

**TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Special Meeting  
September 28, 2020**

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**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in special session on Monday, September 28, 2020 via Zoom Link. Mayor Royce Pindell called the meeting to order at 5:45 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell – *Excused; Arrived at 6:14 p.m.*  
Whitney Oakley  
Rich Pulliam  
Denice Smith  
Donna Sus

Staff Present: Trish Stiles, *Town Administrator*  
Rachel Summers, *Deputy Town Administrator*  
Taeler Houlberg, *Assistant to the Town Administrator*  
Daymon Johnson, *Capital Projects Director*  
Alison Belcher, *Public Relations Coordinator*  
Steve Hebert, *Planning and Economic Development Manager*  
Deb Merkle, *Community Development Manager*  
Robin Price, *Public Works Director*  
Lynette White, *Economic Development Coordinator*  
Dan Giroux, *Town Engineer*  
Gabrielle Purdue, *Town Traffic Engineer*  
Melinda Culley, *Town Attorney*  
Christina Hart, *Town Clerk*

Public Present: Larry Vittum, Larry Gayeski, Christopher Purdue, George Rowley, Michael Muriett, James O'Toole

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce Pindell.

### 3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE OAKLEY SECONDED to approve the agenda presented. The voting was as follows:

YES:	Oakley, Pindell, Pulliam, Smith, Sus
NO:	None
EXCUSED:	Harrell

The Mayor declared the motion carried by unanimous vote.

### 4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no comments made by the public of items not on the agenda.

### 5. REGULAR BUSINESS

#### A. Oath of Office – New Town Board Trustee.

Christina Hart, Town Clerk, administered the Oath of Office to Larry Vittum. Trustee Larry Vittum was appointed by the Board of Trustees on September 22, 2020 during the regular Board of Trustees meeting. Trustee Vittum will fill the position until the regular election in 2022.

Mayor Pindell is the current Town of Bennett representative for DRCOG (Denver Regional Council of Government). Mayor Pindell reported that Trustee Vittum had been the previous DRCOG representative for the Town of Bennett. Mayor Pindell recommended Trustee Vittum be appointed as the DRCOG Town of Bennett representative moving forward.

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to appoint Trustee Vittum as the Town of Bennett DRCOG representative. The voting was as follows:

YES:	Pindell, Pulliam, Smith, Sus, Oakley
NO:	None
EXCUSED:	Harrell

#### B. First Amendment to Intergovernmental Agreement Bennett Ranch Metropolitan District Nos. 1 – 4.

Melinda Culley, Town Attorney, reported to the Board of Trustees that an email was sent to The Board of Trustees. The email confirmation was provided from Jimmie and Cynthia Damron's attorney approximately 15 minutes before tonight's special board meeting. The email confirmed that the Damron's are consenting to the amendment of the Intergovernmental Agreement (IGA) allowing the Bennett Ranch Metro District to exercise their right to condemnation authority of the easement portion only of the Damron's property.

Ms. Culley explained that is what the IGA provides. The IGA is very limited in scope in allowance of the condemnation authority.

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve Resolution No. 842-20 – A Resolution Approving a First Amendment to the Intergovernmental Agreement between the Town of Bennett and Bennett Ranch Metropolitan District Nos 1 – 4. The voting was as follows:

YES: Pulliam, Smith, Sus, Vittum, Pindell

NO: Oakley

EXCUSED: Harrell

The Mayor declared the motion carries 5 to 1.

C. Brother's Four Playground

Robin Price, Public Works Director, reported to the Board of Trustees, per direction provided to Staff, she contacted A to Z Recreation and Star Playgrounds requesting an update of the playground equipment designs for the Brother's Four Playground. The Board of Trustees requested the new design have a more open concept as well as a more age inclusive design. Based on community input the new designs still maintain the farm/barnyard theme.

Town Staff received three new/updated proposals and designs. They are as follows:

Solicited Qualified Bids Received:

1. A to Z Recreation - Red and Green Farmhouse Design updated- **Revised Bid \$113,572 with the Town removing and disposing of existing playground equipment. A to Z Recreation would charge \$125,146.00 if A to Z Recreation would remove and expose existing equipment.**
2. Star Playgrounds – Option 3 Barnyard theme with climbing structure and cow spring rider **Revised Bid \$119,199. No playground equipment removal was included as an option.**
3. Star Playgrounds – Option 4 Green and Yellow Tractor Farm Design updated- **Revised Bid \$119,385. No playground equipment removal was included.**

Town staff feels comfortable recommending all three options, and they all fit into the grant project's budget. Town staff will move forward after the board recommends the selected option for The Brothers Four playground to begin construction for this fall.

TRUSTEE SUS MOVED, TRUSTEE PULLIAM SECONDED to approve the A to Z Recreation Red and Green Farmhouse Design with the addition of the cow on the spring. The voting was as follows:

YES: Smith, Sus, Vittum, Oakley, Pindell, Pulliam

NO: None

EXCUSED: Harrell

The Mayor declared the motion carried by unanimous vote.

## 6. PUBLIC HEARING

### A. FNB Bank – Case No. 20.16 – FNB Bank – Final Development Plan

#### **Resolution No. 843-20- A Resolution Approving a Final Development Plan for the FNB Bank in Bennett Crossing.**

Mayor Royce Pindell called the matter of the Final Development Plan for First National Bank Bank to order. The public hearing was opened at 6:07 p.m.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statue, notice of the public hearing was properly posted and published in the Eastern Colorado News on September 11, September 18, and September 25, 2020. Legal #2404.

Steve Hebert, Planning and Economic Development Manager, reported to the Board of Trustees Christopher Purdue and James O'Toole, applicant representatives are present and available for the public hearing. Larry Gayeski, Gayeski Capital Equities, LLC, is also present at the public hearing.

The Bennett branch of FNB Bank is currently located at the northeast corner of I-70 and CO Highway 79 on the same site as the Conoco gas station and convenience store. That property is scheduled to be redeveloped in the near future. FNB Bank proposes a new bank building on Lot 5, Block 1 of the Bennett Crossing Filing 1 subdivision. Lot 5 is 0.881 acres (38,376 sq. ft.) and is zoned Planned Development (PD) – BC-Business Commercial in the Bennett Crossing Outline Development Plan (ODP). The property lies just east of CO Highway 79 and north of Market Place Dr. As part of an ODP, an approved Final Development Plan (FDP) is required prior to development. The applicant proposes a 4,600 sq. ft. bank building with two drive-through lanes including one ATM.

Conformance with the Bennett Crossing Outline Development Plan:

- a. Permitted Uses: All of the proposed uses are allowed as Permitted Uses by Right.
- b. Building Height: The proposed building height of 21 feet is well below the maximum allowed height of 50 feet.
- c. Maximum Lot Coverage: The proposed lot coverage for buildings and parking is below the maximum of 80%.
- d. Floor Area Ratio (FAR): The proposed FAR of .12 is less than the maximum of .5
- e. Minimum Setbacks: The proposed front, side and rear building setbacks and parking lot setbacks all meet or exceed the minimums set forth in the ODP.
- f. Connectivity: A pedestrian connection to the public entrance of the bank is provided by a sidewalk connecting to the proposed 10-foot detached sidewalk, which will run along CO Highway 79 and serve as a major north-south pedestrian/trail corridor.

#### g. Building Orientation and Site Design:

i. The bank building is well articulated on all four sides with attention to materials, entrances, window patterns and detailing. The proposed building materials include a thin-set split face concrete masonry veneer base, which provides a strong foundational base. The majority of the proposed façade is comprised of a red brick veneer, along with brick and thin-set stone horizontal bands that add variation and visual interest to the building. Staff believes the proposed design; materials and colors are of high quality and will be compatible with future development in the area. All rooftop mechanical equipment will be screened.

ii. The building's front door/façade is oriented toward the public street (CO Highway 79).

iii. The ODP states, "loading docks, outdoor storage and service areas should be screened from I-70, internal collector and interior streets with screening that matches or complements the primary architecture." The proposal has no significant exterior service areas. The electronic nature of today's banking business allows the bank to eliminate the need for typical outdoor trash containers (Dumpsters).

#### 2. Parking Standards

The Town's municipal code includes off-street parking requirements for a variety of uses, including banks. The parking requirement for a bank is based on the square footage of gross floor area. Although our code would require 23 off-street parking spaces for a bank of this size, FNB's experience is that most of their customers are drive-up customers. Staff's observance of the current bank facility, as well as other banks in Bennett and the surrounding area, confirms the majority of customers use the drive-through lanes and a minority of customers actually walk into the bank building. In addition to the provided parking spaces, the area along the southern boundary of the bank property can accommodate longer pickup trucks and even trucks with trailers. Staff supports the proposed number and layout of parking spaces.

#### 3. Landscape Standards

Staff supports the landscape plan as proposed. The proposed plant species and groundcover, including rock mulch, are consistent with water conservation goals. The style of landscaping is similar to the non-irrigated turf around Town Hall and in the Muegge Way right-of-way. The plan will result in a clean look with reduced maintenance costs. Upon staff request, the applicant has agreed to remove the proposed 10-foot strip of irrigated sod along the CO Highway 79 right-of-way. This location is a particularly harsh environment and narrower strips of sod are not easy to irrigate efficiently. In addition, mag chloride or other applications applied to the highway during the winter months make survival that much more difficult.

#### 4. Lighting Standards

The proposed lighting plan conforms with shielding, cutoff, illumination and height provisions of the code.

## 5. Sign Regulations

Proposed signage includes two wall signs, one each above the two main building entrances. Final dimensions and colors will be determined at the time of sign permit. No monument sign is proposed at this time.

## F. Conformance with the Town's Development Design Guidelines

The proposed site plan, building character and design, and landscape character meet the objectives of the Town's Development Design Guidelines relative to: • Building location • Parking • Service areas • Pedestrian access & circulation • Enclosures & screening • Fencing • Site Lighting • Building orientation, mass & character • Landscape character & design G. Transportation and Traffic The Town's Traffic Engineer, Gabrielle Renner of Apex Design, has indicated support of the proposed site plan. The applicant made changes to the plan in response to the Traffic Engineer's comments related to access drive location and width. H. Water, Sanitary Sewer and Storm Water Town water, sanitary sewer, and storm water infrastructure will be extended to serve the development. I. Fire and Rescue Bennett Watkins Fire Rescue will provide service. The applicant should meet directly with BWFR directly to review specific site and building plans to assure conformance with International Fire Code standards. BWFR has no major concerns that would affect the FDP. J. General Site Development Engineering The applicant has successfully addressed the various comments, questions and recommendations from the Town's Engineer (Terramax, Inc.) regarding engineered site elements of grading; storm water; water and sanitary sewer plans; access, etc.

## Staff Findings and Recommendations:

Staff finds the proposed Final Development Plan:

1. Is consistent with the Town of Bennett Comprehensive Plan;
2. complies with the provisions of Chapter 16 – Land Use and Development, of the Bennett Municipal Code;
3. Is consistent with the Bennett Crossing Outline Development Plan; and,
4. Conforms to the Town of Bennett Development Design Guidelines.

Staff recommends the Board of Trustees approve the FNB Bank Final Development Plan, subject to the following conditions:

1. The applicant shall confer with the Bennett Fire Protection District and ensure the proposed development conforms to adopted (IFC) fire code standards and design expectations of both the Town of Bennett and the District.
2. Prior to recording of the Final Development plan, the applicant shall make minor modifications as directed by Town Staff, Attorney, and Engineer.

Chris Purdue, applicant representative, express his gratitude to Town Staff. He believes the new FNB Bank location will be a great product for the Town of Bennett.

James O'Toole, applicant representative, thanked Steve Hebert for his guidance and expertise. FNB Bank is excited to continue being a part of the community.

Trustee Pulliam asked for clarification regarding services, i.e.: second ATM location, at the canopy supports and south of the canopy supports. Clarification was provided by the applicant stating there will be no additional services that will allow for open traffic circulation. Trustee Pulliam addressed pedestrian access to the bank. A suggestion was made to FNB Bank to allow for pedestrian access at the south side as opposed to the north side of the building.

Mayor Pindell thanked Staff for the presentation. Mayor Pindell asked if the common driveway would be adequate for traffic to continue with movement and flow. The applicant expressed they feel as though the pattern will be adequate.

### **Public Comments**

There were no public comments presented.

Trustee Vittum commented that FNB Bank has been a tremendous asset to the Town of Bennett community. He is in favor of the project.

Mayor Pindell echoed Trustee Vittum's comment that the FNB Bank has been a great asset to the Town of Bennett.

Trustee Smith expressed her support of the project. She approved of the water wise landscaping. Will the parking spaces be of ample supply with future growth the Town of Bennett is experiencing?

Mayor Pindell closed the matter of Case No. 20.16 FNB Bank Final Development Plan at 6:45 p.m.

TRUSTEE OAKLEY MOVED, TRUSTEE VITTUM SECONDED to approve Resolution No. 843-20 – A Resolution Approving a Final Development Plan for the FNB Bank in Bennett Crossing. Voting was as follows:

YES: Sus, Vittum, Harrell, Oakley, Pindell, Pulliam, Smith

NO: None

The Mayor declared the motion carried by unanimous vote.

7. ADJOURNMENT

TRUSTEE PULLIAM MOVED, TRUSTEEE VITTUM SECONDED to adjourn the meeting. The meeting was adjourned at 6:54 p.m. Voting was as follows:

YES: Vittum, Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

The Mayor declared the motion carried by unanimous vote.



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Royce D. Pindell, Mayor



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Christina Hart, Town Clerk