

TOWN OF BENNETT, COLORADO
PLANNING & ZONING COMMISSION
Regular Meeting
January 24, 2022

1. CALL TO ORDER

The Planning & Zoning Commission of the Town of Bennett met in regular session on Monday, January 24, 2022, via Zoom. Chair Martin Metsker called the meeting to order at 6:00 p.m. The following persons were present upon the call of the roll:

Chair: Martin Metsker

Commissioners: Gino Childs - *excused*
Rachel Connor
James Delaney
Grider Lee
Martin Metsker
Scott Smith

Staff Present: Steve Hebert, *Planning and Economic Development Manager*
Sara Aragon, *Community Development Manager*
Dan Giroux, *Town Engineer*
Savannah Vickery, *Community Development Coordinator*
Steve King, *Special Projects Coordinator*
Adam Meis, *IT and Communications Manager*
Mike Heugh, *Traffic Engineer*
Christina Hart, *Town Clerk*

Public Present: John Vitella, Chris McGranahan, Karen Henry, Benjamin Johnk,
Trey Farrell, Tom Richardson, Dan Dunker, Eric Tuin, J. Pock

2. APPROVAL OF AGENDA

COMMISSIONER CLARK MOVED, COMMISSIONER CONNOR SECONDED to approve the agenda as presented. Voting was as follows:

YES: Clark, Connor, Delaney, Lee, Metsker, Smith

NO: None

EXCUSED: Childs

Chair Martin Metsker declared the motion carried by unanimous vote.

3. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments on items not on the agenda presented.

4. REGULAR BUSINESS

A. Public Hearing(s)

1. Case No. 21.15 Brunner Subdivision Final Plat

Resolution No. 2022-01 - A Resolution Recommending Approval of the Final Plat for the Brunner Subdivision

Chair Martin Metsker opened the public hearing on Case No. 21.15 Brunner Subdivision Final Plat at 6:16 p.m.

Town Clerk, Christina Hart, stated for the record the Notice of Public Hearing was posted in accordance with State Statute and published in the Eastern Colorado News, January 7 and January 14, 2022. Legal #2558.

Steve Hebert, Planning and Economic Development Manager reported to the Commission Case No. 21.15 is a proposed final plat for 87 single-family detached lots on 20.17 acres. The property is located on the south side of US Highway 36/East Colfax Avenue, just east of the SkyView subdivision. The property is zoned R-2 – Mid-Density Residential. The Planning and Zoning Commission reviewed a sketch plan for the project on November 16, 2020.

PUBLIC COMMENTS

There were no public comments presented.

Chair Martin Metsker closed the public hearing at 6:44 p.m.

COMMISSIONER DELANEY MOVED, COMMISSIONER CLARK SECONDED to approve Resolution No. 2022-01 – A resolution recommending approval of the final plat for the Brunner Subdivision with the following conditions:

1. The subdivision agreement shall include a provision committing the subdivider to build and maintain a second access to the south from the subdivision, in a time, place and manner acceptable to the Town.
2. The equivalent value of 0.9 acres of land shall be provided as cash-in-lieu and addressed in the subdivision agreement.
3. The plat should be amended to reflect Tracts I and J are to be vacated and owned and maintained by the metropolitan district or the homeowner's' association.
4. Before recording the plat, the applicant shall update plat notes related to tracts, easements and maintenance in a manner directed by the Town Engineer and make other minor modifications as directed by Town Staff, Engineer and Town Attorney.

Voting was as follows:

YES: Connor, Delaney, Lee, Metsker, Smith, Clark

NO: None

EXCUSED: Childs

Chair Martin Metsker declared the motion passed unanimously.

2. Case No. 21.21 Bennett Avenue Townhome Subdivision Final Plat

Resolution No. 2022-02 - A Resolution Recommending Approval of a Final Plat for the Bennett Townhome Subdivision

Chair Martin Metsker opened the public hearing on Case No. 21.21 Bennett Avenue Townhome Subdivision Final Plat at 6:48 p.m.

Town Clerk, Christina Hart, stated for the record the Notice of Public Hearing was posted in accordance with State Statute and published in the Eastern Colorado News, January 7 and January 14, 2022. Legal #2560.

Steve Hebert, Planning and Economic Development Manager reported to the Commission Case No. 21.21 is a proposed final plat for 19 townhome lots on 1.5 acres located at 300 Bennett Avenue, immediately east of the Horizon Condominiums.

The property was annexed into the Town of Bennett in June 2020. The Town of Bennett Board of Trustees approved R-3 – High Density Residential zoning on March 9, 2021. The Planning and Zoning Commission reviewed a sketch plan for the project on February 22, 2021.

PUBLIC COMMENTS

Dan Dunker, 1900 S. Manila Road, Horizon Condominium Association President, expressed concerns regarding parking and drainage.

Chair Martin Metsker closed the public hearing at 7:11 p.m.

COMMISSIONER DELANEY MOVED, COMMISSIONER LEE SECONDED to approve Resolution No. 2022-02 – A resolution recommending approval of a final plat for the Bennett Townhome Subdivision with the following conditions of approval.

1. Update plat notes related to easements and maintenance in a manner directed by the Town Engineer.
2. Make other minor modifications as directed by Town Staff, Engineer and Town Attorney.

Voting was as follows:

YES: Delaney, Lee, Metsker, Smith, Clark, Connor

NO: None

EXCUSED: Childs

Chair Martin Metsker declared the motion passed unanimously.

3. Case No. 21.26 300 Bennett Ranch Filing No. 2 Final Plat

Resolution No. 2022-03 - A Resolution Recommending Approval of a Final Plat for Bennett Ranch Filing No. 2

Chair Martin Metsker opened the public hearing on Case No. 21.26 Bennett Ranch Filing No. 2 Final Plat at 7:14.

Town Clerk, Christina Hart, stated for the record the Notice of Public Hearing was posted in accordance with State Statute and published in the Eastern Colorado News, January 7 and January 14, 2022. Legal #2559.

Steve Hebert, Planning and Economic Development Manager reported to the Commission Case No. 21.26 is a proposed final plat for 84 townhome lots on 8.918 acres in Bennett Ranch. The property was originally platted as Tract B of Bennett Ranch Filing 1. It is located on the south side of East 38th Avenue approximately 600 feet west of the East 38th Avenue/Colorado Highway 79 (Kiowa-Bennett Road) intersection. The property is zoned R-3 - High Density Residential.

The Planning and Zoning Commission reviewed a sketch plan for the project on June 21, 2021.

PUBLIC COMMENTS

There were no public comments presented.

Chair Martin Metsker closed the public hearing at 7:28 p.m.

COMMISSIONER LEE MOVED, COMMISSIONER CLARK SECONDED to approve Resolution No. 2022-03 – A resolution recommending approval of a final plat for Bennett Ranch Filing No. 2 with the following conditions of approval.

1. Update plat notes related to easements and maintenance in a manner directed by the Town Engineer.
2. Make other minor modifications as directed by Town Staff, Engineer and Town Attorney.

Voting was as follows:

YES: Lee, Metsker, Smith, Clark, Connor, Delaney

NO: None

EXCUSED: Childs

Chair Martin Metsker declared the motion passed unanimously.

4. Chapter 16 Amendment of the Bennett Municipal Code Concerning Fair Contributions for Public School Sites

Resolution No. 2022-04 - A Resolution Recommending Approval of an Ordinance Amending Chapter 16 of the Bennett Municipal Code Concerning Fair Contributions for Public School Sites

Chair Martin Metsker opened the public hearing on proposed amendments to Chapter 16 of the Bennett Municipal Code to order at 7:30 p.m.

Town Clerk, Christina Hart, stated for the record the Notice of Public Hearing was posted in accordance with State Statute and published in the Eastern Colorado News on January 7, 2022. Legal #2556.

Steve Hebert, Planning and Economic Development Manager reported to the Commission Case The attached ordinance implements the provisions of the Intergovernmental Agreement Concerning Land Dedications or Payments In Lieu for School Purposes (the "IGA"), which was recently approved by the Board of Trustees. Specifically, this ordinance:

- Amends and updates the requirements for land dedication for public school sites or payments in lieu of land dedication ("fair contributions for public school sites").
- States that the amount of amount land or payment in lieu required shall be determined in accordance with the IGA. This allows the Board and School District to make changes to the methodology for determining fair contribution for public school sites in the future without having to amend the Town Code again.
- Exempts certain properties/uses from having to comply with the fair contributions for public school sites requirements, including:
 - o Age restricted housing
 - o Limited term stay housing
 - o Long term assisted living facilities
 - o Alteration/replacement/expansion of a legally existing building that does not increase the number of dwelling units
- Sets forth the requirements for land dedication, including requiring the developer to provide a site that has direct access to an improved street, utilities stubbed to the site, and overlot grading.
- Repeals and reenacts Section 16-5-510 of the Town Code to create a separate section for the Town's public land dedication requirements. This just moves those requirements into their own section (separate from the school dedication requirements), but doesn't make any other changes to the public land dedication requirements.

PUBLIC COMMENTS

There were no public comments presented.

Chair Martin Metsker closed the public hearing at 7:43 p.m.

COMMISSIONER LEE MOVED, COMMISSIONER CLARK SECONDED to approve Resolution No. 2022-04 – A resolution recommending approval of an ordinance amending Chapter 16 of the Bennett Municipal Code concerning fair contributions for public school sites. Voting was as follows:

YES: Metsker, Smith, Clark, Connor, Delaney, Lee
NO: None
EXCUSED: Childs

Chair Martin Metsker declared the motion passed unanimously.

COMMISSIONER COMMENTS/REPORTS

Martin Metsker

- Commissioner Metsker thanked Town Staff for their hard work

5. ADJOURNMENT

COMMISSIONER METSKER MOVED, COMMISSIONER CLARK SECONDED to adjourn the meeting. The Chair declared the motion carried by unanimous vote. The meeting was adjourned at 7:55 p.m.


Christina Hart, Secretary




Chair, Martin Metsker