



## Planning and Zoning Commission

Monday, July 18, 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://us06web.zoom.us/j/84752131195?pwd=K0l0ekhkb1Z2SnVadzK4alcwMzVGUT09>

Meeting ID: 847 5213 1195

Passcode: 663944

One tap mobile  
+16694449171

### 2. Call to Order

Chair

#### a. Roll Call

### 3. Approval of Agenda

Chair

### 4. Consent Agenda

Chair

#### a. June 27, 2022 - Regular Meeting Minutes

#### Attachments:

- **June 27, 2022 - Regular Meeting Minutes** (planning-and-zoning-commission\_minutes\_2022-06-27\_223501.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. 22.22 - Love's Filing 1 Subdivision Final Plat

Resolution No. 2022-12 - A Resolution Recommending Approval of the Final Plat for Love's Filing 1

Steve Hebert, Planning Manager

#### Attachments:

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report - Case No. 22-22 - Love's Filing 1 Subdivision Final Plat** (Loves\_Filing\_1\_FinalPlat\_StaffReport\_P\_Z\_07\_18\_22\_FINAL.pdf)
- **Staff PowerPoint Presentation** (1-Love\_s\_Filing\_1\_Plat\_CUP\_\_StaffPresentation\_P\_Z\_07\_18\_22\_FINAL.pdf)
- **Land Use Application** (2-Land\_Use-Minor\_Sub\_Div\_Application.pdf)
- **Land Owner's Authorization** (3-Owner\_s\_Authorization\_\_Muegge\_Farms\_-\_Bennett\_CO\_4.8.2022\_00217404xAC517\_.PDF)
- **Letter of Intent/Narrative** (4-Letter\_of\_Intent.pdf)
- **Love's Filing 1 Final Plat** (5-Love\_s\_FINAL\_PLAT\_VacantTract\_10.96ac.pdf)
- **Combined Staff and Referral Agency Comments** (6-Combined\_Referral\_Comments\_Love\_s\_FinalPlat.pdf)
- **Resolution No. 2022-12 - A Resolution Recommending Approval of the Final Plat for Love's Filing 1** (P\_Z\_Reso\_No\_2022-12.pdf)
- **Suggested Motion** (Suggested\_Motion.pdf)

#### b. Case No. 22.24 - Love's Conditional Use Permit for Expanded Truck Parking

Resolution No. 2022-13 - A Resolution Recommending Approval of Love's Conditional Use Permit for Expanded Truck Parking.

Steve Hebert, Planning Manager

#### Attachments:

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report - Case No. 22-24 - Love's Conditional Use Permit for Expanded Truck Parking** (Loves\_CUP\_StaffReport\_P\_Z\_07\_18\_22\_FINAL.pdf)
- **Staff PowerPoint Presentation** (1-Love\_s\_Filing\_1\_Plat\_CUP\_\_StaffPresentation\_P\_Z\_07\_18\_22\_FINAL.pdf)
- **Land Use Application** (2-Land\_Use-CUP\_Application.pdf)
- **Letter of Intent/Narrative** (3-Letter\_of\_Intent.pdf)
- **Site Plan** (4-Site\_Plan\_24x36\_Loves\_Bennett\_CO.pdf)
- **Love's Traffic Memorandum** (5-Loves\_Travel\_Stop\_Bennett\_CO\_Memo\_July



\_2022.pdf)

- **Resolution No. 2022-13 - A Resolution Recommending Approval of Love's Conditional Use Permit for Expanded Truck Parking.** (P\_Z\_Reso\_No\_2022-13.pdf)
- **Suggested Motion** (Suggested\_Motion.pdf)

**c. Case No. 22.12 - Walls Subdivision Final Plat**

Resolution No. 2022-14 - A Resolution Recommending Approval of a Final Plat for Walls Subdivision.  
Steve Hebert, Planning Manager

**Attachments:**

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report - Case No. 22-12 - Walls Subdivision Final Plat** (WallsFinalPlat\_Rezone\_StaffReport\_P\_Z\_07\_18\_22v3.pdf)
- **Staff PowerPoint Presentation** (1-PowerPoint\_Walls\_Final\_Plat\_Rezone\_\_P\_Z\_07\_18\_22\_FINAL.pdf)
- **Land Use Application** (2-Land\_Use\_Application\_\_1\_.pdf)
- **Letter of Intent/Narrative** (3-Walls\_Subdivision\_Letter\_of\_Intent\_\_1\_.pdf)
- **Walls Subdivision Final Plat** (4-Walls\_Subdivision\_Final\_Plat\_1\_2\_06\_23\_22.pdf)
- **Permitted Land Uses Table** (5-Sec.\_16\_2\_470.\_\_\_Land\_uses..pdf)
- **Combined Staff and Referral Agency Comments** (6-Walls\_CombinedReferralComments.pdf)
- **Resolution No. 2022-14 - A Resolution Recommending Approval of a Final Plat for Walls Subdivision.** (7-Wall\_Sub\_Plat.PC\_reso.pdf)
- **Suggested Motion** (Suggested\_Motion.pdf)

**d. Case No. 22.13 - Walls Industrial Rezoning**

Resolution No. 2022-15 - A Resolution of the Bennett Planning and Zoning Commission Recommending Approval of a Rezoning for Lot 1 of Walls Subdivision.  
Steve Hebert, Planning Manager

**Attachments:**

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report - Case No. 22.13 - Walls Industrial Rezoning** (WallsFinalPlat\_Rezone\_StaffReport\_P\_Z\_07\_18\_22v3.pdf)
- **Staff PowerPoint Presentation** (1-PowerPoint\_Walls\_Final\_Plat\_Rezone\_\_P\_Z\_07\_18\_22\_FINAL.pdf)
- **Land Use Application** (2-Land\_Use\_Application\_\_1\_.pdf)
- **Letter of Intent/Narrative** (3-Walls\_Subdivision\_Letter\_of\_Intent\_\_1\_.pdf)
- **Walls Subdivision Final Plat** (4-Walls\_Subdivision\_Final\_Plat\_1\_2\_06\_23\_22.pdf)
- **Permitted Land Uses Table** (5-Sec.\_16\_2\_470.\_\_\_Land\_uses..pdf)
- **Combined Staff and Referral Agency Comments** (6-Walls\_CombinedReferralComments.pdf)
- **Resolution No. 2022-15 - A Resolution of the Bennett Planning and Zoning Commission Recommending Approval of a Rezoning for Lot 1 of Walls Subdivision** (8-Wall\_Sub\_Rezone.PC\_reso.pdf)

- **Suggested Motion** (Suggested\_Motion.pdf)

**e. Recommended Updates to Chapter 16 of the Bennett Municipal Code Related to Telecommunications Facilities**

Resolution No. 2022-16 - A Resolution Recommending Approval of an Ordinance Amending Chapter 16 of the Bennett Municipal Code Concerning Wireless Communication Facilities

Steve Hebert, Planning Manager

**Attachments:**

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report - Recommended Updates to Chapter 16 of the Bennett Municipal Code Related to Telecommunications Facilities** (TelecomOrdinance\_P\_Z\_StaffReport\_07\_18\_22\_FINAL.pdf)
- **Staff PowerPoint Presentation** (1-Telecom\_P\_Z\_StaffPresentation\_07\_18\_22\_FINAL.pdf)
- **Proposed Wireless Communications Ordinance - An Ordinance Amending Chapter 16 of the Bennett Municipal Code Concerning Wireless Communication Facilities** (2-TOWN\_OF\_BENNETT\_Wirelss\_Code\_Draft\_v.2\_7-12-22\_v\_\_2\_.pdf)
- **Draft Design Standards** (3\_BENNETT\_WCF\_Design\_Standards\_\_mc\_redline\_.pdf)
- **Resolution No. 2022-16 - A Resolution Recommending Approval of a n Ordinance Amending Chapter 16 of the Bennett Municipal Code Concerning Wireless Communication Facilities** (4-Telecomm\_2022.PC\_reso.pdf)
- **Suggested Motion** (Suggested\_Motion.pdf)

**6. Action/Discussion Item**

**a. Case No. 22.21 - Muegge Farms Filings 5 & 6 Sketch Plan**

Steve Hebert, Planning Manager

**Attachments:**

- **Staff Report - Case No. 22.21 Muegge Farms Filings 5 & 6 Sketch Plan** (MFarms\_F5\_6\_SketchPlan\_P\_Z\_Rprt\_07\_18\_22\_-\_FINAL.pdf)
- **Staff PowerPoint Presentation** (1-MueggeFarms\_SktchPln\_F5\_6\_Presentation\_07\_18\_22\_DRAFT.pdf)
- **Applicant's Presentation** (2-Applicant\_s\_Presentation\_Filing-5\_Sketch\_Plan.pdf)
- **Land Use Application** (3-Application\_Form\_Signed.pdf)
- **Letter of Intent/Narrative** (4-\_Letter\_of\_Intent.pdf)
- **Filing 5 & 6 Sketch Plan** (5-Sketch\_Plan\_Exhibit.pdf)
- **Filing 5 & 6 Illustrative Site Plan** (6-Site\_Plan\_Illustrative.pdf)
- **Muegge Farms Outline Development Plan** (7-MueggeFarms\_ODP\_2ndAmendment\_Recorded\_08\_06\_2019.pdf)
- **Traffic Impact Analysis** (8-Traffic\_Impact\_Analysis.pdf)
- **Combined Referral Agency Comments** (9-MFarms\_F5\_6\_Sketch\_Plan\_Referral\_Comments.pdf)

## **7. Commissioner Comments/Reports**

## **8. Adjournment**

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Contact: Savannah Vickery (svickery@bennett.co.us 1 303 644 3249 x1032)



# Planning and Zoning Commission

## Minutes

Monday, June 27, 2022 at 6:00 pm

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

### 1. Meeting Information

207 Muegge Way, Bennett, CO 80102

### 2. Call to Order

Chair

#### a. Roll Call

##### **Minutes:**

##### **Present:**

Martin Metsker

Gino Childs

Wayne Clark

James Delaney

Grider Lee - Excused

Scott Smith

Rachel Connor

##### **Staff Present:**

Steve Hebert, Planning & Economic Development Manager

Dan Giroux, Town Engineer

Melinda Culley, Town Attorney

Savannah Vickery, Secretary

##### **Public Present:**

Blane Robin Francis

Angie Francis

Jeff Planck

John Vitella

Tom Ragonetti

Lowell Piland

Russel MacLennan

Alberta Trujillo

Ed Trujillo

Jeff Vogel  
Cooper Raines  
Shawn Capps  
Jamie Capps  
Larry Evans  
Iris Evans

### 3. Approval of Agenda

Chair

**Minutes:**

**COMMISSIONER CLARK MOTIONED, COMMISSIONER DELANEY SECONDED** to approve the agenda as presented:

Ayes: Childs, Clark, Connor, Delaney, Metsker, Smith

Nays: None

Absent: Lee

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

### 4. Consent Agenda

Chair

#### a. May 23, 2022 - Regular Meeting Minutes

**Minutes:**

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

Ayes: Delaney, Metsker, Smith, Childs, Clark, Connor

Nays: None

Absent: Lee

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

**A. Action: Approval of May 23, 2022 Regular Meeting Minutes**

### 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. 22.16 - Kiowa Creek Preserve Planned Development - PD Zoning

Resolution No. 2022-11 - A Resolution Recommending Approval of Zoning for Property Annexed to the Town of Bennett Known as the Kiowa Creek Annexation Nos. 1-3 and Recommending Approval of an Outline Development Plan for such Property

##### Minutes:

Martin Metsker, Chairman, called the matter of Case 22.16 - Kiowa Creek Preserve Planned Development - PD Zoning to order.

The public hearing was opened at 6:03 p.m.

Savannah Vickery, Secretary, stated in accordance with the Colorado state statute, it was duly posted and published in the Eastern Colorado News on May 20, May 27, June 3, June 10, and June 17, 2022. Legal #2648.

Steve Hebert, Planning and Economic Development Manager, presented the proposed zoning for the property.

##### PUBLIC COMMENTS

Alberta Trujillo and Ed Trujillo of 3770 Provost Rd, Bennett, CO provided comments related to diminishing wildlife, increased traffic impact on roads, rate of growth, and water source considerations.

Larry Evans of 3420 HWY 79, Bennett, CO provided comments related residential density, storm water impact, and water rights.

Blane Francis of 3900 HWY 79, Bennett, CO, provided comments on the presence of wildlife, and losing hunting land.

The public hearing was closed at 7:04 p.m.

**COMMISSIONER CHILDS MOVED, COMMISSIONER CLARK SECONDED** to recommend approval of Resolution No. 2022-11 - A Resolution Recommending Approval of Zoning for Property Annexed to the Town of Bennett Known as the Kiowa Creek Annexation Nos. 1-3 and Recommending Approval of an Outline Development Plan for Such Property. The voting was as follows:

Ayes: Metsker, Smith, Childs, Clark, Connor, Delaney

Nays: None

Absent: Lee

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

#### b. Case No. 22.18 - Bennett Farms Planned Development - PD Zoning

Resolution No. 2022-10 - A Resolution Recommending Approval of Zoning for Property Annexed to the Town of Bennett Known as the Bennett Farms Annexation Nos. 1 and 2 and Recommending Approval of an Outline Development Plan for such Property

**Minutes:**

Martin Metsker, Chairman, called the matter of Case 22.18 - Bennett Farms Planned Development - PD Zoning to order.

The public hearing was opened at 7:14 p.m.

Savannah Vickery, Secretary, stated in accordance with the Colorado state statute, it was duly posted and published in the Eastern Colorado News on May 20, May 27, June 3, June 10, and June 17, 2022. Legal #2647.

Steve Hebert, Planning and Economic Development Manager, presented the proposed zoning for the property.

**PUBLIC COMMENTS**

Lowell Piland of 43651 E 38th Ave, Bennett, CO, provided comments related to increased traffic on 38th and concerns of dust, chemicals, and noise both from and affecting his property.

The public hearing was closed at 7:52 p.m.

**COMMISSIONER CHILDS MOVED, COMMISSIONER CLARK SECONDED** to recommend approval of Resolution No. 2022-10 - A Resolution Recommending Approval of Zoning for Property Annexed to the Town of Bennett Known as the Bennett Farms Annexation Nos. 1 and 2 and Recommending Approval of an Outline Development Plan for Such Property. The voting was as follows:

Ayes: Metsker, Smith, Childs, Clark, Connor, Delaney

Nays: None

Absent: Lee

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

**6. Commissioner Comments/Reports**

**7. Adjournment**

**Minutes:**

**COMMISSIONER CLARK MOVED, COMMISSIONER CHILDS SECONDED** to adjourn the meeting. The meeting was adjourned at 7:58 p.m. Voting was as follows:

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

Nays: None

Absent: Lee

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

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

**CHAIR:** I will now open the public hearing on the following application: An application for Case No. 22.22 - Love's Filing No. 1 Subdivision 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?

*[Secretary 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.

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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. 2022-12.

May we have a Roll-Call vote?

Motion carries/fails.

# STAFF REPORT



welcome neighbors.

TO: Planning and Zoning Commission Members

FROM: Steve Hebert, Planning Manager

DATE: July 18, 2022

SUBJECT: Case No. 22.22 – Love's Filing No. 1 Subdivision Final Plat

Applicant/Representative(s): Love's Travel Stops & Country Stores, Inc. / Steven Wilson, Olsson, Inc.

Location: Northwest Corner of I-70 and CO Hwy 79, Immediately West of the Current Love's Facility

Purpose: Subdivide a 10.96-Acre Lot from Larger Unplatted Muegge Farms Property

## Background

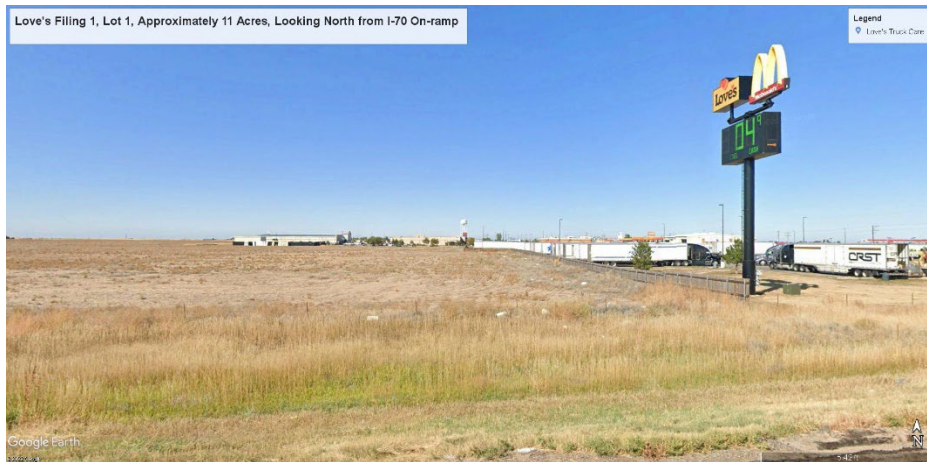
Muegge Farms, LLC owns a large parcel of land north and west of the current Love's Travel Stops business. The applicant, acting on behalf of the landowner, has submitted a proposal to subdivide a 10.96-acre parcel and create the Love's Filing No. 1 Final Plat. This will facilitate the sale of the parcel to Love's Travel Stops & Country Stores, Inc. The property is located near the northwest corner of I-70 and CO Highway 79 (South First Street), immediately west of the current Love's facility. See the vicinity map below:



The applicant has also submitted an application for a Conditional Use Permit (Case No. 22.24) to allow for the expansion of the current Love's truck parking. A Final Development Plan (FDP) has also been submitted and will be reviewed by the Town Board of Trustees. The CUP and the FDP propose additional parking for 114 trucks. The property is zoned Planned Development - Commercial as part of the Muegge Farms Outline Development Plan. Truck stops and related facilities are allowed in the zone district, subject to a Conditional Use Permit.

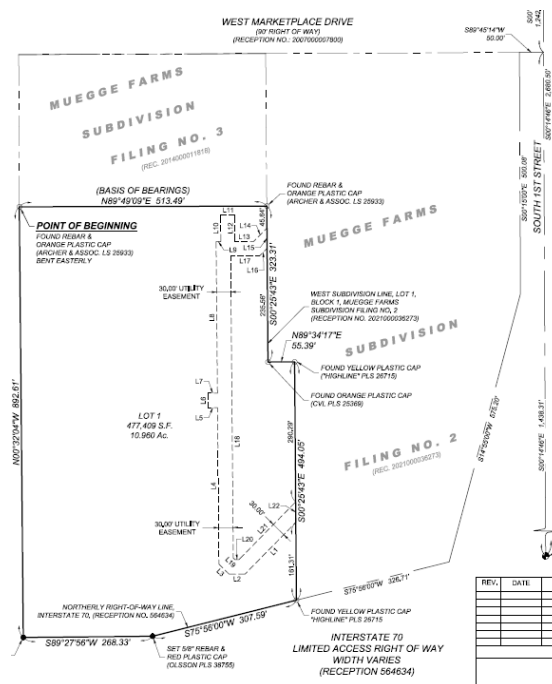
## Site Characteristics

The property is relatively flat, dropping in elevation approximately four feet from the southwest corner to the northeast corner. The land has been used as pasture and dry land farming, but has not been farmed in the last few years. The property is bounded on the north by Tractor Supply, on the east by the existing Love's facility, on the south by I-70 and on the west by vacant Muegge Farms property. There are currently no buildings on the property. See a photo of the property below:



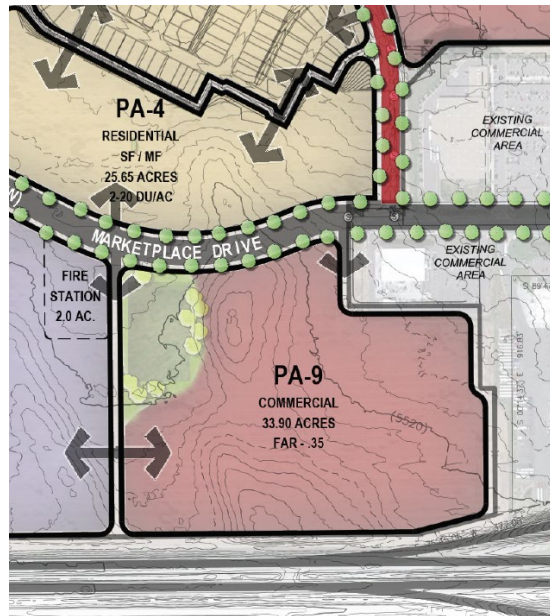
## Proposed Lot Layout and Access

The map below shows the proposed lot configuration. Access to the lot will be from the existing Love's property to the east. If the subdivision plat is approved, the applicant proposes a Conditional Use Permit and a Final Development Plan to allow expansion of the truck parking by 114 spaces. See the attached plat map for a full view.



## Zoning and Land Use Regulations

The property is zoned PD – Planned Development and is within Planning Area 9 (PA-9), designated as a Commercial District in the Muegge Farms Outline Development Plan. The Muegge Farms ODP is the governing zoning document for the property. Below is a subsection of the ODP showing PA-9 relative to the surrounding area. The ODP does not set minimum lot sizes in PA-9, but does have minimum setback requirements, maximum building heights, etc. that will be applied, if applicable, when reviewing the Final Development Plan.



## Surrounding Zoning and Land Use

The subject property is bordered on the south by I-70 and a commercially zoned PD south of the interstate. The zoning north, west and east of the property is also zoned for commercial uses.

Direction	Zone District	Land Use
North	PD - Commercial	Tractor Supply
East	PD - Commercial	Love's Travel Stop
South	PD - Commercial (Expired PD)	I-70 and Vacant
West	PD - Commercial	Vacant

## Public Services and Utilities

### Water

Water service will be provided by the Town of Bennett. See the Town Engineer's memorandum.

### Sanitary Sewer

Sanitary sewer service will be provided by the Town of Bennett, if required. See the Town Engineer's memorandum.

## Stormwater Management

Stormwater will be accommodated by the Love's storm water management system.

## Access and Traffic

Access to Lot 1 will be provided from the existing Love's truck parking area. Traffic impacts are expected to be less than if the property were to buildout out as a full commercial property.

## Fire and Rescue

Bennett-Watkins Fire Rescue will provide service. The applicant should meet directly with BWFR directly to review specific site and building plans to assure conformance with International Fire Code standards. See the fire district's response.

## Gas, Electricity and Telecommunications

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

## Staff Analysis and Findings on Love's Filing No. 1 Final Plat

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Per Section 16-4-380 of the Bennett Municipal Code, 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.**

**Staff Finding:** Because the final plat proposes only one lot, the sketch plan process was waived. The purpose of the sketch plan, which is to get early feedback on a conceptual lot layout, was achieved through review by the Development Review Committee.

**B. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met.**

1. To establish appropriate standards for subdivision design that will:
  - a. Encourage the development of sound, economical and stable neighborhoods and healthy living environments, in conformance with the goals and policies of the Comprehensive Plan.
  - b. Provide lots of adequate size, configuration and design for the purpose for which they are intended to be used.
  - c. Promote superior design and design flexibility.
  - d. Preserve the significant natural features and environmental quality of the Town.
  - e. Guide the physical development of the Town in ways that complement the Town's character and culture.
  - f. Promote a cohesive sense of community among new and current residents, precluding neighborhood design or restrictions that in any way isolate any neighborhood from the rest of the community.
  - g. Provide complete and accurate public land records.

**Staff Finding: The proposed final plat will accommodate new development that meets the standards of good subdivision design.**

**C. To establish standards for utilities and other public services that will:**

- a. Provide an efficient, adequate and economical supply of utilities and services to the land proposed for development without adverse effects to property that is currently served.
- b. Ensure that adequate stormwater drainage, sewage disposal, water supply and other utilities, services and improvements needed as a consequence of the subdivision of the land are provided.
- c. Provide for the reasonable extension of utilities and services to other lands that may be developed in the future.
- d. Provide the equitable distribution of the cost of new and expanded public services needed to support new land development.

**Staff Finding: The proposed final plat, future subdivisions and future subdivision agreements and construction documents will accommodate the extension of utilities and public services to serve development that may occur on the properties.**

**D. To ensure the provision of adequate and safe traffic circulation that will:**

- a. Minimize traffic hazards through appropriate street design, providing safe and convenient vehicular and pedestrian traffic circulation systems.
- b. Provide adequate vehicular access to abutting properties.
- c. Provide streets of adequate capacity and appropriate design and function.

**Staff Finding: Staff finds the proposed subdivision will accommodate future vehicular and pedestrian access.**

**E. To ensure adequate public facilities that will:**

- a. Provide for the recreational, cultural, educational and other public facility needs of the community.
- b. Facilitate effective law enforcement and fire protection.

**Staff Finding: The proposed plat meets this standard. The addition of 114 new legal off-street truck parking spaces will help alleviate current illegal truck parking in the area.**

**F. To contribute to the proper development of the community in accordance with the goals and policies of the Comprehensive Plan as it may be updated from time to time.**

**Staff Finding: The proposed plat is consistent with the principles in the 2021 Town of Bennett Comprehensive Plan.**

**G. Compliance with Zoning Regulations**

**Staff Finding: All lots meet the standards of the existing Muegge Farms ODP.**



## Referral Agency Review and Comments

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The proposed Love's Final Plat application was sent to several referral agencies for comment, including:

- |                                |                              |
|--------------------------------|------------------------------|
| 1. Town Planning               | 5. CORE Electric Cooperative |
| 2. Town Engineer               | 6. Colorado Natural Gas      |
| 3. Town Traffic Engineer       | 7. Adams County Planning     |
| 4. Bennett-Watkins Fire Rescue | 8. Adams County Sheriff      |

None of the agencies that responded have any objections to the proposed subdivision plat. However, many of them, including the Town Engineer, Town Traffic Engineer, BWFR and CORE Electric Cooperative, will require more analysis at the time of site planning.

## Public Comment

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Notice of the July 18, 2022 Planning and Zoning Commission hearing and the August 9, 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. One adjacent property owner (QuikTrip) called to request clarification on the staff position on additional truck parking. No formal comments have been submitted to date.

## Summary of Staff Findings and Recommendation

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Staff finds the proposed Love's Filing 1 Final Plat is consistent with the review criteria outlined in Section 16-4-380 of the Bennett Municipal Code as described above.


Staff recommends the Planning and Zoning Commission approve Resolution No. 2022-12, recommending the Board of Trustees approve the Love's Filing 1 Final Plat, subject to the following conditions:

1. Before recording the final plat, the applicant shall make minor modifications as directed by Town Staff, the Town Attorney and the Town Engineer.

## Attachments

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1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Land Owner's Authorization
4. Letter of Intent/Narrative
5. Love's Filing 1 Final Plat
6. Combined Staff and Referral Agency Comments
7. Resolution No. 2022-12



# Case No. 22.22 – Love's Filing 1 Final Plat and Case No. 22.24 – Love's Conditional Use Permit

Planning and Zoning Commission

July 18, 2022

Steve Hebert, Planning Manager



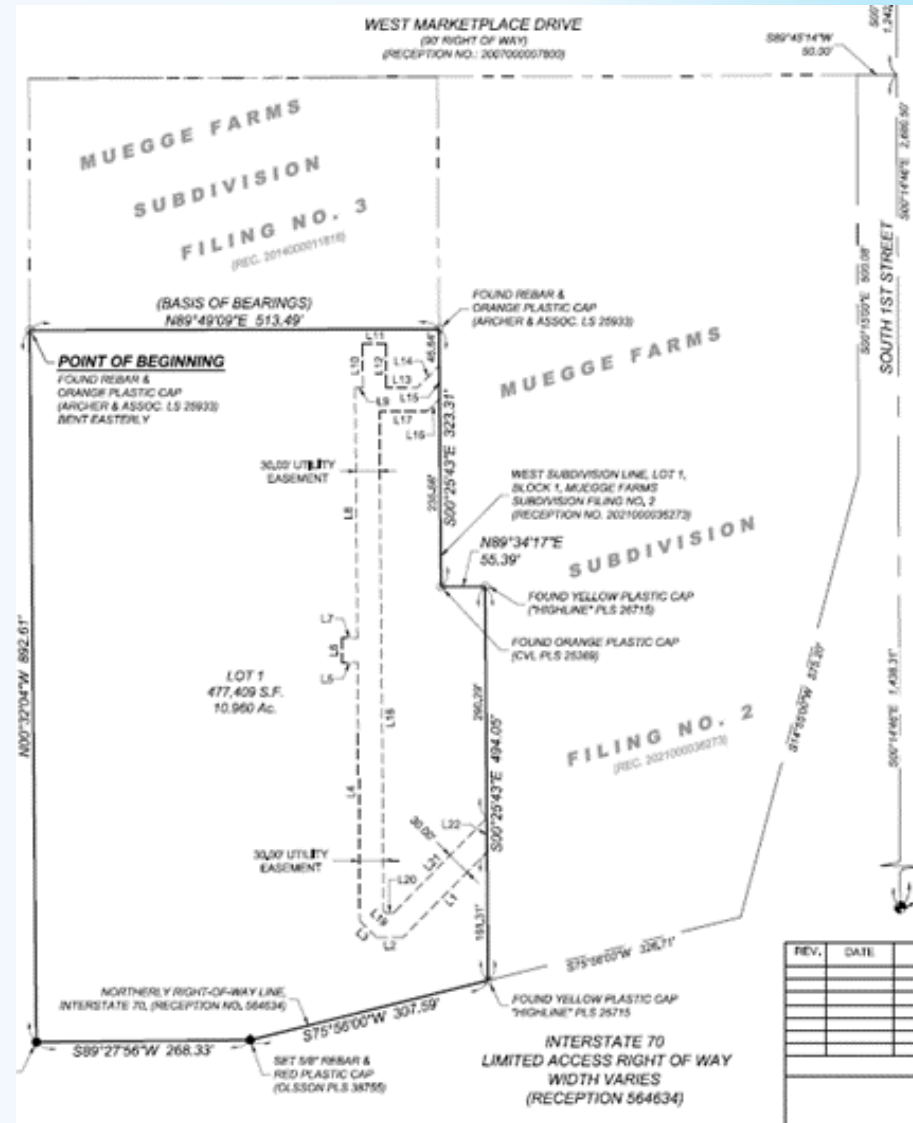
# Case No. 22.22

## Love's Filing 1 Final Plat

- Create one lot of 10.96 acres
- Immediately west of existing Love's business
- Currently zoned PD – Commercial in Muegge Farms
- Lot to be sold by Muegge Farms, LLC to Love's



# Proposed Lot Layout

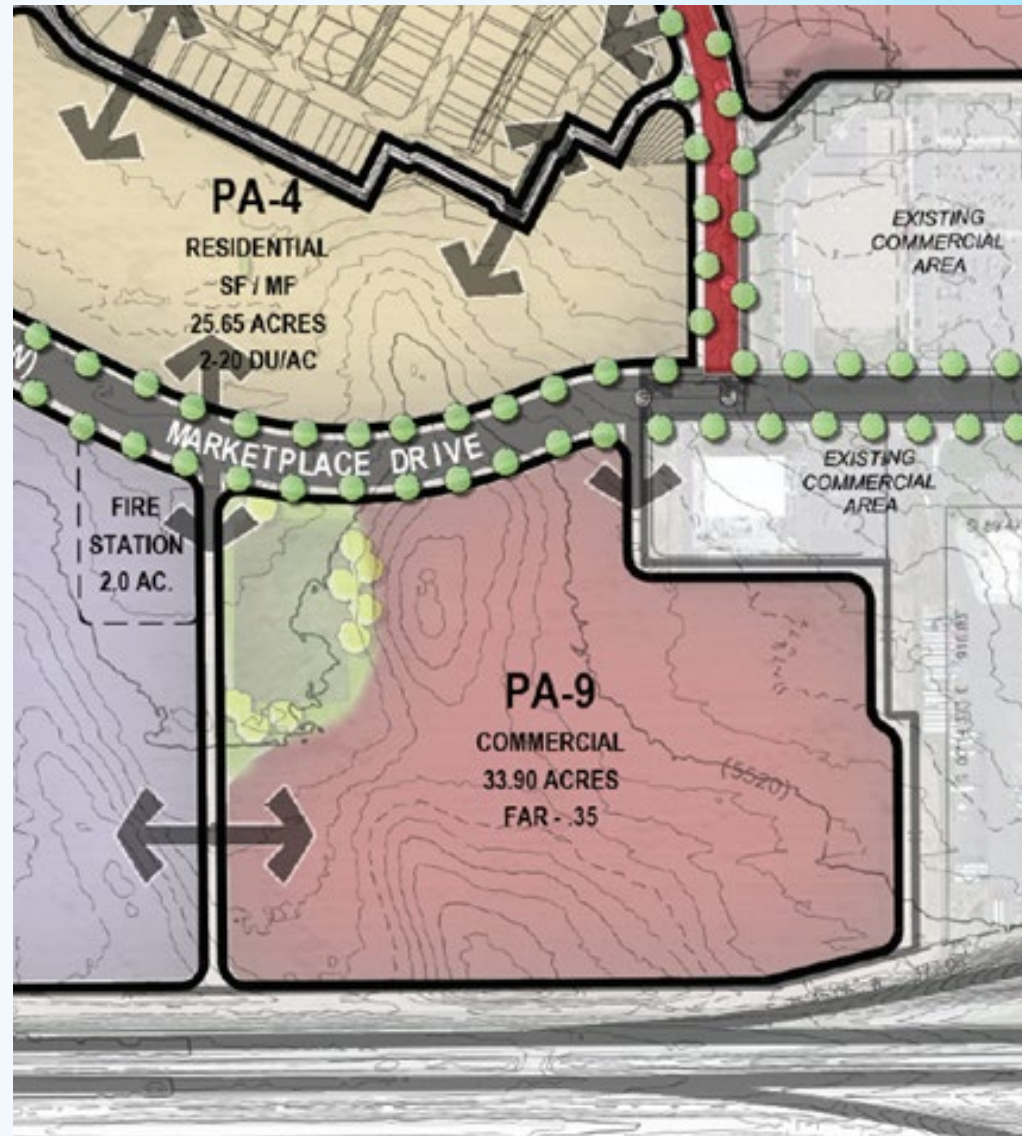


# Site Photo





# Current Zoning Map



# Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	PD - Commercial	Tractor Supply
East	PD - Commercial	Love's Travel Stop
South	PD - Commercial (Expired PD)	I-70 and Vacant
West	PD - Commercial	Vacant

# Availability of Public Infrastructure

- Access – Marketplace Drive and Existing Love's Parking Lot
- Public Water and Sanitary Sewer – Town of Bennett
- Stormwater – Love's Storm Water System
- Fire Protection – Bennett-Watkins Fire Rescue
- Law Enforcement – Adams County Sheriff
- Electricity – CORE Electric Cooperative
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies or Comcast

## Staff Findings on Case No. 22.22

Per Section 16-4-380 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

- Given the simplicity of the final plat, the sketch plan process was waived.
- All applicable technical standards in accordance with the Subdivision Regulations and adopted Town documents will be met.
- The proposed lot configuration will accommodate new development that meets the standards of good subdivision design.
- The final plat document will accommodate extension of utilities and public services to serve future development.
- No public facilities are anticipated or necessary with the future development.
- The lot meets the standards of Muegge Farms ODP, and related sub-area zone districts in the ODP.

# Staff Recommendation

Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-12 recommending approval of the Love's Filing 1 Final Plat, with the following conditions:

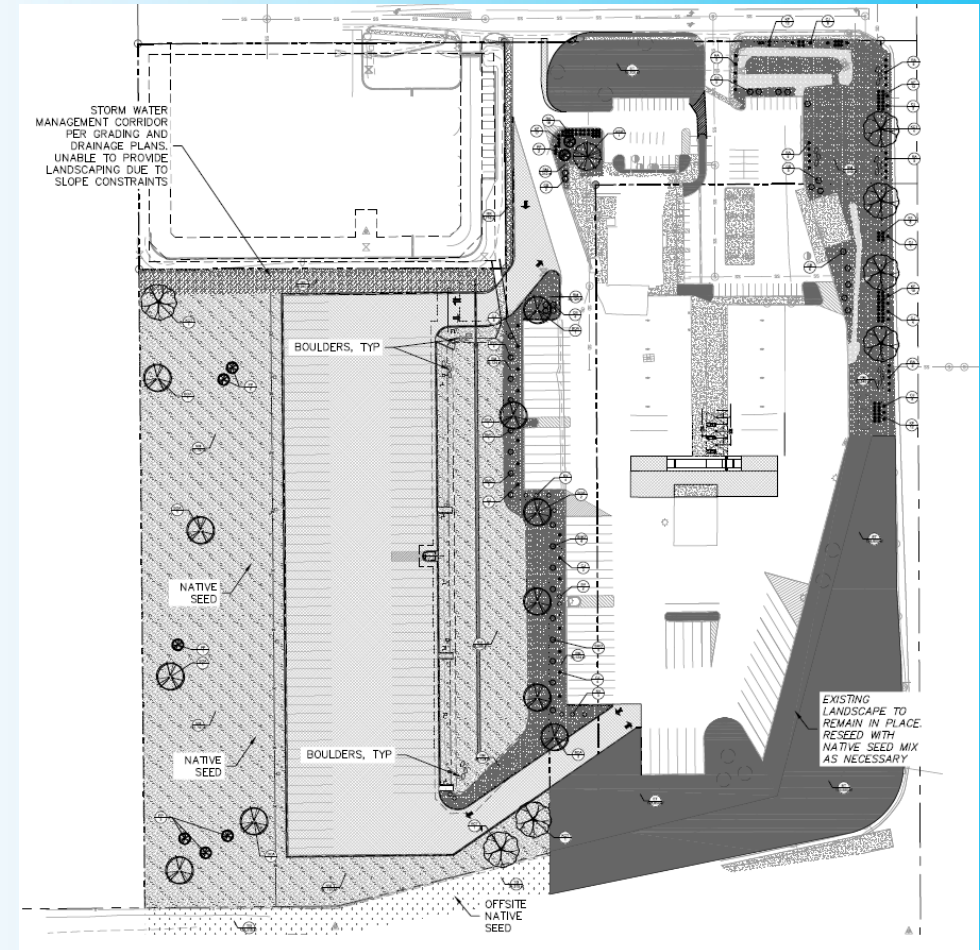
1. Before recording the plat, the applicant shall update plat notes related to tracts, easements and maintenance in a manner directed by the Town Engineer and make other minor modifications as directed by Town Staff, Engineer and Town Attorney.

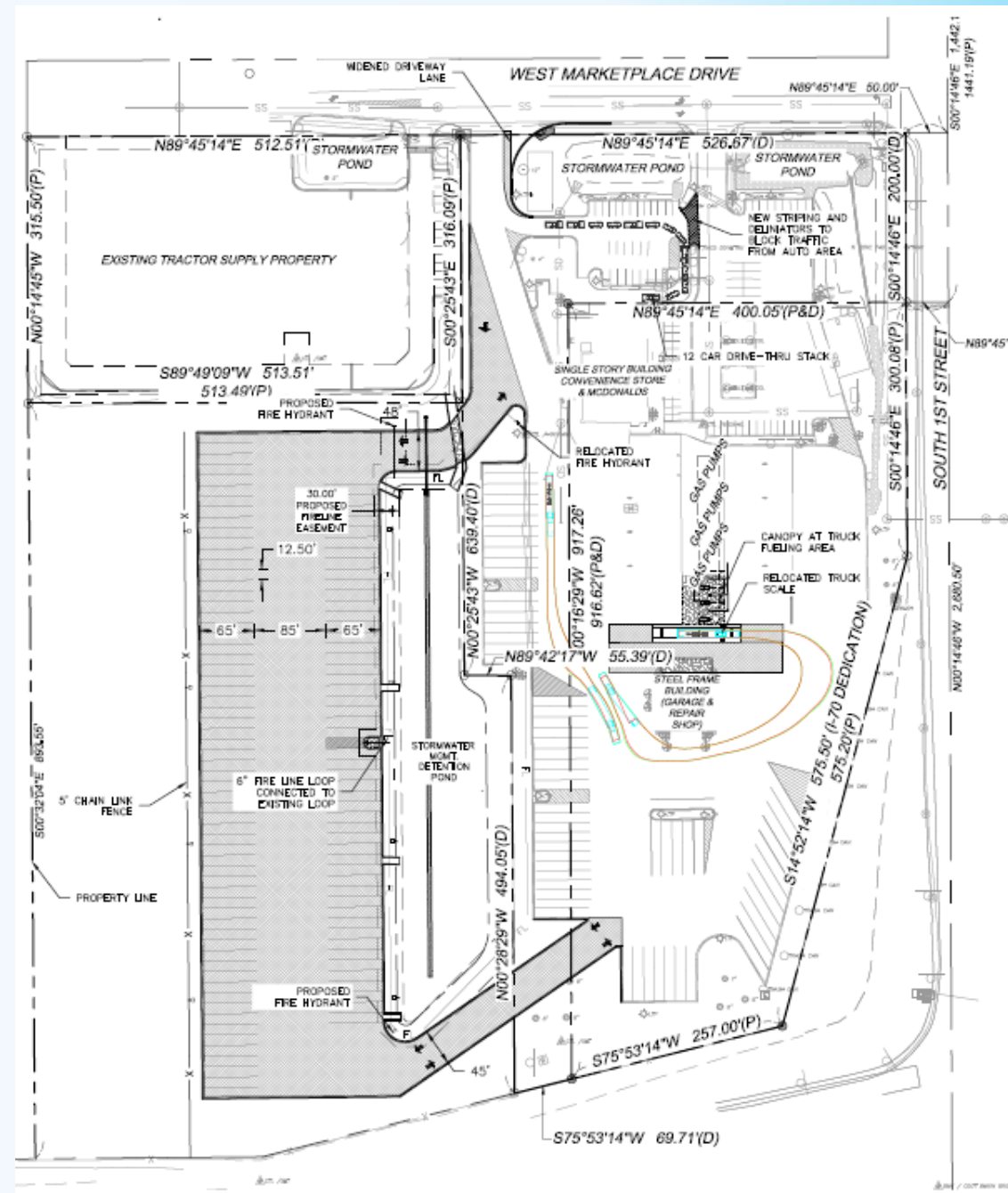
(See Resolution)

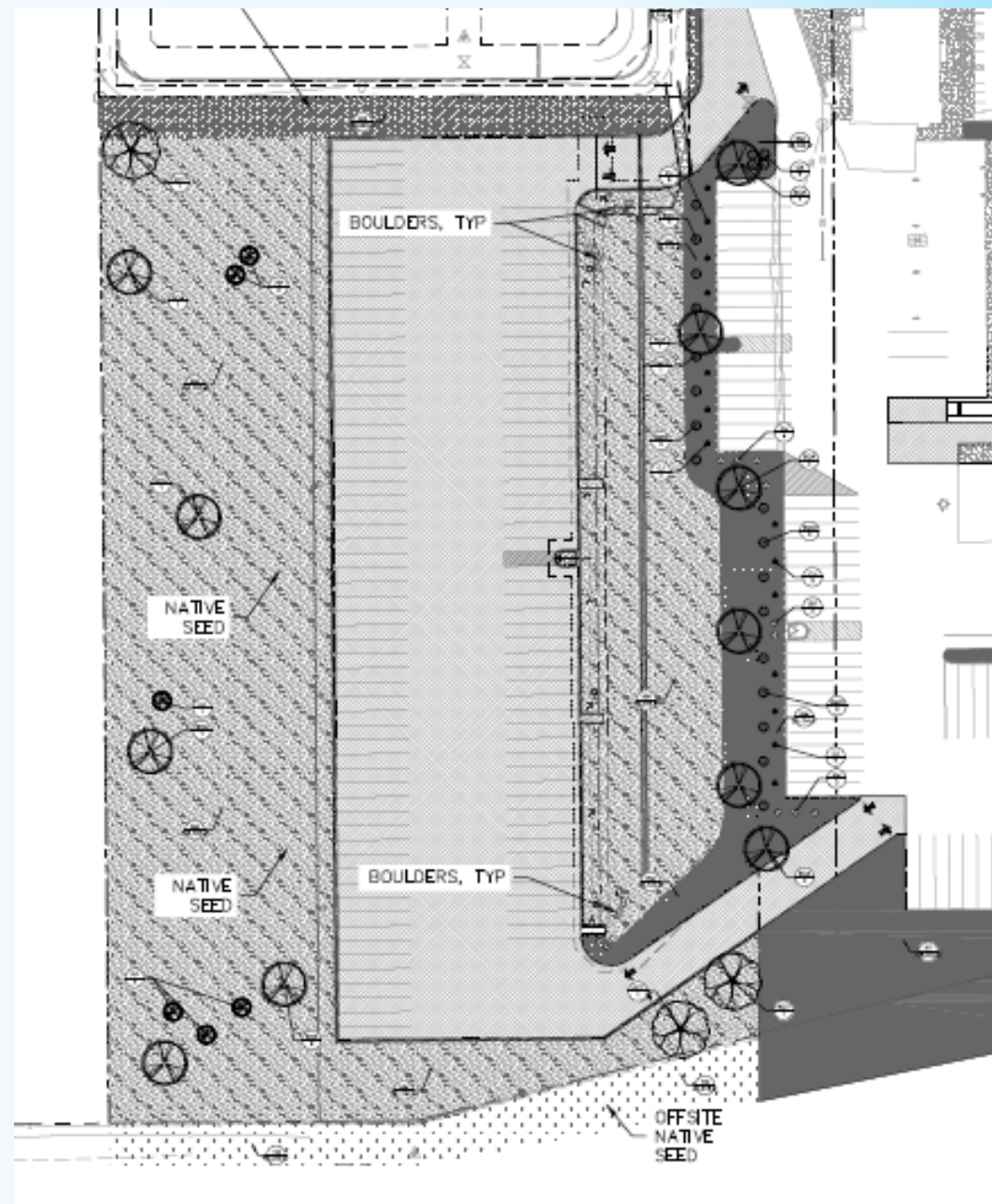


# Case No. 22.24 – Love's Conditional Use Permit (CUP) for Expanded Parking

- CUP to expand existing truck stop facility and parking
- Add 114 truck parking spaces
- Extension of existing truck parking, sharing same access







# Staff Findings on Case No. 22.24 Per Section 16-3-230

- A. The proposed use will be in harmony and compatible with the existing or planned uses of the surrounding neighborhood;
- B. The proposed use will be consistent with the Bennett Comprehensive Plan;
- C. The proposed use will not result in density or intensity of use that will be inappropriate for the site or incompatible with existing or planned uses in the surrounding area;
- D. The proposed use will not cause significant adverse or undesirable impacts to the surrounding area, including, but not limited to, visual impacts, air emissions, noise, light, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects;

## Staff Findings on Case No. 22.24 Per Section 16-3-230, Cont.

- E. The proposed use will not result in undue traffic congestion, traffic hazards or other hazards to persons or property;
- F. The proposed use will be adequately served with public utilities, services and facilities (i.e., water, sewer, street system, storm drainage, parks system, etc.) while maintaining adequate levels of service for existing development; and
- G. The proposed use will not be detrimental to the health, safety or welfare of current or future inhabitants of the Town



# Staff Recommendation

Staff recommends the Planning and Zoning Commission approve Resolution No. 2022-13, recommending the Board of Trustees approve the Love's Conditional Use Permit for Expanded Truck Parking, subject to the following condition:

1. A screen fence or other buffer along the west boundary of the truck parking lot, acceptable to the Board of Trustees, shall be included in the Final Development Plan.

(See Resolution)

Town of Bennett Land Use Application Form			
TO BE COMPLETED BY APPLICANT			
Application Type: Minor Subdivision Plat		Other _____	
Primary Contact Name: Steven Wilson			
Name of Firm: Olsson, Inc.			
Address: 11600 Broadway Ext., Ste. 300			
City: Oklahoma City	State: OK	Zip: 73114	Phone: 405-242-6657
Email: swilson@olsson.com			
Owner Name: Love's Travel Stops & Country Stores, Inc. and Muegge Farms, LLC (see letter of authorization)			
Address: 10601 N Pennsylvania Ave.			
City: Oklahoma City	State: OK	Zip: 73126	Phone: 405-761-4400
Email: Steve.Walters@loves.com			
Mineral Estate Holder/Lease:			
Name of Firm:			
Address:			
City:	State:	Zip:	Phone:
Parcel#: portion of parcel#0181533300001		Subdivision Name: Muegge Farms	
Site Address: 1191 S 1st St, Bennett, CO 80102			
Nearest Major Intersection: W. Marketplace Dr. & S. 1st St. (S.H. 79)			
Legal Description: Attached			
Current Zoning: PD		Proposed # lots/units:	
Total Acreage: 10.97		Gross Floor Area: Parking lot expansion	
Proposed Gross Densities (du/ac):			
Additional Notes: Project to expand existing Love's Travel Stop parking lot & add 114 new truck parking spaces.			

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.*

DocuSigned by:  
 Applicant's Signature Steve Walters Date: \_\_\_\_\_  
 37F8E272FFB7437...

**Owner's Authorization**

The undersigned, on behalf of MUEGGE FARMS, LLC, a Colorado limited liability company (the "Owner"), does hereby certify that Owner is the owner of record of that certain real property further described on Exhibit A attached hereto (the "Property"), as evidenced in the deed attached hereto as Exhibit 1 or other such proof of ownership as may be required. Owner hereby authorizes and appoints STEVE WALTERS of LOVE'S TRAVEL STOPS & COUNTRY STORES, INC. an Oklahoma corporation ("Contract Buyer"), to act on behalf of Owner solely with respect to applying to the Agencies listed below, as may be necessary, for applications related to development permits or other actions pursuant to:

<input type="checkbox"/> Rezoning/Modification	<input type="checkbox"/> Stormwater Management Permit
<input type="checkbox"/> Zoning Exception	<input type="checkbox"/> Access Management
<input type="checkbox"/> Appeals, if necessary	<input checked="" type="checkbox"/> Water and Sewer Approvals
<input type="checkbox"/> Concurrency	<input type="checkbox"/> Wetland Permits
<input type="checkbox"/> Construction Permits	<input checked="" type="checkbox"/> Subdivision
	<input type="checkbox"/> Other permits, as may be required

The authorization granted herein shall last for so long as Contract Buyer is under contract to purchase the Property from Seller. Upon the earlier of (i) Owner's notification to the Town that the Contract Buyer is no longer under contract to purchase the Property; or (ii) Contract Buyer's closing on the purchase of the Property, such authorization shall automatically terminate without any further action by either party.

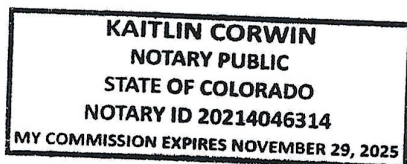
MUEGGE FARMS, LLC,  
a Colorado limited liability company

By: [Signature]  
Name: Daniel Watts  
Title: Manager

STATE OF Colorado

COUNTY OF Denver

Sworn to and subscribed before me this 1 day of April, 20 22 by Daniel Watts as Manager of MUEGGE FARMS, LLC, a Colorado limited liability company.



[Signature]  
Notary Public  
Commission Number 20214046314  
My commission expires: 11-29-2025



**EXHIBIT A**  
**Leal description of the Property**

A portion of the lands described within Reception No. C0901668 of the public records of Adams County, Colorado and lying within the Southeast Quarter of Section 33, Township 3 South, Range 63 West of the 6th Principal Meridian, City of Bennett, County of Adams, State of Colorado and being more particularly described as follows:

Begin at the Southwest corner of Lot 1, Muegge Farms Subdivision Filing No. 3, as recorded by Reception No. 2014000011818 of the public records of Adams County, Colorado;

Thence along the South line of said Subdivision, North 89°49'09" East for 513.49 feet to a point on the Westerly Subdivision line of Lot 1, Block 1, Muegge Farms Subdivision Filing No. 2, as recorded by Reception No. 2021000036273 of the public records of Adams County, Colorado;

Thence leaving said South line, run along said Westerly Subdivision line the following three courses:

- 1) South 00°25'43" East for 323.31 feet;
- 2) Thence North 89°34'17" East for 55.39 feet;
- 3) Thence South 00°25'43" East for 494.05 feet to a point on the Northerly right of way line of Interstate 70 as described within Reception No. 564634 of the public records of Adams County, Colorado;

Thence leaving said Westerly Subdivision line, run along said Northerly right of way line the following two courses:

- 1) South 75°56'00" West for 307.59 feet;
- 2) Thence South 89°27'56" West for 268.33 feet;

Thence leaving said Northerly right of way line, run North 00°32'04" West for 892.61 feet to the Point of Beginning.

The basis of bearing are grid and based within the Colorado Coordinate System of 1983, North Zone. The bearing of the South line of Lot 1, Muegge Farms Subdivision Filing No. 3, monumented on the West end by a number five rebar with a red plastic cap stamped "ARCHER LS25933" and monumented on the East end by a number five rebar with a red plastic cap stamped "ARCHER LS25933" is North 89°49'09" East for 513.49 feet.

**EXHIBIT 1**  
**Ownership Deed**

*[See attached]*

QUITCLAIM DEED

THIS DEED, dated December 4, 2001  
between Martha J. Ahern

of the City of \_\_\_\_\_ \*County of Denver \_\_\_\_\_ and State of  
Colorado, grantor(s), and Muegge Farms, LLC, a Colorado Limited  
Liability Company

whose legal address is 672 Tyner Way, Incline Village, Nevada 89451

of the \_\_\_\_\_ County of Washoe \_\_\_\_\_ and State of Nevada \_\_\_\_\_ grantee(s),

WITNESS, that the grantor(s), for and in consideration of the sum of Ten Dollars and other good and  
valuable consideration

the receipt and sufficiency of which is hereby acknowledged, has ~~remised~~ remised, released, sold and QUITCLAIMED, and by these  
presents does remise, release, sell and QUITCLAIM unto the grantee(s), its heirs, successors and assigns forever, all  
the right, title, interest, claim and demand which the grantor(s) has in and to the real property, together with improvements, if any,  
situate, lying and being in the County of Adams \_\_\_\_\_ and State of Colorado,  
described as follows:

\* See attached Exhibit A

Also known as, street and number as:

assessor's schedule or parcel number:

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise  
thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor(s), either in law or equity, to the only  
proper use, benefit and behoof of the grantee(s) its heirs and assigns forever.

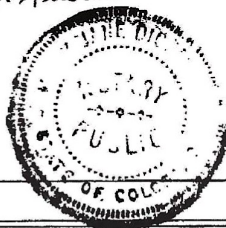
IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

X Martha J. Ahern  
Martha J. Ahern

STATE OF COLORADO

County of Denver } ss.

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December, 2001  
by Martha J. Ahern



Witness my hand and official seal.

My commission expires: 3-19-03

Marlene Robinson  
Notary Public

\*If in Denver, insert "City and".

Name and Address of Person Creating Newly Created Legal Description (838-35-106.5, C.R.S.)

ROBINSON & SELLS, P.C.  
ATTORNEYS AT LAW  
1202 HIGHWAY 74, #311  
EVERGREEN, CO 80439

Return to:

**EXHIBIT A**  
**TO MARTHA J. AHERN CONVEYANCE DEED**

All of the Grantor's right, title, and interest in the following real property:

1. The South one-half of Section 33, Township 3 South, Range 63 West of the 6<sup>th</sup> P.M., except that portion platted as Muegge Subdivision and further excepting those portions deeded to The Department of Highways, State of Colorado in deeds recorded November 15, 1958 in Book 745 at Pages 206 and 208, County of Adams, State of Colorado.
2. The Southeast one-quarter of Section 32, Township 3 South, Range 63 West of the 6<sup>th</sup> P.M., except those portions deeded to The Department of Highways, State of Colorado in deeds recorded November 15, 1958 in Book 745 at Pages 206 and 208, County of Adams, State of Colorado.
3. The South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 31, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M. except the East 1195.13 feet thereof, County of Adams, State of Colorado.
4. All of Section 31, Township 2 South Range 64 West of the 6<sup>th</sup> P.M., except the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  and also except the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , County of Adams, State of Colorado.
5. The North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado.
6. The North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado.
7. The Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado.



QUITCLAIM DEED

THIS DEED, dated December 4, 2001  
between Dent N. Hand, Jr.

of the ~~County of Washoe~~ and State of  
~~Colorado~~ grantor(s), and Muegge Farms, LLC, a Colorado Limited  
Nevada Liability Company

whose legal address is 672 Tyner Way, Incline Village, Nevada 89451

of the ~~County of Washoe~~ and State of ~~Colorado~~ grantee(s).

WITNESS, that the grantor(s), for and in consideration of the sum of Ten Dollars and other good and valuable consideration ~~valuable~~, the receipt and sufficiency of which is hereby acknowledged, has ~~remised, released, sold and QUITCLAIMED~~, and by these presents does ~~remise, release, sell and QUITCLAIM~~ unto the grantee(s), ~~its~~ heirs, successors and assigns forever, all the right, title, interest, claim and demand which the grantor(s) has ~~in and to the real property, together with improvements, if any,~~ situate, lying and being in the County of Adams and State of Colorado, described as follows:

\* See attached Exhibit A

~~also known by street and number as~~  
assessor's schedule or parcel number:

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor(s), either in law or equity, to the only proper use, benefit and behoof of the grantee(s) ~~its~~ heirs and assigns forever.

IN WITNESS WHEREOF, the grantor(s) has ~~executed this deed on the date set forth above.~~

X

Dent N. Hand, Jr.

NEVADA  
STATE OF ~~COLORADO~~

County of ~~Washoe~~

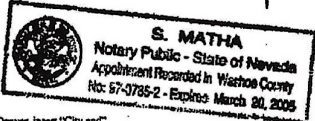
The foregoing instrument was acknowledged before me this  
by ~~Dent N. Hand Jr.~~

ss.

10<sup>th</sup>

day of

December, 2001



Witness my hand and official seal,  
My commission expires: 3/20/05

*Matha*

Notary Public

\*If in Denver, insert "City and"

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

ROBINSON & SELLS, P.C.  
ATTORNEYS AT LAW  
1202 HIGHWAY 74, #311  
EVERGREEN, CO 80439

Return to:

**EXHIBIT A**  
**TO DENT N. HAND, JR. CONVEYANCE DEED**

All of the Grantor's right, title, and interest in the following real property:

1. The North one-half of Section 33, Township 3 South, Range 63 West of the 6<sup>th</sup> P.M., except that portion deeded to The Department of Highways, State of Colorado in deed recorded December 19, 1958 in Book 751 at Page 503, and except those portions conveyed to the Town of Bennett in Deed recorded January 17, 1978 in Book 2206 at Page 757 and Deed recorded January 25, 1999 in Book 5623 at page 641, County of Adams, State of Colorado.
2. The South one-half of Section 33, Township 3 South, Range 63 West of the 6<sup>th</sup> P.M., except that portion platted as Muegge Subdivision and further excepting those portions deeded to The Department of Highways, State of Colorado in deeds recorded November 15, 1958 in Book 745 at Pages 206 and 208, County of Adams, State of Colorado.
3. The Southeast one-quarter of Section 32, Township 3 South, Range 63 West of the 6<sup>th</sup> P.M., except those portions deeded to the Department of Highways, State of Colorado in deeds recorded November 15, 1958 in Book 745 at Pages 206 and 208, County of Adams, State of Colorado.
4. The South one-half of the Southwest  $\frac{1}{4}$  of Section 31, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M. except the East 1195.13 feet, thereof County of Adams, State of Colorado.
5. All of Section 31, Township 2 South Range 64 West of the 6<sup>th</sup> P.M., except that South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  and also except the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$ , County of Adams, State of Colorado.
6. The North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado.
7. The North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado.
8. The Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 2 South, Range 64 West of the 6<sup>th</sup> P.M., County of Adams, State of Colorado.



May 16, 2022

10601 North Pennsylvania  
P.O. Box 26210  
Oklahoma City, OK 73126

Town of Bennett  
Planning & Economic Development  
Attn: Steve Hebert, Planning & Economic Development Manager  
207 Muegge Way  
Bennett, CO 80102

**Re: Letter of Intent – Conditional Use & Final Development Plan Permit Application(s)  
Love's Travel Stop and Country Store, Parking Expansion  
1191 S. 1st Street, Bennett, CO 80102**

Dear Mr. Hebert,

Love's Travel Stops and County Stores respectfully requests a Conditional Use Permit for truck parking lot and truck fuel canopy expansion at our Bennett CO Travel Stop located at 1191 S. 1st Street. The proposed use includes adding 114 new truck parking spaces and three new truck canopy fuel bays. Approximately 10.96 acres of parcel #0181533300001 will be purchased from Muegge Farms LLC for the parking lot expansion. Changes are being proposed because of the number of semitrucks currently parking along W. Marketplace Drive and related traffic congestion. No public services other than fire protection are anticipated. No operational changes are expected.

This proposed use will benefit the area by increasing the number of truck parking spaces at the Travel Stop, reducing the number of semitrucks parking along W Marketplace Drive and easing traffic congestion.

The box below provides our responses to how the proposed use will satisfy each of the criteria set forth in Section 16-2-330

- |   |
|---|
| <p>(1) Will the proposed use be in harmony and compatible with the existing or planned uses of the surrounding neighborhood? <b>Yes</b></p> <p>(2) Will the proposed use be consistent with the Bennett Comprehensive Plan? <b>Yes</b></p> <p>(3) Will the proposed use result in density or intensity of use that will be inappropriate for the site or incompatible with existing or planned uses in the surrounding area? <b>No, will reduce traffic</b></p> <p>(4) Will the proposed use cause significant adverse or undesirable impacts to the surrounding area, including, but not limited to, visual impacts, air emissions, noise, light, vibrations, glare, heat, odors, water pollution, electromagnetic interference, and other nuisance effects? <b>No</b></p> <p>(5) Will the proposed use incorporate and integrate architectural and landscape features to appropriately mitigate impacts from the proposed use? <b>Yes, improvements include adding xeriscape landscaping features including native grass, rock mulch and rip rap. Also, additional screening will be provided with new trees and shrubs.</b></p> <p>(6) Will the proposed use result in undue traffic congestion, traffic hazards or other hazards to persons or property? <b>No, will reduce traffic</b></p> <p>(7) Will the proposed use be adequately served with public utilities, services, and facilities (i.e., water, sewer, street system, storm drainage, parks system, etc.) while maintaining adequate levels of service for existing development; and <b>Yes</b></p> <p>(8) Will the proposed use be detrimental to the health, safety, or welfare of current or future inhabitants of the Town? <b>No</b></p> |
|---|



If additional information is needed to evaluate our request, or if you have any questions about our Conditional Use Permit application package, please let me know.

Regards,

DocuSigned by:  
Name: SAWA  
Title: 37F8E272FFB7437... Agent  
Phone: 405-761-4400  
Email: Steve.walters@lows.com

Enclosure(s)

# Love's Filing No. 1

FINAL PLAT  
A PORTION OF THE SOUTHEAST QUARTER OF  
SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST, OF THE 6TH PRINCIPLE MERIDIAN  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 1 OF 2

## OWNERSHIP AND DEDICATION CERTIFICATE:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT THEY ARE THE OWNER OF A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPLE MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE LANDS DESCRIBED WITHIN RECEPTION C0901668 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO AND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPLE MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF LOT 1, MUEGGE FARMS SUBDIVISION FILING NO. 3, AS RECORDED BY RECEPTION 2014000011818 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION, NORTH 89° 49' 09" EAST FOR 513.49 FEET TO A POINT ON THE WESTERLY SUBDIVISION LINE OF LOT 1, BLOCK 1, FINAL PLAT MUEGGE FARMS SUBDIVISION FILING NO. 2, AS RECORDED BY RECEPTION 2021000036273 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO; THENCE LEAVING SAID SOUTH LINE, RUN ALONG SAID WESTERLY SUBDIVISION LINE THE FOLLOWING THREE COURSES, SOUTH 00° 25' 43" EAST FOR 323.31 FEET; THENCE, NORTH 89° 34' 17" EAST FOR 55.39 FEET; THENCE, SOUTH 00° 25' 43" EAST FOR 494.05 FEET; TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 70 AS DESCRIBED WITHIN RECEPTION 564634 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO; THENCE LEAVING SAID WESTERLY SUBDIVISION LINE, RUN ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES, SOUTH 75° 56' 00" WEST FOR 307.59 FEET; THENCE, SOUTH 89° 27' 56" WEST FOR 268.33 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, RUN NORTH 00° 32' 04" WEST FOR 892.61 FEET TO THE POINT OF BEGINNING.

HAVE LAID OUT AND PLATTED SAID LAND AS PER DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF LOVE'S FILING NO. 1, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND BY THESE PRESENTS DOES HEREBY DEDICATE TO THE TOWN OF BENNETT AND ALL SERVING PUBLIC UTILITIES (AND OTHER APPROPRIATE ENTITIES) THOSE PORTIONS OF REAL PROPERTY WHICH ARE SO DESIGNATED AS EASEMENTS AS SHOWN.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS INVOLVED IN CONSTRUCTING AND INSTALLING SANITARY AND 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 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 THE PROPERTY OF SUCH MUNICIPALITY FRANCHISED UTILITIES AND/OR, OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

OWNER:  
MUEGGE FARMS, LLC, A COLORADO LIMITED LIABILITY COMPANY

SIGNATURE

NAME

TITLE

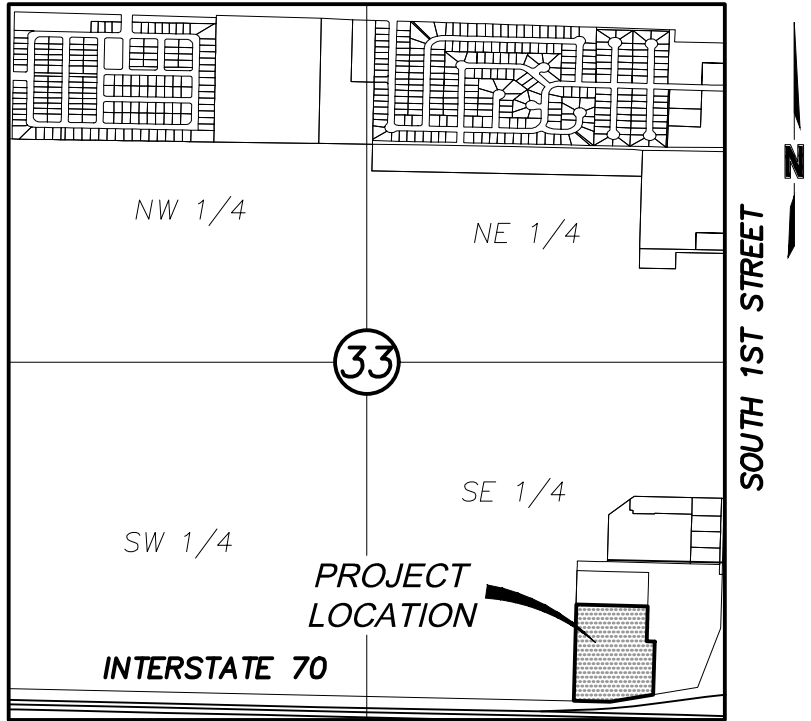
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY \_\_\_\_\_, AS \_\_\_\_\_  
OF MUEGGE FARMS, LLC, A COLORADO LIMITED LIABILITY COMPANY  
WITNESS IN MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES

TRACT SUMMARY TABLE				
TRACT	AREA	USE	OWNERSHIP	MAINTENANCE
LOT 1	10.960 ACRES	DEVELOPMENT	LOVES	LOVES



VICINITY MAP  
SECTION 33-T3S-R63W of the Sixth Principal Meridian

## PLANNING COMMISSION REVIEW:

THIS FINAL PLAT WAS REVIEWED BY THE PLANNING AND ZONING COMMISSION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, RESOLUTION NO. \_\_\_\_\_.

CHAIR

ATTEST: TOWN CLERK

## TOWN OF BENNETT APPROVAL:

THIS IS TO CERTIFY THAT THE PLAT OF \_\_\_\_ PLAT NAME\_\_\_\_ WAS APPROVED  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY

RESOLUTION NO. \_\_\_\_\_ THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF  
THE TOWN OF BENNETT, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED  
FOR ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

## ADAMS COUNTY CLERK AND RECORDER'S CERTIFICATE:

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE ADAMS COUNTY CLERK AND RECORDER IN THE  
STATE OF COLORADO AT \_\_\_\_\_ ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

COUNTY CLERK AND RECORDER

DEPUTY

RECEPTION NUMBER: \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I, ELI J. DONALDSON, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AND THIS PLAT ACCURATELY AND PROPERLY SHOWS SAID PROPERTY, AND ALL MONUMENTS EXIST AS SHOWN HEREON. THIS LAND SURVEY PLAT COMPLIES WITH APPLICABLE, COLORADO STATE LAW  
THIS PLAT WAS PREPARED ON, MARCH 25, 2022.

ON BEHALF OF OLSSON,

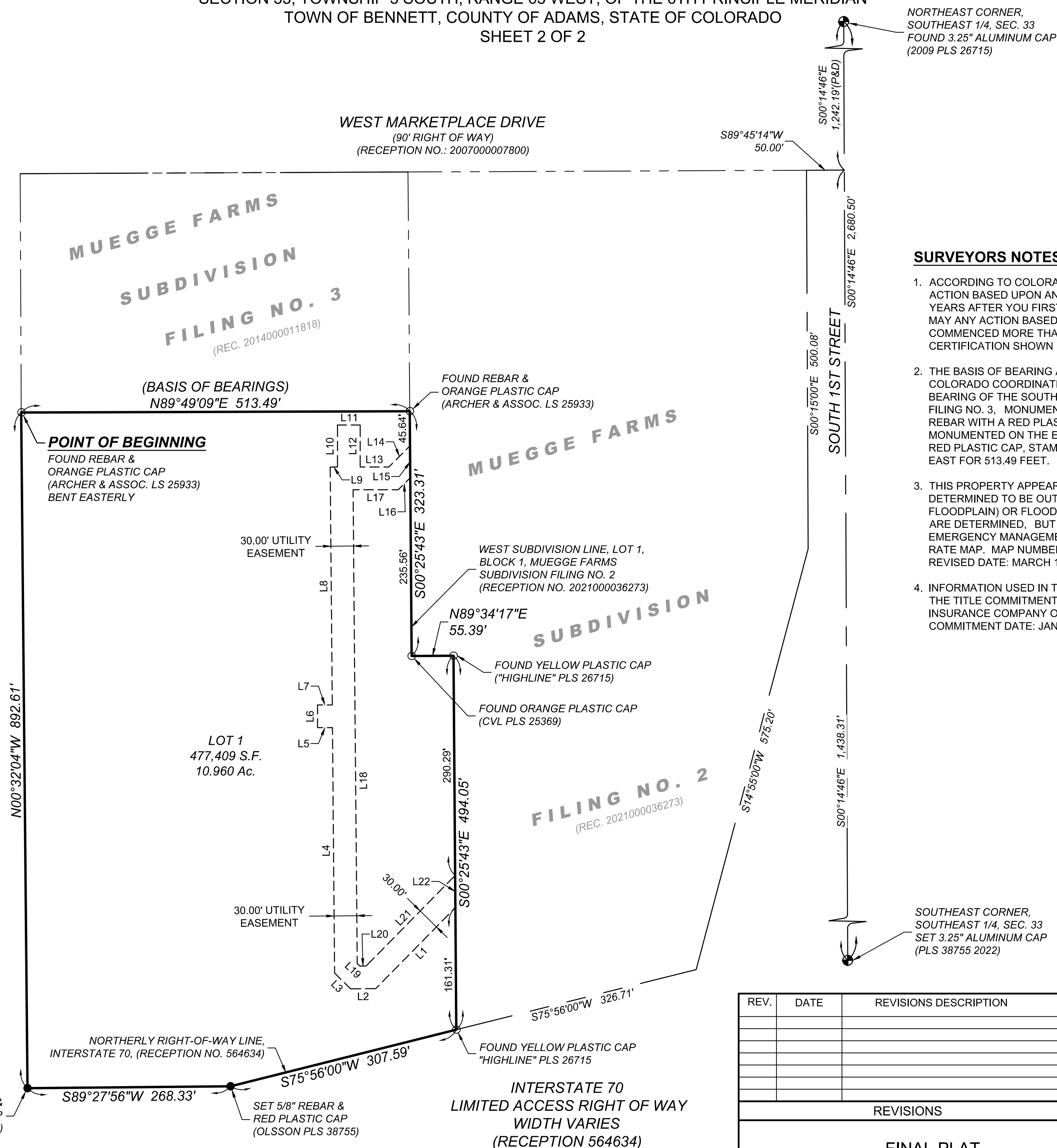
ELI J. DONALDSON  
PROFESSIONAL LAND SURVEYOR  
COLORADO REGISTRATION NUMBER: 38755

REV.	DATE	REVISIONS DESCRIPTION	<div>olsson</div> <div>1525 RALEIGH STREET, SUITE 400 DENVER, COLORADO TEL 303.237.2072 www.olsson.com</div>	
REVISIONS			APPROVED BY: _____ EJD PROJECT #: _____ A17-0285 DATE: _____ 11.25.2021	
FINAL PLAT				


CASE # xx-xxxx

FINAL PLAT  
A PORTION OF THE SOUTHEAST QUARTER OF  
SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST, OF THE 6TH PRINCIPLE MERIDIAN  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 2 OF 2

PARCEL NO. 0181533200004  
OWNER: MUEGGE FARMS LLC  
C/O DAN WATTS  
REMAINDER OF  
RECEPTION NO. C0901668



1. 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 FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THE BASIS OF BEARING ARE GRID AND BASED WITHIN THE COLORADO COORDINATE SYSTEM OF 1983, NORTH ZONE. THE BEARING OF THE SOUTH LINE OF LOT 1, MUEGE FARMS SUBDIVISION FILING NO. 3, MONUMENTED ON THE WEST END BY A NUMBER FIVE REBAR WITH A RED PLASTIC CAP, STAMPED "ARCHER LS25933" AND MONUMENTED ON THE EAST END BY A NUMBER FIVE REBAR WITH A RED PLASTIC CAP, STAMPED "ARCHER LS25933" IS, NORTH 89° 49' 09" EAST FOR 513.49 FEET.
3. THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) OR FLOOD ZONE "D" (AREAS IN WHICH FLOOD HAZARDS ARE DETERMINED, BUT POSSIBLE), AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP, MAP NUMBER: 08001C0981H, PANEL NO: 981 OF 1150, MAP REVISED DATE: MARCH 15, 2007.
4. INFORMATION USED IN THE PREPARATION OF THIS PLAT IS BASED ON THE TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY ORDER NUMBER: 100-N0036290-030-TH COMMITMENT DATE: JANUARY 4, 2022.

REV.	DATE	REVISIONS DESCRIPTION	 <p>1525 RALEIGH STREET, SUITE 400 DENVER, COLORADO TEL 303.237.2072      <a href="http://www.olsson.com">www.olsson.com</a></p>
REVISIONS			<p>APPROVED BY: <u>          EJD          </u></p> <p>PROJECT #: <u>          A17-0285          </u></p> <p>DATE: <u>          11.25.2021          </u></p>
FINAL PLAT			<p><b>SHEET</b> Page 44</p> <p><b>2 OF 2</b></p>



## Engineering Review Memo

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To: Steve Hebert, Town Planning & Economic Development Director  
From: Dan Giroux, PE, Engineering Consultant to the Town  
Date: Wednesday, July 6, 2022  
Case: Love's Truck Parking Expansion, Muegge Farms, Final Plat, FDP and CUP Application  
Town of Bennett Land Use Cases 22.22, 22.23 & 22.24, respectively  
Subject: Civil Engineering Review

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***Review Memo Only – no Replat redlines provided for this Submittal review.***

Per the request of the Town of Bennett, Terramax, Inc. has reviewed the application materials for the proposed Love's Truck Parking Expansion.

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 comments on the development application are considered to be in force and effective 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:

**Final Plat**

- The Town requires a Drainage Easement for stormwater management pond areas, to ensure future encroachments are not unknowingly made without Town review and approval, and to allow for warranted Town backup support for emergency drainage issues.
- There are Town standard Plat notes that will need to be reviewed, customized or edited, and added to the Final Plat before recording.

**Water Distribution System**

- The final fire hydrant locations and spacing will require Bennett-Watkins Fire Rescue (BWFR) review and approval.
- The Town desires to avoid fire line v access drive conflicts and closures as much as Love's; there may be some opportunity to adjust the south end layout of the fire line loop to avoid alignment acute bend areas, as well as potential drive lane conflicts.
  - The Town does not oppose peripheral & high-end areas of the detention pond for water line crossings, where they are workable from dry, stable areas by heavy equipment.
  - Some detention pond access drive surfacing in select areas may assist with stability.
- Landscaping v utility conflicts may still be identified and corrected through final design & construction.

**Wastewater / Sanitary Sewer Collection System**

- No comments with this submittal.

**Access**

- Are there any provisions or improvements being made for pedestrian (drivers) walking circulation, or connections to the Love's store, McDonald's, Tractor Supply and Marketplace Drive sidewalks?
- Is there an opportunity for a developer-business-Town partnership to accelerate a secondary, westerly Marketplace Drive connection, and access to this truck parking lot, via west of Tractor Supply?

**Stormwater**

- Per the current Muegge Farms Master Drainage Plan, the ultimate drainage outfall from this area would be to the northwest, and a future Marketplace Drive storm sewer inlet, west of Tractor Supply.
  - I'd suggest that a current north discharge along the Love's-Tractor Supply property line ditch may be viable, but provision for future outfall to the west via storm sewer extension, or swale grading, is highly desirable, and even required.
  - Some early feasibility grading to prove concept for northwest drainage outfall with the proposed grading plan would be helpful to confirm this is possible in the future.
  - The existing Love's-Tractor Supply property line ditch contributed to significant Marketplace Drive flooding when first constructed in 2013-2014, requiring grading modification at the northeast corner of the Tractor Supply property.
  - Additional analysis will be required regarding outfall capacities in this area.
  - If indicated, additional protective & diversion grading may be required in this area, with appropriate Tractor Supply permissions, to ensure that neither Marketplace Drive, nor the adjacent sidewalk or ADA ramp, endure additional inundation.
- The applicant will be required to provide Mile High Flood District (MHFD) type pond outlet structures for water quality control, and may be required to provide additional stormwater quality control improvements, especially for low flows, for sand/grit & oil capture and removal.
- A drive-able service & maintenance ramp, with graded & surfaced area, is required to access the pond bottom, and outlet & water quality pond improvements for operation & maintenance.
- It is not clear if there are stormwater drainage flumes encroaching on Tractor Supply property; any off-site improvements will require appropriate easement from impacted property owners.
- Stormwater drainage flumes and drain pipe outfalls will require armored splash pads or plunge pools for energy dissipation to avoid erosion impacts.
- Landscaping v access or improvement conflicts may still be identified and corrected through final design & construction.

Steve, this concludes my engineering review of the applications and supporting submittal materials for the proposed Love's Truck Parking Expansion Plat, FDP and CUP as provided by the applicant. Please let me know if you have any questions, or require additional information pertaining to the submitted information, or my review.

6312 S. Fiddlers Green Circle  
Suite 300N  
Greenwood Village, CO 80111  
T +1.303.771.0900

www.jacobs.com

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Subject Love's Parking Expansion Joint Referral Package

Attention Steve Hebert, AICP, Bennett Planning & Economic Development Manager  
Sara Aragon, Community Development Manager

From Mike Heugh, PE  
Town Traffic Engineer

Date June 23, 2022

Copies to Dan Giroux, PE, Town Engineer

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Love's Parking Expansion Joint Referral Package – Town Traffic Comments

FDP Plans (no date provided)

1. Page 1, red portion of I-70 symbol is off. Please revise.
2. Page 2, for trucks existing through the north access to the expansion lot, can drivers see traffic coming from the south? It would require the driver to look more than 90° and from the driver's side of the on-coming traffic. Possibly side mirrors provide the line of sight needed.

Final Plat - 11/25/21

1. No comments.





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

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**RE: Love's Truck Stop Parking Expansion**

1 message

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**Melinda Culley** <melinda@kellypc.com>  
To: Town of Bennett Planning <planning@bennett.co.us>

Wed, Jun 8, 2022 at 11:27 AM

Hello,

I have the following comments on this application –

**Final Plat**

- Add the total acreage of the subdivided property to the legal description.

**Final Development Plan**

- Is this intended to amend the original Love's FDP? If so, update the title of this document to indicate that this is an amendment to the original FDP. Verify that the legal description includes the original Love's property. The legal description can refer to the subdivided parcels.
- If this is intended to be a standalone FDP for the new parcel, consider re-titling the document to distinguish it from the original FDP (eg, Love's Parking Lot). Consider deleting the metes and bounds legal description and replacing it with Lot 1, Love's Filing No. 1, Town of Bennett, County of Adams, State of Colorado.
- The Site Data Table mentions that 176 parking spaces will be provided. Clarify whether that's for the entire Love's parcel or just the new parking area. The letter of intent states that 114 spots will be provided.

If you have any questions, please let me know.

**Melinda A. Culley**

Kelly PC

999 18<sup>th</sup> Street, Suite 1450S

Denver, CO 80202

P: (303) 298-1601 x212

F: (303) 298-1627

Cell: (316) 640-1013



## \*\*\*\*\* CONFIDENTIALITY NOTICE \*\*\*\*\*

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

**Sent:** Thursday, June 2, 2022 3:48 PM

**To:** Karl Smalley; United States Postal Service; Robin Price; Daymon Johnson; Rick Martinez; Victoria Flamini; Bennett Watkins Fire Rescue; Marilyn Cross - CDOT; Colorado Department of Transportation (CDOT) Assistant Access Manager; [JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com); [GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com); Eastern Slope Rural Telephone; I-70 Regional Economic Advancement Partnership; Brooks Kaufman; Jehn Water Consultants Inc; Melinda Culley; Daniel Giroux; Steve Hebert; Heugh, Michael

**Subject:** Love's Truck Stop Parking Expansion

Hello All,

Below is a Dropbox link to the Love's Truck Stop Parking Expansion Joint Referral. These three applications include a subdivision plat (Case No. 22.22), a Final Development Plan Amendment (Case No. 22.23) and a Conditional Use Permit (Case No. 22.24).

We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by June 23, 2022.

<https://www.dropbox.com/scl/fo/xr1ewljdybjg8ahhpnmv6/h?dl=0&rlkey=5g37fcpnixd7qi5u8nrzku2lq>

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.

# Love's Filing No. 1

FINAL PLAT  
A PORTION OF THE SOUTHEAST QUARTER OF  
SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST, OF THE 6TH PRINCIPLE MERIDIAN  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 1 OF 2

## OWNERSHIP AND DEDICATION CERTIFICATE:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE UNDERSIGNED WARRANT THEY ARE THE OWNER OF A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPLE MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE LANDS DESCRIBED WITHIN RECEPTION C0901668 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO AND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPLE MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF LOT 1, MUEGGE FARMS SUBDIVISION FILING NO. 3, AS RECORDED BY RECEPTION 2014000011818 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION, NORTH 89° 49' 09" EAST FOR 513.49 FEET TO A POINT ON THE WESTERLY SUBDIVISION LINE OF LOT 1, BLOCK 1, FINAL PLAT MUEGGE FARMS SUBDIVISION FILING NO. 2, AS RECORDED BY RECEPTION 2021000036273 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO; THENCE LEAVING SAID SOUTH LINE, RUN ALONG SAID WESTERLY SUBDIVISION LINE THE FOLLOWING THREE COURSES, SOUTH 00° 25' 43" EAST FOR 323.31 FEET; THENCE, NORTH 89° 34' 17" EAST FOR 55.39 FEET; THENCE, SOUTH 00° 25' 43" EAST FOR 494.05 FEET; TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 70 AS DESCRIBED WITHIN RECEPTION 564634 OF THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO; THENCE LEAVING SAID WESTERLY SUBDIVISION LINE, RUN ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES, SOUTH 75° 56' 00" WEST FOR 307.59 FEET; THENCE, SOUTH 89° 27' 56" WEST FOR 268.33 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, RUN NORTH 00° 32' 04" WEST FOR 892.61 FEET TO THE POINT OF BEGINNING.

HAVE LAID OUT AND PLATTED SAID LAND AS PER DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF LOVE'S FILING NO. 1, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND BY THESE PRESENTS DOES HEREBY DEDICATE TO THE TOWN OF BENNETT AND ALL SERVING PUBLIC UTILITIES (AND OTHER APPROPRIATE ENTITIES) THOSE PORTIONS OF REAL PROPERTY WHICH ARE SO DESIGNATED AS EASEMENTS AS SHOWN.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS INVOLVED IN CONSTRUCTING AND INSTALLING SANITARY AND 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 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 THE PROPERTY OF SUCH MUNICIPALITY FRANCHISED UTILITIES AND/OR, OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

OWNER:  
MUEGGE FARMS, LLC, A COLORADO LIMITED LIABILITY COMPANY

SIGNATURE

NAME

TITLE

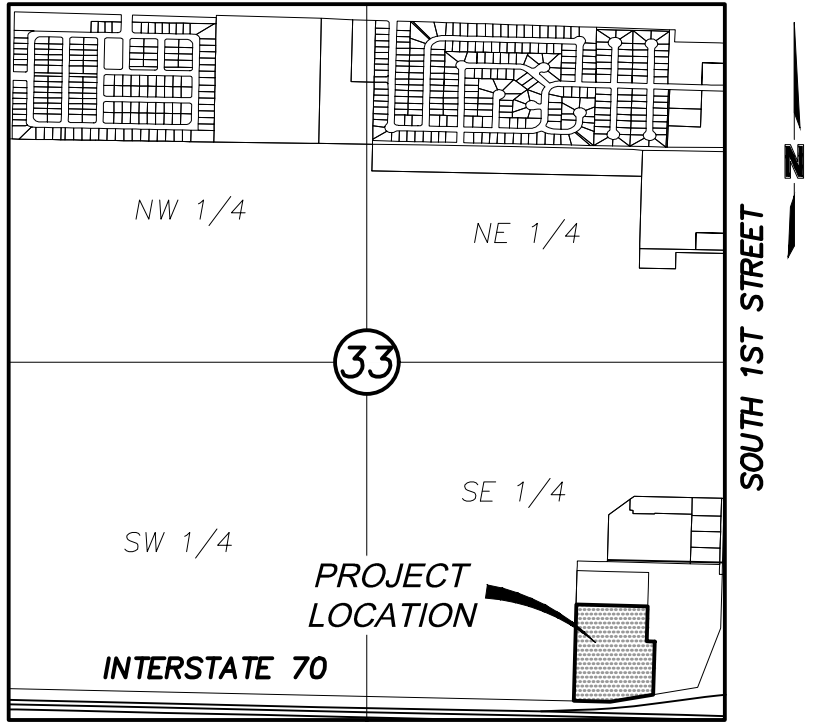
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY \_\_\_\_\_, AS \_\_\_\_\_  
OF MUEGGE FARMS, LLC, A COLORADO LIMITED LIABILITY COMPANY  
WITNESS IN MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES

TRACT SUMMARY TABLE				
TRACT	AREA	USE	OWNERSHIP	MAINTENANCE
LOT 1	10.960 ACRES	DEVELOPMENT	LOVES	LOVES



VICINITY MAP  
SECTION 33-T3S-R63W of the Sixth Principal Meridian

## PLANNING COMMISSION REVIEW:

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CHAIR

ATTEST: TOWN CLERK

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ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY

RESOLUTION NO. \_\_\_\_\_ THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF  
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FOR ALL PURPOSES INDICATED THEREON.

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ATTEST: TOWN CLERK

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COUNTY CLERK AND RECORDER

DEPUTY

RECEPTION NUMBER: \_\_\_\_\_

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THIS PLAT WAS PREPARED ON, MARCH 25, 2022.

ON BEHALF OF OLSSON,

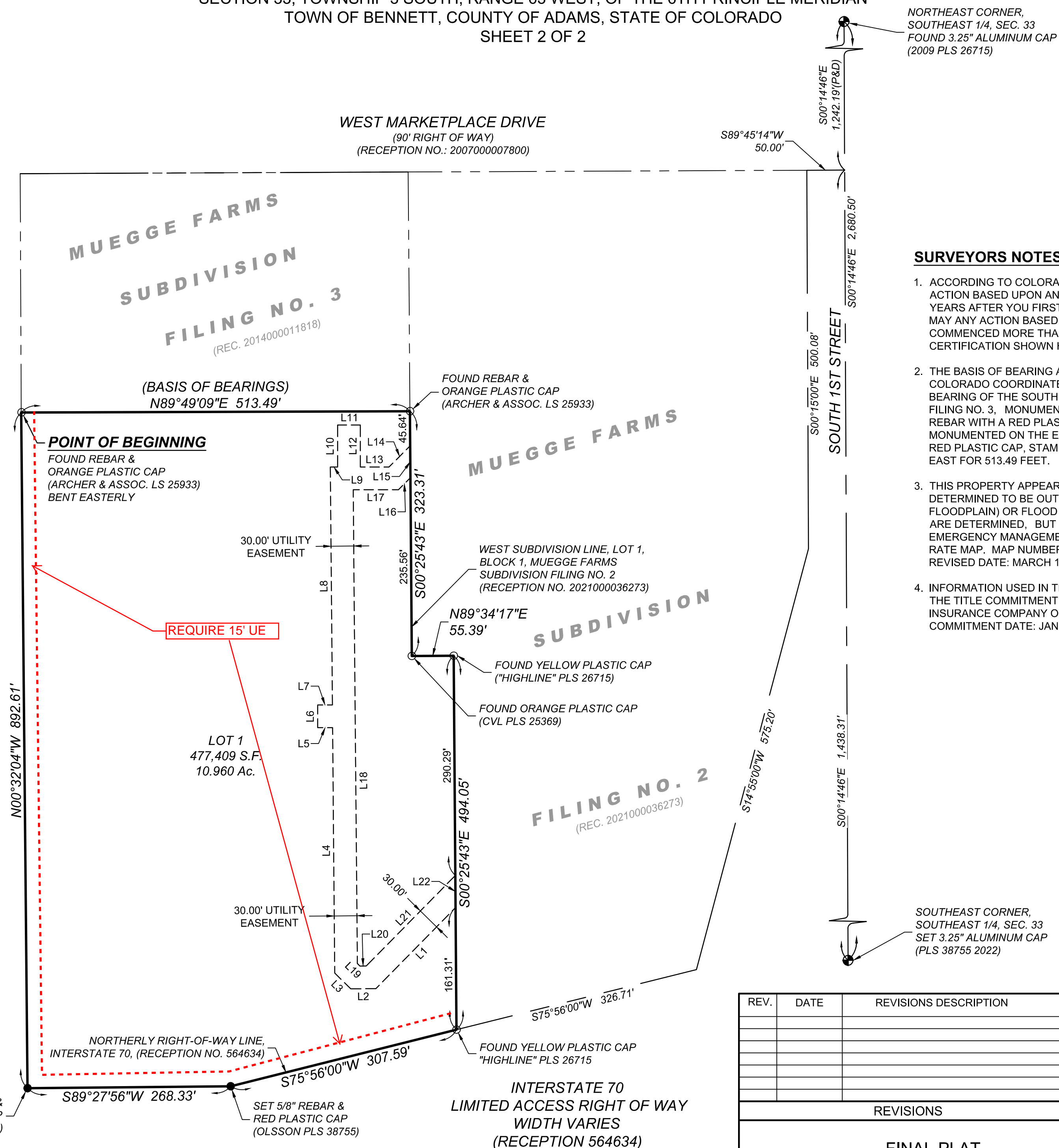
ELI J. DONALDSON  
PROFESSIONAL LAND SURVEYOR  
COLORADO REGISTRATION NUMBER: 38755

REV.	DATE	REVISIONS DESCRIPTION	<div>CASE # xx-xxxx</div> <div>olsson</div> <div>1525 RALEIGH STREET, SUITE 400 DENVER, COLORADO TEL 303.237.2072 www.olsson.com</div>	
REVISIONS			APPROVED BY: _____ EJD	
FINAL PLAT			PROJECT #:	_____ A17-0285
			DATE:	_____ 11.25.2021

SHEET 1 OF 2

FINAL PLAT  
A PORTION OF THE SOUTHEAST QUARTER OF  
SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST, OF THE 6TH PRINCIPLE MERIDIAN  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 2 OF 2

PARCEL NO. 0181533200004  
OWNER: MUEGGE FARMS LLC  
C/O DAN WATTS  
REMAINDER OF  
RECEPTION NO. C0901668



1. 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 FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
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REVISIONS
FINAL PLAT

**olsson**

1525 RALEIGH STREET, SUITE 400  
DENVER, COLORADO  
TEL 303.237.2072 [www.olsson.com](http://www.olsson.com)

For IREA Use Only
Township: <u>3S</u> Range: <u>63W</u> Section: <u>33</u>
W/O #: <u>IREA ELD54</u>
Legal: <u>Parcel Numbers: 0181500006001 and</u>
<u>0181533400001</u>
Engineer: <u>Tyler Ross</u>

**INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION**  
**5496 North U.S. Highway 85, P.O. Drawer A**  
**Sedalia, Colorado 80135**  
**303-688-3100**

**UTILITY OVERHEAD AND UNDERGROUND EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that **Love's Travel Stops & Country Stores, Inc.**, an Oklahoma corporation ("Grantor"), for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, a Colorado non-profit corporation and electric cooperative association ("the Association") and to its successors or assigns, a perpetual non-exclusive easement 15 feet in width ("the Easement") for the construction and continued operation, maintenance, inspection, repair, alteration, and replacement of electric transmission, electric distribution, and communication facilities attached to poles or other supports, together with guy-wires, overhead and underground cables, wires, conduits, transformers, manholes, splicing boxes, testing terminals, devices, attachments, and other incidental equipment (collectively "the Facilities") located upon, over, under, and across the following real property belonging to Grantor situated in the County of Adams, State of Colorado, and more particularly described as follows:

SEE EXHIBIT(S) ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE

Together with all rights of ingress and egress necessary for the full and complete use, occupation, and enjoyment of the Easement and all rights and privileges of the Easement, including for the installation and maintenance of the Facilities; the right to cut, trim, and remove trees, brush, overhanging branches, shrubbery, and other obstructions within or outside of the Easement that may interfere with or threaten to endanger the operation, maintenance, and repair of the Facilities; to place location markers upon or beyond the Easement to identify any underground Facilities; to license, permit, or otherwise agree to the joint use or occupancy of the Facilities, whether overhead or underground, by any other person, association, or corporation for electrification or communication purposes; to open and close any fences crossing the Easement or, when agreed to by Grantor, to install gates and stiles in such fences; and to use that portion of Grantor's adjoining property to survey, construct, maintain, repair, remove, or replace the Facilities as may be required to permit the operation of standard construction and repair machinery. The Association shall install and maintain the Facilities with the industry standard of care and restore the surface of the Easement substantially to its original level and condition.

The undersigned agrees that all Facilities installed upon, over, under, and across the Easement by the Association shall remain the property of and may be removed at the option of the Association. In the event the Facilities are removed by the Association, the Association shall restore the property to its original condition existing prior to the date of this Easement.

Grantor(s) for themselves, their heirs, executors, administrators, successors, and assigns, while reserving the right to use the Easement for all purposes not inconsistent with the rights herein granted to the Association, hereby covenants that no structures shall be erected upon, over, under, or across the Easement, no combustible material or infrastructure shall be permitted upon, over, under, or across the Easement, and that the Easement shall not otherwise be used in any manner that interferes with the maintenance, repair, and replacement of the Facilities or damages the Facilities in any way.

Grantor makes no representations or warranties regarding the use of the Easement hereby transferring to Association only such rights of use, if any, as Grantor itself may have, subject to Grantor's continuing right to use the Easement concurrently with the Association in accordance with the terms and provisions hereof. This Easement is granted to the Association by Grantor without warranty of title and is subject to any and all prior liens, encumbrances, easements, restrictions, reservations and rights of way of record, which may affect the Easement.

The Association shall comply with all federal, state, and local laws, in exercising its rights under this Easement and shall initially construct the Facilities in accordance with plans provided to and reviewed by the Grantor.

All Facilities installed within the Easement by Association or its contractors, shall be done at no cost or expense to Grantor provided that any service extension requested by Grantor shall be installed at Grantor's cost. All costs of Association's use of the Easement including, surveying, construction, repair, maintenance, and replacement shall be borne by Association and Association shall and does hereby agree to indemnify and save Grantor harmless from any and all claims, damages, or liens arising from the surveying construction, repair, and maintenance of Association's Facilities on, under, over, or within the Easement.

At all times during the term of this Easement, Association, at its expense, shall obtain and keep current commercial general liability insurance with respect to the Easement, and to the use, repair, and maintenance thereof and with the respect to the use, repair, and maintenance of the Facilities located thereon for personal injury and bodily damage, or death and damage to property of others. Such insurance shall be carried with insurers the licensed to transact business in Colorado and shall have original limits of not less than \$1,100,000 with respect to any accident or occurrence, shall name Grantor as an additional insured with waiver of subrogation as against Grantor and shall otherwise be upon such terms and conditions as Grantor shall from time to time require as being reasonable and sufficient. Association shall provide Grantor with such copies of current policies or certificates of insurance or proof of insurance as Grantor may reasonably request.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this \_\_\_\_ day of April, 2020.

In the presence of: Madison Everett (Witness)

Love's Travel Stops & Country Stores, Inc., an Oklahoma corporation

By: \_\_\_\_\_

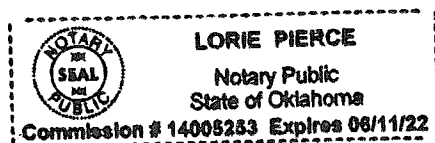
Name/Title: Douglas J. Stussi, EVP

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA ) ss.

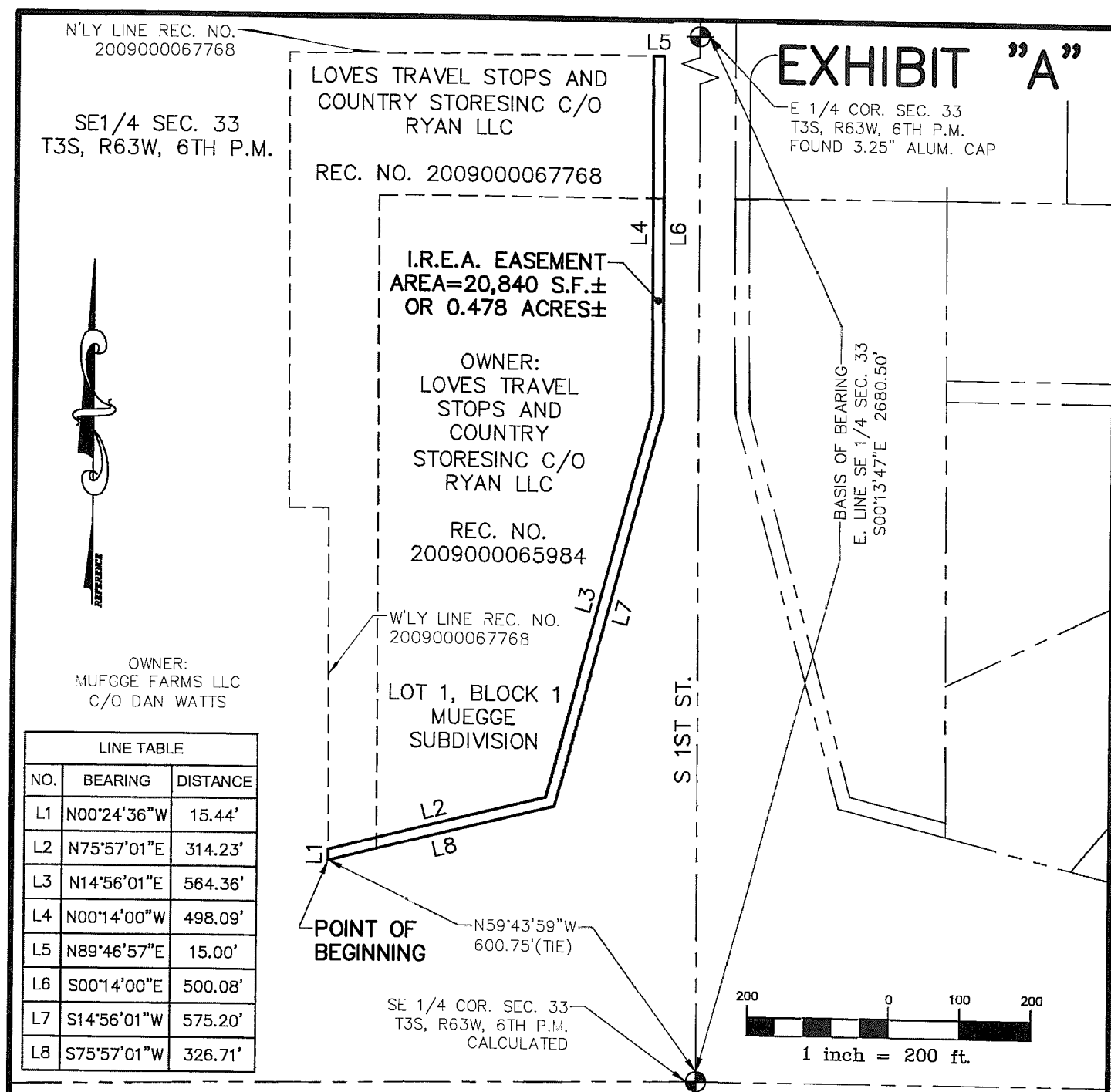
The foregoing instrument was acknowledged before me this \_\_\_\_ day of April, 2020, by Douglas J. Stussi, EVP of Love's Travel Stops & Country Stores, Inc.

Witness my hand and official seal.



My Commission expires: 06/11/2022  
Lorie Pierce  
Notary Public





- 1.) PARCEL OWNERSHIP IS BASED ON THE RECORDS OF THE COUNTY ASSESSOR.
- 2.) 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 THE CERTIFICATION SHOWN HEREON.
- 3.) THE ONLY PURPOSE OF THIS EXHIBIT IS TO SHOW THE LOCATION OF THE EASEMENT(S).
- 4.) THIS DOCUMENT SHALL BE CONSIDERED NULL AND VOID IF IT DOES NOT BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR OR IF ALTERED IN ANY WAY.



**Precision Survey & Mapping, Inc.**

professional land surveying consultants

9025 E. Kenyon Ave., Suite 150, Denver, CO 80237

Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: SJB

CHKD. BY: RM

DATE: 01/08/20

FILE: R12745

SHEET: 1 OF 2

SCALE: 1" = 200'

**UTILITY  
 EASEMENT**

## LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, ALSO BEING A PORTION OF LANDS DESCRIBED AT RECEPTION NO. 2009000067768, AND AS LOT 1, BLOCK 1 MUEGGE SUBDIVISION, FILED IN THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, ASSUMED TO BEAR S00°13'47"E A DISTANCE OF 2680.50 FEET FROM A 3.25" ALUMINUM CAP FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 33 TO A CALCULATED POSITION AT THE SOUTHEAST CORNER OF SAID SECTION 33;

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID RECEPTION NO. 2009000067768, SAID POINT BEARS N59°43'59"W A DISTANCE OF 600.75 FEET FROM SAID SOUTHEAST CORNER OF SECTION 33;

THENCE N00°24'36"W ALONG SAID WESTERLY LINE A DISTANCE OF 15.44 FEET; THENCE N75°57'01"E A DISTANCE OF 314.23 FEET; THENCE N14°56'01"E A DISTANCE OF 564.36 FEET; THENCE N00°14'00"W A DISTANCE OF 498.09 FEET TO THE NORTHERLY LINE OF SAID RECEPTION NO. 2009000067768; THENCE N89°46'57"E ALONG SAID NORTHERLY LINE A DISTANCE OF 15.00 FEET; THENCE S00°14'00"E A DISTANCE OF 500.08 FEET; THENCE S14°56'01"W A DISTANCE OF 575.20 FEET; THENCE S75°57'01"W A DISTANCE OF 326.71 FEET TO THE POINT OF BEGINNING; WHENCE SAID EAST QUARTER CORNER OF SECTION 33 BEARS N12°03'45"E A DISTANCE OF 2431.37 FEET;

SAID PARCEL CONTAINS 20,840 SQUARE FEET OF LAND OR 0.478 ACRES, MORE OR LESS.

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

  
*Christopher P. Julian*  
CHRISTOPHER P. JULIAN, P.L.S. 31158  
FOR AND ON BEHALF OF PRECISION SURVEY & MAPPING, INC. 01/10/20  
DATE



Precision Survey & Mapping, Inc.

professional and surveying consultants

9025 E. Kenyon Ave., Suite 150, Denver, CO 80237  
Tel: (303) 753-9799 Fax: (303) 753-4044

DRN. BY: SJB

CHKD. BY: RM

DATE: 01/08/20

FILE: R12745

SHEET: 2 OF 2

SCALE: 1" = 200'

UTILITY  
EASEMENT



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

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**RE: Love's Truck Stop Parking Expansion**

1 message

---

**Brooks Kaufman** <BKaufman@core.coop>  
To: Town of Bennett Planning <planning@bennett.co.us>

Wed, Jun 15, 2022 at 10:45 AM

Steve

CORE will require utility easement to be added to the new plat. Loves will need to update their site plan to show the existing CORE easement.

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).

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**From:** Town of Bennett Planning <planning@bennett.co.us>**Sent:** Thursday, June 2, 2022 3:48 PM**To:** Karl Smalley <ksmalley@adcogov.org>; United States Postal Service <sarah.e.zawatzki@usps.gov>; Robin Price

Page 56

<[rprice@bennett.co.us](mailto:rprice@bennett.co.us)>; Daymon Johnson <[djohnson@bennett.co.us](mailto:djohnson@bennett.co.us)>; Rick Martinez <[rmartinez@bennett.co.us](mailto:rmartinez@bennett.co.us)>; Victoria Flamini <[VictoriaFlamini@bennettfirerescue.org](mailto:VictoriaFlamini@bennettfirerescue.org)>; Bennett Watkins Fire Rescue <[calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org)>; Marilyn Cross - CDOT <[Marilyn.Cross@state.co.us](mailto:Marilyn.Cross@state.co.us)>; Colorado Department of Transportation (CDOT) Assistant Access Manager <[david.dixon@state.co.us](mailto:david.dixon@state.co.us)>; JGutierrez@summitutilitiesinc.com; GVanderstraten@summitutilitiesinc.com; Eastern Slope Rural Telephone <[patw@esrta.com](mailto:patw@esrta.com)>; I-70 Regional Economic Advancement Partnership <[lxc.strategies@gmail.com](mailto:lxc.strategies@gmail.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)>; Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>; Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>  
**Subject:** Love's Truck Stop Parking Expansion

### 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 Love's Truck Stop Parking Expansion Joint Referral. These three applications include a subdivision plat (Case No. 22.22), a Final Development Plan Amendment (Case No. 22.23) and a Conditional Use Permit (Case No. 22.24).

We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by June 23, 2022.

<https://www.dropbox.com/scl/fo/xr1ewljdybjg8ahhpnmv6/h?dl=0&rlkey=5g37fcpnixd7qi5u8nrzku2lq>

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)

### 3 attachments



**CORE MARKUP COMMENTS LOVES BENNETT 6-15-22.pdf**  
 2200K



**CORE - LOVES EASEMENT.pdf**  
 335K



**CORE MARKUP COMMENTS SITE PLAN LOVES 6-15-22.pdf**  
 4613K

**BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-12**

**A RESOLUTION RECOMMENDING APPROVAL OF  
THE FINAL PLAT FOR LOVE’S FILING 1**

**WHEREAS**, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for approval of a Final Plat for Love’s Filing 1; and

**WHEREAS**, all materials related to the proposed Final Plat have been reviewed by Town Staff and found with conditions to be in compliance with Town of Bennett subdivision and zoning ordinances; 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 should be approved subject to certain conditions.

**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 Final Plat for Love’s Filing 1, subject to the conditions set forth in Exhibit A, attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED THIS 18TH DAY OF JULY 2022.**

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Savannah Vickery, Secretary

**EXHIBIT A**  
**Love's Filing 1 Final Plat**  
**Conditions of Approval**

1. Before recording the final plat, the applicant shall make minor modifications as directed by Town Staff, the Town Attorney and the Town Engineer.



### **Suggested Motion**

I move to approve Resolution No. 2022-12 - A resolution recommending approval of the Final Plat for Love's Filing 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. 22.24 - Love's Conditional Use Permit for Expanded Truck Parking

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?

*[Secretary 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.

**Page 61**

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. 2022-13.

May we have a Roll-Call vote?

Motion carries/fails.

# STAFF REPORT



welcome neighbors.

TO: Planning and Zoning Commission Members

FROM: Steve Hebert, Planning Manager

DATE: July 18, 2022

SUBJECT: Case No. 22.24 – Love's Conditional Use Permit for Expanded Truck Parking

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Applicant/Representative(s): Love's Travel Stops & Country Stores, Inc. / Steven Wilson, Olsson, Inc.

Location: Northwest Corner of I-70 and CO Hwy 79, Immediately West of the Current Love's Facility

Purpose: Request for a Conditional Use Permit to Expand Truck Parking

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## Background

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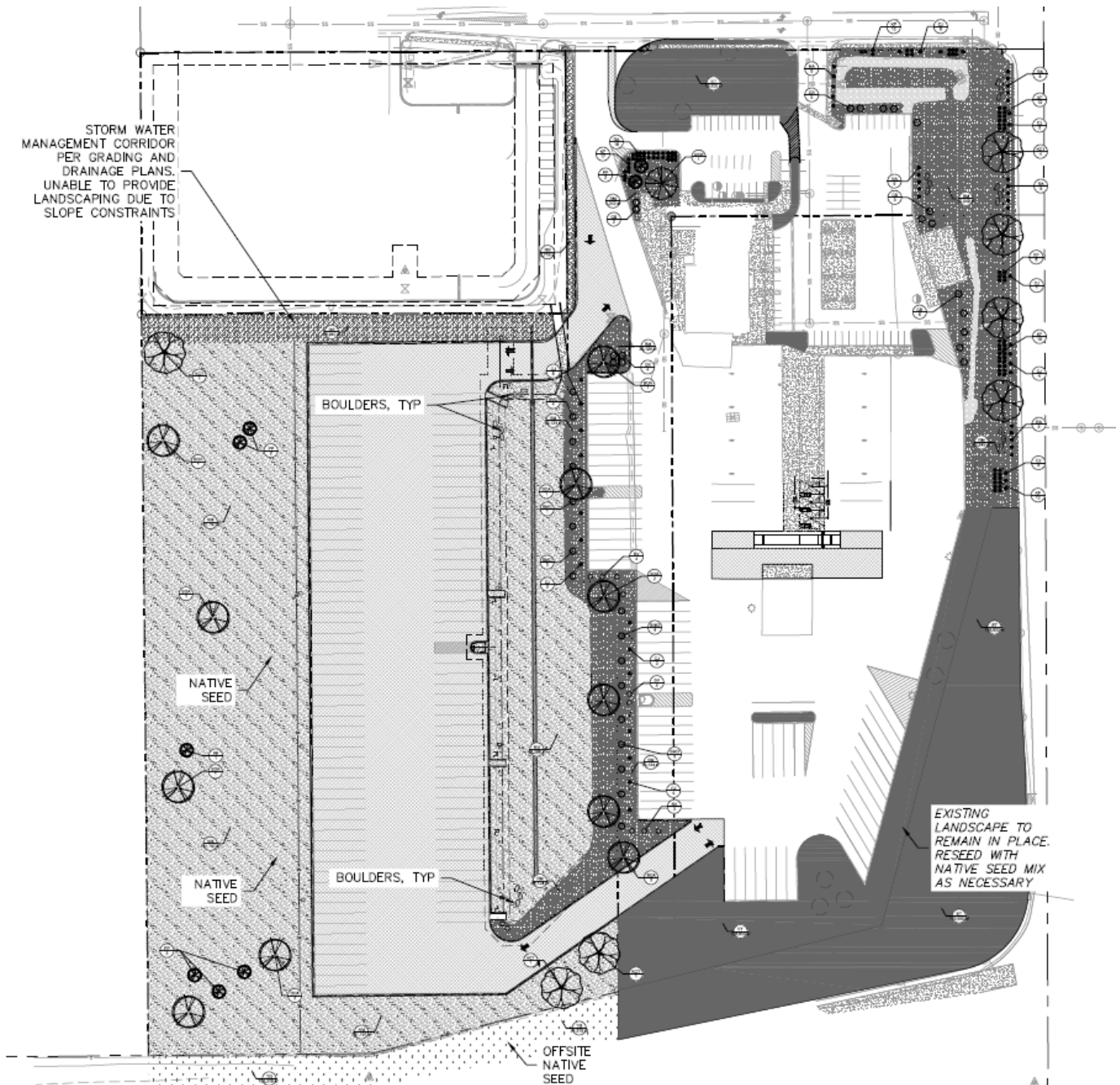
In Case No. 22.24, the applicant is requesting a Conditional Use Permit (CUP) to expand truck parking on the 10.96-acre Lot 1 of the proposed Love's Filing 1 Subdivision. The property is located near the northwest of I-70 and CO Highway 79 (South 1st Street), immediately west of the current Love's facility. See the vicinity map below:



The application to create the new lot is considered in Case No. 22.22. See that staff report for more details on site characteristics; current zoning; surrounding zoning and land uses; and services available. A Final Development Plan (FDP) has also been submitted and will be reviewed by the Town Board of Trustees. The CUP and the FDP propose additional parking for 114 trucks. The property is zoned Planned Development - Commercial as part of the Muegge Farms Outline Development Plan. Truck stops and related facilities are allowed in the zone district but are subject to a CUP.

## Proposed Truck Parking Lot and Landscaping

The site plan below is taken from the proposed FDP. The new truck parking is immediately west of the existing Love's property and south of Tractor Supply.





## Public Services and Utilities

---

### Water

Water service will be provided by the Town of Bennett. See the Town Engineer's memorandum.

### Sanitary Sewer

Sanitary sewer service will be provided by the Town of Bennett, if required. See the Town Engineer's memorandum.

### Stormwater Management

Stormwater will be accommodated by the Love's storm water management system.

### Access and Traffic

Access to Lot 1 will be provided through the existing Love's truck parking area. Traffic impacts are expected to be less than if the property were to buildout out as a full commercial property, as currently zoned. See the attached Love's traffic memorandum prepared by their consultant - Olsson.

### Fire and Rescue

Bennett-Watkins Fire Rescue will provide service. The applicant should meet directly with BWFR to review specific site plans to assure conformance with International Fire Code standards.

### Gas, Electricity and Telecommunications

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

## Staff Analysis and Findings on Love's Conditional Use Permit

---

Per Section 16-3-230 of the Bennett Municipal Code, in order for a conditional use to be approved, there must also be a specific finding by the Board of Trustees that the proposed use is compatible and beneficial to the surrounding properties and inhabitants and not detrimental. The following criteria shall be considered in determining whether or not to grant a conditional use:

**A. Will the proposed use be in harmony and compatible with the existing or planned uses of the surrounding neighborhood;**

**Staff Finding:** The expanded truck parking will be similar to the existing parking east of the site. With improved landscaping and fencing, addressed at the time of Final Development Plan, the parking area should be compatible with existing and future land uses in the commercial zone district.

**B. Will the proposed use be consistent with the Bennett Comprehensive Plan;**

**Staff Finding:** The subject property lies within the Established Municipal Area. Truck stops and related parking are allowed in Planning Area 9 (PA-9) Commercial zone district in Muegge Farms. Overall, the Muegge Farms Outline Development Plan is consistent with the 2021 Bennett Comprehensive Plan.

- C. Will the proposed use result in density or intensity of use that will be inappropriate for the site or incompatible with existing or planned uses in the surrounding area;

Staff Finding: The expanded truck parking will be similar to the existing parking east of the site. With improved landscaping and fencing, addressed at the time of Final Development Plan, the parking area should be compatible with existing and future land uses in the commercial zone district.

- D. Will the proposed use cause significant adverse or undesirable impacts to the surrounding area, including, but not limited to, visual impacts, air emissions, noise, light, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects;

Staff Finding: With appropriate landscaping, screening and lighting as part of the Final Development Plan, any adverse impacts are expected to be minimized.

- E. Will the proposed use incorporate and integrate architectural and landscape features to appropriately mitigate impacts from the proposed use;

Staff Finding: As shown on the proposed Final Development Plan, the applicant proposes a chain link fence along the west side of the parking area. The plan also shows a few trees, shrubs and native grasses serving as a buffer on the western edge of the new parking lot. Staff believes the trees, shrubs and native grasses will need consistent permanent irrigation, which will not be an efficient use of Town water resources. Staff believes a more effective screening can be achieved with an upgraded fence similar to what the Town required of Tractor Supply and CORE (IREA).

- F. Will the proposed use result in undue traffic congestion, traffic hazards or other hazards to persons or property;

Staff Finding: The total number of trips throughout the day should be less than with many other commercial uses allowed in the Muegge Farms Outline Development Plan. The expanded parking will actually alleviate a current problem of truckers illegally parking on public right-of-way, including Town streets and I-70 on and off-ramps, as well as on private properties throughout the area.

- G. Will the proposed use be adequately served with public utilities, services and facilities (i.e., water, sewer, street system, storm drainage, parks system, etc.) while maintaining adequate levels of service for existing development; and

Staff Finding: The expanded parking will require few public utilities other than limited water service, storm drainage and electric service. If other services are required, they are nearby.

- H. Will the proposed use be detrimental to the health, safety or welfare of current or future inhabitants of the Town?

Staff Finding: Given many of the findings above, Staff does not believe the expanded parking will be detrimental to current or future residents.

## Referral Agency Review and Comments

---

The proposed Conditional Use Permit application was sent to several referral agencies for comment, including:

- |                                |                              |
|--------------------------------|------------------------------|
| 1. Town Planning               | 5. CORE Electric Cooperative |
| 2. Town Engineer               | 6. Colorado Natural Gas      |
| 3. Town Traffic Engineer       | 7. Adams County Planning     |
| 4. Bennett-Watkins Fire Rescue | 8. Adams County Sheriff      |

None of the agencies that responded have any objections to the proposed Conditional Use Permit. However, many of them, including the Town Engineer, Town Traffic Engineer, Bennett-Watkins Fire, and CORE Electric Cooperative, will require more analysis at the time of site planning.

## Public Comment

---

Notice of the July 18, 2022 Planning and Zoning Commission hearing and the August 9, 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. One adjacent property owner (QuikTrip) called to request clarification on the staff position on additional truck parking. No formal comments have been submitted to date.

## Summary of Staff Findings and Recommendation

---

Staff finds the proposed Conditional Use Permit for expanded parking at Love's is consistent with the review criteria outlined in Section 16-3-230 of the Bennett Municipal Code, as described above.


Staff recommends the Planning and Zoning Commission approve Resolution No. 2022-13, recommending the Board of Trustees approve the Love's Conditional Use Permit for Expanded Truck Parking, subject to the following condition:

1. A screen fence or other buffer along the west boundary of the truck parking lot, acceptable to the Board of Trustees, shall be included in the Final Development Plan.

## Attachments

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1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Letter of Intent/Narrative
4. Site Plan
5. Love's Traffic Memorandum
6. Resolution No. 2022-13



# Case No. 22.22 – Love's Filing 1 Final Plat and Case No. 22.24 – Love's Conditional Use Permit

Planning and Zoning Commission

July 18, 2022

Steve Hebert, Planning Manager

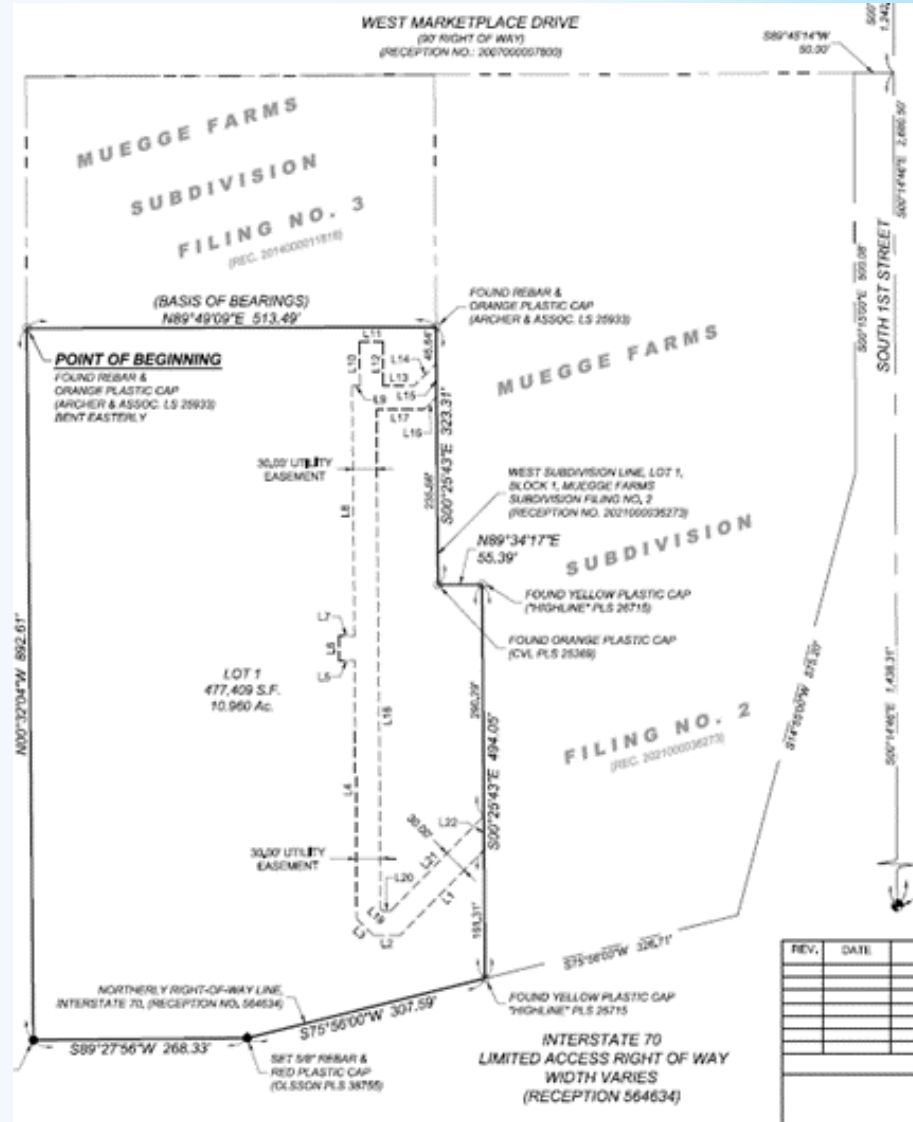
# Case No. 22.22

## Love's Filing 1 Final Plat

- Create one lot of 10.96 acres
- Immediately west of existing Love's business
- Currently zoned PD – Commercial in Muegge Farms
- Lot to be sold by Muegge Farms, LLC to Love's



# Proposed Lot Layout

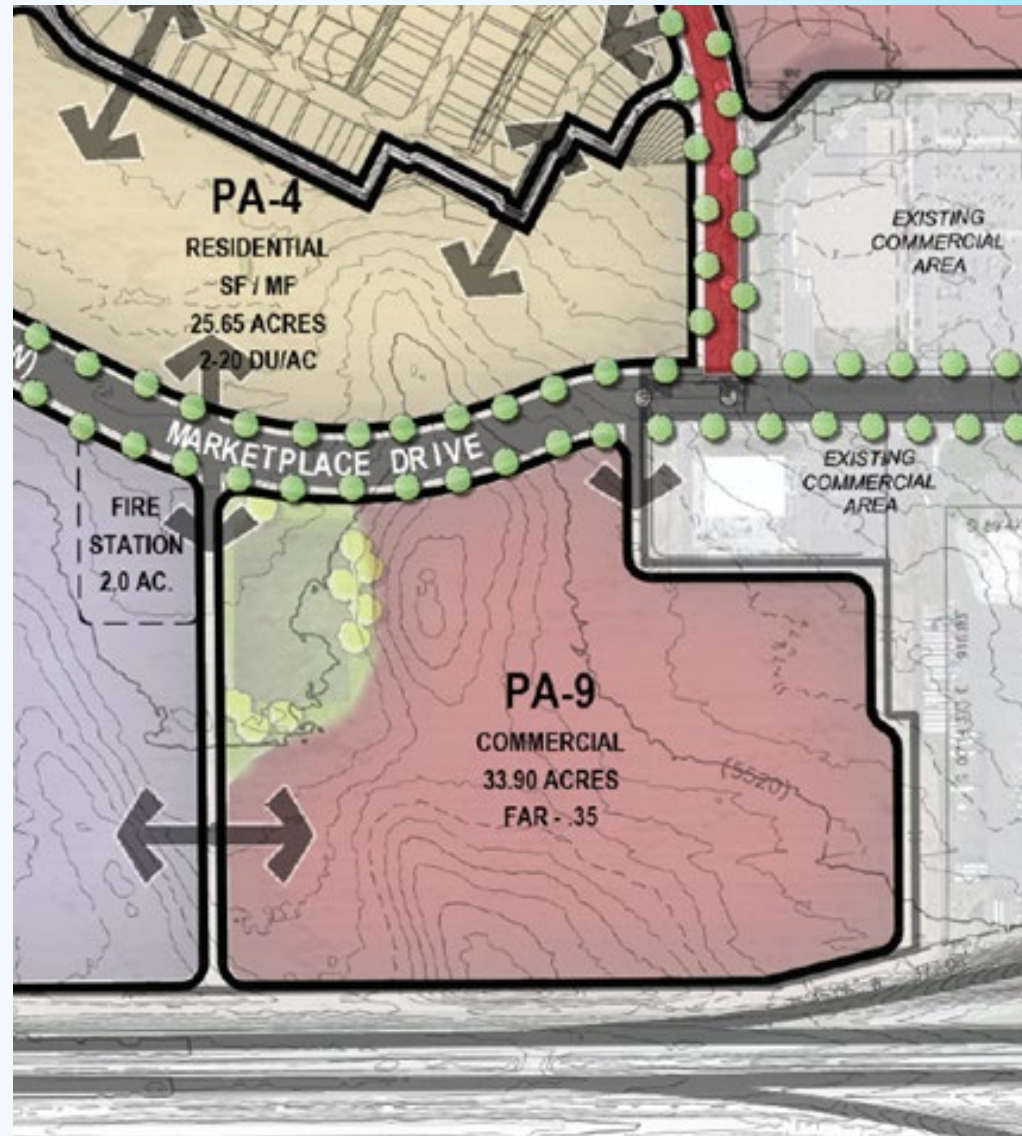




# Site Photo



# Current Zoning Map



# Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	PD - Commercial	Tractor Supply
East	PD - Commercial	Love's Travel Stop
South	PD - Commercial (Expired PD)	I-70 and Vacant
West	PD - Commercial	Vacant

# Availability of Public Infrastructure

- Access – Marketplace Drive and Existing Love's Parking Lot
- Public Water and Sanitary Sewer – Town of Bennett
- Stormwater – Love's Storm Water System
- Fire Protection – Bennett-Watkins Fire Rescue
- Law Enforcement – Adams County Sheriff
- Electricity – CORE Electric Cooperative
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies or Comcast

## Staff Findings on Case No. 22.22

Per Section 16-4-380 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

- Given the simplicity of the final plat, the sketch plan process was waived.
- All applicable technical standards in accordance with the Subdivision Regulations and adopted Town documents will be met.
- The proposed lot configuration will accommodate new development that meets the standards of good subdivision design.
- The final plat document will accommodate extension of utilities and public services to serve future development.
- No public facilities are anticipated or necessary with the future development.
- The lot meets the standards of Muegge Farms ODP, and related sub-area zone districts in the ODP.

# Staff Recommendation

Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-12 recommending approval of the Love's Filing 1 Final Plat, with the following conditions:

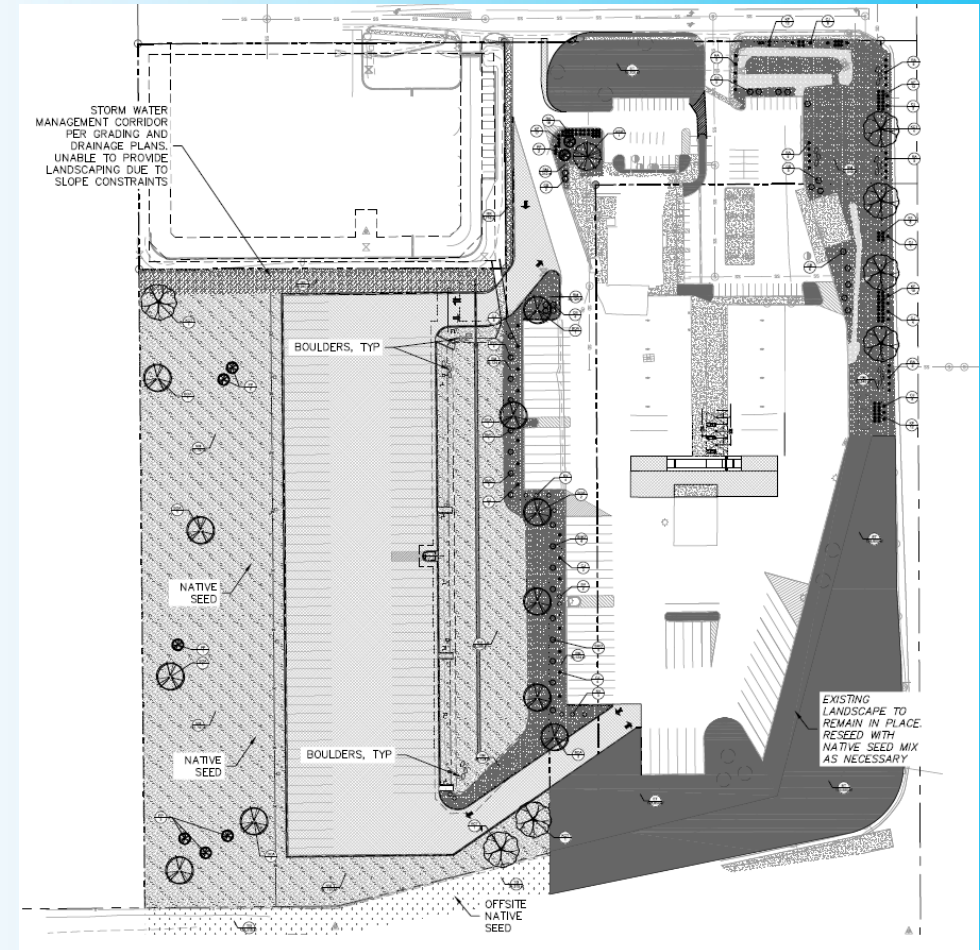
1. Before recording the plat, the applicant shall update plat notes related to tracts, easements and maintenance in a manner directed by the Town Engineer and make other minor modifications as directed by Town Staff, Engineer and Town Attorney.

(See Resolution)

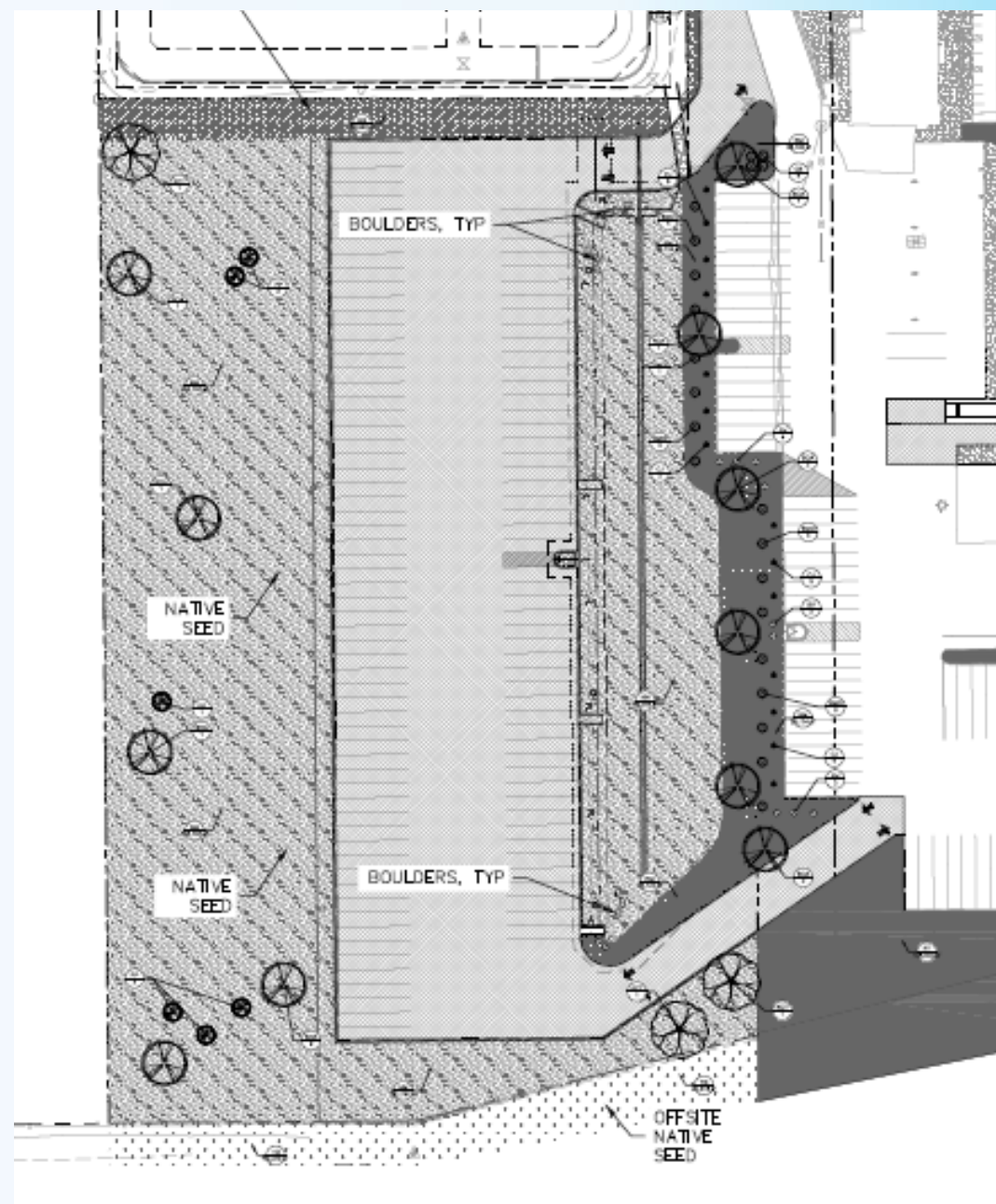


# Case No. 22.24 – Love's Conditional Use Permit (CUP) for Expanded Parking

- CUP to expand existing truck stop facility and parking
- Add 114 truck parking spaces
- Extension of existing truck parking, sharing same access







# Staff Findings on Case No. 22.24 Per Section 16-3-230

- A. The proposed use will be in harmony and compatible with the existing or planned uses of the surrounding neighborhood;
- B. The proposed use will be consistent with the Bennett Comprehensive Plan;
- C. The proposed use will not result in density or intensity of use that will be inappropriate for the site or incompatible with existing or planned uses in the surrounding area;
- D. The proposed use will not cause significant adverse or undesirable impacts to the surrounding area, including, but not limited to, visual impacts, air emissions, noise, light, vibrations, glare, heat, odors, water pollution, electromagnetic interference and other nuisance effects;

## Staff Findings on Case No. 22.24 Per Section 16-3-230, Cont.

- E. The proposed use will not result in undue traffic congestion, traffic hazards or other hazards to persons or property;
- F. The proposed use will be adequately served with public utilities, services and facilities (i.e., water, sewer, street system, storm drainage, parks system, etc.) while maintaining adequate levels of service for existing development; and
- G. The proposed use will not be detrimental to the health, safety or welfare of current or future inhabitants of the Town



# Staff Recommendation

Staff recommends the Planning and Zoning Commission approve Resolution No. 2022-13, recommending the Board of Trustees approve the Love's Conditional Use Permit for Expanded Truck Parking, subject to the following condition:

1. A screen fence or other buffer along the west boundary of the truck parking lot, acceptable to the Board of Trustees, shall be included in the Final Development Plan.

(See Resolution)



Town of Bennett Land Use Application Form			
TO BE COMPLETED BY APPLICANT			
Application Type: Conditional Use Permit		Other _____	
Primary Contact Name: Steven Wilson			
Name of Firm: Olsson, Inc.			
Address: 11600 Broadway Ext., Ste. 300			
City: Oklahoma City	State: OK	Zip: 73114	Phone: 405-242-6657
Email: swilson@olsson.com			
Owner Name: Love's Travel Stops & Country Stores			
Address: 10601 N Pennsylvania Ave.			
City: Oklahoma City	State: OK	Zip: 73126	Phone: 405-761-4400
Email: Steve.Walters@loves.com			
Mineral Estate Holder/Lease:			
Name of Firm:			
Address:			
City:	State:	Zip:	Phone:
Parcel#: portion of parcel#0181533300001		Subdivision Name: Muegge Farms	
Site Address: 1191 S 1st St, Bennett, CO 80102			
Nearest Major Intersection: W. Marketplace Dr. & S. 1st St. (S.H. 79)			
Legal Description: Attached			
Current Zoning: PD		Proposed # lots/units:	
Total Acreage: 10.97		Gross Floor Area: Parking lot expansion	
Proposed Gross Densities (du/ac):			
Additional Notes: Project to expand existing Love's Travel Stop parking lot & add 114 new truck parking spaces.			

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.*

DocuSigned by:  
 Applicant's Signature: Steve Walters Date: \_\_\_\_\_  
 37F8E272FFB7437...



May 16, 2022

10601 North Pennsylvania  
P.O. Box 26210  
Oklahoma City, OK 73126

Town of Bennett  
Planning & Economic Development  
Attn: Steve Hebert, Planning & Economic Development Manager  
207 Muegge Way  
Bennett, CO 80102

**Re: Letter of Intent – Conditional Use & Final Development Plan Permit Application(s)  
Love's Travel Stop and Country Store, Parking Expansion  
1191 S. 1st Street, Bennett, CO 80102**

Dear Mr. Hebert,

Love's Travel Stops and County Stores respectfully requests a Conditional Use Permit for truck parking lot and truck fuel canopy expansion at our Bennett CO Travel Stop located at 1191 S. 1st Street. The proposed use includes adding 114 new truck parking spaces and three new truck canopy fuel bays. Approximately 10.96 acres of parcel #0181533300001 will be purchased from Muegge Farms LLC for the parking lot expansion. Changes are being proposed because of the number of semitrucks currently parking along W. Marketplace Drive and related traffic congestion. No public services other than fire protection are anticipated. No operational changes are expected.

This proposed use will benefit the area by increasing the number of truck parking spaces at the Travel Stop, reducing the number of semitrucks parking along W Marketplace Drive and easing traffic congestion.

The box below provides our responses to how the proposed use will satisfy each of the criteria set forth in Section 16-2-330

*(1) Will the proposed use be in harmony and compatible with the existing or planned uses of the surrounding neighborhood? **Yes***

*(2) Will the proposed use be consistent with the Bennett Comprehensive Plan? **Yes***

*(3) Will the proposed use result in density or intensity of use that will be inappropriate for the site or incompatible with existing or planned uses in the surrounding area? **No, will reduce traffic***

*(4) Will the proposed use cause significant adverse or undesirable impacts to the surrounding area, including, but not limited to, visual impacts, air emissions, noise, light, vibrations, glare, heat, odors, water pollution, electromagnetic interference, and other nuisance effects? **No***

*(5) Will the proposed use incorporate and integrate architectural and landscape features to appropriately mitigate impacts from the proposed use? **Yes, improvements include adding xeriscape landscaping features including native grass, rock mulch and rip rap. Also, additional screening will be provided with new trees and shrubs.***

*(6) Will the proposed use result in undue traffic congestion, traffic hazards or other hazards to persons or property? **No, will reduce traffic***

*(7) Will the proposed use be adequately served with public utilities, services, and facilities (i.e., water, sewer, street system, storm drainage, parks system, etc.) while maintaining adequate levels of service for existing development; and **Yes***

*(8) Will the proposed use be detrimental to the health, safety, or welfare of current or future inhabitants of the Town? **No***

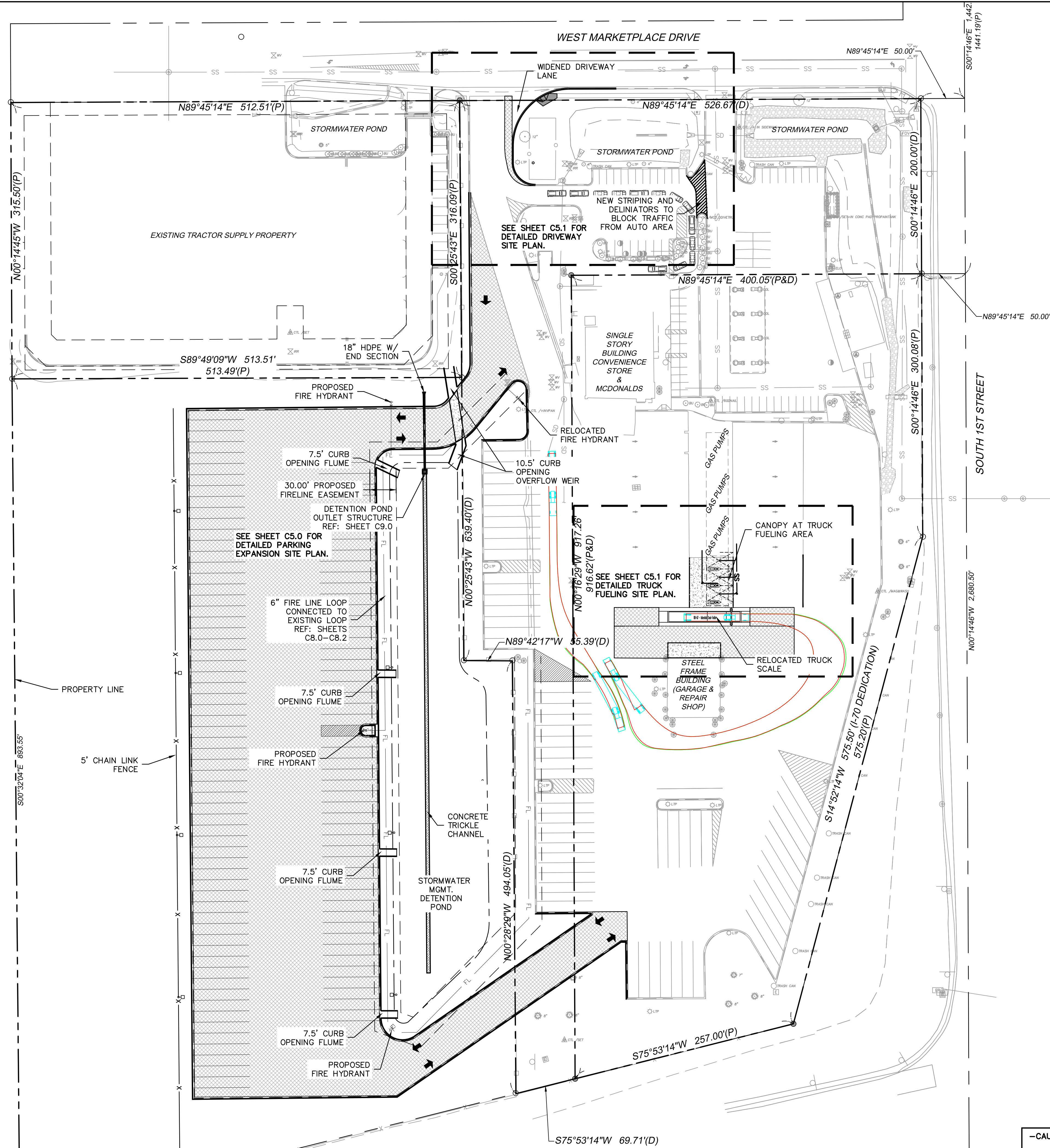
If additional information is needed to evaluate our request, or if you have any questions about our Conditional Use Permit application package, please let me know.

Regards,

DocuSigned by:  
Name: SAWA  
Title: 37F8E272FFB7437... Agent  
Phone: 405-761-4400  
Email: Steve.walters@lows.com

Enclosure(s)





SITE STATISTICS:


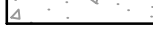

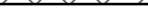






LOVE'S COUNTRY STORE  
PARKING SUMMARY

114 NEW TRUCK SPACES  
62 EXISTING TRUCK SPACES  
176 TOTAL TRUCK SPACES PROVIDED

SITE PLAN NOTES:

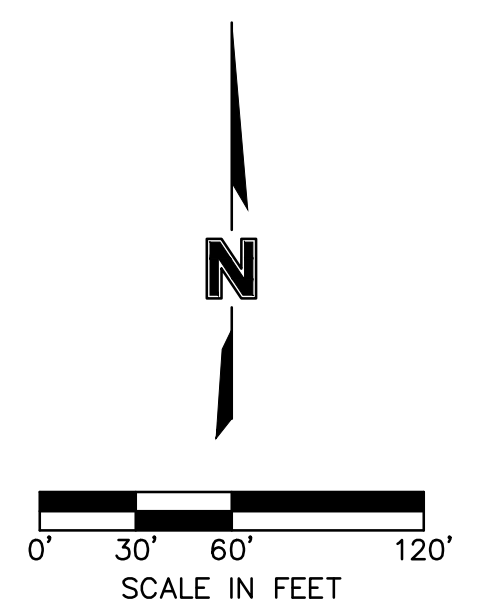
1. DIMENSIONS ARE TO BACK OF CURB AND EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
2. SEE SHEET C6.0 FOR ADDITIONAL PAVING INFORMATION.
3. WHERE CURB ENDS IN GRASS AREA WITHIN THE PROPERTY BOUNDARY, SMOOTHLY TRANSITION FROM FULL CURB HEIGHT TO ZERO CURB HEIGHT WITHIN A 3' LENGTH UNLESS OTHERWISE NOTES ON PLANS.
4. SITE CONTRACTOR SHALL REFERENCE ELECTRICAL PLANS FOR WIRING AND CIRCUITRY FOR SITE LIGHTING.
5. ALL STRIPING AND SIGNAGE SHALL COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
6. THIS SITE PLAN COMPLIES WITH THE REQUIREMENTS OF THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.

## LEGEND

		PROPOSED PAVEMENT REF: PAVEMENT PLAN C6.0 & TYP. SECTION C6.1
		PROPOSED TRICKLE CHANNEL REF: TYP. SECTION C6.1
		CHAIN LINK FENCING
		PROPERTY LINE
		DETENTION POND BERM
		6" PROPOSED FIRE LINE
		REINFORCED CONCRETE CURB AND GUTTER REF: PAVEMENT PLAN C6.0 & TYP. SECTION C6.1
		CONCRETE CURB AND GUTTER REF: PAVEMENT PLAN C6.0 & TYP. SECTION C6.1
		LIGHT POLES

—CAUTION—

THE LOCATION OF UNDERGROUND UTILITIES DEPICTED ON THESE DRAWINGS ARE BASED ON VISUAL SURFACE EVIDENCE AND/OR AS-BUILT DRAWINGS PROVIDED BY OTHERS AND, THEREFORE, MAY NOT REPRESENT ALL UTILITIES PRESENT OR THEIR ACTUAL LOCATIONS. IT IS THE CONTRACTORS RESPONSIBILITY FOR COORDINATING WITH INDIVIDUAL UTILITY OWNERS TO ASCERTAIN THE EXACT LOCATION OF EXISTING UTILITIES AT SPECIFIC POINTS OF CONNECTION AND FOR NOTIFYING THE COLORADO ONE CALL SYSTEM AT 303-232-1991 (811) PRIOR TO ANY EXCAVATION ON SITE.



OVERALL SITE PLAN

LOVE'S PARKING LOT EXPANSION

BENNETT, CO

SHEET  
C3.0

Page 86

**INTERIM REVIEW ONLY**

THESE DOCUMENTS ARE INCOMPLETE.  
THEY ARE NOT INTENDED TO BE USED  
FOR PERMIT, BIDDING, OR  
CONSTRUCTION.



REVISIONS DESCRIPTION

REV. NO.	DATE
-------------	------

REVISIONS

2021

BENNETT, CO

drawn by: BG  
checked by: SW  
approved by: \_\_\_\_\_  
QA/QC by: \_\_\_\_\_  
project no.: A17-0285  
drawing no.: \_\_\_\_\_  
date: 02.01.2022

SHEET C3.0 Page

**olsson**

COA F-4253  
EXP 10 30 20

COA F-4253  
EXP. 10.30.2021  
11600 Broadway Ext. / Suite 300  
Oklahoma City, OK 73114

TEL 405.242.6600 [www.olsson.com](http://www.olsson.com)



**BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-13**

**A RESOLUTION RECOMMENDING APPROVAL OF  
LOVE'S CONDITIONAL USE PERMIT FOR EXPANDED TRUCK PARKING**

**WHEREAS**, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for a Conditional Use Permit for Expanded Truck Parking at Love's; and

**WHEREAS**, all materials related to the proposed Conditional Use Permit have been reviewed by Town Staff and found with conditions to be in compliance with Town of Bennett subdivision and zoning ordinances; 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 Conditional Use Permit should be approved subject to certain conditions.

**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 Conditional Use Permit for Love's Expanded Truck Parking, subject to the conditions set forth in Exhibit A, attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED THIS 18TH DAY OF JULY 2022.**

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Savannah Vickery, Secretary

**EXHIBIT A**  
**Love's Conditional Use Permit for Expanded Truck Parking**  
**Conditions of Approval**

1. A screen fence or other buffer along the west boundary of the truck parking lot, acceptable to the Board of Trustees, shall be included in the Final Development Plan.



### **Suggested Motion**

I move to approve Resolution No. 2022-13 - A Resolution Recommending Approval of Love's Conditional Use Permit for expanded truck parking.

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

**CHAIR:** I will now open the public hearing on the following application: An application for Case No. 22.12 - Walls Subdivision 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?

*[Secretary 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.

**Page 90**

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. 2022-14.

May we have a Roll-Call vote?

Motion carries/fails.

# STAFF REPORT



welcome neighbors.

TO: Planning and Zoning Commission Members  
FROM: Steve Hebert, Planning Manager  
DATE: July 18, 2022  
SUBJECT: Case No. 22.12 – Walls Subdivision Final Plat and Case No. 22.13 – Walls Industrial Rezoning

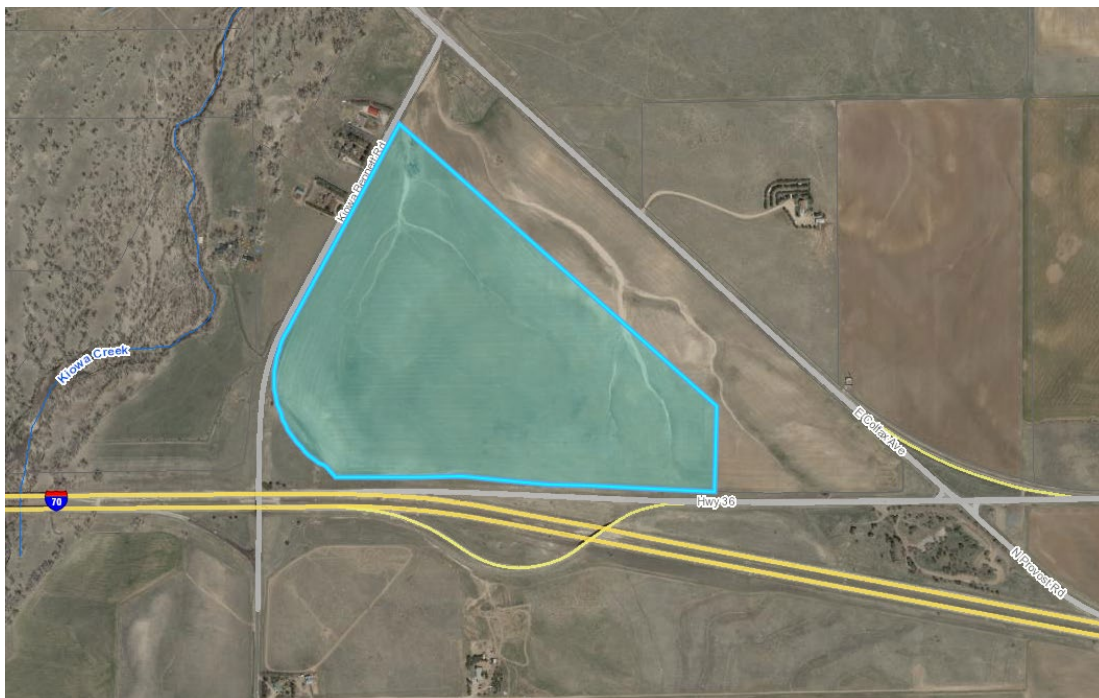
Applicant/Representative(s): JK Bennett, LLC / Jerry and Kayle Walls

Location: Northeast Corner of Kiowa-Bennett Road and I-70

Purpose: Subdivide 104.27 Acres into Two Lots and Rezone 15 Acres to I – Industrial Zone District

## Background

In Case No. 22.12, the applicant proposes subdividing 104.27 acres in two lots. Lot 1 is 15 acres and Lot 2 is the remaining 89.27 acres. The property is located at the northeast corner of Kiowa-Bennett Road and I-70. See the vicinity map below:



The property was annexed into the Town of Bennett in May 1987, along with the property bordering the northeast and east property line. The property is currently zoned A – Agricultural District. The applicant has also submitted an application, Case No. 22.13, to rezone the 15-acre Lot 1 to I – Industrial District. The proposed near-term use of Lot 1 is an outdoor recreational vehicle (RV) storage lot. A future conditional use permit (CUP), reviewed by the Planning and Zoning Commission and the Board of Trustees, and site plan reviewed by the Zoning Administrator, will be required for the RV facility.

## Site Characteristics and Photos

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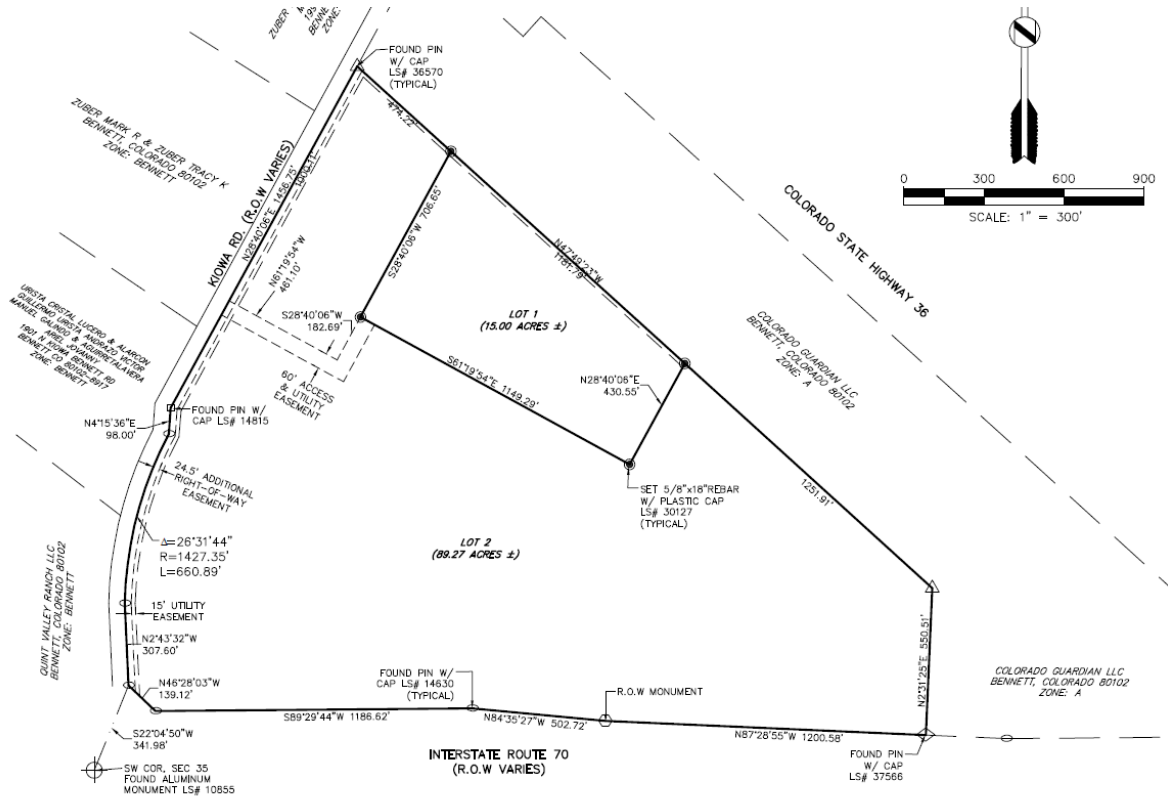
The 104-acre Walls property slopes down gently from a high point near the southeast corner, at an elevation of 5,540, to a low point at the northwest corner of the property, at an elevation of 5,454. The land has been used as pasture and dry land farming, with a small stand of trees near the northwest corner. The property is bounded on the west by Kiowa-Bennett Road, on the south by the I-70 westbound on-ramp, and on the north and east by an adjacent commercial zoned property, known as Pride of Bennett. There are currently no buildings on the property. See the two photos of the property below.





## Proposed Lot Layout and Access

The map below shows the proposed lot configuration. Access to the subdivision is from Kiowa-Bennett Road. No access is proposed from the I-70 access ramp. Lot 1 will have access to Kiowa-Bennett Road by way of a 60-foot access easement connecting the lot to the highway. If the subdivision plat is approved, the applicant proposes rezoning Lot 1, consisting of 15 acres, to I – Industrial District.



## Standards for the A – Agricultural District and I – Industrial District

### Agricultural District Standards

Standard	A - Agricultural District
Minimum Lot Area	217,800 square feet
Minimum Lot Width	300 feet
Maximum Lot Coverage	10%
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	50 feet
Minimum Side Yard Setback (Accessory Structure)	10 feet
Minimum Rear Yard Setback (Principal Structure)	50 feet
Minimum Rear Yard Setback (Accessory Structure)	20 feet
Maximum Height (Principal Structure)	45 feet
Maximum Height (Accessory Structure)	60 feet



### Industrial District Standards

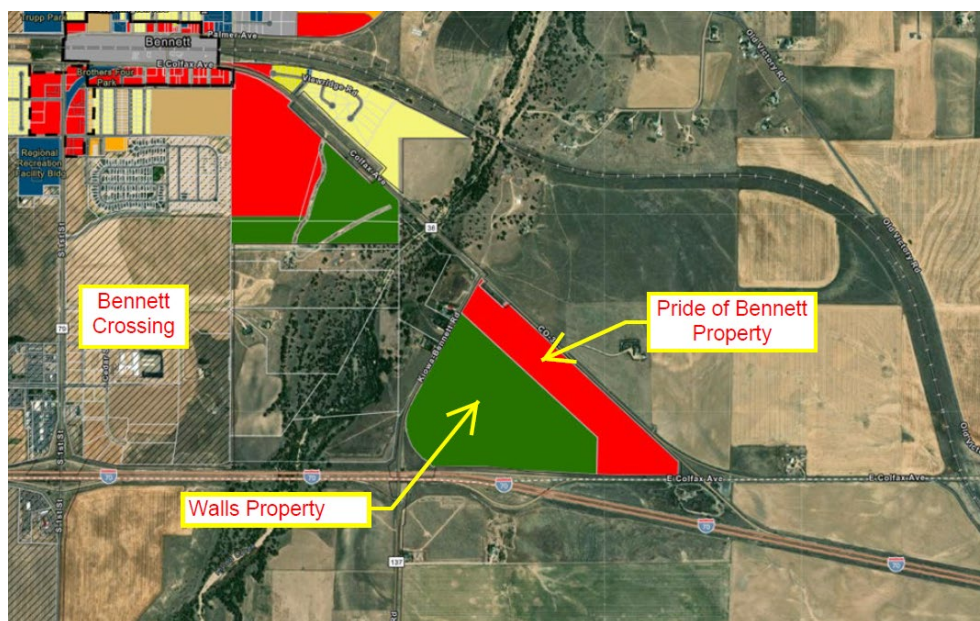
Standard	I-Industrial District
Minimum Lot Area	None
Maximum Lot Coverage	80%
Maximum Floor Area Ratio	.3
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	10 feet
Minimum Side Yard Setback (Accessory Structure)	5 feet
Minimum Rear Yard Setback (Principal Structure)	10 feet
Minimum Rear Yard Setback (Accessory Structure)	5 feet
Maximum Height (Principal Structure)	60 feet
Maximum Height (Accessory Structure)	30 feet

### Permitted Uses in the A – Agricultural and I – Industrial Districts

The permitted uses, including uses-by-right and conditional uses, for both the existing A – Agricultural District and I – Industrial District are attached to this report.

### Surrounding Zoning and Land Use

The subject property is bordered on the south and west by properties in unincorporated Adams and Arapahoe Counties that are zoned agricultural. The property on the east and northeast is in the Town of Bennett and zoned C – General Commercial District. A development plan for this property, known as the Pride of Bennett, was proposed to the Town in 2000; however, development never occurred. See the subsection of the Town of Bennett Zoning Map below and the table on the following page, showing surrounding zoning and land uses.



Direction	Zone District	Land Use
North	C- General Commercial	Vacant, Agricultural
East	C- General Commercial	Vacant, Agricultural
South	NA	I-70, Agricultural, Large Lot Residential
West	A-3 (Unincorporated)	Large Lot Residential

## Public Services and Utilities

---

### Water Supply

- Water rights originally connected to the property were assigned to the Town at the time of annexation.
- There are no municipal or domestic wells on the property.
- The applicant intends to build a recreational vehicle storage yard on Lot 1, if the proposed industrial zoning and subsequent conditional use permit and site plan are approved by the Town. As proposed, the facility will not require an on-site water supply, similar to the facility along Manila Road north of I-70.
- A plat note will be added that will restrict the sale of either of the two lots, and most likely require a deed restriction, that would limit improvements on the property to those that do not require water for a business, including for fire protection.

### Wastewater Treatment

- There is no public sanitary sewer near the property.
- In the near term, development on the property will be limited to uses that can operate with an On-Site Wastewater Treatment System (OWTS) or uses that do not require public sewer.
- An OWTS would eventually have to be approved by the Adams County successor to Tri-County Health.
- Short term plans for the RV storage facility will not require either an OWTS or public sewer; however, there may be an on-site disposal tank that would need to be emptied periodically.
- All operations will have to meet the rules and regulations of both state and county agencies.
- A plat note will be added that will limit the sale and perhaps require a deed restriction on future land uses.

### Stormwater Management

- Stormwater management will be required to conform to Town and Adams County requirements, in addition to those of Colorado state law, including for water quality, concentration and peak flow management, to minimize impacts to downstream property owners.
- This will most likely consist of a stormwater management (aka stormwater detention) pond with controlled release and outfall ditch.
- Any upstream stormwater flows onto the property, including culvert outfalls from CDOT right-of-way, will need to be recognized and managed through the property without threat or adverse impact to the proposed subdivision uses.

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

- The Access and Utility Easement shown through Lot 2 to serve Lot 1 may need radii added to support turn movements of larger trucks and vehicles.
- The Town understands the access proposal would be for an all-weather access drive surfacing on an interim basis, pending final property right-of-way and Town street proposals for future property development.
- The Town further understands the proposed access and interior drives would be for private ownership and maintenance, subject to any Town and Bennett-Watkins Fire Rescue (BWFR) review, period inspections, and requirements to ensure acceptable and reliable emergency access, as well as Town services access.
- The Town may be amenable to this approach, with appropriate conditions and terms of approval, including a revocable Town Access Permit to Kiowa-Bennett Road for the proposed subdivision lots.
- Access improvements including, at minimum, shoulder widening in the immediate vicinity of the access, appropriate truck turn radii, as well as an asphalt-paved apron with appropriate width and length to host a designated truck awaiting turn movement, as well as to minimize mud-tracking onto KBR, will be required to access KBR.

## Fire and Rescue

The property lies within the BWFR authority district. The developer shall confer with BWFR and ensure that the proposed development conforms to adopted (IFC) fire code standards, adequate water delivery systems and fire flow, adequate access, treatment of the wildland-urban interface and other requirements of the District. The Town will continue its practice of referring development applications to the District to ensure the District's comments are addressed at the appropriate stage of development.

## Gas, Electric and Telecommunications

- Gas will be available from Colorado Natural Gas. Electric power will be available from CORE Electric Cooperative. CORE has asked for easements as shown on the plat.
- Future development will require additional improvements to gas and electric service to the property.

## Staff Analysis and Findings on Walls Subdivision Final Plat (Case No. 22.12)

---

Per Section 16-4-380 of the Bennett Municipal Code, 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.**

**Staff Finding:** Because the final plat proposes only two lots, the sketch plan process was waived. The purpose of the sketch plan, which is to get early feedback on a conceptual lot layout, was achieved through review by the Development Review Committee.

**B. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met.**

1. To establish appropriate standards for subdivision design that will:
  - a. Encourage the development of sound, economical and stable neighborhoods and healthy living environments, in conformance with the goals and policies of the Comprehensive Plan.
  - b. Provide lots of adequate size, configuration and design for the purpose for which they are intended to be used.
  - c. Promote superior design and design flexibility.
  - d. Preserve the significant natural features and environmental quality of the Town.
  - e. Guide the physical development of the Town in ways that complement the Town's character and culture.
  - f. Promote a cohesive sense of community among new and current residents, precluding neighborhood design or restrictions that in any way isolate any neighborhood from the rest of the community.
  - g. Provide complete and accurate public land records.

**Staff Finding: The proposed final plat will accommodate new development that meets the standards of good subdivision design.**

**C. To establish standards for utilities and other public services that will:**

- a. Provide an efficient, adequate and economical supply of utilities and services to the land proposed for development without adverse effects to property that is currently served.
- b. Ensure that adequate stormwater drainage, sewage disposal, water supply and other utilities, services and improvements needed as a consequence of the subdivision of the land are provided.
- c. Provide for the reasonable extension of utilities and services to other lands that may be developed in the future.
- d. Provide the equitable distribution of the cost of new and expanded public services needed to support new land development.

**Staff Finding: The proposed final plat, future subdivisions and future subdivision agreements and construction documents will accommodate the extension of utilities and public services to serve development that may occur on the properties.**

**D. To ensure the provision of adequate and safe traffic circulation that will:**

- a. Minimize traffic hazards through appropriate street design, providing safe and convenient vehicular and pedestrian traffic circulation systems.
- b. Provide adequate vehicular access to abutting properties.
- c. Provide streets of adequate capacity and appropriate design and function.

**Staff Finding: Staff finds the proposed subdivision will accommodate future vehicular and pedestrian access.**

**E. To ensure adequate public facilities that will:**

- a. Provide for the recreational, cultural, educational and other public facility needs of the community.
- b. Facilitate effective law enforcement and fire protection.

**Staff Finding:** A plat note will be added reminding the applicant and future landowners, that the ten percent public land dedication requirement must be met with future subdivision and/or site plan applications.

**F. To contribute to the proper development of the community in accordance with the goals and policies of the Comprehensive Plan as it may be updated from time to time.**

**Staff Finding:** The proposed plat is consistent with the principles in the 2021 Town of Bennett Comprehensive Plan. See the Comprehensive Plan analysis relative to the rezoning application.

**G. Compliance with Zoning Regulations**

**Staff Finding:** All lots meet the standards of the existing A - Agricultural District and the proposed I – Industrial District.

## **Staff Analysis and Findings on Proposed Rezoning (Case No. 22.13)**

**A. Consistency with the Purpose of the Zoning Code in Section 16-1-150**

- (1) Implement the Town's goals, policies, plans, and programs to preserve and enhance the quality of life of its citizens and to promote economic vitality of its businesses;
- (2) Enhance the sales tax and employment base of the Town by attracting and retaining commercial and industrial development;
- (3) Provide adequate services and facilities to support existing and projected areas of population and growth;
- (4) Promote logical extensions of and efficient use of the Town's infrastructure;
- (5) Ensure that the fiscal impact of subdivision and development is borne by those parties who receive the benefits therefrom;

**Staff Finding:** Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, including those outlined above.

**B. Consistency with the Comprehensive Plan**

The subject property is currently incorporated and is within the Area of Planning Interest in the 2021 Comprehensive Plan. The Comprehensive Plan includes twelve principles that provide guidance to elected and appointed officials, residents, business and land owners, project applicants, community partners and stakeholders concerning growth and future land uses. They are outlined below, along with staff commentary.

<b>Comprehensive Plan Principle</b>	<b>Complies? Yes, No, NA</b>	<b>Staff Comment</b>
<b>1. A comprehensive, safe and efficient transportation system that provides for all forms of travel, including vehicular, bicycle, pedestrian and public transit.</b>	Y	The proposed Walls Subdivision and Industrial zoning include a provision to widen the right-of-way of Kiowa-Bennett Road, which will accommodate future growth in traffic.

Comprehensive Plan Principle	Complies? Yes, No, NA	Staff Comment
2. Develop neighborhoods that have a mix of land uses and densities with easy access to parks and open space, schools, cultural facilities, places of worship, shopping and employment.	Y	The proposed zoning may eventually accommodate new employment opportunities.
3. Development of a Town Center in the heart of Bennett that will serve as our “downtown” offering easy access to shopping, dining, entertainment and employment.	NA	This area is not part of the Town Center.
4. Encourage a high-quality and diverse mix of housing, available to people of different backgrounds, income, age, abilities and all phases of life.	NA	Housing is not proposed as part of this subdivision or rezoning application.
5. Commit to being good partners with other community agencies and organizations through collaboration, leveraging funding and planning for future growth. Emphasize local relationships with the School, Library, Recreation, and Fire Districts.	Y	The Town of Bennett and the future developers and builders will have the opportunity to collaborate with all service providers. Increased assessed valuation will result in additional property tax revenues to the various special districts.
6. Foster an attractive community that retains residents in all stages of life through attainable housing, continuing education and a robust job market.	Y	The proposed zoning may eventually accommodate new employment opportunities.
7. Preserve and protect natural open space and other areas that have environmental significance, with an emphasis on flood hazard; water value; natural mineral wealth; or are prime open space locations.		The natural drainage courses and tree stands can be preserved during future site plan review.
8. Value the development of a healthy community with access to healthy foods, physical activity, recreation, healthcare and safe neighborhoods.	NA	
9. The Town strives to be resilient by providing a framework to understand and measure its capacity to endure, adapt and	Y	Future development of both Lot 1 and Lot 2 will be subject to additional subdivision and site planning that will allow the Town



Comprehensive Plan Principle	Complies? Yes, No, NA	Staff Comment
transform through economic, social, and physical stresses.		to assure a resilient development project(s).
10. Design new developments in a manner to blend with the rural setting and preserve natural features and areas designated for agricultural production.	Y	The proposed industrial zoning is adjacent to commercially zoned property. The Town will have the opportunity to review future development plans for both lots and consider preservation of natural areas and compatibility with adjacent agricultural and large lot residential uses.
11. Contiguous land development pattern that promotes connected infrastructure and services in line with the capital asset inventory master planning documents.	Y	Extension of services is not anticipated in the initial phase of development. By limiting the near-term development on the property, the Town and the landowner maintain an efficient extension of infrastructure.
12. Both land and infrastructure development decisions will be predictable and provide equitable cost-sharing in line with the Town's master plans.	Y	As the properties develop, future land use applications will afford the Town the opportunity to review and approve equitable cost-sharing consistent with the Comprehensive Plan and the Capital Asset Inventory Master Plan.

**Staff Finding: Staff finds the proposed zoning is consistent with the 2021 Comprehensive Plan.**

## Referral Agency Review and Comments

The proposed Walls Final Plat and Rezoning application were sent to several referral agencies for comment, including:

- |                                     |                              |
|-------------------------------------|------------------------------|
| 1. Town Planning                    | 6. CORE Electric Cooperative |
| 2. Town Engineer                    | 7. Colorado Natural Gas      |
| 3. Town Traffic Engineer            | 8. Adams County Planning     |
| 4. Colorado Dept. of Transportation | 9. Adams County Sheriff      |
| 5. Bennett-Watkins Fire Rescue      |                              |

None of the agencies that responded have any objections to the proposed subdivision plat or rezoning. However, many of them, including the Town Engineer, Town Traffic Engineer, CDOT, Bennett-Watkins Fire and CORE Electric Cooperative, will require more analysis at the time of site planning.

## Public Comment

Notice of the July 18, 2022 Planning and Zoning Commission hearing and the July 24, 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. One adjacent property owner called to request clarification on the proposed near-term uses. No formal comments have been submitted to date.

### **Summary of Staff Findings and Recommendation on the Proposed Walls Subdivision Plat (Case No. 22.12)**

---

Staff finds the proposed Walls Subdivision is consistent review criteria outlined in Section 16-4-380 of the Bennett Municipal Code as described above.

Because of the limited services expected in the near-term, and the applicant's intent to restrict development to those uses that don't require public services, Staff has proposed several notes be placed on the subdivision plat. See the conditions below. Staff recommends the Planning and Zoning Commission approve Resolution No. 2022-14, recommending the Board of Trustees approve the Walls Subdivision Final Plat, subject to the following conditions:

1. Add a plat note informing potential purchasers that public water, sewer and other utilities are not available and will be required to be installed by the owner or developer prior to any development requiring such services.
2. Add a plat note requiring a development agreement pursuant to Section 16-5-710 of the Bennett Municipal Code at the time of site plan approval that identifies and guarantees required public improvements.
3. Add a plat note that indicates the public land dedication requirement in Section 16-5-510 must be satisfied prior to sale of any lot or as otherwise might be described in the development agreement.
4. Change the title of the plat to "Walls Subdivision" and make this change throughout the plat document.
5. Before recording the plat, the applicant shall make minor modifications as directed by Town Staff, the Town Attorney and the Town Engineer.

### **Summary of Staff Findings and Recommendation on the Proposed Walls Rezoning (Case No. 22.13)**

---

1. Staff finds the proposed I - Industrial District zoning is consistent with the purpose of the zoning code as outlined in Section 16-1-150 of the Bennett Municipal Code.
2. Staff finds the proposed zoning is consistent with the 2021 Comprehensive Plan.

Staff recommends the Planning and Zoning Commission recommend to the Board of Trustees approval of the rezoning Lot 1 of the Walls Subdivision to I – Industrial District.

### **Attachments**

---

1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Letter of Intent/Narrative
4. Walls Subdivision Final Plat

5. Permitted Land Uses Table
6. Combined Staff and Referral Agency Comments
7. Resolution No. 2022-14 Approving the Final Plat
8. Resolution No. 2022-15 Recommending Approval of Rezoning

The background features a stylized landscape. On the right side, there is a dark blue silhouette of a water tower with a hexagonal tank and a small spire on top. The tower stands on a green hill. Behind the tower and across the middle ground are several layers of rolling hills in shades of light blue, purple, and green. The foreground consists of broad, sweeping bands of color: green, light green, and yellow, suggesting fields or a path. The sky is a gradient of light blue to white.

# Case No. 22.12 - Walls Subdivision Final Plat and Case No. 22.13 - Rezoning

Planning and Zoning Commission

July 18, 2022

Steve Hebert, Planning Manager

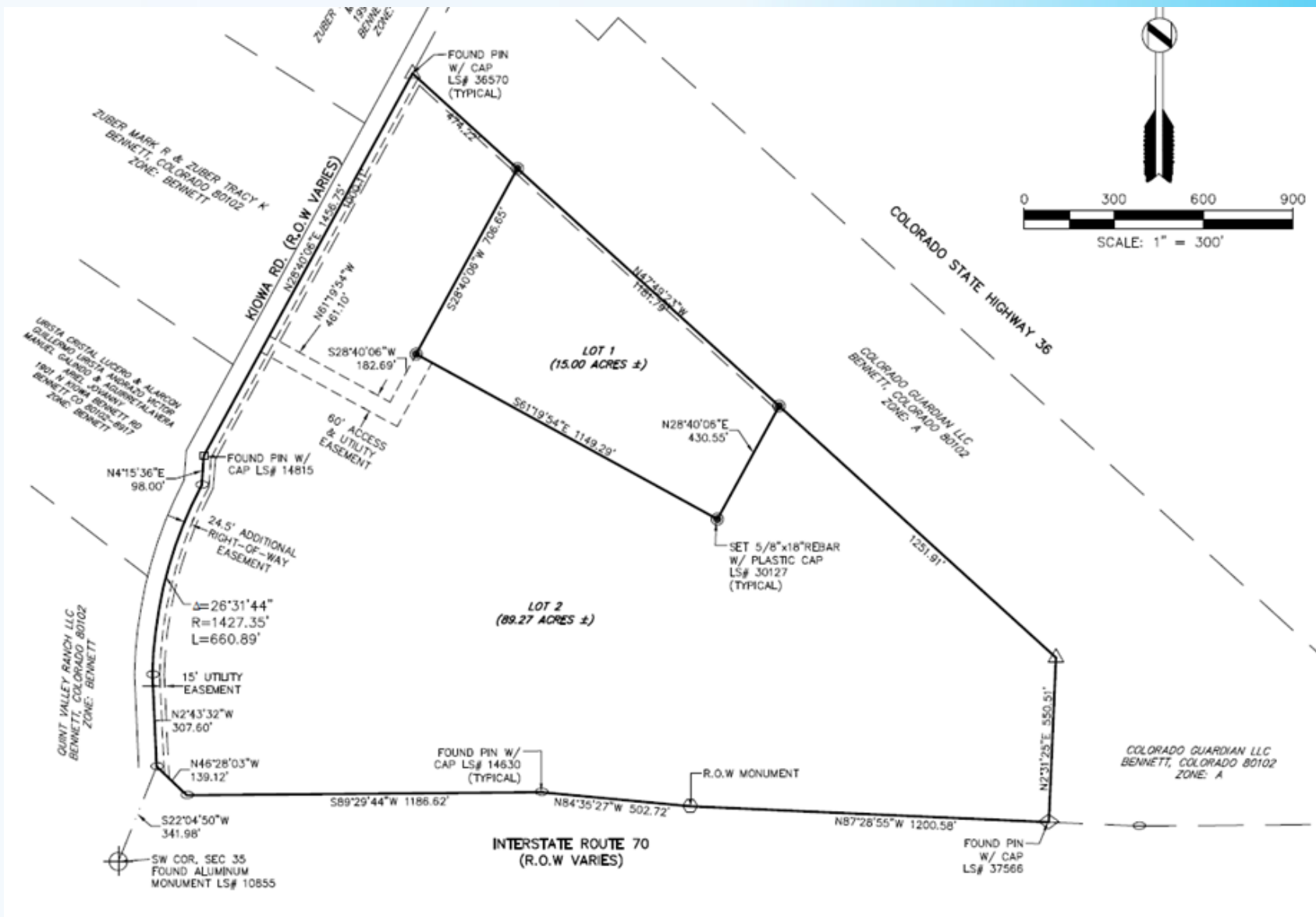
# Case No. 22.12

## Walls Subdivision Final Plat

- 104.27 acres
- Northeast corner of I-70 and Kiowa-Bennett Rd.
- Currently zoned A – Agricultural District
- Create two lots
  - Lot 1 - 15 acres
  - Lot 2 – 89.27 acres



# Proposed Lot Layout





# Site Photos

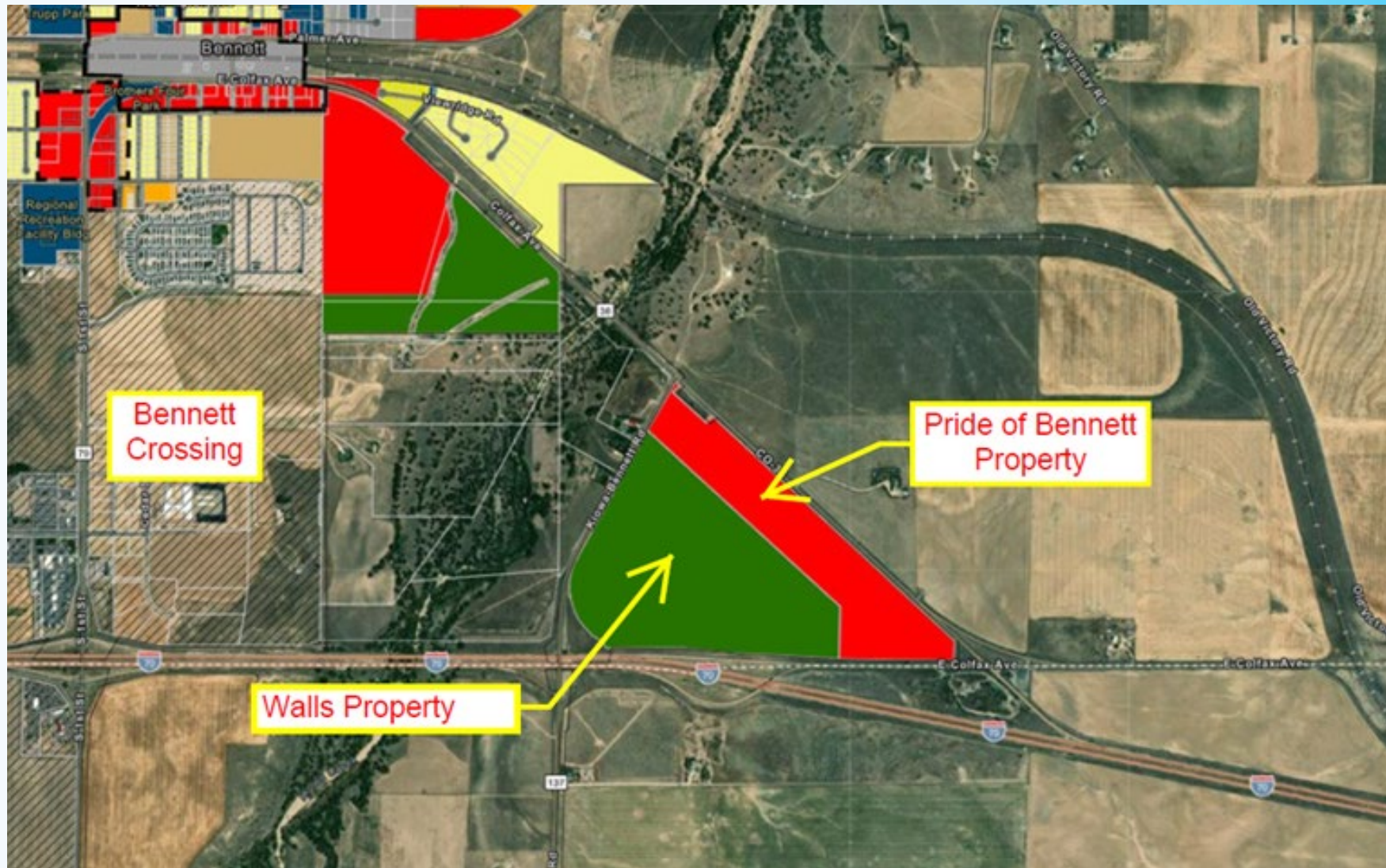
**Looking Northwest from I-70 On-Ramp**



**Looking Southeast from Kiowa-Bennett Rd.**



# Current Zoning Map



# Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	C- General Commercial	Vacant, Agricultural
East	C- General Commercial	Vacant, Agricultural
South	NA	I-70, Agricultural, Large Lot Residential
West	A-3 (Unincorporated)	Large Lot Residential



# Agricultural District Standards

Standard	A - Agricultural District
Minimum Lot Area	217,800 square feet
Minimum Lot Width	300 feet
Maximum Lot Coverage	10%
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	50 feet
Minimum Side Yard Setback (Accessory Structure)	10 feet
Minimum Rear Yard Setback (Principal Structure)	50 feet
Minimum Rear Yard Setback (Accessory Structure)	20 feet
Maximum Height (Principal Structure)	45 feet
Maximum Height (Accessory Structure)	60 feet

# Availability of Public Infrastructure

- Access –Kiowa-Bennett Road
- Public Water – Not available at this time
- Public Sanitary Sewer – Not available at this time
- Stormwater – On-site detention
- Fire Protection – Bennett-Watkins Fire Rescue
- Law Enforcement – Adams County Sheriff
- Electricity – CORE Electric Cooperative
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies or Comcast

(See recommended plat notes related to restrictions of sale and use of the property)

## Staff Findings on Case No. 22.12

Per Section 16-4-380 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

- Sketch Plan requirement waived
- Applicable technical standards in accordance with the Subdivision Regulations and adopted Town documents will be met
- The proposed lot configuration will accommodate new development that meets the standards of good subdivision design, subject to improved vehicular access
- The final plat document will accommodate extension of utilities and public services to serve limited future development
- Public facilities will not include improved parks, trails, stormwater and transportation facilities, at this time
- All lots meet the standards of the existing and proposed zone districts.



# Staff Recommendation

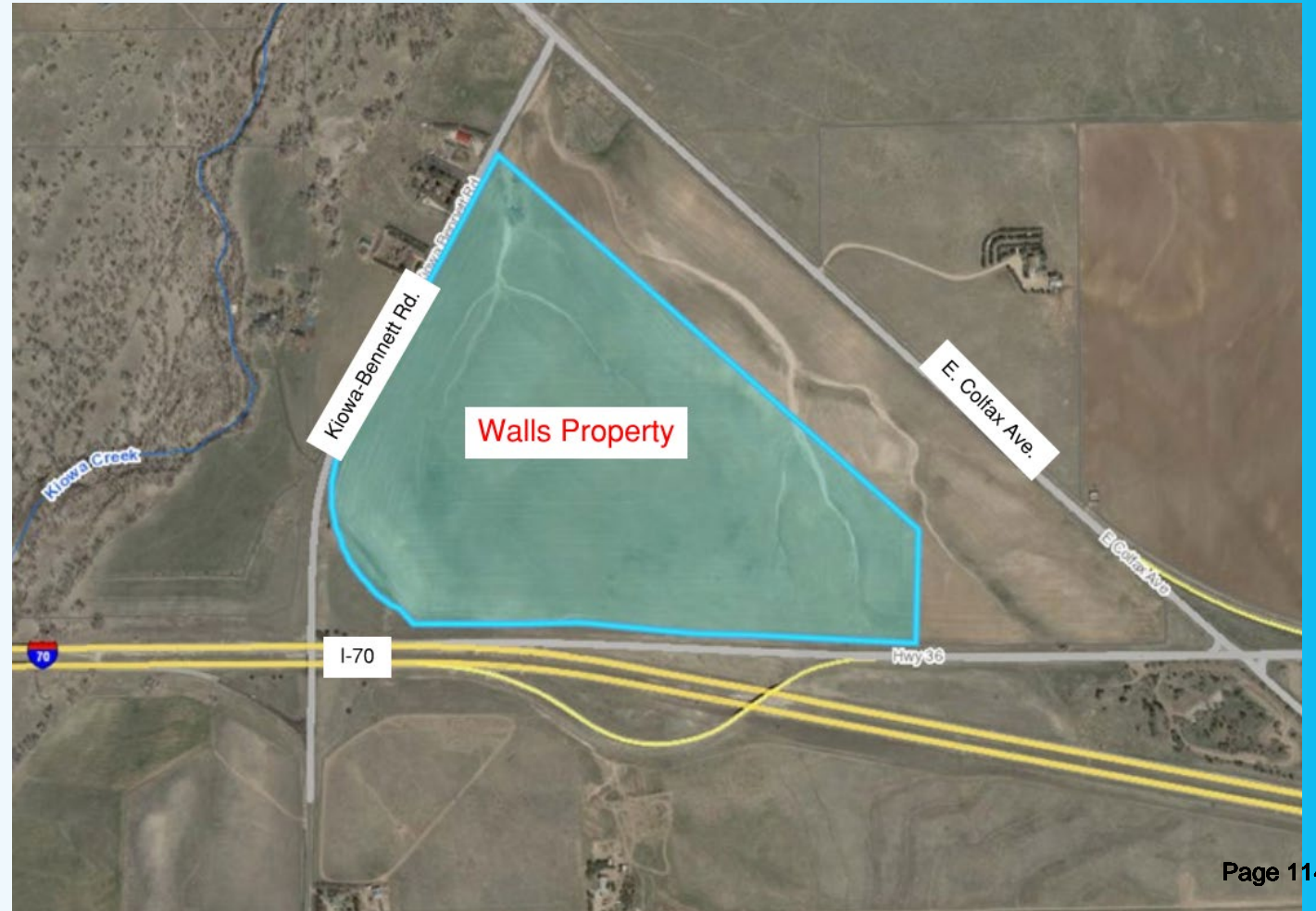
Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-14 recommending approval of the Walls Subdivision Final Plat subject to the following conditions:

1. Add a plat note informing potential purchasers that public water, sewer and other utilities are not available and will be required to be installed by the owner or developer prior to any development requiring such services.
2. Add a plat note requiring a development agreement pursuant to Section 16-5-710 of the Bennett Municipal Code at the time of site plan approval that identifies and guarantees required public improvements.
3. Add a plat note that indicates the public land dedication requirement in Section 16-5-510 must be satisfied prior to sale of any lot or as otherwise might be described in the development agreement.
4. Change the title of the plat to “Walls Subdivision” and make this change throughout the plat document.
5. Before recording the plat, the applicant shall make minor modifications as directed by Town Staff, the Town Attorney and the Town Engineer.

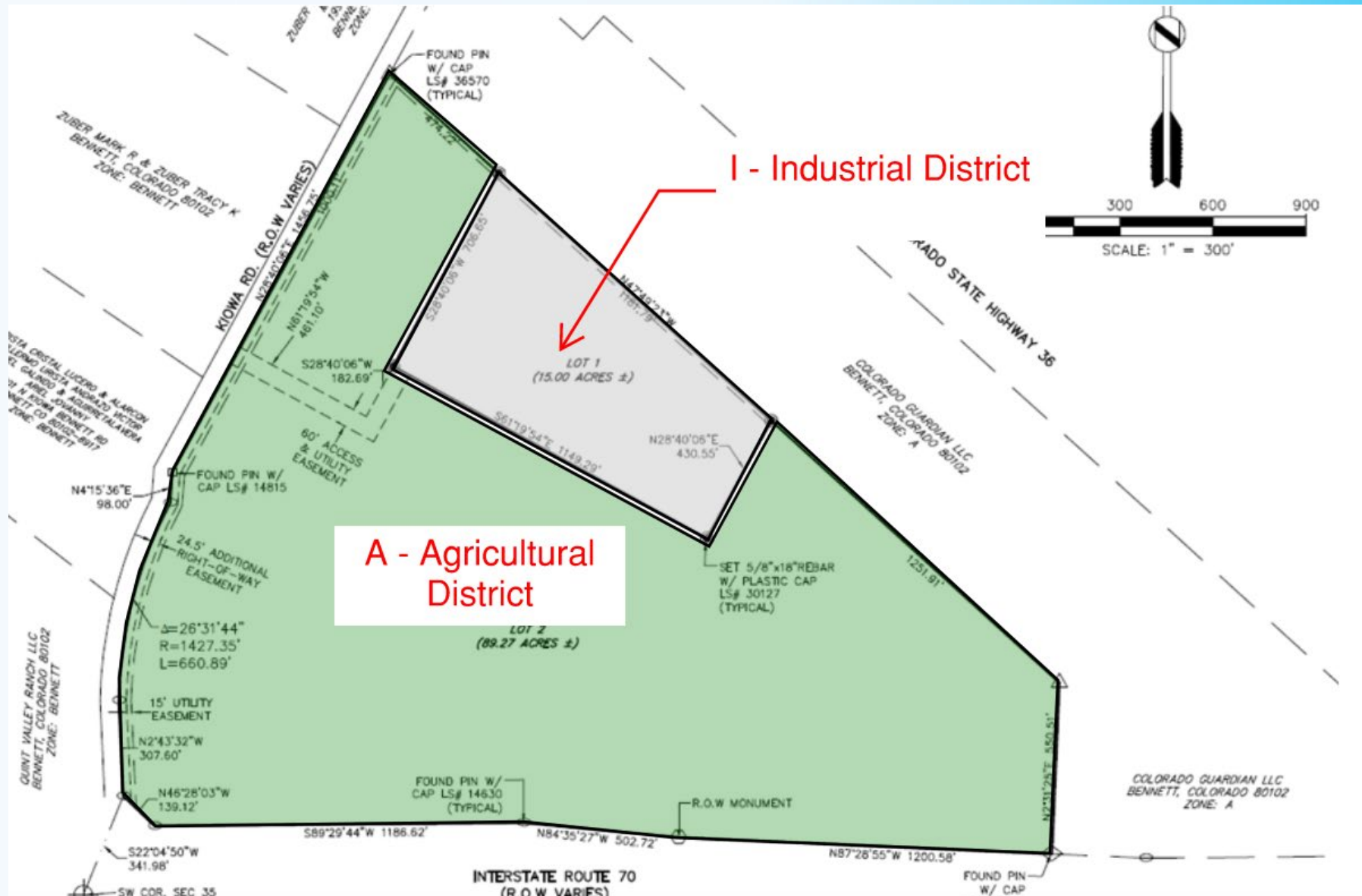
(See Resolution)

# Case No. 22.13 - Walls Industrial Rezoning

- Rezone 15-acre Lot 1 from A – Agricultural to I – Industrial
- Outdoor RV storage facility as near-term use
- No proposed office or residence
- Limited amenities, security fencing, gate access
- Similar to facility on Manila Rd. north of I-70, west of Bennett
- Subject to future Conditional Use Permit and Site Plan review



# Proposed Industrial Rezoning



# Industrial District Standards

Standard	I-Industrial District
Minimum Lot Area	None
Maximum Lot Coverage	80%
Maximum Floor Area Ratio	.3
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	10 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)	60 feet
Maximum Height (Accessory Structure)	30 feet

# Other Land Uses and Restrictions

- See the land use tables attached to the staff report
- A conditional approval of the plat and a future Conditional Use Permit, to be reviewed by the Planning and Zoning Commission and approved the Board of Trustees, can restrict uses to those not requiring more public improvements, including water, sanitary sewer, etc.



# Staff Findings on Case No. 22.13

## A. Consistency with the Purpose of the Zoning Code in Section 16-1-150

- (1) Implement the Town's goals, policies, plans, and programs to preserve and enhance the quality of life of its citizens and to **promote economic vitality of its businesses;**
- (2) **Enhance the sales tax and employment base** of the Town by **attracting and retaining commercial and industrial development;**
- (3) **Provide adequate services** and facilities to support existing and projected areas of population and growth;
- (4) **Promote logical extensions of and efficient use of the Town's infrastructure;**
- (5) **Ensure that the fiscal impact of subdivision and development is borne by those parties who receive the benefits** therefrom;

**Staff Finding:** Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, including those outlined above.

## Staff Findings on Case No. 22.13

### B. Consistency with the Comprehensive Plan

Staff also finds the proposed zoning is consistent with the 2021 Comprehensive Plan. (See the staff comments related to the Comprehensive Plan Principles in the staff report.)

# Staff Recommendation

Staff recommends the Planning and Zoning Commission recommend to the Board of Trustees the rezoning of Lot 1 of the Walls Subdivision to I – Industrial District.

(See Resolution)

**TO BE COMPLETED BY APPLICANT**

Other

Other

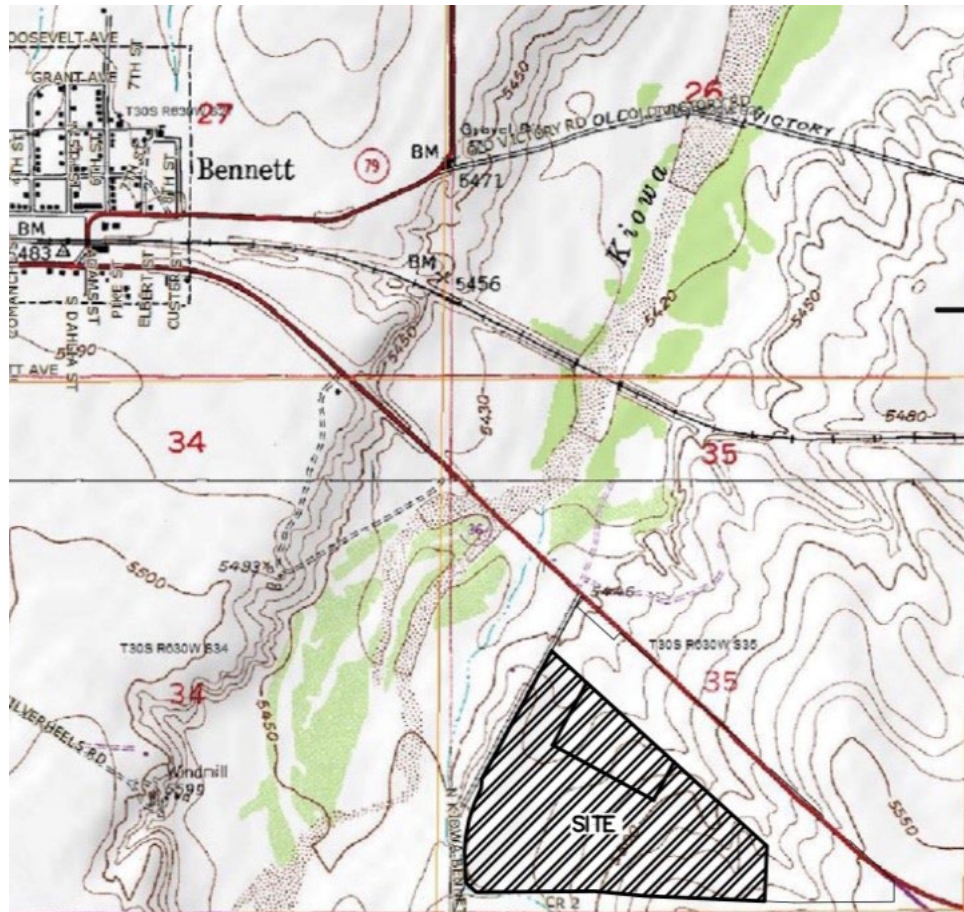
Minor Subdivision Plat / Rezoning

**Additional Notes:**

**Applicant's Signature:**

Date: 1-24-2022

Minor Subdivision Application and Re-Zoning-Letter of Intent  
Submitted- January 15, 2022



Walls Subdivision  
0 U.S HWY I-70 and Kiowa Bennett Road  
Bennett, Colorado



Dear, Town of Bennett

This Letter of Intent describes the Walls Subdivision development plan and is submitted with the Re-Zoning Application and the Minor Subdivision Application. JLK Bennett, LLC is requesting a zone change from Agricultural to Industrial for approximately 15 acres. Currently JLK Bennett, LLC owns 104.27 acres at the southeast corner of the intersection of the Kiowa Bennett Road and I-70. Upon approval of this application there will be two lots. Lot One will be the 15 acres that will be zoned industrial. Lot 2 will be the remaining 89.27 acres that will stay zoned Agricultural.

**Project Title:** Walls Subdivision

**General Project Description:**

The proposed development for Lot 1 will be for RV storage. The intent is to have plus or minus 600 RV storage spaces depending on size of units. Lot 1 will be fenced with a 6-8 foot perimeter fence surrounding entire facility. The main entrance to the facility will be gated with a keypad for entrance. For security, the facility will be lit and monitored by a remote security system. Vehicular ingress and egress will be along the Kiowa Bennett Road. Recycled asphalt or gravel will be used for entire parking area. A engineered site and grading plan will be submitted at a later date. Construction of facility will begin upon approval from the City of Bennet in Spring of 2022.

**Location:**

Address:

0 U.S. Highway I-70 and Kiowa Bennett Road  
Bennet, CO 80102 (Adams)

General Location:

Property is located at the southeast corner of the intersection of the Kiowa Bennett Road and I-70.

**Utilities:**

Sewer:

Underground sewage tank and leech field will be used for RV sewage dump.

Water:

No water will be used at facility.

Electric:

Electric will be ran to property by Core Electric.

**Existing Conditions:**

Legal Description:

Included with Walls Subdivision Final Plat.

Square Footage (Acreage) of Site per Final Plat:

15 acres (653,400 sf)

Existing Land Use:

Farmland, No Structures

Existing Zoning:

Agricultural

**Contacts:**

Applicant and Property Owner

JLK Bennett LLC  
43043 Ridge Road  
DeerTrail Co, 80105

JLK Bennett Contact

Kayle Walls  
303-524-2146  
bardiamondlivestock@gmail.com



WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 1 OF 2

PURPOSE STATEMENT:

TO SUBDIVIDE THE SUBJECT PROPERTY INTO TWO LOTS, SAID LOTS BEING CREATED UNDER "WALL'S SUBDIVISION"

OWNERSHIP AND DEDICATION

KNOWN BY ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED \_\_\_\_\_ BEING THE OWNER OF THE LAND SHOWN IN THIS FINAL PLAT AND DESCRIBED AS FOLLOWS ON PAGE 2

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF WALL'S SUBDIVISION, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND BY THESE PRESENTS DOES HEREBY DEDICATE TO THE TOWN OF BENNETT THE STREETS, AVENUES (AND OTHER PUBLIC PLACES, TRACTS/OUTLOTS) AS SHOWN ON THE ACCOMPANYING PLAT FOR THE PUBLIC USE THEREOF FOREVER AND DOES FURTHER DEDICATE TO THE USE OF THE TOWN OF BENNETT AND ALL SERVING PUBLIC UTILITIES (AND OTHER APPROPRIATE ENTITIES) THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE SO DESIGNATED AS EASEMENTS AS SHOWN.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS 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 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, OTHER SERVING PUBLIC ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME THE PROPERTY OF SUCH MUNICIPALITY FRANCHISED UTILITIES, OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

OWNER:

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

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

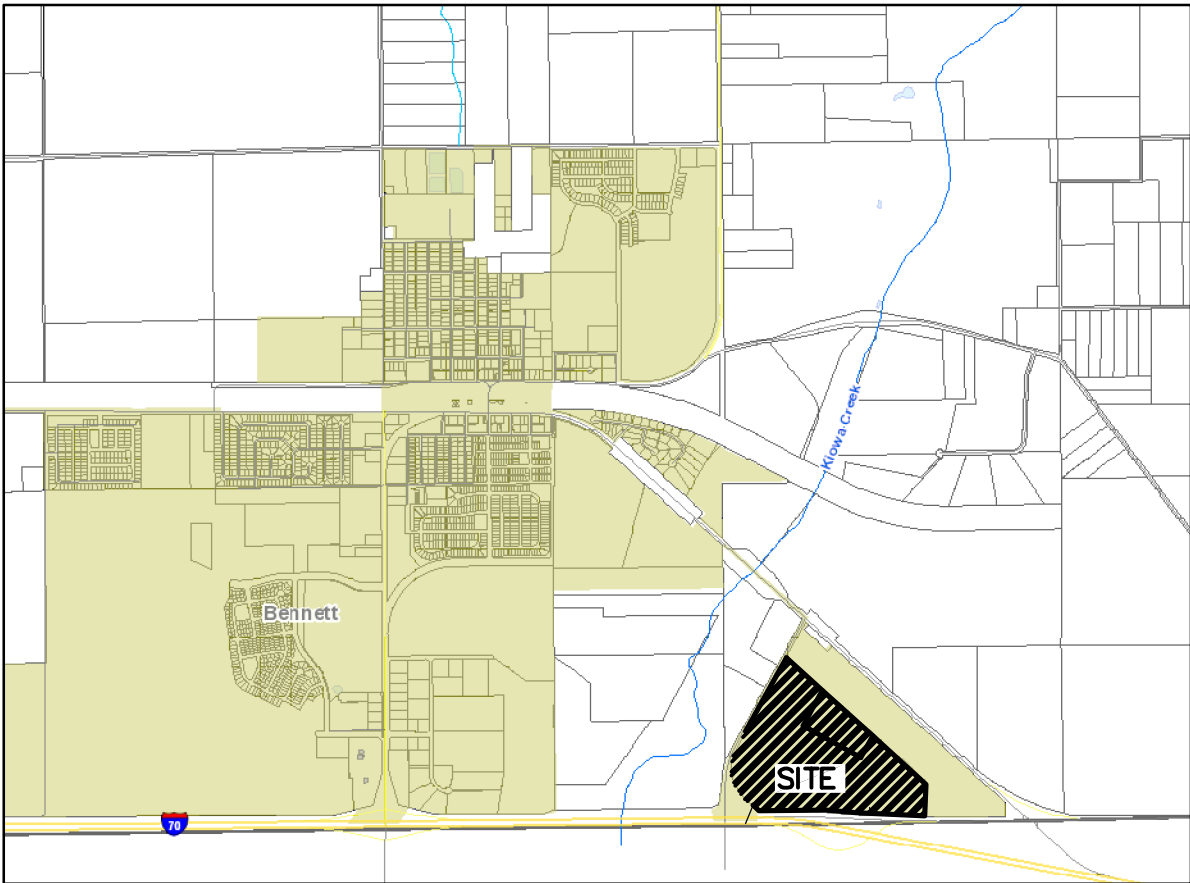
MY COMMISSION EXPIRES

BASIS OF BEARINGS:

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.



VICINITY MAP  
NOT TO SCALE

OWNERS:

JLK BENNETT LLC,  
43043 RIDGE ROAD  
DEER TRAIL 80106  
COLORADO

ZONING:

EXISTING: AGRICULTURE

DATE:		REVISIONS:	
05/04/2022		REVISED FIRST ROUND REDLINES	
06/03/2022		ADDED UTILITY EASEMENT & DC	

REFERENCE DWG:	

High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING

OIL AND GAS SURVEYING

303-621-8672 FAX 303-621-7749

P.O. BOX 384  
KIOWA, COLORADO 80117

SCALE  
1"=300'

DATE  
12/08/2021

DRAWN BY  
CRR

TITLE WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO	
CLIENT GERALD WALLS	
SHEET 1 OF 2	JOB NUMBER 21072-SUB

GENERAL NOTES:

1. THE PROPERTY DOES NOT APPEAR TO FALL IN A FLOOD ZONE PER THE FLOOD INSURANCE RATE MAP (FERM) ADAMS COUNTY, COLORADO, MAP NO. 08001C0981H, PANEL 981 - 1150 PANEL NO. 0981H
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 THAT TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
3. BEARINGS FOR THIS PLAT ARE BASED ON THE NORTH LINE OF LOTS 1 & 2 TO BEAR S47°49'23"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
4. A TITLE SEARCH WAS NOT DONE BY HIGH PRAIRIE SURVEY AND TITLE WORK WAS NOT PROVIDED
5. LINEAL DIMENSIONS ARE SHOWN HEREON IN U.S SURVEY FEET
6. SALE OF LOT ONE WILL BE CONTINGENT ON PUBLIC SERVICES BEING RAN TO PROPERTY AND IF THE PROPERTY IS SOLD IT MUST REMAIN RV STORAGE WITH NO ADDITIONAL IMPROVEMENTS UNLESS APPROVED BY THE TOWN OF BENNETT.
7. THE UTILITY EASEMENTS SHOWN HEREON ARE DEDICATED FOR PUBLIC UTILITIES AND DO BY THESE PRESENTS, OF OUR OWN FREE WILL AND VOLUNTARY WITHOUT COERCION, THREAT OR BUSINESS COMPULSION, DO HEREBY CONVEY SAID EASEMENTS TO THE COUNTY OF ADAMS, STATE OF COLORADO FOR EASEMENT PURPOSES.

SURVEYOR'S CERTIFICATE

I, Keith Westfall, a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey of Wall's Minor Subdivision Plat was made under my direct supervision and the accompanying plat accurately and properly shows said subdivision.

KEITH WESTFALL, COLORADO PLS #30127  
FOR AND ON THE BEHALF OF  
HIGH PRAIRIE SURVEY COMPANY

TOWN APPROVAL BLOCK:

THIS IS TO CERTIFY THAT THE PLAT OF "WALL'S SUBDIVISION" WAS APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021, BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF THE TOWN OF BENNETT, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED BY ALL PURPOSES INDICATED THEREON.

MAYOR \_\_\_\_\_

ATTEST: TOWN CLERK \_\_\_\_\_

RECORDERS CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF ADAMS

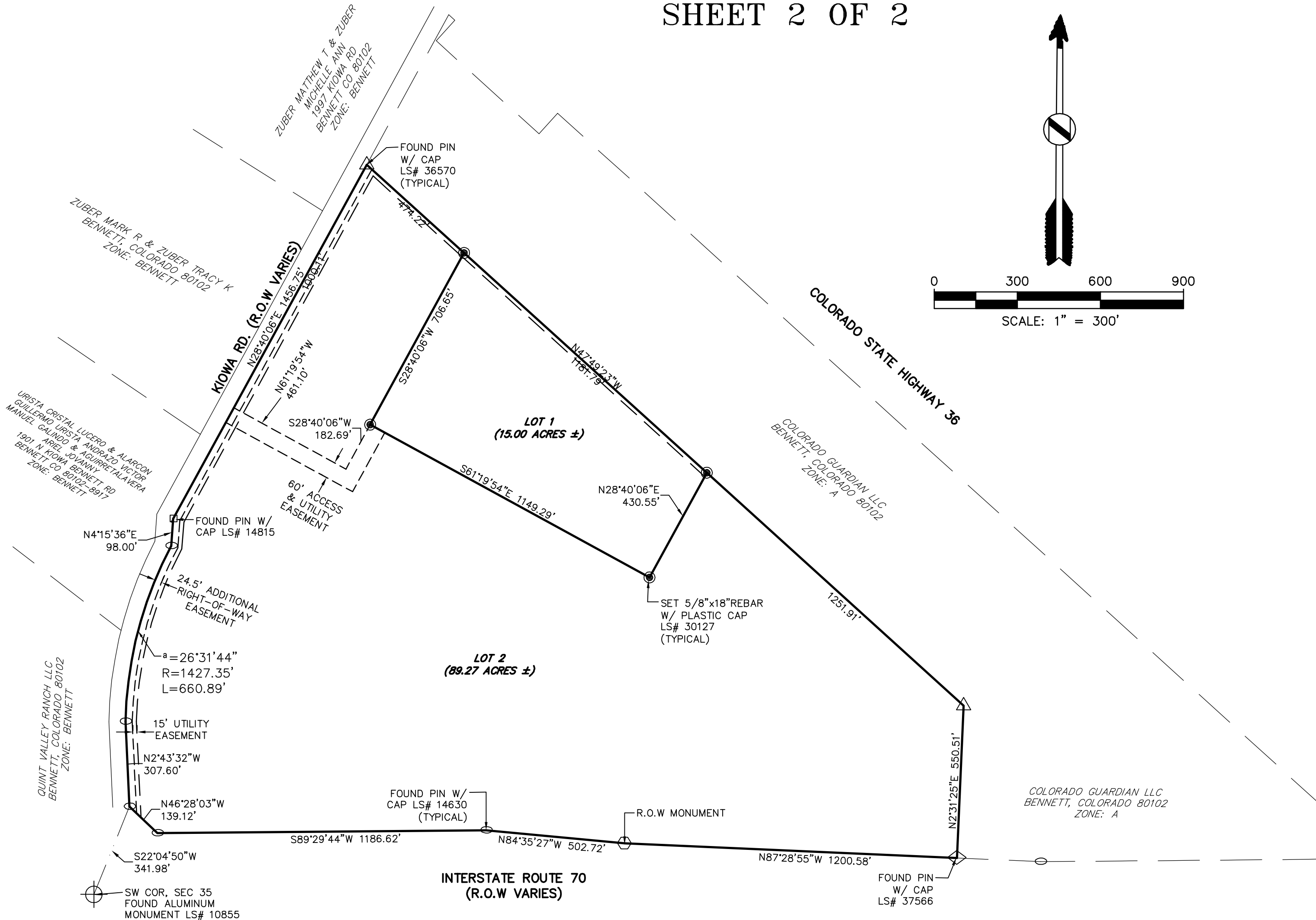
COUNTY CLERK AND RECORDER ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., RECEPTION NO. \_\_\_\_\_

CLERK AND RECORDER

BY \_\_\_\_\_ BY \_\_\_\_\_

WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 2 OF 2



PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 924.00 FEET TO THE POINT OF BEGINNING; THENCE N28°00'39"E, 2,250 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF U.S HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID U.S HIGHWAY TO THE WEST LINE OF SAID SECTION 35; THENCE SOUTH ALONG SAID WEST LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING, EXCEPT MINERAL RESERVATIONS OF RECORD, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY DESIGNATED AS INTERSTATE HIGHWAY NO. 70; AND

EXCEPT A RIGHT-OF-WAY FOR U.S HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PORTION CONVEYED TO ADAMS COUNTY IN BOOK 194 AT PAGE 465 AND BOOK 202 AT PAGE 443; AND

EXCEPT TRACT DESCRIBED IN BOOK 306 AT PAGE 443; AND

EXCEPT PARCEL DESCRIBED IN BOOK 758 AT PAGE 535, RECORDS AT THE CLERK AND RECORDER OF THE COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF COLORADO STATE HIGHWAY NO. 36, LYING SOUTHEAST OF KIOWA ROAD IN SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO AS BEARING S48°28'50"E, AS SHOWN ON THE "TOWN OF BENNETT-ANNEXATION PLAT" AS RECORDED AT RECEPTION NO. B786212, ADAMS COUNTY RECORDS, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; THENCE N15°50'16"E, A DISTANCE OF 342.07 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING FOUR COURSES AND DISTANCES ALONG THE EASTERLY AND NORTHERLY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO PARCEL;

- 1) THENCE N03°24'09"W, A DISTANCE OF 307.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1427.35 FEET, A RADIAL LINE FROM SAID POINT BEARS S89°20'17"E;
- 2) THENCE ALONG SAID CURVE, A DISTANCE OF 680.89 FEET, THROUGH A CENTRAL ANGLE OF 28°31'45", THE CHORD OF WHICH BEARS N13°55'36"E, A DISTANCE OF 655.00 FEET;
- 3) THENCE N03°36'09"E, A DISTANCE OF 85.90 FEET;
- 4) THENCE N61°59'21"W, A DISTANCE OF 5.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF THE STATE OF COLORADO, DEPARTMENT OF HIGHWAYS PARCELS OF LAND RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS AND EAST RIGHT-OF-WAY LINE OF KIOWA ROAD; THENCE N28°00'39"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, A DISTANCE OF 1467.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, N28°00'39"E, A DISTANCE OF 617.07 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36;

- 1) THENCE S48°28'50"E, A DISTANCE OF 30.30 FEET;
- 2) THENCE S41°31'10"W, A DISTANCE OF 100.00 FEET;
- 3) THENCE S48°28'50"E, A DISTANCE OF 500.00 FEET;
- 4) THENCE N41°31'10"E, A DISTANCE OF 100.00 FEET;
- 5) THENCE S48°28'50"E, A DISTANCE OF 3697.68 FEET TO A POINT ON A WESTERLY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND,
- 1) THENCE S01°07'19"E, A DISTANCE OF 209.74 FEET;
- 2) THENCE S88°50'24"W, A DISTANCE OF 998.92 FEET;
- 3) THENCE N88°08'02"W, A DISTANCE OF 301.50 FEET; THENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 575, N01°51'58"E, A DISTANCE OF 550.51 FEET; THENCE N48°28'50"W, A DISTANCE OF 2908.12 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

STATEMENT:

LINEAL UNITS ARE IN FEET.

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

BASIS OF BEARINGS:

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

DATE:		REVISIONS:	
05/04/2022	06/03/2022	REVISED FIRST ROUND REDLINES	ADDED UTILITY EASEMENT & DC

REFERENCE DWG:	

High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING

OIL AND GAS SURVEYING

303-621-8672 FAX 303-621-7749

P.O. BOX 384  
KIOWA, COLORADO 80117

SCALE  
1"=300'

DATE  
12/08/2021

DRAWN BY  
CRR

TITLE WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO	
CLIENT GERALD WALLS	
SHEET 2 OF 2	JOB NUMBER 21072-SUB



## Sec. 16-2-470. Land uses.

- (a) Land uses permitted within each standard zoning district are designated by symbols in Table 2-12, Land Use Table. The listed symbols are defined as follows:

**P = Use permitted by right.**

**C = Conditional use, permitted pursuant to Section 16-2-330.**

- (b) Land uses permitted within a PD District shall be listed on the approved plan.
- (c) No land, building, or structure shall be used for any purpose other than as provided for among the uses listed in the zoning district in which such land, building or structure, is located.
- (d) Any use not permitted in a zone either specifically or by interpretation by the Zoning Administrator is hereby specifically prohibited from that zone. Uses that are similar to, but not specifically listed as, a permitted use may be approved by the Zoning Administrator.
- (e) All uses are subject to the performance standards contained in Section 16-5-505 of this Article, any applicable Use Standards provided in Division 5 of this Article; and all applicable special area plans, master plans and design guidelines adopted by the Town.

**Table 2.12**  
**Land Use Table**

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 Section 7-7-30	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		
<b>C. EDUCATIONAL USES</b>											
(1) Day care center, adult or child		C	C	C	C		C				
(2) Elementary and secondary education school	P	P	P	P	P	P	C			P	
(3) Postsecondary colleges and universities							C	P	P	P	
(4) Private business, trade and vocational school							C	P	P	P	
<b>D. INDUSTRIAL USES</b>											
(1) Commercial steam cleaning/laundry operations							C		C		
(2) Commercial trash removal companies without trash storage or trash transfer operations									C		
(3) Concrete or asphalt products production									C		

(4) Custom crafts (such as ceramics, furniture making and stained glass production)								P		P	
(5) General machine shops										P	
(6) General research and development								P		P	
(7) Laboratory: medical, dental, optical, scientific								C	P	P	
(8) Light trade and technical uses								C	P	P	
(9) Manufacturing, assembly, finishing or fabrication; primary										C	
(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				
(9) Mobile homes						P				
(10) Multifamily dwelling					P			C		
(11) Rooming, lodging or boarding houses					P			C		
(12) Single-family dwelling	P	P	P	P	C	P				
(13) Two-family dwelling				P	C					
(14) Townhome dwelling				C	P					
<b>H. FOOD AND BEVERAGE SERVICE</b>										
(1) Bar, tavern, nightclub							P	C	C	
(2) Brewery with tap room							C	C	P	
(3) Fast food							P	C	C	
(4) Fast food with drive-thru							C	C	C	
(5) Restaurant, other							P	C	C	
<b>I. RETAIL USES</b>										
(1) Building materials supply	C						C	C	P	
(2) Outdoor retail display and sales	C						C		C	C
(3) Pawnshops							C		C	
(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		

(10) Personal services, other (>25,000 sq. ft.)								C	P		
(11) Repair, furniture and major household appliance								P	P	P	
(12) Repair, other except vehicle-related repair								P	P	P	
<b>K. TRANSPORTATION FACILITIES</b>											
(1) Ambulance service	C	C	C	C	C	C	C	C	C	P	
(2) Heliports/helistops									C	C	C
(3) Overnight campground and travel trailer parking	C							C			
(4) Passenger terminal and transit facilities								P	P		P
(5) Private automobile parking lots or parking garages as a principal use								C	C	C	C
(6) Public automobile park 'n ride (commuter) lots								C	P	P	P
<b>L. UTILITIES AND TELECOMMUNICATIONS</b>											
(1) Overhead electric transmission lines and distribution feeder lines over 110 kV	C	C	C	C	C	C	C	C	C	C	C
(2) Public utilities, major	C								C	P	P
(3) Public utilities, minor	P	P	P	P	P	P	P	P	P	P	P
(4) Telecommunications facilities, including towers	C	C	C	C	C	C	C	C	C	C	C
(5) Eligible telecommunications facilities request	P	P	P	P	P	P	P	P	P	P	P
<b>M. VEHICLE-RELATED SALES AND SERVICE</b>											
(1) Automobile rentals								C	P	P	
(2) Automobile washing facility								P	C	P	
(3) Major vehicle/equipment repair (includes auto body repair, paint shops and incidental sales of parts)								C		C	
(4) Minor vehicle repair (includes minor repair where vehicles are not stored in an inoperable condition)								P	C	P	
(5) Motor vehicle dealer/sales, new and used (includes RVs, trailers, mobile homes)								C	C	C	
(6) Service stations (minor repairs included)								P	C	P	
(7) Truck stops								C		C	
(8) Vehicle/equipment sales and rentals (other than motor vehicles)								C	C	P	
(9) Vehicle or automobile wrecking or salvage yard, including outdoor storage of inoperable vehicles										C	
(10) Vehicle storage (operable vehicles only)										C	
(11) Vehicle towing services										P	

( Ord. 646-14 §1(Exh. A), 12-9-2014 ; Ord. No. 661-16, §5, 2-23-2016 ; Ord. 663-16 , §9, 6-28-2016; Ord. 679-17 , §12, 12-12-2017; Ord. 696-19 §10, 2019)



WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 1 OF 2

CASE NO. 7

Remove "CASE NO. "

GENERAL NOTES:

1. THE PROPERTY DOES NOT APPEAR TO FALL IN A FLOOD ZONE PER THE FLOOD INSURANCE RATE MAP (FERM) ADAMS COUNTY, COLORADO, MAP NO. 08001C0981H, PANEL 981 - 1150 PANEL NO. 0981H
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 FROM THE DATE OF CERTIFICATION SHOWN HEREON.
3. BEARINGS FOR THIS PLAT ARE BASED ON THE NORTH LINE OF LOTS 1 & 2 TO BEAR S47°49'23"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
4. A TITLE SEARCH WAS NOT DONE BY HIGH PRAIRIE SURVEY AND TITLE WORK WAS NOT PROVIDED
5. LINEAL DIMENSIONS ARE SHOWN HEREON IN U.S SURVEY FEET

Add additional plat notes on MS Word document transmitted with other comments.

Depending on the resolution of water and sewer, as outlined in the Town transmittal memo, we may need a plat note restricting the sale of the new parcel.

Please use a different base map for this vicinity map. All of this line detail will not record well.

This is not the owner on the application. I believe it's JLK Bennett, LLC. Please confirm.

**OWNERS:**

GERALD WALLS  
43043 RIDGE ROAD  
DEER TRAIL 80106  
COLORADO

**ZONING:**

EXISTING: AGRICULTURE  
PROPOSED: COMMERCIAL

Remove "PROPOSED: COMMERCIAL"

That is not what is happening.

Revise per Town  
Attorney memo.

**PURPOSE STATEMENT:**

TO REPLAT ALL OF xxxxxxxx, OF THE xxxxxx ADDITION TO THE TOWN OF BENNETT, INTO A LOT AND TRACTS.

TOWN APPROVAL BLOCK:

THIS IS TO CERTIFY THAT THE PLAT OF "WALL'S SUBDIVISION" WAS APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF THE TOWN OF BENNETT, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED BY ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

## RECORDERS CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF ADAMS

COUNTY CLERK AND RECORDER ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., RECEPTION NO. \_\_\_\_\_

CLERK AND RECORDER

BY \_\_\_\_\_ BY \_\_\_\_\_

## OWNERS CERTIFICATE

I, \_\_\_\_\_ AS OWNER OF THE LAND  
AFFECTED BY THIS REZONE EXHIBIT. ACCEPT AND APPROVE ALL CONDITIONS SET FORTH HEREIN.

OWNER: Gerald Walls DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss

COUNTY OF \_\_\_\_\_ )  
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 20 \_\_\_\_\_, BY (NAME OF INDIVIDUAL OR AUTHORIZED PERSON [SEE BELOW]).  
WITNESS MY HAND AND OFFICIAL SEAL.

SEAL \_\_\_\_\_  
NOTARY PUBLIC \_\_\_\_\_

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

**BASIS OF BEARINGS:**

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

DATE: REVISIONS:

REFERENCE DWG:

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1"=300'	DATE 12/08/2021	DRAWN BY CRR
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TITLE	WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO
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CLIENT	GERALD WALLS
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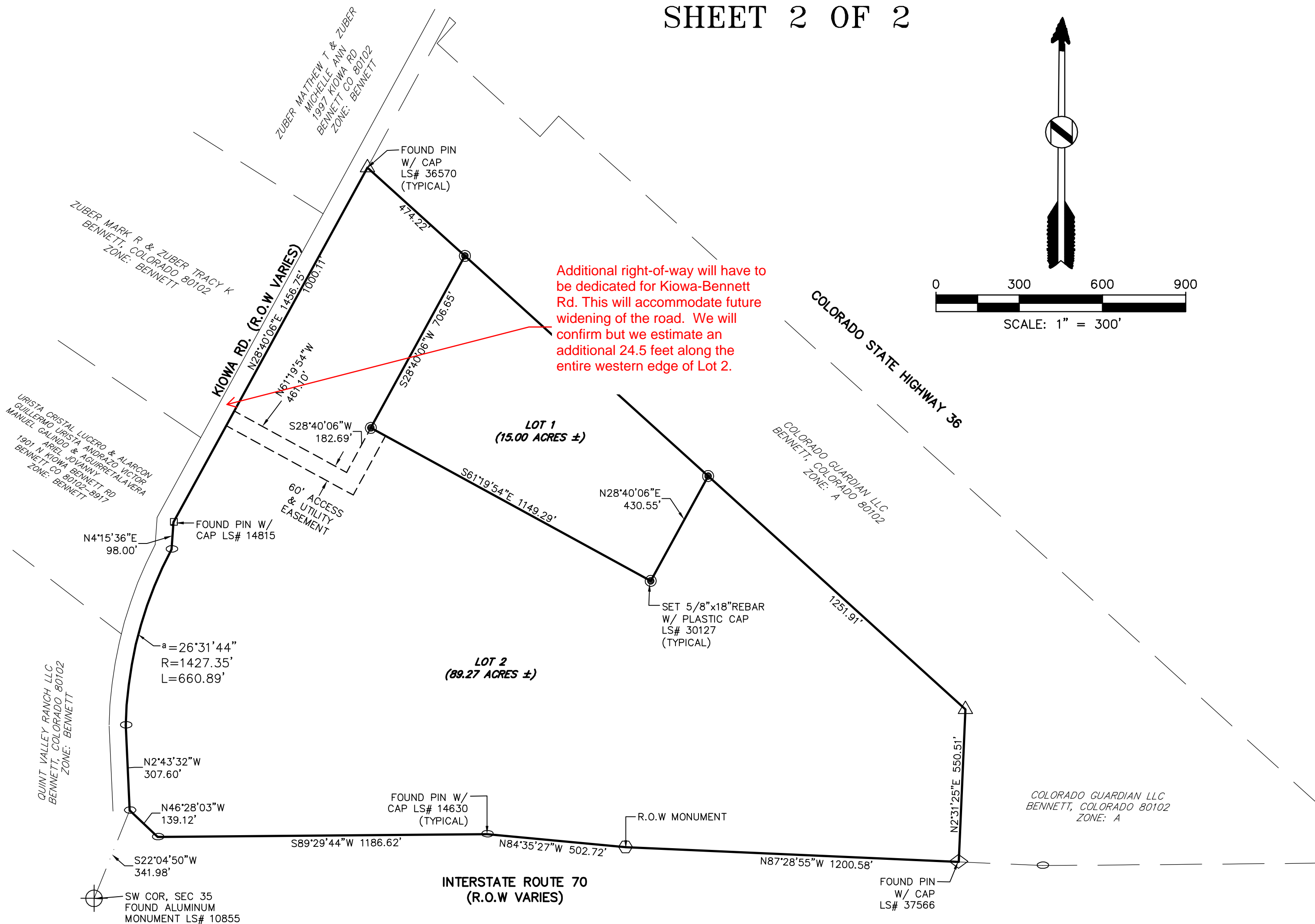
SHEET 1 OF 2				JOB NUMBER 21072-SUB
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# WALL'S SUBDIVISION

# FINAL PLAT

PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 2 OF 2



## PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 924.00 FEET TO THE POINT OF BEGINNING; THENCE N28W00/39'E, 2,250 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF U.S. HIGHWAY 36-40 TO THE WEST LINE OF SAID SECTION 35, THENCE SOUTH ALONG SAID WEST LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING, EXCEPT MINERAL RESERVATIONS OF RECORD, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY DESIGNATED AS INTERSTATE HIGHWAY NO. 70; AND

EXCEPT A RIGHT-OF-WAY FOR U.S HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PORTION CONVEYED TO ADAMS COUNTY IN BOOK 194 AT PAGE 465 AND BOOK 202 AT PAGE 443; AND

EXCEPT TRACT DESCRIBED IN BOOK 306 AT PAGE 443; AND

EXCEPT PARCEL DESCRIBED IN BOOK 758 AT PAGE 535, RECORDS AT THE CLERK AND RECORDER OF THE COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF  
THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS  
FOLLOWS:

CONSIDERING THE SOUTH LINE OF COLORADO STATE HIGHWAY NO. 36, LYING SOUTHEAST OF KIOWA ROAD IN SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO AS BEARING S48°25'50"E, AS SHOWN ON THE TOWN OF BENNETT-ANNEXATION PLAT AS FILED IN THE PUBLIC RECORDS OF ADAMS COUNTY, COLORADO, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; THENCE N15°50'16"E, A DISTANCE OF 342.07 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO AS RECORDED IN BOOK 12 AT PAGE 655, ADAMS COUNTY RECORDS; THENCE ALONG THE FOLLOWING FOUR COURSES AND DISTANCES ALONG THE EASTERLY AND NORTHERLY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO PARCEL;

- 1) THENCE N03°24'09"W, A DISTANCE OF 307.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1427.35 FEET, A RADIAL LINE FROM SAID POINT BEARS S89°20'17"E;
- 2) THENCE ALONG SAID CURVE, A DISTANCE OF 660.89 FEET, THROUGH A CENTRAL ANGLE OF 26°31'45", THE CHORD OF WHICH BEARS N13°55'36"E, A DISTANCE OF 655.00 FEET;
- 3) THENCE N03°36'09"E, A DISTANCE OF 85.90 FEET;
- 4) THENCE N61°59'21"W, A DISTANCE OF 5.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF THE STATE OF COLORADO, DEPARTMENT OF HIGHWAYS PARCELS OF LAND RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS AND EAST RIGHT-OF-WAY LINE OF KIOWA ROAD; THENCE N28°00'39"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, A DISTANCE OF 1467.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, N28°00'39"E, A DISTANCE OF 617.07 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36;
- 1) THENCE S48°28'50"E, A DISTANCE OF 30.30 FEET;
- 2) THENCE S41°31'10"W, A DISTANCE OF 100.00 FEET;
- 3) THENCE S48°28'50"E, A DISTANCE OF 500.00 FEET;
- 4) THENCE N41°31'10"E, A DISTANCE OF 100.00 FEET;
- 5) THENCE S48°28'50"E, A DISTANCE OF 3697.68 FEET TO A POINT ON A WESTERLY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS, WHICH ALLOWS THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND,
- 1) THENCE S01°07'19"E, A DISTANCE OF 209.74 FEET;
- 2) THENCE S88°50'24"W, A DISTANCE OF 998.92 FEET;
- 3) THENCE N88°08'02"W, A DISTANCE OF 301.50 FEET; THENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 575, N01°51'58"E, A DISTANCE OF 550.51 FEET; THENCE N48°28'50"W A DISTANCE OF 2908.12 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

**STATEMENT:**

LINEAL UNITS ARE IN FEET.

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

### BASIS OF BEARINGS:

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

	DATE:	REVISIONS:
REFERENCE DWG:		

High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING

OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

P.O. BOX 384  
KIOWA, COLORADO 80117

SCALE

DATE \_\_\_\_\_

DRAWN BY

**TITLE**

WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SEC. 35, T3S, R63W, 6TH P.M.  
TOWN OF BENNETT  
ADAMS COUNTY, STATE OF COLORADO

CLIENT

GERALD WALLS

SHEET 2 OF 2

**JOB NUMBER**

21072-SUB



## 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: Tuesday, April 12, 2022  
Case: Walls Subdivision and Industrial Zoning, Case 22.12 & 22.13 – 1<sup>st</sup> Submittal  
Subject: Civil Engineering Review

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***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 Major Subdivision Plat application materials, for the proposed Shops at Bennett Subdivision 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. Recommend dedication of full Kiowa-Bennett Road (KBR) east (southeast) right-of-way for this frontage with this Plat, to provide for future road widening needs.

### **Water System**

1. All lots created by the Subdivision will need access to water supply and fire protection through Bennett-Watkins Fire Rescue (BWFR) District.
2. The Town Water Supply Specialist would need to comment on groundwater well permitting limitations or constraints likely governing through the Colorado Division of Water Resources (DWR).
3. The Town will work with BWFR regarding required water tank storage, fire hydrants and locations, and likely fire hydrant flows.
  - It is our understanding this Subdivision and lot would be presented and protected in a manner similar to more rural BWFR service areas, at least on a temporary, interim basis.

**Sanitary Sewer System**

1. All lots created by the Subdivision will need access to sanitary sewer treatment.
  - It is the Town's understanding this Subdivision development would utilize On-Site Wastewater Treatment Systems (OWTS) such as septic tanks and leach fields or evapotranspiration (ET) beds, to be reviewed and permitted through the Tri-County Health Department or their successor organization.
  - The Town is supportive of this approach on an interim basis, until sanitary sewer collection can be extended to the subject property.

**Streets & Access**

1. The Access & Utility Easement shown through Lot 2 to serve Lot 1 may need radii added to support turn movements of larger trucks and vehicles.
2. The Town understands the access proposal would be for an all-weather access drive surfacing on an interim basis, pending final property right-of-way and Town street proposals for future property development.
3. The Town further understands the proposed access and interior drives would be for private ownership and maintenance, subject to any Town and BWFR review, period inspections, and requirements to ensure acceptable and reliable emergency access, as well as Town services access.
4. The Town may be amenable to this approach, with appropriate conditions and terms of approval, including a revocable Town Access Permit to Kiowa-Bennett Road for the proposed Subdivision lots.
5. Access improvements including, at minimum, shoulder widening in the immediate vicinity of the access, appropriate truck turn radii, as well as an asphalt-paved apron with appropriate width and length to host a designated truck awaiting turn movement, as well as to minimize mud-tracking onto KBR, will be required to access KBR.
6. Sidewalk, path or trail needs, extents and widths to be confirmed with the Town Traffic Engineer and Town Planner.
  - This may include provisions for future Town paths or trails.

**Stormwater**

1. Stormwater management will be required to conform to Town and Adams County requirements, in addition to those of Colorado state law, including for water quality, concentration and peak flow management, to minimize impacts to downstream property owners.
2. This will most likely consist of a stormwater management (aka stormwater detention) pond with controlled release and outfall ditch.
3. Any upstream stormwater flows onto the property, including culvert outfalls from CDOT right-of-way, will need to be recognized and managed through the property without threat or adverse impact to the proposed Subdivision uses.

Steve, Sara, this concludes my civil engineering review of the 1<sup>st</sup> Submittal application materials for the Walls Subdivision and Industrial Zoning application to the Town of Bennett. Please let me know if you have any questions, or require additional information pertaining to the submitted information, or my review.



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

## Fwd: Walls Subdivision and Industrial Zoning 1st Referral

1 message

**Loeffler - CDOT, Steven** <steven.loeffler@state.co.us>

Tue, Mar 15, 2022 at 2:16 PM

To: shebert@bennett.co.us

Cc: Marilyn Cross &lt;marilyn.cross@state.co.us&gt;, David Dixon - CDOT &lt;david.dixon@state.co.us&gt;

Steve,

I have reviewed the referral for the Walls Subdivision rezoning and minor subdivision located south of Highway 36 and North of Interstate 70, off of the Kiowa-Bennett Road and have the following comments:

- We have no objections to the rezone of 15 acres from Agricultural to Industrial. The remaining 89 acres will remain Agricultural.
- It is understood that the rezoned 15 acres will be used for an RV storage business. This property does not front any state highway and access will be from the Kiowa-Bennett Road. We ask that the Town of Bennett be aware of the cumulative impact of development on the intersection of Kiowa-Bennett Road and Highway 36. An increase in use of 20% or greater would require a new state Highway Access Permit.
- Any signing for this development that is visible to the state highway must comply with all applicable rules governing outdoor advertising in Colorado per the state rules 2 CCR 601-3

Thank you for the opportunity to review this referral.

**Steve Loeffler**

Permits Unit- Region 1



P 303.757.9891 | F 303.757.9053  
 2829 W. Howard Pl. 2nd Floor, Denver, CO 80204  
[steven.loeffler@state.co.us](mailto:steven.loeffler@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)



----- Forwarded message -----

From: **Cross - CDOT, Marilyn** <[marilyn.cross@state.co.us](mailto:marilyn.cross@state.co.us)>

Date: Tue, Mar 15, 2022 at 11:44 AM

Subject: Fwd: Walls Subdivision and Industrial Zoning 1st Referral

To: Steven Loeffler <[steven.loeffler@state.co.us](mailto:steven.loeffler@state.co.us)>Cc: David Dixon - CDOT <[david.dixon@state.co.us](mailto:david.dixon@state.co.us)>

Steve,

I understand you will handle this referral.

---

Marilyn Cross, AICP  
 Access Manager  
 Permits Unit

Page 136



*Our team is currently transitioning back to the office. Most services are still available via email. You may call my cell number listed below. Some processes may change as we adjust to our new normal. Thank you for your patience.*



P 303.512.4266 | C 303-514-5992 | F 303.757.9053  
 2829 W. Howard Pl, #255D, Denver, CO 80204  
[marilyn.cross@state.co.us](mailto:marilyn.cross@state.co.us) | [Link to Access Permits](#) | [www.codot.gov](http://www.codot.gov)



----- Forwarded message -----

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

Date: Mon, Mar 14, 2022 at 1:06 PM

Subject: Walls Subdivision and Industrial Zoning 1st Referral

To: Karl Smalley <[ksmalley@adcogov.org](mailto:ksmalley@adcogov.org)>, United States Postal Service <[sarah.e.zawatzki@usps.gov](mailto:sarah.e.zawatzki@usps.gov)>, Robin Price <[rprice@bennett.co.us](mailto:rprice@bennett.co.us)>, Daymon Johnson <[djohnson@bennett.co.us](mailto:djohnson@bennett.co.us)>, Victoria Flamini <[VictoriaFlamini@bennettfirerescue.org](mailto:VictoriaFlamini@bennettfirerescue.org)>, Bennett Watkins Fire Rescue <[calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org)>, Marilyn Cross - CDOT <[Marilyn.Cross@state.co.us](mailto:Marilyn.Cross@state.co.us)>, Colorado Department of Transportation (CDOT) Assistant Access Manager <[david.dixon@state.co.us](mailto:david.dixon@state.co.us)>, <[JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com)>, <[GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com)>, Eastern Slope Rural Telephone <[patw@esrta.com](mailto:patw@esrta.com)>, 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)>, Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>, Tri-County Health Department <[slynch@tchd.org](mailto:slynch@tchd.org)>, Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>

Hello,

Below is a Dropbox link to the Walls Subdivision and Industrial 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 April 4, 2022.

<https://www.dropbox.com/sh/n5xluk60xiogszd/AADi9NsY6CaK7jNty1P0KOO1a?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**

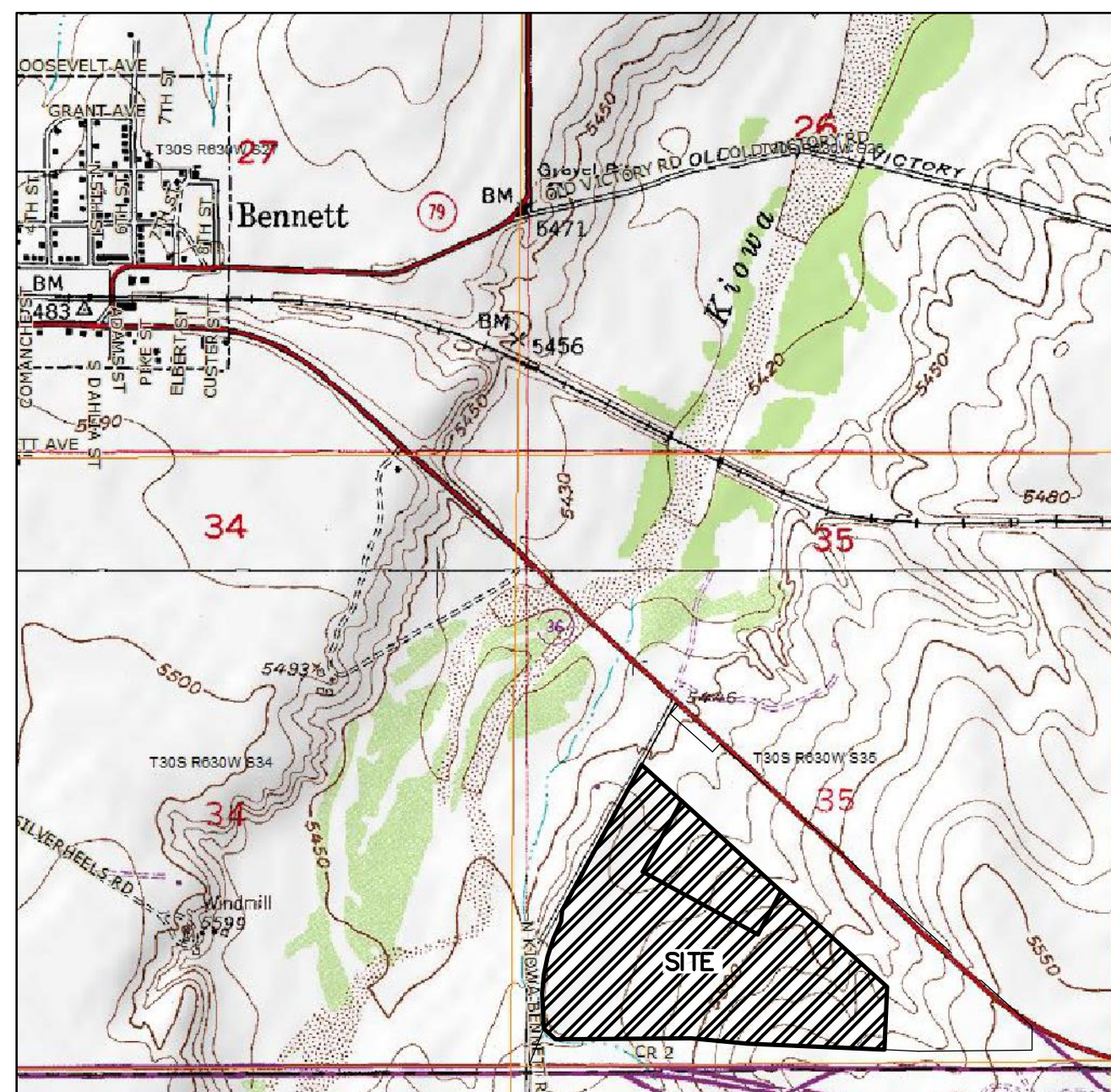
207 Muegge Way | Bennett CO, 80102  
 (303)644-3249 | [planning@bennett.co.us](mailto:planning@bennett.co.us)  
[townofbennett.colorado.gov](http://townofbennett.colorado.gov)



GENERAL NOTES:

1. THE PROPERTY DOES NOT APPEAR TO FALL IN A FLOOD ZONE PER THE FLOOD INSURANCE RATE MAP (FERM) ADAMS COUNTY, COLORADO, MAP NO. 08001C0981H, PANEL 981 – 1150 PANEL NO. 0981H
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 FROM THE DATE OF CERTIFICATION SHOWN HEREON.
3. BEARINGS FOR THIS PLAT ARE BASED ON THE NORTH LINE OF LOTS 1 & 2 TO BEAR S47°49'23"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
4. A TITLE SEARCH WAS NOT DONE BY HIGH PRAIRIE SURVEY AND TITLE WORK WAS NOT PROVIDED
5. LINEAL DIMENSIONS ARE SHOWN HEREON IN U.S SURVEY FEET

**ADD DEDICATION OF UTILITY EASEMENTS**



VICINITY MAP  
NOT TO SCALE

**PURPOSE STATEMENT:**

TO REPLAT ALL OF xxxxxxxxx, OF THE xxxxxx ADDITION TO THE TOWN OF BENNETT, INTO A LOT AND TRACTS.

## TOWN APPROVAL BLOCK:

THIS IS TO CERTIFY THAT THE PLAT OF "WALL'S SUBDIVISION" WAS APPROVED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF THE TOWN OF BENNETT, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED BY ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

## RECORDERS CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF ADAMS

COUNTY CLERK AND RECORDER ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., RECEPTION NO. \_\_\_\_\_

CLERK AND RECORDER

BY BY

## OWNERS CERTIFICATE

I, \_\_\_\_\_ AS OWNER OF THE LAND  
AFFECTED BY THIS REZONE EXHIBIT. ACCEPT AND APPROVE ALL CONDITIONS SET FORTH HEREIN.

OWNER: Gerald Walls DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS

COUNTY OF \_\_\_\_\_ )  
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 20 \_\_\_\_\_, BY (NAME OF INDIVIDUAL OR AUTHORIZED PERSON [SEE BELOW]).  
WITNESS MY HAND AND OFFICIAL SEAL.

SEAL \_\_\_\_\_  
NOTARY PUBLIC

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

**OWNERS:**

**ZONING:**

EXISTING: AGRICULTURE  
PROPOSED: COMMERCIAL

GERALD WALLS  
43043 RIDGE ROAD  
DEER TRAIL 80106  
COLORADO

**BASIS OF BEARINGS:**

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

DATE:                      REVISIONS:

REFERENCE DWG:

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1"=300'	DATE 12/08/2021	DRAWN BY CRR
---------------------------------------	------------------	--------------------	-----------------

TITLE	WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO
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CLIENT	GERALD WALLS
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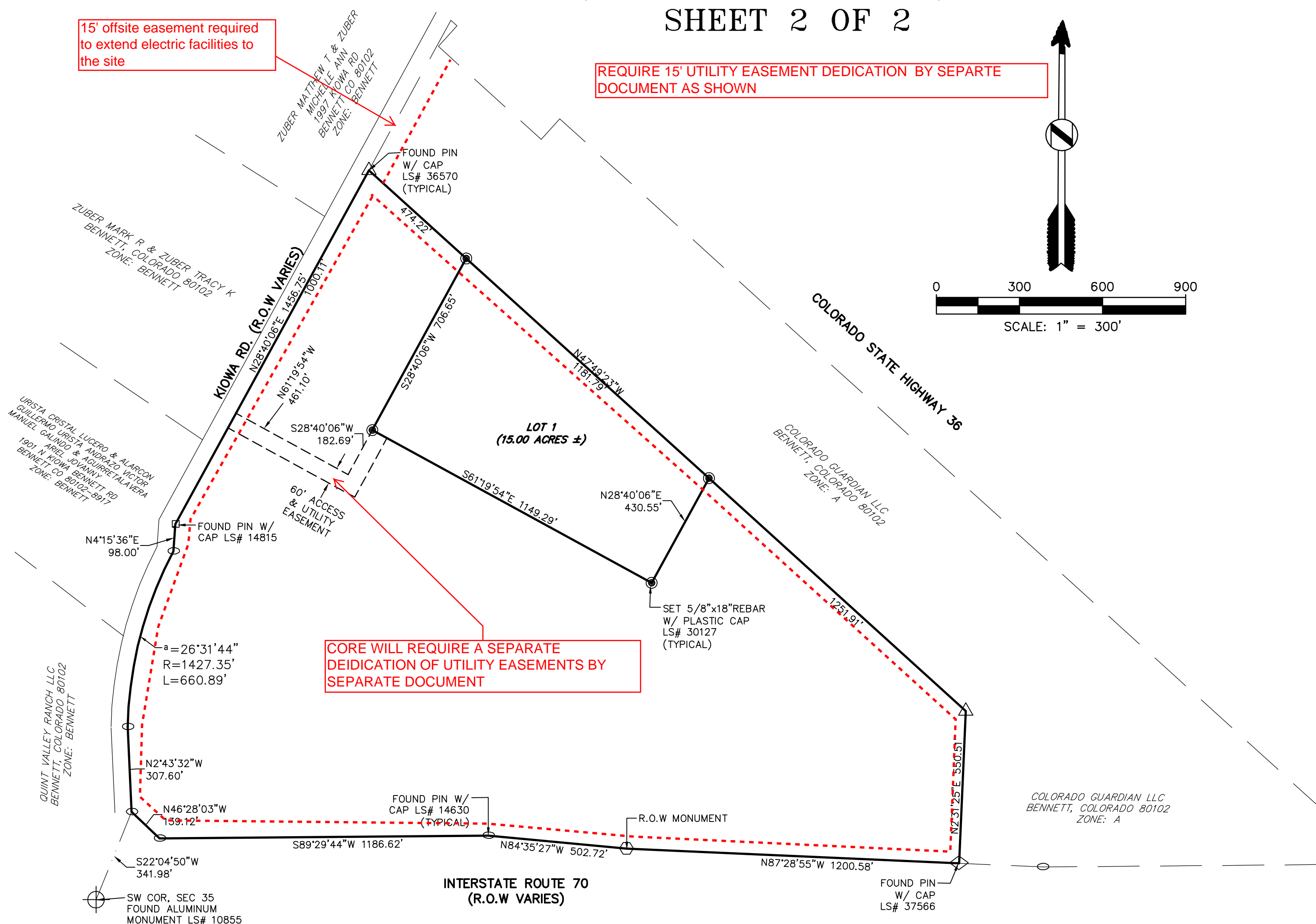
SHEET 1 OF 2		JOB NUMBER 21072-SUB
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# WALL'S SUBDIVISION

# FINAL PLAT

PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 2 OF 2



### PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 924.00 FEET TO THE POINT OF BEGINNING; THENCE N28°00'39"E, 2,250 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID U.S. HIGHWAY TO THE WEST LINE OF SAID SECTION 35; THENCE SOUTH ALONG SAID WEST LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING, EXCEPT MINERAL RESERVATIONS OF RECORD, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE  
DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY  
DESIGNATED AS INTERSTATE HIGHWAY NO. 70: AND

EXCEPT A RIGHT-OF-WAY FOR U.S HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO: AND

EXCEPT THAT PORTION CONVEYED TO ADAMS COUNTY IN BOOK 194 AT PAGE 465 AND BOOK 202 AT PAGE 443; AND

EXCEPT TRACT DESCRIBED IN BOOK 306 AT PAGE 443; AND

EXCEPT PARCEL DESCRIBED IN BOOK 758 AT PAGE 535, RECORDS AT THE CLERK AND RECORDER OF THE COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF COLORADO STATE HIGHWAY NO. 36, LYING SOUTHEAST OF KIOWA ROAD IN SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO AS BEARING S48°28'50"E, AS SHOWN ON THE "TOWN OF BENNETT--ANNEXATION PLAT" AS RECORDED AT RECEPTION NO. 8786212, ADAMS COUNTY RECORDS, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; THENCE N15°50'16"E, A DISTANCE OF 342.07 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING FOUR COURSES AND DISTANCES ALONG THE EASTERLY AND NORTHERLY LINES OF THE SAID DEPARTMENT OF HIGHWAYS. STATE OF COLORADO PARCEL:

- 1) THENCE N03°24'09"W, A DISTANCE OF 307.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1427.35 FEET, A RADIAL LINE FROM SAID POINT BEARS S89°2017'E;
- 2) THENCE ALONG SAID CURVE, A DISTANCE OF 660.89 FEET, THROUGH A CENTRAL ANGLE OF 26°31'17", THE CHORD OF WHICH BEARS N13°55'36"E, A DISTANCE OF 655.00 FEET;
- 3) THENCE N03°36'09"E, A DISTANCE OF 85.90 FEET;
- 4) THENCE N61°59'21"W, A DISTANCE OF 5.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF THE STATE OF COLORADO, DEPARTMENT OF HIGHWAYS PARCELS OF LAND RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS AND EAST RIGHT-OF-WAY LINE OF KIOWA ROAD; THENCE N28°00'39"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, A DISTANCE OF 1467.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, N28°00'39"E, A DISTANCE OF 617.07 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36;
  - 1) THENCE S48°28'50"E, A DISTANCE OF 30.30 FEET;
  - 2) THENCE S41°31'10"W, A DISTANCE OF 100.00 FEET;
  - 3) THENCE S48°28'50"E, A DISTANCE OF 500.00 FEET;
  - 4) THENCE N41°31'10"E, A DISTANCE OF 100.00 FEET;
  - 5) THENCE S48°28'50"E, A DISTANCE OF 3697.68 FEET TO A POINT ON A WESTERLY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND,
    - 1) THENCE S01°07'19"E, A DISTANCE OF 209.74 FEET;
    - 2) THENCE S88°50'24"W, A DISTANCE OF 998.92 FEET;
    - 3) THENCE N88°08'02"W, A DISTANCE OF 301.50 FEET; THENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 575, N01°51'58"E, A DISTANCE OF 550.51 FEET; THENCE N48°28'50"W A DISTANCE OF 2908.12 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

STATEMENT:

LINEAL UNITS ARE IN FEET.

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

### BASIS OF BEARINGS:

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

	DATE:	REVISIONS:
REFERENCE DWG:		

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

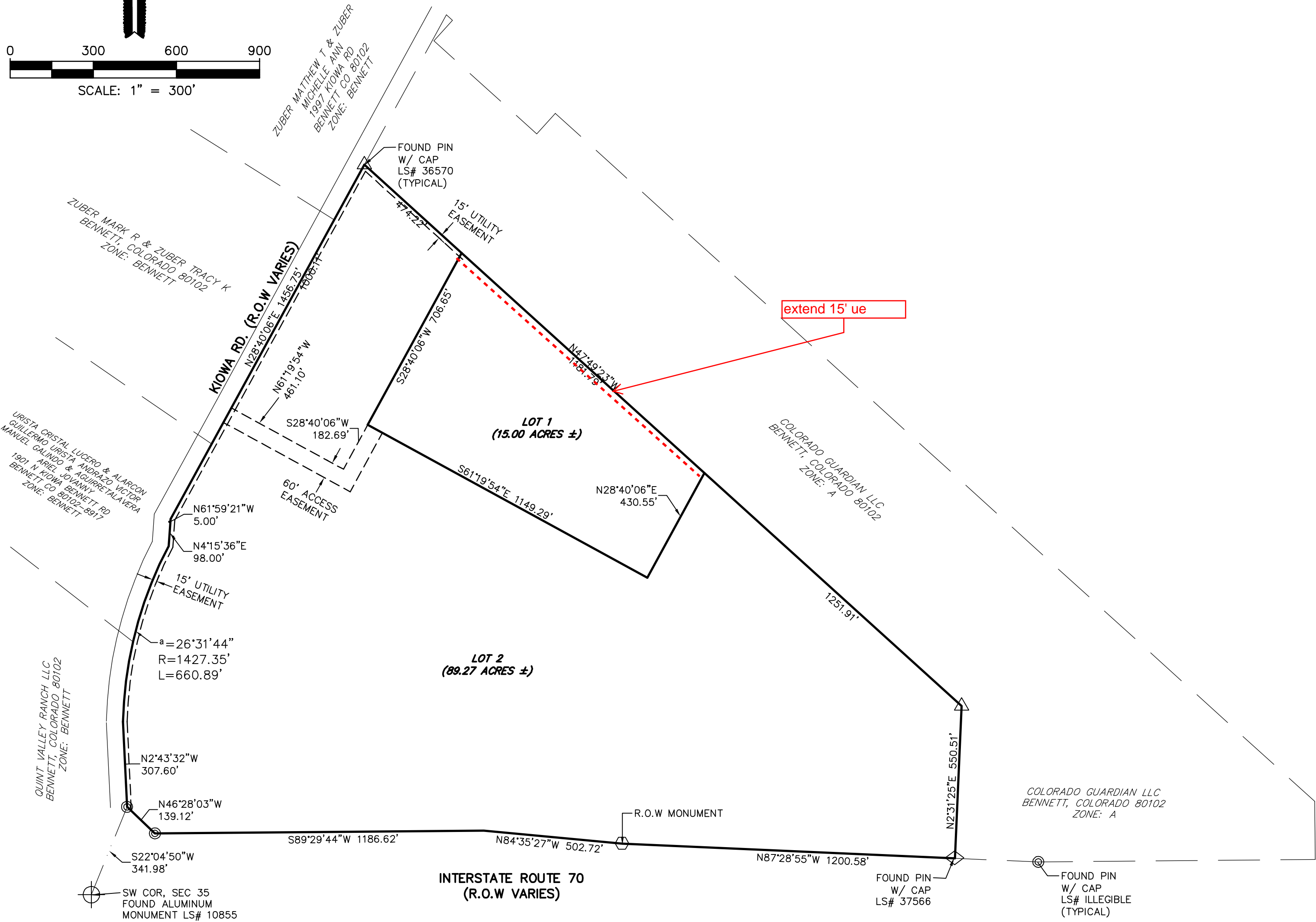
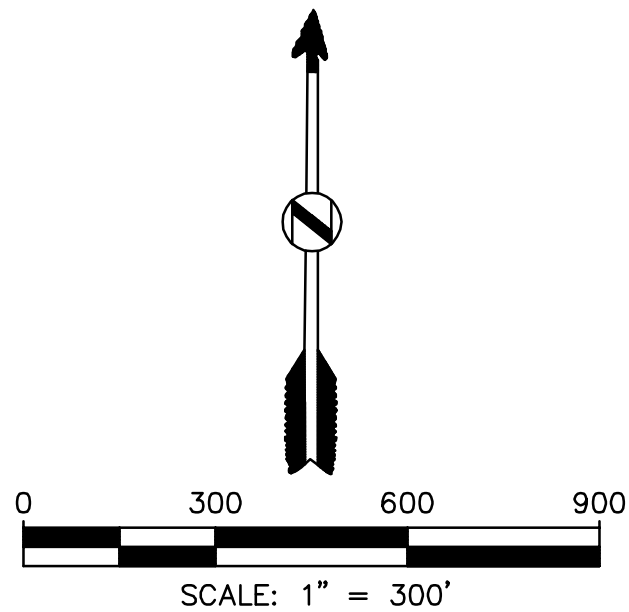
P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1"=300'	DATE 12/08/2021	DRAWN BY CRR
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TITLE	
WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO	
CLIENT	
GERALD WALLS	
SHEET	JOB NUMBER
2 OF 2	21072-SUB



# WALL'S MINOR DEVELOPMENT

PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO



## PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

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EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY DESIGNATED AS INTERSTATE HIGHWAY NO. 70; AND

EXCEPT A RIGHT-OF-WAY FOR U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PORTION CONVEYED TO ADAMS COUNTY IN BOOK 194 AT PAGE 465 AND BOOK 202 AT PAGE 443; AND

EXCEPT TRACT DESCRIBED IN BOOK 306 AT PAGE 443; AND

EXCEPT PARCEL DESCRIBED IN BOOK 758 AT PAGE 535, RECORDS AT THE CLERK AND RECORDER OF THE COUNTY OF ADAMS, STATE OF COLORADO; AND

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- 2) THENCE ALONG SAID CURVE, A DISTANCE OF 660.89 FEET, THROUGH A CENTRAL ANGLE OF 26°31'45", THE CHORD OF WHICH BEARS N13°55'36"E, A DISTANCE OF 655.00 FEET;
- 3) THENCE N03°36'09"E, A DISTANCE OF 85.90 FEET;
- 4) THENCE N61°59'21"W, A DISTANCE OF 5.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF THE STATE OF COLORADO, DEPARTMENT OF HIGHWAYS PARCELS OF LAND RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS AND EAST RIGHT-OF-WAY LINE OF KOWA ROAD; THENCE N28°00'39"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF KOWA ROAD, A DISTANCE OF 1467.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF KOWA ROAD, N28°00'39"E, A DISTANCE OF 617.07 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF KOWA ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36;

- 1) THENCE S48°28'50"E, A DISTANCE OF 30.30 FEET;
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- 3) THENCE S48°28'50"E, A DISTANCE OF 500.00 FEET;
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- 1) THENCE S01°07'19"E, A DISTANCE OF 209.74 FEET;
- 2) THENCE S88°50'24"W, A DISTANCE OF 998.92 FEET;
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DATE: \_\_\_\_\_ REVISIONS: \_\_\_\_\_

REFERENCE DWG: \_\_\_\_\_

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING

OIL AND GAS SURVEYING

303-621-8672 FAX 303-621-7749

P.O. BOX 384  
KIOWA, COLORADO 80117

SCALE  
1"=300'

DATE  
08/18/2021

DRAWN BY  
CRR

TITLE  
WALL'S MINOR DEVELOPMENT  
PART OF SEC. 35, T3S, R63W, 6TH P.M.  
TOWN OF BENNETT,  
ADAMS COUNTY, STATE OF COLORADO

CLIENT  
GERALD WALLS

SHEET 1 OF 2

JOB NUMBER  
21072-MD



**Melinda A. Culley**  
(303) 298-1601 tel  
(303) 298-1627 fax  
*melinda@kellypc.com*

### **MEMORANDUM**

TO: Planning Department

FROM: Melinda Culley /s/

DATE: April 4, 2022

RE: Wall's Subdivision Plat

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I reviewed the Final Plat for the Wall's Subdivision and have the following comments:

1. I do not see a title commitment in the Dropbox folder. If the applicant has not done so, they need to submit a title commitment for the subject property dated no later than 3 months from the date of the application.
2. Revise the Purpose Statement to reflect that the property is being subdivided into two lots.
3. In the Zoning section, delete the reference to proposed zoning because the rezoning will be handled as a separate item.
4. Add a statement and signature by the land surveyor that the survey was performed by the surveyor or under the surveyor's direct responsibility, supervision and checking and that the Plat accurately and properly shows said subdivision.
5. Delete the Owner's Certificate and replace it with the following:

#### **OWNERSHIP AND DEDICATION**

Known by all men by these presents, that the undersigned \_\_\_\_\_ being the owner of the land shown in this Final Plat and described as follows:

(LEGAL DESCRIPTION)

It is expressly understood and agreed by the undersigned that all expenses and costs 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 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, other serving public entities, which when constructed or installed shall remain and/or become the property of such municipality franchised utilities, other serving public entities and shall not become the property of the Town of Bennett, Colorado.

---

Its: \_\_\_\_\_

COUNTY OF \_\_\_\_\_ )

---

Notary Public

---

My Commission expires



**BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-14**

**A RESOLUTION RECOMMENDING APPROVAL OF A FINAL PLAT FOR WALLS SUBDIVISION**

WHEREAS, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for approval of a Final Plat for Walls Subdivision; and

WHEREAS, all materials related to the proposed Final Plat have been reviewed by Town Staff and found with conditions to be in compliance with Town of Bennett subdivision and zoning ordinances; 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 should be approved subject to certain conditions.

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 Final Plat for Walls Subdivision, subject to the conditions set forth on Exhibit A, attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED this 18th day of July 2022.**

\_\_\_\_\_  
Martin Metsker, Chairperson

ATTEST:

\_\_\_\_\_  
Secretary

**EXHIBIT A**  
**Conditions of Approval**  
**Walls Subdivision**

1. Add a plat note informing potential purchasers that public water, sewer and other utilities are not available and will be required to be installed by the owner or developer prior to any development requiring such services.
2. Add a plat note requiring a development agreement pursuant to Section 16-5-710 of the Bennett Municipal Code at the time of site plan approval that identifies and guarantees required public improvements.
3. Add a plat note that indicates the public land dedication requirement in Section 16-5-510 must be satisfied prior to sale of any lot or as otherwise might be described in the development agreement.
4. Change the title of the plat to “Walls Subdivision” and make this change throughout the plat document.
5. Before recording the plat, the applicant shall make minor modifications as directed by Town Staff, the Town Attorney and the Town Engineer.

### **Suggested Motion**

I move to approve Resolution No. 2022-12 - A Resolution Recommending Approval of a Final Plat for Walls Subdivision.

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

**CHAIR:** I will now open the public hearing on the following application: An application for Case No. 22.13 - Walls Industrial Rezoning.

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?

*[Secretary 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.

**Page 146**

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. 2022-15.

May we have a Roll-Call vote?

Motion carries/fails.



# STAFF REPORT



welcome neighbors.

TO: Planning and Zoning Commission Members  
FROM: Steve Hebert, Planning Manager  
DATE: July 18, 2022  
SUBJECT: Case No. 22.12 – Walls Subdivision Final Plat and Case No. 22.13 – Walls Industrial Rezoning

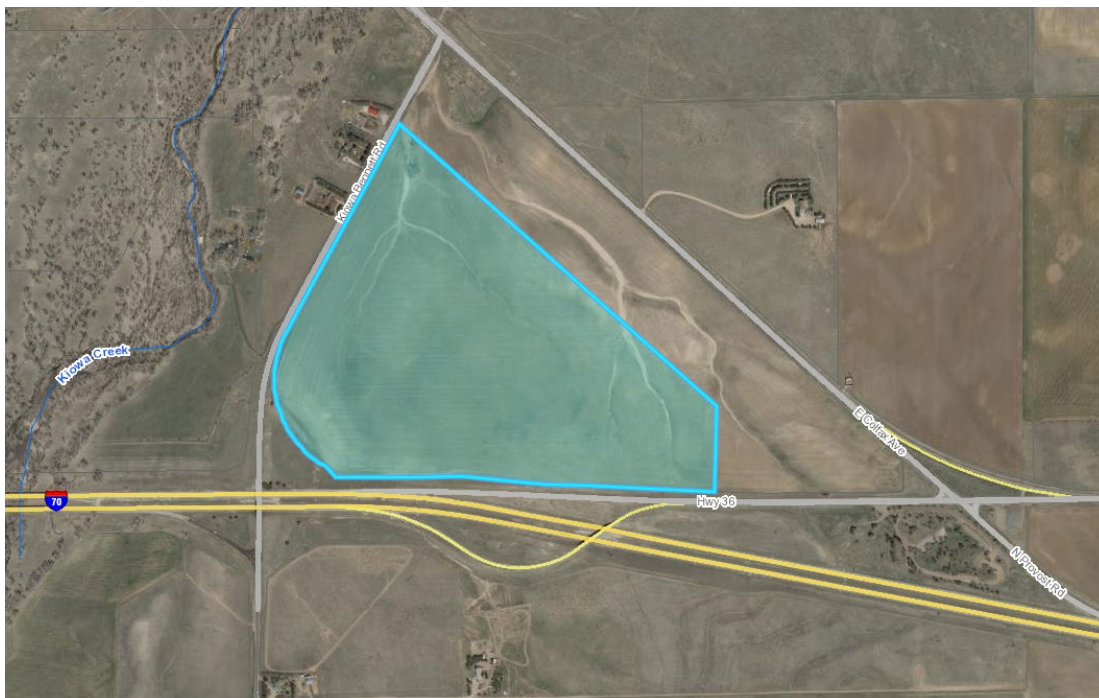
Applicant/Representative(s): JK Bennett, LLC / Jerry and Kayle Walls

Location: Northeast Corner of Kiowa-Bennett Road and I-70

Purpose: Subdivide 104.27 Acres into Two Lots and Rezone 15 Acres to I – Industrial Zone District

## Background

In Case No. 22.12, the applicant proposes subdividing 104.27 acres in two lots. Lot 1 is 15 acres and Lot 2 is the remaining 89.27 acres. The property is located at the northeast corner of Kiowa-Bennett Road and I-70. See the vicinity map below:



The property was annexed into the Town of Bennett in May 1987, along with the property bordering the northeast and east property line. The property is currently zoned A – Agricultural District. The applicant has also submitted an application, Case No. 22.13, to rezone the 15-acre Lot 1 to I – Industrial District. The proposed near-term use of Lot 1 is an outdoor recreational vehicle (RV) storage lot. A future conditional use permit (CUP), reviewed by the Planning and Zoning Commission and the Board of Trustees, and site plan reviewed by the Zoning Administrator, will be required for the RV facility.

## Site Characteristics and Photos

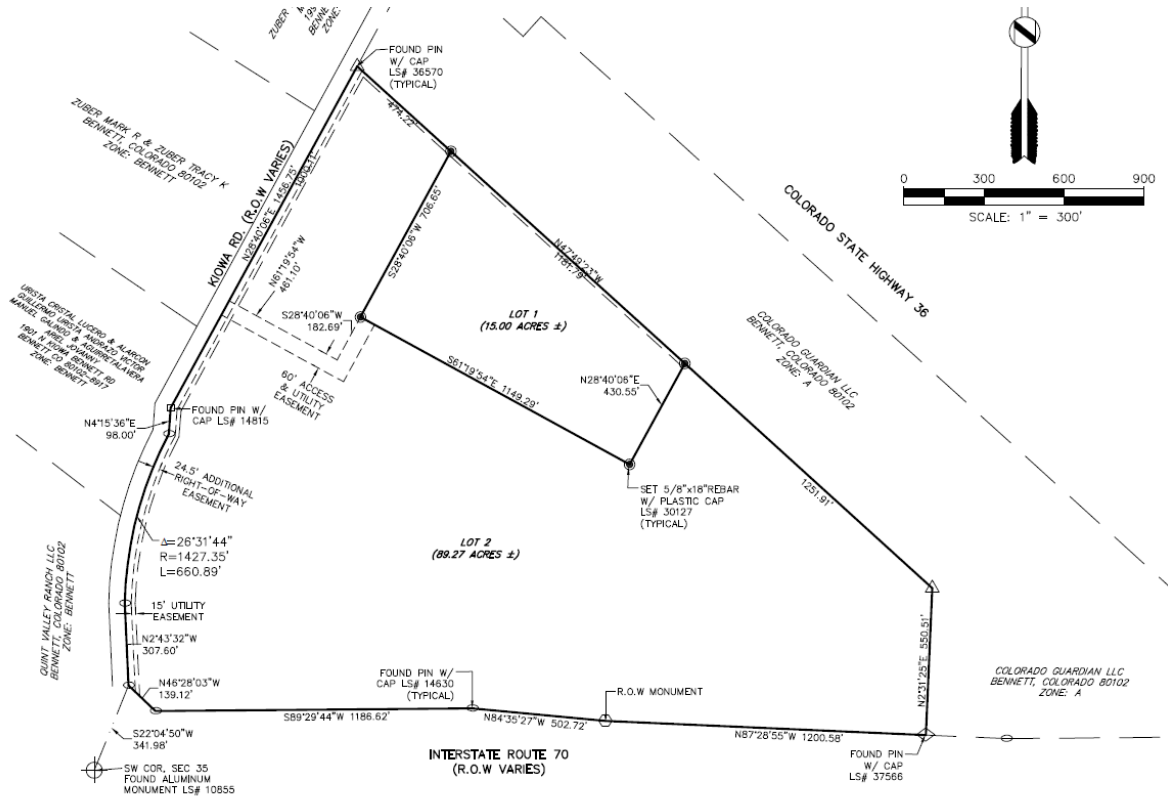
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The 104-acre Walls property slopes down gently from a high point near the southeast corner, at an elevation of 5,540, to a low point at the northwest corner of the property, at an elevation of 5,454. The land has been used as pasture and dry land farming, with a small stand of trees near the northwest corner. The property is bounded on the west by Kiowa-Bennett Road, on the south by the I-70 westbound on-ramp, and on the north and east by an adjacent commercial zoned property, known as Pride of Bennett. There are currently no buildings on the property. See the two photos of the property below.



## Proposed Lot Layout and Access

The map below shows the proposed lot configuration. Access to the subdivision is from Kiowa-Bennett Road. No access is proposed from the I-70 access ramp. Lot 1 will have access to Kiowa-Bennett Road by way of a 60-foot access easement connecting the lot to the highway. If the subdivision plat is approved, the applicant proposes rezoning Lot 1, consisting of 15 acres, to I – Industrial District.



## Standards for the A – Agricultural District and I – Industrial District

### Agricultural District Standards

Standard	A - Agricultural District
Minimum Lot Area	217,800 square feet
Minimum Lot Width	300 feet
Maximum Lot Coverage	10%
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	50 feet
Minimum Side Yard Setback (Accessory Structure)	10 feet
Minimum Rear Yard Setback (Principal Structure)	50 feet
Minimum Rear Yard Setback (Accessory Structure)	20 feet
Maximum Height (Principal Structure)	45 feet
Maximum Height (Accessory Structure)	60 feet



### Industrial District Standards

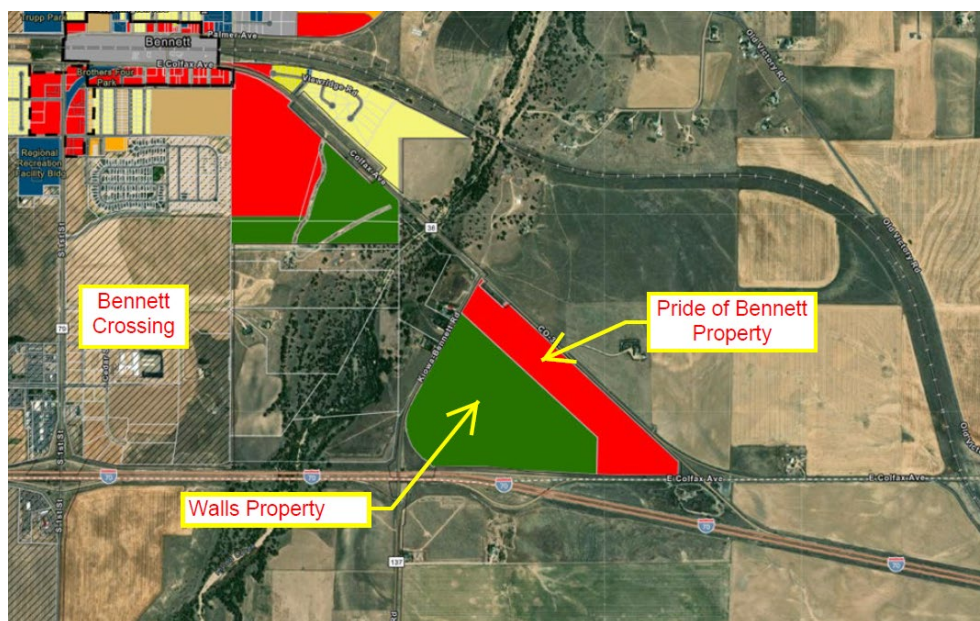
Standard	I-Industrial District
Minimum Lot Area	None
Maximum Lot Coverage	80%
Maximum Floor Area Ratio	.3
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	10 feet
Minimum Side Yard Setback (Accessory Structure)	5 feet
Minimum Rear Yard Setback (Principal Structure)	10 feet
Minimum Rear Yard Setback (Accessory Structure)	5 feet
Maximum Height (Principal Structure)	60 feet
Maximum Height (Accessory Structure)	30 feet

### Permitted Uses in the A – Agricultural and I – Industrial Districts

The permitted uses, including uses-by-right and conditional uses, for both the existing A – Agricultural District and I – Industrial District are attached to this report.

### Surrounding Zoning and Land Use

The subject property is bordered on the south and west by properties in unincorporated Adams and Arapahoe Counties that are zoned agricultural. The property on the east and northeast is in the Town of Bennett and zoned C – General Commercial District. A development plan for this property, known as the Pride of Bennett, was proposed to the Town in 2000; however, development never occurred. See the subsection of the Town of Bennett Zoning Map below and the table on the following page, showing surrounding zoning and land uses.



Direction	Zone District	Land Use
North	C- General Commercial	Vacant, Agricultural
East	C- General Commercial	Vacant, Agricultural
South	NA	I-70, Agricultural, Large Lot Residential
West	A-3 (Unincorporated)	Large Lot Residential

## Public Services and Utilities

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### Water Supply

- Water rights originally connected to the property were assigned to the Town at the time of annexation.
- There are no municipal or domestic wells on the property.
- The applicant intends to build a recreational vehicle storage yard on Lot 1, if the proposed industrial zoning and subsequent conditional use permit and site plan are approved by the Town. As proposed, the facility will not require an on-site water supply, similar to the facility along Manila Road north of I-70.
- A plat note will be added that will restrict the sale of either of the two lots, and most likely require a deed restriction, that would limit improvements on the property to those that do not require water for a business, including for fire protection.

### Wastewater Treatment

- There is no public sanitary sewer near the property.
- In the near term, development on the property will be limited to uses that can operate with an On-Site Wastewater Treatment System (OWTS) or uses that do not require public sewer.
- An OWTS would eventually have to be approved by the Adams County successor to Tri-County Health.
- Short term plans for the RV storage facility will not require either an OWTS or public sewer; however, there may be an on-site disposal tank that would need to be emptied periodically.
- All operations will have to meet the rules and regulations of both state and county agencies.
- A plat note will be added that will limit the sale and perhaps require a deed restriction on future land uses.

### Stormwater Management

- Stormwater management will be required to conform to Town and Adams County requirements, in addition to those of Colorado state law, including for water quality, concentration and peak flow management, to minimize impacts to downstream property owners.
- This will most likely consist of a stormwater management (aka stormwater detention) pond with controlled release and outfall ditch.
- Any upstream stormwater flows onto the property, including culvert outfalls from CDOT right-of-way, will need to be recognized and managed through the property without threat or adverse impact to the proposed subdivision uses.



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

- The Access and Utility Easement shown through Lot 2 to serve Lot 1 may need radii added to support turn movements of larger trucks and vehicles.
- The Town understands the access proposal would be for an all-weather access drive surfacing on an interim basis, pending final property right-of-way and Town street proposals for future property development.
- The Town further understands the proposed access and interior drives would be for private ownership and maintenance, subject to any Town and Bennett-Watkins Fire Rescue (BWFR) review, period inspections, and requirements to ensure acceptable and reliable emergency access, as well as Town services access.
- The Town may be amenable to this approach, with appropriate conditions and terms of approval, including a revocable Town Access Permit to Kiowa-Bennett Road for the proposed subdivision lots.
- Access improvements including, at minimum, shoulder widening in the immediate vicinity of the access, appropriate truck turn radii, as well as an asphalt-paved apron with appropriate width and length to host a designated truck awaiting turn movement, as well as to minimize mud-tracking onto KBR, will be required to access KBR.

## Fire and Rescue

The property lies within the BWFR authority district. The developer shall confer with BWFR and ensure that the proposed development conforms to adopted (IFC) fire code standards, adequate water delivery systems and fire flow, adequate access, treatment of the wildland-urban interface and other requirements of the District. The Town will continue its practice of referring development applications to the District to ensure the District's comments are addressed at the appropriate stage of development.

## Gas, Electric and Telecommunications

- Gas will be available from Colorado Natural Gas. Electric power will be available from CORE Electric Cooperative. CORE has asked for easements as shown on the plat.
- Future development will require additional improvements to gas and electric service to the property.

## Staff Analysis and Findings on Walls Subdivision Final Plat (Case No. 22.12)

---

Per Section 16-4-380 of the Bennett Municipal Code, 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.**

**Staff Finding:** Because the final plat proposes only two lots, the sketch plan process was waived. The purpose of the sketch plan, which is to get early feedback on a conceptual lot layout, was achieved through review by the Development Review Committee.

- B. All applicable technical standards in accordance with this Chapter and adopted Town documents have been met.**

1. To establish appropriate standards for subdivision design that will:
  - a. Encourage the development of sound, economical and stable neighborhoods and healthy living environments, in conformance with the goals and policies of the Comprehensive Plan.
  - b. Provide lots of adequate size, configuration and design for the purpose for which they are intended to be used.
  - c. Promote superior design and design flexibility.
  - d. Preserve the significant natural features and environmental quality of the Town.
  - e. Guide the physical development of the Town in ways that complement the Town's character and culture.
  - f. Promote a cohesive sense of community among new and current residents, precluding neighborhood design or restrictions that in any way isolate any neighborhood from the rest of the community.
  - g. Provide complete and accurate public land records.

**Staff Finding: The proposed final plat will accommodate new development that meets the standards of good subdivision design.**

**C. To establish standards for utilities and other public services that will:**

- a. Provide an efficient, adequate and economical supply of utilities and services to the land proposed for development without adverse effects to property that is currently served.
- b. Ensure that adequate stormwater drainage, sewage disposal, water supply and other utilities, services and improvements needed as a consequence of the subdivision of the land are provided.
- c. Provide for the reasonable extension of utilities and services to other lands that may be developed in the future.
- d. Provide the equitable distribution of the cost of new and expanded public services needed to support new land development.

**Staff Finding: The proposed final plat, future subdivisions and future subdivision agreements and construction documents will accommodate the extension of utilities and public services to serve development that may occur on the properties.**

**D. To ensure the provision of adequate and safe traffic circulation that will:**

- a. Minimize traffic hazards through appropriate street design, providing safe and convenient vehicular and pedestrian traffic circulation systems.
- b. Provide adequate vehicular access to abutting properties.
- c. Provide streets of adequate capacity and appropriate design and function.

**Staff Finding: Staff finds the proposed subdivision will accommodate future vehicular and pedestrian access.**

**E. To ensure adequate public facilities that will:**

- a. Provide for the recreational, cultural, educational and other public facility needs of the community.
- b. Facilitate effective law enforcement and fire protection.

**Staff Finding:** A plat note will be added reminding the applicant and future landowners, that the ten percent public land dedication requirement must be met with future subdivision and/or site plan applications.

**F. To contribute to the proper development of the community in accordance with the goals and policies of the Comprehensive Plan as it may be updated from time to time.**

**Staff Finding:** The proposed plat is consistent with the principles in the 2021 Town of Bennett Comprehensive Plan. See the Comprehensive Plan analysis relative to the rezoning application.

**G. Compliance with Zoning Regulations**

**Staff Finding:** All lots meet the standards of the existing A - Agricultural District and the proposed I – Industrial District.

## **Staff Analysis and Findings on Proposed Rezoning (Case No. 22.13)**

**A. Consistency with the Purpose of the Zoning Code in Section 16-1-150**

- (1) Implement the Town's goals, policies, plans, and programs to preserve and enhance the quality of life of its citizens and to promote economic vitality of its businesses;
- (2) Enhance the sales tax and employment base of the Town by attracting and retaining commercial and industrial development;
- (3) Provide adequate services and facilities to support existing and projected areas of population and growth;
- (4) Promote logical extensions of and efficient use of the Town's infrastructure;
- (5) Ensure that the fiscal impact of subdivision and development is borne by those parties who receive the benefits therefrom;

**Staff Finding:** Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, including those outlined above.

**B. Consistency with the Comprehensive Plan**

The subject property is currently incorporated and is within the Area of Planning Interest in the 2021 Comprehensive Plan. The Comprehensive Plan includes twelve principles that provide guidance to elected and appointed officials, residents, business and land owners, project applicants, community partners and stakeholders concerning growth and future land uses. They are outlined below, along with staff commentary.

<b>Comprehensive Plan Principle</b>	<b>Complies? Yes, No, NA</b>	<b>Staff Comment</b>
<b>1. A comprehensive, safe and efficient transportation system that provides for all forms of travel, including vehicular, bicycle, pedestrian and public transit.</b>	Y	The proposed Walls Subdivision and Industrial zoning include a provision to widen the right-of-way of Kiowa-Bennett Road, which will accommodate future growth in traffic.

Comprehensive Plan Principle	Complies? Yes, No, NA	Staff Comment
2. Develop neighborhoods that have a mix of land uses and densities with easy access to parks and open space, schools, cultural facilities, places of worship, shopping and employment.	Y	The proposed zoning may eventually accommodate new employment opportunities.
3. Development of a Town Center in the heart of Bennett that will serve as our “downtown” offering easy access to shopping, dining, entertainment and employment.	NA	This area is not part of the Town Center.
4. Encourage a high-quality and diverse mix of housing, available to people of different backgrounds, income, age, abilities and all phases of life.	NA	Housing is not proposed as part of this subdivision or rezoning application.
5. Commit to being good partners with other community agencies and organizations through collaboration, leveraging funding and planning for future growth. Emphasize local relationships with the School, Library, Recreation, and Fire Districts.	Y	The Town of Bennett and the future developers and builders will have the opportunity to collaborate with all service providers. Increased assessed valuation will result in additional property tax revenues to the various special districts.
6. Foster an attractive community that retains residents in all stages of life through attainable housing, continuing education and a robust job market.	Y	The proposed zoning may eventually accommodate new employment opportunities.
7. Preserve and protect natural open space and other areas that have environmental significance, with an emphasis on flood hazard; water value; natural mineral wealth; or are prime open space locations.		The natural drainage courses and tree stands can be preserved during future site plan review.
8. Value the development of a healthy community with access to healthy foods, physical activity, recreation, healthcare and safe neighborhoods.	NA	
9. The Town strives to be resilient by providing a framework to understand and measure its capacity to endure, adapt and	Y	Future development of both Lot 1 and Lot 2 will be subject to additional subdivision and site planning that will allow the Town

Comprehensive Plan Principle	Complies? Yes, No, NA	Staff Comment
transform through economic, social, and physical stresses.		to assure a resilient development project(s).
10. Design new developments in a manner to blend with the rural setting and preserve natural features and areas designated for agricultural production.	Y	The proposed industrial zoning is adjacent to commercially zoned property. The Town will have the opportunity to review future development plans for both lots and consider preservation of natural areas and compatibility with adjacent agricultural and large lot residential uses.
11. Contiguous land development pattern that promotes connected infrastructure and services in line with the capital asset inventory master planning documents.	Y	Extension of services is not anticipated in the initial phase of development. By limiting the near-term development on the property, the Town and the landowner maintain an efficient extension of infrastructure.
12. Both land and infrastructure development decisions will be predictable and provide equitable cost-sharing in line with the Town's master plans.	Y	As the properties develop, future land use applications will afford the Town the opportunity to review and approve equitable cost-sharing consistent with the Comprehensive Plan and the Capital Asset Inventory Master Plan.

**Staff Finding: Staff finds the proposed zoning is consistent with the 2021 Comprehensive Plan.**

## Referral Agency Review and Comments

The proposed Walls Final Plat and Rezoning application were sent to several referral agencies for comment, including:

- |                                     |                              |
|-------------------------------------|------------------------------|
| 1. Town Planning                    | 6. CORE Electric Cooperative |
| 2. Town Engineer                    | 7. Colorado Natural Gas      |
| 3. Town Traffic Engineer            | 8. Adams County Planning     |
| 4. Colorado Dept. of Transportation | 9. Adams County Sheriff      |
| 5. Bennett-Watkins Fire Rescue      |                              |

None of the agencies that responded have any objections to the proposed subdivision plat or rezoning. However, many of them, including the Town Engineer, Town Traffic Engineer, CDOT, Bennett-Watkins Fire and CORE Electric Cooperative, will require more analysis at the time of site planning.

## Public Comment



Notice of the July 18, 2022 Planning and Zoning Commission hearing and the July 24, 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. One adjacent property owner called to request clarification on the proposed near-term uses. No formal comments have been submitted to date.

### **Summary of Staff Findings and Recommendation on the Proposed Walls Subdivision Plat (Case No. 22.12)**

---

Staff finds the proposed Walls Subdivision is consistent review criteria outlined in Section 16-4-380 of the Bennett Municipal Code as described above.

Because of the limited services expected in the near-term, and the applicant's intent to restrict development to those uses that don't require public services, Staff has proposed several notes be placed on the subdivision plat. See the conditions below. Staff recommends the Planning and Zoning Commission approve Resolution No. 2022-14, recommending the Board of Trustees approve the Walls Subdivision Final Plat, subject to the following conditions:

1. Add a plat note informing potential purchasers that public water, sewer and other utilities are not available and will be required to be installed by the owner or developer prior to any development requiring such services.
2. Add a plat note requiring a development agreement pursuant to Section 16-5-710 of the Bennett Municipal Code at the time of site plan approval that identifies and guarantees required public improvements.
3. Add a plat note that indicates the public land dedication requirement in Section 16-5-510 must be satisfied prior to sale of any lot or as otherwise might be described in the development agreement.
4. Change the title of the plat to "Walls Subdivision" and make this change throughout the plat document.
5. Before recording the plat, the applicant shall make minor modifications as directed by Town Staff, the Town Attorney and the Town Engineer.

### **Summary of Staff Findings and Recommendation on the Proposed Walls Rezoning (Case No. 22.13)**

---

1. Staff finds the proposed I - Industrial District zoning is consistent with the purpose of the zoning code as outlined in Section 16-1-150 of the Bennett Municipal Code.
2. Staff finds the proposed zoning is consistent with the 2021 Comprehensive Plan.

Staff recommends the Planning and Zoning Commission recommend to the Board of Trustees approval of the rezoning Lot 1 of the Walls Subdivision to I – Industrial District.

### **Attachments**

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1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Letter of Intent/Narrative
4. Walls Subdivision Final Plat

5. Permitted Land Uses Table
6. Combined Staff and Referral Agency Comments
7. Resolution No. 2022-14 Approving the Final Plat
8. Resolution No. 2022-15 Recommending Approval of Rezoning

# Case No. 22.12 - Walls Subdivision Final Plat and Case No. 22.13 - Rezoning

Planning and Zoning Commission

July 18, 2022

Steve Hebert, Planning Manager



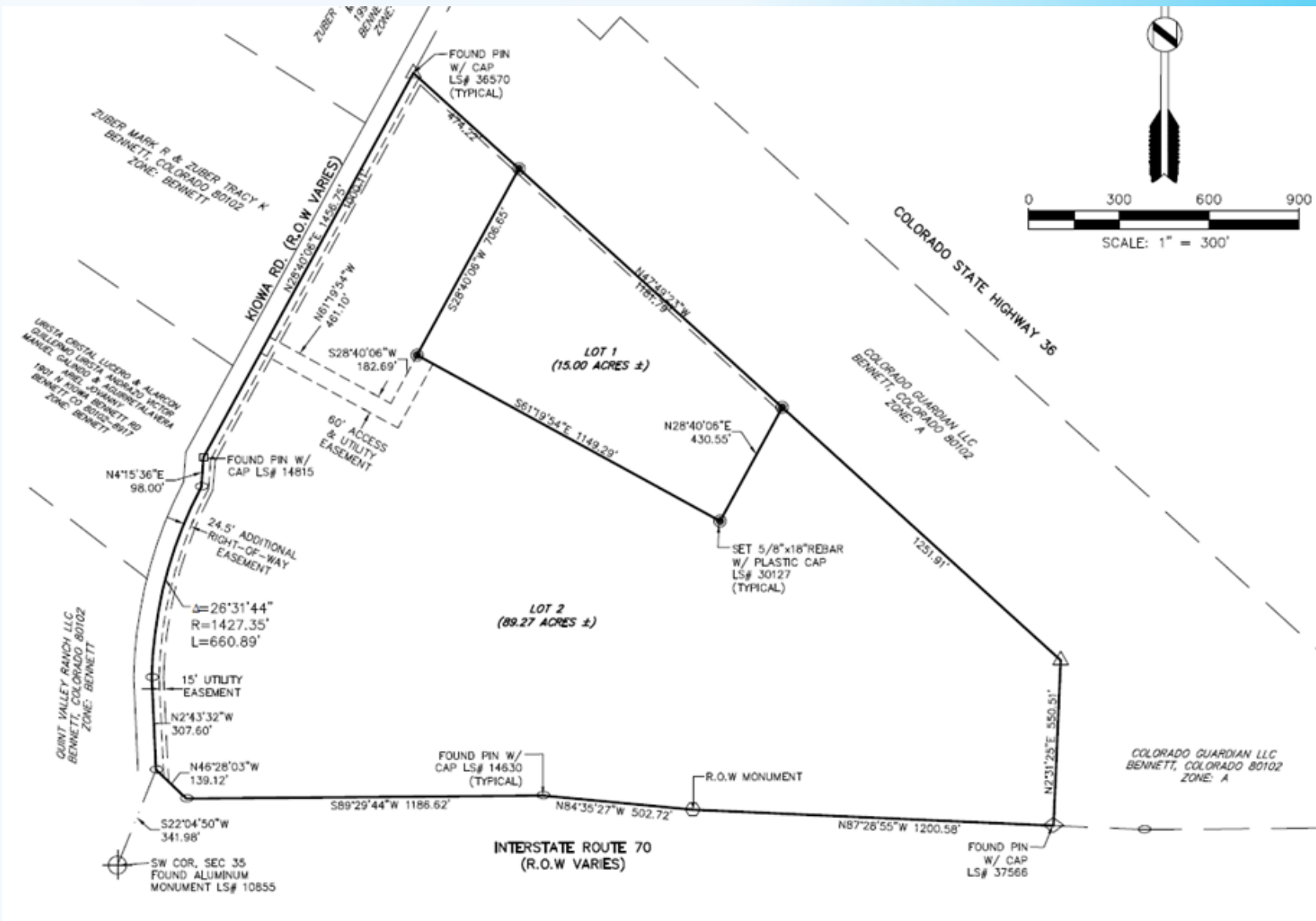
# Case No. 22.12

## Walls Subdivision Final Plat

- 104.27 acres
- Northeast corner of I-70 and Kiowa-Bennett Rd.
- Currently zoned A – Agricultural District
- Create two lots
  - Lot 1 - 15 acres
  - Lot 2 – 89.27 acres



# Proposed Lot Layout





# Site Photos

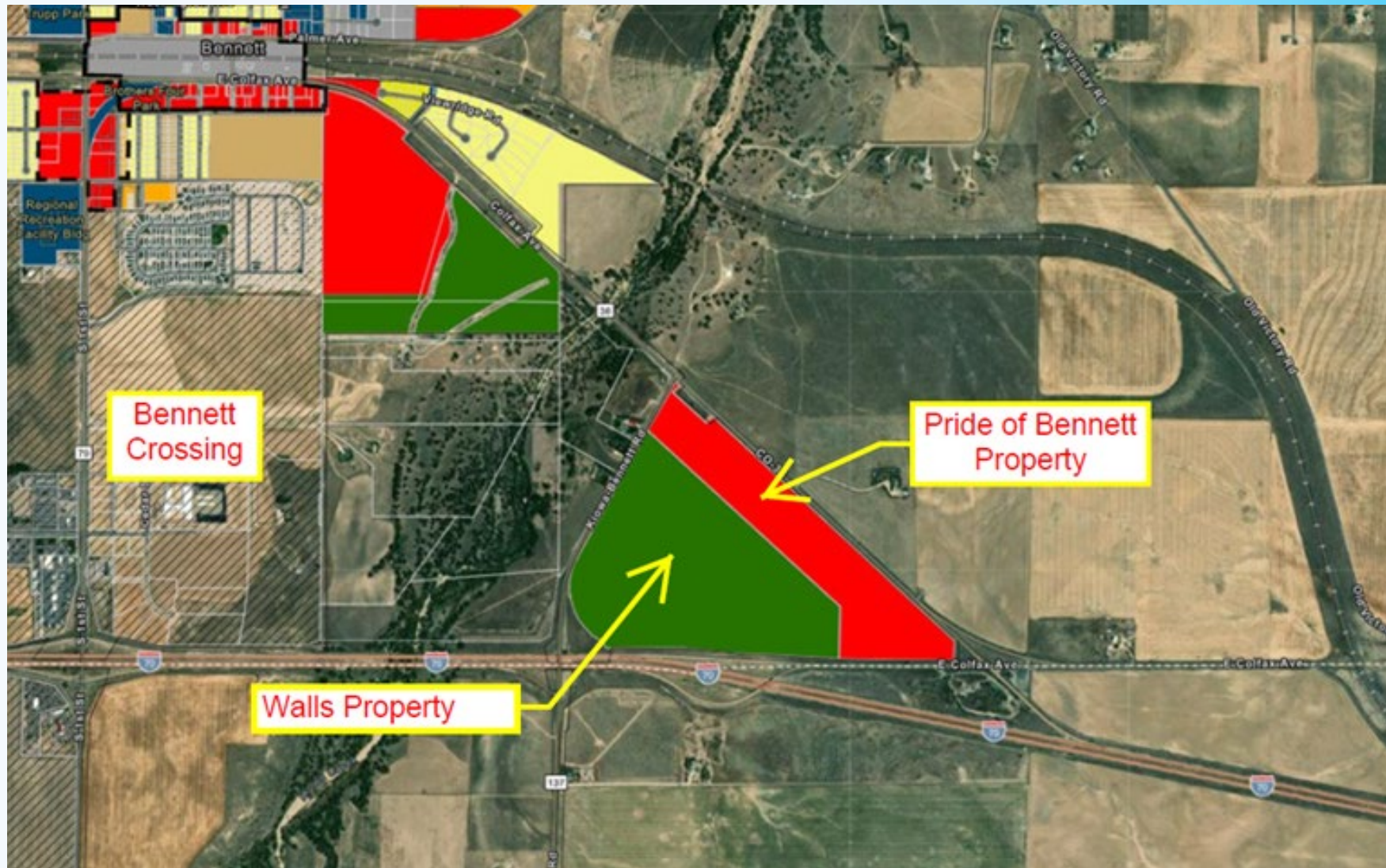
**Looking Northwest from I-70 On-Ramp**



**Looking Southeast from Kiowa-Bennett Rd.**



# Current Zoning Map



# Surrounding Zoning and Land Use

Direction	Zone District	Land Use
North	C- General Commercial	Vacant, Agricultural
East	C- General Commercial	Vacant, Agricultural
South	NA	I-70, Agricultural, Large Lot Residential
West	A-3 (Unincorporated)	Large Lot Residential



# Agricultural District Standards

Standard	A - Agricultural District
Minimum Lot Area	217,800 square feet
Minimum Lot Width	300 feet
Maximum Lot Coverage	10%
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	50 feet
Minimum Side Yard Setback (Accessory Structure)	10 feet
Minimum Rear Yard Setback (Principal Structure)	50 feet
Minimum Rear Yard Setback (Accessory Structure)	20 feet
Maximum Height (Principal Structure)	45 feet
Maximum Height (Accessory Structure)	60 feet

# Availability of Public Infrastructure

- Access –Kiowa-Bennett Road
- Public Water – Not available at this time
- Public Sanitary Sewer – Not available at this time
- Stormwater – On-site detention
- Fire Protection – Bennett-Watkins Fire Rescue
- Law Enforcement – Adams County Sheriff
- Electricity – CORE Electric Cooperative
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies or Comcast

(See recommended plat notes related to restrictions of sale and use of the property)



## Staff Findings on Case No. 22.12

Per Section 16-4-380 of the Bennett Municipal Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

- Sketch Plan requirement waived
- Applicable technical standards in accordance with the Subdivision Regulations and adopted Town documents will be met
- The proposed lot configuration will accommodate new development that meets the standards of good subdivision design, subject to improved vehicular access
- The final plat document will accommodate extension of utilities and public services to serve limited future development
- Public facilities will not include improved parks, trails, stormwater and transportation facilities, at this time
- All lots meet the standards of the existing and proposed zone districts.

# Staff Recommendation

Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-14 recommending approval of the Walls Subdivision Final Plat subject to the following conditions:

1. Add a plat note informing potential purchasers that public water, sewer and other utilities are not available and will be required to be installed by the owner or developer prior to any development requiring such services.
2. Add a plat note requiring a development agreement pursuant to Section 16-5-710 of the Bennett Municipal Code at the time of site plan approval that identifies and guarantees required public improvements.
3. Add a plat note that indicates the public land dedication requirement in Section 16-5-510 must be satisfied prior to sale of any lot or as otherwise might be described in the development agreement.
4. Change the title of the plat to “Walls Subdivision” and make this change throughout the plat document.
5. Before recording the plat, the applicant shall make minor modifications as directed by Town Staff, the Town Attorney and the Town Engineer.

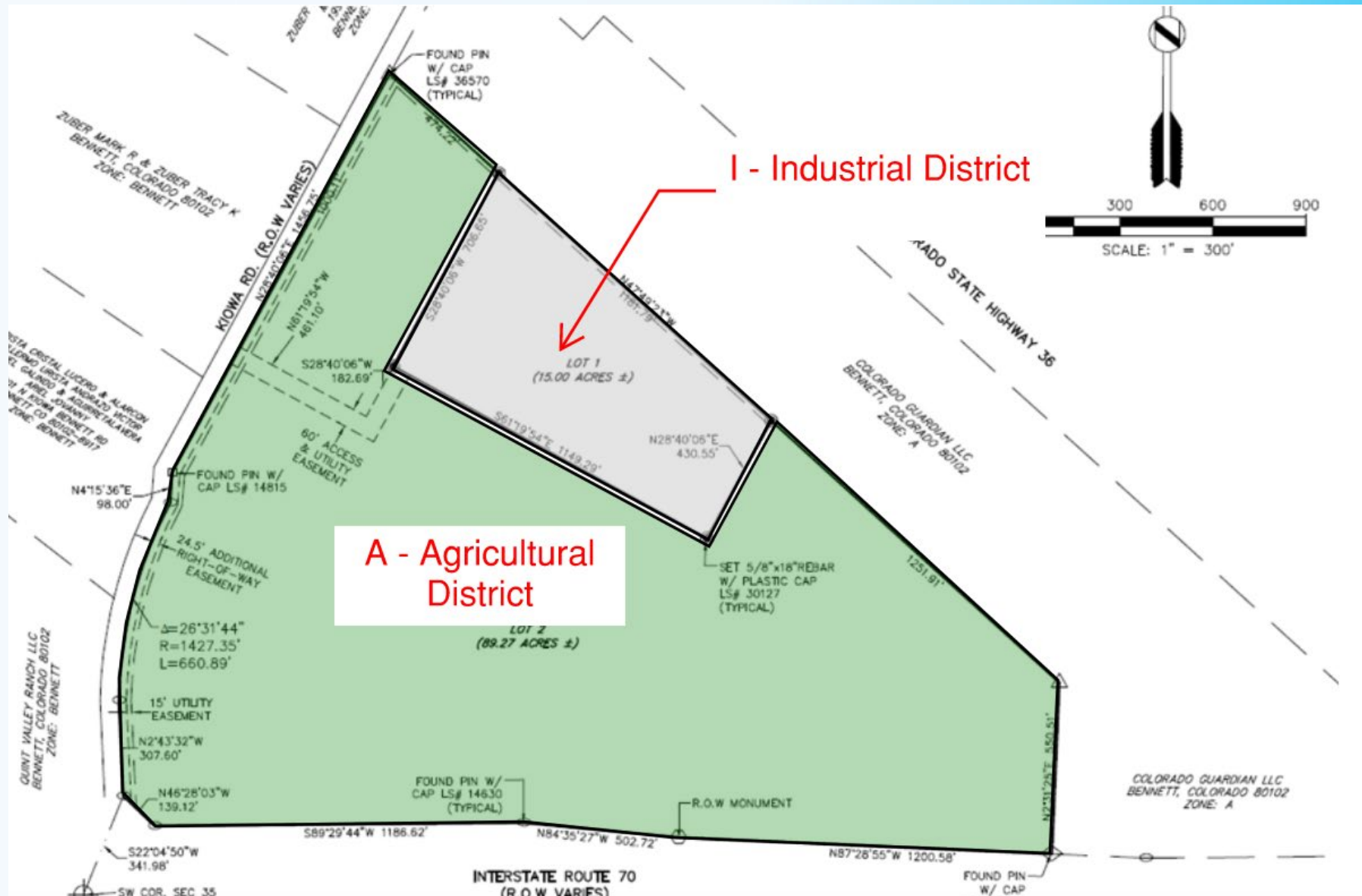
(See Resolution)

# Case No. 22.13 - Walls Industrial Rezoning

- Rezone 15-acre Lot 1 from A – Agricultural to I – Industrial
- Outdoor RV storage facility as near-term use
- No proposed office or residence
- Limited amenities, security fencing, gate access
- Similar to facility on Manila Rd. north of I-70, west of Bennett
- Subject to future Conditional Use Permit and Site Plan review



# Proposed Industrial Rezoning



# Industrial District Standards

Standard	I-Industrial District
Minimum Lot Area	None
Maximum Lot Coverage	80%
Maximum Floor Area Ratio	.3
Minimum Front Yard Setback (Principal Structure)	50 feet
Minimum Front Yard Setback (Accessory Structure)	50 feet
Minimum Side Yard Setback (Principal Structure)	10 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)	60 feet
Maximum Height (Accessory Structure)	30 feet



# Other Land Uses and Restrictions

- See the land use tables attached to the staff report
- A conditional approval of the plat and a future Conditional Use Permit, to be reviewed by the Planning and Zoning Commission and approved the Board of Trustees, can restrict uses to those not requiring more public improvements, including water, sanitary sewer, etc.

# Staff Findings on Case No. 22.13

## A. Consistency with the Purpose of the Zoning Code in Section 16-1-150

- (1) Implement the Town's goals, policies, plans, and programs to preserve and enhance the quality of life of its citizens and to **promote economic vitality of its businesses;**
- (2) **Enhance the sales tax and employment base** of the Town by **attracting and retaining commercial and industrial development;**
- (3) **Provide adequate services** and facilities to support existing and projected areas of population and growth;
- (4) **Promote logical extensions of and efficient use of the Town's infrastructure;**
- (5) **Ensure that the fiscal impact of subdivision and development is borne by those parties who receive the benefits** therefrom;

**Staff Finding:** Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, including those outlined above.

## Staff Findings on Case No. 22.13

### B. Consistency with the Comprehensive Plan

Staff also finds the proposed zoning is consistent with the 2021 Comprehensive Plan. (See the staff comments related to the Comprehensive Plan Principles in the staff report.)

# Staff Recommendation

Staff recommends the Planning and Zoning Commission recommend to the Board of Trustees the rezoning of Lot 1 of the Walls Subdivision to I – Industrial District.

(See Resolution)

# Town of Bennett Land Use Application Form

**TO BE COMPLETED BY APPLICANT**

**Application Type:**

**Other**

**Other**

Minor Subdivision Plat / Rezoning

Primary Contact Name: Kayle Walls

Name of Firm: J L K Bennett LLC

Address: 43043 Ridge Road

City: Deer Trail

State: Co

Zip: 80103

Phone: 303-524-2146

Email: [Bardiamondlivestock@gmail.com](mailto:Bardiamondlivestock@gmail.com)

Owner Name: J L K Bennett LLC

Address: 43043 Ridge Road

City: Deer Trail

State: CO

Zip: 80103

Phone: 303-524-2146

Email: bar diam and livestock @ gmail . com

Mineral Estate Holder/Lease: JLY Bennet LLC

Name of Firm: JLT Bennett & LLC

Address: 43043 Ridge Road

City: Deer Trail

State: Co

Zip: 80103

Phone: 303-524-2146

Parcel#: \

Subdivision Name: Walls Subdivision

Site Address: 0 U.S. Hwy 1-70 and Kiowa Bennet Road

Nearest Major Intersection: Hwy 1-70 and Kiowa Bennett Rd

Legal Description: ~~Marginal note~~ See Attached

Current Zoning: Agricultural

Proposed # lots/units:

Total Acreage: 15

Gross Floor Area: 653,400 SF

Proposed Gross Densities (du/ac):	N/A
-----------------------------------	-----

**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.**

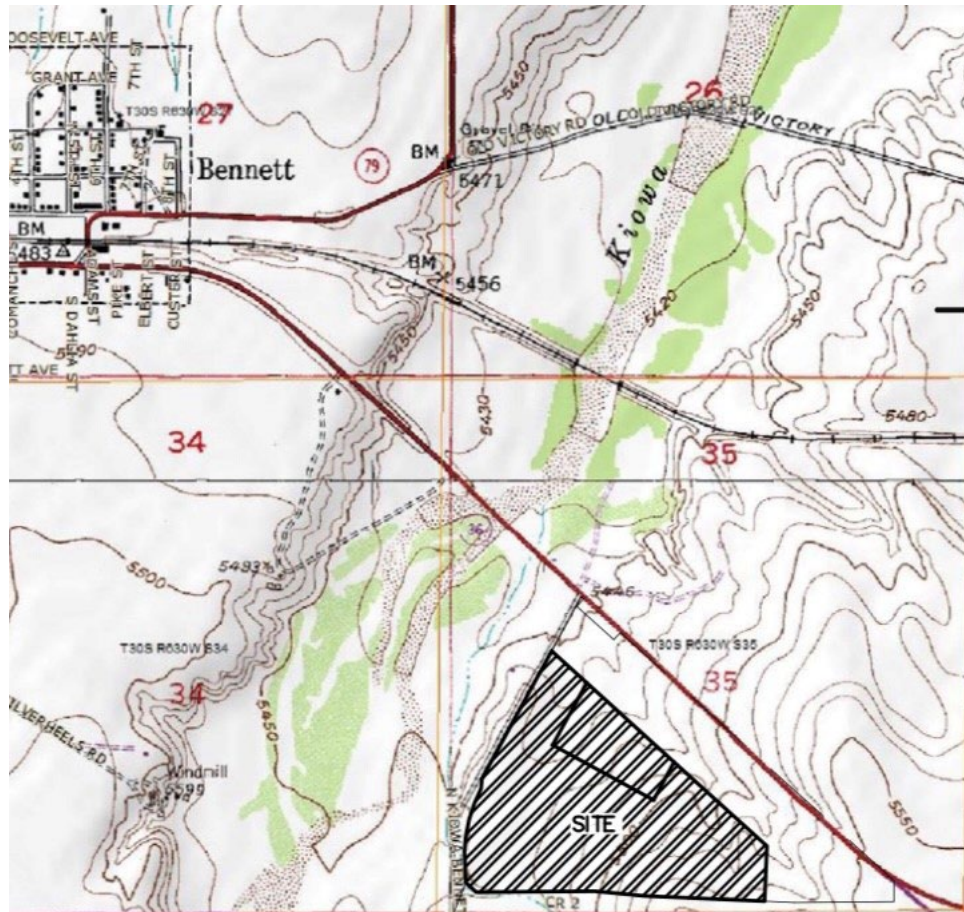
***I understand this is an application only, it must be approved by the Town, and any required building permits must be obtained before the property can be used in accordance with the request. I hereby acknowledge all of the above information is correct.***

**Applicant's Signature:**

Date: 1-24-2022



Minor Subdivision Application and Re-Zoning-Letter of Intent  
Submitted- January 15, 2022



Walls Subdivision  
0 U.S HWY I-70 and Kiowa Bennett Road  
Bennett, Colorado

Dear, Town of Bennett

This Letter of Intent describes the Walls Subdivision development plan and is submitted with the Re-Zoning Application and the Minor Subdivision Application. JLK Bennett, LLC is requesting a zone change from Agricultural to Industrial for approximately 15 acres. Currently JLK Bennett, LLC owns 104.27 acres at the southeast corner of the intersection of the Kiowa Bennett Road and I-70. Upon approval of this application there will be two lots. Lot One will be the 15 acres that will be zoned industrial. Lot 2 will be the remaining 89.27 acres that will stay zoned Agricultural.

**Project Title:** Walls Subdivision

**General Project Description:**

The proposed development for Lot 1 will be for RV storage. The intent is to have plus or minus 600 RV storage spaces depending on size of units. Lot 1 will be fenced with a 6-8 foot perimeter fence surrounding entire facility. The main entrance to the facility will be gated with a keypad for entrance. For security, the facility will be lit and monitored by a remote security system. Vehicular ingress and egress will be along the Kiowa Bennett Road. Recycled asphalt or gravel will be used for entire parking area. A engineered site and grading plan will be submitted at a later date. Construction of facility will begin upon approval from the City of Bennet in Spring of 2022.

**Location:**

Address:

0 U.S. Highway I-70 and Kiowa Bennett Road  
Bennet, CO 80102 (Adams)

General Location:

Property is located at the southeast corner of the intersection of the Kiowa Bennett Road and I-70.

**Utilities:**

Sewer:

Underground sewage tank and leech field will be used for RV sewage dump.

Water:

No water will be used at facility.

Electric:

Electric will be ran to property by Core Electric.

**Existing Conditions:**

Legal Description:

Included with Walls Subdivision Final Plat.

Square Footage (Acreage) of Site per Final Plat:

15 acres (653,400 sf)

Existing Land Use:

Farmland, No Structures

Existing Zoning:

Agricultural

**Contacts:**

Applicant and Property Owner

JLK Bennett LLC  
43043 Ridge Road  
DeerTrail Co, 80105

JLK Bennett Contact

Kayle Walls  
303-524-2146  
bardiamondlivestock@gmail.com



WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 1 OF 2

PURPOSE STATEMENT:

TO SUBDIVIDE THE SUBJECT PROPERTY INTO TWO LOTS, SAID LOTS BEING CREATED UNDER "WALL'S SUBDIVISION"

OWNERSHIP AND DEDICATION

KNOWN BY ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED \_\_\_\_\_ BEING THE OWNER OF THE LAND SHOWN IN THIS FINAL PLAT AND DESCRIBED AS FOLLOWS ON PAGE 2

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF WALL'S SUBDIVISION, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND BY THESE PRESENTS DOES HEREBY DEDICATE TO THE TOWN OF BENNETT THE STREETS, AVENUES (AND OTHER PUBLIC PLACES, TRACTS/OUTLOTS) AS SHOWN ON THE ACCOMPANYING PLAT FOR THE PUBLIC USE THEREOF FOREVER AND DOES FURTHER DEDICATE TO THE USE OF THE TOWN OF BENNETT AND ALL SERVING PUBLIC UTILITIES (AND OTHER APPROPRIATE ENTITIES) THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE SO DESIGNATED AS EASEMENTS AS SHOWN.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS 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 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, OTHER SERVING PUBLIC ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME THE PROPERTY OF SUCH MUNICIPALITY FRANCHISED UTILITIES, OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

OWNER:

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

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

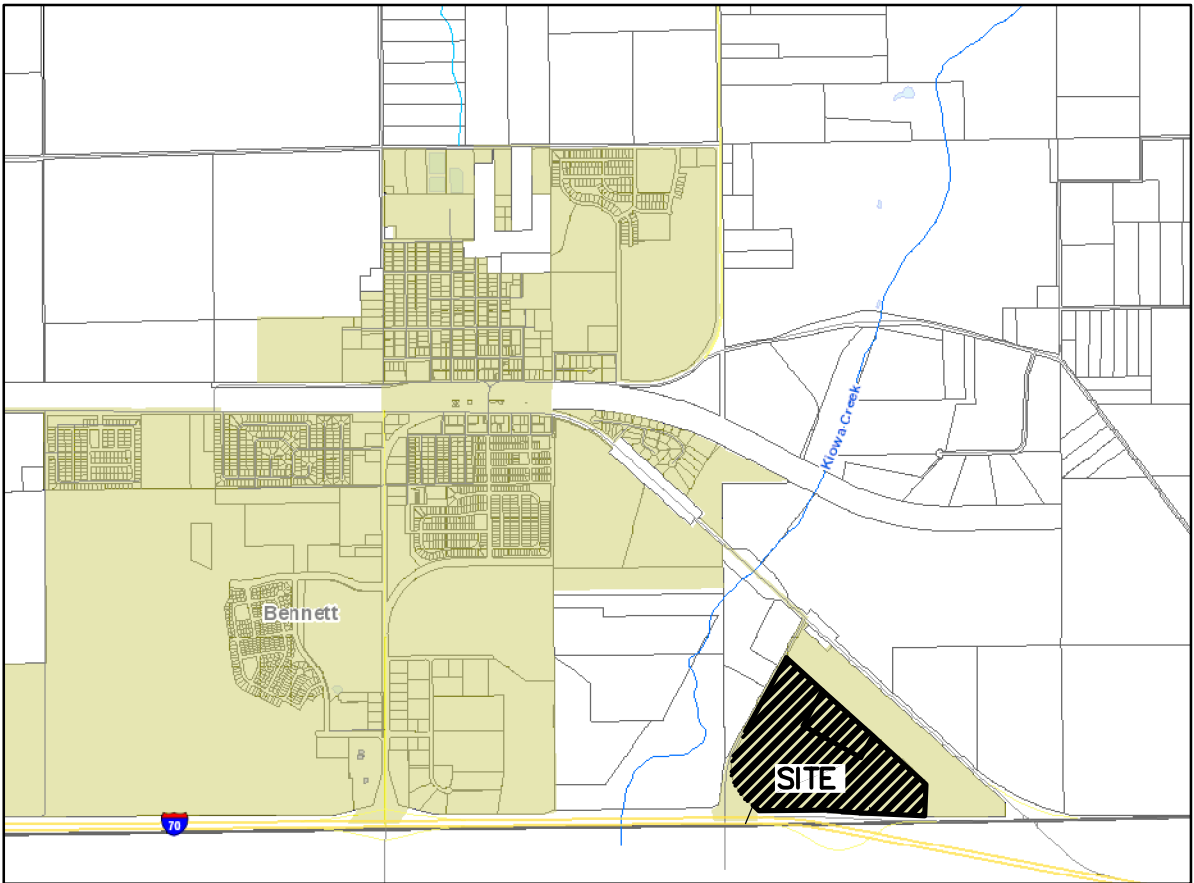
MY COMMISSION EXPIRES

BASIS OF BEARINGS:

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.



VICINITY MAP  
NOT TO SCALE

OWNERS:

JLK BENNETT LLC,  
43043 RIDGE ROAD  
DEER TRAIL 80106  
COLORADO

ZONING:

EXISTING: AGRICULTURE

DATE:		REVISIONS:	
05/04/2022		REVISED FIRST ROUND REDLINES	
06/03/2022		ADDED UTILITY EASEMENT & DC	

REFERENCE DWG:	

GENERAL NOTES:

1. THE PROPERTY DOES NOT APPEAR TO FALL IN A FLOOD ZONE PER THE FLOOD INSURANCE RATE MAP (FERM) ADAMS COUNTY, COLORADO, MAP NO. 08001C0981H, PANEL 981 - 1150 PANEL NO. 0981H
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 THAT TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
3. BEARINGS FOR THIS PLAT ARE BASED ON THE NORTH LINE OF LOTS 1 & 2 TO BEAR S47°49'23"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
4. A TITLE SEARCH WAS NOT DONE BY HIGH PRAIRIE SURVEY AND TITLE WORK WAS NOT PROVIDED
5. LINEAL DIMENSIONS ARE SHOWN HEREON IN U.S SURVEY FEET
6. SALE OF LOT ONE WILL BE CONTINGENT ON PUBLIC SERVICES BEING RAN TO PROPERTY AND IF THE PROPERTY IS SOLD IT MUST REMAIN RV STORAGE WITH NO ADDITIONAL IMPROVEMENTS UNLESS APPROVED BY THE TOWN OF BENNETT.
7. THE UTILITY EASEMENTS SHOWN HEREON ARE DEDICATED FOR PUBLIC UTILITIES AND DO BY THESE PRESENTS, OF OUR OWN FREE WILL AND VOLUNTARY WITHOUT COERCION, THREAT OR BUSINESS COMPULSION, DO HEREBY CONVEY SAID EASEMENTS TO THE COUNTY OF ADAMS, STATE OF COLORADO FOR EASEMENT PURPOSES.

SURVEYOR'S CERTIFICATE

I, Keith Westfall, a Registered Land Surveyor in the State of Colorado, do hereby certify that the survey of Wall's Minor Subdivision Plat was made under my direct supervision and the accompanying plat accurately and properly shows said subdivision.

KEITH WESTFALL, COLORADO PLS #30127  
FOR AND ON THE BEHALF OF  
HIGH PRAIRIE SURVEY COMPANY

TOWN APPROVAL BLOCK:

THIS IS TO CERTIFY THAT THE PLAT OF "WALL'S SUBDIVISION" WAS APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021, BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF THE TOWN OF BENNETT, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED BY ALL PURPOSES INDICATED THEREON.

MAYOR \_\_\_\_\_

ATTEST: TOWN CLERK \_\_\_\_\_

RECORDERS CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF ADAMS

COUNTY CLERK AND RECORDER ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., RECEPTION NO. \_\_\_\_\_

CLERK AND RECORDER

BY \_\_\_\_\_ BY \_\_\_\_\_

High Prairie Survey Co.  
LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING

303-621-8672 FAX 303-621-7749

P.O. BOX 384  
KIOWA, COLORADO 80117

SCALE  
1"=300'

DATE  
12/08/2021

DRAWN BY  
CRR

TITLE  
WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SEC. 35, T3S, R63W, 6TH P.M.  
TOWN OF BENNETT  
ADAMS COUNTY, STATE OF COLORADO

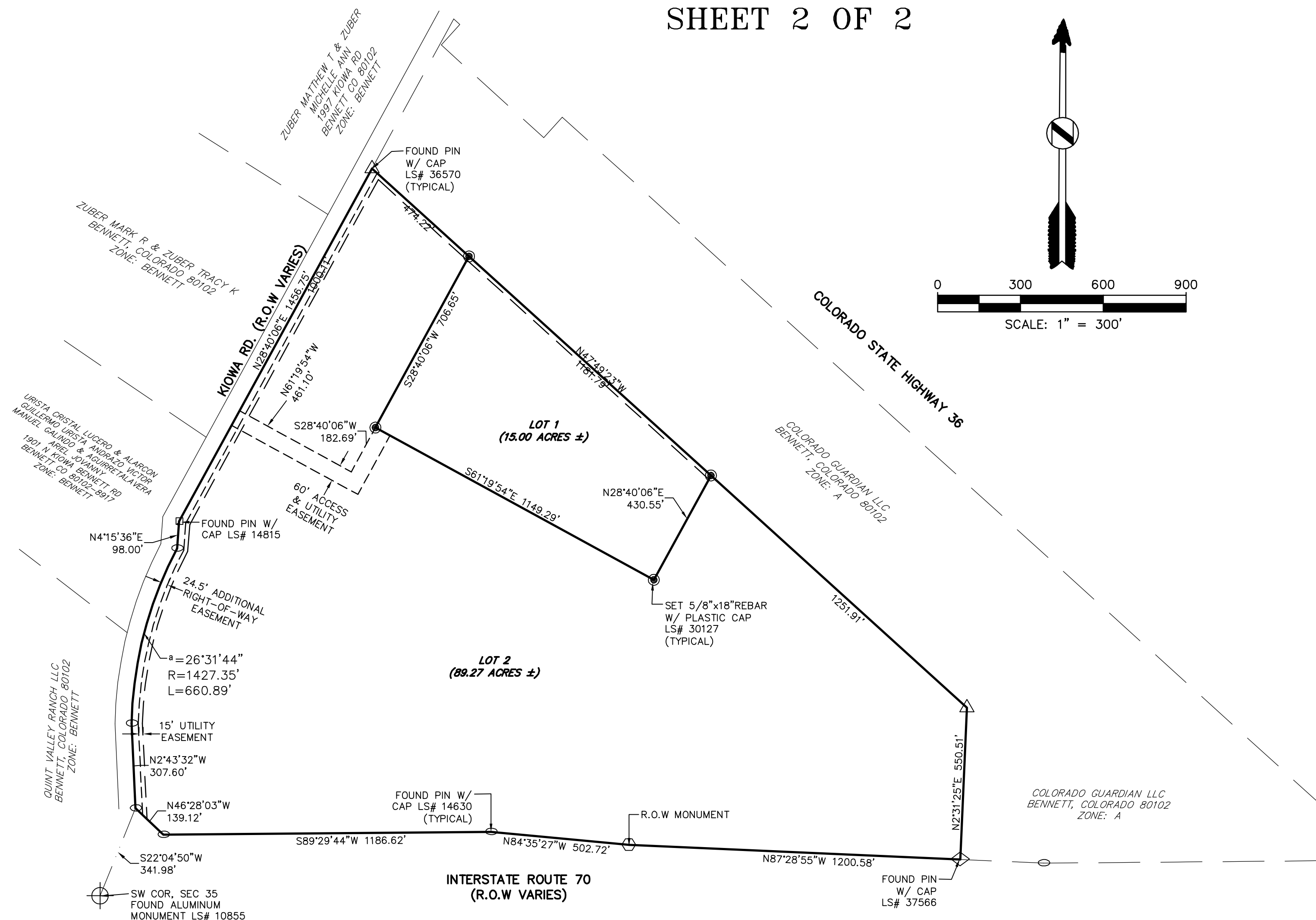
CLIENT  
GERALD WALLS

SHEET 1 OF 2

JOB NUMBER  
21072-SUB



WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 2 OF 2



### PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 924.0 FEET TO THE POINT OF BEGINNING; THENCE N28°00'39"E, 2.250 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID U.S. HIGHWAY TO THE WEST CORNER OF SAID SECTION 35; THENCE SOUTH ALONG SAID WEST LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING, EXCEPT MINERAL RESERVATIONS OF RECORD, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE  
DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY  
DESIGNATED AS INTERSTATE HIGHWAY NO. 70; AND

EXCEPT A RIGHT-OF-WAY FOR U.S HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO: AND

EXCEPT THAT PORTION CONVEYED TO ADAMS COUNTY IN BOOK 194 AT PAGE 465 AND BOOK 202 AT PAGE 443; AND

EXCEPT TRACT DESCRIBED IN BOOK 306 AT PAGE 443; AND

EXCEPT PARCEL DESCRIBED IN BOOK 758 AT PAGE 535, RECORDS AT THE CLERK AND RECORDER OF THE COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF  
THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS  
FOLLOWS:

CONSIDERING THE SOUTH LINE OF COLORADO STATE HIGHWAY NO. 36, LYING SOUTHEAST OF KIOWA ROAD IN SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO AS BEARING S48°28'50"E, AS SHOWN ON THE "TOWN OF BENNETT--ANNEXATION PLAT" AS RECORDED AT RECEPTION NO. 8786212, ADAMS COUNTY RECORDS, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; THENCE N15°50'16"E, A DISTANCE OF 342.07 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING FOUR COURSES AND DISTANCES ALONG THE EASTERLY AND NORTHERLY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO PARCEL;

- 1) THENCE N30°24'09"W, A DISTANCE OF 307.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1427.35 FEET, A RADIAL LINE FROM SAID POINT BEARS S89°20'17"E;
- 2) THENCE ALONG SAID CURVE, A DISTANCE OF 660.89 FEET, THROUGH A CENTRAL ANGLE OF 26°31'45", THE CHORD OF WHICH BEARS N13°55'36"E, A DISTANCE OF 655.00 FEET;
- 3) THENCE N30°36'09"E, A DISTANCE OF 85.90 FEET;
- 4) THENCE N61°59'21"W, A DISTANCE OF 5.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF THE STATE OF COLORADO, DEPARTMENT OF HIGHWAYS PARCELS OF LAND RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS AND EAST RIGHT-OF-WAY LINE OF KIOWA ROAD; THENCE N28°00'39"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, A DISTANCE OF 1467.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, N28°00'39"E, A DISTANCE OF 617.07 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36;
  - 1) THENCE S48°28'50"E, A DISTANCE OF 30.30 FEET;
  - 2) THENCE S41°31'10"W, A DISTANCE OF 100.00 FEET;
  - 3) THENCE S48°28'50"E, A DISTANCE OF 500.00 FEET;
  - 4) THENCE N41°31'10"E, A DISTANCE OF 100.00 FEET;
  - 5) THENCE S48°28'50"E, A DISTANCE OF 3697.68 FEET TO A POINT ON A WESTERLY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE WESTERLY LINE OF THE DEPARTMENT OF HIGHWAYS OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND,
    - 1) THENCE S01°07'19"E, A DISTANCE OF 209.74 FEET;
    - 2) THENCE S88°50'24"W, A DISTANCE OF 99.92 FEET;
    - 3) THENCE N88°08'02"W, A DISTANCE OF 301.50 FEET; THENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 575, N01°51'58"E, A DISTANCE OF 550.51 FEET; THENCE N48°28'50"W A DISTANCE OF 2908.12 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO,

STATEMENT:

LINEAL UNITS ARE IN FEET.

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

### BASIS OF BEARINGS:

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

	DATE:	REVISIONS:
	05/04/2022	REVISED FIRST ROUND REDLINE
	06/03/2022	ADDED UTILITY EASEMENT & D
REFERENCE DWG:		

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1" = 300'	DATE 12/08/2021	DRAWN BY CRR
---------------------------------------	--------------------	--------------------	-----------------

TITLE	
WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO	
CLIENT	
GERALD WALLS	
SHEET	JOB NUMBER
2 OF 2	21072-SUB

## Sec. 16-2-470. Land uses.

- (a) Land uses permitted within each standard zoning district are designated by symbols in Table 2-12, Land Use Table. The listed symbols are defined as follows:

**P = Use permitted by right.**

**C = Conditional use, permitted pursuant to Section 16-2-330.**

- (b) Land uses permitted within a PD District shall be listed on the approved plan.
- (c) No land, building, or structure shall be used for any purpose other than as provided for among the uses listed in the zoning district in which such land, building or structure, is located.
- (d) Any use not permitted in a zone either specifically or by interpretation by the Zoning Administrator is hereby specifically prohibited from that zone. Uses that are similar to, but not specifically listed as, a permitted use may be approved by the Zoning Administrator.
- (e) All uses are subject to the performance standards contained in Section 16-5-505 of this Article, any applicable Use Standards provided in Division 5 of this Article; and all applicable special area plans, master plans and design guidelines adopted by the Town.

**Table 2.12**  
**Land Use Table**

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 Section 7-7-30	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		
<b>C. EDUCATIONAL USES</b>											
(1) Day care center, adult or child		C	C	C	C		C				
(2) Elementary and secondary education school	P	P	P	P	P	P	C			P	
(3) Postsecondary colleges and universities							C	P	P	P	
(4) Private business, trade and vocational school							C	P	P	P	
<b>D. INDUSTRIAL USES</b>											
(1) Commercial steam cleaning/laundry operations							C		C		
(2) Commercial trash removal companies without trash storage or trash transfer operations									C		
(3) Concrete or asphalt products production									C		

(4) Custom crafts (such as ceramics, furniture making and stained glass production)								P		P	
(5) General machine shops										P	
(6) General research and development								P		P	
(7) Laboratory: medical, dental, optical, scientific								C	P	P	
(8) Light trade and technical uses								C	P	P	
(9) Manufacturing, assembly, finishing or fabrication; primary										C	
(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					
(9) Mobile homes						P					
(10) Multifamily dwelling					P			C			
(11) Rooming, lodging or boarding houses					P			C			
(12) Single-family dwelling	P	P	P	P	C	P					
(13) Two-family dwelling				P	C						
(14) Townhome dwelling				C	P						
<b>H. FOOD AND BEVERAGE SERVICE</b>											
(1) Bar, tavern, nightclub							P	C	C		
(2) Brewery with tap room							C	C	P		
(3) Fast food							P	C	C		
(4) Fast food with drive-thru							C	C	C		
(5) Restaurant, other							P	C	C		
<b>I. RETAIL USES</b>											
(1) Building materials supply	C						C	C	P		
(2) Outdoor retail display and sales	C						C		C	C	
(3) Pawnshops							C		C		
(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			

(10) Personal services, other (>25,000 sq. ft.)							C	P		
(11) Repair, furniture and major household appliance							P	P	P	
(12) Repair, other except vehicle-related repair							P	P	P	
<b>K. TRANSPORTATION FACILITIES</b>										
(1) Ambulance service	C	C	C	C	C	C	C	C	P	
(2) Heliports/helistops								C	C	C
(3) Overnight campground and travel trailer parking	C						C			
(4) Passenger terminal and transit facilities							P	P		P
(5) Private automobile parking lots or parking garages as a principal use							C	C	C	C
(6) Public automobile park 'n ride (commuter) lots							C	P	P	P
<b>L. UTILITIES AND TELECOMMUNICATIONS</b>										
(1) Overhead electric transmission lines and distribution feeder lines over 110 kV	C	C	C	C	C	C	C	C	C	C
(2) Public utilities, major	C							C	P	P
(3) Public utilities, minor	P	P	P	P	P	P	P	P	P	P
(4) Telecommunications facilities, including towers	C	C	C	C	C	C	C	C	C	C
(5) Eligible telecommunications facilities request	P	P	P	P	P	P	P	P	P	P
<b>M. VEHICLE-RELATED SALES AND SERVICE</b>										
(1) Automobile rentals							C	P	P	
(2) Automobile washing facility							P	C	P	
(3) Major vehicle/equipment repair (includes auto body repair, paint shops and incidental sales of parts)							C		C	
(4) Minor vehicle repair (includes minor repair where vehicles are not stored in an inoperable condition)							P	C	P	
(5) Motor vehicle dealer/sales, new and used (includes RVs, trailers, mobile homes)							C	C	C	
(6) Service stations (minor repairs included)							P	C	P	
(7) Truck stops							C		C	
(8) Vehicle/equipment sales and rentals (other than motor vehicles)							C	C	P	
(9) Vehicle or automobile wrecking or salvage yard, including outdoor storage of inoperable vehicles									C	
(10) Vehicle storage (operable vehicles only)									C	
(11) Vehicle towing services									P	

( Ord. 646-14 §1(Exh. A), 12-9-2014 ; Ord. No. 661-16, §5, 2-23-2016 ; Ord. 663-16 , §9, 6-28-2016; Ord. 679-17 , §12, 12-12-2017; Ord. 696-19 §10, 2019)



WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 1 OF 2

CASE NO. 7

Remove "CASE NO. " "

GENERAL NOTES:

1. THE PROPERTY DOES NOT APPEAR TO FALL IN A FLOOD ZONE PER THE FLOOD INSURANCE RATE MAP (FERM) ADAMS COUNTY, COLORADO, MAP NO. 08001C0981H, PANEL 981 – 1150 PANEL NO. 0981H
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 FROM THE DATE OF CERTIFICATION SHOWN HEREON.
3. BEARINGS FOR THIS PLAT ARE BASED ON THE NORTH LINE OF LOTS 1 & 2 TO BEAR S47°49'23"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
4. A TITLE SEARCH WAS NOT DONE BY HIGH PRAIRIE SURVEY AND TITLE WORK WAS NOT PROVIDED
5. LINEAL DIMENSIONS ARE SHOWN HEREON IN U.S SURVEY FEET

Add additional plat notes on MS Word document transmitted with other comments.

Depending on the resolution of water and sewer, as outlined in the Town transmittal memo, we may need a plat note restricting the sale of the new parcel.

Please use a different base map for this vicinity map. All of this line detail will not record well.

This is not the owner on the application. I believe it's JLK Bennett, LLC. Please confirm.

**OWNERS:**

GERALD WALLS  
43043 RIDGE ROAD  
DEER TRAIL 80106  
COLORADO

**ZONING:**

EXISTING: AGRICULTURE  
PROPOSED: COMMERCIAL

Remove "PROPOSED: COMMERCIAL"

That is not what is happening.

Revise per Town  
Attorney memo.

**PURPOSE STATEMENT:**

TO REPLAT ALL OF xxxxxxxx, OF THE xxxxxx ADDITION TO THE TOWN OF BENNETT, INTO A LOT AND TRACTS.

TOWN APPROVAL BLOCK:

THIS IS TO CERTIFY THAT THE PLAT OF "WALL'S SUBDIVISION" WAS APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021, BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF THE TOWN OF BENNETT, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED BY ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

## RECORDERS CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF ADAMS

COUNTY CLERK AND RECORDER ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., RECEPTION NO. \_\_\_\_\_

CLERK AND RECORDER

BY \_\_\_\_\_ BY \_\_\_\_\_

## OWNERS CERTIFICATE

I, \_\_\_\_\_ AS OWNER OF THE LAND  
AFFECTED BY THIS REZONE EXHIBIT. ACCEPT AND APPROVE ALL CONDITIONS SET FORTH HEREIN.

OWNER: Gerald Walls DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss

COUNTY OF \_\_\_\_\_ )  
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 20 \_\_\_\_\_, BY (NAME OF INDIVIDUAL OR AUTHORIZED PERSON [SEE BELOW]).  
WITNESS MY HAND AND OFFICIAL SEAL.

SEAL \_\_\_\_\_  
NOTARY PUBLIC

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

**BASIS OF BEARINGS:**

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

DATE: REVISIONS:

REFERENCE DWG:

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1"=300'	DATE 12/08/2021	DRAWN BY CRR
---------------------------------------	------------------	--------------------	-----------------

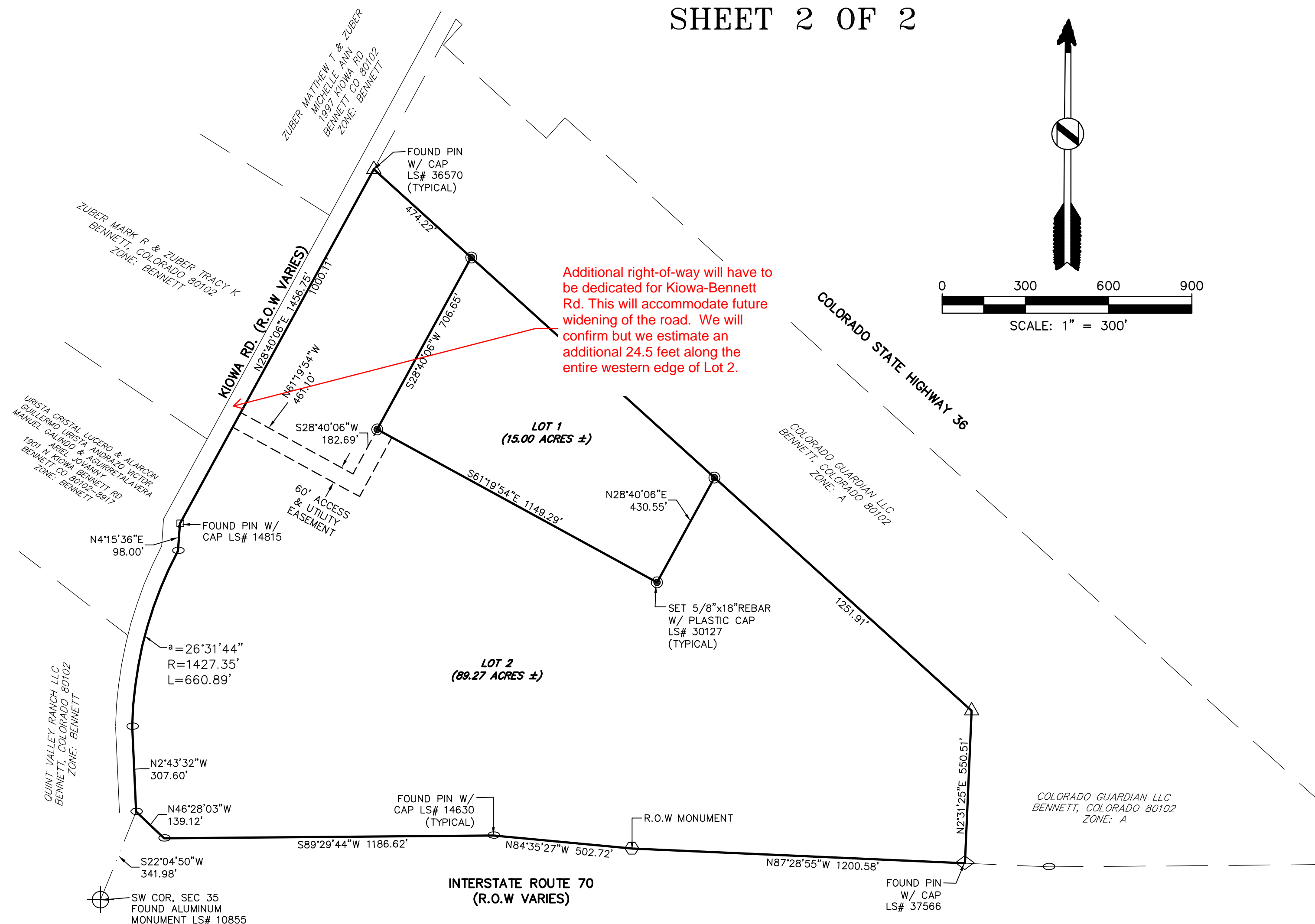
TITLE	WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO
-------	--

CLIENT	GERALD WALLS
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SHEET	1	OF	2	JOB NUMBER	21072-SUB
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WALL'S SUBDIVISION  
FINAL PLAT  
PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
SHEET 2 OF 2



### PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 924.00 FEET TO THE POINT OF BEGINNING; THENCE N28°00'39"E, 2,250 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID U.S. HIGHWAY TO THE WEST LINE OF SAID SECTION 35; THENCE SOUTH ALONG SAID WEST LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING, EXCEPT MINERAL RESERVATIONS OF RECORD, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE  
DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY  
DESIGNATED AS INTERSTATE HIGHWAY NO. 70: AND

EXCEPT A RIGHT-OF-WAY FOR U.S HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO: AND

EXCEPT THAT PORTION CONVEYED TO ADAMS COUNTY IN BOOK 194 AT PAGE 465 AND BOOK 202 AT PAGE 443; AND

EXCEPT TRACT DESCRIBED IN BOOK 306 AT PAGE 443; AND

EXCEPT PARCEL DESCRIBED IN BOOK 758 AT PAGE 535, RECORDS AT THE CLERK AND RECORDER OF THE COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF COLORADO STATE HIGHWAY NO. 36, LYING SOUTHEAST OF KIWDA ROAD IN SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO AS BEARING S48°28'50"E, AS SHOWN ON THE "TOWN OF BENNETT--ANNEXATION PLAT" AS RECORDED AT RECEPTION NO. 8786212, ADAMS COUNTY RECORDS, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; COMMENCING AT THE SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO; THENCE N15°50'16"E, A DISTANCE OF 342.07 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING FOUR COURSES AND DISTANCES ALONG THE EASTERLY AND NORTHERLY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO PARCEL:

- 1) THENCE N03°24'09"W, A DISTANCE OF 307.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1427.35 FEET, A RADIAL LINE FROM SAID POINT BEARS S89°20'17"E;
- 2) THENCE ALONG SAID CURVE, A DISTANCE OF 660.89 FEET, THROUGH A CENTRAL ANGLE OF 26°31'11", THE CHORD OF WHICH BEARS N13°55'36"E, A DISTANCE OF 655.00 FEET;
- 3) THENCE N03°36'09"E, A DISTANCE OF 85.90 FEET;
- 4) THENCE N61°59'21"E, A DISTANCE OF 5.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF THE STATE OF COLORADO, DEPARTMENT OF HIGHWAYS PARCELS OF LAND RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS AND EAST RIGHT-OF-WAY LINE OF KIOWA ROAD; THENCE N28°00'39"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, A DISTANCE OF 1467.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, N28°00'39"E, A DISTANCE OF 617.07 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36;
  - 1) THENCE S48°28'50"E, A DISTANCE OF 30.30 FEET;
  - 2) THENCE S41°31'10"W, A DISTANCE OF 100.00 FEET;
  - 3) THENCE S48°28'50"E, A DISTANCE OF 500.00 FEET;
  - 4) THENCE N41°31'10"E, A DISTANCE OF 100.00 FEET;
  - 5) THENCE S48°28'50"E, A DISTANCE OF 3697.68 FEET TO A POINT ON A WESTERLY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND,
    - 1) THENCE S01°07'19"E, A DISTANCE OF 209.74 FEET;
    - 2) THENCE S88°50'24"W, A DISTANCE OF 998.92 FEET;
    - 3) THENCE N68°08'02"W, A DISTANCE OF 301.50 FEET; THENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 575, N01°51'58"E, A DISTANCE OF 550.51 FEET; THENCE N48°28'50"W, A DISTANCE OF 2908.12 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

STATEMENT:

LINEAL UNITS ARE IN FEET.

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

### BASIS OF BEARINGS:

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown herein."

	DATE:	REVISIONS:
REFERENCE DWG:		

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1"=300'	DATE 12/08/2021	DRAWN BY CRR
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TITLE	
WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO	
CLIENT	
GERALD WALLS	
SHEET	JOB NUMBER
2 OF 2	21072-SUB



## 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: Tuesday, April 12, 2022  
Case: Walls Subdivision and Industrial Zoning, Case 22.12 & 22.13 – 1<sup>st</sup> Submittal  
Subject: Civil Engineering Review

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***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 Major Subdivision Plat application materials, for the proposed Shops at Bennett Subdivision 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. Recommend dedication of full Kiowa-Bennett Road (KBR) east (southeast) right-of-way for this frontage with this Plat, to provide for future road widening needs.

### **Water System**

1. All lots created by the Subdivision will need access to water supply and fire protection through Bennett-Watkins Fire Rescue (BWFR) District.
2. The Town Water Supply Specialist would need to comment on groundwater well permitting limitations or constraints likely governing through the Colorado Division of Water Resources (DWR).
3. The Town will work with BWFR regarding required water tank storage, fire hydrants and locations, and likely fire hydrant flows.
  - It is our understanding this Subdivision and lot would be presented and protected in a manner similar to more rural BWFR service areas, at least on a temporary, interim basis.

**Sanitary Sewer System**

1. All lots created by the Subdivision will need access to sanitary sewer treatment.
  - It is the Town's understanding this Subdivision development would utilize On-Site Wastewater Treatment Systems (OWTS) such as septic tanks and leach fields or evapotranspiration (ET) beds, to be reviewed and permitted through the Tri-County Health Department or their successor organization.
  - The Town is supportive of this approach on an interim basis, until sanitary sewer collection can be extended to the subject property.

**Streets & Access**

1. The Access & Utility Easement shown through Lot 2 to serve Lot 1 may need radii added to support turn movements of larger trucks and vehicles.
2. The Town understands the access proposal would be for an all-weather access drive surfacing on an interim basis, pending final property right-of-way and Town street proposals for future property development.
3. The Town further understands the proposed access and interior drives would be for private ownership and maintenance, subject to any Town and BWFR review, period inspections, and requirements to ensure acceptable and reliable emergency access, as well as Town services access.
4. The Town may be amenable to this approach, with appropriate conditions and terms of approval, including a revocable Town Access Permit to Kiowa-Bennett Road for the proposed Subdivision lots.
5. Access improvements including, at minimum, shoulder widening in the immediate vicinity of the access, appropriate truck turn radii, as well as an asphalt-paved apron with appropriate width and length to host a designated truck awaiting turn movement, as well as to minimize mud-tracking onto KBR, will be required to access KBR.
6. Sidewalk, path or trail needs, extents and widths to be confirmed with the Town Traffic Engineer and Town Planner.
  - This may include provisions for future Town paths or trails.

**Stormwater**

1. Stormwater management will be required to conform to Town and Adams County requirements, in addition to those of Colorado state law, including for water quality, concentration and peak flow management, to minimize impacts to downstream property owners.
2. This will most likely consist of a stormwater management (aka stormwater detention) pond with controlled release and outfall ditch.
3. Any upstream stormwater flows onto the property, including culvert outfalls from CDOT right-of-way, will need to be recognized and managed through the property without threat or adverse impact to the proposed Subdivision uses.

Steve, Sara, this concludes my civil engineering review of the 1<sup>st</sup> Submittal application materials for the Walls Subdivision and Industrial Zoning application to the Town of Bennett. Please let me know if you have any questions, or require additional information pertaining to the submitted information, or my review.



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

## Fwd: Walls Subdivision and Industrial Zoning 1st Referral

1 message

**Loeffler - CDOT, Steven** <steven.loeffler@state.co.us>

Tue, Mar 15, 2022 at 2:16 PM

To: shebert@bennett.co.us

Cc: Marilyn Cross &lt;marilyn.cross@state.co.us&gt;, David Dixon - CDOT &lt;david.dixon@state.co.us&gt;

Steve,

I have reviewed the referral for the Walls Subdivision rezoning and minor subdivision located south of Highway 36 and North of Interstate 70, off of the Kiowa-Bennett Road and have the following comments:

- We have no objections to the rezone of 15 acres from Agricultural to Industrial. The remaining 89 acres will remain Agricultural.
- It is understood that the rezoned 15 acres will be used for an RV storage business. This property does not front any state highway and access will be from the Kiowa-Bennett Road. We ask that the Town of Bennett be aware of the cumulative impact of development on the intersection of Kiowa-Bennett Road and Highway 36. An increase in use of 20% or greater would require a new state Highway Access Permit.
- Any signing for this development that is visible to the state highway must comply with all applicable rules governing outdoor advertising in Colorado per the state rules 2 CCR 601-3

Thank you for the opportunity to review this referral.

**Steve Loeffler**

Permits Unit- Region 1



P 303.757.9891 | F 303.757.9053  
 2829 W. Howard Pl. 2nd Floor, Denver, CO 80204  
[steven.loeffler@state.co.us](mailto:steven.loeffler@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)



----- Forwarded message -----

From: **Cross - CDOT, Marilyn** <[marilyn.cross@state.co.us](mailto:marilyn.cross@state.co.us)>

Date: Tue, Mar 15, 2022 at 11:44 AM

Subject: Fwd: Walls Subdivision and Industrial Zoning 1st Referral

To: Steven Loeffler <[steven.loeffler@state.co.us](mailto:steven.loeffler@state.co.us)>Cc: David Dixon - CDOT <[david.dixon@state.co.us](mailto:david.dixon@state.co.us)>

Steve,

I understand you will handle this referral.

---

Marilyn Cross, AICP  
 Access Manager  
 Permits Unit

Page 192



*Our team is currently transitioning back to the office. Most services are still available via email. You may call my cell number listed below. Some processes may change as we adjust to our new normal. Thank you for your patience.*



P 303.512.4266 | C 303-514-5992 | F 303.757.9053  
 2829 W. Howard Pl, #255D, Denver, CO 80204  
[marilyn.cross@state.co.us](mailto:marilyn.cross@state.co.us) | [Link to Access Permits](#) | [www.codot.gov](http://www.codot.gov)



----- Forwarded message -----

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

Date: Mon, Mar 14, 2022 at 1:06 PM

Subject: Walls Subdivision and Industrial Zoning 1st Referral

To: Karl Smalley <[ksmalley@adcogov.org](mailto:ksmalley@adcogov.org)>, United States Postal Service <[sarah.e.zawatzki@usps.gov](mailto:sarah.e.zawatzki@usps.gov)>, Robin Price <[rprice@bennett.co.us](mailto:rprice@bennett.co.us)>, Daymon Johnson <[djohnson@bennett.co.us](mailto:djohnson@bennett.co.us)>, Victoria Flamini <[VictoriaFlamini@bennettfirerescue.org](mailto:VictoriaFlamini@bennettfirerescue.org)>, Bennett Watkins Fire Rescue <[calebconnor@bennettfirerescue.org](mailto:calebconnor@bennettfirerescue.org)>, Marilyn Cross - CDOT <[Marilyn.Cross@state.co.us](mailto:Marilyn.Cross@state.co.us)>, Colorado Department of Transportation (CDOT) Assistant Access Manager <[david.dixon@state.co.us](mailto:david.dixon@state.co.us)>, <[JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com)>, <[GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com)>, Eastern Slope Rural Telephone <[patw@esrta.com](mailto:patw@esrta.com)>, 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)>, Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>, Tri-County Health Department <[slynch@tchd.org](mailto:slynch@tchd.org)>, Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>

Hello,

Below is a Dropbox link to the Walls Subdivision and Industrial 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 April 4, 2022.

<https://www.dropbox.com/sh/n5xluk60xiogszd/AADi9NsY6CaK7jNty1P0KOO1a?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**

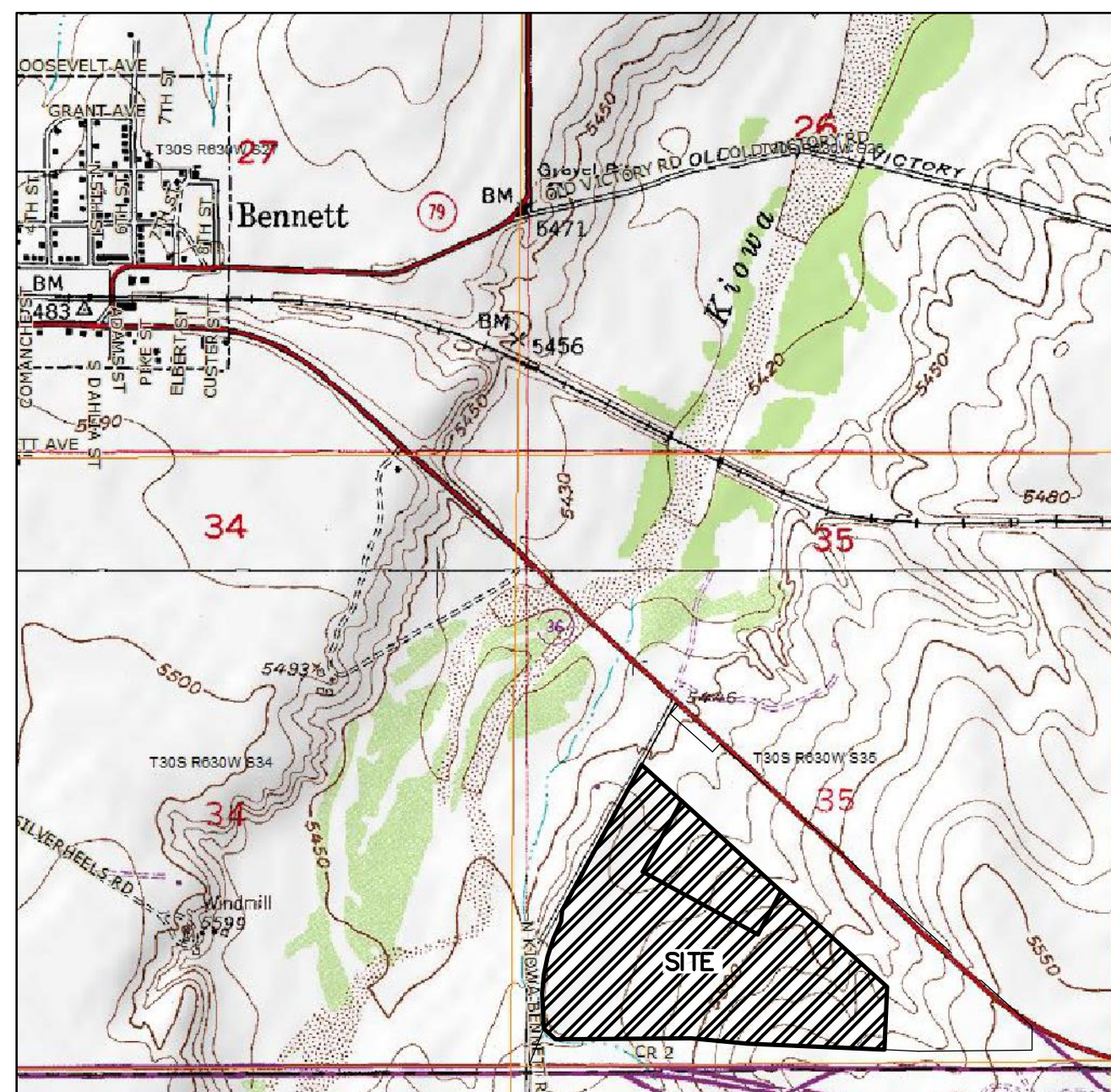
207 Muegge Way | Bennett CO, 80102  
 (303)644-3249 | [planning@bennett.co.us](mailto:planning@bennett.co.us)  
[townofbennett.colorado.gov](http://townofbennett.colorado.gov)



GENERAL NOTES:

1. THE PROPERTY DOES NOT APPEAR TO FALL IN A FLOOD ZONE PER THE FLOOD INSURANCE RATE MAP (FERM) ADAMS COUNTY, COLORADO, MAP NO. 08001C0981H, PANEL 981 - 1150 PANEL NO. 0981H
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 FROM THE DATE OF CERTIFICATION SHOWN HEREON.
3. BEARINGS FOR THIS PLAT ARE BASED ON THE NORTH LINE OF LOTS 1 & 2 TO BEAR S47°49'23"W WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
4. A TITLE SEARCH WAS NOT DONE BY HIGH PRAIRIE SURVEY AND TITLE WORK WAS NOT PROVIDED
5. LINEAL DIMENSIONS ARE SHOWN HEREON IN U.S SURVEY FEET

**ADD DEDICATION OF UTILITY EASEMENTS**

VICINITY MAP  
NOT TO SCALE

**PURPOSE STATEMENT:**

TO REPLAT ALL OF xxxxxxxxx, OF THE xxxxxx ADDITION TO THE TOWN OF BENNETT, INTO A LOT AND TRACTS.

TOWN APPROVAL BLOCK:

THIS IS TO CERTIFY THAT THE PLAT OF "WALL'S SUBDIVISION" WAS APPROVED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY RESOLUTION NO. \_\_\_\_\_ AND THAT THE MAYOR OF THE TOWN OF BENNETT ON BEHALF OF THE TOWN OF BENNETT, HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED BY ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: TOWN CLERK

## RECORDERS CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF ADAMS

COUNTY CLERK AND RECORDER ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., RECEPTION NO. \_\_\_\_\_

CLERK AND RECORDER

BY \_\_\_\_\_ BY \_\_\_\_\_

## OWNERS CERTIFICATE

I, \_\_\_\_\_ AS OWNER OF THE LAND  
AFFECTED BY THIS REZONE EXHIBIT. ACCEPT AND APPROVE ALL CONDITIONS SET FORTH HEREIN.

OWNER: Gerald Walls DATE: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS

COUNTY OF \_\_\_\_\_ )  
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 20 \_\_\_\_\_, BY (NAME OF INDIVIDUAL OR AUTHORIZED PERSON [SEE BELOW]).  
WITNESS MY HAND AND OFFICIAL SEAL.

SEAL \_\_\_\_\_  
NOTARY PUBLIC

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

**OWNERS:**

**ZONING:**

EXISTING: AGRICULTURE  
PROPOSED: COMMERCIAL

GERALD WALLS  
43043 RIDGE ROAD  
DEER TRAIL 80106  
COLORADO

**BASIS OF BEARINGS:**

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

"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 from the date of the certification shown hereon."

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

	DATE:	REVISIONS:
REFERENCE DWG:		

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING

303-621-8672 FAX 303-621-7749

P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1" = 300'	DATE 12/08/2021	DRAWN BY CRR
---------------------------------------	--------------------	--------------------	-----------------

TITLE	WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO
-------	--

CLIENT	GERALD WALLS
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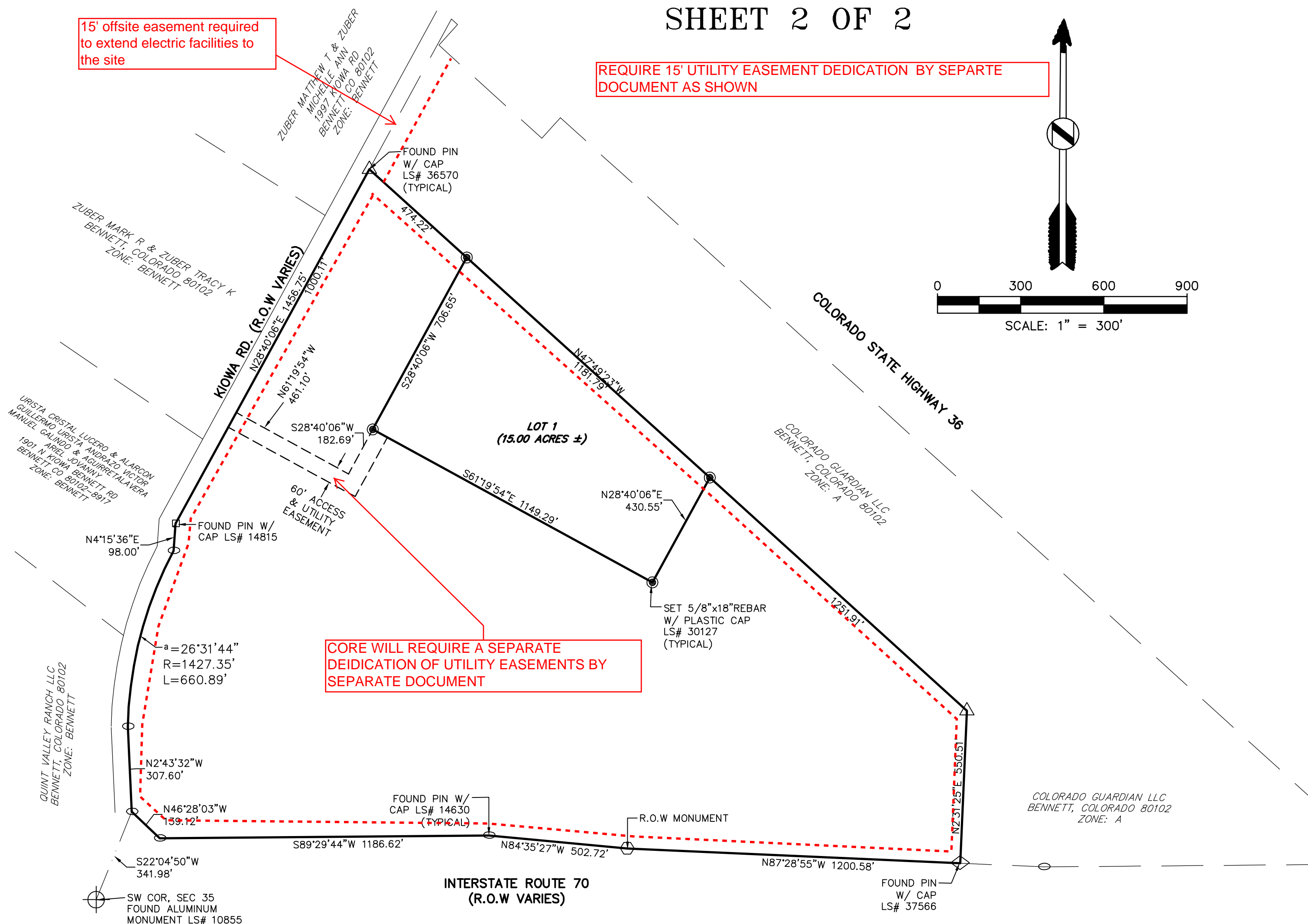
SHEET 1 OF 2	JOB NUMBER 21072-SUB
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# WALL'S SUBDIVISION

# FINAL PLAT

PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
 SHEET 2 OF 2



### PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 924.00 FEET TO THE POINT OF BEGINNING; THENCE N80°00'39"E, 2,250 FEET MORE OR LESS TO THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF SAID U.S. HIGHWAY TO THE WEST LINE OF SAID SECTION 35; THENCE SOUTH AND SOUTHWESTERLY ALONG SAID WEST LINE OF SAID SECTION 35, BEARING S60°00'00"W, 1,000 FEET TO THE POINT OF BEGINNING, EXCEPT MINERAL RESERVATIONS OF RECORD, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE  
DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY  
DESIGNATED AS INTERSTATE HIGHWAY NO. 70: AND

EXCEPT A RIGHT-OF-WAY FOR U.S HIGHWAY DESIGNATED AS U.S HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO: AND

EXCEPT THAT PORTION CONVEYED TO ADAMS COUNTY IN BOOK 194 AT PAGE 465 AND BOOK 202 AT PAGE 443; AND

EXCEPT TRACT DESCRIBED IN BOOK 306 AT PAGE 443; AND

EXCEPT PARCEL DESCRIBED IN BOOK 758 AT PAGE 535, RECORDS AT THE CLERK AND RECORDER OF THE COUNTY OF ADAMS, STATE OF COLORADO; AND

EXCEPT THAT PART OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

FOLLOWS:  
CONSIDERING THE SOUTH LINE OF COLORADO STATE HIGHWAY NO. 36, LYING  
SOUTHEAST OF IOWA ROAD IN SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63  
WEST OF THE 6TH P.M. COUNTY OF ADAMS, STATE OF COLORADO AS BEARING  
S48°28'50"E, AS SHOWN ON THE "TOWN OF BENNETT--ANNEXATION PLAT" AS  
RECORDED AT RECEPTION NO. 8786212, ADAMS COUNTY RECORDS, WITH ALL  
BEARINGS CONTAINED HEREIN RELATIVE THERETO; COMMENCING AT THE  
SOUTHWEST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF  
THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO;  
THENCE N15°50'16"E, A DISTANCE OF 342.07 FEET TO A POINT ON THE EAST  
LINE OF A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS,  
STATE OF COLORADO AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS  
COUNTY RECORDS; THENCE THE FOLLOWING FOUR COURSES AND DISTANCES  
ALONG THE EASTERLY AND NORTHERLY LINES OF THE SAID DEPARTMENT OF  
HIGHWAYS, STATE OF COLORADO PARCEL:

- 1) THENCE N03°24'09"W, A DISTANCE OF 307.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1427.35 FEET, A RADIAL LINE FROM SAID POINT BEARS S89°20'17"E;
- 2) THENCE ALONG SAID CURVE, A DISTANCE OF 660.89 FEET, THROUGH A CENTRAL ANGLE OF 26°31'11", THE CHORD OF WHICH BEARS N13°55'36"E, A DISTANCE OF 655.00 FEET;
- 3) THENCE N03°36'09"E, A DISTANCE OF 85.90 FEET;
- 4) THENCE N61°59'21"E, A DISTANCE OF 5.00 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF THE STATE OF COLORADO, DEPARTMENT OF HIGHWAYS PARCELS OF LAND RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS AND EAST RIGHT-OF-WAY LINE OF KIOWA ROAD; THENCE N28°00'39"E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, A DISTANCE OF 1467.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD, N28°00'39"E, A DISTANCE OF 617.07 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF KIOWA ROAD WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36; THENCE THE FOLLOWING 5 COURSES AND DISTANCES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 36;
  - 1) THENCE S48°28'50"E, A DISTANCE OF 30.30 FEET;
  - 2) THENCE S41°31'10"W, A DISTANCE OF 100.00 FEET;
  - 3) THENCE S48°28'50"E, A DISTANCE OF 500.00 FEET;
  - 4) THENCE N41°31'10"E, A DISTANCE OF 100.00 FEET;
  - 5) THENCE S48°28'50"E, A DISTANCE OF 3697.68 FEET TO A POINT ON A WESTERLY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 535, ADAMS COUNTY RECORDS; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF THE SAID DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND,
    - 1) THENCE S01°07'19"E, A DISTANCE OF 209.74 FEET;
    - 2) THENCE S88°50'24"W, A DISTANCE OF 998.92 FEET;
    - 3) THENCE N68°08'02"W, A DISTANCE OF 301.50 FEET; THENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, PARCEL OF LAND AS RECORDED IN BOOK 758 AT PAGE 575, N01°51'58"E, A DISTANCE OF 550.51 FEET; THENCE N48°28'50"W, A DISTANCE OF 2908.12 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

STATEMENT:

LINEAL UNITS ARE IN FEET.

DISCLAIMER: PLEASE NOTE THAT SURVEYING IS AN INEXACT SCIENCE AND IS SUBJECT TO A CERTAIN DEGREE OF INACCURACY AND OPINION.

**BASIS OF BEARINGS:**

CONSIDERING THE NORTHERLY LINE OF SUBJECT PROPERTY TO HAVE AN ASSUMED BEARING OF S47°49'23"E AND MONUMENTED AS SHOWN HEREON.

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	DATE:	REVISIONS:
REFERENCE DWG:		

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING  
OIL AND GAS SURVEYING  
303-621-8672 FAX 303-621-7749

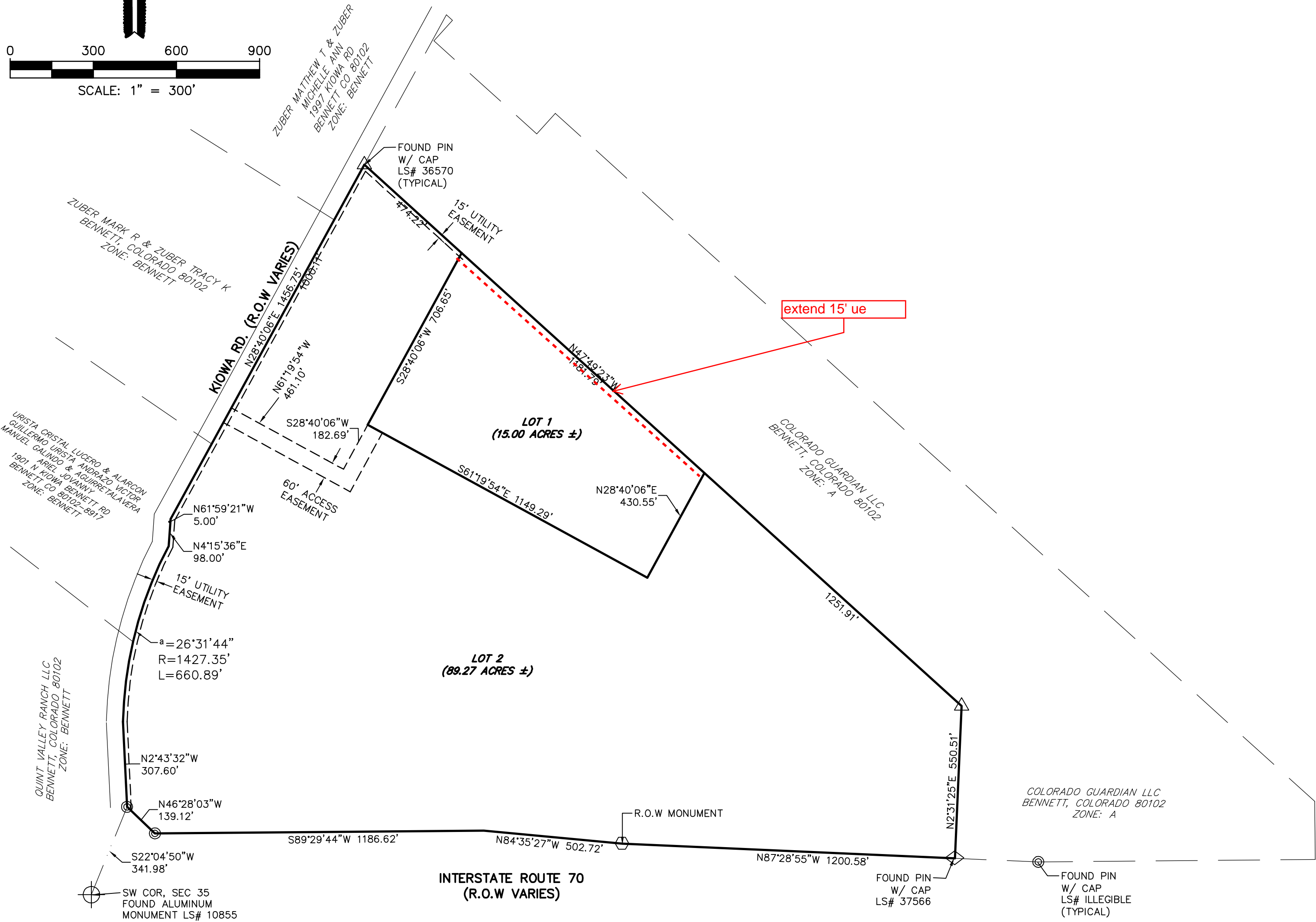
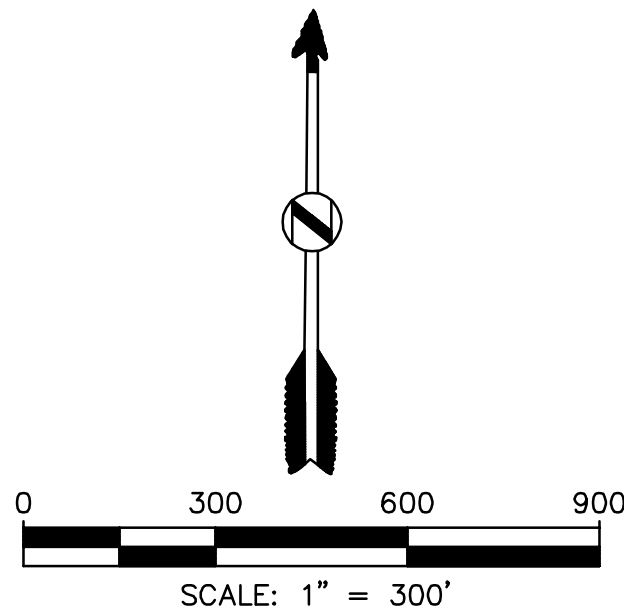
P.O. BOX 384 KIOWA, COLORADO 80117	SCALE 1"=300'	DATE 12/08/2021	DRAWN BY CRR
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TITLE		WALL'S SUBDIVISION FINAL PLAT PART OF SEC. 35, T3S, R63W, 6TH P.M. TOWN OF BENNETT ADAMS COUNTY, STATE OF COLORADO
CLIENT		
GERALD WALLS		
SHEET		JOB NUMBER
2 OF 2		21072-SUB



# WALL'S MINOR DEVELOPMENT

PART OF SECTION 35, T. 3 S, R. 63 W, 6TH P.M.  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO



## PROPERTY DESCRIPTION

ALL THAT PART SECTION 35, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH (6TH) PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, EXCEPT THAT PORTION CONVEYED TO WARREN T. ZUBER AND WANDA M. ZUBER, BY EXECUTOR'S DEED RECORDED MAY 31, 1963 IN BOOK 1065 AT PAGE 571. DESCRIBED AS FOLLOWS:

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EXCEPT A RIGHT-OF-WAY ALONG THE SOUTH SIDE OF SECTION 35, TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, FOR INTERSTATE HIGHWAY DESIGNATED AS INTERSTATE HIGHWAY NO. 70; AND

EXCEPT A RIGHT-OF-WAY FOR U.S. HIGHWAY DESIGNATED AS U.S. HIGHWAY 36-40, WHICH SAID HIGHWAYS RUNS APPROXIMATELY FROM THE SOUTHEAST CORNER TO THE NORTHWEST CORNER OF SECTION 35, COUNTY OF ADAMS, STATE OF COLORADO; AND

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## BASIS OF BEARINGS:

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DATE: \_\_\_\_\_ REVISIONS: \_\_\_\_\_

REFERENCE DWG: \_\_\_\_\_

# High Prairie Survey Co.

LAND SURVEYING CONSTRUCTION STAKING

OIL AND GAS SURVEYING

303-621-8672 FAX 303-621-7749

P.O. BOX 384  
KIOWA, COLORADO 80117

SCALE  
1"=300'

DATE  
08/18/2021

DRAWN BY  
CRR

TITLE  
WALL'S MINOR DEVELOPMENT  
PART OF SEC. 35, T3S, R63W, 6TH P.M.  
TOWN OF BENNETT,  
ADAMS COUNTY, STATE OF COLORADO

CLIENT  
GERALD WALLS

SHEET 1 OF 2

JOB NUMBER  
21072-MD



**Melinda A. Culley**  
(303) 298-1601 tel  
(303) 298-1627 fax  
*melinda@kellypc.com*

### **MEMORANDUM**

TO: Planning Department

FROM: Melinda Culley /s/

DATE: April 4, 2022

RE: Wall's Subdivision Plat

---

I reviewed the Final Plat for the Wall's Subdivision and have the following comments:

1. I do not see a title commitment in the Dropbox folder. If the applicant has not done so, they need to submit a title commitment for the subject property dated no later than 3 months from the date of the application.
2. Revise the Purpose Statement to reflect that the property is being subdivided into two lots.
3. In the Zoning section, delete the reference to proposed zoning because the rezoning will be handled as a separate item.
4. Add a statement and signature by the land surveyor that the survey was performed by the surveyor or under the surveyor's direct responsibility, supervision and checking and that the Plat accurately and properly shows said subdivision.
5. Delete the Owner's Certificate and replace it with the following:

#### **OWNERSHIP AND DEDICATION**

Known by all men by these presents, that the undersigned \_\_\_\_\_ being the owner of the land shown in this Final Plat and described as follows:

(LEGAL DESCRIPTION)





**BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-15**

**A RESOLUTION OF THE BENNETT PLANNING AND ZONING COMMISSION  
RECOMMENDING APPROVAL OF A REZONING FOR LOT 1 OF WALLS  
SUBDIVISION**

WHEREAS, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for approval of a rezoning for Lot 1 of Walls Subdivision (the “Property”); and

WHEREAS, the Property is currently zoned Agricultural (A) and the proposed zoning for the Property is Industrial (I); and

WHEREAS, all materials related to the proposed rezoning 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 rezoning 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 of the Town of Bennett hereby recommends that Lot 1 of Walls Subdivision be rezoned from Agricultural (A) to Industrial (I).

.

**PASSED AND ADOPTED this 18th day of July 2022.**

---

Martin Metsker, Chairperson

ATTEST:

---

Secretary

### **Suggested Motion**

I move to approve Resolution No. 2022-15 - A Resolution of the Bennett Planning and Zoning Commission Recommending Approval of a Rezoning for Lot 1 of Walls Subdivision.

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

**CHAIR:** I will now open the public hearing on the following application: An application for Recommended Updates to Chapter 16 of the Bennett Municipal Code Related to Telecommunications Facilities

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?

*[Secretary 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.

**Page 201**

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. 2022-16.

May we have a Roll-Call vote?

Motion carries/fails.



TO: Planning and Zoning Commission Members

FROM: Steve Hebert, Planning Manager

DATE: July 18, 2022

SUBJECT: Recommended Updates to Chapter 16 of the Bennett Municipal Code Related to Telecommunications Facilities

## Background

Chapter 16, Article II of the Bennett Municipal Code includes several regulations relative to telecommunication facilities. The current definition of a telecommunications facility means "radio or television broadcasting towers, telecommunications towers, and antenna satellite dish arrays (freestanding or tower-mounted). A telecommunication facility does not include residential television antennas, satellite dish antennas, or amateur radio antennas."

The current regulations for telecommunication facilities were adopted by the Board of Trustees in February 2016 by Ordinance No. 661-16. Pursuant to the current code, service providers (Verizon, AT&T, T-Mobile and their affiliates) must secure a conditional use permit (CUP) approved by the Board of Trustees.

Since 2016, the Federal Communications Commission (FCC) and the Colorado State Legislature have adopted regulations and laws clarifying and restricting how local governments can regulate such facilities. The result has been to significantly minimize local control. Proponents of these changes have argued that telecommunication services, including wireless communications, are essential services and standardized rules and regulations are in the best interest of the general public.

One of the most significant changes has been that telecommunication service providers (e.g. Verizon, AT&T, T-Mobile and their affiliates) can locate certain small cell wireless telecommunication facilities in the public right-of-way as a use-by-right and that no discretionary local government approval is permissible. The Town of Bennett can no longer require a conditional use permit for most telecommunications facilities.

## Proposed Code Updates

**Section 16-2-210: The proposed changes to Section 16-2-210 include new or updated definitions of several terms, including:**

- ***Alternative Tower Structures***
- ***Antenna***
- ***Base Stations***

- ***Camouflaging***
- ***Concealment***
- ***Collocation***
- ***Eligible Facilities Requests***
- ***Equipment Cabinets***
- ***Small Cell Facility***
- ***Support Structures***
- ***Towers***
- ***Transmission Equipment***
- ***Wireless Communications Facilities (WCF)***

**New Sections 16-9-910 through 950: Language has been added to address:**

- ***Purpose and goals***
- ***Applicability, waiver and exemptions***
- ***Operational standards, including:***
  - ***Federal requirements***
  - ***Radio frequency standards***
  - ***Signal interference***
  - ***Operation and maintenance***
  - ***Abandonment and removal***
- **Reference to design standards**
- **Review procedures and requirements have been clarified, including standards and timeframes for approval. (Federal and state law limits the timeframe for review to 60 days.)**
- **Standards for approval**

### **Design Standards**

- **Design standards are proposed to address:**
  - ***Camouflage/Concealment***
  - ***Siting***
  - ***Lighting***
  - ***Landscaping and fencing requirements***
- **Specific design requirements for:**
  - ***Base stations***
  - ***Alternative town structures***
  - ***Towers***

### **Staff Recommendation**

Staff recommends the Planning and Zoning Commission adopt Resolution No. 2022-16, recommending approval of the Ordinance to go before the Board of Trustees.

## **Attachments**

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1. Staff PowerPoint Presentation
2. Proposed Wireless Communications Ordinance
3. Draft Design Standards
4. Resolution No. 2022-16

# Ordinance No. 719-22 Amendment to Chapter 16 – Telecommunications Regulations

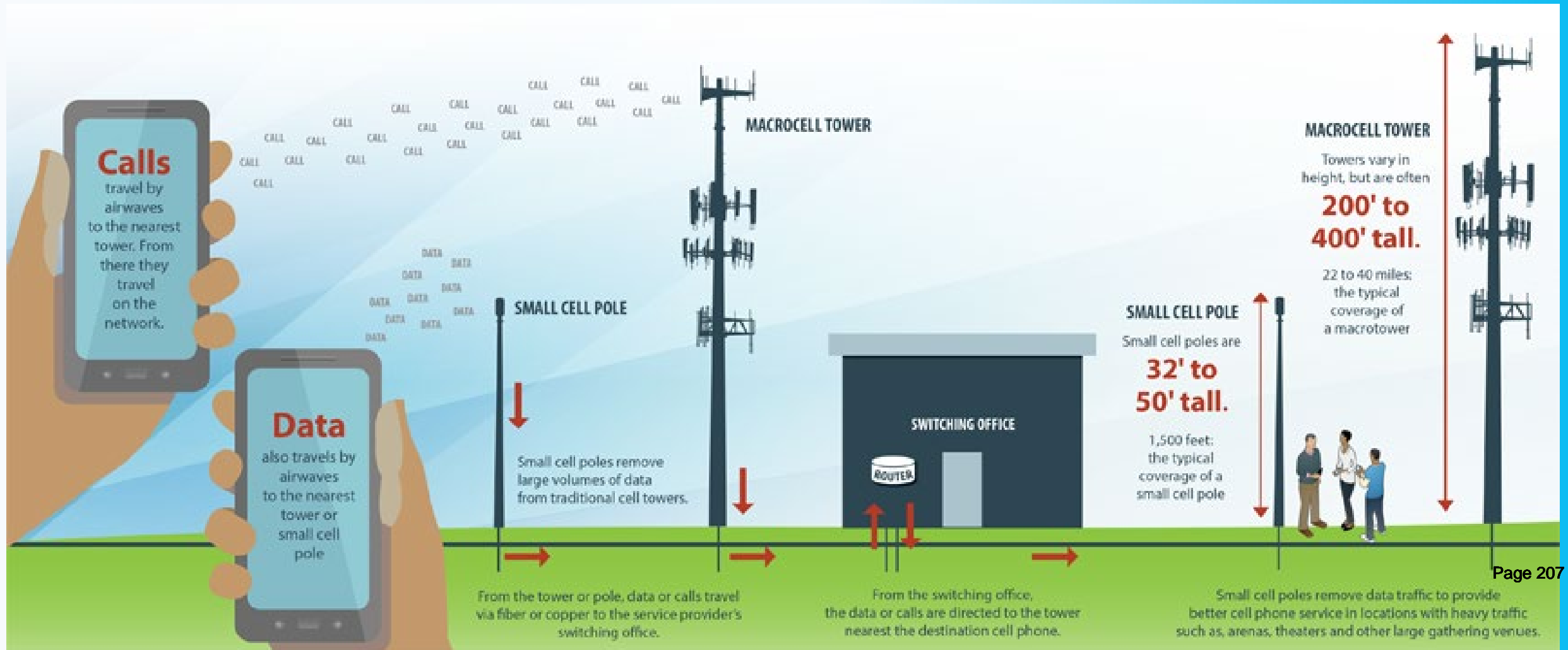
Planning and Zoning Commission

July 18, 2022

Steve Hebert, Planning and Economic Development Manager



# An Evolving Wireless Telecommunications Network





# Proposed Ordinance No. 719 -22

## **Section 16-2-210: The proposed changes to Section 16-2-210 include new or updated definitions of several terms, including:**

- *Alternative Tower Structures*
- *Antenna*
- *Base Stations*
- *Camouflaging*
- *Concealment*
- *Collocation*
- *Eligible Facilities Requests*
- *Equipment Cabinets*
- *Small Cell Facility*
- *Support Structures*
- *Towers*
- *Transmission Equipment*
- *Wireless Communications Facilities (WCF)*

# Proposed Ordinance No. 719-22

**Section 16-9-910 through 950: New language has been added to address:**

- ***Purpose and Goals***
- ***Applicability, Waiver and Exemptions***
- ***Operational Standards, including:***
  - ***Federal requirements***
  - ***Radio frequency standards***
  - ***Signal interference***
  - ***Operation and maintenance***
  - ***Abandonment and removal***
- **Reference to Design Standards**
- **Review Procedures and Requirements have been clarified, including standards and timeframes for approval. (Federal and state law limits the timeframe for review to 60 days.)**
- **Standards for Approval**

# Why Update our Code?

- Bennett's current code was last updated in 2016.
- Federal and state regulations and laws have consistently eroded local control of the telecommunications industry.
- In June 2017, the Colorado General Assembly passed House Bill 17-1193, concerning the installation of Small Cell Facilities within a local government's jurisdiction.
- The statute provides wireless service providers the right to install Small Cell Facilities within the public rights of way owned by the Town in any zone district.
- While Bennett is required by state law to allow such infrastructure in any zone district, the Town retains the authority to address issues related to the design standards and exact siting location of Small Cell Facilities.
- The Town is prohibited under federal law from imposing any requirement that would have the effect of prohibiting a company from providing wireless service.

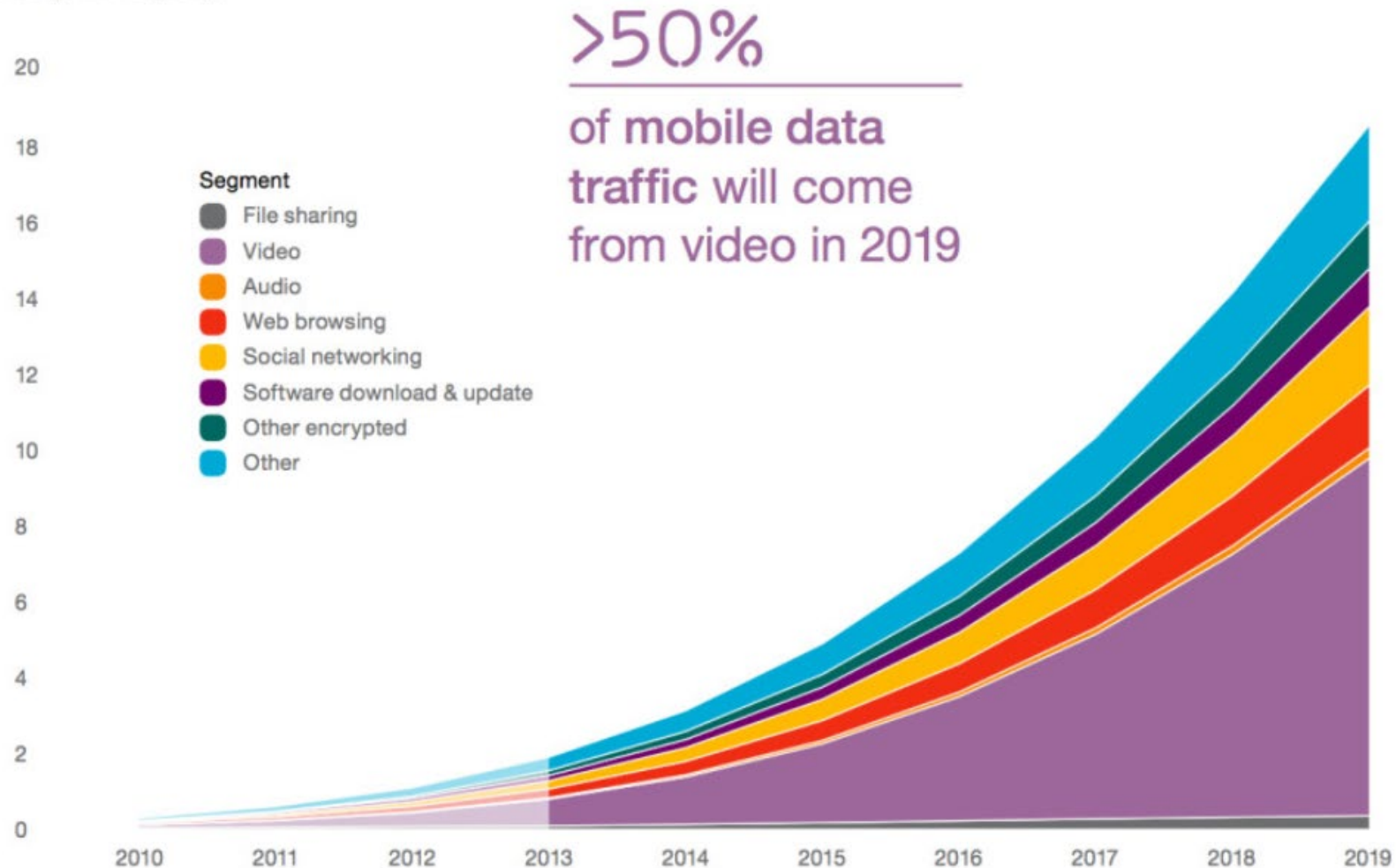
# Why is this Happening?

- Wireless communications has changed the way we live.
- **Big data.**
- Smart cities, smart buildings, smart transportation, smart retail, smart homes, smart government.
- State and federal laws continue to change to accommodate the industry (Verizon, AT&T, T-Mobile, et. al.).

# Trends in Mobile Data Traffic

(2010 – 2019)

Mobile data traffic by application type  
(monthly ExaBytes)

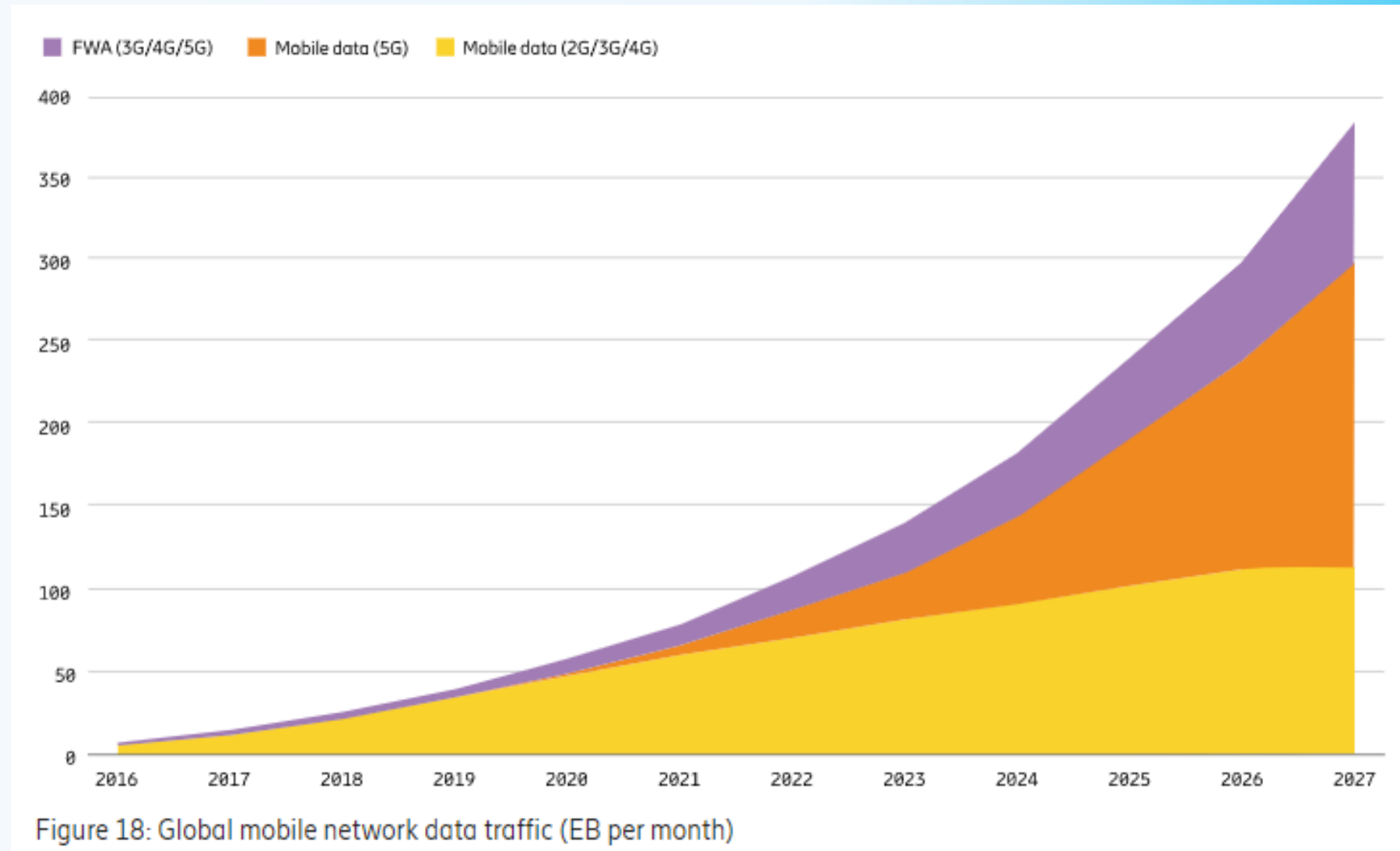




# Trends in Mobile Traffic

(2016 – 2027)

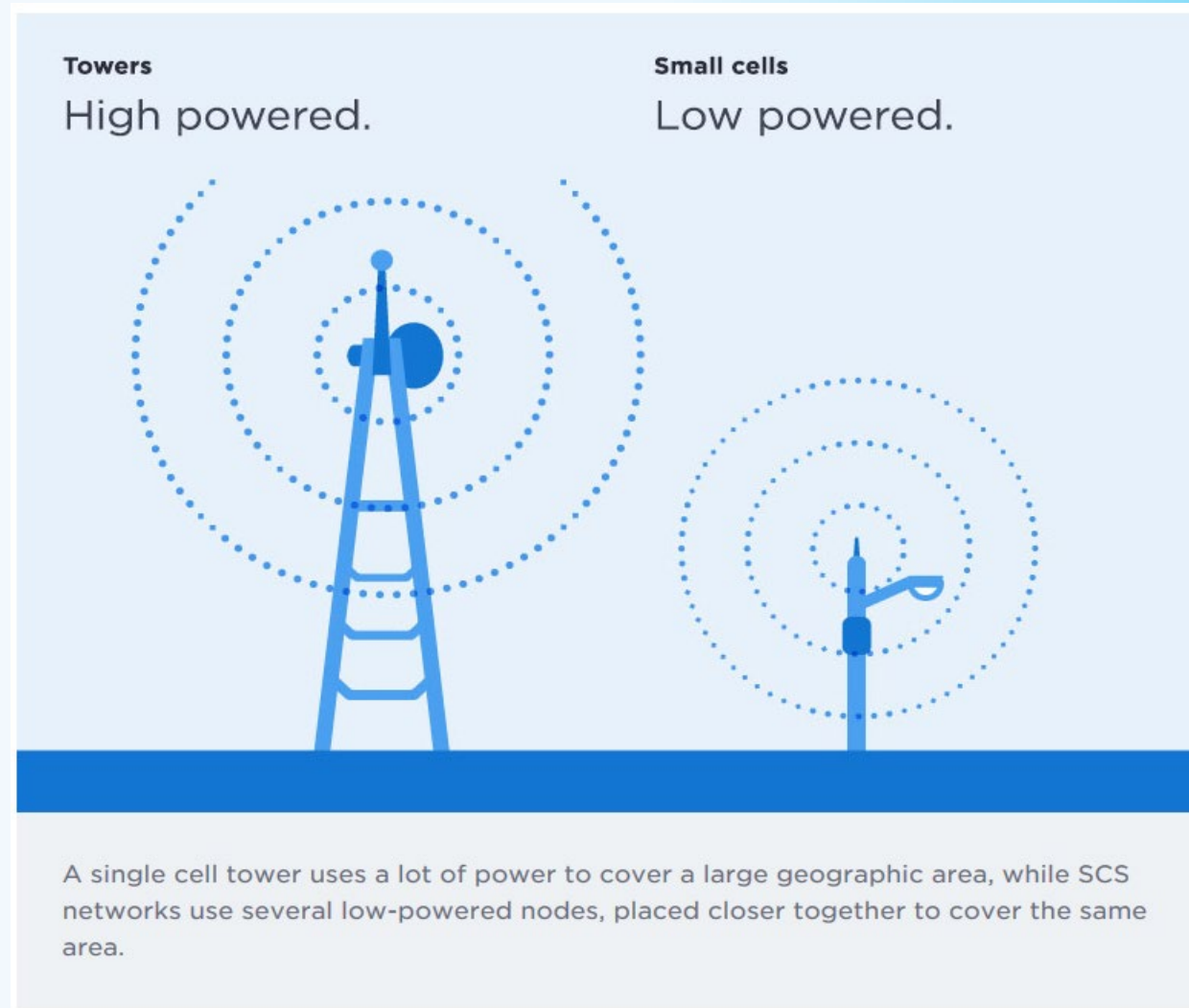
Source: Ericsson



# Some Key Terms and Concepts

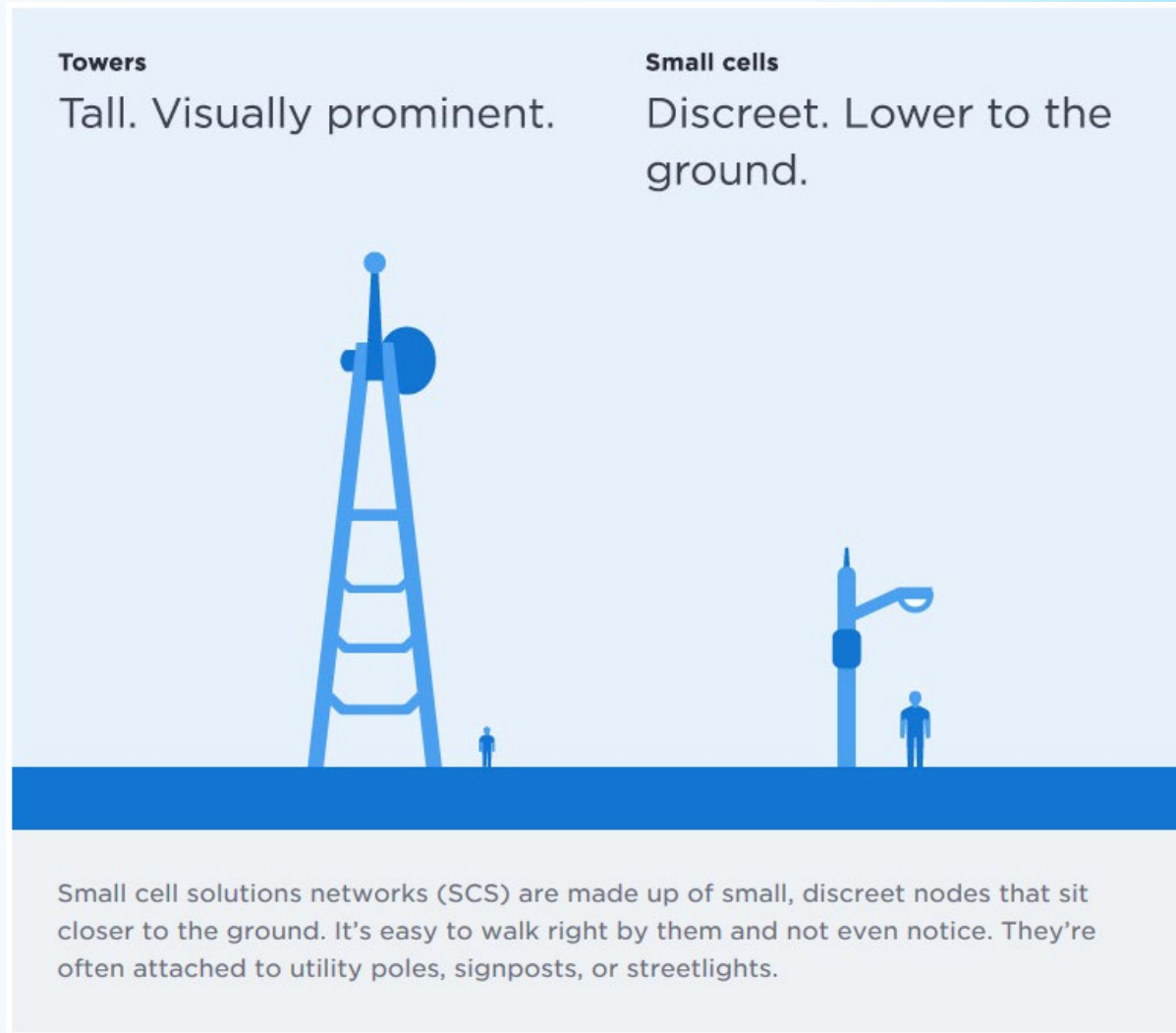
# Network of Macro and Small Cell Sites

(Source: Crown Castle)



# Network of Towers and Small Cell Sites

(Source: Crown Castle)



# Macro Wireless Towers

(built for the sole purpose of supporting antennas)

**6<sup>th</sup> Avenue Between Harback & Schumaker**



**East of Bennett on E. Colfax North of Ladybird Hill**

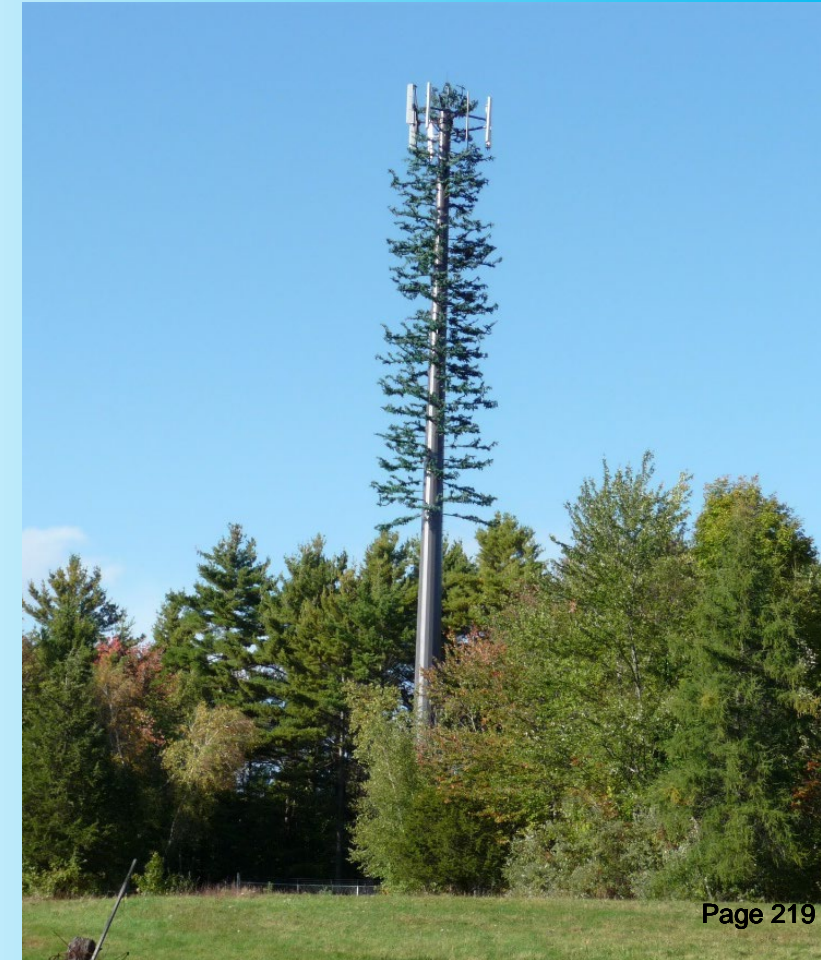




New towers and major revisions require a Conditional Use Permit, reviewed by the Planning and Zoning Commission and approved by the Board of Trustees.

Minor revisions to towers and new alternative tower structures, including small cell wireless installations are a use-by-right and approved administratively.

# Alternative Tower Structures





## Concealment

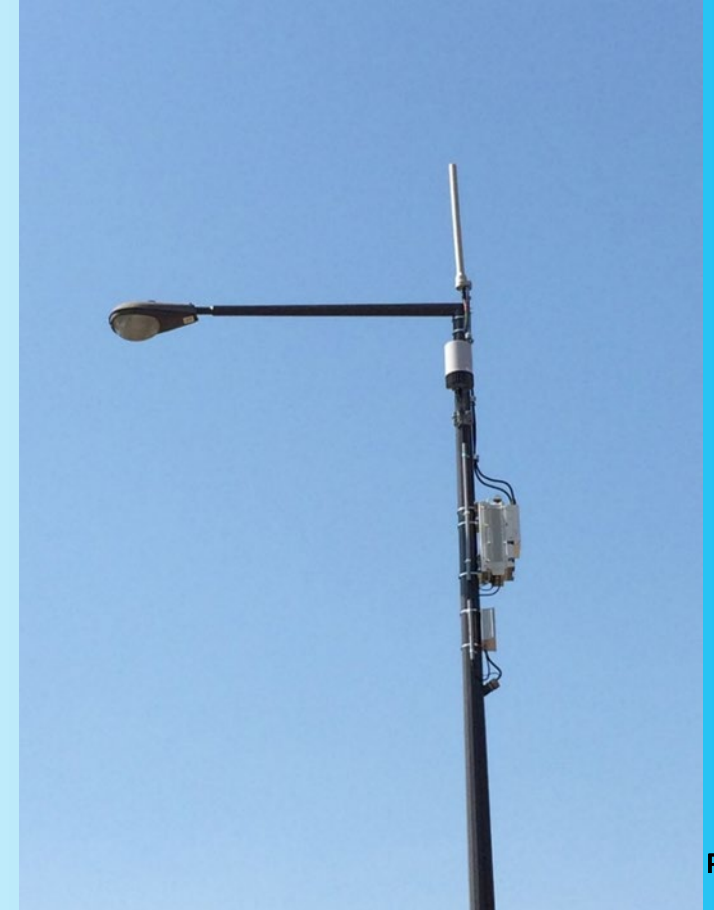


## Camouflage



# What do small cell wireless facilities look like?

# Early Small Cell Installations





# Evolving Designs



# Recent Small Cell Installations



# Benefits

- Enhanced state-of-the-art communications network
- Important piece of infrastructure for Economic Development
- Additional capacity for data use and telecommuting
- More reliable voice calls
- Improved communication for public safety
- Potential infrastructure for emergency service providers

# Key Provisions of State Legislation - HB17-1193

- Placement of small cell facilities a “use by right” in any zone or in town-owned rights-of-way, subject to police powers
- The Town cannot discriminate among or grant preference to competing providers
- Providers have the right to locate or collocate small cell facilities or networks on light poles, traffic signals or utility poles owned by the town
- Allows for consolidated applications to receive a permit for multiple locations
- Limits fees town can charge a provider



# Zayo Communications Proposal





# Proposed Code Updates

## **Section 16-2-210: The proposed changes to Section 16-2-210 include new or updated definitions of several terms, including:**

- *Alternative Tower Structures*
- *Antenna*
- *Base Stations*
- *Camouflaging*
- *Concealment*
- *Collocation*
- *Eligible Facilities Requests*
- *Equipment Cabinets*
- *Small Cell Facility*
- *Support Structures*
- *Towers*
- *Transmission Equipment*
- *Wireless Communications Facilities (WCF)*

# Proposed Code Updates

**Section 16-9-910 through 950: New language has been added to address:**

- ***Purpose and Goals***
- ***Applicability, Waiver and Exemptions***
- ***Operational Standards, including:***
  - ***Federal requirements***
  - ***Radio frequency standards***
  - ***Signal interference***
  - ***Operation and maintenance***
  - ***Abandonment and removal***
- **Reference to Design Standards**
- **Review Procedures and Requirements have been clarified, including standards and timeframes for approval. (Federal and state law limits the timeframe for review to 60 days.)**
- **Standards for Approval**

# Proposed Design Standards for Future Consideration

## Design Standards

- **Design standards are proposed to address:**
  - ***Camouflage/Concealment***
  - ***Siting***
  - ***Lighting***
  - ***Landscaping and fencing requirements***
- **Specific design requirements for:**
  - ***Base stations***
  - ***Alternative town structures***
  - ***Towers***

## Staff Recommendation

Staff recommends the Planning and Zoning Commission recommend the Board of Trustees adopt Ordinance No. 719-22 amending Chapter 16 of the Bennett municipal code concerning wireless communication facilities.

# Questions or comments?



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE BENNETT MUNICIPAL CODE  
CONCERNING WIRELESS COMMUNICATION FACILITIES**

**WHEREAS**, the Town of Bennett (the “Town”) is a statutory town incorporated and organized pursuant to the provisions of Section 31-2-101, *et seq.*, C.R.S.; and

**WHEREAS**, Section 29-20-104, C.R.S., grants municipalities the authority to plan for and regulate the planned and orderly use of land on the basis of the impact thereof on the community; and

**WHEREAS**, the Town is authorized pursuant to Section 31-15-401, C.R.S., to exercise its police powers to promote and protect the health, safety, and welfare of the community and its inhabitants; and

**WHEREAS**, the Town has need to amend its current code regarding Wireless Communications Facilities to be consistent with Federal and State Law; and

**WHEREAS**, in furtherance of the best interests of the Town and the preservation and protection of the health, safety, prosperity, security, and general welfare of residents and landowners, the Town Board of Trustees desires to amend Sections 16-1-210, 16-2-210, 16-2-390, 16-2-470 and 16-2-525, and adopt a new Division 9 of Article II, Chapter 16 of the Town Code as described herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF BENNETT, COLORADO:**

**Section 1.** The following definition in Section 16-1-210 is hereby deleted (words to be deleted are ~~stricken through~~):

~~*Ancillary utility structures and equipment buildings* means equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, backup power and other devices, but not including antennas, that is necessary for the operation of telecommunication facilities.~~

**Section 2.** The following definitions in Section 16-2-210 of the Bennett Municipal Code are hereby amended or added (words to be added are underlined; words to be deleted are ~~stricken through~~):

**16-2-210      Definitions**

*Alternative Tower Structure* means any man-made trees, clock towers, bell steeples, light poles, water towers, farm silos, or similar alternative design mounting structures that conceal where technically feasible the presence of WCFs to make them architecturally compatible with the surrounding area pursuant to Division 9 of Article II. A stand-alone pole in the Right-of-Way that accommodates Small Cell Facilities is considered an Alternative Tower Structure provided

it meets the concealment standards of Division 9 of Article II. Alternative Tower Structures are not considered Towers, for the purposes of Division 9 of Article II.

Antenna means any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devised and configurations.

Base ~~s~~Station means a structure or equipment, other than a tower and equipment associated with a tower, at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The term includes ~~any equipment associated with wireless communications services, including radio receivers, antennas, coaxial or fiber optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration (inclusive of Distributed Antenna Systems and small cell networks).~~ The term also includes any structure, other than a tower, to which any of the equipment described herein is attached. without limitation:

A. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under Division 9 of Article II, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the Town under Division 9 of Article II, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the Town under Division 9 of Article II, does not support or house equipment described in paragraphs A and B above.

Camouflage or Camouflage Design Techniques means any measures used in the design and siting of Wireless Communication Facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF Site utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a water tank, while still appearing to some extent as a WCF. This definition does not include the use of Concealment design elements so that a facility looks like something other than a wireless Tower or Base Station.

Concealment means utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless Tower or Base Station. Language such as “stealth,” “camouflage,” or similar in any permit or other document required by the Town Code is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site’s approval on a design that looks like something else. Concealment can further include a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate Concealment design elements so that the facility looks like something other than a wireless Tower or Base Station.

Collocation

A. For the purposes of Eligible Facilities Requests, means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.

B. For the purposes of facilities subject to shot clocks governed by 47 U.S.C. Sec. 332, means attachment of facilities to existing structures, regardless of whether the structure or location has previously been zoned for wireless facilities.

Eligible ~~telecommunications~~ fFacilities #Request means a request for approval of the modification of an eExisting tTower or bBase sStation that ~~involves the collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.~~ does not Substantially Change the physical dimensions of such Tower or Base Station involving:

- A. Collocation of new Transmission Equipment.
- B. Removal of Transmission Equipment.
- C. Replacement of Transmission Equipment.

A request for modification of an Existing Tower or Base Station that does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or does not comply with any relevant federal requirements, is not an Eligible Facilities Request.

Eligible Support Structure means any Tower or Base Station as defined in this Section, provided that it is Existing at the time the relevant application is filed with the Town under Division 9 of Article II.

Equipment Cabinets mean a cabinet or building used to house equipment used by telecommunication providers at a Wireless Communications Facility. This definition does not include relatively small electronic components, such as remote radio units, radio transceivers,

amplifiers, or other devices mounted behind antennas, if they are not used as physical containers for smaller, distinct devices.

Existing means, for purposes of Division 9 of Article II, a constructed Tower or Base Station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time of an Eligible Facilities Request, provided that a Tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

OTARD means an over-the-air receiving device.

OTARD Antenna means

- A. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or
- B. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or
- C. An antenna that is designed to receive television broadcast signals.

OTARD antenna structure means any pole, Tower, or other structure designed and intended to support an OTARD Antenna.

Related Accessory Equipment means the Transmission Equipment customarily used with, and incidental to Wireless Communication Facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

Right-of-Way means, in the context of Division 9 of Article II, any public street or road that is dedicated to public use for vehicular traffic.

Site in the context of Division 9 of Article II for Towers and Eligible Support Structures, a Site means the current boundaries of the leased or owned property surrounding the Tower or Eligible Support Structure and any access or utility easements currently related to the Site. For Alternative Tower Structures, Base Stations and Small Cell Facilities in the Right-of-Way, a Site is further restricted to that area comprising the base of the structure and to other Related Accessory Equipment already installed on the ground.

Small Cell Facility means a WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

*Substantial change* means a modification ~~to an existing tower or base station under the following circumstances~~ that changes the physical dimensions of an Eligible Support Structure such that after the modification, the structure meets any of the following criteria:

~~a. A substantial change in the height of an existing tower or base station occurs as follows:~~

~~A. For a tower, outside a public right of way, when the height of the tower is it increased the height of the Tower by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; , as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other Eligible Support Structures, it increases the height of the structure by more than ten percent or more than ten (10) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;~~

~~2. For a tower located in a public right of way or for a base station, when the height of the structure increases by more than ten percent (10%) or by more than ten (10) feet, whichever is greater;~~

~~b. Changes in height are measured as follows:~~

~~1. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment;~~

~~2. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012;~~

~~c. A substantial change in the width of an existing tower or base station occurs as follows:~~

~~1. For a tower outside of public rights of way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;~~

~~2. For a tower located in a public right of way or for a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet;~~

B. For Towers, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

~~d. A substantial change also occurs for an existing tower in a public right of way or an existing base station as follows:~~

~~1. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or~~



2. ~~When the change involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets.~~

C. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, as determined on a case-by-case basis based on the location of the Eligible Support Structure but not to exceed four cabinets per application; or for Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

- e. ~~A substantial change also occurs for any existing tower or base station when any of the following are found:~~

1. ~~When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four (4) new cabinets, whichever is less.~~

2.

D. When the change entails any excavation or deployment more than thirty feet in any direction outside the current site.

3.

E. When the change would defeat the concealment elements of the Eligible Support Structure by causing a reasonable person to view the structure's intended stealth design as no longer effective;

4.

F. For any Eligible Support Structure, it ~~When the change~~ does not comply with record evidence of conditions associated with the original siting approval of the construction or modification of the ~~tower, base station~~ Eligible Support Structure or ~~Base s~~Station equipment. ~~This limitation does not apply if~~ unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in above paragraphs A, B, C and D of this definition.

For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the Tower or Base Station, inclusive of approved appurtenances and any modifications that were approved prior to February 22, 2012.

~~Telecommunications facilities means radio or television broadcasting towers, telecommunications towers, and antenna dish arrays (freestanding or tower mounted). A telecommunication facility does not include residential television antennas, satellite dish antennas, or amateur radio antennas.~~

*Tower* means a structure that is designed and built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communication services including, but not limited to, private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers and the like. Alternative Tower Structures and Small Cell Facilities in the Rights-of-Way are not Towers.

*Transmission Equipment* means any Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Wireless Communications Facility or WCF* means a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directions, omni-directions and parabolic antennas, Base Stations, support equipment, Small Cell Facilities, Alternative Tower Structures, and Towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Section.

**Section 3.** Section 16-2-390 of the Bennett Municipal Code is repealed in its entirety.

**Section 4.** Chapter 16, Article II of the Bennett , Zoning, is amended by the addition of a new Division 9 to read as follows (words to be added are underlined):

**Division 9     Wireless Telecommunications Facilities**

**16-2-910     Purpose and Goals.** The purpose of these provisions is to establish requirements for the siting of Wireless Communications Facilities (WCFs). The goals of these provisions are to:

- (a) Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the Town with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs.
- (b) Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to concealment design techniques and undergrounding of WCFs and the equipment associated therewith.
- (c) Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs.
- (d) Encourage the use of wall mounted panel antennas.
- (e) Encourage roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible.
- (f) Encourage the location of Towers in non-residential areas, in a manner that minimizes the total number of Towers needed throughout the community.
- (g) Encourage strongly the collocation of WCFs on new and existing Sites.
- (h) Encourage owners and users of Antennas and Towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized.
- (i) Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently.
- (j) Effectively manage Small Cell WCFs in the Right-of-Way.

**16-2-920      Applicability; Waiver; Exemptions.** The requirements set forth in this Section shall apply to all WCF applications for Base Stations, Alternative Tower Structures, Alternative Tower Structures located within Right-of-Way, and Towers as defined in Section 16-2-210. The Town shall have the authority to waive any requirement or standard set forth in this Section, if the Town makes a determination that the specific requirement or standard is preempted by federal or state law. Prior to applying the waiver to any pending application, the Town shall, in consultation with the Town Administrator and Town Attorney, make a written preemption determination which written determination shall identify the specific requirement or standard that is being waived and cite to the specific federal or state law provision that preempts the specific Town requirement or standard set forth in this Section. The requirements set forth in this Section shall not apply to:

- (a) *Amateur Radio Antennas.* Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only

antennas, provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met. The Town Administrator or his or her designee has the authority to approve modifications to the height restriction, if in the reasonable discretion of the Town, modifications are necessary to comply with federal law.

(b) *Pre-existing WCFs.* Any WCF for which a permit has been properly issued prior to July 1, 2017, shall not be required to meet the requirements of this Section, other than the requirements of subsections 16-2-930(a), (e) and (f) below. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this Section.

(c) *Miscellaneous Antennas.* Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided that the requirement that the height be no more than the distance from the base to the property line are met. The Town Administrator or her/his designee has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the Town, modifications are necessary to comply with federal law.

#### **16-2-930      Operational Standards.**

(a) *Federal Requirements.* All WCFs shall meet the current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

(b) *Radio Frequency Standards.* All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the Town, the Town may request that the owner or operator of the WCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the Town, to demonstrate compliance, the Town may request and the owner or operator of the WCF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject Site, and which compares the results with established federal standards. If, upon review, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to subsection (a) above. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner or operator of the Site.

(c) *Signal Interference.* All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The Applicant shall, at the time of application, provide a written statement (“Signal Interference Letter”) from a qualified radio frequency engineer, certifying that a technical evaluation of existing facilities and the proposed WCFs indicates no potential interference problems. The Town shall be permitted to monitor interference levels with public safety communications during the construction and operational phases for any WCF site.

(d) *Legal Access.* In all applications for WCFs outside of the Right-of-Way, an Applicant shall demonstrate that it owns or has lease rights to the Site.

(e) *Operation and Maintenance.* To ensure the structural integrity of WCFs, the owner and operator of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the Town determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner and/or operator of the WCF, the owner and operator shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner or operator, the Town may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner or operator fails to bring such WCF into compliance within said time period, the Town may remove such WCF at the owner's and operator's expense. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

(f) *Abandonment and Removal.*

(1) WCFs which are not in use for communications purposes or which are deemed abandoned under subsection (2) below, for a period of six (6) consecutive months, shall be removed by the WCF owner. Removal shall occur within ninety (90) calendar days of the end of said six-month period. Upon removal, the site shall be revegetated to substantially the condition it was in prior to the existence of the telecommunications facility.

(2) WCFs shall be deemed abandoned if one (1) or more of the following conditions exist:

- a. Power service is disconnected;
- b. All of the equipment required for transmission has been removed from the site; or
- c. The WCF owner has lost ownership, lease rights or other legal authority to use the property for purposes of operating a WCF, and the site has not been legally transferred to another entity possessing such authority.



(3) In the event that the owner fails to remove the abandoned WCF within the time specified in subsection (1) above, the Town is hereby authorized to remove or cause the removal of the abandoned WCF without any liability for trespass. All costs incurred by the Town, including an administrative cost equal to twenty-five percent (25%) of all direct costs, shall be charged as a lien against such real property and the owners thereof.

(4) If the amount specified in subsection (3) above is not paid within thirty (30) calendar days of invoicing, the Town shall have the right to seek collection of any amount due, plus statutory interest and any and all costs of collection, including but not limited to its attorney's fees, through institution of an action at law or in equity.

(5) If the WCF owner intends to abandon or cease use of a WCF, the owner shall notify the Zoning Administrator, in writing, of such intent within thirty (30) days of such decision, and in no event later than the date of abandonment.

**16-2-940 Design Standards.** The Town Administrator shall adopt and make available administrative regulations describing Design Standards regarding WCFs and related infrastructure, and no new WCFs shall be constructed unless they comply with such Design Standards. Before adopting or amending the Design Standards, the Town will publish notice in accordance with Section 16-1-340 and accept public comment from interested parties.

**16-2-950 Review Procedures and Requirements.** No new WCF shall be constructed and no Collocation or modification to any WCF may occur except after a written request from an Applicant, reviewed and approved by the Town in accordance with this Section. WCFs are allowed as either a conditional or permitted use in the zone districts as shown in the Land Use Table in Section 16-2-470, except that Eligible Facilities Requests are allowed as a permitted use in all zoning districts subject to the provisions of this Division 9. All WCFs, except Eligible Facilities Requests, shall be reviewed pursuant to the following procedures:

(a) Submittal Requirements. Each Applicant for a WCF shall be required to submit:

- (1) Completed review application form;
- (2) Submittal Fee;
- (3) Signal Interference Letter (Section 16-2-930(c));
- (4) Inventory of Existing Sites (subsection (b) below); and
- (5) Any other information deemed necessary by the Town to determine compliance with this Section.

(b) Inventory of Existing Sites. Each Applicant for a WCF shall provide to the Town a narrative and map description of the Applicant's existing or then currently proposed WCFs within the Town, and outside of the Town within one mile of its boundaries. In addition, the Applicant shall inform the Town generally of the areas of the Town in which it believes WCFs may need to be located within the next three years. The inventory list should identify the Site name, Site address, and a general description of the facility (e.g., rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the Applicant submit its business plan, proprietary information, or make

commitments regarding locations of WCFs within the Town. Rather, it is an attempt to provide a mechanism for the Town and all Applicants for WCFs to share general information, assist in the Town's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

The Town may share such information with other Applicants applying for administrative approvals or conditional permits under this Section or other organizations seeking to locate WCFs within the jurisdiction of the Town, provided however, that the Town is not, by sharing such information, in any way representing or warranting that such Sites are available or suitable.

(c) *Applications for Base Stations, Alternative Tower Structures, and Alternative Tower Structures within Right-of-Way.* In all zoning districts, and planned developments, each application for a Base Station, Alternative Tower Structure, or Alternative Tower Structure within Right-of-Way shall be reviewed and considered for approval by the Town for conformance to this Section. Except for Small Cell WCFs in the Right-of-Way that meet all requirements of this Section or Eligible Facilities Requests, the Town Administrator may refer the application to Board of Trustees for approval if the Town Administrator finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features) or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this Section.

(d) *Applications for Towers.* In all zoning districts and planned developments, Towers may be permitted only as a conditional use. Such Towers shall be reviewed for conformance to this Section using the use by conditional review procedures set forth in Section 16-2-330 of the Town Code in conjunction with the applicable sections of this Section. All applications for Towers shall demonstrate that other alternative design options such as Base Stations or Alternative Tower Structures are not viable options.

(e) *Administrative Review Procedures for Eligible Facilities Requests.*

(1) *Application.* In all zoning districts and planned developments, Eligible Facilities Requests for collocation on or modification of an Existing Tower or Base Station shall be considered a use permitted by right subject to administrative review and determination by the Town. The Zoning Administrator shall prepare, and from time to time revise and make publicly available, an application form which shall be limited to the information necessary for the Town to consider whether an application for collocation or modification is an Eligible Facilities Request. The application may not require the Applicant to demonstrate a need or business case for the proposed modification or collocation. Application information may include, without limitation, whether the project:

- a. \_\_\_\_\_ Would result in a Substantial Change;
- b. \_\_\_\_\_ Violates a generally applicable building, structural, electrical, or safety code or other law codifying objective standards reasonably related to public health and safety.

(2) Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Section, the Zoning Administrator shall review such application to determine whether the application so qualifies.

(3) Timeframe for Review. Subject to the tolling provisions of subparagraph (4) below, within sixty (60) days of the date on which an Applicant submits an application seeking approval under this Section, the Zoning Administrator shall approve the application unless it determines that the application is not covered by this Section. If the application does not qualify as an Eligible Facilities Request, the denial of the application shall be in writing and shall set forth the reasons for the Zoning Administrator's decision.

(4) Tolling of the Timeframe for Review. The sixty (60) day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the Town and the Applicant, or in cases where the Zoning Administrator determines that the application is incomplete:

a. To toll the timeframe for incompleteness, the Zoning Administrator must provide written notice to the Applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;

b. The timeframe for review begins running again when the Applicant makes a supplemental written submission in response to the Zoning Administrator's notice of incompleteness; and

c. Following a supplemental submission, the Zoning Administrator will notify the Applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection 4(a) of this subsection (e). In the case of a second or subsequent notice of incompleteness, the Zoning Administrator may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(5) Failure to Act. In the event the Town fails to act on a request seeking approval for an Eligible Facilities Request under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant of approval becomes effective when the Applicant notifies the Town in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(6) Interaction with Telecommunications Act Section 332(c)(7). If the Zoning Administrator determines that the Applicant's request is not an Eligible Facilities Request as delineated in this Section, the Applicant shall be advised as to the relevant provisions of the Town Code that govern the process to consider the request, and any additional information that may be required to be submitted in order for the request to be considered complete. If the Applicant subsequently indicates an intent for the proposal to be considered under the relevant section of the Town Code and submits all required information the presumptively reasonable timeframe under Section 332(c)(7), as set forth in applicable federal and state law, will begin to run from the issuance of the submittal of the Applicant's complete information.

- (f) Abandonment and Removal. Prior to approval, affidavits shall be required from the owner of the property and from the Applicant acknowledging that each is responsible for the removal of a WCF, including Related Accessory Equipment, that is abandoned or is unused for a period of six months.
- (g) Decision. Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing, supported by substantial evidence in a written record, and shall be provided to the Applicant within ten (10) days of the decision. If the approval is for a concealed WCF, the written decision shall specifically identify that the WCF is a concealed facility.
- (h) Compliance with Applicable Law. Notwithstanding the approval of an application for collocation or an Eligible Facilities Request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical and safety requirements as set forth in the Town Code, and any other applicable regulations. In addition, all WCF applications shall comply with the following:
- (1) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
  - (2) Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
  - (3) Be maintained in good working condition and to the standards established at the time of application approval or as otherwise required by applicable law; and
  - (4) Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) days from the time of notification by the Town or after discovery by the owner or operator of the Site.
- (i) Compliance Report. Upon request by the Town, the Applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Town requirements and regulations.

**16-2-960 Standards for Approval.** No WCF, including Related Accessory Equipment, shall be approved unless it meets the following approval criteria:

- (a) Visual impacts are minimized and view corridors are protected to the greatest extent feasible.
- (b) Unless a Tower site, or otherwise waived pursuant to this Section, the WCF utilizes concealment design techniques to avoid adverse impacts on the surrounding area, by ensuring that the facility looks like something other than a Tower or Base Station;

- (c) The WCF meets the applicable design standards for the type of WCF in accordance with Section 16-2-940, Design Standards and the regulations adopted pursuant thereto; and
- (d) The WCF is and will be operated at all times in accordance with Section 16-2-930.
- (e) The Town's intent is to have several providers use the same structure or site to keep the number of WCFs to a minimum as a means of reducing the overall visual impacts throughout the community. If collocation is a feasible alternative to the construction of a new Tower, then collocation is required.
- (f) If it is practical to attach WCFs to water towers, existing transmission towers, or existing buildings, or light poles or utility poles, then such locations shall be used instead of new Towers.
- (g) WCFs that are attached to existing Base Stations are subject to the following requirements:
  - (1) Façade-mounted facilities (antenna mounted on the side of a building) may not extend above the parapet wall, or, in the case of a pitched roof, above the fascia.
  - (2) The maximum height of a WCF that is mounted on a rooftop is the shorter of:
    - a. Twenty (20) feet taller than the building to which it is attached; or
    - b. Ten (10) feet taller than the maximum height allowed in the zone for a principal building.
  - (3) Rooftop antennas shall either be:
    - a. Mounted to a penthouse;
    - b. Set back such that they are not visible from ground level on adjacent rights-of-way or residential uses at a distance of one hundred (100) feet or less; or
    - c. Reasonably screened from ground level view, and designed in a manner which is compatible with the materials, colors, and architectural details of the existing building or structure.
  - (4) Equipment that does not depend upon an elevated location to operate shall be located:
    - a. Within a building;
    - b. Within an underground enclosure; or
    - c. Within an enclosure at ground level which is screened from view from all abutting properties, streets, and trails.
- (h) Telecommunication towers are subject to the following requirements:



(1) The minimum setback shall be the setback applicable to principal structures in the zone in which the tower is located, plus one (1) foot per foot that a tower extends above the maximum building height for the zoning district.

(2) Towers shall be nonreflective, unpainted galvanized steel or painted neutral colors or such shades that are appropriate and compatible with the surrounding environment.

(3) No lighting shall be permitted on Towers except that required by the Federal Aviation Administration (FAA).

**Section 5.** Section 16-2-470 of the Bennett Municipal Code, Land Uses, Category L of the Land Use chart is amended to read as follows:

<b>L. UTILITIES AND TELECOMMUNICATIONS</b>											
(1) Overhead electric transmission lines and distribution feeder lines over 110 kV	C	C	C	C	C	C	C	C	C	C	C
(2) Public utilities, major	C								C	P	P
(3) Public utilities, minor	P	P	P	P	P	P	P	P	P	P	P
(4) Telecommunications facilities, including towers	C	C	C	C	C	C	C	C	C	C	C
<u>(5) WCF attachments to Base Stations and Alternative Tower Structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>(56) Eligible Telecommunications Facilities Request</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

**Section 6.** Section 16-2-525 of the Bennett Municipal Code, Telecommunications Facilities, is repealed in its entirety.

### **Section 7. Miscellaneous**

(a) *Severability.* If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

(b) *Codification Amendments.* The codifier of the Town Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Town Code.

(c) *Repeal.* All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

(d) *Effective Date.* This Ordinance shall take effect and be in force thirty (30) days after publication.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY  
TITLE ONLY this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Royce Pindell, Mayor

ATTEST:

\_\_\_\_\_  
Christina Hart, Town Clerk

**TOWN OF BENNETT**  
**DESIGN STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES**

The requirements set forth in these Design Standards are adopted pursuant to Section 16-~~29-94~~40 of the Town Code and shall apply to the location and design of all WCFs governed by Section 16-~~29-94~~10, et seq. of the Town Code; provided, however, that the Town may waive any one or more of these requirements if it determines that the goals of this Section are better served thereby. WCFs shall be designed and located to minimize the impact on surrounding properties and residential neighborhoods and to maintain the character and appearance of the Town. Capitalized terms in these Design Standards are as defined in the Town Code. In the case of any conflicts between the provisions of these Standards and the Town Code, the Code shall prevail.

- A. *Camouflage/Concealment.* All WCFs and any Related Accessory Equipment shall, to the maximum extent possible, use Concealment Design Techniques, and where not possible utilize Camouflage Design Techniques.
1. Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be Concealed, and where not possible to be Concealed, Camouflaged to minimize the WCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.
  2. A Concealment design may include the use of Alternative Tower Structures should the Town determine that such design meets the intent of the Code and the community is better served thereby.
  3. All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and Towers shall be constructed of non-reflective materials (visible exterior surfaces only).
- B. *Siting.*
1. No portion of any WCF may extend beyond the property line.
  2. WCFs shall be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the Town approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or Site.
  3. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.
  4. WCFs shall not encroach into any sight triangles.
- C. *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

D. *Landscape and Fencing Requirements.*

1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel, below any applicable Code standards including without limitation, Planned Development standards.
2. The Site of the WCF shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the Site.
3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Town.
4. Existing mature tree growth and natural landforms on the Site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the Site perimeter may be sufficient to buffer.
5. No trees larger than four (4) inches in diameter measured at 4½ feet high on the tree may be removed, unless authorized by the Town. To obtain such authorization the Applicant shall show that tree removal is necessary, the Applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of 2 to 1.

E. *Specific Design Requirements.*

Additional design requirements shall be applicable to the types of WCFs as specified below:

1. *Base Stations* –
  - a. Base Stations shall be architecturally compatible with respect to attachments, and WCFs shall be colored to match the building or structure to which they are attached;
  - b. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet;
  - c. Wall mounted WCFs shall not extend above the roofline unless mounted to a penthouse; and
  - d. Roof mounted WCFs shall be approved only where an Applicant demonstrates a wall mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
    - i. Height is no more than twenty (20) feet taller than the building to which it is attached; or
    - ii. Ten (10) feet taller than the maximum height allowed in the zone for a principal building.
    - iii. Other roof mounted Related Accessory Equipment shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

iv. Roof mounted WCFs must additionally be mounted to a penthouse, set back such that they are not visible from ground level on adjacent rights-of-way or residential uses at a distance of one hundred (100) feet or less, or reasonably screened from ground level view, and designed in a manner which is compatible with the materials, colors, and architectural details of the existing building or structure.

2. *Alternative Tower Structures (ATS) and Small Cell Facilities –*

- a. ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the WCF is concealed.
- b. Height or size of the proposed ATS or Small Cell Facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of ~~forty-five~~ (45) feet;
- c. ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;
- d. ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
- e. ATS and Small Cell Facilities shall be compatible with the surrounding topography, tree coverage, and foliage;
- f. ATS and Small Cell Facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness; and
- g. Visual impacts of the proposed ingress and egress shall be minimized.

Commented [ksf1]: Just a suggestion.

3. *Alternative Tower Structures and Small Cell Facilities located in the Right-of-Way –*

- a. No ATS pole shall be higher than forty-five (45) feet including any cannister or antennas located on top of a pole;
- b. No pole or structure shall be more than ten (10) feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within five hundred (500) feet of the pole or structure;
- c. Any new pole for ATS or stand-alone Small Cell Facilities shall be separated from any other existing stand-alone WCF facility by a distance of at least six hundred (600) feet;
- d. With respect to pole-mounted components, Small Cell Facilities shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives;
- e. ATS must be concealed consistent with other existing natural or manmade features in the Right-of-Way near the location where the ATS will be located;
- f. To the extent reasonably feasible, be consistent with the size, color and shape of the pole-mounted equipment installed by communications or utility companies on utility poles near the ATS;



- g. When placed near a residential property, any ATS or Small Cell Facilities must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets;
- h. Small Cell Facilities shall:
  - i. be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
  - ii. be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure;
  - iii. be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
  - iv. require that any ground mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than thirty-six (36) inches above grade), or co-located within a traffic cabinet of a design approved by the Town, unless a use by special review is obtained subject to the requirements of the Town Code;
  - v. not alter vehicular circulation or parking within the Right-of-Way or impede vehicular, bicycle, or pedestrian access or visibility along the Right-of-Way;
  - vi. comply with the Americans With Disabilities Act and all applicable local, state, and federal law and regulations; and
  - vii. not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the Right-of-Way that disrupts or interferes with its use by the Town, the general public, or other person authorized to use or be present upon the Right-of-Way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the Right-of-Way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

Commented [ksf2]: Not sure if this is the correct process

Commented [MC3]: Let's discuss this.

#### 4. *Towers -*

- a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the Town;
- b. Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
- c. Monopole support structures shall taper from the base to the tip;
- d. All Towers shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing

- device. No security fencing or any portion thereof shall consist of barbed wire or chain link material; and
- e. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of \_\_\_\_\_ ( ) feet.
  - f. Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;
  - g. Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the Tower to these uses;
  - h. Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - i. Visual impacts of the proposed ingress and egress shall be minimized;
  - j. No new Towers shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Town that no existing WCFs can accommodate the needs that the Applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing WCFs can accommodate these needs may consist of the following:
    - i. No existing WCFs are of sufficient height and are located within the geographic area required to meet the Applicant's engineering requirements;
    - ii. Existing WCFs do not have sufficient structural strength to support Applicant's proposed WCF;
    - iii. The Applicant's proposed WCF would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCFs would cause interference with the Applicant's proposed WCF; or
    - iv. The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.
  - k. A Tower shall meet the greater of the following minimum setbacks from all property lines:
    - i. The minimum setback shall be the setback applicable to principal structures in the zone in which the tower is located, plus one (1) foot per foot that a tower extends above the maximum building height for the zoning district.
    - ii. Twenty-five (25) percent of the facility height, including WCFs and Transmission Equipment; or
    - iii. The Tower height, including antennas, if the Tower is in or adjacent to a residential district or residential zoned property.
    - iv. Towers over \_\_\_\_\_ ( ) feet in height shall not be located within one-quarter mile from any existing Tower that is over \_\_\_\_\_ ( ) feet in height, unless the Applicant has shown to the satisfaction of the Town that there are no reasonably suitable alternative sites in the required geographic area which can meet the Applicant's needs.
  - l. No Towers shall be permitted in the Right of Way.

5. *Related Accessory Equipment* - Related Accessory Equipment for all WCFs shall meet the following requirements:
- a. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
  - b. The total footprint coverage area of the WCF's Related Accessory Equipment shall not exceed three hundred fifty (350) square feet;
  - c. No Related Accessory Equipment or accessory structure shall exceed twelve (12) feet in height; and
  - d. Related Accessory Equipment shall be located out of sight whenever possible by locating behind parapet walls, within buildings, within underground enclosures or within equipment enclosures at ground level which is screened from view from all abutting properties, streets, and trails. Where such alternate locations are not available, the Related Accessory Equipment shall be concealed where technically feasible or otherwise camouflaged in a manner appropriate for the specific site.

**BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-16**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING CHAPTER 16 OF THE BENNETT MUNICIPAL CODE CONCERNING WIRELESS COMMUNICATION FACILITIES**

**WHEREAS**, there has been proposed a draft ordinance to amend certain provisions in Chapter 16 of the Bennett Municipal Code concerning wireless communication facilities; and

**WHEREAS**, the Planning and Zoning Commission has held a duly-noticed public hearing to consider and hear public comments on the proposed amendments; and

**WHEREAS**, based on the recommendation of Town Staff, the testimony of the witnesses and the documents made a part of the record of the public hearing, the Planning and Zoning Commission finds that the proposed ordinance should be approved in essentially the same form as accompanies this Resolution.

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

**Section 1.** The Planning and Zoning Commission hereby recommends approval of the proposed ordinance amending Chapter 16 of the Bennett municipal code concerning wireless communication facilities.

**INTRODUCED, PASSED AND ADOPTED, THIS 18th DAY OF July 2022.**

---

Martin Metsker, Chairperson

ATTEST:

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Secretary

### **Suggested Motion**

I move to approve Resolution No. 2022-16 - A resolution recommending approval of an ordinance amending Chapter 16 of the Bennett Municipal Code Concerning Wireless Communication Facilities.



# STAFF REPORT



welcome neighbors.

TO: Planning and Zoning Commission Members  
FROM: Steve Hebert, Planning Manager  
DATE: July 18, 2022  
SUBJECT: Case No. 22.21 – Muegge Farms Filings 5 and 6 Sketch Plan

Applicant/Representative(s): MGV Investments, LLC, John Vitella/Jim Marshall

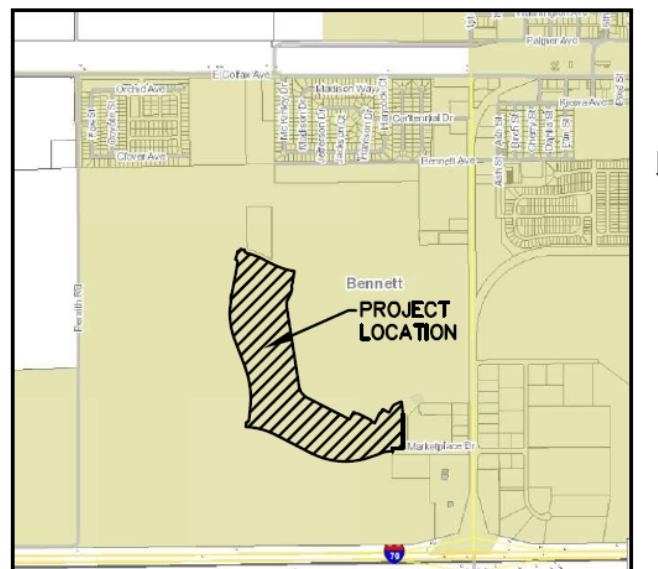
Location: Immediately West of Muegge Farms Filing 4 and the Bennett Marketplace Retail Center

Purpose: Sketch Plan for Muegge Farms Filings 5 and 6

## Background

The applicant has submitted a sketch plan for 58.65 acres known as Muegge Farms Filings 5 and 6. The sketch plan lays out 223 single-family detached residential lots at a gross density of approximately 3.8 dwelling units per acre. The property is zoned PD – Planned Development District as part of the Muegge Farms Outline Development Plan (ODP).

See the Vicinity Map below:



**VICINITY MAP**  
(N.T.S.)

Per Sec. 16-4-370 of the Bennett Municipal Code, *“The sketch plan is intended to provide the subdivider with preliminary informal feedback from the Town staff and the Planning Commission on format and substance. Sketch plan review assists the subdivider in understanding the Town's preliminary position on the development, prior to the effort associated with the final plat documents, and to provide the Town with an overall master plan for the proposed development.”*

*The Planning Commission shall review the sketch plan in a public meeting and provide feedback to the subdivider. The meeting is intended to be for the mutual exchange of information and development concepts. The feedback shall take the form of recommendations endorsed by a majority of the Planning Commission."*

## Applicant's Intent

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Below is an excerpt from the applicant's letter of intent:

*"Filings 5 and 6 is a parcel of ground approximately 58.7 Acres in size in the overall Muegge Farms Community as depicted. The site plan includes 223 Single Family lots nominally sized at approximately 5,500 sf with dimensions of 50' in width, and 100' to 110' in depth. The site design of Filings 5 and 6 will follow the guiding project principles of the ODP to create a complete, connected and diverse community that will fit within the existing character in the Town of Bennett."*

*The site plan proposes a central park that is within walking distance, or a short bike ride of all homes in addition to a secondary park to the south east. This neighborhood 'meet-up' anticipates active areas along with more passive features such as ornamental planted gardens, and picnic areas which will be great places to sit and read, catch up on e-mail, and talk with friends."*

## Proposed Lot Layout

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The map below shows the proposed lot layout for Filings 5 and 6, highlighted in yellow.



Access to the new subdivisions will be via an extension of Marketplace Drive along the southern boundary and an extension of Civic Center Drive on the northern boundary. Both streets intersect with Muegge Street and CO Highway 79/South 1<sup>st</sup> Street, providing convenient access to the commercial development in Bennett Marketplace and in Bennett Crossing. A new north collector street, Foggy Street, will be constructed along the western edge of the subdivisions.

Neighborhood parks are located throughout the community in Tracts C, G and H. In addition, there is linear park providing bike and pedestrian access from the north to the south through the subdivision. Overall, the sketch plan sets aside 8.86 acres of park and open space, or 27% of the subdivision, including detention

The table below summarizes the proposed land uses and lot sizes.

LAND USE		
COVERAGE	AREA (ACRES)	PERCENT TOTAL
SINGLE FAMILY DETACHED RESIDENTIAL LOTS (223)	31.7039	53.34%
PROPOSED RIGHT-OF-WAY	18.1752	19.21%
DETENTION/PARK/OPEN SPACE TRACTS (9)	8.8604	27.45%
OVERALL SITE AREA	58.651	100.00%
LARGEST LOT	9732 SF	
SMALLEST LOT	5500 SF	
AVERAGE LOT	6193 SF	

## Surrounding Zoning and Land Use

The surrounding zoning and land uses are summarized in the table below. All of the surrounding area is within the Muegge Farms master planned community.

Direction	Zone District	Current Land Use
North	PD (school site)	Vacant
East	PD - Residential	MF Filing 4 Under Construction
South	PD – Residential, Employment Center, Commercial	Vacant
West	PD - Residential	Vacant

## Zoning and Land Use Regulations for Filings 5 and 6

Zoning and land use regulations for Filing 5 and 6 are established in the Muegge Farm Outline Development Plan (ODP). The complete ODP document is attached to this report. A subsection of the Muegge Farms ODP is on the next page. The location of Filings 5 and 6 is cross-hatched in red. The two filings lie within Planning Areas (PA) 3 and 4.



PA-3 and PA-4 sub-zone districts allow both single family and multi-family residential land uses, with a density range of 2-10 dwelling units (DUs)/acre. Other land uses allowed in the planning areas include public and private parks and open space, roads and parking, schools, religious institutions, group homes, accessory uses and home occupations.

The bulk and dimension standards in the ODP for PA-3 and PA-4 are listed in the table below. The ODP does not establish minimum lot sizes, just maximum densities.

Land Use Category	Single-Family Detached	
	Single Lot	Clustered Lot
Minimum Lot Area		
Front Loaded		
Alley Loaded		
Front Yard Setback (minimum) <sup>2,5,6</sup>		
Front Loaded	10'	10'
Alley Loaded	5'	5'
Side Loaded	12'	10'
Side Yard Setback (minimum) <sup>2</sup>		
Front Loaded	5' (7' on Corner Lots)	5' (10' on Corner Lots)
Alley Loaded	5' (7' on Corner Lots)	5' (7' on Corner Lots)
Rear Yard Setback (minimum) <sup>2,4</sup>		
Front Loaded	10'	5'
Alley Loaded	4'	4'
Building Separation (minimum)	Building Code or 10' <sup>7</sup>	Building Code or 10' <sup>7</sup>
Maximum Building Height (Principal)	35'	35'
Maximum Building Height (Accessory)	20'	20'
Off-Street Parking Requirements	2 per Dwelling Unit	2 per Dwelling Unit

## Public Services and Utilities

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### Water

Water service will be provided by the Town of Bennett.

### Sanitary Sewer

Sanitary sewer service will be provided by the Town of Bennett.

### Stormwater Management

Stormwater will be accommodated by the Muegge Farms regional stormwater system.

### Access and Traffic

Access will be via the soon to be constructed Civic Center Drive and the extension of Marketplace Drive. These streets and other streets within the Muegge Farms community will provide convenient vehicular, bike and pedestrian access east to CO Highway 79 and shopping at the Bennett Marketplace and north to East Colfax Avenue. Sidewalks and trails are proposed throughout the subdivisions, providing convenient north-south and east-west connections, including to the proposed school site north of Civic Center Drive.

### Fire and Rescue

Bennett-Watkins Fire Rescue (BWFR) will provide service. During the subdivision and development process, the applicant should meet directly with BWFR to review specific site and building plans to assure conformance with International Fire Code standards.

### Gas, Electricity and Telecommunications

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

## Public Land Dedication Requirements

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### Park Land and Public Facilities

Over time, the owner of Muegge Farms master-planned community has dedicated public land to the Town of Bennett, consistent with the requirement of the Bennett Municipal Code. The neighborhood parks will be considered part of the overall land dedication.

### Bennett School District 29J

The Bennett School District 29J has indicated their preference for cash-in-lieu of land dedication, which will be payable pursuant to the Town of Bennett/School District IGA and the municipal code in effect at the time of building permit issuance or subdivision agreement.

## Staff Analysis and Findings

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Staff finds the proposed sketch plan meets the criteria outlined in Section 16-4-370 of the Bennett Municipal Code outlined below, subject to the applicant addressing at the time of final plat the various referral agency comments.



- a. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan.
- b. The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter and the Comprehensive Plan.
- c. The utility and transportation design is adequate, given existing and planned capacities of those systems.
- d. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
- e. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types.

## Referral Agency Review and Comments

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The proposed Muegge Farms Filings 5 and 6 Sketch Plan was sent to several referral agencies for comment, including:

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

Comments from these referral agencies, many of which are attached, will give guidance to the applicant during the final plat application process.

## Planning and Zoning Commission Action

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As noted previously, the Planning and Zoning Commission does not need to take formal action on the sketch plan, but rather should provide feedback to the applicant and staff. The applicant is expected to submit an application for a final plat in the near future. The final plat will be reviewed by both the Planning and Zoning Commission and the Town Board of Trustees.

## Attachments

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1. Staff PowerPoint Presentation (PDF)
2. Applicant's Presentation
3. Land Use Application
4. Letter of Intent/Narrative
5. Filing 5 and 6 Sketch Plan
6. Filing 5 and 6 Illustrative Site Plan
7. Muegge Farms Outline Development Plan
8. Traffic Impact Analysis
9. Combined Referral Agency Comments



# Case No. 22.21 Muegge Farms Filings 5 and 6 Sketch Plan

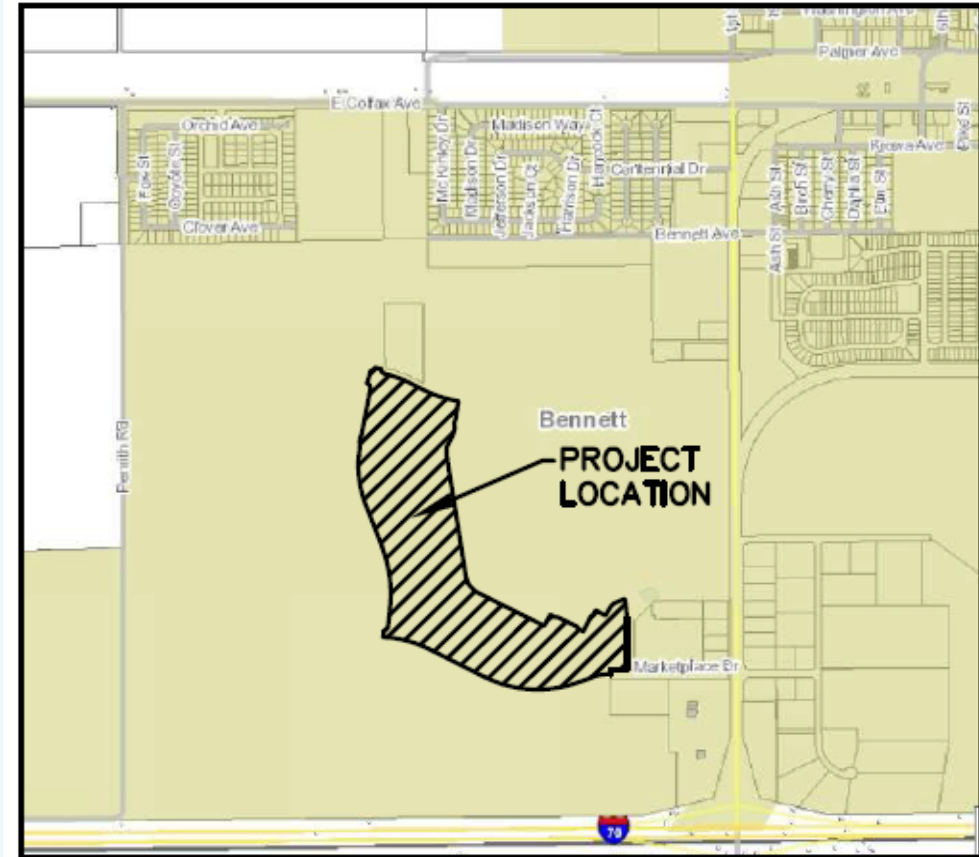
Town of Bennett  
Planning and Zoning Commission

July 18, 2022

Steve Hebert, Planning & Economic Development Manager

# Muegge Farms Filings 5 and 6 Sketch Plan

- 58.65 acres in the Muegge Farms master-planned community
- West of Filing 4 (Oakwood/Lennar) and the Bennett Marketplace Retail Center
- Sketch plan for 223 single-family detached lots



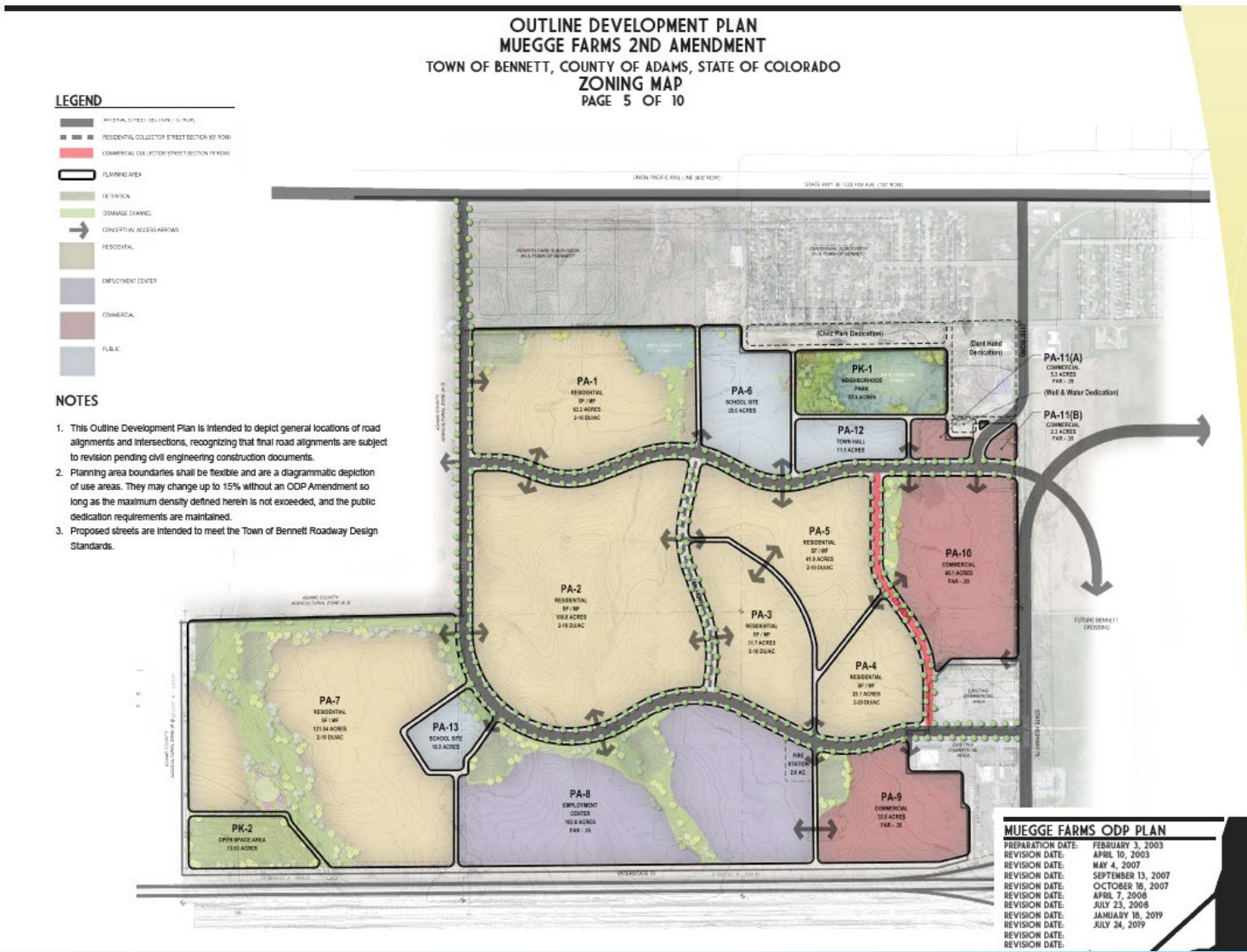
VICINITY MAP  
(N.T.S.)

# Purpose of a Sketch Plan and the Planning and Zoning Commission's Action

- Purpose of a Sketch Plan is to give early feedback to the applicant
- No formal action is required
- Next steps will be a Final Plat and Final Development Plan



# Muegge Farms Outline Development Plan (ODP)



# Muegge Farms Zoning

- Planning Areas 3 and 4 allow both single family and multi-family residential land uses, with a density range of 2-10 dwelling units (DUs)/acre.
- No minimum lot sizes
- Other land uses allowed in PA-3 and PA-4 include public and private parks and open space, roads and parking, schools, religious institutions, group homes, accessory uses and home occupations.



# Surrounding Zoning and Land Uses

Direction	Zone District	Current Land Use
North	PD (school site)	Vacant
East	PD – Filing 4 (Oakwood/Lennar)	Single-family under construction
South	PD – Commercial and Employment Center	Vacant
West	PD - Residential	Vacant











# Availability of Public Infrastructure

- Access – Civic Center Drive and Marketplace Drive and new Muegge Farms internal streets
- Water and Sanitary Sewer – Town of Bennett
- Stormwater – Muegge Farms Regional System
- Fire Protection – Bennett-Watkins Fire Rescue
- Law Enforcement – Adams County Sheriff
- Electricity – CORE
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies/Comcast

# Filings 5 and 6 Land Uses

LAND USE		
COVERAGE	AREA (ACRES)	PERCENT TOTAL
SINGLE FAMILY DETACHED RESIDENTIAL LOTS (223)	31.7039	53.34%
PROPOSED RIGHT-OF-WAY	18.1752	19.21%
DETENTION/PARK/OPEN SPACE TRACTS (9)	8.8604	27.45%
OVERALL SITE AREA	58.651	100.00%
LARGEST LOT	9732 SF	
SMALLEST LOT	5500 SF	
AVERAGE LOT	6193 SF	

# Staff Findings

Staff finds the proposed sketch plan meets the criteria outlined in Section 16-4-370 of the Bennett Municipal Code outlined below, subject to the applicant addressing at the time of final plat the comments of referral agencies:

- a. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan.
- b. The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Chapter and the Comprehensive Plan.
- c. The utility and transportation design is adequate, given existing and planned capacities of those systems
- d. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
- e. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types.

# Questions, Comments or Direction for the Applicant?





# Muegge Farms

## Filing-5&6

Planning & Zoning Commission  
Bennett, CO





# Design Team

## Applicant

MGV Investments, LLC

## Traffic Consultant

LSC Transportation Consultants,  
Inc

## Land Planning

PCS Group

## Environmental Consultants

Tiglas Ecological Services

## Civil Engineering

EMK Consultants, Inc.

## Owner

Muegge Farms, LLC

# About the Applicant



## **MGV Investments, LLC**

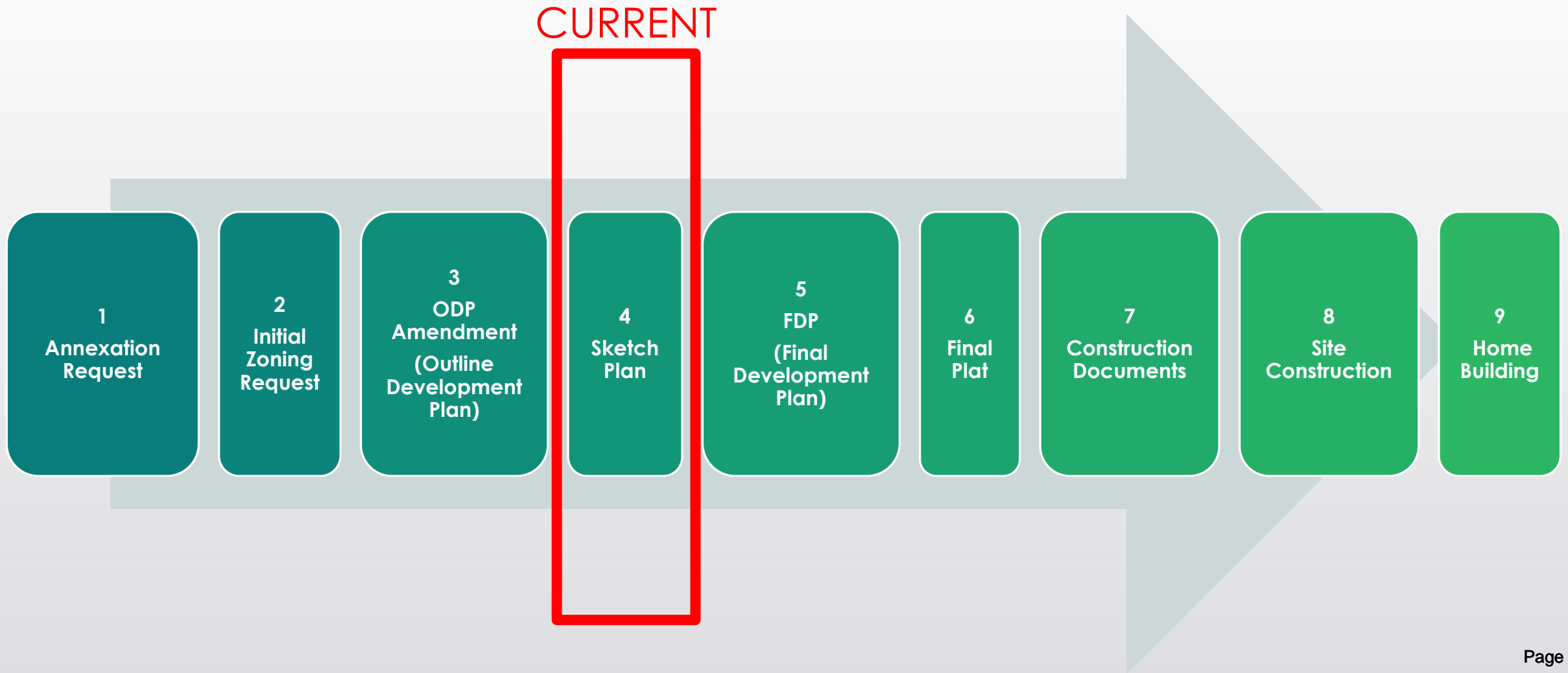
MGV Investments, LLC, comprised of business partners Jim Marshall and John Vitella, have a combined total of 50+ years of experience in planning, entitling and building residential communities totaling more than 10,000 residential homesites.

Filings 5&6 are MGV's Third project within Muegge Farms after recently completing entitlements on Filing 4 in 2020.

Additionally, MGV has also completed entitlements on Penrith Park (Skyview) in 2018, and the Brunner Subdivision in 2021, and recently annexed the Mundell property.



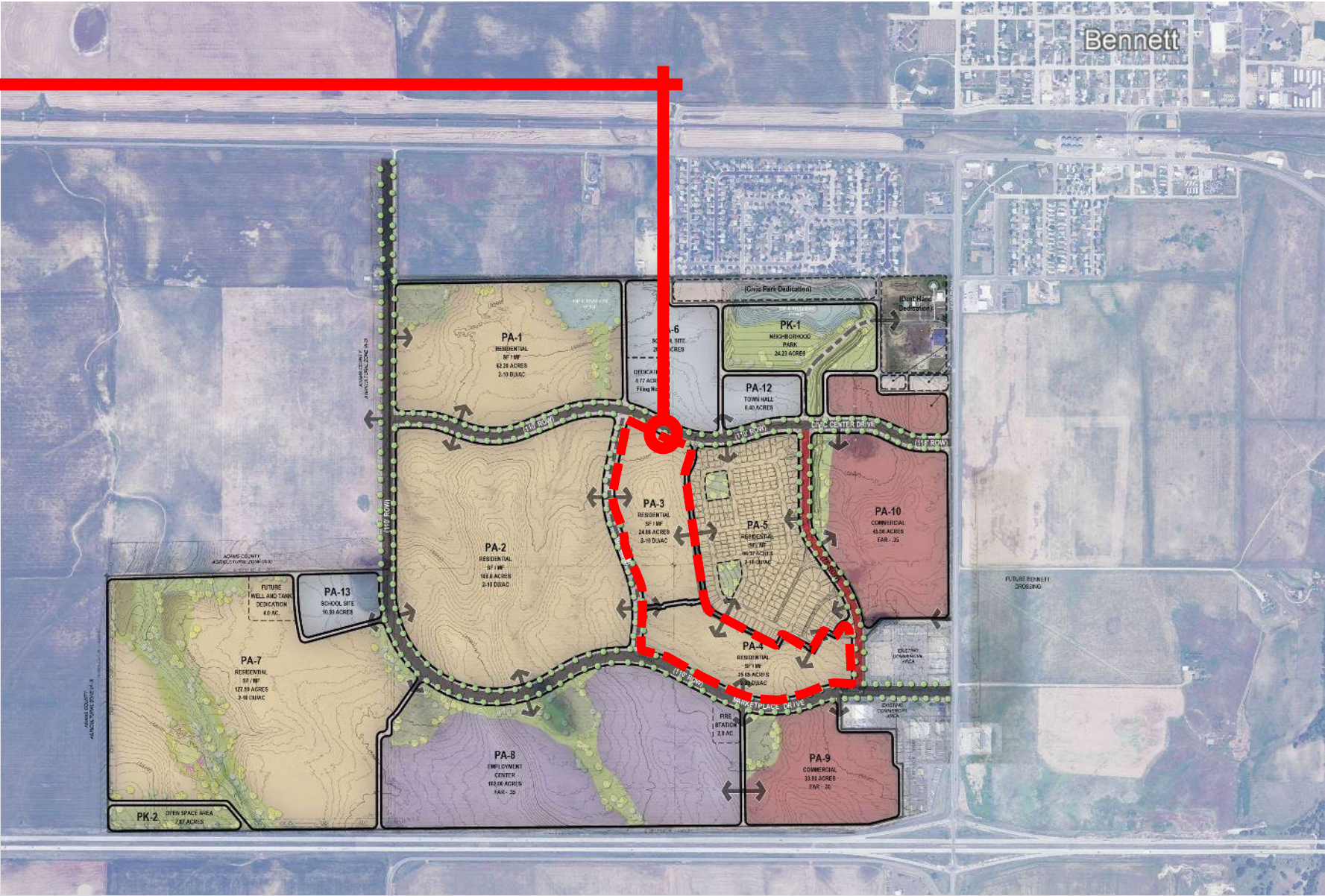
# WHERE ARE WE IN THE PROCESS?







# Location of Filing-5 &6



Vicinity Map



## ODP STANDARDS

- Single Family Allowed
- Multi-Family Allowed
- 101 – 505 Units Allowed
- PA-3 2-10 DU per Acre
- PA-4 2-20 DU per Acre

## SETBACKS ALLOWED

- 10' Fronts
- 5' Sides
- 10' Rears



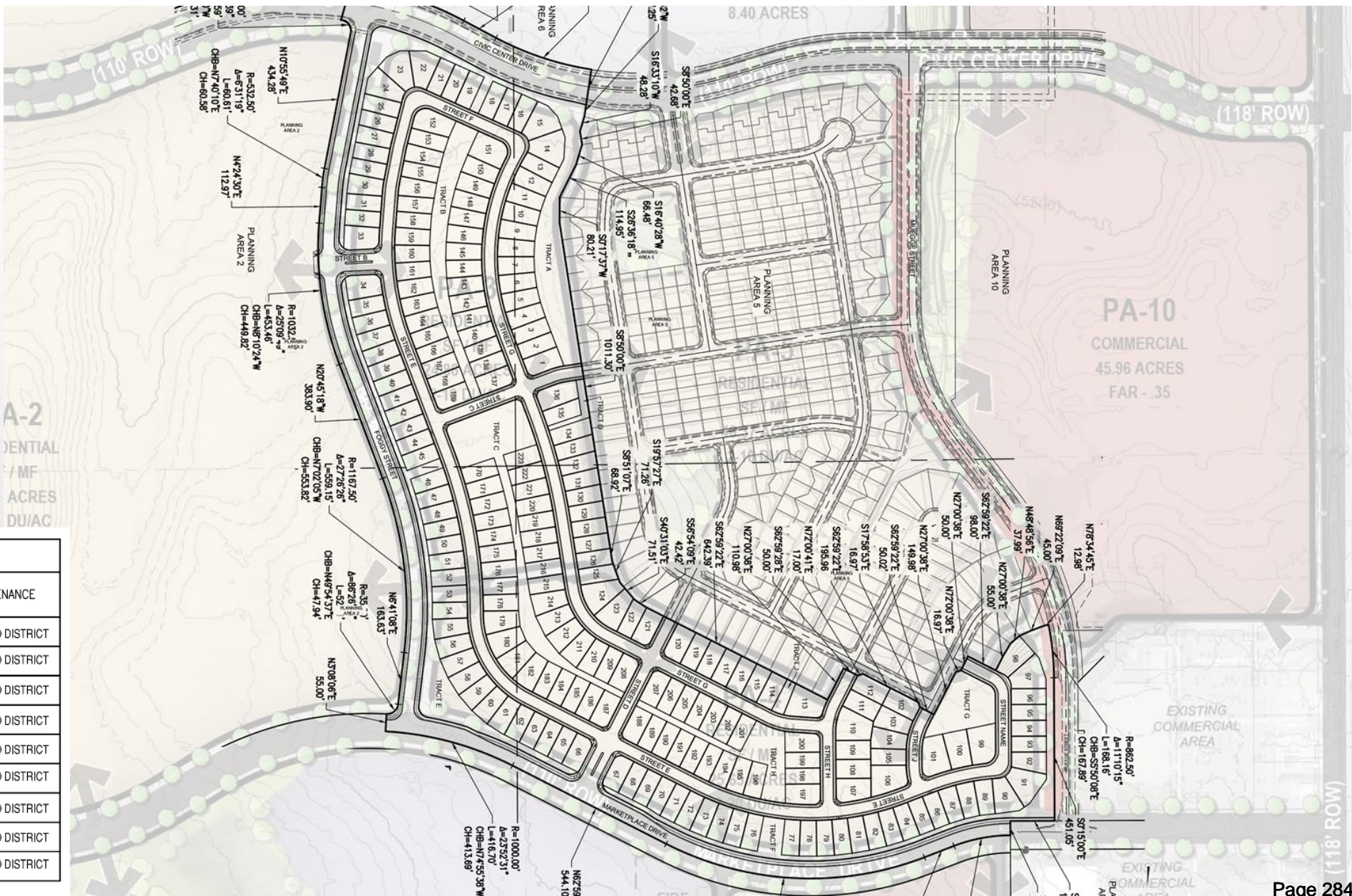


SKETCH PLAN

- Single Family
- 223 Units
- 3.8 DU per Acre

LAND USE		
COVERAGE	AREA (ACRES)	PERCENT TOTAL
SINGLE FAMILY DETACHED RESIDENTIAL LOTS (223)	31.7039	53.34%
PROPOSED RIGHT-OF-WAY	18.1752	19.21%
DETENTION/PARK/OPEN SPACE TRACTS (9)	8.8604	27.45%
OVERALL SITE AREA	58.651	100.00%
LARGEST LOT	9732 SF	
SMALLEST LOT	5500 SF	
AVERAGE LOT	6193 SF	

TRACT SUMMARY				
TRACT	AREA (ACRES)	USE	OWNER	MAINTENANCE
A	2.2372	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
B	1.0106	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
C	1.5493	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
D	0.1098	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
E	1.2610	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
F	1.2624	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT
G	0.6671	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
H	0.6755	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT
J	0.0875	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT







# Site Plan



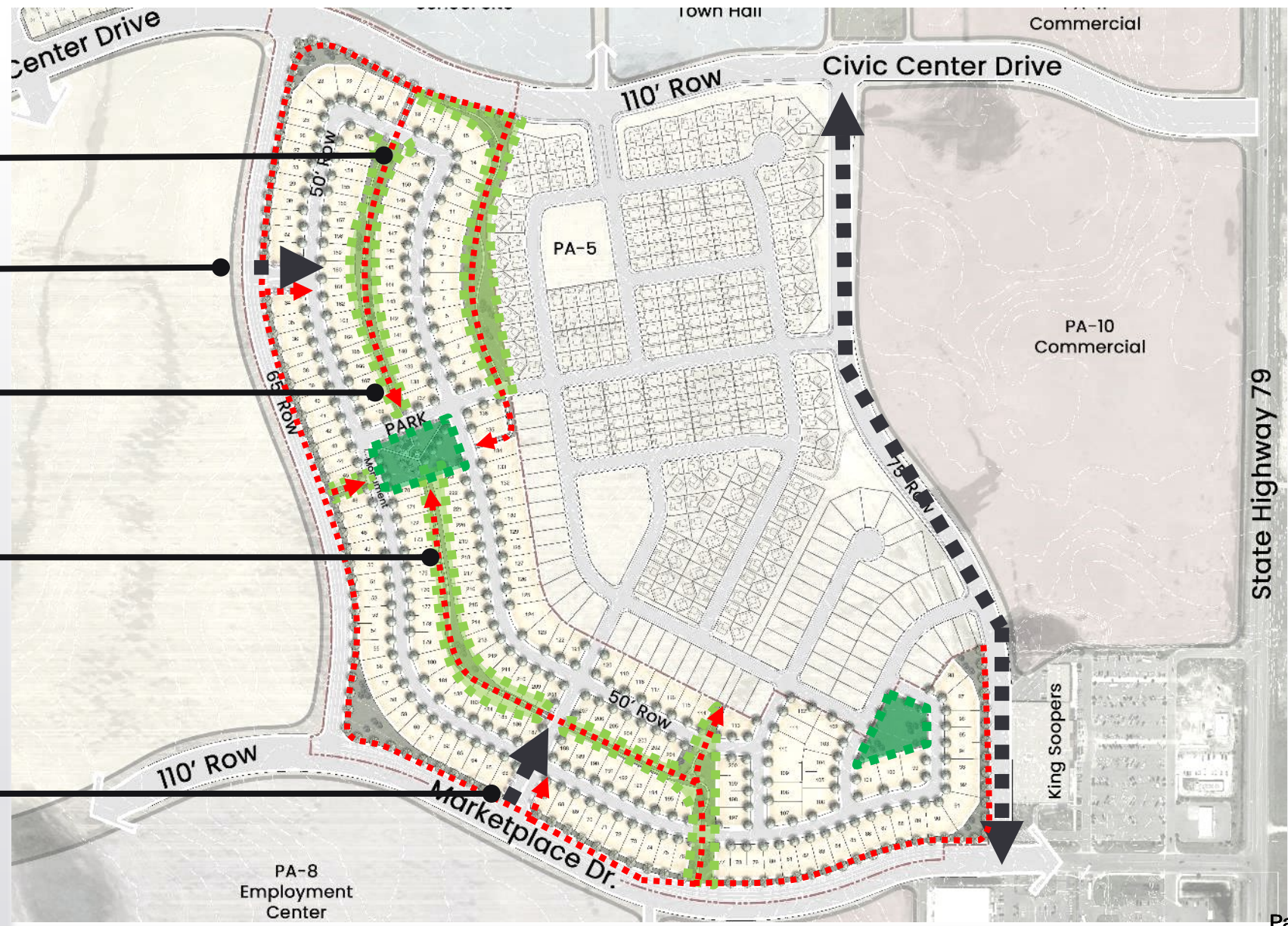
Open Space  
Surrounding Homes

Main Entrance

Paths Terminate on  
Park

1.5 Miles of Walking  
Paths

Main Entrance



State Highway 79

# Access and Green Space





Key Map View





Key Map View



# **1. Application Form**

<b>Town of Bennett Land Use Application Form</b>									
<small>TO BE COMPLETED BY APPLICANT</small>									
<b>Applicant/Primary Contact Name:</b>									
Name of Firm:									
Address:									
City:		State:		Zip:		Phone:		Fax:	
Email:									
<b>Owner Name:</b>									
Address:									
City:		State:		Zip:		Phone:		Fax:	
Email:									
<b>Mineral Estate Holder/Lease:</b>									
Name of Firm:									
Address:									
City:		State:		Zip:		Phone:		Fax:	
<b>PROPERTY &amp; TAX ASSESSMENT INFORMATION</b> <small>Parcel Info may be found at respective County website(s) at <a href="http://www.co.arapahoe.co.us">www.co.arapahoe.co.us</a> or <a href="http://www.co.adams.co.us">www.co.adams.co.us</a></small>									
Parcel#:				Legal Description:					
Site Address:									
Closest Major Intersection:									
Is this a legal subdivision?									
<b>BACKGROUND</b> <small>A copy of the latest approved subdivision plat and zoning plans can be found through the Town Hall Clerk 303-644-3249</small>									
Current Zoning:									
Zoning of Surrounding Properties:	N:		S:		E:		W:		
Proposed Gross Densities (du/ac):				Proposed #lots/units:					
Site Acreage:				Gross Floor Area:					
<b>VARIABLE FEE SCHEDULE</b>									
<b>Requested Action</b> (please "X" desired box)					<b>FEE:</b>				
<input type="checkbox"/> Engineering					\$				
<input type="checkbox"/> Planning					\$				
<input type="checkbox"/> Attorney					\$				
<input type="checkbox"/> Town of Bennett					\$				
<input type="checkbox"/> County Recording Fee					\$				
<input type="checkbox"/> Other (please specify)					\$				
<b>TOTAL DUE THIS APPLICATION:</b>					\$				
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. <b>An executed cost agreement must be attached with this application pursuant to ordinance No. 461.</b>									
<i>I understand this is an application only, it must be approved, and any required building permits must be obtained before the property can be used in accordance with the request. I further acknowledge the above information is correct.</i>									
Applicant's Signature: _____						Date: _____			

# Sketch Plan

## Applicant Guide



Town of Bennett  
207 Muegge Way  
Bennett, Colorado 80102  
(303) 644-3249  
[www.townofbennett.org](http://www.townofbennett.org)

(Revised January 2021)

## Sketch Plan Process (Sec. 16-4-370)

### Purpose

The Sketch Plan is intended to provide the subdivider with preliminary informal feedback from the Town staff and the Planning Commission on format and substance. Sketch Plan review assists the subdivider in understanding the Town's preliminary position on the development, prior to the effort associated with the final plat documents, and to provide the Town with an overall master plan for the proposed development.

### Process

The Sketch Plan process consists of the following basic steps.

#### Step 1 – Pre-Application

The applicant completes the Pre-Application process, in which the preliminary concept plans are reviewed by the Town's Development Review Committee (DRC). The DRC will make recommendations to the applicant on how the formal application might be structured to enhance chances the project will ultimately be approved by the Town Board of Trustees. The DRC will highlight issues of particular concern and refer the applicant to the applicable Town standards and regulations.

#### Step 2 – Applicant Submits Formal Application

Following the Pre-application meeting, the applicant submits a complete application package, in accordance with the Sketch Plan Submittal Requirements. (See attached.)

#### Step 3 – Staff Reviews Application for Completeness

Staff reviews the application package for completeness within five business days. **More than one submission may be required, depending on the responsiveness and accuracy of the applicant and his or her consulting team in preparing the resubmittal.**

#### Step 4 – Planning and Zoning Commission Review

Once the staff determines the application is revised correctly, the application will be scheduled for review by the Planning and Zoning Commission. (The Commission meets on the third Monday of the month.) The Planning Commission shall review the Sketch Plan in a public meeting and provide feedback to the subdivider. (This is not a formal public hearing that requires posting and publishing.) The meeting is intended to be for the mutual exchange of information and development concepts. The feedback shall take the form of recommendations endorsed by a majority of the Planning Commission members present. The recommendations by the Planning Commission may include an endorsement of the Sketch Plan concept, suggestions for modifications to the concept, or endorsement of alternative designs and specifics necessary to accomplish the Town's goals.

The subdivider is encouraged to incorporate comments from the Planning Commission and from the Town staff into the final plat.

Sketch Plan comments from the Town shall remain valid for ninety (90) days. **Comments made by the Town during the Sketch Plan review shall not be binding on the Town's consideration of any subsequent final plat application nor result in a vested property right pursuant to Article I, Division 5 of Chapter 16 of the Bennett Municipal Code or state statute.**

After the Sketch Plan review, the applicant may submit an application for a final plat.



# Sketch Plan Submittal Requirements

(Town of Bennett | Revised January 2021)

The following elements constitute an acceptable Sketch Plan. An application is not considered submitted until all items are included in the application. (Note that depending on the size, scale and complexity of a proposal, some of the requirements below may be waived by Town Staff.)

APPLICATION DOCUMENTS			
Required if Checked	Submitted by Applicant	Project Name: _____	
		Case No.: _____	
X		Land Use Application Form (must be signed by Property Owner)	
X		Application Fees (see below)	
X		Cost Agreement	
X		Funds Deposit Agreement	
X		Letter of Intent (describing the intent of the proposed project)	
X		Title Commitment (current within 30 days of application)	
APPLICATION FEES			
X		1. Engineering: \$900	\$
		2. Attorney:	\$
		3. Traffic Engineer: \$850	\$
		4. Other: e.g. Water Engineer Review, Special Utility Review, Landscape Architect Review: \$215	\$
			Subtotal \$
X		5. Town Administration/Planning: 20% of Total Amount	
X		(Additional fees may be required, depending on the number of resubmittals or changes by applicant. Additional fees will be required for Subdivision Agreement and Construction Plan Review)	Total
X		Recording fees will also be required when the final documents are recorded with Adams or Arapahoe County. (See below)	
SKETCH PLAN DOCUMENT – GENERAL REQUIREMENTS			
X		All sheets shall be prepared in <b>18" X 24" format if in Adams County or 24" X 36" format if in Arapahoe County</b> , with the long dimension horizontal. All lettering shall be by mechanical means in a San Serif style, all capitalized and shall be a minimum size of one-tenth of an inch (1/10"), 10pt or equivalent.	
X		<b>Margin requirements:</b> a minimum two-inch margin on the left side and minimum one-half inch margins at the top, bottom and right sides of the document.	
X		An <b>information block</b> shall be located in the lower right-hand corner or along the right-hand margin of the sheet and shall include the date of preparation and revisions, including a north arrow; the scale used, including a graphic scale; sheet title, and preparer's name, address and phone number.	
COVER SHEET			
X		<ul style="list-style-type: none"> <li><b>Title Block</b> at the top center of the plat shall contain the following information:  <div style="text-align: center;"> <b>(Insert Name of) SKETCH PLAN (and Filing No. if Applicable)</b>  <b>SKETCH PLAN</b>  <b>(Subtitle identifying the section, township and range information)</b>  <b>TOWN OF BENNETT, COUNTY OF (insert ADAMS or ARAPAHOE), STATE OF COLORADO</b>  <b>SHEET 1 of ____</b> </div> </li> </ul>	

X		This title block shall be continued on each subsequent sheet of the document. The name shall not duplicate the name of any existing subdivision or development application in the Town of Bennett, Adams or Arapahoe Counties.
X		• <b>Purpose Statement</b> - A brief but descriptive explanation of all purposes for the Sketch Plan.
X		• <b>Legal Description</b> – Metes and bounds legal description of the property
X		• <b>Vicinity Map</b> - depicting the location of the proposed subdivision, including references to section lines, adjacent streets and subdivisions.
X		• <b>Composite Map</b> - For plats that depict property on more than one sheet, an overall depiction of the Sketch Plan shall be included after the cover sheet.
X		• <b>Town Approval Signature Block</b>
X		• <b>Case Number</b> _____
X		• <b>Preparation Information and Dates</b>
X		• <b>Index of Sheets</b>
X		• <b>Land Use Table</b> – shall include as applicable: Net and Gross Acreage, Net and Gross Density, Number of Lots and Tracts, Smallest Lot, Largest Lot, Average Lot Size, Number of Buildable Lots and Associated Land Use, Net Acreage for Public Streets. If there is not enough room on the cover sheet, place on the second sheet.
X		• <b>Tract Summary Table</b> indicating the use, ownership and maintenance of each tract. If there is not enough room on the cover sheet, place on the second sheet.
X		• <b>Vested Property Right Note</b> – The following note shall be added to the Cover Sheet: Comments made by the Town during the Sketch Plan review shall not be binding on the Town's consideration of any subsequent final plat application nor result in a vested property right pursuant to Article I, Division 5 of Chapter 16 of the Bennett Municipal Code or state statute.

#### SKETCH PLAN SHEET(S)

X		The Sketch Plan sheet(s) shall include the following:
X		a. Scaling of Sketch Plan
X		b. North Arrow
X		c. Perimeter boundary of the site
X		d. Existing topographic contours at two-foot intervals.
X		e. Existing and proposed zoning on and around the property
X		f. The approximate location, size and shape of proposed lots, blocks, tracts and streets.
X		g. Existing and proposed streets on or adjacent to the property (show and label street name)
X		h. General locations of existing utilities on or adjacent to the property
X		i. Existing easements and rights- of-way on or adjacent to the property.
X		j. The location of all natural drainage courses or watercourses, any geologic hazard areas, and other significant natural features within and adjacent to the subdivision.
X		k. The boundaries of any areas within the subdivision subject to one-hundred-year floods.
X		l. Show how the proposed development will tie in the Town's trail network.
X		m. Note indicating how the ten (10) percent parkland and eight (8) percent school land dedication will be met (per Section 16-5-510).

#### GRADING AND DRAINAGE PLAN

X		Preliminary Grading and Drainage Plan, unless waived by the Town Engineer.
---	--	--

#### SOILS REPORT

X		Preliminary Soils Report, unless waived by the Town Engineer.
---	--	---

#### UTILITY PLAN

X		Preliminary Utility Report, identifying location of existing utilities to be extended to serve the development.
---	--	---

#### TRAFFIC IMPACT ANALYSIS

X		Preliminary Traffic Impact Analysis, unless waived by Town Staff
---	--	--

## **4. Letter of Intent**



## LETTER OF INTENT

May 20, 2022



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

Dear Steve,

### OUR VISION

Where and how we choose to live can affect our health and well-being. Whether we call ourselves first time home buyers, move up family home buyers, empty-nesters, active adults, near-seniors, or residents, “community” is more important than ever. Where and how we choose to live makes a difference. It matters even more as we grow. The neighborhood and housing we select can help keep us stay active, connected, and engaged.

### MUEGGE FARMS

Muegge Farms is approximately 700 acres of relatively flat terrain generally located in Section 33 and the Southeast Quarter of Section 32, of Township 3 South, Range 63 West of the 6th Principal Meridian, Town of Bennett, Adams County, Colorado. The site lies at the northwest corner of Interstate-70 and State Highway 79 – the gateway to the central business district of the Town of Bennett. The parcel was annexed to the Town of Bennett in March of 2001 and is zoned Planned Development for a variety of land uses under an Outline Development Plan (ODP).



### THE APPLICATION / SKETCH PLAN FOR FILING 5 AND FILING 6

Filings 5 & 6 is a parcel of ground approximately 58.7 Acres in size in the overall Muegge Farms Community as depicted. The site plan includes 223 Single Family lots nominally sized at approximately 5,500 sf with dimensions of 50' in width, and 100' to 110' in depth. The site design of Filings 5 and 6 will follow the guiding project principles of the ODP to create a complete, connected and diverse community that will fit within the existing character in the Town of Bennett.

The site plan proposes a central park that is within walking distance, or a short bike ride of all homes in addition to a secondary park to the south east. This neighborhood ‘meet-up’ anticipates active areas along with more passive features such as ornamental planted gardens, and picnic areas which will be great places



to sit and read, catch up on e-mail, and talk with friends.

As we grow, whether in the same house or the same community, these gathering places become even more important. Getting to these meeting places provides some of the physical activity that keeps us healthy. Being there in the company of friends provides the critical social interactions that keep us connected and engaged. Being part of a community also triggers an informal network of folks who might keep an eye out for each other.

Filings 5 and 6 is designed to support interactions and facilitate connections with friends, family, and community which is critical to remaining healthy, vital, and active. Staying active socially is good for our vitality and the community at large. Connecting with friends and family and sharing our time, wisdom, and experience helps maintain a sense of purpose, gets us out of the house, and keeps us engaged, focused, and learning. The site plan encourages multi modal transportation with sidewalks proposed adjacent to all streets within the community. The sidewalks provide a safe opportunity for people to walk to the park with the furthest distance being less than 1000'. The site plan also encourages people-to-people contact through architecture and site planning, and the creation of parks, open space, streets, and sidewalks for all to enjoy.

Proposed pedestrian walks are configured in a holistic system that connects the parcel to the Town of Bennett's regional trail system. The trail system in Filings 5 and 6, as seen in the trails and sidewalks plan, will create a thorough regional trail connection to the proposed Bennett Regional Trail Plan in addition to the adjacent planning area 5 development.

We believe the site plan design of Filings 5 and 6 will further expand the connection of this parcel to future parcels within Muegge Farms while also bridging the gap and complimenting the existing character in the Town of Bennett.

Sincerely,

Paul Shoukas  
PCS Group





## PURPOSE STATEMENT

PURPOSE: THE PROPOSED SKETCH PLAN, OUTLINED IN THIS SUBMITTAL, IS TO PROVIDE THE TOWN OF BENNETT A SITE PLAN FOR THE 58.7 ACRE THAT FURTHER DEFINES FILING 5 & 6 PARCEL, WHICH IS A PORTION OF LAND WITHIN THE OVERALL APPROXIMATE 702 ACRE MUEGGE FARMS DEVELOPMENT. THE SITE PLAN, LOCATED IN THE EASTERN BOUNDARY OF THE OVERALL MUEGGE FARMS DEVELOPMENT, WILL PROVIDE 223 SINGLE FAMILY RESIDENTIAL FAMILY HOMES APPROXIMATELY 5500 SQUARE FEET IN SIZE, TWO STRATEGICALLY PLACED POCKET PARKS, AND A TRAIL CORRIDOR TO BRING PEDESTRIAN CONNECTIONS TO THE GROWING COMMUNITY OF THE TOWN OF BENNETT.

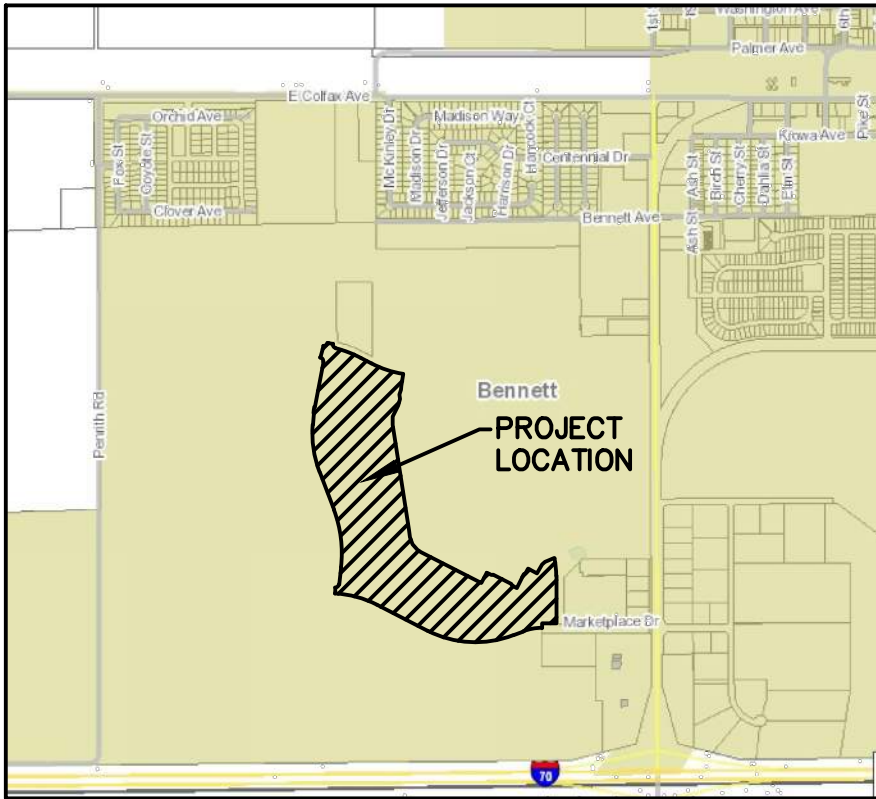
## **6. Sketch Plan Exhibit**

# MUEGGE FARMS FILING 5 & 6

## SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO

TOTAL AREA = 2,554,835 SQ. FT. OR 58.651 ACRES MORE OR LESS



VICINITY MAP  
(N.T.S.)

### LEGAL DESCRIPTION CONT'D

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 20°49'05" (THE CHORD OF WHICH BEARS S79°20'27"W, 180.67 FEET), 181.67 FEET; THENCE S68°55'55"W, 100.00 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,000.00 FEET AND A CENTRAL ANGLE OF 48°04'43", 839.13 FEET; THENCE N62°59'22"W, 544.10 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1,000.00 FEET AND A CENTRAL ANGLE OF 23°52'31", 416.70 FEET; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE N03°08'06"E, A DISTANCE OF 55.00 FEET TO A POINT ON A CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 86°26'59" (THE CHORD OF WHICH BEARS N49°54'37"E, 47.94 FEET), 52.81 FEET; THENCE N06°41'08"E, 163.63 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1,167.50 FEET AND A CENTRAL ANGLE OF 27°26'26", 559.15 FEET; THENCE N20°45'18"W, 34.73 FEET TO THE POINT OF BEGINNING, CONTAINING 2,554,835 SQUARE FEET OR 58.651 ACRES, MORE OR LESS.

PERIMETER = 9,807.9303 FEET, PRECISION RATIO = 1:1,407,635  
CLOSING COURSE = S72°46'21"E, 0.0070 FEET

PURPOSE: THE PROPOSED SKETCH PLAN, OUTLINED IN THIS SUBMITTAL, IS TO PROVIDE THE TOWN OF BENNETT A SITE PLAN FOR THE 58.7 ACRE THAT DEFINES FILING 5 & 6 PARCEL, WHICH IS A PORTION OF LAND WITHIN THE OVERALL APPROXIMATE 702 ACRE MUEGGE FARMS DEVELOPMENT. THE SITE PLAN, LOCATED IN THE EASTERN BOUNDARY OF THE OVERALL MUEGGE FARMS DEVELOPMENT, WILL PROVIDE 223 SINGLE FAMILY RESIDENTIAL FAMILY HOMES APPROXIMATELY 5500 SQUARE FEET IN SIZE, TWO STRATEGICALLY PLACED POCKET PARKS, AND A TRAIL CORRIDOR TO BRING CONNECTION TO THE GROWING COMMUNITY OF THE TOWN OF BENNETT.

VESTED PROPERTY RIGHT NOTE: COMMENTS MADE BY THE TOWN DURING THE SKETCH PLAN REVIEW SHALL NOT BE BINDING ON THE TOWN'S CONSIDERATION OF ANY SUBSEQUENT FINAL PLAT APPLICATION OR RESULT IN A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 1, DIVISION 5 OF CHAPTER 16 OF THE BENNETT MUNICIPAL CODE OR STATE STATUTE.

PARKS AND SCHOOL DEDICATION NOTE: THE ORIGINAL MUEGGE FARMS OUTLINE DEVELOPMENT PLAN WAS APPROVED FOR 730 ACRES OF MIXED USE DEVELOPMENT OF WHICH TEN PERCENT (10%) OF THE GENERAL LAND DEDICATION REQUIREMENT EQUALS 73 ACRES. ADDITIONALLY, THE TOWN HAS ALREADY ACCEPTED THE DENT HAND DEDICATION, CIVIC PARK DEDICATION, WELL AND WATER DEDICATION, FILING NO. 4 PARK DEDICATION, AND WATER CAMPUS DEDICATION AS ITEMIZED ABOVE. FURTHERMORE, A 2.17 ACRE DEFICIT IN PENRITH PARK'S OPEN SPACE REQUIREMENT IS ACCOUNTED FOR IN MUEGGE FARMS OPEN SPACE REQUIREMENT WHICH BRINGS THE TOTAL LAND DEDICATION REQUIREMENT TO 75.17 ACRES.

PER THE APPROVED MUEGGE FARMS OUTLINE DEVELOPMENT PLAN, 25 ACRES OF SCHOOL SITE HAS BEEN DEDICATED IN PA-6 AND 10 ACRES OF SCHOOL SITE HAS BEEN DEDICATED IN PA-13.

### LAND USE

COVERAGE	AREA (ACRES)	PERCENT TOTAL
SINGLE FAMILY DETACHED RESIDENTIAL LOTS (223)	31.7039	53.34%
PROPOSED RIGHT-OF-WAY	18.1752	19.21%
DETENTION/PARK/OPEN SPACE TRACTS (9)	8.8604	27.45%
OVERALL SITE AREA	58.651	100.00%
LARGEST LOT	9732 SF	
SMALLEST LOT	5500 SF	
AVERAGE LOT	6193 SF	

### TRACT SUMMARY

TRACT	AREA (ACRES)	USE	OWNER	MAINTENANCE
A	2.2372	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
B	1.0106	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
C	1.5493	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
D	0.1098	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
E	1.2610	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
F	1.2624	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT
G	0.6671	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
H	0.6755	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT
J	0.0875	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT

### SHEET INDEX

1	COVER SHEET
2	OVERALL SITE PLAN
3-6	PLAT SHEETS
7-10	GRADING & DRAINAGE PLAN
11-14	UTILITY PLAN
15	TRAILS AND SIDEWALK PLAN

### BENCHMARK

NGS STATION B 374 (PID KK0053)

BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.

ELEVATION = 5522 FEET (NAVD 88 DATUM)

#### TOWN APPROVAL BLOCK

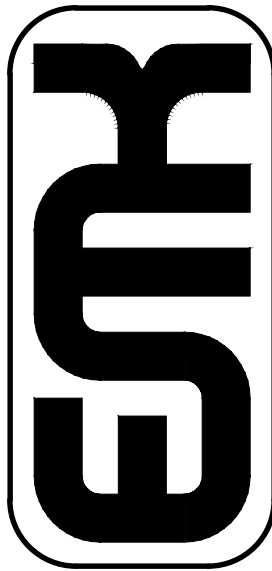
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_.

MAYOR

ATTEST: TOWN CLERK

CASE NUMBER: \_\_\_\_\_

EMK CONSULTANTS, INC.  
LAND DEVELOPMENT  
ENGINEERING & SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520  
www.EMKC.com



### REVISIONS

NO.	DESCRIPTION	DATE	BY
<<			
<<			
<<			
<<			
<<			
<<			

DESIGNED BY: *GAW*

DRAWN BY: *DLL*

CHECKED BY: *GAW*

APPROVED BY: *ERM*

MUEGGE FARMS--FILING 5 & 6

COVER SHEET

DATE: 05/19/2022

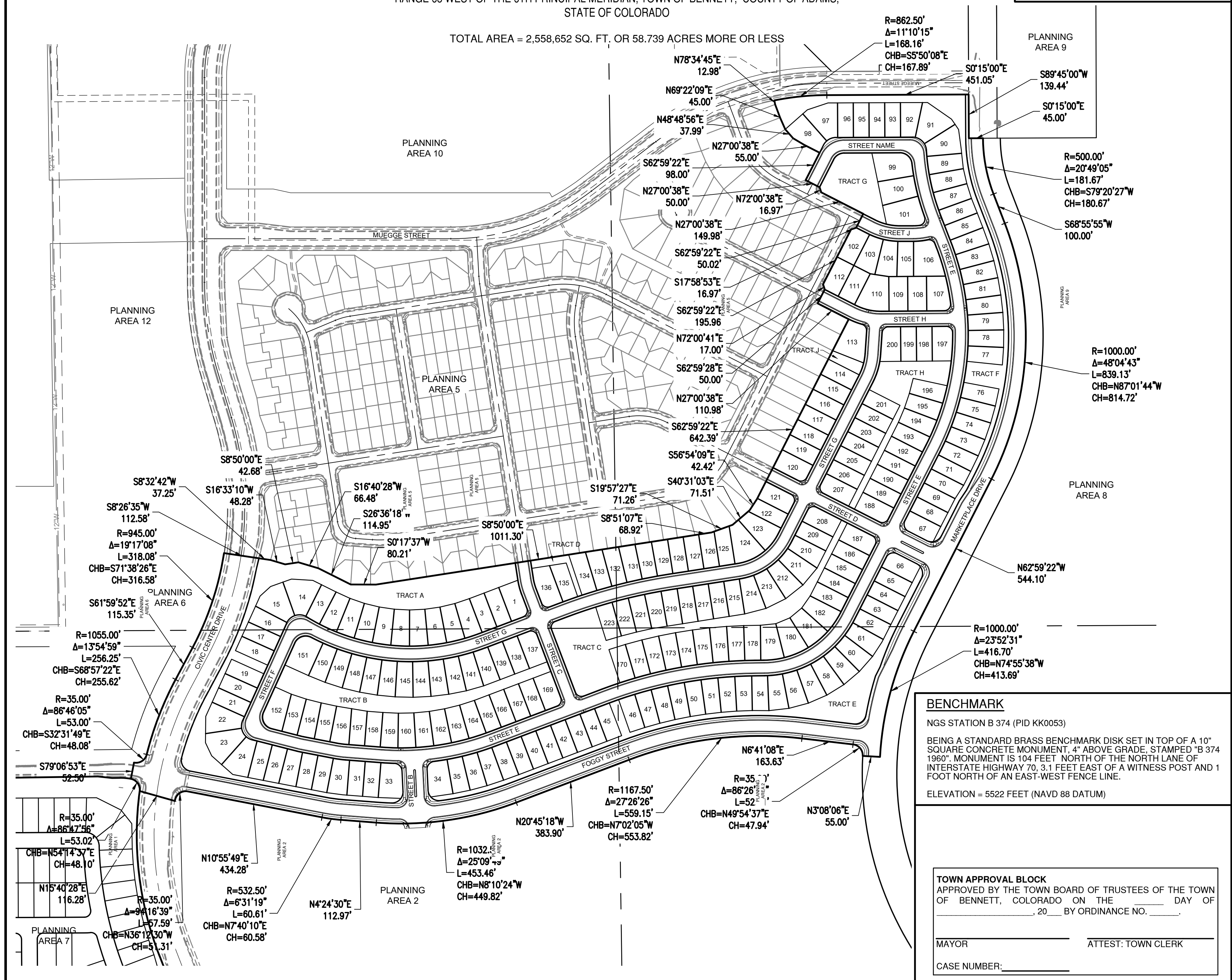
JOB NO: 13301.16

SCALE  
HORIZONTAL N/A VERTICAL N/A

1 of 15



A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO



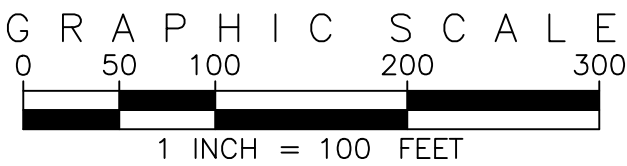
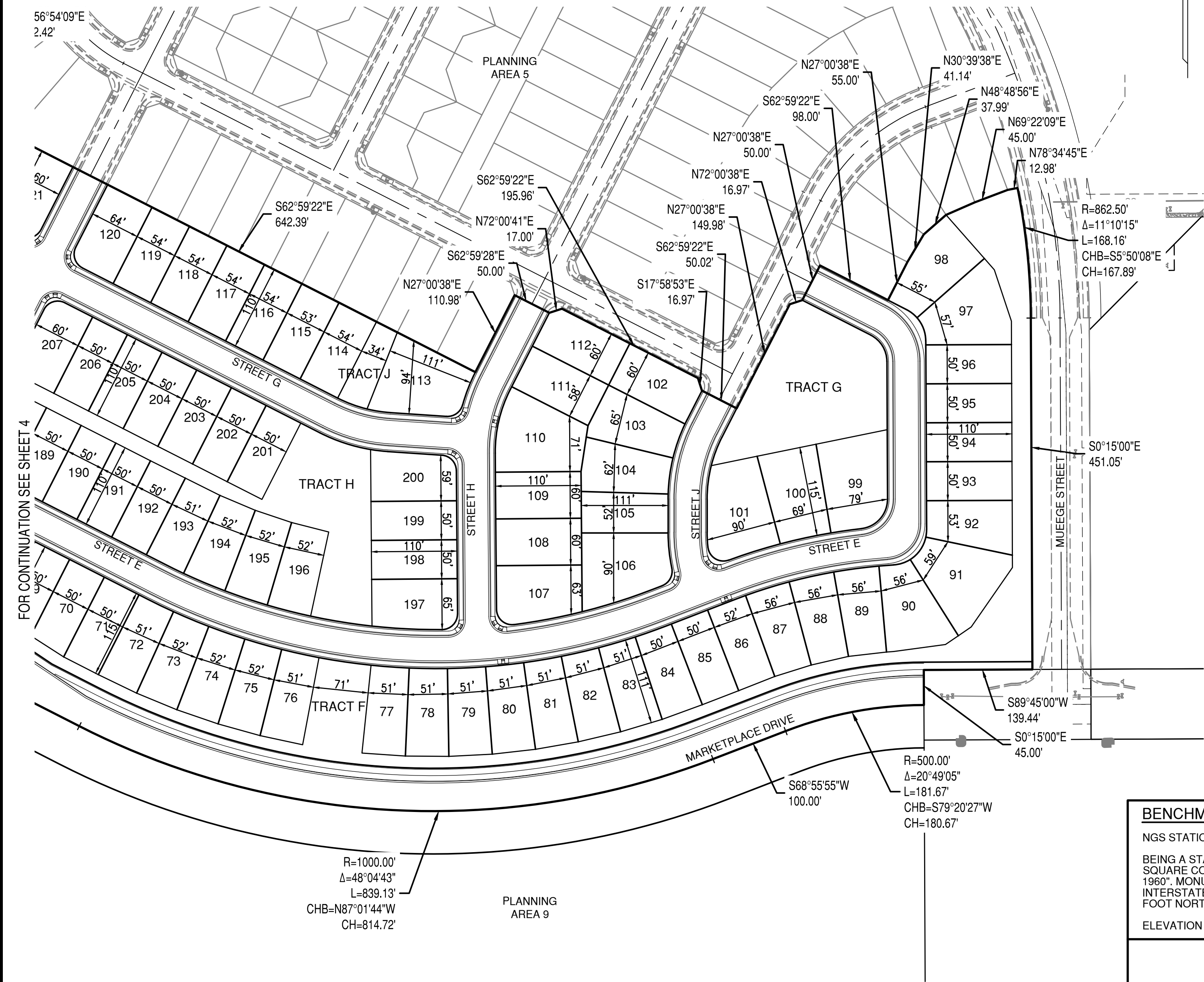
REVISIONS			
DESIGNED BY:	NO.	DESCRIPTION	DATE BY
<i>GAW</i>	△		
<i>DLL</i>	△		
CHECKED BY:	△		
<i>GAW</i>	△		
APPROVED BY:	△		
<i>ERM</i>	△		

MUEGGE FARMS--FILING 5 & 6	OVERALL SITE PLAN AND BOUNDARY
DATE: 05/18/2022	
JOB NO: 13301.16	
SCALE	
HORIZONTAL 1"=200'	VERTICAL N/A
2 of 15	

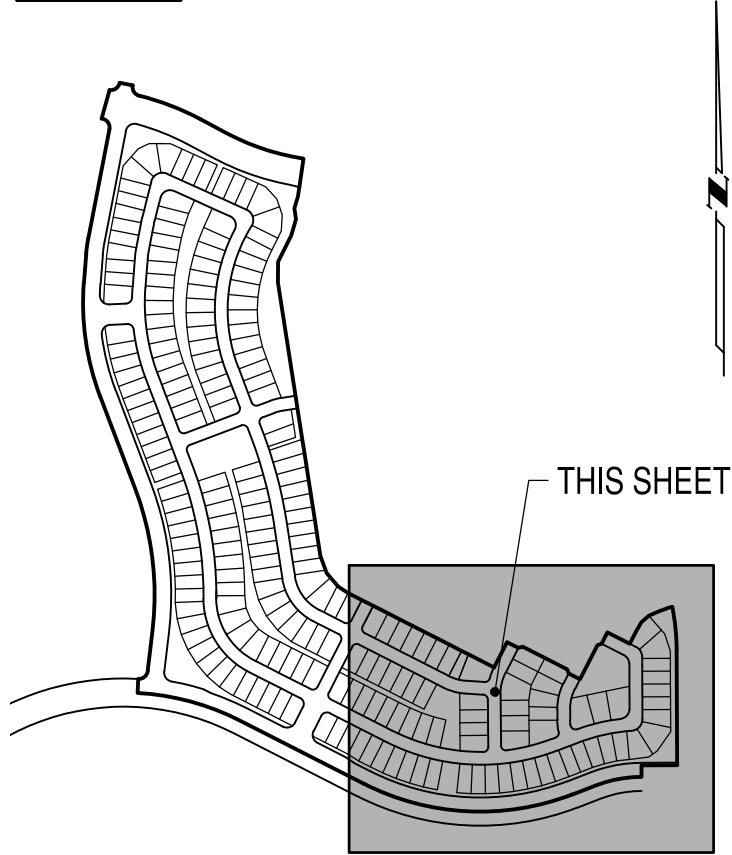
MUEGGE FARMS FILING 5 & 6  
SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

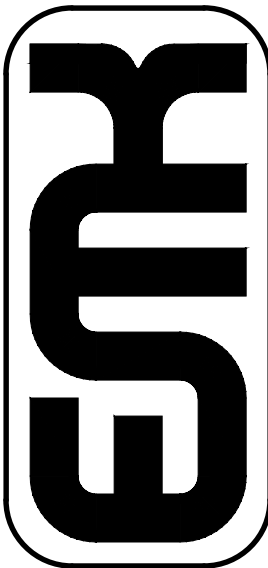
TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



KEY MAP



EMK CONSULTANTS, INC.  
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ENGINEERING SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520  
www.EMKC.com



REVISIONS		DESIGNED BY:	DRAWN BY:	CHECKED BY:	APPROVED BY:
NO.	DESCRIPTION	DATE	BY	DATE	BY

**BENCHMARK**  
NGS STATION B 374 (PID KK0053)  
  
BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.  
  
ELEVATION = 5522 FEET (NAVD 88 DATUM)

**TOWN APPROVAL BLOCK**  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

PLAT SHEET

DATE: 05/18/2022

JOB NO: 13301.16

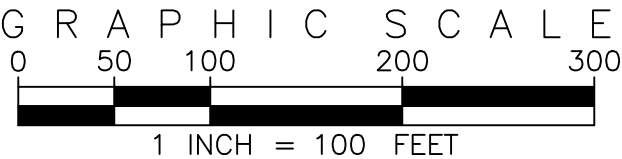
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HORIZONTAL 1"=100' VERTICAL N/A



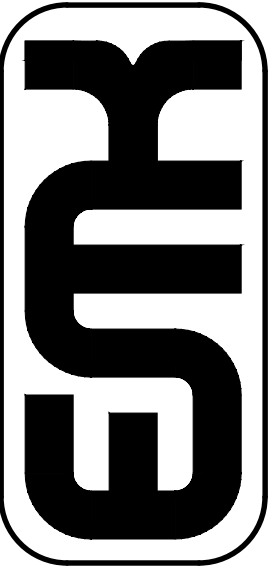
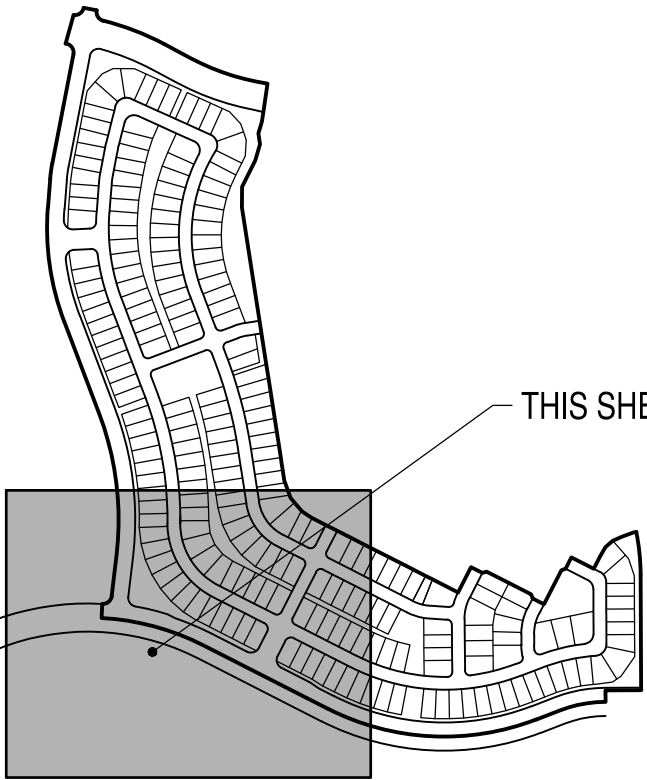
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KEY MAP

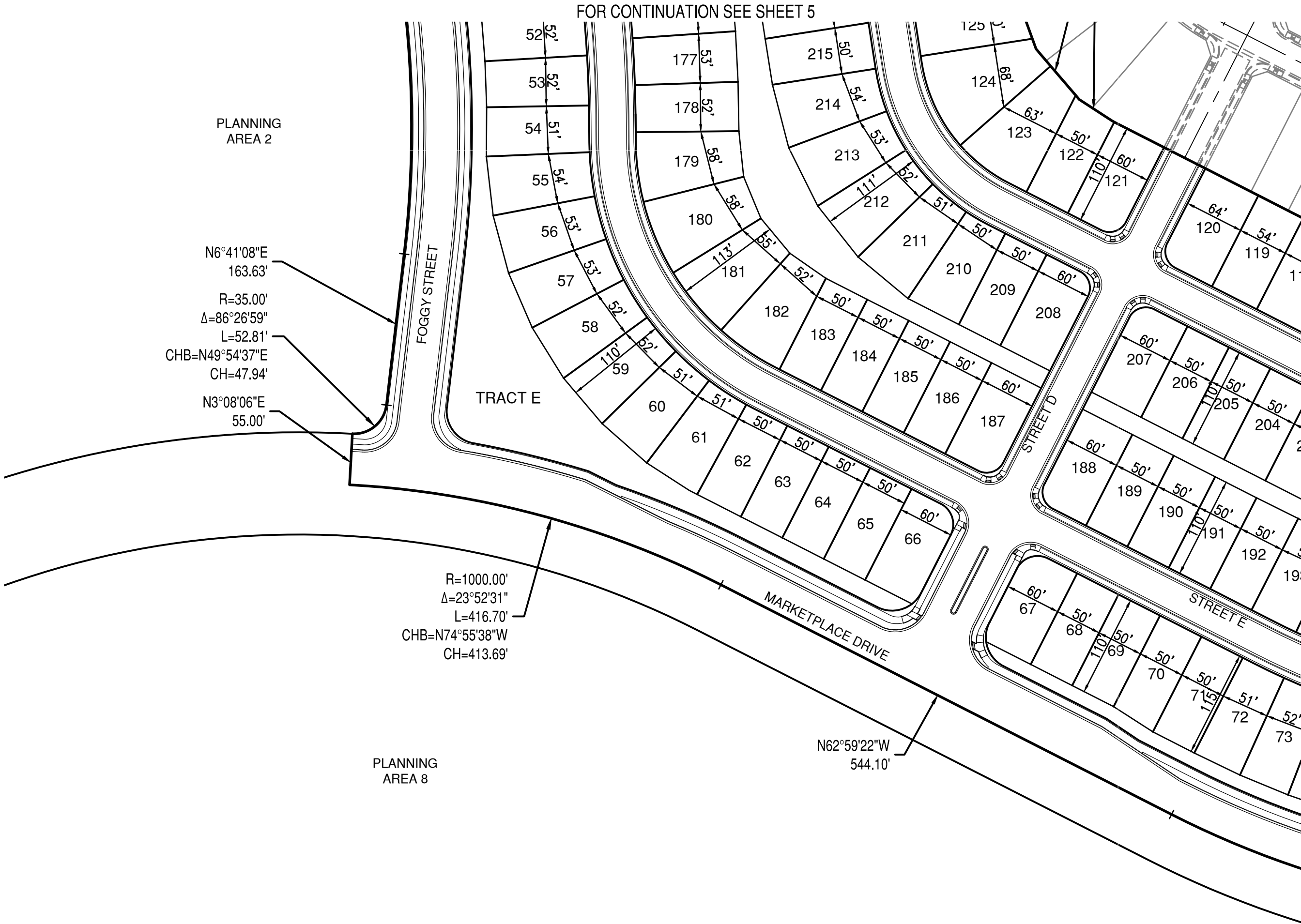


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REVISIONS		
NO.	DESCRIPTION	DATE BY

MUEGGE FARMS-FILING 5 & 6	PLAT SHEET
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DATE: 05/18/2022
JOB NO: 13301.16
SCALE
HORIZONTAL 1"=100' VERTICAL N/A
4 of 15



FOR CONTINUATION SEE SHEET 3

**BENCHMARK**  
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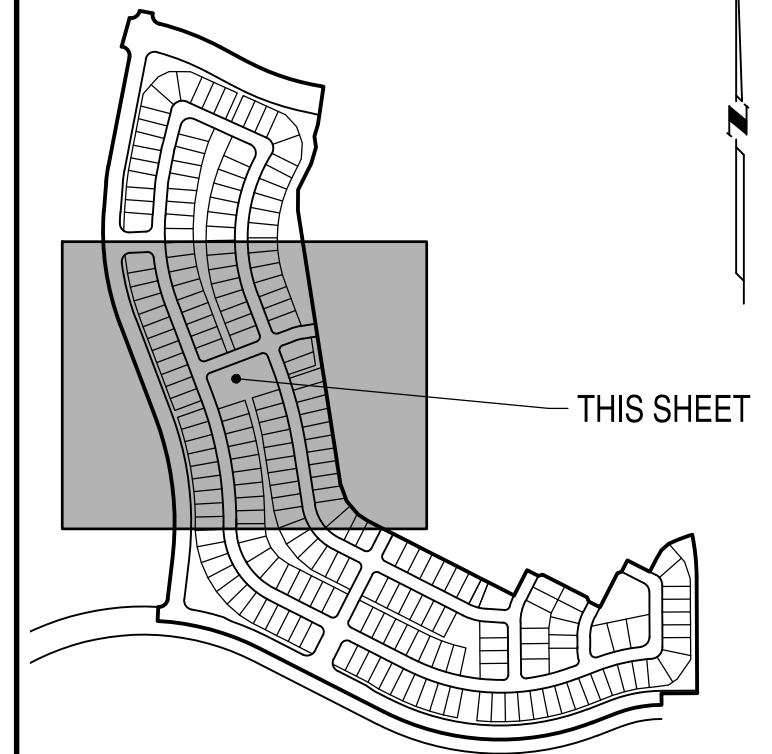
**TOWN APPROVAL BLOCK**  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

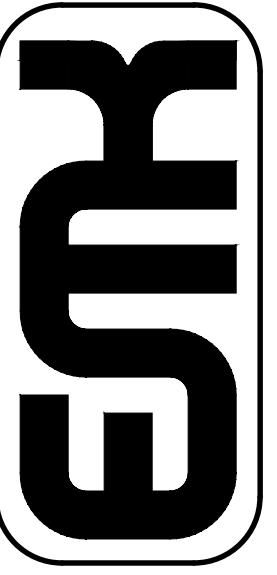
CASE NUMBER: \_\_\_\_\_

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FOR CONTINUATION SEE SHEET 6



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DESIGNED BY:		REVISIONS	
<i><b>GAW</b></i>		NO.	DATE
DRAWN BY:	<i><b>DLL</b></i>	△	
CHECKED BY:	<i><b>GAW</b></i>	△	
APPROVED BY:	<i><b>ERM</b></i>	△	

CASE NUMBER: \_\_\_\_\_

# PLAT SHEET

SCALE

HORIZONTAL	VERTICAL
1"=100'	N/A

5 of 15

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

GRAPHIC SCALE

0 50 100 200 300

1 INCH = 100 FEET

THIS SHEET

MUEGGE FARMS—FILING 5 & 6	PLAT SHEET
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6 of 15

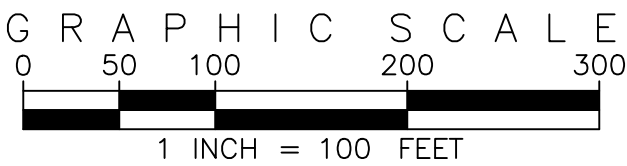
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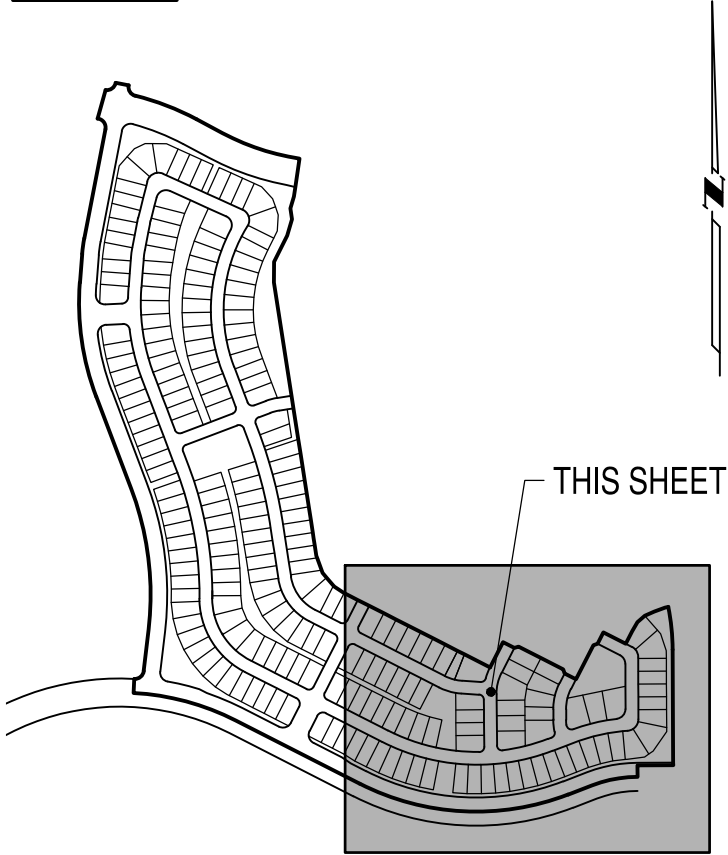
MUEGGE FARMS FILING 5 & 6  
SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
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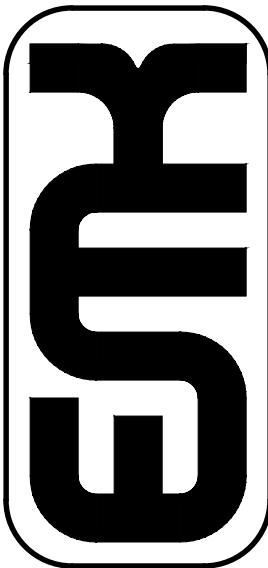
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REVISIONS		NO.	DESCRIPTION	DATE	BY
DESIGNED BY:	GAW				
DRAWN BY:	DLL				
CHECKED BY:	GAW				
APPROVED BY:	ERM				

BENCHMARK

NGS STATION B 374 (PID KK0053)  
  
BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.  
  
ELEVATION = 5522 FEET (NAVD 88 DATUM)

TOWN APPROVAL BLOCK  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_.  
  
MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_  
  
CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

GRADING PLAN

DATE: 05/18/2022

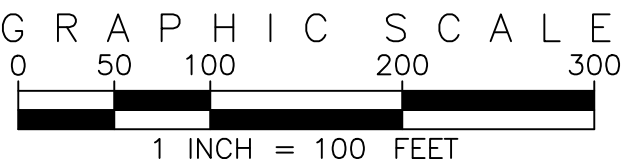
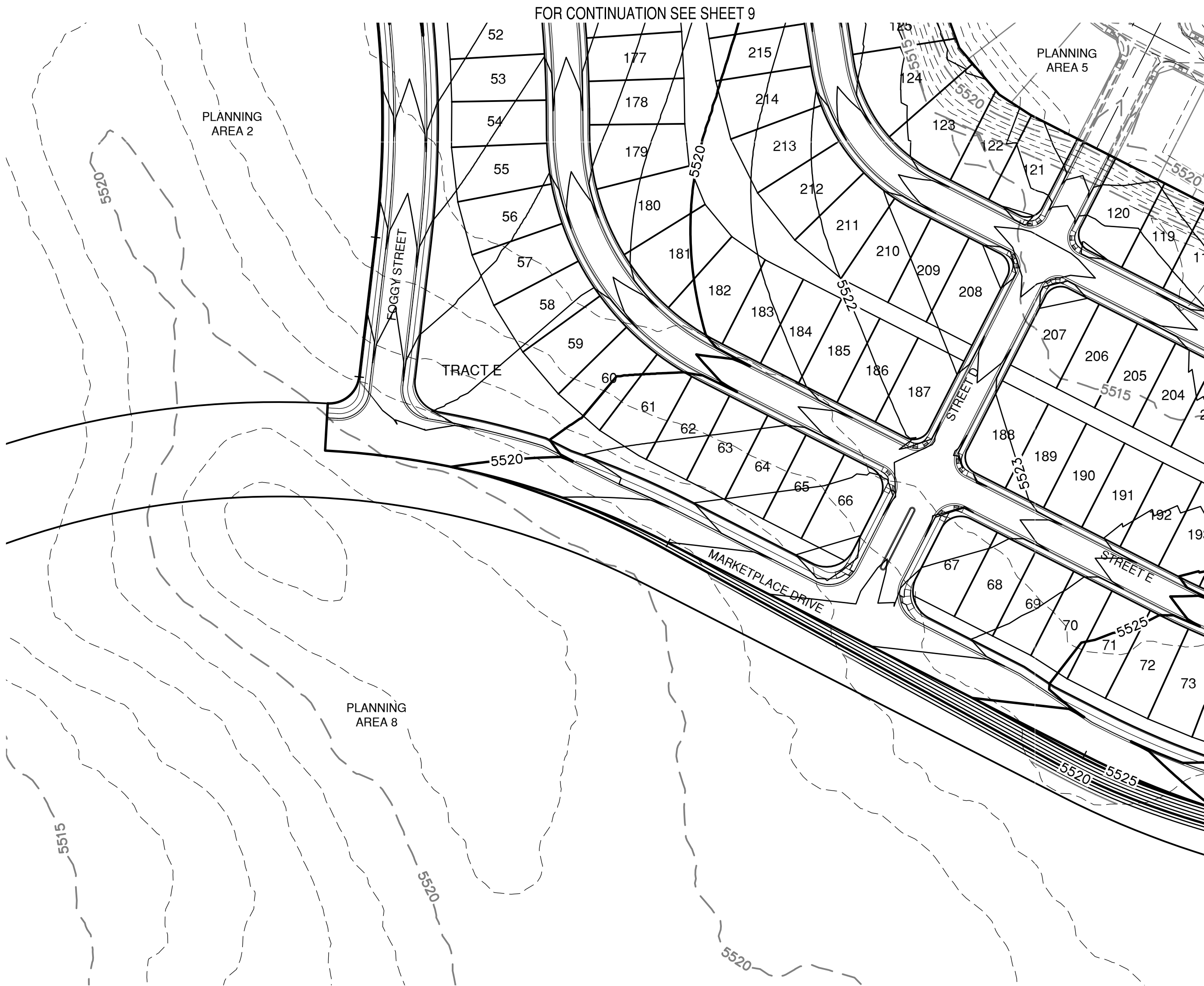
JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

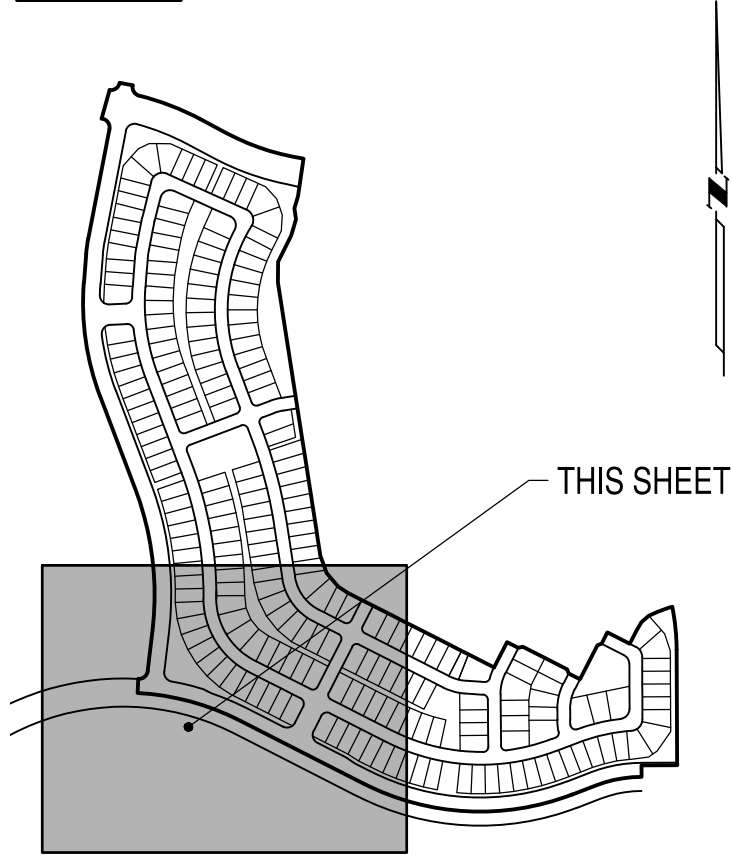
MUEGGE FARMS FILING 5 & 6  
SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

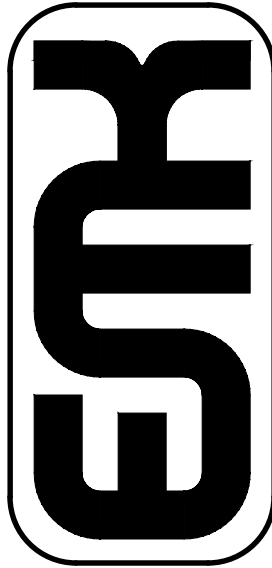
TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



KEY MAP



EMK CONSULTANTS, INC.  
LAND DEVELOPMENT  
ENGINEERING & SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520  
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NO.	DESCRIPTION	DATE BY

DESIGNED BY:	GAW
DRAWN BY:	DLL
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APPROVED BY:	ERM

BENCHMARK

NGS STATION B 374 (PID KK0053)

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MUEGGE FARMS-FILING 5 & 6

GRADING PLAN

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

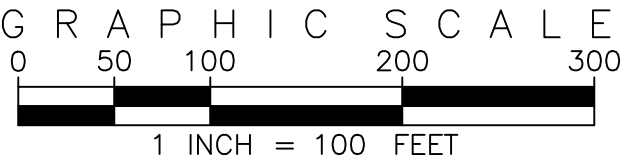


# MUEGGE FARMS FILING 5 & 6

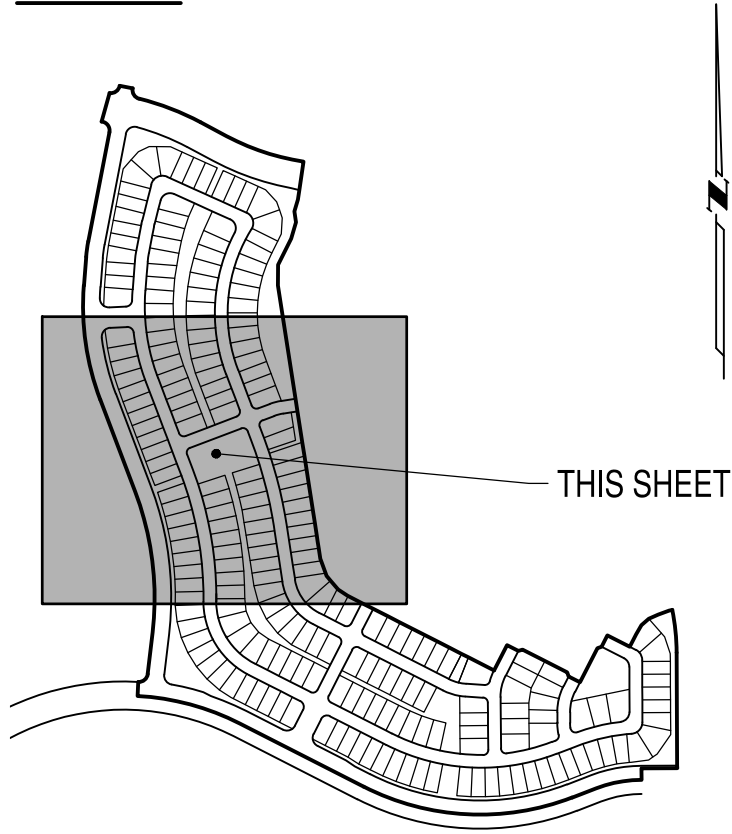
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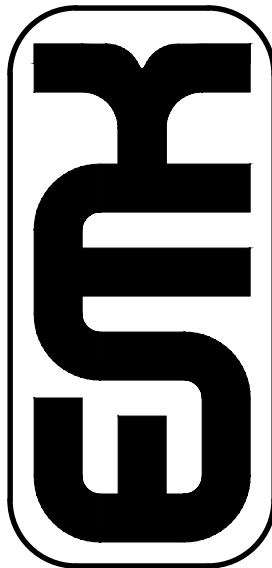
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CHECKED BY:	CHK
APPROVED BY:	ERM

### BENCHMARK

NGS STATION B 374 (PID KK0053)

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GRADING PLAN

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

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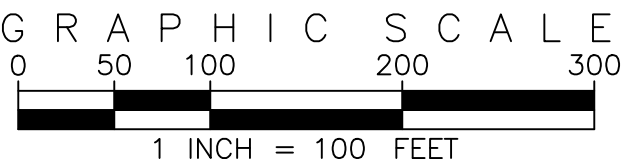
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STATE OF COLORADO

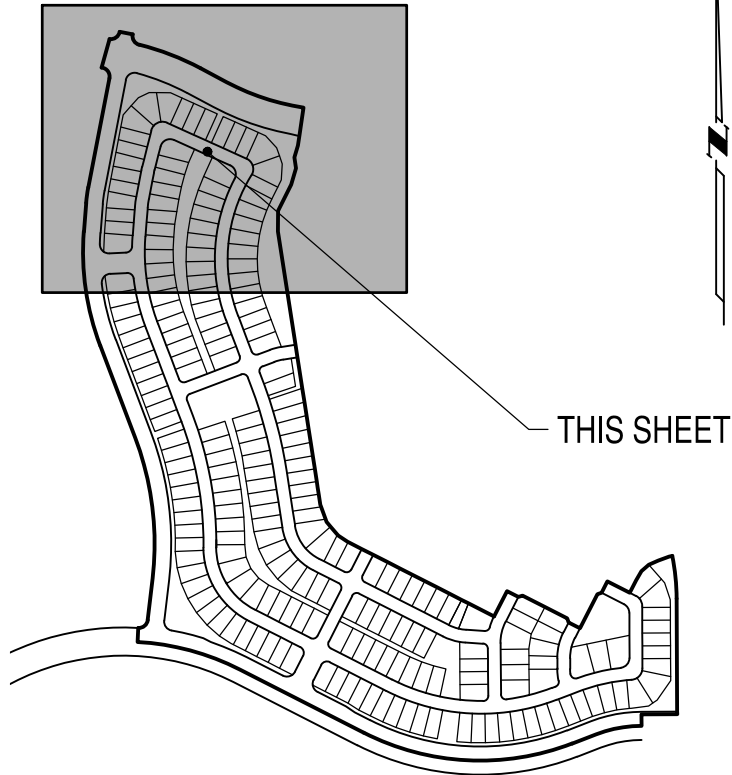
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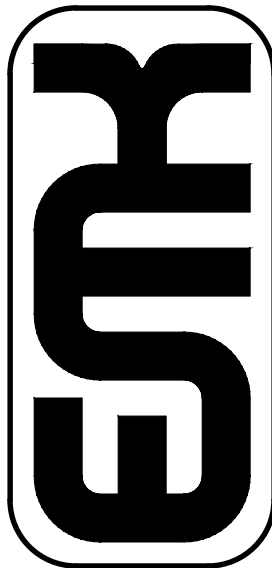
FOR CONTINUATION SEE SHEET 9



### KEY MAP



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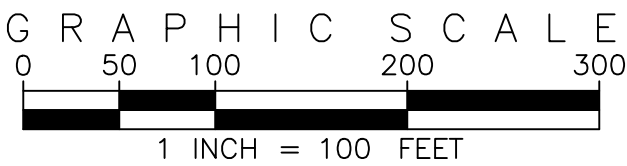
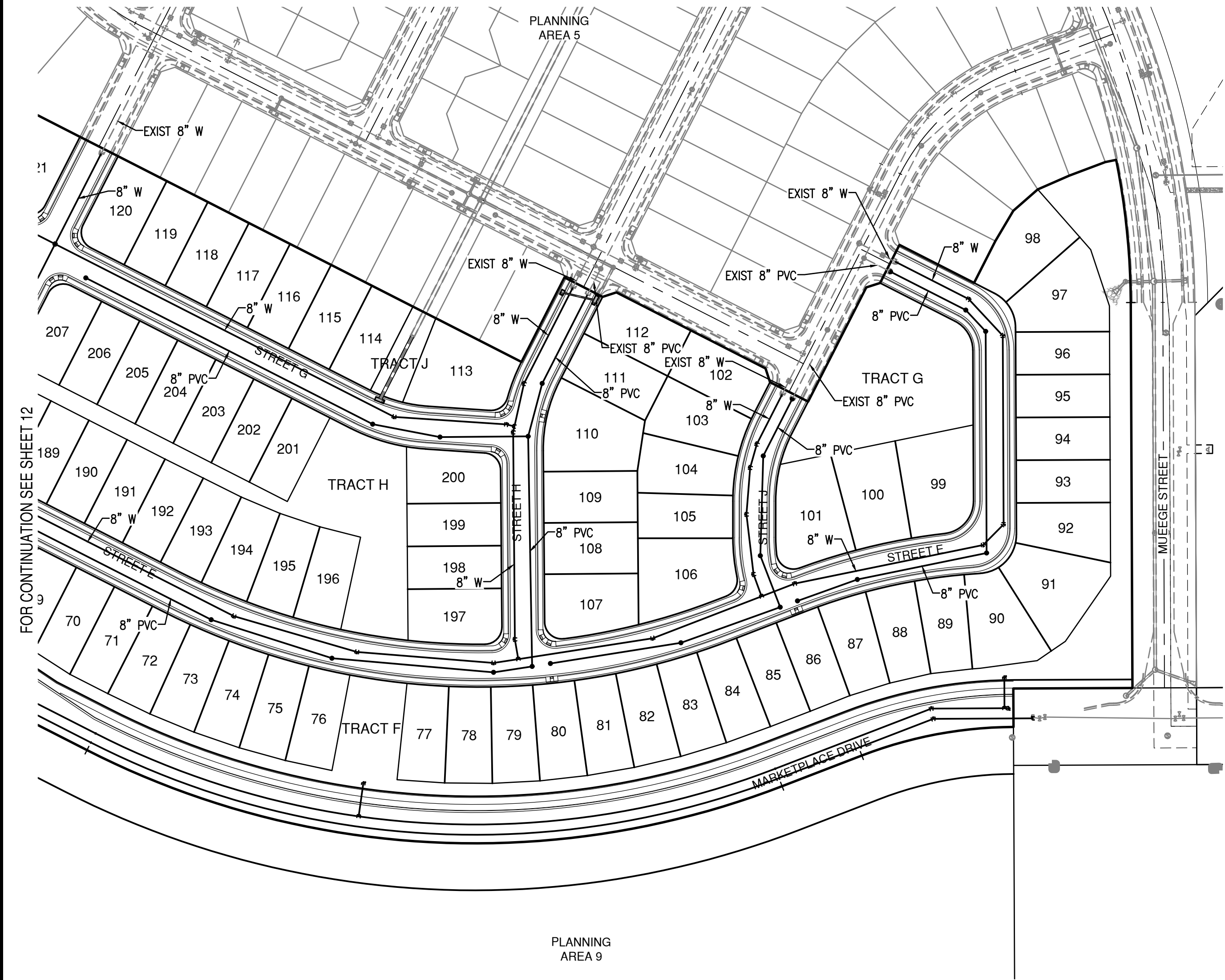
SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

10 of 15

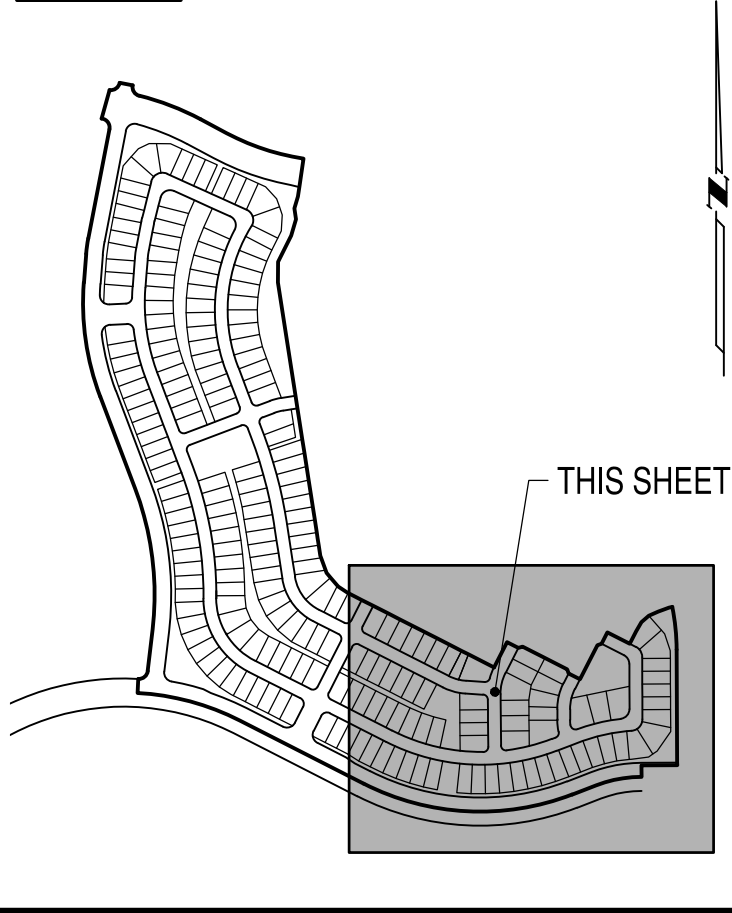
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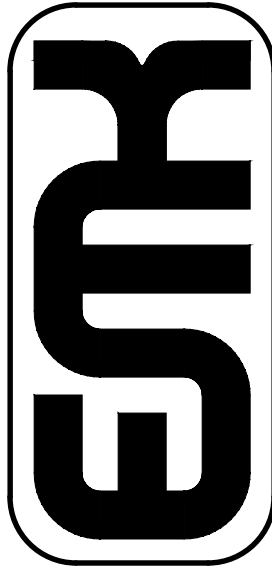
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REVISIONS		
NO.	DESCRIPTION	DATE BY

DESIGNED BY:	<i>GAW</i>
DRAWN BY:	<i>DLL</i>
CHECKED BY:	<i>GAW</i>
APPROVED BY:	<i>ERM</i>

BENCHMARK

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CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

UTILITY PLAN

DATE: 05/18/2022

JOB NO: 13301.16

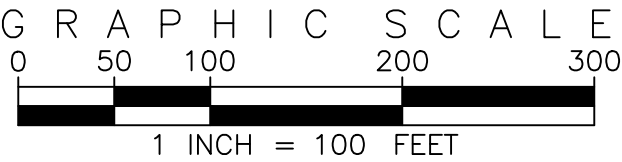
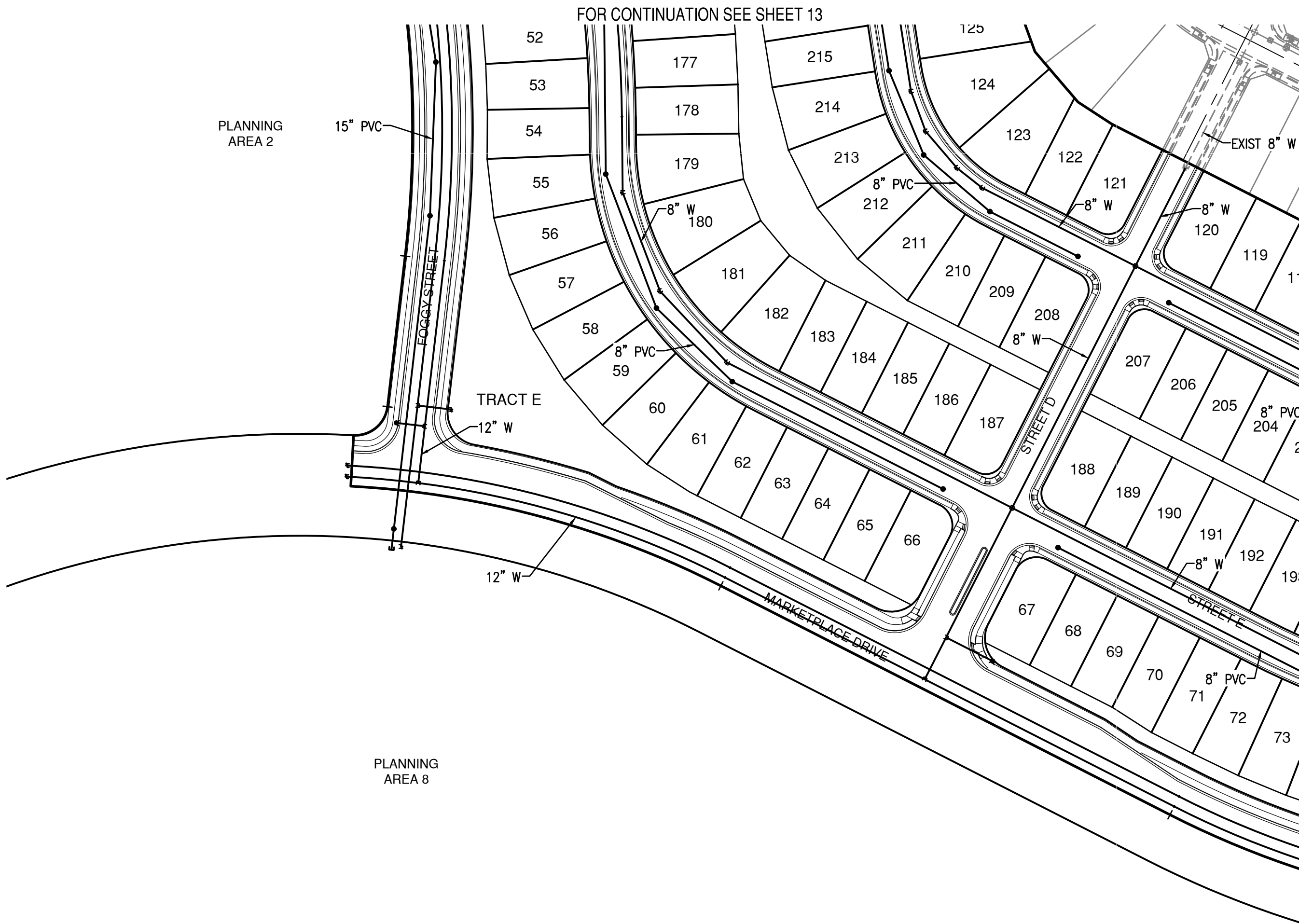
SCALE  
HORIZONTAL 1"=100' VERTICAL N/A



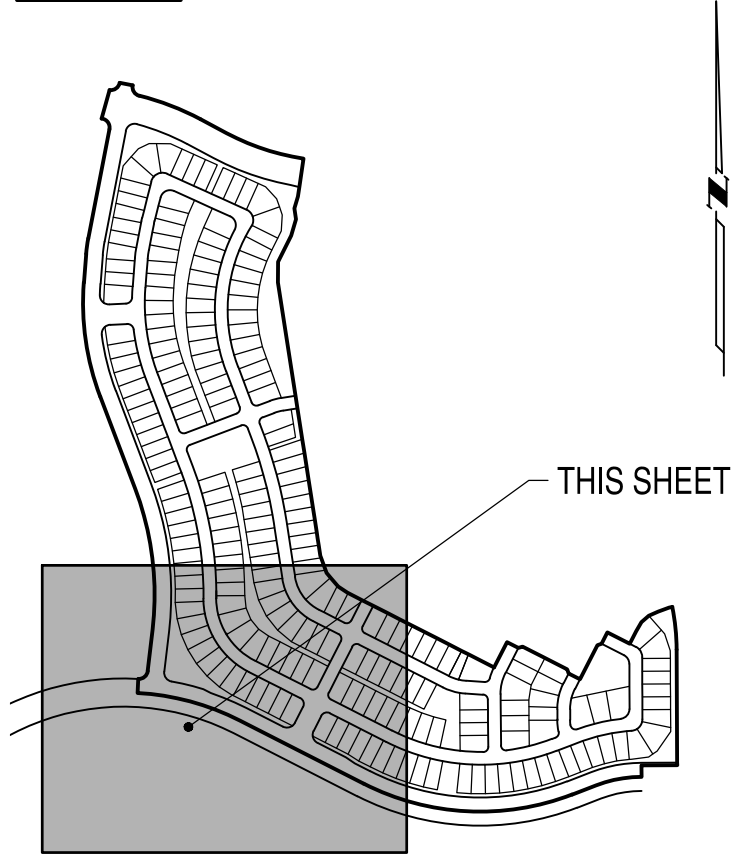
MUEGGE FARMS FILING 5 & 6  
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STATE OF COLORADO

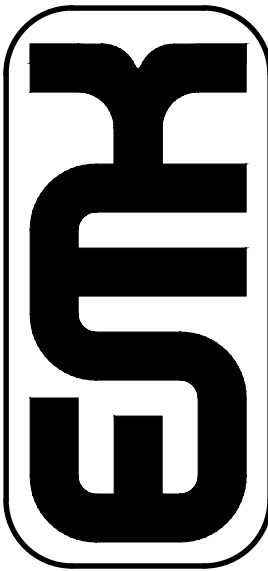
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KEY MAP



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CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

UTILITY PLAN

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

FOR CONTINUATION SEE SHEET 14

161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 144, 143, 142, 141, 140, 139, 138, 137, 136, 135, 134, 133, 132, 131, 130, 129, 128, 127, 126, 125, 124, 123, 7, 6, 5, 4, 3, 2, 1, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 223, 222, 221, 220, 219, 218, 217, 216, 215, 214

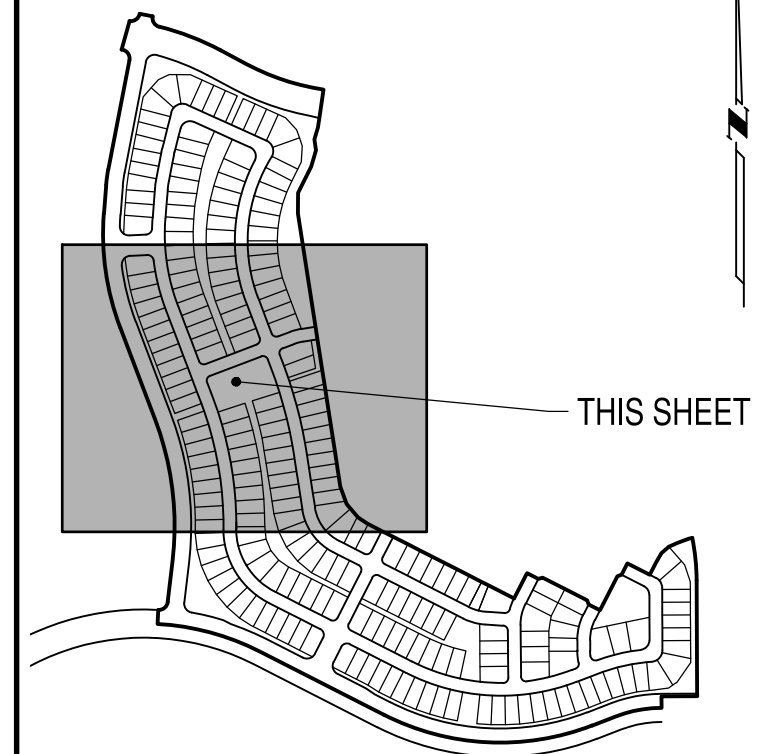
TRACT A, TRACT C, TRACT D

STREET A, STREET B, STREET C, STREET D, STREET E

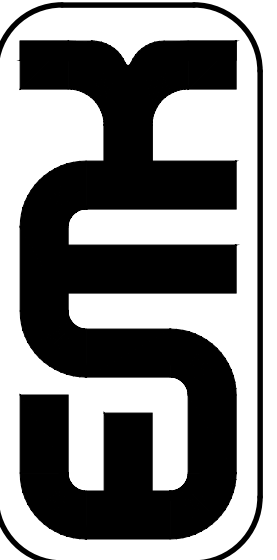
24" RCP 34, 8" PVC 139, 8" W, 15" PVC W, 8" PVC 45, 8" W, 8" PVC 218, 15" PVC

PLANNING AREA 2, PLANNING AREA 5

FOR CONTINUATION SEE SHEET 12



**EMK CONSULTANTS, INC.**  
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DESIGNED BY:		REVISIONS		
<i>GAW</i>		NO.	DESCRIPTION	DATE BY
DRAWN BY:		△		
<i>DLL</i>		△		
CHECKED BY:		△		
<i>GAW</i>		△		
APPROVED BY:		△		
<i>ERM</i>		△		

## CASE NUMBER: \_\_\_\_\_

## UTILITY PLAN

SCALE	
HORIZONTAL 1"=100'	VERTICAL N/A

13 of 15

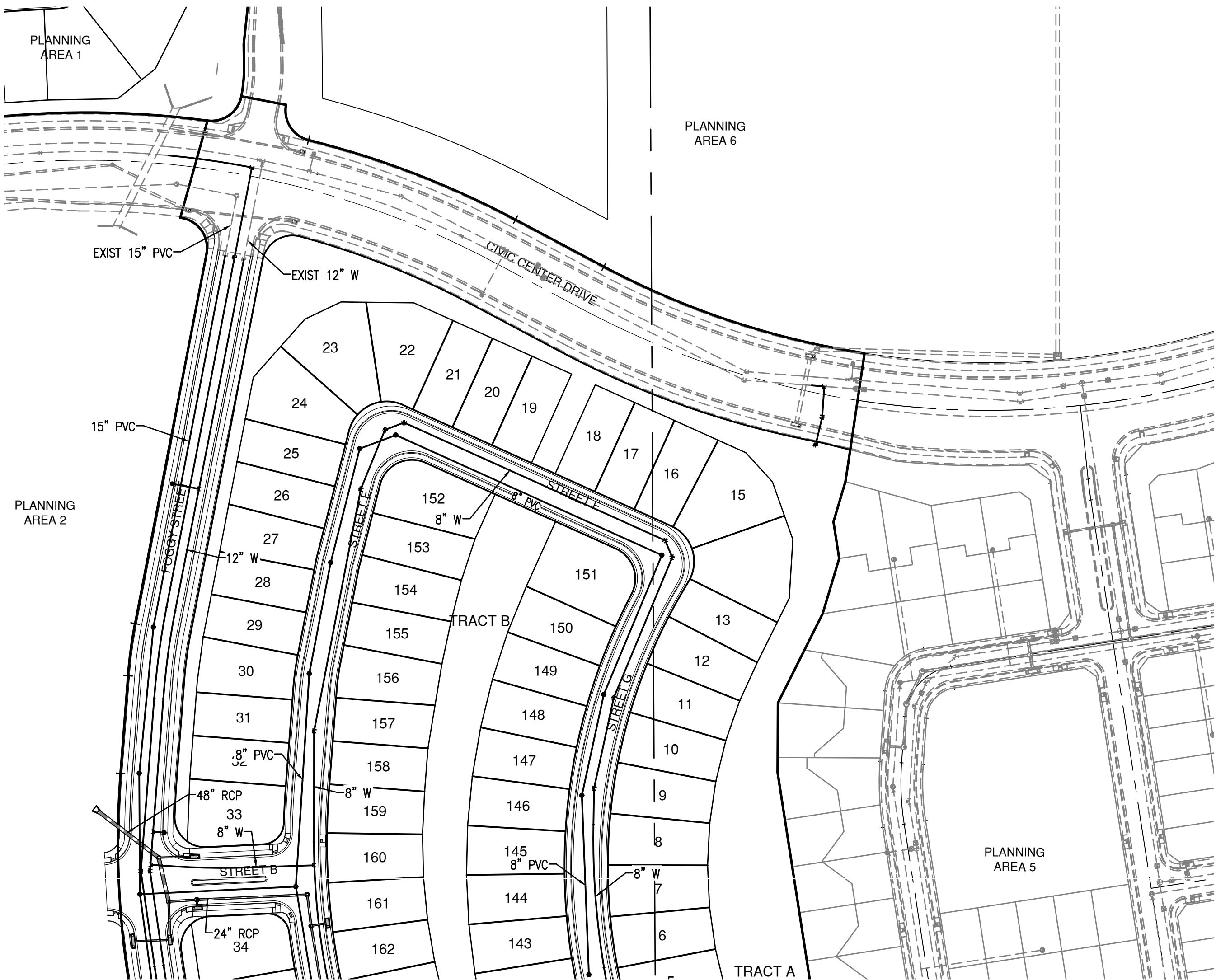


# MUEGGE FARMS FILING 5 & 6

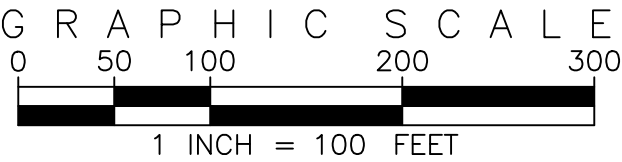
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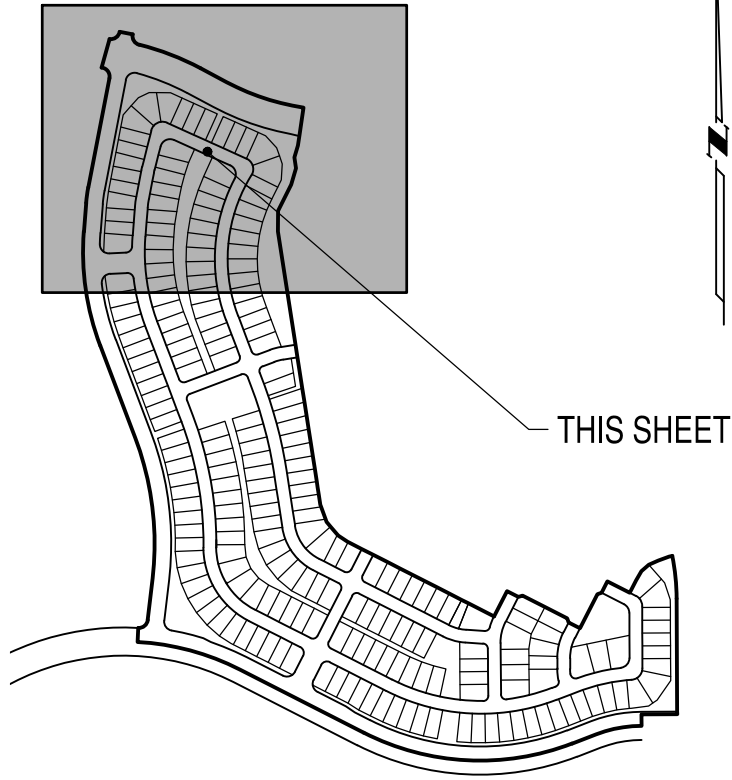
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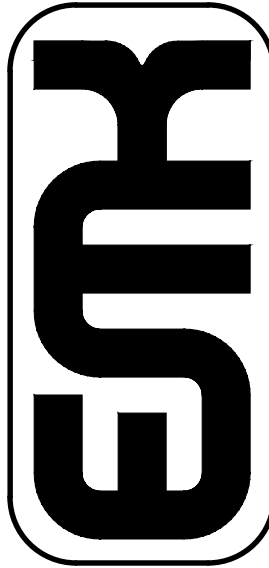
FOR CONTINUATION SEE SHEET 13



KEY MAP



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### BENCHMARK

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MUEGGE FARMS-FILING 5 & 6

UTILITY PLAN

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

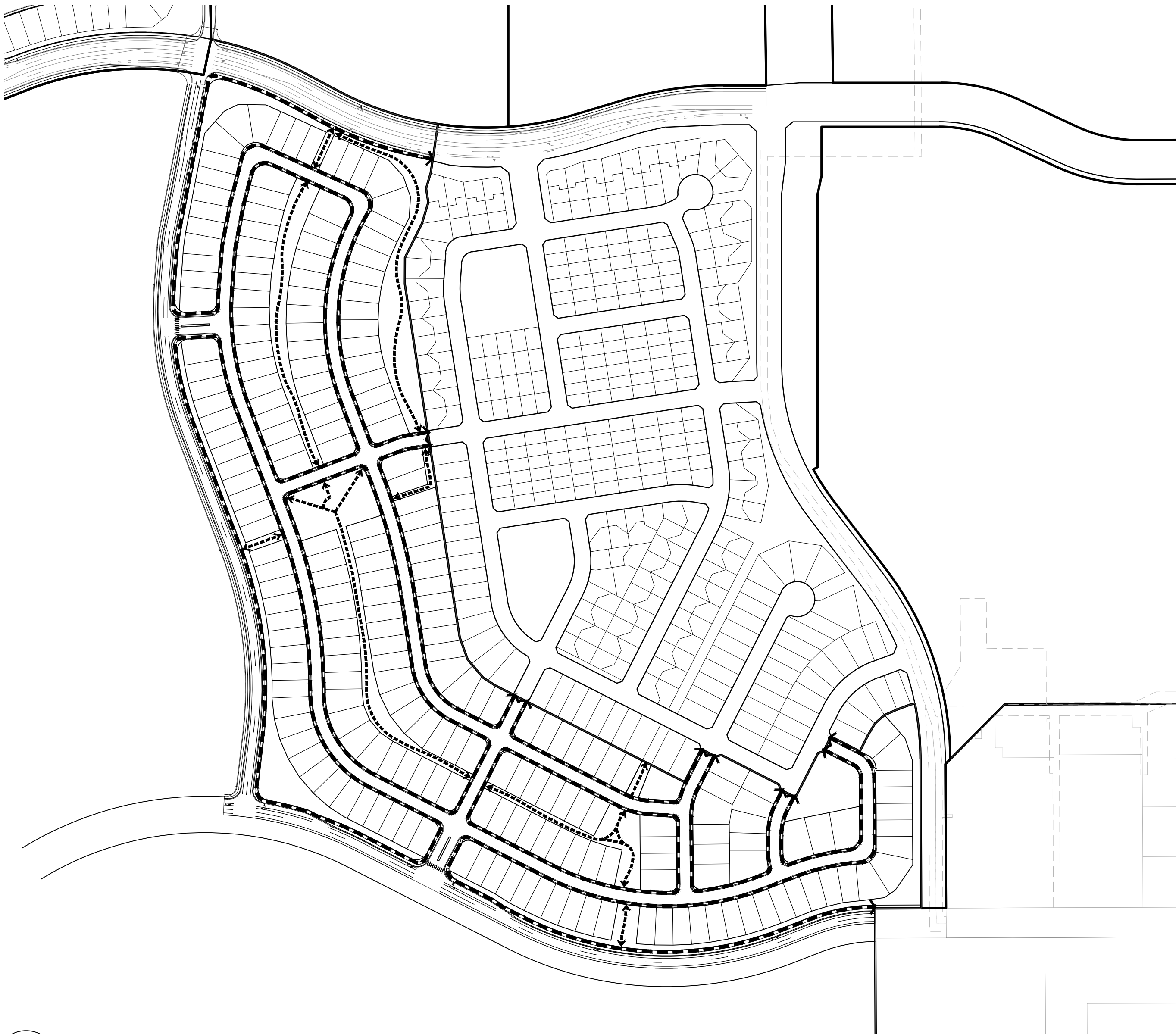
14 of 15

# MUEGGE FARMS FILING 5 & 6

## SKETCH PLAN

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TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



**1** TRAILS & SIDEWALK PLAN  
Scale: 1"= 250'-0"



- LEGEND**
- PROPERTY BOUNDARY LINE
  - PROPOSED TRAIL
  - PROPOSED SIDEWALK

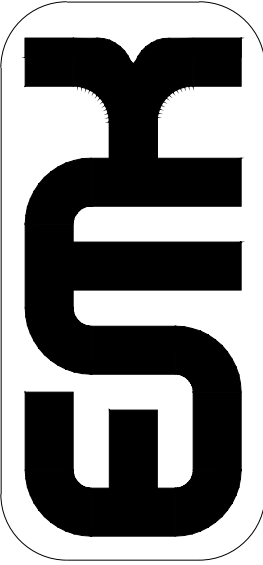
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REVISIONS		
NO.	DESCRIPTION	DATE BY
1		

DESIGNED BY: GAW  
DRAWN BY: DLL  
CHECKED BY: GAW  
APPROVED BY: ERM

MUEGGE FARMS FILINGS 5&6

TRAILS & SIDEWALK

HORIZONTAL SCALE 1"=250'  
VERTICAL N/A

## **10. Site Plan Illustrative**







## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF SECTION 33 AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 32, ALL LYING IN TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 33 (86 REBAR W/ 3 1/4" ALUMINUM CAP STAMPED BASIN SURVEYS LS 30066 - 1998); WHENCE THE WEST QUARTER CORNER OF SAID SECTION 33 (86 REBAR W/ 3 1/4" ALUMINUM CAP STAMPED PLS 24942 - 2001) BEARS SOUTH 00 DEGREES 17 MINUTES 18 SECONDS EAST A DISTANCE OF 2677.44 FEET (BASIS OF BEARING - ASSUMED);

THENCE NORTH 89 DEGREES 08 MINUTES 57 SECONDS EAST ALONG THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33 A DISTANCE OF 2639.15 FEET;

THENCE NORTH 89 DEGREES 09 MINUTES 06 SECONDS EAST ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 1937.20 FEET;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE WESTERLY AND SOUTHERLY LINES OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED JANUARY 25, 1999 IN BOOK 5823 AT PAGE 841 RECORDED IN THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE:  
1) SOUTH 00 DEGREES 23 MINUTES 58 SECONDS EAST A DISTANCE OF 914.59 FEET;  
2) THENCE NORTH 89 DEGREES 09 MINUTES 42 SECONDS EAST A DISTANCE OF 650.52 FEET;

THENCE SOUTH 00 DEGREES 25 MINUTES 43 SECONDS EAST ALONG THE WESTERLY LINE OF STATE HIGHWAY 79 AS DESCRIBED INSTRUMENT RECORDED DECEMBER 19, 1958 IN BOOK 751 AT PAGE 503 RECORDED IN SAID ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND BEING 50.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 33 A DISTANCE OF 1765.65 FEET;

THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST ALONG THE WESTERLY LINE OF STATE HIGHWAY 79 AS DESCRIBED IN DEED RECORDED NOVEMBER 15, 1958 IN BOOK 745 AT PAGE 206 RECORDED IN SAID ADAMS COUNTY CLERK AND RECORDER'S OFFICE AND BEING 50.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 1441.88 FEET;

THENCE THE FOLLOWING TWO (2) COURSES ALONG THE NORTHERLY AND WESTERLY LINES OF MUEGGE SUBDIVISION RECORDED IN SAID ADAMS COUNTY CLERK AND RECORDER'S OFFICE ON NOVEMBER 15, 1972 UNDER RECEPTION NO. 980590:  
1) SOUTH 89 DEGREES 47 MINUTES 07 SECONDS WEST A DISTANCE OF 400.89 FEET;  
2) THENCE SOUTH 00 DEGREES 14 MINUTES 37 SECONDS EAST A DISTANCE OF 916.83 FEET;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE NORTHERLY LINE OF INTERSTATE 70 AS DESCRIBED IN SAID BOOK 745 AT PAGE 206:  
1) SOUTH 75 DEGREES 45 MINUTES 06 SECONDS WEST A DISTANCE OF 377.08 FEET;  
2) THENCE SOUTH 89 DEGREES 27 MINUTES 56 SECONDS WEST A DISTANCE OF 4464.44 FEET;  
3) THENCE SOUTH 89 DEGREES 29 MINUTES 43 SECONDS WEST A DISTANCE OF 2642.07 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 37 SECONDS WEST ALONG THE WESTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 32 A DISTANCE OF 2375.57 FEET;

THENCE NORTH 88 DEGREES 32 MINUTES 03 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 32 A DISTANCE OF 2640.07 FEET;

THENCE NORTH 00 DEGREES 17 MINUTES 18 SECONDS WEST ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 33 A DISTANCE OF 2677.44 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PARCEL OF LAND CONVEYED TO DILLON COMPANIES, INC., A KANSAS CORPORATION BY DEED RECORDED DECEMBER 3, 2003 UNDER RECEPTION NO. C1247426.

AND EXCEPT THAT PARCEL OF LAND CONVEYED TO LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., AN OKLAHOMA CORPORATION BY DEED RECORDED SEPTEMBER 11, 2009 UNDER RECEPTION NO. 200900067788.

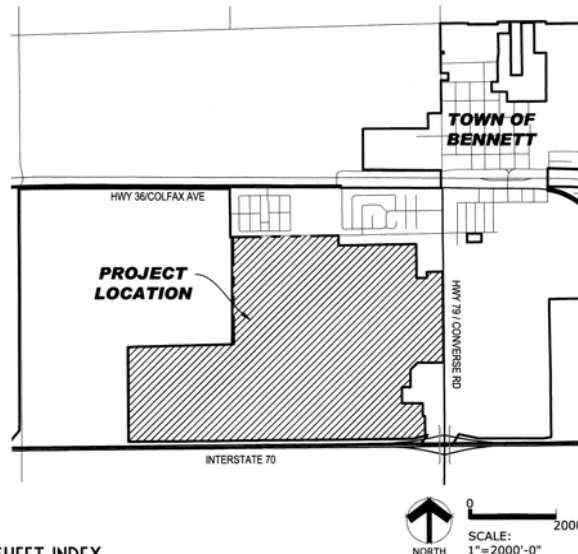
AND EXCEPT THAT PARCEL OF LAND CONVEYED TO THE TOWN OF BENNETT, A COLORADO MUNICIPAL CORPORATION BY DEED RECORDED SEPTEMBER 26, 2012 UNDER RECEPTION NO. 201200072794.

AND EXCEPT THAT PARCEL OF LAND PLATTED AS MUEGGE FARMS SUBDIVISION FILING NO. 3, RECORDED FEBRUARY 26, 2014 UNDER RECEPTION NO. 2014000011818.

AND EXCEPT THAT PARCEL OF LAND CONVEYED TO THE TOWN OF BENNETT, A COLORADO MUNICIPAL CORPORATION IN SPECIAL WARRANTY DEED RECORDED AUGUST 7, 2017 UNDER RECEPTION NO. 2017000068187.

## OUTLINE DEVELOPMENT PLAN MUEGGE FARMS 2ND AMENDMENT TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO COVER PAGE 1 OF 10

### VICINITY MAP



### SHEET INDEX

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2	PROJECT INFORMATION
3	PROJECT INFORMATION
4	PROJECT INFORMATION
5	ZONING MAP
6	LAND USE MATRIX & STANDARDS
7	DEVELOPMENT USES & GUIDELINES
8	DEVELOPMENT USES & GUIDELINES
9	DEVELOPMENT USES & GUIDELINES
10	DEVELOPMENT USES & GUIDELINES

### OWNER :

Muegge Farms, LLC  
Attn: Dan Watts  
2835 S Williams St  
Denver, CO 80210-6334  
(303) 881-2242

### APPLICANT

MGV Investments, LLC  
Attn: John Vitella  
P.O. BOX 4701  
Greenwood Village, CO 80155  
(303) 210-4964

### PLANNER/LANDSCAPE ARCHITECT : CIVIL ENGINEER :



pcs group inc.

Attn: Paul Shoukas  
P.O. Box 18287  
Denver, CO - 80218  
tel: 303.531.4905  
www.pcsgruop.com



10333 E. Dry Creek Road, Suite 240  
Englewood, CO  
tel: 720.482.9526  
www.cvl.com

PREPARATION DATE: FEBRUARY 3, 2003  
REVISION DATE: APRIL 10, 2003  
REVISION DATE: MAY 4, 2007  
REVISION DATE: SEPTEMBER 13, 2007  
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REVISION DATE: JANUARY 18, 2019  
REVISION DATE: JULY 24, 2019

### PLANNING AND ZONING APPROVAL

Approved by the Planning and Zoning Commission of the

Town of Bennett, Colorado this 29th day of  
JANUARY 2019; by Resolution No. 2019-01

Chair: Wayne Clark

ATTEST: Town Clerk: Symon J. White

### BOARD OF TRUSTEES APPROVAL

Approved by the Town Board of Trustees of the Town of

Bennett this 21st day of JANUARY, 2019 by Ordinance  
No. 1923-19

Mayor: David R. Smith

ATTEST: Town Clerk: Symon J. White

### OWNER APPROVAL

By signing this ODP, the owner acknowledges and accepts all of the requirements and intent set forth herein:

OWNER: Daniel B. Watts

NOTARY  
STATE OF COLORADO

JSS

COUNTY OF Denver

The above and foregoing signature of Daniel B. Watts as

Manager of Muegge Farms, LLC was subscribed

and sworn to before me this 31 day of July, 2019

Witness my hand and official seal.

My commission expires on: 12/20/2021

(SEAL)

Notary Public: [Signature]

### ADAMS COUNTY CLERK & RECORDER'S CERTIFICATE

This Outline Development Plan was filed for record in the Office of the Adams County

Clerk and Recorder in the State of Colorado, at 9:37 AM on the 6th day of  
August, 2019.

County Clerk and Recorder

By Deputy: Deann Anderson

Reception No. 201900062976

**MUEGGE  
FARMS**  
Bennett, Colorado





# OUTLINE DEVELOPMENT PLAN MUEGGE FARMS 2ND AMENDMENT TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO PROJECT INFORMATION PAGE 2 OF 10

## INTRODUCTION

Muegge Farms is approximately 702 acres of relatively flat terrain generally located in Section 33 and the Southeast Quarter of Section 32, of Township 3 South, Range 63 West of the 6th Principal Meridian, Adams County, Colorado. The site lies at the northwest corner of Interstate-70 and State Highway 79 - the gateway to the central business district of the Town of Bennett.

The parcel was annexed to the Town of Bennett in March of 2001 and was zoned Planned Development. The intent of the Outline Development Plan is to establish the general land uses for the parcel along with their associated bulk and dimension standards.

## HISTORY

The Town of Bennett was named after Hiram Pitt Bennet, whose family homesteaded the land in 1862. The family went on to become the third postmaster of Denver in 1869 and began developing a method of delivering mail to all the new pioneers in rural areas. Through the years, the Town was referred to as Bennett, from the ranch the family originally settled.

The charm of Bennett lies within the rural feel of the community. This growing, high plains community lies in Eastern Adams and Arapahoe Counties. Residents enjoy the pleasures of small-town, western living, friendly neighbors and community while retaining the amenities of urban Denver only 25 miles away and the recreation opportunities of the Rocky Mountains just beyond.

Muegge Farms is committed to creating a quality planned development, with economic vitality and public service improvements. Its design will promote continued parks and trails expansions for residents to enjoy and strives to improve the quality of life for all who reside within the Town.

## PROJECT PRINCIPLES



The proposed concept uses many of the principles outlined in the Town of Bennett 2015 Comprehensive Plan as a guide for development. The three guiding ideologies that carry through the site design include:

**Complete** – Muegge Farms has a host of uses that provide residents' daily needs to live, work, play, shop, communicate, recreate, and educate. The design concept for Muegge Farms incorporates a variety of housing types and densities, local commercial, regional employment, and parks and open space. Planned as an extension of the town, other complimentary, non-residential land uses, including school sites, Town Hall and Civic Park are intended to serve residents of the broader community. Connectivity with the town will be achieved through the incorporation of trail corridors and pedestrian-oriented streets.

**Connected** – Muegge Farms is a community that connects its residents through site planning principles which promote pedestrian interaction. The plan has been organized around a series of neighborhoods that are joined through a network of multi-modal connections such as streetscapes, bike paths and pedestrian trails. The land plan links individual neighborhoods within the property through open space corridors and trails that lead to pocket parks and other recreational amenities that socially connect residents to each other, and strengthen the community.

**Diverse** – Muegge Farms' neighborhoods have a variety of civic spaces, such as plazas, greens, recreational parks, and natural parks. Uses within neighborhoods will also vary, including residential and non-residential. Housing will range from single family detached homes to multifamily townhomes and condominiums giving buyers choices depending on their personal needs and economic position. Commercial uses will range from light industrial, to office/employment and retail. Civic spaces will include school sites, potential fire station, and large community park. This diversity begins to shape the identity of the community.

## DEVELOPMENT CONCEPT AND INTENT

The development concept outlines a variety of neighborhoods within the Town of Bennett that are connected and organized around a series of parks and trails. Embracing the general intent of the Town of Bennett Comprehensive Plan, the Muegge Farms Planned Development provides the Town with a coordinated and harmonious development which will best promote the health, safety, order, convenience, prosperity and general welfare of its residents. This ODP responds to the goals and policies of the Town of Bennett Comprehensive Plan and is designed to ensure high quality development compatible with the surrounding land uses and the natural environment.



## Residential

The residential portion of the development plan defines six planning areas that will allow for a mix of housing types, including single-family attached, clustered homes and small and large lot single-family detached. The allowed use of multi-family homes (paired homes, townhouses, and condominiums) provides a true mix of housing types. It is generally anticipated that higher densities will transition from commercial and employment center uses to lower density residential. Flexibility in housing type will enable the development to be competitive in the market and attract a range of home buyers. While the actual mix of home types and lot sizes within individual neighborhoods may vary based on market conditions and economic factors at the time of development, a maximum number of units and density within each neighborhood will be maintained.



## Commercial

The commercial portion of the development is designed to maximize the commercial, retail and employment center opportunities of the site. The prime location of the site, with approximately one mile of frontage on State Highway 79, one and one-half mile of frontage along I-70, and the interchange at I-70 and Highway-79 at the southeast corner of the site, affords these opportunities. It is anticipated that primarily retail uses will locate along State Highway 79. A net 10.42 acre commercial site for Bennett Marketplace, including gas and ancillary commercial uses was approved by the Town January 14, 2003. These uses will be the catalyst to bring other retail uses to the Town. The intent is to provide goods and services to the existing and future residents which are not currently available within the Town.



## MUEGGE FARMS ODP PLAN

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# OUTLINE DEVELOPMENT PLAN MUEGGE FARMS 2ND AMENDMENT TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO PROJECT INFORMATION PAGE 3 OF 10

## Employment

Employment, office and light industrial uses are planned along Interstate-70. The one and one half mile of frontage provides great visibility for the future uses. Anticipated employers may include light manufacturing, storage/warehousing, outdoor storage, distribution, high-tech indoor storage and assembly, office warehouses and office/showrooms. Access to the site from Interstate-70, which is a major truck shipping corridor makes this site ideal for these types of uses.

## Parks and Open Space

The proposed parks and open space are intended to serve both neighborhood residents as well as those of the Town of Bennett. Through existing and proposed land dedications, including the Civic Park, Dent Hand, and Well & Water dedications, this plan meets the 10% requirement for PD Districts. The proposed plan includes a large central park intended to serve the broader community through space for active play and recreation.



Adjacent to the park, land has been dedicated to the town for potential use as a Town Hall. Proposed pedestrian walkways and trail corridors will connect neighborhoods, their amenities, the central park, commercial areas and the Town of Bennett, providing a key asset in promoting community health. This "interior" trail system will be composed of a hierarchy of trail types that will provide access to the Regional Trail and connect local neighborhoods to other communities.

## SITE ACCESS AND CIRCULATION

### Vehicular Circulation

Several entry locations will provide access to the site. Two arterial access locations will be provided from State Highway 79 and one from Colfax Avenue. The Southern most access point from Highway 79 was platted and permitted as part of Filing No. 1, per the 1st Amendment to this PD, and will follow from this existing alignment. The plan accommodates the future realignment of State Highway 79 to the east and incorporates an additional intersection to connect Civic Center Drive with South 1st Street. Two collector roads have been proposed to run north-south: a commercial collector which separates commercial and residential land uses and a local collector serving strictly residential uses. Roadways will provide a consistent streetscape character to the development by incorporating streetscape landscaping, sidewalks, fencing and signage. Roadway standards are intended to meet the standards and specifications as outlined in the Town of Bennett code.

Streets alignments within this document are intended to depict intent and their layout and design will be further defined at the time of Final Development Plan and Final Plat. Local

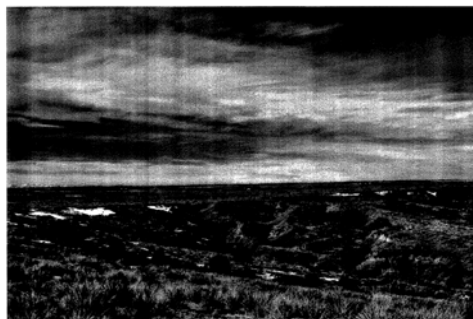
streets within the Single Family neighborhoods will be a series of loop streets and cul-de-sacs. The streets are intended to provide inter-connectivity between neighborhoods and access to the public facilities.

### Pedestrian Circulation

A proposed trail network within Muegge Farms is envisioned to connect the residents with commercial and public facilities. This system will be accomplished through a combination of sidewalks along the streets as well as through a comprehensive multi-use trail system through the open space and drainage corridors. The open space and drainage corridors will be designed to separate the pedestrians from drainage flows and detention facilities.

## REGIONAL IMPACTS

The location and proposed uses for this development should have little if any impact on the region. Actual development of this site should only benefit the Town and surrounding area. The site is strategically located as a logical future expansion of Bennett. The proximity



of the site along I-70 at the State Highway 79 interchange promotes viable commercial uses that support the Town and future opportunities to maximize the growth of Bennett in a fiscally responsible way. Benefits to the Town include an increased tax base, sales tax revenue, new jobs, additional residents to support local retailers, and additional tax dollars to support local service providers. In addition to the economic benefits, development of this property will aid in the logical expansion of the Town's infrastructure system.

## ENVIRONMENTAL INFORMATION

The land is currently farmed for wheat. The land does not currently accommodate sensitive habitat and there exists no sensitive areas on the property that would be home to endangered species or specialized habitat. A Phase I Environmental Assessment for the entire property is included herein.

### Natural and Manmade Hazards

There are no natural or man-made hazards on the site. The most significant features are drainage corridors that occasionally flood the fields.

### Existing Vegetation

The native vegetation of the site has been disturbed by agriculture. No riparian vegetation exists on the site and there are no trees or shrubs.

## Drainage

The site naturally drains to the low point along the northern property line. There are several defined drainage ways however, none have identified 100 year floodplains.

## Wildlife

Habitat on the property is typical of the prairie grasslands of Eastern Colorado. The proximity of Interstate-70, and homes to the north, severely impacts the attraction of native wildlife to the site. However, wildlife typically associated with agricultural fields such as rodents, birds and ground dwellers live on or visit the site. The disturbed nature and lack of mature vegetation limits the value of the site for wildlife.

## Topography

The site is gently rolling with a low point elevation of 5493 feet located at the northwest corner of the site. There are several knolls associated with the slight ridges running through the site. The high point elevation is 5529 located along the southern property at the center of the site. The slopes are generally in the zero - 4% range with approximately 36 feet of change in elevation across the site.

## Grading

The intent of the proposed grading is to provide a balanced site with individual parcels of ground contoured to suit their final development needs while maintaining the historic drainage patterns throughout the site. The grading plan shall be accomplished in phases respecting the three existing drainage basins. A system of inlets shall intercept runoff and discharge to a series of open channels, constructed with the grading, to convey all offsite and onsite stormwater through the site. Several detention/retention ponds shall be constructed to provide stormwater detention/retention and water quality. Erosion and sediment control shall be installed and maintained throughout the construction process.

## RELATIONSHIP TO EXISTING USES

### Adjacent Land Uses

North: Centennial Subdivision (Zoned R-1 Town of Bennett)  
Penrith Park Subdivision (Zoned R-2 Town of Bennett)  
Agriculture (Zoned A-1 Adams County)

West: Agriculture (Zoned A-1 Adams County)

East: State Highway 79  
Vacant Land & Existing Commercial (Zoned PUD Town of Bennett)

South: Interstate - 70

## MUEGGE FARMS ODP PLAN

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# OUTLINE DEVELOPMENT PLAN MUEGGE FARMS 2ND AMENDMENT TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO PROJECT INFORMATION PAGE 4 OF 10

## UTILITIES

### Storm Drainage

Proposed improvements to Muegge Farms will require the design and construction of storm drainage facilities to reduce site run-off and the impact to historic peak discharges. Drainage facilities such as water quality, infiltration, and detention ponds will be built to the Town of Bennett standards, and a preliminary drainage study has been completed as a part of this ODP.

Existing runoff generally flows from south to north. There are no existing stormwater quality and storage facilities on Site. The site accepts off-site flows from three different location along I-70 at a western, central and eastern location. Offsite flows enter the site from south through existing culverts and continue northerly towards State Highway 36. The project site has constraints along the northern edge of the site and there is no outfall for the central to eastern portion of the site because the railroad and Highway 36 do not have crossings provided and so the site acts as a closed basin. An existing drainage channel exists on the southwestern portion of the Site and is the only outfall on the site.

The existing site does not have irrigation ditches or canals within the Site. There are no major drainageways within the site. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) show that no regulated floodplains exist on the Muegge Farms property.

The southwestern outfall will use detention ponds to limit the runoff to at or below the historical discharge. Analysis of the downstream infrastructure will be reviewed to ensure no impact to these facilities will occur. During final design an infiltration analysis recommended to determine if any infiltration is available to reduce pond size.

The Penrith Park Subdivision is located central to the Site along the north edge which is downstream of a proposed detention pond. This pond has been designed to release in accordance with the offsite release rate identified in the Penrith Park Final Drainage Report.

The Centennial Subdivision is located northeast of the Site. The subdivision's storm infrastructure was not designed to accept offsite existing flows; therefore, Muegge Farm's proposes two infiltration Ponds to avoid flooding the downstream development. Overflow points should be defined for the infiltration Ponds to protect downstream property.

The project will incorporate several concepts in the design of drainage facilities for the site, including:

- Measures to reduce erosion effects of concentrated flows from developed storm water runoff to adjacent agricultural fields.
- Evaluation of detention facilities for multiple use, such as parks and open space, recreation facilities, trail corridors, and storm water storage for irrigation of common public open space areas.
- Detention and erosion control requirements for phased construction
- Storm water quality enhancement in accordance with the best management practices, particularly in the neighborhood commercial areas.

A Combination of utility systems shall be constructed to serve the entire development. Though development shall consist of phases, spanning several years, the infrastructure shall be designed to accommodate proposed final build out conditions.

### Water and Sewer Service

A central water system shall be implemented throughout the site to supply adequate quantity and water pressure requirements. A half-million gallon storage tank, capable of future expansion to one million gallons, has been constructed in close proximity to the Dent Hand Dedication to accommodate peak water demands. The town's W-VW Master

Plan uses 500 gallons of water tank storage of 500 gallons per single family residence, which would create the need for additional storage. A 12 inch water main is proposed to run along the northern border of the property and connects the Penrith site in lieu of the Colfax Avenue/US 36 main. The initial construction by Bennett Market Place includes the extension of a 16 inch water line within State Highway 79. It is anticipated that a connection will be made to the 12 inch main within State Highway 79 for service to the balance of Muegge Farms. Internal of the site, the project site will be served by a 12 inch perimeter water main grid.

The water system shall consist of numerous wells spaced throughout the site to supply adequate quantity. The current groundwater rights raw water dedication with the property is not adequate for the current ODP land uses. Verification of final water sources and availability will be provided on the FDP and site plans.

### Sanitary Sewer System

A sanitary sewer system shall be sized to handle fully developed conditions. An existing sanitary sewer connection is constructed by Bennett Market Place and includes a twelve inch line that connects the King Soopers and the adjoining retail pads. It is assumed that a certain portion of the initial project phase will be allow to use this sanitary line. However, it is understood that a parallel system will need installed and downstream bottlenecking issue will need resolved.

As part of the Town's 2007 Water and Wastewater Master Plan (WWWMP), a 15 inch interceptor located in S 1st St. that combines with a 15 inch from Colfax. Most of the Muegge Farms site is expected to be tributary to the future lift station(s). In lieu of collection main or interceptor upgrades along First St and East 38th Ave, a west bypass interceptor west of McKinley and extending north to E 38th Avenue may be more feasible. Alteration from the WWWMP to best align with Muegge Farms road and utility corridor system should be considered. Also, a proposed sanitary sewer line is anticipated along the northern boundary of the site with the construction of Penrith Park to connect to. If the proposed sewer stub is not available prior to the construction of Phase 1, an alternate service point shall be as determined by the Town of Bennett. The Bennett Wastewater Treatment Facility does not have the capacity for full build-out of the project site and will need to be expanded.

## GENERAL DEVELOPMENT AND PHASING

Development is anticipated to proceed from the northeast portion of the site and move west and south. As indicated, the initial phase will be commercial uses along State Highway 79 and the adjacent residential neighborhood planning areas. Single Family Attached and Multi-Family residential will follow the Single Family Detached residential. Included in the initial phase are adequate roads, utility line extensions and provisions for adequate storm water management. Park development and associated dedications will keep pace with residential development. Public facilities/services, infrastructure, utilities, and amenities will be constructed to serve the residential neighborhoods in a reasonable and efficient manner as those areas are developed. Overall, the development phases will be based on demand, market conditions and the availability of water.

## PLAN AMENDMENTS

The size of any Planning Area may increase or decrease by an administrative amendment by no more than 15% as determined by the Town's Zoning Administrator after final determination of internal street alignments, arterial street alignments, park and open space and buffer zone areas. The initial boundary of any Planning Area will be established with the final plat that is prepared for that area. Amendments to planning areas shall be

subject to the Town of Bennett Municipal Code, as amended.

### PARK DEVELOPMENT - PUBLIC LAND DEDICATION

Per the annexation agreement, a total of 10% of the land or 73 acres, shall be dedicated to the Town for general use, parks, trail corridors and open space. An additional 2.17 acres of public dedication is proposed to fulfill the Penrith Park open space requirement. The dedication shall be at a location and of a configuration and character acceptable to the Town and applicant. Park development will need to keep pace with residential development.

## SERVICE REQUIREMENTS

### Schools:

Muegge Farms is located within the Bennett School District 29J and development shall proceed pursuant to Town ordinances, policies and regulations.

### Fire Protection Services:

Muegge Farms is located within the Bennett and Watkins Fire District and development will proceed pursuant to Town ordinances, policies and regulations. The property is located less than 1 mile West of Station 91 which is staffed 24 hours a day and is the primary response station for the fire district. In addition, a future station is being identified and may be incorporated within the Town Hall civic dedication.

### Parks and Recreation:

Muegge Farms is located within the Bennett Park and Recreation District. A regional park is planned in the northeast corner of Muegge Farms adjacent to the Muegge House Historic Site, which was given to the Town by the owners of Muegge Farms, and the Town Hall site. This accumulation of land for public use will create a large civic amenity for the residents of the Town of Bennett. In addition, taxes paid by both residential and non-residential land owners will support the recreation district's ability to provide recreational facilities for its residents.

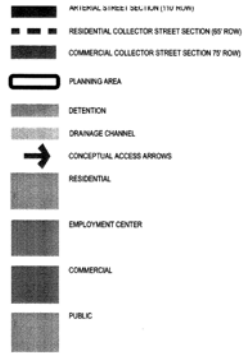
It is anticipated that pocket parks, tot lots and trail/open space corridors will be provided within the residential neighborhoods. The intent is that all homes within Muegge Farms be connected to the pocket parks, regional park, schools and commercial activities by a network of trails. Park development will keep pace with the residential development and will be indicated with each residential Final Plat and Final Development Plan.

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# OUTLINE DEVELOPMENT PLAN MUEGGE FARMS 2ND AMENDMENT TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO ZONING MAP PAGE 5 OF 10

## LEGEND



## NOTES

1. This Outline Development Plan is intended to depict general locations of road alignments and intersections, recognizing that final road alignments are subject to revision pending civil engineering construction documents.
2. Planning area boundaries shall be flexible and are a diagrammatic depiction of use areas. They may change up to 15% without an ODP Amendment so long as the maximum density defined herein is not exceeded, and the public dedication requirements are maintained.
3. Proposed streets are intended to meet the Town of Bennett Roadway Design Standards.



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OUTLINE DEVELOPMENT PLAN  
MUEGGE FARMS 2ND AMENDMENT  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
LAND USE MATRIX & STANDARDS  
PAGE 6 OF 10

MUEGGE FARMS - BENNETT, CO

MASTER PLAN DEVELOPMENT DENSITY ANALYSIS

MUEGGE FARMS	Planning Area Code	ODP Designated Use <sup>1</sup>	Gross Land Area (Acres)	Minimum Entitled Gross Density (DU/AC)	Maximum Entitled Gross Density (DU/AC)	Maximum Total # of Units <sup>2</sup>
1. Park & Recreation Areas	PK-1	Park	22.30			
	PK-2	Open Space	13.83			
2. Development Areas	PA-1	SF/ MF	62.20	2	10	
	PA-2	SF/ MF	108.80	2	10	
	PA-3	SF/ MF	31.70	2	10	
	PA-4	SF/ MF	23.10	2	20	
	PA-5	SF/ MF	41.90	2	10	
	PA-6	School	25.00			
	PA-7	SF/ MF	121.54	2	10	
	PA-8	Employment Center	102.00			
	PA-9	Commercial	33.90			
	PA-10 <sup>3</sup>	Commercial	48.10			
	PA-11(A)	Commercial	5.30			
	PA-11(B)	Commercial	2.30			
	PA-12	Town Hall	11.50			
	PA-13	School	10.00			
3. Major Roadways/ ROW			38.43			
4. Public Facilities		Part of PA-8 (Fire Station (2 Acres))				
4. Total Map Acreage (Total Figures Above)			701.90			2890 <sup>4</sup>

Land Use Summary	Acres	Percentage
Residential	389.24	55.5%
Commercial <sup>5</sup>	191.60	27.3%
Right of Way	38.43	5.5%
Proposed Open Space <sup>6</sup>	47.63	6.8%
School	35.00	5.0%
Total	701.90	100.0%

Open Space Summary	Area (in Acres)
Dent Hand Dedication <sup>7</sup>	13.00
Civic Center Park Dedication <sup>8</sup>	11.00
Well and Water Parcel Dedication <sup>9</sup>	1.34
(PK-1): Remaining Civic Center Park Dedication (Acreage includes Penrith Park dedication)	22.50
(PK-2): Open Space Area	13.83
(PA-12): Town Hall Dedication	11.50
Fire Station <sup>10</sup>	2.00
PROVIDED DEDICATION <sup>11</sup>	75.17

Non-Residential Development Summary (@ 0.35 FAR)					
EC-Employment Center - 0.35 FAR	PA-8	Employment Center	1,555,092		S.F
C-General Commercial - 0.35 FAR	PA-9	Commercial	516,839		S.F
C-General Commercial - 0.35 FAR	PA-10	Commercial	733,333		S.F
C-General Commercial - 0.35 FAR	PA-11A	Commercial	80,804		S.F
C-General Commercial - 0.35 FAR	PA-11B	Commercial	35,066		S.F
Total:			2,921,134		S.F

<sup>1</sup> PA-10 ultimate size may vary in acreage due to State Highway 79 Right-Of-Way expansion, realignment and future dedication.

<sup>2</sup> This real property was previously conveyed to the Town in partial satisfaction of the ten percent public land dedication requirement. The original Muegge Farms Outline Development Plan was approved for 1.20 acres of mixed use development of which ten percent (10%) of the general land dedication requirement equals 73 acres. Additionally, the Town has already accepted the Dent Hand Dedication, Civic Center Park, and Well and Water Parcel dedication as itemized above. Furthermore, a 2.17 acre deficit in Penrith Park's open space requirement is accounted for in Muegge Farms open space requirement which brings the total land dedication requirement to 75.17 acres.

<sup>3</sup> Permitted uses applied to this Outline Development Plan shall be those allowed in the Town of Bennett's Municipal Code for each comparable zoning district unless amended by this document.

<sup>4</sup> The total number of dwelling units approved within the established planning areas will be determined at the final development plan and final plat and shall not exceed the maximum gross density set forth in the Outline Development Plan.

<sup>5</sup> Unit counts between Planning Areas may be transferable so long as the Maximum Entitled Gross Density for each parcel is not exceeded and the Maximum Total # of Units for the project is not exceeded.

<sup>6</sup> The roadway alignment for SH 79 will be finalized at the time of development of PA-11(A) and / or PA-11(B).

<sup>7</sup> 2 Acres from PA-8 Employment Center shall be dedicated to the Town of Bennett for a future fire station as part of the fulfillment of the Towns Open Space Dedication.

BULK & DIMENSION STANDARDS

Land Use Category	Single-Family Detached		Single-Family Attached		Multi-Family <sup>1</sup>	Commercial <sup>2</sup>	Employment Center <sup>3</sup>	Open Space
	Single Lot	Clustered Lot	Two-Family Dwelling	Townhome <sup>4</sup>				
Minimum Lot Area					NA	NA	NA	NA
Front Loaded Alley Loaded	No Minimum							
Front Yard Setback (minimum) <sup>5,6,7</sup>	Front Loaded 10'	10'	15'	10'	25'	0'	50'	NA
Side Yard Setback (minimum) <sup>8</sup>	Side Loaded 12'	10'	10'	10'				
Rear Yard Setback (minimum) <sup>9,10</sup>	Front Loaded (7' on Corner Lots)	5' (10' on Corner Lots)	5' (7' on Corner Lots)	5' (7' on Corner Lots)	20'	10'	25'	
Building Separation (minimum)	Alley Loaded 4'	4'	4'	4'	4'	0'	0'	
Maximum Building Height (Principal)	35'	35'	35'	35'	40'	50'	75'	35'
Maximum Building Height (Accessory)	20'	20'	20'	20'	20'	NA	NA	NA
Off-Street Parking Requirements	2 per Dwelling Unit	2 per Dwelling Unit	2 per Dwelling Unit	2 per Dwelling Unit	1.25 per Studio, 1.5 per 1 Bedroom, 2 per 2 & 3 Bedroom	In accordance with Town of Bennett Municipal Code for specific uses	In accordance with Town of Bennett Municipal Code for specific uses	In accordance with Town of Bennett Municipal Code for specific uses

<sup>1</sup> If free single lots are created within a building, there are no setback requirements between internal units.

<sup>2</sup> Incidental architectural features such as cornices, eaves, canopies, chimneys, window wells, bay or box windows, ornamental features, and other similar architectural features may project three (3) feet into any required setback provided these projections are at least two (2) feet from any side lot line and five (5) feet from front and rear lot lines.

<sup>3</sup> Awnings, blade signs and incidental architectural features such as cornices, eaves, canopies, bay windows, and other similar architectural features may project five (5) feet into any required setback.

<sup>4</sup> Decks and patios may encroach 50% into any rear setback.

<sup>5</sup> Porches may encroach five (5) feet into any front setback provided the porch is a minimum of five (5) feet from the front lot line.

<sup>6</sup> Front loaded garages shall be setback a minimum of eighteen (18) feet.

<sup>7</sup> Whichever is greater.

Definitions

Alley Loaded - The garage is accessed from an alley instead of a street.

Building Code - The edition of the international building code adopted by the Town of Bennett and in effect at the time the building permit is requested.

Clustered Lot - A grouping of residential properties.

Front Loaded - The garage is accessed from a street or predominant R.O.W.

Stepped Massing - Architectural buildings that vertically vary, typically in a graduated sequence.

Outdoor Commercial Recreation and Entertainment - any recreational / commercial use that utilizes the outdoors as a part of its point of business, such as mini-golf.

GENERAL NOTES

1. All setbacks shall be measured in a perpendicular direction from the lot or property line to the building foundation.

2. Provisions of this Outline Development Plan shall prevail and govern the development of Muegge Farms provided, however, that where the provisions within this document do not address a particular subject, the relevant provisions in the Town of Bennett Land Use Code or Municipal Code, as applicable, shall prevail.

3. All setback encroachments shall also be subject to the regulations of the International Building Code and the International Fire Code.

MUEGGE FARMS ODP PLAN

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# OUTLINE DEVELOPMENT PLAN MUEGGE FARMS 2ND AMENDMENT TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO DEVELOPMENT USES & GUIDELINES PAGE 7 OF 10



## DEVELOPMENT STANDARDS & DESIGN GUIDELINES

The following Development Standards have been prepared to ensure a responsible site planning process which will help minimize potential land use conflicts, provide visual interest and diversity of homes, as well as enhance the small town, country character and open feeling of the Community. The standards also provide the flexibility necessary to support a range of single family-residential housing types and lot sizes, depending on market conditions at the time of development.

The Development Standards have been established for each major land use type within the Community. Projects permitted within each area and land use type shall be constructed in accordance with these Development Standards and permitted uses. These standards are considered preliminary guidelines which may require more specific information and detail at the time of Final Development Plan Review. The architectural character and intent for special/innovative residential solutions will also need to be established at Final Plan as determined by the Town. This may include prototypical site plans, and architectural character sketches and elevations.

Development Standards with respect to parking (including commercial off-street parking), sign control and landscape requirements shall be controlled by the provisions of the Town's Zoning Code and Subdivision Regulations.

## ARCHITECTURAL STANDARDS

In order to create distinctive and valued communities, each neighborhood shall contain architectural diversity, high quality and attention to design detail in accordance with The Town of Bennett architectural design guidelines and standards. The following general standards shall apply to all residential neighborhoods and become the basis for more specific architectural design as set forth in this ODP.

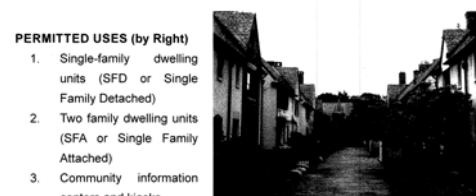
1. Varied architectural styles are encouraged within each neighborhood. (Architectural building forms and elevations shall be varied but compatible along the streetscape, simple forms are preferred over complex forms)
2. Where floor plans are offered on a repeating basis, alternate elevations shall be developed. Identical floor plans with similar exterior elevations shall not be located adjacent to one another.
3. A variety of design elements and details shall contribute to the overall character of a home's elevation and its appearance from the street, including the use of front porches and covered entries, bay and box windows, and the handling of windows and door openings.

4. Careful consideration shall be given to the massing, proportions, and the overall scale of each design. A home's mass will be "broken up" to reduce its apparent scale, provide visual interest and depth, and achieve a more articulated building form. Builders are encouraged to develop floor plans that are responsive to architectural style objectives as well as energy efficient building objectives.
5. Large, flat, unbroken building planes on the front and rear elevations shall be prohibited. Side elevations without windows shall be discouraged.
6. Size, shapes, proportions, and trim of doors and windows shall be consistent with the architectural style of the home.
7. Garage-dominated homes and streetscenes shall be avoided through various design techniques, including providing varied garage orientations, locations and setbacks, as well as recessing garages into the main plane of front facades and providing design elements to help them blend with front architecture. Innovative / traditional design solutions, such as rear-yard and rear-loaded garages shall also be encouraged.
8. Heights of architecture should vary to create a more inviting residential streetscape and to accommodate a pedestrian scale.



## (SF) SINGLE-FAMILY RESIDENTIAL INTENT

To provide for a variety of residential development of single-family homes on a mix of single-family lot types, including the potential for attached homes. Special residential housing types and lot configurations, including but not limited to, rear-load homes with alley access, will be allowed if consistent with the intent, standards, and residential character of this section.



## PERMITTED USES (by Right)

1. Single-family dwelling units (SFD or Single Family Detached)
2. Two family dwelling units (SFA or Single Family Attached)
3. Community information centers and kiosks
4. Accessory structures and uses (see below)
5. Public and private open space and recreational facilities
6. Signage (including project identification signs and monuments)-subject to the sign standards and permit requirements in the Bennett Municipal Code.
7. Utilities and appurtenant facilities
8. Roads and parking
9. Consideration may be given to shared parking where appropriate in accordance with the Bennett Municipal Code requirements for parking regulations.
10. Drainage and detention/infiltration facilities
11. Elementary or secondary education school
12. Religious institutions
13. Group home for the elderly
14. Manufactured homes
15. Home occupations per Bennett Municipal Code.
16. All uses specified within the Residential zone districts R-1 and R-2 that are residentially compatible within the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.

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# OUTLINE DEVELOPMENT PLAN MUEGGE FARMS 2ND AMENDMENT TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO DEVELOPMENT USES & GUIDELINES PAGE 8 OF 10

## CONDITIONAL USES

(Conditional uses will be reviewed and processed in accordance with the Bennett Municipal Code)

1. Child care centers
2. Public and quasi-public facilities (such as, but not limited to clubs and/or lodges, community gardens, religious institutions, and fire stations)
3. Institutional facilities



4. Special community buildings/facilities
5. Cemetery
6. Assisted living/ nursing
7. All conditional uses within the Residential zone districts R-1 and R-2 in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.



## TEMPORARY USES

(Temporary uses will be reviewed and processed in accordance with the Bennett Municipal Code)

1. Show home complexes and/or residential sales offices
2. Temporary construction yards and structures
3. All temporary uses specified within the Residential zone districts R-1 and R-2 in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.

## (MF) MULTI-FAMILY RESIDENTIAL INTENT

Multi-family home parcels are much like small villages or communities. Each parcel must be designed for compatibility within itself, using a blend of building types, compatible architectural styles, and a tastefully balanced palette of colors and materials to achieve a restful dynamic within each parcel.

Site planning for the following general concepts should be considered when planning for

and designing attached and multi-family housing.

1. Emphasize pedestrian access and connections to public sidewalks, trails, and open space systems when preparing site plans.
2. Keep parking internal to the project and not along streets, except for guest parking.
3. Solid walls/fences at the project periphery are to be set back five (5') feet or more behind the front facade, and are to be minimized as much as possible.
4. Each multi-family project within Muegge Farms shall be required to provide at least one amenity to serve as a focal point for that area. This amenity may be a playground, a community building, a pool, a sport court, or a playfield.

Similar to single family neighborhoods, multi-family neighborhoods shall include diversity in architecture to create interesting and attractive streetscenes. To this end, each multi-family neighborhood should provide the following:

1. At least two (2) different elevation styles for projects containing three or more of the same building type.
2. A minimum of two (2) individual unit plans per building.
3. Minimize blank, singular planes oriented toward public views. Provide some architectural elements on all sides of the building.
4. Consider intended architectural styles in conjunction with the development of building plans, massing forms, elements, details, and color.
5. Design buildings to define outdoor spaces, with floor plans that have a logical and functional relationship between indoor and outdoor spaces.
6. Provide front porches and balconies where style-appropriate and when possible for stepped massing.
7. Vary setbacks on building elements.

## PERMITTED USES (by Right)

1. Single-family dwelling units (SFD or Single Family Detached)
2. Two family dwelling units (SFA or Single Family Attached)
3. Multi-family dwelling units (including townhomes)
4. Rooming, lodging or boarding houses
5. Community information centers and kiosks
6. Accessory structures and uses (see below)
7. Public and private open space and recreational facilities
8. Signage (including project identification signs and monuments)-subject to the sign permit requirements in the Bennett Municipal Code.
9. Utilities and appurtenant facilities
10. Roads and parking
11. Consideration may be given to shared parking where appropriate in accordance with the Bennett Municipal Code requirements for parking regulations.
12. Drainage and detention/infiltration facilities
13. Elementary or secondary education school
14. Religious institutions
15. Group home for the elderly
16. Manufactured homes
17. Home occupations
18. All uses specified within the R-3 zone district in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.

## CONDITIONAL USES

(Conditional uses will be reviewed and processed in accordance with the Bennett



Municipal Code)

1. Child care centers
2. Public and quasi-public facilities (such as, but not limited to fire and police stations and clubs and/or lodges, events center, community gardens, religious institutions)
3. Institutional facilities
4. Special community buildings / facilities
5. Cemetery
6. Assisted living/ nursing
7. All uses specified within the Residential zone districts R-1, R-2 and R-3 in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.



## COMMERCIAL INTENT

To provide a broad range of retail goods and services, business, and professional services which can support local and regional uses, and complementary public community services and facilities.

## PERMITTED USES (BY RIGHT)

1. Commercial retail sales
2. Commercial services
3. Food and beverage service (including bars, taverns, restaurants, fast food, nightclub)
4. Financial institutions
5. Day care centers
6. Indoor and outdoor commercial recreation and entertainment
7. Professional and medical offices
8. Printing and publishing offices
9. Public and quasi-public facilities (such as, but not limited to fire and police

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- stations)
- Public and private membership clubs
  - Institutional and special community facilities and events (including educational facilities and churches)
  - Common areas and open space
  - Community information centers and kiosks
  - Accessory structures and uses (see below)
  - Signage (including project identification signs and monuments)-subject to the sign permit requirements in the Bennett Municipal Code.



- Utilities and appurtenant facilities
- Roads and parking
- Consideration may be given to shared parking where appropriate in accordance with the Bennett Municipal Code requirements for parking regulations.
- Drainage and detention/infiltration facilities
- All uses specified within the C zone district in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.



## CONDITIONAL USES

(Conditional uses will be reviewed and processed in accordance with the Bennett Municipal Code)

- Restaurants with drive-thru facilities or breweries
- Commercial storage areas (screened by solid fence or wall at least six feet in height)
- All conditional uses within the C zone district in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.
- Fire Stations

## TEMPORARY USES

(Temporary uses will be reviewed and processed in accordance with the Bennett Municipal Code)

- Temporary construction yards and structures.
- All temporary uses specified within the C zone district in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.

## EMPLOYMENT CENTER INTENT

To provide a range of commercial and industrial uses near Interstate 70 which can support local and regional uses.

### PERMITTED USES (by Right)

- Educational facilities (including business, trade, vocation, post-secondary and university)
- Professional and medical laboratories
- Professional and medical offices and facilities (including hospitals)



- Light trade and technical uses
- General research and development
- Warehousing and distribution
- Wholesale establishments (including accessory offices)
- Institutional and special community facilities and events
- Public and quasi-public facilities (such as libraries, museums, religious institutions, events center)
- Common areas and open space
- Commercial retail (< 5,000 sq. ft.)
- Commercial recreation
- Financial institutions
- Repair facilities (including but not limited to auto, furniture, major household appliances)
- Signage, (including project identification signs and monuments)-subject to the sign permit requirements in the Bennett Municipal Code.
- Utilities and appurtenant facilities
- Roads and parking

- Consideration may be given to shared parking where appropriate in accordance with the Bennett Municipal Code requirements for parking regulations.
- Drainage and detention/infiltration facilities
- All uses specified within the EC zone district in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.

## CONDITIONAL USES

(Conditional uses will be reviewed and processed in accordance with the Bennett Municipal Code)

- Manufacturing, assembly, finishing or fabrication fully enclosed in a structure.
- Outdoor material supply or storage (screened by solid fence or wall at least six feet in height).
- All conditional uses within the EC zone district in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.
- Fire Stations

## OPEN SPACE INTENT & GUIDELINES

To provide active and passive open space uses, including potential recreational facilities, to serve the residents of the Town of Bennett.

### PERMITTED USES (by Right)

- Active public and private recreational uses, including but not limited to ballfields,



- playgrounds, swimming pools, and court games.
- Passive public and private recreational uses, including but not limited to picnic grounds, native, naturalized or landscaped fields, and visual buffer open space.
- Public Recreation Buildings
- Community Information/Sales Centers
- Picnic Pavilions and Shelters
- Public and quasi-public facilities (such as, but not limited to community gardens and cemetery)
- Riding, hiking, and biking trails
- Accessory structures and uses
- Temporary construction yards and structures
- Signage, (including project identification signs and monuments)-subject to the sign permit requirements in the Bennett

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## Municipal Code.

11. Utilities and appurtenant facilities
12. Roads and parking
13. Consideration may be given to shared parking where appropriate in accordance with the Bennett Municipal Code requirements for parking regulations.
14. Drainage and detention/infiltration facilities
15. All uses specified within this zone district in the Town of Bennett's Municipal Code or any other uses consistent with this section as determined by the Zoning Administrator shall be permitted.

## TEMPORARY USES

(Temporary uses will be reviewed and processed in accordance with the Bennett Municipal Code)

1. Special community events
2. All uses specified within the Open Space Intent and Guidelines consistent with this section as determined by the Zoning Administrator shall be permitted.
3. Real estate sales offices are not to exceed a 60 month time period with two (2) renewals of temporary use.

## DETENTION / INFILTRATION AREAS AND DRAINAGE CHANNELS

The landscape for detention/infiltration areas and drainage channels will be designed in a manner that will reinforce the character of the Town of Bennett and the high plains prairie, as well as provide the greatest benefit to the community. All detention/infiltration areas and related conveyance facilities shall strive for a natural vs. an "engineered" look. The designs shall strive to create a landscape concept for detention/infiltration areas, and drainage channels that will be aesthetically pleasing as well as environmentally responsible in terms of water use. It is considered beneficial to allow for passive recreational activities near detention/infiltration areas.

1. Detention/infiltration facilities, manmade drainage channels other than those through residential front or side yards, and disturbed drainage channels, shall be planted with drought tolerant native grasses and plant materials. Front and side yard residential drainages shall be planted to match the front or side yard of the residence. Natural drainage channels containing existing vegetation and non-irrigated native grasses are exempt. Detention/infiltration areas or drainage channels shall be designed to blend with adjacent areas.
2. Natural drainage corridors containing existing native grasses and established vegetation may be supplemented with native trees, shrubs and ornamental grasses that could enhance wildlife habitat and the pedestrian environment. Areas of disturbance within the natural drainage corridors shall be re-vegetated with native plant materials.
3. Consideration should be given to locating pedestrian focal points along drainages



## including overlooks, and seating areas.

4. Plant materials should be used to strengthen the edge of drainage ways.
5. Landscape adjacent to drainage ways should be naturalistic and include riparian vegetation.

## ACCESSORY STRUCTURES AND USES INTENT

To provide Development Standards applicable to all land use areas within the planned development (exclusive of Open Space areas). Accessory Structures or Uses shall refer to detached, subordinate buildings or structures, the use of which is customarily incidental to that of the principal building or to the main use of the land and which is located on the same lot with the main building or use.

1. Private parking garages (attached or detached from single-family homes)
2. Service structures (utility/storage, garden sheds and greenhouses)
3. Patio/privacy enclosures and walls
4. Patio shade structures and gazebos

## ACCESSORY STRUCTURES DEVELOPMENT GUIDELINES

1. Permitted accessory uses shall conform to the setbacks and height restrictions outlined in the Bulk and Dimensions Standards Matrix.
2. Maximum number of accessory structures = 1 per lot as a use by right (with the exception of detached garages). Any additional structure would need to be submitted to the Governing Design Review Committee (which could be a Homeowner's Association or Metropolitan District), for review and approval.
3. Detached parking garages shall be architecturally compatible with the main building or house, including similar design styles, details, materials, and color.
4. Service structures, such as garden sheds, utility storage and greenhouses, are only permitted if attached to the main structure and successfully integrated into the residential architecture or detached if approved by Governing Design Review Committee.
5. Patio shade structures and gazebos should be compatible with the architectural styles of their related homes.
6. Patio/privacy enclosures and walls should be architecturally compatible and reflect details and materials consistent with the residential buildings they serve.

## LANDSCAPE DESIGN GUIDELINES

In general, landscaped areas should help to reinforce the character and identity of the community. These areas help promote community health and mental well-being and every effort should be made to incorporate a variety and abundance of plant material. The following principles should be used when planning and designing landscaped areas:



1. Where possible layers of vegetation should be used to help define spaces (large trees, understory trees, shrubs, herbaceous plants, grass)
2. Use tree species that provide shade, color and variety
3. Use a diversity of species to limit loss from disease and insects
4. Use native and drought tolerant species when possible
5. Water intensive plantings, such as turf, should be restricted to active areas and used sparingly in other cases.
6. Irrigation systems that conserve water are encouraged

A list of suggested plant species can be found in the Town of Bennett's Development Design Guidelines.

## RESIDENTIAL STREET DESIGN CONCEPT AND GUIDELINES

Residential streets contribute significantly to neighborhood quality. Street network will include a hierarchy of streets that reflect the different residential densities and traffic conditions within the community. The proposed street system is designed to provide a tree-lined streetscape, characteristic of traditional neighborhoods. This concept incorporates street sections in compliance with the Town of Bennett Road Design Standards with tree lawns where appropriate, and attached walks as an alternative, with both formal and informal street-tree plantings to enhance neighborhood quality, safety, livability and value.

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## **8. Traffic Impact Analysis**



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)

May 19, 2022

Mr. John Vitella  
MGV Investments, LLC  
P.O. Box 4701  
Englewood, CO 80155

Re: Muegge Farms  
Filings 5 & 6  
Bennett, CO  
LSC #170936

Dear Mr. Vitella:

Per your request, we have completed this compliance letter for the Muegge Farms Filings 5 & 6 development in Bennett, Colorado. The purpose of this letter is to show compliance with the January, 2019 *Muegge Farms Master Traffic Impact Analysis* (2019 MTIA) by LSC and the June, 2020 *Muegge Farms Filing 4 Traffic Memorandum* (2020 Memo) by LSC.

Planning Areas 3, 4, and 5 in the 2019 MTIA included 847 dwelling units (Table 2 from the 2019 MTIA is attached). The currently proposed land use for Filings 5 and 6 is 220 dwelling units. Filing 4 in the 2020 Memo assumed 366 dwelling units (Table 1 from the 2020 Memo is attached) for a total of 586 dwelling units. This is well below the assumed land use in the prior studies so no additional analysis should be needed.

Table 1 shows the considerable reduction in the trip generation potential for the Muegge Farms area identified as PA 3, PA 4, and PA 5.

#### **TURN LANE RECOMMENDATIONS**

The attached site plan shows the lengths for the future turn lanes recommended adjacent to Filings 5 and 6.

\* \* \* \* \*

We trust our findings will assist you in gaining approval of the proposed Muegge Farms Filings 5 and 6 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

*5-19-22*

Enclosures: Table 2 from 2019 MTIA  
Table 1 from 2020 Memo  
Table 1  
Site Plan with Turn Lane Detail

W:\LSC\Projects\2017\170936-MueggeFarmsFilings5&6-2022\Report\MueggeFarms-Filing5&6-Compliance-051922.wpd

Table 2 Trip Generation Estimate Muegge Farms																
Phase	Planning Area	Land Use Description	Area	Density (DU/Acre) or F.A.R.	Trip Generation Units	Trip Generation Rates <sup>(1)</sup>					Total Trips Generated					
						Average Weekday Traffic	Morning Peak Hour		Afternoon Peak Hour		Average Weekday Traffic	Morning Peak Hour		Afternoon Peak Hour		
Residential Land Uses																
1	3, 4 & 5	Residential SF/MF <sup>(2)</sup>	96.7	6-20	847 DU <sup>(3)</sup>	9.44	0.19	0.56	0.62	0.37	7,996	157	470	528	310	
2	2	Residential SF/MF	108.8	4-10	1009 DU	9.44	0.19	0.56	0.62	0.37	9,525	187	560	629	370	
Total Phases 1 & 2					1,856 DU						17,521	343	1,029	1,158	680	
3	1	Residential SF/MF	62.2	4-10	276 DU	9.44	0.19	0.56	0.62	0.37	2,605	51	153	172	101	
Total Phases 1-3					2,132 DU						20,126	394	1,182	1,330	781	
4	7	Residential SF/MF	121.54	4-10	668 DU	9.44	0.19	0.56	0.62	0.37	6,306	124	371	417	245	
Total Phases 1-4 (Buildout of Residential)					2,800 DU						26,432	518	1,553	1,747	1,026	
Non-Residential Land Uses																
---	6	School Site	Elementary School <sup>(4)</sup>	25	---	328 Students	1.89	0.36	0.31	0.08	0.09	620	119	101	27	29
			Middle School <sup>(5)</sup>	---	---	318 Students	2.13	0.31	0.27	0.08	0.09	677	100	85	26	28
---	13	School Site	Elementary School	10	---	327 Students	1.89	0.36	0.31	0.08	0.09	618	118	101	27	29
---	8	Employment Center <sup>(6)</sup>	General Office Building	100	0.35	762 KSF <sup>(7)</sup>	9.79	0.82	0.13	0.16	0.52	7,466	628	102	122	395
			Warehousing			762 KSF	1.64	0.12	0.04	0.04	0.11	1,250	90	27	32	87
---	9	Commercial <sup>(8)</sup>	Shopping Center	33.9	0.35	258 KSF	32.51	0.45	0.27	1.58	1.71	8,401	116	71	409	443
			General Office Building			258 KSF	9.79	0.82	0.13	0.16	0.52	2,531	213	35	41	134
---	10	Commercial	Shopping Center	48.1	0.35	367 KSF	32.51	0.45	0.27	1.58	1.71	11,920	164	101	580	629
			General Office Building			367 KSF	9.79	0.82	0.13	0.16	0.52	3,591	302	49	58	190
---	11A	Commercial	Shopping Center	5.3	0.35	40 KSF	32.51	0.45	0.27	1.58	1.71	1,313	18	11	64	69
			General Office Building			40 KSF	9.79	0.82	0.13	0.16	0.52	396	33	5	6	21
---	11B	Commercial	Shopping Center	2.3	0.35	18 KSF	32.51	0.45	0.27	1.58	1.71	570	8	5	28	30
			General Office Building			18 KSF	9.79	0.82	0.13	0.16	0.52	172	14	2	3	9
---	12	Town Hall <sup>(9)</sup>		12.5	0.2	109 KSF	33.98	1.90	0.23	0.87	1.95	3,704	207	26	95	212
Total											69,661	2,649	2,275	3,264	3,331	
Internal Trips																
School to Residential <sup>(10)</sup>											958	168	143	40	43	
Residential to School											958	143	168	43	40	
Office/Warehouse to Residential <sup>(11)</sup>											382	30	6	8	21	
Residential to Office/Warehouse											382	6	30	21	8	
Retail to Residential <sup>(12)</sup>											444	6	4	22	23	
Residential to Retail											444	4	6	23	22	
Retail to Office/Warehouse <sup>(12)</sup>											1,110	15	9	54	59	
Office/Warehouse to Retail											1,110	9	15	59	54	
Total Internal Trips											5,788	381	381	270	270	
Pass-By Trips <sup>(13)</sup>																
											7,021	79	79	356	356	
Primary Trips																
											56,852	2,189	1,815	2,638	2,705	
Notes: (1) Source: "Trip Generation, 10th Edition, 2017" by the Institute of Transportation Engineers (ITE) (2) ITE Land Use No. 210 Single Family Detached Housing (3) DU = dwelling unit (4) ITE Land Use No. 520 Elementary School (5) ITE Land Use No. 520 Middle School/Junior High School (6) The "Employment Center" was assumed to be developed with 50% ITE Land Use No. 710 General Office Building and 50% ITE Land Use No. 150 Warehousing (7) KSF = one thousand square feet of floor space (8) The "Commercial" areas were assumed to be developed with 50% ITE Land Use No. 820 Shopping Center and 50% ITE Land Use No. 710 General Office Building (9) ITE Land Use No. 733 Government Office Complex (10) 50% of the school trips were assumed to be internal to the site. The school internal trips were balanced with trips to and from the residential areas. (11) 2% of the office and warehouse trips were assumed to be internal to the site. The internal office and warehouse trips were balanced with trips to and from the residential areas. (12) 7% of the retail trips were assumed to be internal to the site. About 2% of the internal retail trips were balanced with trips to and from the residential areas and 5% were balanced with trips to and from the office and warehouse areas. (13) 34% of the Shopping Center trips were assumed to be pass-by trips based on the percentages shown in the Trip Generation Handbook - An ITE Proposed Recommended Practice, Third Edition 2014 by ITE Source: LSC Transportation Consultants, Inc.																



**Table 1**  
**ESTIMATED TRAFFIC GENERATION**  
**Muegge Farms Filing 4**  
**Bennett, CO**  
**LSC #170933; June, 2020**

Trip Generating Category	Quantity	Trip Generation Rates <sup>(1)</sup>					Vehicle-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
CURRENTLY PROPOSED LAND USE											
Phase 1											
Single-Family Housing <sup>(2)</sup>	100 DU <sup>(3)</sup>	9.44	0.185	0.555	0.624	0.366	944	19	55	62	37
Phase 2											
Single-Family Housing <sup>(2)</sup>	42 DU <sup>(3)</sup>	9.44	0.185	0.555	0.624	0.366	396	8	23	26	15
Sub-Total Phase 1 & 2 =							1,340	27	78	88	52
Phase 3											
Single-Family Housing <sup>(2)</sup>	100 DU <sup>(3)</sup>	9.44	0.185	0.555	0.624	0.366	944	19	55	62	37
Sub-Total Phases 1 - 3 =							2,284	46	133	150	89
Phase 4											
Single-Family Housing <sup>(2)</sup>	124 DU <sup>(3)</sup>	9.44	0.185	0.555	0.624	0.366	1,171	23	69	77	45
Total Phases 1 - 4 =							3,455	69	202	227	134

Notes:

(1) Source: *Trip Generation*, Institute of Transportation Engineers, 10th Edition, 2017.

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

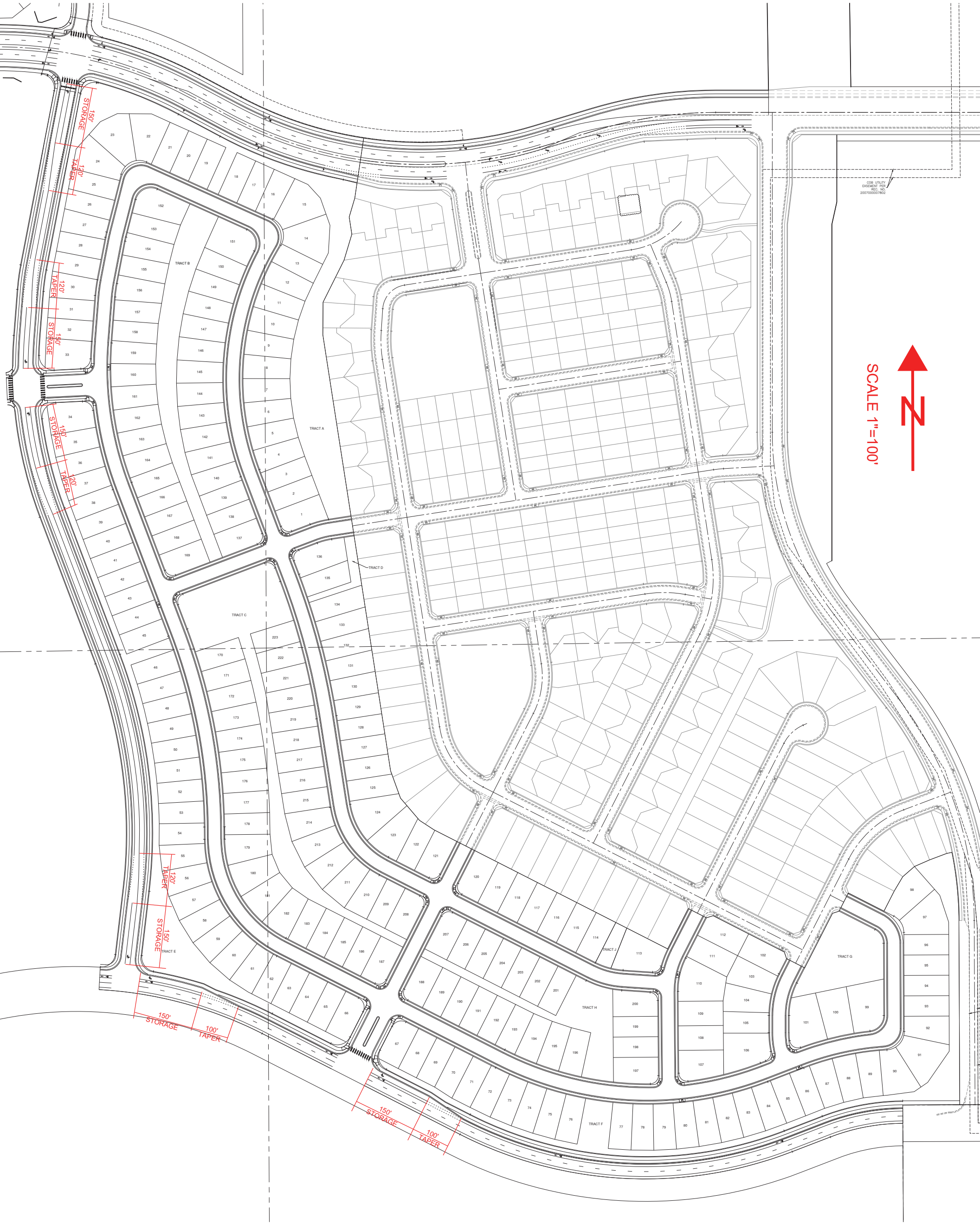
(3) DU = Dwelling Units

**Table 1**  
**ESTIMATED TRAFFIC GENERATION**  
**Muegge Farms Filings 5 & 6**  
**Bennett, CO**  
**LSC #170936; May, 2022**

Trip Generating Category	Quantity	Trip Generation Rates <sup>(1)</sup>						Vehicle - Trips Generated				
		Average Weekday	AM Peak Hour		PM Peak Hour		Average Weekday	AM Peak Hour		PM Peak Hour		
			In	Out	In	Out		In	Out	In	Out	
<b>Previously Approved Land Use (January 23, 2019 <i>Muegge Farms Master TIA</i> by LSC)</b>												
<u>PA 3, PA 4 &amp; PA 5</u>												
Single Family Detached <sup>(2)</sup>	847 DU <sup>(3)</sup>	9.44	0.185	0.555	0.624	0.366	7,996	157	470	528	310	
<b>Currently Proposed Land Use</b>												
<u>Filing 4 (June, 2020 Muegge Farms Filing 4 TIA by LSC)</u>												
Single Family Detached <sup>(2)</sup>	366 DU	9.43	0.182	0.518	0.592	0.348	3,451	67	190	217	127	
<u>Filings 5 &amp; 6</u>												
Single Family Detached <sup>(2)</sup>	220 DU	9.43	0.182	0.518	0.592	0.348	2,075	40	114	130	77	
<b>Total =</b>							<b>5,526</b>	<b>107</b>	<b>304</b>	<b>347</b>	<b>204</b>	
<b>Net Increase =</b>							<b>-2,470</b>	<b>-50</b>	<b>-166</b>	<b>-181</b>	<b>-106</b>	
								<b>AM = -216</b>		<b>PM = -287</b>		

**Notes:**

- (1) Source: *Trip Generation*, Institute of Transportation Engineers (ITE), 10th Edition, 2017 for previously approved land use and 11th Edition, 2021 for currently proposed land use
- (2) ITE Land Use No. 210 - Single-Family Detached Housing
- (3) DU = Dwelling Unit



028 UTILITY  
EASEMENT PER  
REC. NO.  
200700007802

SCALE 1"=100'



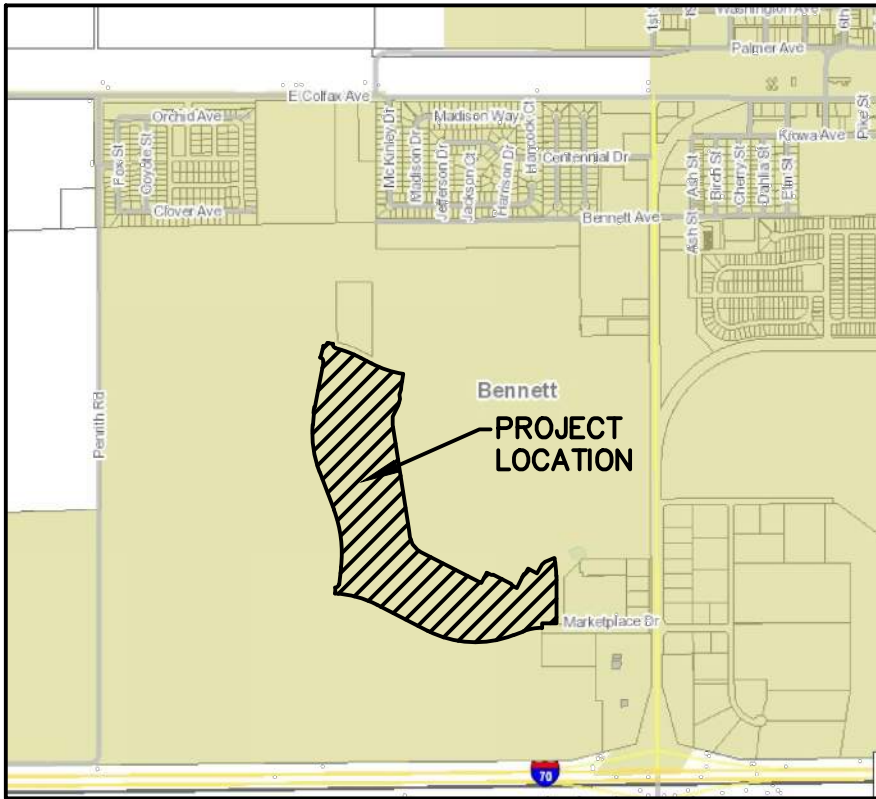


# MUEGGE FARMS FILING 5 & 6

## SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO

TOTAL AREA = 2,554,835 SQ. FT. OR 58.651 ACRES MORE OR LESS



VICINITY MAP  
(N.T.S.)

The Town prefers parks, open space and drainage areas be owned and maintained by the metro district. HOA have trouble funding property maintenance. Let's discuss.

LAND USE		
COVERAGE	AREA (ACRES)	PERCENT TOTAL
SINGLE FAMILY DETACHED RESIDENTIAL LOTS (223)	31.7039	53.34%
PROPOSED RIGHT-OF-WAY	18.1752	19.21%
DETENTION/PARK/OPEN SPACE TRACTS (9)	8.8604	27.45%
OVERALL SITE AREA	58.651	100.00%
LARGEST LOT	9732 SF	
SMALLEST LOT	5500 SF	
AVERAGE LOT	6193 SF	

TRACT SUMMARY				
TRACT	AREA (ACRES)	USE	OWNER	MAINTENANCE
A	2.2372	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
B	1.0106	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
C	1.5493	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
D	0.1098	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
E	1.2610	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
F	1.2624	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT
G	0.6671	OPEN SPACE & PARK	HOA/METRO DISTRICT	HOA/METRO DISTRICT
H	0.6755	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT
J	0.0875	OPEN SPACE, PARK & UTILITIES	HOA/METRO DISTRICT	HOA/METRO DISTRICT

### SHEET INDEX

1	COVER SHEET
2	OVERALL SITE PLAN
3-6	PLAT SHEETS
7-10	GRADING & DRAINAGE PLAN
11-14	UTILITY PLAN
15	TRAILS AND SIDEWALK PLAN

### LEGAL DESCRIPTION CONT'D

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 20°49'05" (THE CHORD OF WHICH BEARS S79°20'27"W, 180.67 FEET), 181.67 FEET; THENCE S68°55'55"W, 100.00 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,000.00 FEET AND A CENTRAL ANGLE OF 48°04'43", 839.13 FEET; THENCE N62°59'22"W, 544.10 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1,000.00 FEET AND A CENTRAL ANGLE OF 23°52'31", 416.70 FEET; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE N03°08'06"E, A DISTANCE OF 55.00 FEET TO A POINT ON A CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 86°26'59" (THE CHORD OF WHICH BEARS N49°54'37"E, 47.94 FEET), 52.81 FEET; THENCE N06°41'08"E, 163.63 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1,167.50 FEET AND A CENTRAL ANGLE OF 27°26'26", 559.15 FEET; THENCE N20°45'18"W, 34.73 FEET TO THE POINT OF BEGINNING, CONTAINING 2,554,835 SQUARE FEET OR 58.651 ACRES, MORE OR LESS.

PERIMETER = 9,807.9303 FEET, PRECISION RATIO = 1:1,407,635  
CLOSING COURSE = S72°46'21"E, 0.0070 FEET

PURPOSE: THE PROPOSED SKETCH PLAN, OUTLINED IN THIS SUBMITTAL, IS TO PROVIDE THE TOWN OF BENNETT A SITE PLAN FOR THE 58.7 ACRE THAT DEFINES FILING 5 & 6 PARCEL, WHICH IS A PORTION OF LAND WITHIN THE OVERALL APPROXIMATE 702 ACRE MUEGGE FARMS DEVELOPMENT. THE SITE PLAN, LOCATED IN THE EASTERN BOUNDARY OF THE OVERALL MUEGGE FARMS DEVELOPMENT, WILL PROVIDE 223 SINGLE FAMILY RESIDENTIAL FAMILY HOMES APPROXIMATELY 5500 SQUARE FEET IN SIZE, TWO STRATEGICALLY PLACED POCKET PARKS, AND A TRAIL CORRIDOR TO BRING CONNECTION TO THE GROWING COMMUNITY OF THE TOWN OF BENNETT.

VESTED PROPERTY RIGHT NOTE: COMMENTS MADE BY THE TOWN DURING THE SKETCH PLAN REVIEW SHALL NOT BE BINDING ON THE TOWN'S CONSIDERATION OF ANY SUBSEQUENT FINAL PLAT APPLICATION OR RESULT IN A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 1, DIVISION 5 OF CHAPTER 16 OF THE BENNETT MUNICIPAL CODE OR STATE STATUTE.

PARKS AND SCHOOL DEDICATION NOTE: THE ORIGINAL MUEGGE FARMS OUTLINE DEVELOPMENT PLAN WAS APPROVED FOR 730 ACRES OF MIXED USE DEVELOPMENT OF WHICH TEN PERCENT (10%) OF THE GENERAL LAND DEDICATION REQUIREMENT EQUALS 73 ACRES. ADDITIONALLY, THE TOWN HAS ALREADY ACCEPTED THE DENT HAND DEDICATION, CIVIC PARK DEDICATION, WELL AND WATER DEDICATION, FILING NO. 4 PARK DEDICATION, AND WATER CAMPUS DEDICATION AS ITEMIZED ABOVE. FURTHERMORE, A 2.17 ACRE DEFICIT IN PENRITH PARK'S OPEN SPACE REQUIREMENT IS ACCOUNTED FOR IN MUEGGE FARMS OPEN SPACE REQUIREMENT WHICH BRINGS THE TOTAL LAND DEDICATION REQUIREMENT TO 75.17 ACRES.

PER THE APPROVED MUEGGE FARMS OUTLINE DEVELOPMENT PLAN, 25 ACRES OF SCHOOL SITE HAS BEEN DEDICATED IN PA-6 AND 10 ACRES OF SCHOOL SITE HAS BEEN DEDICATED IN PA-13.

Not true, only about 4.5 acres have actually been dedicated to school district. Let's talk about when the remainder of the PA-6 school site gets dedicated.

Remove this signature block on all sheets. Sketch plans are not reviewed or approved by Town Board. Only reviewed (not approved) by P&Z.

**BENCHMARK**  
NGS STATION B 374 (PID KK0053)  
  
BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.  
  
ELEVATION = 5522 FEET (NAVD 88 DATUM)

<b>TOWN APPROVAL BLOCK</b> APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE _____ DAY OF _____, 20____ BY ORDINANCE NO. _____.	
MAYOR _____	ATTEST: TOWN CLERK _____
CASE NUMBER: _____	

### LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 33; THENCE ALONG THE EAST-WEST CENTERLINE OF SAID SECTION S89°11'02"W, 431.35 FEET TO THE POINT OF BEGINNING;

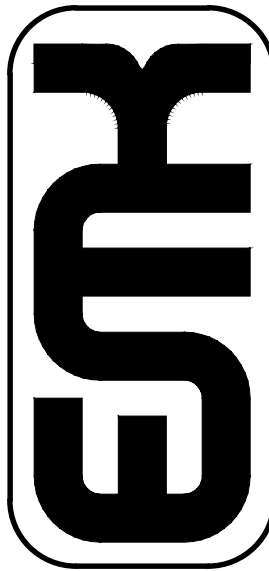
THENCE N20°45'18"W, 349.16 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,032.50 FEET AND A CENTRAL ANGLE OF 25°09'49", 453.46 FEET;  
THENCE N04°24'30"E, 112.97 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 532.50 FEET AND A CENTRAL ANGLE OF 06°31'19", 60.61 FEET;  
THENCE N10°55'49"E, 434.28 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 94°16'39", 57.59 FEET;  
THENCE ALONG A LINE NON-TANGENT TO SAID CURVE N15°40'28"E, A DISTANCE OF 116.28 FEET TO A POINT ON A CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 86°47'56" (THE CHORD OF WHICH BEARS N54°14'37"E, 48.10 FEET), 53.02 FEET;  
THENCE ALONG A LINE NON-TANGENT TO SAID CURVE S79°06'53"E, A DISTANCE OF 52.50 FEET TO A POINT ON A CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 86°46'05" (THE CHORD OF WHICH BEARS S32°31'48"E, 48.08 FEET), 53.00 FEET TO A POINT OF REVERSE CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,055.00 FEET AND A CENTRAL ANGLE OF 13°54'59", 256.25 FEET;  
THENCE S61°59'52"E, 115.35 FEET TO A POINT OF CURVE;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 945.00 FEET AND A CENTRAL ANGLE OF 19°17'08", 318.08 FEET TO THE NORTHWESTERLY CORNER OF CIVIC CENTER DRIVE AS SHOWN ON MUEGGE FARMS FILING NO. 4 FINAL PLAT AS RECORDED AT RECEPTION NO. 2021000017127 OF SAID ADAMS COUNTY RECORDS;

THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARY OF SAID MUEGGE FARMS FILING NO. 4 THE FOLLOWING 35 COURSES:

1. ALONG A LINE NON-TANGENT TO SAID CURVE S08°26'35"W, A DISTANCE OF 112.58 FEET;
2. S08°32'42"W, 37.25 FEET;
3. S16°33'10"W, 48.28 FEET;
4. S08°50'00"E, 42.68 FEET;
5. S16°40'28"W, 66.48 FEET;
6. S26°36'18"W, 114.95 FEET;
7. S00°17'37"W, 80.21 FEET;
8. S08°50'00"E, 1,011.30 FEET;
9. S08°51'07"E, 68.92 FEET;
10. S19°57'27"E, 71.26 FEET;
11. S40°31'03"E, 71.51 FEET;
12. S56°54'09"E, 42.42 FEET;
13. S62°59'22"E, 499.89 FEET;
14. S27°00'38"W, 110.00 FEET TO A POINT ON A CURVE;
15. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A CENTRAL ANGLE OF 13°12'49" (THE CHORD OF WHICH BEARS S69°35'46"E, 40.27 FEET), 40.36 FEET;
16. ALONG A LINE NON-TANGENT TO SAID CURVE N21°35'17"E, A DISTANCE OF 105.84 FEET;
17. S62°59'22"E, 112.50 FEET;
18. N27°00'38"E, 110.98 FEET;
19. S62°59'28"E, 50.00 FEET;
20. N72°00'41"E, 17.00 FEET;
21. S62°59'22"E, 195.96 FEET;
22. S17°58'53"E, 16.97 FEET;
23. S62°59'22"E, 50.02 FEET;
24. N27°00'38"E, 149.98 FEET;
25. N72°00'38"E, 16.97 FEET;
26. N27°00'38"E, 50.00 FEET;
27. S62°59'22"E, 98.00 FEET;
28. N27°00'38"E, 55.00 FEET;
29. N30°39'38"E, 41.14 FEET;
30. N48°48'56"E, 37.99 FEET;
31. N66°21'33"E, 40.38 FEET;
32. N69°22'09"E, 45.00 FEET;
33. N78°34'45"E, 12.98 FEET TO A POINT THE EAST RIGHT-OF-WAY LINE OF MUEGGE STREET ON A CURVE;
34. ALONG SAID EASTERLY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 862.50 FEET AND A CENTRAL ANGLE OF 11°10'15" (THE CHORD OF WHICH BEARS S05°50'07"E, 167.89 FEET), 168.16 FEET;
35. CONTINUING ALONG SAID LINE S00°15'00"E, 451.05 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MARKETPLACE DRIVE AS RECORDED AT RECEPTION NO 2014000011818 OF SAID ADAMS COUNTY RECORDS;

THENCE ALONG SAID LINE S89°45'00"W, 139.44 FEET;  
THENCE ALONG THE WEST LINE OF SAID RIGHT-OF-WAY LINE S00°15'00"E, 45.00 FEET TO A POINT ON A CURVE;

EMK CONSULTANTS, INC.  
LAND DEVELOPMENT  
ENGINEERING & SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520  
www.EMKC.com



### REVISIONS

NO.	DESCRIPTION	DATE	BY

DESIGNED BY: <i>GAW</i>	DRAWN BY: <i>DLL</i>	CHECKED BY: <i>GAW</i>	APPROVED BY: <i>ERM</i>
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MUEGGE FARMS-FILING 5 & 6

COVER SHEET

DATE: 05/19/2022

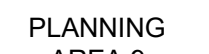
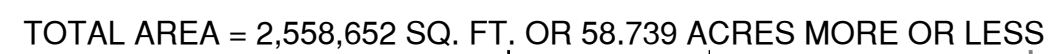
JOB NO: 13301.16

SCALE  
HORIZONTAL: N/A VERTICAL: N/A

1 of 15



A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO



**EMK CONSULTANTS, INC.**  
LAND DEVELOPMENT  
**ENGINEERING SURVEYING**  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520 [www.EMKC.com](http://www.EMKC.com)

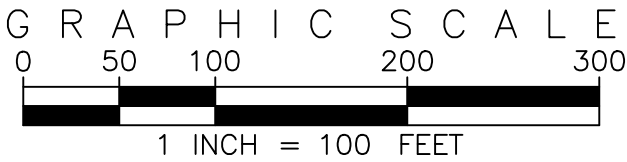
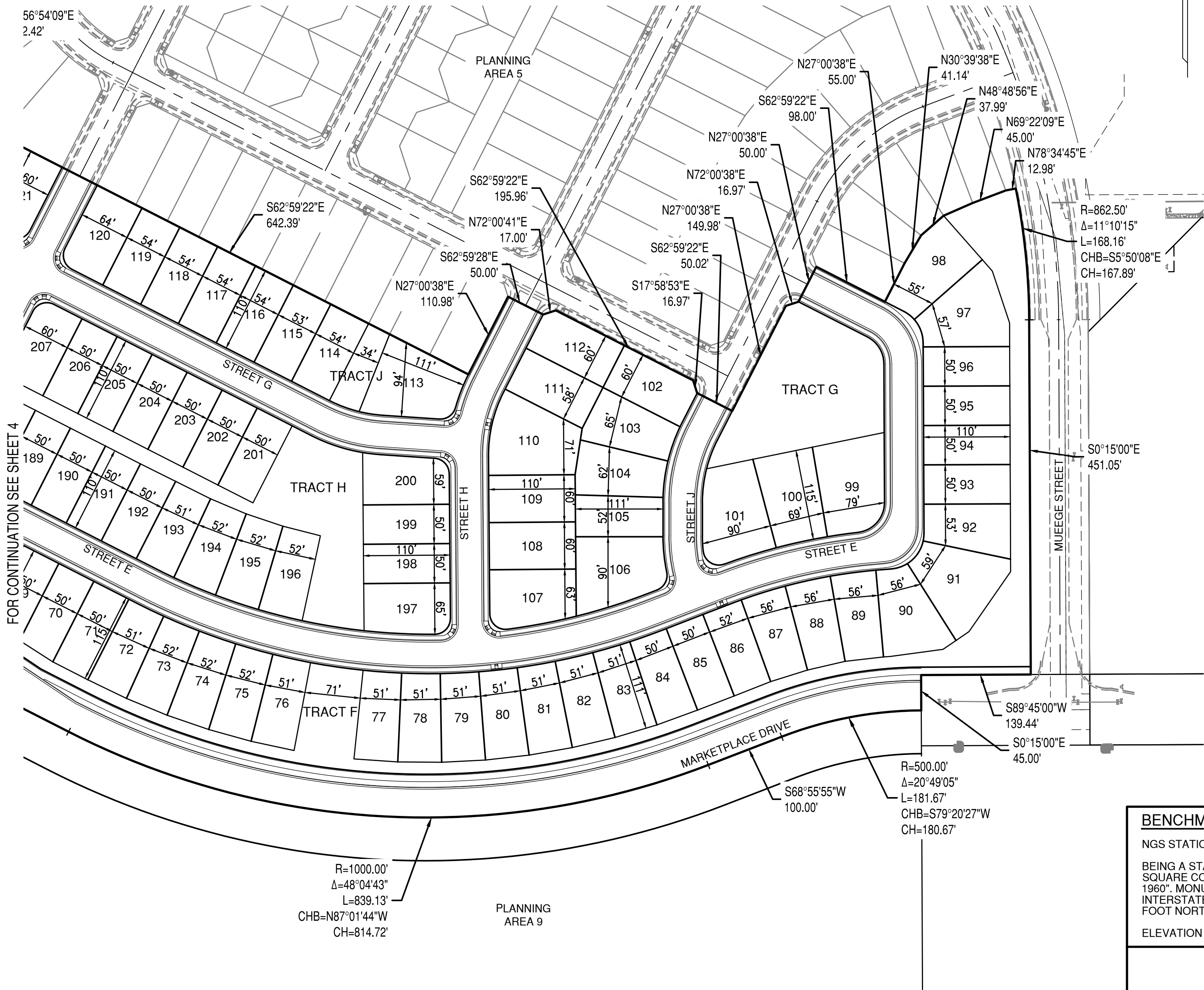
MUEGGE FARMS-FILING 5 & 6	OVERALL SITE PLAN AND BOUNDARY
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DATE: 05/18/2022
JOB NO: 13301.16
SCALE
HORIZONTAL VERTICAL 1"=200' N/A
2 of 15

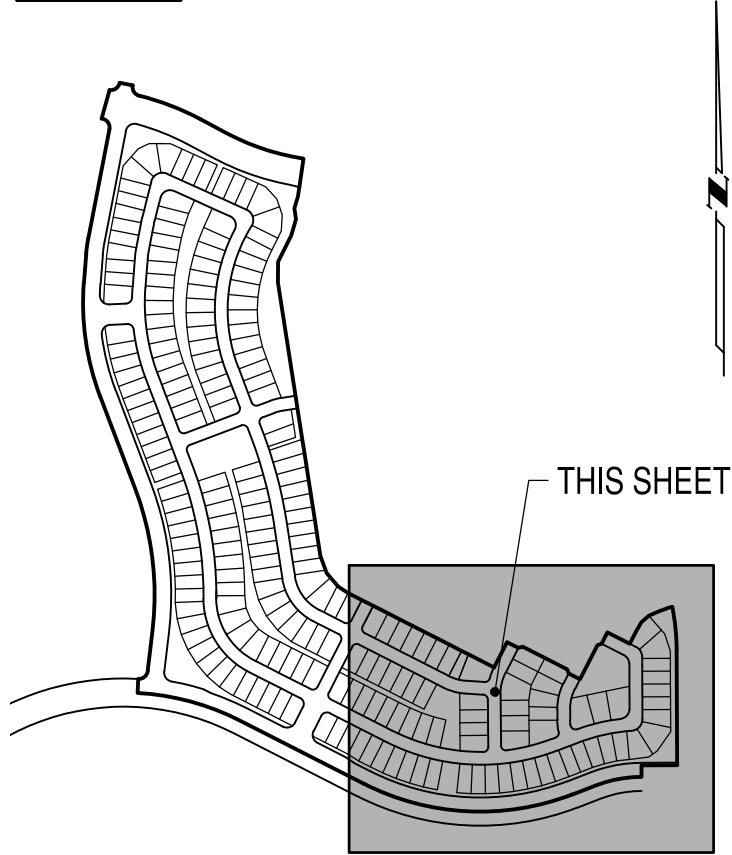
MUEGGE FARMS FILING 5 & 6  
SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

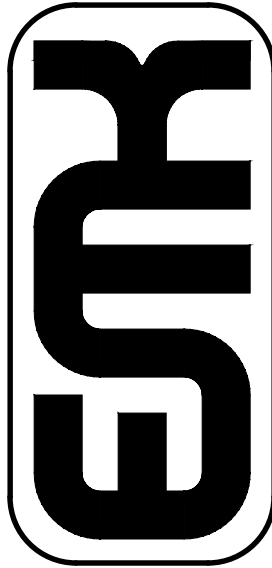
TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



KEY MAP



EMK CONSULTANTS, INC.  
LAND DEVELOPMENT  
ENGINEERING SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520  
www.EMKC.com



REVISIONS

NO.	DESCRIPTION	DATE	BY

DESIGNED BY:	GAW
DRAWN BY:	DLL
CHECKED BY:	GAW
APPROVED BY:	ERM

BENCHMARK

NGS STATION B 374 (PID KK0053)  
  
BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.  
  
ELEVATION = 5522 FEET (NAVD 88 DATUM)

TOWN APPROVAL BLOCK  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

PLAT SHEET

DATE: 05/18/2022

JOB NO: 13301.16

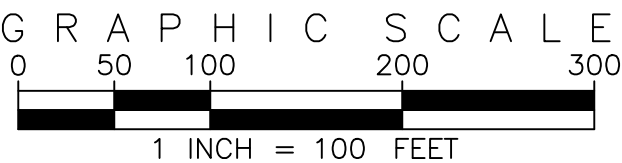
SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

3 of 15

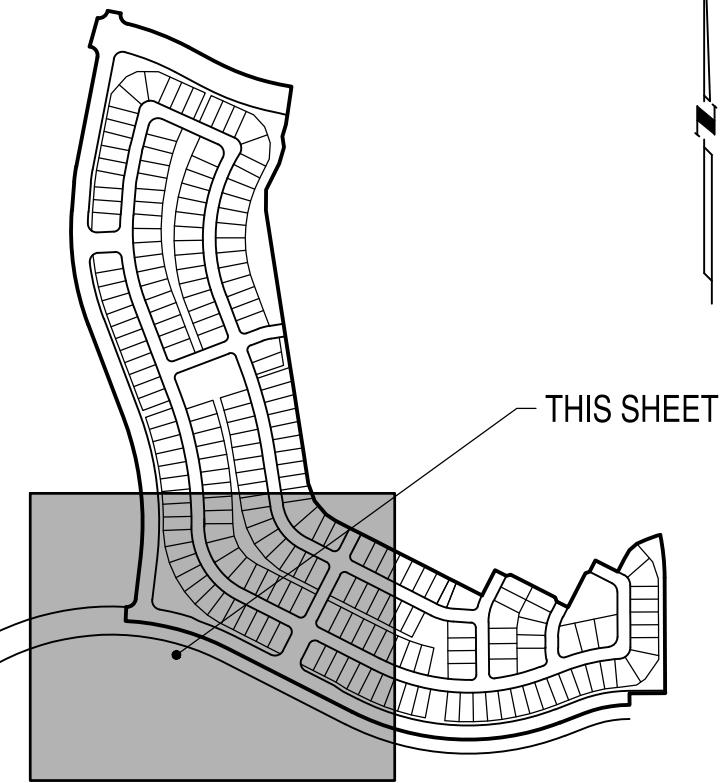
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SKETCH PLAN

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STATE OF COLORADO

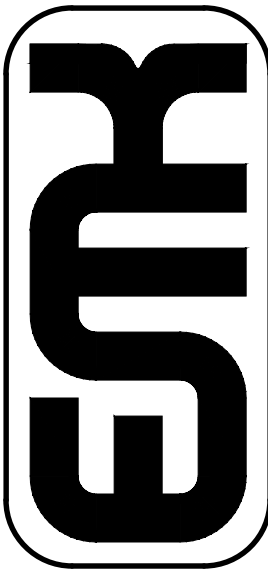
TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



KEY MAP



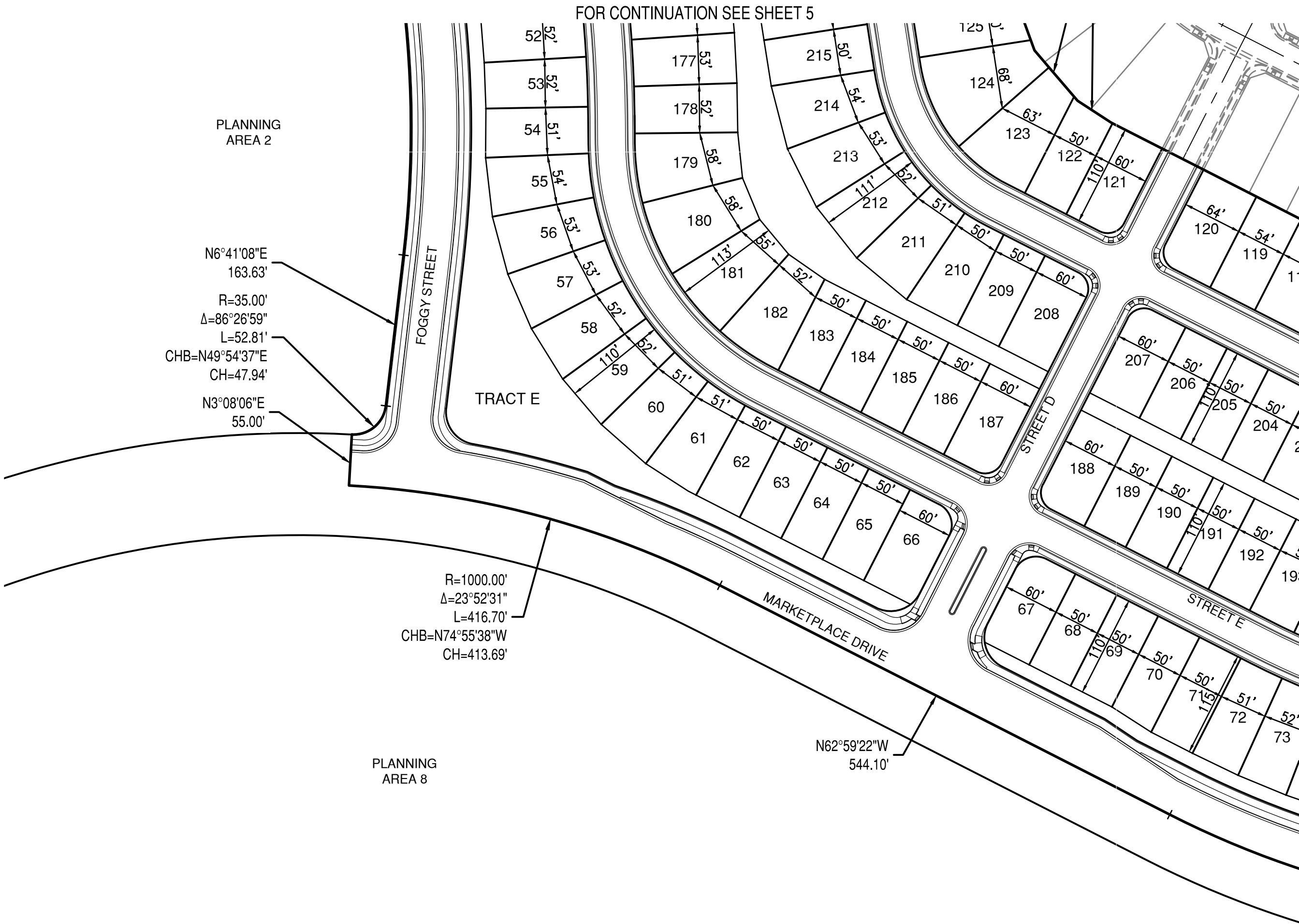
EMK CONSULTANTS, INC.  
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NO.	DESCRIPTION	DATE BY

MUEGGE FARMS-FILING 5 & 6	PLAT SHEET
---------------------------	------------

DATE: 05/18/2022
JOB NO: 13301.16
SCALE
HORIZONTAL 1"=100' VERTICAL N/A
4 of 15



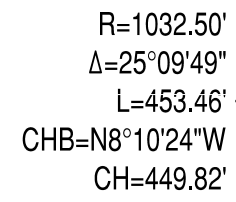
**BENCHMARK**  
NGS STATION B 374 (PID KK0053)  
  
BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.  
  
ELEVATION = 5522 FEET (NAVD 88 DATUM)

**TOWN APPROVAL BLOCK**  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_.  
  
MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_  
  
CASE NUMBER: \_\_\_\_\_



A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

FOR CONTINUATION SEE SHEET 6



## PLANNING AREA 2

N20°45'18"W  
383.90'

R=1167.50'  
 $\Delta=27^{\circ}26'26''$   
 L=559.15'  
 CHB=N7°02'05"W  
 CH=553.82'

PLANNING  
AREA 2

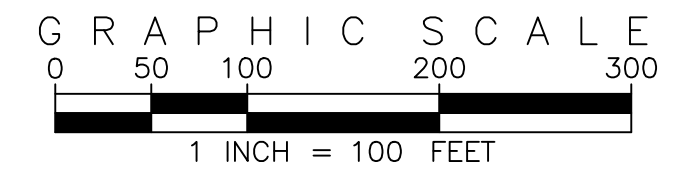
FOR CONTINUATION SEE SHEET 4

TRACT A

## PLANNING AREA 5

TRACT D

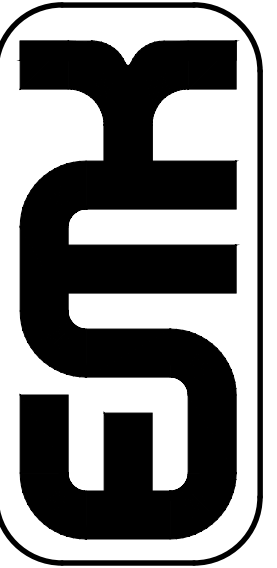
TRACT C



THIS SHEET

— THIS SHEET

**EMK CONSULTANTS, INC.**  
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(303)694-1520 [www.EMK.com](http://www.EMK.com)



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<i>GAW</i>		NO.	DESCRIPTION	DATE BY
DRAWN BY:		△		
<i>DLL</i>		△		
CHECKED BY:		△		
<i>GAW</i>		△		
APPROVED BY:		△		
<i>ERM</i>		△		

NGS STATION B 374 (PID KK0053)

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MAYOR

ATTEST: TOWN CLERK

CASE NUMBER: \_\_\_\_\_

**MUEGGE FARMS--FILING 5 & 6**

# PLAT SHEET

DATE: 05/18/2022
------------------

JOB NO: 13301.16

SCALE	
HORIZONTAL 1"=100'	VERTICAL N/A

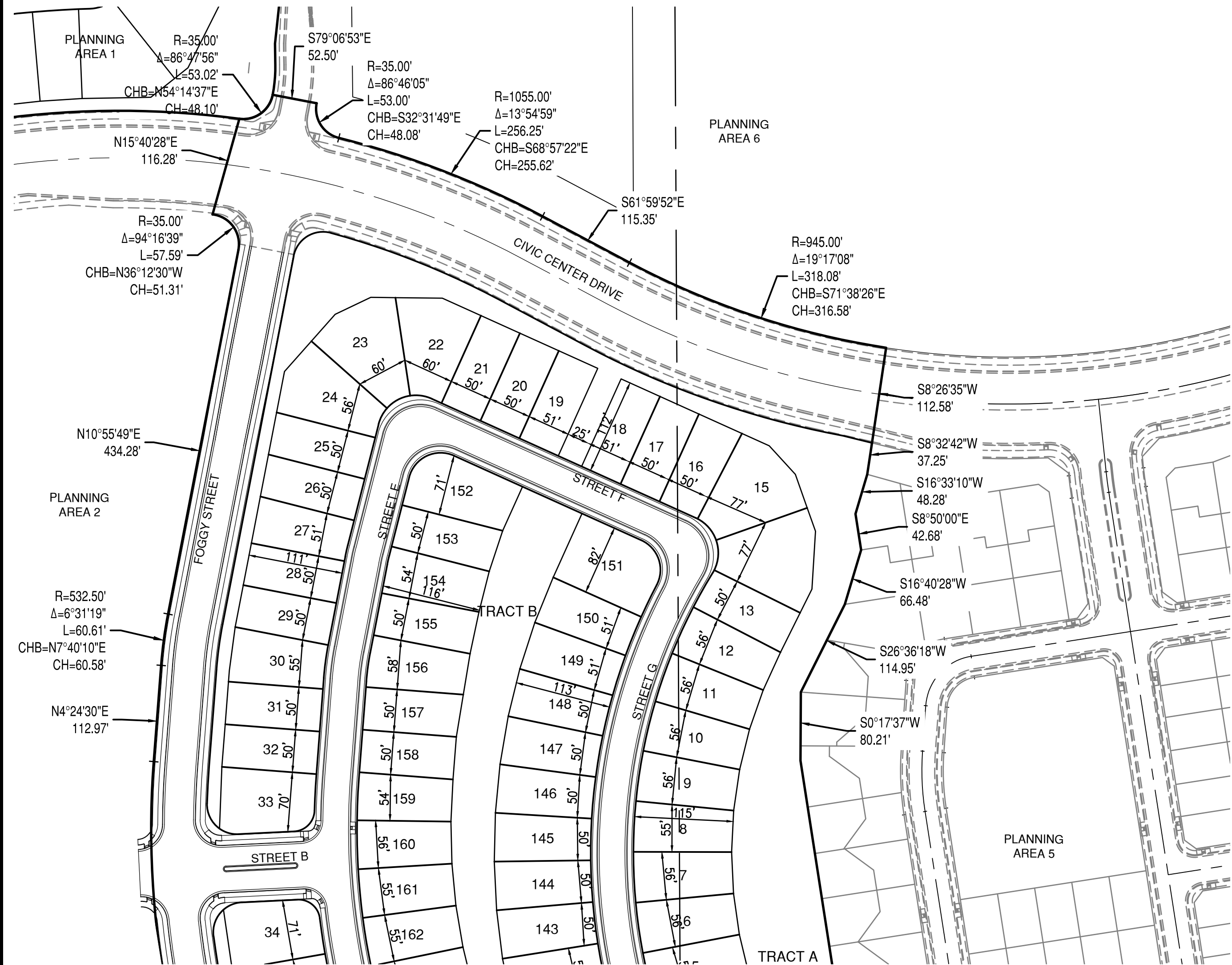
5 of 15



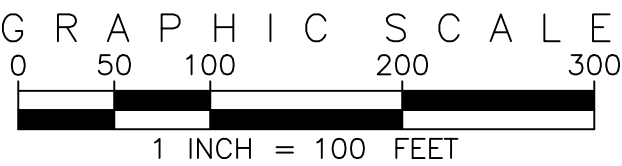
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STATE OF COLORADO

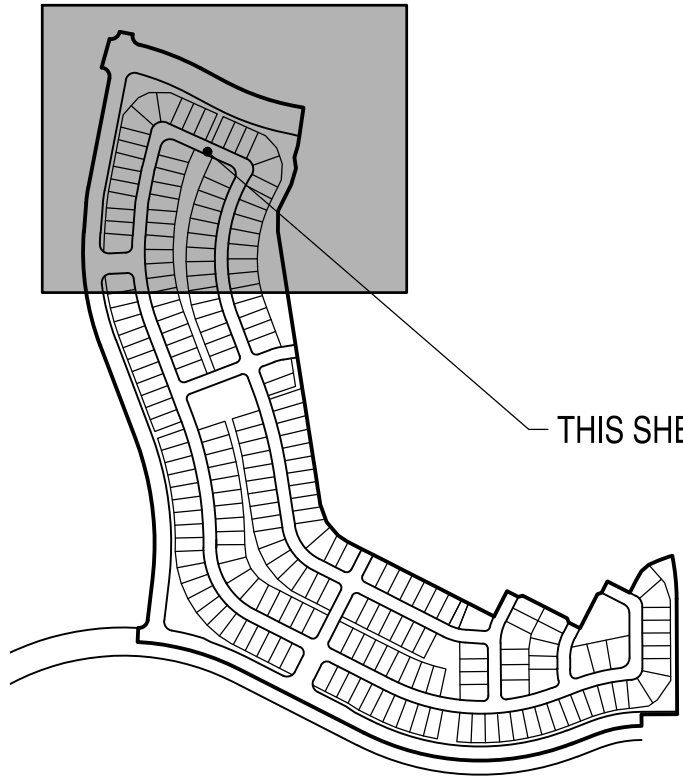
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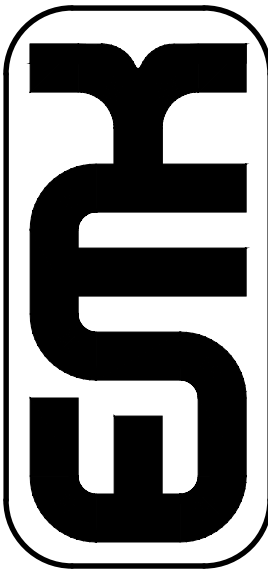
FOR CONTINUATION SEE SHEET 5



KEY MAP



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REVISIONS		NO.	DESCRIPTION	DATE	BY
DESIGNED BY:	<i>GAW</i>				
DRAWN BY:	<i>DLL</i>	△			
CHECKED BY:	<i>GAW</i>	△			
APPROVED BY:	<i>ERM</i>	△			

BENCHMARK

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APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

PLAT SHEET

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

**GRAPHIC SCALE**

0 50 100 200 300

1 INCH = 100 FEET

A diagram illustrating the layout of a road network. The road is shown in a plan view, with a section highlighted in grey. A label 'THIS SHEET' points to the highlighted section, indicating the area covered by the current sheet of the drawing.

DESIGNED BY:				REVISIONS			
<i><b>GAW</b></i>				NO.	DESCRIPTION	DATE	BY
DRAWN BY:				△			
<i><b>DLL</b></i>				△			
CHECKED BY:				△			
<i><b>GAW</b></i>				△			
APPROVED BY:				△			
<i><b>ERM</b></i>				△			

**MUEGGE FARMS--FILING 5 & 6**

# GRADING PLAN

DATE: 05/18/2022
------------------

JOB NO: 13301.16

SCALE	
HORIZONTAL 1"=100'	VERTICAL N/A

7 of 15

## NGS STATION B 374 (PID KK0053)

BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.

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APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

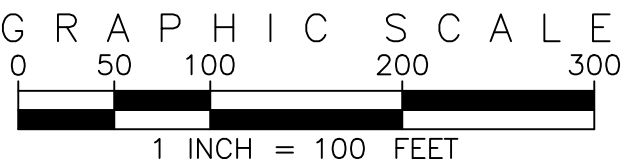
\_\_\_\_\_  
ATTEST: TOWN CLERK

CASE NUMBER: \_\_\_\_\_

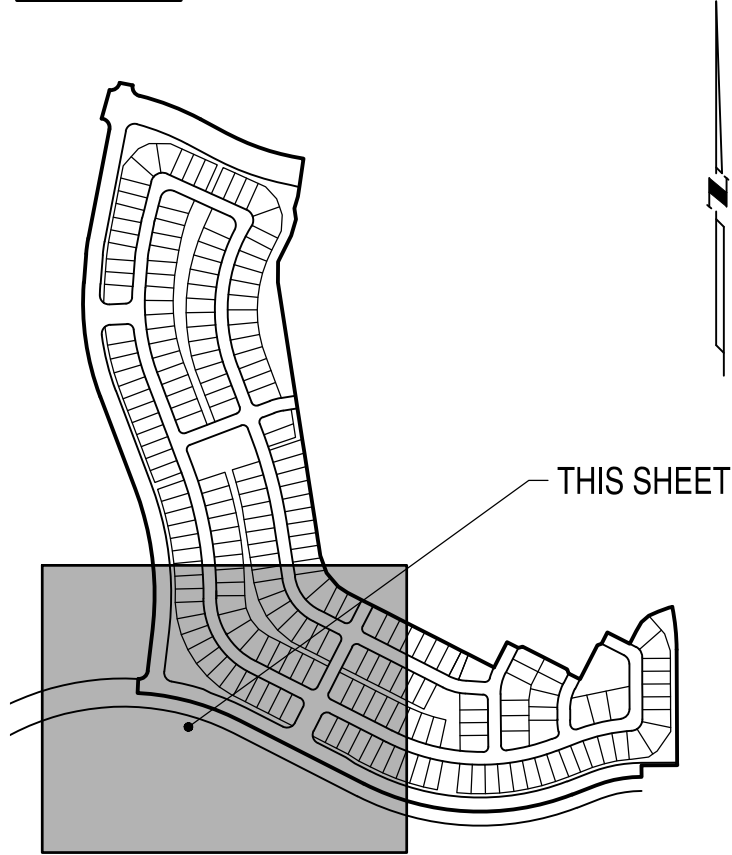
MUEGGE FARMS FILING 5 & 6  
SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
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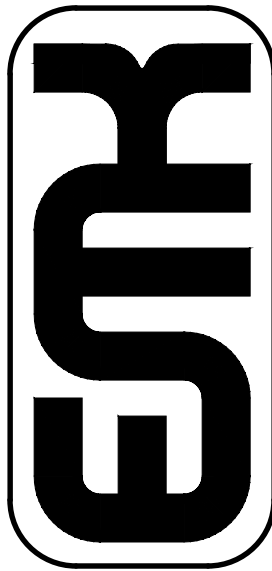
TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



KEY MAP



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REVISIONS		NO.	DESCRIPTION	DATE	BY

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APPROVED BY:	ERM

BENCHMARK

NGS STATION B 374 (PID KK0053)

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TOWN APPROVAL BLOCK

APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

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MUEGGE FARMS-FILING 5 & 6

GRADING PLAN

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

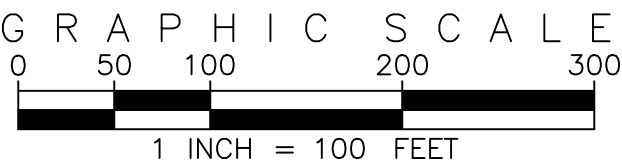


# MUEGGE FARMS FILING 5 & 6

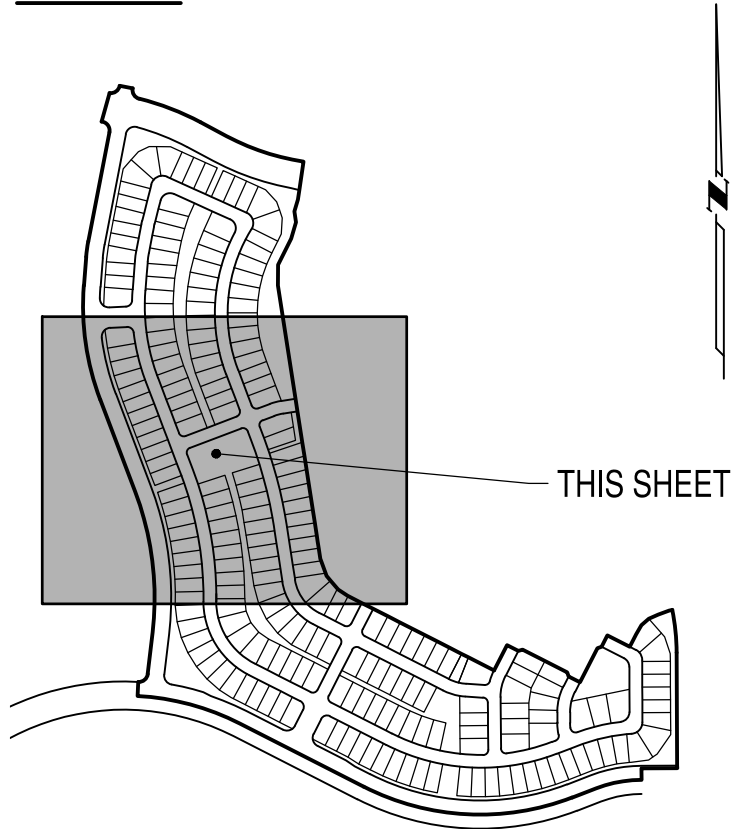
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STATE OF COLORADO

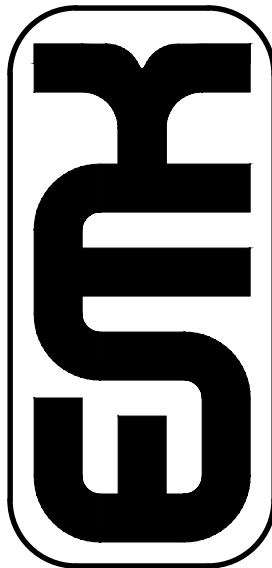
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DRAWN BY:	DLL
CHECKED BY:	CHK
APPROVED BY:	ERM

### BENCHMARK

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MUEGGE FARMS-FILING 5 & 6

GRADING PLAN

DATE: 05/18/2022

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SCALE  
HORIZONTAL 1"=100' VERTICAL N/A




A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

GRAPHIC SCALE

0 50 100 200 300

1 INCH = 100 FEET

## A map of a residential area, likely a school district, showing a grid of streets and building footprints. A specific section of the map is highlighted with a thick black border and a grey fill. A line points from the text 'THIS SHEET' to this highlighted area. A north arrow is located in the top right corner.



DESIGNED BY:		REVISIONS	
<i>GAW</i>		NO.	DATE
DRAWN BY:	<i>DLL</i>	△	
CHECKED BY:	<i>GAW</i>	△	
APPROVED BY:	<i>ERM</i>	△	

**MUEGGE FARMS—FILING 5 & 6**

# GRADING PLAN

DATE: 05/18/2022

JOB NO: 13301.16

**SCALE**  
HORIZONTAL 1"=100'  
VERTICAL N/A

10 of 15



## BENCHMARK

NGS STATION B 374 (PID KK0053)

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\_\_\_\_\_  
MAYOR

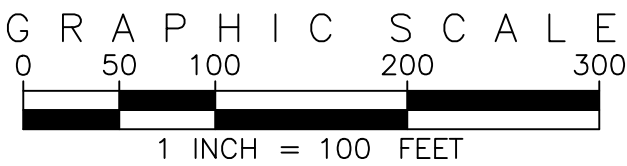
\_\_\_\_\_  
ATTEST: TOWN CLERK

CASE NUMBER: \_\_\_\_\_

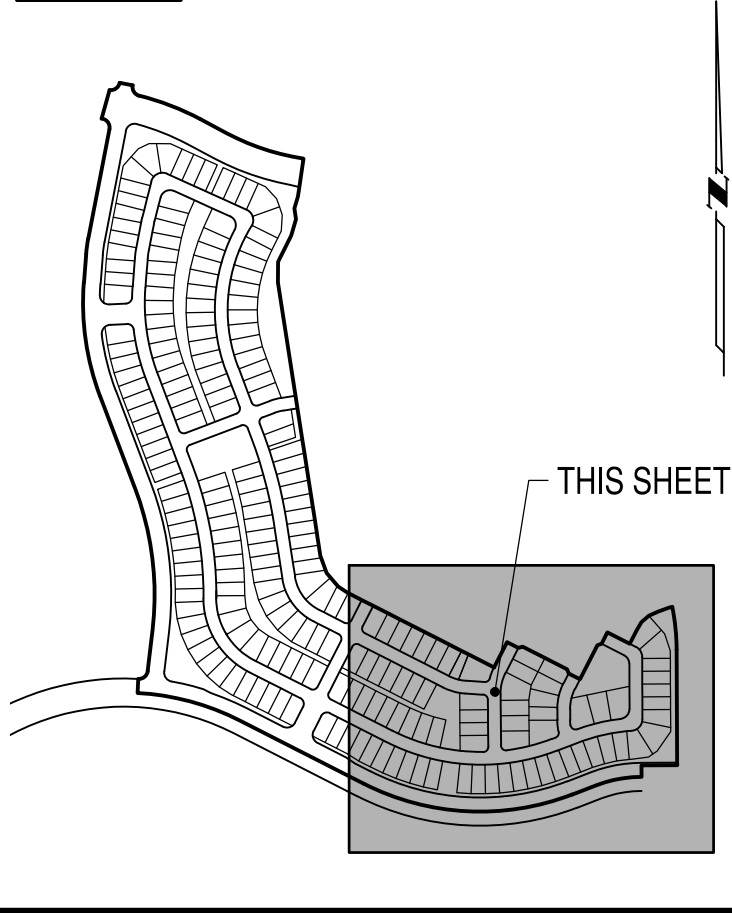
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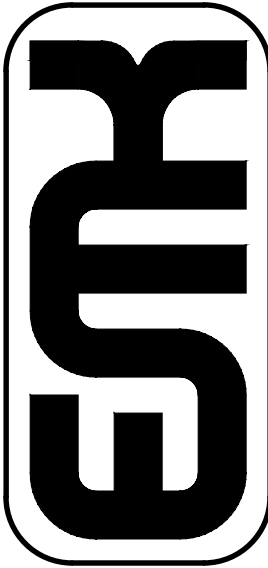
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KEY MAP



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MUEGGE FARMS-FILING 5 & 6			
UTILITY PLAN			

BENCHMARK

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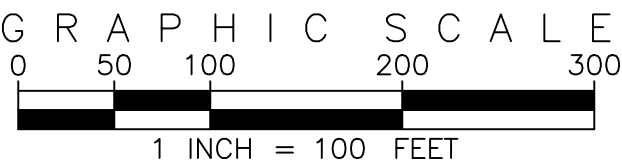
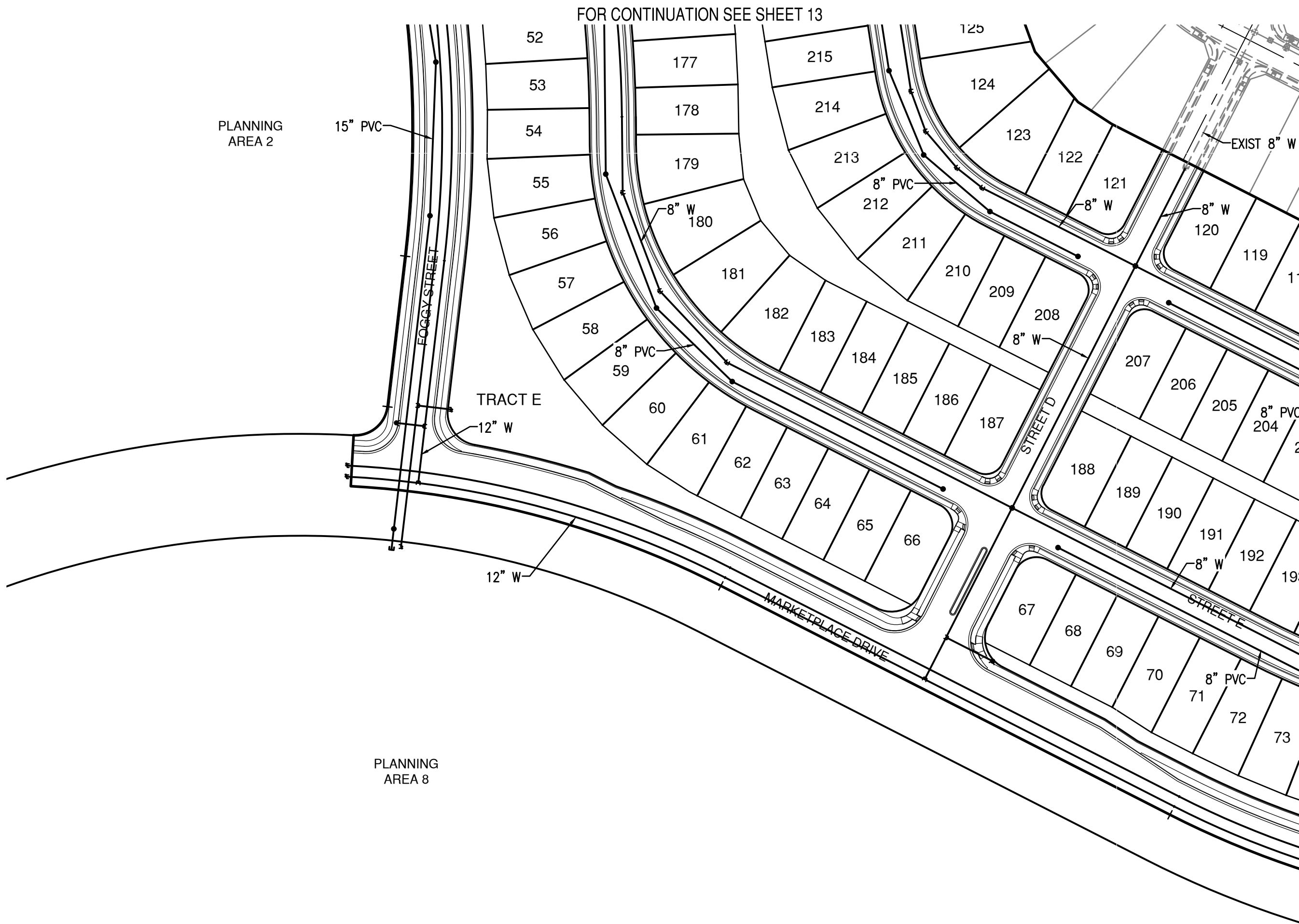
SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

# MUEGGE FARMS FILING 5 & 6

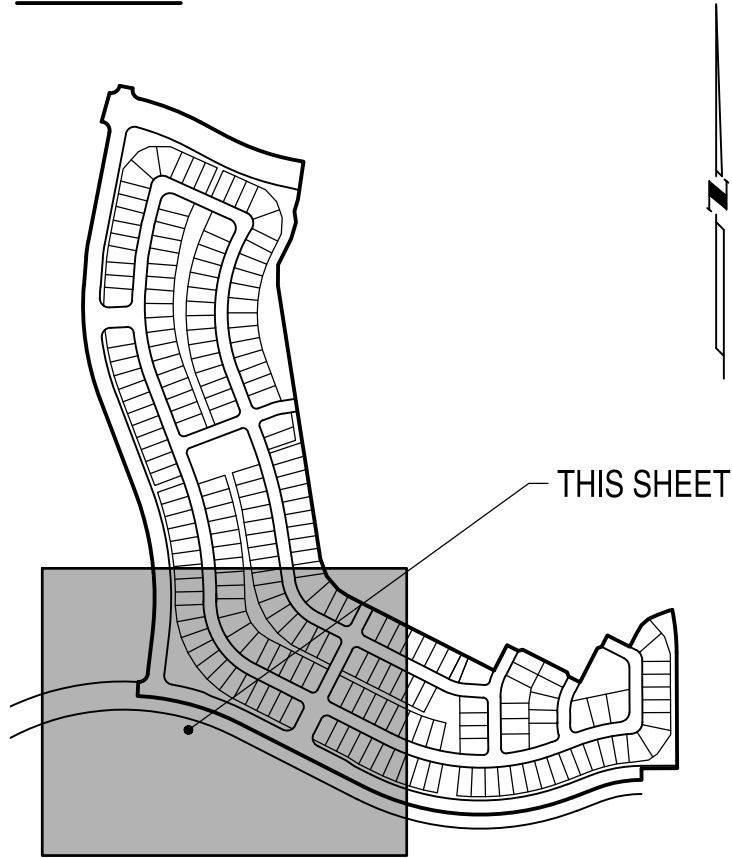
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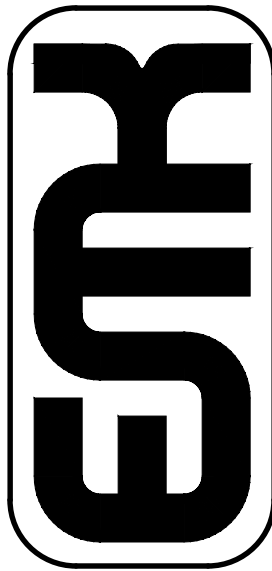
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MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

UTILITY PLAN

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

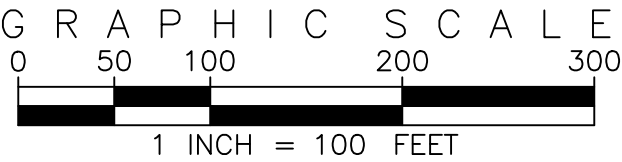
12 of 15



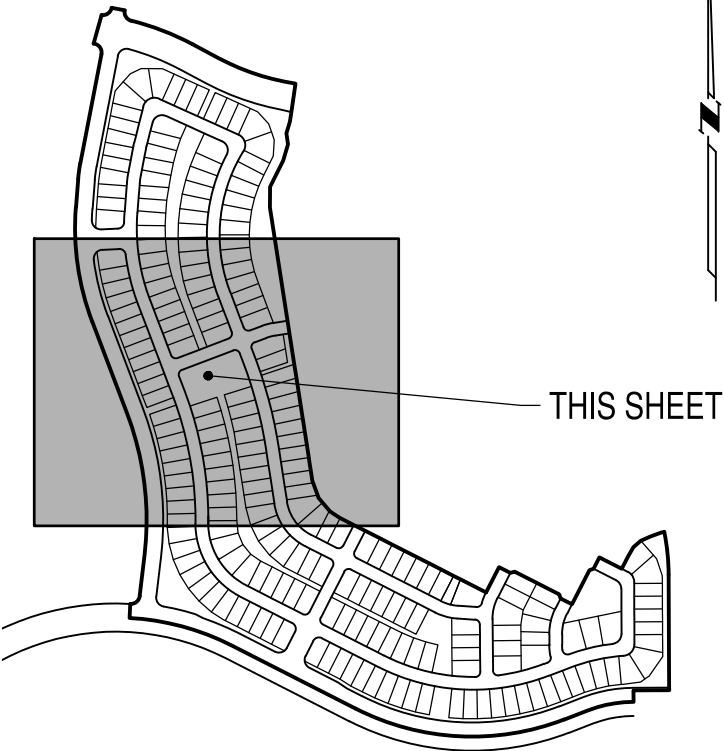
MUEGGE FARMS FILING 5 & 6  
SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

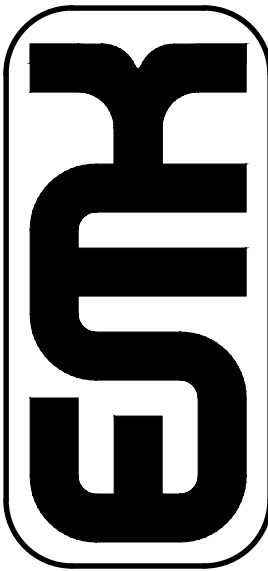
TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



KEY MAP



EMK CONSULTANTS, INC.  
LAND DEVELOPMENT  
ENGINEERING SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520  
www.EMKC.com



REVISIONS			NO.	DESCRIPTION	DATE	BY
DESIGNED BY:	DRAWN BY:	CHECKED BY:				
GAW	DLL	GAW	1			
		ERM	2			

BENCHMARK

NGS STATION B 374 (PID KK0053)  
BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.  
ELEVATION = 5522 FEET (NAVD 88 DATUM)

TOWN APPROVAL BLOCK  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

MUEGGE FARMS-FILING 5 & 6

UTILITY PLAN

DATE: 05/18/2022

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SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

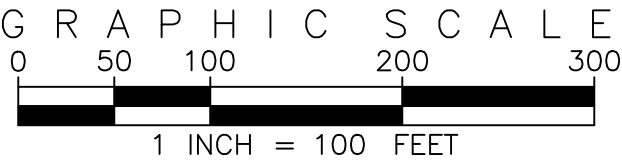
13 of 15



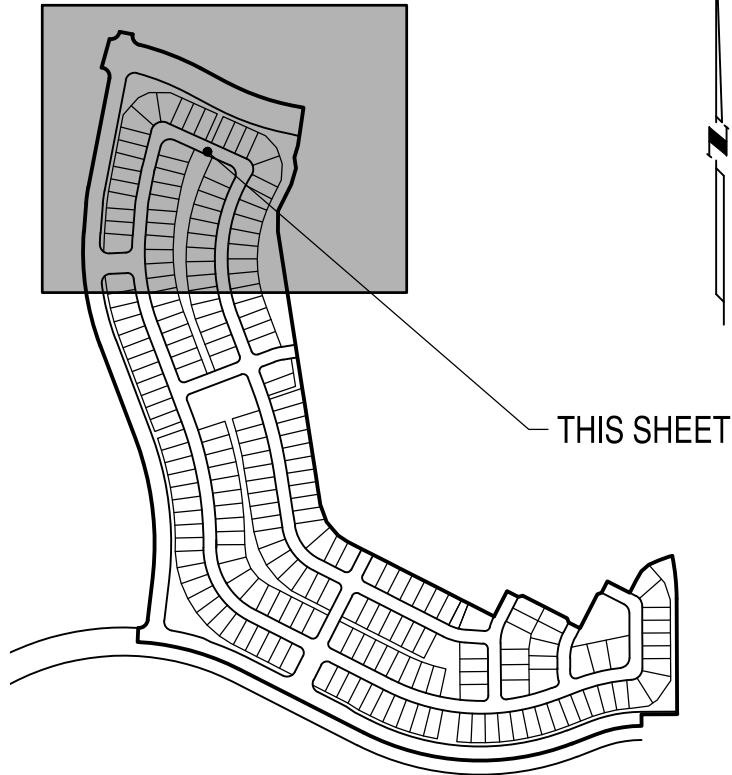
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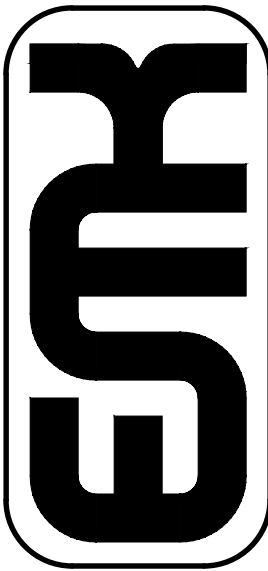
TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



KEY MAP



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REVISIONS

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DESIGNED BY:	GAW
DRAWN BY:	DLL
CHECKED BY:	GAW
APPROVED BY:	ERM

MUEGGE FARMS-FILING 5 & 6

UTILITY PLAN

DATE: 05/18/2022

JOB NO: 13301.16

SCALE  
HORIZONTAL 1"=100' VERTICAL N/A

14 of 15

BENCHMARK

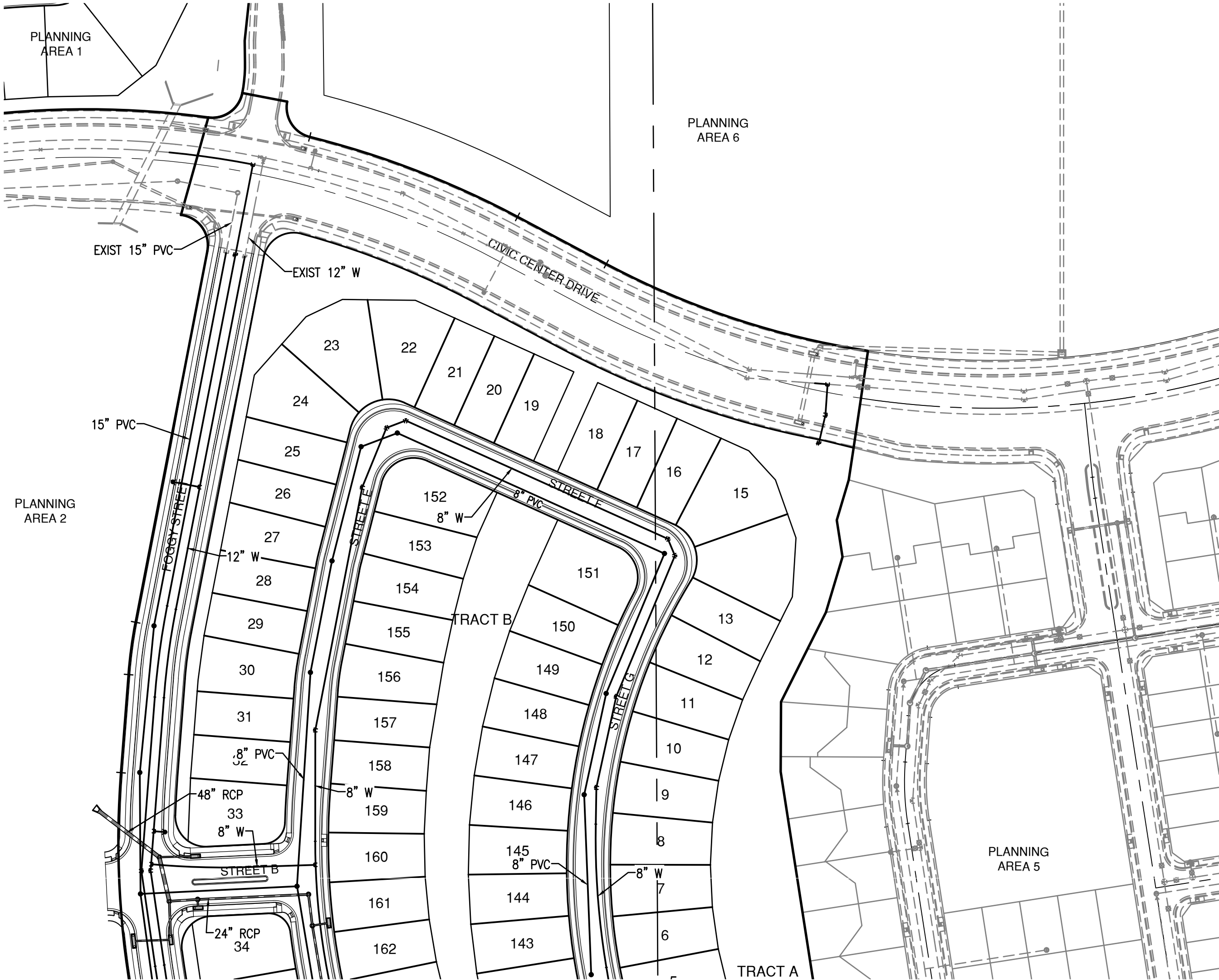
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ELEVATION = 5522 FEET (NAVD 88 DATUM)

TOWN APPROVAL BLOCK

APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_



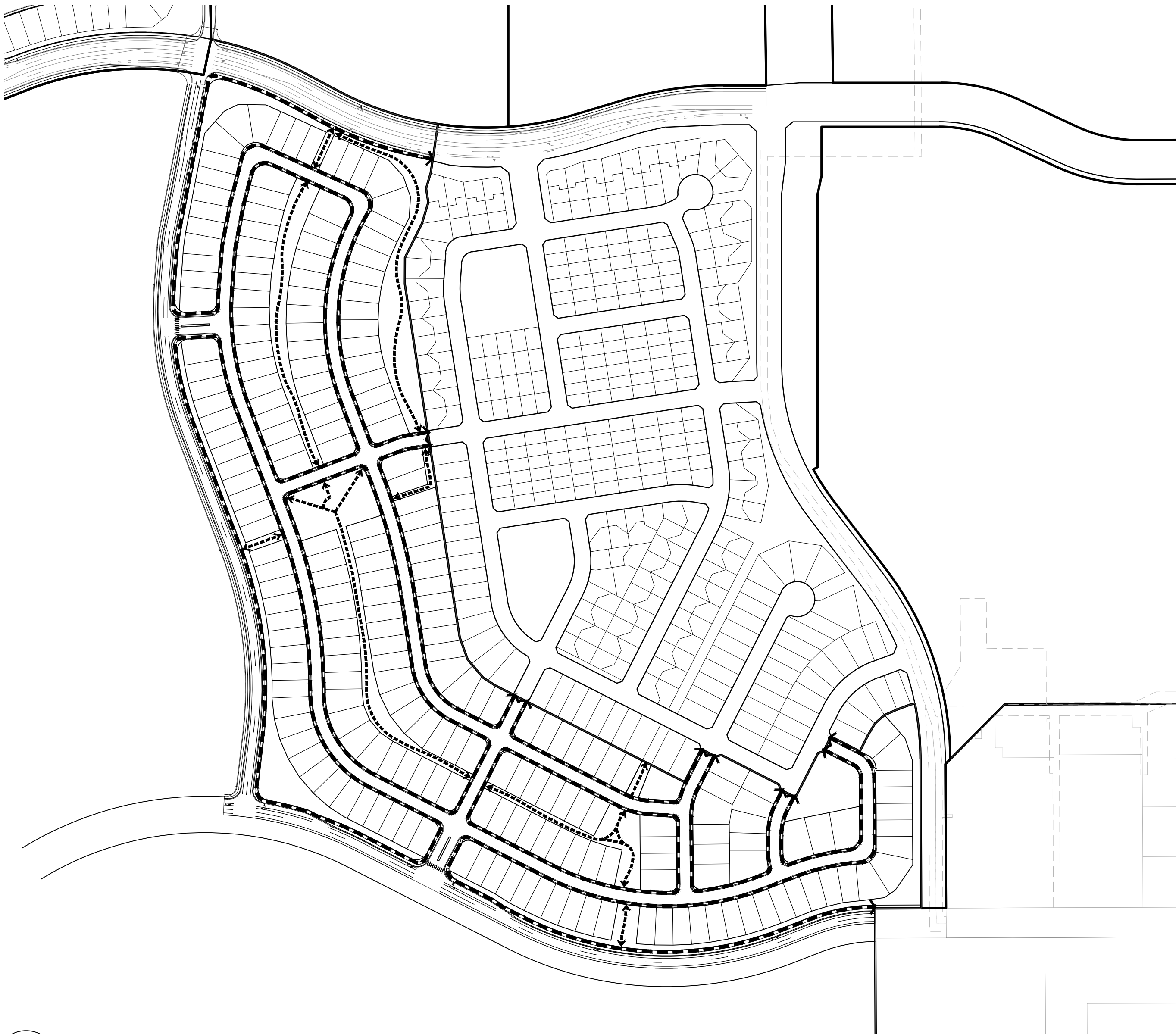
FOR CONTINUATION SEE SHEET 13

# MUEGGE FARMS FILING 5 & 6

## SKETCH PLAN

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS



**1** TRAILS & SIDEWALK PLAN  
Scale: 1"= 250'-0"

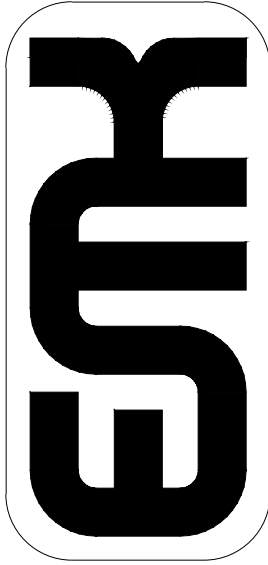


- LEGEND**
- PROPERTY BOUNDARY LINE
  - PROPOSED TRAIL
  - PROPOSED SIDEWALK

**TOWN APPROVAL BLOCK**  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN  
OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_ BY ORDINANCE NO. \_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

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(303)694-1520  
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REVISIONS			
NO.	DESCRIPTION	DATE	BY
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MUEGGE FARMS FILINGS 5&6	DESIGNED BY: GAW
TRAILS & SIDEWALK	DRAWN BY: DLL
	CHECKED BY: GAW
	APPROVED BY: ERM

SCALE  
HORIZONTAL 1"=250'  
VERTICAL N/A



## Engineering Review Memo

---

To: Steve Hebert, Town Planning & Economic Development Director  
Sara Aragon, Community Development Manager

From: Dan Giroux, PE, Engineering Consultant to the Town

Date: Tuesday, June 21, 2022

Case: Muegge Farms Filings 5 & 6 Sketch Plan  
Town of Bennett Land Use Case 22.21

Subject: Civil Engineering Review

---

Per the request of the Town of Bennett, Terramax, Inc. has reviewed the application materials for the proposed Muegge Farms Filings 5 & 6 Sketch Plan.

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 comments on the development application are still 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.

Sketch Plan comments are informal/advisory, are not binding, and are not intended to be highly technical or detailed at this point in the development review process. I have the following comments to offer on the application materials:

### **General Comments**

- A one-sheet Master Utility Plan for Filings 5 & 6 would be helpful for review, concepts and communications, even with reduced plot/display scale required.
- The Muegge Farms Master Utility Plan is in need of update, particularly with regard to the sanitary sewer system service concept, with the revised Western Bypass sanitary sewer interceptor alignment along Penrith Road.
- Showing the updated, actual Filings 5 & 6 subject area for the Master Drainage Plan would be helpful, along with updates for any known or proposed modifications to the overall Muegge Farms stormwater system, particularly including the "Foggy Street Drainageway" as a major new conveyance element.
- A one-sheet Overall Grading Plan for Filings 5 & 6 would be helpful for review, concepts and communications, even with reduced plot/display scale required.

### **Water Distribution System**

- The Town is working with the developer on off-site and on-site water improvements to serve the proposed development.

- Per Town Code, the developer is required to extend the water system network to all adjacent properties to allow the efficient future extension of service.
- The Town has water system capacity improvements in-process at the #6 water campus near the Rec Center to support and serve the proposed development.
- As a result, there are no additional, special Town water campus (wells, tanks or stations) land dedication requirements for these Filings.
- The Town is working on purple pipe network extension requirements for all proposed development, expected to be implemented imminently, and ahead of further land use applications for these Filings 5 & 6.
  - The purple pipe at this time is for Parks, Open Spaces, streetscapes and common areas, and not for individual residential use.

**Wastewater**

- The Town is working with the developer on off-site wastewater conveyance improvements to serve the proposed development.
- The Town has wastewater treatment system capacity to serve the proposed development.
- Per Town Code, the developer is required to extend the wastewater collection system to all adjacent properties to allow the efficient future extension of service.

**Access**

- The Town is working with the developer on off-site transportation connections and improvements.
- Per Town Code, the developer is required to extend the Town transportation systems to all adjacent properties to allow the efficient future extension of service.
- A Marketplace transition and possibly even "shift" to tie into existing to the east will need to be reviewed and designed with the ensuing subdivision Final Plat application.
- It is not clear if grading for only half of Marketplace at this time will allow for efficient future completion, or prove sufficient to support utility infrastructure installation for Filings 5 & 6.
- For half-street construction areas, streets must be over 24-foot paved width minimum in all interim configurations, plus 8-foot roadbase breakdown shoulder, and should allow for a minimum 2-foot asphalt edge loss (plus mill and overlay joint coverage requirements) at future widening.
- Trail, emergency and service access will be important to plan, design and construct with this development due to large-service-area utilities, connectivity, and stormwater infrastructure.
- Lot breaks and pedestrian/service/emergency/utility pass-through areas for long uninterrupted lot runs along the southeast and southwest subdivision corners would be desirable, and beneficial.

**Stormwater Management**

- The major drainageway, storm sewer, and downstream infiltration ponds are the significant stormwater features of this development, and are conceptually adequate to address stormwater drainage for this development area, as well as other existing and planned tributary off-site areas.
- The infiltration ponds have both received significant attention, design and review with pond designs and construction plans approved.
  - The pond designs may be modified by review, approval and agreement between the Town and developer for appropriate need or cause with these Filings 5 & 6, or other Muegge Farms development.

Steve and Sara, this concludes my engineering review of the application and supporting submittal materials for the proposed Muegge Farms Filings 5 & 6 Sketch Plan by the applicant. Please let me know if you have any questions, or require additional information pertaining to the submitted information, or my review.



6312 S. Fiddlers Green Circle  
Suite 300N  
Greenwood Village, CO 80111  
T +1.303.771.0900

www.jacobs.com

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Subject Muegge Farms Filing 5 & 6 – Sketch Plan Submittal

Attention Steve Hebert, AICP, Bennett Planning & Economic Development Manager  
Sara Aragon, Community Development Manager

From Mike Heugh, PE  
Town Traffic Engineer

Date May 31, 2022

Copies to Dan Giroux, PE, Town Engineer

---

Muegge Farms Filing 5 & 6 – Sketch Plan Submittal – Town Traffic Comments

### Traffic Impact Analysis

1. Please add some context as to how Filings 5 & 6 relate to PA-3, 4, and 5. Maybe a sentence in the introduction paragraph and a figure at the end. Show where the PA's are with an overlay of F5 & 6 (and F4). It would be good to show F4 grayed back or something, to make the connection for the reader that F4, 5, & 6 make up all of PA-3 – 5. Just to make this a little more “stand alone”. (My examples are only to clarify the request. Address as you see fit.)
2. The Muegge Farms Master TIA did not analyze any internal intersections, such as Foggy Street and Civic Center or Marketplace, which pertain to F5 & 6. I would like to see these analyzed or discussed at some point, maybe with PA-2 development. The results would allow verification that LT storage is sufficient, and the LOS is acceptable for operations and safety. Any thoughts on this approach are welcome in a response.

### Sketch Plan Exhibit

1. Road D appears to act as a collector through F 4, 5, & 6. Please verify that the proposed ROW meets town standards. Same comment for the road that run adjacent to the park.
2. Please verify that the entry section of the entrance roadways meets town standards for ROW dedication.
3. Just a note that there will need to be a left-turn lane in the eastbound direction at Marketplace and Road D.



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

**RE: Muegge Farms Filings 5 & 6 Sketch Plan**

1 message

**Melinda Culley** <melinda@kellypc.com>

Wed, Jun 8, 2022 at 9:48 AM

To: Town of Bennett Planning &lt;planning@bennett.co.us&gt;

My only comment on this application is –

- Remove the Town approval block from the Sketch Plan map sheets. The Town does not formally approve the Sketch Plan.

**Melinda A. Culley**

Kelly PC

999 18<sup>th</sup> Street, Suite 1450S

Denver, CO 80202

P: (303) 298-1601 x212

F: (303) 298-1627

Cell: (316) 640-1013



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**From:** Town of Bennett Planning [mailto:[planning@bennett.co.us](mailto:planning@bennett.co.us)]**Sent:** Thursday, May 26, 2022 3:46 PM**To:** [LBajelan@adcogov.org](mailto:LBajelan@adcogov.org); Karl Smalley; United States Postal Service; Bennett School District 29J ATTN: Robin Purdy; Bennett School District 29J: ATTN: Jennifer West; Bennett School District 29J: ATTN: Keith Yaich; Robin Price; Daymon Johnson; Rick Martinez; Bennett Rec District; Victoria Flamini; Bennett Watkins Fire Rescue; [JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com); [GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com); Eastern Slope Rural Telephone; I-70 Regional Economic Advancement Partnership; Brooks Kaufman; Jehn Water Consultants Inc; Melinda Culley; Daniel

Page 352

Giroux; Steve Hebert; Heugh, Michael

**Subject:** Muegge Farms Filings 5 & 6 Sketch Plan

Hello All,

Below is a Dropbox link to the Muegge Farms Filings 5 & 6 Sketch Plan. We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by June 16, 2022.

<https://www.dropbox.com/scl/fo/s8x6dxvx7gr9hn18zidt8/h?dl=0&rlkey=mr8al0y1qu54c92xbiatw73ws>

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.

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

---

**RE: Muegge Farms Filings 5 & 6 Sketch Plan**

---

**Brooks Kaufman** <[BKaufman@core.coop](mailto:BKaufman@core.coop)>  
To: Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>

Wed, Jun 15, 2022 at 6:56 AM

Good morning Steve

The proposed sketch plan will require to meet CORE Electric Cooperative's 15-foot front lot utility easement and 15-foot utility easement along all roadways requirements. The proposed corner lot layouts may not meet the utility easement requirements. Future homes may not encroach into utility easements, with the following accessories window wells, bay window, fireplace, decks, patios, stoops, monuments retaining walls and their components.

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:** Thursday, May 26, 2022 3:46 PM

**To:** [LBajelan@adcogov.org](mailto:LBajelan@adcogov.org); Karl Smalley <[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)>; Rick

Page 354



Martinez <[rmartinez@bennett.co.us](mailto:rmartinez@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)>; JGutierrez@summitutilitiesinc.com; GVanderstraten@summitutilitiesinc.com; Eastern Slope Rural Telephone <[patw@esrta.com](mailto:patw@esrta.com)>; I-70 Regional Economic Advancement Partnership <[lxc.strategies@gmail.com](mailto:lxc.strategies@gmail.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)>; Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>; Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>

**Subject:** Muegge Farms Filings 5 & 6 Sketch Plan

**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 Muegge Farms Filings 5 & 6 Sketch Plan. We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by June 16, 2022.

<https://www.dropbox.com/scl/fo/s8x6dxvx7gr9hn18zidt8/h?dl=0&rlkey=mr8al0y1qu54c92xbiatw73ws>

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)



**CORE MARKUP COMMENTS MUEGGE FARMS F 5&6 Sketch Plan 6-15-22.pdf**  
1931K

## **6. Sketch Plan Exhibit**

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH,  
RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

### LEGAL DESCRIPTION

THENCE ALONG SAID LINE S89°45'00"W, 139.44 FEET;  
THENCE ALONG THE WEST LINE OF SAID RIGHT-OF-WAY LINE S00°15'00"E, 45.00 FEET TO A POINT ON  
A CURVE;



PER THE APPROVED MUGGE FARMS OUTLINE DEVELOPMENT PLAN, 25 ACRES OF SCHOOL SITE HAS BEEN DEDICATED IN PA-6 AND 10 ACRES OF SCHOOL SITE HAS BEEN DEDICATED IN PA-13.

1	COVER SHEET
2	OVERALL SITE PLAN
3-6	PLAT SHEETS
7-10	GRADING & DRAINAGE PLAN
11-14	UTILITY PLAN
15	TRAILS AND SIDEWALK PLAN

**TOWN APPROVAL BLOCK**  
APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN  
OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_ BY ORDINANCE NO. \_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ATTEST: TOWN CLERK

CASE NUMBER: \_\_\_\_\_

# COVER SHEET

1 of 15

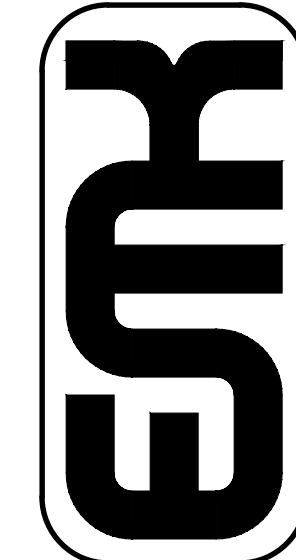
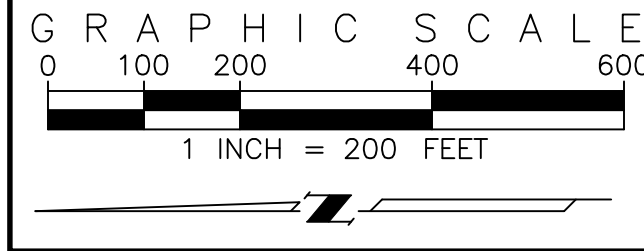


# MUEGGE FARMS FILING 5 & 6 SKETCH PLAN

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RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS,  
STATE OF COLORADO

TOTAL AREA = 2,558,652 SQ. FT. OR 58.739 ACRES MORE OR LESS

CORE WILL REQUIRE 15-FOOT FRONT LOT UTILITY  
EASEMENTS AND ALONG ALL ROADWAYS.



EMK CONSULTANTS, INC.  
LAND DEVELOPMENT  
ENGINEERING SURVEYING  
7006 SOUTH ALTON WAY, BLDG. F  
CENTENNIAL, COLORADO 80112-2019  
(303)694-1520  
www.emkc.com

REVISIONS		NO.	DESCRIPTION	DATE	BY

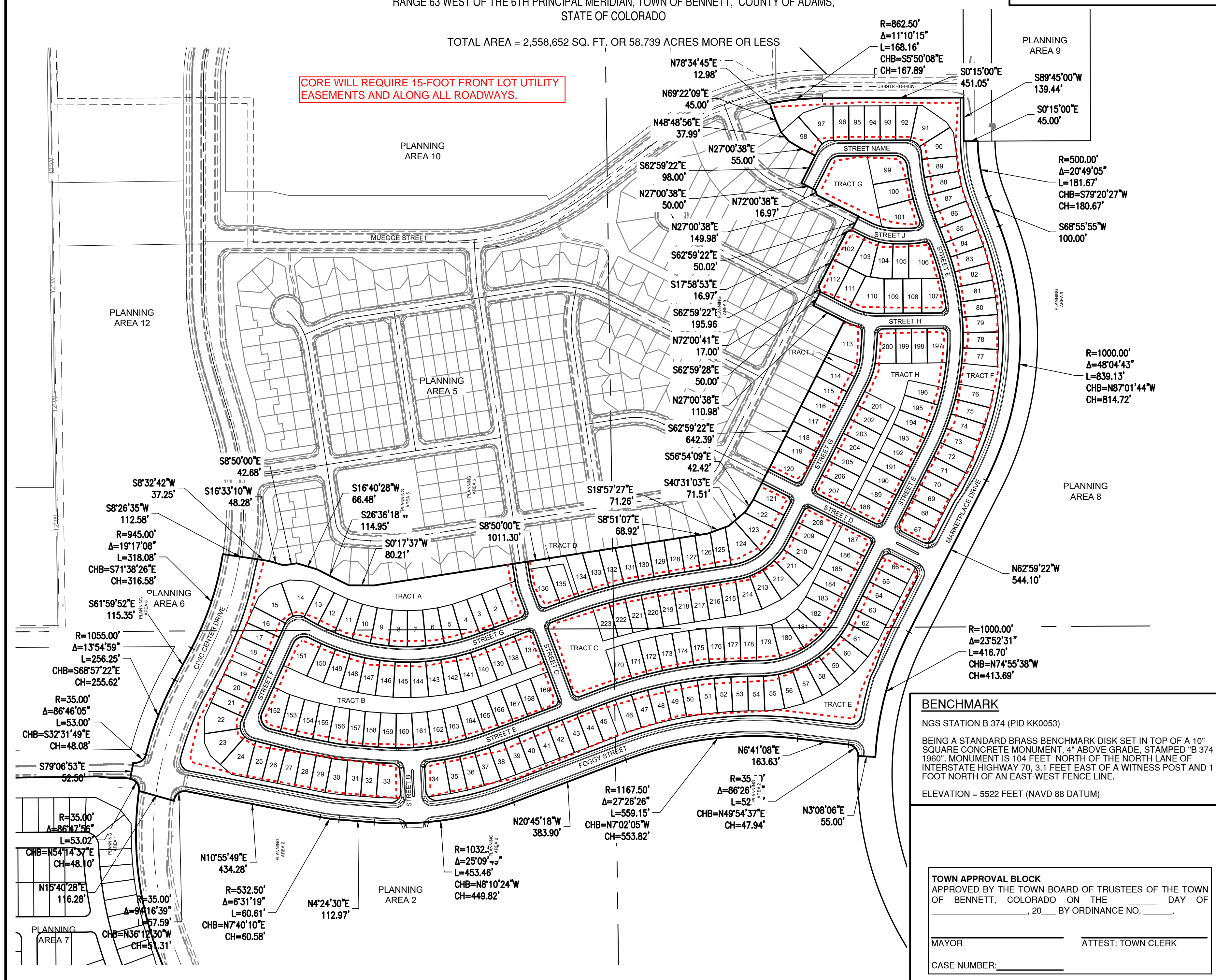
MUEGGE FARMS-FILING 5 & 6	DATE: 05/18/2022
OVERALL SITE PLAN AND BOUNDARY	JOB NO: 13301.16
SCALE	HORIZONTAL: 1"=200' VERTICAL: N/A
2 of 15	

**BENCHMARK**  
NGS STATION B 374 (PID KK0053)  
BEING A STANDARD BRASS BENCHMARK DISK SET IN TOP OF A 10" SQUARE CONCRETE MONUMENT, 4" ABOVE GRADE, STAMPED "B 374 1960". MONUMENT IS 104 FEET NORTH OF THE NORTH LANE OF INTERSTATE HIGHWAY 70, 3.1 FEET EAST OF A WITNESS POST AND 1 FOOT NORTH OF AN EAST-WEST FENCE LINE.  
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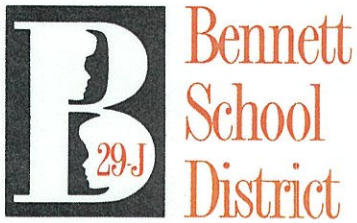
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APPROVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY ORDINANCE NO. \_\_\_\_.

MAYOR \_\_\_\_\_ ATTEST: TOWN CLERK \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_







## DISTRICT OFFICES

615 Seventh Street • Bennett, Colorado 80102 8015  
(303) 644-3234 • (303) 571-1104 • FAX (303) 644-4121

### Muegge Filing 5&6

May 31, 2022

This letter is being written to highlight discussions between Bennett School District 29J and the developers for Muegge Farms. We have met with Jim Marshall and John Vitella on several occasions to discuss district needs, district policy on land dedication and cash-in-lieu, and expectations for land dedication. Bennett School District has policy in place that address the expectations for land dedications, cash-in-lieu, and land use impact statements. We have shared those policies with these gentlemen. This letter is only for Filing/Phase #5&6.

We are asking for the full \$463,637.07 Cash-in-lieu for filing #5&6. We will ask for the land dedication as well as any additional Cash-in-lieu in the upcoming filings.

Please see our mutually agreed upon calculations attached that are in our IGA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robin Purdy'. The signature is fluid and cursive, with a large loop at the end.

Mrs. Robin Purdy  
Superintendent of Schools

A handwritten signature in black ink, appearing to read 'Keith Yaich'. The signature is more compact and angular than the one above it.

Mr. Keith Yaich  
Chief Financial Officer

B29J - Student Yield, Land Dedication and Fee-In\_Lieu Calculators - 5-31-2022 muegge farms filing 5&6

Student Yield Calculator			Elementary		Middle		High		Total	
Housing Unit Type	Density	Dwelling Units	Generation Rate	Students	Generation Rate	Students	Generation Rate	Students	Generation Rate	Students
Single Family Detached	1 - 7.99	223	0.29	65	0.15	33.45	0.16	36	0.6	133.8
Single Family Attached (Condo, Townhome, Plex)	8 - 14.99	0	0.14	0	0.06	0	0.08	0	0.28	0
Multifamily (Apartments)	15+	0	0.07	0	0.03	0	0.04	0	0.14	0
<b>Totals</b>		<b>223</b>								<b>133.8</b>

Acreage Calculator	Units	Acreage Multiplier	Acreage Owed		Fee Multiplier	Fee Owed
Single Family Detached Units (SFD)	223	0.0162	3.6126		\$2,079.09	\$ 463,637.07
Single Family Attached Units (SFA)	0	0.0075	0		\$964.84	\$ -
Multifamily Units (MF)	0	0.0038	0		\$482.42	\$ -
<b>Totals</b>			<b>3.6126</b>		<b>Or</b>	<b>\$ 463,637.07</b>

**Re: Fw: Muegge Farms Filings 5 & 6 Sketch Plan**

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

Tue 5/31/2022 12:58 PM

To: Keith Yaich &lt;KeithY@bsd29j.com&gt;

Yes, 223 single-family detached lots.

**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 Tue, May 31, 2022 at 12:43 PM Keith Yaich <KeithY@bsd29j.com> wrote:  
223 single family units?

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

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**From:** Robin Purdy <robinp@bsd29j.com>**Sent:** Tuesday, May 31, 2022 11:55 AM**To:** Keith Yaich <KeithY@bsd29j.com>**Subject:** Fw: Muegge Farms Filings 5 & 6 Sketch Plan

Robin Purdy

Superintendent of Schools

Bennett School District 29J

Fax: 303-644-4121

[robinp@bsd29j.com](mailto:robinp@bsd29j.com)

It is the policy of Bennett School District 29J to not discriminate on the basis of age, race, religion, color, national origin, sex or handicap in its programs, services or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Inquiries regarding compliance and/or grievance procedures may be directed to the school district's Title IX officer and Section 504/ADA Coordinator, Robin Purdy, 615 7th Street, Bennett, CO 80102, [303-644-3234 X 8203](tel:303-644-3234)

Es la póliza de Bennett School District 29J de no discriminar por motivos de raza, edad, religión, color, origen nacional, sexo o impedimento en sus programas, servicios o actividades según requerido por el Título de la Ley de Derechos Civiles de 1964, según enmienda; el Título IX de las Enmiendas de Educación de 1972; y la Sección 504 de la Ley de Rehabilitación de 1973, según enmienda. Preguntas con respecto al cumplimiento y/o procedimientos de queja pueden ser dirigidas al oficial del Título IX y/o al Coordinador de la Sección 504/ADA del distrito escolar, Robin Purdy, 615 7th Street, Bennett, CO, 80102, [303-644-3234 X8203](tel:303-644-3234).

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

**Sent:** Thursday, May 26, 2022 3:45 PM

**To:** [LBajelan@adcogov.org](mailto:LBajelan@adcogov.org) <[LBajelan@adcogov.org](mailto:LBajelan@adcogov.org)>; Karl Smalley <[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)>; Rick Martinez <[rmartinez@bennett.co.us](mailto:rmartinez@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)>; [JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com) <[JGutierrez@summitutilitiesinc.com](mailto:JGutierrez@summitutilitiesinc.com)>; [GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com) <[GVanderstraten@summitutilitiesinc.com](mailto:GVanderstraten@summitutilitiesinc.com)>; Eastern Slope Rural Telephone <[patw@esrta.com](mailto:patw@esrta.com)>; I-70 Regional Economic Advancement Partnership <[ixc.strategies@gmail.com](mailto:ixc.strategies@gmail.com)>; Brooks Kaufman <[BKaufman@core.coop](mailto:BKaufman@core.coop)>; Jehn Water Consultants Inc <[gburke@jehwater.com](mailto:gburke@jehwater.com)>; Melinda Culley <[melinda@kellypc.com](mailto:melinda@kellypc.com)>; Daniel Giroux <[dangiroux@terramax.us](mailto:dangiroux@terramax.us)>; Steve Hebert <[shebert@bennett.co.us](mailto:shebert@bennett.co.us)>; Heugh, Michael <[Michael.Heugh@jacobs.com](mailto:Michael.Heugh@jacobs.com)>

**Subject:** Muegge Farms Filings 5 & 6 Sketch Plan

Hello All,

Below is a Dropbox link to the Muegge Farms Filings 5 & 6 Sketch Plan. We appreciate your review and comments. Please send your comments back via this email address or by mail to Town Hall by June 16, 2022.

<https://www.dropbox.com/scl/fo/s8x6dxvx7gr9hn18zidt8/h?dl=0&rlkey=mr8al0y1qu54c92xbiatw73ws>

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)