISTANCE OF 315.98 FEET; THENCE S89.2141°E, A DISTANCE OF 282.18 FEET TO THE WEST RIGHT-OF-WAY LINE OF ELIZABETH STREET; THENCE S00°02'29"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 315.62 FEET TO THE POINT OF BEGINNING;

BOUNDARY CONTIGUOUS WITH THE TOWN OF ELIZABETH:

1183.69 FEET = PERIMETER CONTIGUOUS TO ELIZABETH TOWN LIMITS
1182.60 FEET = TOTAL PERIMETER OF LAND TO BE ANNEXED

$$\% \text{ CONTIGUOUS} = 1183.69 / 1183.69 \times 100$$

SURVEYOR'S STATEMENT:

I, KEITH WESTFALL, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION THEREOF. I FURTHER CERTIFY THAT THE MAP CONFORMS TO COLORADO STATUTES PERTAINING TO ANNEXATIONS

DATE _____

NOTES:

- 1) THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY. THIS MAP IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT"
- 2) THE SUBJECT PROPERTY CONTAINS AN AREA OF 2.00 ACRES, MORE OR LESS
- 3) IMPROVEMENTS NOT SHOWN

BASIS OF BEARINGS:

CONSIDERING THE SOUTH LINE OF THE NORTHEAST QUARTER OF SEC 13 TO HAVE AN ASSUMED BEARING OF N89°21'41"W AND MONUMENTED AS SHOWN HEREON.

"NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon."

DATE:		REVISIONS:	
01/03/2024	REVISED PER GRACE		
02/22/2024	REMOVED OWNER CERT.		
REFERENCE DWG:			

High Prairie Survey Co.

LAND SURVEYING
OIL AND GAS SURVEYING
CONSTRUCTION STAKING

303-621-8672 FAX 303-621-7749

P.O. BOX 384
KIOWA, COLORADO 80117

SCALE 1"=50'

DATE 01/06/2023

DRAWN BY

SHEET 1 OF 1

JOB NUMBER 2312-ANX

CLIENT TURN 2 DEVELOPMENT

889 SOUTH ELIZABETH STREET ANNEXATION
TO THE TOWN OF ELIZABETH
PART OF SEC. 13, T8S, R59W, 6TH P.M.
ELBERT COUNTY, STATE OF COLORADO



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: July 9, 2024
SUBJECT: Jerry Garland Memorial Bench

BACKGROUND

On June 14, 2022, by and through Resolution 22R28, the Town of Elizabeth established a means of naming public buildings, streets, parks and other facilities to honor individuals who had a positive impact on the community. The Naming and Memorial Committee received an application regarding Jerry Garland, asking that a bench be named on his behalf. A copy of the Memorial and Facility Naming Application is attached hereto. Based on discussions of the Committee, it is believed that the **Jerry Garland Memorial Bench** should be named within the Town of Elizabeth and recognized as such.

ANALYSIS

The application considers the legacy that the Garland Family left to the Town of Elizabeth, as well as the role Jerry had with the Historic Advisory Board. Quite simply, the Town of Elizabeth would not be as it is today without the work fostered by the Garland Family, and the assistance Jerry later provided to the Board. As such, Resolution 22R28, Section 3(A) and 3(B) state in relevant part:

A person, organization, group or event being memorialized through the naming of a Town facility shall merit such honor through having made a significant contribution to the community or having had a significant impact on the Town's mission and purpose. [22R28, Section 3(A)].

Memorial refers to a structure, monument, bench, or plaque that memorializes a person, organization, a group or event. [22R28, Section 3(B)].

The Memorial Committee believes the requirements have been met.

BUDGET CONSIDERATIONS

Any budget considerations are considered nominal and will likely be a plaque or nameplate as well as a bench on Main Street. With the anticipated Main Street Streetscape design and construction, the bench will likely already be provided for naming.

ATTACHMENTS

Garland – Memorial and Facility Naming Application



TOWN OF ELIZABETH

MEMORIAL AND FACILITY NAMING APPLICATION

Contact: Name: Dale Garland

Date: 1/26/24

Phone Number: 970-769-2872

Email: dgarland195@gmail.com

Asset to be named: TBD (probably a bench)

Address or Approximate Location of Asset: TBD downtown?

Suggested Name of Asset: Jerry Garland Memorial Bench (please see attached policy for requirements)

Under which category would you place the suggested name?

- Exceptional Individual
- Historic Event, Place, or Person
- Great Cause or Idea
- Features, Flora, or Fauna
- Major Gifts
- Memorial

Please answer the following questions:

- 1) If your suggested name is in reference to a person; has the person been deceased for at least two (2) years? **Yes No**
Has the person not held public office or been employed in Town for at least (5) years? **Yes No**
Has the person made a significant contribution to the community or had a significant impact on the Town's mission and purpose? **Yes No** If yes, please describe in more detail below:
Jerry was quite proud of the legacy that the garland family left in elizabeth. He became involved with the Historical society.
- 2) Will the name have historical, cultural, or social significance for generations to come? T
Yes, The Garland family has generational history with the town of Elizabeth.
- 3) Will the name engender a strong and positive image?
Yes, the Garland name has been associated with positive contributions to the town of Elizabeth.
- 4) Will the name memorialize or commemorate people, places, or events that are of enduring importance to the community or the nation?
Yes, The Garland name is strongly connected with the settling of Elizabeth.
- 5) Will the name be identified with some major achievement or the advancement of the public good within the community or the nation?
Yes, through contributions to the settlement and Elizabeth.



TOWN OF ELIZABETH

- 6) Any other information that you would like the Naming and Memorial Committee to consider for your suggested asset name? (Please attach information if needed.)

I understand that the Naming and Memorial Committee has six (6) months to consider this naming request. After such time, the Naming and Memorial Committee will either deny the naming request or forward the request to the Board of Trustees for final approval. After such recommendation, the Board of Trustees will have another thirty (30) days to vote to approve, deny, or continue for additional information regarding the request.

Dale Garland

1/26/2024

Signature

Date

Date forwarded to Committee: <u>4/2024</u>	
Approved: <u>X</u>	Denied: _____
Date forwarded to BOT: <u>7/9/2024</u>	
Approved: _____	Denied: _____

Memorial and Facility Naming Policy

A. Facility Naming Policy.

1. A person, organization, group, or event being memorialized through the naming of a



TOWN OF ELIZABETH

Town facility shall merit such honor through having made a significant contribution to the community or having had a significant impact on the Town's mission and purpose.

2. Facilities shall only be named for those individuals who have been deceased for at least two (2) years or who have retired and have not held public office or been employed in the Town for at least five (5) years. To assure a worthy and enduring legacy for the Town, naming requests must satisfy one of the following categories:

- a. Exceptional Individuals: Recognition of an exceptional Town leader or a dedicated supporter of the Town.
- b. Historic Event, Place, or Persons: The history of a major event, place, or person can play an important role in the naming or renaming of facilities.
- c. Great Causes and Ideas: Peace, Independence, Friendship, and other similar ideas.
- d. Features, Flora, and Fauna: Natural phenomena, rivers, horticulture, animals, recognizable area, or landmarks.
- e. Major Gifts: The Town and the department have benefited from a rich legacy of community generosity of time, skills, resources, products and/or money.

3. Facility names shall be bestowed with the full intention that such names shall be permanent.

4. In considering any proposal to name a Facility, the following questions shall be considered:

- a. Will the name have historical, cultural, or social significance for generations to come?
- b. Will the name engender a strong and positive image?
- c. Will the name memorialize or commemorate people, places or events that are of enduring importance to the community or the nation?
- d. Will the name be identified with some major achievement or the advancement of the public good within the community or the nation?

B. Memorials.

1. Memorial refers to a structure, monument, bench, or plaque that memorializes a person, organization, a group, or event.

2. All memorials will be funded through grants, donations, or through other funding sources deemed appropriate by the Town Board.



TOWN OF ELIZABETH

3. Donations and gifts in memory of an individual, organization, or commemoration of a historic event may be considered by the Committee.

C. Application Process.

Applications for consideration of names and/or memorials will be processed as follows:

1. A letter of interest from an individual, or a public or private organization, with evidence of broad community support, submitted to the Town Administrator for referral to the Committee.
2. The Committee shall meet, discuss, and make a recommendation to Town Board. The Committee may meet and seek comment from any pertinent stake holders in making its recommendation.
3. The Committee shall make a recommendation to the Town Board within six (6) months of the receipt of a completed application for consideration under this Policy.
4. The recommendation shall be forwarded to the Town Board for a final decision, with such matter to be placed on a Town Board agenda for consideration within 30 days of receipt of the recommendation from the Committee. The Town Board shall thereafter vote to approve, deny, or continue for additional information the request for the proposed name or memorial.



TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

425 S. Main St., P.O. Box 1527, Elizabeth, Colorado, 80107

Phone: 303-646-4664 Fax: 303-646-0616

Police@townofelizabeth.org

www.townofelizabeth.org

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 06/02/2024 to 06/29/2024



ELIZABETH POLICE DEPARTMENT'S MISSION STATEMENT:

"The Elizabeth Police Department is committed to service excellence in protecting life and property, impartial enforcement of law, and building community with those who live, work, and visit the Town of Elizabeth."

The following is an informational breakdown of EPD police activity from **06/02/2024 at 12:01 a.m. to 06/29/2024 at 11:59 p.m.** This information is compiled from our Records Management System (RMS), identified as New World (NW), as well as Douglas County Regional Dispatch (DCRD) records.

**All suspects/defendants are presumed innocent until proven guilty in a Court of Law. **



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Total Calls for Service:

612

Traffic Stops:

Total Stops:	Penalty Assessments:	Written Warnings:	Verbal Warnings:	Assists to Other Agencies
66	22	38	4	2

Parking Violations:

Total Parking Violations:	Parking Citations:	Parking Written Warnings:	Parking Verbal Warnings:
13	3	9	1

Other Calls for Service:

Call Type:	Number of Calls:
911 Rapid SOS	5
Alarm-Bank	1
Alarm-Business Burglary	4
Alarm-Business Holdup	2
Alarm-Residential Burglary	1
Animal Bite	1
Animal Complaint	6
Animal Cruelty	1
Animal Impound	1
Assault	2
Assist to Fire Department	2
Assist to Other Agencies	6
Attempt to Contact	1
Bar Check	3
Business Check	32



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Burglary	1
Child Custody	2
Citizen Assist	8
Citizen Contact	19
Crime Prevention	33
Criminal Mischief	1
Disturbance	2
Domestic Violence Verbal	2
Fireworks	10
Flock Hit	3
Follow Up	43
Fraud	1
Harassment	1
Increased Patrol	221
Informational Report	2
Juvenile Complaint	1
Medical Assist	15
Missing Child	1
Motorist Assist	5
Municipal Ordinance Violation	7
Motor Vehicle Accident with Property Damage	6
Motor Vehicle Accident with Unknown Injuries	2
Park Check	5
Parking Complaint	13
Report Every Drunk Driver Immediately (REDDI)	9
Runaway	1
Special Assignment	6
Structure Fire	1
Suicidal Subject	2
Suspicious Circumstance	10
Suspicious Person	1
Suspicious Vehicle	14
Theft	1
Traffic Complaint	6
Traffic Hazard	2



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Trespass	1
Traffic Stop	66
VIN Verify	7
Welfare Check	11
Wildlife	3

Open Patrol Division Criminal Investigations:

Case Number:	Call Type:	Details:
24-0685	Death	Investigation into an unattended death that occurred in Town.
24-0838	Criminal Mischief	Investigation into vandalism that occurred in private property.
24-1673	Motor Vehicle Theft	Investigation into a vehicle that was stolen and recovered in Town.
24-2037	Criminal; Mischief	Investigation into vandalism that occurred in public property.
24-2091	Homicide	Investigation into a homicide that occurred in Town.
24-2456	Motor Vehicle Accident	Investigation into a possible hit and run crash.
24-2494	Animal Complaint	Investigation into a violation of animal ordinances.
24-2580	Runaway	Investigation into a missing juvenile.



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Open Community Services Division Municipal Ordinance Violations:

Case Number:	Call Type:	Notes:
24-1237	Accumulation to Constitute Nuisance	Investigation into accumulation of debris in town.
24-1638	Weed Control	Investigation into overgrown weeds in Town.
24-2401	Weed Control	Investigation into overgrown weeds in Town.

**Please note that limited information regarding open investigations is available. This is to protect the integrity of the investigations. **

Closed Case/Incident Reports:

Case/Incident Number:	Call Type:	Details:
24-2027	Motor Vehicle Accident	EPD responded to a vehicle vs. a deer. There were no injuries. The deer was euthanized by EPD Officers.
24-1947	Driving Under the Influence	EPD responded to a local business on report of an intoxicated motorist. EPD contacted the suspect and found them to be intoxicated while operating a motor vehicle the suspect was arrested and booked into the Elbert County Jail.
24-0073	Vehicle Trespass	EPD closed a case on a vehicle trespass. After an extensive investigation, no suspects were able to be identified.
24-2008	Mental Health Hold & Obstruction of a Peace Officer	EPD responded to a suicidal party. EPD attempted to help the party, who took off on foot. After a brief foot pursuit, EPD detained the subject who was taken to the hospital on a mental health hold. The subject was also given a municipal summons for a criminal violation.



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24-2007	Theft & Drug Violation	EPD responded to a theft at a local business. EPD quickly located the suspect and the stolen property. During the investigation, Fentanyl was discovered in the suspect's possession. The suspect was arrested and booked into the Elbert County Jail for several violations.
24-2033	Criminal Mischief	EPD responded to a construction area on a report of theft of construction materials. After investigation, no suspects could be identified.
24-2036	Civil Assist	EPD responded to a neighbor dispute over a property line. The call was civil in nature and non-criminal.
24-2079	Animal Complaint	EPD located a dog running a large. The owner was quickly identified and returned to their owner.
24-2081	Domestic Violence	EPD responded to a reported verbal domestic violence call. After investigation, there was insufficient evidence to support criminal charges.
24-2106	Medical Assist	EPD responded to a residence on report of a medical assisted that is tied to an active case.
24-2124	Intoxicated Subject	EPD responded to a reported intoxicated subject. The subject was released to a sober person after being first medically evaluated by Elizabeth Fire Rescue.
24-2093	Motor Vehicle Crash	EPD responded to a two (2) vehicle motor vehicle crash with no injuries. After investigation, the at fault driver was issued a municipal summons for a traffic offense.
24-2200	Warrant Arrest Flock	EPD responded to a flock hit for a vehicle associated with a misdemeanor warrant. EPD quickly located the vehicle and contacted the occupants. The subject with a warrant was identified and taken into



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		custody. They were then booked into the Elbert County Jail.
24-2119	Flock	EPD responded to a flock hit for a stolen vehicle. EPD located the vehicle. After investigation it was determined the vehicle was not an active steal and the parties were released.
24-1345	Animal Cruelty	EPD Community Services investigated a report of animal cruelty. After the case was completed, it was determined that no crime had occurred.
24-1812	Abandoned Vehicles	EPD Community Services responded to several abandoned vehicles that were parked on public streets. After working with the vehicle owners, compliance was gained with Town Codes.
24-2079	Animal Complaint	EPD located a dog running at large in town. The dog was secured and returned to its owner. The owner was issued a municipal summons.
24-2169	Unattached Trailer	EPD Community Services located an unattached trailer in violation of Town Code. After working with the resident, compliance was gained with Town Code.
23-4886	Financial Crimes	EPD closed a large-scale fraud. Probable cause was found to support criminal charges, and a felony warrant was applied for. The case has been submitted to the district attorney.
24-2115	Motor Vehicle Accident	EPD responded to a two (2) vehicle crash. There were no injuries, and a crash report was taken.
24-2270	Mental Health Hold	EPD responded to local address to conduct follow up on a case. While conducting the follow up, the suspect in that case became suicidal. EPD coordinated with the mobile



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		crisis unit to evaluate the subject. The subject was then placed on an emergency mental health hold and transported to a mental health facility.
24-2274	Assist to Elbert County	EPD Officers responded to assist the Elbert County Sheriff's Office (ECSO) on serving a felony warrant on a subject.
24-2267	Domestic Violence	EPD responded to a residence in Town on a reported verbal domestic violence call. After investigation, it was determined that no crime had occurred.
24-2195	Harassment	EPD responded to a harassment call. After investigation, there was insufficient evidence to pursue criminal charges.
24-2282	Child Custody Dispute	EPD responded to a child custody dispute. After investigation, no crime had occurred and both parties were advised of their civil remedies.
24-2379	Disturbance	EPD responded to a local residence on report of resident who was out of control. EPD contacted the subject and was able to calm them down. No crime was committed.
24-1453	Municipal Ordinance	EPD's Community Services Division located a residence that was out of compliance with numerous Town codes. After working with the resident, the property came into compliance.
24-1932	Animal Complaint	EPD's Community Services Division responded to a report of an aggressive dog. After investigation, no crime had occurred.
24-2194	Weed Control	EPD's Community Services Division located a property with overgrown weeds. After working with the owner, the property came into compliance.
24-2344	Littering Complaint	EPD's Community Services Division located a property with a large item of litter on the public sidewalk. After collaborating with the



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		resident, the property came into compliance.
24-2378	Structure Fire	EPD responded to a local business on a report of an active structure fire. Upon arrival, EPD evacuated all occupants and secured the scene for Elizabeth Fire. There were no injuries.
24-2380	Motor Vehicle Accident	EPD responded to a two-vehicle crash. the at fault driver was issued a municipal summons for a traffic offense.
24-2113	Motor Vehicle Accident	EPD responded to a cold two vehicle crash. There were no injuries. A crash report was taken.
24-2377	Animal Complaint	EPD responded to a report of two (2) aggressive dogs. The owner of the dogs was identified and issued a municipal summons for several animal control ordinances.
24-2047	Suicidal Subject	EPD responded to a report of a suicidal subject. Upon arrival, the party was barricaded in their room and refused to converse with officers. Centennial Mental Health's Mobile Crisis Clinician responded and was able to conduct a mental evaluation on the subject. At the conclusion of the interview, there was no immediate threat to the party.
24-2433	Suicidal Subject	EPD responded to a report of a suicidal subject. Upon arrival, the party was barricaded in their room and refused to converse with officers. Centennial Mental Health's Mobile Crisis Clinician responded and was able to conduct a mental evaluation on the subject. At the conclusion of the interview, there was no immediate threat to the party.



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24-2457	Assault & Mental Health	EPD responded to a reported assault. Upon arrival, the suspect was barricaded in their room. Centennial Mental Health and EPD determined the subject was in imminent danger to themselves, others, and gravely disabled. The party was taken into protective custody and transported to a local hospital. The party was also issued a state summons for a criminal offense.
24-2496	Motor Vehicle Accident	EPD responded to a two (2) vehicle crash. the at fault party was identified and issued a municipal summons for multiple traffic offenses.
24-2506	Domestic Violence	EPD responded to a reported verbal domestic violence call. After investigation, there was insufficient probable cause to support criminal charges.
24-2562	Warrant Arrest	EPD contacted a motorist for a traffic violation. Upon clearing the occupants of the vehicle, it was determined that one party had a warrant for their arrest. The party was taken into custody and booked into the Elbert County Jail.
24-2526	Animal Complaint	EPD Community Services responded to a dog at large. The dog was contained and taken to the kennel. The owner was identified and issued a municipal summons.
24-2579	Driving Under the Influence	EPD located a party swerving on a motorcycle. The motorist was contacted and found to be under the influence of alcohol. The driver was subsequently arrested and booked into the Elbert County Jail.



Colorado Association of
Chiefs of Police





TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

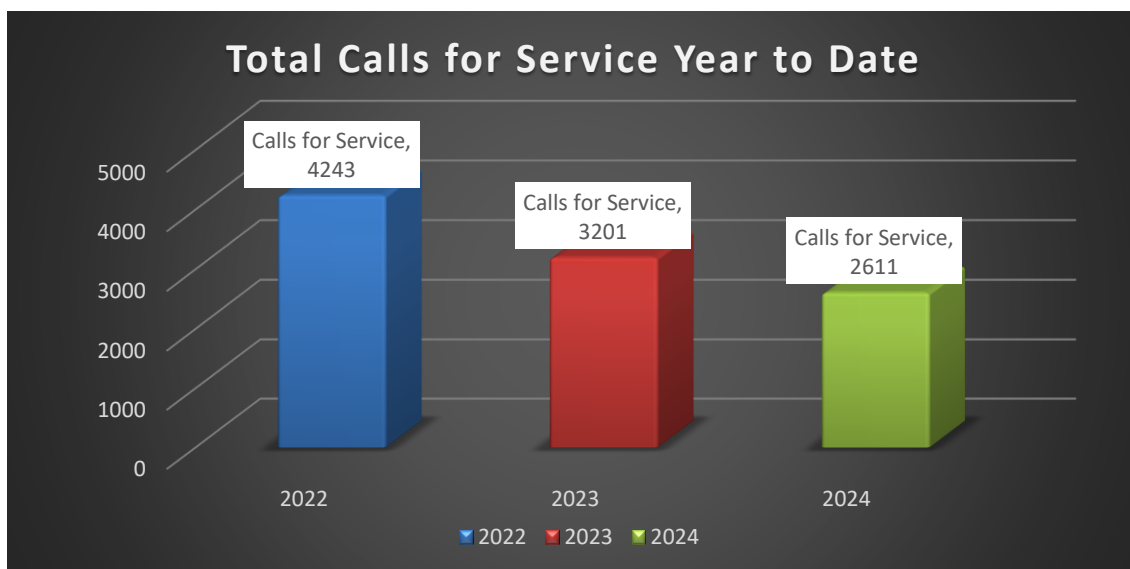
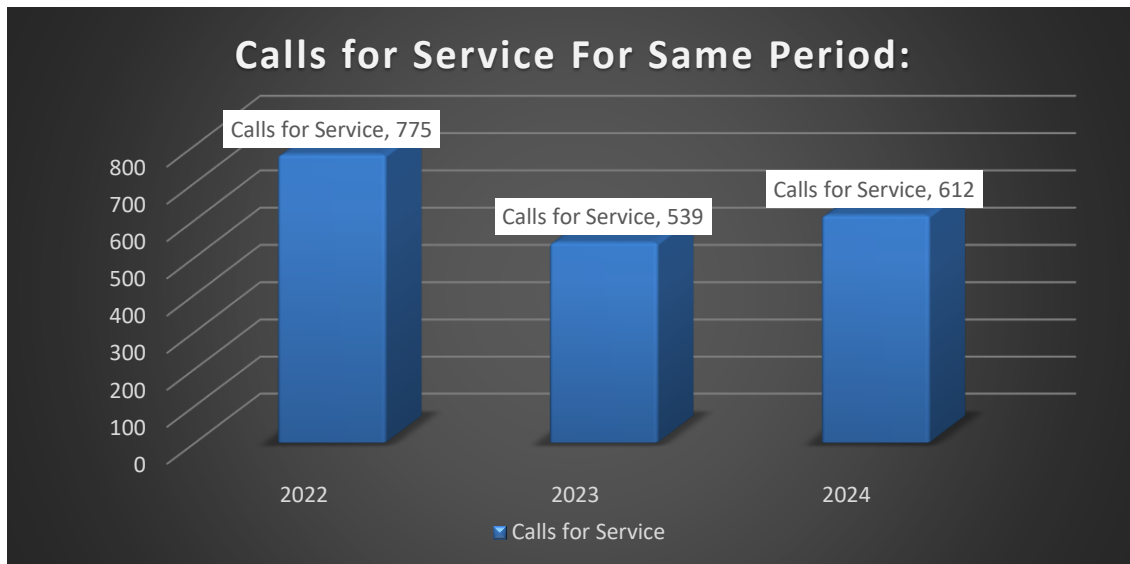
425 S. Main St., P.O. Box 1527, Elizabeth, Colorado, 80107

Phone: 303-646-4664 Fax: 303-646-0616

Police@townofelizabeth.org

www.townofelizabeth.org

Historical Data:



Colorado Association of
Chiefs of Police





TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

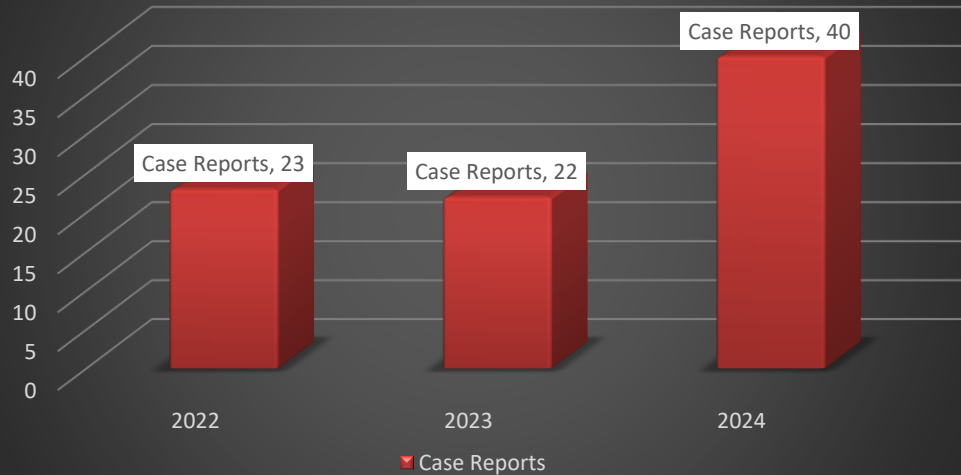
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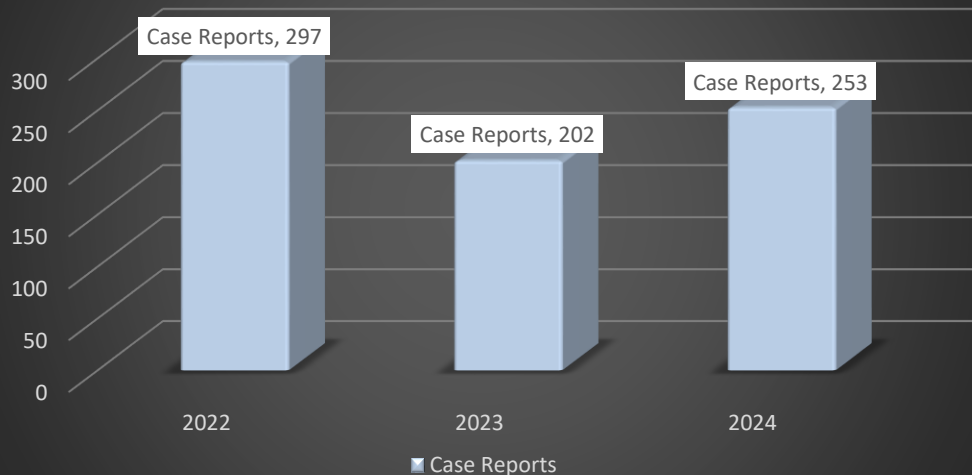
Police@townofelizabeth.org

www.townofelizabeth.org

Case Reports Pulled For Same Period:



Total Case Reports Pulled Year to Date:



Colorado Association of
Chiefs of Police





July 09, 2024

Management Team Updates

Community Development – Zach Higgins, Community Development Director

- Gesin Lot RFP – Staff has met with the DOLA Main Street Program to discuss upcoming projects. DOLA Main Street has provided the Town with ten (10) hours of professional RFP development services with one of their consultants to establish an RFP for the Gesin Lot. Staff has coordinated with the Historic Advisory Board, Main Street Board, and Board of Trustees to create a draft RFP.
- Staff is working with Elizabeth Parks and Recreation District and Elizabeth School District on a joint Planning and Capacity Grant for a Parks, Trails, and Open Space Master Plan. Town Staff is working with the Elizabeth School District and Elizabeth Parks and Recreation District to find a consultant so that the official Master Planning process can begin in September.
- Main Street Monument Sign. DHM has provided the Town with a 60% design set fulfilling their contract obligation. The Town will need to put out an RFP to finish the design and construct the archway.
- Town of Elizabeth Façade Improvement Grant. The BOT has approved the resolution creating the program and has funded the project at \$40,000 for the first year. All committee members for 2024 have been appointed. Barb McGinn (BOT), Dennis Rodriguez (HAB), and Michael Hussey (MSBOD). Three (3) projects were presented to the HAB in anticipation of full applications. Evaluation of the projects has begun.
- Community Development Staff has chosen two (2) Main Street Interns from Elizabeth High School to work with the Town for the 2024 summer and 2024/2025 school year.
- The HAB continues to work on the creation of the first Historic District in Town and updates to the Design Guidelines in relation to Historic and adjacent buildings. June 12th was the second public meeting to get feedback regarding the district and design guidelines. HAB will be pursuing individual property owner feedback. Two (2) HAB members and two (2) staff traveled to Brighton which recently implemented a historic district to get feedback from that community's staff and business owners about the process, overcoming contention, and feedback since implementation. The HAB has begun its efforts to restart this process throughout 2024.
- The HAB has started their Oral History program. Bob Rasmussen is leading this effort and is making great progress.
- The HAB has obtained 15 title reports from historic properties in Town and is working on creating full reports which can be shared with property owners and used to further their preservation efforts.
- Main Street Streetscape. CORE Engineering has provided the Town with a final draft of the project which has been reviewed by Staff. The project is in the bid process.
- CDOT has processed the deeds for remnant parcels of land to the Town adjacent to the CR-13 realignment. Staff will now work to annex and zone said parcels.

- The Town's Volunteer program has been launched and is live on the Town's website and volunteersignup.com. A launch event for the program was held on April 11th at the Elizabeth High School in the Cafetorium.
- The Planning Commission has completed a PUD evaluation to see if any Elizabeth Municipal Code revisions should be made due to commonalities. The intent was to reduce the need for PUD's to develop within the Town. The Planning Commission has identified options for code amendments that have been reviewed with the BOT at a workshop.
- The Town has received confirmation of award from CDOT's Revitalizing Main Street Grant for the Main Street Streetscape Project of \$250,000.00.
- The Town has received confirmation of award from DOLA's EIAF Tier II Grant for the Main Street Streetscape Project of \$1,000,000.00.
- Staff has set dates for neighborhood block parties to take place this summer. Planning to have each department of the Town be represented to answer questions and generally interface in a non-formal setting. We will provide information, ice cream, games, and swag as part of the event. The dates include: 06/19, 06/20, 06/27, 07/10, 07/11, 07/18, and 07/31



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

TO: Honorable Mayor, Mayor Pro-Tem and Town Board of Trustees
FROM: Mike DeVol, Public Works Director
DATE: July 9, 2024
SUBJECT: Public Works Monitoring Report

***Town Street Paving Improvements Project:**

1. N/A

***Town Main St. Decorations:**

1. Summer Flowerpots have been installed for the start of Summer festivities.

***Town Wells, Tanks and Effluent:**

1. See Packet. Upgrade Arapahoe 1 and Lower Dawson 1 Well Pumps. Perform maintenance of well casing screens using brushing and chlorine treatment to remove excess scaling/blockage to ensure maximum performance.
2. Piping for Dawson Well (500 feet) to be replaced due to cracks and pinholes.
3. Dawson Well has been flushed and passed Bac-T sampling and is in service.
4. Arapahoe 1 Well Pump and piping was installed on Thursday June 27. Pump RUN and VFD testing started while flushing the Well and Casing to ensure clean water Bac-T test on Friday. Sample taken Friday the 28th at 09:00 and delivered to PCWCA Lab for 24-hour incubation for Bac-T test. The sample was read Saturday morning and found ABSENT of Coliform Growth. PW staff turned A-1 Well flow into the system feeding into the storage tanks and gravity feed into the Town supply main.
5. The two smaller tanks have been repaired and the new equipment added. The Final tank inspection for all repairs has passed and the final cleaning will take place the first week of July. Once cleaning and disinfection have been completed PW will isolate the Tanks from the system and begin filling with water, once filled, PW will sample the water for Bac-T and once passed/clear the tanks will be placed back into service into town supply system. This process may take upwards of two weeks.

*** Town Water Line (NON) Emergency Repair:**

1. N/A

***Town Hall/ Repairs/ Landscaping Plan**

***Town Walkway Repairs:**

1. PW has completed several repairs to sidewalks at storm drain inlets and removed tripping hazards.
2. Public Works was notified on 6-5-24 of a sidewalk heaving at 680 Avena Dr. The following week 4 more areas throughout town appeared. Upon inspection, PW explained to the neighbors that this happened in



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

numerous other areas throughout town during spring thaw and extremely warm days. PW will monitor and make repairs as needed. This anomaly happens up and down the front range every year. I spoke with Castle Rock and Parker Public Works, and they have the same problem whether it is old or new neighborhoods. PW is having the affected areas repaired as soon as feasible.

***Town Street Maintenance/Striping Projects:**

1. Public Works has begun mowing for the season in Parks, Right of Ways, and Drainages.

***Town Snow Plowing and Street Sweeping: SNOW ROUTE SEASON IS COMPLETED until November.**

1. The Town Newsletter included Town Plowing Code and Snow Route "NO PARKING" information.
2. PW will begin installation of SNOW ROUTE signs in the month of July.

***Town New Wells at Ritoro/Gold Creek Valley:**

1. The new Wells building is complete, and PW is planning an Open House Grand Opening once the land issue has been completed.
2. Landscaping will take place in 2024 depending on item #1. PW will work with the 4 adjacent property owners for their approval of the landscape sketch to ensure that we conceal as much of the building as possible from their views.
3. The backup generator is installed and tested for normal operations.

***Town Trail Project:**

1. PW has completed a walk-through inspection with our reporting Agency Stantec Engineering for Guidance after the flooding and the loss of previously planted vegetation, bushes, and trees.
2. 2023 Reporting has been sent to CDOT and other agencies. PW is awaiting a decision on a course of Action(s) that will be required to fulfill our Trail obligations. (#9 below on upcoming projects).
3. Due to the flooding in 2023, it appears that PW will need to fulfill one more year of habitat remediation, With possibly a full 3 years.
4. PW has planted 500 Willow Cuttings for placement along the creek to help recover those lost to floods.
5. Seeding and reclamation have taken place along the trail.
6. The Mural Graffiti has been removed/repainted by our local talented MS. MOLLIE PAINTIN!!! She did a She did a great job, and it looks as good as new.
7. Graffiti has taken place adjacent to the Mural but not on the Mural. PW has painted over the new graffiti With a protective covering.
8. PD and PW are intalks of having cameras in the location, that use infrared flash so it does not disturb the Preble's Natural movements at night.

***Gold Creek Lift Station Improvements:**

1. Completion of the project has begun warranty period and filing completion with CDPHE Permitting.



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

*Eligibility Surveys for Water and Wastewater Capitol projects have been completed for 2024 and accepted by the Colorado Department of Public Health and Environment (CDPHE). The eligibility surveys allow for the town to be in line for any funding that may be available for future projects.

*Gold Creek Wastewater Treatment Plant (GCWWTP)

The state sampling of the plant after maintenance all came back at 98% removal of all constituents that are required. It was an excellent slow start-up of Train 2, and the plant is back at 100% capacity.

Maintenance has been concluded on Train 2 of the plant. PW did a slow 2-week plant start-up on Train 2 of the plant to allow bugs/bacteria to acclimate and begin their life cycle. The combination of Bug population, Dissolved Oxygen, and liquid temperature are the biggest contributors to a happy healthy working bug population as they work chemical-free to complete the process of naturally treating the water.

1. NO CHANGES AS OF THIS REPORT-On-going Project/ The new fine screen replacement unit has been installed. The new screen has been in automated operations for three months with no issues. Epoxy painting of replaced parts continues as weather allows before being placed back in service.

2. PW has been working on Plant maintenance by drawing down (treating in Train 1) all liquid levels of Train 2/South side of the treatment plant for inspection and repairs as necessary. The Clarifier for Train 2 has been completely emptied hosed and vacuumed out for a clean working area. The clarifier drive motor tested out fine as well as the gear reduction box. There is wear and damage to the Drive Shear Pin and Paddle arms that distribute settled sludge to the bottom of the clarifier for removal through pumping and sent to digestors for final degradation and trucked to farm fields as fertilizer. PW should have the Clarifier back up and fully operational by the end of September dependent on parts shipping.

3. Just a quick review of the Wastewater Plant: It is designed to treat 500,000 gallons of Raw Sewage per day. Train 1 and Train 2 share that equally. Train 1 currently is treating 190,000-200,000 gallons per day while maintaining our minimal 85% reduction constituent removals (currently 93%-99% removal) that are set by CDPHE in our Permit (excellent test for me as an operator and all equipment). Currently we are operating one Train at basically 80% capacity and operating very well. This is a test never completed before as our available capacity is 500,000 gallons. When the time comes that the wastewater Plant is treating at 80% (400,000 gallon) of the Total Capacity the Town must start to show Plant Expansion Plans to CDPHE. The current WTP upgrade Budget is currently in good shape for funding.

Reference of constituent removal: Please see attached Laboratory Sampling Analysis for actual numbers while completing maintenance of one train. Note all numbers/results are shown as milligrams per liter (mg/L) this equates from metric to Standard as parts per million (ppm). Plant is 100% Biological/Bacteria (Bugs) NO CHEMICALS

Bio-chemical Oxygen Demand (BOD) minimum 85% removal (current average 99% removal)

Total Suspended Solids (TSS) minimum 85% removal (current 93%-99% removal)

Nitrogen/Ammonia (NH3) minimum 85% removal (current 99% removal)



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

E.Coli maximum 115 parts per million (ppm) (current <1 ppm) U.V. Light neuters bacterial for no reproduction and does not kill the bacterial which in turn means no chemicals and cost savings to the Town residents.

***Town Clean Up Day/ Paint Round-Up/Arbor Day**

1. Town Clean Up Day Results are as follows:

2. Electronics:

Batteries – 58 lbs.

Computer Materials – 374 lbs.

Display Materials – 2,144 lbs.

Mixed Electronics – 1,400 lbs. Total Cost - \$2,708.45

7 – Roll-Off Dumpsters (2 Metals) (5 Garbage) Total Cost - \$2,331.75

Flat Fee for 4 hours shredding of documents or paper. Total Cost - \$1,222.95

Grand Total - \$6,263.15

***Town Public Works News**

1. Public Works has all empty positions filled and we are excited to welcome Jared Burris and Ryan Ehlert Who are local residents to the Public Works Water and Wastewater team.

***Town Farmers Market:**

Event Park Name is Running Creek Park (RCP)

Two additional Porta Potties were added last week.

Additional Trash Cans were added to the venue.

***Town Parks and Right of Way (ROW):**

1. Porta-Potty will remain at Bandt Park parking area for the Winter season.
2. Bandt Park restrooms are now Open for the summer season.
3. Town Parks staff have painted new lines at the Bandt Park Tennis and Basketball courts to allow for Pickle Ball enthusiasts to continue to use the park.

Upcoming Projects:

1. PW has begun for 2024 the following Annual Reporting:
2. Annual Biosolids have been completed for 2023 and sent to CDPHE.
3. Regulation 85 Nutrient Monitoring/Accepted by CDPHE
4. PW has completed a round of PFAFs (radiation/radiological). Results have been reported to CDPHE.
5. Water Augmentation and Recording



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

6. Water Lead and Copper sampling
7. Water Constituents Metals Sampling
8. Annual DMR (Daily Monitoring Report) Gold Creek Wastewater Plant
9. Tree City USA Application/ Accepted and approved by Tree City USA/Pending
10. Trail DOLA findings and Inspections/ Addition of Willow Cuttings Planted
11. PW has completed Highway User Tax Fund (HUTF) reporting and data processing.
12. PW is completing Lead and Copper testing per CDPHE guidelines for 2023/2024
13. Flushing of the entire town's water supply system is completed every 6 months.

Mail Kiosk:

1. Public Works will be installing Solar Street Lights at Mail Kiosk in various locations to aid in nighttime safety and mail collection by residents.
2. Public Works will enhance the recycled asphalt parking area at the Washington St Mail Kiosk

Mike DeVol
Town of Elizabeth
Public Works Director
GCWWTP Operations
303-913-6453
mdevol@townofelizabeth.org



July 9, 2024

Town Clerk – Michelle Oeser

The Clerk's / Finance report reflects updates provided by individual Staff members.

Hannah

- I had a meeting with DOLA to go over how best to view all grants received into one online portal for better quarterly expenditure reporting. Each applicant still has their own portal, we just have a universal one for reporting purposes.
- The first round of budget worksheets has been sent to department heads. Meetings are being scheduled to better prepare them for the presentation to the Board. Although it was sent to department heads, we encourage all in each department who want to learn to join!

Allison

- I attended the CAMCA skills training with Michelle. We went over the Court Clerk's duties throughout a jury trial and were able to discuss different ways of carrying out those with our fellow clerks. We also went over bonds, which was very enlightening, as well as CDL citations, and record expungements and seals. Every aspect was informative and helpful.
- I helped Michelle with the CMCA table at CML. We were there representing the New Member Committee. We met with some new clerks and many more Mayors and Trustees. I was able to answer questions about CMCA and offer my assistance to board members who do not currently have a clerk, but need to keep things running until they find one. I think we made some valuable contacts throughout the State.
- I will attend my first Institute the week of the 15th. I am quite excited! The more I learn about being a clerk, the more I want to learn, so a week-long conference of classes should help me gain a lot of knowledge. Plus, I think Michelle and Harmony have prepared me well for the experience.
- I have been working on inputting the location information for all water meters in Town. I created a list for PW of all meters and Vince has obtained their location information. Now, I am putting that information in Caselle so that we have it readily available.

Harmony

- I have been busy this last month taking training for CommonLook and starting the process of figuring out how to remediate documents for accessibility.
- I just received notice that our website audit is completed. I hope to have a report of problems that were reported as well as the planned fixes that I can share with the Board by the next meeting.
- I found some missing Planning Commission packets and minutes in an old Google Drive that is no longer being used. These packets were transferred to Laserfiche for permanent storage.
- After working with State Archives for several months, I was able to retrieve copies of what they had stored for us. Our original documentation has been lost over time with switches in employees, updates to technology, and/or moisture damage. State Archives was able to produce everything they had for us on a flash drive. This includes original minutes from the 1800's. Over time, I hope to get it organized and stored in Laserfiche so we have our own copies for retrieval and record.

Michelle

- Allison and I had a good experience representing the Clerk's Association Membership Committee at the CML Conference. We became information central as well as committee representatives.
- After talking with the Elizabeth Fire Department about the Senior Education Sessions, they have determined that they would like to join us for some of the luncheons. EFD are discussing what they can add to the sessions.
- I am excited to be co-training at Clerk's Institute this year. We will be providing a course about Human Resources.

Senior Educational Luncheon



FRAUD

PRESENTED BY:
JEFF ENGEL, CHIEF OF POLICE
ELIZABETH POLICE DEPT.



Are you concerned about protecting yourself from fraud?
Want to learn how to safeguard your finances and
personal information?

Join us for an informative and engaging Fraud
Prevention Class! Led by an expert in the field, this class
will cover essential topics.

Light lunch will be served.

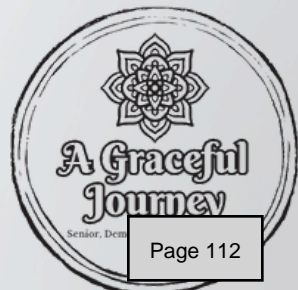
WEDS
JULY 24 | 11:00AM-
12:30PM

151 S. BANNER ST.
ELIZABETH, CO

RSVP:
MARJORIE ENGLE
303-881-2707

Sponsored by:

Marjorie Engle
Jennifer Maxwell
Town of Elizabeth





**PLANNING COMMISSION – RECORD OF PROCEEDINGS
MAY 7, 2024**

CALL TO ORDER

The Regular Meeting of the Elizabeth Planning Commission was called to order on Tuesday, May 7, 2024, at 6:30 PM by Chair George Fick.

ROLL CALL

Present were Chair George Fick, Vice Chair Amy Schmidt, and Commissioners Greg Lindbloom, Julie Uhernik, Jim Santangelo, Cynthia Thye, and Shawn Sommer. Commissioner Ed Beard was not present. There was a quorum to conduct business.

Also present were Planner/Project Manager Alexandra Cramer, and Town Clerk Michelle Oeser.

UNSCHEDULED PUBLIC COMMENT

There was no public comment.

AGENDA CHANGES

No agenda changes from Staff.

No agenda changes by the Commissioners.

Agenda set.

CONSENT AGENDA

1. Minutes of the Regular Meeting of April 2, 2024

Motion by Vice Chair Schmidt, seconded by Commissioner Thye, to approve the Consent Agenda as presented.

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

Chair Fick closed the Regular Meeting and opened the Public Hearing at 6:31 PM.

PUBLIC HEARING

2. Ordinance 24-05, amending Chapter 16 of the Elizabeth Municipal Code



TOWN OF ELIZABETH

PLANNING COMMISSION

Ms. Cramer provided a Staff report.

There was no public comment.

Chair Fick closed the Public Hearing and opened the Regular Meeting at 6:54 PM.

NEW BUSINESS

3. Discussion and possible action on a recommendation to the Board of Trustees approval of Ordinance 24-05, an Ordinance amending Chapter 16 of the Town of Elizabeth Municipal Code, Updating the Town's Land Use and Development Code

Motion by Vice Chair Schmidt, seconded by Commissioner Santangelo, to recommend approval to the Board of Trustees regarding Ordinance 24-05, an Ordinance amending Chapter 16 of the Town of Elizabeth Municipal Code, Updating the Town's Land Use and Development Code.

The vote of the Commissioners present was five in favor and two opposed. Commissioners Thye and Sommer opposed it. Motion carried.

STAFF REPORT

- Planner/Project Manager Alexandra Cramer
 - Gave an update on planned Neighborhood Block Parties.

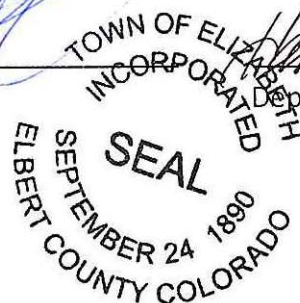
COMMISSIONER REPORTS

There were no Commissioner reports.

ADJOURNMENT

Motion by Commissioner Lindbloom, seconded by Commissioner Uhernik, to adjourn the meeting at 7:22 PM. The vote of those Commissioners present was unanimously in favor. Motion carried.

Chair George Fick



Deputy Town Clerk Harmony Malakowski



**MAIN STREET BOARD OF DIRECTORS – RECORD OF PROCEEDINGS
MAY 13, 2024**

CALL TO ORDER

The Regular Meeting of the Main Street Board of Directors was called to order on Monday, May 13, 2024, at 8:31 AM by Vice President Brandon Jeffress.

ROLL CALL

Present were Vice President Brandon Jeffress and Board Members Michael Hussey, Jeff Struthers, and Kurt Prinslow. President Linda Bulmer was in attendance via Zoom. Members Tedd Lipka and Carrie Wedel were not present. There was a quorum to conduct business.

Also present were Community Development Director Zach Higgins, Planner/Project Manager Alexandra Cramer, Community Development Administrative Assistant Dianna Hiatt, Town Administrator Patrick Davidson, and Deputy Town Clerk Harmony Malakowski.

AGENDA CHANGES

No changes from Staff.

No changes from the Board.

Agenda set.

UNSCHEDULED PUBLIC COMMENT

There was no unscheduled public comment.

CONSENT AGENDA

1. Minutes of the Regular Meeting of March 11, 2024

Motion by Mr. Hussey, seconded by Mr. Prinslow, to approve the Consent Agenda.

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

NEW BUSINESS

2. Discussion regarding Gesin Lot RFP



TOWN OF ELIZABETH

Director Higgins provided a staff report. After much discussion, the Board provided direction to Staff.

3. Discussion regarding Historic Property parking requirements

Director Higgins provided a staff report.

Motion by Mr. Hussey, seconded by Mr. Struthers, to recommend to the Board of Trustees the removal of minimum parking requirements on properties located within the potential Historic District or are on the Local Historic Register.

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

4. Discussion regarding Historic Main Street 5K and Color Run

Planner/Project Manager Cramer provided an update to the Board regarding this year's 5K and Color Run.

STAFF REPORTS

- Director Higgins provided updates regarding:
 - Streetscape Design.
 - Mr. Hussey provided an updated ornament design.
 - Mr. Struthers had a question regarding the utility marks on Main St.
 - Director Higgins provided his takeaways from the Main Street Conference he attended.
 - Reminder of the next joint workshop dates.
 - Façade Grant applications will start to be accepted in June.
 - Locable website is being built. Soft launch is anticipated by Thursday's networking event.
 - Main Street flowers need to be bought and coordinated with Public Works. Mr. Hussey will start to work on this with Staff.
 - Vice President Jeffress had a question about the status of the Town parking lot.

BOARD REPORTS

- President Bulmer provided information regarding an upcoming discussion about people providing a haunted tour on Main Street.



TOWN OF ELIZABETH

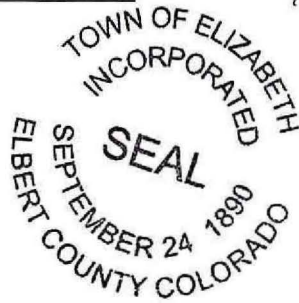
ADJOURNMENT

Motion by Mr. Hussey, seconded by Mr. Struthers, to adjourn the meeting at 10:14 AM.

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

President Linda Bulmer

Deputy Town Clerk Harmony Malakowski





TOWN OF ELIZABETH

HISTORIC ADVISORY BOARD – RECORD OF PROCEEDINGS JUNE 3, 2024

CALL TO ORDER

The Regular Meeting of the Historic Advisory Board was called to order on Monday, June 3, 2024, at 4:30 PM by Chair John Quest.

ROLL CALL

Present were Chair John Quest, Vice Chair Aimee Woodall, and Board Members Dennis Rodriguez, Jacque Hallett, and Lynn Mitchell. Historian Bob Rasmussen was not present. There was a quorum to conduct business.

Also present were Community Development Director Zach Higgins, Planner/Project Manager Alexandra Cramer, Planning Technician Dianna Hiatt, and Town Clerk Michelle Oeser.

AGENDA CHANGES

There were no changes to the agenda as presented.

UNSCHEDULED PUBLIC COMMENT

There was no unscheduled Public Comment.

CONSENT AGENDA

1. Minutes of the regular meeting of May 13, 2024

Motion by Mr. Rodriguez, seconded by Ms. Mitchell, to approve the Consent Agenda as presented.

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

NEW BUSINESS

2. Discussion regarding a potential Elizabeth Spooky Tour

Ms. Cramer introduced Linda Bulmer and Mary Martin.



TOWN OF ELIZABETH

Ms. Martin represented the Elizabeth Area Chamber of Commerce. Ms. Martin gave an overview of what the Spooky Tour would look like.

Ms. Bulmer provided additional input as a Main Street business owner.

The Board offered support for moving forward with this proposed event.

3. Discussion regarding Façade Grant Program Proposals

Ms. Cramer provided a Staff report.

Ms. Bulmer made two Façade Grant applications to the Board for properties located at 286 Main Street and 619 Main Street.

Ms. Uhernik made a Façade Grant application to the Board for a property located at 449 S. Main Street.

STAFF REPORTS

- Planner/Project Manager Alexandra Cramer provided updates regarding:
 - Plaque update.
 - Façade Grant Applications.
 - In next month's meeting the 2025 budget will be discussed.
 - Preview of upcoming new website.

BOARD REPORTS

- Ms. Hallett discussed her project.
- Ms. Mitchell stated she is working on the Carriage Shoppes project.
- Chair Quest discussed redrawn Main Street improvement maps.
- Ms. Hallett discussed the Friday Night Market.

ADJOURNMENT

Motion by Vice Chair Woodall, seconded by Mr. Rodriguez, to adjourn the meeting at 5:54 PM. The vote of those Board Members present was unanimously in favor. Motion carried.





TOWN OF ELIZABETH

Chair John Quest

Town Clerk Michelle Oeser