

**TOWN OF BENNETT, COLORADO
PLANNING & ZONING COMMISSION
Regular Meeting
May 17, 2021**

1. CALL TO ORDER

The Planning & Zoning Commission of the Town of Bennett met in regular session on Monday, May 17, 2021, via hybrid meeting. Chair Wayne Clark called the meeting to order at 6:00 p.m. The following persons were present upon the call of the roll:

Chair: Wayne Clark

Commissioners: Rachel Connor - *excused*
Grider Lee
Martin Metsker
Scott Smith

Staff Present: Steve Hebert, *Planning and Economic Development Manager*
Taeler Houlberg, *Assistant to the Town Administrator*
Adam Meis, *Finance and Technology Coordinator*
Dañ Giroux, *Town Engineer*
Gabrielle Renner, *Town Traffic Engineer*
Christina Hart, *Town Clerk - excused*

Public Present: Paul Worthman, Barry Moore, Karen Henry, John Cheney, Chad Ellington

1. APPROVAL OF AGENDA

COMMISSIONER METSKER MOVED, COMMISSIONER LEE SECONDED to approve the agenda as presented. Voting was as follows:

YES: Lee, Metsker, Smith, Clark

NO: None

EXCUSED: Connor

Chairman Clark declared the motion carried by unanimous vote.

2. APPROVAL OF CONSENT AGENDA

COMMISSIONER METSKER MOVED, COMMISSIONER LEE SECONDED to approve the agenda as presented. Voting was as follows:

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

Chairman Clark declared the motion carried by unanimous vote.

Action: Approval of March 15, 2021 Regular Meeting Minutes

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. 21.11 – Bennett Village (Worthman) Rezoning

Resolution No. 2021-05 - A Resolution Recommending Approval of the Rezoning of the Bennett Village Property, Case No. 21.11

Chair Wayne Clark opened the public hearing on Case No. 21.11 at 6:04 p.m., a public hearing on the approval of a Resolution recommending approval of the Rezoning of the Bennett Village Property, Case No. 21.11.

Town Clerk Pro Tem, Taeler Houlberg, stated for the record the Notice of Public Hearing was posted in accordance with State Statute and published in the Eastern Colorado News, April 30, 2021 as Legal Number 2473.

There were no disclosures from the Planning & Zoning Commission.

Steve Hebert, Town Planning and Economic Development Manager, reported to the Commission, the 21.4-acre property known as Bennett Village, previously the Worthman Property, is currently zoned MH – Mobile Home District. A final plat for the property was reviewed by the Planning and Zoning Commission on March 15, 2021, to create 133 lots for single-family detached homes. The Bennett Village Final Plat was approved by the Town Board of Trustees on April 13, 2021.

The property is located immediately east of the Brothers Four subdivision, bounded on the north by Kiowa Street, on the south by Bennett Avenue and on the east by the Custer Street alignment.

The applicant has applied for rezoning of the property to R-2 – Mid-Density Residential District because the prospective homebuilder wants to build two-story houses. The current MH – Mobile Home District has a maximum building height for the principal structure of twenty (20) feet, which will accommodate a single-story mobile home; but, will not accommodate a two-story single-family detached house. The R-2 District has a maximum height limitation for the principal structure of thirty-five (35) feet, which will accommodate a two-story house.

The table below summarizes the zoning of the immediately adjacent properties.

Direction	Adjacent Zone District	Land Use
North	C – General Commercial	Commercial and Residential
East	C – General Commercial	Vacant
South	PD – Planned Development	Residential, Bennett Crossing (LGI)
West	R-1 – Low Density Residential	Brothers Four Neighborhood

In the proposed R-2 zone district, the following land uses are Permitted Uses as “uses-by-right.” Uses-by-right do not require further review and approval by the Board of Trustees.

1. Elementary and secondary education school
2. Religious institutions
3. Group home for elderly, developmentally disabled or mentally ill persons
4. Home occupations
5. Manufactured homes
6. Single-family dwelling
7. Public utilities, minor
8. Eligible telecommunications facilities request

There are several other land uses allowed as Conditional Uses requiring additional Board of Trustees approval, including but not limited to day care centers, parks, recreation centers, fire or police stations and bed and breakfast establishments. For a full list of Permitted and Conditional Uses, are listed in the table below:

The table below summarizes the lot and building standards for the existing MH District and the proposed R-2 District.

Lot and Building Standards – Comparing the MH District to R-2 District		
	MH	R-2
Minimum Lot Area	3,250 sq. ft.	3,500 sq. ft.
Minimum Lot Width	40 feet	25 feet
Maximum Lot Coverage	75%	70%
Maximum Height (Principal Structure)	20 feet	35 feet

Note the minimum lot size in the R-2 District is 250 square feet larger than in the MH District.

The previously approved Bennett Village Final Plat was designed to be consistent with both the existing MH District and the proposed R-2 District. All lots in the approved final plat meet the 3,500 sq. ft. minimum lot size of R-2.

Public services and utilities is consistent with a similar discussion for the previously approved Bennett Village Final Plat. The referenced attachments are the same as those in the staff report for the final plat application.

Water

Water will be provided by the Town of Bennett. See the attached Town Engineer’s memorandum.

Sanitary Sewer

Sanitary sewer will be provided by the Town of Bennett. See the attached Town Engineer’s memorandum.

Stormwater Management

Stormwater will be collected and conveyed in accordance with Town standards to prevent any on-site or off-site flooding. See the attached Town Engineer's memorandum.

Access, Traffic and Streets

Local access is provided by Bennett Avenue and Kiowa Street, as well as a network of interior streets. Alleys will serve rear lot garages. All streets will be built to Town standards. The final plat dedicated right-of-way for all public streets to be constructed at the developer's expense. Rezoning from MH to R-2 will not result in an increase in traffic on local streets. See the attached Traffic Impact Study.

Fire and Rescue

All streets, turn-a-rounds, fire hydrants and water pressure must meet the Bennett-Watkins Fire and Rescue design standards. The development is subject to further hydrant location design review by the Fire District, which must occur prior to issuance of building permits. See the attached Bennett-Watkins Fire and Rescue response.

Gas, Electricity and Telecommunications

Natural gas is available from Colorado Natural Gas, electricity from IREA and telecommunications from Eastern Slope Technologies (ESRTA) or Comcast. Appropriate easements for these providers were identified on the final plat.

The criteria for reviewing a rezoning proposal come from two different sections of the code, both of which refer to the Town's Comprehensive Plan.

Sec. 16-1-90. - Conformity with Comprehensive Plan.

"All applications for development approval, including, but not limited to, site plans, conditional use permits and subdivision plats, shall be evaluated in relation to its conformance with the policies and embodied within the Comprehensive Plan and all applicable special area plans or master plans."

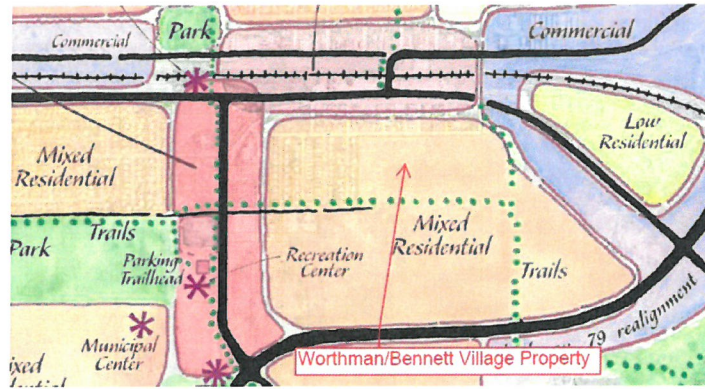
Sec. 16-2-360. - Rezoning.

"The Board of Trustees has determined that the Zoning Map should not be amended (rezoning of property approved) unless the rezoning is consistent with the goals and policies of the Comprehensive Plan and promotes the general welfare of the community. If a proposed rezoning is inconsistent with the Comprehensive Plan, the request may only be approved if the applicant demonstrates that the requested rezone is justified because of changed or changing conditions in the particular area, in the Town in general or that the rezoning is necessary to correct a manifest error in the existing zone classification."

Staff finds the proposed rezoning is consistent with, or will promote, the goals and policies of the Town of Bennett 2015 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code, including the following:

1. Proposal Conforms with the Comprehensive Plan Map Recommendation

The illustration below is an excerpt from the 2015 Comprehensive Plan. The subject property is within an area designated in the Town Centre Land Use Concept area as Mixed Residential. See the full copy of the Town Center concept attached.



Per the Comprehensive Plan: *“Mixed Residential neighborhoods will contain a variety of housing types, combined with non-residential secondary land uses that are complementary and supportive. These areas should meet a wide variety of every-day living needs, encourage walking to gathering places and services, and integrate into the larger community. Other supporting land uses, such as parks and recreation areas, religious institutions, and schools may be included in Mixed Residential areas.”*

Staff Finding: The proposed rezoning is consistent with the Mixed Residential designation for the subject property.

1. Proposal Conforms with Comprehensive Plan Principles

Below is a list of the principles of the Comprehensive Plan that apply to this application.

- a. *“Develop town and neighborhood centers with mixed land use and greater land density to shorten distances between homes, workplaces, schools, shopping, places of worship, cultural facilities, and recreation and social activities;”* (Development on this infill parcel will result in new homes within walking distance of commercial development along 1st Street and Colfax Ave., the Bennett School District campus and other land uses.)
- b. *“Ensure that affordable housing and access to healthy living is available for people of all ages and income levels;”* (Accommodation of a variety of housing types, including alley-loaded garage neighborhoods on smaller lots, helps address affordability of housing in Bennett.)
- c. *“Offer access to open space, trails and parks to provide more opportunities for walking, biking, recreation, and contact with nature;”* (The approved Bennett Village Final Plat includes a park site as well as sidewalks and trails, which will benefit Bennett Village and the surrounding neighborhoods.)
- d. *“Foster a distinctive, attractive community that retains our young people to support future community governance;”* (The accompanying site plan, with the park and common landscaped areas, propose a neighborhood with attractive amenities.)
- e. *“New development should be contiguous, or nearly so, to existing infrastructure and services;”* (The Bennett Village property is considered an infill parcel surrounded on three sides by existing development with public infrastructure in the immediate vicinity.)
- f. *“Provide a variety of transportation choices including bicycle trails; sidewalks; and mass transit to reduce the dependence upon automobiles; and create streets that are safe for use by automobiles, pedestrians, and bicyclists;”* (As

noted above, the final plat and site plan propose internal sidewalks and trails, along with vehicular connections.)

Staff Finding: The proposed rezoning complies with the 2015 Comprehensive Plan principles.

2. Proposal Conforms to the Neighborhoods Section of the Comprehensive Plan

The following is language from the discussion of neighborhoods in the 2015 Comprehensive Plan:

“There currently is not a wide variety of housing options within the planning area and an increase in housing diversity is needed to accommodate future growth. A guiding principle of this plan is to develop neighborhood centers that allow for a mix of land uses with increases in densities, which is a departure from the historic growth pattern in the corridor. Benefits of concentrated mixed use development include an efficient land use pattern that increases transportation choices, reduces energy consumption, promotes water conservation, and offers more opportunities for social interaction.”

The 2015 Comprehensive Plan has a stated goal: *“To provide a diversity of housing types at various densities.”*

Staff Finding: The proposed R-2 zoning, and the housing type and density that it allows, is consistent with the 2015 Comprehensive Plan.

3. Proposal Conforms with the Comprehensive Plan’s Preferred Scenario

The Comprehensive Plan outlines a Preferred Scenario. The Preferred Scenario includes a series of planning tiers (Tier One through Tier Four). The Preferred Scenario envisions a healthy, sustainable community where residents can live, work, and play locally, setting Bennett and its proximity to the I-70 corridor, apart from a conventional development pattern.

Staff Finding: Bennett Village is within Tier One, being a part of the Stable Urban area, and development would be consistent with the vision of the Preferred Scenario.

1. **Staff finds the proposed rezoning is consistent with the purpose of the Bennett Land Use Code outlined in Section 16-1-50, including to:**

- Maintain and enhance a quality residential environment in the Town
- Provide a diversity of housing types at various densities
- Promote logical extensions of and efficient use of the Town's infrastructure

Notice of the Planning and Zoning Commission and Board of Trustees hearings has been posted on the property consistent with the municipal code. All property owners within 300 feet have also been notified by mail. No public comments have been submitted to date.

Based upon the above findings, staff recommends the Planning and Zoning Commission recommend to the Board of Trustees approval of Case No. 21-11 to rezone the subject property from MH – Mobile Home District to R-2 - Mid Density Residential District. See the attached draft resolution for the Commission’s consideration.

APPLICANT PRESENTATION

John Cheney, Lennar representative, 9193 S. Jamaica St., Englewood, Colorado, expressed his gratitude to Town staff for their assistance.

PUBLIC COMMENTS

No comments were presented by the public.

Chairman Clark closed the public hearing on Case No. 21.11 Bennett Village (Worthman) Rezoning at 6:27 p.m.

Commissioner Metsker, stated that all zoning requirements are in compliance with Town Code Zoning and Comprehensive Plan, therefore he is in support of the rezoning application. Commissioner Metsker also reported the rezoning from MH to R2 is favorable with the desires of the neighborhood.

COMMISSIONER METSKER MOVED, COMMISSIONER LEE SECONDED to approve Resolution No. 2021-05 – A Resolution recommending approval to the Bennett Board of Trustees of the Rezoning of the Bennett Village Property, Case No. 21.11. Voting was as follows:

- YES: Metsker, Smith, Clark, Lee
- NO: None
- EXCUSED: Connor

Chair Clark declared the motion passed unanimously.

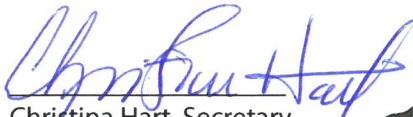
COMMISSIONER COMMENTS/REPORTS

There were no reports from the commissioners.

5. ADJOURNMENT

COMMISSIONER METSKER MOVED, COMMISSIONER SMITH SECONDED to adjourn the meeting. The Chair declared the motion carried by unanimous vote. The meeting was adjourned at 6:35 p.m.


 Wayne Clark, Chairman


 Christina Hart, Secretary

