



# **Planning and Zoning Commission**

**Monday, February 28, 2022 at 6:00 pm**

**PLEASE SILENCE ALL CELL PHONES 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/84576239741>

Meeting ID: 845 7623 9741

Passcode: 132206

One tap mobile

+13462487799

## **2. Call to Order**

Chair

### **a. Roll Call**

## **3. Approval of Agenda**

Chair

## **4. Approval of Consent Agenda**

Chair

### **a. January 24, 2022 - Regular Meeting Minutes**

#### **Attachments:**

- **January 24, 2022 - Regular Meeting Minutes** (01-24-2022.pdf)

## **Public Comments on Items Not on the Agenda**

The Planning and Zoning Commission welcomes you. Thank you for joining us for our Town of Bennett Planning and Zoning 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 Commission 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.

## Regular Business

### 5. Public Hearing

#### a. 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

Steve Hebert, Planning and Economic Development Manager

#### Attachments:

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report Case No. 21.42 Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat** (1\_-\_BennettCrossing\_Filing3\_Amend1\_P\_Z\_Staff\_Report\_02\_28\_22FINAL.pdf)
- **PowerPoint Presentation Case No. 21.42 Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat** (2-PowerPoint\_Presentation\_BennettCrossing\_Filing3\_AmendNo1.pdf)
- **Land Use Application** (3-Bennett\_Crossing\_Filing\_No\_3\_Lots\_1-4\_Replat\_-\_LandUseApplication.pdf)
- **Applicant's Letter of Intent** (4-Letter\_of\_Intent\_Bennett\_Crossing\_Filing\_No\_3\_Lots\_1-4\_Replat\_-.pdf)
- **Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat** (5-Bennett\_Crossing\_Filing\_No\_3\_1st\_Amendment\_-\_Final\_Plat\_\_1\_.pdf)
- **Original Bennett Crossing Filing No. 3 Recorded Final Plat** (6-BennettCrossingFilingNo3\_RecordedPlat.pdf)
- **Combined Referral Comments** (7-CombinedReferralComments\_BCrsngFNo3AmdNo1.pdf)
- **Proposed Planning and Zoning Commission Resolution 2022-05** (8\_-\_BennettCrossing\_Filing3\_Amend1\_PCReso\_2022-05.pdf)
- **Suggested Motion** (9\_-\_suggested\_motion.pdf)

#### b. 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

Steve Hebert, Planning and Economic Development Manager

#### Attachments:

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report Case No. 22.03 Bennett Crossing Outline Development Plan (ODP), Amendment No. 1** (1\_-\_BennettCrossingODP\_Amend1\_P\_Z\_Staff\_Report\_02\_28\_22\_FINAL\_\_1\_.pdf)
- **PowerPoint Presentation Case No. 22.03 Bennett Crossing Outline D**



- **Development Plan (ODP), Amendment No. 1** (2-PowerPoint\_Presentation\_BennettCrossing\_ODP\_AmendNo1\_02\_23\_22FINAL.pdf)
- **Land Use Application** (3-BennettCrossing\_ODPAmendNo1\_Application.pdf)
- **Bennett Crossing Outline Development Plan (ODP), Amendment No. 1** (4-01.10.22\_BENNETT\_ODP\_Amend1\_01\_31\_22Version.pdf)
- **CANA Annual Statistical Report** (5-CANA\_AnnualStatisticsReport2021-short.pdf)
- **CDPHE Guide to Air Permitting Requirements** (6-CDPHE-Guide-Air-Permitting-Requirement-for-Crematories.pdf)
- **Proposed Planning and Zoning Commission Resolution 2022-07** (7-BennettCrossing\_ODP\_Amend1\_PCReso\_2022-07.pdf)
- **Suggested Motion** (8-suggested\_motion.pdf)

**c. Case No. 22.02 - Bennett North (Mundell Property) Zoning**

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

Steve Hebert, Planning and Economic Development Manager

**Attachments:**

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report Case No. 22.02 Bennett North (Mundell Property) Zoning** (1\_-\_BennettNorth\_Zoning\_P\_Z\_Staff\_Report\_02\_28\_22\_FINAL.pdf)
- **PowerPoint Presentation Case No. 22.02 Bennett North (Mundell Property) Zoning** (2-BennettNorth\_Zoning\_P\_Z\_Presentation\_02\_28\_22\_FINAL.pdf)
- **Land Use Application** (3-Bennett\_North\_Rezoning\_Land\_Use\_Application\_Form.pdf)
- **Letter of Intent/Narrative** (4-Bennett\_North\_Annexation\_and\_Zoning\_Narrative.pdf)
- **R-2 Permitted Uses** (5-R-2\_PermittedUses.pdf)
- **R-2 Standards** (6-R-2\_Standards.pdf)
- **Bennett North Zoning Map** (7-Bennett\_North\_Rezoning\_Map.pdf)
- **Bennett North Traffic Memorandum** (8-Bennett\_North\_Traffic\_Memorandum.pdf)
- **Combined Staff and Referral Agency Comments** (9-CombinedReferralAgencyComments\_BennettNorthZoning.pdf)
- **Proposed Planning and Zoning Commission Resolution 2022-06** (10-BennettNorth\_Zoning\_PCReso\_2022-06.pdf)
- **Suggested Motion** (11-suggested\_motion.pdf)

**6. Action/Discussion Item**

**7. Commissioner Comments/Reports**

**8. Adjournment**

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

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1. **CALL TO ORDER**

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

Chair: Martin Metsker

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

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

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

2. **APPROVAL OF AGENDA**

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

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

NO: None

EXCUSED: Childs

Chair Martin Metsker declared the motion carried by unanimous vote.

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

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

### 4. REGULAR BUSINESS

#### A. Public Hearing(s)

##### 1. Case No. 21.15 Brunner Subdivision Final Plat

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

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

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

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

#### PUBLIC COMMENTS

There were no public comments presented.

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

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

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

Voting was as follows:

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

NO: None

EXCUSED: Childs

Chair Martin Metsker declared the motion passed unanimously.

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

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

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

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

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

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

### **PUBLIC COMMENTS**

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

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

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

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

Voting was as follows:

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

NO: None

EXCUSED: Childs

Chair Martin Metsker declared the motion passed unanimously.

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

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

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

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

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

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

#### **PUBLIC COMMENTS**

There were no public comments presented.

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

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

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

Voting was as follows:

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

Chair Martin Metsker declared the motion passed unanimously.

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

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

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

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

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

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

## **PUBLIC COMMENTS**

There were no public comments presented.

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

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

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

Chair Martin Metsker declared the motion passed unanimously.

## COMMISSIONER COMMENTS/REPORTS

### Martin Metsker

- Commissioner Metsker thanked Town Staff for their hard work

## 5. ADJOURNMENT

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

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Chair, Martin Metsker

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Christina Hart, Secretary

**QUASI-JUDICIAL PUBLIC HEARING SCRIPT  
(PLANNING COMMISSION)**

**CHAIR:** I will now open the public hearing on the following application: An application for **Case No. 21.42 Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat.**

The purpose of the hearing is to provide a public forum for all interested parties who wish to comment on an application before the Commission. 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 the Town staff.

**NEXT**, we will have a presentation by the applicant.

After these two presentations we will allow people who signed up to speak 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 Commission, not the applicant or Town staff.

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

**NEXT**, the Planning Commission 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 Planning Commission 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?

*[Town Clerk to confirm on record notice has been provided]*

Do any Commission members have any disclosures?

*[Commissioners to disclose conflicts of interests, ex parte contacts, etc]*

Town staff, 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 Commissioners have questions of the applicant or Town staff?

*[Question and Answer]*

**CHAIR:** I will now open the public comment portion of the 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?



*[If more than one person has signed in, call them in order.]*

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 Commissioner 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 Planning Commission 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 inclusion of these items in the record?

**CHAIR:** I will now close the public hearing and the Planning Commission members will deliberate on the evidence presented. During deliberations, Commission 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.

We have a motion on the floor by Commissioner \_\_\_\_\_ and a second by Commissioner \_\_\_\_\_ to approve Planning and Zoning Commission Resolution No. 2022-05.

May we have a Roll-Call vote?

Motion carries/fails.

# STAFF REPORT



welcome neighbors.

TO: Members of the Planning and Zoning Commission

FROM: Steve Hebert, Planning and Economic Development Manager

DATE: February 28, 2022

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

**Applicant/Representative(s):** Gayeski Capital Equities, LLC / Michelle Gayeski, Michael Cleary

**Location:** Bennett Crossing, Generally East of CO Highway 79/S. 1<sup>st</sup> St, North of I-70 and South of Edward Ave.

**Purpose:** Adjust Lot Lines, Creating Five Lots Out of Four

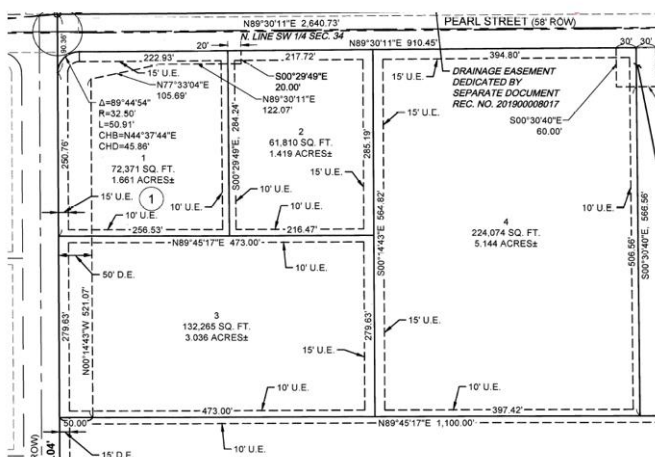
## Background

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.

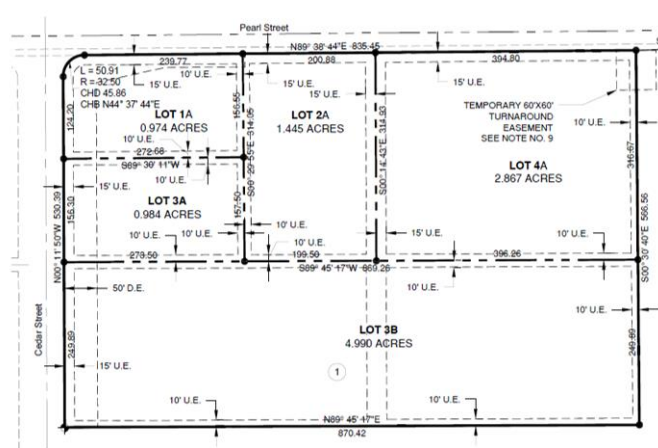
## Proposed Amendment to Filing No. 3

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



## Staff Analysis and Findings

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Per Sec. 16-4-380, the Town shall use the following criteria to evaluate the applicant's final plat application:

- a. The final plat incorporates recommended changes, modifications and conditions attached to the sketch plan unless otherwise approved by the Planning Commission. **The sketch plan process is waived given this is a replat of a previously approved plat.**
- b. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met. **All applicable technical standards will be met.**

## Public Comment

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Notice of the February 28, 2022 Planning and Zoning Commission hearing and the March 8, 2022 Board of Trustees hearing was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. There has been no public comment to date.

## Staff Recommendation

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Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-05, recommending approval of the Bennett Crossing Filing No. 3 Final Plat, Amendment No. 1., which includes the following conditions:

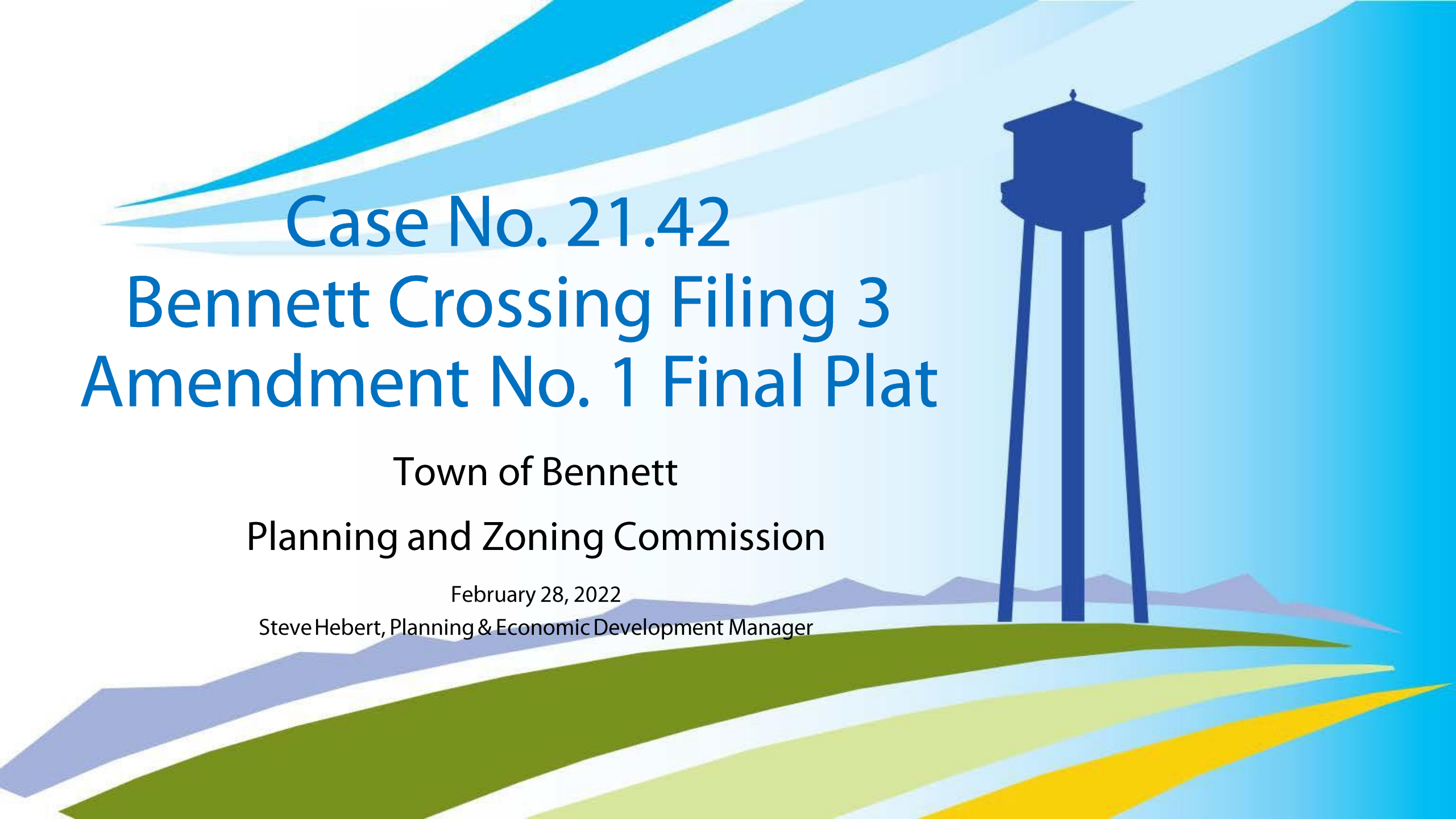
Before recording the final plat:

1. provide an easement, acceptable to the Town and the Bennett-Fire 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, Engineer and Town Attorney.

## Attachments.

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1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Applicant's Letter of Intent
4. Bennett Crossing Filing No. 3, Final Plat Amendment No. 1
5. Original Bennett Crossing Filing No. 3 Recorded Final Plat
6. Combined Referral Comments
7. Proposed Planning and Zoning Commission Resolution 2022-05



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

Town of Bennett  
Planning and Zoning Commission

February 28, 2022

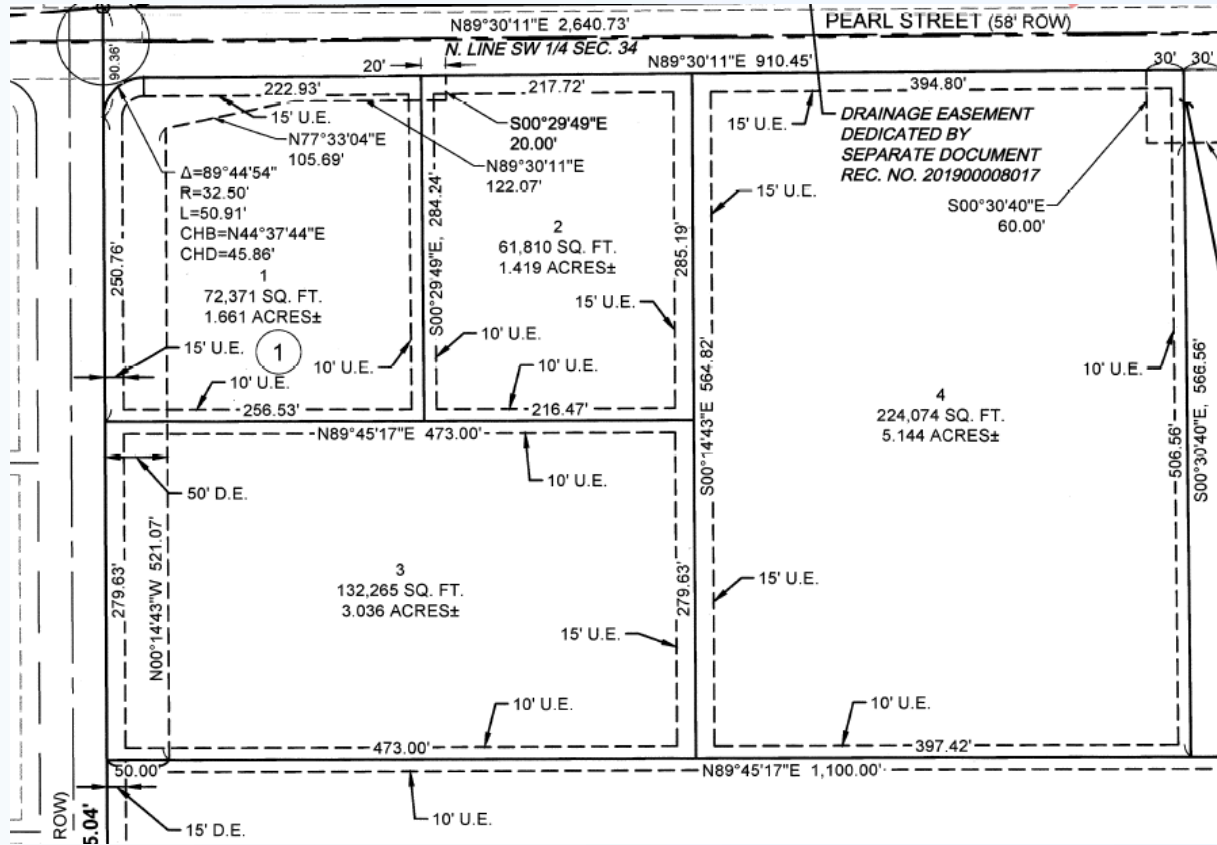
Steve Hebert, Planning & Economic Development Manager

## Proposed Amendments to the Bennett Crossing Filing 3 Final Plat

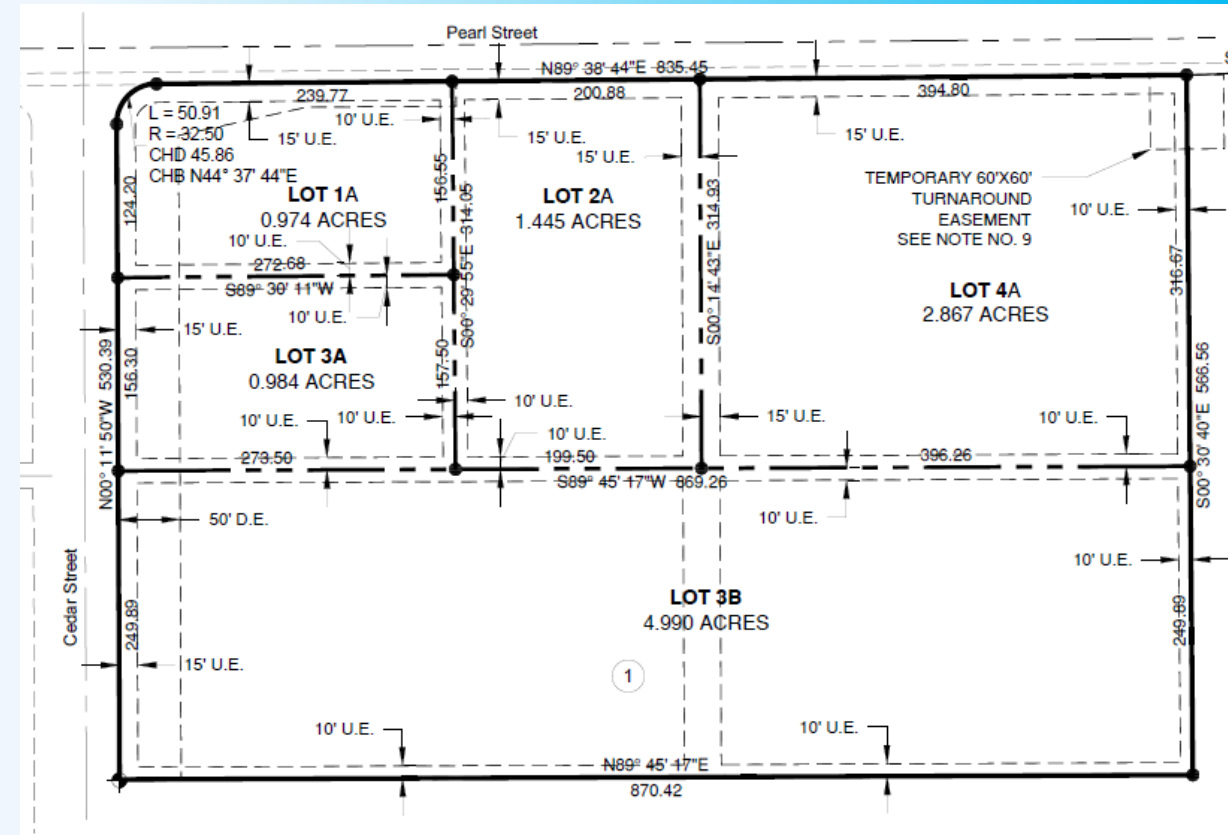
- Amend the recorded final plat to rearrange lot lines and create five lots out of the original four lots
- Lots 1, 2, 3 and 4 become Lots 1A, 2A, 3A, 3B and 4A (See next slide)
- Because the amended plat creates an additional lot, the plat must be reviewed by both the Planning & Zoning Commission and the Board of Trustees.

# Amendment No. 1 Proposed Lot Line Changes

## Existing Lot Configuration



## Proposed Lot Configuration



# Review Criteria and Staff Findings

Per Sec. 16-4-380, the Town shall use the following criteria to evaluate the applicant's final plat application:

- a. The final plat incorporates recommended changes, modifications and conditions attached to the sketch plan unless otherwise approved by the Planning Commission. **The sketch plan process is waived given this is a replat of a previously approved plat.**
- b. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met. **All applicable technical standards will be met.**



## Staff Recommendation

Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-05, recommending approval of the Bennett Crossing Filing 3 Amendment No. 1 Final Plat, subject to the following conditions:

1. provide an easement, acceptable to the Town and the Bennett-Fire 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, Engineer and Town Attorney.



## Town of Bennett Land Use Application Form

*TO BE COMPLETED BY APPLICANT*

Application Type:				Other _____			
<b>Primary Contact Name:</b>							
Name of Firm:							
Address:							
City:			State:		Zip:		Phone:
Email:							
<b>Owner Name:</b>							
Address:							
City:			State:		Zip:		Phone:
Email:							
<b>Mineral Estate Holder/Lease:</b>							
Name of Firm:							
Address:							
City:			State:		Zip:		Phone:
Parcel#:				Subdivision Name:			
Site Address:							
Nearest Major Intersection:							
Legal Description:							
Current Zoning:					Proposed # lots/units:		
Total Acreage:					Gross Floor Area:		
Proposed Gross Densities (du/ac):							
Additional Notes:							

**All Submittal Requirements must accompany this application. All applicable fees must be paid at the time of application. Any extraordinary cost incurred by the Town of Bennett in reviewing and processing this application is the responsibility of the applicant.**

**An executed cost agreement must be attached to this application pursuant to Sec. 16-1-325 of the Bennett Municipal Code.**

***I understand this is an application only, it must be approved by the Town, and any required building permits must be obtained before the property can be used in accordance with the request. I hereby acknowledge all of the above information is correct.***

**Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

November 12, 2021

**Town of Bennett, Planning Department**

207 Muegge Way

Bennett, CO 80102

Attention: Steve Hebert, AICP



Re: Bennett Crossing Filing No. 3, Lot 1-4  
Minor Subdivision Application

Dear Steve,

On behalf of Gayeski Capital Equities LLC (Owner), our team has prepared the following documents in accordance with the Town's Minor Subdivision Application guidelines for revisions to lot boundaries as Lots 1-4 of Bennett Crossing, Filing No. 3 of the Final Subdivision Plat:

1. A completed Land Use Application Form
2. Cost Reimbursement Agreement
3. Funds Deposit Agreement
4. This Cover Letter
5. Minor Subdivision Plat
6. Technical Studies in the form of a Conformance Letter
7. Review Fee Check in the amount of \$5,658.00
8. Flash Drive containing Digital Files of Application Material

To specifically address the specific needs of interested development partners, the Owner is seeking to redefine the lot boundaries across the area currently defined by Lots 1-4 in Bennett Crossing Filing No. 3, located at the southeast corner of Cedar and Pearl Streets. The attached documents outline the scope of the proposed revisions and include supporting documentation demonstrating the development's continued compliance with Town requirements and the Bennett Crossing Master Development Plan(s).

I trust that the attached information is sufficient to initiate Town and Referral Agency reviews. Should you require additional information or have questions as you begin processing this application, please don't hesitate to contact me directly at (720) 206-6931 or via email at [CPerdue@ssdeng.com](mailto:CPerdue@ssdeng.com) or Michael Cleary at [mcleary@ssdeng.com](mailto:mcleary@ssdeng.com).

Thank you, our team looks forward to working with Town Staff to make this project a benefit for the Owner, the development, and the Town.

Sincerely,

**Strategic Site Designs, LLC**

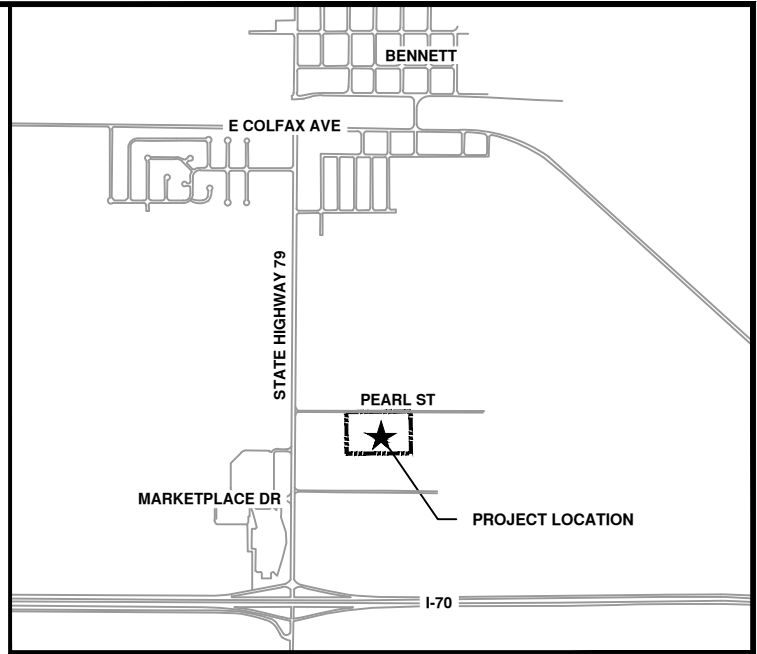
A handwritten signature in blue ink, appearing to be "CP" or a stylized version of the name Christopher Perdue.

**Christopher L. Perdue, P.E., M.B.A.**

Owner

Enclosures: Refer to List in Body of Letter

MINOR SUBDIVISION PLAT  
**BENNETT CROSSING FILING NO. 3 FIRST AMENDMENT**  
PORTION OF THE WEST HALF OF SECTION 34, T3S, R63W, 6<sup>TH</sup> P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
A RESUBDIVISION OF LOTS 1,2,3,4 BLOCK 1  
**TO BE KNOWN AS**  
LOTS 1A,2A,3A,3B,4A, BLOCK 1  
SHEET 1 OF 1



VICINITY MAP  
NTS

**LEGEND**

- PLAT BOUNDARY LINE  
LOT LINE  
SECTION LINE  
FOUND AS DESCRIBED  
SET, PLS 38157  
BLOCK NUMBER  
UTILITY EASEMENT  
DRAINAGE EASEMENT

LAND USE DATA	
TOTAL NUMBER OF PROPOSED LOTS	5
TOTAL SITE ACRES	11.26

**NOTES:**

- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF CERTIFICATION SHOWN HEREON.
- BEARINGS ARE BASED ON THE EAST-WEST MIDSECTION LINE, ASSUMED TO BEAR N89°30'11" E, BETWEEN FOUND MONUMENTS SHOWN HEREON.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE UNITED STATES SURVEY FOOT AS DEFINED BY THE U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S NATIONAL GEODETIC SURVEY.
- SURFACED ACCESS ROADS CAPABLE OF WITHSTANDING THE IMPOSED LOADS OF FIRE APPARATUS AND ALL REQUIRED FIRE HYDRANTS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING CONSTRUCTION.
- RIGHT OF WAY FOR INGRESS AND EGRESS FOR EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON AND THROUGH ANY AND ALL PRIVATE ROADS AND DRIVES.
- ALL PRIVATE ROADS AND DRIVES ARE HEREBY DESIGNATED AS FIRE LANES WHEN REQUIRED, ALL THE FIRE LANES SHALL BE POSTED " NO PARKING-FIRE LANE" . ALL FIRE LANES SHALL BE INCLUDED INTO THE TOWN OF BENNETT PROGRAM FOR ENFORCEMENT OF PRIVATE PROPERTY PARKING.
- THIS PLAT REPLATS A PORTION OF BLOCK 1 AS DEPICTED ON BENNETT CROSSING FILING NO. 3, RECEPTION #2019000012642 (LOTS 1,2,3,4)
- THE TEMPORARY TURNAROUND EASEMENT IN LOT 4A, BLOCK 1 AND TRACT A WILL BE VACATED WHEN PEARL STREET IS EXTENDED TO THE EAST AND/OR A NEW TURNAROUND AREA IS CONSTRUCTED AND ACCEPTED BY THE TOWN OF BENNETT.
- MONUMENTS, ORNAMENTAL COLUMNS, PRIVATE PARKING LOT LIGHTS, RETAINING WALLS AND THEIR COMPONENTS ARE NOT PERMITTED TO ENCROACH INTO UTILITY EASEMENTS

**PURPOSE STATEMENT:**

THIS IS THE FIRST AMENDMENT TO THE BENNETT CROSSING FILING 3 SUBDIVISION. IT IS INTENDED TO REPLAT 1, 2, 3 AND 4, BENNETT CROSSING FILING NO. 3 INTO LOTS 1A, 2A, 3A, 3B, AND 4A, BENNETT CROSSING NO. 3, FIRST AMENDMENT. IT ALSO DEDICATES RIGHTS-OF-WAY AND GRANTS THE EASEMENTS SHOWN HEREON.

**OWNERSHIP CERTIFICATE**

IN WITNESS THEREOF, GAYESKI CAPITAL EQUITIES, LLC HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.

OWNER: GAYESKI CAPITAL EQUITIES LLC,  
905 EST 124TH AVENUE, SUITE 200  
WESTMINSTER, CO 80234  
(307) 457-9700  
Larry-Gayeski@comcast.net

BY: \_\_\_\_\_

AS: MANAGING MEMBER.

NOTARY PUBLIC  
STATE OF COLORADO  
COUNTY OF ADAMS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.  
BY LARRY GAYESKI AS MANAGING MEMBER OF GAYESKI CAPITAL EQUITIES LLC.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY ADDRESS: \_\_\_\_\_

IN WINLESS THEROF, \_\_\_\_\_ HAVE CAUSED THESE PRESENTS

TO BE EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.

**TOWN OF BENNETT APPROVAL**

THIS IS TO CERTIFY THAT THE PLAT OF BENNETT CROSSING FILING NO. 3, FIRST AMENDMENT WAS APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

**LEGAL DESCRIPTION AND DEDICATIONS:**

THE UNDERSIGNED, BEING THE OWNER(S) OF A PARCEL OF LAND SITUATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH P.M., TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
LOTS 1,2,3 AND 4 OF BLOCK 1, BENNETT CROSSING FILING NO. 3, AS DEPICTED IN RECEPTION #2019000012642 AND DESCRIBED BY METES AS BOUNDS, COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 34, THENCE ALONG THE EAST-WEST MIDSECTION LINE N89°30'11" E, A DISTANCE OF 2640.73' TO THE C1/4 CORNER OF SAID SECTION 34; THENCE S87° 52' 23" W, A DISTANCE OF 1037.14' TO THE NORTHEAST CORNER OF THIS DESCRIPTION, SAID POINT BEING THE TRUE POINT OF BEGINNING;  
THENCE S00°30'40" E, A DISTANCE OF 566.56' TO A POINT;  
THENCE S89°45'17" W, A DISTANCE OF 870.42' TO A POINT ON THE EAST RIGHT-OF-WAY OF CEDAR STREET;  
THENCE N00°14'43" W, A DISTANCE OF 530.39' TO A POINT OF CURVATURE TO THE RIGHT;  
THENCE 50.91' ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 32.50', A CHORD DIRECTION OF N44°37'44" E, AND A CHORD DISTANCE OF 45.86' TO A POINT ALONG THE SOUTH RIGHT-OF-WAY OF PEARL STREET;  
THENCE N89°30'11" E, A DISTANCE OF 835.45' TO THE POINT OF BEGINNING.  
CONTAINING 11.26 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE ABOVE DESCRIBED LAND AS PER THE DRAWING HERON CONTAINED UNDER THE NAME AND STYLE OF BENNETT CROSSING FILING NO. 3, FIRST AMENDMENT, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND HEREBY DEDICATE TO THE TOWN OF BENNETT IN FEE SIMPLE THE STREETS AND ALL OTHER PUBLIC WAYS AND PUBLIC PLACES AS SHOWN ON THE PLAT FOR PUBLIC USE THEREOF FOREVER, AND HERBY DEDICATES TO THE USE OF THE TOWN OF BENNETT, ALL SERVING PUBLIC UTILITY, AND OTHER APPROPRIATE ENTITIES SUCH EASEMENTS AS ARE CREATED HEREBY AND DEPICTED, OR BY NOTE, REFERENCED HERON, ALONG WITH THE RIGHT TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, INSPECT AND OPERATE MAINS, TRANSMISSION, DISTRIBUTION AND SERVICE LINES AND APPURTENANCES OR OTHER IMPROVEMENTS FOR WHICH THE EASEMENTS WERE GRANTED TOGETHER WITH THE RIGHT OF ACCESS, ON, ALONG AND IN ALL OF THE EASEMENTS, EITHER DIRECTLY OR THROUGH THE VARIOUS APPLICABLE SERVICE PROVIDERS AS MAY BE NECESSARY TO ACCOMPLISH THE INTENDED PURPOSES OF THE EASEMENT, UNLESS MORE NARROWLY DEFINED BY NOTE HERON, " UTILITY " SHALL MEAN SEWER, WATER, DRAINAGE, ELECTRICITY, GAS, TELEPHONE, CABLE, AND OTHER TELECOMMUNICATIONS FACILITIES.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COST INVOLVED IN CONSTRUCTION AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, STORM DRAINAGE WORKS AND LINES, WATER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE LINE, LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OF ARRANGEMENTS MADE BY THE SUBDIVIDER THEREOF WHICH ARE APPROVED BY THE TOWN OF BENNETT, COLORADO, AND SUCH SUMS SHALL NOT BE PAID BY THE TOWN OF BENNETT, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED WHEN ACCEPTED BY THE TOWN OF BENNETT SHALL BECOME THE SOLE PROPERTY OF SAID TOWN OF BENNETT, COLORADO, EXCEPT PRIVATE ROADWAY CURBS, GUTTER AND PAVEMENT AND ITEMS OWNED BY MUNICIPALITY FRANCHISED UTILITIES AND/OR OTHER SERVING PUBLIC ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME PROPERTY OF SUCH MUNICIPALITY FRANCHISED AND/OR OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

**CLERK AND RECORDER'S CERTIFICATE**

I HERBY CERTIFY THAT THIS INSTRUMENT WAS FILIED IN MY OFFICE AT \_\_\_\_ O'CLOCK \_\_\_\_ .M., THIS \_\_\_\_ DAY OF, 20\_\_, AND IS RECORDED UNDER RECEPTION NO. \_\_\_\_\_.

CLERK AND RECORDER

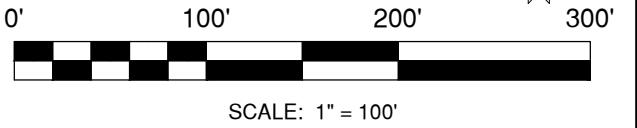
DEPUTY COUNTY

**CERTIFICATION:**

I, ANTHONY L. KNIEVEL, A REGISTERED SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF BENNETT CROSSING FILING NO. 3 PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION SEPTEMBER 9<sup>TH</sup> AND 10<sup>TH</sup>, 2021, AND THAT THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ANTHONY L. KNIEVEL, PLS NO. 38157  
FOR AND ON BEHALF OF CAMPOS, EPC



**BENNETT CROSSING FILING 3  
MINOR SUBDIVISION**  
LOCATED IN PORTIONS BENNETT CROSSING FILING 3  
WEST HALF SECTION 34, T3S, R63W, 6TH PRINCIPAL MERIDIAN  
TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO



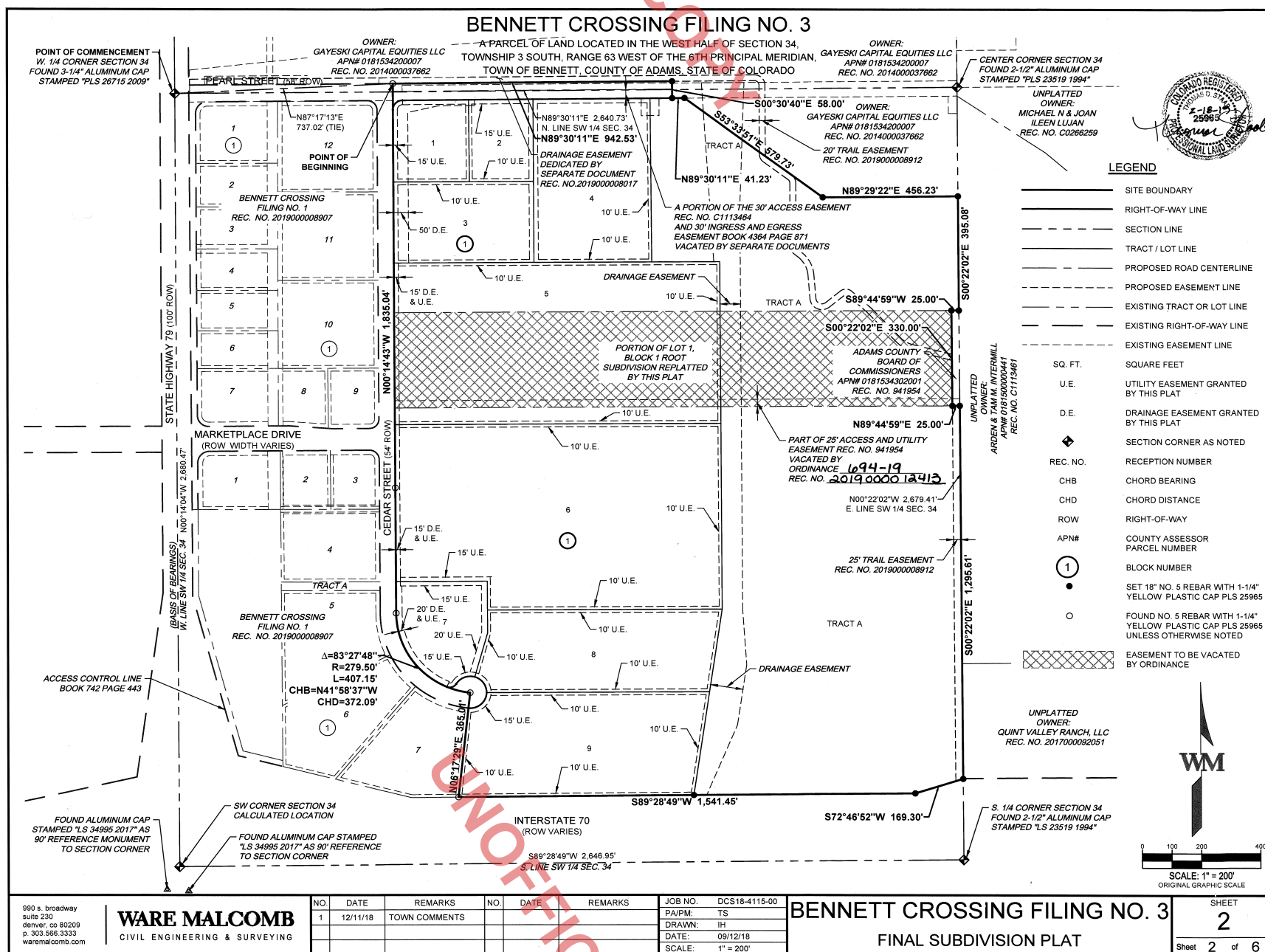
ANTHONY L. KNIEVEL COLORADO REGISTERED SURVEYOR P.L.S. No. 38157	PROJ. NO. 00040.0000.0014 DATE: 9/15/2021	SURVEYED CRN	DRAWN ALK	CHECKED 1	SHEET 1	OF 1
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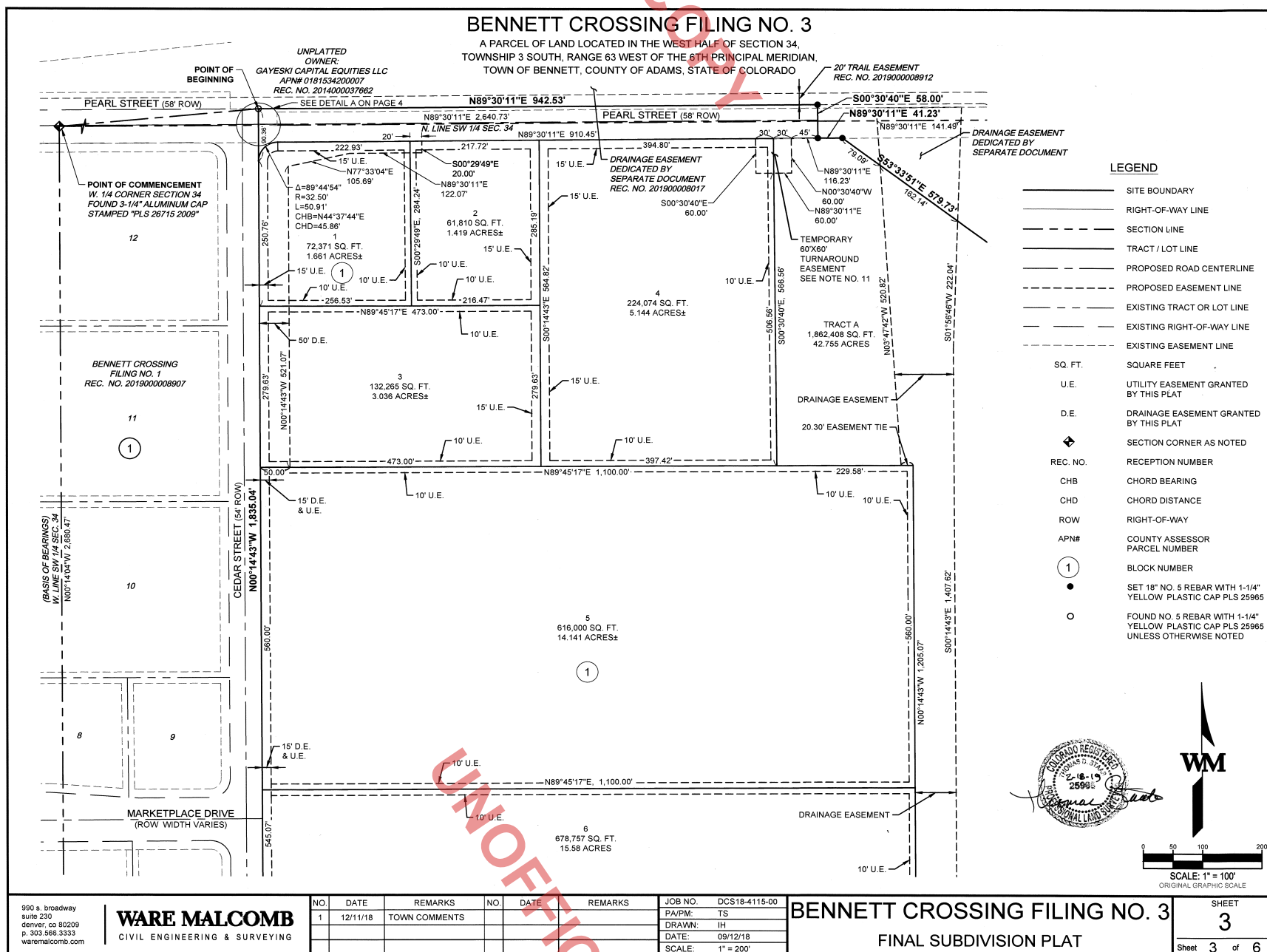
RECEPTION: 201900012642,  
2/21/2019 at 9:59 AM, 1 OF 6,  
REC: 563.00  
TD Pgs: 0 Josh Zieglerham, Adams County, CO.

<p><b>PURPOSE STATEMENT:</b> THIS BENNETT CROSSING FILING NO. 3 PLAT IS INTENDED TO SUBDIVIDE 99.062 ACRES INTO 9 LOTS, 1 TRACT, DEDICATE RIGHT-OF-WAY AND GRANT EASEMENTS.</p> <p><b>OWNERSHIP AND DEDICATION:</b> THE UNDERSIGNED, BEING THE OWNER(S) OF A PARCEL OF LAND SITUATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p><b>COMMENCING</b> AT THE WEST QUARTER CORNER OF SECTION 34 AND CONSIDERING THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 34 TO BEAR NORTH 00°14'04" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:</p> <p>THENCE NORTH 87°8'13" EAST A DISTANCE OF 737.02 FEET TO THE NORTHEAST CORNER OF BENNETT CROSSING FILING NO. 1 RECORDED AT RECEPTION NO. 201900008907 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, AND THE POINT OF BEGINNING;</p> <p>THENCE NORTH 89°30'11" EAST A DISTANCE OF 942.53 FEET; THENCE SOUTH 00°30'40" EAST A DISTANCE OF 58.00 FEET; THENCE NORTH 89°30'11" EAST A DISTANCE OF 41.23 FEET; THENCE SOUTH 53°33'51" EAST A DISTANCE OF 579.73 FEET; THENCE NORTH 89°29'22" EAST A DISTANCE OF 456.23 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER;</p> <p>THENCE SOUTH 00°22'02" EAST ALONG SAID EAST LINE A DISTANCE OF 395.08 FEET TO THE NORTHEAST CORNER OF THAT 25-FOOT PARCEL DEDICATED TO ADAMS COUNTY BY ROOT SUBDIVISION RECORDED AT RECEPTION NO. 941954 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;</p> <p>THENCE ALONG THE BOUNDARY OF SAID PARCEL THE FOLLOWING THREE (3) COURSES:</p> <p>1) SOUTH 89°44'59" WEST A DISTANCE OF 25.00 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; 2) SOUTH 00°22'02" EAST A DISTANCE OF 330.00 FEET; 3) NORTH 89°44'59" EAST A DISTANCE OF 25.00 FEET;</p> <p>THENCE SOUTH 00°22'02" EAST ALONG SAID EAST LINE A DISTANCE OF 1,295.61 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 70;</p> <p>THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:</p> <p>1) SOUTH 72°46'52" WEST A DISTANCE OF 169.30 FEET; 2) SOUTH 89°28'49" WEST A DISTANCE OF 1,541.45 FEET TO THE SOUTHEAST CORNER OF SAID BENNETT CROSSING FILING NO. 1;</p> <p>THENCE ALONG THE EAST BOUNDARY OF SAID BENNETT CROSSING FILING NO. 1 THE FOLLOWING THREE (3) COURSES:</p> <p>1) NORTH 06°17'29" EAST A DISTANCE OF 365.01 FEET TO A POINT OF CURVATURE; 2) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 83°27'48", A RADIUS OF 279.50 FEET, AN ARC LENGTH OF 407.15 FEET AND A CHORD THAT BEARS NORTH 41°58'37" WEST A DISTANCE OF 372.09 FEET; 3) NORTH 00°14'43" WEST A DISTANCE OF 1,835.04 FEET TO THE POINT OF BEGINNING;</p> <p>SAID PARCEL CONTAINS AN AREA OF 4,315,151 SQUARE FEET, OR 99.062 ACRES, MORE OR LESS.</p> <p>HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE ABOVE DESCRIBED LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF <b>BENNETT CROSSING FILING NO. 3</b>, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND HEREBY DEDICATE TO THE TOWN OF BENNETT IN FEE SIMPLE THE STREETS AND ALL OTHER PUBLIC WAYS AND PUBLIC PLACES AS SHOWN ON THE PLAT FOR PUBLIC USE THEREOF FOREVER, AND HEREBY DEDICATES TO THE USE OF THE TOWN OF BENNETT, ALL SERVING PUBLIC UTILITY, AND OTHER APPROPRIATE ENTITIES SUCH EASEMENTS AS ARE CREATED HEREBY AND DEPICTED, OR BY NOTE, REFERENCED HEREON, ALONG WITH THE RIGHT TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, INSPECT AND OPERATE MAINS, TRANSMISSION, DISTRIBUTION AND SERVICE LINES AND APPURTENANCES OR OTHER IMPROVEMENTS FOR WHICH THE EASEMENTS WERE GRANTED, TOGETHER WITH THE RIGHT OF ACCESS, ON, ALONG AND IN ALL OF THE EASEMENTS, EITHER DIRECTLY OR THROUGH THE VARIOUS APPLICABLE SERVICE PROVIDERS AS MAY BE NECESSARY TO ACCOMPLISH THE INTENDED PURPOSES OF THE EASEMENT, UNLESS MORE NARROWLY DEFINED BY NOTE HEREON. "UTILITY" SHALL MEAN SEWER, WATER, DRAINAGE, ELECTRICITY, GAS, TELEPHONE, CABLE AND OTHER TELECOMMUNICATIONS FACILITIES.</p> <p>IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COST INVOLVED IN CONSTRUCTING AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, STORM DRAINAGE WORKS AND LINES, WATER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE WORKS AND LINES, LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OR ARRANGEMENTS MADE BY THE SUBDIVIDER THEREOF WHICH ARE APPROVED BY THE TOWN OF BENNETT, COLORADO, AND SUCH SUMS SHALL NOT BE PAID BY THE TOWN OF BENNETT, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED WHEN ACCEPTED BY THE TOWN OF BENNETT SHALL BECOME THE SOLE PROPERTY OF SAID TOWN OF BENNETT, COLORADO, EXCEPT PRIVATE ROADWAY CURBS, GUTTER AND PAVEMENT AND ITEMS OWNED BY MUNICIPALITY FRANCHISED UTILITIES, AND/OR OTHER SERVING PUBLIC ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME PROPERTY OF SUCH MUNICIPALITY FRANCHISED AND/OR OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.</p>		<p align="center"><b>BENNETT CROSSING FILING NO. 3</b></p> <p align="center">A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO</p> <p><b>NOTES:</b></p> <p>1. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.</p> <p>2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF CERTIFICATION SHOWN HEREON.</p> <p>3. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, ASSUMED TO BEAR NORTH 00°14'04" WEST, AND IS MONUMENTED AS SHOWN HEREON.</p> <p>4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WARE MALCOMB TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL TITLE INFORMATION OF RECORD, WARE MALCOMB RELIED UPON TITLE REPORT NO. N00196778-010-T02-LP, ISSUED BY CHICAGO TITLE INSURANCE COMPANY, HAVING AN EFFECTIVE DATE OF NOVEMBER 2, 2018 AT 8:00 A.M.</p> <p>5. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE UNITED STATES SURVEY FOOT AS DEFINED BY THE U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S NATIONAL GEODETIC SURVEY.</p> <p>6. SURFACED ACCESS ROADS CAPABLE OF WITHSTANDING THE IMPOSED LOADS OF FIRE APPARATUS AND ALL REQUIRED FIRE HYDRANTS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING CONSTRUCTION.</p> <p>7. RIGHT-OF-WAY FOR INGRESS AND EGRESS FOR EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON, AND THROUGH ANY AND ALL PRIVATE ROADS AND DRIVES.</p> <p>8. ALL PRIVATE ROADS AND DRIVES ARE HEREBY DESIGNATED AS FIRE LANES. WHEN REQUIRED, ALL THE FIRE LANES SHALL BE POSTED "NO PARKING-FIRE LANE". ALL FIRE LANES SHALL BE INCLUDED INTO THE TOWN OF BENNETT PROGRAM FOR ENFORCEMENT OF PRIVATE PROPERTY PARKING.</p> <p>9. TRACT A SHALL BE OWNED AND MAINTAINED BY SUBDIVIDER AND MAY BE SUBJECT TO FUTURE SUBDIVISION.</p> <p>10. THIS PLAT REPLACES A PORTION OF LOT 1, BLOCK 1, ROOT SUBDIVISION AS DEPICTED ON SHEET 2.</p> <p>11. THE TEMPORARY TURNAROUND EASEMENT IN LOT 4, BLOCK 1 AND TRACT A WILL BE VACATED WHEN PEARL STREET IS EXTENDED TO THE EAST AND/OR A NEW TURNAROUND AREA IS CONSTRUCTED AND ACCEPTED BY THE TOWN OF BENNETT.</p>		<p align="center"><b>VICINITY MAP</b></p> <p align="center">SCALE 1" = 3000'</p>																																								
<p><b>OWNERSHIP CERTIFICATE</b></p> <p>IN WITNESS THEREOF, GAYESKI CAPITAL EQUITIES, LLC, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS <u>20th</u> DAY OF <u>FEBRUARY</u>, 20<u>19</u> AD.</p> <p>OWNER: GAYESKI CAPITAL EQUITIES, LLC. 905 WEST 124TH AVENUE, SUITE 200 WESTMINSTER, CO 80234 (303) 457-9700 Larry.Gayeski@comcast.net</p> <p>BY: <i>Larry Gayeski</i></p> <p>AS: MANAGING MEMBER</p> <p><b>NOTARY PUBLIC</b> STATE OF COLORADO COUNTY OF ADAMS</p> <p>THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS <u>20th</u> DAY OF <u>FEBRUARY</u>, 20<u>19</u> AD. BY LARRY GAYESKI AS MANAGING MEMBER OF GAYESKI CAPITAL EQUITIES LLC.</p> <p>WITNESS MY HAND AND OFFICIAL SEAL NOTARY SEAL</p> <p><i>Bennett J. White</i> NOTARY PUBLIC</p> <p>MY COMMISSION EXPIRES: <u>12-01-2021</u></p> <p>NOTARY ADDRESS: <u>307 MUESSGE WAY</u></p> <p>IN WITNESS THEREOF, _____ HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 20____ AD.</p>		<p><b>TOWN OF BENNETT APPROVALS</b></p> <p>THIS IS TO CERTIFY THAT THE PLAT OF BENNETT CROSSING FILING NO. 3 WAS APPROVED ON THIS <u>29th</u> DAY OF <u>JANUARY</u>, 20<u>19</u> AD. AND THAT THE MAYOR OF THE TOWN OF BENNETT HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.</p> <p><i>Mayor</i> MAYOR</p> <p><i>Deputy J. White</i> DEPUTY TOWN CLERK</p> <p align="center"><b>SEAL</b></p> <p><b>SURVEYOR'S CERTIFICATE</b></p> <p>I, THOMAS D. STAAB, A REGISTERED SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF BENNETT CROSSING FILING NO. 3 PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION ON THE 23RD DAY OF OCTOBER, 2018, AND THAT THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION.</p> <p>SIGNED THIS <u>16th</u> DAY OF <u>FEBRUARY</u>, 20<u>19</u>.</p> <p>THOMAS D. STAAB, P.L.S. NO. 25965 FOR &amp; ON BEHALF OF JANSEN STRAWN CONSULTING ENGINEERS, INC.</p> <p align="center"><b>RECORDER'S CERTIFICATE</b></p> <p>STATE OF COLORADO ) COUNTY OF ADAMS )</p> <p>I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE ON</p> <p>THE <u>19th</u> DAY OF <u>February</u>, 20<u>19</u></p> <p>AT <u>9:59</u> O'CLOCK <u>A.</u> M.</p> <p>RECEPTION NO. <u>201900012642</u></p> <p>CLERK AND RECORDER</p> <p>BY: <i>Handy Johnson</i></p> <p>DEPUTY</p>																																										
<p>990 s. broadway suite 230 denver co 80209 p. 303.566.3333 waremalcomb.com</p> <p><b>WARE MALCOMB</b> CIVIL ENGINEERING &amp; SURVEYING</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REMARKS</th> <th>NO.</th> <th>DATE</th> <th>REMARKS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12/11/18</td> <td>TOWN COMMENTS</td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DATE	REMARKS	NO.	DATE	REMARKS	1	12/11/18	TOWN COMMENTS																						<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>JOB NO. DCS18-4115-00</td> <td rowspan="4" style="text-align: center; vertical-align: middle;"> <b>BENNETT CROSSING FILING NO. 3</b>   <b>FINAL SUBDIVISION PLAT</b> </td> </tr> <tr> <td>PA/PM: TS</td> </tr> <tr> <td>DRAWN: IH</td> </tr> <tr> <td>DATE: 09/12/18</td> </tr> <tr> <td>SCALE: N/A</td> <td></td> </tr> </table>		JOB NO. DCS18-4115-00	<b>BENNETT CROSSING FILING NO. 3</b>  <b>FINAL SUBDIVISION PLAT</b>	PA/PM: TS	DRAWN: IH	DATE: 09/12/18	SCALE: N/A		<p align="right">SHEET <b>1</b> Sheet 1 of 6</p>	
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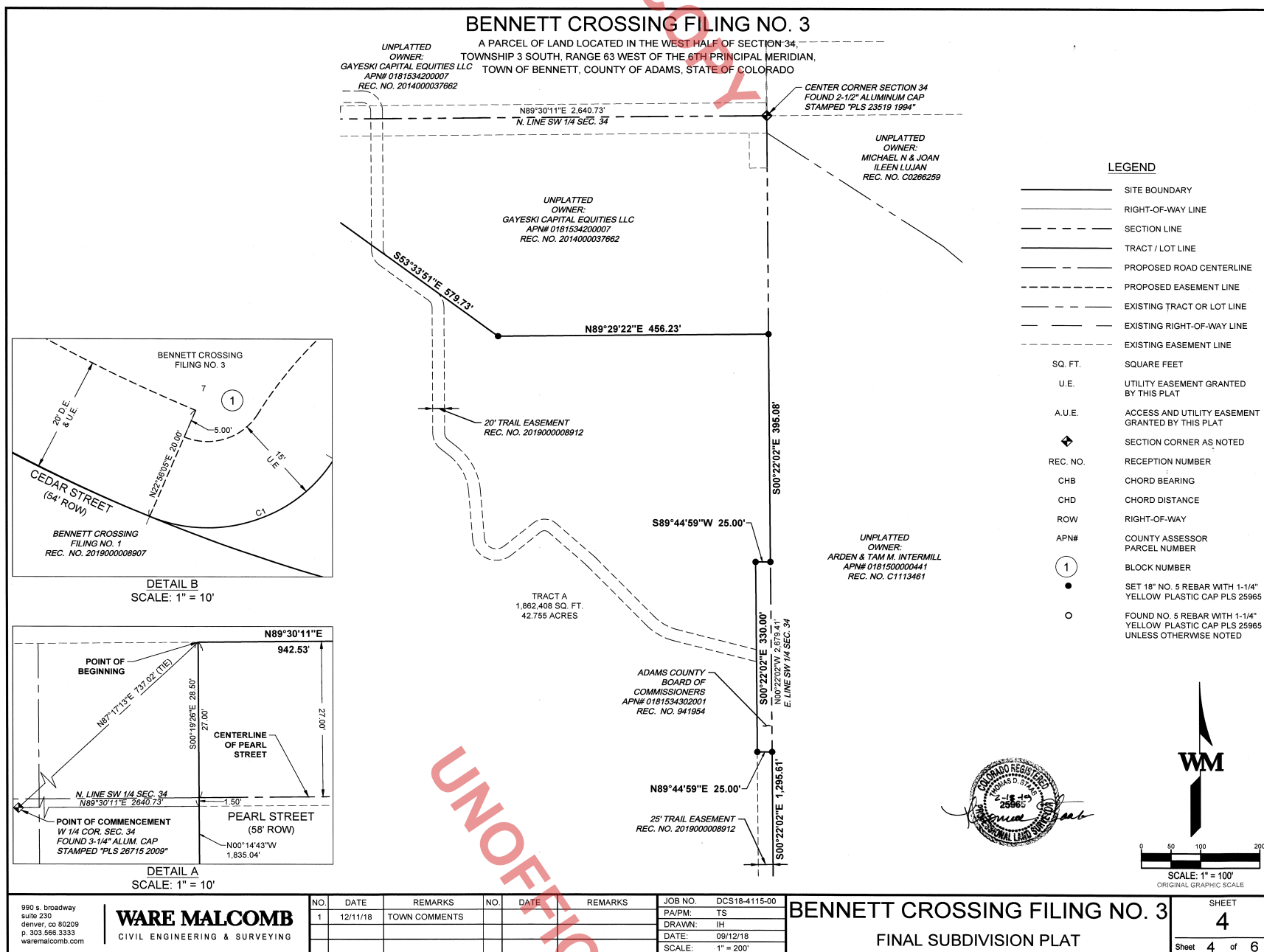
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2/21/2019 at 9:59 AM, 2 OF 6,  
TD Pgs: 0 Josh Zygjelbaum, Adams County, CO.



RECEPTION#: 2019000012642,  
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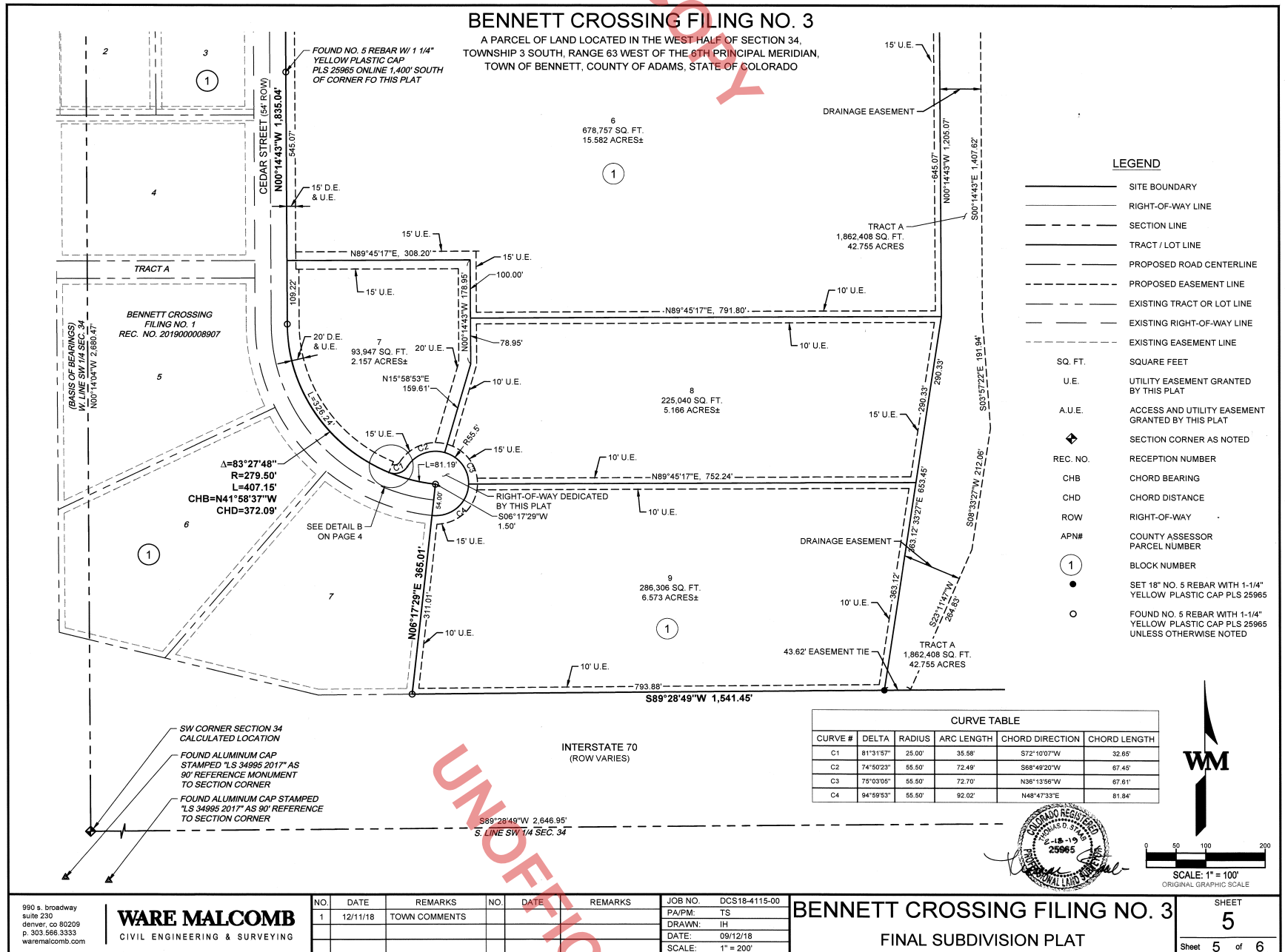


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2/21/2019 at 9:59 AM, 4 OF 6,  
TD Pgs: 0 Josh Zygielbaum, Adams County, CO.





RECEPTION#: 201900012642,  
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TD Pgs: 0 Josh Zyglbaum, Adams County, CO.

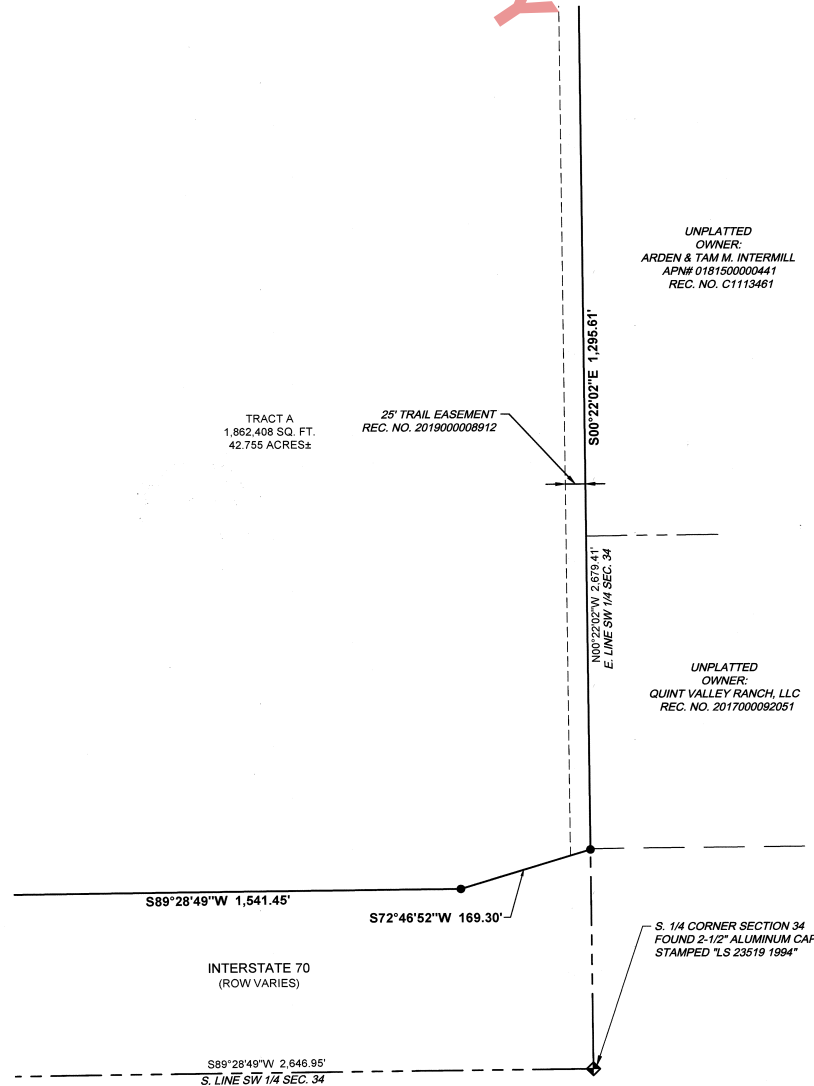




RECEPTION#: 2019000012642,  
2/21/2019 at 9:59 AM, 6 OF 6,  
TD Pgs: 0 Josh Zygielbaum, Adams County, CO.

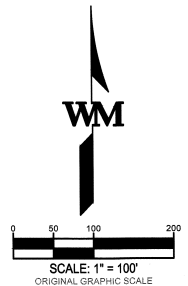
## BENNETT CROSSING FILING NO. 3

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 34,  
TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO



### LEGEND

- |          |  |
|----------|--|
|          | SITE BOUNDARY  |
| _____    | RIGHT-OF-WAY LINE  |
| _____    | SECTION LINE   |
| _____    | TRACT / LOT LINE   |
| _____    | PROPOSED ROAD CENTERLINE   |
| _____    | PROPOSED EASEMENT LINE   |
| _____    | EXISTING TRACT OR LOT LINE   |
| _____    | EXISTING RIGHT-OF-WAY LINE   |
| _____    | EXISTING EASEMENT LINE   |
| SQ. FT.  | SQUARE FEET  |
| U.E.     | UTILITY EASEMENT GRANTED BY THIS PLAT  |
| A.U.E.   | ACCESS AND UTILITY EASEMENT GRANTED BY THIS PLAT                                     |
| ◆        | SECTION CORNER AS NOTED  |
| REC. NO. | RECEPTION NUMBER   |
| CHB      | CHORD BEARING  |
| CHD      | CHORD DISTANCE   |
| ROW      | RIGHT-OF-WAY   |
| APN#     | COUNTY ASSESSOR PARCEL NUMBER  |
| ①        | BLOCK NUMBER   |
| ●        | SET 18" NO. 5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP PLS 25965                         |
| ○        | FOUND NO. 5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP PLS 25965<br>UNLESS OTHERWISE NOTED |



990 s. broadway  
suite 230  
denver, co 80209  
p. 303.566.3333  
waremalcomb.com

**WARE MALCOMB**  
CIVIL ENGINEERING & SURVEYING

NO.	DATE	REMARKS	NO.	DATE	REMARKS	JOB NO.	DCS18-4115-01
1	12/11/18	TOWN COMMENTS				PA/PM:	TS
						DRAWN:	IH
						DATE:	09/12/18
						SCALE:	1" = 200'

**BENNETT CROSSING FILING NO. 3**  
**FINAL SUBDIVISION PLAT**

SHEET  
**6**

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Sheet **6** of **6**







## Engineering Review Memo

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To: Steve Hebert, Town Planning & Economic Development Director  
Sara Aragon, Community Development Manager  
From: Dan Giroux, PE, Engineering Consultant to the Town  
Date: Monday, January 10, 2022  
Case: Bennett Crossing Filing 2, Amend 1 Minor Sub Plat, Case 21.42 – 1<sup>st</sup> Submittal  
Subject: Civil Engineering Review

---

***Review Memo Only – no Replat redlines provided for this 1<sup>st</sup> Submittal review.***

Per the request of the Town of Bennett, Terramax, Inc. has reviewed the 1st submittal of the Minor Subdivision Plat application materials, for the proposed Bennett Crossing Filing 3 Amendment 1 development.

This review does not constitute a contractual offer to the applicant, and does not relieve the applicant from meeting the Town's requirement that the development comply with all Town Codes and Standards. All prior comments on the development application, are still considered effective and in force, until acceptably addressed.

Although every attempt has been made to be diligent, thorough and comprehensive, by the nature of review, and relative time invested versus design and plan development, the Town must reserve the right to make original comments and revision requests in subsequent submittals, even for information already submitted, until final application approval.

I have the following comments to offer on the application materials (no plan redlines included for this submittal at this time):

### **Final Plat & General**

1. Please correct text v linework conflicts.

### **Water System**

1. The submittal information did not provide updated water system layout information for this area of Filing 3.
  - This layout should be provided for review if updates for Filing 3 are planned.
2. Looping of the Filing 3 system to ensure redundant water feed to all lots should be addressed.
3. Any proposed dead-end, single-feed water main service to any lot or fire hydrant will require special review, based on planned lot use.

### **Sanitary Sewer System**

1. The submittal information did not provide updated sanitary system layout information for this area of Filing 3.

- This layout should be provided for review if updates are planned – the narrative discussed a new sanitary sewer line for Lot 3A.
- It is not clear if this would be a main or service line, but adequate easement will be required in either case for access, operation and maintenance.

**Streets & Access**

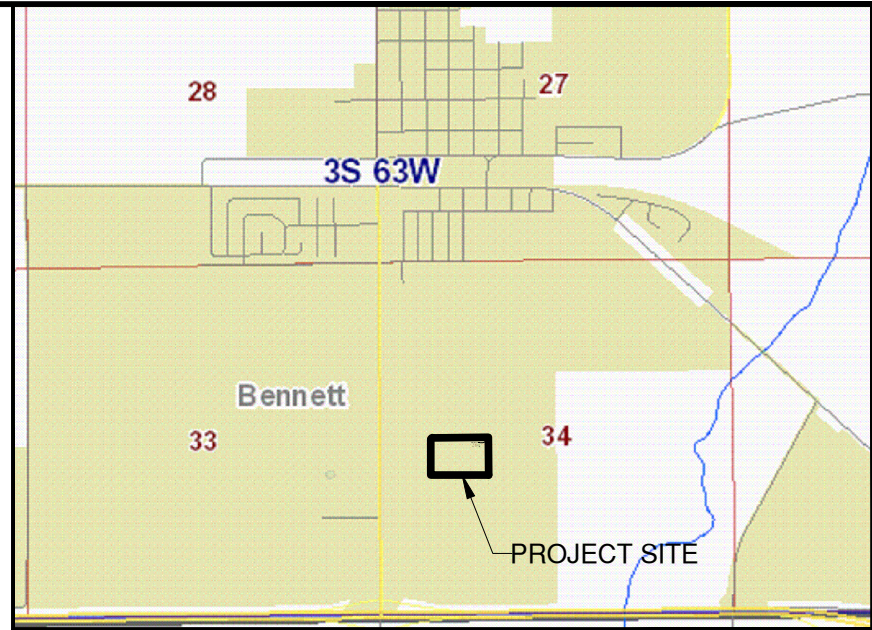
1. Secondary accesses to Lot 3B may be required due to size and dimensions, depending on layout, density, use, and related required emergency access and utility access.
2. Is there not already a Filing 3 secondary access commitment made to the "IREA Lot" to the south? Is the sanitary sewer main route to serve this purpose?
3. The eastern drainage channel will also require Metro District west bank access for operation and maintenance.
4. Accesses for others beyond lot owners will require sufficient all-weather surface improvement, and sufficient access easement.
5. Single emergency access for eastern lots is not desirable pending the completion of Adams Street, and dependent on layouts, uses and users.
  - Interconnecting emergency and service routes between these Minor Sub lots may allow emergency and service vehicles to navigate secondary routes.
  - An eastern drainage channel access, operation & maintenance route may also assist with addressing this.
6. The "IREA sanitary sewer" main between Lots 2A and 4A, and through Lot 3B, requires an all-weather surface improvement
  - Additional easement width may be required if other uses are planned for this easement and access.
7. If the access improvements are to be deferred, or delegated to later, ensuing lot buyers and users, please clarify.

**Stormwater**

1. The Drainage Plan exhibits provided, combined with the narrative discussion in the Minor Subdivision introductory and overview comments, would be sufficient to serve as a Final Drainage Report.
2. If cover and certifications sheets, as well as the narrative discussion, can be added to the submitted Drainage Plan, it would be approvable as a Final Drainage Report, and importantly, will be more easily found and applied in the future by lot buyers and users in this affected area of Filing 3.
3. It is not clear why there is a Basin 1 area and design point, it appears for a surface inlet sizing, but there are no similar design points extending south to the IREA property –
  - Are there no other design points contemplated at this time?
  - Are there no other inlet, storm sewer stub, or other system entry points?
  - Are there designated, improved outfall points to the east channel?
  - Please clarify with narrative commentary, including if these improvements are delegated to the later, ensuing property buyers and users.
4. The storm sewer H&H EGL-HGL profile exhibits are not well labeled with the project name nor storm event subject; peak flows are also helpful, of course.

Steve, Sara, this concludes my civil engineering review of the 1<sup>st</sup> Submittal application materials for the Bennett Crossing Filing 3 Amendment 1 Minor Subdivision Plat. Please let me know if you have any questions, or require additional information pertaining to the submitted information, or my review.

BENNETT CROSSING FILING NO. 3  
MINOR SUBDIVISION  
PORTION OF THE WEST HALF OF SECTION 34, T3N, R63W, 6<sup>TH</sup> P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
A RESUBDIVISION OF LOTS 1,2,3,4 BLOCK 1  
TO BE KNOWN AS  
LOTS 1A,2A,3A,3B,4A, BLOCK 1  
SHEET 1 OF 1



VICINITY MAP  
NTS

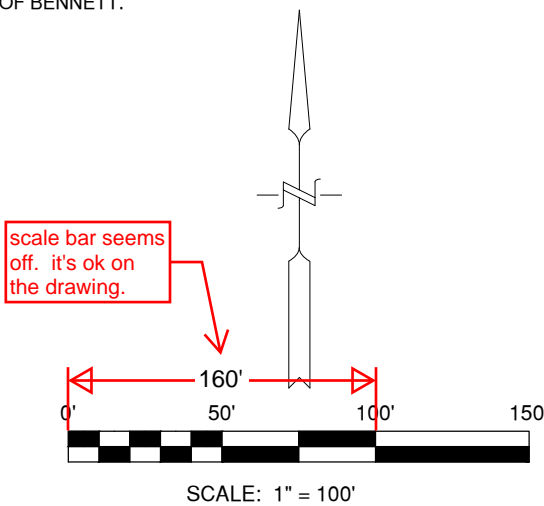
LEGEND

	PLAT BOUNDARY LINE
	LOT LINE
	SECTION LINE
	FOUND AS DESCRIBED
	SET, PLS 38157
	BLOCK NUMBER
	UTILITY EASEMENT
	DRAINAGE EASEMENT

LAND USE DATA	
TOTAL NUMBER OF PROPOSED LOTS	5
TOTAL SITE ACRES	11.26

NOTES:

- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF CERTIFICATION SHOWN HEREON.
- BEARINGS ARE BASED ON THE EAST-WEST MIDSECTION LINE, ASSUMED TO BEAR N89°30'11" E, BETWEEN FOUND MONUMENTS SHOWN HEREON.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE UNITED STATES SURVEY FOOT AS DEFINED BY THE U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S NATIONAL GEODETIC SURVEY.
- SURFACED ACCESS ROADS CAPABLE OF WITHSTANDING THE IMPOSED LOADS OF FIRE APPARATUS AND ALL REQUIRED FIRE HYDRANTS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING CONSTRUCTION.
- RIGHT OF WAY FOR INGRESS AND EGRESS FOR EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON AND THROUGH ANY AND ALL PRIVATE ROADS AND DRIVES.
- ALL PRIVATE ROADS AND DRIVES ARE HEREBY DESIGNATED AS FIRE LANES WHEN REQUIRED, ALL THE FIRE LANES SHALL BE POSTED " NO PARKING-FIRE LANE" . ALL FIRE LANES SHALL BE INCLUDED INTO THE TOWN OF BENNETT PROGRAM FOR ENFORCEMENT OF PRIVATE PROPERTY PARKING.
- THIS PLAT REPLATS A PORTION OF BLOCK 1 AS DEPICTED ON BENNETT CROSSING FILING NO. 3, RECEPTION #2019000012642 (LOTS 1,2,3,4)
- THE TEMPORARY TURNAROUND EASEMENT IN LOT 4A, BLOCK 1 AND TRACT A WILL BE VACATED WHEN PEARL STREET IS EXTENDED TO THE EAST AND/OR A NEW TURNAROUND AREA IS CONSTRUCTED AND ACCEPTED BY THE TOWN OF BENNETT.



CERTIFICATION:

I, ANTHONY L. KNIEVEL, A REGISTERED SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF BENNETT CROSSING FILING NO. 3 PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION SEPTEMBER 9<sup>TH</sup> AND 10<sup>TH</sup>, 2021, AND THAT THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

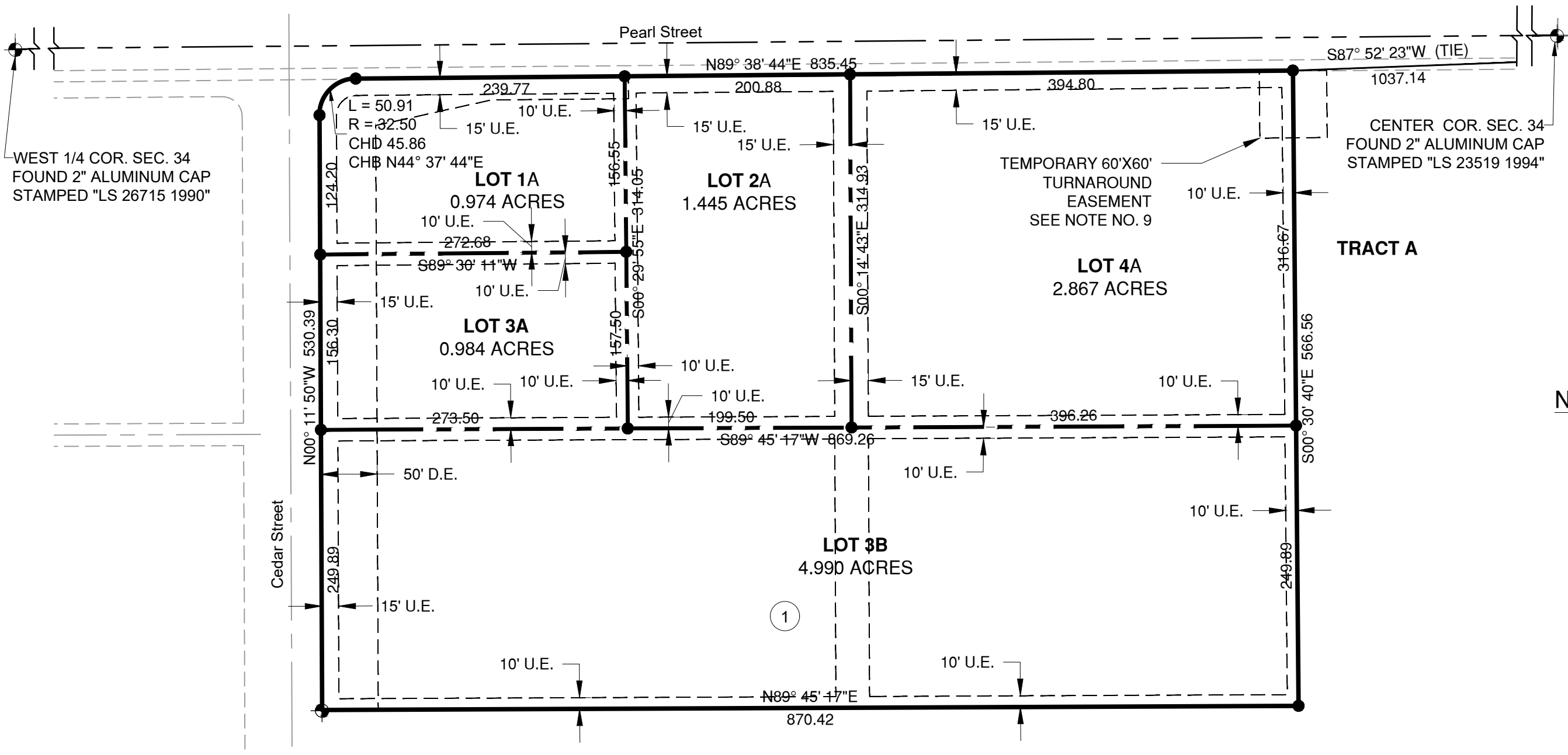
ANTHONY L. KNIEVEL, PLS NO. 38157  
FOR AND ON BEHALF OF CAMPOS, EPC

BENNETT CROSSING FILING 3  
MINOR SUBDIVISION  
LOCATED IN PORTIONS BENNETT CROSSING FILING 3  
WEST HALF SECTION 34, T3N, R63W, 6TH PRINCIPAL MERIDIAN  
TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO



ANTHONY L. KNIEVEL  
COLORADO REGISTERED SURVEYOR  
P.L.S. No. 38157

PROJ. NO.	00040.0000.0014	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE:	9/15/2021		CRN	ALK	1	1



PURPOSE STATEMENT:

THIS BENNETT CROSSING FILING 3 MINOR SUBDIVISION PLAT IS INTENDED TO RESUBDIVIDE LOTS 1, 2, 3, 4 INTO 1A, 2A, 3A, 3B, 4A, DEDICATE RIGHT-OF-WAY AND GRANT EASEMENTS.

OWNERSHIP CERTIFICATE

IN WITNESS THEREOF, GAYESKI CAPITAL EQUITIES, LLC HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.

OWNER: GAYESKI CAPITAL EQUITIES LLC,  
905 EST 124TH AVENUE, SUITE 200  
WESTMINSTER, CO 80234  
(307) 457-9700  
Larry-Gayeski@comcast.net

BY: \_\_\_\_\_

AS: MANAGING MEMBER.

NOTARY PUBLIC  
STATE OF COLORADO  
COUNTY OF ADAMS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.  
BY LARRY GAYESKI AS MANAGING MEMBER OF GAYESKI CAPITAL EQUITIES LLC.

WITNESS MY HAND AND OFFICIAL SEAL NOTARY SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY ADDRESS: \_\_\_\_\_

IN WINLESS THEROF, \_\_\_\_\_ HAVE CAUSED THESE PRESENTS

TO BE EXECUTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.

TOWN OF BENNETT APPROVALS

THIS IS TO CERTIFY THAT THE PLAT OF \_\_\_\_ WAS APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AD.  
BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT HEREBY ACKNOWLEDGES SAID PLAT  
UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

LEGAL DESCRIPTION AND DEDICATIONS:

THE UNDERSIGNED, BEING THE OWNER(S) OF A PARCEL OF LAND SITUATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH P.M., TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
LOTS 1,2,3 AND 4 OF BLOCK 1, BENNETT CROSSING FILING NO. 3, AS DEPICTED IN RECEPTION #2019000012642 AND DESCRIBED BY METES AS BOUNDS, COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 34, THENCE ALONG THE EAST-WEST MIDSECTION LINE N89°30'11" E, A DISTANCE OF 2640.73' TO THE C1/4 CORNER OF SAID SECTION 34; THENCE S87° 52' 23" W, A DISTANCE OF 1037.14' TO THE NORTHEAST CORNER OF THIS DESCRIPTION, SAID POINT BEING THE TRUE POINT OF BEGINNING;  
THENCE S00°30'40" E, A DISTANCE OF 566.56' TO A POINT;  
THENCE S89°45'17" W, A DISTANCE OF 870.42' TO A POINT ON THE EAST RIGHT-OF-WAY OF CEDAR STREET;  
THENCE N00°14'43" W, A DISTANCE OF 530.39' TO A POINT OF CURVATURE TO THE RIGHT;  
THENCE 50.91' ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 32.50', A CHORD DIRECTION OF N44°37'44" E, AND A CHORD DISTANCE OF 45.86' TO A POINT ALONG THE SOUTH RIGHT-OF-WAY OF PEARL STREET;  
THENCE N89°30'11" E, A DISTANCE OF 835.45' TO THE POINT OF BEGINNING.  
CONTAINING 11.26 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE ABOVE DESCRIBED LAND AS PER THE DRAWING HERON CONTAINED UNDER THE NAME AND STYLE OF BENNETT CROSSING FILING NO. 3 A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND HEREBY DEDICATE TO THE TOWN OF BENNETT IN FEE SIMPLE THE STREETS AND ALL OTHER PUBLIC WAYS AND PUBLIC PLACES AS SHOWN ON THE PLAT FOR PUBLIC USE THEREOF FOREVER, AND HERBY DEDICATES TO THE USE OF THE TOWN OF BENNETT, ALL SERVING PUBLIC UTILITY, AND OTHER APPROPRIATE ENTITIES SUCH EASEMENTS AS ARE CREATED HEREBY AND DEPICTED, OR BY NOTE, REFERENCED HERON, ALONG WITH THE RIGHT TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, INSPECT AND OPERATE MAINS, TRANSMISSION, DISTRIBUTION AND SERVICE LINES AND APPURTENANCES OR OTHER IMPROVEMENTS FOR WHICH THE EASEMENTS WERE GRANTED TOGETHER WITH THE RIGHT OF ACCESS, ON, ALONG AND IN ALL OF THE EASEMENTS, EITHER DIRECTLY OR THROUGH THE VARIOUS APPLICABLE SERVICE PROVIDERS AS MAY BE NECESSARY TO ACCOMPLISH THE INTENDED PURPOSES OF THE EASEMENT. UNLESS MORE NARROWLY DEFINED BY NOTE HERON, " UTILITY" SHALL MEAN SEWER, WATER, DRAINAGE, ELECTRICITY, GAS, TELEPHONE, CABLE, AND OTHER TELECOMMUNICATIONS FACILITIES.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COST INVOLVED IN CONSTRUCTION AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, STORM DRAINAGE WORKS AND LINES, WATER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE LINE, LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OF ARRANGEMENTS MADE BY THE SUBDIVIDER THEREOF WHICH ARE APPROVED BY THE TOWN OF BENNETT, COLORADO, AND SUCH SUMS SHALL NOT BE PAID BY THE TOWN OF BENNETT, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED WHEN ACCEPTED BY THE TOWN OF BENNETT SHALL BECOME THE SOLE PROPERTY OF SAID TOWN OF BENNETT, COLORADO, EXCEPT PRIVATE ROADWAY CURBS, GUTTER AND PAVEMENT AND ITEMS OWNED BY MUNICIPALITY FRANCHISED UTILITIES AND/OR OTHER SERVING PUBLIC ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME PROPERTY OF SUCH MUNICIPALITY FRANCHISED AND/OR OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

CLERK AND RECORDER'S CERTIFICATE

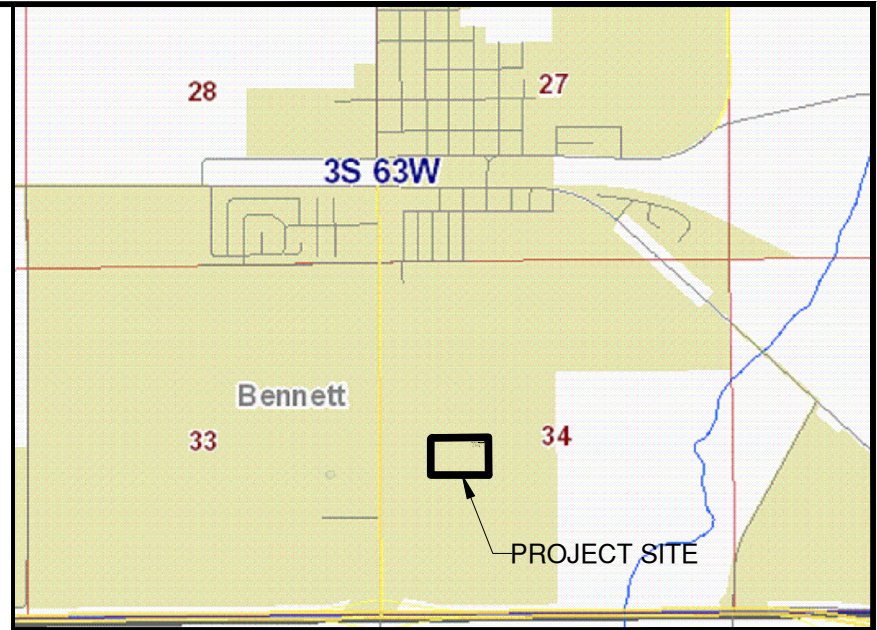
THE FOREGOING PLAT AND DEDICATION WAS FILED FOR RECORDATION IN THE OFFICE OF THE ADAMS COUNTY CLERK AN RECORDER IN THE STATE OF COLORADO AT \_\_\_\_\_, O'CLOCK \_\_\_\_\_, M ON THE DAY OF, \_\_\_\_\_ A.D., 2021

BY: \_\_\_\_\_  
DEPUTY COUNTY

CLERK AND RECORDER



BENNETT CROSSING FILING NO. 3  
MINOR SUBDIVISION  
PORTION OF THE WEST HALF OF SECTION 34, T3N, R63W, 6<sup>TH</sup> P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
A RESUBDIVISION OF LOTS 1,2,3,4 BLOCK 1  
TO BE KNOWN AS  
LOTS 1A,2A,3A,3B,4A, BLOCK 1  
SHEET 1 OF 1



VICINITY MAP  
NTS

LEGEND

	PLAT BOUNDARY LINE
	LOT LINE
	SECTION LINE
	FOUND AS DESCRIBED SET, PLS 38157
	BLOCK NUMBER
	UTILITY EASEMENT
	DRAINAGE EASEMENT

LAND USE DATA	
TOTAL NUMBER OF PROPOSED LOTS	5
TOTAL SITE ACRES	11.26

NOTES:

- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF CERTIFICATION SHOWN HEREON.
- BEARINGS ARE BASED ON THE EAST-WEST MIDSECTION LINE, ASSUMED TO BEAR N89°30'11" E, BETWEEN FOUND MONUMENTS SHOWN HEREON.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE UNITED STATES SURVEY FOOT AS DEFINED BY THE U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S NATIONAL GEODETIC SURVEY.
- SURFACED ACCESS ROADS CAPABLE OF WITHSTANDING THE IMPOSED LOADS OF FIRE APPARATUS AND ALL REQUIRED FIRE HYDRANTS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING CONSTRUCTION.
- RIGHT OF WAY FOR INGRESS AND EGRESS FOR EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON AND THROUGH ANY AND ALL PRIVATE ROADS AND DRIVES.
- ALL PRIVATE ROADS AND DRIVES ARE HEREBY DESIGNATED AS FIRE LANES WHEN REQUIRED, ALL THE FIRE LANES SHALL BE POSTED "NO PARKING-FIRE LANE". ALL FIRE LANES SHALL BE INCLUDED INTO THE TOWN OF BENNETT PROGRAM FOR ENFORCEMENT OF PRIVATE PROPERTY PARKING.
- THIS PLAT REPLATS A PORTION OF BLOCK 1 AS DEPICTED ON BENNETT CROSSING FILING NO. 3, RECEPTION #2019000012642 (LOTS 1,2,3,4)
- THE TEMPORARY TURNAROUND EASEMENT IN LOT 4A, BLOCK 1 AND TRACT A WILL BE VACATED WHEN PEARL STREET IS EXTENDED TO THE EAST AND/OR A NEW TURNAROUND AREA IS CONSTRUCTED AND ACCEPTED BY THE TOWN OF BENNETT.

#10. ADD NOTE: MONUMENTS, ORNAMENTAL COLUMNS, PRIVATE PARKING LOT LIGHTS, RETAINING WALLS AND THEIR COMPONENTS ARE NOT PERMITTED TO ENCROACH INTO UTILITY EASEMENTS



SCALE: 1" = 100'

CERTIFICATION:

I, ANTHONY L. KNIEVEL, A REGISTERED SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF BENNETT CROSSING FILING NO. 3 PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION SEPTEMBER 9<sup>TH</sup> AND 10<sup>TH</sup>, 2021, AND THAT THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION.

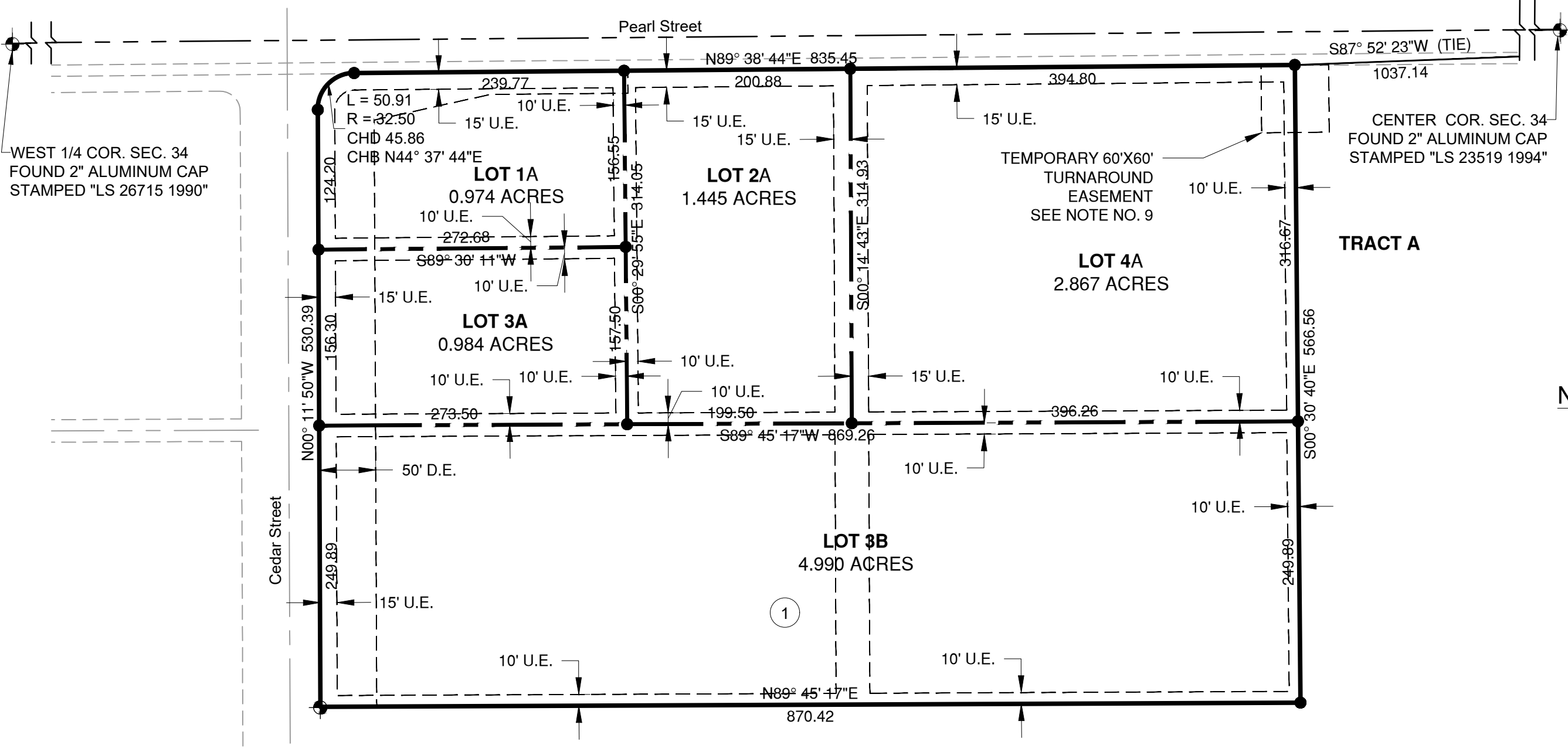
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ANTHONY L. KNIEVEL, PLS NO. 38157  
FOR AND ON BEHALF OF CAMPOS, EPC

BENNETT CROSSING FILING 3  
MINOR SUBDIVISION  
LOCATED IN PORTIONS BENNETT CROSSING FILING 3  
WEST HALF SECTION 34, T3N, R63W, 6TH PRINCIPAL MERIDIAN  
TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO



ANTHONY L. KNIEVEL COLORADO REGISTERED SURVEYOR P.L.S. No. 38157	PROJ. NO. 00040.0000.0014 DATE: 9/15/2021	SURVEYED CRN	DRAWN ALK	CHECKED 1	SHEET 1	OF 1
--	--	-----------------	--------------	--------------	------------	---------



PURPOSE STATEMENT:

THIS BENNETT CROSSING FILING 3 MINOR SUBDIVISION PLAT IS INTENDED TO RESUBDIVIDE LOTS 1, 2, 3, 4 INTO 1A, 2A, 3A, 3B, 4A, DEDICATE RIGHT-OF-WAY AND GRANT EASEMENTS.

OWNERSHIP CERTIFICATE

IN WITNESS THEREOF, GAYESKI CAPITAL EQUITIES, LLC HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AD.

OWNER: GAYESKI CAPITAL EQUITIES LLC,  
905 EST 124TH AVENUE, SUITE 200  
WESTMINSTER, CO 80234  
(307) 457-9700  
Larry-Gayeski@comcast.net

BY: \_\_\_\_\_

AS: MANAGING MEMBER.

NOTARY PUBLIC  
STATE OF COLORADO  
COUNTY OF ADAMS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AD.  
BY LARRY GAYESKI AS MANAGING MEMBER OF GAYESKI CAPITAL EQUITIES LLC.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY ADDRESS: \_\_\_\_\_

IN WINLESS THEROF, \_\_\_\_\_ HAVE CAUSED THESE PRESENTS

TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AD.

TOWN OF BENNETT APPROVALS

THIS IS TO CERTIFY THAT THE PLAT OF \_\_\_\_\_ WAS APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AD.  
BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT HEREBY ACKNOWLEDGES SAID PLAT  
UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

LEGAL DESCRIPTION AND DEDICATIONS:

THE UNDERSIGNED, BEING THE OWNER(S) OF A PARCEL OF LAND SITUATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH P.M., TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
LOTS 1,2,3 AND 4 OF BLOCK 1, BENNETT CROSSING FILING NO. 3, AS DEPICTED IN RECEPTION #2019000012642 AND DESCRIBED BY METES AS BOUNDS, COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 34, THENCE ALONG THE EAST-WEST MIDSECTION LINE N89°30'11" E, A DISTANCE OF 2640.73' TO THE C1/4 CORNER OF SAID SECTION 34; THENCE S87°52'23" W, A DISTANCE OF 1037.14' TO THE NORTHEAST CORNER OF THIS DESCRIPTION, SAID POINT BEING THE TRUE POINT OF BEGINNING;  
THENCE S00°30'40" E, A DISTANCE OF 566.56' TO A POINT;  
THENCE S89°45'17" W, A DISTANCE OF 870.42' TO A POINT ON THE EAST RIGHT-OF-WAY OF CEDAR STREET;  
THENCE N00°14'43" W, A DISTANCE OF 530.39' TO A POINT OF CURVATURE TO THE RIGHT;  
THENCE 50.91' ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 32.50', A CHORD DIRECTION OF N44°37'44" E, AND A CHORD DISTANCE OF 45.86' TO A POINT ALONG THE SOUTH RIGHT-OF-WAY OF PEARL STREET;  
THENCE N89°30'11" E, A DISTANCE OF 835.45' TO THE POINT OF BEGINNING.  
CONTAINING 11.26 ACRES, MORE OR LESS.

HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE ABOVE DESCRIBED LAND AS PER THE DRAWING HERON CONTAINED UNDER THE NAME AND STYLE OF BENNETT CROSSING FILING NO. 3 A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND HEREBY DEDICATE TO THE TOWN OF BENNETT IN FEE SIMPLE THE STREETS AND ALL OTHER PUBLIC WAYS AND PUBLIC PLACES AS SHOWN ON THE PLAT FOR PUBLIC USE THEREOF FOREVER, AND HERBY DEDICATES TO THE USE OF THE TOWN OF BENNETT, ALL SERVING PUBLIC UTILITY, AND OTHER APPROPRIATE ENTITIES SUCH EASEMENTS AS ARE CREATED HEREBY AND DEPICTED, OR BY NOTE, REFERENCED HERON, ALONG WITH THE RIGHT TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, INSPECT AND OPERATE MAINS, TRANSMISSION, DISTRIBUTION AND SERVICE LINES AND APPURTENANCES OR OTHER IMPROVEMENTS FOR WHICH THE EASEMENTS WERE GRANTED TOGETHER WITH THE RIGHT OF ACCESS, ON, ALONG AND IN ALL OF THE EASEMENTS, EITHER DIRECTLY OR THROUGH THE VARIOUS APPLICABLE SERVICE PROVIDERS AS MAY BE NECESSARY TO ACCOMPLISH THE INTENDED PURPOSES OF THE EASEMENT. UNLESS MORE NARROWLY DEFINED BY NOTE HERON, " UTILITY" SHALL MEAN SEWER, WATER, DRAINAGE, ELECTRICITY, GAS, TELEPHONE, CABLE, AND OTHER TELECOMMUNICATIONS FACILITIES.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COST INVOLVED IN CONSTRUCTION AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, STORM DRAINAGE WORKS AND LINES, WATER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE LINE, LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OF ARRANGEMENTS MADE BY THE SUBDIVIDER THEREOF WHICH ARE APPROVED BY THE TOWN OF BENNETT, COLORADO, AND SUCH SUMS SHALL NOT BE PAID BY THE TOWN OF BENNETT, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED WHEN ACCEPTED BY THE TOWN OF BENNETT SHALL BECOME THE SOLE PROPERTY OF SAID TOWN OF BENNETT, COLORADO, EXCEPT PRIVATE ROADWAY CURBS, GUTTER AND PAVEMENT AND ITEMS OWNED BY MUNICIPALITY FRANCHISED UTILITIES AND/OR OTHER SERVING PUBLIC ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME PROPERTY OF SUCH MUNICIPALITY FRANCHISED AND/OR OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

CLERK AND RECORDER'S CERTIFICATE

THE FOREGOING PLAT AND DEDICATION WAS FILED FOR RECORDATION IN THE OFFICE OF THE ADAMS COUNTY CLERK AN RECORDER IN THE STATE OF COLORADO AT \_\_\_\_\_, O'CLOCK \_\_\_\_\_, M ON THE DAY OF, \_\_\_\_\_ A.D., 2021

BY: \_\_\_\_\_  
DEPUTY COUNTY

CLERK AND RECORDER



**Melinda A. Culley**

(303) 298-1601 tel

(303) 298-1627 fax

*melinda@kellypc.com*

### **MEMORANDUM**

TO: Steve Hebert, Planning & ED Manager  
Sara Aragon, Community Development Manager

FROM: Melinda Culley /s/

DATE: January 19, 2022

RE: Bennett Crossing Filing No.3, First Amendment

---

I reviewed the Final Plat for Bennett Crossing Filing No. 3, First Amendment and have the following comments:

1. Revise the title of the document to reflect that this is a First Amendment to Bennett Crossing Filing No. 3. For example, the title could be:

Minor Subdivision Plat  
Bennett Crossing Filing No. 3, First Amendment  
Town of Bennett, County of Adams, State of Colorado

2. Revise the Purpose Statement to read:

This is the First Amendment to the Bennett Crossing Filing No. 3 Subdivision. It is intended to replat Lots 1, 2, 3 and 4, Bennett Crossing Filing No. 3 into Lots 1A, 2A, 3A, 3B and 4A, Bennett Crossing Filing No. 3, First Amendment. It also dedicates rights-of-way and grants the easements shown hereon.

3. In the second paragraph of the Ownership and Dedication block, update the name of the subdivision to Bennett Crossing Filing No. 3, First Amendment.
4. Are those access easements along the west edge of the subdivision and down the middle? If so, consider more clearly labeling them.

**TOWN OF BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-05**

**A RESOLUTION RECOMMENDING APPROVAL OF THE  
BENNETT CROSSING FILING NO. 3 FINAL PLAT, AMENDMENT NO. 1**

**WHEREAS**, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for approval of an amended Bennett Crossing Filing No. 3 Final Plat; and

**WHEREAS**, all materials related to the proposed amended final plat been reviewed by Town Staff and found to be in compliance with Town of Bennett zoning ordinance and subdivision regulations; and

**WHEREAS**, after a noticed public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds that the proposed final plat for Bennett Crossing Filing No. 3, Amendment No. 1 should be approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF BENNETT, COLORADO:**

**Section 1.** The Planning and Zoning Commission hereby recommends approval of the proposed Bennett Crossing Filing No. 3 Final Plat, Amendment No. 1, subject to the conditions set forth on Exhibit A, attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED THIS 28nd DAY OF FEBRUARY 2022.**

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Christina Hart, Secretary



**EXHIBIT A**  
**Bennett Crossing Filing 3, Amendment No. 1 Final Plat**  
**Conditions of Approval**

Before recording the final plat:

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.

### **Suggested Motion**

I move 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 before recording the final plat:

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.

**QUASI-JUDICIAL PUBLIC HEARING SCRIPT  
(PLANNING COMMISSION)**

**CHAIR:** I will now open the public hearing on the following application: An application for **Case No. 22.03 Bennett Crossing Outline Development Plan, Amendment No. 1.**

The purpose of the hearing is to provide a public forum for all interested parties who wish to comment on an application before the Commission. 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 the Town staff.

**NEXT**, we will have a presentation by the applicant.

After these two presentations we will allow people who signed up to speak 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 Commission, not the applicant or Town staff.

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

**NEXT**, the Planning Commission 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 Planning Commission 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?

*[Town Clerk to confirm on record notice has been provided]*

Do any Commission members have any disclosures?

*[Commissioners to disclose conflicts of interests, ex parte contacts, etc]*

Town staff, 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 Commissioners have questions of the applicant or Town staff?

*[Question and Answer]*

**CHAIR:** I will now open the public comment portion of the 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?

*[If more than one person has signed in, call them in order.]*

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 Commissioner 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 Planning Commission 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 inclusion of these items in the record?

**CHAIR:** I will now close the public hearing and the Planning Commission members will deliberate on the evidence presented. During deliberations, Commission 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.

We have a motion on the floor by Commissioner \_\_\_\_\_ and a second by Commissioner \_\_\_\_\_ to approve Planning and Zoning Commission Resolution No. 2022-07.

May we have a Roll-Call vote?

Motion carries/fails.

# STAFF REPORT



welcome neighbors.

TO: Members of the Planning and Zoning Commission

FROM: Steve Hebert, Planning and Economic Development Manager

DATE: February 28, 2022

SUBJECT: Case No. 22.03 – Bennett Crossing Outline Development Plan (ODP), Amendment No. 1

**Applicant/Representative(s):** Gayeski Capital Equities, LLC / Michelle Gayeski, Michael Cleary

**Location:** Bennett Crossing, Generally East of CO Highway 79/S. 1<sup>st</sup> St, North of I-70 and South of Edward Ave.

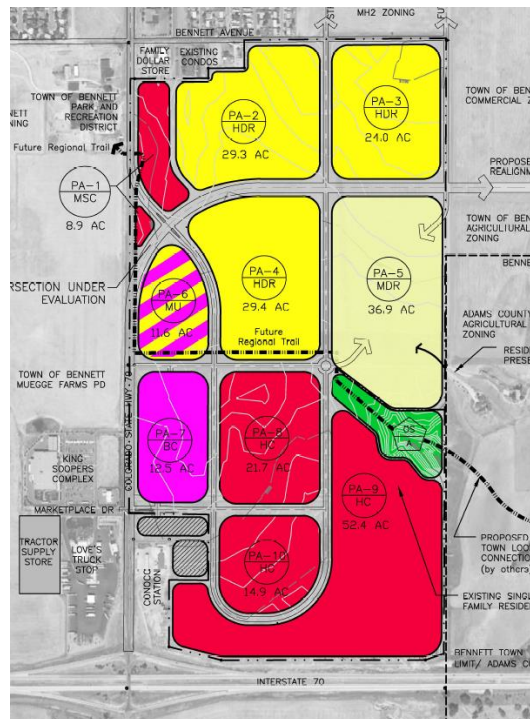
**Purpose:** Amend the ODP to Reflect Boundary Changes and Allow a Crematorium

## Background

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.



## First Proposed Change – Boundary Change

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. 1<sup>st</sup> St. and Marketplace Drive will be removed from the ODP.



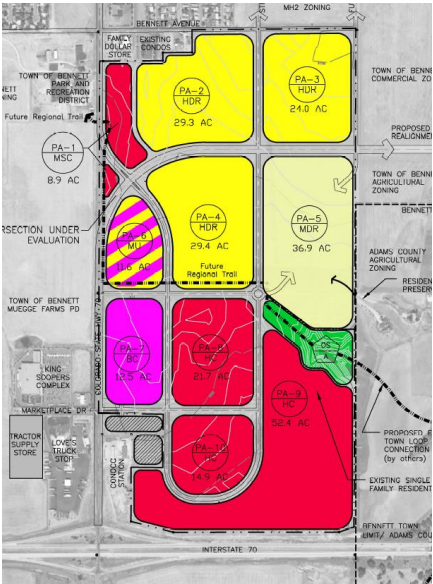
## Second Proposed Change – Addition of a Crematorium as a Permitted Use in the Highway Commercial District

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.

Bennett Crossing Planned Development						
Land Use Categories	MSC	MDR	HDR	MU	BC	HC
<b>J. SERVICES</b>						
(1) Dry cleaning				P		
(2) Financial services (such as banks, savings and loan and brokerages) with drive-in facilities	P			P	P	P
(3) Financial services (such as banks, savings and loan and brokerages) with no drive-in facilities	P			P	P	P
(4) Funeral homes and mortuaries	P			P	P	P
(5) Limited equipment rental				C	P	P
(6) Offices; administrative business and professional, except health-related	P			P	P	P
(7) Offices; medical, dental or other health-related, including urgent care facilities	P			P	P	P
(8) Personal services, other (<5000 sq. ft.)	P			P	P	P
(9) Personal services, other (>5000 sq. ft. <25000 sq. ft.)	P*			P	P	P
(10) Personal services, other (>25000 sq. ft.)				C	P	P
(11) Repair, furniture and major household appliance	P			C	P	P
(12) Repair, other except vehicle- related repair	P			C	P	P
(13) Crematoriums						P

P\* Limited to no more than 10,000 sf in MSC

The land use map of the ODP is shown again below. If approved, a crematorium would be allowed in the HC subareas shown in red in the lower half of the map.



### Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	HDR – High Density Residential	Vacant
East	A-3 (Unincorporated Adams Co.)	Agricultural, Single-family Residential
South	A-1 (Unincorporated Arapahoe Co.)	I-70, Agricultural
West	BC – Business Commercial	Various Commercial Uses and Vacant Lots

### Impacts and Regulation by Other Agencies

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. The Colorado Department of Public Health and Environment’s (CDPHE) guide to air permitting requirements is attached.

## **Staff Analysis and Findings**

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### **Consistency with the Comprehensive Plan**

Staff Finding: Staff finds the existing Outline Development Plan is consistent with, or will promote, the goals and policies of the Town of Bennett 2021 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code. The proposed amendments are also consistent with the plan.

### **Consistency with the Intent of the Zoning Code**

Staff Finding: Staff finds the existing Outline Development Plan is consistent with the purpose of the Bennett Land Use Code, outlined in Section 16-1-50. The proposed amendments are also consistent with the land use code.

## **Public Comment**

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Notice of the February 28, 2022 Planning and Zoning Commission hearing and the March 8, 2022 Board of Trustees hearing was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. There has been no public comment to date.

## **Staff Recommendation**

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Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-07, recommending approval of the Bennett Crossing Outline Development Plan, Amendment No. 1.

## **Attachments**

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1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Bennett Crossing Outline Development Plan (ODP), Amendment No. 1
4. CANA Annual Statistical Report
5. CDPHE Guide to Air Permitting Requirements
6. Proposed Planning and Zoning Commission Resolution 2022-07





# Case No. 22.03 Bennett Crossing Outline Development Plan, Amendment No. 1

Town of Bennett

Planning and Zoning Commission

February 28, 2022

Steve Hebert, Planning & Economic Development Manager

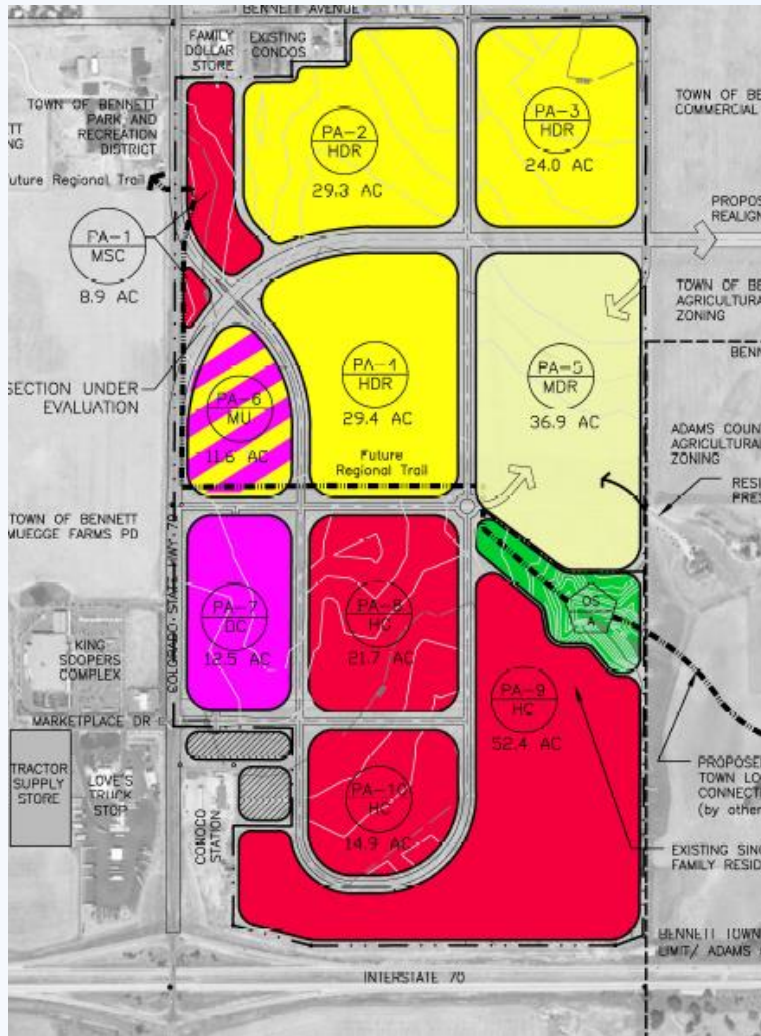
## Proposed Changes to the Bennett Crossing Outline Development Plan (ODP)

Change No. 1 - Reflect boundary changes near the southeast corner of Marketplace Drive and S. 1<sup>st</sup> Street/CO Highway 79. QuikTrip parcels were incorporated into a new ODP known as the Bennett Crossing Southwest Outline Development Plan.

Change No. 2 - Allow for a crematorium in the Highway Commercial (HC) sub-area zone district.

# Proposed Boundary Changes

Overall Bennett Crossing ODP



Cross-hatched Area to be Deleted from ODP



# Proposed Crematorium as a Permitted Use

- The applicant proposes an amendment to the permitted uses section of the Highway Commercial zone to allow a crematorium as a permitted use.
- A crematorium is a facility that houses a cremator having a cremation chamber or retort. In this chamber, the body of a deceased incinerated and hence, reduced to skeletal remains and bone fragments.\*

\*Source: [cremationresource.org](http://cremationresource.org)

# Proposed Amendment to Permitted Uses

## *Bennett Crossing Planned Development*

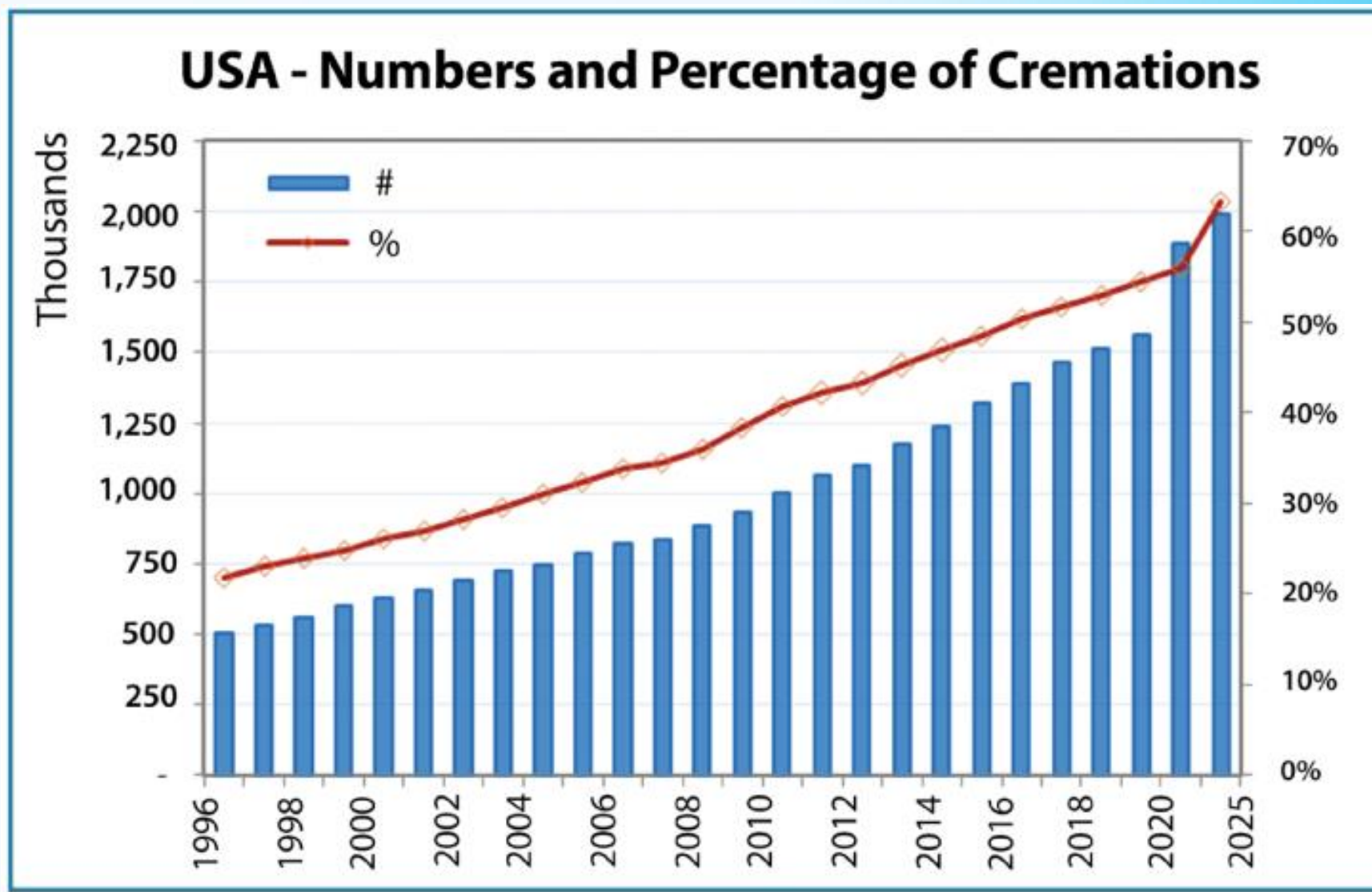
<i>Land Use Categories</i>	<i>MSC</i>	<i>MDR</i>	<i>HDR</i>	<i>MU</i>	<i>BC</i>	<i>HC</i>
<b>J. SERVICES</b>						
(1) Dry cleaning				P		
(2) Financial services (such as banks, savings and loan and brokerages) with drive-in facilities	P			P	P	P
(3) Financial services (such as banks, savings and loan and brokerages) with no drive-in facilities	P			P	P	P
(4) Funeral homes and mortuaries	P			P	P	P
(5) Limited equipment rental				C	P	P
(6) Offices; administrative business and professional, except health-related	P			P	P	P
(7) Offices; medical, dental or other health-related, including urgent care facilities	P			P	P	P
(8) Personal services, other (<5000 sq. ft.)	P			P	P	P
(9) Personal services, other (>5000 sq. ft. <25000 sq. ft.)	P*			P	P	P
(10) Personal services, other (>25000 sq. ft.)				C	P	P
(11) Repair, furniture and major household appliance	P			C	P	P
(12) Repair, other except vehicle- related repair	P			C	P	P
(13) Crematoriums						P

P\*

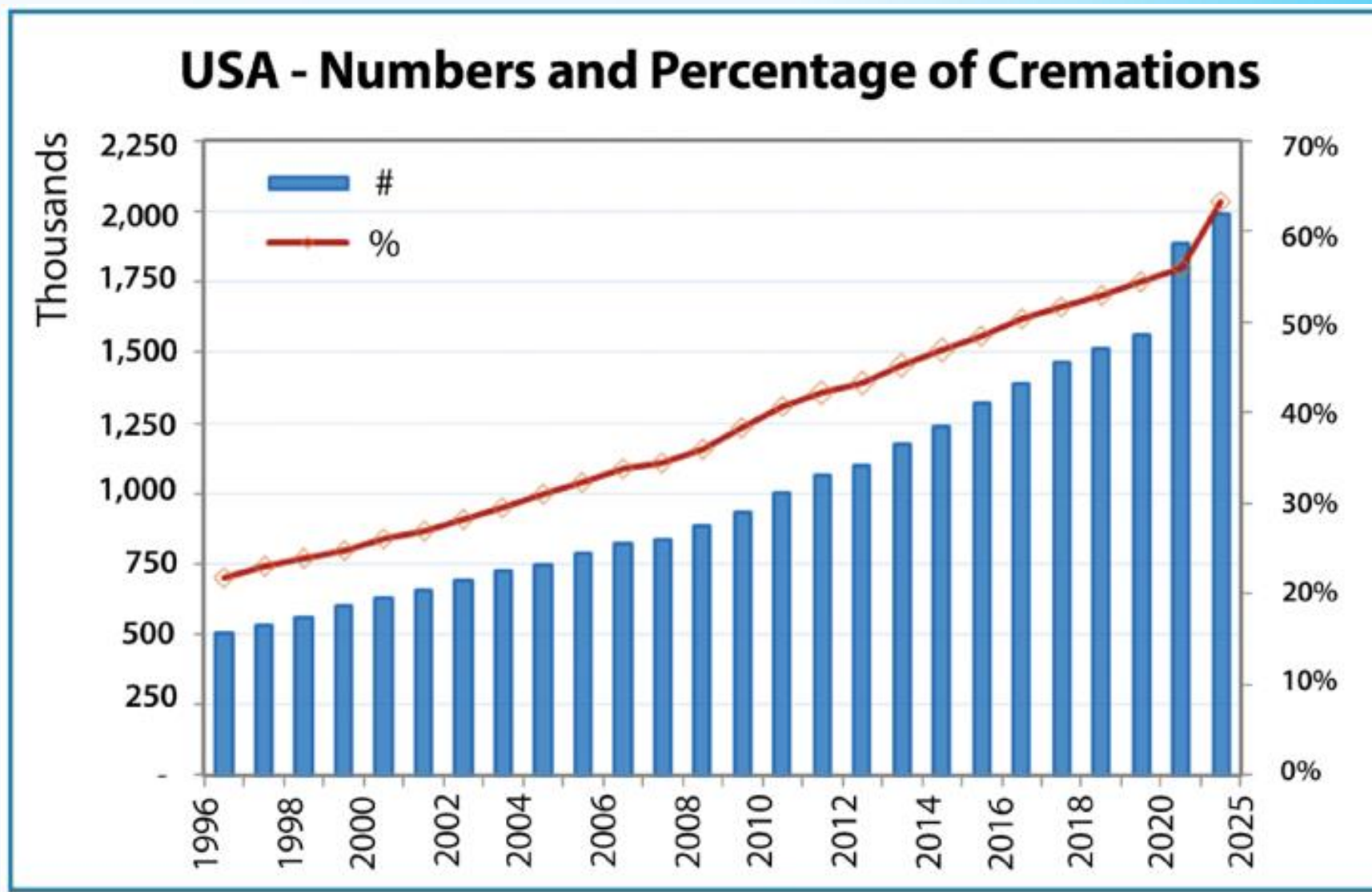
Limited to no more than 10,000 sf in MSC



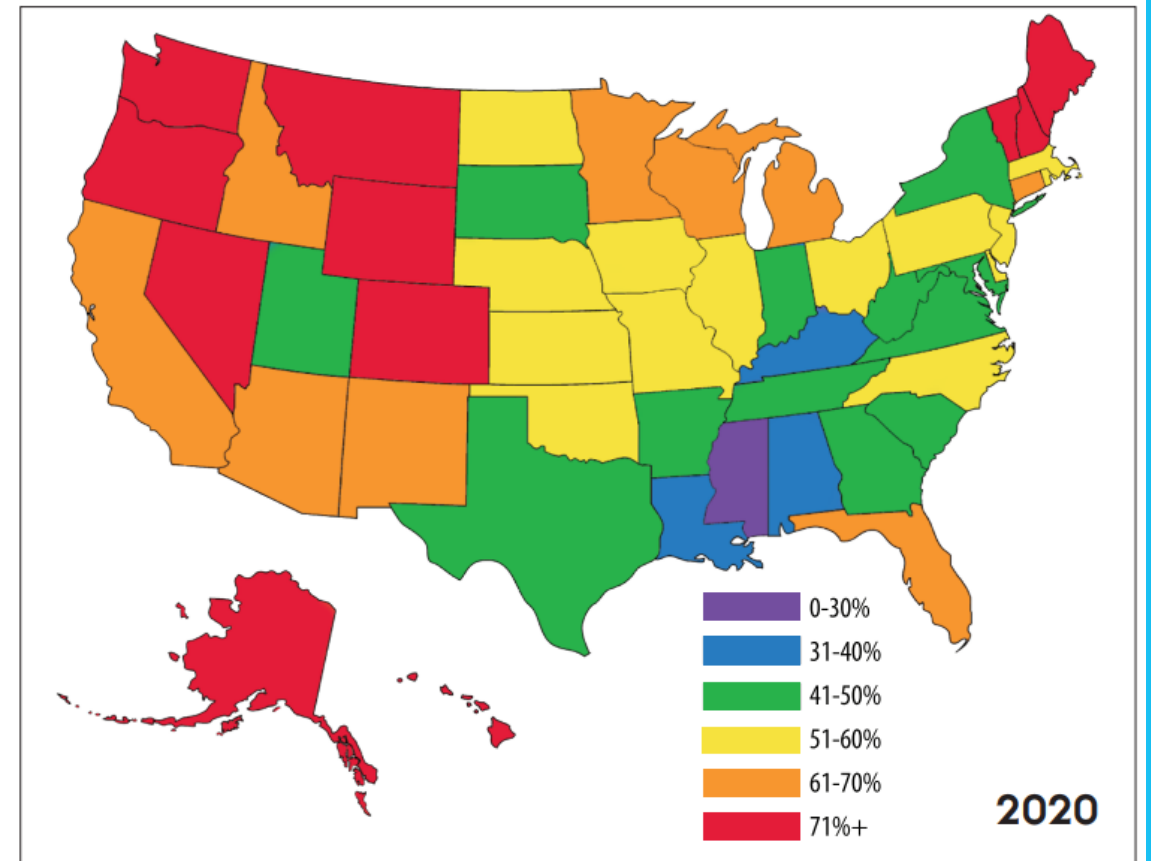
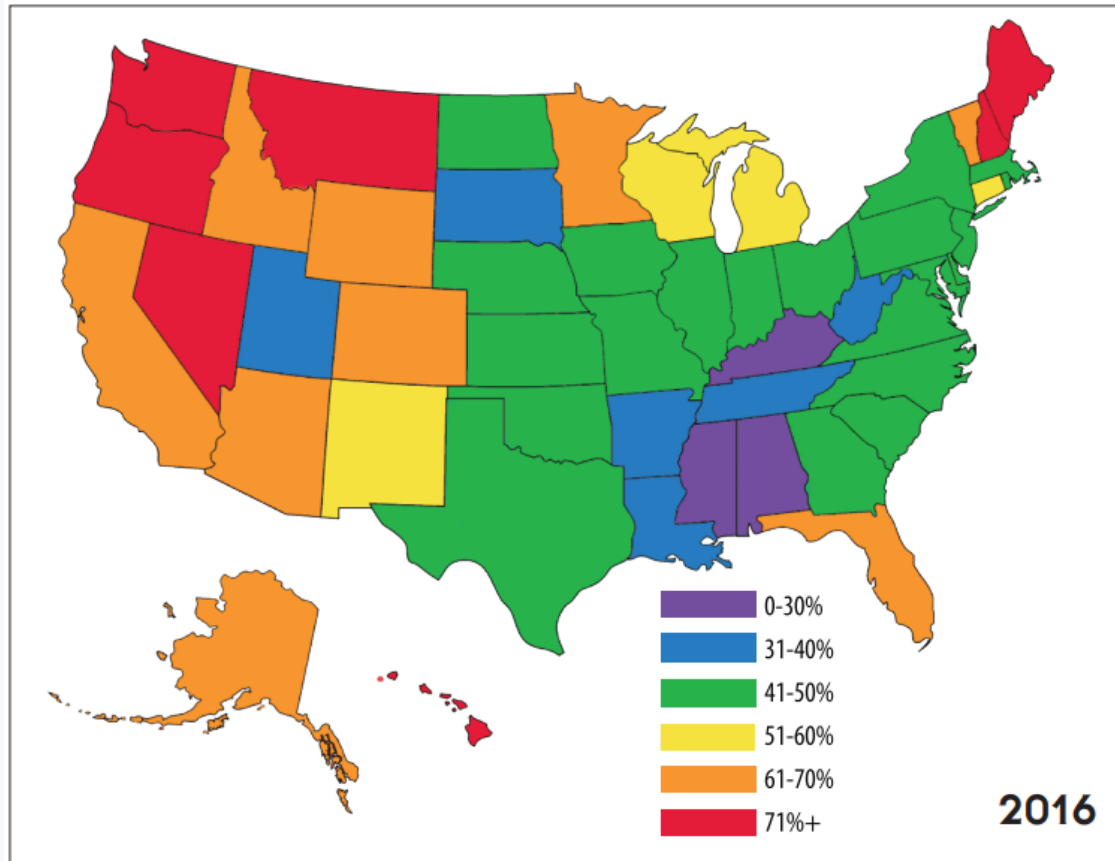
# Cremation Trends in the U.S.



# Cremation Trends in the U.S.

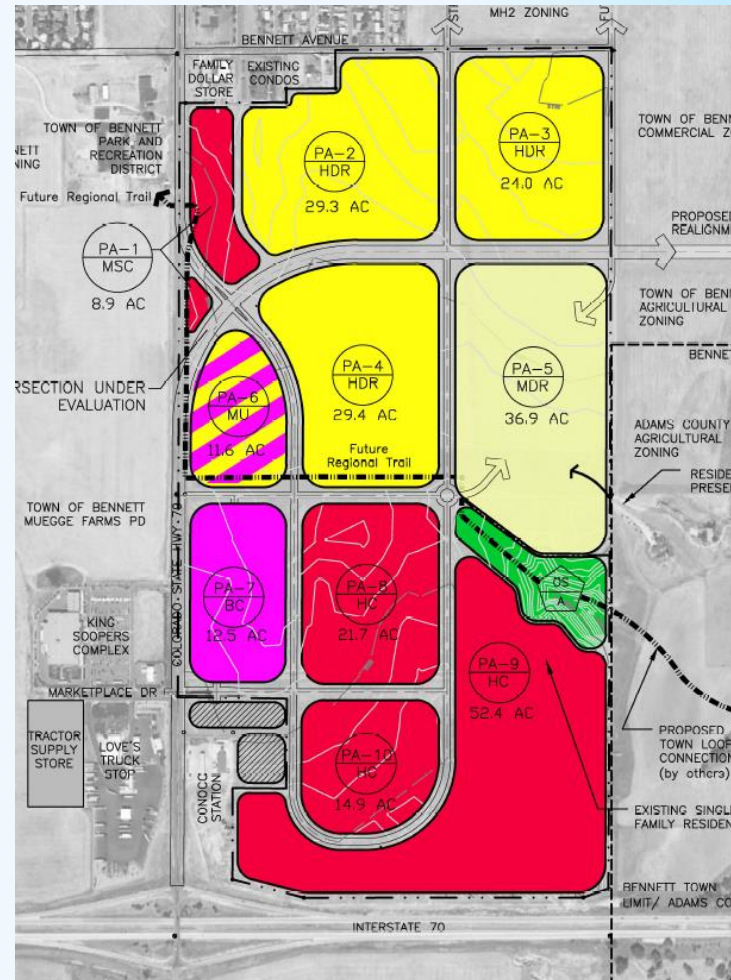


# Percentage of Cremations in the States for 2016 and 2020





# Area Within the ODP Affected by the Amendment Highway Commercial (HC) South of Pearl St.



# Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	HDR – High Density Residential	Vacant
East	A-3 (Unincorporated Adams Co.)	Agricultural, Single-family Residential
South	A-1 (Unincorporated Arapahoe Co.)	I-70, Agricultural
West	BC – Business Commercial	Various Commercial Uses and Vacant Lots

# Impacts, Design Review and Regulation by Other Agencies

- The applicant has indicated there will be no outside evidence of the crematorium as it is integrated into the building design and construction.
- Any development within Bennett Crossing is subject to a Final Development Plan and the Town's Design Guidelines.
- 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, facilities that utilize them are subject to Colorado air emission reporting and permitting requirements.

## Staff Findings

- Staff finds the existing Outline Development Plan is consistent with, or will promote, the goals and policies of the Town of Bennett 2021 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code. The proposed amendments are also consistent with the plan.
- Staff finds the existing Outline Development Plan is consistent with the purpose of the Bennett Land Use Code, outlined in Section 16-1-50. The proposed amendments are also consistent with the land use code.

## Staff Recommendation

Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-07, recommending approval of the Bennett Crossing Outline Development Plan, Amendment No. 1.

# Town of Bennett Land Use Application Form

TO BE COMPLETED BY APPLICANT

Application  
Type:

Other

Other

**Primary Contact Name:** Michelle Gayeski (on behalf of Tabor Funeral Home)

**Name of Firm:** Gayeski Capital Equities, LLC

**Address:** 905 W 124th Avenue #200

**City:** Westminster

**State:** CO

**Zip:** 80234

**Phone:** 720.290.4447

**Email:** MGAYESKI@g2denver.com

**Owner Name:** Gayeski Capital Equities, LLC

**Address:** 905 W 124th Avenue, #200

**City:** Westminster

**State:** CO

**Zip:** 80234

**Phone:** 720.290.4447

**Email:** mgayeski@g2denver.com

**Mineral Estate Holder/Lease:** not applicable

**Name of Firm:**

**Address:**

**City:**

**State:**

**Zip:**

**Phone:**

**Parcel#:**

**Subdivision Name:**

**Site Address:** NEC SH79 & I-70

**Nearest Major Intersection:** SH79 & I-70

**Legal Description:** Bennett Crossing Filing No. 1 and Bennett Crossing Filing No. 3

**Current Zoning:** PD

**Proposed # lots/units:**

**Total Acreage:**

**Gross Floor Area:**

**Proposed Gross Densities (du/ac):**

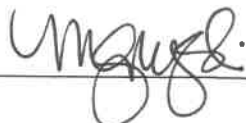
**Additional Notes:** ODP addresses changes including the addition of 'crematory' use and modification to boundaries to exclude Bennett Crossing Filing No. 4.

All Submittal Requirements must accompany this application. All applicable fees must be paid at the time of application. Any extraordinary cost incurred by the Town of Bennett in reviewing and processing this application is the responsibility of the applicant.

An executed cost agreement must be attached to this application pursuant to Sec. 16-1-325 of the Bennett Municipal Code.

*I understand this is an application only, it must be approved by the Town, and any required building permits must be obtained before the property can be used in accordance with the request. I hereby acknowledge all of the above information is correct.*

Applicant's Signature:



Date:

01/31/2022



# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

**A parcel in the W 1/2 of Section 34, Township 3 South, Range 63 west of the 6th Principal Meridian,  
Town of Bennett, County of Adams, State of Colorado**

**PLANNING | SITE DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENTS**  
767 Santa Fe Drive Denver, CO 80204 303-741-1411 planwest.com



# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

A parcel in the W 1/2 of Section 34, Township 3 South, Range 63 west of the 6th Principal Meridian,  
Town of Bennett, County of Adams, State of Colorado

### BENNETT CROSSING Planned Development

OUTLINE DEVELOPMENT PLAN

#### INTRODUCTION

##### Overview

The Bennett Crossing property comprises the eastern side of the Town's *Front Door* along SH 79 from I-70. When fully developed, the 292 acre Bennett Crossing property will have a positive impact on the Town's environment and economic stability. Principles and goals for the long-term sustainable growth of the town are based on Bennett maintaining a small-town, rural character. While specific details pertaining to the *rural character* are not defined, the Bennett Crossing PD represents a strong commitment to the following general principles for the future growth of the Town:

1. Create a comfortable, pedestrian environment to reinforce a healthy resident population.
2. Provide the opportunity for alternative housing types to serve a diverse population of current and future residents.
3. Continue to attract commercial and retail uses and developments generated by the traffic on Interstate 70.
4. Promote development that will offer additional goods, services, and employment opportunities for the residents of Bennett and the region.

##### Intent

Building on the historic *Kiowa Crossing*, the railroad crossing of the Kiowa Creek, Bennett Crossing is planned to create the crossing, or transition, from interstate influences to the small town, rural character of Bennett. The Planned Development zoning is intended to provide the opportunity for development of highway retail and commercial uses along with small town living. The commercial uses and services are intended to financially benefit residents of Bennett that would not otherwise be sustainable without the regional influences from I-70 and SH 79.

The Bennett Crossing ODP maximizes a synergistic relationship of well-coordinated land uses between Planning Areas. Similar planning areas are located adjacent to land uses with complementary services and complementary markets. Commercial/retail uses will capitalize on their proximity to I-70. The new residential neighborhoods are planned to be an extension of the Town's existing residential community.

The regional trail network is connected through Bennett Crossing with links to the existing trail to the northwest and future connections to the southeast. Bennett Crossing will provide direct and easy access to the perimeter regional trails system. The connections will help integrate the future commercial, retail and residential development into the expanding Town of Bennett.

##### Planned Development Zoning

The Bennett Crossing Planned Development (PD) is intended to provide the framework for mixed use development in support of the Town's goals for sustainable growth. The Bennett Crossing PD includes a mix of residential, retail, office, commercial, and light industrial uses along with trails and open space. The wide range of proposed uses will combine employment opportunities, services and housing while striving to preserve the rural lifestyle and setting. The Bennett Crossing PD provides Development Standards that will assure maximum flexibility and promote innovative development to help enhance the character and quality of the Town of Bennett, while respecting the provisions of the Town's new zoning ordinance.

The intent of this Development Guide is to establish specific criteria for the comprehensive development and improvement of the property. The standards will help guide the development in an orderly manner to provide the residents of Bennett a comfortable place to live, work, play, and shop.

The Bennett Crossing Planned Development is intended to be compatible with the **Town of Bennett Comprehensive Plan**. As a result, this document has incorporated the Comprehensive Plan guiding principles as core values, including the following:

- 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.
- Design new developments in a manner to blend with the rural setting and preserve natural features and areas designated for agricultural production.
- Ensure that affordable housing and access to healthy living is available for people of all ages and income levels.
- Offer access to open space, trails and parks to provide more opportunities for walking, biking, recreation, and contact with nature.
- Foster a distinctive, attractive community that retains our young people to support future community governance.
- Preserve open space, farmland, and areas that have environmental significance to the region.
- New development should be contiguous, or nearly so, to existing infrastructure and services.
- 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.

#### LAND USE PLANNING OVERVIEW

##### Overall Development Program

The purpose of the Bennett Crossing Outline Development Plan and Guidelines is to establish standards for the comprehensive development and improvement of the property. The guidelines and standards contained in this Outline Development Plan are intended to establish the criteria that will carry out the goals of this planned development. They are also intended to ensure a long-term, unified, high-quality community for the Town, its residents and all users.

The proposed design concept for the Bennett Crossing PD incorporates the preferred realignment of Colorado State Highway 79 described as the preferred alternative in the **SH 79 and Kiowa-Bennett Corridor PEL Study** (November 2013) and proposes a general network of internal roadways that divide the property into a series of planning areas. These planning areas represent the proposed zoning that is described in this Development Guide, including the permitted uses and lot and building standards. The proposed internal roads illustrated in this document are designed using the current Town of Bennett road standards. The existing two

access easements to the two residences east of the property will be maintained throughout development. All development will be subject to the Final Development Plan (FDP) process as detailed in the Zoning section of the Town of Bennett Municipal Code, as amended.

##### Residential Development

Planning Areas 1 through 5 are planned primarily as an extension of the existing residential neighborhoods in the Town of Bennett. A variety of residential types will provide the opportunity for diverse housing in the Town. The opportunity for mixed density housing is intended to serve the current and future demand for comfortable places to live in Bennett. Limited commercial and retail uses in the residential planning areas are intended to be of a complementary scale that will serve the Town and regional resident population. Pedestrian friendly neighborhoods will be created with main entries and front doors of residential homes and buildings along local streets, parking lots will be a complementary scale to the proposed development and dispersed throughout as needed. Sidewalks will connect neighbors with the adjacent and surrounding goods, services, employment opportunities, civic centers, and neighbors. Vehicular and pedestrian connections to the existing infrastructure and the regional trails system will help make the new residential developments in Bennett Crossing become an integral extension of the existing town.

Specific development guidelines with development and design criteria are part of each specific planning area.

##### Retail, Commercial, and Industrial

Planning Areas 7 through 10 are intended to maximize the benefit of the following:

- 1) Visibility from Interstate 70 frontage
- 2) Direct access to and from I-70
- 3) Proposed improvements to State Highway 79.

The highway-generated commercial, light industrial and retail uses will provide goods and services to the residents of Bennett and the region. Many of the proposed and anticipated uses would not be supported with the limited local residential populations. Land uses that support an expanded employment base are included to help build diverse and sustainable development for the Bennett community. A wide range of uses are proposed to help attract mixed use development that will benefit from synergistic and complementary markets, needs, and services.

Pedestrian connections to the town and regional trails will link the commercial and retail development to the existing town. Easy, unimpaired access and parking are essential components of successful highway-oriented commercial development. Streets, parking lots, and service areas should be designed to support a variety of vehicle types.

Building and development along I-70, SH 79, and Marketplace Drive should present an attractive design and image as the gateway into the Town of Bennett. Service, storage, and parking should be screened to present attractive development character.

Specific Development Guidelines and Standards are part of each specific planning area and are contained in this ODP-PD Development Standards and Guidelines.

#### SITE ANALYSIS

##### Existing Conditions

The 292.62 Acres that make up the Bennett Crossing PD is the combination of three parcels (PPI# 0181534200007, 0181500003001, 0181534300001). The legal descriptions for each are included on the ODP Map. The property includes the following zoning districts per the Official Zoning Map (Ordinance No. 647-14) - Low Density Residential (R1), High Density Residential (R3), and Commercial (C). There is currently one residence on the property with access along a dirt drive from SH-79. Two access easements serve the two residences located to the east of the property. Access to these residences will remain. The dilapidated remains of an old farm compound is located in the south east edge of the site. Historical records of the farmstead have not been identified.

##### Historic and Archeological Resources

Per the **SH 79 and Kiowa-Bennett Corridor PEL Study** (November 2013), there are no significant historic or archeological resources within the boundary of the Bennett Crossing property.

##### Environmentally Significant Areas

Kiowa Creek passes to the east of the Bennett Crossing PD, with the limit of the FEMA Floodway just east of the property boundary. Per the **SH 79 and Kiowa-Bennett Corridor PEL Study** (November 2013), there are no environmentally significant areas associated with the Bennett Crossing property, including floodplain, wetlands, wildlife migration routes and sensitive vegetation.

#### GENERAL CONDITIONS

##### Planning Area Boundaries

The boundaries and acreage of all Planning Areas within the Bennett Crossing PD Development are shown on the Development Plan. Changes in the boundaries and area of Planning Areas shall be permitted as follows:

The size of any Planning Area may increase or decrease by administrative amendment for no more than 10% as determined by the Town's Zoning Administrator after final determination of: internal street alignments, arterial street alignments, 100-year floodplain boundary, park and open space and buffer zone areas. The final boundary of any Planning Area will be established when the final plat is prepared for that area.

Amendments to planning areas shall be subject to the Town of Bennett Municipal Code, as amended.

##### Schedule of Development, Proposed Phasing and Vesting

Commercial and residential development as represented in the Bennett Crossing PD Development Plan are anticipated to be phased over numerous years based on market demands. Vested property rights of the Bennett Crossing ODP shall occur with the approval of a site specific Final Development Plan (FDP) for any part of the Bennett Crossing ODP as outlined in the Bennett Land Use Code, Article I, Division 5, and Vested Property Rights.

##### Special Financing Districts

It is anticipated that the development of Bennett Crossing will require the formation of Metropolitan District(s) to help finance the costs of new public infrastructure and certain ongoing maintenance costs where appropriate. Creation of the Metro Districts will be in accordance with the Colorado State Statutes and Town of Bennett regulations.

#### DEFINITIONS

All terms not specifically defined in the Bennett Crossing PD Development Plan, shall have the meanings ascribed to them as detailed in Article II, Zoning of the Town of Bennett Land Use Code, as amended, unless specifically noted below.

##### Flex Office

Flex Office allows a flexible land use for office, product research and development, the assembly and fabrication of goods and products, wholesale and retail sales, and warehousing for distribution of products in a storefront/office styled building. Flex Office assembly and fabrication is limited to goods produced with little if any noise, vibration, glare, and/or air and water pollution produced on the exterior of the buildings.

##### Patio Home

A single family detached or attached residential unit typically one story, constructed on a small lot with minimal building setbacks. Patio homes are usually designed around private outdoor living areas such as a deck, patio, or courtyard to maximize livable area and minimize outdoor maintenance. Patio Homes can be clustered around common car courts, private streets, alleys, or public streets. Outside areas available to the public may be included in a common area maintenance agreement.

##### Townhome

One and two story residential units of three or more dwelling units attached, side-by-side by a common wall or party wall. Where such a unit is located on a platted lot, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

#### END OF SECTION

#### DEVELOPMENT STANDARDS and GUIDELINES

#### INTRODUCTION

Following are descriptions of the 10 Planning Areas including: An Intent Statement, Development Program, Land Uses, Standards (Quantitative) and Guidelines (Qualitative):

##### MAIN STREET COMMERCIAL DISTRICT ( MSC )

(Related to Town of Bennett Commercial District w/ Main Street Overlay)  
Planning Area 1

##### Intent

The Town of Bennett's Downtown Main Street Concept Plan outlines a desire to create a central gathering place and a sense of place that defines the Town. The Bennett Crossing Main Street District is intended to build on the recommendations outlined in the Downtown Planning Study and the Main Street Overlay District. The Main Street District in Bennett Crossing is located on the east side of South First Street from the proposed intersection of SH 79 and South First Street to just south of the Bennett Avenue (the Northwest limits of Bennett Crossing).

Development is intended to promote a strong pedestrian environment where structures are located at or near the right-of-way of South First Street where possible. Front doors, active facades and public spaces are intended to help frame the street and start to build an active pedestrian presence along South First Street. A vertical mix of retail, commercial, office, and residential uses are encouraged to promote pedestrian activity. Sidewalks are intended to connect new developments with the existing neighborhoods to provide a continuous pedestrian corridor in the Main Street District. The intent is to promote mixed uses to create a dynamic Main Street Character as a pedestrian active and friendly, central gathering place and inviting small town identity for the Town of Bennett. Vertical mixed use with retail and commercial uses on the first floor and residential on upper floor is encouraged but not required. Architecture is intended to complement the small town, rural character found in the existing historic buildings of Bennett.

##### Development Program

The development intent is to attract business that will benefit from the combination of local and regional residents as well as highway travelers that are looking for services in a small town setting. The Main Street character along South First Street, expected to be phased over time, should include the following where possible:

1. Front doors/facades located on or near the right-of-way to create a street edge,
2. Sidewalks that are continuous along South First Street in front of the buildings,
3. On-street parking along South First Street to promote convenient short term access to the adjacent commercial and retail business,
4. Larger parking lots and service access are encouraged to be located in the rear of the commercial buildings.

The Main Street Commercial District is intended to utilize the recommendations outlined in the **2010 Town of Bennett Downtown Study** where possible. Infill development is planned to meet current and future market demand to provide goods and services to the Town and region. The intersection of South First Street and the realigned SH 79 is currently under review with the Town, CDOT, and adjacent property owners. A final design is expected to evolve over time. Prior to a final intersection design, Bennett Crossing will reserve property to accommodate a range of intersection configurations. Bennett Crossing will work with the Town to refine uniform details and phasing for South First Street that will meet market needs and create a uniform Main Street character for South First Street from SH 79 to E. Colfax Avenue.

##### Land Uses Permitted in MSC

The permitted uses are listed in the Land Use Matrix -- Table 1-1 in the appendix of these Development Standards and Guidelines and other uses that are similar and compatible with the intent of this section as determined by the Zoning Administrator.

##### LOT AND BUILDING STANDARDS IN MSC-MAIN STREET COMMERCIAL-

The lot and building requirements are shown in the following table:

STANDARDS	MSC
Maximum Height (Principal Structure)	50 Ft
(Accessory Structure)	30 Ft
Minimum Lot Area / Dwelling Unit	NA
Minimum Lot Width	NA
Maximum Lot Coverage (Building & Parking)	80%
Minimum Floor Area / Dwelling Unit	500 Sf
Maximum Density	20 du/ac

##### SETBACKS

Minimum Setback from South First Street & SH 79 ROW ****			
	Front Setback	Principal Structure	0 to 150 Ft *
		Accessory Structure	NA **
	Side Setback	Principal Structure	0 to 10 Ft***
		Accessory Structure	NA **
	Rear Setback	Principal Structure	15 Ft
		Accessory Structure	5 Ft
All Buildings setbacks from SH 79			
20 Ft			
Parking Lot setback from S. First Street & SH 79			
10 feet with landscaped buffer			

Notes -- See setback figures in the appendix	
*	Principal Structures are encouraged to be located at the ROW or set back up to a 10' to encourage sidewalk cafés, or other pedestrian plazas when S. First Street is constructed with curb, gutter, and sidewalks by the Town. Parking may be allowed in a front setback if required by the business operations. Front setback parking may include four rows of parking in a 150 foot setback with appropriate screening, landscaping, and pedestrian connections to adjacent commercial development along South First Street. See exhibits in the appendix.
**	Accessory structures are not permitted along South First Street
***	Side setback may be 0 feet if a shared wall or shared use. Reduced side yard requirements to maximize development potential
****	South First Street and State Highway 79 are the same in Planning Area 1 until SH 79 is relocated and constructed. The conditions and standard remain the same for S. First Street and SH79.

##### DEVELOPMENT GUIDELINES

##### Connectivity

- Development in the Main Street District shall provide sidewalks along the entire frontage of the development.
- Each development shall extend the walk to the edge of their property or include an easement for a future connections.
- Connections to existing properties located in the Main Street District shall make every effort to connect to the existing pedestrian sidewalks.
- Walks shall be connected to the walks along South First Street.

## BENNETT CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

### DEVELOPMENT STANDARDS AND GUIDLINES

OWNER		PLANNER / LANDSCAPE ARCHITECT	TOWN OF BENNETT COLORADO
Gayeski Capital Equities, LLC 905 W. 124th Avenue, Suite 200 Westminster, CO 80234 303-457-9700		Plan West Inc. 767 Santa Fe Drive Denver, CO 80204 303-741-1411	job no. 2014/H4 date 01-11-2022 revisions
ENGINEER Jansen Strawn Consulting Engineers 45 W. 2nd Avenue Denver, CO 80223 303-561-3333			sheet 2 of 6



# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

A parcel in the W 1/2 of Section 34, Township 3 South, Range 63 west of the 6th Principal Meridian,  
Town of Bennett, County of Adams, State of Colorado

### Building Orientation and Site Design

- All buildings will be articulated on all four sides with attention to materials, entrances, window patterns and detailing.
- Building Front doors/facades shall be oriented toward South First Street.
- Outdoor cafés and dining area are encouraged but not required.
- First floor retail and upper floor commercial or residential is encouraged but not required.
- Service shall be from the rear along alleys where possible.
- Trash collection shall be screened and accessed from the rear, away from South First Street.
- On-street parking shall be planned along South First Street in conjunction with the redevelopment of South First Street improvements by the Town.

### END OF SECTION

### HIGH DENSITY RESIDENTIAL DISTRICT (HDR)

Planning Areas 2, 3, and 4

#### Intent

Located just south of the existing development in the Town of Bennett, planning areas 2 and 3 are intended to be an extension of the Town's central residential neighborhoods. Planning Area 4 is centrally located in Bennett Crossing. Located south of the proposed SH 79 realignment medium density residential to the east, mixed use to the west and commercial to the south, PA 4 will benefit from convenient proximity to Town, future Main Street commercial along South First Street, the highway commercial and access to I-70. The intent of PA 2, 3, and 4 is to provide the opportunity for housing as an integral part of the expanding housing base for current and future residents of Bennett. A number of housing types are proposed to provide the opportunity for a place to live in Town at a reasonable cost to meet a diverse and growing demographic in Bennett. The residential neighborhoods in Bennett Crossing will be convenient to retail goods, parks, civic services, and employment that will support responsible growth within the small town, rural character of Bennett.

#### Development Program

The design intent is to create safe, pedestrian oriented residential neighborhoods with the opportunity for higher density. Building orientation should face front doors to the public streets to reinforce the pedestrian environment. Walks need to connect the users with the surrounding services. Private streets and parking lots, when used, should be dispersed throughout the neighborhood development to reinforce the pedestrian scale. Parking should be connected to the residential and non-residential uses with walks. Appropriate landscaping should reinforce the pedestrian and neighborhood rural character. Parks, outdoor picnic areas, tot-lots and other outdoor living areas shall be provided as community gathering places for the residents and their guests within Planning Areas 2, 3 and 4 in accordance with Town of Bennett requirements, as attractive, safe, and inviting components of the new Bennett Crossing residential community.

The Bennett Crossing HDR zoning will permit a range of development styles, and lot sizes. Residential development can include single-family detached, two-family, patio homes, townhomes, and multi-family residential uses.

#### Land Uses Permitted in High Density Residential - HDR District

The permitted uses are as listed in the Land Use Matrix -- Table 1-1 in the appendix of these development standards and other uses that are similar and compatible with the intent of this section as determined by the Zoning Administrator:

- Mobile Home Parks are allowed as a conditional use subject to the Town's rules and regulations for mobile home parks.
- Concrete or asphalt construction production is permitted with a temporary use permit in accordance with the Town of Bennett municipal code and subject to a specific project, stipulated time limit, proximity to adjacent development and an approved site plan.

### LOT AND BUILDING STANDARDS FOR THE HDR-HIGH DENSITY RESIDENTIAL DISTRICT

The lot and building requirements are contained in the following table:

STANDARDS	HDR
Maximum Height (Principal Structure)	40 Ft
(Accessory Structure)	18 Ft
Minimum Lot Area / Dwelling Unit	2,400 SF for SFD N/A for other residential
Minimum Lot Width	40 Ft for SFD None for other residential
Maximum Lot Coverage (Building and Parking)	75%
Minimum Floor Area / Dwelling Unit	600 SF
Density -- Maximum	20 du per acre

### SETBACKS

Minimum Building and Parking Setback from SH79			
	All building setbacks from SH 79 – Front, Side, and Rear		20 Ft
	Parking lot setbacks		10 foot with landscaped buffer*
Minimum Setbacks from interior lot lines and local street ROW			
	Front Setback	Principal Structure	10 Ft
		Accessory Structure	20 Ft
	Garage Setback	From face of garage door to edge of sidewalk along any street	20 Ft
	Side Setback	Principal Structure	5 Ft
		Accessory Structure	0 Ft/5 Ft *
	Rear Setback	Principal Structure	15 Ft
		Accessory Structure	0 Ft/5 Ft *
	Garage alley	Setback from garage door to paved edge of an alley	6 Ft
	Parking Lot from the Street		6' with landscaped buffer

#### Minimum Setbacks from Residential Collectors

	Front Setback	Principal Structure w/ alley loaded house	10 Ft
		Accessory Structures	20 Ft
	Garage Setback	No garages along Residential collectors	N/A
	Side Setback	Principal Structure	5 Ft
		Accessory Structure	10 Ft
	Rear Setback	Principal Structure	20 Ft

#### Minimum Setback from SH 79

All Buildings setbacks from SH 79	20 Ft
Parking lots	6 feet with landscaped buffer

#### Notes -- See setback figures in the appendix

*	0 foot setback provided there are no openings in the side facing the adjacent lot, otherwise a 5' side setback is required
	Alleys, when used, are required to be a minimum of 18' wide. The minimum distance from the garage door shall be between is 2' to 6' to provide adequate room to maneuver and to discourage parallel parking in the alley that may block traffic.
**	Parking lots are required to be screened to obstruct the view of cars and lots from SH 79. See parking lot screening in setback figures.

### DEVELOPMENT GUIDELINES

#### Connectivity

- Residential neighborhoods in Planning Areas 2, 3, and 4 should provide sidewalks through the neighborhoods.
- Residential neighborhoods in Planning Areas 2 and 3 should connect to the adjacent streets in the Town and adjacent developments with at least one location for a future vehicular and pedestrian connection to E. Colfax Avenue. The connection to be provided at the time of development of the adjacent property.
- Provide trail or walk connections to regional trails in and adjacent to Bennett Crossing.

#### Building Orientation and Site Design

- All buildings will be articulated on all four sides with attention to materials, entrances, window patterns and detailing.
- Front doors/facades of houses should be oriented toward public streets, public courtyards, or open space.
- Multifamily buildings should have at least one façade facing the public street or open space with a pedestrian entry/front doors.
- Multifamily main entries should be oriented toward shared courtyards and common area.
- Parks/playgrounds/tot lots should be strategically located within each neighborhood.
- Alleys are encouraged to create pedestrian-friendly streetscapes but not required.
- Surface parking lots for multi-family residential should be dispersed throughout the development and connected to the residential units with walks. Avoid large, uninterrupted parking lots.
- Parking lots for multi-family residential building types should be designed to provide a landscape island for every continuous10 spaces.

### END OF SECTION

### MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Planning Area 5

#### Intent

Perched above the Kiowa Creek floodplain, the Medium Density Residential District of Bennett Crossing, Planning Area 5, allows single-family detached, two-family, patio homes, and townhome dwelling units in a variety of home styles and lot sizes for current and future residents of Bennett. The housing is intended to meet the need for home ownership to a growing small town community. The intent is to create a medium density residential neighborhood that is in close proximity to existing services in the Town of Bennett.

#### Development Program

The design intent is to create safe, pedestrian oriented residential neighborhoods. Walks and trails should be connected to regional trails and provide convenient connection to the Town, South First Street retail/commercial, school campus, recreation centers, existing and future retail and commercial services. The open space and flood plain along Kiowa Creek should be recognized and utilized as a visual amenity. Interior streets should be designed as local streets with homes and front doors facing the street. Alley loaded neighborhood design is encouraged but not required. Parks, outdoor picnic areas, tot-lots and other outdoor living areas shall be provided as community gathering places for the residents and their guests within Planning Area 5, in accordance with the Town of Bennett requirements, as attractive, safe and inviting components of the new Bennett Crossing residential community.

#### Land Uses Permitted in MDR - Medium Density Residential

The permitted uses are contained in the Land Use Matrix -- Table 1-1 in the appendix of these Development Standards and other uses that are similar and compatible with the intent of this section as determined by the Zoning Administrator:

- Mobile Home Parks are allowed as a conditional use subject to the Town's rules and regulations for mobile home parks.
- Concrete or asphalt construction production is permitted with a temporary use permit in accordance with the Town's procedures for temporary uses.

#### Lot and Building Standards in MDR-Medium Density Residential District

The lot and building requirements are contained in the following table:

STANDARDS	MDR
Maximum Height (Principal Structure)	35 Ft
(Accessory Structure)	18 Ft
Minimum Lot Area / Dwelling Unit	3,500 SF
Minimum Lot Width	25 Ft
Maximum Lot Coverage (Building and Parking)	70%
Minimum Floor Area / Dwelling Unit	800 SF
Density -- Maximum	12 du per acre

### SETBACKS -- MDR

Minimum Setback from interior lot lines and Local Street ROW			
	Front Setback	Principal Structure	10 Ft
		Accessory Structure	10 Ft
	Garage Setback	From face of garage door to inside edge of sidewalk	20 Ft
	Side Setback	Principal Structure	5 Ft
		Accessory Structure	0 Ft/5 Ft *
	Rear Setback	Principal Structure	10 Ft
		Accessory Structure	0 Ft/5 Ft *
	Garage alley	Setback from garage door to paved edge of an alley	2' -6 Ft

#### Minimum Setback from SH 79

All Buildings setbacks from SH 79	20 Ft
Parking Lot	6 feet with landscaped buffer

#### Notes -- See setback figures in the appendix

*	0 foot setback provided there are no openings in the side facing the adjacent lot, otherwise a 5' side setback is required
	Alleys are required to be a minimum of 18' wide. The distance from the garage door shall be between 2' to 6' to discourage parallel parking in the alley that may block through traffic.

### DEVELOPMENT GUIDELINES

#### Connectivity

- Residential neighborhoods in Planning Area 5 should provide sidewalks through the neighborhood.
- Planning Area 5 should connect to the adjacent developments at major intersections and regional trails in Bennett Crossing.

#### Building Orientation and Site Design

- Front doors/facades of houses should be oriented toward public streets, public courtyards, or open space.
- A view of the Kiowa Creek should be provided from at least one public vantage point or public open space in the neighborhood
- Parks/playgrounds/tot lots should be strategically located within each Neighborhood.
- Surface parking lots for townhomes should be kept to a minimum. Parking should be within garages or carports as part of the lot development. Guest parking should be provided by on-street parking.
- Parking lots for townhome residential building types should be designed to provide a landscape island for every 10 spaces.
- Internal Streets should be designed to accommodate on-street parking.
- Alleys are encouraged to create pedestrian friendly streetscape but not required.

### END OF SECTION

## BENNETT CROSSING

## OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

### DEVELOPMENT STANDARDS AND GUIDLINES

OWNER Gayeski Capital Equities, LLC 905 W. 124th Avenue, Suite 200 Westminster, CO 80234 303-457-9700	PLANNER / LANDSCAPE ARCHITECT Plan West Inc. 767 Santa Fe Drive Denver, CO 80204 303-741-1411	TOWN OF BENNETT COLORADO  job no. 2014/14 date 01-11-2022 revisions
ENGINEER Jansen Strawn Consulting Engineers 45 W. 2nd Avenue Denver, CO 80223 303-561-3333	sheet 3 of 6	



# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

A parcel in the W 1/2 of Section 34, Township 3 South, Range 63 west of the 6th Principal Meridian,  
Town of Bennett, County of Adams, State of Colorado

### MIXED USE DISTRICT (MU)

Planning Area 6

#### Intent

Planning Area 6 in Bennett Crossing is strategically located at the future intersection of the relocated State Highway 79 and the Town of Bennett's planned Main Street District along S. South First Street. This intersection is planned to be the gateway intersection into the Town. Located about halfway between State Highway 79 and Colfax Avenue, Planning Area 6 has the potential to attract commercial, office and retail users as well as medium to high density attached housing. The relocation of State Highway 79, as a long-term improvement, requires flexible land use planning for this critical planning area. The mixed use planning and development guidelines define the framework on how supporting uses can be combined to help assure the financial success of the development as a critical gateway into the Town of Bennett.

#### DEVELOPMENT PROGRAM

The design intent is to promote development with an attractive image at this prominent intersection into the Town of Bennett. Uses may be commercial, retail, or residential. The development program is to create a pedestrian friendly environment that will be visually and physically connected to the surrounding developments. Development should capitalize on the high visibility with architecture that is complementary to the Town of Bennett and the direct easy access to Town and I-70. Sidewalks will connect to the adjacent developments and regional trail systems. Horizontal and vertical mixed use development is encouraged but not required.

#### Residential and Commercial Mixed Use

If residential land uses are developed in the Mixed Use planning area, support retail, commercial and services will be limited to principal uses that are compatible with the residential neighborhood. If residential uses are not developed in a mixed use planning area, a list of additional permitted uses and the design standards for non-residential uses apply.

#### Residential Land Uses

The residential land use pattern should incorporate a traditional design theme that creates pedestrian-friendly streets and public outdoor spaces. Parking areas should be dispersed to promote a vibrant pedestrian neighborhood character. Building frontages are encouraged to be street oriented to promote a pedestrian friendly environment and activate the neighborhood streets.

#### Commercial Land Uses in support of Residential Development

Where commercial development and residential uses are combined, the commercial and residential uses may be located in the same building or on adjacent lots. First-floor retail with upper floor residential or office is permitted and encouraged but not required. The intent is to create the opportunity to develop a sustainable, active neighborhood where the commercial uses provide products, services, and employment opportunities to the residential community and the residential uses provide consumers and employees to the commercial uses.

#### Land Uses In MU Mixed Use Planning Area

The permitted uses are listed in the Land Use Matrix -- Table 1-1 in the appendix of these development standards and other uses that are similar and compatible with the intent of this section as determined by the Zoning Administrator:

#### Lot and Building Standards

The lot and building requirements for commercial, retail and residential uses are contained in the following table: See setback figures in the appendix

STANDARDS-COMMERCIAL & RETAIL USES		MU
Maximum Height (Principal Structure)		50 Ft
(Accessory Structure)		30 Ft
Minimum Lot Area / Dwelling Unit		NA
Minimum Lot Width		NA
Maximum Lot Coverage (Building and Parking)		75%
Maximum Floor Area Ratio- Commercial		0.50:1.00
Maximum Floor Area Ratio – Industrial		0.30:1.00
SETBACKS – COMMERCIAL AND RETAIL USES		
Minimum Setback on interior lot lines and local street ROW		
Front Setback	Principal Structure	10 Ft
	Accessory Structure	15 Ft
Side Setback	Principal Structure	10 Ft
	Accessory Structure	5 Ft
Rear Setback	Principal Structure	15 Ft
	Accessory Structure	5 Ft
Parking	Subject to buffer and screen	6 Ft*
* See Parking lot screen details		
Minimum Setback from SH79		
All buildings setbacks– Front, Side and Rear		20 Ft
Parking Lots		6 feet with landscaped buffer
STANDARDS - RESIDENTIAL		MU
Maximum Height (Principal Structure)		40 Ft
(Accessory Structure)		18 Ft
Minimum Lot Area / Dwelling Unit		NA
Minimum Lot Width		NA
Maximum Density (DU/Acre)		20 DU/AC
Maximum Lot Coverage (Building and Parking)		75%
Density – Maximum		20 du per acre

### SETBACKS – RESIDENTIAL

Minimum Setback on interior lot lines and local street ROW		
Front Setback	Principal Structure	10 Ft
	Accessory Structure	10 Ft
	Garage Door Face to sidewalk	NA
Side Setback	Principal Structure	10 Ft
	Accessory Structure	5 Ft
Rear Setback	Principal Structure	10 Ft
	Accessory Structure	5 Ft
Parking	Subject to buffer and screen	6 Ft*
* See Parking lot screen details		
Minimum Setback from SH79		
All buildings setbacks– Front, Side and Rear		20 Ft
Parking Lots		6 feet with landscaped buffer

### DEVELOPMENT GUIDELINES

#### Connectivity

- Retail, commercial, and residential uses should provide pedestrian connections to allow visitors and users to walk between the various developments.
- Regional Trail connections shall be provided along the south edge of Planning Area 6.

#### Building Orientation and Site Design

- All buildings will be articulated on all four sides with attention to materials, entrances, window patterns and detailing.
- Sidewalks in front of in-line commercial should be a minimum of 10 feet wide to provide a comfortable and adequate pedestrian environment.
- Shared parking is encouraged to maximize density and efficiency and reduce total parking required.
- Parking, loading docks, and trash collection should be screened from prominent views to maximize an attractive image along SH 79.

### END OF SECTION

### BUSINESS COMMERCIAL DISTRICT (BC)

Planning Area 7

#### Intent

The signalized intersection of Highway 79 and Marketplace Drive will become the commercial gateway into the Town of Bennett from I-70. King Soopers and Love's Truck Stop defines the highway commercial to the west. Planning Area 7 in Bennett Crossing will add supporting commercial and retail to the east and become the primary access to the future I-70 highway commercial uses. The PA 7 Business Commercial District provides the opportunity to attract a variety of small to mid-sized retail, commercial, office, and service uses that will attract additional traffic from I-70, expanding the services provided to the current visitors. A broader base of uses will provide additional products and services to the residents of Bennett that will position Bennett as a premier small town destination on the eastern plains of Colorado. Bennett Crossing will work with the Town of Bennett and the adjacent commercial and retail developments to help create a unified and recognized gateway at this intersection.

#### Development Program

Creative site planning and design will help define an attractive commercial image and character at the entry to the Town of Bennett. Site planning in the Business Commercial Planning Area 7 should orient primary architectural facades toward State Highway 79 and along Marketplace Drive. The commercial and retail users shall maintain a high level of visibility from SH 79, offer simple, safe vehicular access and circulation patterns to the one time visitor stopping from I-70 as well as the local and regional residents on a standard shopping trip. Site design shall encourage a pedestrian environment within each development and safe and attractive pedestrian connections between the adjacent developments in Bennett Crossing and the Town of Bennett.

#### Land Uses Permitted in BC

The permitted uses are contained in the Land Use Matrix -- Table 1-1 in the Appendix of these development standards and other uses that are similar and compatible with the intent of this section as determined by the Zoning Administrator:

#### Lot and Building Standards in BC – Business Commercial District

The lot and building requirements are contained in the following table.

STANDARDS	BC
Maximum Height (Principal Structure)	50 Ft
(Accessory Structure)	30 Ft
Minimum Lot Area	NA
Minimum Lot Width	NA
Maximum Lot Coverage (Building and Parking)	80%
Maximum F.A.R	0.50:1.00

### SETBACKS BUSINESS COMMERCIAL

Minimum Setback on interior lot lines and local street ROW		
Front	Principal Structure	5 Ft
	Accessory Structure	10 Ft
Side Setback	Principal Structure	0 for shared PL or 10 Ft
	Accessory Structure	5 Ft
Rear	Principal Structure	20 Ft
	Accessory Structure	20 Ft
Parking Lots		6 feet with landscape buffer
Minimum Setback from SH 79		
All Buildings		20 Ft.
Parking Lots		6 feet with landscaped buffer

#### See setback figures in the appendix

### DEVELOPMENT GUIDELINES

#### Connectivity

- Individual retail and commercial uses should provide pedestrian connections to allow patrons the opportunity to walk between the buildings and developments.
- Connections should be provided to the regional trail.

#### Building Orientation and Site Design

- All buildings will be articulated on all four sides with attention to materials, entrances, window patterns and detailing.
- Building Front doors/facades should have a strong architectural orientation toward SH 79 and Marketplace Drive.
- Sidewalks in front of in-line commercial should be a minimum of 8 feet wide to provide a comfortable pedestrian environment.
- Shared parking is encouraged to maximize density and efficiency and reduce total parking spaces required.
- Outdoor dining areas are encouraged but not required.
- Truck loading and service areas should be screened from prominent views to maximize an attractive image along SH 79 and Marketplace Drive. The edge along SH 79 will include a unified landscape design as an introduction to the Town.

### END OF SECTION

### HIGHWAY COMMERCIAL (HC)

Planning Areas 8, 9 and10

#### Intent

The Highway Commercial Planning Areas are intended to complement and build on the existing highway retail development located to the west of State Highway 79. The intent is to include flexible development parcels that can meet the needs of medium to large format users. Land uses include commercial services, retail outlets, light industrial manufacturing/assembly and distribution that will build a synergistic development campus on the I-70 corridor. Development of the Highway Commercial Planning Areas is intended to provide a long-term employment base in the Town while providing services and products to the residents and the long distance interstate traveler.

The visibility and direct access from I-70 and the SH-79 interchange will attract a variety of potential users and developments. The intent is to promote the combination of retail and commercial uses with some limited industrial uses to the regional market and I-70 long distance commuters, while creating an employment base for the residents of Bennett. The location on the I-70 corridor is expected to provide convenient access for the distribution of products and services to the region.

#### Development Program

The development program is to provide flexible development opportunities with easy access, circulation, and parking for a cross section of motorized vehicles that includes automobiles, trucks, recreational vehicles, trailers in tow, and others. The program is to provide clear and easy access to a broad market in a comfortable, well organized site development. Pedestrian connections to the adjacent Planning Areas and developments will help promote synergistic commercial development for the diversified user and help assure the development as a long-term asset to the Town.

#### Land Uses Permitted in HC-Highway Commercial District

The permitted uses are contained in the Land Use Matrix -- Table 1-1 in the appendix of these development standards and other uses that are similar and compatible with the intent of this section as determined by the Zoning Administrator:

#### Lot and Building Standards in HC-Highway Commercial

The lot and building requirements are contained in the following table:

STANDARD	HC
Maximum Height (Principal Structure)	60 Ft
(Accessory Structure)	30 Ft
Minimum Lot Area	NA
Minimum Lot Width	NA
Maximum Lot Coverage (Buildings and Parking)	80%
Maximum FAR (Commercial)	0.5:1.00
Maximum FAR (Light Industrial)	0.3:1.00
The existing home along the eastern ridge will be permitted to remain as a non-conforming use	

### SETBACKS

Minimum Setback from I-70		
Front	Principal Structure	20 Ft
	Accessory Structure	10 Ft
Side	Principal Structure	20 Ft
	Accessory Structure	10 Ft
Rear	Principal Structure	20 Ft
	Accessory Structure	5 Ft
Parking lot setback	With landscaped screen from I-70	10 Ft
Minimum Setback on interior lots and local street ROW		
Front	Principal Structure	20 Ft
	Accessory Structure	20 Ft
Side	Principal Structure	5 Ft
	Accessory Structure	5 Ft
Rear	Principal Structure	20 Ft
	Accessory Structure	20 Ft
Parking lot setback	With landscaped screen from adjacent street.	6 Ft

### DEVELOPMENT GUIDELINES

#### Connectivity

- Development in PA 8, 9 and 10 should provide pedestrian connections to the adjacent developments, regional trail and open space

#### Building Orientation and Site Design

- All buildings will be articulated on all four sides with attention to materials, entrances, window patterns and detailing.
- Building Front doors/facades should be oriented toward the adjacent public streets.
- Flex office should screen loading and service from view. Office and showroom should face the public street.
- 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.
- Circulation should be designed with appropriate signage to separate automobiles from service and long-haul trucks where possible.

### END OF SECTION

# BENNETT CROSSING

## OUTLINE DEVELOPMENT PLAN

## AMENDMENT NO. 1

### DEVELOPMENT STANDARDS AND GUIDLINES

OWNER		PLANNER / LANDSCAPE ARCHITECT	TOWN OF BENNETT COLORADO
Gayeski Capital Equities, LLC 905 W. 124th Avenue, Suite 200 Westminster, CO 80234 303-457-9700		Plan West Inc. 767 Santa Fe Drive Denver, CO 80204 303-741-1411	job no. 2014/14 date 01-11-2022 revisions
ENGINEER		Janson Strawn Consulting Engineers 45 W. 2nd Avenue Denver, CO 80223 303-561-3333	sheet 4 of 6





# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

A parcel in the W 1/2 of Section 34, Township 3 South, Range 63 west of the 6th Principal Meridian, Town of Bennett, County of Adams, State of Colorado

### OPEN SPACE AND TRAILS (OS)

Open space Planning Area

#### Intent

Open Space Areas are intended to provide buffers, passive recreation, pedestrian trails and drainage corridors to preserve the unique character of the site, provide an amenity to the Town, and satisfy the requirements of development.

#### Development Program

Open Space is intended to provide passive recreational amenities. Park development is planned to be by individual residential neighborhood development.

#### Land Uses Permitted in the Open Space – OS District

The following uses and other uses that are similar and compatible with the intent of this section as determined by the Zoning Administrator:

- trails and trailheads
- picnic area with shelters and passive recreational site furniture
- nature center
- open space, native and improved
- parking as an accessory use to other uses permitted in the OS District
- waterway, ponds, water quality and detention facilities
- wells and pump stations

#### Regional Trail

- A regional trail will be provided through Bennett Crossing as illustrated on the Outline Development Plan. The regional trail will connect to the Town's regional trail network to the west of the recreation center on South First Street and the regional trail planned for the Kiowa Creek open space. Actual alignment to be determined at the time of development.

### DEVELOPMENT GUIDELINES

Setbacks and development criteria to be determined during the site plan review associated with development

END OF SECTION

### TOWN OF BENNETT MUNICIPAL CODE STANDARDS

The following Town standards, as amended, apply as noted. Additional design guidelines as adopted by the Town of Bennett shall apply.

#### Parking Standards

The Bennett Crossing PD incorporates the Parking Standards, Division 6 of Article II, Zoning of the Town of Bennett Land Use Code, as amended, unless specifically noted below:

- Congregate care, memory care, assisted living shall be one space per 3 rooms, the number of bedrooms per unit does not apply
- Retirement home, group home, and nursing home shall be 1 space per 2 units (the number of bedrooms per unit does not apply)
- Independent living shall be 1 space per independent living unit

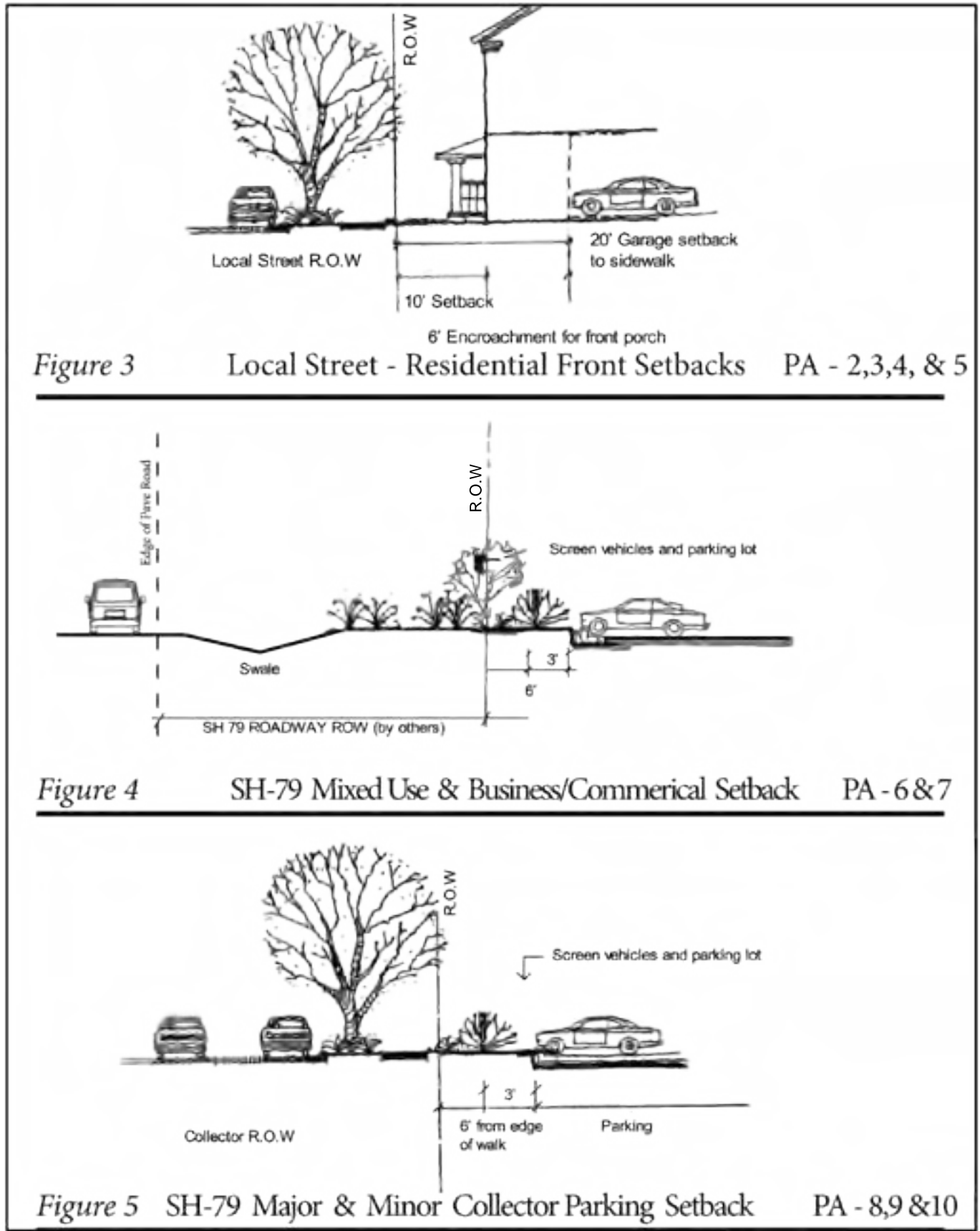
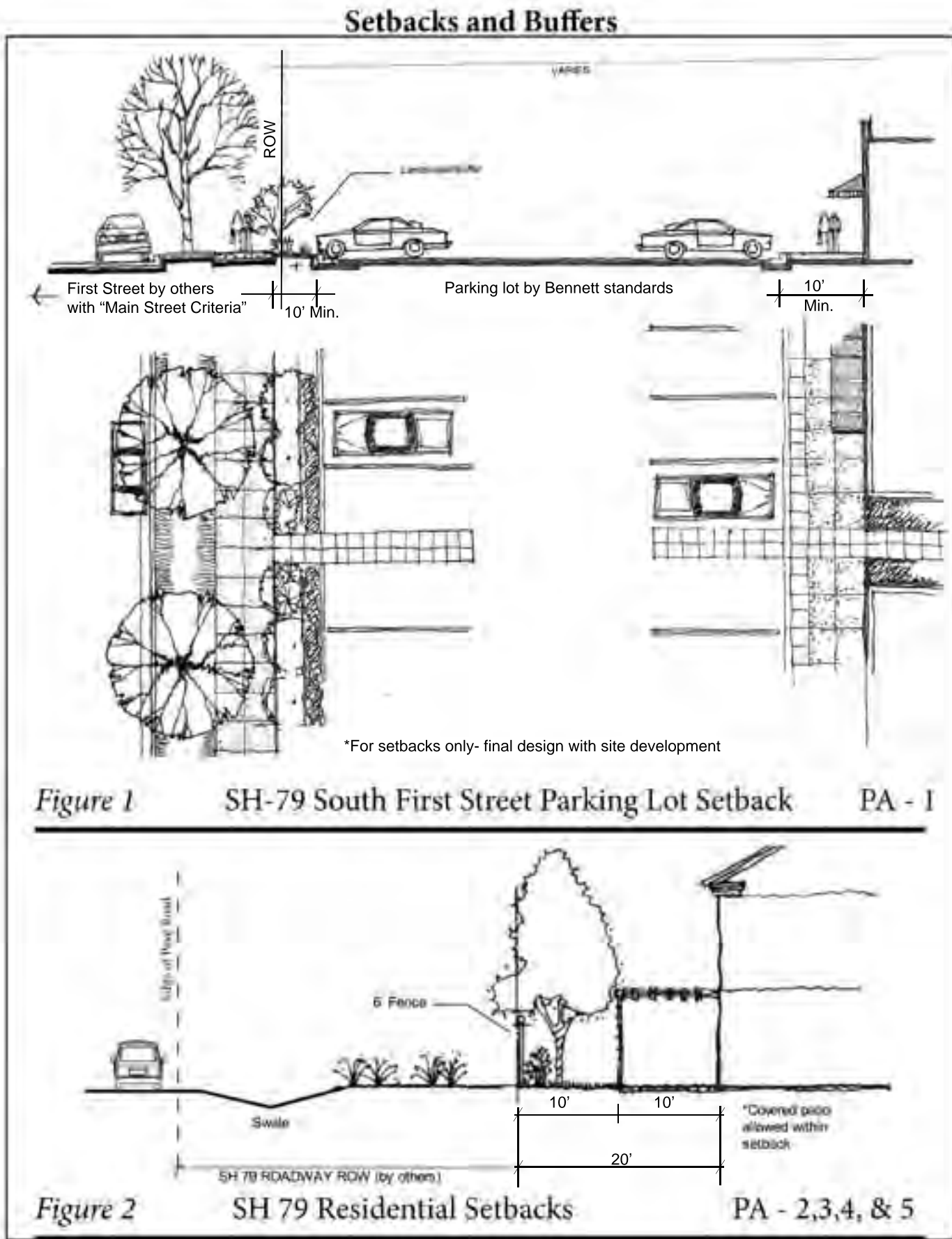
#### Landscape Standards

The Bennett Crossing PD incorporates the Landscape Standards, Division 7 of Article II, Zoning of the Town of Bennett Municipal Land Use Code, as amended, unless specifically noted.

#### Lighting Standards

The Bennett Crossing PD incorporates the Lighting Standards Division 8 of Article II, Zoning of the Town of Bennett Municipal Land Use Code, as amended, unless specifically noted.

END OF SECTION



## BENNETT CROSSING

## OUTLINE DEVELOPMENT PLAN

## AMENDMENT NO. 1

### DEVELOPMENT STANDARDS AND GUIDLINES

OWNER	PLANNER / LANDSCAPE ARCHITECT	TOWN OF BENNETT COLORADO
Gayeski Capital Equities, LLC 905 W. 124th Avenue, Suite 200 Westminster, CO 80234 303-457-9700	Plan West Inc. 767 Santa Fe Drive Denver, CO 80204 303-741-1411	job no. 2014/14 date 01-11-2022 revisions
ENGINEER Jansen Strawn Consulting Engineers 45 W. 2nd Avenue Denver, CO 80223 303-561-3333		sheet 5 of 6

# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

A parcel in the W 1/2 of Section 34, Township 3 South, Range 63 west of the 6th Principal Meridian,  
Town of Bennett, County of Adams, State of Colorado

Bennett Crossing Planned Development						
Land Use Categories	MSC	MDR	HDR	MU	BC	HC
A. AGRICULTURAL USE						
(1) Auction arena or livestock sales						
(2) Crop production	TU*	TU*	TU*	TU*	TU*	TU*
(3) Greenhouse/nursery				C	P	P
(4) Poultry hatcheries, fish hatcheries, commercial ranching and dairy farms or animals raised or kept for profit or production						

T Temporary Use by Town of Bennett  
TU Temporary Use until development  
TU\* Grazing limited to PA 9 only

B. ANIMAL SERVICES						
(1) Animal boarding (kennels) and training						C
(2) Animal hospital, large						C
(3) Animal hospital, small	P			P	P	P
(4) Riding academies and stables						C
(5) Veterinary offices or clinics	P			P	P	P

C. EDUCATIONAL USES						
(1) Day care center, adult or child	C	C	C	P	P	P
(2) Elementary and secondary education school	C	P	P	P		
(3) Postsecondary colleges and universities	C			P	P	
(4) Private business, trade and vocational school	P			P	P	P

D. INDUSTRIAL USES						
(1) Commercial steam cleaning/laundry operations				C	C	P
(2) Commercial trash removal companies without trash storage or trash transfer operations						C
(3) Concrete or asphalt products production						T
(4) Custom crafts (such as ceramics, furniture making and stained glass production)	C			P	P	P
Flex Office with drive in service, shop, assembly, showroom, and office. See definitions for Bennett Crossing					P	P
(5) General machine shops						P
(6) General research and development	C			P	P	P
(7) Laboratory: medical, dental, optical, scientific	C			P	P	P
(8) Light trade and technical uses	C			P	P	P
(9) Manufacturing, assembly, finishing or fabrication; primary						P
(10) Manufacturing, assembly, finishing or fabrication; secondary						P
(11) Meat processing plant						
(12) Outdoor storage, except self- storage/mini- storage						P
(13) Publishing plant						P
(14) Recycling facilities						C
(15) Refining or initial processing of basic raw materials						C
(16) Refuse collection facilities						
(17) Self-storage, mini-storage						P
(18) Soil amendmets packaging and processing such as peat moss, top soil and composted manure; but excluding raw manure or chemical fertilizers						
(19) Warehousing and distribution						P
(20) Waste-related uses, trash transfer station						C
(21) Wholesale establishments, including accessory offices				C	P	P

MSC	Main Street Commercial
MDR	Medium Density Residential
HDR	High Density Residential
MU	Mixed Use
BC	Business Commercial
HC	Highway Commercial

Bennett Crossing Planned Development						
Land Use Categories	MSC	MDR	HDR	MU	BC	HC
E. INSTITUTIONAL USES						
(1) Cemetery						
(2) Charitable institutions	P			P	P	P
(3) Clubs and lodges,	P			P	P	P
(4) Cultural facilities, including a library or museum	P		P	P	P	P
(5) Events center	P			P	P	P
(6) Facilities owned or operated by government organizations other than Town	C	C	C	C	C	C
(7) Facilities owned or operated by Town	P	P	P	P	P	P
(8) Hospitals				P	P	P
Clinic	P			P	P	P
(9) Religious institutions	P	P	P	P	P	P
(10) Zoos, arboretum, botanical gardens, community gardens		C	C	C	C	C
Community gardens	C	P	P	P	P	P

F. RECREATION USES						
(1) Golf course and driving range		C	C	C	C	C
(2) Indoor commercial recreation or entertainment, including bowling alleys, movie theaters	P			P	P	P
athletic club, private or public	P			P	P	P
(3) Outdoor commercial recreation, including miniature golf, amusement parks				p**	p**	p**
(4) Outdoor playing fields		P	P			P
(5) Parks, both active and passive, and trails		P	P	P	P	P
Outdoor plaza, pedestrian courtyard for public gathering place	P	P	P	P	P	P
(6) Recreation facilities owned or operated by the Town or other government organization with supporting accessory uses, whether publically or privately owned or operated but in no event shall accessory uses occupy more than 10% of the gross floor area of the facility	P	P	P	P	P	P
(7) Shooting range, indoor					C	C
(8) Shooting range, outdoor						

p\*\* Amusement parks are include as a conditional use

G. RESIDENTIAL USES						
(1) Assisted living facility or nursing home	P	C	P	P	P	C
congregate care, retirement community, memory care facility and services	P	C	P	P	P	C
(2) Bed and breakfast establishments	P			P	P	
(3) Group home for elderly, developmentally disabled or mentally ill persons		P	P	P		
(4) Group home for juvenile offenders						
(5) Group home, other		C	C	C		
(6) Home occupations	P	P	P	P		
(7) Hotels and motels	p***			P	P	P
(8) Manufactured homes		P	P	P		
(9) Mobile homes		C	C	C		
(10) Multi-family dwelling	C		P	P		
(11) Rooming, lodging or boarding houses	P					
(12) Single-family dwelling		P	P			
(13) Two-family dwelling		P	P			

p\*\*\* Specialty Hotel or motel in Main Street Commercial limited to 50 rooms

H. FOOD AND BEVERAGE SERVICE						
(1) Bar, tavern, nightclub	P			P	P	P
(2) Brewery with tap room	P			P	P	P
(3) Fast food				P	P	P
(4) Fast food with drive-thru				P	P	P
(5) Restaurant, other	P			P	P	P
(6) Quick Serve, coffee shop, bakery, and similar food services with drive-thru	P			P	P	P

I. RETAIL USES						
(1) Building materials supply						P
(2) Outdoor retail display and sales				p*	p*	p*
(3) Pawnshops				C	C	C
(4) Retail business, other (<5000 sq. ft.)	P			P	P	P
(5) Retail business, other (>5000 sq. ft. <25000 sq. ft.)	p**			P	P	P
(6) Retail business, other (>25000 sq. ft.)				C	P	P
(7) Sexually oriented business						

p\* Outdoor display and sales as an accessory use to a permitted use

p\*\* Retail in MSC is permitted up to 10,000 sf

Bennett Crossing Planned Development						
Land Use Categories	MSC	MDR	HDR	MU	BC	HC
J. SERVICES						
(1) Dry cleaning				P		
(2) Financial services (such as banks, savings and loan and brokerages) with drive-in facilities	P			P	P	P
(3) Financial services (such as banks, savings and loan and brokerages) with no drive-in facilities	P			P	P	P
(4) Funeral homes and mortuaries	P			P	P	P
(5) Limited equipment rental				C	P	P
(6) Offices; administrative business and professional, except health-related	P			P	P	P
(7) Offices; medical, dental or other health-related, including urgent care facilities	P			P	P	P
(8) Personal services, other (<5000 sq. ft.)	P			P	P	P
(9) Personal services, other (>5000 sq. ft. <25000 sq. ft.)	p*			P	P	P
(10) Personal services, other (>25000 sq. ft.)				C	P	P
(11) Repair, furniture and major household appliance	P			C	P	P
(12) Repair, other except vehicle- related repair	P			C	P	P
(13) Crematoriums						P

p\* Limited to no more than 10,000 sf in MSC

K. TRANSPORTATION FACILITIES						
(1) Ambulance service				C	C	P
(2) Heliports/helistops				C	C	C
(3) Overnight campground and travel trailer parking						C
(4) Passenger terminal and transit facilities				P	P	P
(5) Private automobile parking lots or parking garages as a principal use						P
(6) Public automobile park 'n ride (commuter) lots				P	P	P

L. UTILITIES AND TELECOMMUNICATIONS						
(1) Overhead electric transmission lines and distribution feeder lines over 110 kV	C	C	C	C	C	C
(2) Public utilities, major				C	C	P
(3) Public utilities, minor	P	P	P	P	P	P
(4) Telecommunications facilities, including towers	C	C	C	C	C	C

M. VEHICLE-RELATED SALES AND SERVICE						
(1) Automobile rentals				C	P	P
(2) Automobile washing facility				C	P	P
(3) Major vehicle/equipment repair (includes auto body repair, paint shops and incidental sales of parts)						P
(4) Minor vehicle repair (includes minor repair where vehicles are not stored in an inoperable condition)				C	P	P
(5) Motor vehicle dealer/sales, new and used (includes RVs, trailers, mobile homes					p^	P
(6) Service stations (minor repairs included)				P	P	P
(7) Truck stops						C
(8) Vehicle/equipment sales and rentals (other than motor vehicles)					C	P
(9) Vehicle or automobile wrecking or salvage yard, including outdoor storage of inoperable vehicles						
(10) Vehicle storage (operable vehicles only)						C
(11) Vehicle towing services						P

p^ Motor vehicle sales office with no more than 20 cars on-site.

## BENNETT CROSSING

## OUTLINE DEVELOPMENT PLAN

## AMENDMENT NO. 1

### LAND USE MATRIX TABLES

OWNER  
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TOWN OF BENNETT  
COLORADO

job no. 2014/14  
date 01-11-2022  
revisions

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sheet 6 of 6



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# CANA Annual Statistics Report

## Featuring final 2019 data, newly released 2020 data, and projections to 2025

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### 2020—A Year of Unprecedented Cremation Numbers and Continued Predictable Growth Rate

Over the past 50 years, cremation rates have grown predictably and followed a growth curve, and 2020 was no different. The 2020 cremation rate of 56.1% reflected an increase of 1.5% over the 2019 rate of 54.6%. This is well within the predicted rate. But the cremation numbers tell a different story. Between 2015 and 2019, deaths have increased on average 35,000 year over year. In 2020, the U.S. death numbers increased by nearly 500,000. Of those deaths, 321,000 resulted in cremation.

Cremation is driven by customer choice. Death care business models, protective legislation, pricing, etc., have had no visible impact on cremation rate growth or decline. Not even a pandemic could disrupt the cremation growth pattern, at least not immediately. More families than ever before have selected cremation, so this could impact the adoption of cremation for future deaths. But more likely, we can anticipate lower death and cremation numbers over the coming years because the additional 2020 deaths were premature (see *Cremation Rates Stay Predictable Throughout the Pandemic*, p. 15).

As CANA has noted in prior years, only new consumer preferences, such as body donation and green burial, are likely to impact cremation growth regionally or nationally.

#### Methodology

Since 1913, CANA has been collecting death and cremation data from a variety of sources. Over the past twenty years, CANA has published figures primarily obtained through state and provincial governments in the United States and Canada. Based on disposition data derived from death certificates, CANA has determined the annual percentage of cremations to deaths and forecasts future cremation percentages.

Please note that many states and provinces, as a matter of policy, do not release provisional data. The data reported for 2020 is provisional, subject to change, and collected from what was available at the time of publication. When the state or province would not provide data, staff retrieved death counts from national sources to support the statistical projections during this unpredictable year.

#### Projections

A regression analysis was implemented to aid the interpretation of the data. CANA's consultant develops and runs five models to describe

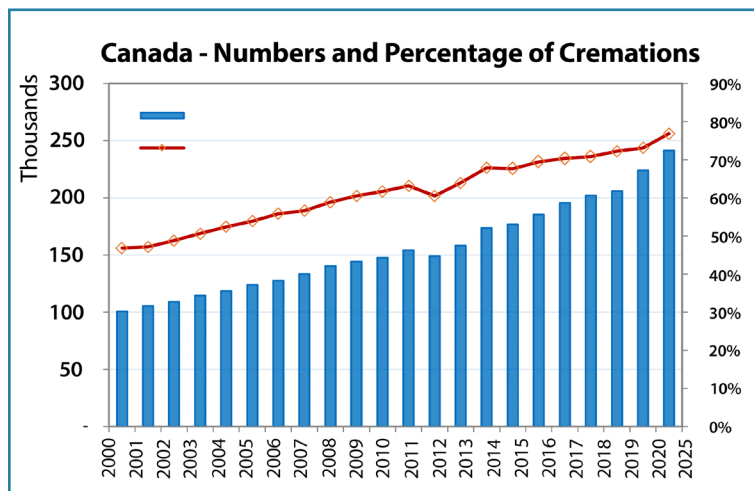
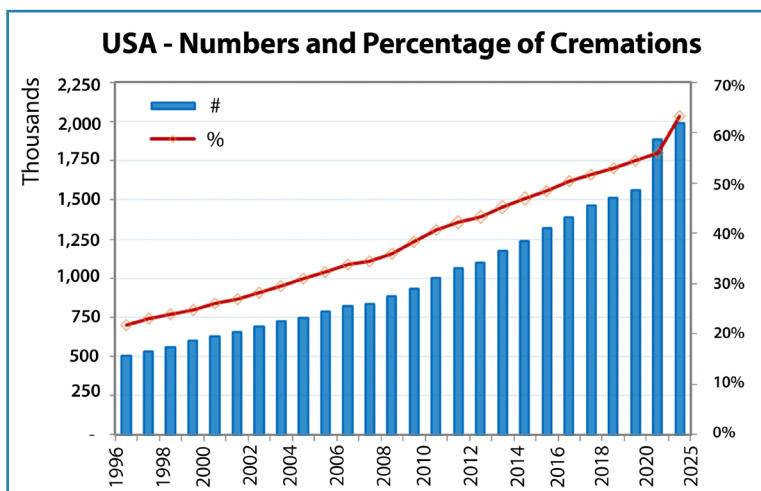
future percentages and reported the average of those five models.

This regression analysis was applied over a twenty-year period in states and provinces where such a data set was available. From these figures, CANA has determined the annual percentage of cremations to deaths, which includes all the states and provinces. CANA has also been able to use these figures to forecast future cremation percentages. Distant projections do not account for the excess deaths of 2020 or the potential of the novel coronavirus or other widespread disaster to occur.

Two Canadian provinces have stopped releasing disposition data from provisional agencies—Ontario and Quebec. As described in footnotes, data is collected from provincial associations and CANA members to validate statistical projections.

For detailed information about our methodology, contact [info@cremationassociation.org](mailto:info@cremationassociation.org)

### United States and Canadian Cremation Trends



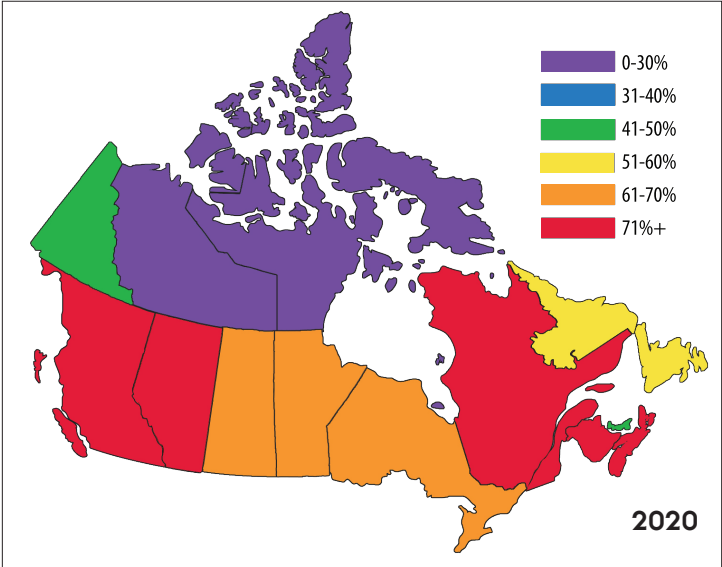
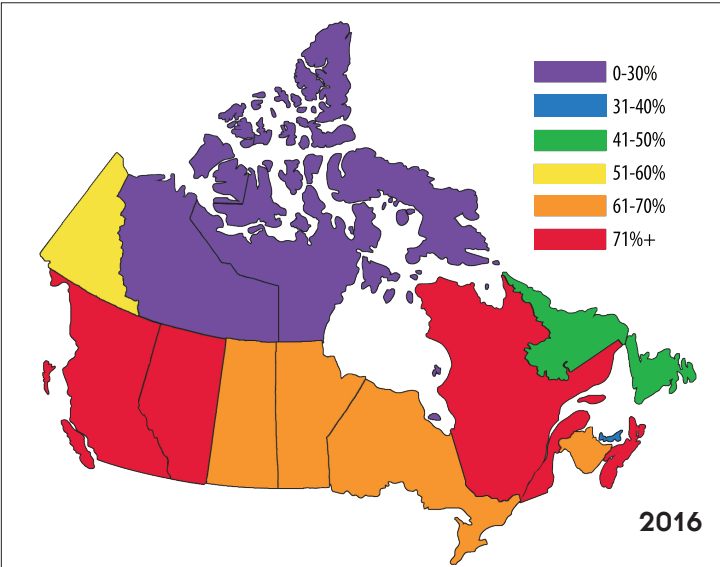
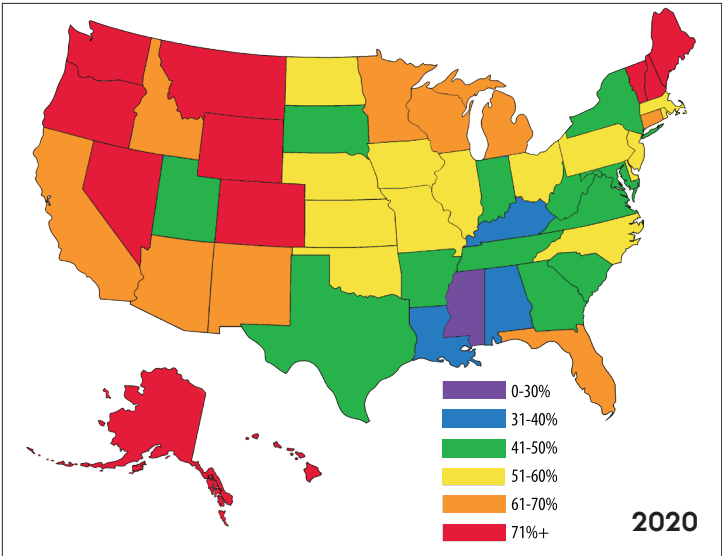
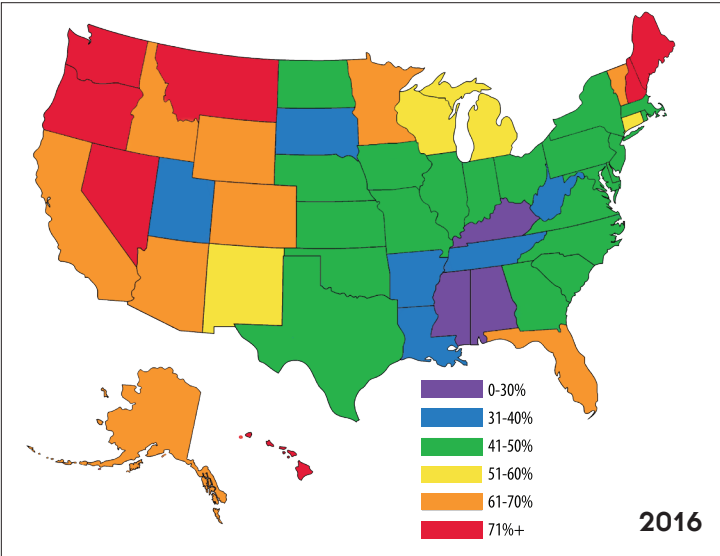
## Annual Growth Rate

The annual growth rate is the difference between the yearly percentages of deaths cremated and averaged over a five-year period. The tables below show the rates for the United States and Canada from 2005 through 2020. Further, these tables illustrate that the cremation rate is increasing exponentially, with the current average growth at 1.50% annually in the U.S. and 1.10% in Canada.

Annual Growth Rate – Five Year Average USA	
Year	% Cremated
2005	32.4%
2010	40.8%
2015	48.6%
2020	56.1%
% Change 2005 - 2010	8.4%
% Change 2010 - 2015	7.8%
% Change 2015 - 2020	7.5%
Annual Growth Rate per year over 2014-2019	1.50%

Annual Growth Rate – Five Year Average Canada	
Year	% Cremated
2005	53.8%
2010	61.6%
2015	67.6%
2020	73.1%
% Change 2005 - 2010	7.8%
% Change 2010 - 2015	6.0%
% Change 2015 - 2020	5.5%
Annual Growth Rate per year over 2014-2019	1.10%

## Percentages of Cremations in the States/Provinces for 2016 and 2020







**COLORADO**

**Small Business Assistance Program**

Department of Public Health & Environment

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## A Guide to Air Permitting Requirements for Crematories

This document provides an overview of the air permitting, operating, training, and recordkeeping requirements for crematories in Colorado.

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A crematory is an establishment containing a furnace (called a retort or incinerator) used for cremation of human or animal remains. These establishments are also called a Crematorium. 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.

Under Colorado Regulation No. 1, Section III.B.1 and Colorado Regulation 3 Part B, Section III.D.7, all facilities that operate a crematory furnace unit are required to have an air permit. To begin the air permitting process, facilities must file an Air Pollution Emission Notice (APEN) with the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division (division). The division will use the information provided in the APEN to prepare your air permit.

### ✓ Air Pollutant Emission Notices (APENs)

You must submit the form titled, “Air Pollutant Emission Notice (APEN) & Application for Construction Permit - General”, to report information about your crematory furnace and the control technology you are using to reduce the emissions of regulated pollutants such as particulate matter and carbon monoxide. The APEN form is available from the division’s website under Construction Permit forms and APENs at the following link: [www.colorado.gov/pacific/cdphe/APENforms](http://www.colorado.gov/pacific/cdphe/APENforms). The afterburner on your furnace is not considered an add-on control device for APEN filing purposes.

If you have more than one crematory furnace, you may submit information for these furnaces on the same APEN as long as you meet the requirements of Regulation No. 3, Part A, Section II.B.4. Regulation No. 3 requires equipment grouped on an APEN to be identical and share a similar location within a facility; none should have previously been issued a separate air emission permit. Please note the following regarding APENs:

- APENs are valid for five years and must be renewed at least 30 days before the expiration date (date the last APEN was filed with the division).

- Revised APENs must be submitted to the division when certain changes occur at your facility such as a name change, a change in ownership, a change in the business location, or a significant change in emissions.

## ✓ Supplemental Form

The form titled **“Supplement to Air Pollutant Emission Notice (APEN) for Incinerators”** must be submitted along with the initial APEN. (You are not required to submit the Supplemental form with subsequent APEN updates or renewals on the same equipment). The Supplemental form provides additional information about the crematory furnace that can be useful to the division in determining air emissions from the unit.

## ✓ Air Permits

Air permits (also called construction permits) will be issued as “Issuances” (i.e. Issuance 1, Issuance 2, etc). A new Issuance will be written for each modification to a permit. The final step of the air permitting process, to finalize the permit, is to submit the Self-Certification Package. This step requires that the business certifies compliance with the terms and conditions of the permit and allows the business to make changes to the permit if necessary.

The Self-Certification Package can be downloaded from the following page under Permit Approval and Self Certification: [www.colorado.gov/cdphe/APENforms](http://www.colorado.gov/cdphe/APENforms)

Included in the packet are:

- Guidance for self-certification,
- Definition of a responsible official,
- Testing Requirements (if required), and
- Guidance on compliance plan requirements

The Self-Certification Package must be signed and submitted within 180 days of commencement of operations, or the permit may be revoked. Once you demonstrate compliance with your permit, submit the Self-Certification Package, and pay the processing fees the Division will issue a Final Approval to Operate letter allowing your business the final authority to operate under the conditions of your Construction Permit. **Please note that if the permit processing fee is not paid within 30 days of receipt, you will be in violation of your permit conditions and may result in revocation of the permit.**

The permit is issued for the life of the source, unless there are changes in the operation or throughput of the source, which would require a modification to the permit. The division will use the information provided on the APEN and Supplemental form to prepare your air permit and determine the specific terms and conditions of the permit. Permit conditions may include requirements for visible emissions, hourly and annual burn rates (pounds per hour and/or tons per year of remains), and a list of specific types of wastes that can be burned in the furnace(s).

More information on the air permitting process is located in the guidance document, “Reporting Your Air Emissions and Applying for Air Permits Step-by-Step for Colorado Small

Businesses.” This document is available under APEN and Permitting guidance at: [www.colorado.gov/pacific/sites/default/files/AP\\_Air-Permits-Step-By-Step.pdf](http://www.colorado.gov/pacific/sites/default/files/AP_Air-Permits-Step-By-Step.pdf)

## ➤ OPERATING REQUIREMENTS

Operation of your crematory furnace must comply with the Colorado Regulation No. 6, Subpart VII, *New Source Performance Standards (NSPS Subpart E) for Incinerators* and state air requirements that include the following:

- Particulate matter emissions must not exceed 0.10 grains per dry standard cubic foot of flue gas, corrected to 12% CO<sub>2</sub>. A stack test must be conducted on your furnace(s) in Colorado prior to final approval of the air permit to show compliance with this requirement.

A stack test may not be required if data are available that shows an identical unit has been tested in Colorado for Regulation No. 6 particulate standard compliance. The stack test must be conducted in accordance with the methodology provided in 40 CFR Subpart E (40 CFR Part 60.54). The division maintains a list of units that have been stack tested in Colorado. Your supplier may also be able to provide this information.

- Visible emissions from the stack are not to exceed 20% opacity (Regulation No. 1, Section II.A.1). An opacity test includes a six-minute opacity reading using EPA Method 9. The opacity test should be conducted at the same time as the stack test unless stack test data is available from an identical unit tested in Colorado. If stack test data is available, an opacity test on each furnace must still be conducted prior to final approval of the air permit to show compliance with this requirement.

Note: Opacity is the degree (in percent) an air pollutant obscures the view of a trained observer. For example, at 20% opacity, the observer can see 80% of a background (e.g., the sky) from a specific angle through the smoke emitted from the furnace stack.

- Your crematorium is subject to the odor requirements of Regulation No. 2 and you must not allow the emission of detectable odors from the facility.
- You must maintain monthly records of burn rates (daily rates) and hours of operation at your facility. Burns rates are equal to the batch weight divided by hours of operation (cycle time); this requirement will be listed in the air permit for a crematorium. An example of a combined burn log and maintenance log is provided in Appendix A of this document.
- Annual records of actual production rate must be maintained at your facility (e.g., cremation weights in pounds or tons per year or the number of cremations per year, depending on your air permit requirements).
- Your crematorium may only burn materials listed in the air permit. Other material (e.g., paper, plastics, food waste, medical/infectious waste, contraband) is prohibited without prior approval from the Air Division. Submission of an APEN and the appropriate fee is required to modify your air permit to reflect a change in equipment, process, or type of material burned.

- The permit number must be permanently affixed on the crematory furnace for identification purposes.
- Equipment operations and maintenance must be in accordance with the manufacturer's procedures and guidelines. A copy of the manufacturer's operating instructions must be kept at the facility.
- During start-up of the unit, the secondary combustion zone must be preheated to the temperature specified in the manufacturer's operating instructions before starting the primary chambers (typically 1600 degrees F or greater).
- Both the primary and secondary combustion temperatures must be maintained at the operating levels specified by the manufacturer (typically 1600 degrees F or greater).
- At all times, including periods of start-up, shutdown, and malfunction, the furnace and control equipment must be properly operated and maintained. The division recommends that you maintain an operating and maintenance log specifying start-up temperatures, charge temperatures, hours of operation and preventive and corrective maintenance performed on the unit. This information must be available for inspection upon request. An example of a combined burn log and maintenance log for an incinerator is provided in Appendix A of this document.

#### ➤ **TRAINING REQUIREMENTS**

Trained personnel who are competent and knowledgeable of the unit's operating instructions and maintenance procedures must operate the crematory furnace. The division recommends that facilities maintain documentation of personnel training (such as a training certificate) at the facility to demonstrate compliance. This information must be available for inspection upon request

#### ➤ **RECORDKEEPING REQUIREMENTS**

The owner or operator shall maintain records as follows:

- Performance test data (e.g., stack test and opacity test) must be maintained for at least five years. The division recommends that you keep this data for the life of the furnace.
- Records of burn rates, consumption rates, hours of operation, operating and maintenance, and operator trainings must be maintained for at least five years. These records should be available for division inspection upon request.

#### ➤ **HELP IS AVAILABLE**

The Colorado Small Business Assistance Program (SBAP) provides free services to small businesses seeking help in understanding and complying with environmental regulations. Feel free to contact the SBAP at (303) 692-3175 or 3148.

## APPENDIX A

## INCINERATOR LOG - COMBINED BURN LOG & MAINTENANCE LOG

**Company:**

**Location Address:**

City/State/Zip:

[illegible]

\*The owner or operator shall keep records of the time the incineration cycle commenced, and the time that the incineration cycle was complete.



**TOWN OF BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-07**

**A RESOLUTION RECOMMENDING APPROVAL OF THE  
BENNETT CROSSING OUTLINE DEVELOPMENT PLAN, AMENDMENT NO. 1**

**WHEREAS**, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for approval of an amended Bennett Crossing Outline Development Plan; and

**WHEREAS**, all materials related to the proposed Outline Development Plan have been reviewed by Town Staff and found to be in compliance with Town of Bennett comprehensive plan and zoning ordinance; and

**WHEREAS**, after a noticed public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds that the proposed Bennett Crossing Outline Development Plan, Amendment No. 1 should be approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF BENNETT, COLORADO:**

**Section 1.** The Planning and Zoning Commission hereby recommends approval of the proposed Bennett Crossing Outline Development Plan, Amendment No. 1

**PASSED AND ADOPTED THIS 28nd DAY OF FEBRUARY 2022.**

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Christina Hart, Secretary

### **Suggested Motion**

I move to approve Resolution No. 2022-07 - A resolution recommending approval of the Bennett Crossing Outline Development Plan, Amendment No. 1.

**QUASI-JUDICIAL PUBLIC HEARING SCRIPT  
(PLANNING COMMISSION)**

**CHAIR:** I will now open the public hearing on the following application: An application for **Case No. 22.02 Bennett North (Mundell Property) Zoning**.

The purpose of the hearing is to provide a public forum for all interested parties who wish to comment on an application before the Commission. 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 the Town staff.

**NEXT**, we will have a presentation by the applicant.

After these two presentations we will allow people who signed up to speak 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 Commission, not the applicant or Town staff.

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

**NEXT**, the Planning Commission 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 Planning Commission 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?

*[Town Clerk to confirm on record notice has been provided]*

Do any Commission members have any disclosures?

*[Commissioners to disclose conflicts of interests, ex parte contacts, etc]*

Town staff, 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 Commissioners have questions of the applicant or Town staff?

*[Question and Answer]*

**CHAIR:** I will now open the public comment portion of the 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?

*[If more than one person has signed in, call them in order.]*

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 Commissioner 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 Planning Commission 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 inclusion of these items in the record?

**CHAIR:** I will now close the public hearing and the Planning Commission members will deliberate on the evidence presented. During deliberations, Commission 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.

We have a motion on the floor by Commissioner \_\_\_\_\_ and a second by Commissioner \_\_\_\_\_ to approve Planning and Zoning Commission Resolution No. 2022-06.

May we have a Roll-Call vote?

Motion carries/fails.

# STAFF REPORT



welcome neighbors.

TO: Members of the Planning and Zoning Commission  
FROM: Steve Hebert, Planning and Economic Development Manager  
DATE: February 28, 2022  
SUBJECT: Case No. 22.02 – Bennett North (Mundell Property) Zoning

**Applicant/Representative(s):** Several Mundell Family Members | Owner's Representatives – MGV 36 North Land Investments, John Vitella/Jim Marshall

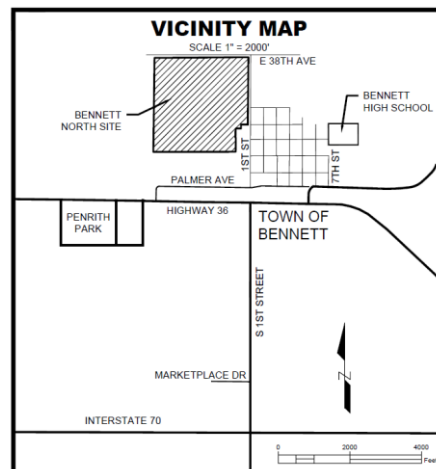
**Location:** Southwest Corner of E. 38<sup>th</sup> Avenue and 1<sup>st</sup> St./Converse Rd.

**Purpose:** Zoning of 153.62 acres to R-2 – Mid Density Residential District

## Background

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:



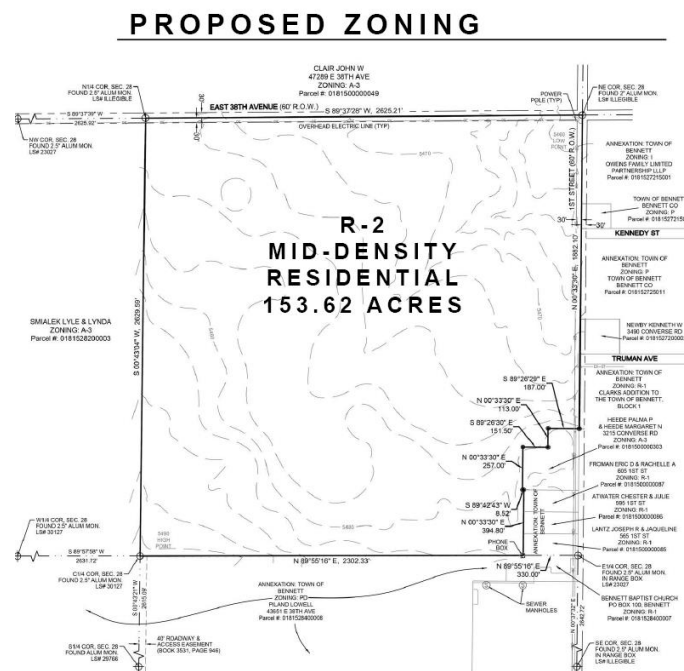
## Summary of the Annexation and Initial Zoning Process

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.

## Proposed Zoning and Project Description

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.



The applicant's letter of intent includes the following narrative:

### Site Characteristics

*"The site's gently sloping topography includes a minor depression traversing from the high point in the southwest corner of the site to the low point located in the northeast corner. Overall, there is a change in elevation of 30-feet across the site with the topography in the 1 – 2 % slope range. The site has been farmed for a number of years and is currently fallow with scattered small shrubs introduced grasses and weeds. Fauna is limited to species that live in dry grasslands."*

### Project Description

*"Rezoning of the Bennett North parcel to R-2 Mid-Density Residential will allow for a variety of residential land uses. The intent is to design and develop a cohesive neighborhood in a thoughtful manner. Although up to eight (8) dwelling units per acre is permitted in the R-2 District, it is anticipated that the potential housing types*

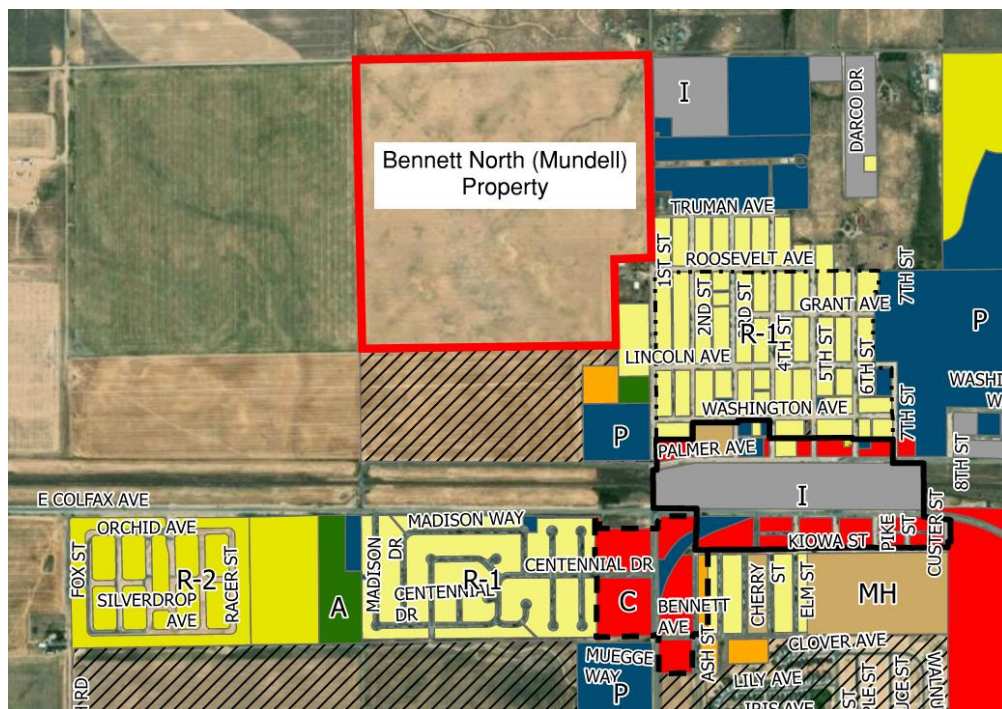


could include single-family detached and paired homes on various lot sizes including both standard front-loading homes and alley-loaded homes. The variety of home types will create a diverse neighborhood with homes at various price points attractive to numerous buyers. Supporting land uses will include parks, trails and open space designed to serve the demographic of the various neighborhoods within Bennett North.”

## Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	A-3 (Unincorporated)	Agricultural
East	I-Industrial, P-Public, R-1 Resid., A-3 (Unincorporated)	Industrial, Public Works Facility, Single-family Resid.
South	PD – Planned Development	Agricultural
West	A-3 (Unincorporated)	Agricultural

Below is a section of the Town of Bennett Zoning Map.



## Water, Wastewater Treatment and Stormwater Management

Town of Bennett water and wastewater treatment services will be available to the project, subject to system design, construction and financing by the developer of onsite and offsite improvements addressed in one or more future subdivision plats and subdivision agreements. A stormwater management system will be designed by the developer and reviewed by the Town at the time of subdivision platting. Phasing of all onsite and offsite improvements will also need to be addressed by future subdivision agreements.

A future subdivision agreement will also indicate how many new homes, if any, can be built and occupied before any of the offsite improvements are constructed.

## Access, Traffic Impacts and Timing of Development Relative to Improvements

The property abuts East 38<sup>th</sup> Avenue on the north and 1<sup>st</sup> Street/Converse Road on the east. However, neither of these streets, in their current condition, will be adequate to accommodate the traffic expected to be generated by over 1,000 single-family homes and related uses. The applicant has identified future offsite connections via an expanded road network that might include additional north/south and east/west street corridors. The illustration below shows some of these potential connections, including an extension of Penrith Road to East 38<sup>th</sup> Avenue and a new crossing of the Union Pacific rail line. This is for illustrative purposes only and does not constitute a formal plan by the Town of Bennett or the applicant.



A comprehensive traffic impact study (TIS) will be required at the time of the first subdivision plat. The TIS must include, but not be limited to: an identification of vehicle trip generation, existing and proposed conditions, capacity analysis, onsite and offsite impacts and improvements to mitigate the impacts.

The design, financing and timing of construction of internal and external street connections will be addressed in subsequent subdivision agreement(s) at the time of the platting process.

A future subdivision agreement(s) will also indicate how many new homes, if any, can be built and occupied before any of the offsite improvements are constructed.

## Fire and Rescue

The project is within the Bennett Fire Protection District service area. The District has no objections to the proposed zoning. The developer shall confer with the District regarding International Fire Code standards, ensure the municipal water system meets the design and fire flow expectations of the Town and the District, consider the wildland-urban interface, provide appropriate access for all emergency vehicles and participate in established impact fee programs.

## Gas, Electricity and Telecommunications

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Natural gas will be provided by Colorado Natural Gas, electricity by CORE Electric Cooperative and telecommunications by Eastern Slope Technologies (ESRTA) or Comcast.

## School District

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The project is in the Bennett School District 29J. School land dedication or cash-in-lieu will be determined at the time of subdivision plat in accordance with the intergovernmental agreement between the Town of Bennett and the District concerning land dedications for payments in lieu for school purposes. The District has no formal comment at this time.

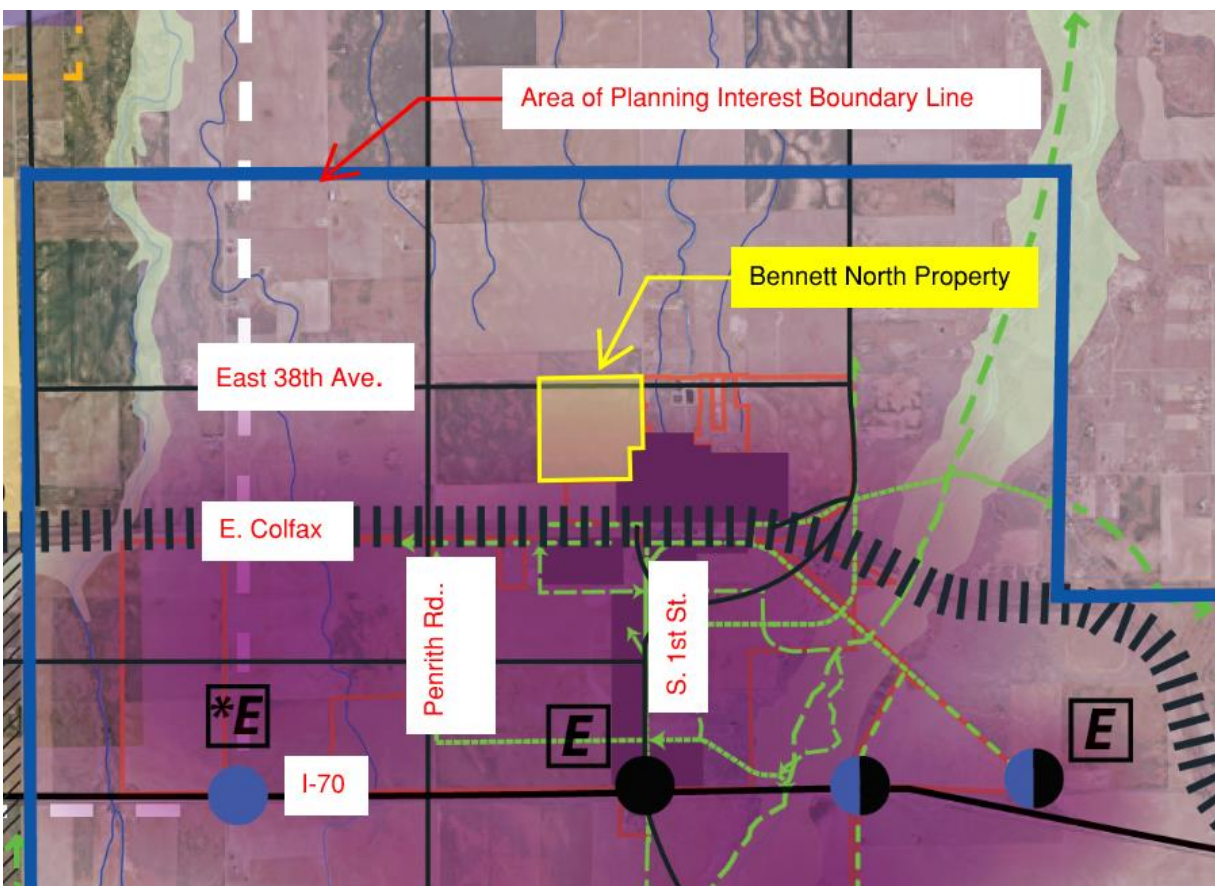
## Staff Analysis and Findings

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### Consistency with the Comprehensive Plan

1. The subject property is within the Area of Planning Interest in the 2021 Comprehensive Plan.

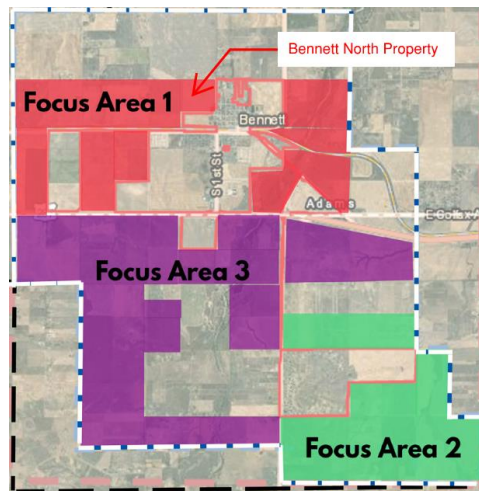
The Area of Planning Interest includes unincorporated infill properties within Bennett, contiguous properties and properties within a logical service area, ideal for future annexation to the Town. See the excerpt of the comprehensive plan map below.





## 2. The property is within Focus Area 1 of the Comprehensive Plan.

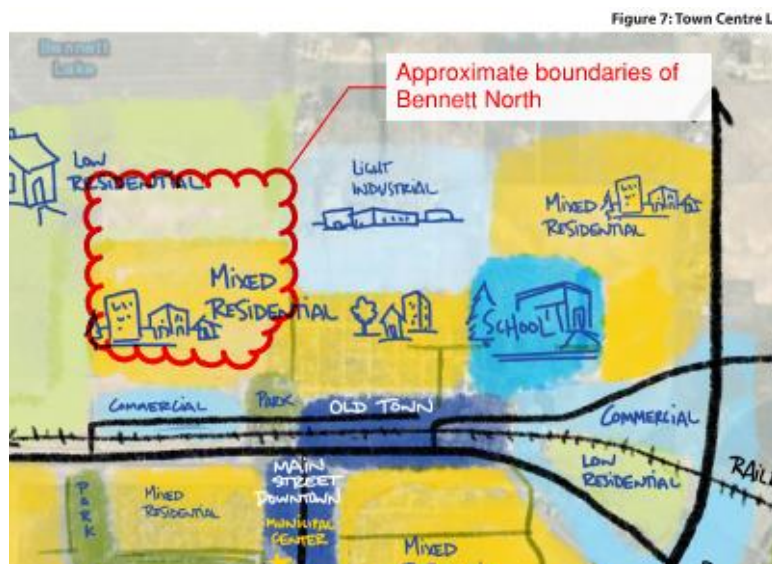
The Area of Planning Interest is further categorized into three focus areas for potential annexation. The areas are numbered based on the continuity for infrastructure, resources and services for the community. These focus areas are intended to provide guidance, not an obligation or priority, for future annexation by the Town or landowners.



## 3. The proposed zoning is consistent with the Town Centre Land Use Concept Plan.

The approximate northern half of the Bennett North property is designated as **Low Residential** and the southern half is designated as **Mixed Residential** in the Town Center Land Use Concept Plan. (See below.) The 2021 Comprehensive Plan describes the Low Residential area as a low density residential use typically less than five dwelling units (DUs) per acre and comprised of single-family detached housing. Low Residential Areas are intended to provide housing to accommodate a wide range of home prices. The Mixed Residential neighborhoods are to contain a variety of housing types and densities, combined with non-residential secondary land use that are complementary and supportive such as parks and recreation areas, religious institutions and schools.

The proposed R-2 zoning can accommodate both the Low Residential and Mixed Residential land use types.



**Staff Finding:** Staff finds the proposed zoning is consistent with, or will promote, the goals and policies of the Town of Bennett 2021 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code.

## Consistency with the Intent of the Zoning Code

**Staff Finding:** Staff finds the proposed zoning 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.

## Referral Agency Review and Comments

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The proposed Bennett North zoning was sent to several referral agencies for comment, including:

- |                                       |                                |
|---------------------------------------|--------------------------------|
| 1. Town Planning                      | 6. Colorado Natural Gas (CNG)  |
| 2. Town Engineer                      | 7. Bennett School District 29J |
| 3. Town Traffic Engineer              | 8. Adams County Planning       |
| 4. Bennett-Watkins Fire Rescue (BWFR) | 9. Adams County Sheriff        |
| 5. CORE Electric Cooperative (IREA)   |                                |

None of the agencies that responded have any objections to the zoning. However, many of them, including the Town Engineer, Town Traffic Engineer, Bennett-Watkins Fire, Bennett School District 29J and CORE Electric Cooperative will require more analysis at the time of subdivision platting.

## Public Comment

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Notice of the February 28, 2022 Planning and Zoning Commission hearing and the March 22, 2022 Board of Trustees hearing was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. Staff has had initial conversations with an adjoining property owner clarifying the nature of the application.

## Staff Recommendation

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Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-06, recommending approval of the zoning of Bennett North to R-2 – Mid Density Residential District, subject to the approval of the annexation of the property by the Board of Trustees.

## Attachments

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1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Letter of Intent/Narrative
4. R-2 Permitted Uses
5. R-2 Standards
6. Bennett North Zoning Map
7. Bennett North Traffic Memorandum
8. Combined Staff and Referral Agency Comments
9. Proposed Planning and Zoning Commission Resolution 2022-06

# Case No. 22.02 Bennett North (Mundell) Zoning

Planning and Zoning Commission

February 28, 2022

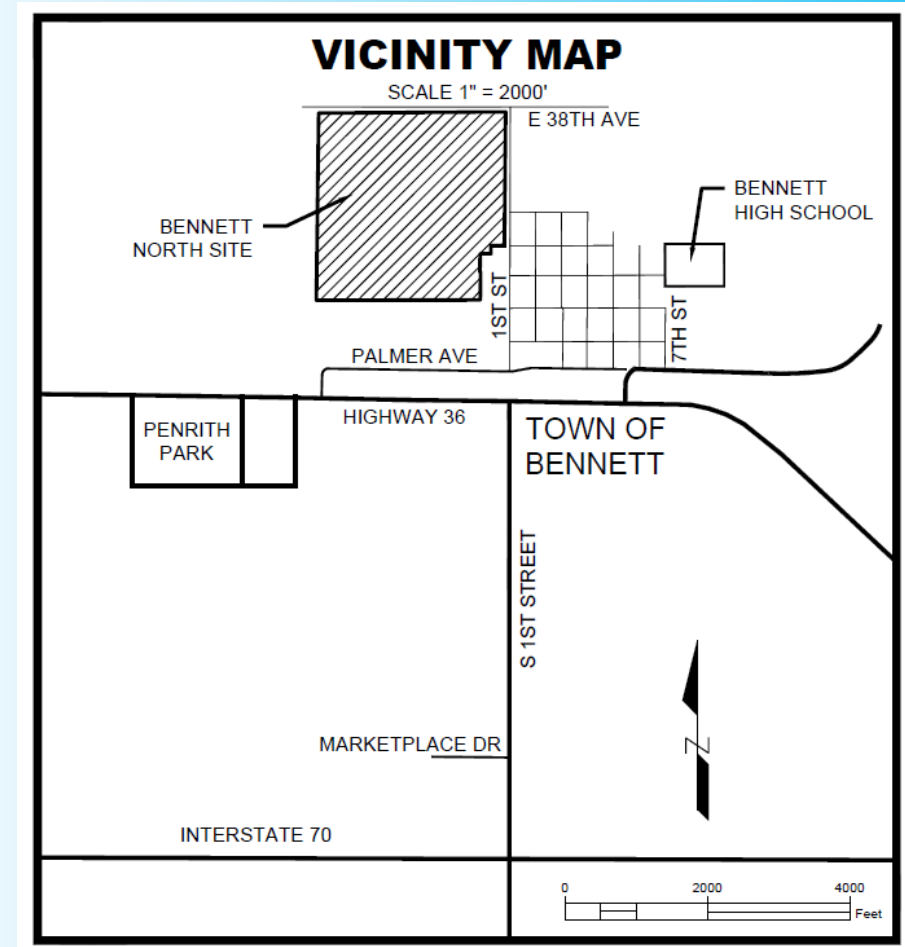
Steve Hebert, Planning & Economic Development Manager



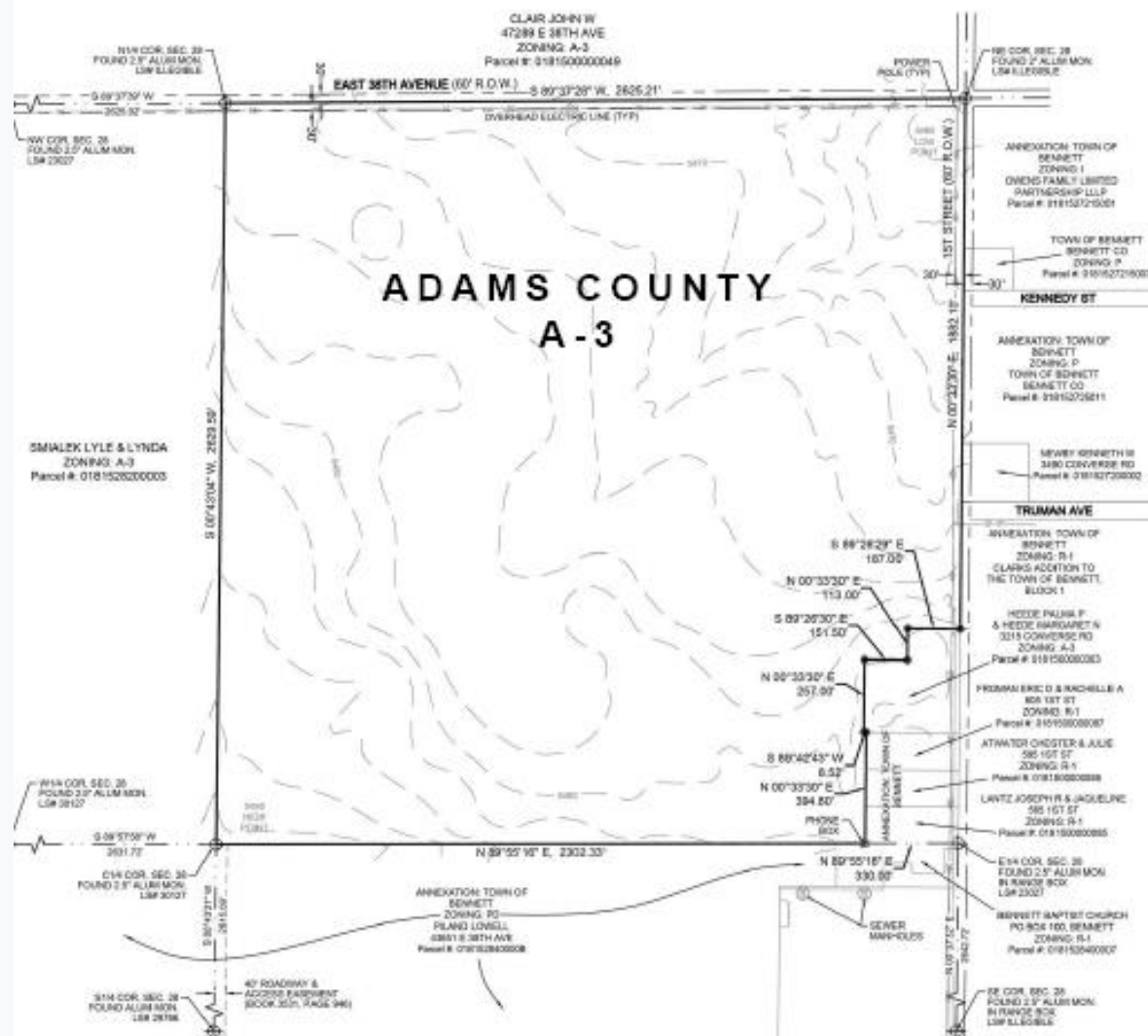


# Proposed Annexation and Zoning to R-2

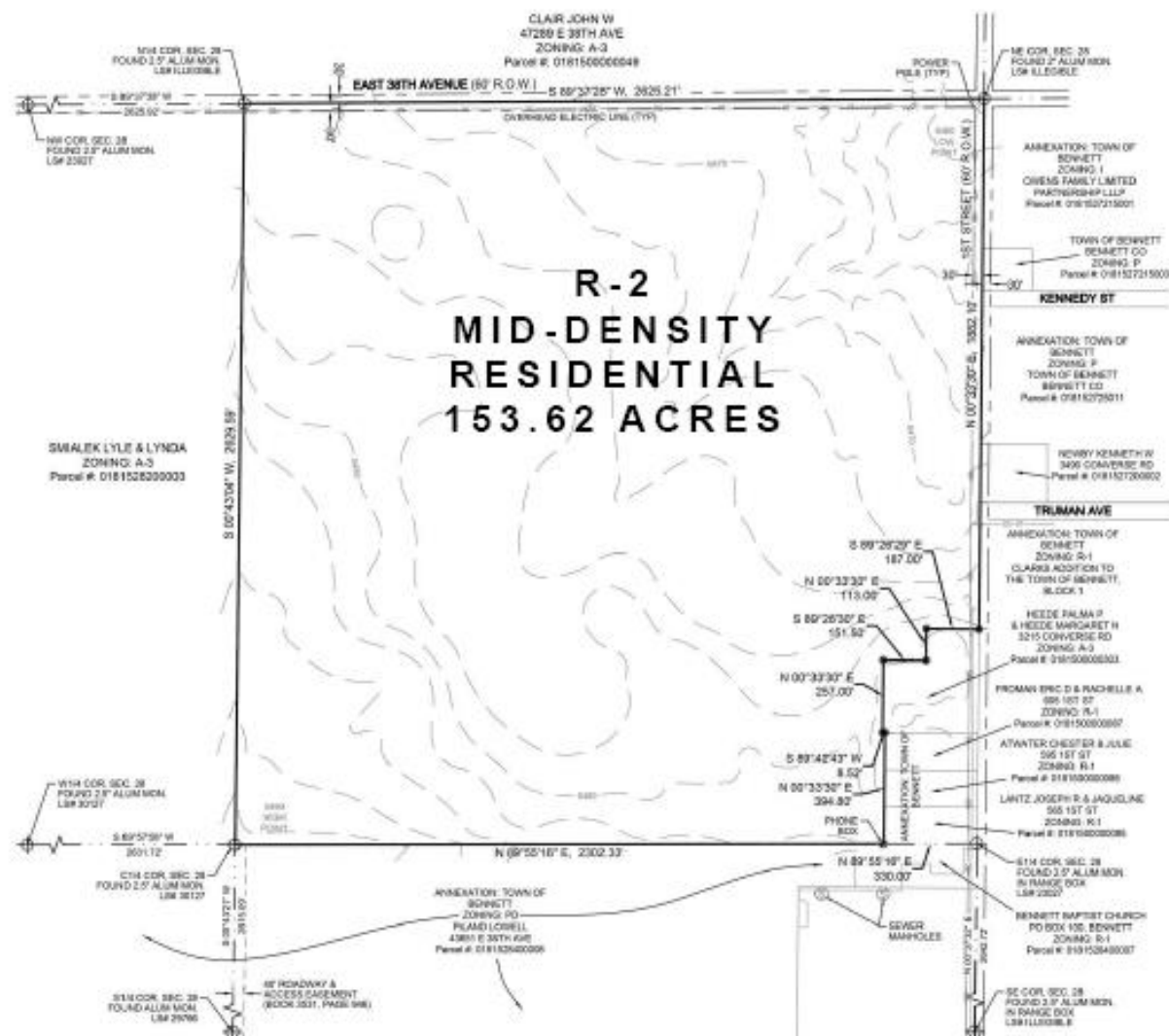
- Proposal to annex and zone 153.62 acres
- Currently unincorporated, zoned A-3 in Adams County
- Board of Trustees to consider annexation petition on March 22, 2022
- Proposed zoning is R-2 – Mid Density Residential District



## EXISTING ZONING



## PROPOSED ZONING



# The R-2 – Mid Density Residential Zone District

The R-2 District is intended to provide for the development of areas containing moderate density single-family and two-family residential dwellings.

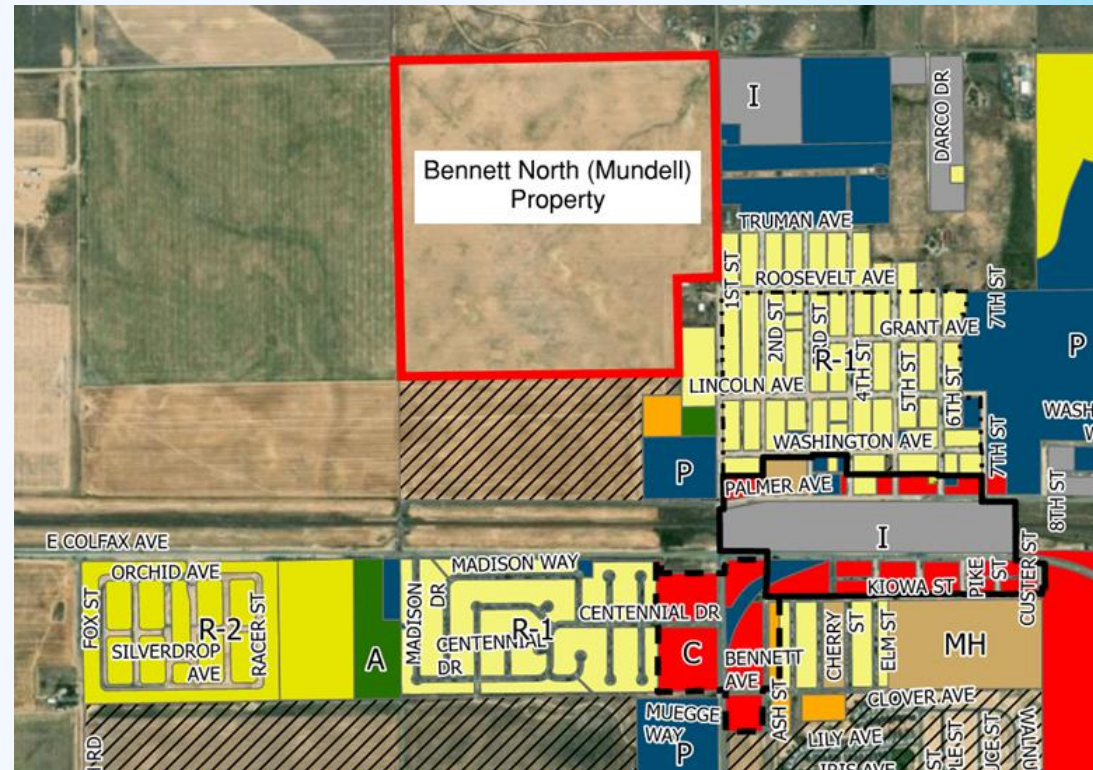
Standard	R-2 - Mid Density Residential District
Minimum Lot Area/Dwelling Unit	3,500 square feet
Minimum Lot Width	25 feet
Maximum Lot Coverage	70%
Minimum Floor Area/Dwelling Unit	800 square feet
Minimum Front Yard Setback (Principal Structure)	10 feet, w/ max. setback not to exceed an average of adjacent principal structures
Minimum Front Yard Setback (Accessory Structure)	10 feet
Minimum Side Yard Setback (Principal Structure)	5 feet
Minimum Side Yard Setback (Accessory Structure)	5 feet
Minimum Rear Yard Setback (Principal Structure)	10 feet
Minimum Rear Yard Setback (Accessory Structure)	5 feet
Maximum Height (Principal Structure)	35 feet
Maximum Height (Accessory Structure)	12 feet, except detached garages, 18 feet

# Applicant's Project Description

- Variety of residential land uses
- Design and develop a cohesive neighborhood
- Could include single-family detached and paired (duplex) homes, with various lot sizes
- Various price points attractive to numerous buyers
- Supporting land uses include parks, trails and open space

# Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	A-3 (Unincorporated)	Agricultural
East	I-Industrial, P-Public, R-1 Resid., A-3 (Unincorporated)	Industrial, Public Works Facility, Single-family Resid.
South	PD – Planned Development	Agricultural
West	A-3 (Unincorporated)	Agricultural





# Availability of Public Infrastructure

- If the property is annexed and zoned, future subdivision plats and subdivision agreements will require the developer to design, finance and construct both onsite and offsite improvements.
  - Water and Sewer – Town of Bennett (with onsite and offsite improvements)
  - Regional Stormwater – Metro District or HOA, TBD at time of subdivision
  - Fire Protection – Bennett-Watkins Fire Rescue (consistent with IFC and other standards)
  - Access – E. 38<sup>th</sup> Avenue and 1<sup>st</sup> St./Converse Rd. (see additional comments on next slide)
  - Law Enforcement – Adams County Sheriff
  - Electricity – CORE Electric Cooperative (with onsite and offsite improvements)
  - Natural Gas – Colorado Natural Gas
  - Telecom – Eastern Slope Technologies or Comcast
  - Bennett School District 29J (school site or cash-in-lieu TBD)



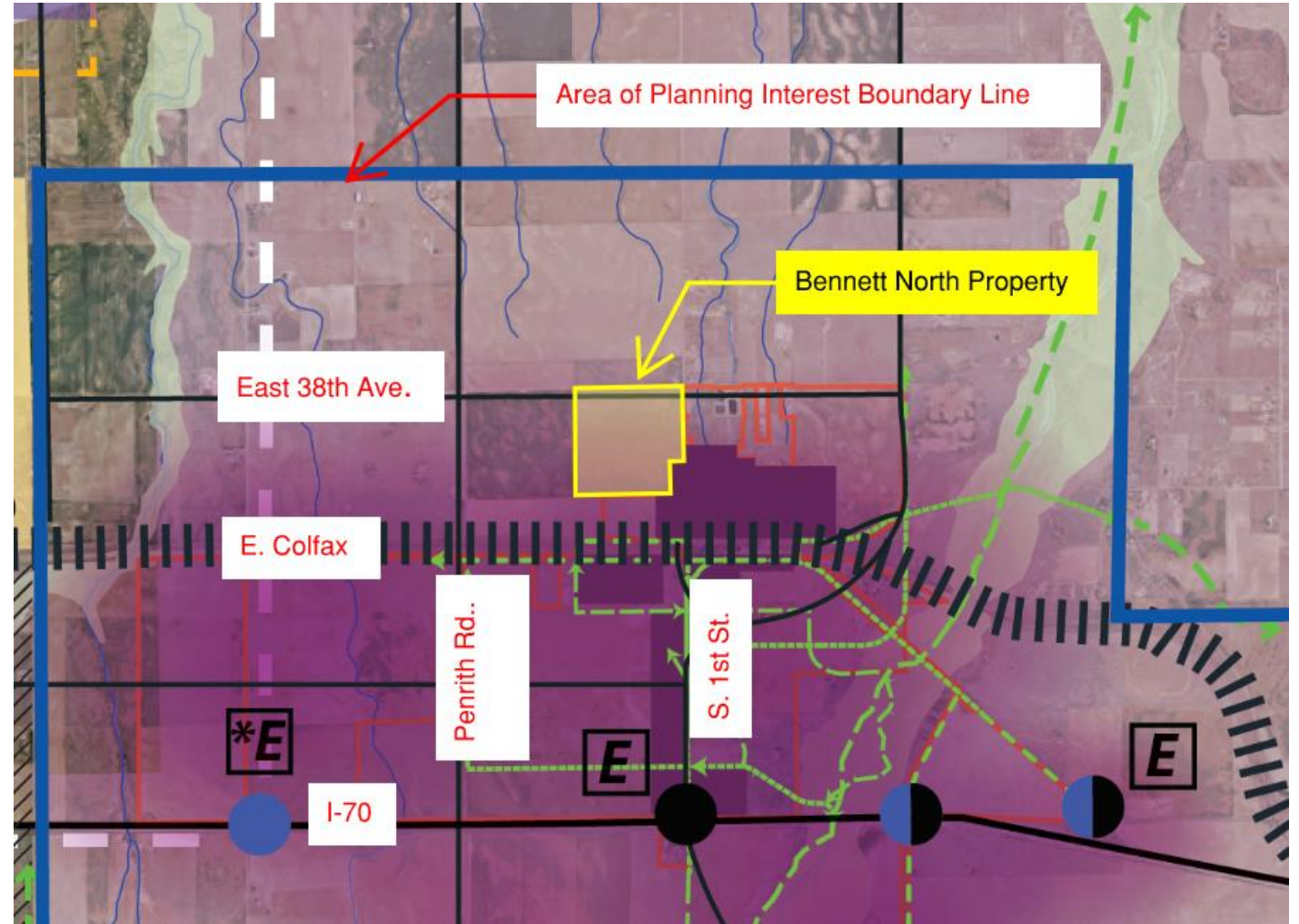
# Access, Traffic Impacts and Timing of Development Relative to Improvements

- Access via existing street network is inadequate
- Significant offsite improvements are expected
- Development will pay its fair share of offsite improvements
- Building permits will be restricted until adequate access is available



# Consistency with 2021 Comprehensive Plan

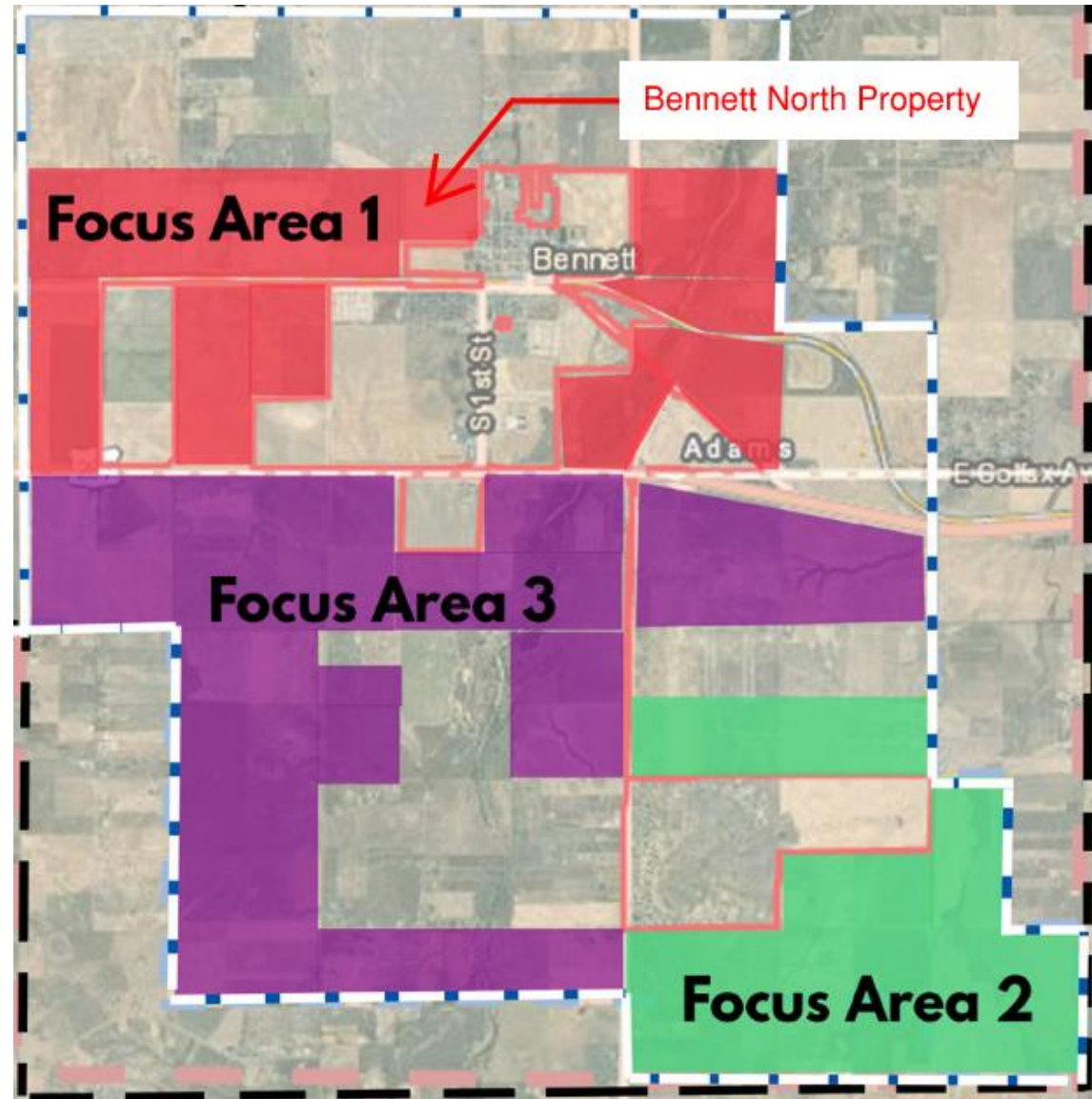
- Property is within the Area of Planning Interest
- Contiguous to existing Town boundaries





# Consistency with 2021 Comprehensive Plan

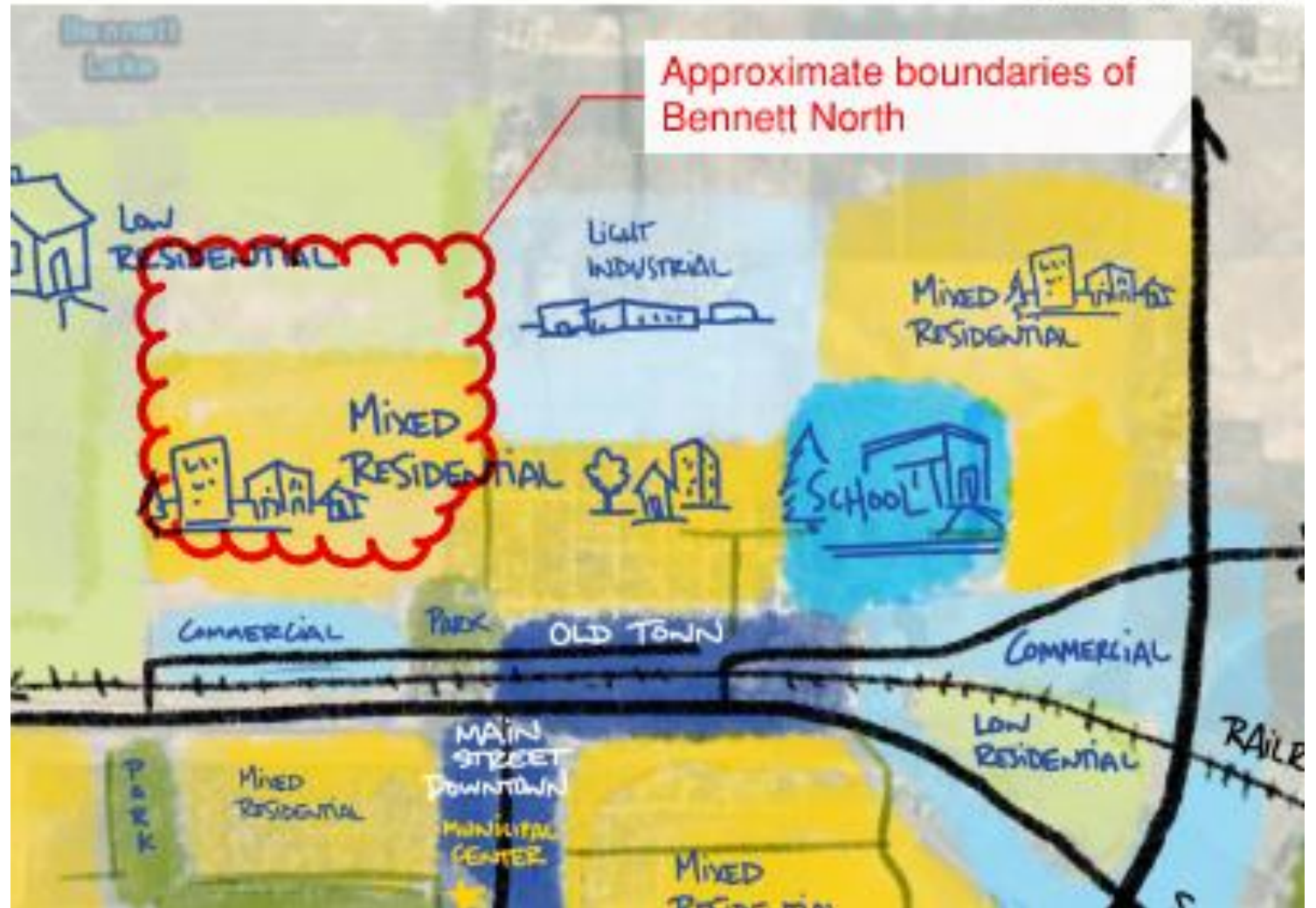
- Within Focus Area 1
- Contiguous to infrastructure
- Focus areas provide guidance, not an obligation



# Consistency with 2021 Comprehensive Plan

- Consistent with the Town Centre Land Use Concept
- Can accommodate both Low Residential and Mixed Residential land use

Figure 7: Town Centre Land Use Concept



# Consistency with the Intent of the Zoning Code

The proposed zoning 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.



## Staff Findings on Case No. 22.02

- Staff finds the proposed zoning is consistent with, or will promote, the goals and policies of the Town of Bennett 2021 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code.
- Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, outlined in Section 16-1-50

## Staff Recommendation

Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-06, recommending approval of the zoning of Bennett Ranch North property to R-2 – Mid Density Residential District, subject to the approval of the annexation of the property by the Board of Trustees.

(See Draft Resolution)

# Town of Bennett Land Use Application Form

TO BE COMPLETED BY APPLICANT

Application

Type: Zoning/Rezoning

Other \_\_\_\_\_

Primary Contact Name: John Vitella/Jim Marshall

Name of Firm: MG V 36 North Land Investments, LLC and Henry Design Group, Inc.

Address: PO Box 4701 CO 80155 / 1501 Wazee Street #1-C, Denver, CO 80202 - 303-446-2368

City: Greenwood Village

State: CO

Zip: 80155

Phone: 303-210-4964

Email: john@vitellapartners.com / khenry@henrydesigngroup.com

Owner Name: Marcia Mundell 9910 N. Manilla Road, Bennett, CO 80102; Claude Bennett 8730 Westminster Terrace #3410 Dallas TX 75242; Joy Marie Snider 1246 Sheldon Drive, Brentwood, CA 94513

Address:

City:

State:

Zip:

Phone:

Email:

Mineral Estate Holder/Lease:

Name of Firm:

Address:

City:

State:

Zip:

Phone:

Parcel#: 0181500000304 &005 &006

Subdivision Name:

Site Address:

Nearest Major Intersection: SW corner of E. 38th Avenue and 1st Street/Converse Road

Legal Description: See associated documentation attached with the application.

Current Zoning: Adams County A-3

Proposed # lots/units: To be determined at Plat per the R-2 District

Total Acreage: 153.62

Gross Floor Area:

Proposed Gross Densities (du/ac): To be determined at Plat per the R-2 District

Additional Notes:

**All Submittal Requirements must accompany this application. All applicable fees must be paid at the time of application. Any extraordinary cost incurred by the Town of Bennett in reviewing and processing this application is the responsibility of the applicant.**

**An executed cost agreement must be attached to this application pursuant to Sec. 16-1-325 of the Bennett Municipal Code.**

***I understand this is an application only, it must be approved by the Town, and any required building permits must be obtained before the property can be used in accordance with the request. I hereby acknowledge all of the above information is correct.***

Applicant's Signature: 

Date: 11/10/21



Landscape Architecture • Planning • Entitlements

November 12, 2021

Town of Bennett Planning Commission  
Town of Bennett Board of Trustees  
207 Muegge Way  
Bennett, CO 80101

**RE: Bennett North Annexation and Rezoning Letter of Intent**

Dear Planning Commissioners and Board of Trustees,

The Henry Design Group, Inc., on behalf of MGV 36 North Land Investments, LLC the applicant for Bennett North, is pleased to submit this narrative in support of the proposed Annexation and Rezoning.

**1. Applicant / Design Team**

Applicant:

MGV 36 North Land Investments, LLC  
John Vitella 303-210-4964  
Jim Marshall  
PO Box 4701  
Greenwood Village, CO 80155  
[john@vitellapartners.com](mailto:john@vitellapartners.com) / [jim@mglinvestments.com](mailto:jim@mglinvestments.com)

Planner/Landscape Architect:

The Henry Design Group, Inc.  
Karen Z. Henry, PLA  
1501 Wazee Street, Suite 1-C  
Denver, CO 80202  
303-446-2368  
[khenry@henrydesigngroup.com](mailto:khenry@henrydesigngroup.com)

Civil Engineer:

2N Civil, LLC  
Eric P. Tuin, PE  
6 Inverness Ct., Suite 125  
Englewood, CO 80112  
303-925-0544  
[eric@2ncivil.com](mailto:eric@2ncivil.com)

Transportation Consultant

LSC Transportation Consultants, Inc.  
1889 York Street  
Denver, CO 80206  
303-333-1105  
[csmcgranahan@lsctrans.com](mailto:csmcgranahan@lsctrans.com)

## **2. Project Location**

Bennett North is located in the northwestern area of the Town of Bennett environs. The site is a total of 153.62 acres of gently rolling agricultural land. The site is bordered to the north by E. 38<sup>th</sup> Avenue and to the east by N. Converse Rd./1<sup>st</sup> Street. Penrith Road is approximately one-half mile to the west and E. Colfax Avenue (Hwy 36), Palmer Avenue and the Union Pacific Railroad are approximately 1100 feet south of the site.

The site is more particularly described as being in a portion of the NE1/4 of Section 28, Township 3 South, Range 63 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado.

## **3. Site Characteristics**

The site's gently sloping topography includes a minor depression traversing from the high point in the southwest corner of the site to the low point located in the northeast corner. Overall, there is a change in elevation of 30-feet across the site with the topography in the 1 - 2 % slope range. No impacts to existing flora and fauna are anticipated. The site has been farmed for a number of years and is currently fallow with scattered small shrubs introduced grasses and weeds. Fauna is limited to species that live in dry grasslands.

## **4. Project Description**

Bennett North is currently zoned Agriculture-Three (A-3) in Adams County, Colorado. The proposal is to annex the parcel into the Town of Bennett and rezone the parcel to the Town's existing R-2 Mid-Density Residential District.

Annexation of the parcel is a logical extension of the Town's boundaries with a main portion of the established Town, including existing infrastructure, immediately east of the site. The annexation and zoning will include extending the infrastructure to serve the proposed new development. The site is in the Primary Area of Interest - Focus Area 1 as stated in the 2021 Town of Bennett Comprehensive Plan thereby enabling the potential annexation.

Rezoning of the Bennett North parcel to R-2 Mid-Density Residential will allow for a variety residential land uses. The intent is to design and develop a cohesive neighborhood in a thoughtful manner. Although up to eight (8) dwelling units per acre is permitted in the R-2 District, it is anticipated that the potential housing types could include single-family detached and paired homes on various lot sizes including both standard front-loading homes and alley loaded homes. The variety of home types will create a diverse neighborhood with homes at various price points attractive to numerous buyers. Supporting land uses will include parks, trails and open space designed to serve the demographic of the various neighborhoods within Bennett North.



## **5. Access and Traffic**

The attached Traffic Memorandum prepared by LSC Transportation Consultants, Inc. illustrates the proposed road network in the vicinity of the site, potential access points, and future connectivity. Primary access will be from E. 38<sup>th</sup> Avenue with additional access points anticipated to Penrith Road to the west with the potential railroad crossing as Penrith Road to the south. An access point is possible into the site from the south through an extension of Lincoln Avenue from the east. Connection to Converse Road at Truman Avenue is also available. The proposed road network internal to the neighborhood will be designed to provide adequate vehicular and pedestrian circulation meeting the needs of the residents and life safety providers.

## **6. Utility Services and Drainage**

Bennett North is proposing to connect into and extend the existing Town of Bennett water and sewer infrastructure to serve the site. Upon the completion of the infrastructure extensions connecting to the Town's facilities it is assumed the Town will be able to provide public water and sewer services.

At this time, it is anticipated the main waterlines will need to be extended north along 1<sup>st</sup> Street into the site and the sewer to be connected to the treatment plant located to the east of the site, on the east side of 1<sup>st</sup> Street. Modeling will be necessary to determine line sizes and exact locations to serve the development. At this time, it is anticipated a 15-inch main sewer will be necessary to serve the development at the downstream end, with a minimum of 8-inch mains at the lots.

Water mains will be primarily 8-inch with loops of 12-inch and 15-inch serving the 8-inch. It may be necessary for the Town to provide additional storage for domestic water. Once the models are produced and further design is considered the required infrastructure can be determined.

Dry utilities including electric, gas, cable and phone will be extended from existing facilities in the neighborhood to the east to the Bennett North site.

## **7. Development Schedule and Time Frame**

It is anticipated the neighborhood will take several years to fully develop and the timing will be based on market conditions. The developers will be actively marketing the neighborhood to potential builders as the entitlement process is nearing completion.

## **8. Compliance with the 2021 Town of Bennett Comprehensive Plan**

Bennett North is intended to be designed in accordance with the stated goals of the 2021 Town of Bennett Comprehensive Plan ("Comprehensive Plan") which states the Town "is committed to responsible planned development; economic vitality; high-quality public services, resilient infrastructure, programs and policies; and the continued expansion of a healthy community". It is believed that this statement is at the core of the planned Bennett North neighborhood and with the annexation and zoning, Bennett North can be the

catalyst to bring additional responsible development to this area of Town while maintaining the small-town character of Bennett.

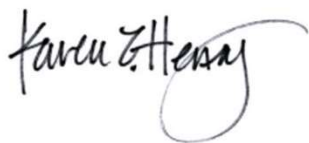
The site is within the Area of Planning Interest and Focus Area 1 of the three annexation growth areas. These growth areas correspond to the three-mile annexation boundaries. Bennett North is contiguous with an existing, well-established neighborhood to the east where there is a logical extension of Town boundaries and infrastructure needed to open up Focus Area 1 for annexation and development.

Strong well-planned neighborhoods are essential to the economic vitality of the Town. Bennett North will comply with the guiding principle of the Comprehensive Plan by bringing to the Town a mix of residential land uses that will provide a diversity of housing at various densities and may include more affordable work force housing options. This can be achieved in a cohesive manner through innovative design, planning and development patterns.

The development of a connecting street system will facilitate transportation needs of the area in a safe and efficient manner. Bennett North's future parks, trails, and open spaces will be designed to provide recreational opportunities for the residents which will lead to happy, healthy, and safe lifestyles as encouraged by the Comprehensive Plan.

Thank you for your time and efforts in reviewing the proposed annexation and rezoning for Bennett North. As always, we look forward to continuing to work with the Town to see this exciting neighborhood to fruition and we respectfully request approval of the annexation and rezoning in the Town of Bennett. Please feel free to contact me if you have any questions or need additional information.

Sincerely yours,

A handwritten signature in black ink, reading "Karen Z. Henry". The signature is fluid and cursive, with a large loop at the end of the last name.

Karen Z. Henry  
President, Henry Design Group, Inc.

Cc: MGV 36 North Land Investments, LLC

## R-2 Permitted Uses (Highlighted in Yellow)

P = Use by Right      C = Conditional Use

Zone Districts										
Land Use Categories	A	RE	R-1	R-2	R-3	MH	C	EC	I	P
<b>A. AGRICULTURAL USE</b>										
(1) Auction arena or livestock sales	C								C	
(2) Crop production, pasture grazing land or private ranching	P									P
(3) Greenhouse/nursery	P								C	P
(4) Poultry hatcheries, fish hatcheries, commercial ranching and dairy farms or animals raised or kept for profit or production, except as allowed in <a href="#">Section 7-7-30</a>	C									C
<b>B. ANIMAL SERVICES</b>										
(1) Animal boarding (kennels) and training	C						C		C	
(2) Animal hospital, large	C								C	
(3) Animal hospital, small	C						C		P	
(4) Riding academies and stables	C									
(5) Veterinary offices or clinics	C						P		P	



(10) Manufacturing, assembly, finishing or fabrication; secondary								C	P	
(11) Meat processing plant									C	
(12) Outdoor storage, except self- storage/mini-storage									C	
(13) Publishing plant								C	P	
(14) Recycling facilities									C	C
(15) Refining or initial processing of basic raw materials									C	
(16) Refuse collection facilities									C	C
(17) Self-storage, mini-storage							C		P	
(18) Soil amendments packaging and processing such as peat moss, top soil and composted manure; but excluding raw manure or chemical fertilizers									C	
(19) Warehousing and distribution								P	P	
(20) Waste-related uses, trash transfer station									C	C
(21) Wholesale establishments, including accessory offices								P	P	
<b>E. INSTITUTIONAL USES</b>										
(1) Cemetery	C		C							



(2) Charitable institutions							P	P	P	P
(3) Clubs and lodges							P		P	P
(4) Cultural facilities, including a library or museum	C						P	P		P
(5) Events or recreation center							C	P		P
(6) Fire or police station	C	C	C	C	C	C	P	P	P	P
(7) Hospitals							C	P	P	
(8) Post office							P			P
(9) Religious institutions	P	P	P	P	P	P	P	P	P	P
(10) Town Hall or municipal building										P
(11) Zoos, arboretum, botanical gardens, community gardens	P						C			P
<b>F. RECREATION USES</b>										
(1) Golf course and driving range	C	C	C	C	C					C
(2) Indoor commercial recreation or entertainment, including bowling alleys, movie theaters							P	P	P	
(3) Outdoor commercial recreation, including miniature golf, amusement parks							P	C	C	
(4) Outdoor playing fields	C	C	C	C	C	C	P	P	P	P

(5) Parks, both active and passive, and trails	C	C	C	C	C	C	C	P	P	P
(6) Recreation facilities owned or operated by the Town or other government organization with supporting accessory uses, whether publically or privately owned or operated but in no event shall accessory uses occupy more than 10% of the gross floor area of the facility		C	C	C	C					P
(7) Shooting range, indoor									C	
(8) Shooting range, outdoor	C									
(9) Recreational vehicle park	C				C	C			C	
<b>G. RESIDENTIAL USES</b>										
(1) Assisted living facility or nursing home				C	P					
(2) Bed and breakfast establishments	C	C	C	C	C					
(3) Group home for elderly, developmentally disabled or mentally ill persons	P	P	P	P	P					
(4) Group home for juvenile offenders					C					
(5) Group home, other	C	C	C	C	C					
(6) Home occupations	P	P	P	P	P	P		P		
(7) Hotels and motels							P	P		
(8) Manufactured homes	P	P	P	P	P	P				



(4) Retail business, other (<5,000 sq. ft.)							P	P		
(5) Retail business, other (>5,000 sq. ft. <25,000 sq. ft.)							P	C		
(6) Retail business, other (>25,000 sq. ft.)							C	C		
(7) Sexually oriented business							C		P	
<b>J. SERVICES</b>										
(1) Dry cleaning							P		P	
(2) Financial services (such as banks, savings and loan and brokerages) with drive-in facilities							P	P		
(3) Financial services (such as banks, savings and loan and brokerages) with no drive-in facilities							P	P		
(4) Funeral homes and mortuaries							P			
(5) Limited equipment rental							P		P	
(6) Offices; administrative business and professional, except health-related							P	P	P	
(7) Offices; medical, dental or other health-related, including urgent care facilities							P	P	C	
(8) Personal services, other (<5,000 sq. ft.)							P	P	P	
(9) Personal services, other (>5,000 sq. ft. <25,000 sq. ft.)							C	P		

[illegible]





## Sec. 16-2-430. - R-2 - Mid Density Residential District.

- (a) The R-2 District is intended to provide for the development of areas containing moderate density single-family and two-family residential dwellings.
- (b) Land uses are permitted as shown in the Land Use Table in Section 16-2-470.
- (c) Lot and building requirements shall be as shown in Table 2-5.

**Table 2.5**  
**Mid Density Residential District Standards**

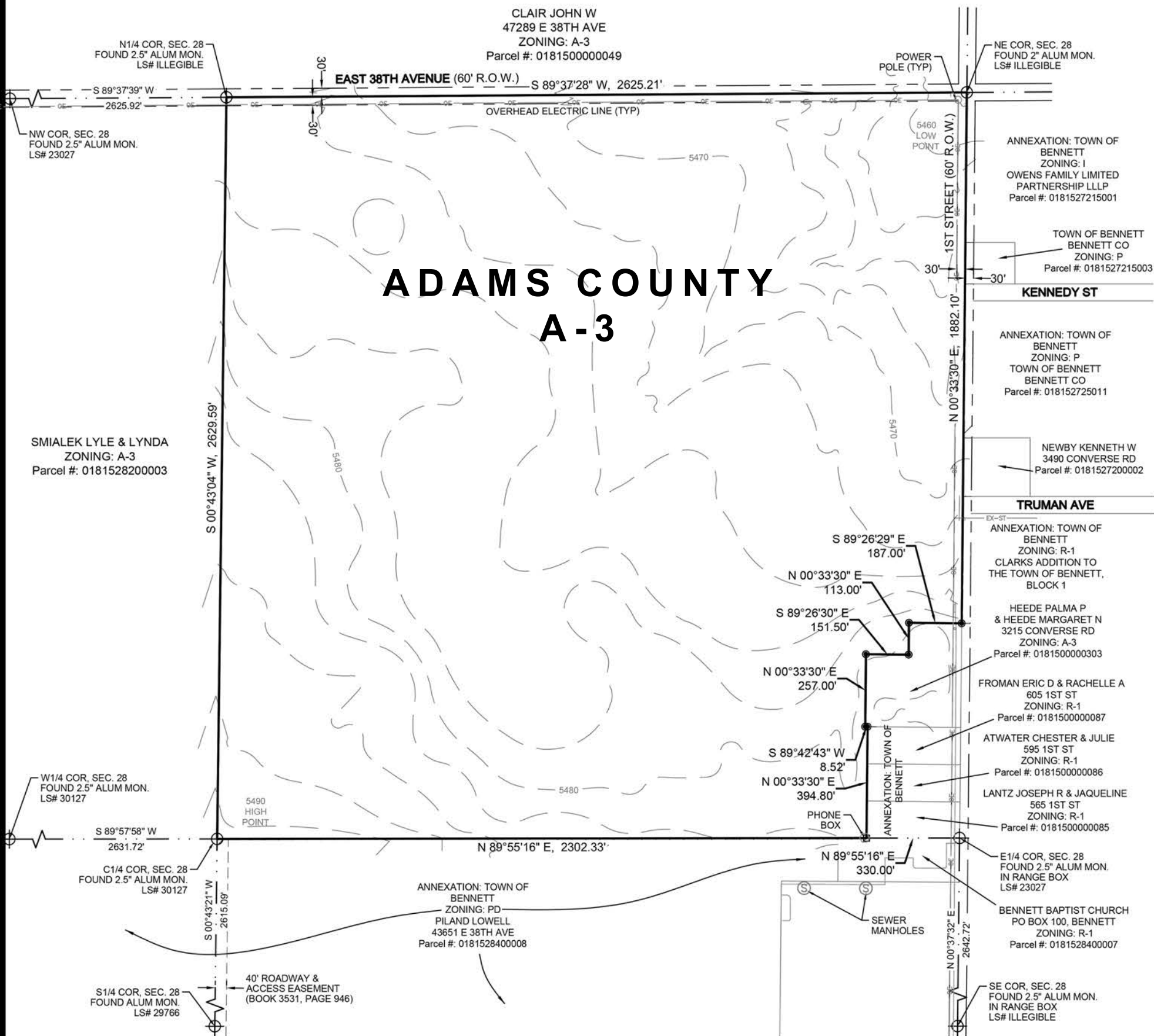
Standard	R-2 - Mid Density Residential District
Minimum Lot Area/Dwelling Unit	3,500 square feet
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Maximum Lot Coverage	70%
Minimum Floor Area/Dwelling Unit	800 square feet
Minimum Front Yard Setback (Principal Structure)	10 feet, w/ max. setback not to exceed an average of adjacent principal structures
Minimum Front Yard Setback (Accessory Structure)	10 feet
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Minimum Side Yard Setback (Accessory Structure)	5 feet
Minimum Rear Yard Setback (Principal Structure)	10 feet
Minimum Rear Yard Setback (Accessory Structure)	5 feet
Maximum Height (Principal Structure)	35 feet
Maximum Height (Accessory Structure)	12 feet, except detached garages, 18 feet



ZONING AMENDMENT  
BENNETT NORTH  
TOWN OF BENNETT, COLORADO

A PARCEL OF LAND LOCATED IN THE NE1/4 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

EXISTING ZONING

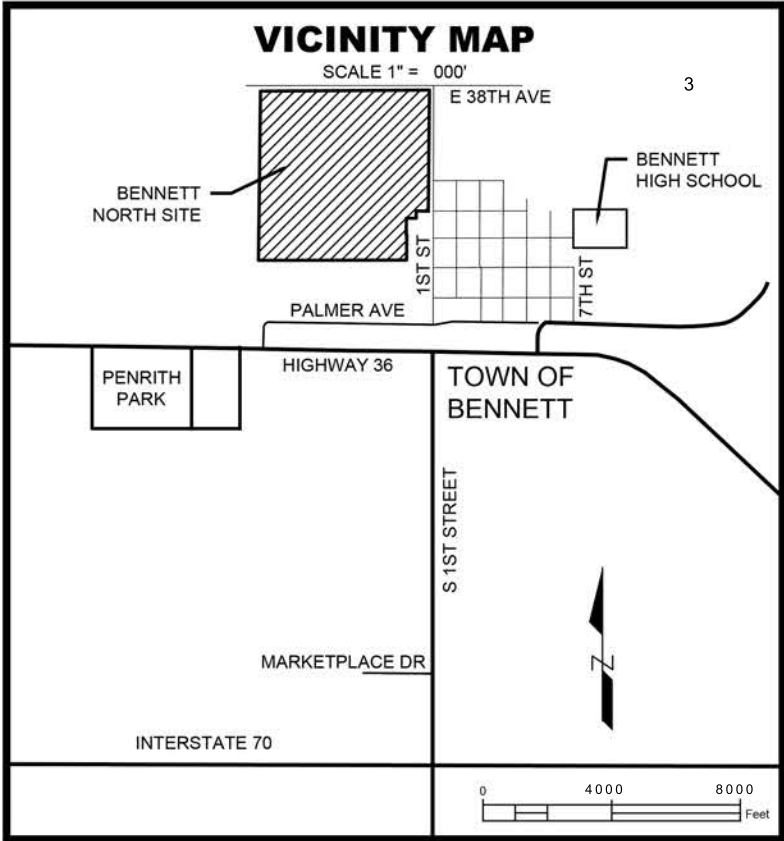


LEGEND:

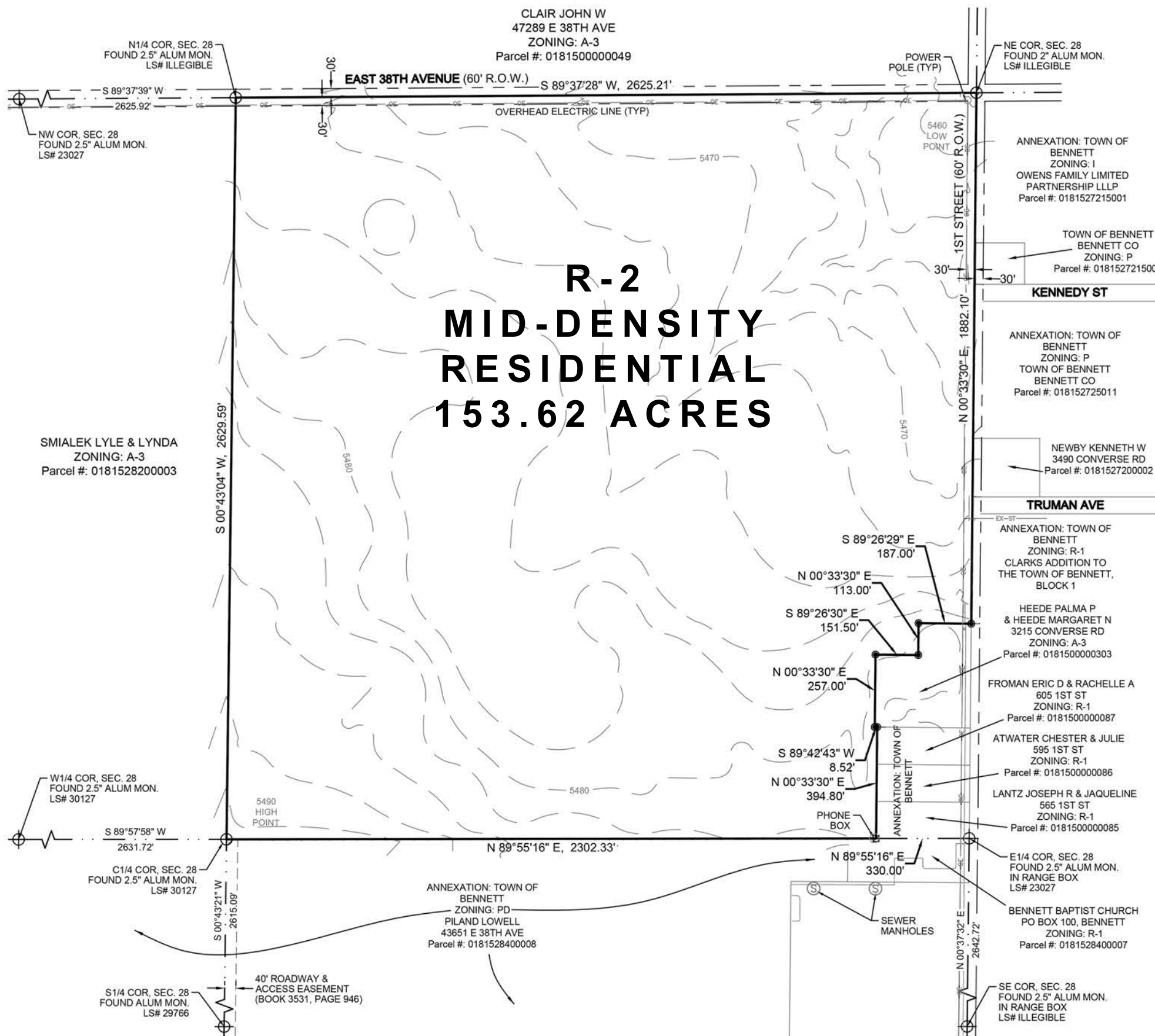
- BOUNDARY OF PROPERTY  
ADJOINING PROPERTY LINE  
EXISTING OVERHEAD ELECTRIC  
EXISTING STORM PIPE



0 400' 800'  
SCALE: 1" = 400'



PROPOSED ZONING



PROPERTY DESCRIPTION:

THE NE1/4 SECTION 28, TOWNSHIP 3, RANGE 63,  
EXCEPT THREE ACRES IN THE SE1/4 OF THE NE1/4 OF SAID SECTION 28 DESCRIBED AS:  
BEGINNING AT THE SOUTHEAST CORNER OF THE NE1/4; THENCE NORTH 396'; THENCE WEST 330';  
THENCE SOUTH 396'; THENCE EAST 330' TO THE POINT OF BEGINNING.  
AND EXCEPT A PARCEL OF LAND SITUATED IN THE NE1/4 OF SAID SECTION 28 DESCRIBED AS:  
BEGINNING AT A POINT 396.0' N00°01'E OF THE SE CORNER OF THE NE1/4 OF SAID SECTION 28; THENCE  
N00°01'E A DISTANCE OF 365.0'; THENCE N89°59'W A DISTANCE OF 187.0'; THENCE S00°01'W A DISTANCE  
OF 113.0'; THENCE N89°59'W A DISTANCE OF 151.5 FEET; THENCE S00°01'W A DISTANCE OF 257.0';  
THENCE N89°10'13"E A DISTANCE OF 338.5', MORE OR LESS, TO POINT OF BEGINNING.  
ABOVE PARCEL OF LAND INCLUDES 153.62 ACRES MORE OR LESS.





LSC TRANSPORTATION CONSULTANTS, INC.

1889 York Street  
Denver, CO 80206  
(303) 333-1105  
FAX (303) 333-1107  
E-mail: [lsc@lscdenver.com](mailto:lsc@lscdenver.com)

October 22, 2021

Mr. John Vitella  
MGV 36 South Land Investments, LLC  
PO Box 4701  
Greenwood Village, CO 80155

Re: Bennett North  
Bennett, CO  
LSC #210770

Dear Mr. Vitella:

In response to your request, LSC Transportation Consultants, Inc. has prepared this Traffic Memorandum for the proposed Bennett North development. As shown on Figure 1, the site is located south of E. 38<sup>th</sup> Avenue and west of N. Converse Road in Bennett, Colorado.

## REPORT CONTENTS

The report contains the following: the site location and conceptual bubble plan; the typical weekday site-generated traffic volume projections for the site; the proposed roadway network in the vicinity of the site; and the directional distribution of the projected traffic volumes to the area roadways. Town feedback on this memorandum will be used to develop a full Master TIA for the site.

## LAND USE AND ACCESS

The site is proposed to be annexed to the Town and zoned R-2 Mid-Density Residential, and is estimated to yield a maximum of up to 1,228 single-family dwelling units. Access is proposed to E. 38<sup>th</sup> Avenue and N. Converse Road with future connections to the west and south as shown in the conceptual site plan in Figure 2.

## ROADWAY AND TRAFFIC CONDITIONS

### Area Roadways

The major roadways in the site's vicinity are shown on Figure 1 and are described below.

- **E. 38<sup>th</sup> Avenue** is an east-west, two-lane roadway north of the site. The intersection with N. Converse Road is stop-sign controlled. It will eventually be paved east to SH 79.

- **N. Converse Road** is a north-south, two-lane local roadway east of the site. The intersection with E. 38<sup>th</sup> Avenue is stop-sign controlled. The posted speed limit in the vicinity of the site is 35 mph.

### TRIP GENERATION

Table 1 shows the estimated average weekday, morning peak-hour, and afternoon peak-hour trip generation for the proposed site based on the rates from *Trip Generation, 11<sup>th</sup> Edition, 2021* by the Institute of Transportation Engineers (ITE).

The site is projected to generate about 11,580 vehicle-trips on the average weekday, with about half entering and half exiting during a 24-hour period. During the morning peak-hour, which generally occurs for one hour between 6:30 and 8:30 a.m., about 223 vehicles would enter and about 636 vehicles would exit the site. During the afternoon peak-hour, which generally occurs for one hour between 4:00 and 6:00 p.m., about 727 vehicles would enter and about 427 vehicles would exit.

### PROPOSED ROADWAY NETWORK

Figure 3 shows the proposed roadway network in the vicinity of the site.

### TRIP DISTRIBUTION

Figure 4 shows the estimated directional distribution of the site-generated traffic volumes on the area roadways. The estimates were based on the location of the site with respect to the regional population, employment, and activity centers; and the site's proposed land use.


\* \* \* \* \*

We trust our findings will assist you in gaining approval of the proposed Bennett North development. Please contact me if you have any questions or need further assistance.

Sincerely,

LSC TRANSPORTATION CONSULTANTS, INC.

By

  
\_\_\_\_\_  
Christopher S. McGranahan, PE, PTOE  
Principal

CSM/wc

10-22-21

Enclosures: Table 1  
Figures 1 - 4



**Table 1**  
**ESTIMATED TRAFFIC GENERATION**  
**Bennett North**  
**Bennett, CO**  
**LSC #210770; October, 2021**

Trip Generating Category	Quantity	Trip Generation Rates <sup>(1)</sup>					Total Trips Generated				
		Average	AM Peak-Hour		PM Peak-Hour		Average	AM Peak-Hour		PM Peak-Hour	
		Weekday	In	Out	In	Out	Weekday	In	Out	In	Out
<b>CURRENTLY PROPOSED LAND USE</b>											
Single Family Housing <sup>(2)</sup>	1,228 DU <sup>(3)</sup>	9.43	0.182	0.518	0.592	0.348	11,580	223	636	727	427

Notes:

(1) Source: *Trip Generation*, Institute of Transportation Engineers, 11th Edition, 2021

(2) ITE Land Use No. 210 - Single-Family Detached Housing

(3) DU = dwelling units



Figure 1

# Vicinity Map

Bennett North (LSC #210770)

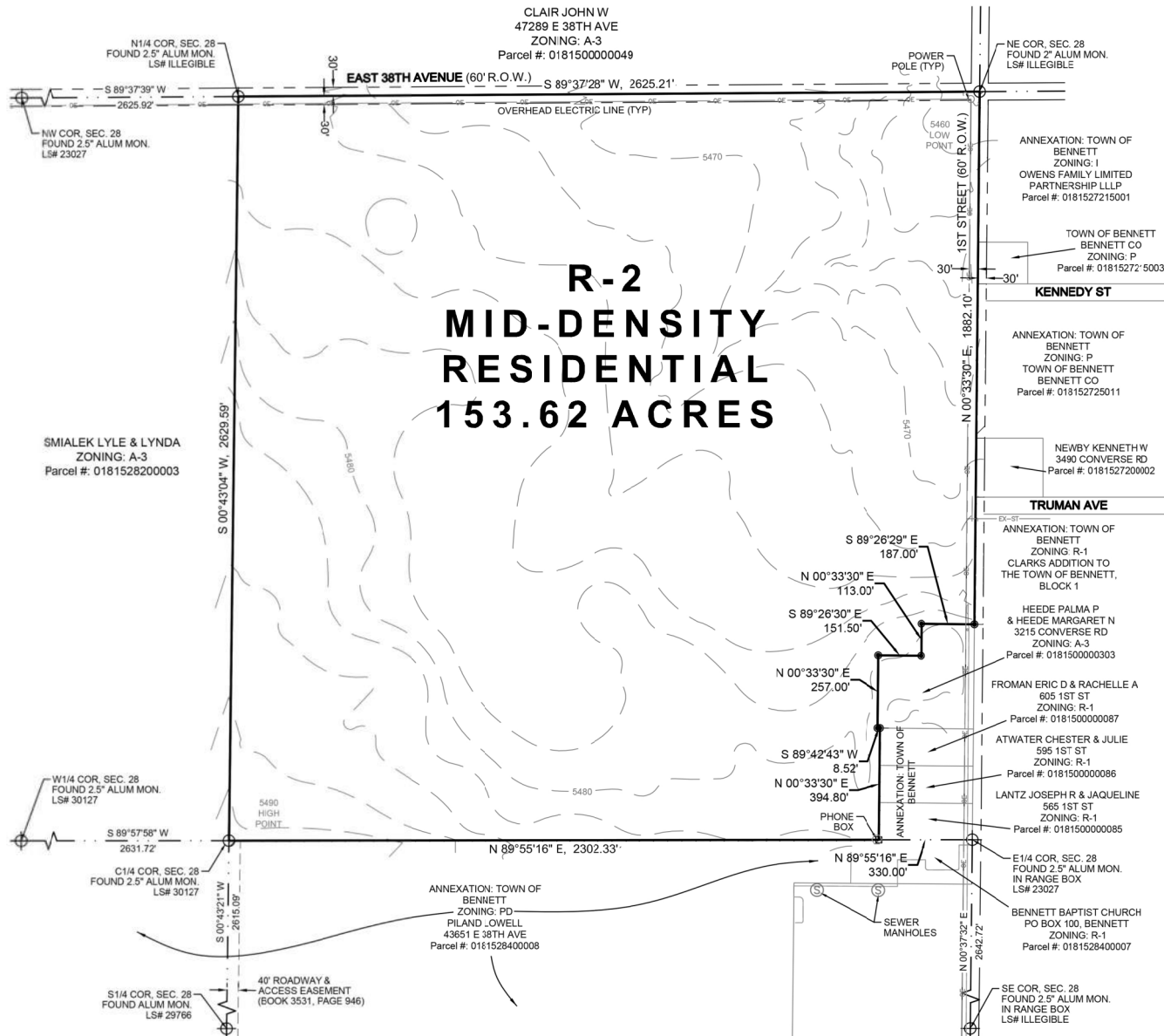




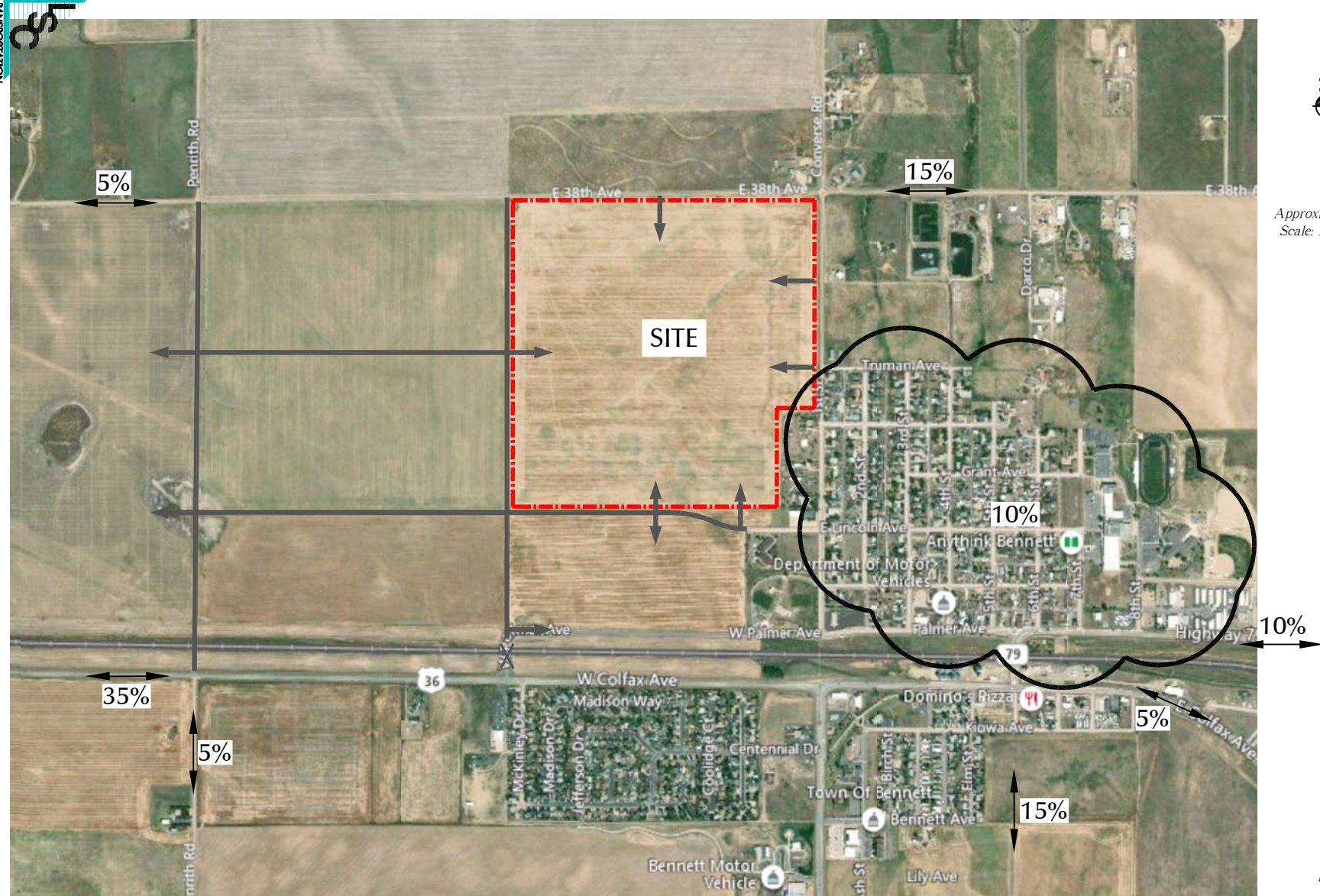


Figure 3

*Proposed  
Roadway Network*

Bennett North (LSC #210770)





Approximate Scale  
Scale: 1"=1,200'

LEGEND:

$$\frac{5\%}{5\%} = \frac{\text{Short-Term Percent Directional Distribution}}{\text{Long-Term Percent Directional Distribution}}$$

## Directional Distribution of Site-Generated Traffic

Bennett North (LSC #210770)

Figure 4





## Engineering Review Memo

---

To: Stephen Hebert, AICP, Bennett Planning & Economic Development Manager  
From: Dan Giroux, PE, Engineering Consultant to the Town  
Date: Monday, February 21, 2022  
Case: Mundell Annexation and Initial Zoning to R-2 / Cases 22.01 and 22.02  
Subject: Engineering Review

---

Per the request of the Town of Bennett, Terramax, Inc. has reviewed the application materials for the proposed Mundell Annexation and Initial Zoning to R-2. This review does not relieve the applicant from meeting the Town's requirement that the development comply with all Town Codes and Standards.

I have the following comments to offer on the Mundell Annexation and Initial Zoning to R-2 materials:

### **Water Supply**

- The property and potential development on the property would be subject to the Town of Bennett's raw water supply guidelines and requirements, including governing development impact fees, and groundwater rights credits or reimbursement policies.
- The property development will require the support of additional groundwater well development, either on the property itself, or on adjacent properties, depending on future Town well spacing, for production and efficiency, as well as other areas and properties potentially served.
- More information would be developed as the property makes its way through next steps of technical analysis and detail, should the Town view the Annexation & Zoning application favorably.

### **Water Distribution System**

- The property is adjacent to existing Town water distribution mains to the immediate northeast, at Converse Road-First Street, and southeast, at West Lincoln Avenue.
- Both adjacent water distribution mains are within the Town of Bennett "north zone", lower pressure zone, so both can be connected.
- Connections to both mains is desired for greatest independent redundancy of Town water delivery to potential development on the property.
- The property development will require the support of additional water storage tank capacity, either on the property itself, or on adjacent properties, depending on future Town water storage tank spacing, for maximum water service efficiency and benefit, as well as other areas and properties potentially served.

### **Sanitary Sewer System / Wastewater Treatment**

- The property is near an existing 8-inch Truman Avenue sanitary sewer main, existing 12-inch First Street sanitary sewer main, and existing 8-inch West Lincoln Avenue sanitary sewer main.
- Although capacity in these existing sanitary sewer mains may allow for minor early-start/early-phase development of parts of the Mundell property, it is expected that the great majority of the

property will require service by means of an "East 38<sup>th</sup> Avenue" collection main, which would conceptually be a portion of the Town's "Western Sanitary Sewer Bypass" project.

- The Western Sanitary Sewer Bypass project is envisioned to proceed west from the Town's existing Water Reclamation Facility (WRF) along E 38<sup>th</sup> Avenue, providing gravity sanitary sewer service to significant areas west of First Street, including the Mundell property.
- Development of the Mundell property with the proposed Zoning will require expansion of the Town's Water Reclamation Facility at East 38<sup>th</sup> Avenue.
  - The Town is currently conducting detailed technical studies for expansion of the existing WRF to support additional development, while also addressing improved effluent water quality, and especially treatment to quality levels supporting highly flexible and robust reuse water programs.
- The Mundell development would support the WRF expansion via Wastewater Development Impact Fees.
  - These Fees are evaluated regularly by Town Staff, and reviewed with the Town Board of Trustees, to ensure the Town is collecting appropriate development fees to support required WRF expansion and upgrades.

### **Access**

- The property is immediately adjacent to East 38<sup>th</sup> Avenue within Adams County, and Converse Road, which is currently shared jurisdiction with Adams County, including shared maintenance responsibilities, managed via Intergovernmental Agreement.
- The Town should consider and evaluate the prior success and benefit of the split-jurisdiction rights-of-way annexation with Adams County, and whether annexation of the full right-of-way for adjacent roads is more desirable and practical.
- Road system access, improvements, connections and traffic impact management will be the subject of significant detailed technical analysis, proposals and design as the property goes through ensuing entitlement review, including Sketch Plan and Subdivision, should the Town view the Annexation & Zoning application favorably.

### **Stormwater Management**

- The property incorporates a local area drainageway from the south, generally draining off-site properties, and this property, north to East 38<sup>th</sup> Avenue, and beyond.
- Stormwater management for the property and potential development on the property will be attention-worthy, to even challenging, due to low-lying flat areas on-site discharging into slow-draining stormwater outfalls to the north.
- The stormwater management challenges are advisory only at this point, and will need to be considered and answered through potential property development concepts and design.
- It is anticipated that these stormwater challenges can be addressed for potential development on the property.

Steve, this concludes my engineering review of the application materials for the proposed Mundell Annexation and Initial Zoning to R-2 by the applicant. Please let me know if you have any questions, or require additional information pertaining to the submitted information, or my review.

9191 Jamaica Street  
Englewood, CO 80112  
United States  
T +1.303.771.0900

[www.jacobs.com](http://www.jacobs.com)

---

<b>Subject</b>	<b>Bennett North (Mundell) Zoning</b>
<b>Attention</b>	Steve Hebert, AICP, Bennett Planning & Economic Development Manager Sara Aragon, Community Development Manager
<b>From</b>	Mike Heugh, PE Town Traffic Engineer
<b>Date</b>	February 16, 2022
<b>Copies to</b>	Dan Giroux, PE, Town Engineer

---

Bennett North (Mundell) Zoning, Traffic Memorandum (Oct 2021) – Town Traffic Comments

1. Please change the portions of N. Converse Rd that are south of 38<sup>th</sup> Ave. to 1<sup>st</sup> Street.
2. Figure 4 shows short-term and long-term, but only 1 term is shown. Please update.
3. Please explain thoughts on 35% of traffic traveling on Colfax Ave. It seems high.
4. If/When a Master TIS is prepared for this parcel, please consider all intersections that may experience significant additional site-generated traffic (when compared to background traffic). For example, Palmer/79 & Adams and intersections along that route to I-70. Also, some/most of the 15% that travels on 38<sup>th</sup> Ave would likely find their route back through that intersection.



# Bennett-Watkins Fire Rescue

District Office: 303-644-3572 Fax: 303-644-3401

355 4<sup>th</sup> Street, Bennett, CO 80102

Email: LifeSafety@BennettFireRescue.org

*"Striving to Preserve Life and Property"*

February 15<sup>th</sup>, 2022

Steve Hebert

Town Planner

Town of Bennett

Re: Bennett North (Mundell) Zoning – Case 22.02

Planner Hebert,

In regards to the submission for Bennett North (Mundell) Zoning – Case 22.02, Bennett-Watkins Fire Rescue (BWFR) has the following comments and considerations:

- BWFR has no objections to the proposed zoning case.
- The developer shall confer with Bennett Fire Protection District and ensure that the proposed development conforms to adopted (IFC) fire code standards.
- The developer shall ensure the proposed municipal water systems pertaining to hydrant distribution fire suppression is adequate to protect the proposed development as well as meet design expectations of both the Town of Bennett as well as Bennett-Watkins Fire Rescue. Considerations for design requirement shall include adopted codes and standards as well as ISO distribution and fire flow requirements.
- It is recommended that the developer work directly with Bennett-Watkins Fire Rescue, ISO, and Town of Bennett Staff to provide and review information pertaining to the needed fire flows for the proposed development. This information should be vetted against International Fire Code Requirements as well as ISO requirements. It is also likely that this information will also be required by the Town to include for hydraulic system modeling.
- Areas of the development that include wildland-urban interface, greenbelts, or other open space areas are of particular concern for the Fire District. BWFR is interested in working with the developer to ensure that adequate access is provided to these areas should there be a need for vehicle access for wildfire suppression. As each development is unique, it is recommended that the developer work directly with BWFR to examine these interface areas and determine what access and service needs exist.
- Development access requirements are based on the adopted fire code applicable to the development. Two BWFR approved access points are required after the 30<sup>th</sup> dwelling unit is constructed. These access points are required to follow the remoteness guidelines, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. The only exception to this requirement is if all dwelling units are constructed with approved automatic sprinkler systems and approved by BWFR.
- BWFR will incur unmet capital costs associated with new development. To address the needs of this unmet capital cost, BWFR has partnered with the Town to enact a development fee policy which

establishes fees due for all new types of development. It is likely that fees will apply to the new proposed development. If the developer has additional questions or concerns regarding Fire District development fees or policies, they can contact the District Office at 303-644-3572.

Thank You

A handwritten signature in black ink, appearing to read 'Caleb J. Connor', with a stylized, sweeping flourish extending from the end.

Caleb J. Connor  
Fire Marshal  
Life Safety Division  
Bennett-Watkins Fire Rescue  
303-644-3572 - Headquarters / 720-893-7672 - Direct  
[www.BennettFireRescue.org](http://www.BennettFireRescue.org)





Steve Hebert &lt;shebert@bennett.co.us&gt;

---

**RE: Bennett North (Mundell) Zoning**

1 message

---

**Brooks Kaufman** <BKaufman@core.coop>  
To: Steve Hebert <shebert@bennett.co.us>

Wed, Feb 16, 2022 at 7:00 AM

Dear Steve

CORE Electric Cooperative has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, and service requirements. We are advising you of the following concerns and comments:

CORE Electric Cooperative is requesting the Town of Bennett notify the undersigned after approval of the proposed annexation has been finalized. This notification will allow our mapping department to make the necessary changes to keep our mapping system and Town of Bennett franchise agreement updated.

CORE Electric Cooperative will request easements at the time of platting and site development plan. In addition the applicant will be required to extend two underground electrical feeders for the development from the existing Victory Substation located at 56<sup>th</sup> and Converse.

Respectfully

**Brooks Kaufman**

Lands and Rights of Way Manager

800.332.9540 MAIN

720.733.5493 DIRECT

303.912.0765 MOBILE

[www.core.coop](http://www.core.coop).



**From:** Town of Bennett Planning <[planning@bennett.co.us](mailto:planning@bennett.co.us)>

**Sent:** Wednesday, January 26, 2022 3:04 PM

**To:** [LBajelan@adcogov.org](mailto:LBajelan@adcogov.org); [ksmalley@adcogov.org](mailto:ksmalley@adcogov.org); United States Postal Service <[sarah.e.zawatzki@usps.gov](mailto:sarah.e.zawatzki@usps.gov)>; Bennett School District 29J ATTN: Robin Purdy <[robinp@bsd29j.com](mailto:robinp@bsd29j.com)>; Bennett School District 29J: ATTN: Jennifer West <[jenniferw@bsd29j.com](mailto:jenniferw@bsd29j.com)>; Bennett School District 29J: ATTN: Keith Yaich <[keithy@bsd29j.com](mailto:keithy@bsd29j.com)>; Robin Price <[rprice@bennett.co.us](mailto:rprice@bennett.co.us)>; Daymon Johnson <[djohnson@bennett.co.us](mailto:djohnson@bennett.co.us)>; Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>; Bennett Rec District <[director@bennettrec.org](mailto:director@bennettrec.org)>; Victoria Flamini <[VictoriaFlamini@bennettfirerescue.org](mailto:VictoriaFlamini@bennettfirerescue.org)>; Bennett Watkins Fire Rescue <[calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org)>; [GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com); [JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com); [Patw@esrta.coop](mailto:Patw@esrta.coop); Regional Economic Advancement Partnership <[julio.iturreria@i-70reap.com](mailto:julio.iturreria@i-70reap.com)>; Brooks Kaufman <[BKaufman@core.coop](mailto:BKaufman@core.coop)>; Jehn Water Consultants Inc <[gburke@jehnwater.com](mailto:gburke@jehnwater.com)>; Melinda Culley <[melinda@kellypc.com](mailto:melinda@kellypc.com)>; Daniel Giroux <[dangiroux@terramax.us](mailto:dangiroux@terramax.us)>; Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>

**Subject:** Bennett North (Mundell) Zoning

**CAUTION:**

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

Below is a Dropbox link to the Bennett North (Mundell) Zoning referral package. We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by February 16, 2022.

<https://www.dropbox.com/sh/0jdza5o237h5rk1/AAB25iJgdkaAGNCDGuXN5S53a?dl=0>

If you have any questions, please email or call Steve Hebert at [shebert@bennett.co.us](mailto:shebert@bennett.co.us) or the phone number below.



**Planning Department**

207 Muegge Way | Bennett CO, 80102  
(303)644-3249 | [planning@bennett.co.us](mailto:planning@bennett.co.us)  
[townofbennett.colorado.gov](http://townofbennett.colorado.gov)

Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>

---

**Re: Mundell/Bennett North Annexation AND Rezoning Clarification**

1 message

---

**Keith Yaich** <[KeithY@bsd29j.com](mailto:KeithY@bsd29j.com)>  
To: Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>  
Cc: Jennifer West <[jenniferw@bsd29j.com](mailto:jenniferw@bsd29j.com)>

Tue, Feb 1, 2022 at 12:21 PM

sounds good. we don't have a comment 😊

Keith Yaich  
CFO-Treasurer to the Board  
[615 7th Street](#)  
Bennett, CO 80102  
720-810-0584 cell  
303-644-3234 ext 8204 office  
303-644-4121 fax  
GO TIGERS!!!

"It's not wanting to win that makes you a winner; It's refusing to fail."

Peyton Manning

---

**From:** Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>  
**Sent:** Tuesday, February 1, 2022 12:20 PM  
**To:** Keith Yaich <[KeithY@bsd29j.com](mailto:KeithY@bsd29j.com)>  
**Cc:** Jennifer West <[jenniferw@bsd29j.com](mailto:jenniferw@bsd29j.com)>  
**Subject:** Re: Mundell/Bennett North Annexation AND Rezoning Clarification

Yes, that's correct. It will be at the plat stage you decide if you want land or cash-in-lieu.



**Steve Hebert, AICP**  
**Planning & Economic Development Manager**  
207 Muegge Way | Bennett CO, 80102  
(303)644-3249 ext. 1030 | [shebert@bennett.co.us](mailto:shebert@bennett.co.us)  
[townofbennett.colorado.gov](http://townofbennett.colorado.gov)

On Tue, Feb 1, 2022 at 12:01 PM Keith Yaich <[KeithY@bsd29j.com](mailto:KeithY@bsd29j.com)> wrote:

Just wondering what you may need from us formally. We don't have any issues with rezoning. We just want to make sure we address district needs. Which should be in the plat phase correct?

Keith Yaich  
 CFO-Treasurer to the Board  
[615 7th Street](#)  
 Bennett, CO 80102  
 720-810-0584 cell  
 303-644-3234 ext 8204 office  
 303-644-4121 fax  
 GO TIGERS!!!

"It's not wanting to win that makes you a winner; It's refusing to fail."

Peyton Manning

---

**From:** Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>  
**Sent:** Wednesday, January 26, 2022 6:27 PM  
**To:** Brooks Kaufman <[BKaufman@core.coop](mailto:BKaufman@core.coop)>  
**Cc:** Town of Bennett Planning <[planning@bennett.co.us](mailto:planning@bennett.co.us)>; [LBajelan@adcogov.org](mailto:LBajelan@adcogov.org) <[LBajelan@adcogov.org](mailto:LBajelan@adcogov.org)>; [ksmalley@adcogov.org](mailto:ksmalley@adcogov.org) <[ksmalley@adcogov.org](mailto:ksmalley@adcogov.org)>; United States Postal Service <[sarah.e.zawatzki@usps.gov](mailto:sarah.e.zawatzki@usps.gov)>; Robin Purdy <[robinp@bsd29j.com](mailto:robinp@bsd29j.com)>; Jennifer West <[jenniferw@bsd29j.com](mailto:jenniferw@bsd29j.com)>; Keith Yaich <[KeithY@bsd29j.com](mailto:KeithY@bsd29j.com)>; Robin Price <[rprice@bennett.co.us](mailto:rprice@bennett.co.us)>; Daymon Johnson <[djohnson@bennett.co.us](mailto:djohnson@bennett.co.us)>; Bennett Rec District <[director@bennettrec.org](mailto:director@bennettrec.org)>; Victoria Flamini <[VictoriaFlamini@bennettfirerescue.org](mailto:VictoriaFlamini@bennettfirerescue.org)>; Bennett Watkins Fire Rescue <[calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org)>; [GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com) <[GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com)>; [JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com) <[JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com)>; [Patw@esrta.coop](mailto:Patw@esrta.coop) <[Patw@esrta.coop](mailto:Patw@esrta.coop)>; Regional Economic Advancement Partnership <[julio.iturreria@i-70reap.com](mailto:julio.iturreria@i-70reap.com)>; Jehn Water Consultants Inc <[gburke@jehnwater.com](mailto:gburke@jehnwater.com)>; Melinda Culley <[melinda@kellypc.com](mailto:melinda@kellypc.com)>; Daniel Giroux <[dangiroux@terramax.us](mailto:dangiroux@terramax.us)>; Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>  
**Subject:** Re: Mundell/Bennett North Annexation AND Rezoning Clarification

Did that help clarify?



**Steve Hebert, AICP**  
*Planning & Economic Development Manager*  
 207 Muegge Way | Bennett CO, 80102  
 (303)644-3249 ext. 1030 | [shebert@bennett.co.us](mailto:shebert@bennett.co.us)  
[townofbennett.colorado.gov](http://townofbennett.colorado.gov)

On Wed, Jan 26, 2022 at 3:20 PM Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)> wrote:

Sorry for any confusion. There are two separate applications. One is a petition for Annexation of the 153 acres, the other is an application for the Rezoning of the 153 acres from Adams County A-3 zoning to Town of Bennett R-2 zoning. Many of the attachments are the same.

Please feel free to combine your comments into one referral response. For many of you, it may not matter if the property is annexed or not, what might be more significant is the proposed zoning of the property to R-2. Please call or email me with any questions.



**Steve Hebert, AICP**  
**Planning & Economic Development Manager**  
 207 Muegge Way | Bennett CO, 80102  
 (303)644-3249 ext. 1030 | shebert@bennett.co.us  
 townofbennett.colorado.gov

On Wed, Jan 26, 2022 at 3:09 PM Brooks Kaufman <[BKaufman@core.coop](mailto:BKaufman@core.coop)> wrote:

Is this a duplicate of the referral earlier in the day.

## Brooks Kaufman

Lands and Rights of Way Manager

800.332.9540 MAIN

720.733.5493 DIRECT

303.912.0765 MOBILE

[www.core.coop](http://www.core.coop).



**From:** Town of Bennett Planning <[planning@bennett.co.us](mailto:planning@bennett.co.us)>

**Sent:** Wednesday, January 26, 2022 3:04 PM

**To:** [LBajelan@adcogov.org](mailto:LBajelan@adcogov.org); [ksmalley@adcogov.org](mailto:ksmalley@adcogov.org); United States Postal Service <[sarah.e.zawatzki@usps.gov](mailto:sarah.e.zawatzki@usps.gov)>; Bennett School District 29J ATTN: Robin Purdy <[robinp@bsd29j.com](mailto:robinp@bsd29j.com)>; Bennett School District 29J: ATTN: Jennifer West <[jenniferw@bsd29j.com](mailto:jenniferw@bsd29j.com)>; Bennett School District 29J: ATTN: Keith Yaich <[keithy@bsd29j.com](mailto:keithy@bsd29j.com)>; Robin Price <[rprice@bennett.co.us](mailto:rprice@bennett.co.us)>; Daymon Johnson <[djohnson@bennett.co.us](mailto:djohnson@bennett.co.us)>; Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>; Bennett Rec District <[director@bennettrec.org](mailto:director@bennettrec.org)>; Victoria Flamini <[VictoriaFlamini@bennettfirerescue.org](mailto:VictoriaFlamini@bennettfirerescue.org)>; Bennett Watkins Fire Rescue <[calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org)>; [GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com); [JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com); [Patw@esrta.coop](mailto:Patw@esrta.coop); Regional Economic Advancement Partnership <[julio.iturreria@i-70reap.com](mailto:julio.iturreria@i-70reap.com)>; Brooks Kaufman <[BKaufman@core.coop](mailto:BKaufman@core.coop)>; Jehn Water Consultants Inc <[gburke@jehnwater.com](mailto:gburke@jehnwater.com)>; Melinda Culley <[melinda@kellypc.com](mailto:melinda@kellypc.com)>; Daniel Giroux <[dangiroux@terramax.us](mailto:dangiroux@terramax.us)>; Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>

**Subject:** Bennett North (Mundell) Zoning



**CAUTION:**

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

Below is a Dropbox link to the Bennett North (Mundell) Zoning referral package. We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by February 16, 2022.

<https://www.dropbox.com/sh/0jdza5o237h5rk1/AAB25iJgdkaAGNCDGuXN5S53a?dl=0>

If you have any questions, please email or call Steve Hebert at [shebert@bennett.co.us](mailto:shebert@bennett.co.us) or the phone number below.



**Planning Department**  
207 Muegge Way | Bennett CO, 80102  
(303)644-3249 | [planning@bennett.co.us](mailto:planning@bennett.co.us)  
[townofbennett.colorado.gov](http://townofbennett.colorado.gov)



Planning Town Of Bennett &lt;planning@bennett.co.us&gt;

**RE: Bennett North (Mundell) Zoning**

1 message

**Karl Smalley** <KSmalley@adcogov.org>  
To: Town of Bennett Planning <planning@bennett.co.us>

Wed, Jan 26, 2022 at 7:33 PM

The Adams County Sheriff's Office has no concerns with either project.

Karl Smalley

Commander

---

**From:** Town of Bennett Planning <planning@bennett.co.us>  
**Sent:** Wednesday, January 26, 2022 3:04 PM  
**To:** Layla Bajelan <LBajelan@adcogov.org>; Karl Smalley <KSmalley@adcogov.org>; United States Postal Service <sarah.e.zawatzki@usps.gov>; Bennett School District 29J ATTN: Robin Purdy <robinp@bsd29j.com>; Bennett School District 29J: ATTN: Jennifer West <jenniferw@bsd29j.com>; Bennett School District 29J: ATTN: Keith Yaich <keithy@bsd29j.com>; Robin Price <rprice@bennett.co.us>; Daymon Johnson <djohnson@bennett.co.us>; Steve Hebert <shebert@bennett.co.us>; Bennett Rec District <director@bennettrec.org>; Victoria Flamini <VictoriaFlamini@bennettfirerescue.org>; Bennett Watkins Fire Rescue <calebconnor@bennettfirerescue.org>; GVanderstraten@summitutilitiesinc.com; JGutierrez@summitutilitiesinc.com; Patw@esrta.coop; Regional Economic Advancement Partnership <julio.iturreria@i-70reap.com>; Brooks Kaufman <BKaufman@core.coop>; Jehn Water Consultants Inc <gburke@jehnwater.com>; Melinda Culley <melinda@kellypc.com>; Daniel Giroux <dangiroux@terramax.us>; Heugh, Michael <Michael.Heugh@jacobs.com>  
**Subject:** Bennett North (Mundell) Zoning

Please be cautious: This email was sent from outside Adams County

Hello All,

Below is a Dropbox link to the Bennett North (Mundell) Zoning referral package. We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by February 16, 2022.

<https://www.dropbox.com/sh/0jdza5o237h5rk1/AAB25iJgdkaAGNCDGuXN5S53a?dl=0>

If you have any questions, please email or call Steve Hebert at [shebert@bennett.co.us](mailto:shebert@bennett.co.us) or the phone number below.



**Planning Department**  
207 Muegge Way | Bennett CO, 80102  
(303)644-3249 | [planning@bennett.co.us](mailto:planning@bennett.co.us)  
[townofbennett.colorado.gov](http://townofbennett.colorado.gov)



**TOWN OF BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-06**

**A RESOLUTION RECOMMENDING APPROVAL OF INITIAL ZONING FOR  
BENNETT NORTH, CASE NO. 22.02**

**WHEREAS**, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for approval of initial zoning of the Bennett North property, which property is legally described in Exhibit A (the “Property”); and

**WHEREAS**, the Property is currently zoned A-3 District in unincorporated Adams County and the proposed zoning for the Property is R-2 – Mid Density Residential District upon annexation into the Town of Bennett;

**WHEREAS**, all materials related to the proposed zoning have been reviewed by Town Staff and found to be in compliance with Town ordinances, regulations and policies; and

**WHEREAS**, after a duly-noticed public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds that the proposed zoning should be approved if the Property is annexed into the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING  
COMMISSION OF THE TOWN OF BENNETT, COLORADO:**

**Section 1.** The Planning and Zoning Commission hereby recommends that the Bennett North property described in Exhibit A be zoned to R-2 – Mid Density Residential District.

**PASSED AND ADOPTED THIS 28th DAY OF FEBRUARY 2022.**

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Christina Hart, Secretary

**EXHIBIT A**  
**Legal Description**  
**Bennett North Property**

THE NE1/4 SECTION 28, TOWNSHIP 3, RANGE 63,

EXCEPT THREE ACRES IN THE SE1/4 OF THE NE1/4 OF SAID SECTION 28  
DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NE1/4; THENCE NORTH 396';  
THENCE WEST 330'; THENCE SOUTH 396'; THENCE EAST 330' TO THE POINT OF  
BEGINNING.

AND EXCEPT A PARCEL OF LAND SITUATED IN THE NE1/4 OF SAID SECTION 28  
DESCRIBED AS:

BEGINNING AT A POINT 396.0' N00°01'E OF THE SE CORNER OF THE NE1/4 OF SAID  
SECTION 28; THENCE N00°01'E A DISTANCE OF 365.0'; THENCE N89°59'W A  
DISTANCE OF 187.0'; THENCE S00°01'W A DISTANCE OF 113.0'; THENCE N89°59'W A  
DISTANCE OF 151.5 FEET; THENCE S00°01'W A DISTANCE OF 257.0'; THENCE  
N89°10'13"E A DISTANCE OF 338.5', MORE OR LESS, TO POINT OF BEGINNING.

ABOVE PARCEL OF LAND INCLUDES 153.62 ACRES MORE OR LESS.



### **Suggested Motion**

I move to approve Resolution No. 2022-06 - A resolution recommending approval of initial zoning for Bennett North, Case No. 22.02.