

**TOWN OF BENNETT, COLORADO
PLANNING & ZONING COMMISSION
Regular Meeting
February 28, 2022**

1. CALL TO ORDER

The Planning & Zoning Commission of the Town of Bennett met in regular session on Monday, February 28, 2022, via hybrid meeting. Chair Martin Metsker called the meeting to order at 6:02 p.m. The following persons were present upon the call of the roll:

Chair: Martin Metsker

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

Staff Present: Steve Hebert, *Planning and Economic Development Manager*
Dan Giroux, *Town Engineer*
Savannah Vickery, *Community Development Coordinator*
Christina Hart, *Town Clerk*

Public Present: Palma Heede, Penne Heeded, Chris McGranahan, Karen Henry, Pat Tabor, Chris Perdue, John Vitella, Michael Cleary

2. APPROVAL OF AGENDA

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

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

NO: None

Chair Martin Metsker declared the motion carried by unanimous vote.

3. APPROVAL OF CONSENT AGENDA

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

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

NO: None

Chair Martin Metsker declared the motion carried by unanimous vote.

Action: Approval of January 24, 2022 meeting minutes

4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

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

5. REGULAR BUSINESS

A. Public Hearing(s)

1. Case No. 21.42 Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat

Resolution No. 2022-05 - A Resolution Recommending Approval of the Bennett Crossing Filing NO. 3 Final Plat, Amendment No. 1

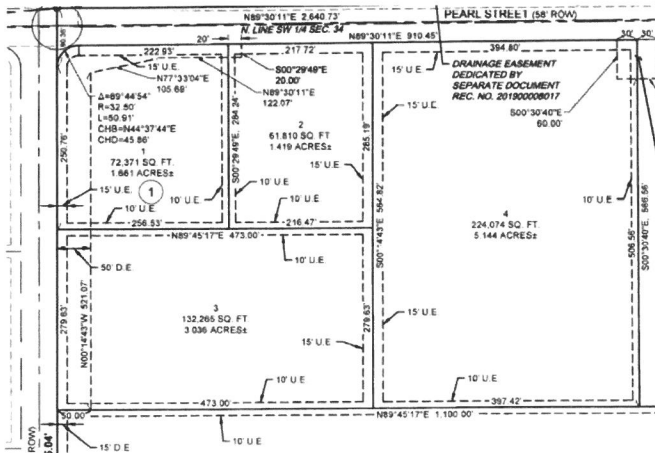
Chair Martin Metsker opened the public hearing on Case No. 21.42 Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat at 6:10 p.m.

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, February 11, 2022. Legal #2589.

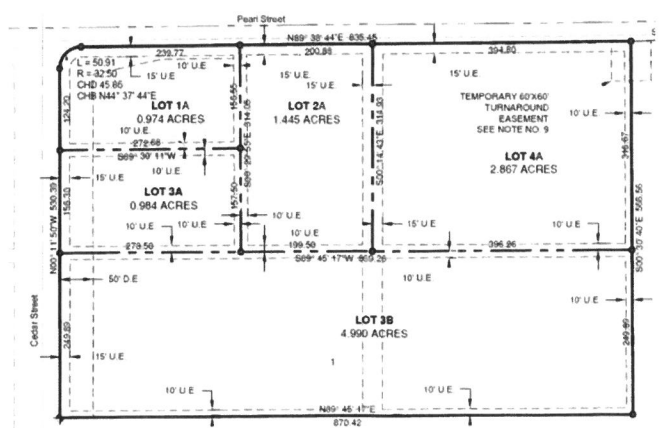
Steve Hebert, Planning and Economic Development Manager reported to the Commission the applicant is proposing an amendment to the Bennett Crossing Filing No. 3 Final Plat to rearrange lots lines and create an additional buildable lot. Per Section 16-2-340 of the Bennett Municipal Code, boundary line adjustments that create additional lots shall be considered a minor subdivision and must be reviewed by the Planning and Zoning Commission and the Board of Trustees.

The existing lot configuration of Bennett Crossing Filing No. 3, at the southeast corner of Cedar Street and Pearl Street, is shown below on the left. Lots 1-4 are to be replatted into five lots (1A, 2A, 3A, 3B and 4A) shown on the right below. A full size version of the plat document is attached.

Existing Lot Configuration



Proposed Lot Configuration



APPLICANT PRESENTATION

There was no presentation made by the applicant.

PUBLIC COMMENTS

There were no public comments presented.

Chair Martin Metsker closed the public hearing at 6:27 p.m.

COMMISSIONER CLARK MOVED, COMMISSIONER CONNOR SECONDED to approve Resolution No. 2022-05 – A resolution recommending approval of the Bennett Crossing Filing No. 3 Final Plat, Amendment No. 1 with the following conditions:

1. Provide an easement, acceptable to the Town and the Bennett-Watkins Fire District, for the north service drive to the CORE property (Lot 5, Block 1, Bennett Crossing Filing No 3), which will also serve as secondary or emergency access to lots 3B and 4A and access to adjacent stormwater facilities.
2. Update plat notes related to easements and maintenance in a manner directed by the Town Engineer
3. Make other minor modifications as directed by Town Staff, Town Engineer and Town Attorney.

Voting was as follows:

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

NO: None

Chair Martin Metsker declared the motion passed unanimously.

2. Case No. 22.03 Bennett Crossing Outline Development Plan (ODP), Amendment No. 1

Resolution No. 2022-07 - A Resolution Recommending Approval of the Bennett Crossing Outline Development (ODP), Amendment No. 1

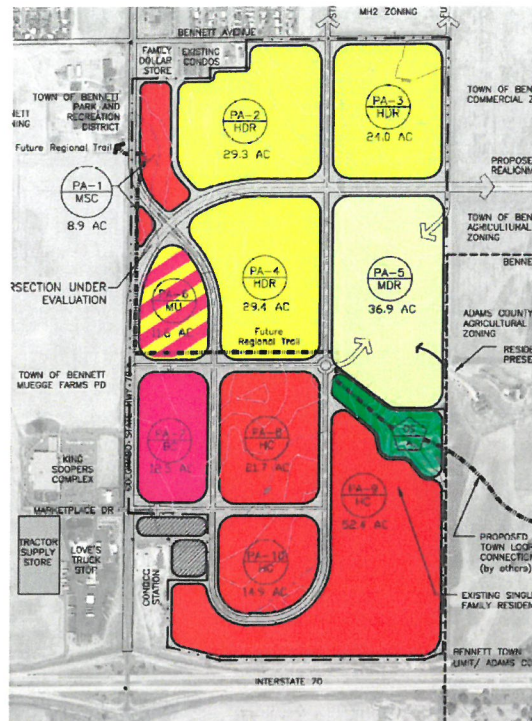
Chair Martin Metsker opened the public hearing on Case No. 22.03 Bennett Crossing Outline Development Plan (ODP), Amendment No. 1 at 6:30 p.m.

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, February 11, 2022. Legal #2590.

Steve Hebert, Planning and Economic Development Manager reported to the Commission The applicant is proposing two changes to the Bennett Crossing Outline Development Plan (ODP) that will do the following:

1. Reflect a boundary change consistent with the exclusion of the QuikTrip property from the Bennett Crossing ODP when the Board approved a new Bennett Crossing Southwest ODP for QuikTrip.
2. Allow a crematorium as a permitted use in the Highway Commercial subarea zone district.

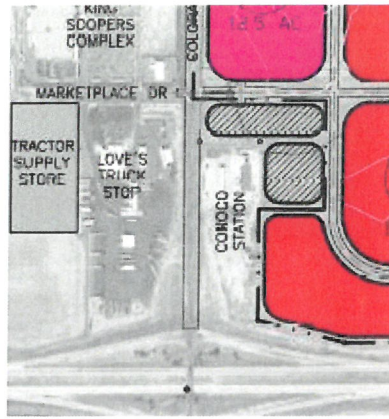
Together, these two changes will be included in a new ODP called Bennett Crossing Outline Development Plan, Amendment No. 1. Below is the land use map for the proposed ODP. It is the same as the originally approved ODP with the exception around the old Conoco/QuikTrip area.



When QuikTrip first approached the Town of Bennett and the developer of Bennett Crossing, Gayeski Capital Equities, they wanted to combine both the old Conoco/FNB Bank property, with Lots 1-4 of Bennett Crossing Filing No. 1. The Conoco/FNB property was zoned C – General Commercial and the Bennett Crossing properties were zoned PD – Planned Development, within the Bennett Crossing ODP. To have consistent zoning, the properties QuikTrip acquired were all zoned PD – and became part of what is now the Bennett Crossing Southwest ODP.

This proposed amendment merely reflects the exclusion of the original Lots 1-4 of the Bennett Crossing ODP. Below is an excerpt from the proposed Bennett Crossing ODP, Amendment No. 1. The cross hatched area at the southeast corner of S. 1st St. and Marketplace Drive will be removed from the ODP.

A funeral home operator has expressed interest in building a new facility in Bennett Crossing and would like to add a crematorium to the facility. A crematorium is a facility that houses a cremator having a cremation chamber or retort. In this chamber, the body of a deceased is incinerated and hence, reduced to skeletal remains and bone fragments. The current Bennett Crossing ODP allows funeral homes and mortuaries as permitted uses in the Highway Commercial (HC) District. However, the definition of a funeral or mortuary in the Bennett Municipal Code specifically excludes a crematory.



Funeral homes, mortuaries and crematoriums tend to have a perceived negative impact in some communities. However, such uses are often found in mixed-use neighborhoods such as Bennett Crossing. Cremation rates have grown in the past 50 years, particularly in Colorado. The Cremation Association of North America (CANA) 2021 Annual Statistical Report is attached.

The Town's development guidelines that address site design and building architecture can assure high quality developments in our town. All funeral homes and crematories must be registered with the Colorado Department of Regulatory Agencies (DORA). Because the operation of a crematory furnace will emit air pollutants (tiny particles of unburned material that mix with the exhaust gases as they leave the cremation chamber and exit through the smoke stack), facilities that utilize them are subject to Colorado air emission reporting and permitting requirements.

APPLICANT PRESENTATION

There was no presentation provided.

PUBLIC COMMENTS

There were no public comments presented.

Chair Martin Metsker closed the public hearing at 6:49 p.m.

COMMISSIONER SMITH MOVED, COMMISSIONER CLARK SECONDED to approve Resolution No. 2022-07 – A resolution recommending approval of the Bennett Crossing Outline Development Plan, Amendment No. 1. Voting was as follows:

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

NO: None

Chair Martin Metsker declared the motion passed unanimously.

3. Case No. 22.02 Bennett North (Mundell Property) Zoning

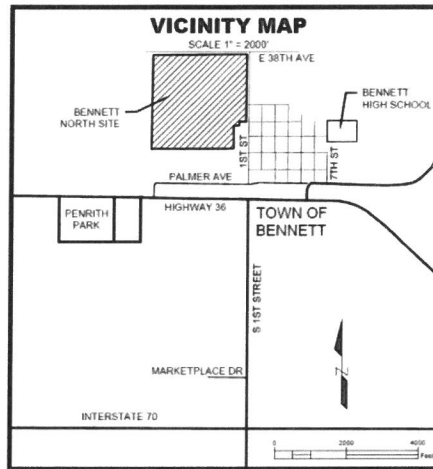
Resolution No. 2022-06 - A Resolution Recommending Approval of Initial Zoning Bennett North, Case No. 22.02

Chair Martin Metsker opened the public hearing on Case No. 22.02 Bennett North (Mundell Property) Zoning at 6:50 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, February 4, February 11, February 18, and February 25, 2022. Legal #2587.

Steve Hebert, Planning and Economic Development Manager reported to the Commission the applicants have petitioned the Town of Bennett to annex 153.62 acres into the Town of Bennett. As part of the annexation process, the property owner can also apply for zoning consistent with the Town's zoning code. In this case, the applicant is applying for R-2 – Mid Density Residential. The annexation petition and zoning application will be considered by the Town Board of Trustees on March 22, 2022.

The property is currently unincorporated and zoned A-3 in Adams County. See the vicinity map below:



In Colorado, annexation into a municipality like the Town of Bennett can take place in three ways: (1) landowner petition; (2) annexation election; or (3) unilateral annexation of an enclave or municipal-owned land. In this case, the landowners have submitted a petition to annex. Once the Town Board of Trustees has concluded that the annexation petition complies with state statute, a public hearing is scheduled for the Board to consider the annexation. If a zoning application is submitted concurrently, as in this case, the Planning and Zoning Commission shall also hold a public hearing to consider the zoning application. The Commission does not take action or make a recommendation on the annexation petition, just the zoning request.

The applicant proposes zoning the 153.62 acres to R-2 – Mid Density Residential. See the map below. The zoning will only go into effect if the Town Board approves the annexation and the zoning. The R-2 – Mid Density Residential zone district is intended to provide for the development of areas containing moderate density single-family and two-family residential dwellings. The minimum lot size is 3,500 square feet. All of the R-2 zone district standards, including minimum lot size and width, building setbacks and maximum building height are attached.

Most future uses will require a subdivision plat, which must be reviewed by the Planning and Zoning Commission and approved by the Town Board of Trustees. A Site Plan will also have to be approved by the Zoning Administrator prior to development. More detailed plans for access, street design, water, sewer, stormwater, other utilities, landscaping, etc. will be required and reviewed at these subsequent stages.

APPLICANT PRESENTATION

There was no presentation provided by the applicant.

PUBLIC COMMENTS

There were no public comments presented.

Chair Martin Metsker closed the public hearing at 7:20 p.m.

COMMISSIONER SMITH MOVED, COMMISSIONER CLARK SECONDED to approve Resolution No. 2022-06 – A resolution recommending approval OF INITIAL ZONING FOR Bennett North, Case No. 22.02. Voting was as follows:

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

NO: None

Chair Martin Metsker declared the motion passed unanimously.

6. STAFF REPORTS

Secretary

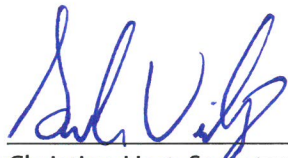
- Christina Hart, reported the Planning & Zoning Commission now acts as the Board of Adjustment. The Board of Adjustment has a public hearing scheduled for March 21, 2022 at 6:00 p.m.
- The Planning & Zoning Commission has a public hearing scheduled on March 21, 2022 immediately following the Board of Adjustment public hearing.

7. COMMISSIONER COMMENTS/REPORTS

There were no reports provided.

8. ADJOURNMENT

COMMISSIONER CLARK MOVED, COMMISSIONER SMITH SECONDED to adjourn the meeting. The Chair declared the motion carried by unanimous vote. The meeting was adjourned at 7:17 p.m.



~~Christina Hart, Secretary~~

Savannah Vickery, Secretary



Chair, Martin Metsker

