



Board of Adjustment

Monday, August 21, 2023 at 6:00 pm

**PLEASE SILENCE ALL CELL PHONE AND ELECTRONIC DEVICES.
THANK YOU.**

1. Meeting Information

207 Muegge Way, Bennett, CO 80102

For a live stream of the meeting use the information below:

<https://us02web.zoom.us/j/87500034234?pwd=dDQrQ2pURHAWsJg3T3NtT2ljamU1dz09>

Meeting ID: 875 0003 4234

Passcode: 392252

2. Call to Order

a. Roll Call

3. Approval of Agenda

a. February 21, 2023 - Board of Adjustment Minutes

Attachments:

- **February 21, 2023 - Board of Adjustment Minutes** (board-of-adjustment_minutes_2023-02-27_163454.pdf)

Public Comments on Items Not Scheduled for Public Hearing

The Board of Adjustment welcomes you. Thank you for joining us for our Town of Bennett Board of Adjustment Meeting. If you are not speaking, we ask that you please mute your microphone. For public comment please sign up on the provided sheet or in the chat box. If you are on the phone, once we get through the sign-up sheet and chat box we will call for any other comments for items not on the agenda.

Your comments will be limited to three (3) minutes. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town staff for follow-up. Thank you.

4. Public Hearing

a. Case No. PZ2023-0015 - 49825 Antelope Dr E Variance

Attachments:

- **Public Hearing Script** (Public_Hearing_Script.pdf)
- **Staff Report - Case No. PZ2023-0015 - Perko Variance** (0._49825_Antelope_Drive_Variance_Staff_Report.pdf)
- **Staff PowerPoint Presentation** (1._49825_Antelope_Drive_E_Variance_PP.pdf)
- **Letter of Intent** (2._Homeowner_letter_of_Intent.pdf)
- **Site Plan** (3._49825_Antelope_Drive_E_Variance_Site_Plan.pdf)
- **Building Design Plans** (4._Garage_Building_Design_Plans.pdf)
- **Antelope Hills FDP** (5._Antelope_Hills_Final_Development_Plan.pdf)
- **Antelope Hills Home Owners Association Approval Email** (6._Antelope_Hills_HOA_approval.pdf)
- **Draft Resolution No. BOA2023-002** (7._Resolution_No._BOA_2023-002_-_49825_Antelope_Dr_E.pdf)
- **Suggested Motion** (Suggested_Motion.pdf)

5. Board Member Comments

6. Adjournment

Contact: Savannah Vickery (svickery@bennett.co.us 303-644-3249 x1012) | Agenda published on 08/17/2023 at 3:20 PM



DRAFT

Board of Adjustment

Minutes

Monday, February 27, 2023 at 6:00 pm

**PLEASE SILENCE ALL CELL PHONE AND ELECTRONIC DEVICES.
THANK YOU.**

1. Meeting Information

207 Muegge Way, Bennett, CO 80102

2. Call to Order

a. Roll Call

Minutes:

Present:

Martin Metsker

Gino Childs

Wayne Clark - Arrived at 6:14 PM

Grider Lee

Scott Smith - Unexcused

Rachel Connor

James Delaney - Excused

Staff Present:

Chad Bunger, Community and Economic Development Director

Steve Hebert, Planning Manager

Dan Giroux, Town Engineer

Savannah Vickery, Secretary

Public Present:

Carolyn Benoit

Howard Weatherhead

3. Approval of Agenda

Minutes:

COMMISSIONER LEE MOVED, COMMISSIONER CHILDS SECONDED to approve the agenda.

The voting was as follows:

Ayes: Metsker, Lee, Childs, Connor

Nays: None

Absent: Smith, Delaney, Clark

DRAFT

Martin Metsker, Chairman, declared the motion carried by unanimous vote.

4. Approval of Consent Agenda

a. October 17, 2022 - Board of Adjustment Minutes

Minutes:

COMMISSIONER LEE MOVED, COMMISSIONER CHILDS SECONDED to approve the consent agenda. The voting was as follows:

Ayes: Metsker, Lee, Childs, Connor

Nays: None

Absent: Smith, Delaney, Clark

Martin Metsker, Chairman, declared the motion carried by unanimous vote. **A. Action:**

Approval of October 17, 2022, Board of Adjustment Minutes

Public Comments on Items Not Scheduled for Public Hearing

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Your comments will be limited to three (3) minutes. The Board may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town staff for follow-up. Thank you.

5. Public Hearing

a. Case No. PZ2023-0001 - 477 Valley Way Variance

Minutes:

Martin Metsker, Chairman, called the matter of Case PZ2023-0001 - 477 Valley Way Variance to order.

The public hearing was opened at 6:05 p.m.

Savannah Vickery, Secretary, stated in accordance with the Colorado state statute, it was duly posted and published in the Eastern Colorado News on February 10, 2023. Legal #2784.

Chad Bunger, Community and Economic Development Director, presented 477 Valley Way Variance to the Commission. The variance requested an exception to the 14 foot maximum height for accessory structures in the Antelope Hills Subdivision in order to build an observatory to 15 feet in height.

The public hearing was closed at 6:15 p.m.

COMMISSIONER CHILDS MOTIONED, COMMISSIONER LEE SECONDED to recommend approval of Resolution No. BOA 2023-01 - A resolution approving a variance for the property located at 477 Valley Way, Bennett, Colorado. The voting was as follows:
Ayes: Lee, Metsker, Clark, Childs, Connor
Nays: None
Absent: Delaney, Smith
Martin Metsker, Chairman, declared the motion passed unanimously.

6. Board Member Comments

7. Adjournment

Minutes:

COMMISSIONER CLARK MOTIONED, COMMISSIONER CHILDS SECONDED to adjourn the meeting. The meeting was adjourned at 6:15 p.m. Voting was as follows:

Ayes: Metsker, Clark, Childs, Connor, Lee

Nays: None

Absent: Delaney, Smith

Martin Metsker, Chairman, declared the motion carried by unanimous vote.

Minutes Approved:

Martin Metsker, Chair

Savannah Vickery, Secretary

Contact: Savannah Vickery (svickery@bennett.co.us 303-644-3249 x1041)

**QUASI-JUDICIAL PUBLIC HEARING SCRIPT
BOARD OF ADJUSTMENT**

CHAIR: I will now open the public hearing on the following application: This is a public hearing on an application for Case No. PZ2023-0015 – 49825 Antelope Dr E Variance.

The purpose of the hearing is to provide a public forum for all interested parties who wish to comment on an application before the Board of Adjustment. If you wish to speak please write your name and address on the sign-up sheet or in the chat box and you will be called on.

The Procedure for the public hearing will be as follows:

FIRST, there will be a presentation by Town staff.

NEXT, we will have a presentation by the applicant.

After these two presentations we will allow people who signed up for up to 3 minutes each. Please **DO NOT REPEAT** points made by others. It is fine to say, "I agree with the previous speaker's comments". Please direct your comments to the Board of Adjustment, not the applicant or Town staff.

After receiving public comments, we will allow the applicant an opportunity to respond.

NEXT, Board of Adjustment members may ask questions of anyone who testified.

I will then close the public hearing and no further testimony or other evidence will be received. The Board of Adjustment will discuss the matter and may take some kind of action.

Public hearings are recorded for the public record. All testimony must be presented, after you give your full name and address.

CHAIR: Do we have proper notification?

[Secretary to confirm on record notice has been provided]

Do any Board members have any disclosures?

[Board members to disclose conflicts of interests, ex parte contacts, etc.]

Please introduce the applicant and provide your staff report.

[Staff presentation]

Will the applicant or the applicant's representative present the Application?

[Applicant presentation]

Do any of the Board members have questions of the applicant or Town staff?

[Question and Answer]

CHAIR: I will now open the public comment portion of public hearing. For those wishing to speak, Please clearly state your name and address for the record.

Has anyone signed up to speak at this public hearing?

Is there any interested party in the audience that has not signed up but who wishes to speak regarding the application?

[Additional public comment]

If there is no more public comment, I will now close the public comment portion of the public Hearing.

CHAIR: Does the applicant wish to respond to any of the comments?

[Opportunity for applicant to provide any rebuttal evidence]

CHAIR: Before we turn to Board member questions and deliberation, I want to state that the documents included within the record for this public hearing include all application materials submitted by the applicant; all materials included in the Board of Adjustment packets; any PowerPoint or other presentations given tonight; all written referral and public comments received regarding the application; the public comment sign-up sheet; the public posting log and photographs of the notice, and the Town's subdivision and zoning ordinances and other applicable regulations. Does anyone have any objection to the inclusion of these items in the record?

CHAIR: I will now close the public hearing and the Board of Adjustment members will deliberate on the evidence presented. During deliberations, Board members may ask questions of Town staff, but no further public comment or other testimony or evidence will be received.

Who would like to begin?

Who is next?

Any other questions or comments?

[If anyone believes the applicable criteria have not been met, then please explain why so we have those reasons for the record.]

CHAIR: We have a draft Resolution in front of us and I would entertain a motion.

May we have a Roll-Call vote?

Motion carries/fails.

STAFF REPORT



TO: Board of Adjustment
FROM: Steven Hoese, AICP, Planning Manager
DATE: August 21, 2023
SUBJECT: Case No. PZ2023-0015 Perko Variance

Background

The purpose of this hearing is to consider a variance from the maximum accessory structure height requirement for a proposed detached garage. The subject site is a 1.41-acre lot located at 49825 Antelope Drive East within the Antelope Hills subdivision. The legal description is Lot 123, Antelope Hills 1st Filing.

On the property is an existing single-story, single-family home that gains access from Antelope Drive E via a concrete driveway leading to an attached 3-car garage. The property is located in a RE – Residential Estate District and is surrounded by single-family homes to the north, west, and east, which are located in the same zoning district.

Section 16-2-420 (Table 2.3) of the Bennett Municipal Code generally regulates this zoning district. However, the Antelope Hills Final Development Plan allows for slight changes to the minimum development requirements for new residential and accessory structures. In these instances, the Town applies the Final Development Plan standards. Per Sect. V.1.c.7, the Maximum Building Height for an Accessory Structure requirement is 14 feet.

Case Number PZ2023-0015 proposes a variance to allow the accessory structure to have a height of 17' 5" feet, rather than the required 14 feet. According to the application materials, the additional garage is to make sure that all of the applicant's vehicles are in an enclosed structure away from weather and access to theft. The proposed building, measured at the foundation, is approximately 28 feet by 35 feet (total of 980 square feet) and will be located roughly 75 feet from the rear property line to the north, 85 feet to the eastern side property line and 36 feet from the home west. Other than the height requirement, the proposed building complies with all other regulations (e.g., front and side yard setbacks) and are in conformance.

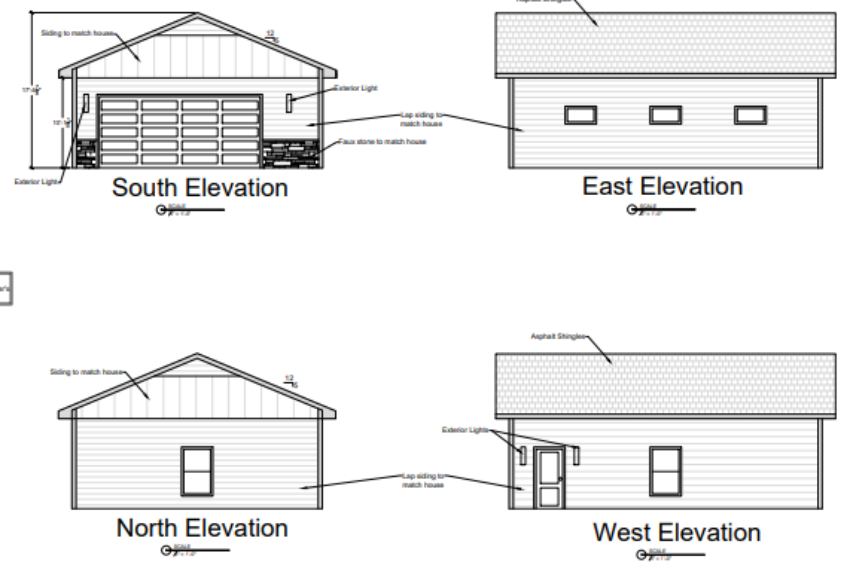
The Antelope Hills Home Owner's Association Architecture Committee has reviewed and approved the proposed building (see attached email).



Leonard Perko
49825 Antelope Dr.
Bennett, CO 80102

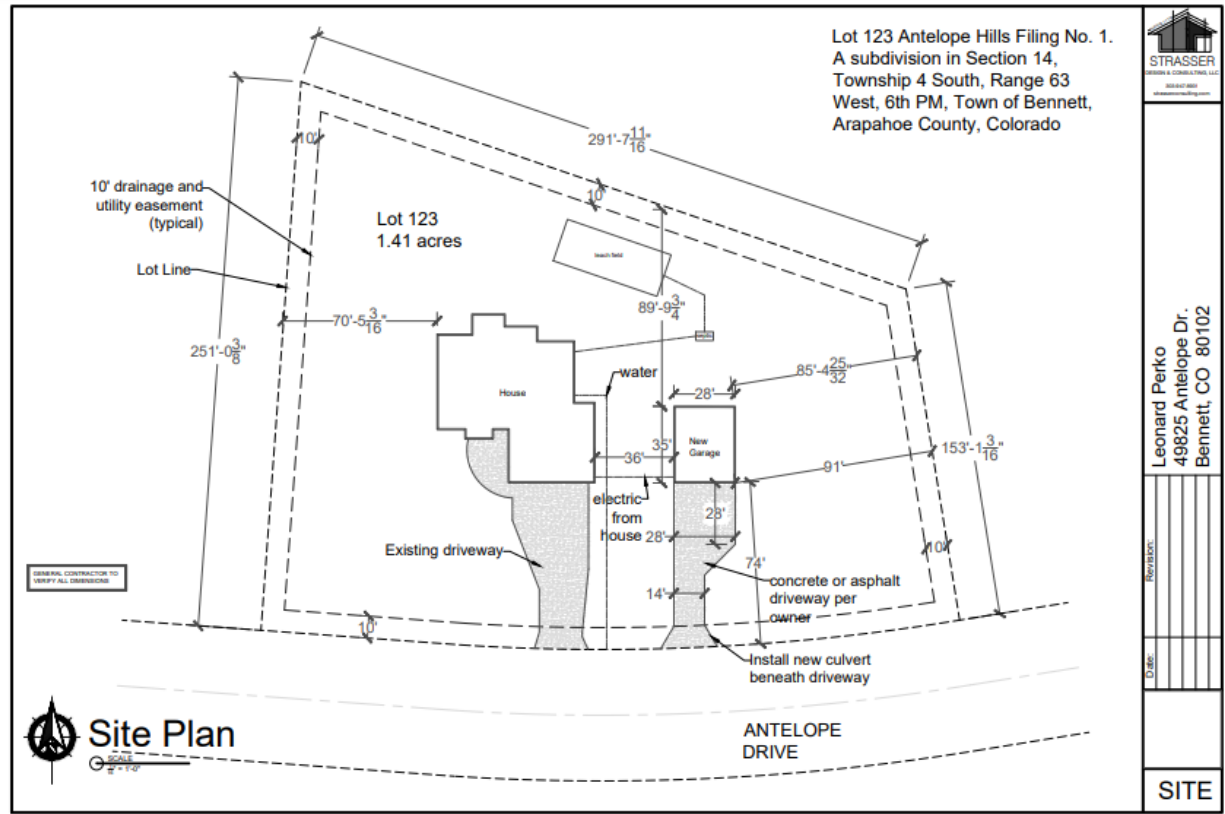


Leonard Perko
49825 Antelope Dr.
Bennett, CO 80102



Install all roof and siding materials per manufacturer's instructions.

GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS



Site Plan

SITE

Variance Criteria

In accordance with Section 16-2-370 of the Municipal Code, the Board of Adjustment may authorize variances from the terms of Chapter 16 where the strict enforcement of the Chapter would create unreasonable restrictions to the use of the property.

The Bennett Municipal Code sets forth specific criteria that the Board of Adjustment must consider and that must be met when authorizing a variance request. The criteria are as follows:

1. The existence of extraordinary conditions or circumstances, such as size, shape, location, topography or surroundings of the land, structure or building involved, which deprive the applicant of privileges enjoyed by other properties in the same zone district and in the vicinity.

The site is a large estate lot, typical of the Antelope Hills neighborhood. There are no unique characteristics of the lot that generally do not occur at other properties in the immediate area, the Antelope Hills subdivisions or other properties zoned RE District. Staff finds that the proposed garage does not have any exceptional practical difficulties and therefore would not be unreasonable hardship if the provisions of this chapter are enforced.

2. The extraordinary conditions or circumstances did not result from the present or prior actions or inactions of the applicant.

The property owner's desire to protect their vehicles from damaging weather and theft has created the need for a garage. The variance comes about due to Section 16-2-465 (d), which states that accessory structures shall be limited as follows: (7) Accessory structures shall resemble the principal structure on the lot. Without limiting the generality of the foregoing, such resemblance shall be with respect to roof pitch, roof material, building material siding, and color.

The design uses a 12/5 roof pitch to match the façade of the existing home's roof over the attached garage. The mathematical combination of the 28' building width with a standard garage door height of 8', stone and siding to match the home and the roof slope to match the home as required in the zoning code dictates the overall height of 17' 4 7/8".

Staff finds that the conditions or circumstances that lead to the variance request are due to the conflicting height requirement and the architectural requirement to resemble the principal structure roof pitch and not the actions of the applicant.

3. Granting of the variance will be in harmony with the general purpose, intent and character of the zone district, will not substantially or permanently injure the appropriate use of adjacent property, and is not otherwise detrimental to the public health, safety and welfare.

Staff finds that the proposed accessory building associated with a single-family home is generally consistent with the underlying zoning for the Antelope Hills neighborhood. Accessory structures can be found throughout the neighborhood. An accessory garage and its function should not impact the character of the zoning district or injure the use of adjacent properties.

4. The variance requested is the minimum action needed that will permit the reasonable use of the land, building, or structure with the least modification possible to the requirements of this Chapter.

The variance is to allow a 3' 4 7/8" increase above the maximum height allowed for an accessory structure in the Antelope Hills Final Development Plan. This is a minimal difference, especially when considering that the proposed building is designed to match the design of the home. Staff finds that this is the minimum action needed to meet both criteria.

5. The variance will not permit a use that is prohibited in the zone district.

An accessory building of this type is generally permitted in the underlying zoning district.

6. No other relief is available through the application of alternative development standards or an alternative development configuration that is allowed by this Chapter.

The building height of 17' 4 7/8" is the minimum height needed to meet the lot and building requirements there is no alternative available, other than to seek the variance.

Staff Findings

Based upon the criteria in Section 16-2-370 of the Bennett Municipal Code and the requirements in 16-2-465, Staff finds that the circumstances related to the proposed accessory building, to be used as a garage, and the surrounding built environment could justify approving the variance from a maximum building height of 14 feet to 17' 4 7/8". The location of the structure will have adequate separation from the adjacent properties, should not impact the surrounding properties or the neighborhood and is in line with the area's zoning district.

Attachments

1. Staff Presentation
2. Letter of Intent
3. Site Plan
4. Building Design Plans
5. Antelope Hills FDP
6. Antelope Hills Home Owners Association Approval Email
7. Draft Resolution No. BOA 2023-002

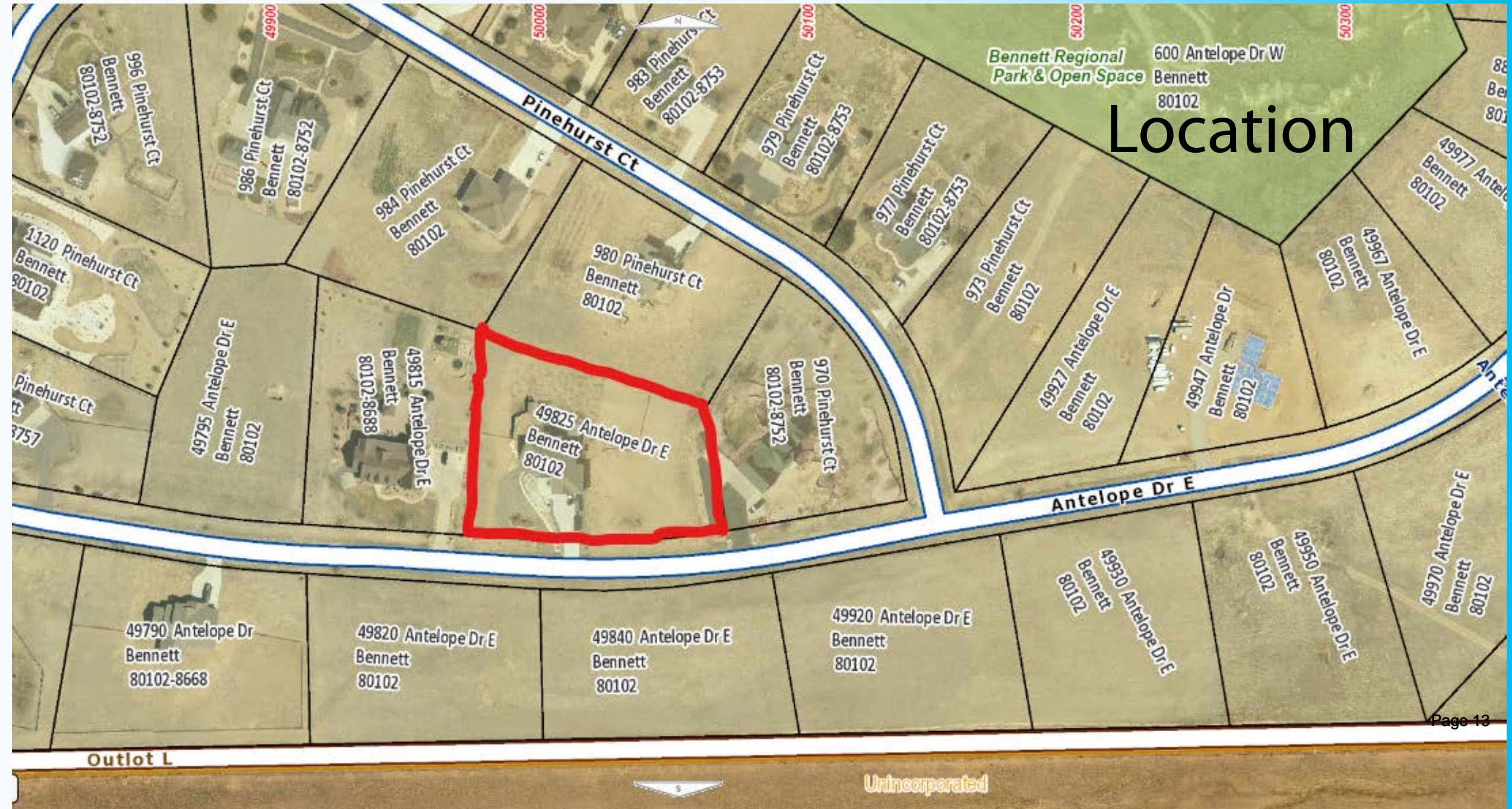
A dark blue silhouette of a water tower with a hexagonal top and three legs, standing on a green hill. The background features stylized blue and white waves at the top and a landscape of green and yellow hills at the bottom.

Case No. PZ2023-0015
49825 Antelope Drive East

Town of Bennett Board of Adjustment

August 21, 2023
Steven Hoese, AICP, Planning Manager

Location



ZONING

-  High-Density Residential
-  Industrial
-  Low-Density Residential
-  Mid-Density Residential
-  Mobile Home
-  Planned Development
-  Public
-  Residential Estate

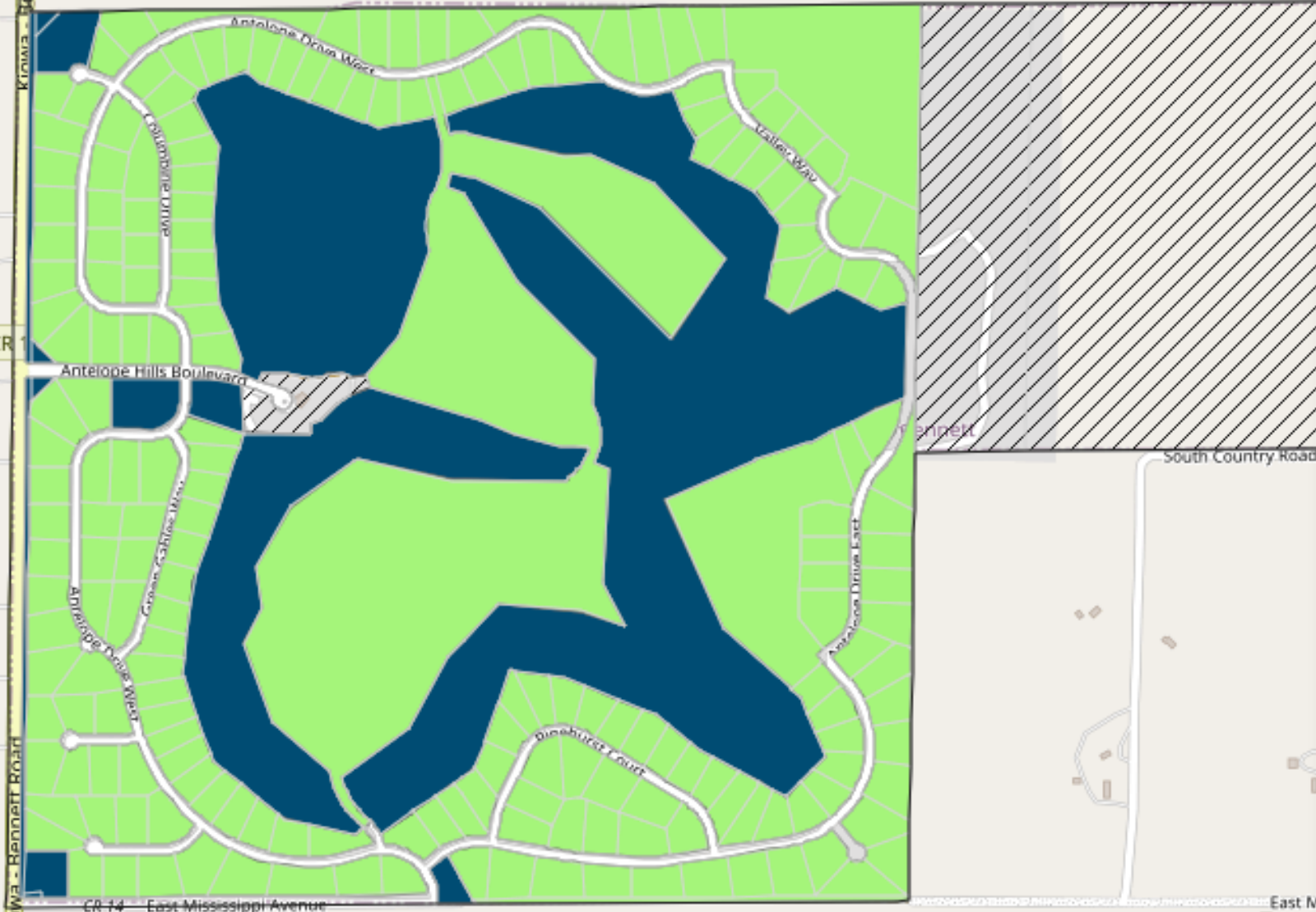
Commercial Mixed Use Overlay District



Main Street-Downtown Overlay District



Residential Mixed Use Overlay District

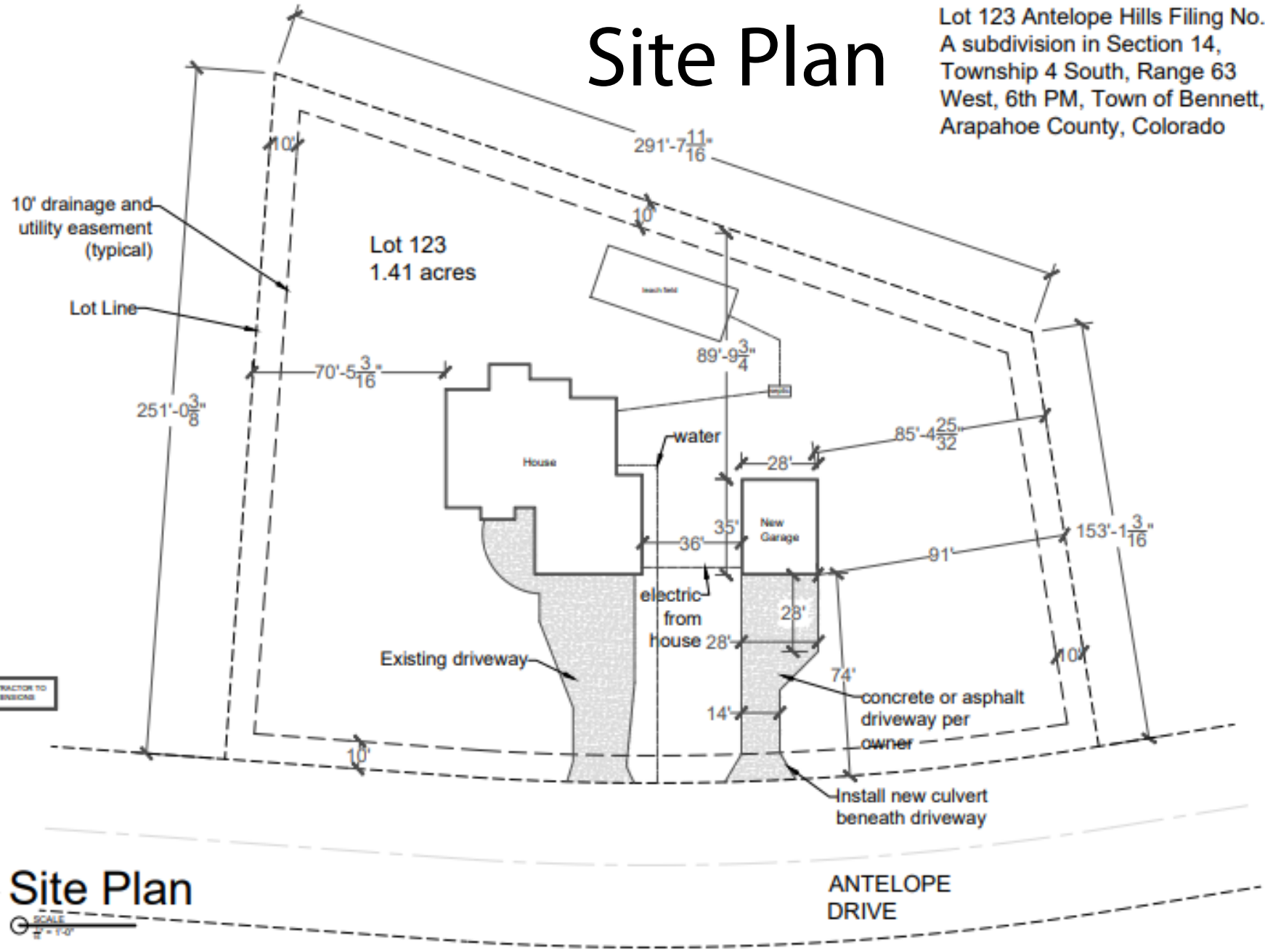


Street View



Site Plan

Lot 123 Antelope Hills Filing No. 1.
 A subdivision in Section 14,
 Township 4 South, Range 63
 West, 6th PM, Town of Bennett,
 Arapahoe County, Colorado



GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS

Site Plan
 SCALE
 $\frac{1}{4}'' = 1'-0''$

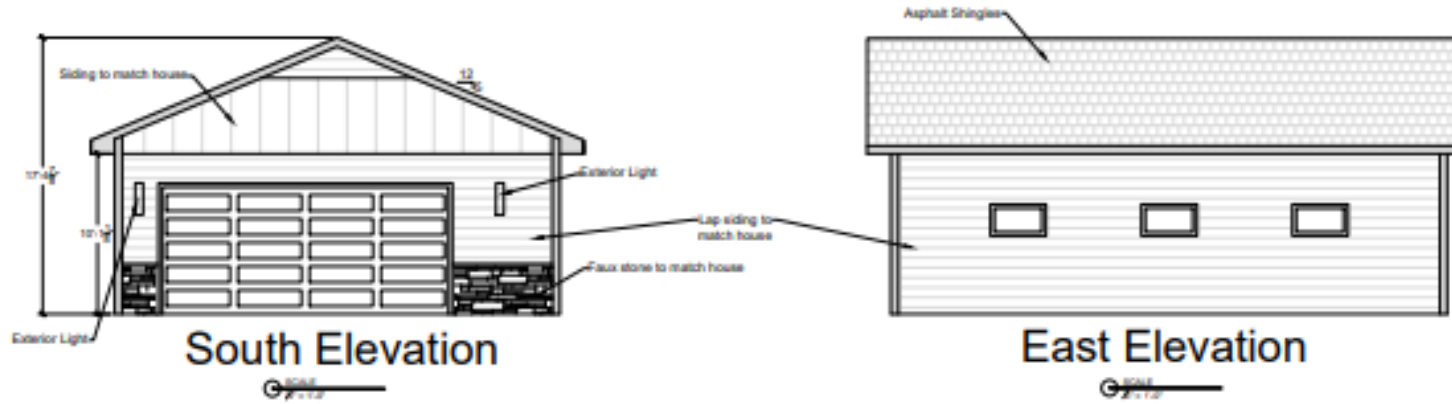
Leonard Perko
 49825 Antelope Dr.
 Bennett, CO 80102

Revision:	
Date:	

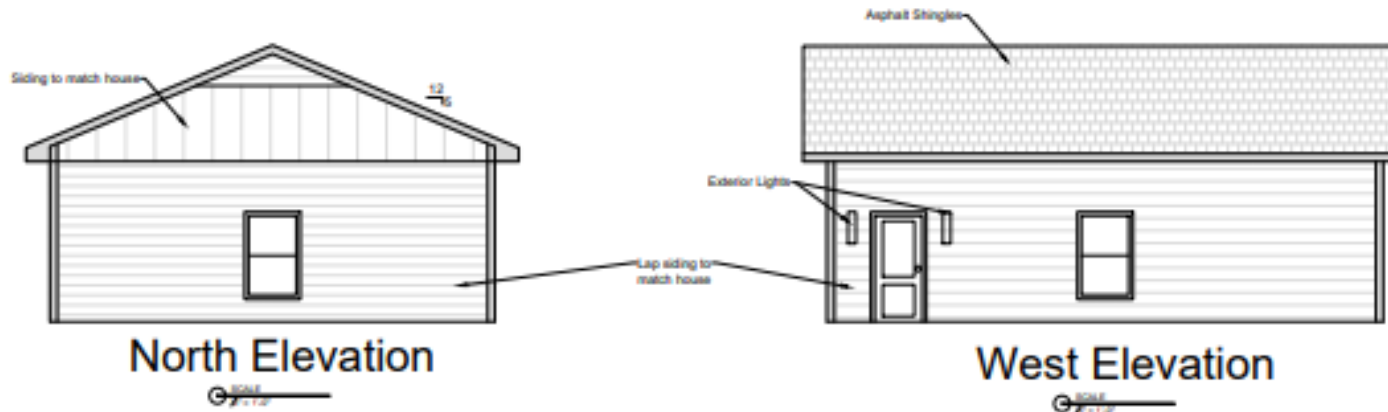
SITE

Building Design Plans

17' 4 7/8"



Install all roof and siding materials per manufacturer's instructions.



Leonard Perko
49825 Antelope Dr.
Bennett, CO 80102

Revision:	Date:

Variance Criteria and Staff Findings

Section 16-2-370. Variance Criteria

1. The existence of extraordinary conditions or circumstances, such as size, shape, location, topography or surroundings of the land, structure or building involved, which deprive the applicant of privileges enjoyed by other properties in the same zone district and in the vicinity.

Staff summary: There are no particular difficulties related to the building and the surrounding area.

2. The extraordinary conditions or circumstances did not result from the present or prior actions or inactions of the applicant.

Staff summary: The conflicting height requirement and the architectural requirement to resemble the principal structure roof pitch are not the fault of the applicant.

Section 16-2-370. Variance Criteria (cont.)

3. Granting of the variance will be in harmony with the general purpose, intent and character of the zone district, will not substantially or permanently injure the appropriate use of adjacent property, and is not otherwise detrimental to the public health, safety and welfare.

Staff summary: An accessory garage and its function should not impact the character of the zoning district or injure the use of adjacent properties.

4. The variance requested is the minimum action needed that will permit the reasonable use of the land, building, or structure with the least modification possible to the requirements of this Chapter.

Staff summary this is the minimum action needed to meet both criteria.

Section 16-2-370. Variance Criteria (cont.)

5. The variance will not permit a use that is prohibited in the zone district.

Staff summary: An accessory building of this type is generally permitted in the underlying zoning district.

6. No other relief is available through the application of alternative development standards or an alternative development configuration that is allowed by this Chapter.

Staff summary: The building height of 17' 4 7/8" is the minimum height needed to meet the lot and building requirements there is no alternative available, other than to seek the variance.

Staff Recommendation

Staff recommends that the Board of Adjustment adopt Resolution No. BOA-2023-002, approving the variance request based on the findings in the staff report, with no conditions of approval recommended.

July 16, 2023

Town of Bennett

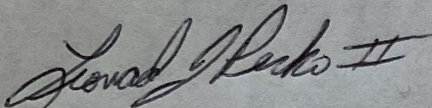
To Whom It May Concern:

We are applying for a height variance for the addition of an additional detached garage. Per the city's requirements the height exceeds that of the town's allotment. We would want to add this garage for additional storage and to make sure that all our vehicles are in enclosed structures away from the weather and recently away from easy access for theft in our vehicles.

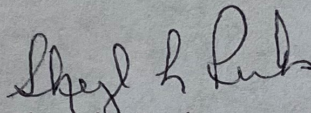
Please let us know of any questions or concerns regarding the height variance request.

Thank you for your consideration.

Sincerely,

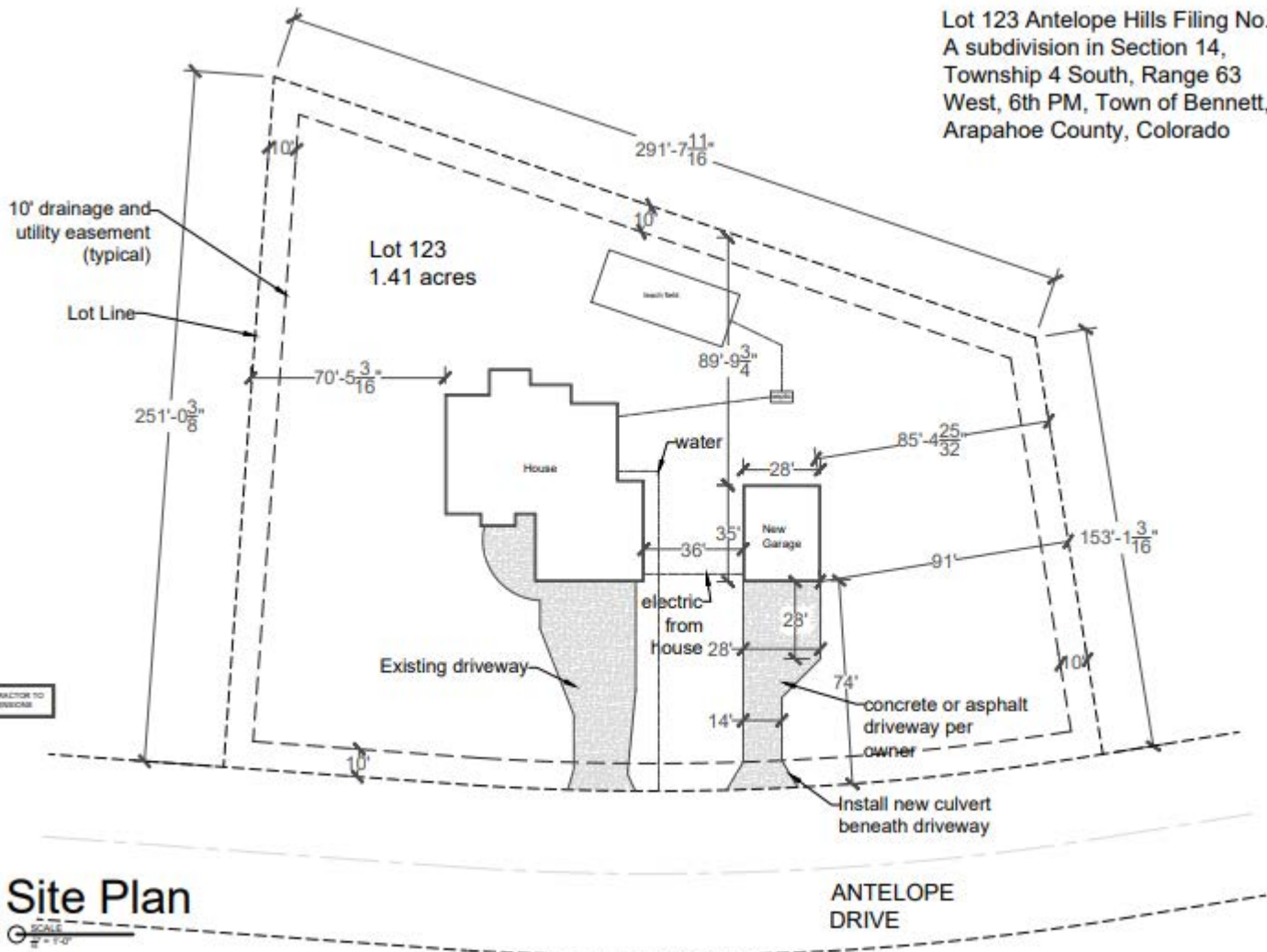


Leonard J Perko II



Sheryl L Perko

Lot 123 Antelope Hills Filing No. 1.
 A subdivision in Section 14,
 Township 4 South, Range 63
 West, 6th PM, Town of Bennett,
 Arapahoe County, Colorado



GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS



Site Plan

SCALE
 1" = 10'

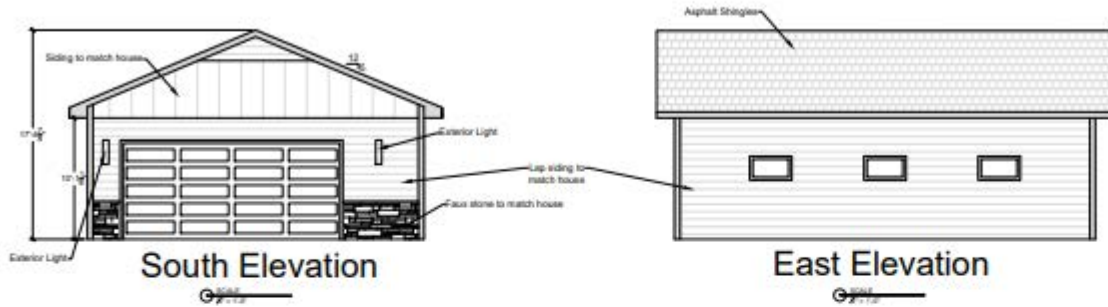
Leonard Perko
 49825 Antelope Dr.
 Bennett, CO 80102

Revision:

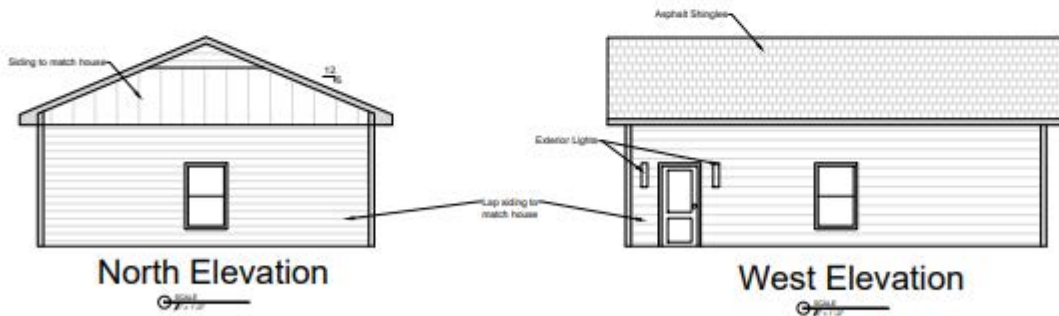
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Page 24

SITE



Install all roof and siding materials per manufacturer's instructions.



Leonard Perko
49825 Antelope Dr.
Bennett, CO 80102

Revision:

ANTELOPE HILLS

I. FINAL PLANNED UNIT DEVELOPMENT NARRATIVE

A. Project Location and Context

Antelope Hills consists of 638 acres of rolling terrain in a residential and agricultural area of Arapahoe County approximately three miles southeast of the central business district of the Town of Bennett along Highway 137 (Kiowa/Bennett Highway). Hwy. 137 intersections with Interstate-70 approximately two miles north of this site providing easy access. The land surrounding the parcel is a mixture of large lot residential and large agricultural parcels. See attached Vicinity Map.

The parcel is currently zoned R-E in the Town of Bennett. In compliance with the R-E Zoning with a PUD overlay the applicant is requesting approval of the Final Planned Unit Development (PUD).

B. Introduction

Antelope Development LLC, the applicant, is submitting this Narrative and Final PUD Plan in support of their proposal for development of Antelope Hills. This document has been prepared in accordance with the requirements and guidelines set forth in the Town of Bennett Development Guidelines. The intent of this application is to obtain approval of the Final PUD.

C. Development Program

1. Benefit of a Planned Unit Development

Several benefits are available for the Antelope Hills development by establishing a Planned Unit Development. The PUD is an overlay to the Residential Estate (RE) Zoning for this parcel. The PUD allows for open space, the Neighborhood Park site, the eighteen hole golf course and practice range and the golf club house and commercial uses associated with the golf club facility. The PUD establishes standards above the minimum requirements of the RE Zone District such as building setbacks, minimum lot size of one acre, additional open space, restrictions on irrigated landscaping, on-street trails, minimum landscaping etc.

Overall, the PUD will allow for a better and unique development associated with a golf course which is not available in this general area.

2. Single Family Detached Residential

Antelope Hills is planned as an upscale neighborhood surrounding a public golf course. The majority of the site, 433 acres is planned for 300 single family home sites averaging 1.3 acres in size. Many of the lots border on the 18 hole regulation golf course. The lots are served by a local loop street and a series of cul-de-sacs. Several opportunities are provided along the streets for views into the golf course.

Building coverage on the lots is limited to 20%. This will create an open and rural feel to the neighborhood. The proposed setbacks exceed the minimums for the R-E zone district to ensure adequate separations between homes and to create variations to the streetscape. The intent is to provide a variety of home styles with a variety of garage entries. Side load garages on corner lots will enhance the aesthetics of the neighborhood as viewed from the public streets. A minimum setback of 60 feet is proposed for the building setbacks along the golf course.

A comprehensive set of Covenants, Conditions and Restrictions (CC&R's) including Design Guidelines will be created for the development and recorded with the County concurrently with the first Final Plat. A homeowner's association will be created to enforce the CC&R's. In addition, the homeowner's association will create an Architectural Review Committee to ensure compliance with the Design Guidelines. A Draft copy of the Design Guidelines are attached in Section 6.

3. Open Space/Outdoor Recreation

The golf course incorporates approximately 197 acres of land. The design of the course incorporates the natural land forms. The greens, tees and fairways will be irrigated and the rough will be maintained as native grasses. The golf course creates a large loop around the site providing frontage for approximately half of the home sites. View corridors of the course are available where the public streets cross the course and in between the homes.

The golf course is an integral part of the development plan. The golf use provides an outdoor recreational opportunity not currently available in the Town of Bennett. Uses associated with the golf course include a practice range and golf club house/pro-shop. In the unlikely event that the golf course becomes not viable, the golf course land area will be maintained as open space.

Other recreational opportunities on the site include an on-street multi-use trail, eight feet in width along the main loop road. This provides a complete loop for the cyclist and pedestrian. The path will be separated from the vehicular travel lanes by a 10.5 foot wide drainage swale. An easement will be created with the platting of the parcel for an equestrian trail along the perimeter of the property. It is intended that the equestrian trail be earthen. The trails have been designed to limit the interaction between equestrians,

pedestrians and cyclists with golfers to limit potential hazards. Signage notifying motorists of pedestrian or equestrian traffic will be provided in areas of potential conflict. The opportunity exists to connect these trails to a potential regional trail system along the major drainage corridor, Wolf Creek, approximately two miles east of the site or along Kiowa Creek to the west of the site.

A 2.67 acre neighborhood park is planned in the western portion of the property close to the club house. The park will provide either walk-in or drive-in active recreational opportunities for the residents. Development and design of the park will be a coordinated effort between the developer and the Town at the time the park is needed to serve the residents of Antelope Hills.

4. Commercial

A three acre commercial site is planned as part of the development. The commercial site is planned to provide the required commercial operations associated with the golf course. This may include but is not limited to a pro shop with retail sales, snack bar/restaurant, teaching facility, etc. The three acre site is in compliance with the PUD regulations which allow up to 5% of the site area to be commercial land uses.

5. Golf Course

An 18 hole regulation golf course is planned on 197 acres. The course will be open to public use, however, the course will be privately owned and maintained. Special programs and fees are being investigated to better integrate the course into the existing Bennett community. Potential incentives for play include reduced greens fees for Antelope Hills and Town of Bennett Residents, joint use with school programs, junior leagues, tournaments, etc. The anticipated play is for approximately 25,000 rounds per year. Benefits to the Town of Bennett from the golf course not only include provisions for an additional recreational amenity but for additional revenues from a green fees tax of \$1.00 per round and tax on retail sales and food and beverage sales.

The golf course is designed to have 90 acres of irrigated turf and the balance in native grasses. Reuse water will be utilized when the Town is able to provide reuse water.

6. Quasi-Public

Two Quasi-Public sites totaling 2.6 acres are planned for use by the Town of Bennett for well sites, water tanks and equipment storage. The sites are located in areas of easy access for maintenance. The public sites are not included within this PUD.

D. Access/Street Design and Standards

Primary access to the site is provided from Kiowa/Bennett Road (Hwy 137) which is a paved road. An additional 30 feet of right-of-way will be dedicated to the Town for Hwy. 137 to allow for future road improvements. Per the Traffic Study recommendations, accel/decel lanes will be provided at the main entrance at the time traffic demand warrants the lanes. It is the intent to maintain Hwy. 137 as a rural highway servicing the surrounding farming communities without impeding the flow of traffic from turning movements to and from Antelope Hills. Given that the development will be phased, it is anticipated that the auxiliary lanes may be necessary in the later phases of development.

A parkway with a median provides the primary access with a focal point at the terminus of the road at the golf club. The design of the street system allows for future access at the eastern edge of the property. Easements are established through Outlots C and D for potential future access connections to the property to the north. An additional 30 feet of right-of-way is dedicated to the Town along the southern property line for future improvements of County Road 14 if needed. The proposed internal roads are planned to be paved with a gravel shoulder and roadside swale for the conveyance of drainage. No building of the roads shall occur until the Subdivision Improvements Agreement and corresponding agreements have been approved.

E. Public Use Dedication

Land shall be dedicated for public use throughout Antelope Hills including the golf course and golf club, neighborhood park, trail system and quasi-public sites associated with the water storage and well site. A homeowner's association will be established to maintain the lands dedicated for public use such as the park, trails, and common area landscaping as well as the all areas within the street rights-of-way with the exception of the pavement and gravel shoulders which will be maintained by the Town. The Town of Bennett will own and maintain the Quasi-Public sites and the golf operator will own and maintain the golf facility.

F. Agricultural Uses

Agricultural activities and all necessary structures and uses, shall be permitted with Antelope Hills during the phased development of the total project. Such uses within any portion of the property may continue until final subdivision plat approval for such portion has been granted.

G. Borrow Sites

Any area within Antelope Hills may be used as a borrow site for construction materials. Once a borrow site becomes permanently inactive, it shall be returned as much as possible to its original condition in regard to both land form and vegetative cover.

H. Development Phasing/Schedule

The initial phases of golf course grading and shaping is currently underway. It is anticipated that the golf course will be seeded in May and June of the year 2000 and ready for play in the summer of 2001.

Home development is anticipated in four phases with total build-out in six to eight years depending on market conditions. Development will begin at the main entry from Hwy. 137 and proceed east and northward. Public facilities/services, infrastructure, and utilities will be constructed to serve the residential neighborhood in a reasonable and efficient manner as they are developed.

Landscape improvements in the right-of-way of Kiowa-Bennett Highway, and the accel and left turn lane at Antelope Hills Boulevard will be constructed with the first phase of development. The accel lane and left turn lane at County Road 14 will be constructed with the second phase of development.

II. PUBLIC SERVICES

A. Water

The subdivision will be served by the expansion of the Town's water system. Two well sites have been identified that will be deeded to the Town for wells, water treatment and storage. Once the water system is complete it will become the property of the Town. Eventually the water system for this development will connect to the Town's system. Benefits to the Town associated with a central water system include better fire protection, an agreement to incorporate reuse water lines when the system is available and the dedication of water rights which are in excess of the water needed to serve the irrigation and domestic water demands of the subdivision and the irrigation needs of the golf course. In addition, when hooked to the Town's system, the water pressure will be increased. Irrigation of lawn areas will be limited to a maximum of 3,500 square feet per lot. The balance of the lot area will incorporate xeriscape landscaping practices.

Three water wells are in the process of being permitted by the State. Two wells will be drilled initially to the Laramie Fox-Hill aquifer for irrigation water for the golf course and one to the Arapahoe aquifer for domestic water use. Per the Annexation Agreement, if the Town's re-use water system is operable and capable of generating a minimum of 100 acre-feet of re-use water per calendar year, and in order to reduce the amount of ground water needed to irrigate the golf course, on or before the fifth anniversary of the adoption of the Town's ordinance annexing the Property, the Owner agrees, at its sole cost and expense, to install and extend the Town's re-use water transmission line to the golf course irrigation facility for the purpose of using re-use water to irrigate the golf course.

B. Wastewater Treatment

Wastewater will be treated by individual septic systems on each lot. Sanitary sewer service has not been requested from the Town. The overall lay of the land which is primarily higher in most parts than the surrounding land will limit the impacts of septic systems on offsite neighboring shallow domestic wells. The Homeowner's Association will perform yearly inspections of the septic systems to ensure they are properly operating and maintained. The HOA will make recommendation to the individual homeowner if problems are discovered through the inspection process.

C. Schools

Educational services for students living in this subdivision will be provided by Bennett Public Schools District 29-J. The applicant has committed to the School District a fee of \$3,571 per dwelling unit to advance school capacity for the unmet capital construction costs. In addition, cash-in-lieu of land dedication in an amount acceptable to the School District will be paid at a rate of 1/300th of the fee, to the Town of Bennett with the issuance of each building permit. The fee will be paid by the applicant of each permit.

D. Fire Protection

Fire protection and emergency services will be provided by the Bennett Fire District. The applicant has committed to the Fire District a payment of \$1,000 per unit for the furtherance of protection services.

E. Police Protection

With the purchase of each and every building permit for a home in Antelope Hills, there will be a fee paid to the Town of \$300.00 to help defray the Town's cost of providing police protection through a cooperative agreement with the Arapahoe County Sheriff's Department. Within five (5) business days of notice from the town of Bennett that police protection will be provided to Antelope Hills within the immediate future, Antelope Development, LLC shall pay \$10,000.00 to the Town. That money shall be used by the Town to pay the costs associated with obtaining police protection from the County. In consideration of this \$10,000.00 payment, the \$300.00 fee shall be considered prepaid for the first 30 building permits purchased for homes in Antelope Hills.

F. Building Permits

If more than 50 building permits are purchased for Antelope Hills, LLC within any one calendar year, a fee of \$1,500.00 shall be paid to the Town of Bennett for each such building permit over 50 that is purchased before the year's end. After the year ends, the \$1,500.00 fee shall no longer be in effect. However, if more than 50 permits are purchased in any one subsequent year, the \$1,500.00 per unit fee shall once again apply until year's end. In no event, shall Antelope Hills be entitled to more than 75 permits in any one calendar year, unless the Town agrees to issue the excess permits in its sole discretion.

III. SITE INVENTORY AND ANALYSIS

A. Existing Land Use and Zoning

The property is zoned RE Residential Estate in the Town of Bennett, Arapahoe County. The 638 acres is currently being used for crops and grazing.

B. Relationship to Existing Land Uses and Abutting Land Uses

Adjacent land uses:

North:	Agriculture Zoned A-1 Arapahoe County
East:	Agriculture Zoned A-1 Arapahoe County
West:	Agriculture and Residential Zoned A-1 Arapahoe County
South:	Agriculture Zoned A-1 Arapahoe County

Adjacent land owners: (The owners are listed clockwise starting at the Northwest Corner of the site)

Northwest corner:	William Summers
North: (West to East)	Arthur and Helen Converse Don and Bonnie Muegge
Northeast corner:	Kalcevic Farms
East: (North to South)	Charles Bates Richard Weeks John Gottdscker
Southeast corner:	Larry Lentsch
South:	William and Christy Wells
Southwest corner:	Alvin Young
West: (South to North)	Peggy Jacob Albert and Donna Barber Wilson and Fay Chase (2 parcels) Donald and Joyce Howell Margaret Lien James and Lamae Haug Beverly Morrison Shiela Morgan Anthony Wallace Gary Miller

C. Natural and Manmade Hazards

There are no natural or man-made hazards on the site.

D. Existing Vegetation

The native vegetation of the site has been disturbed by agriculture. Invasive weeds have taken over the site since the production of alfalfa ceased. One tree exists on the site along the eastern edge. The tree will be saved as part of the golf course. No riparian vegetation exists on the site.

E. Soils

Soils on the site are primarily Bresser-Truckton Sandy Loams and Nunn-Bresser Ascalon complex. Neither soil type create limitations for land development. Both are suited for golf (grasses), residential, septic facilities and road development. Shrink swell potential for these soils is low. Information on soils was obtained from the Soil Survey for Arapahoe County prepared by the United States Department of Agriculture, Soil Conservation Service.

F. Drainage

Approximately 80% of the site naturally drains to the low point along the eastern property line. A Phase III Drainage report is attached. The report meets the criteria of the town of Bennett Storm Drainage Criteria manual. In general developed discharge from the site will be no greater than existing undeveloped flows for both the 10 year and 100 year event. Appropriately designed detention ponds, minor drainageways that traverse the site, and road side swales provide the major components of the storm drainage system. Minor swales traverse a few lots. Building envelopes will be created as necessary so that development and drainage do not conflict. The drainage along the street is designed so that emergency access is not impeded.

G. Wildlife

Wildlife on this site is typical of the prairie grass lands of eastern Colorado. Antelope has been sighted while visiting the site. Other wildlife includes rodents, and ground dwellers.

H. Topography

The site is gently rolling with a low point elevation of 5510 feet located at the mid point of the site along the eastern property line and a high point elevation of 5664 feet located in the southwest corner of the site. The slopes are generally in the 0 - 5% range.

I. Views

Approximately the western 20% of the site will have western views to the Front Range. The balance of the site will have internal views or views to the north, south and east of agricultural land.

IV. DESIGN CONCEPT

A. Housing Types

A variety of housing types are anticipated. It is likely that a builder program will be developed as well as individual lots for sale. The intent is to provide housing types that will appeal to both current and future residents of the Town of Bennett. Given that the minimum lot size is one acre, a home size of 2,000 square feet and above can generally be expected. The lots have been designed to maximize golf frontage and to take advantage of view corridors. Design Guidelines and Covenants, Conditions and Restrictions, that will be enforced by a homeowner's association will be developed to ensure a quality neighborhood.

B. Pedestrian Circulation

An onstreet multi-purpose trail, eight feet in width is planned along the main loop road. This provides a complete loop for the cyclist and pedestrian. The path will be separated from the vehicular travel lanes by a 10.5 foot wide drainage swale. An easement will be created with the platting of the parcel for an equestrian trail along the perimeter of the property. It is intended that the equestrian trail be earthen. The trails have been designed to limit the interaction between equestrians, pedestrians and cyclists with golfers to limit potential hazards. Where necessary signage will be provided alerting motorists of pedestrian and equestrian crossings. The opportunity exists to connect these trails to a potential regional trail system along the major drainage corridor, Wolf Creek, approximately two miles east of the site or along Kiowa Creek to the west of the site.

C. Fencing

No perimeter yard solid fencing is allowed within Antelope Hills. A three rail open type fence is permitted along the lot line. The fence shall not exceed 48 inches in height. 2" x 2" or 2" x 4" welded wire mesh is permitted between the rails to provide pet or child enclosure. The wire mesh shall be placed on the inside of the fence. A fence detail is provided on the Final PUD Plan. A maximum area of 75 linear feet of solid privacy fencing is permitted for privacy and the screening of patios, hot tubs and like items. The privacy fence may not exceed five feet in height and must be located within 15 feet of the primary home structure.

D. Landscaping

Developer installed landscaping will be provided along Highway 137 in the right-of-way. The planting will be a combination of deciduous and evergreen trees and shrubs and seasonal color for interest. A landscaped entry with monument sign is proposed at the medianed entry road from Highway 137. The landscape theme designed along Hwy. 137 will be continued into the property along the medianed entry road to create an image at the main entry. The homeowner's association will be responsible for the maintenance of all common open space landscaping including the landscaping within the right-of-way of Hwy. 137.

Individual lot landscaping will be the responsibility of the homeowner. The Design Guidelines will outline the minimum landscape requirements. A maximum of 3,500 square feet of sod area with spray irrigation is permitted. The golf course will initially be a links type course with little or no trees. Interest for the course will be created through berming and variations in the ground plane. A links type course is characterized by earth contouring for interest instead of trees and water features.

E. Outdoor Storage

No permanent outdoor storage is permitted with the exception of accessory uses associated with the Commercial and Quasi-public use in which case the storage areas shall be screened from view.

F. Signage

An entry monument with sign face is proposed in the median at the main entry to the neighborhood from Highway 137. The sign will be illuminated for visibility by up-lighting. Additional directional signage for the golf course will also be provided. All signage will conform with the Bennett Land Development Code. All signage design and locations will be submitted to the Town for approval prior to installation. Traffic signs are indicated on the Construction Plans.

G. Lighting

Street lights are planned at the intersections of streets. An up-light is proposed at the entry feature and pole lights which are more pedestrian scale are proposed at 100 foot intervals in the entry median leading to the club house. All lighting will be downcast, non-glare and will not spread light onto adjacent properties or roads. The lighting of the neighborhood will be minimized to maintain the rural feel of the neighborhood.

H. Outlot Summary

Outlot	Acreage	Use	Owner	Maintenance
C	1.90	Open Space	HOA	HOA
D	1.89	Open Space	HOA	HOA
E	1.43	ROW/Landscape	Town	HOA
F	2.67	Park	Town	HOA
G	2.37	Maint. Building	Private Golf	Private Golf
H	3.41	Comm.	Private Golf	Private Golf
K	2.58	Detention Pond	Town	HOA
L	1.77	ROW	Town	HOA
M	.07	Landscape Buffer	Town	HOA
N	2.11	ROW/landscape	Town	HOA
P	.24	Landscape Buffer	Town	HOA
Q	.24	Landscape Buffer	Town	HOA
R	.25	Drainage/Landscape Buffer	Town	HOA

V. DEVELOPMENT STANDARDS

All development within Antelope Hills shall be built in accordance with the following Development Standards. These standards are considered minimums.

1. Single Family Residential Estate:

- a. Uses permitted by right
 - 1. Single family detached dwellings (No pre-manufactured or modular units)
 - 2. Parks, tot lots and open space
 - 3. Accessory buildings and uses such as garages, storage sheds, play equipment, swimming pool and bath house, tennis courts, work shops, dog houses, and any other compatible uses approved by the Homeowner's Association. The maximum height of all accessory structures shall not exceed 14 feet in height.
 - 4. Public and Quasi Public facilities
 - 5. Commercial, a maximum of 5% of the total PUD land area
 - 6. Pedestrian, bicycle and equestrian trails
 - 7. Signage
 - 8. Utilities and appurtenant facilities
 - 9. Attached or detached private garages
 - 10. Model home complexes/residential sales offices
 - 11. Temporary construction trailers
 - 12. Community information center/kiosk
 - 13. Gang or individual mail boxes
 - 14. Drainage facilities
 - 15. Fencing

- b. Uses permitted by Special Review
 - 1. Outdoor recreation
 - 2. Special community events
 - 3. Other uses consistent with the intent of this section and similar in character to the uses permitted in this District.

- c. Standards
 - 1. Minimum lot size: 43,560 square feet
 - 2. Minimum lot frontage measured at the street
 - Standard lot: 100 feet
 - Cul-de-sac, flag lot or similarly curved frontage: 40

feet

The following Lots do not have a full minimum 100 foot lot width as required by the Bennett Land Development Code: Lots 4, 5, 12, 47, 48, 57, 66, 67, 70, 74, 75, 78, 88, 132, 142, 143, 174, 176, 280, and 291. No variances will be permitted to build homes on any of these 21 lots. When houses are sited on these Lots, effort will be made to minimize the impact on views of neighboring houses.

3. Minimum corner lot width: 110 feet
 4. Maximum lot coverage by structure: 20%
 5. Minimum living area: 1,790 square feet
 6. Building Setbacks:
 - a. Front yard: Main structure: 35 feet
Garages: 40 feet
 - b. Side yard (each side): 20 feet
 - c. Between structures: 40 feet
 - d. Rear yard: Highway 137 50 feet
Golf Course 60 feet
Lot 115: 40 feet
Lot 107: 90 feet
Lot 108: 80 feet
Lot 109: 70 feet
Lot 110: 60 feet
Lot 111: 50 feet
- Main Unit 40 feet
Accessory Unit 25 feet
7. Maximum Building Height Primary Structure: 35 feet as measured from the finished grade at the front of the house.
Maximum Building Height Accessory Structure: 14 feet

2. Ancillary Commercial

- a. Uses permitted by right
 1. Indoor/outdoor food
 2. Retail sales
 3. Personal services
 4. Offices
 5. Indoor and outdoor recreation
 6. Golf services and sales
 7. Roads and parking lots
- b. Building Setbacks: 20 feet from all lot lines
- c. Maximum Building Height: 30 feet
- d. Maximum Area: 3.5 acres
- e. Minimum offstreet parking: per Town criteria
- f. Signage and Lighting: per Town criteria

3. Open Space/Outdoor Recreation

- a. Uses permitted by right
 - 1. Golf
 - 2. Golf practice range
 - 3. Miniature golf
 - 4. Golf paths
 - 5. Signage
 - 6. Protection shelters
 - 7. Restroom facilities
 - 8. Outdoor furniture
 - 9. Neighborhood Parks and park facilities
 - 10. Trails
 - 11. Special community events
 - 12. Temporary construction yards and trailers
 - 13. Utilities and appurtenant facilities
 - 14. Roads and Parking lots

Antelope Hills HOA
c/o M&M Property Management
18695 Pony Express Dr. #4160 Parker, CO 80134 Customer Care: 866-611-5864
Fax: 866-611-2640

Leonard & Sheryl Perko
49825 Antelope Dr E
Bennett CO 80102-8669

Date: 7/10/2023 7:19:49 PM

Project Ref: [32616081] 49825 Antelope Dr E

Dear **Leonard & Sheryl Perko**,

I am pleased to inform you that the Antelope Hills HOA Architectural Committee has approved your application for the listed project item(s): Accessory Building with the following conditions:

You will need to seek a variance from the town of Bennett for height as that is their requirement. From HOA standpoint the garage fits new guidelines.

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a permit, it is the responsibility of the homeowner to obtain this before starting construction.

Please retain this letter in your files. If you have any questions regarding this matter, please contact Customer Care at 866-611-5864 or e-mail us at support@mmhoaservices.com.

Sincerely,

M&M Property Management
for Antelope Hills HOA
its Managing Agent

BENNETT BOARD OF ADJUSTMENT

RESOLUTION NO. BOA-2023-002

A RESOLUTION APPROVING A VARIANCE FOR THE PROPERTY LOCATED AT 49825 ANTELOPE DRIVE EAST, BENNETT, COLORADO

WHEREAS, there has been submitted to the Board of Adjustment of the Town of Bennett a request for approval of a variance for the property located at 49825 Antelope Drive East, Bennett, CO and legally described on Exhibit A, attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, Section V.1.c.7 of the Antelope Hills Final Development Plan requires a maximum building height of 14 feet for an accessory structure; and

WHEREAS, the applicant has requested a variance to allow for the maximum building height for an accessory structure to be seventeen feet, four and seven eighths inches (17’ 4 7/8”) on the Property for a proposed garage; and

WHEREAS, pursuant to Section 16-2-370 of the Bennett Municipal Code, the Board of Adjustment has the power to grant a variance if it finds that all of the following conditions exist:

- (1) The existence of extraordinary conditions or circumstances, such as size, shape, location, topography or surroundings of the land, structure or building involved, which deprive the applicant of privileges enjoyed by other properties in the same zone district and in the vicinity;
- (2) The extraordinary conditions or circumstances did not result from the present or prior actions or inactions of the applicant;
- (3) Granting of the variance will be in harmony with the general purpose, intent and character of the zone district, will not substantially or permanently injure the appropriate use of adjacent property, and is not otherwise detrimental to the public health, safety and welfare;
- (4) The variance requested is the minimum action needed that will permit the reasonable use of the land, building, or structure with the least modification possible to the requirements of this Chapter;
- (5) The variance will not permit a use that is prohibited in the zone district; and
- (6) No other relief is available through the application of alternative development standards or an alternative development configuration that is allowed by this Chapter.

WHEREAS, all application materials related to the proposed variance have been reviewed by Town staff; and

WHEREAS, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Board of Adjustment finds for the reasons discussed on the record during the public hearing held on August 21, 2023, the requested variance meets the conditions enumerated in Bennett Municipal Code. § 16-2-370, and therefore should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWN OF BENNETT, COLORADO:

Section 1. The Board of Adjustment of the Town of Bennett hereby finds the requested variance for the property located at 49825 Antelope Drive E, Bennett, CO and legally described on Exhibit A,

attached hereto and incorporated herein by reference (the "Property"), meets the conditions enumerated in Bennett Municipal Code. § 16-2-370.

Section 2. In accordance with the above findings, the Board of Adjustment of the Town of Bennett hereby approves the requested variance to allow the accessory building to have a height of seventeen feet, four and seven eights inches (17' 4 7/8") on the Property.

PASSED AND ADOPTED THIS 21st DAY OF AUGUST, 2023.

Chairperson

ATTEST:

Savannah Vickery, Secretary

EXHIBIT A
LEGAL DESCRIPTION

THE LEGAL DESCRIPTION OF THE PROPERTY IS LOT 123, ANTELOPE HILLS FILING NO. 1.

Suggested Motion

I move that the Board of Adjustment of the Town of Bennett approve Resolution No. BOA 2023-002 A Resolution Approving a Variance for the Property Located at 49825 Antelope Dr East, Bennett, Colorado.