



Planning and Zoning Commission

Monday, June 17, 2024 at 6:00 pm

PLEASE SILENCE ALL CELL PHONES AND ELECTRONIC DEVICES.

THANK YOU

1. Meeting Information

207 Muegge Way, Bennett, CO 80102

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

<https://us02web.zoom.us/j/83584660846?pwd=eqa4QujfBaq8vvbGiUWGfccGwS8oeJ.1>

Meeting ID: 835 8466 0846

Passcode: 916356

2. Call to Order

Chair

a. Roll Call

3. Approval of Agenda

Chair

4. Consent Agenda

Chair

a. May 20, 2024 - Regular Meeting Minutes

Attachments:

- **May 20, 2024 - Regular Meeting Minutes** (planning-and-zoning-commission_minutes_2024-05-20_214221.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. Chapter 16, Article II, Division 7 - Landscape Standards Update

Resolution No. 2024-03 - A Resolution Recommending Approval of the Revised Chapter 16, Article II, Division 7 - Landscape Standards

Steven Hoese, Planning Manager

Attachments:

- **Public Hearing Script** (Public_Hearing_Script.PC.pdf)
- **Staff Report - Chapter 16, Article II, Division 7 - Landscape Standards Update** (0_Staff_Report_PZ_Landscape_standards__3__5.29.24.pdf)
- **Staff PowerPoint Presentation** (1_Landscape_Code_Update_PZ_PP_5.29.24.pdf)
- **Article 99 of Title 37 C.R.S.** (2_Article_99_of_Title_37_C.R.S..pdf)
- **Exhibit A Chapter 16, Article II, Division 7 Landscape Standards** (3_Exhibit_A_Chapter_16_Article_II_Division_7_Landscape_Standards_w_updates_6.12.24.pdf)
- **Resolution No. 2024-03 - A Resolution Recommending Approval of the Revised Chapter 16, Article II, Division 7 - Landscape Standards** (4_Resolution_2024-03_Div_7_landscapeStandards_5.29.24.pdf)
- **Board of Trustees Ordinance No. 782-24** (5_Ordinance_No._782-24_Div_7_Landscape_standards_5.29.24.pdf)
- **Suggested Motion** (suggested_motion.pdf)

b. PZ2024-0010 Bennett Crossing Filing No. 5 Final Plat

Resolution No. 2024-04 - A Resolution Recommending Approval for a Final Plat for Bennett Crossing Filing No. 5
Greg Thompson, Community Development Director

Attachments:

- **Public Hearing Script** (Public_Hearing_Script.PC.pdf)
- **Staff Report - PZ2024-0010 Bennett Crossing Filing No. 5 Final Plat** (Ben_Cross_5_Pl原因_Staff_Report_theDits.pdf)
- **Staff PowerPoint Presentation** (1-PowerPoint_BennettCrossingFiling5_FinalPlat_P_and_Z_06_17_24_FINAL_theDits__1_.pdf)
- **Resolution No. 2024-04 - A Resolution Recommending Approval for a Final Plat for Bennett Crossing Filing No. 5** (2-BennettCrossing_F_No._5__PZ_reso_2024-04.pdf)
- **Bennett Crossing Filing No. 5 Final Plat** (3-Updated_Filing_No._5_Pl原因_05-30-2024.pdf)
- **Suggested Motion** (suggested_motion.pdf)

c. PZ2024-0013 Mount View Cemetery Zoning

Resolution No. 2024-05 - A Resolution Recommending Approval of P - Public Zoning for the Mount View Cemetery Annexation

Greg Thompson, Community Development Director

Attachments:

- **Public Hearing Script** (Public_Hearing_Script.PC.pdf)
- **Staff Report - PZ2024-0013 Mount View Cemetery Zoning** (0_-_Cemetery_Zoning_Staff_Report_theDits.pdf)
- **Staff PowerPoint Presentation** (1_-_Cemetery_Zoning_Powerpoint_theDits.pdf)
- **Resolution No. 2024-05 - A Resolution Recommending Approval of P - Public Zoning for the Mount View Cemetery Annexation** (2_-_Cemetery_Zoning_to_Public_P_and_Z_Resolution.pdf)
- **Mount View Cemetery Zoning Area** (3_-_Cemetery_Zoning_Area.pdf)
- **Suggested Motion** (suggested_motion.pdf)

6. Town Development Updates

Steven Hoese, Planning Manager

Click the link below to view the Town of Bennett Development Project Status.

<https://townofbennett.maps.arcgis.com/apps/MapSeries/index.html?appid=9e22f218b02b49a9aba89ff24f7d2ca0>

7. Commissioner Comments/Reports

8. Adjournment

Contact: Savannah Vickery (svickery@bennett.co.us 1 303 644 3249 x1032) | Agenda published on 06/13/2024 at 9:13 AM



DRAFT

Planning and Zoning Commission

Minutes

Monday, May 20, 2024 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:

Rachel Connor

Martin Metsker

Nicholas Rusciollelli

Wayne Clark

Scott Smith - Arrived at 6:16, unexcused

Unexcused:

James Delaney

Grider Lee

Staff Present:

Greg Thompson, Community Development Director

Savannah Chapa Vickery, Secretary

Public Present

There were no public attendees present.

3. Approval of Agenda

Chair

Minutes:

Savannah Chapa Vickery presented the change to the agenda - the Town Development Update would be presented by Greg Thompson, not Steven Hoese.

COMMISSIONER CLARK MOTIONED, COMMISSIONER METSKER SECONDED to approve the agenda as amended:

Ayes: Connor, Metsker, Rusciollelli, Clark

DRAFT

Nays: None

Absent: Lee, Delaney, Smith

Rachel Connor, Chairwoman, declared the motion carried by unanimous vote.

4. Consent Agenda

Chair

Minutes:

Savannah Chapa Vickery presented the change to the Consent Agenda - minor changes had been made to the minutes to include Commissioner Clarks voting at the April Meeting. The changes have been updated in the packet.

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

Ayes: Metsker, Connor, Clark, Rusciolelli

Nays: None

Absent: Lee, Delaney, Smith

Rachel Connor, Chairwoman, declared the motion carried by unanimous vote. **A. Action:**

Approval of April 15, 2023, Regular Meeting Minutes

PUBLIC COMMENTS NOT ON THE AGENDA

There were no public comments presented.

a. April 15, 2024 - 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. Action/Discussion Item

a. Civic Park Area Rezone

Resolution No. 2024-02 - A Resolution Recommending Approval of the Civic Park Area Rezone

Minutes:

Greg Thompson, Community Development Director, presented the proposed rezone for the Civic Center Park area.

COMMISSIONER METSKER MOVED, COMMISSIONER CLARK SECONDED to approve Resolution No. 2024-02 - A resolution recommending approval of the Civic Park Area Rezone.

Ayes: Metsker, Rusciollelli, Connor, Clark

Nays: None

Absent: Lee, Delaney, Smith

Rachel Connor, Chairwoman, declared the motion passed unanimously.

6. Town Development Updates

Greg Thompson, Community Development Director

Minutes:

Greg Thompson, Community Development Director, presented the Town Development Updates.

No action was required.

7. Commissioner Comments/Reports

8. Adjournment

Minutes:

COMMISSIONER METSKER MOVED, COMMISSIONER CLARK SECONDED to adjourn the meeting. The meeting was adjourned at 6:19 p.m. Voting was as follows:

Ayes: Rusciollelli, Clark, Connor, Smith, Metsker

Nays: None

Absent: Delaney, Lee

Rachel Connor, Chairwoman, declared the motion carried by unanimous vote.

Minutes Approved:

Rachel Connor, Chairwoman

Savannah Chapa Vickery, Secretary

Contact: Savannah Vickery (svickery@bennett.co.us 1 303 644 3249 x1012)

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

CHAIR: I will now open the public hearing on the following application: An application for **Chapter 16, Article II, Division 7 – Landscape Standards Update.**

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 may have a presentation by the applicant.

After these 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 provide your staff report.

[Staff presentation]

Will the applicant or the applicant's representative present their 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 7**

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. 2024-03.

May we have a Roll-Call vote?

Motion carries/fails.

TO: Planning and Zoning Commission
FROM: Steven Hoes Planning Manager
DATE: June 17, 2024
SUBJECT: Chapter 16, Article II, Division 7 - Landscape Standards Update

Background

In 2014, the Town adopted a new land use code, which updated the landscape regulations concerning plant materials, street trees, the use of non-living materials and maintenance. That ordinance also updated the landscaping definitions.

Starting in 2023, Staff reviewed and researched various landscape codes, techniques, technologies and philosophies of landscaping scenarios best suited for the Town of Bennett. Staff research included complying with any applicable state statutes. The attached resolution includes the proposed changes to Chapter 16, Article II, Division 7 - Landscape Standards.

The State of Colorado adopted CRS 37-60-135, which outlined the following:

- *Promoting the efficient and maximum utilization of Colorado's water resources by decreasing the amount of irrigated turf can:*
 - (I) Increase communities' resilience regarding drought and climate change;*
 - (II) Reduce the sale of agricultural water rights in response to increased demand for municipal water use; and*
 - (III) Protect river flows.*
- *Irrigation of outdoor landscaping accounts for nearly half of water use within the municipal and industrial sectors of the state and is mostly used for irrigation of nonnative turf grass. While there are appropriate and important uses for irrigated turf, including for parks, sports fields, playgrounds, and portions of residential yards, much of the turf in the state is nonessential and is located in areas that receive little, if any, use. Such irrigated turf could be replaced with water-wise landscaping without impacting quality of life or landscape functionality.*

Some communities and water utilities have voluntary/incentivized programs for homeowners or businesses to remove irrigated sod and replace it with water-wise landscaping. However, from a code perspective, it seems inefficient to have developers planting sod and then asking the water utilities to pay rebates to have landowners tear it out. It makes more sense to limit the planting of sod, unless it is for active play areas. This is what the State legislature would like addressed. For example, if the only time someone is walking on irrigated sod is to mow it, that sod is for decorative and not functional reasons and is considered by the state as nonessential.

Because sod is primarily irrigated from spray heads, much of the irrigation water is lost to run off. Watering streets and sidewalks, and having the sprinkler water drain down storm water facilities is loss of a precious resource. Landscaped plants and trees in water-wise landscaping are irrigated from a drip system, which produces less waste than from spray heads.

Irrigation Examples of Water Waste



Castle Rock, crconserve.com/Watering-Violations. Photos used with permission.





Castle Rock, [crconserve.com/Watering-Violations](https://www.crconserve.com/Watering-Violations). Photos used with permission.



Castle Rock, [crconserve.com/Watering-Violations](https://www.crconserve.com/Watering-Violations). Photos used with permission.

Seven Key Principals of Water-Wise Landscaping

The state prioritizes the following Seven Key Principals from CRS 37-60-135 (2)(1) (II):

- (A) Planning and design for water conservation, beauty, and utility;*
- (B) Improving soil;*
- (C) Applying efficient irrigation;*
- (D) Limiting turf to high traffic, essential areas;*
- (E) Selecting plants that have low water demand;*
- (F) Applying mulch; and*
- (G) Maintaining the landscape.*

Overall Goals

Below are the Town's overall goals for the landscape code update:

- Reduce use of potable (drinking) water for irrigating landscaping;
- Minimize turf grass that needs watering;
- Define where artificial grass would be allowed and restricted;
- Encourage low water use hybrid grasses;
- Incorporate the new standards and definitions from the latest State legislation relating to landscaping; and
- Use the Seven Key Principals to guide the Town's landscape standards.

In March 2024 the Governor signed into law Article 99 of Title 37, C.R.S., Prohibition of Nonfunctional Turf, Artificial Turf and Invasive Plant Species. It declares these are matters of statewide concern and in the public interest.

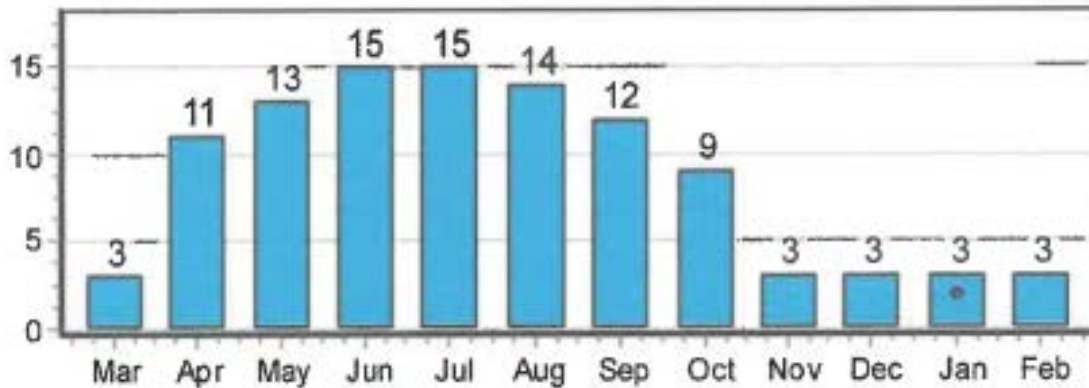
In summary the law states that the Town shall not install, plant, or place, or allow any person to install, plant, or place, any nonfunctional turf, artificial turf, or invasive plant species, as part of a new development project or redevelopment project, on any portion of commercial, institutional, industrial, HOA or community property, government, school or business property.

The law requires the Town to enact or amend ordinances, resolutions, regulations or other laws regulating new developments and redevelopment projects in accordance with the provisions of this law. The proposed landscape code draft has been updated to comply with the state requirement.

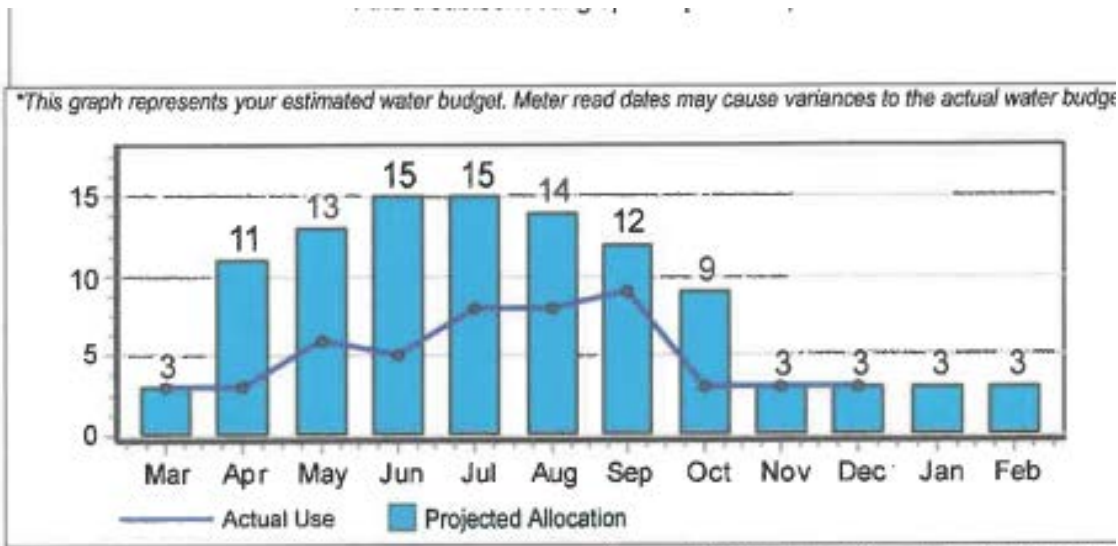
Water-wise landscaping using the State's seven key principals and the Town's overall goals does reduce water use in a residential home. The following example of a water bill before and after implementing water-wise landscape principals demonstrates it does save water.

Water Usage in Typical Single Family Home with and without Water-Wise irrigation

**This graph represents your estimated water budget. Meter read dates may cause variances to the actual water budget.*



The months of November through March, the short blue columns, show water usage for a typical home, which include drinking, cooking, cleaning and washing. The taller blue columns show how much the water use rises dramatically when landscape irrigation starts. The water use can be five times higher in the summer months, from 3 to 15,000 gallons



The black line in this graph overlaying the previous blue columns shows how much the use of Water-Wise irrigation techniques reduced the amount of water used in irrigating the landscaping in the summer months. The peak of 15 was cut in half to about 7. The human use of water inside the home didn't change. Reduction of irrigated sod can reduce this summer water use even more.

The water bill featured above is from a 2100 sq. ft. 3 bedroom 2.5 bath single family home on a 6,600 sq. ft. lot.

Examples of Water-Wise Landscaping



Before



After



Before



After



Before



After

Photos from EPA WaterSense Landscape Gallery – West.
U.S. Environmental Protection Agency <https://www.epa.gov/watersense>



Aurora Demonstration Garden, Steve Hebert photo, Town of Bennett Planning Department



Taos Valley Lodge, boulders and trees over stone, Steve Hebert photo, Town of Bennett Planning Department



Bennett Town Hall, Steve Hebert photo, Town of Bennett Planning Department



Storm drainage integrated with landscaping, lawn in background.
Steve Hebert photo, Town of Bennett Planning Department



A mix of bark mulch and rock mulch planting areas.
Steve Hebert photo, Town of Bennett Planning Department



Native grass open space in a residential neighborhood in Denver. Steve Hebert photo, Town of Bennett Planning Department.

The proposed landscape code changes are intended to modify the mix of landscape materials and methods to reduce the amount of drinking water used for watering landscaping. It is not intended to remove all landscaping but to provide different landscaping.



This is not the intent.



Suggested Landscape Code Updates

A revised code section for Chapter 16, Division 7- Landscape Standards has been drafted based on reviews of model codes, team research and state statutes. Below is a summary of the proposed changes:

- A Purpose and Intent code section was added. This section is a summary of the landscaping concepts. Xeriscapes concepts are part of this section now.
- A Site Buffering section was added to the Screening section. The details and requirements for site buffering would be contained in the Design Guidelines and would be required to be shown on landscaping plans.
- Xeriscaping is no longer a separate section but an overall concept for the whole chapter and was added to the new Purpose and Intent section.
- The new Alternative Compliance section would allow new or creative solutions without having to rewrite the law or require a variance. As new water saving techniques or plants are discovered the Town could encourage their use.
- New terms and different definitions were added or updated in the Definitions section.
- The draft reduced deciduous tree diameter size requirements from 2.5" to 2" and increased the minimum evergreen height from 5' to 6'.
- Lot coverage requirements were modified. Current regulations allow non-living materials up to a max of 25% of the overall landscape. The new regulation would allow hardscape up to a max of 50%. Town Hall landscaping is an example of this.
- Use of irrigated grass was reduced and the use of trees and shrubs was increased on new residential development. The plant coverage ratio decreased from 2,000 sq. ft. to 1,000 sq. ft.
- Use of irrigated grass was prohibited on commercial, institutional, industrial, common interest communities, government, schools, business properties, street right-of-way, parking lots, medians, or transportation corridors with the exception of recreational use areas or other spaces that are regularly used for civic, community or recreational purposes which may include playgrounds, sports fields, picnic grounds, amphitheatres, and the playing areas of golf courses.
- New installations of artificial turf are banned except for private yards in residential zones and athletic fields of play.
- Ground cover and landscaping were expanded to include the category of hardscaping or non-living materials. This draft proposes to expand use of stone and rock as mulch. Historically ground cover would be more irrigated grass.
- The new standards are intended to apply to all development. The requirement to submit a plan applies to all new and changed development except existing single family and duplex occupied property. Single family or duplex lots only need a plan and permit to add new irrigated turf or new artificial turf.
- A new section was added for soil amendments and mulch. Water conservation and landscape experts tell us this is very important to the long term survival of live plants in landscaping and retention of water at the plant roots.
- Landscaping in parking lot islands and medians was refined. The proposed spacing is similar to what exists at King Soopers.

- The draft includes an expanded section on preservation of existing vegetation and trees. Recognizing it is hard to grow and establish new landscaping, the code requires, where practical, to save what landscaping already exists.
- A new requirement was added that the landscape plans and installation be inspected and certified by a registered landscape architect.
- A reference to the Development Design guidelines was added rather than “see Zoning Administrator.” This allows the possibility of the Design Guidelines to contain other landscaping standards, diagrams or photos of examples that can be modified from time to time.
- Purple Pipe recycled water will now be required to be used for landscaping whenever it is available and appropriate.
- Engineered storm water areas must now be integrated with the over-all landscaping of the site, while not violating the functional needs of the storm water facility.
- Specifics of landscaping completion is considered a development improvement, governed by Bennett Municipal Code Section 16-5-540, or may be subject to the developer agreement for each project. An example would be specifying how many building permits will be issued after a specific amount of landscaping is completed.
- Draft changes would now allow wire fencing when used on and attached to an approved fence to contain pets. This would also include a special exception for agricultural fencing.
- A provision was added that movable gates or fences shall be designed and constructed so that no part of the fence or gate would extend over the property line when operating.

Staff Recommendation

Staff is recommending approval of Resolution No. 2024-03 recommending the Board of Trustees adopt Ordinance No. 782-24 an ordinance repealing and reenacting, with amendments, Chapter 16, Article II, Division 7 of the Bennett Municipal Code concerning landscape standards.

Attachments

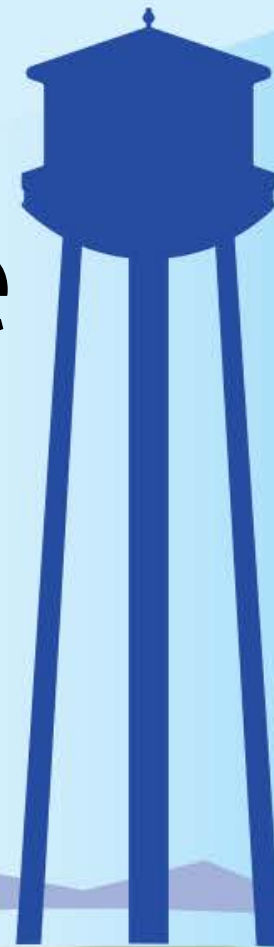
1. Staff PowerPoint Presentation
2. Article 99 of Title 37 C.R.S.
3. Exhibit A Chapter 16, Article II, Division 7 Landscape Standards
4. Planning and Zoning Commission Resolution No. 2024-03
5. Board of Trustees Ordinance No. 782-24.

Landscape Code Update

Planning and Zoning Commission

June 17, 2024

Steven Hoese, Planning Manager



Background

- Town of Bennett Landscape regulations were last updated in 2014.
- Town Staff research started in 2023 by collecting and reviewing:
 - Neighboring towns and county landscape codes.
 - American Standard for nursery stock publications.
 - South Metro Water supply authority model ordinances.
 - Water efficient landscape and irrigation model regulations.
 - State Statutes.
- Held team workshops and discussed proposed changes that would be best suited for the Town of Bennett.

Background

The State of Colorado adopted CRS 37-60-135 to promote the efficient and maximum utilization of water resources by decreasing the amount of irrigated turf.

- Irrigation of outdoor landscaping accounts for nearly half of water use, most of which is for irrigated turf.
- Irrigated turf not located in parks, sports fields, playgrounds and portions of residential yards could be replaced with water-wise landscaping without impacting the quality of life.
- Grass irrigated from spray heads lose much of the water to run off.
- Plants and trees using drip irrigation can have less waste.

Using Spray Heads to Water Grass



Water Waste with Irrigation



Watering Road and Sidewalk



Castle Rock, [crconserve.com/Watering-Violations](https://www.crconserve.com/Watering-Violations). Photos used with permission..

Water Runoff into Storm Drains



Castle Rock, [crconserve.com/Watering-Violations](https://www.crconserve.com/Watering-Violations). Photos used with permission.

Water Waste with Irrigation



Castle Rock, [crconserve.com/Watering-Violations](https://www.crconserve.com/Watering-Violations). Photos used with permission.

Seven Key Principals of Water-Wise Landscaping

- Planning and design for water conservation, beauty and Utility;
- Improving soil;
- Applying Efficient Irrigation;
- Limiting Turf to High Traffic, Essential Areas;
- Selecting plants that have Low Water Demand;
- Applying Mulch; and
- Maintaining the Landscape.

Overall Goals

- Reduce use of drinking water for irrigating landscaping.
- Minimize turf grass that needs watering.
- Refine use and limits of artificial grass.
- Encourage low water use hybrid grasses.
- Incorporate the new standards and definitions from the latest State legislation relating to landscaping.
- Use the Seven Key Principals to guide our regulations.
- Require use of reclaimed water where available

State of Colorado

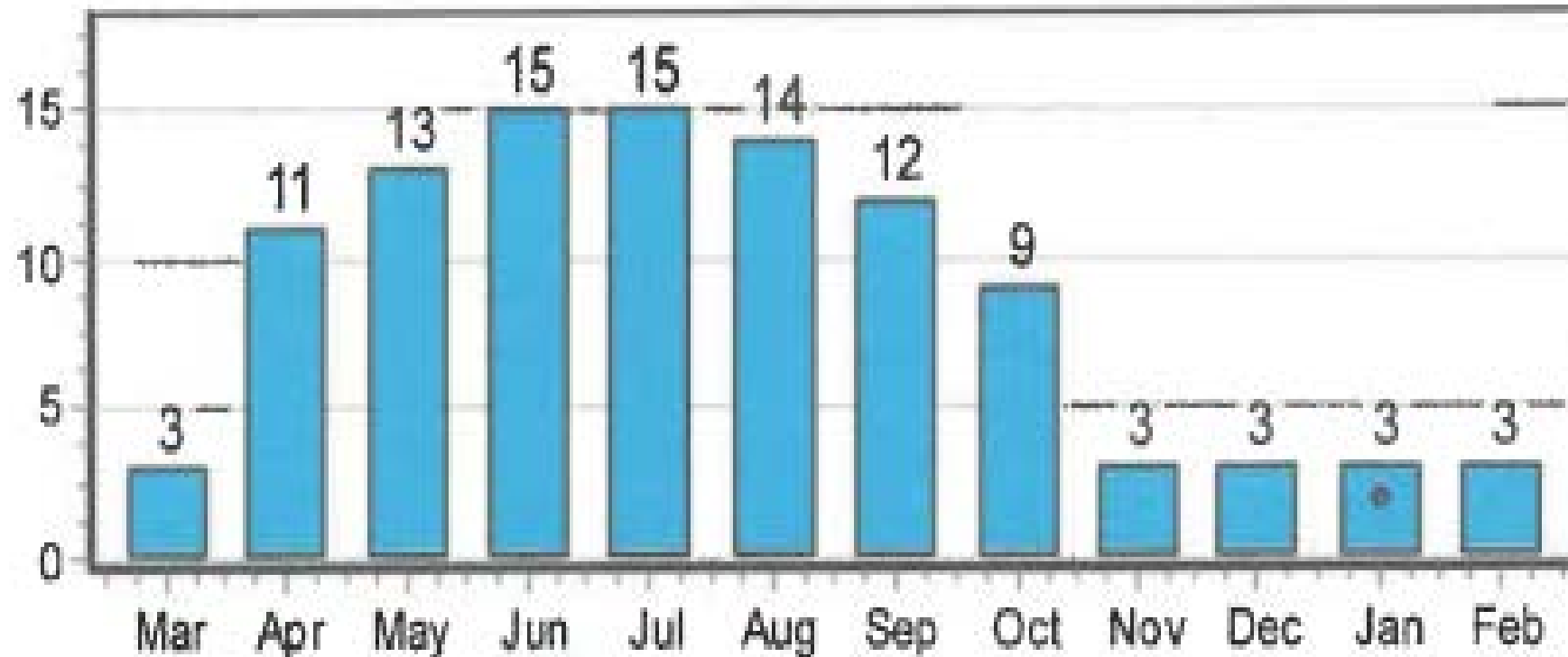
- Article 99 of Title 37 C.R.S., Prohibition of Nonfunctional turf, Artificial turf and Invasive plant species was signed by the Governor March 2024.
- No irrigated turf, artificial turf, or invasive plant species on commercial, institutional, industrial, HOA or community property, government, school or business property.
- Town must update its ordinances to be in accordance with this new State law.
- Intention is that landscaping that adheres to water-wise principals will reduce outdoor demand of water.

Water Usage in Single Family Home

November through March, the short blue column, is the amount of water used by people in the home for drinking, cooking, cleaning and washing.

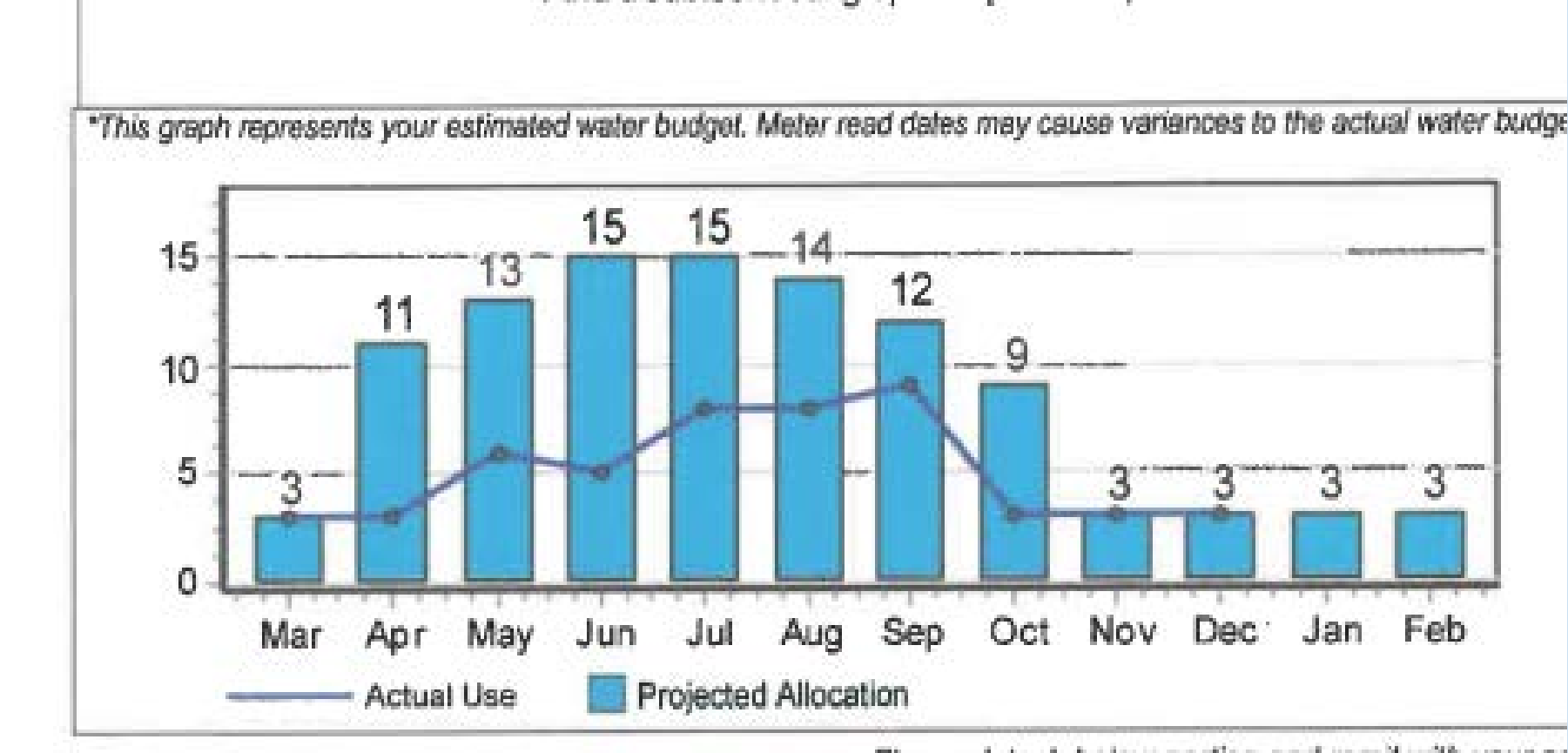
The tall blue columns are how much higher water use is when sprinkling. It can be five times higher in the summer months.

**This graph represents your estimated water budget. Meter read dates may cause variances to the actual water budget.*



Water Usage in Single Family Home

The black line over the blue columns shows how much less water was used when Water-Wise techniques were implemented. The peak month at 15 was cut in half to about 7. Xeriscape landscaping with less irrigated sod can reduce the amount of water even more.



Water bill is from a 2100 sq. ft. 3 bedroom 2.5 bath single family home on a 6,600 sq. ft. lot.

Examples of Water Wise Landscaping



Before



After

Residential – Photo from EPA WaterSense Landscape Gallery – West.
U.S. Environmental Protection Agency <https://www.epa.gov/watersense>

Examples of Water Wise Landscaping



Before

After

Industrial– Photo from EPA WaterSense Landscape Gallery – West.
U.S. Environmental Protection Agency <https://www.epa.gov/watersense>

Aurora Demonstration Garden



Examples of Water Wise Landscaping



Holyoke Events Center
Steve Hebert photo, Town of Bennett Planning Department



Taos Valley Lodge, boulders and trees over stone.
Steve Hebert photo, Town of Bennett Planning Department

Examples of Water Wise Landscaping



Sprouts Stapleton, Denver.
Steve Hebert photo, Town of Bennett Planning Department



Bennett Town Hall
Steve Hebert photo, Town of Bennett Planning Department

Examples of Water Wise Landscaping



A mix of landscape plants over stone mulch in a parking lot island.

Steve Hebert photo, Town of Bennett Planning Department

Town Hall – Bennett, Colorado



Storm drainage integrated with landscaping, lawn in background.
Steve Hebert photo, Town of Bennett Planning Department



A mix of bark mulch and rock mulch planting areas.
Steve Hebert photo, Town of Bennett Planning Department

Fire Station 5 Thornton, Colorado



Steve Hebert photos, Town of Bennett Planning Department

Residential Neighborhood Open Space



Native Grass with sitting area.
Steve Hebert photo, Town of Bennett Planning Department



Native grass and walking path.
Steve Hebert photo, Town of Bennett Planning Department

Examples of Water Wise Landscaping



Before



After



Before



After

Photos from EPA WaterSense Landscape Gallery – West.
U.S. Environmental Protection Agency <https://www.epa.gov/watersense>

Examples of Water Wise Landscaping



Before

After

Photo from EPA WaterSense Landscape Gallery – West.
U.S. Environmental Protection Agency <https://www.epa.gov/watersense>

The proposed landscape code changes are intended to modify the mix of landscape materials to reduce the amount of water used for watering landscaping. It is not intended to remove all landscaping, just do it differently.



Steve Hebert photo, Town of Bennett Planning Department

Proposed Changes

Chapter 16, Article II, Division 7 – Landscape Standards proposed changes:

- A Purpose and Intent section was added.
- A Site buffering section was added.
- The Xeriscapes section was removed.
- An Alternative Compliance section was added.
- The Definition section was updated and expanded.
- Lot coverage changed from 75% to 50% for living plants.
- Irrigated turf limited to 25% of lot not to exceed 1500 sq. ft. for residential lots.

Proposed Changes

- Irrigated sod prohibited except on residential lots and Active Recreation areas such as sports fields, playgrounds, golf courses.
- New Artificial Turf prohibited except single family lots & athletic fields of play.
- Ground cover expanded to include hardscaping, stone and rock.
- New section added on soil and mulch.
- Required preservation of existing trees when practical.
- Required use of reclaimed water (purple pipe) for landscaping where available.

Proposed Changes

- New code requires plan preparation and verification of installation by a registered Landscape Architect except for single family and duplex lots.
- Existing single family and duplex properties not required to submit plans except for permits for installation of artificial turf and new sod.
- Deciduous tree size diameter reduced from 2.5" to 2", Evergreen trees increased from 5' to 6'.
- Storm water facilities to be integrated and landscaped with the adjoining property.
- All new construction and redevelopment will be required to meet these standards.

Staff Recommendation

Staff is recommending the Planning and Zoning Commission approve Resolution 2024-03 recommending the Board of Trustees adopt Ordinance 782-24, an ordinance repealing and reenacting, with amendments, Chapter 16, Article II, Division 7 of the Bennett Municipal Code concerning landscape standards.

Acknowledgments

- Thank you to the Bennett Landscape Code Team
 - Rachel Summer
 - Scot Krob
 - Greg Thompson
 - Robin Price
 - Steve Hebert
 - Savannah Vickery
 - Taeler Houlberg

An Act

SENATE BILL 24-005

BY SENATOR(S) Roberts and Simpson, Bridges, Hinrichsen, Buckner, Cutter, Exum, Fields, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F., Fenberg;
also REPRESENTATIVE(S) McCormick and McLachlan, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Duran, Epps, Froelich, Garcia, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lukens, Mabrey, Martinez, Marvin, Mauro, Ortiz, Parenti, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Weissman, Willford, McCluskie.

CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH THE PROHIBITION OF CERTAIN LANDSCAPING PRACTICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 99 to title 37 as follows:

ARTICLE 99
**Prohibition of Nonfunctional Turf,
Artificial Turf, and Invasive Plant Species**

37-99-101. Legislative declaration. (1) THE GENERAL ASSEMBLY

FINDS THAT:

(a) AS COLORADO CONTINUES TO GRAPPLE WITH THE IMPACTS OF CLIMATE CHANGE, GREEN URBAN SPACES, SUCH AS URBAN TREE CANOPIES, ARE A VITAL ADAPTATION TOOL FOR MITIGATING THE IMPACTS OF CLIMATE CHANGE, ESPECIALLY FOR MITIGATING THE URBAN HEAT ISLAND EFFECT, WHICH CAN INCREASE ENERGY COSTS, AIR POLLUTION, AND HEAT-RELATED ILLNESSES AND DEATHS;

(b) HOWEVER, WATER SUPPLY IN THE WESTERN UNITED STATES IS UNDER INCREASING PRESSURE DUE TO CLIMATE CHANGE AND INCREASING DEMAND;

(c) MANY COMMUNITIES IN THE STATE OVERUSE NONNATIVE GRASS FOR LANDSCAPING PURPOSES, WHICH REQUIRES LARGE AMOUNTS OF WATER TO MAINTAIN;

(d) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR TURF, INCLUDING FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES SUCH AS USE IN PARKS, SPORTS FIELDS, AND PLAYGROUNDS, MUCH OF THE TURF IN THE STATE IS NONFUNCTIONAL, LOCATED IN AREAS THAT RECEIVE LITTLE, IF ANY, USE, AND COULD BE REPLACED WITH LANDSCAPING THAT ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES WITHOUT ADVERSELY IMPACTING QUALITY OF LIFE OR LANDSCAPE FUNCTIONALITY;

(e) PROHIBITING THE INSTALLATION, PLANTING, OR PLACEMENT OF NONFUNCTIONAL TURF IN APPLICABLE PROPERTY IN THE STATE CAN HELP CONSERVE THE STATE'S WATER RESOURCES;

(f) INSTALLED VEGETATION THAT ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES CAN HELP REDUCE OUTDOOR DEMAND OF WATER; AND

(g) ADDITIONALLY, ARTIFICIAL TURF CAN CAUSE NEGATIVE ENVIRONMENTAL IMPACTS, SUCH AS EXACERBATING HEAT ISLAND EFFECTS IN URBAN AREAS AND RELEASING HARMFUL CHEMICALS, INCLUDING PLASTICS, MICROPLASTICS, AND PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS, INTO THE ENVIRONMENT AND WATERSHEDS.

(2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT

PREVENTING THE INSTALLATION, PLANTING, OR PLACEMENT OF NONFUNCTIONAL TURF, ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES IN APPLICABLE PROPERTY IN THE STATE IS:

(a) A MATTER OF STATEWIDE CONCERN; AND

(b) IN THE PUBLIC INTEREST.

37-99-102. Definitions. AS USED IN THIS ARTICLE 99, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) (a) "APPLICABLE PROPERTY" MEANS:

(I) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY;

(II) COMMON INTEREST COMMUNITY PROPERTY; OR

(III) A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR TRANSPORTATION CORRIDOR.

(b) "APPLICABLE PROPERTY" DOES NOT INCLUDE RESIDENTIAL PROPERTY.

(2) "ARTIFICIAL TURF" MEANS AN INSTALLATION OF SYNTHETIC MATERIALS DEVELOPED TO RESEMBLE NATURAL GRASS.

(3) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(b).

(4) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (8).

(5) "COMMON INTEREST COMMUNITY PROPERTY" MEANS PROPERTY WITHIN A COMMON INTEREST COMMUNITY THAT IS OWNED AND MAINTAINED BY A UNIT OWNERS' ASSOCIATION, SUCH AS ENTRYWAYS, PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION 38-33.3-103 (5).

(6) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL CREATED IN SECTION 24-1-128 (1).

(7) "FUNCTIONAL TURF" MEANS TURF THAT IS LOCATED IN A RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE PLAYGROUNDS; SPORTS FIELDS; PICNIC GROUNDS; AMPHITHEATERS; PORTIONS OF PARKS; AND THE PLAYING AREAS OF GOLF COURSES, SUCH AS DRIVING RANGES, CHIPPING AND PUTTING GREENS, TEE BOXES, GREENS, FAIRWAYS, AND ROUGHS.

(8) "INVASIVE PLANT SPECIES" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(e).

(9) "LOCAL ENTITY" MEANS A:

(a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY, TERRITORIAL CHARTER CITY, OR TOWN;

(b) SPECIAL DISTRICT; AND

(c) METROPOLITAN DISTRICT.

(10) "MAINTAIN" OR "MAINTAINING" MEANS AN ACTION TO PRESERVE THE EXISTING STATE OF NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR AN INVASIVE PLANT SPECIES THAT HAS ALREADY BEEN INSTALLED, PLANTED, OR PLACED.

(11) "NATIVE PLANT" MEANS A PLANT SPECIES THAT IS INDIGENOUS TO THE STATE OF COLORADO.

(12) "NEW DEVELOPMENT PROJECT" MEANS A NEW CONSTRUCTION PROJECT THAT REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN CHECK, OR DESIGN REVIEW.

(13) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS NOT FUNCTIONAL TURF.

(b) "NONFUNCTIONAL TURF" INCLUDES TURF LOCATED IN A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR TRANSPORTATION CORRIDOR.

(c) "NONFUNCTIONAL TURF" DOES NOT INCLUDE TURF THAT IS DESIGNATED TO BE PART OF A WATER QUALITY TREATMENT SOLUTION

REQUIRED FOR COMPLIANCE WITH FEDERAL, STATE, OR LOCAL AGENCY WATER QUALITY PERMITTING REQUIREMENTS THAT IS NOT IRRIGATED AND DOES NOT HAVE HERBICIDES APPLIED.

(14) "REDEVELOPMENT PROJECT" MEANS A CONSTRUCTION PROJECT THAT:

(a) REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN CHECK, OR DESIGN REVIEW; AND

(b) RESULTS IN A DISTURBANCE OF MORE THAN FIFTY PERCENT OF THE AGGREGATE LANDSCAPE AREA.

(15) "SPECIAL DISTRICT" HAS THE MEANING SET FORTH IN SECTION 32-1-103 (20).

(16) "TRANSPORTATION CORRIDOR" MEANS A TRANSPORTATION SYSTEM THAT INCLUDES ALL MODES AND FACILITIES WITHIN A DESCRIBED GEOGRAPHIC AREA, HAVING LENGTH AND WIDTH.

(17) "TURF" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(i).

(18) "UNIT OWNERS' ASSOCIATION" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (3).

(19) "WATER-WISE LANDSCAPING" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(1).

37-99-103. Prohibition of nonfunctional turf, artificial turf, and invasive plant species - local entities - construction or renovation of state facilities. (1) ON AND AFTER JANUARY 1, 2026, A LOCAL ENTITY SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTY WITHIN THE LOCAL ENTITY'S JURISDICTION.

(2) ON OR BEFORE JANUARY 1, 2026, A LOCAL ENTITY SHALL ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS

REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(3) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH PROJECT DESIGN COMMENCES ON OR AFTER JANUARY 1, 2025.

(4) NOTHING IN THIS SECTION PROHIBITS:

(a) A LOCAL ENTITY FROM MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED BEFORE JANUARY 1, 2026;

(b) THE DEPARTMENT FROM MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED AT A STATE FACILITY BEFORE JANUARY 1, 2025;

(c) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR ALLOWING ANY PERSON TO INSTALL, GRASS SEED OR SOD THAT IS A NATIVE PLANT OR HAS BEEN HYBRIDIZED FOR ARID CONDITIONS;

(d) A LOCAL ENTITY OR THE DEPARTMENT FROM ESTABLISHING PROHIBITIONS ON, OR REQUIREMENTS FOR, NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION; OR

(e) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR ALLOWING ANY PERSON TO INSTALL, ARTIFICIAL TURF ON ATHLETIC FIELDS OF PLAY.

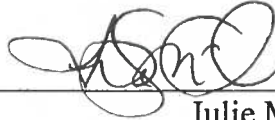
SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or

part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act does not apply to projects approved by the department of personnel or a local entity before the effective date of this act.



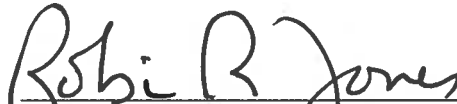
Steve Fenberg
PRESIDENT OF
THE SENATE



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

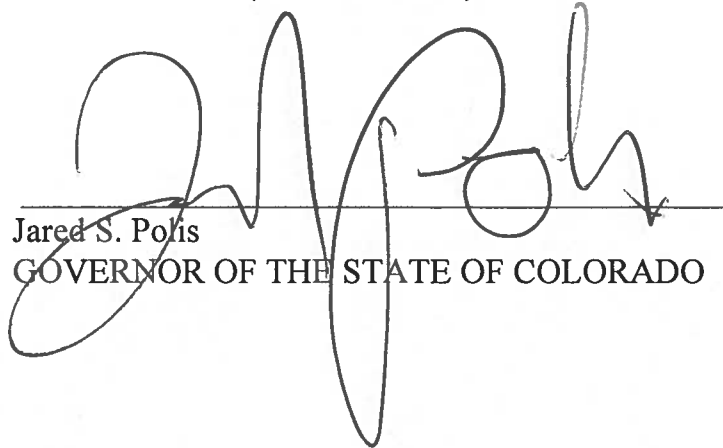


Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Friday March 15th 2024 at 2:15 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Division 7 Landscape Standards

Sec. 16-2-700 Purpose and Intent

- (a) The purpose and intent of these regulations is to establish landscape standards that enhance the environmental, economic, aesthetic, and recreational resources of the Town and to promote sustainable management of the Town's water resources. All landscape plans shall be designed for good site accessibility and visibility; safe pedestrian and traffic circulation; compatibility of adjacent land uses; enhancement of outdoor recreational opportunities; protection of endangered and significant ecotypes, soils, and wildlife habitat; climate resilience; and prevention of the spread of invasive species;
- (b) Enhance and promote a unique image for the Town of Bennett.
- (c) Protect the public health, safety and welfare by:
 - (1) Minimizing noise, air, water and visual pollution;
 - (2) Screening and buffering incompatible land uses;
 - (3) Reducing the amount of reflected glare and heat absorbed in and around developments;
 - (4) Breaking up large expanses of parking lots;
 - (5) Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses;
 - (6) Providing screening from wind and blowing snow;
 - (7) Conserving water resources by implementing the use of xeriscaping, drought-tolerant native plantings; and using efficient water-wise landscaping;
 - (8) Ensuring landscaping is an integral part of the site design and development process;
 - (9) Providing landscape design that is compatible with any adjacent site features including buildings, trails, parking lots, utilities, signs, drainage, etc.; and
 - (10) Promoting the use of reclaimed water for use in landscaping where appropriate.

Sec. 16-2-705 – Landscape Definitions

Applicable Property: Applicable property means commercial, institutional or industrial property; common interest community property; or a street right-of-way, parking lot, median, or transportation corridor. It does not include residential property.

Artificial Turf means an installation of synthetic materials developed to resemble natural grass.

Backflow preventer: A mechanical device installed at the beginning of the irrigation system to prevent a reverse water flow and contamination of the potable water supply.

Bioretention Facility (also known as Rain Gardens and Porous Landscape Detention): An engineered, depressed landscape area designed to capture and filter or infiltrate the water quality capture volume.

Buffer: To lessen or moderate the impact of something or a dissimilar land use. A continuous edge of land provided along the perimeter of a lot where landscaping and or distance is used to transition one use from adjacent uses or public uses.

Caliper: (Sometimes called DBH Diameter at breast height) The diameter (expressed in inches) of a tree trunk measured 4.5 feet above the ground level.

Certified Irrigation Auditor: A person who has successfully completed formal training, certification, licensing, or other similar qualifications by the Irrigation Association or Qualified Water Efficient Landscaper (QWEL) to perform irrigation audits.

Commercial, Institutional or Industrial: means commercial, institutional, or industrial property; and includes local government, schools, and businesses, among others.

Common Elements: In a condominium or cooperative, all portions of the condominium or cooperative other than the units; and in a planned community, any real estate within a planned community owned or leased by the owners' association other than a unit.

Common Interest Community: Common Interest Community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. Ownership of a unit does not include holding a leasehold interest in a unit of less than forty years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences.

Common Interest Community Property: Common Interest Community Property means property within a common interest community that is owned and maintained by a unit owners association, such as entry ways, parks, and other common elements as defined in section 38-33.3-103 (5).

Desirable Tree: A tree that is in good health, with good form and minimal to no disease or decay and not an invasive species.

Diameter at Breast Height (DBH): The tree diameter (expressed in inches) measured 4.5 feet above the ground level.

Duplex: Is generally a property with two living units. Those units can be side by side or stacked one on top of the other. There are separate entrances for each unit and sometimes separate garages and yards as well.

Ecotypes: A group of organisms, normally a subdivision of a species, that is adapted to a specific environment. It is sometimes called ecospecies, describing a genetically distinct geographical variety, population or race within species, which is adapted to specific environmental conditions.

Functional Turf: Functional Turf means turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks; and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways and roughs.

Grass Buffer: Densely vegetated strips of grass designed to accept sheet flow from up gradient development, enabling infiltration and slowing runoff. Grass buffers provide filtration (straining) of sediment. Buffers differ from swales in that they are designed to accommodate overland sheet flow rather than concentrated or channelized flow.

Grass Swale: Densely vegetated trapezoidal or triangular channels with low-pitched side slopes designed to convey runoff slowly. Grass swales have low longitudinal slopes and broad cross-sections that convey flow in a slow and shallow manner, thereby facilitating sedimentation and filtering (straining) while limiting erosion.

Ground Cover Vegetation – Any plant that grows over an area of ground. Ground cover provides protection of the topsoil from erosion or drought. In an ecosystem, the ground cover forms the layer of vegetation below the shrub layer known as the herbaceous layer. They are generally wider than tall.

Hardscape: Hard landscape materials in the built environment that are incorporated into a landscape. Decorative non-living material including

inorganic mulch, rock mulch, decorative or pattern concrete, brick pavers, wood chips, decorative rock, boulders, ornamental features, birdbaths, sculptures, planters, benches, statues, low stone edging, or other similar materials. This can include paved areas such as patios, sports courts, and trails, retaining walls, and any other landscaping made up of hard wearing materials such as wood, stone, and concrete, as opposed to softscape, the horticultural elements of a landscape. A well-balanced landscape design will include an attractive combination of both hardscaping and softscaping elements.

Hydrozone: Plants grouped together by soil suitability and water use in distinct hydrozones in an effort to conserve water. Hydrozones are divided into four main categories: High, Moderate, Low and very low water usage zones.

Invasive Plant Species: Invasive Plant Species means plants that are not native to the state and that: are introduced into the state accidentally or intentionally; have no natural competitors or predators in the state because the state is outside of their competitors' or predators' range; and have harmful effects on the state's environment or economy or both.

Irrigation Audit: A procedure to collect and present information concerning the uniformity of application, precipitation rate, and general condition of an irrigation system and its components. This procedure, according to the Irrigation Association includes a visual site inspection of the installed irrigation system for performance according to design criteria.

Land reclamation: The combined process by which adverse environmental effects of past disturbances on the land are minimized and returned to a beneficial end use.

Landscape Area: The pervious area outside the buildings, structures, drives and parking on a lot or parcel. This surface area shall be treated with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, vines and other horticultural materials. Landscaping may include elements of softscaping and hardscaping or other decorative surfacing such as wood chips, crushed stone or other mulch materials. Not all water quality control measures can be considered landscaped area.

Landscape Islands: A landscape area enclosed by raised curbs and located on the end of a row of parking spaces or between two parking spaces in the row.

Landscape Median: Strip of landscaping between rows of parking. Usually has a parking Island on either end.

Maximum Lot Coverage: Maximum lot coverage percentage as regulated in chapter 16 includes all structures, paving, driveways, sidewalks, steps, ramps, walls, patios, and parking.

Mulch: The use of organic ground cover to reduce water loss through evaporation, reduce soil loss, and suppress weeds. Rubber mulch or recycled mulch containing construction or demolition waste is prohibited

Native Plant: Native Plant means a plant species that is indigenous to the state of Colorado.

New Development Project: New Development Project means a new construction project that requires a building or landscaping permit, plan check, or design review.

Nonfunctional turf: Any turf that is not functional turf. Nonfunctional turf includes turf located in a street right-of-way, parking lot, median, or transportation corridor. Non-functional turf does not include turf that is designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements that is not irrigated and does not have herbicides applied.

Qualified Water Efficient Landscaper (QWEL): An individual who has successfully completed the Qualified Water Efficient Landscaper training and certification program. The QWEL program is a comprehensive in- depth training and certification program, emphasizing irrigation, landscape, water management and horticultural best management practices.

Recreation – Active: Recreation activities of a more structured nature often requiring equipment and taking place at prescribed places, sites, courses or fields.

Recreation – Passive: Recreational activities that do not require prepared facilities like sports fields or pavilions.

Redevelopment Project: Redevelopment Project means a construction project that requires a building or landscaping permit, plan check, or design review; and results in a disturbance of more than fifty percent of the aggregate landscape area.

Screening: To hide something, to form protection from an adverse situation or environment. A shield or partition between different land uses. To block the view of something between one property and another.

Shrub: Multistemmed perennial woody plants less than 15 feet tall. Unlike herbaceous plants (i.e. ground cover) shrubs have persistent woody stems above the ground.

Significant Specimen Tree: A tree that is unique in its size, shape, color, or texture.

Softscape: Softscaping is the living elements like soil, trees, flowers, grass, and shrubs, the horticultural elements of a landscape.

Special District: per CRS 32-1-103 (2) any quasi-municipal corporation and political subdivision organized or acting pursuant to the provisions of Title 32, article 1, CRS.

Streetside Landscape Strip: Formerly known as a Tree Lawn, the areas between the street curb and the sidewalk. The term “Tree Lawn” appears to denote that there would be grass or a lawn in this area, which is now prohibited, thus the change in name. If wide enough, the Streetside Landscape Strip, would contain street trees. Along streets where the sidewalk abuts the street curb, the streets side landscaping strip may be outside the sidewalk and not between the sidewalk and the curb.

Swale: Shallow ditches that blend in with surrounding landscape design, facilitate water management, and encourage natural irrigation. Swales take advantage of natural slopes in the land to direct water downward into all the soil as opposed to letting it pool above ground or waterlog a specific region.

Transportation Corridor: Transportation Corridor means a transportation system that includes all modes and facilities within a described geographic area, having length and width.

Tree Lawn: The area between sidewalk and street which contains landscaping, more recently called Streetside Landscape Strip. It is possible that the landscaping area between the street and sidewalk would not contain trees or lawn thus the change in name to streetside landscaping strip.

Tree Protection Zone: A defined area above and below grade around each tree where construction activities are limited or restricted to prevent injury to a preserved tree.

Turf: Turf means continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.

Undisturbed Areas of Quality: Areas that have not been disturbed and can be used for water quality and/or storage, wildlife habitat or buffer.

Vegetable Garden: A non-commercial garden for the cultivation of fruits, vegetables and herbs, other than marijuana, that are grown for personal or household consumption.

Water Budget: A site-specific method of calculating an allowable amount of water to be used by the landscape and then designing the landscape to meet this budget.

Water-wise landscape or water-wise landscaping: A water and plant management practice that is intended to be functional and attractive; emphasizes the use of plants that require lower supplemental water, such as native and drought tolerant plants; and prioritizes the following seven key principles of landscape planning and design;

- A. Planning and design for water conservation, beauty, and utility.
- B. Improving soil.
- C. Applying efficient irrigation.

-
- D. Limiting turf to high traffic, essential areas.
 - E. Selecting plants that have low water demand.
 - F. Applying mulch
 - G. Maintaining the landscape.

Weed: As defined in Sec. 7-1-10 including but not limited to those plants listed on the Colorado Department of Agriculture Noxious Weed species list. This definition shall not include flower gardens, shrubberies, vegetable gardens, small grain plots, successional grasses utilized for erosion control, and pastures used for feed, fodder, or forage, provided the same are adequately weeded and maintained.

Xeriscape: As defined in CRS §38-33.3-103 (33), means the combined application of the seven principles of landscape planning and design, soil analysis and improvement, hydro zoning of plants, use of practical turf areas, uses of mulches, irrigation efficiency, and appropriate maintenance under CRS 38-35.7-107 (1) (a) (III) (A).

Sec. 16-2-710. Landscape plan requirement.

- (a) A landscape plan prepared in conformance with this Division shall be submitted for:
 - (1) All residential and nonresidential development proposed within the Town requiring approval of a site plan or final development plan prior to the issuance of a building permit. Landscaping plans for single-family residential developments, subdivisions and Planned Developments shall be required for common open space areas, Common interest community property, street rights-of-way and parks, but not for individual single family or duplex lots.
 - (2) Expansions of existing sites or use:
 - a. A non-residential project requiring a building permit that cumulatively increases a structure or building's square footage by 25 percent or more.
 - b. A non-residential project that has previously increased square footage by less than 25 percent and applying for a new building permit that cumulatively triggers the 25 percent or more threshold.
 - c. Expansion of a parking lot by 20 percent or 20 spaces or more, whichever is less.
 - d. A project that requires a grading permit.
 - e. Restore or change to existing landscape areas by 25% or more. The plan submittal requirement does not apply to existing conforming single family or duplex residential lots.
 - f. A redevelopment or construction project that results in a disturbance of more than fifty percent of the aggregate landscape area.
- (b) A landscaping plan submitted with a site plan or final development plan must comply with the landscaping requirements of this Division, including all commercial, institutional, or industrial property. Landscaping plans for single-family residential developments shall be

required for common open space areas, adjacent street rights-of-way and parks, common interest community property, but not for individual lots.

- (c) Landscape plans required by this section shall be prepared by a licensed landscape architect and shall be stamped and signed, unless otherwise waived by the Town Manager, except this requirement does not apply to single-family or two-family lots. ~~and multi-family dwellings having up to four (4) units.~~
- (ed) Unobstructed open space and common open space improvements shall include, but are not limited to, landscaping, patios, plazas, arcades, pedestrian and/or bicycle pathways, fences, retaining walls, benches, fountains, statuary, kiosks, light fixtures, picnic shelters and other site amenities.
- (de) All portions of a site not occupied by structures, water bodies, streets, roads, driveways, sidewalks, parking areas and other vehicle use areas are required to be landscaped in accordance with these standards.
- (f) All landscape plans shall include a water budget. The overall water use shall not exceed twelve (12) gallons per square foot per year of total landscaped area.
- (g) This ordinance does not apply to:
 - (1) Ecological restoration projects not requiring a permanent irrigation system.
 - (2) Land reclamation projects not requiring a permanent irrigation system.
- (eh) Landscape plans shall be submitted in accordance with the Applicant Guide.

(Ord. 646-14 §1(Exh. A), 12-9-2014; Ord. 679-17, §17, 12-12-2017; Ord. 761-22, §1, 11-8-22)

Sec. 16-2-720. Landscape design criteria.

All landscaping plans shall comply with the applicable design standards of this Division.

- (1) Plant materials.
 - a. The following ratios apply for commercial/industrial development: Two (2) trees and five (5) shrubs ~~or one (1) tree and ten (10) shrubs~~, or an acceptable combination of trees and shrubs, for every one thousand (1,000) square feet of landscaped area.
 - b. The following ratios apply for residential development: Two (2) trees and five (5) shrubs ~~or one (1) tree and ten (10) shrubs~~, or an acceptable combination of trees and shrubs, for every ~~two~~ one thousand (21,000) square feet of landscaped area.
 - c. Within a required landscaped area, ornamental clump grasses may be exchanged for up to fifty (50) percent of the required shrubs at a ratio of three (3) ornamental clump grasses for one (1) shrub if one (1) gallon clump grasses are selected.
 - d. ~~Regardless of the minimum plant requirements, all planting beds must have seventy five percent (75%) minimum coverage in plant materials at maturity.~~ All

development sites, excluding individual single-family and duplex lots, shall feature consistently landscaped areas along the front, sides, and rear property lines.

- e. Trees and shrubs shall be configured in appropriate groups. Grouping of plants shall be distributed throughout the landscaped areas in order to avoid overly dense concentrations of plant materials or obstructing views determined important through the development review process.
- f. Landscaping shall be protected from vehicles by the placement of wheel stops, curbs or other acceptable means.
- g. All installed plants shall be selected from the approved Town of Bennett plant list unless an alternative plant species is approved through the Town review of the proposed design. Alternative plant material must be called out on the plan.
- h. All plants shall meet or exceed the plant quality and species standards of the American Standard for Nursery Stock.
- i. Plants shall be grouped together by soil suitability and water use in distinct hydrozones (very low, low, medium). No combining of hydrozones is permitted except between low and very low. The Landscape Plan can include various number or sizes of each zone but overall the landscape plan may not exceed the overall water budget.
- j. A minimum of 75 percent of plants shall be native and/or drought-tolerant species selected from the plant list in the low to very low categories.
- k. Plants listed as noxious species by the County Weed Control Board or on the Colorado State Noxious Weed lists are prohibited.
- l. Plants shall be selected and planted appropriately based on their adaptability to the climatic, geologic, and topographical conditions of the project site including solar orientation for plant placement to maximize summer shade and winter solar gain. Trees shall be located to maximize summer shade and minimize winter shade.
- m. Vegetation planned to be within a corner vision clearance triangle and sight line areas shall comply with Section 16-5-615. Height of evergreen and deciduous shrubs at maturity should be taken into account to meet these requirements.
- n. Landscape plans shall be designed to provide a variety of colors, spacing, materials, plant types, mulch and ground cover types to provide a visually appealing and healthy complement to the built environment of the town. Large areas of the same plants, ground cover, mulch or same color stone should be avoided. A well-balanced landscape design will include an attractive combination of both hardscaping and softscaping elements.

(2) Plant Size and Installation

- a. All plants shall equal or exceed the measurements specified in Table 1. Plant Specifications.
- b. The following minimum sizes apply wherever landscaping is required:

<u>TABLE 1 - PLANT SPECIFICATIONS</u>	
<u>Plants</u>	<u>Minimum Size</u>
<u>Deciduous Trees</u>	<u>2.0-inch caliper</u>
<u>Ornamental Trees</u>	<u>2.0-inch caliper</u>
<u>Evergreen Trees</u>	<u>6 feet height</u>
<u>Shrubs</u>	<u>5-gallon container will be counted as 1 shrub.</u> <u>1-gallon container may be counted as 1/3 shrub.</u>
<u>Ornamental Clump Grass and Perennials</u>	<u>1-gallon container grasses</u>
<u>Vegetative Groundcover</u>	<u>2" pot or greater</u>

(3) Groundcover

- a. All landscaped areas shall consist of 100 percent ground coverage in living vegetation, organic mulch, rock mulch, or other approved hardscape non-living material.
- b. A minimum of (50 ~~75~~%) percent of the landscape area shall be covered by living plants at maturity. Vegetative cover may consist of ground covers, perennials, shrubs, ornamental grasses, bulbs, and native grass mixes selected from the Town of Bennett plant list. While there is no limit on the amount living plant coverage on a lot there is a limit on the amount of irrigated turf that would be allowed.
- c. Remaining coverage (50 ~~25~~) or less) of the landscape area may be achieved through the application of decorative non-living material or hardscaping including organic mulch, rock mulch, decorative or pattern concrete, brick pavers, wood chips, decorative rock, boulders, ornamental features, birdbath, sculpture, planters, bench, statues, low stone edging, or other similar materials. The 50% maximum coverage of non-living material used in a landscape area also applies to and includes artificial turf.
- d. Rock and stone mulch does not qualify as a hardened surface for meeting parking regulations.

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- e. While paved areas such as patios, walks, trails, plazas, or sports courts count as ground cover and hardscaping in a landscape plan, paved features such as those are counted as part of the maximum lot coverage percentage limits found in chapter 16 zoning district standards.
- (4) Turf Limitations -Town of Bennett recognizes turf grass has practical benefits but is considered a high-water use plant material. Turf grass shall be limited as follows:
- a. A property owner shall not install, plant, or place, or allow any person to install, plant or place, any nonfunctional turf, artificial turf or invasive plant species as part of a new development project or redevelopment project on any portion of Commercial, institutional, or industrial property; common interest community property; or a street right-of-way, parking lot, median, or transportation corridor.
- b. There is no limitation on installation of grass seed or sod that is a native plant or has been hybridized for arid conditions.
- c. Where allowed, turf grass sod or turf grass seed shall be selected from the Town of Bennett approved plant list. High water use turf grasses are prohibited except as approved by the Town as functional turf. Low water use hybrid grasses are encouraged.
- d. Turf grass shall be installed as a unique hydrozone and be irrigated separately.
- e. In public and private parks, turf grass shall be restricted to functional turf in park and open space areas intended for passive or active recreation.
- f. In single-family detached, single-family detached cluster, two-family duplex residential development, irrigated turf grass shall be limited to ~~(3,500 square feet)~~ 25 percent of the total combined yard area not to exceed a maximum of 1500 square feet on a lot.
- g. In multi-family development (e.g. triplex, fourplex, townhome, multi-apartment or condominium) turf grass shall not exceed 25 percent of the required common area and shall be only used in high use or active/passive recreation areas meeting the definition of functional turf.
- h. In commercial, institutional, industrial, business, local government and school development, irrigated turf grass is prohibited except as approved for passive or active recreation areas by meeting the definition of functional turf. There is no prohibition on the use of native grass.
- i. Irrigated turf grass is prohibited in buffers, parking lot islands, street medians, streetside landscape strips, and subdivision entries.
- j. Golf courses shall limit the use of turf grass to the playing areas fairways, greens, driving ranges, chipping and putting greens, tee boxes and roughs. Efforts to further reduce the demand for irrigation are encouraged including the use of native and low to very low water use grasses in out-of-play areas. Use of reclaimed water is required if available or becomes available.

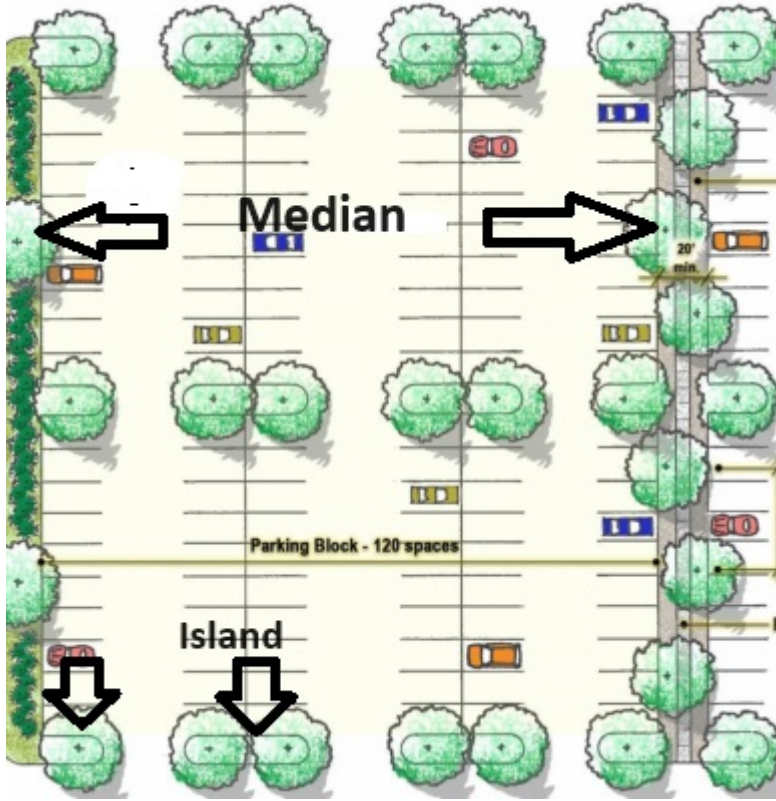
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- k. Water quality control measures and stormwater management designs shall comply with vegetation specified in the stormwater management plan. Irrigated turf grass should be minimized if possible.
 - l. Nonessential turf is prohibited.

(5) Plant Diversity

To reduce the risk of tree loss due to pests, the following percentages shall be applied. Not more than 30 percent of trees and shrubs installed on a project shall be of a single genus and not more than 20 percent of trees and shrubs shall be of a single species. Percentages shall be listed in the planting schedule.

(6) Soil Amendments and Mulch

- a. All landscape areas shall be tilled to a minimum depth of six inches and amended with approved soil amendments with a minimum of four cubic yards per 1,000 square feet, or three cubic feet per 1,000 square feet for native seeds areas.
- b. All planting beds, raised beds, and plant containers shall be mulched with a minimum of (3) three-inch depth of rock mulch over a water permeable landscape fabric or (4) four-inch shredded wood mulch over the amended soil.
- c. Rubber mulch or recycled mulch containing construction or demolition waste is prohibited.
- d. Non-organic mulch application around the base of plants is discouraged.
- e. Piling or mounding of mulch around the base of trees shall be avoided.
- f. Existing topsoil shall be stockpiled during construction for use in landscape areas prior to planting.
- g. No topsoil shall be removed from the subject property unless the Town approves the transfer of the soil to a Town-owned park or open space area, or to another approved location.
- h. The use of weed-free seed, gravel, or fill dirt is required.
- i. Site shall be free of rocks, dirt clods, and debris over three-quarter inch (3/4") diameter in size.



Landscape Island

An Island is at the end or midway of a row of parking spaces. Can be either an island by itself or attached to a median

10 parking spaces maximum between landscape Islands.

8' minimum width of an island.

Island length shall match parking stall length.

Landscape Median

Median is the long row of landscape area between rows of parking.

Two parking rows maximum between landscape medians.

8' minimum width of a median. 13' width if with a pedestrian walk

(27) Parking areas:

- a. Interior coverage: At least five percent (5%) of the interior area of a parking lot shall be landscaped if the lot contains ~~fifteen (15)~~ twenty (20) or more parking spaces. At least ~~seventy five (75%)~~ fifty (50) % of the required landscaped area shall include living plant material. Nonfunctional turf, irrigated turf grass, artificial turf or invasive plant species are not allowed in parking lots, medians, street right-of-way or transportation corridors.
- b. Parking Lot Islands: Landscaped parking lot islands must be delineated by a clear physical barrier such as concrete curbs or landscaping timbers to protect the plant material from vehicular damage. ~~Interior parking lot islands must be a minimum width of eight (8) feet and contain a minimum of one (1) canopy shade tree.~~ At least ~~seventy five percent (75%)~~ fifty percent (50%) of the island shall be covered in living plant material at maturity. A minimum of ~~twenty five percent (205%)~~ of plant material shall be evergreen. Parking lot islands shall meet the following requirements:
 1. Be located at the end of each parking row.
 2. Be located within each parking row so that there are no more than 10 spaces without a landscape island separating them.

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3. Be a minimum of eight (8) feet wide, measured from inside of curb to inside of curb, and be the length of the adjacent parking space, with a minimum area of 144 square feet. Islands at the end of parking rows will be 18' x 8'.
 4. Contain at least one tree and four shrubs per single parking row island and two trees and 8 shrubs per double parking row island.
 5. Contain mulch cover over the entire island not hardscaped. The edge of planting beds must be designed and installed to contain the mulch from blowing, rolling, washing or otherwise spilling over onto the parking or driveways.
 6. Landscaping within landscaped islands at the end of parking rows shall meet sight vision triangles so as not to obstruct the visibility of vehicles entering or exiting the parking lot.
 7. Consider if landscape islands are appropriate for curb cuts to allow for stormwater infiltration into the landscape islands.
 8. Other stormwater techniques, such as rain gardens, grass swales, and bioretention may be incorporated into parking lot islands in accordance with stormwater management plans.
- c. Parking Lot Medians must be delineated by a clear physical barrier such as concrete curbs or landscaping timbers to protect the plant material from vehicular damage. Parking lots with more than three drive aisles require landscape medians between parking stalls and shall meet the following standards:
1. Rows of parking spaces shall be divided by landscape medians parallel to the parking rows so that there are no more than three drive aisles between landscape medians and a required parking lot buffer or landscape median.
 2. Landscape medians shall be a minimum of 8 feet wide. If the landscape median contains a water quality swale, the width needs to accommodate both the swale and landscaping and follow the Storm Management Manual. The median must be a minimum of 13' wide if it contains a sidewalk.
 3. Landscape medians shall have at least one deciduous canopy tree, 4 shrubs per 30 linear feet along the length of the median. These are in addition to the required trees and shrubs for the parking lot islands.
 4. Plantings with a mature height of six inches or more shall not be planted in the vehicle overhang area (30 inches from the front of curb into the landscape median).
 5. Other stormwater management techniques, such as rain gardens and grass swales may be incorporated into parking lot medians in accordance with the Town's Stormwater Management plan to reduce runoff or filter pollutants.
- ed. Parking lot screening:

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1. Berms, walls, fences, plants, planters or combinations thereof shall be used to screen the parking lot and vehicle headlights from view from surrounding public rights-of-way and from all dissimilar adjacent uses.
 2. All perimeter areas of the parking lot shall be landscaped to provide visual relief to large expanses of paving and to provide ample shading to reduce heat build-up.
 3. Whenever structures such as walls or fences are used to create a screen, plants shall be located on the sides of the structure which is visible from adjacent public rights-of-way.
 4. The top of the landscape screen around the parking area shall be at least three (3) feet higher than the surface of the parking area, except where clear visibility must be maintained as provided in Section 16-2-770 of this Chapter, or due to traffic or pedestrian safety considerations.
- e. Exceptions. If the parking lot cannot meet landscaping requirements due to unique site constraints, grade or conditions, the Zoning Administrator may approve alternative design which meet the intent of these regulations.
- ~~(3) Use of nonliving materials: Nonliving landscaping such as decorative or pattern concrete, brick pavers, wood chips, decorative rock or other similar materials may be used to meet the requirements for landscaping but shall not exceed twenty five percent (25%) of the total required landscaped area.~~
- (8) Drive-through.
- a. For drive-through aisles, that are adjacent to public rights-of-way, provide a wall, plantings, or some combination of those or similar solutions to minimize the visual impact of reader board signs, directional signs, headlight glare, and the queued vehicles. The screening must be no less than three feet high and no more than four feet high. Shrubs used for screening shall be evergreen and the screen wall shall match the building on-site.
 - b. If the service window, remote teller, menu board, or similar components of a drive-through facility is adjacent to and/or facing a residential use, a 20- foot wide buffer with 6-foot high solid fence or wall must be provided along the entire length of the property line(s) closest to the residential district.
- (49) Public rights-of-way and street trees:
- a. Public rights-of-way: Landscaping shall be provided in the street right-of-way adjacent to the property in the area between the property line and the curb (when there is a detached sidewalk or no sidewalk); or from the back of sidewalk to the property line (when the sidewalk is attached to the curb).
 - b. Streetside landscaping ~~Street trees~~: Street trees shall be required unless the Zoning Administrator determines they are unnecessary for the area. The number of street trees and shrubs required for each property shall be ~~an average of one (1) tree and four (4) shrubs~~ one (1) tree and four (4) shrubs for each thirty (30) feet of street frontage. ~~The location of street~~

trees shall be within the public right-of-way or, in the event that they encroach upon existing or planned utility lines, they will be located as close as practical to the right-of-way. The width of the streetside landscape tree planting strip shall be 8' unless waived by the zoning administrator.

- c. The location of street trees shall be within the streetside landscape strip, behind the sidewalk or the front yard depending on width of street side landscape strip, location of utilities or topography. Dry utilities shall avoid using the street side landscaping strip for installation of utilities and placement of utility easements.
- d. If a utility conflicts with the installation of street trees, applicants shall provide shrub equivalents. If vegetation of any type, other than grass, is prohibited by the easement holder, then the applicant shall be required to provide the required trees elsewhere on site. Relocated street trees shall not be used to satisfy other required landscaping requirements.
- e. Street trees shall be deciduous, thornless, fruitless canopy trees of species that mature to heights of between 30 and 60 feet.
- f. The property owner, HOA or special district adjacent to the public or private street shall maintain any street trees and landscaping.
- g. The sight distance area shall be maintained at all roadway intersections, crossings, and parking areas.
- h. No irrigated turf grass, nonfunctional turf, artificial turf or invasive plant species shall be planted in medians or the streetside landscape strip. Use of irrigated native grasses, grass seed or sod that is a native plant or has been hybridized for arid conditions are allowed.
- i. Landscape elements placed adjacent to existing and proposed roadways (in the right-of-way) shall be designed to minimize conflicts between vehicular and pedestrian traffic while providing an aesthetic landscape environment that is relatively easy to maintain.

(10) Utility Setbacks

Landscape and utility plans shall be coordinated to avoid conflict with each other. Landscape plans should be developed after the location of utilities and the easements have been identified.

(511) Existing landscaping:

- a. The owner or developer shall incorporate existing healthy trees and shrubs into the landscape design in their existing location whenever possible. Existing trees and other plants in reasonably healthy condition may be removed only if the owner or developer has satisfactorily demonstrated to the Town that site design restrictions necessitate their removal. Existing trees may be used to satisfy the quantity requirements of landscape standards.

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- b. All existing trees and plants that are incorporated into the landscape design must be adequately protected in the tree protection zone by means of temporary fencing and be properly maintained during construction to ensure their survival. Tree protection zone shall be equal to the tree's dripline or 1.5-feet radially from the tree for every 1-inch tree caliber
 - c. The landscape design should promote and preserve climate-adapted native species, trees, and natural areas and reduce the amount of irrigation to stay at or below the water budget after the landscaping is established.
 - d. Where there are significant existing trees and shrubs on a site, the Town shall require an inventory of plant material and submission of a tree preservation plan. All existing trees within areas proposed to be disturbed by development on and off-site and in the adjacent right-of-way shall be surveyed by a professional forester, arborist, or a registered landscape architect and have location, species, size, and condition or health noted in the tree preservation plan.
 - e. No trees shall be removed from a property in the six months preceding a development application pertaining to that property. If evidence is provided that trees were removed within six months of a development application submittal, the property owner and/or applicant will be required to replant an equivalent amount of the of the removed tree caliper.
 - f. If feasible, a tree that cannot remain in its existing location shall be spaded and relocated to another location on-site or off-site by a professional tree spade company. All measures shall be taken to ensure the survival and health of the tree. Existing trees and other plants in reasonably healthy condition may be removed only if the owner or developer has satisfactorily demonstrated to the Town that site design restrictions necessitate their removal.
 - g. Undeveloped areas with natural vegetation or undisturbed areas of quality may be allowed to count toward the minimum landscape planting requirements, as determined by the Town. The percentage of these areas eligible to partially satisfy the minimum requirement will be determined based upon its effectiveness to function as a buffer and enhance the visual and natural attributes of the site.
 - h. Trees that meet one or more of the following removal criteria shall be exempt from the requirements of this subsection:
 - 1. Dead, dying or naturally fallen trees, or trees determined by the Town to be a threat to public health, safety, or welfare.
 - 2. Trees that are determined by the Town to substantially obstruct clear visibility at roadways, intersections, alleys and driveways.
 - 3. Trees included on the Colorado Department of Agriculture noxious weed list, unless the tree is deemed a significant specimen tree by the Town.
 - i. If the site design precludes incorporation of some or all existing desirable trees,

then replacement shall be made as follows:

1. For any desirable trees that cannot be incorporated or are lost due to or prior to construction, the applicant shall provide an equivalent amount of the number and caliper of trees lost on-site and in the right-of-way adjacent to the property, in addition to meeting the minimum tree planting requirements.
2. If the Town or third party consultant determines that on-site or right-of-way replacement is not possible, the required replacement shall be provided on an adjacent site or the nearest public land if feasible as determined by the Town

(612) Public and private open space, stormwater detention areas and drainage channels. All public and private open space, stormwater detention areas and drainage channels not designated as natural areas in accordance with Section 16-5-640 of this Chapter must be designed and landscaped in such a manner as to blend properly with the property and adjacent areas while not violating the functional needs of the stormwater facility. Slopes shall not exceed the design standards for detention areas located in open space as specified in the Town of Bennett Storm Drainage Criteria Manual. Wetlands on public and private property shall be maintained in their natural state, and the property owner may receive a credit, in kind, to a portion of the open space, public land dedication or floodplain requirements.

(713) Seeding. All future development phases within a site that are stripped of vegetation shall be seeded with an appropriate native seed mixture to prevent wind and water erosion during the time the site remains undeveloped, in accordance with an approved grading plan. A financial guarantee may be required for seeding in stormwater detention areas, and future development phases shall not be released until the grass required to comply with these standards has become established in a manner which prevents erosion. See The Development Design Guidelines for approved grasses.

(14) The landscaping of all parks, right of ways, medians, entrance features, trails and pathway corridors, within a residential development project shall be completed prior to the issuance of building permits for more than 50 percent of the dwelling units approved in the project unless otherwise approved or restricted by the Town Board.

Sec. 16-2-730. Screening and buffering of site.

(a) Screening. Outside trash receptacles, loading docks, open storage areas and utility boxes shall be screened from view from public rights-of-way and from all adjacent uses other than industrial. Screening for such areas shall be provided for by means of walls, solid fences or evergreen plantings. The following are special requirements for utility boxes and trash receptacles:

- (1) Utility boxes: All above-ground utility boxes, which include electric transformers, switch gearboxes, cable television boxes and telephone pedestals and boxes shall be screened on the sides visible from the public rights-of-way that are not used for service

access. If live plants are used for screening they must meet the utility setbacks set by the utility company.

- (2) Trash receptacles: Trash receptacles and dumpsters shall be entirely screened from view and enclosed by a solid, gated wall or fence (trash enclosure) at least six (6) feet in height. The trash enclosure shall use materials compatible with the building structure and designed to be visually harmonious with the overall building architecture. The trash enclosure shall be sited so the service vehicle can conveniently access the enclosure and maneuver without backing onto a public right-of-way.
- (b) Site Buffering - A buffer yard is required between dissimilar uses.
- (1) A buffer yard is a landscape area between two different land uses and is designed to provide a transition between the uses, mitigate or minimize potential nuisances such as noise, light, and glare, protect the character of an area, and protect natural resources from impacts of nearby development.
 - (2) General Buffer Standards
 - a. Buffers may be interrupted for necessary pedestrian and vehicle access.
 - b. Buffers may contain a combination of landscaping, berms, walls, grade change, and fences.
 - c. Landscaping provided in buffer areas shall be located on the outside of walls or fences to maximize the intent of the screening and buffering.
 - d. Buffers in mixed-use districts may include hardscape as part of buffer design.
 - (3) Buffer minimum width and where required – See buffer chart in Development Design Guidelines. Buffer yards must be shown on the landscape plan and the specific landscaping features being used to mitigate the dissimilar uses identified.
 - (4) In general, if a use is developed adjacent to an existing use that does not have the required buffer yard, the new use may be required to provide the buffer yard entirely on-site.

Sec. 16-2-740. **Alternative Compliance**

- (a) If a proposed Landscape or Irrigation Plan can meet the objectives of this Section through alternative or creative methods, or when warranted by new technology or alternative methods for installation and materials.
 - (1) An applicant may request approval of such alternative method of compliance by following this process:
 - (2) Attend a pre-application meeting to discuss the request with Planning Division staff. The pre-application meeting material shall include a written request explaining the applicant's rationale and a site plan. This meeting must occur prior to the submittal of an application.
 - (3) Provide an application that shall include:
 - a. A description of site conditions, including topography, soils, existing vegetation, environmental values, and identification of limitations.

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- b. An explanation of methods and techniques in the alternative design and how they will achieve the desired objectives and otherwise meet the water efficiency objectives of these regulations.
 - c. The alternative landscape and/or irrigation plans.
- (4) There may be variations to these standards in an approved Site Development plan, Development Agreement, HOA or Districts plan.

Xeriscape.

- ~~(a) Water conservation. It is the intent of the Town to encourage attractive landscape development which creates a pleasing and enjoyable environment. In recognition of its dry climate, the Town encourages the conservation of water by using plants with low to moderate water requirements, using efficient irrigation systems zoned so that similar exposures and plants are grouped together and avoiding over spraying walks, drives and buildings.~~
- ~~(b) The owner or developer and designer submitting the landscape plan are encouraged to review informational literature regarding Xeriscape methods. This literature may provide specific details on Xeriscape design, methods of irrigation, preparation of soils and mulches and appropriate landscape materials.~~

(Ord. 646-14 §1(Exh. A), 12-9-2014)

Sec. 16-2-750. Plant selection.

Except for designated natural areas and wetlands, landscaping materials shall be placed or planted according to the provisions of this Division. ~~Only those species which are healthy and compatible with the local climate and the site soil characteristics, drainage and water supply shall be planted.~~ The following criteria are applicable to all both traditional and Xeriscape landscape plans:

- (1) Only those species which are healthy and compatible with the local climate and the site soil characteristics, drainage and water supply shall be planted. Type of material: Irrigated sod area shall be limited to a maximum area of three thousand five hundred (3,500) square feet for residentially zoned lots or parcels in the RE, R-1 and R-2 Districts.
- (2) Plants prohibited near sidewalks, streets and utility lines:
 - a. Plants selected shall not by their growth habits obstruct, restrict or conflict with the safe use or maintenance of any roadway, sidewalk, alley or utilities.
 - b. Plants which have thorns or spines shall not be planted upon public rights-of-way or be closer than two (2) feet from walks or other pedestrian areas.
- ~~(3) Minimum landscape material sizes: Trees and shrubs shall at a minimum be the following sizes at the time of planting:~~

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- a. ~~Large deciduous trees (shade trees): Two and one half (2.5) inches in caliper.~~
 - b. ~~Ornamental deciduous trees: Two (2) inches in caliper.~~
 - c. ~~Coniferous (evergreen) trees: Five (5) feet in height.~~
 - d. ~~Shrubs (evergreen and deciduous): Five gallon container.~~
- (4) ~~Mulch installation. All rock and stone or woody mulch used in the landscape shall be installed to a minimum depth of two (2) inches over a water permeable landscape fabric.~~
- (53) Recommended plant material. For a list of plant material and species recommended by the Town, please inquire with the Zoning Administrator.

Sec. 16-2-760. Irrigation.

- (a) Underground automatic irrigation systems are required for all permanent landscaping which cannot survive on natural precipitation. The use of drip, trickle, subterranean and other water-conserving irrigation methods is encouraged, as is the use of organic mulches and other water-conserving design features. The overall irrigation system design should emphasize efficient water use and conservation. The irrigation system shall be designed to prevent water waste, overwatering, overspray, and drainage of water onto any paved or unplanted surface or onto buildings or structures. Where available reclaimed water or purple pipe water shall be considered for use in an irrigation system.
- (b) All irrigation systems shall be contained by the appropriate backflow prevention assembly. ~~Reduced pressure principal assemblies are the minimum irrigation backflow prevention assembly for this system.~~
- (c) Irrigation service connections (taps) shall not interconnect downstream of the meter. Irrigation mains shall not intersect with other irrigation mains serviced off another service connection.
 - (1) Resilient wedge shut off valve with drain, or stop and waste, is required downstream of the meter.
 - (2) Master valves are required.
 - (3) 'Smart' irrigation controllers (~~as defined by the Irrigation Association~~) are required for all irrigation systems that require a dedicated tap.
- (d) ~~All irrigation systems should have an operable rain sensor shut off device, excluding systems for single family dwellings. All required landscaped area vegetation shall be served by a functioning automatic irrigation system, a weather-based smart controller and rain sensor to override the irrigation cycle when sufficient rainfall has occurred. Multi-program controllers shall be used when the landscape design contains more than one hydrozone and shall be designed to irrigate hydrozones separately.~~
- (e) Irrigation systems shall be run consistent with the rules established in 13-3-410. ~~Irrigation systems shall not be run between 10:00 a.m. and 6:00 p.m. with the exception of maintenance operations testing and repairing systems.~~

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- (f) Irrigation zones utilizing spray heads and rotors shall have head to head coverage with no overspray on surrounding hardscapes or structures.
 - (g) Dual meter installations are allowed for irrigated areas between two thousand five hundred (2,500) and five thousand (5,000) square feet, not exceeding seven and one half (7.5) feet per second through the service connection, and a demand of less than ten (10) gallons per minute (gpm).
 - (h) Irrigated areas greater than five thousand (5,000) square feet require a dedicated irrigation tap. This requirement does not apply to single-family lots.
 - (i) Maximum velocity shall not exceed seven and one half (7.5) feet per second through the service connection.
 - (j) Irrigation shall be hydrozoned, grouping similar water demands by irrigation zone. Turf shall be designated as its own hydrozone. Turf irrigation zones should be further separated by slope, exposure, and turf-type water needs.
 - (k) Only drip and sub-surface irrigation systems will be allowed in areas less than six (6) feet in width or smaller.
 - (l) Pop-up spray heads shall be equipped with internal check valves, internal pressure regulator, and matched precipitation rate spray or rotor nozzle.
 - (m) Rotors shall be equipped with internal check valves.
 - (n) Pop-up height shall be six (6) inch for sod areas and twelve (12) inch for native grass areas.
 - (o) Drip emitters and sub-surface drip shall be equipped with internal check valves at each emitter.
 - (p) Irrigation charts and hydraulic worksheets are required as part of the landscape plan submittal.
 - (q) A passing backflow prevention assembly test is required prior to the issuance of a certificate of occupancy. This shall include a mechanical test of the assembly, validation of protection for degree of the hazard present, and proper installation according to manufacturer's recommendations.

(Ord. 646-14 §1(Exh. A), 12-9-2014; Ord. 679-17, §19, 12-12-2017)

Sec. 16-2-770. Completion.

- (a) Substitutions. All substitutions of plant material on an approved landscape plan must be approved by Landscape Architect that designed the plan and the Zoning Administrator.
- (b) Inspections. Landscaping shall be installed and completed in compliance with the approved landscape plan.

(c) The landscape architect of record shall inspect and certify that the landscape area (and irrigation system) has been constructed as depicted on the approved landscape and irrigation plans.

(d) Prior to the issuance of a certificate of occupancy, the landscape architect of record shall submit a Certification of Landscape Installation to the Town which indicates the installation was done in accord with the approved plans. Any failure to complete the required landscaping by the deadlines specified herein shall result in withholding of Certificates of Occupancy until compliance with the requirement occurs

(1) If the developer or owner has not completed all the installation of the landscaping and irrigation due to winter weather and wishes to obtain a certificate of occupancy, a landscape agreement and collateral must be provided to the Town Zoning Administrator.

(2) Upon installation of the landscaping required by the approved landscape plan and inspection by the landscape architect of record to confirm compliance with said Plan, the Town shall inspect and release the collateral provided by the Developer if found to comply.

(e) All landscaping in development projects is considered an improvement, completion of which is governed by Bennett Municipal Code Section 16-5-540.

(f) Approved developer agreements, Planned Development zoned projects, site development plans, HOA requirements and special district plans may have landscaping requirements that vary from these standards. The final approved plans and recorded documents shall be considered to be in conformance of this section of the code for enforcement and regulatory purposes.

(Ord. 646-14 §1(Exh. A), 12-9-2014)

Sec. 16-2-780. Maintenance.

(a) Maintenance of required landscaping on private property and public rights-of-way. The property owners or a designated homeowners' association shall be responsible for the proper maintenance of the landscaping and the irrigation systems on their property and on that portion of the public right-of-way adjacent to their property up to the curb (or sidewalk where the walk is attached to the curb). The landscaping shall be maintained to meet the following standards, except for those areas designated as natural areas or large tracts of vacant or agricultural land:

(1) Grass shall ~~not exceed six (6) inches in height and shall~~ be kept free of weeds.

a. The use of weed-free seed, gravel, or fill dirt is required.

b. The use of competitive grasses, shrubs, or trees that provide sufficient ground cover may be required where weed problems already occur or may occur in the future.

-
- c. Plant species that appear on the Colorado State Noxious Weed lists are unacceptable for use in proposed landscaping.
 - d. For landscape areas that are presently bare and susceptible to erosion and runoff, the property owner shall be required to revegetate the area.
 - e. Weeds as defined in Sec. 7-1-10.
 - f. Notice of Violation and Penalty as per Bennett Municipal Code.
- (2) Rock, mulch or groundcover areas shall be kept free of weeds.
 - (3) Trees and shrubs shall not overhang or encroach upon streets, walkways, drives, parking areas, traffic signs or traffic signals to the extent that they interfere with the intended use of those facilities. Tree limbs which overhang the public sidewalk shall be kept trimmed to a height of at least ~~ten (10)~~ eight (8) feet above the sidewalk level. Tree limbs which overhang the public street shall be kept trimmed to a height of at least thirteen (13) feet above the street level.
 - (4) Pruning and Trimming. Regular plant maintenance shall be performed to maintain plant health, support plant growth, and achieve design and aesthetic goals.
 - (5) Landscaping, including Evergreen and deciduous shrubs within sight triangles and sight line areas, shall be maintained to be no taller than allowed per 16-5-615.
 - (6) Keep grass mown to a maximum height of six inches. This does not apply to native or ornamental grasses.
 - (7) Irrigation systems and their components shall be maintained to sustain water efficiency consistent with the originally approved design.
 - (8) Grounds Keeping. All landscaped areas shall be kept clean and free of invasive plant species.
- (b) Replacement of materials: Dead or diseased plant material shall be replaced within one (1) growing season with the same type of plant material and placed in substantially the same location as shown on the approved landscape plan. Substitutions may be allowed as replacement material, provided that the material is approved by the Zoning Administrator.
 - (c) Compliance
 - (1) All development or new development to which these landscape standards apply must submit Landscape and Irrigation Plans that demonstrate compliance with the minimum water efficiency and landscape standards set forth in this division.
 - (2) Vegetation that is deemed to be a traffic of safety hazard may be removed by the town with costs of the removal or trimming to be billed to the owner.
 - (~~e~~3) Failure to maintain: The provisions of Section 16-1-345 regarding violations shall apply if it is found that adequate maintenance is not being performed according to this Section. Failing to maintain landscaping in accordance with the requirements of this Division shall be declared a public nuisance, and may be abated in the manner provided in Article I of Chapter 7 of this Code. Sections 7-1-210 and 7-1-220 of this

Code concerning the non-exclusivity of the nuisance abatement procedure apply with respect to the enforcement of this Division as well.

(Ord. 646-14 §1(Exh. A), 12-9-2014)

Sec. 16-2-790. Fences and walls.

- (a) General. Fences and walls shall comply with the following general requirements:
- (1) A building permit from the Town is required prior to the construction of any fence or wall that is greater than thirty-six (36) inches in height. Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed thirty-six (36) inches in height.
 - (2) It shall be the responsibility of the property owner to locate all property lines.
 - (3) Height shall be measured at the finished grade on the side of the fence or wall nearest the street, alley or abutting property.
 - (4) On corner lots, no obstruction is allowed within the corner vision clearance triangle established for the adjacent intersection.
 - (5) Agricultural fences such as hog panels, chicken wire, field fence and snow fence types are not permitted. The Zoning administrator may allow alterative style fences in special circumstances in annexed areas where containment of animals is required.
- (b) Residential zoning districts. Fences and walls in residential zone districts shall meet the following standards:
- (1) No barbed wire, sharp-pointed or jagged materials along the top of the fence shall be permitted.
 - (2) No above ground electrically charged fences shall be permitted, although underground electrical fences may be permitted for the purposes of containing pets within a residential lot.
 - (3) Height limits and construction type:
 - a. Front yards:
 1. Maximum height: four (4) feet.
 2. Fences shall be constructed of either split rails or pickets. A solid wall or stockade type fence not to exceed thirty-six (36) inches in height shall also be permitted alongside front yard property lines. ~~Agricultural fences such as hog panels, chicken wire, field fence and snow fence types are not permitted.~~ Chain link fencing is prohibited in front yards except within the following areas:
 - i. The RMU Overlay District; and

-
- ii. Between Bennett Avenue to Colfax Avenue and Birch Street to Custer Street.
- 3. Wire fencing is allowed for animal control only when mounted on the inside of an approved fence and not exceeding the height of the fence it is attached to.
- b. Side and rear yards:
 - 1. Maximum height: six (6) feet.
 - 2. Construction: may be one hundred percent (100%) solid.
- (c) Nonresidential zoning districts. Fences and walls in agricultural, commercial and industrial zone districts shall meet the following standards:
 - (1) Maximum height: eight (8) feet.
 - (2) Barbed wire, razor wire or electrical security fences shall be permitted only in industrial and agricultural zone districts and upon written approval of the Zoning Administrator. Security fences may be topped with up to three (3) strands of barbed ~~or razor~~ wire.
- (d) Installation. All fences shall meet the following installation requirements:
 - (1) Fences shall be installed so that the finished side faces a public way or public space. All post and structural members, not decorative in nature, shall be on the side facing the fence owner's property.
 - (2) Fencing shall be installed vertical to the ground and the top finish of the fence shall be uniform in height. Fences shall follow the contour of the ground as far as practical. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
 - (3) Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property. Opening or movable gates or fences shall be designed and constructed so that no part of the fence or gate extend over the property line when operating.
 - (4) An improved driving/parking surface is required prior to the construction of any gate which will serve as vehicular access for long-term parking in the backyard.
 - (5) No fencing shall be erected so as to restrict access by emergency equipment to any building.
- (e) Maintenance of Fences and Walls is covered in Sec. 7-2-150.

(Ord. 646-14 §1(Exh. A), 12-9-2014; Ord. 679-17, §20, 12-12-2017; Ord. 742-22, §34, 6-14-2022)

Sec. 16-2-795. Artificial turf and plants.

- (a) Use of artificial turf. The use of artificial turf as a landscaping material shall only be permitted in ~~all~~ residential zone districts and athletic fields of play within the Town when

installed in accordance with this Section. Artificial turf may not be used to satisfy living plant material requirements. In no case would artificial turf be allowed on greater than 50% of the open area of the lot, tract or parcel.

- (b) Prohibited use. The use of indoor or outdoor plastic or nylon carpeting or similar material and the use of artificial trees, shrubs, vines, or other plants as landscaping materials are prohibited.
- (1) Artificial turf is only allowed in multi-family residential zone districts for areas designated by the town development review process as high pedestrian traffic areas such as sports fields and courts, sports facilities, picnic eating area, playgrounds on public and private property, outdoor seating, dog potty areas and active recreation areas.
- (2) Artificial turf shall be pervious and installed according to industry specifications and maintained in a manner to mimic a healthy living turf.
- (c) Artificial turf standards. The use of artificial turf shall be subject to the following standards:
- (1) Materials. Artificial turf shall be of a type known as cut pile infill and shall be manufactured from polypropylene, polyethylene, or a blend of polypropylene and polyethylene fibers stitched onto a polypropylene or polyurethane meshed or hole-punched backing with a face weight greater than sixty (60) ounces per square yard. Hole-punched backings shall have holes spaced in a uniform grid pattern with spacing not to exceed four (4) inches by six (6) inches on center. The Zoning Administrator may approve an alternative product if it is of equal or greater quality of product. Biobased products derived from plants and other agriculture, marine and forestry materials and may be certified as USDA Bio-preferred product are preferred.
- (2) Installation. Artificial turf shall be installed pursuant to the manufacturer's specifications over a compacted and porous road base material and shall be anchored at all edges and seams. Seams shall be glued and not sewn. An infill medium consisting of ground rubber, ground coal slag, clean washed sand and ground rubber, or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place and provide a cushioning effect.
- (3) Grading. Artificial turf areas shall be graded to drain water runoff into an area of living landscaping material or to otherwise provide positive drainage of the artificial turf area in accordance with an approved drainage plan. Standing water and areas of ponding water are prohibited, and any area where standing water occurs shall be remedied.
- (4) Slope restrictions. The installation of artificial turf on slopes greater than six percent (6%) shall be approved by the Town Engineer and the Public Works Department who may impose conditions on such installation including but not limited to type of infill required, grading requirements, and the amount of living landscaping material required to ensure sufficient drainage for runoff.

(5) General appearance.

- a. Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. ~~The Town shall maintain and make available for public inspection a sample of various artificial turf products that meet this standard of appearance.~~
 - b. Artificial turf shall have a minimum eight (8) year, no-fade warranty as issued by the manufacturer.
 - c. Artificial turf shall be maintained in a green fadeless condition and shall be maintained free of stains, weeds, debris, tears, holes, and impressions. Artificial turf shall be replaced once it is unable to be maintained as required.
 - d. The Zoning Administrator may require, for areas considered as high traffic, the utilization of artificial turf with spines in the blades or sprochetes in addition to infill in order to ensure the look of a well-maintained lawn.
- (d) Compliance with other laws, regulations, and standards. In addition to the requirements of this Section, applicants installing artificial turf within the Town shall obtain a building permit and comply with all federal and state laws and regulations and ASTM International standards concerning artificial turf, including but not limited to any limitations on the maximum lead content in artificial turf products.
1. Artificial turf shall not be installed, planted, placed in any development or redevelopment on any portion of commercial, institutional, industrial, local government, school, business common interest property, street right of way, parking lot, median or transportation corridor. Artificial turf is allowed on athletic fields of play.
- ~~(e) The Zoning Administrator may grant modifications and waivers to the artificial turf standards set forth in this Section when warranted by new technology or alternative methods for installation and materials.~~

(Ord. 696-19 §13, 2019)

BENNETT PLANNING AND ZONING COMMISSION

RESOLUTION NO. 2024-03

**A RESOLUTION RECOMMENDING APPROVAL OF
THE REVISED CHAPTER 16, ARTICLE II, DIVISION 7 – LANDSCAPE STANDARDS**

WHEREAS, there has been submitted to the Planning and Zoning Commission of the Town of Bennett a request for approval of the revised Chapter 16, Article II, Division 7 Landscape Standards; and

WHEREAS, all materials related to the proposed revision to the Town of Bennett Municipal Code have been reviewed by Town Staff and updated to be in compliance with State of Colorado Statutes; and

WHEREAS, after a noticed public hearing, at which the proposed revisions, staff's presentation, and public comment were received into the record, the Planning and Zoning Commission finds that the proposed revisions to Chapter 16 should be approved.

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

Section 1. The Planning and Zoning Commission hereby recommends approval of the proposed Chapter 16 Article II Division 7 Landscape Standards attached hereto as exhibit A and incorporated herein by reference.

PASSED AND ADOPTED THIS 17th DAY OF JUNE 2024.

Chairperson

ATTEST:

Savannah Chapa Vickery, Secretary

**EXHIBIT A
CHAPTER 16 - Land Use and Development
ARTICLE II – Zoning
DIVISION 7 - Landscape Standards**

ORDINANCE NO.782-24

AN ORDINANCE REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 16 ARTICLE II DIVISION 7 OF THE BENNETT MUNICIPAL CODE CONCERNING LANDSCAPE STANDARDS.

WHEREAS, the Board of Trustees of the Town of Bennett previously adopted Chapter 16, Article II, Division 7 of the Bennett Municipal Code entitled Landscape Standards which includes requirements for landscaping and fences within the Town; and

WHEREAS, the Board of Trustees desires to repeal and reenact Chapter 16, Article II, Division 7 of the Bennett Municipal Code, with amendments, to make revisions to Division 7, including but not limited to, regulation of irrigated turf, restrictions on artificial turf, updated definitions, decreasing landscape lot coverage, allowing hardscaping, mulch and soil amendments, preservation of existing trees, modifying parking lot layouts, requiring a landscape architect in some cases, fence types, and meeting state statutes for regulation of landscaping; and

WHEREAS, Town staff has undertaken a review of water-wise landscaping standards in the State and Denver metro area; and

WHEREAS, the Landscape Standards prepared include amendments in accordance with the provisions of State of Colorado Article 99 of Title 37, C.R.S., Prohibition of Nonfunctional Turf, Artificial Turf and Invasive Plant Species; and

WHEREAS, the Bennett Planning and Zoning Commission after notice and hearing has recommended the Board of Trustees adopt the amendments set forth in this Ordinance; and

WHEREAS, the Board of Trustees has provided notice of a public hearing on this Ordinance by publication as provided by law and held a public hearing, at which the proposed revisions, Staff's report, the Planning Commission's recommendation, and public comment were entered into the record as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BENNETT, COLORADO, AS FOLLOWS:

Section 1. Chapter 16, Article II, Division 7 of the Bennett Municipal Code entitled "Landscape Standards" is hereby repealed and reenacted in its entirety, with amendments, as reflected in the version of Chapter 16, Article II, Division 7 attached hereto as Exhibit A and incorporated herein by reference.

Section 2. All applications for review initiated on and after the effective date of this Ordinance shall be reviewed pursuant to the review process and standards set forth in this Ordinance. All applications and plans submitted prior to the effective date of this Ordinance shall be subject to the standards set forth in applicable portions of the Bennett Municipal Code in force at the time of submittal.

Section 3. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. 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.

Section 5. The repeal or modification of any provision of the Municipal Code of the Town of Bennett by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. This Ordinance and the amendments to the Bennett Municipal Code set forth herein shall take effect July 9, 2024.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF BENNETT ON THIS _____ DAY OF _____, 2024

TOWN OF BENNETT, COLORADO

Whitney Oakley, Mayor

ATTEST:

Christina Hart, Town Clerk

EXHIBIT A
Chapter 16 – Land Use and Development
Article II – Zoning
Division 7 – Landscape Standards

Suggested Motion

I move to approve Resolution No. 2024-03– A resolution recommending approval of the Revised Chapter 16, Article II, Division 7 – Landscape Standards.

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

CHAIR: I will now open the public hearing on the following application: An application for **PZ2024-0010 Bennett Crossing Filing No. 5 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 may have a presentation by the applicant.

After these 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 provide your staff report.

[Staff presentation]

Will the applicant or the applicant's representative present their 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 91**

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. 2024-04.

May we have a Roll-Call vote?

Motion carries/fails.

STAFF REPORT



welcome neighbors.

TO: Planning and Zoning Commission
FROM: Greg Thompson, Community Development Director
DATE: June 17, 2024
SUBJECT: Bennett Crossing Filing No. 5 Final Plat

Background

The applicant has submitted a final plat application to subdivide 83.9 acres for 241 single-family detached lots; various tracts for open space, landscaping, and storm drainage; and two tracts for future development. The property is located at the southeast corner of South 1st Street/CO Highway 79 and Edward Avenue and immediately south of the LGI Bennett Crossing Filing 2 residential neighborhood.

The map below shows the property in relation to the surrounding area.



Lot Layout

Access to the subdivision will be via existing Edward Avenue on the north side and an improved Pearl Street on the south side of the subdivision. An extension of Adams Street will eventually connect Edward Avenue to Pearl Street. Tract K, with 1.187 acres near the center of the subdivision, and Tract L, with 1.227 acres at the southeast corner of the subdivision, are set aside for parks. Tracts R and S are reserved for future development. Several other tracts are reserved for stormwater drainage, open space,

landscaped areas, transportation and utilities. See the final plat document in the packet for more details on lot, tract, right-of-way and easement locations and dimensions.

LAND USE TABLE	
GROSS ACREAGE	83.904 ACRES
NET ACREAGE (DEDICATED R.O.W. EXCLUDED)	68.973 ACRES
GROSS DENSITY (DWELLING UNITS/ACREAGE OF ALL LOTS AND DEVELOPED TRACTS)	4.680 D.U./ACRE
NET DENSITY (DWELLING UNITS/RESIDENTIAL LOT AREA)	6.594 D.U./ACRE
NUMBER OF LOTS (RESIDENTIAL)	241
NUMBER OF TRACTS (FUTURE USE)	2
NUMBER OF TRACTS (DEVELOPED)	18
NUMBER OF TRACTS	20
SMALLEST LOT (RESIDENTIAL)	5,400 SQUARE FEET
LARGEST LOT (RESIDENTIAL)	10,907 SQUARE FEET
AVERAGE LOT SIZE (RESIDENTIAL)	6,342 SQUARE FEET
NUMBER OF BUILDABLE LOTS	241
NET ACREAGE FOR FUTURE USE	17.848 ACRES
NET ACREAGE FOR PUBLIC STREETS	14.931 ACRES
NET ACREAGE DEVELOPED FOR PRIVATE USES (PARKS, OPEN SPACES AND RECREATION CENTERS, PRIVATE DRIVES)	8.324 ACRES
NET ACREAGE DEVELOPED FOR PUBLIC USES (STORMWATER DRAINAGE - TOWN OF BENNETT)	7.698 ACRES

Zoning and Land Use Regulations

Below is a subsection of the Bennett Crossing Outline Development Plan. The Bennett Crossing Filing No. 5 area is crosshatched.



The zoning for Filing No. 5 consists of High Density Residential (HDR) in bright yellow, Medium Density Residential (MDR) in light yellow, Mixed Use (MU) in purple and yellow. The 241 single-family lots of Filing No. 5 are in the HDR and MDR subareas. Tract R is in the southern end of the MDR zone and Tract S is the MU zone. The surrounding zoning and land use are summarized in the table below.

Direction	Zone District	Current Land Use
North	High Density Residential	LGI's Bennett Crossing neighborhood
East	Agricultural	Single-family residential and vacant
South	PD – Bennett Crossing Commercial	Les Schwab, F & M Bank, Best Box
West	PD – Muegge Farms Commercial	Vacant

The table below summarizes the minimum and maximum standards in HDR and MDR zone districts and how the proposed subdivision plat compares.

Standard	HDR Zone	MDR Zone	Proposed
Min. Lot Area/Dwelling Unit	2,400	3,500	5,400 Sq. Ft.
Min. Lot Width	40 ft.	25 ft.	45 ft.
Smallest Lot Size			5,400 Sq. Ft.
Largest Lot Size			10,907 Sq. Ft.
Average Lot Size			6,342 Sq. Ft.

The standards for the MU subarea zone district will be applied when Tract S is developed.

Public Services and Utilities

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 Bennett Crossing regional stormwater system.

Access and Traffic

Access will be via Edwards Avenue on the north and Pearl Street on the south, with Adams Street being extended to connect those two streets. There will also be access along the west side of the single-neighborhood with the extension of Cedar Street from the south. Edward Avenue will eventually be built as a four-lane road as part of the CO Highway 79 bypass. Tract M reserves right-of-way for a future roundabout as part of the bypass project. Tract N will be reserved on the east side of the subdivision for the future extension of Custer Street. A condition is proposed to clarify the use of Tract N.

Fire and Rescue

Bennett-Watkins Fire Rescue (BWFR) will provide service. 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

Park Land and Public Facilities

The required land dedication for parks and public facilities of ten percent (8.39 acres), per Sec. 16-5-510 of the municipal code, will be achieved in the first phase of 241 lots through the dedication of the park tracts, the various open space and landscaped area tracts and transportation tracts. If Tracts R and S are further subdivided in the future, additional public land may be dedicated.

Bennett School District 29J

The Bennett School District 29J has requested 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

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: The final plat is consistent with the previous sketch plan reviewed by the Planning and Zoning Commission in February 2021, as well as the Final Subdivision Plat that was previously approved for this site in April 2022.

- 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 generally meets the standards of good subdivision design. Tracts K and L are reserved for parks. There are several tracts that will accommodate future sidewalks and trail connections. Various other tracts will accommodate open space, landscaping, stormwater and utilities.

As part of the review of this plat by the applicants, an old oil and gas well that was a dry well was discovered within the area to be platted. The anticipated home builders and owners of the property have amended the plat to clearly identify the location of the well and remove 2 lots, converting them into a single tract (Tract T) to be used for open space and landscaping. Bennett has no specific requirements in the Code to address this situation. The size of Tract T is more than twice the size of the Adams County requirement in a similar situation. Staff believes this solution is a reasonable accommodation to protect the health, safety, and welfare of future residents of this area.

2. 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, subdivision agreement and construction documents will accommodate the extension of utilities and public services to serve the new residential neighborhood.

3. 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 to the single-family residential lots as well as the remaining tracts.

4. 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 final plat reserves two tracts for parks and provides a series of internal tracts for sidewalks and trails that accommodate pedestrian connections to the neighborhood and the surrounding community. The applicant will be required to pay cash-in-lieu of school land dedication, as well as the standard Town impact fees for public facilities

5. 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 related to:

- **Mixed land uses**
- **Access to healthy living**
- **Access to open space, trails and parks**
- **Contiguous development**
- **A variety of transportation choices**

C. Compliance with Zoning Regulations

Staff Finding: All lots meet the standards in the Bennett Crossing Outline Development Plan, as noted above.

Public Comment

Notice of the June 17, 2024 Planning and Zoning Commission hearing and the July 7, 2024 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. No comments have been received to date.

Staff Recommendation

Staff recommends the Planning and Zoning Commission find the proposed final plat is in compliance with the Subdivision Regulations in Chapter 16, Article IV of the Bennett Municipal Code.

Staff also recommends the Planning and Zoning Commission find the plat has been processed according to Section 16-4-360 and meets the approval criteria in Section 16-4-380.

Based upon these findings, Staff recommends the Planning and Zoning Commission adopt Resolution No. 2024-04, a resolution recommending approval for a final plat fo Bennett Crossing Filing No. 5, 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 Attorney.

Attachments

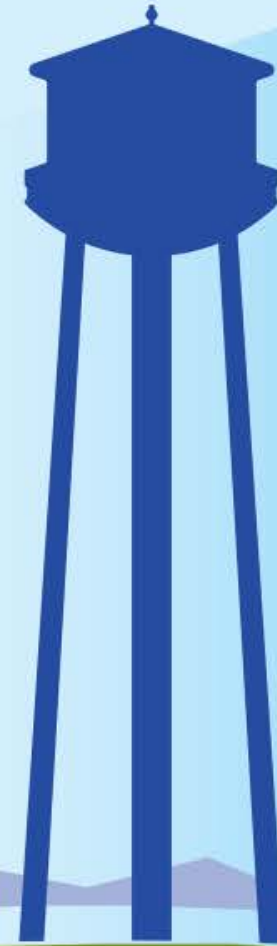
1. Staff PowerPoint Presentation
2. Resolution No. 2024-04
3. Bennett Crossing Filing No. 5 Final Plat

Bennett Crossing Filing No. 5 Final Plat

Resolution 2024-04

Town of Bennett Planning and Zoning Commission

June 17, 2024

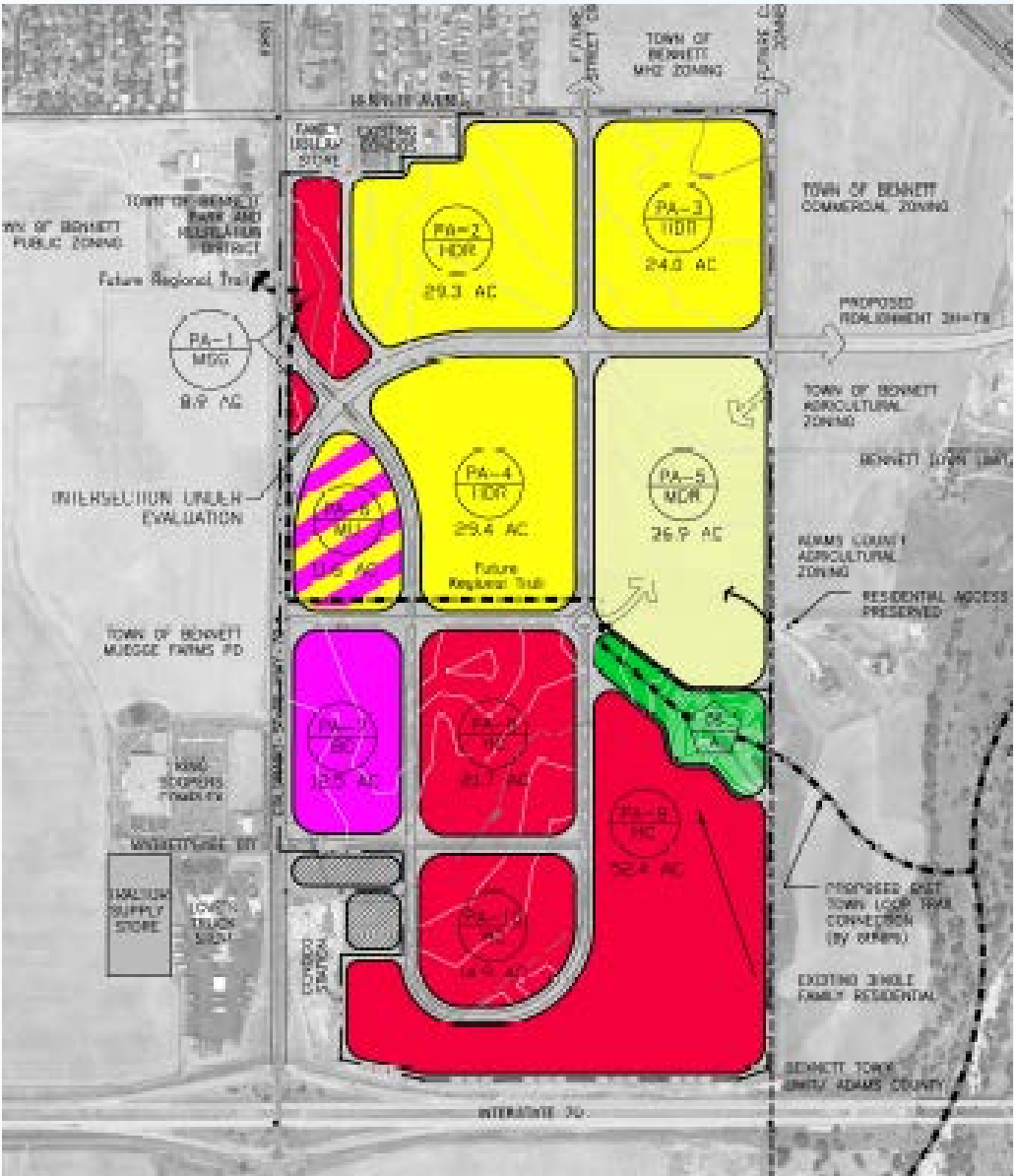


Proposed Bennett Crossing Filing No. 5 Final Plat

- 83.9 acres in Bennett Crossing
- Southeast corner of S. 1st St./CO 79 and Edward Ave.
- Zoned Planned Development (PD) in Bennett Crossing Outline Development Plan (ODP)
- 3 different zone districts (High Density Residential, Medium Density Residential, Mixed Use)

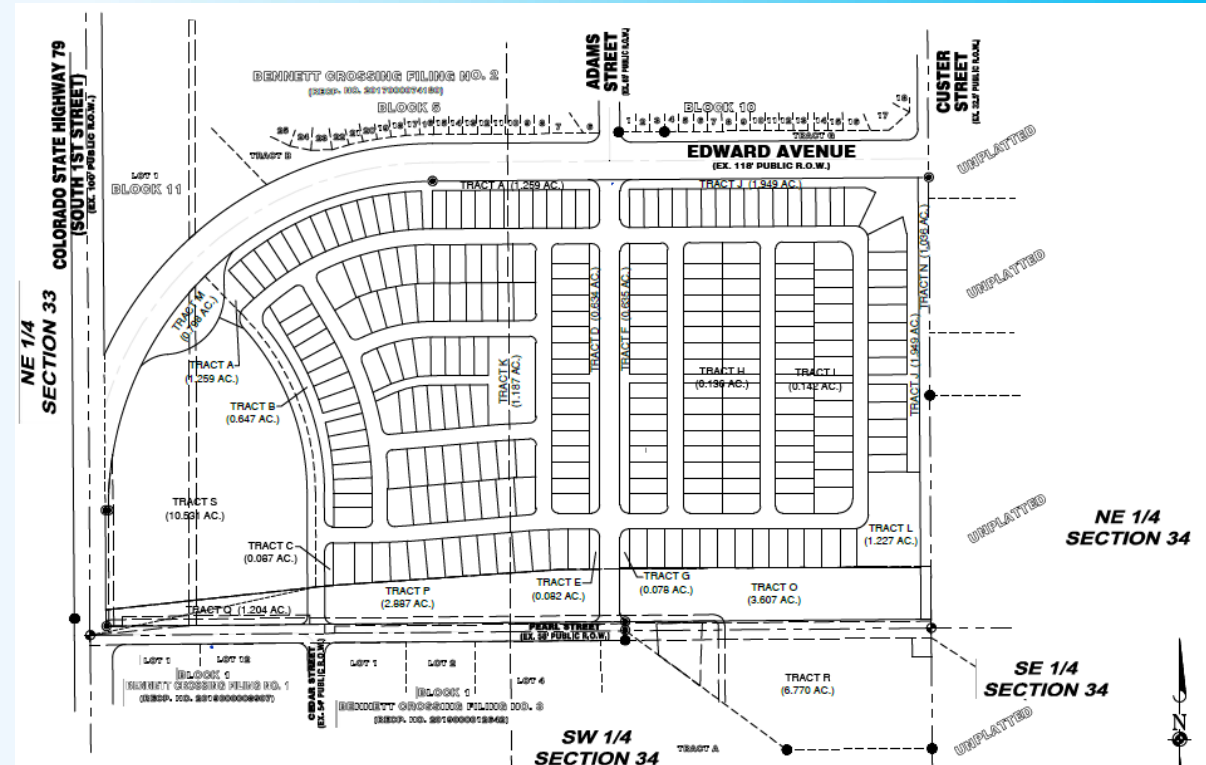


Bennett Crossing Outline Development Plan

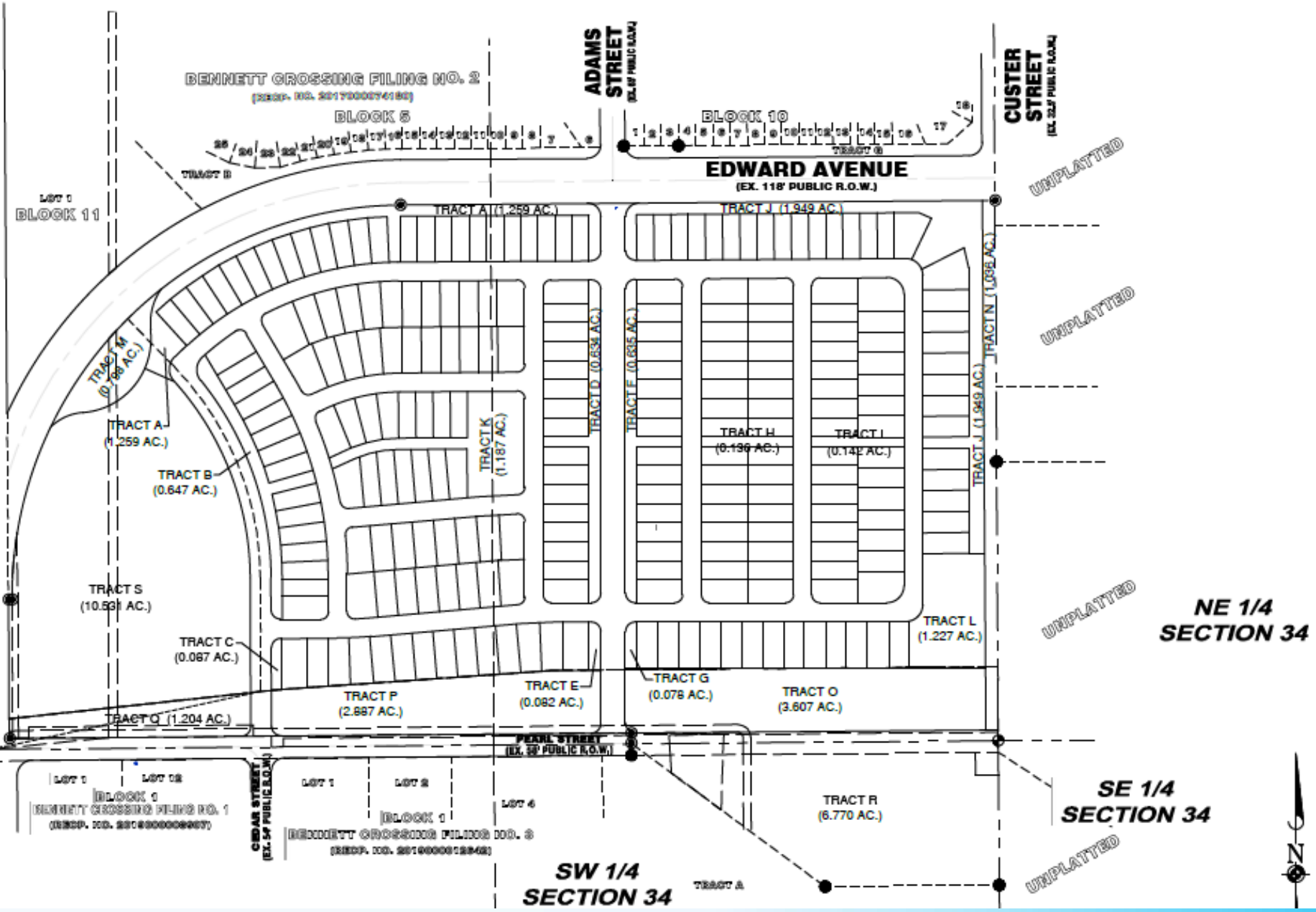


Proposed Bennett Crossing Filing No. 5 Final Plat

- 243 single-family lots
- Two tracts (R & S) for future development
- Smallest lot – 5,400 sq. ft.
- Largest lot – 10,907 sq. ft.
- Average lot size is 6,342 sq. ft.
- Minimum lot width – 45 ft.
- 2.4 acres of parks
- Several open space, landscape and drainage tracts



NE 1/4
SECTION 33
COLORADO STATE HIGHWAY 79
(SOUTH 1ST STREET)
(EX. 100' PUBLIC R.O.W.)



LAND USE TABLE

GROSS ACREAGE	83.904 ACRES
NET ACREAGE (DEDICATED R.O.W. EXCLUDED)	68.973 ACRES
GROSS DENSITY (DWELLING UNITS/ACREAGE OF ALL LOTS AND DEVELOPED TRACTS)	4.680 D.U./ACRE
NET DENSITY (DWELLING UNITS/RESIDENTIAL LOT AREA)	6.594 D.U./ACRE
NUMBER OF LOTS (RESIDENTIAL)	241
NUMBER OF TRACTS (FUTURE USE)	2
NUMBER OF TRACTS (DEVELOPED)	18
NUMBER OF TRACTS	20
SMALLEST LOT (RESIDENTIAL)	5,400 SQUARE FEET
LARGEST LOT (RESIDENTIAL)	10,907 SQUARE FEET
AVERAGE LOT SIZE (RESIDENTIAL)	6,342 SQUARE FEET
NUMBER OF BUILDABLE LOTS	241
NET ACREAGE FOR FUTURE USE	17.848 ACRES
NET ACREAGE FOR PUBLIC STREETS	14.931 ACRES
NET ACREAGE DEVELOPED FOR PRIVATE USES (PARKS, OPEN SPACES AND RECREATION CENTERS, PRIVATE DRIVES)	8.324 ACRES
NET ACREAGE DEVELOPED FOR PUBLIC USES (STORMWATER DRAINAGE - TOWN OF BENNETT)	7.698 ACRES

Standard	HDR Zone	MDR Zone	Proposed
Min. Lot Area/Dwelling Unit	2,400	3,500	5,400 Sq. Ft.
Min. Lot Width	40 ft.	25 ft.	45 ft.
Smallest Lot Size			5,400 Sq. Ft.
Largest Lot Size			10,907 Sq. Ft.
Average Lot Size			6,342 Sq. Ft.

Availability of Public Infrastructure

- Access – Edward Ave., improved Pearl St., new local streets
- Water and Sewer – Town of Bennett
- Stormwater – Off-site conveyance to a regional system
- Fire Protection – Bennett-Watkins Fire Rescue
- Law Enforcement – Arapahoe County Sheriff
- Electricity – CORE Electric Cooperative
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies or Comcast
- Bennett School District - Cash-in-lieu

Staff Findings

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:

- Generally consistent with the Sketch Plan, with updates and improvements.
- 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.
- Public facilities will include improved parks, trails, stormwater and transportation facilities.
- All lots meet the standards of Bennett Crossing ODP, and related sub-area zone districts in the ODP.

Staff Recommendation

Staff recommends the Planning Commission adopt Resolution No. 2024-04 approving the Bennett Crossing Filing No. 5 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 Attorney.

RESOLUTION NO. 2024-04

**A RESOLUTION RECOMMENDING APPROVAL FOR A
FINAL PLAT FOR BENNETT CROSSING FILING NO. 5**

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 the Bennett Crossing Filing No. 5 Subdivision; and

WHEREAS, all materials related to the proposed Final Plat have been reviewed by Town Staff and the Bennett Planning and Zoning Commission and found to be in compliance with the Land Use and Development Regulations in Chapter 16 of the Bennett Municipal Code; and

WHEREAS, after a noticed public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds the proposed Final Plat should be approved subject to certain conditions.

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

Section 1. The Planning and Zoning Commission hereby recommends approval for the proposed Final Plat for the Bennett Crossing Filing No. 5 Subdivision, subject to the conditions set forth on Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED THIS 17TH DAY OF JUNE 2024.

PLANNING AND ZONING COMMISSION

Chair

ATTEST:

Savannah Chapa Vickery
Secretary

EXHIBIT A
Bennett Crossing Filing No. 5 Subdivision
Condition of Approval

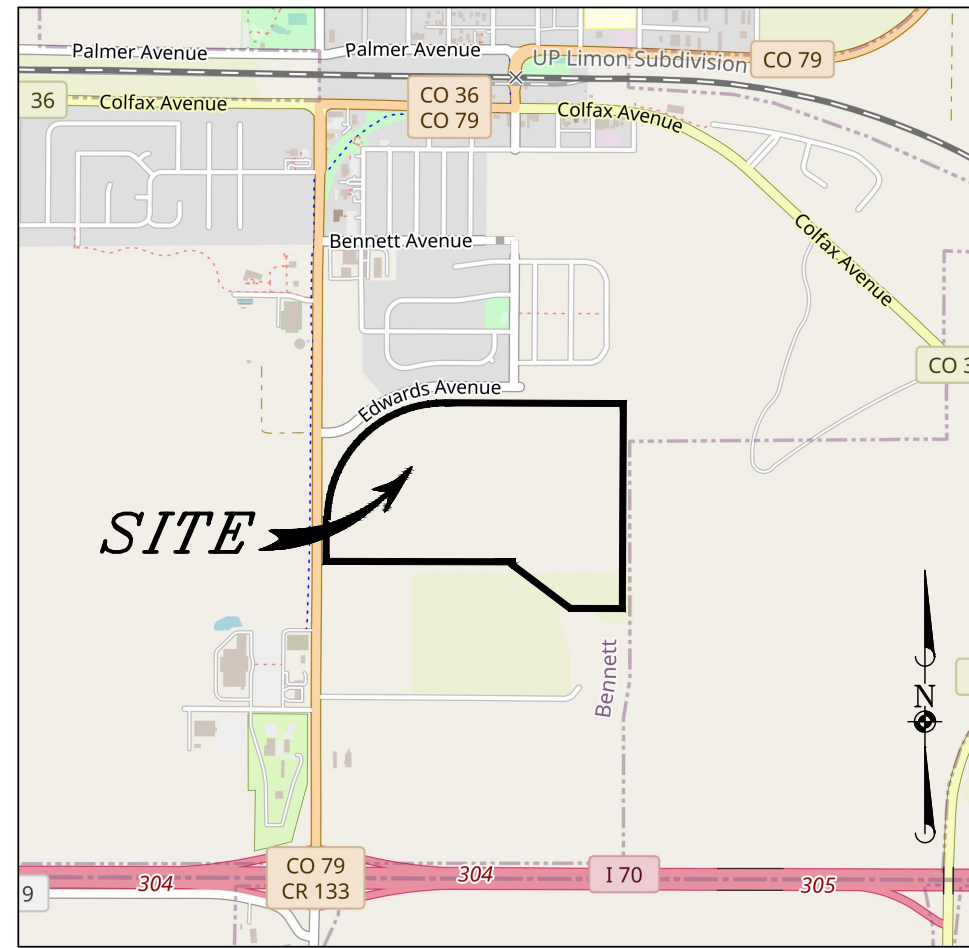
1. Before recording the plat, the applicant shall update plat notes related to tracts, easements and maintenance in a manner directed by the Town Engineer and make other minor modifications as directed by Town Staff, Engineer and Attorney.

BENNETT CROSSING FILING NO. 5

FINAL PLAT

BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 1 OF 19



LOCATION MAP

(NOT TO SCALE)

OWNERSHIP AND DEDICATION (CONTINUED)

THENCE SOUTH 89°30'11" WEST ALONG THE NORTH LINE OF SAID BENNETT CROSSING FILING NO. 1, A DISTANCE OF 686.42 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY 79 (SOUTH 1ST STREET);
THENCE NORTH 00°24'47" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 363.16 FEET TO THE SOUTHWEST CORNER OF SAID BENNETT CROSSING FILING NO. 2;
THENCE ALONG THE SOUTH LINE OF SAID BENNETT CROSSING FILING NO. 2 THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 89°35'13" EAST, A DISTANCE OF 9.00 FEET TO A POINT OF NON-TANGENT CURVE;
- 2) 1611.37 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1026.00 FEET AND A CENTRAL ANGLE OF 89°59'07", SUBTENDED BY A CHORD WHICH BEARS NORTH 44°34'47" EAST, A DISTANCE OF 1450.80 FEET;
- 3) NORTH 89°34'20" EAST, A DISTANCE OF 1557.07 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 3,654,846 SQUARE FEET, OR 83.904 ACRES, MORE OR LESS. ALL LINEAL DISTANCE UNITS ARE REPRESENTED IN U.S. SURVEY FEET.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING CONTAINED UNDER THE NAME AND STYLE OF BENNETT CROSSING FILING NO. 5, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND BY THESE PRESENTS TO HEREBY DEDICATE TO THE TOWN OF BENNETT THE STREETS AND AVENUES AS SHOWN ON THIS 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 UTILITY EASEMENTS AND TRANSPORTATION EASEMENTS AS SHOWN. ACCESS EASEMENTS ARE HEREBY DEDICATED TO THE TOWN OF BENNETT ACROSS ALL TRACTS SHOWN HEREON. IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS INVOLVED IN CONSTRUCTION AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, STORM DRAINAGE SYSTEM WORKS AND LINES, WATER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE WORKS AND LINES, LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER AND 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 UTILITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.

SEE SHEET 2 FOR NOTES, SURVEYOR'S NOTES AND TABLES.

SHEET INDEX:

FINAL PLAT COVER SHEET AND CERTIFICATES-	SHEET 1
FINAL PLAT NOTES, SURVEYOR'S NOTES AND TABLES-	SHEET 2
FINAL PLAT TRACT SHEET	SHEET 3
FINAL PLAT DETAIL SHEETS	SHEET 4 THROUGH 19

OWNERSHIP AND DEDICATION (CONTINUED)

EXECUTED THIS _____ DAY OF _____ A.D., 2024.
BY: GAYESKI CAPITAL EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY

_____ AS REGISTERED AGENT
<NAME>

ACKNOWLEDGEMENT

THE FOREGOING OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024, BY <NAME> AS AUTHORIZED SIGNATORY FOR GAYESKI CAPITAL EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND SEAL:

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

MY ADDRESS: _____

SURVEYOR'S CERTIFICATE

I, ERIC DAVID CARSON, A DULY LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THERE ARE NO ROADS, PIPELINES, IRRIGATION DITCHES OR OTHER EASEMENTS IN EVIDENCE OR KNOWN BY ME TO EXIST ON OR ACROSS THE HEREIN BEFORE DESCRIBED PROPERTY EXCEPT AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT I HAVE PERFORMED THE SURVEY SHOWN HEREON, OR SUCH SURVEY WAS PREPARED UNDER MY DIRECT RESPONSIBILITY AND SUPERVISION, THAT THIS PLAT ACCURATELY REPRESENTS SAID SURVEY, AND THAT ALL MONUMENTS EXIST AS SHOWN HEREIN.

ERIC DAVID CARSON
COLORADO PROFESSIONAL LAND SURVEYOR NO. 37890
FOR AND ON BEHALF OF
CWC CONSULTING GROUP, INC.
EMAIL: ERICCC@CWC-CONSULTING.COM

TOWN APPROVAL

THIS IS TO CERTIFY THAT THE PLAT OF BENNETT CROSSING FILING NO. 5 WAS APPROVED

ON THE _____ DAY OF _____, 2024, 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

PURPOSE STATEMENT

THIS BENNETT CROSSING FILING NO. 5 PLAT IS INTENDED TO SUBDIVIDE 83.904 ACRES INTO 241 RESIDENTIAL LOTS AND 20 TRACTS (2 FOR FUTURE USE), DEDICATE RIGHT-OF-WAY AND GRANT EASEMENTS.

OWNERSHIP AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED, GAYESKI CAPITAL EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE LAND SHOWN ON THIS FINAL PLAT AND DESCRIBED AS FOLLOWS:

PARCEL A OF SPECIAL WARRANTY DEED DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 2014000037662:

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF

THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3,

RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN BEARS NORTH 89°33'30" EAST;

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34;

THENCE NORTH 89°33'30" EAST, ALONG THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION

34, A DISTANCE OF 960.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°33'30" EAST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 1682.85 FEET TO

THE NORTH QUARTER CORNER OF SAID SECTION 34;

THENCE SOUTH 00°08'12" WEST, ALONG THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION

34, A DISTANCE OF 2701.52 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 34;

THENCE SOUTH 00°09'06" WEST, ALONG THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION

34, A DISTANCE OF 772.96 FEET;

THENCE NORTH 89°43'33" WEST, A DISTANCE OF 2592.56 FEET;

THENCE NORTH 00°17'18" EAST, ALONG A LINE 50.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY

LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 761.66 FEET;

THENCE NORTH 00°05'40" EAST, ALONG A LINE 50.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY

LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 2380.43 FEET;

THENCE NORTH 89°33'30" EAST, A DISTANCE OF 612.80 FEET;

THENCE NORTH 00°26'30" WEST, A DISTANCE OF 81.99 FEET;

THENCE NORTH 89°33'30" EAST, A DISTANCE OF 300.00 FEET;

THENCE NORTH 00°26'30" WEST, A DISTANCE OF 218.00 FEET TO THE POINT OF BEGINNING; EXCEPT BENNETT CROSSING FILING NO. 1 RECORDED UNDER RECEPTION NO. 2019000008907;

EXCEPT BENNETT CROSSING FILING NO. 2 RECORDED UNDER RECEPTION NO. 2017000074180;

EXCEPT BENNETT CROSSING FILING NO. 3 RECORDED UNDER RECEPTION NO. 2019000012642;

MORE PARTICULARLY DESCRIBED AS FOLLOWS (SURVEYOR'S DESCRIPTION):

BEARINGS ARE BASED UPON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34 FROM THE WEST ONE-QUARTER CORNER OF SAID SECTION 34

MONUMENTED BY A 3.25" ALUMINUM CAP, 0.4" DOWN IN A RANGE BOX WITH LID MARKED "SURVEY", STAMPED "T3S, 1/4, 33|34, R63W, PLS 26715, 2009" TO THE CENTER QUARTER

CORNER OF SAID SECTION 34 MONUMENTED BY A 2.5" ALUMINUM CAP, 0.1" ABOVE GROUND SURFACE, STAMPED "CHARLES H RUSSELL, T3S, C1/4, ", 34, R63W, 1994, LS 23519" BEARING

NORTH 89°30'11" EAST, A DISTANCE OF 2640.73 FEET (N89°30'11"E 2640.73' PER BENNETT CROSSING FILING NOS. 1 AND 3).

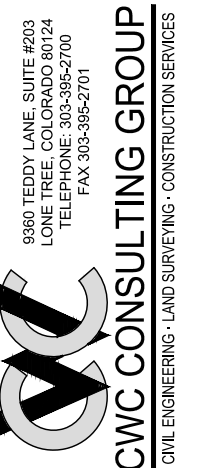
BEGINNING AT THE SOUTHEAST CORNER OF SAID BENNETT CROSSING FILING NO. 2;

THENCE SOUTH 00°22'07" EAST ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUARTER OF SECTION 34, A DISTANCE OF 1414.27 FEET TO SAID CENTER QUARTER CORNER OF SECTION 34;

THENCE SOUTH 00°22'02" EAST ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 34, A DISTANCE OF 377.74 FEET TO THE NORTH LINE OF SAID BENNETT CROSSING FILING NO. 3;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE NORTH LINE OF SAID BENNETT CROSSING FILING NO. 3:

- 1) SOUTH 89°29'22" WEST, A DISTANCE OF 456.23 FEET;
- 2) NORTH 53°33'51" WEST, A DISTANCE OF 631.33 FEET;
- 3) NORTH 00°30'40" WEST, A DISTANCE OF 27.00 FEET;
- 4) SOUTH 89°30'11" WEST, A DISTANCE OF 942.53 FEET TO THE NORTHEAST CORNER OF SAID BENNETT CROSSING FILING NO. 1;



DATE	REVISION	BY
01/12/22	TOWN COMMENTS	EDC
03/26/22	TOWN COMMENTS	EDC
05/30/24	TOWN COMMENTS	EDC

BENNETT CROSSING FILING NO. 5
FINAL PLAT
A PORTION OF THE WEST ONE-HALF OF SECTION 19
SHEET 1 - COVER SHEET & NOTES

CHECKED:	EDC
DRAFTED:	SLG:3
DATE:	07/15/2021
JOB NO.:	120-00343
SURVEY PREPARED FOR:	LENNAR
	COLORADO, LLC

T:\JOBS\1-20_Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development--Lennar.dwg\120-00343-FP_Adams_County.DWG Date: 05/30/24 07:17a ecarson

BENNETT CROSSING FILING NO. 5

FINAL PLAT

BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 2 OF 19

NOTES

- THE PROPERTY IS LOCATED WITHIN "OTHER AREAS - ZONE X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.) AS IDENTIFIED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP - COMMUNITY PANEL NUMBERED 08001C0981H WITH AN EFFECTIVE DATE OF MARCH 5, 2007.
- TRACTS A THROUGH L AND TRACT T, INCLUSIVE, SHALL BE OWNED AND MAINTAINED BY THE HOA. ITS SUCCESSORS OR ASSIGNS. THE UNDERSIGNED GRANTS THE TOWN OF BENNETT A PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO SAID TRACTS. THE TOWN SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MAINTAIN, OPERATE, REPAIR AND RECONSTRUCT THE TRACT AND RELATED FACILITIES WHEN THE OWNER(S) FAIL TO ADEQUATELY MAINTAIN SUCH TRACTS AND RELATED FACILITIES, WHICH MAINTENANCE, OPERATION AND RECONSTRUCTION SHALL BE AT THE COST OF THE HOA.
- THE POLICY OF THE TOWN REQUIRES THAT ALL MAINTENANCE ACCESS SHALL BE PROVIDED TO ALL STORM DRAINAGE FACILITIES TO ASSURE CONTINUOUS OPERATIONAL CAPABILITY OF THE SYSTEM. THE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE FACILITIES INCLUDING INLETS, PIPES, CULVERTS, CHANNELS, DITCHES, HYDRAULIC STRUCTURES, AND DETENTION BASINS LOCATED ON THEIR LAND UNLESS MODIFIED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT. SHOULD THE OWNER FAIL TO MAINTAIN SAID FACILITIES, THE TOWN OF BENNETT SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION TO ENTER SAID LAND FOR THE SOLE PURPOSE OF OPERATIONS AND MAINTENANCE. ALL SUCH MAINTENANCE COSTS WILL BE ASSESSED TO THE PROPERTY OWNERS.
- SURFACED ACCESS ROADS CAPABLE OF WITHSTANDING THE IMPOSED LOADS OF FIRE APPARATUS AND ALL REQUIRED FIRE HYDRANTS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING CONSTRUCTION.
- ALL INTERNAL ROADS AND DRAINAGE FACILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH STREET CONSTRUCTION PLANS, PAVEMENT DESIGN, GRADING AND EROSION CONTROL PLAN, AND A FINAL DRAINAGE PLAN SUBMITTED TO AND APPROVED BY THE TOWN OF BENNETT AND ALL APPLICABLE TOWN ADOPTED STANDARDS AND SPECIFICATIONS.
- THIS PLAN HAS BEEN APPROVED BY THE TOWN OF BENNETT AND CREATES A VESTED PROPERTY RIGHT PURSUANT TO C.R.S. 24-68-101, ET SEQ., AS AMENDED, AND THE TOWN OF BENNETT MUNICIPAL CODE.
- NOTICE IS GIVEN THAT THIS SUBDIVISION WILL BE SUBJECT TO RECORDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS. THE TOWN OF BENNETT IS NOT RESPONSIBLE FOR ENFORCEMENT OF THE RECORDED COVENANTS, CONDITIONS AND RESTRICTIONS THAT MAY BE FILED AGAINST THE SUBDIVISION PLAT.
- FOR CORNER LOTS, THE SIDE SETBACK SHALL BE USED FOR THE CHAMFERED OR RADIUS LOT CORNER.
- NON-EXCLUSIVE UTILITY EASEMENTS LOCATED AS SHOWN ARE HEREBY GRANTED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES, INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND TELEPHONE LINES, AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF SUCH LINES. WINDOW WELLS, MONUMENTS OR ORNAMENTAL COLUMNS, PATIOS, DECKS, STAIRS, RETAINING WALLS, AND THEIR COMPONENTS MAY NOT ENCROACH INTO THE REQUIRED UTILITY EASEMENTS.
- NO IMPROVEMENTS THAT CONFLICT WITH OR INTERFERE WITH CONSTRUCTION, MAINTENANCE OR ACCESS TO UTILITIES SHALL BE PLACED WITHIN THE UTILITY EASEMENTS. PROHIBITED IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO, PERMANENT STRUCTURES, BUILDINGS, COUNTER-FORTS, DECKS, ATTACHED PORCHES, ATTACHED STAIRS, WINDOW WELLS, AIR CONDITIONING UNITS, RETAINING WALLS/COMPONENTS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR ACCESS, USE AND MAINTENANCE THEREOF. PROHIBITED IMPROVEMENTS MAY BE REMOVED BY THE ENTITIES RESPONSIBLE FOR PROVIDING THE UTILITY SERVICES. THE OWNERS OF THE PROPERTY SUBJECT TO THE UTILITY EASEMENTS SHOWN HEREIN ARE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SUCH AREAS, WHICH DOES NOT INCLUDE UTILITY LINES AND RELATED FACILITIES. WHEN THE OWNER(S) FAIL TO ADEQUATELY MAINTAIN SUCH UTILITY EASEMENTS, INCLUDING THE REMOVAL OF PROHIBITED IMPROVEMENTS, THE MAINTENANCE, OPERATION, RECONSTRUCTION AND REMOVAL SHALL BE AT THE COST OF THE OWNER(S). THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES, CABLE COMMUNICATION SYSTEMS FIBER AND OTHER PURPOSES AS SHOWN HEREON.
- SIGHT DISTANCE EASEMENTS ARE HEREBY DEDICATED TO THE TOWN OF BENNETT FOR SIGHT DISTANCE PURPOSES TOGETHER WITH THE FOLLOWING RESTRICTIONS OVER SAID EASEMENTS: NO OBJECT WITHIN THE SIGHT DISTANCE EASEMENT SHALL BE MORE THAN THIRTY-SIX (36) INCHES ABOVE THE FLOWLINE OF THE ADJACENT STREET. SUCH OBJECTS SHALL INCLUDE BUT NOT BE LIMITED TO BUILDINGS, VEGETATION, AND UTILITY CABINETS. PARKING IS ALSO RESTRICTED WITHIN THE EASEMENT.

LAND USE TABLE

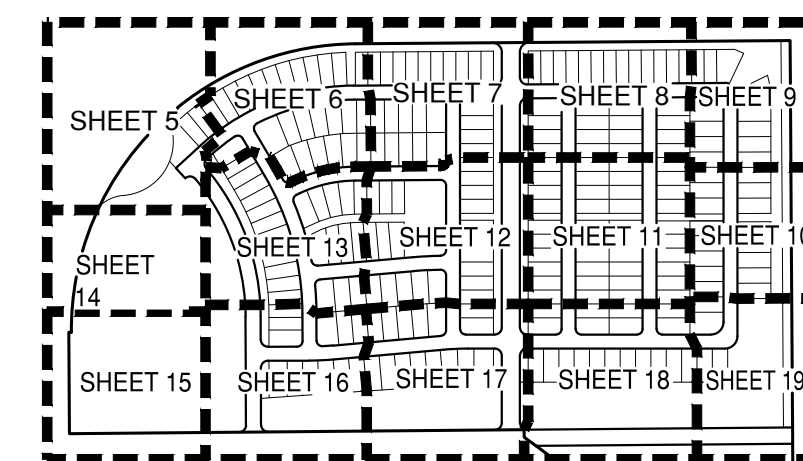
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NET ACREAGE DEVELOPED FOR PUBLIC USES (STORMWATER DRAINAGE - TOWN OF BENNETT)	7.698 ACRES

TRACT SUMMARY TABLE

LABEL	PROPOSED USE	OWNERSHIP/ MAINTENANCE	AREA (ACRES)
TRACT A	DRAINAGE, OPEN SPACE & LANDSCAPED AREA	H.O.A.	1.259
TRACT B	OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.647
TRACT C	OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.087
TRACT D	OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.634
TRACT E	OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.082
TRACT F	DRAINAGE, OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.635
TRACT G	OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.078
TRACT H	DRAINAGE, OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.136
TRACT I	DRAINAGE, OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.142
TRACT J	DRAINAGE, OPEN SPACE & LANDSCAPED AREA	H.O.A.	1.942
TRACT K	PARK	H.O.A.	1.187
TRACT L	PARK	H.O.A.	1.227
TRACT M	TRANSPORTATION, UTILITIES, OPEN SPACE & LANDSCAPE AREA	TOWN OF BENNETT	0.798
TRACT N	TRANSPORTATION, UTILITIES, OPEN SPACE & LANDSCAPE AREA	TOWN OF BENNETT	1.042
TRACT O	OPEN SPACE & STORMWATER DRAINAGE	GAYESKI CAPITAL EQUITIES, LLC/ METRO DISTRICT NO. 2	3.607
TRACT P	OPEN SPACE & STORMWATER DRAINAGE	GAYESKI CAPITAL EQUITIES, LLC/ METRO DISTRICT NO. 2	2.887
TRACT Q	OPEN SPACE & STORMWATER DRAINAGE	GAYESKI CAPITAL EQUITIES, LLC/ METRO DISTRICT NO. 2	1.204
TRACT R	FUTURE USE	GAYESKI CAPITAL EQUITIES, LLC	6.770
TRACT S	FUTURE USE	GAYESKI CAPITAL EQUITIES, LLC	10.531
TRACT T	OPEN SPACE & LANDSCAPED AREA	H.O.A.	0.275
TOTASHEET INDEX:	FINAL PLAT TRACT	SHEET OVERALL - SEE SHEET 3	35.170

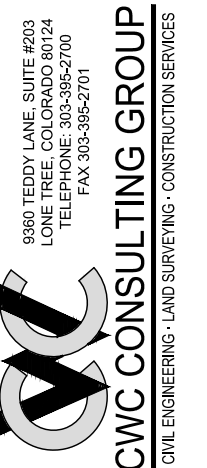
SURVEYOR'S NOTES

- DISTANCES ARE MARKED IN U.S. SURVEY FEET AND DECIMAL PLACES THEREOF. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON. DISTANCES AND/OR BEARINGS SHOWN IN PARENTHESIS (0.00') ARE RECORD OR DEED VALUES, NOT FIELD MEASURED.
- THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY CWC CONSULTING GROUP, INC. TO DETERMINE OWNERSHIP OF THIS TRACT, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD. REFERENCE IS MADE TO FIDELITY NATIONAL TITLE ORDER NO. N0029846-030-TH, AMENDMENT NO. 2, WITH A COMMITMENT DATE OF JULY 20, 2021 FROM WHICH THIS SURVEY IS BASED. THIS PROPERTY IS SUBJECT TO ALL COVENANTS AND RESTRICTIONS RELATING TO THE USE AND CHARACTER OF THE LAND AND ALL MATTERS APPEARING OF PUBLIC RECORD AND AS MAY BE DISCLOSED BY A MORE RECENT TITLE COMMITMENT OR REPORT.
- BEARINGS ARE BASED UPON THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 34 FROM THE WEST ONE-QUARTER CORNER OF SAID SECTION 34 MONUMENTED BY A 3.25" ALUMINUM CAP, 0.4' DOWN IN A RANGE BOX WITH LID MARKED "SURVEY", STAMPED "T3S, 1/4, 33/34, R63W, PLS 26715, 2009" TO THE CENTER QUARTER CORNER OF SAID SECTION 34 MONUMENTED BY A 2.5" ALUMINUM CAP, 0.1' ABOVE GROUND SURFACE, STAMPED "CHARLES H RUSSELL, T3S, C1/4, ", 34, R63W, 1994, LS 23519" BEARING NORTH 89°30'11" EAST, A DISTANCE OF 2640.73 FEET (N89°30'11"E 2640.73' PER BENNETT CROSSING FILING NOS. 1 AND 3).
- EASEMENTS AND PUBLIC DOCUMENTS SHOWN OR NOTED HEREON WERE EXAMINED AS TO LOCATION AND PURPOSE AND WERE NOT EXAMINED AS TO RESERVATIONS, RESTRICTIONS, CONDITIONS, OBLIGATIONS, TERMS, OR AS TO THE RIGHT TO GRANT THE SAME.
- ALL REFERENCES HEREON TO BOOKS, PAGES, MAPS AND RECEPTION NUMBERS ARE PUBLIC DOCUMENTS FILED IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- DEFINITION: CERTIFY, CERTIFICATION - A PROFESSIONAL'S OPINION BASED ON HIS OR HER OBSERVATION OF CONDITIONS, KNOWLEDGE, INFORMATION AND BELIEFS. IT IS EXPRESSLY UNDERSTOOD THAT THE PROFESSIONAL'S CERTIFICATION OF A CONDITION'S EXISTENCE RELIEVES NO OTHER PARTY OF ANY RESPONSIBILITY OR OBLIGATION HE OR SHE HAS ACCEPTED BY CONTRACT OR CUSTOM.
- CWC CONSULTING GROUP, INC. DOES NOT WARRANT THAT THE PARCEL, AS DESCRIBED HEREON, COMPLIES WITH COLORADO SENATE BILL 35. (30-28-101).
- 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.



KEY MAP

(NOT TO SCALE)



DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 2 - SURVEYOR'S NOTES AND TABLES

DRAFTED:	CHECKED:
S.L.G.3	E.D.C.
DATE:	JOB NO.
07/15/2021	120-00343
SURVEY PREPARED FOR:	LENAR
COLORADO, LLC	

T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development--Lennar.dwg\120-00343-FP_Adams_County.DWG Date: 05/30/24 07:17a ecarson

BENNETT CROSSING FILING NO. 5

FINAL PLAT

BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 3 OF 19

9390 TEDDY LANE, SUITE #203
LOUISVILLE, COLORADO 80124
TEL: 303-395-2700
FAX: 303-395-2701

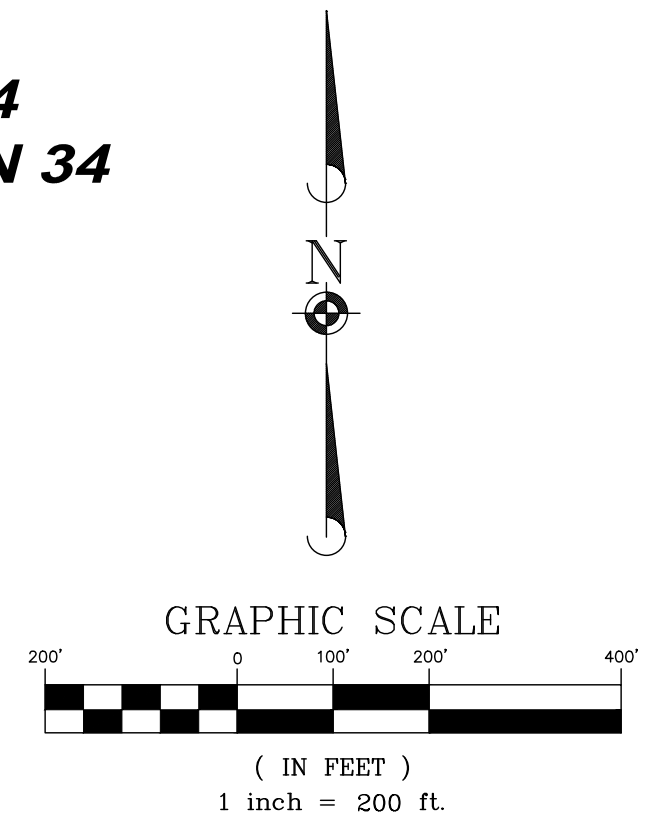
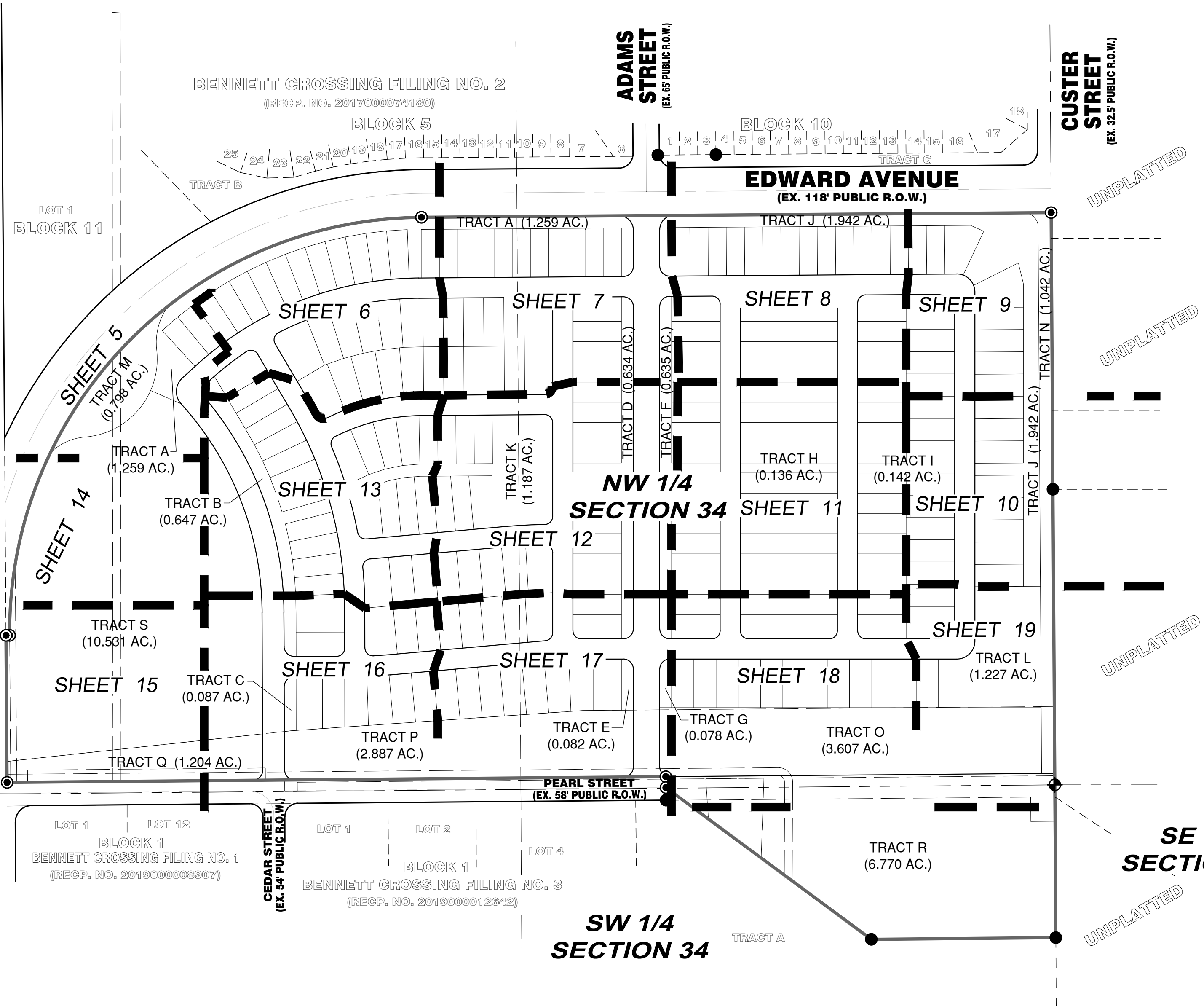
CWC CONSULTING GROUP
CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES

DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
FINAL PLAT
A PORTION OF THE WEST ONE-HALF OF SECTION 19
SHEET 3 - TRACT MAP

DRAFTED:	CHECKED:
E.D.C.	E.D.C.
DATE:	JOB NO.
07/15/2021	120-00343
SURVEY PREPARED FOR:	
LENNAR	
COLORADO, LLC	

NE 1/4 SECTION 33
COLORADO STATE HIGHWAY 79
(SOUTH 1ST STREET)
(EX. 100' PUBLIC R.O.W.)



T:\JOBS\1--20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development--Lennar.dwg\120-00343-FP_Adams_County.DWG Date: 05/30/24 07:17a ecarson

BENNETT CROSSING FILING NO. 5

FINAL PLAT

BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO

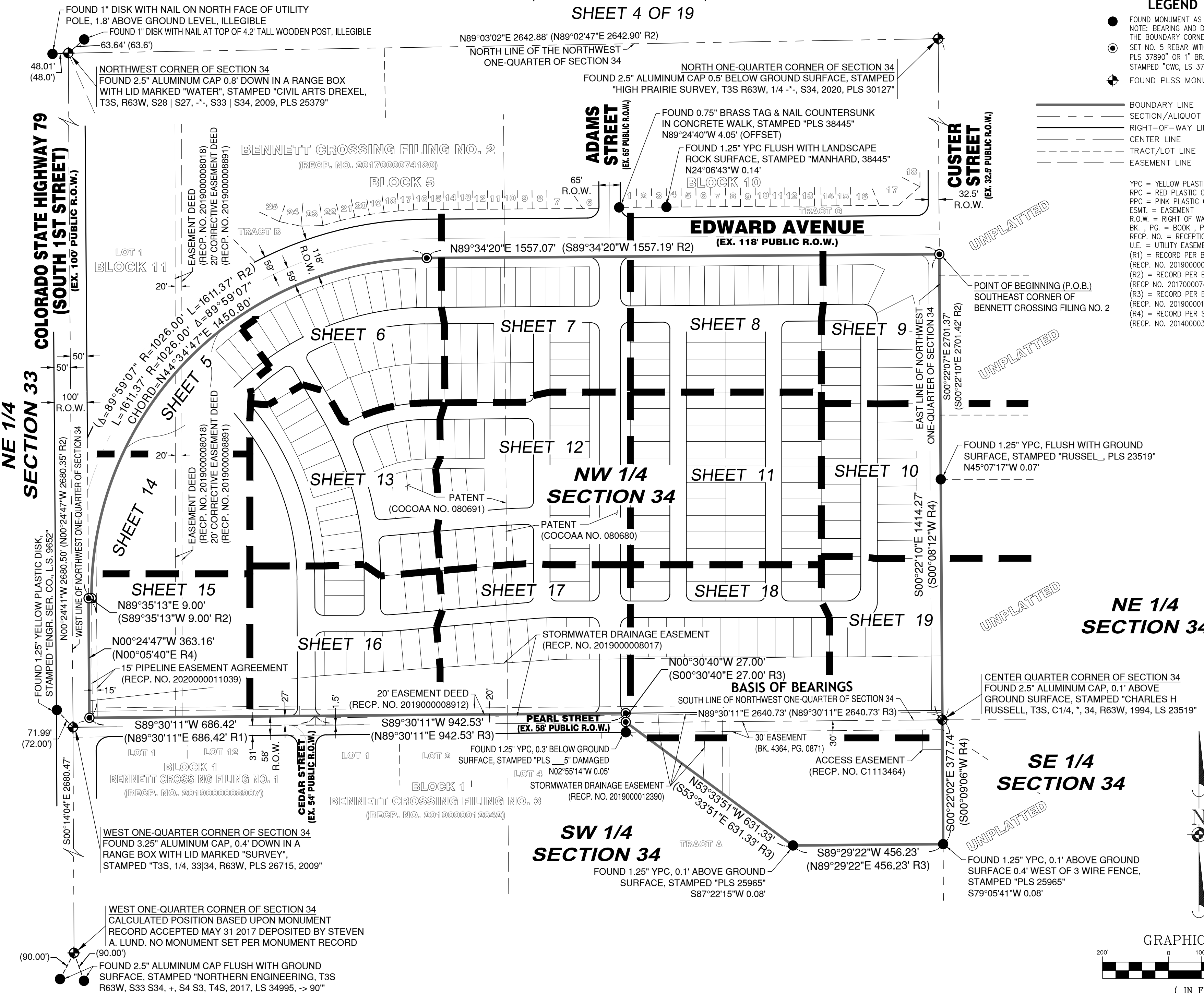
SHEET 4 OF 19

LEGEND

- FOUND MONUMENT AS NOTED;
NOTE: BEARING AND DISTANCE, IF LISTED, IS FROM THE BOUNDARY CORNER TO THE FOUND MONUMENT.
- SET NO. 5 REBAR WITH PPC, STAMPED "CWC CG INC, PLS 37890" OR 1" BRASS TAG & ALUMINUM NAIL, STAMPED "CWC, LS 37890"
- ◆ FOUND PLSS MONUMENT AS NOTED

- BOUNDARY LINE
- - - SECTION/ALIQUOT LINE
- - - RIGHT-OF-WAY LINE
- - - CENTER LINE
- - - TRACT/LOT LINE
- - - EASEMENT LINE

- YPC = YELLOW PLASTIC CAP
- RPC = RED PLASTIC CAP
- PPC = PINK PLASTIC CAP
- ESMT. = EASEMENT
- R.O.W. = RIGHT OF WAY
- BK., PG. = BOOK, PAGE
- RECP. NO. = RECEPTION NUMBER
- U.E. = UTILITY EASEMENT DEDICATED HEREON
- (R1) = RECORD PER BENNETT CROSSING FILING NO. 1 (RECP. NO. 2019000008907)
- (R2) = RECORD PER BENNETT CROSSING FILING NO. 2 (RECP. NO. 2017000074180)
- (R3) = RECORD PER BENNETT CROSSING FILING NO. 3 (RECP. NO. 2019000012642)
- (R4) = RECORD PER SPECIAL WARRANTY DEED (RECP. NO. 2014000037662)

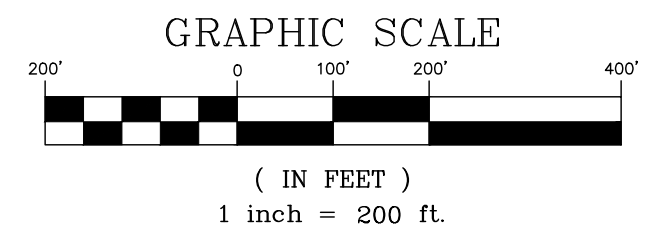


UNPLATTED

UNPLATTED

UNPLATTED

UNPLATTED



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CWC CONSULTING GROUP
CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES

DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
FINAL PLAT
A PORTION OF THE WEST ONE-HALF OF SECTION 19
SHEET 4 - BOUNDARY & EXISTING EASEMENTS

CHECKED: S.L.G.3
DATE: 07/15/2021
JOB NO: 120-00343
SURVEY PREPARED FOR: LENNAR COLORADO, LLC

T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams-County.DWG Date: 05/30/24 07:17a ecarson

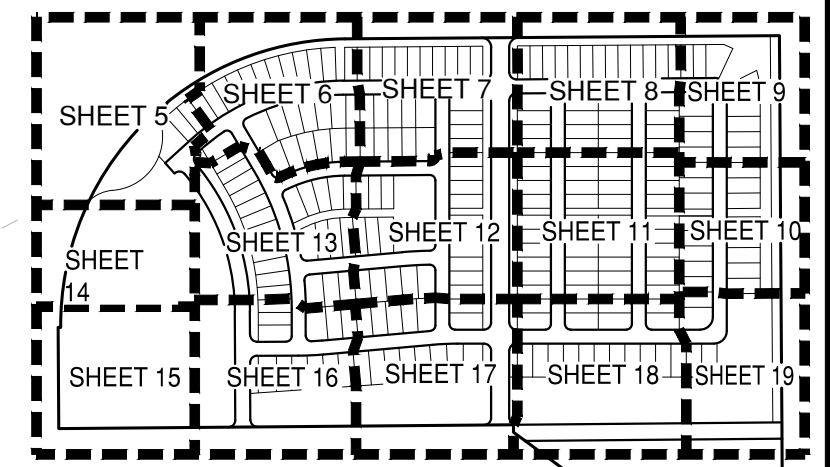
BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 5 OF 19

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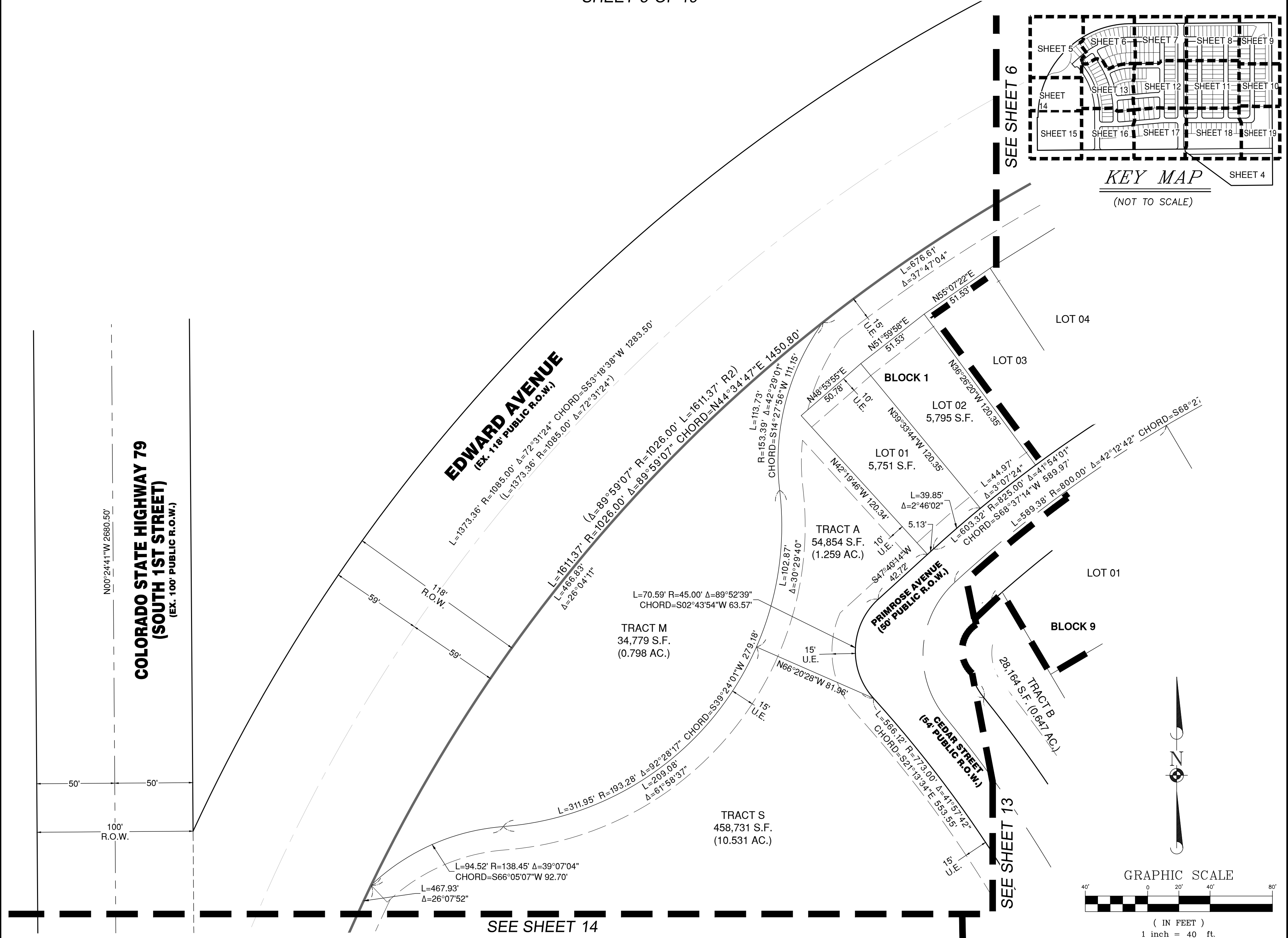
KEY MAP
 (NOT TO SCALE)

DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 5 - PLAT DETAIL

DRAFTED:	SLG:3
CHECKED:	E.D.C.
DATE:	07/15/2021
JOB NO.:	120-00343
SURVEY PREPARED FOR:	LENNAR COLORADO, LLC

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COLORADO STATE HIGHWAY 79
 (SOUTH 1ST STREET)
 (EX. 100' PUBLIC R.O.W.)

N00°24'41"W 2680.50'

50' 50'
 100' R.O.W.

SEE SHEET 14

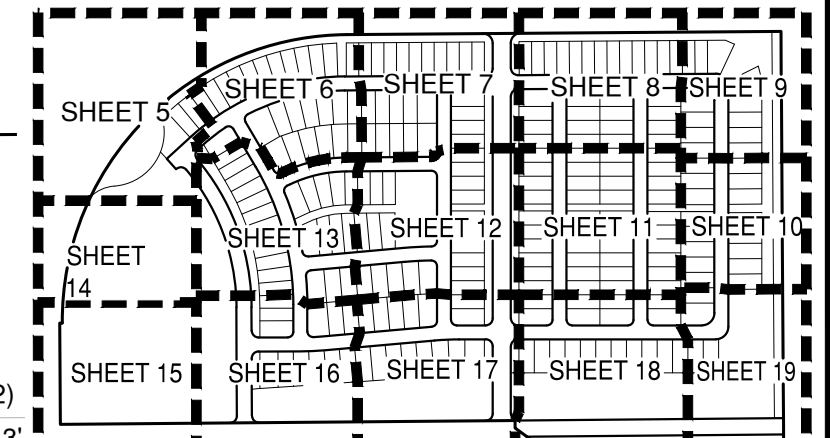
SEE SHEET 13

SEE SHEET 6

BENNETT CROSSING FILING NO. 5

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34,
 TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 6 OF 19

SEE SHEET 4 FOR LEGEND



KEY MAP

(NOT TO SCALE)

- CURVE DATA:
- C1: L=23.80' Δ=1°39'11"
 - C3: L=9.08' R=775.00' Δ=0°40'16"
CHORD=S48°22'07"W 9.08'
 - C4: L=32.61' R=20.00' Δ=93°25'01"
CHORD=N77°13'16"W 29.11'
 - C5: L=45.00' R=1025.00' Δ=2°30'55"
CHORD=S29°15'18"E 44.99'
 - C6: L=30.55' R=20.00' Δ=87°31'55"
CHORD=S71°45'48"E 27.67'

9380 TEDDY LANE, SUITE #203
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 FAX: 303-395-2701

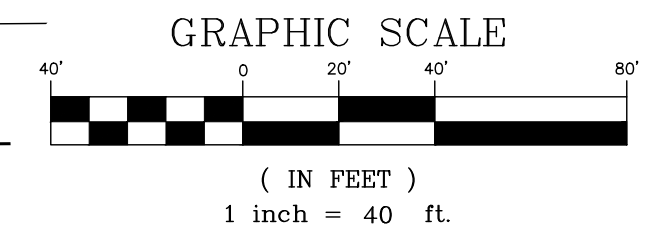
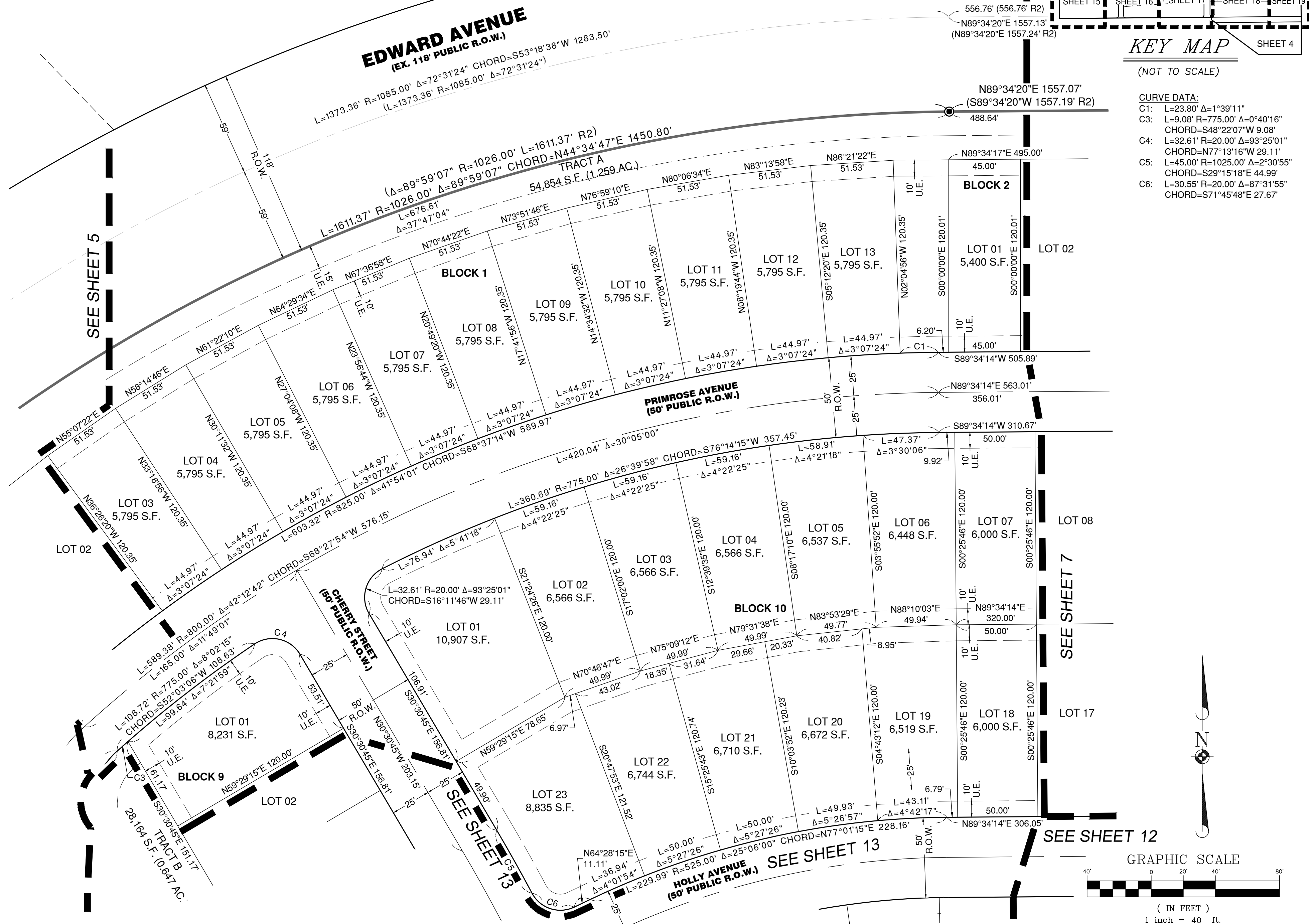
CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES

DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5

FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 6 - PLAT DETAIL

CHECKED:	ED.C.
DRAFTED:	S.L.G.
DATE:	07/15/2021
JOB NO.:	120-00343
SURVEY PREPARED FOR:	LENNAR
COLORADO, LLC	



T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams-County.DWG Date: 05/30/24 07:17a ecarson

BENNETT CROSSING FILING NO. 5

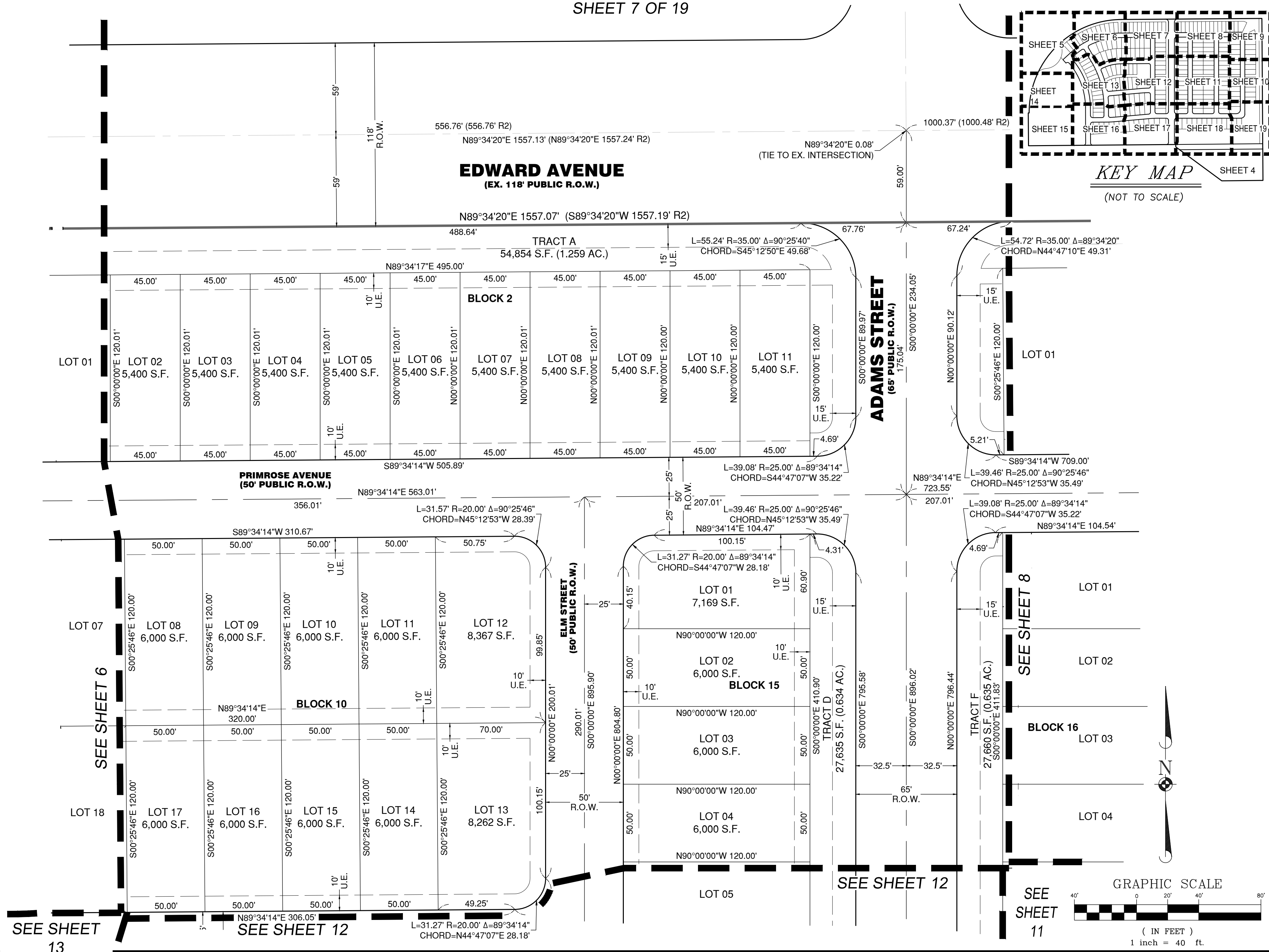
SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 7 OF 19

9390 TEDDY LANE, SUITE #203
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CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES

DATE	REVISION	BY



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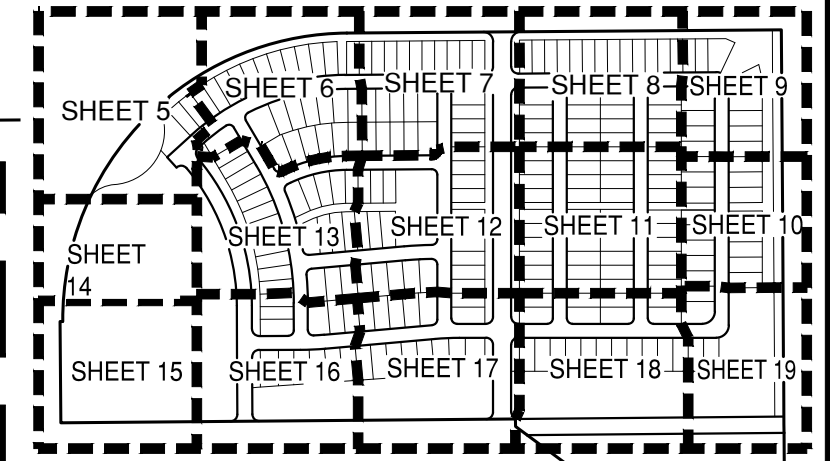
BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 7 - PLAT DETAIL

DRAFTED:	SLG.3	CHECKED:	E.D.C.
DATE:	07/15/2021	JOB NO.:	120-00343
SURVEY PREPARED FOR:	LENNAR	COLORADO, LLC	

BENNETT CROSSING FILING NO. 5

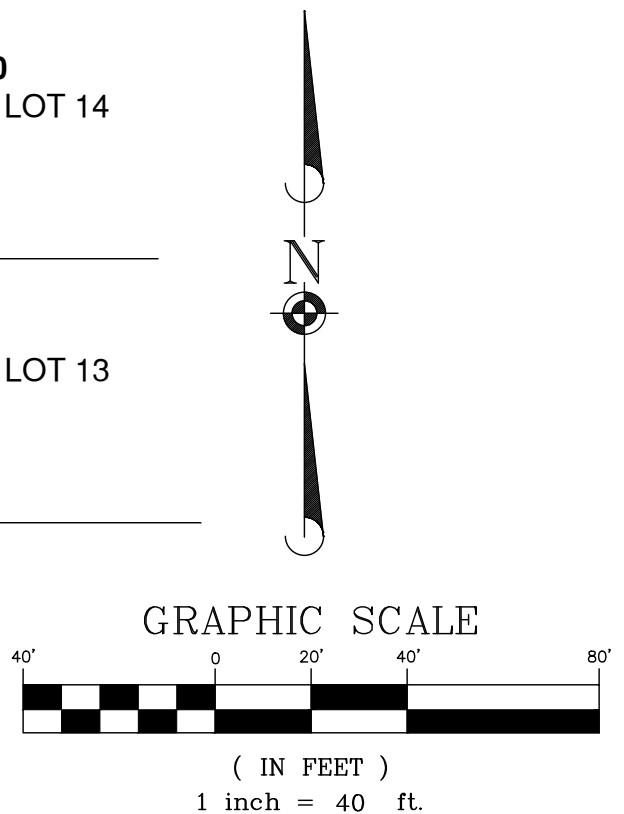
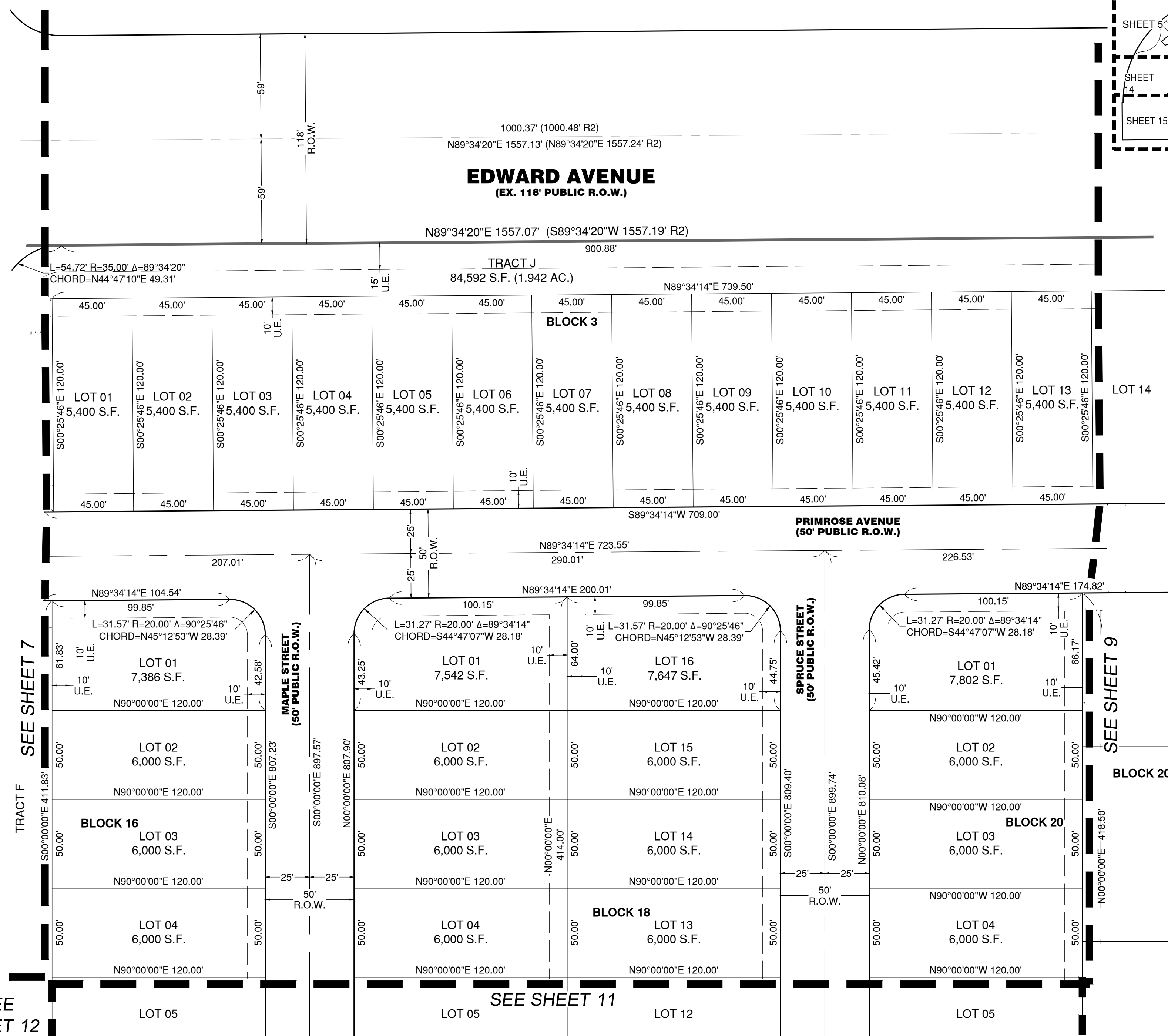
SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 8 OF 19



KEY MAP
(NOT TO SCALE)

DATE	REVISION	BY



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BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 8 - PLAT DETAIL

CHECKED:	DATE:	SURVEY PREPARED FOR:
SLG:3	07/15/2021	LENNAR
E.D.C.	JOB NO. 120-00343	COLORADO, LLC

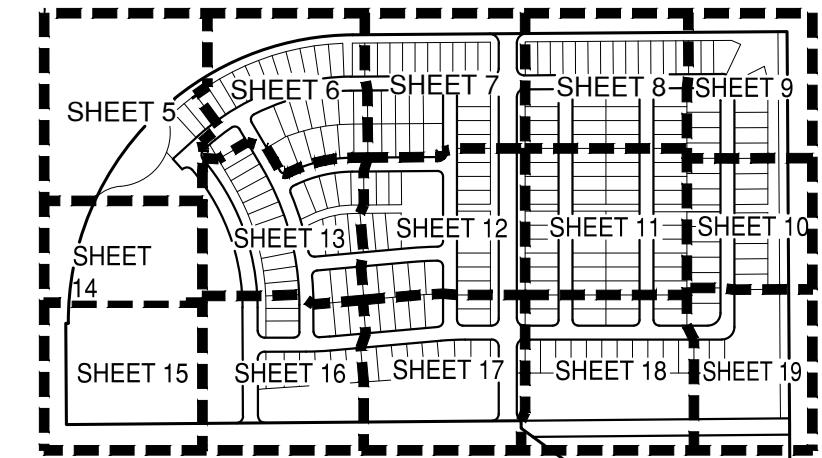
BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 9 OF 19

9390 TEDDY LANE, SUITE #203
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 TEL: 303-398-2700
 FAX: 303-398-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES



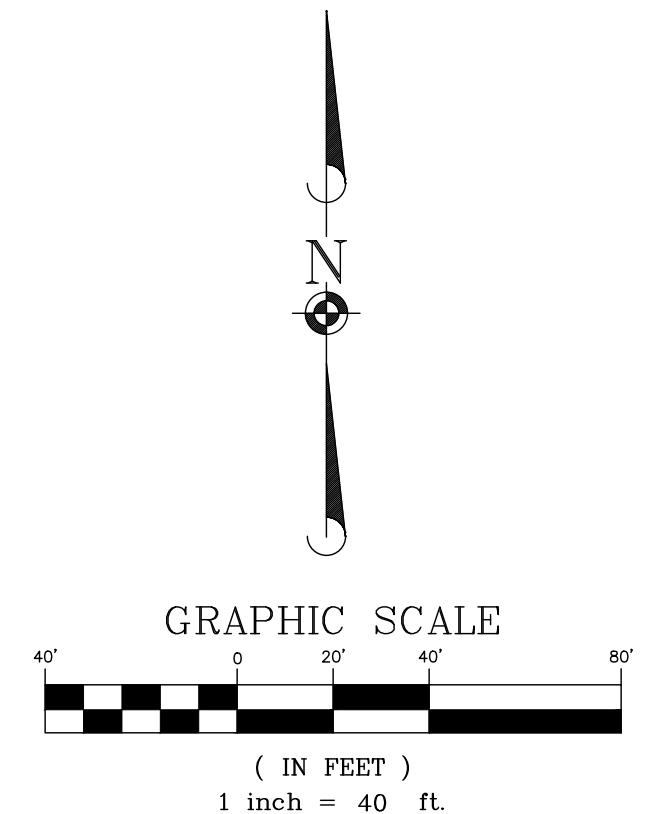
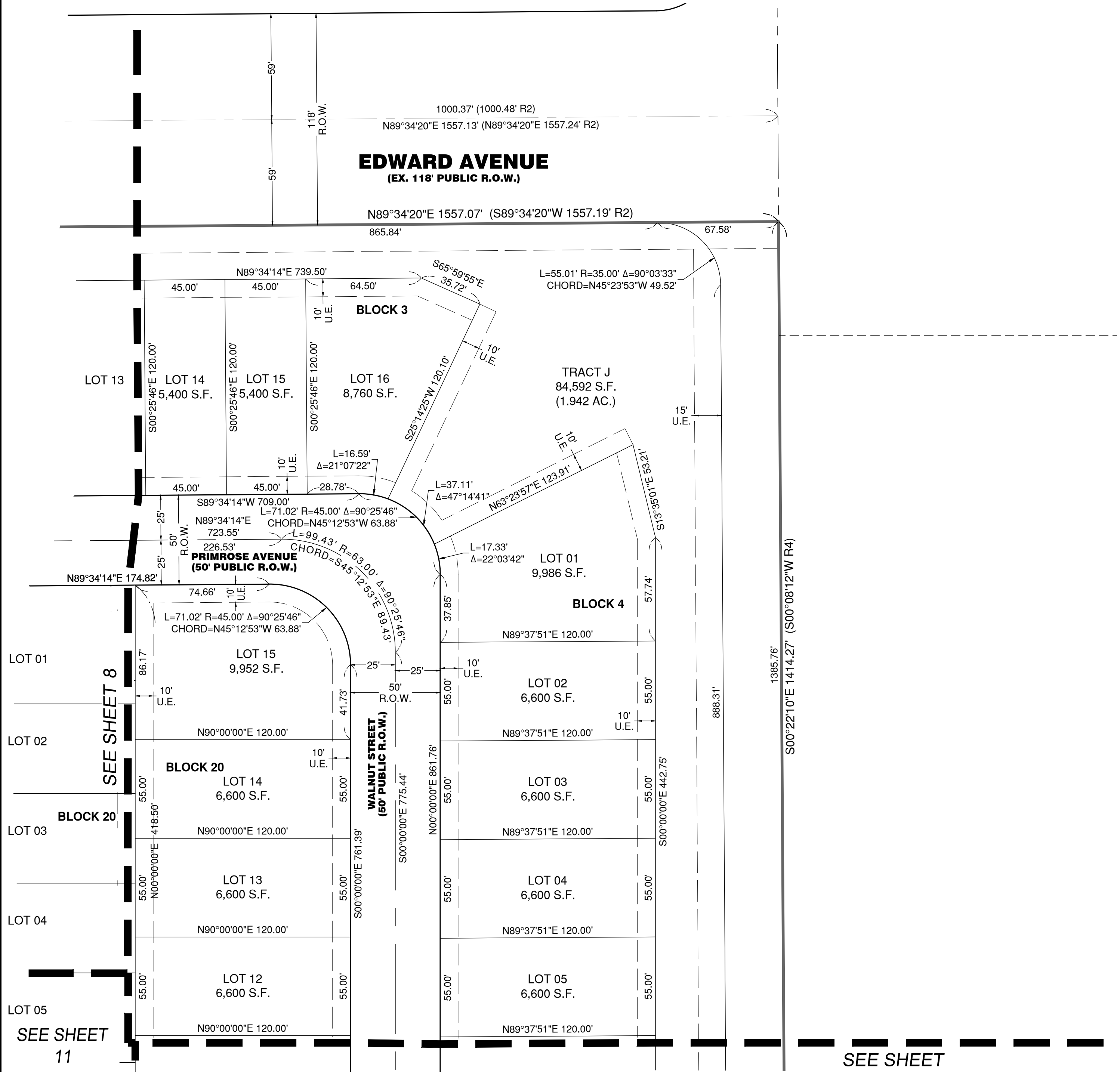
KEY MAP
 (NOT TO SCALE)

DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 9 - PLAT DETAIL

CHECKED: S.L.G.3
 DRAFTED: S.L.G.3
 DATE: 07/15/2021
 SURVEY PREPARED FOR: LENNAR COLORADO, LLC

T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams-County.DWG Date: 05/30/24 07:18a ecarson



SEE SHEET 10

SEE SHEET 11

BENNETT CROSSING FILING NO. 5

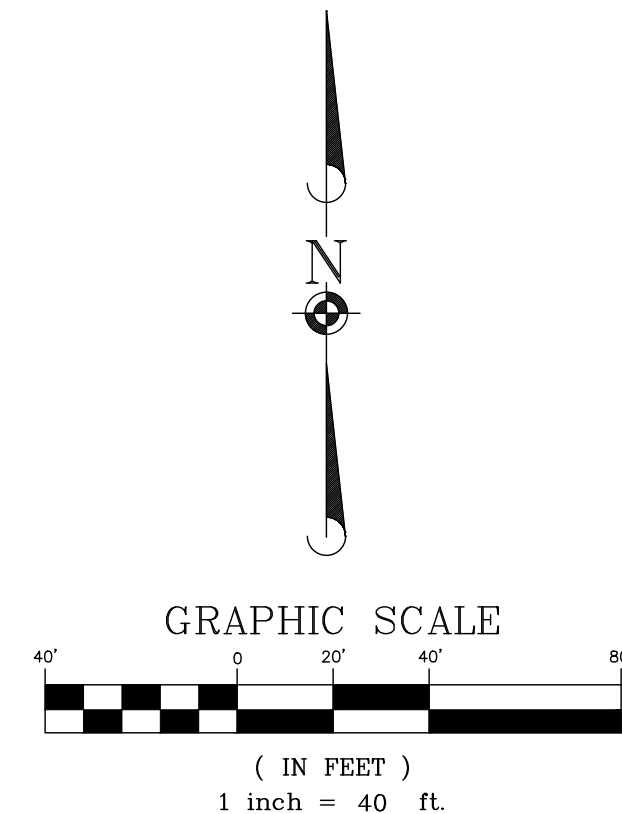
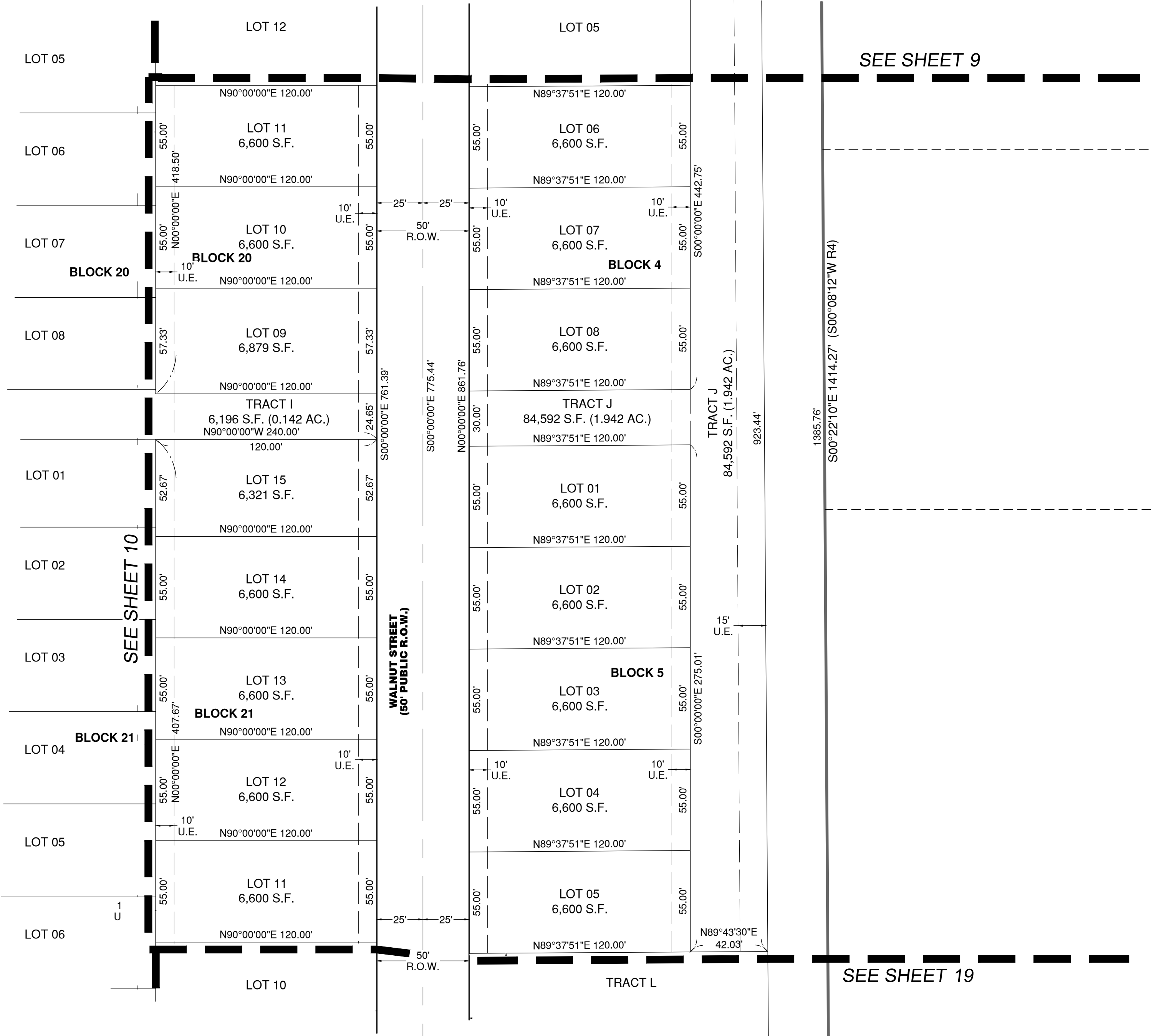
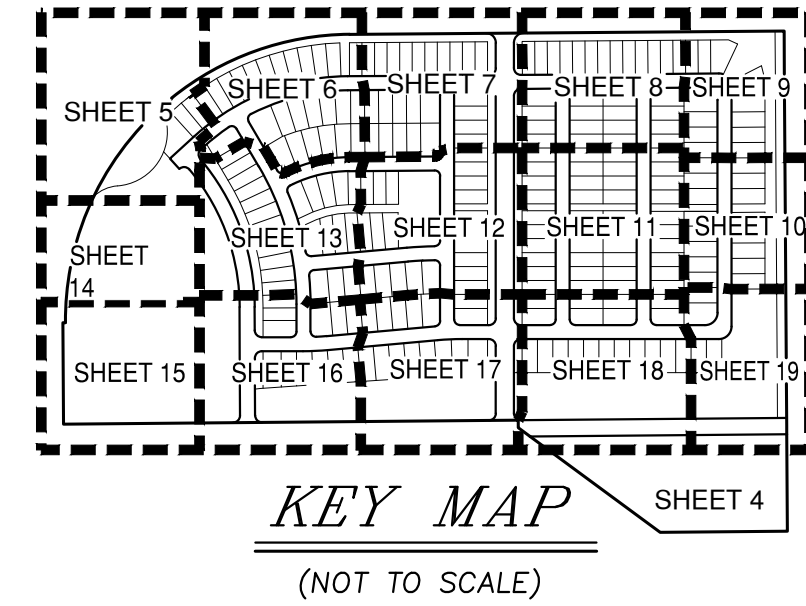
SEE SHEET 4 FOR LEGEND

FINAL PLAT

BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
SHEET 10 OF 19

9390 TEDDY LANE, SUITE #203
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CWC CONSULTING GROUP
CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES



DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
FINAL PLAT
A PORTION OF THE WEST ONE-HALF OF SECTION 19
SHEET 10 - PLAT DETAIL

CHECKED: S.L.G.3
DATE: 07/15/2021
JOB NO: 120-00343
SURVEY PREPARED FOR: LENNAR COLORADO, LLC

T:\JOBS\1--20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development--Lennar.dwg\120-00343-FP_Adams_County.DWG Date: 05/30/24 07:18a ecarson

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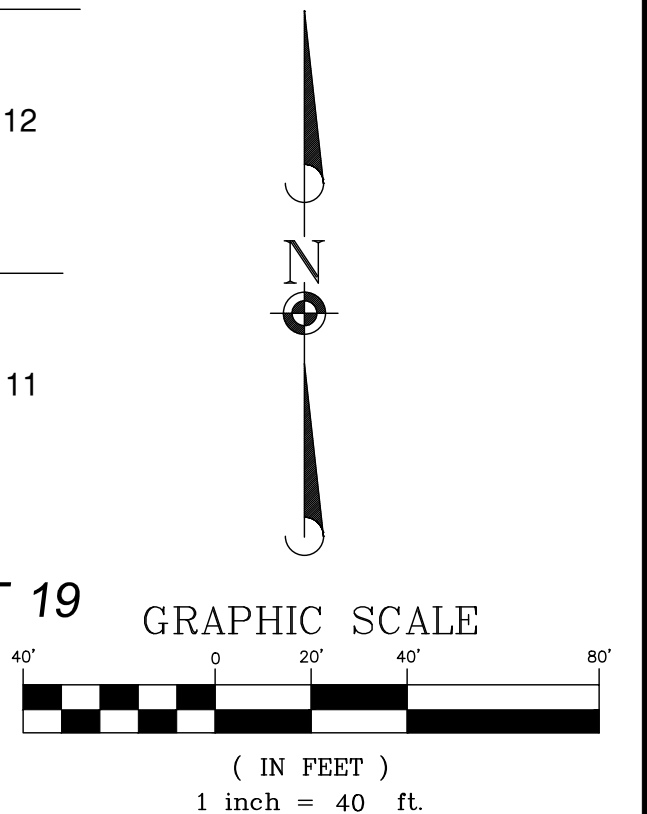
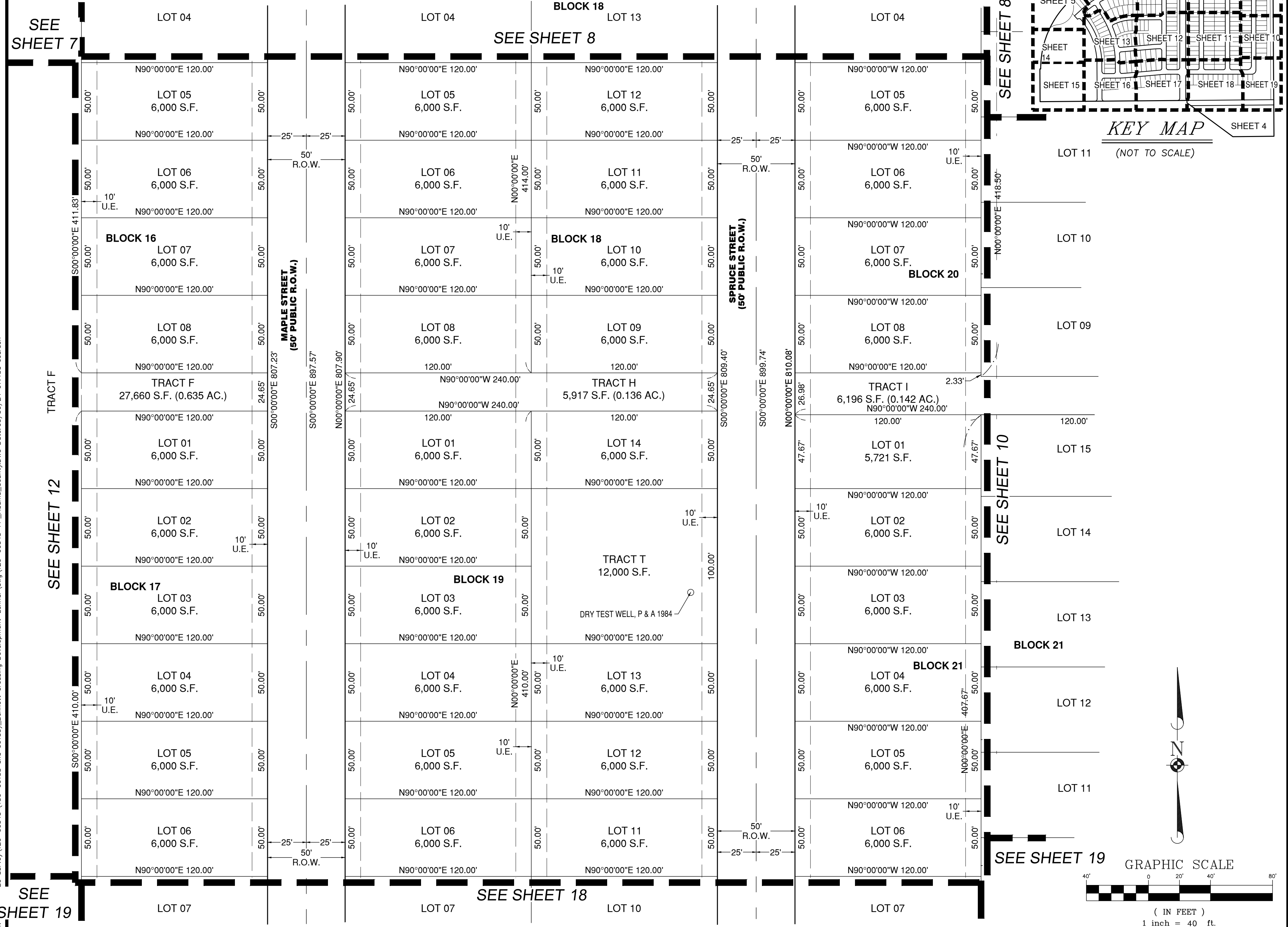
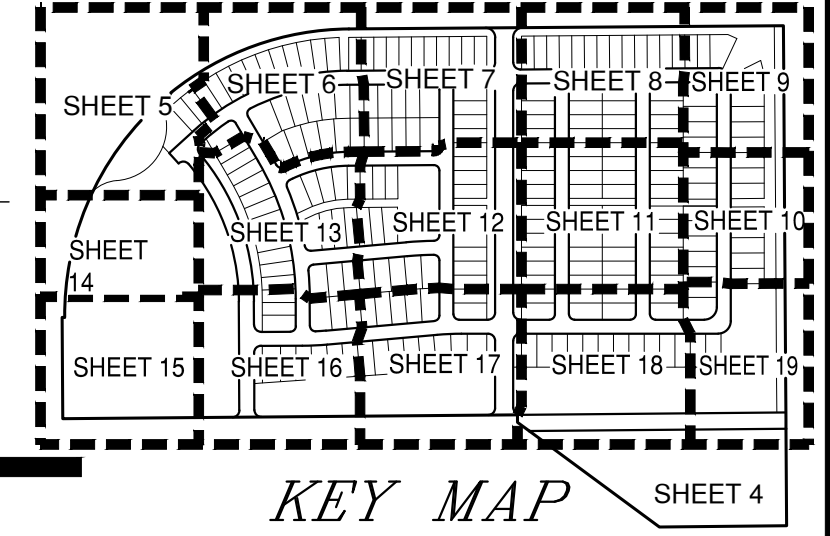
SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 11 OF 19

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CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES



DATE	REVISION	BY

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 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 11 - PLAT DETAIL

CHECKED: S.L.G.3
 DATE: 07/15/2021
 SURVEY PREPARED FOR: LENNAR COLORADO, LLC

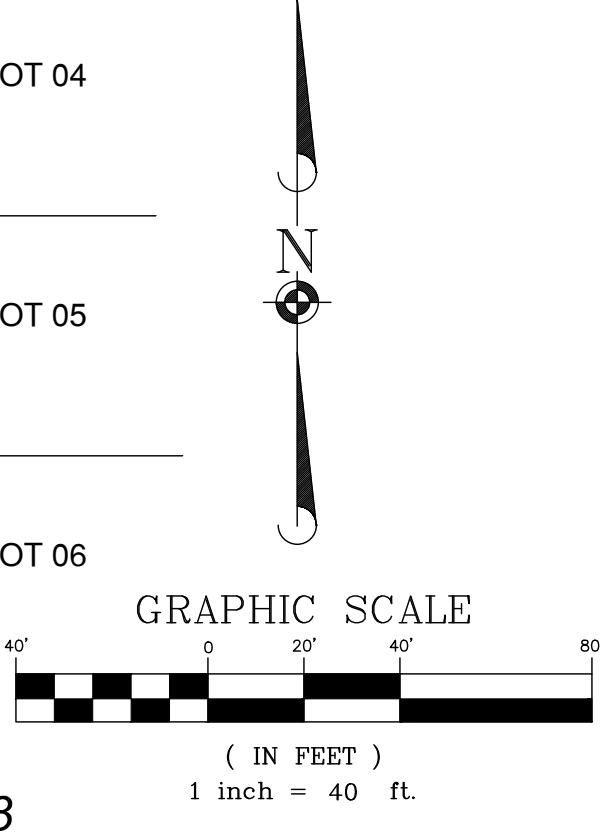
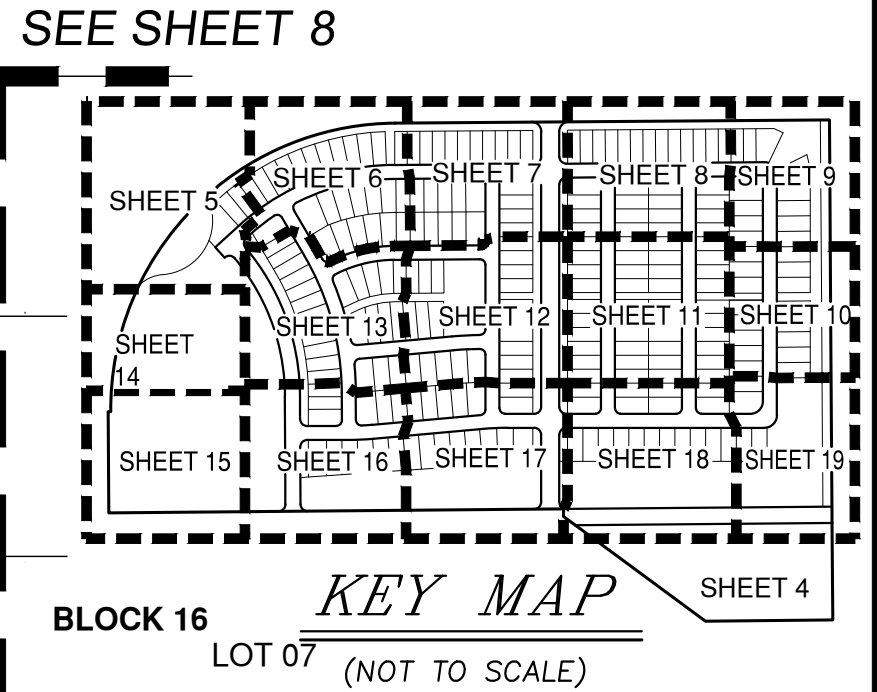
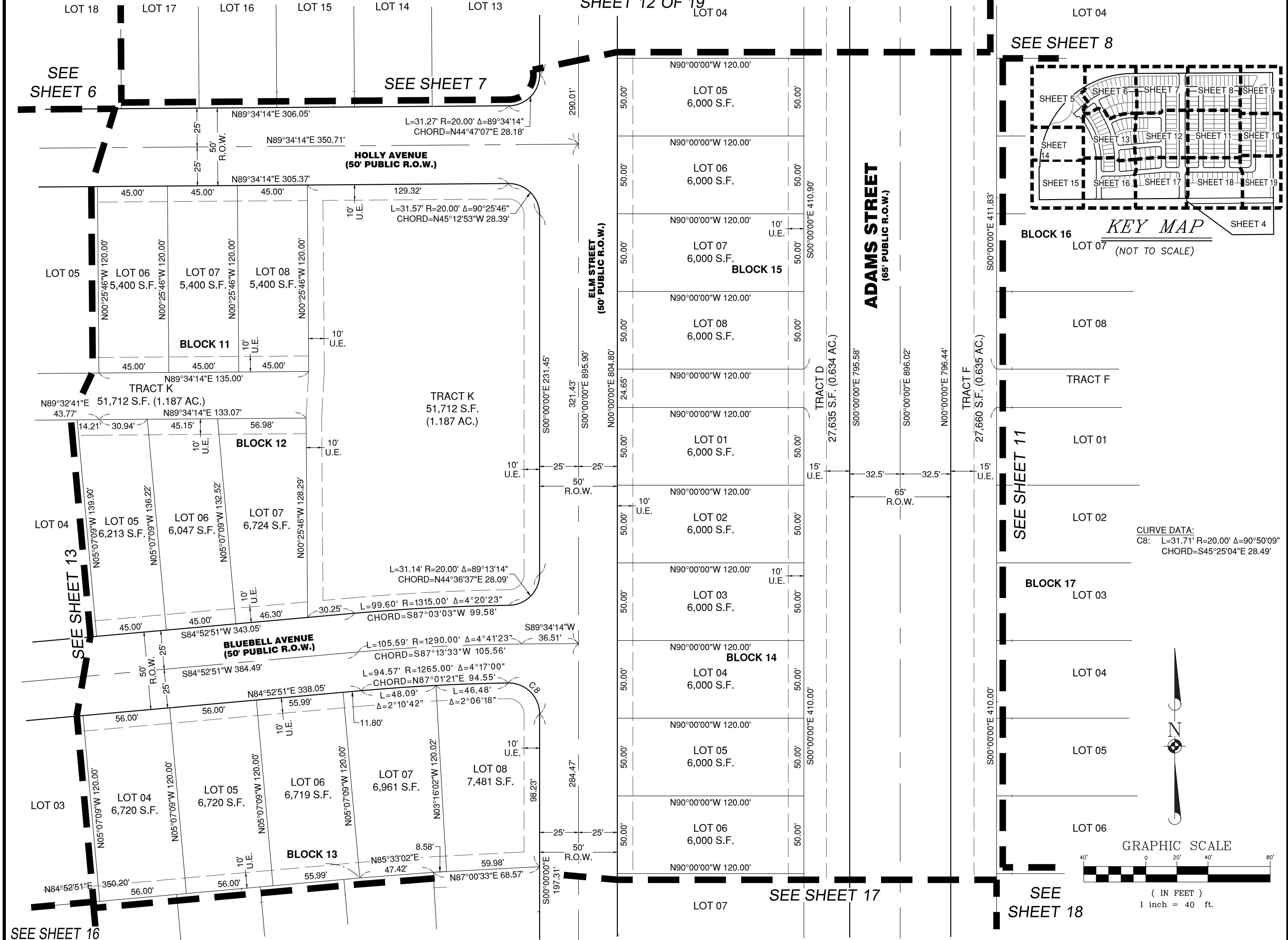
T: 20 Survey\120-00343 (130-00138 and 00155)\Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams-County.DWG Date: 05/30/24 07:18a ecarson

BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 12 OF 19



9390 TEDDY LANE, SUITE #203
 LOUISVILLE, COLORADO 80124
 TEL: 303-395-2700
 FAX: 303-395-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES

DATE	BY
REVISION	

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 12 - PLAT DETAIL

CHECKED: S.L.G.3
 DATE: 07/15/2021
 SURVEY PREPARED FOR: LENNAR COLORADO, LLC

T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams-County.DWG Date: 05/30/24 07:18a ecarson

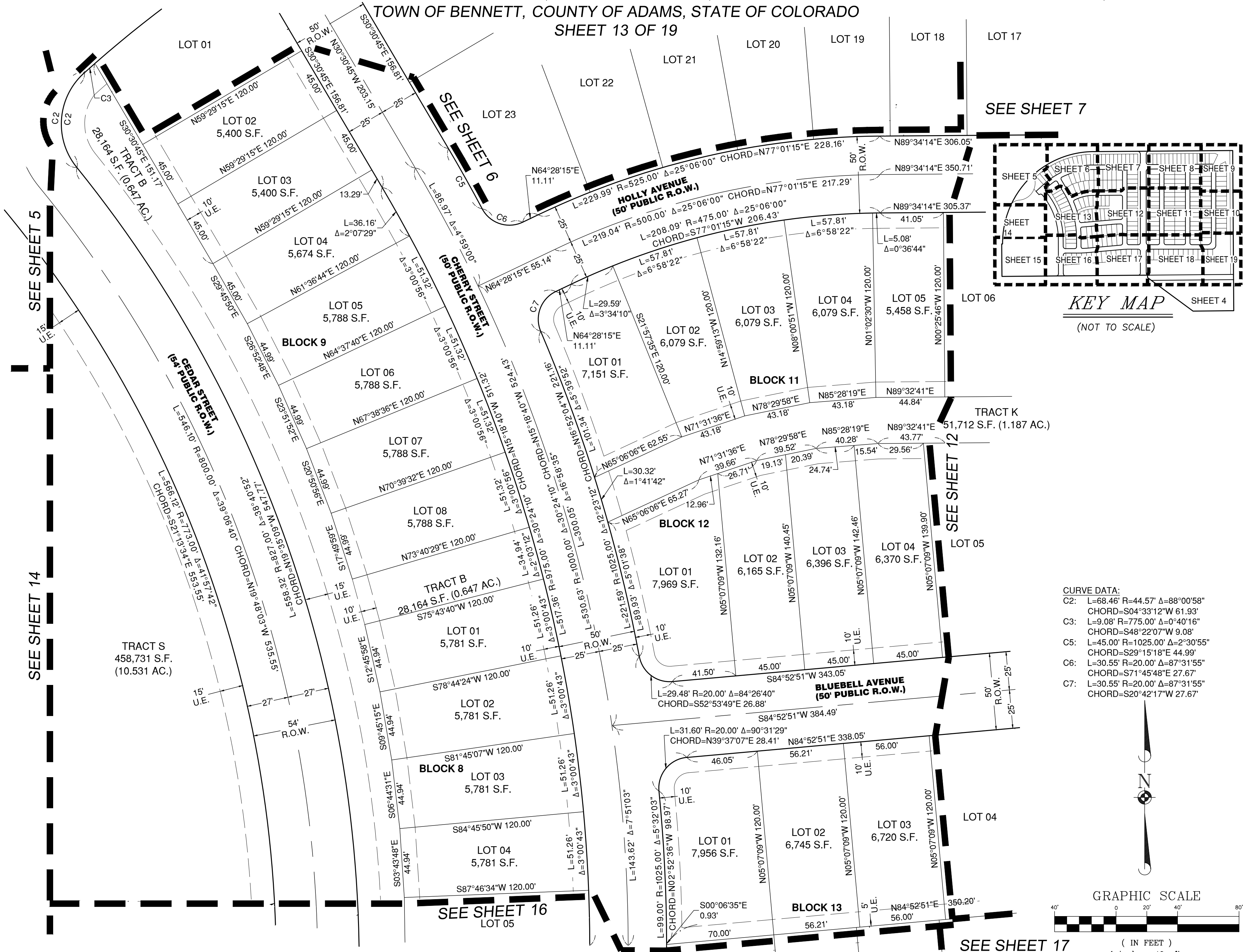
BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND

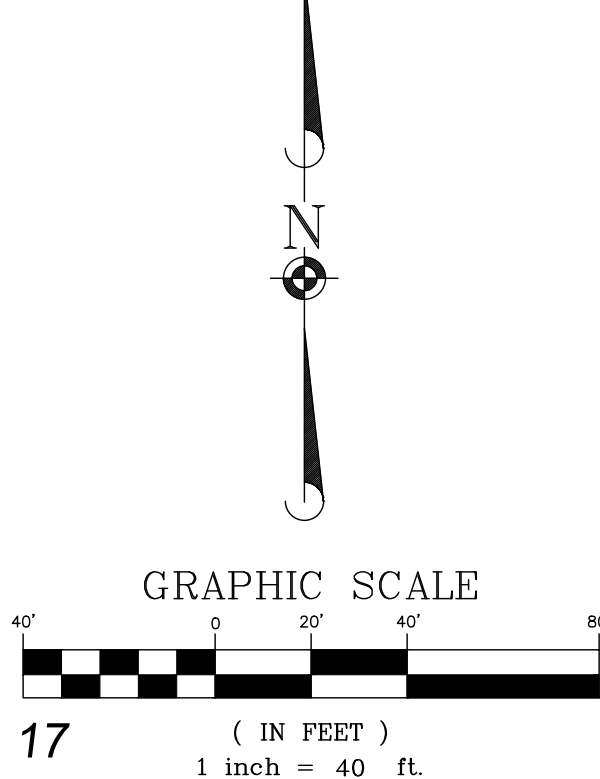
FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 13 OF 19

9380 TEDDY LANE, SUITE #203
 LOUISVILLE, COLORADO 80124
 TEL: 303-985-2700
 FAX: 303-985-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES



CURVE DATA:
 C2: L=68.46' R=44.57' Δ=88°00'58"
 CHORD=S04°33'12"W 61.93'
 C3: L=9.08' R=775.00' Δ=0°40'16"
 CHORD=S48°22'07"W 9.08'
 C5: L=45.00' R=1025.00' Δ=2°30'55"
 CHORD=S29°15'18"E 44.99'
 C6: L=30.55' R=20.00' Δ=87°31'55"
 CHORD=S71°45'48"E 27.67'
 C7: L=30.55' R=20.00' Δ=87°31'55"
 CHORD=S20°42'17"W 27.67'



DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 13 - PLAT DETAIL

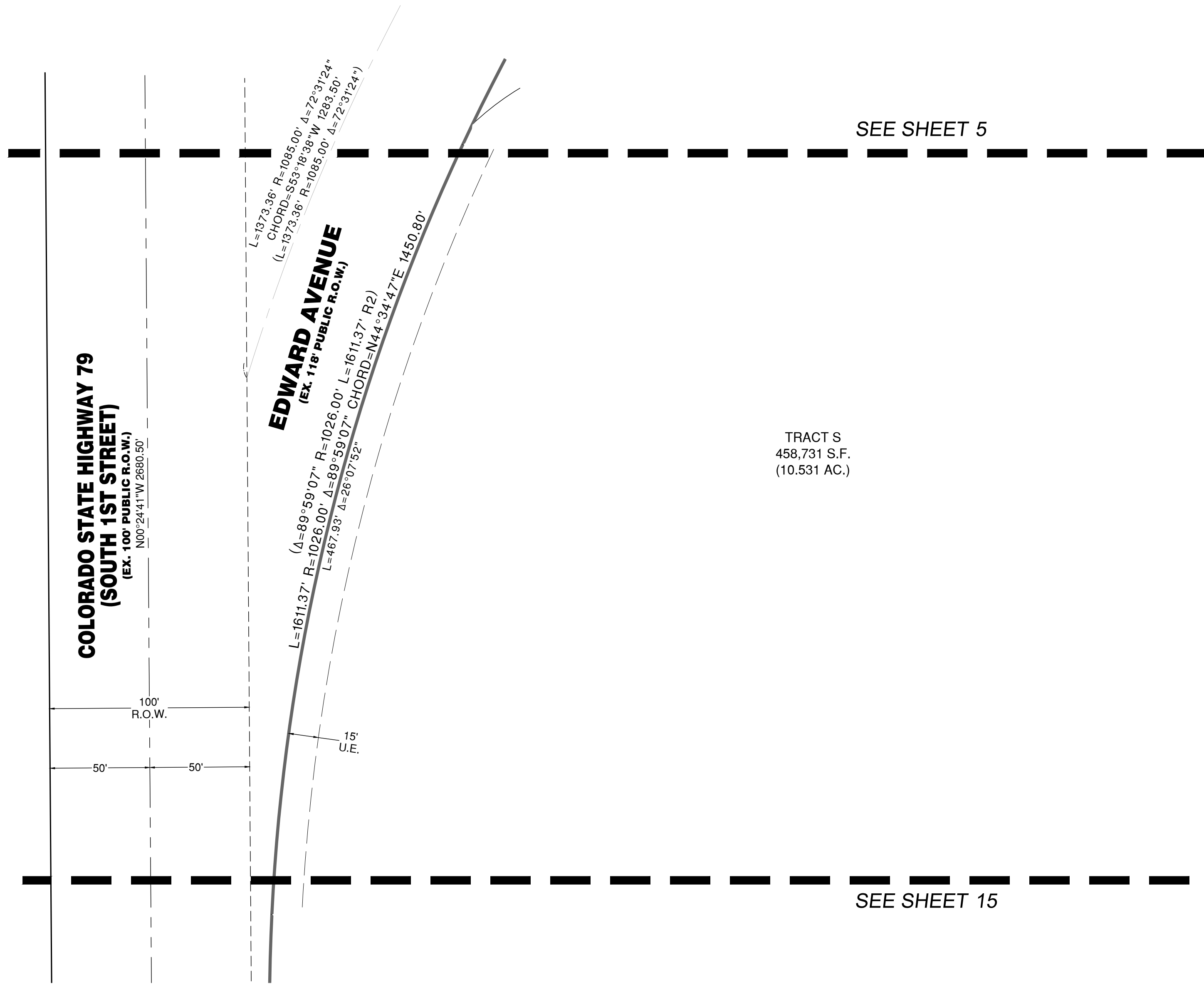
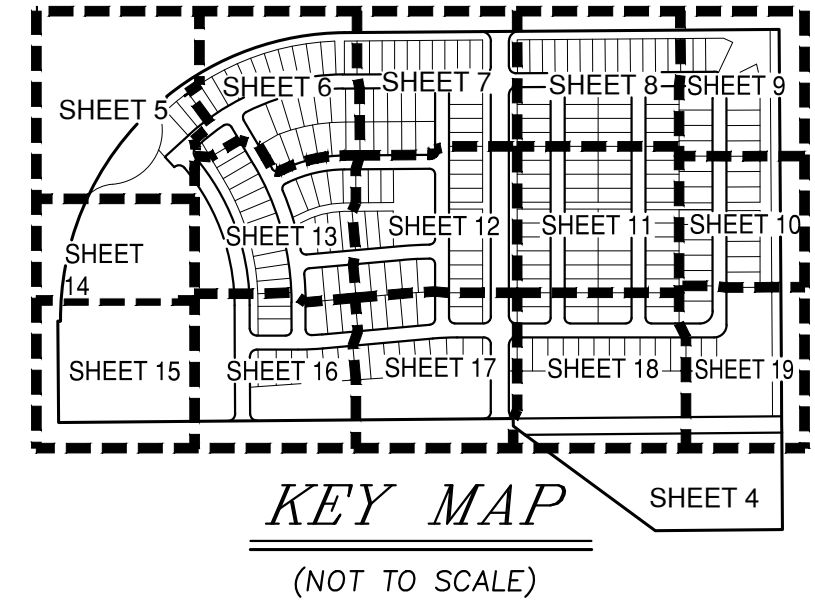
CHECKED: S.L.G.3
 E.D.C.
 DATE: 07/15/2021
 JOB NO. 120-00343
 SURVEY PREPARED FOR: LENNAR COLORADO, LLC

T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams_County.DWG Date: 05/30/24 07:18a ecarson

BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND.

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 14 OF 19

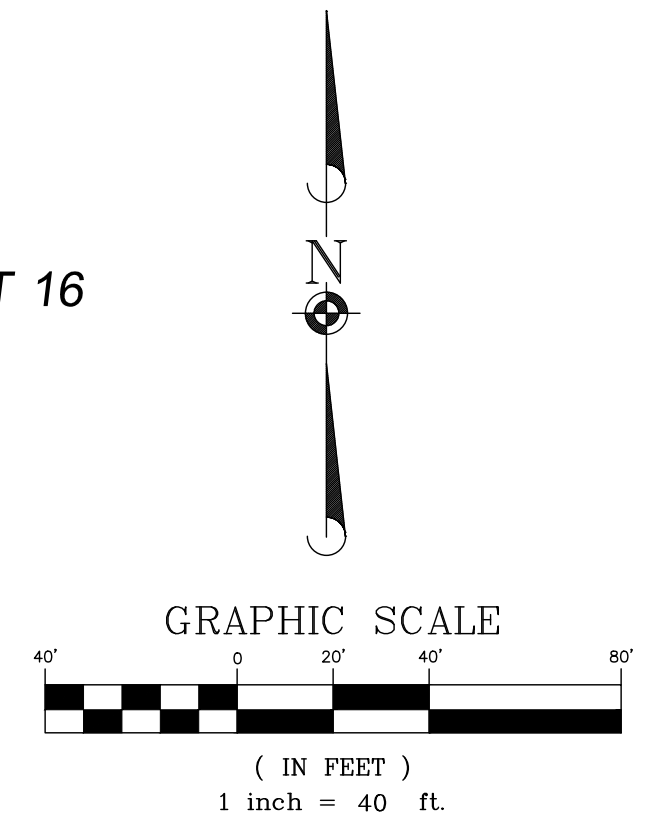


TRACT S
 458,731 S.F.
 (10.531 AC.)

SEE SHEET 13

SEE SHEET 16

SEE SHEET 15



DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 14 - PLAT DETAIL

DRAFTED: S.L.G.3	CHECKED: E.D.C.
DATE: 07/15/2021	JOB NO. 120-00343
SURVEY PREPARED FOR: LENNAR COLORADO, LLC	

T:\JOBS\1--20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development--Lennar.dwg\120-00343-FP_Adams_County.DWG Date: 05/30/24 07:18a ecarson

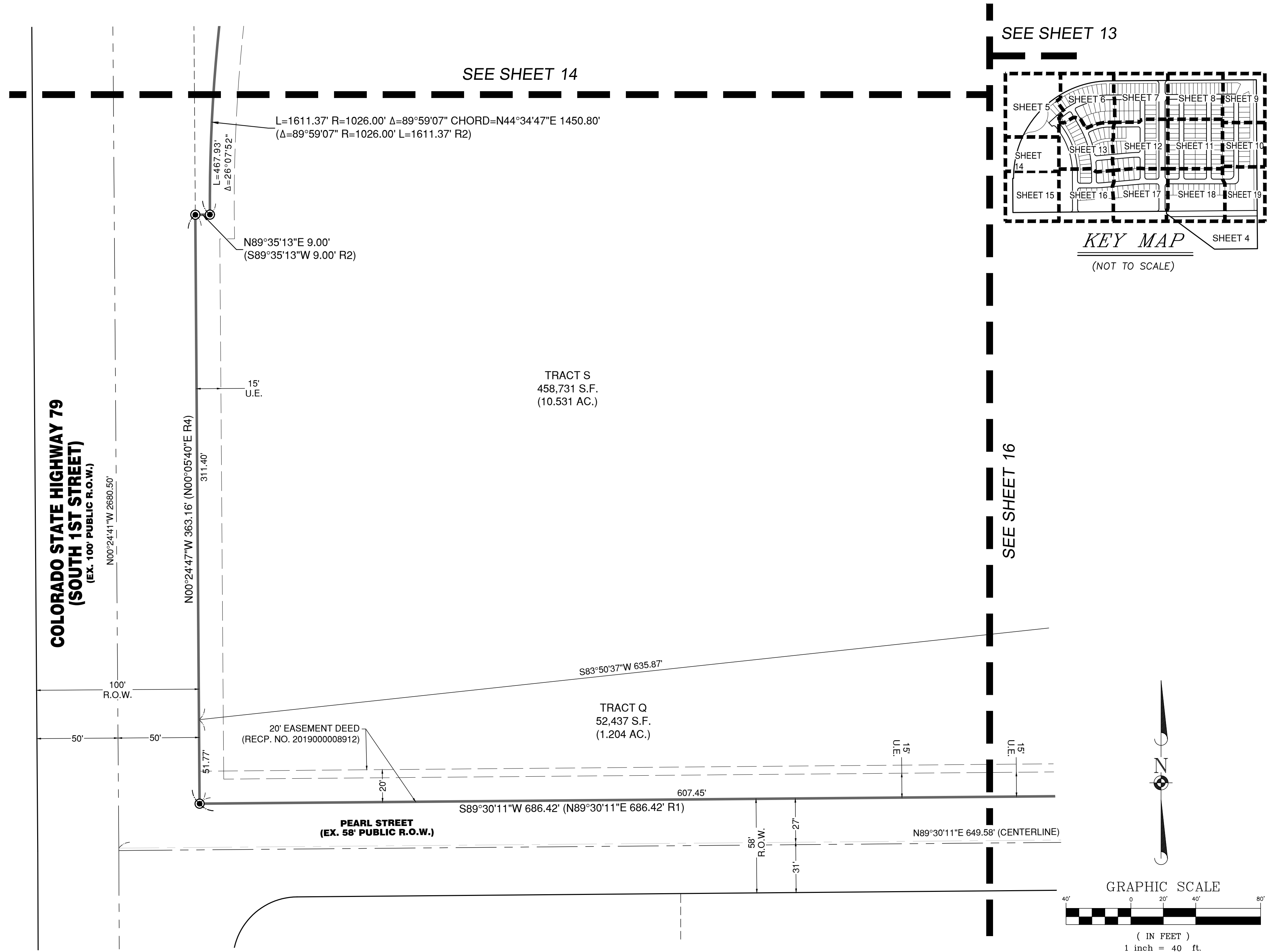
BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND.

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 15 OF 19

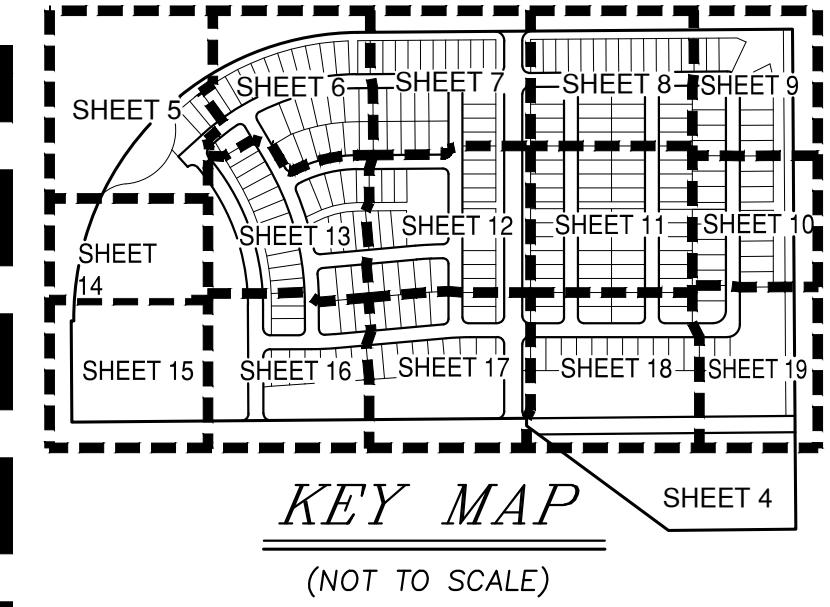
9390 TEDDY LANE, SUITE #203
 LOUISVILLE, COLORADO 80124
 TEL: 303-395-2700
 FAX: 303-395-2701

CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES



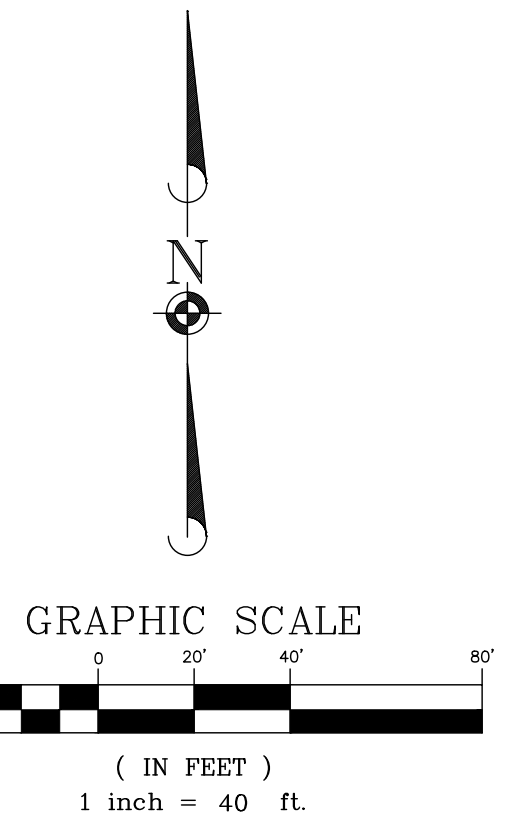
SEE SHEET 13

SEE SHEET 14



DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 15 - PLAT DETAIL



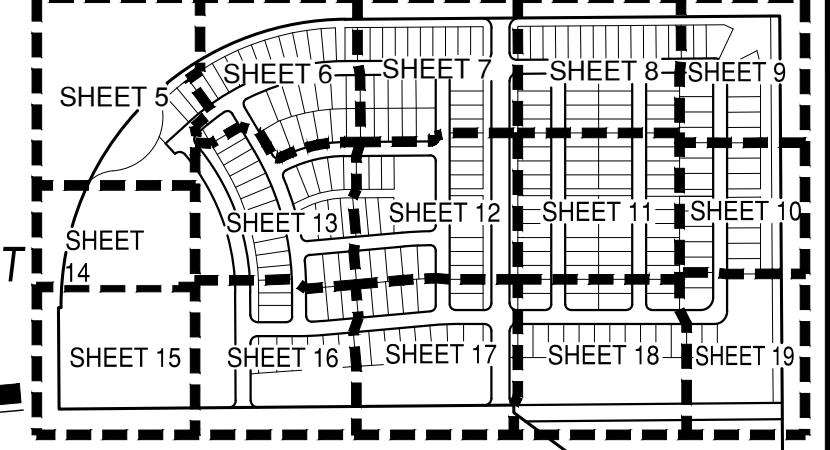
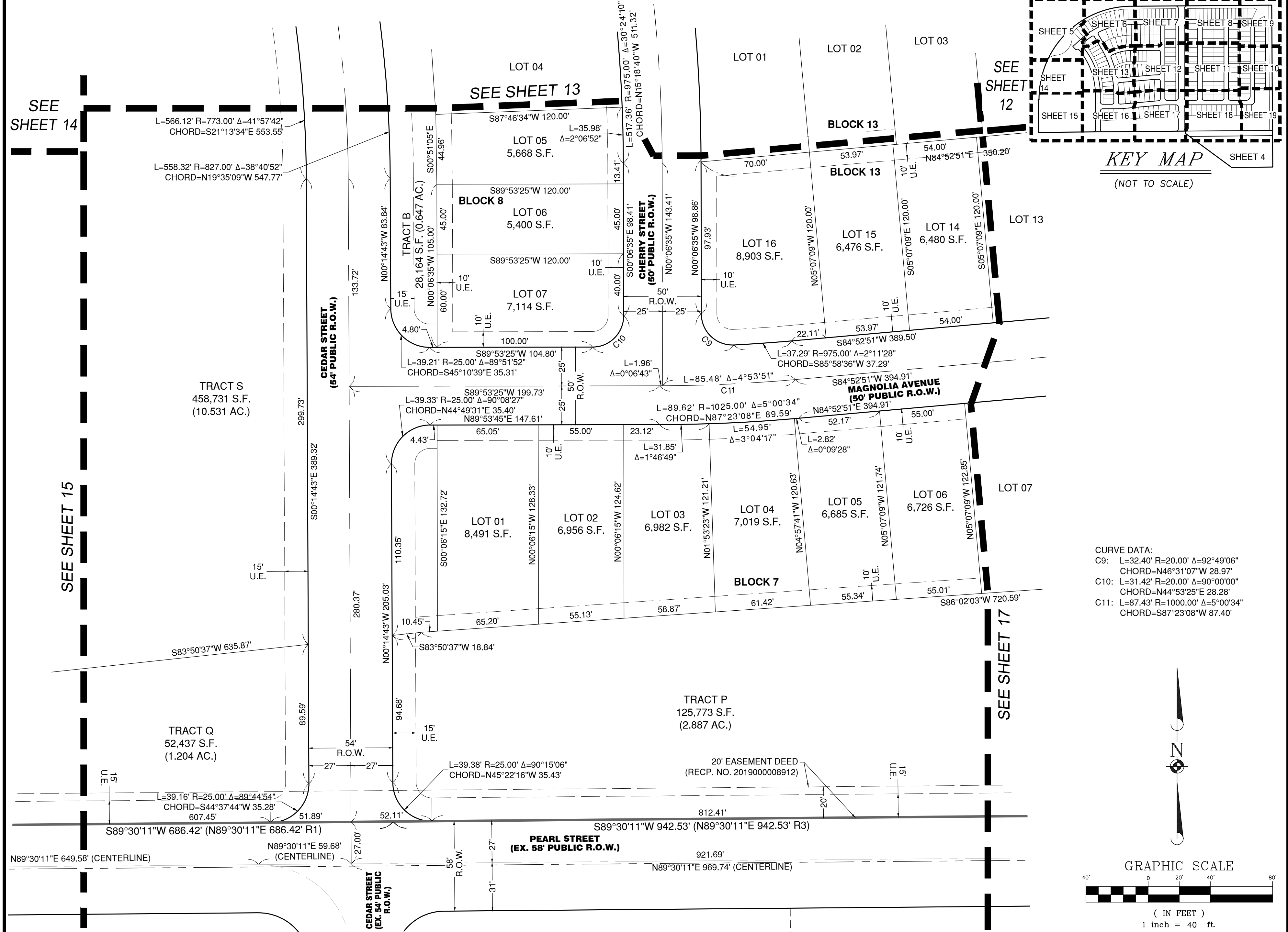
T: \JOBS\1--20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development--Lennar.dwg\120-00343--FP_Adams_County.DWG Date: 05/30/24 07:18a ecarson

DRAFTED:	CHECKED:
S.L.G.3	E.D.C.
DATE:	JOB NO.:
07/15/2021	120-00343
SURVEY PREPARED FOR:	LENNAR
	COLORADO, LLC

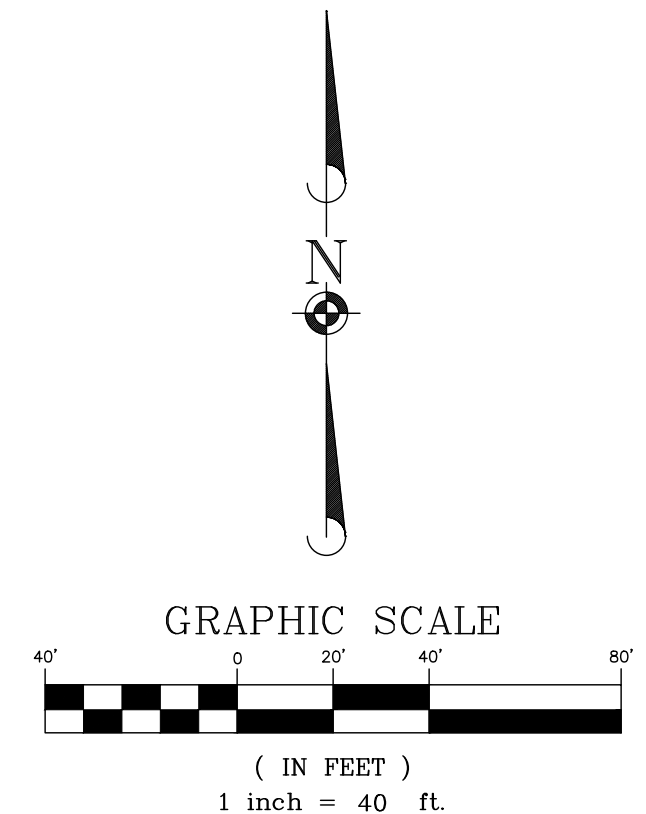
BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 16 OF 19



CURVE DATA:
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 CHORD=N46°31'07"W 28.97'
 C10: L=31.42' R=20.00' Δ=90°00'00"
 CHORD=N44°53'25"E 28.28'
 C11: L=87.43' R=1000.00' Δ=5°00'34"
 CHORD=S87°23'08"W 87.40'



9390 TEDDY LANE, SUITE #203
 LOUISVILLE, COLORADO 80124
 TEL: 303-398-2700
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DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 16 - PLAT DETAIL

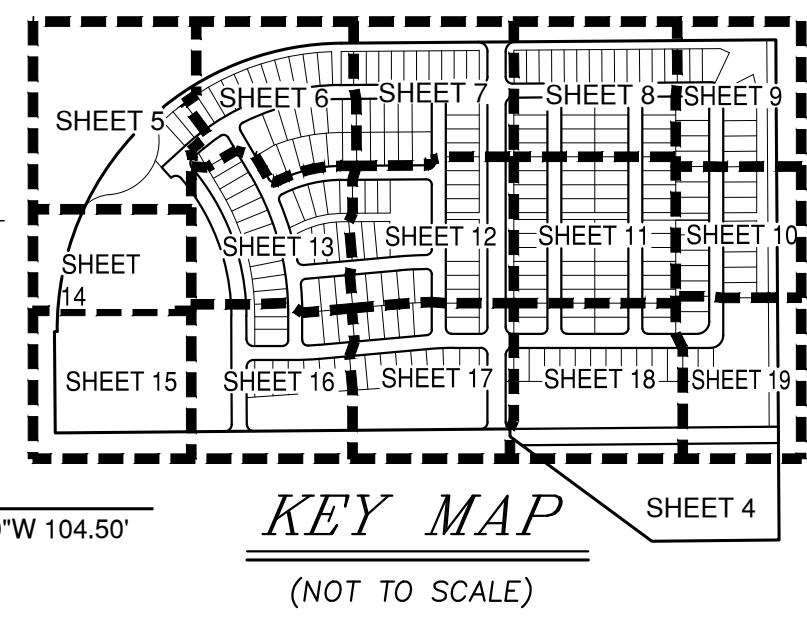
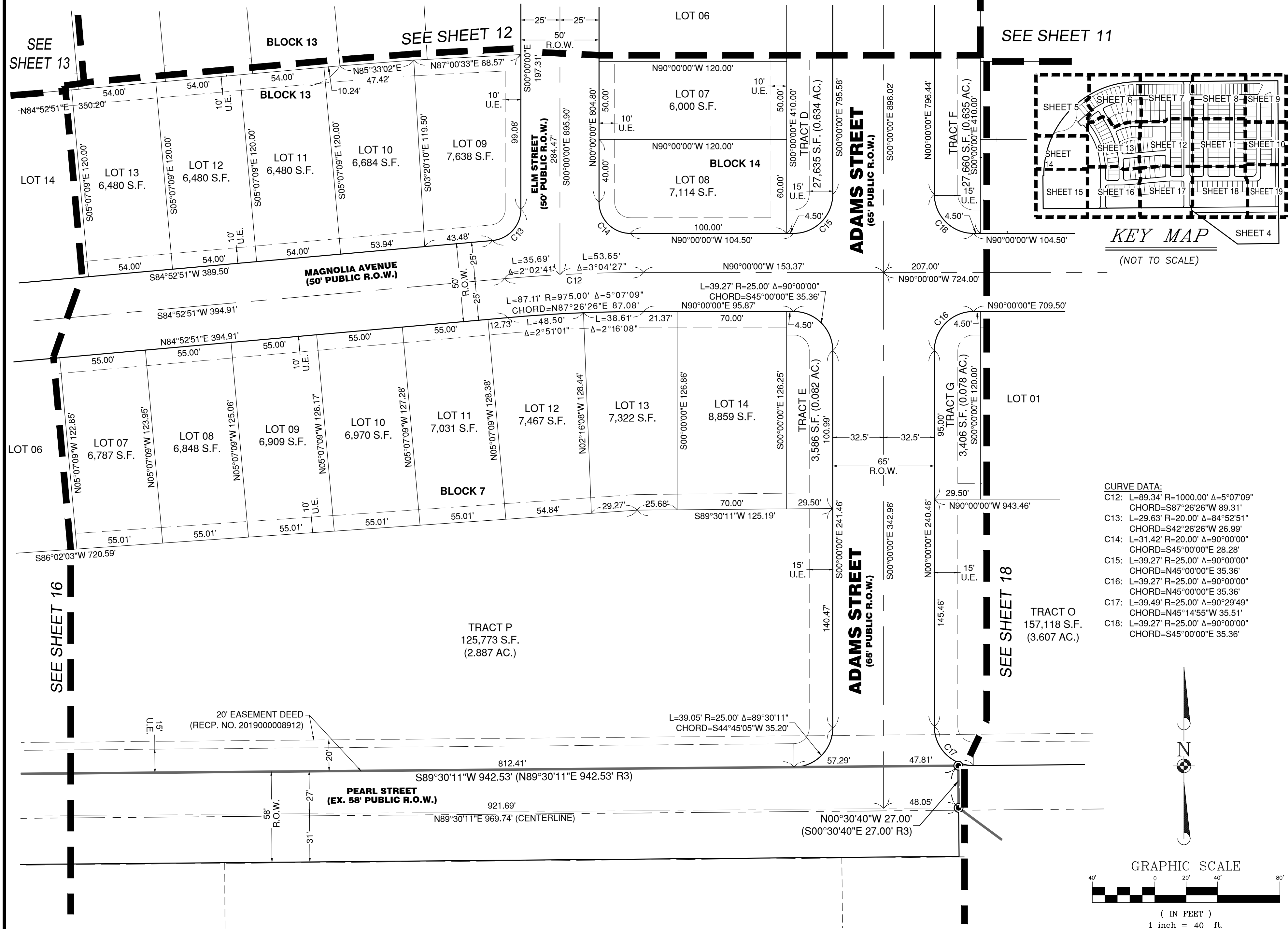
CHECKED: S.L.G.3
 DRAFTED: S.L.G.3
 DATE: 07/15/2021
 SURVEY PREPARED FOR: LENNAR COLORADO, LLC

T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams_County.DWG Date: 05/30/24 07:18a ecarson

BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 17 OF 19



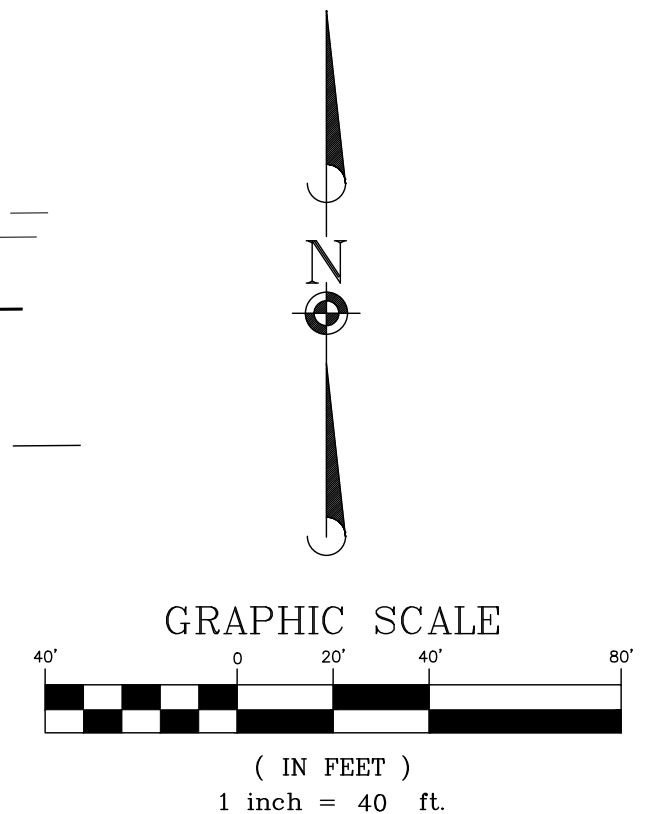
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CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES

DATE	BY
REVISION	

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 17 - PLAT DETAIL

CHECKED: S.L.G.3
 DRAFTED: S.L.G.3
 DATE: 07/15/2021
 SURVEY PREPARED FOR: LENNAR COLORADO, LLC



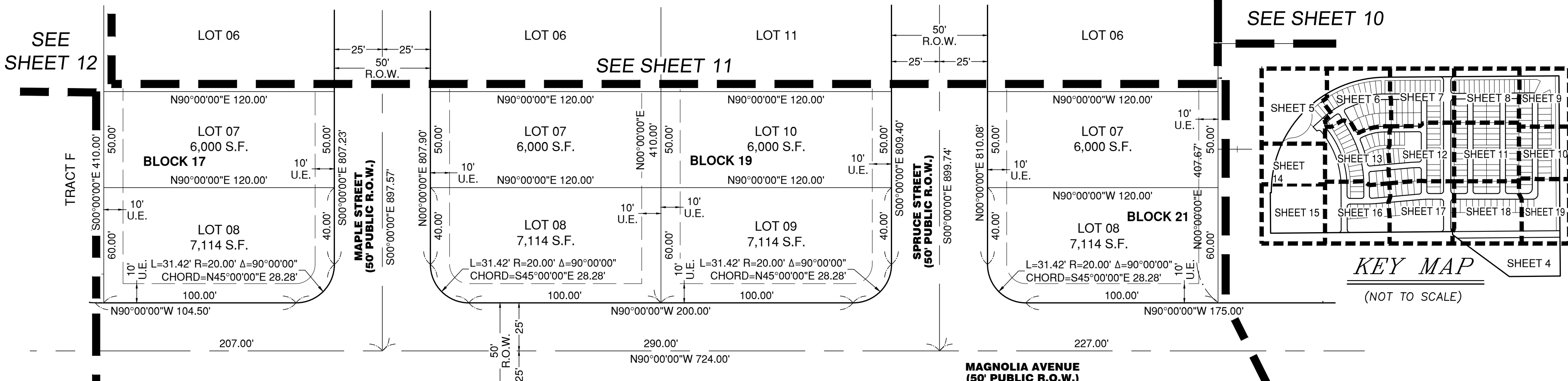
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BENNETT CROSSING FILING NO. 5

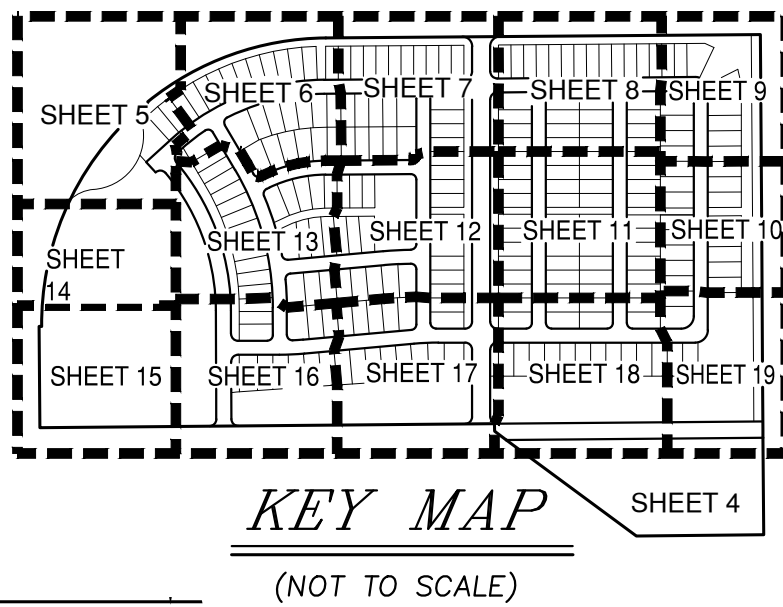
SEE SHEET 4 FOR LEGEND.

FINAL PLAT
 BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 18 OF 19

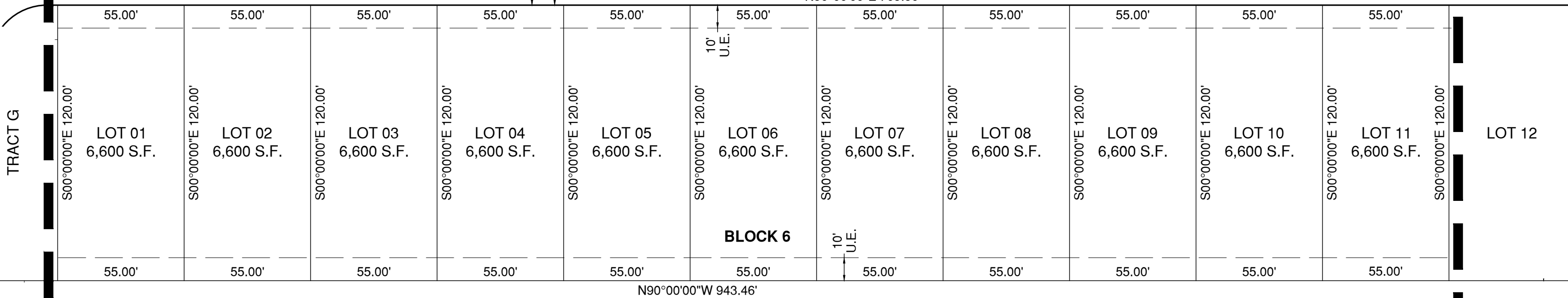
9390 TEDDY LANE, SUITE #203
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 TEL: 303-985-7700
 FAX: 303-985-7701
CWC CONSULTING GROUP
 CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION SERVICES



SEE SHEET 10



DATE	
REVISION	
BY	

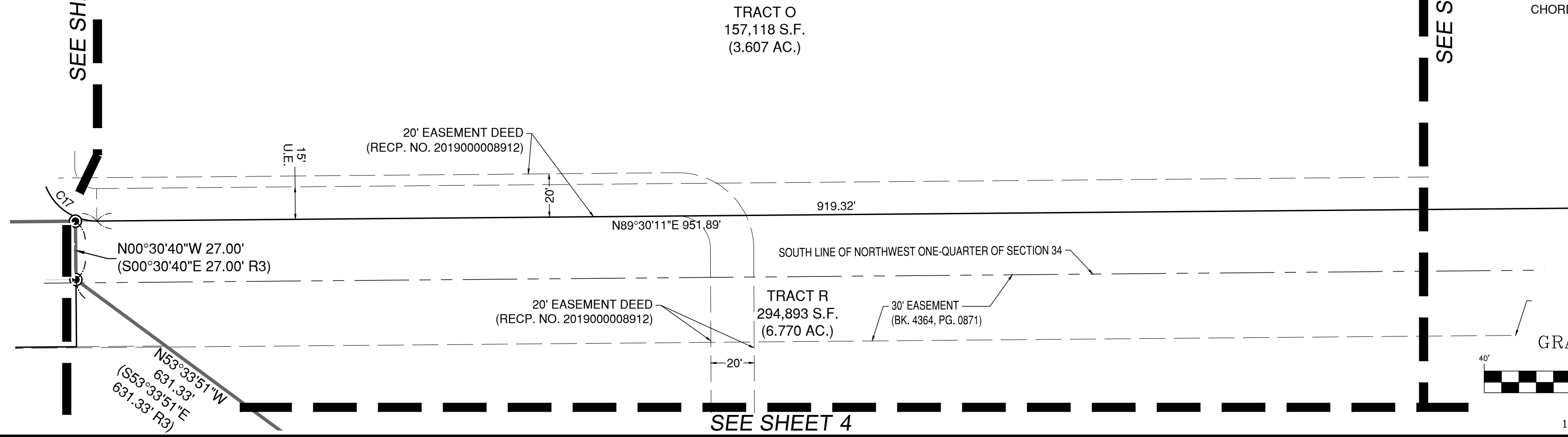


MAGNOLIA AVENUE
 (50' PUBLIC R.O.W.)

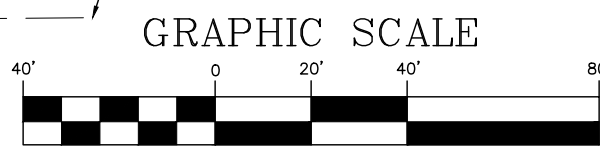
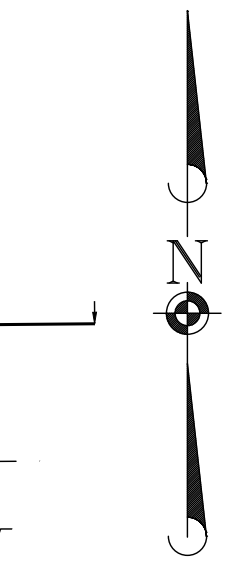
SEE SHEET 19

CURVE DATA:
 C17: L=39.49' R=25.00' Δ=90°29'49"
 CHORD=N45°14'55"W 35.51'

SEE SHEET 17



SEE SHEET 4



(IN FEET)
 1 inch = 40 ft.

BENNETT CROSSING FILING NO. 5
 FINAL PLAT
 A PORTION OF THE WEST ONE-HALF OF SECTION 19
 SHEET 18 - PLAT DETAIL

CHECKED: S.L.G.3
 E.D.C.
 DATE: 07/15/2021
 JOB NO: 120-00343
 SURVEY PREPARED FOR:
 LENNAR
 COLORADO, LLC

T:\JOBS\1-20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development-Lennar.dwg\120-00343-FP_Adams-County.DWG Date: 05/30/24 07:18a ecarson

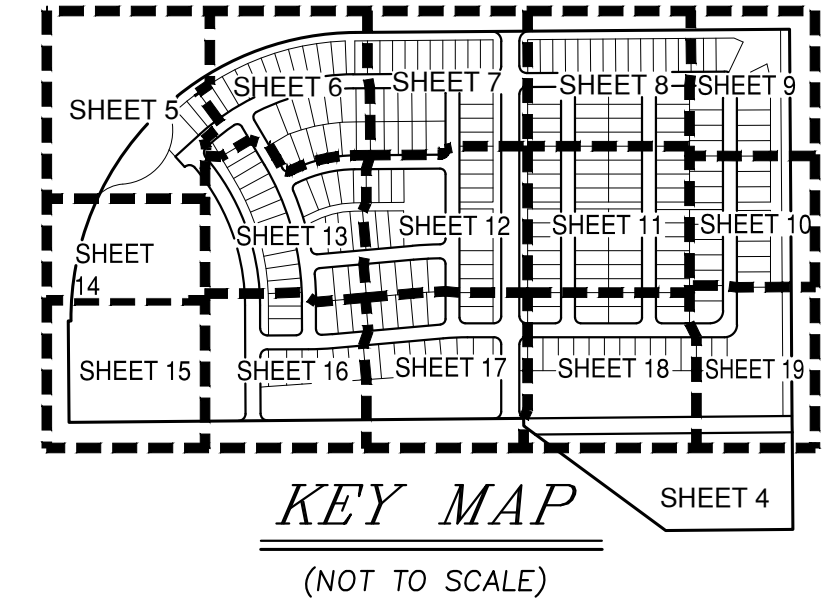
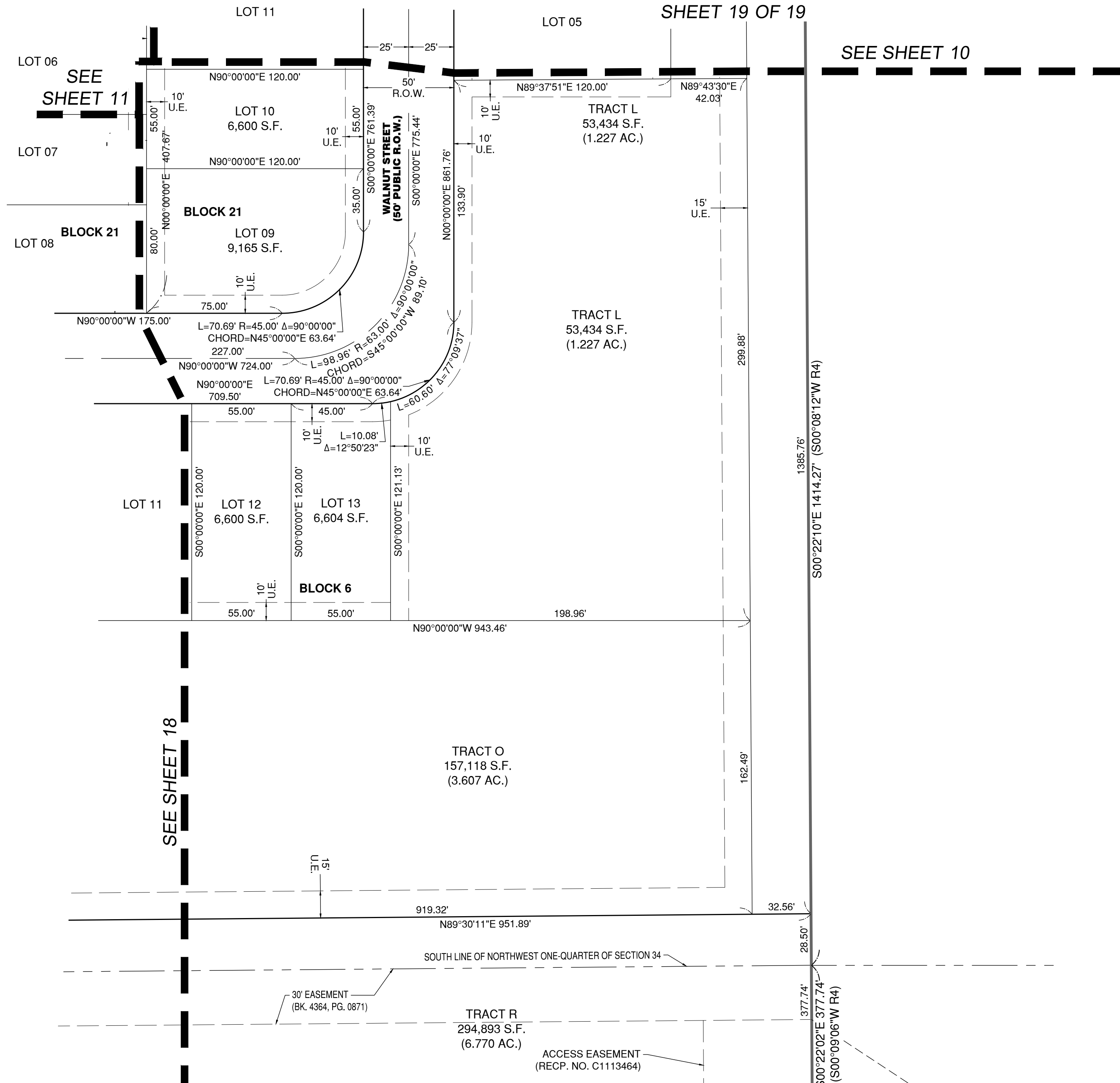
BENNETT CROSSING FILING NO. 5

SEE SHEET 4 FOR LEGEND.

FINAL PLAT

BEING A PART OF THE WEST ONE-HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO

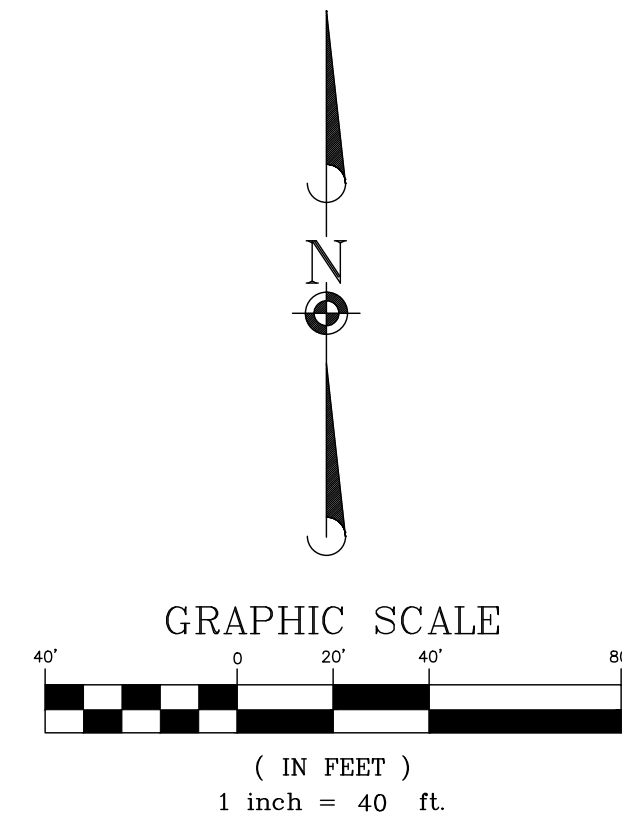
SHEET 19 OF 19



DATE	REVISION	BY

BENNETT CROSSING FILING NO. 5
FINAL PLAT
A PORTION OF THE WEST ONE-HALF OF SECTION 19
SHEET 19 - PLAT DETAIL

CHECKED: S.L.G.3
DATE: 07/15/2021
JOB NO. 120-00343
SURVEY PREPARED FOR: LENNAR COLORADO, LLC



T:\JOBS\1--20 Survey\120-00343 (130-00138 and 00155)_Bennett Crossing Development--Lennar\dwg\120-00343-FP_Adams_County\DWG Date: 05/30/24 07:18a ecarson

Suggested Motion

I move to approve Resolution No. 2024-04– A resolution recommending approval for a Final Plat for Bennett Crossing Filing No. 5 with the condition listed.

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

CHAIR: I will now open the public hearing on the following application: An application for **PZ2024-0013 Mount View Cemetery Zoning**.

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

The Procedure for the public hearing will be as follows:

FIRST, there will be a presentation by the Town staff.

NEXT, we may have a presentation by the applicant.

After these 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 provide your staff report.

[Staff presentation]

Will the applicant or the applicant's representative present their application?

[Applicant presentation]

Do any of the Commissioners have questions of the applicant or Town staff?

[Question and Answer]

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

Has anyone signed up to speak at this public hearing?

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

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

[Additional public comment]

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

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

[Opportunity for applicant to provide any rebuttal evidence]

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

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

Who would like to begin?

Who is next?

Any other questions or comments

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

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

We have a motion on the floor by Commissioner _____ and a second by Commissioner _____ to approve Planning and Zoning Commission Resolution No. 2024-05.

May we have a Roll-Call vote?

Motion carries/fails.

STAFF REPORT



welcome neighbors.

TO: Planning and Zoning Commission
FROM: Greg Thompson, Community Development Director
DATE: June 17, 2024
SUBJECT: PZ2024-0013 Mount View Cemetery Zoning

Background

The Town of Bennett owns three parcels of land, totaling 8.897 acres, that were the subject of the Mount View Cemetery Annexation, which was approved by the Bennett Board of Trustees on May 14, 2024. State Statutes require property to be zoned within 90 days of annexation, thus Town Staff are moving the zoning request forward in order to meet that timeline.

Ordinance No. 780-24, with an effective date of May 23, approved a change to the Zoning Code to allow cemeteries as a permitted use in the P - Public Zone District. The proposed zoning for this site would be P - Public Zone District, which would accommodate the existing and proposed uses.

Zoning Criteria

Generally speaking, when a zoning action is proposed, the proposed zoning needs to be consistent with the Comprehensive Plan and general welfare of the community. If the proposed rezoning is inconsistent with the Comprehensive Plan, the zone change can only be approved if there are changed or changing conditions in the area or there is an error in the existing zoning for that site. However, Section 16-2-360 of the Bennett Municipal Code indicates that the zone change criteria described above is not required if the rezoning is sponsored by the Town. That is the case with this application.

Staff Recommendation

Staff recommends approving Resolution No. 2024-05, a resolution recommending approval of P- Public Zoning for the Mount View Cemetery Annexation.

Attachments

1. Staff PowerPoint Presentation
2. Resolution No. 2024-05
3. Mount View Cemetery Zoning Area

A dark blue silhouette of a water tower with a hexagonal top and a small finial, supported by three legs. It is positioned on the right side of the page, partially overlapping the title text.

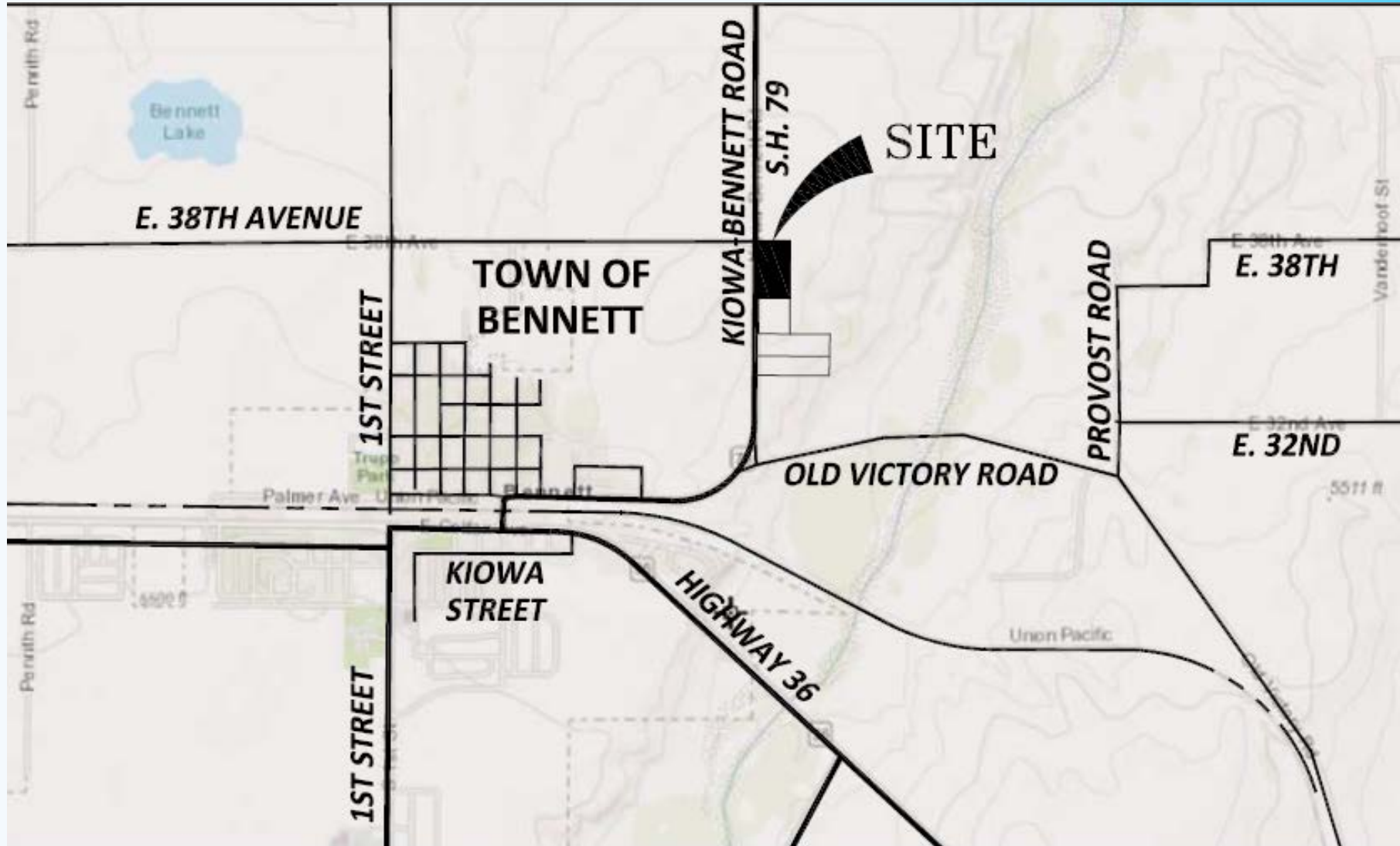
Mount View Cemetery Zoning

Resolution 2024-05

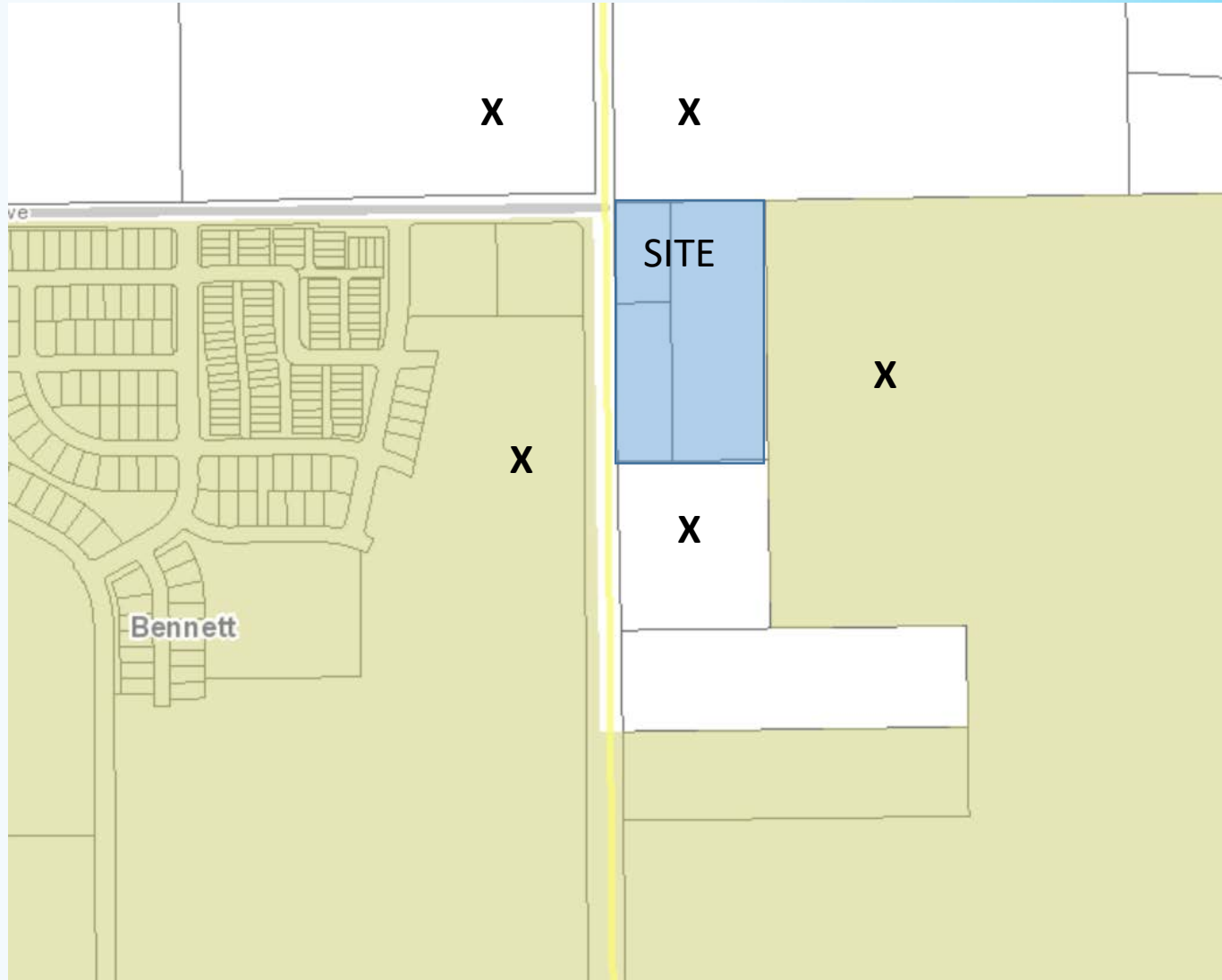
Town of Bennett Planning and Zoning Commission

June 17, 2024

Vicinity Map



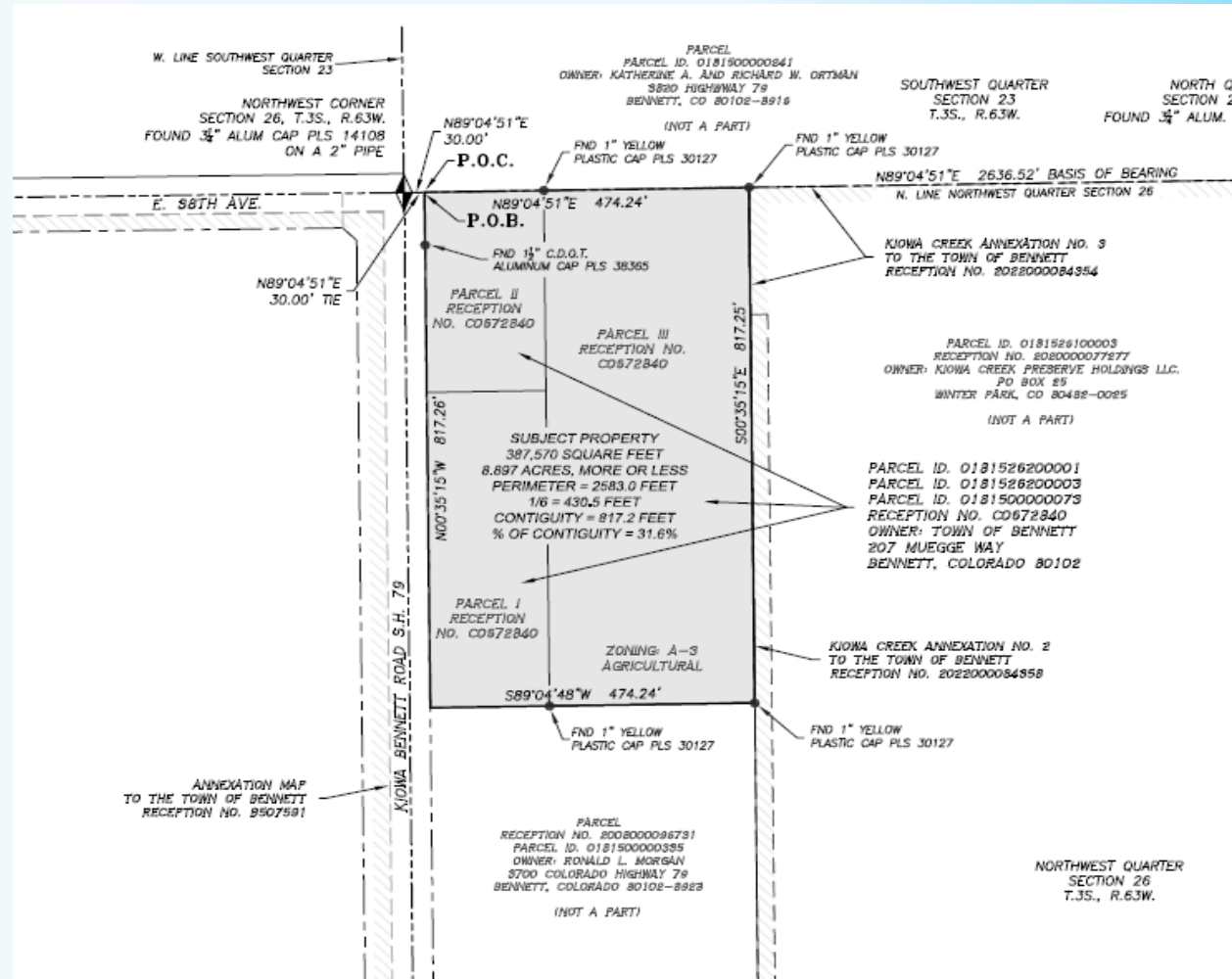
Noticed Properties by Letter



Background

- Town of Bennett has owned the Mount View Cemetery since 2000.
- The property was annexed by the Town of Bennett on May 14, 2024.
- 8.897 acres were annexed.
- Annexed property must be zoned within 90 days. This request is scheduled before the Board on July 7, so the expected timeframe should meet that requirement.
- Section 16-2-360 of the Bennett Municipal Code indicates that a zone change criteria is not required if the rezoning is sponsored by the Town. This is the case with this application.

Zoning Area



Staff Recommendation

Staff recommends approving Resolution No. 2024-05, a resolution recommending approval of P- Public Zoning for the Mount View Cemetery Annexation.

The site contains 8.897 acres of municipally owned land.

TOWN OF BENNETT PLANNING AND ZONING COMMISSION

RESOLUTION NO. 2024-05

A RESOLUTION RECOMMENDING APPROVAL OF P – PUBLIC ZONING FOR THE MOUNT VIEW CEMETERY ANNEXATION

WHEREAS, an application has been brought forward to the Town of Bennett Planning and Zoning Commission to request approval of P – Public zoning for the Mount View Cemetery Annexation for three (3) parcels owned by the Town of Bennett; and

WHEREAS, the three (3) parcels are currently not yet zoned following annexation to the Town of Bennett on May 14, 2024; and

WHEREAS, all materials related to the proposed zone request have been reviewed by Town Staff and found to be in compliance with Town of Bennett land use and development ordinances; and

WHEREAS, after a public hearing, at which evidence and testimony were entered into the record, the Planning and Zoning Commission finds that the proposed Mount View Cemetery zoning to P - Public should be recommended for approval to the Board of Trustees.

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 Mount View Cemetery zoning to P - Public.

PASSED AND ADOPTED THIS 17TH DAY OF JUNE 2024.

Chairperson

ATTEST:

Savannah Chapa Vickery
Community Development Manager

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS FOR THIS DESCRIPTION ARE ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH P.M., ASSUMED TO BEAR NORTH 89°04'51" EAST, A DISTANCE OF 2636.52 FEET, MONUMENTED BY A 3 1/ 4" ALUMINUM CAP MARKED PLS 14108 ON A 2" PIPE IN RANGE BOX AT THE NORTHWEST CORNER AND A BY A 3 1/4" ALUMINUM CAP MARKED PLS 11389 ON A 2" PIPE AT THE NORTH QUARTER CORNER OF SAID SECTION 26.

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE NORTH 89°04'51" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF PARCEL II DESCRIBED AT RECEPTION NO. C0672840 IN THE RECORDS OF THE ADAM'S COUNTY CLERK AND RECORDER'S OFFICE, THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY 79 OPENED BY ROAD PETITION RECORDED IN BOOK 3 AT PAGE 110 IN THE RECORDS OF THE ADAM' S COUNTY CLERK AND RECORDER' S OFFICE AND THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°04'51" EAST, ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 26, A DISTANCE OF 474.24 FEET TO THE NORTHEAST CORNER OF PARCEL III DESCRIBED AT RECEPTION NO. C0672840 IN THE RECORDS OF THE ADAM'S COUNTY CLERK AND RECORDER 'S OFFICE;

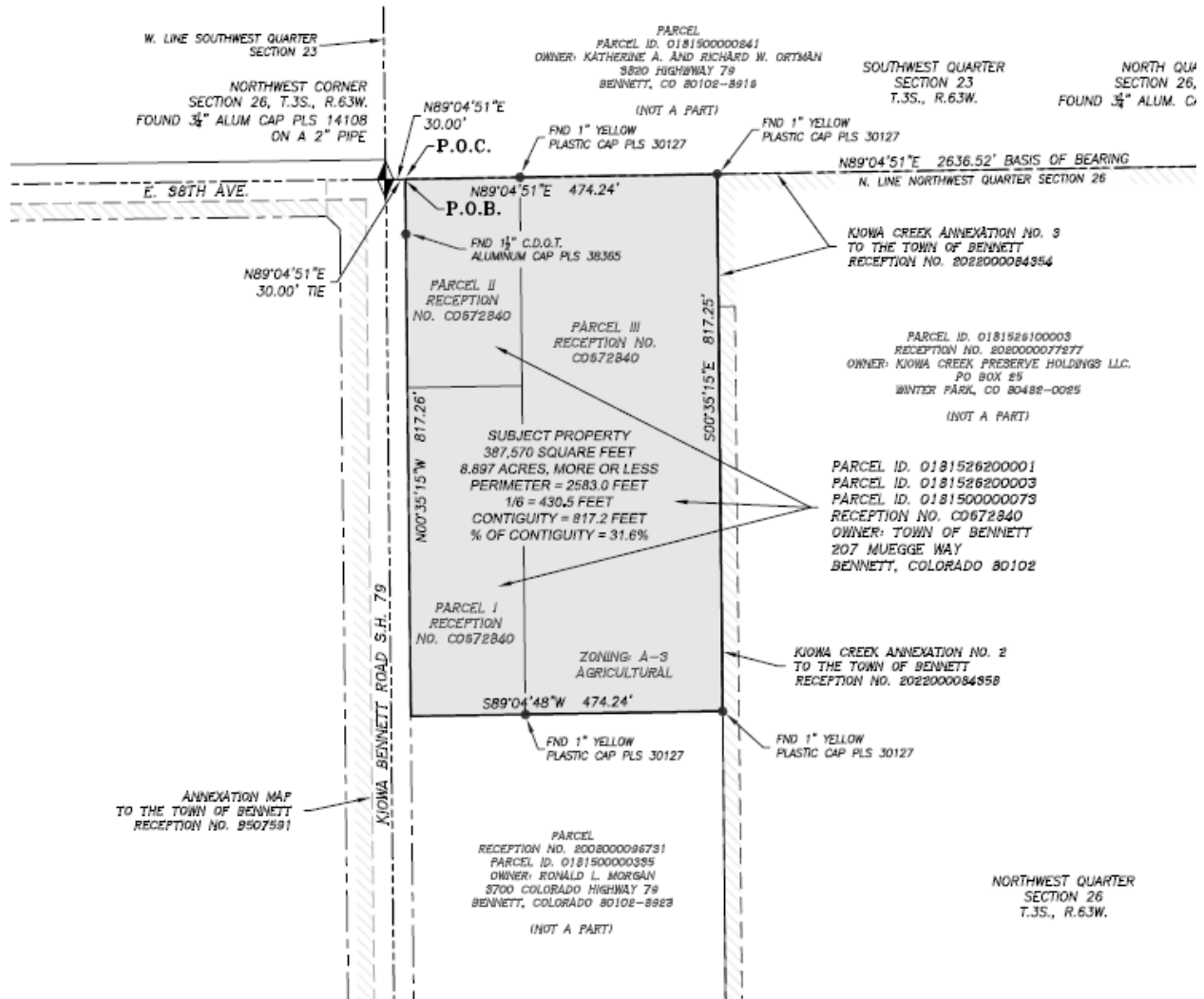
THENCE SOUTH 00°35'15" EAST, ALONG THE EAST LINE OF SAID PARCEL III, A DISTANCE OF 817.25 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL III, AND THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED AT RECEPTION NO. 2008000096731 IN THE RECORDS OF THE ADAM'S COUNTY CLERK AND RECORDER'S OFFICE;

THENCE SOUTH 89°04'48" WEST, ALONG THE SOUTH LINE OF SAID PARCEL III AND PARCEL I DESCRIBED AT SAID RECEPTION NO. C0672840 AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND DESCRIBED AT RECEPTION NO. 2008000096731, A DISTANCE OF 474.24 FEET TO SAID EAST RIGHT OF WAY LINE OF STATE HIGHWAY 79;

THENCE NORTH 00°35'15" WEST, ALONG THE WEST LINE OF SAID PARCEL I, SAID PARCEL II AND ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 817.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 387570 SQUARE FEET, OR 8.897 ACRES, MORE OR LESS.

Cemetery Zoning Area



Suggested Motion

I move to approve Resolution No. 2024-05– A resolution recommending approval of P – Public Zoning for the Mount View Cemetery Annexation.