



Town Board of Trustees

Tuesday, March 23, 2021 at 7:00 pm

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

1. Meeting Information

To watch a live stream of the meeting

The information for the Town's virtual meeting can be found below:

<https://us02web.zoom.us/j/87435702882>

Meeting ID: 874 3570 2882

Passcode: 053085

One tap mobile
+12532158782

2. Call to Order

Royce D. Pindell, Mayor

a. Roll Call

3. Pledge of Allegiance

Royce D. Pindell, Mayor

Attachments:

- **American Flag** (American_Flag.pdf)

4. Approval of Agenda

Royce D. Pindell, Mayor

5. Consent Agenda

Royce D. Pindell, Mayor

a. March 9, 2021 - Regular Meeting Minutes

Attachments:

- **March 9, 2021 - Regular Meeting Minutes** (03-09-2021_-_Regular_Meeting_Minutes.pdf)

Public Comments on Items Not Scheduled for Public Hearing

The Board of Trustees welcomes you. Thank you for joining us virtually for our Town of

Bennett Board of Trustees Meeting. If you are not speaking, we ask that you please mute your microphone. For public comment please sign up in the chat box. If you are on the phone, once we get through the chat box we will call for any other comments for items not on the agenda.

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

Regular Business

6. Action/Discussion Items

a. Business Appreciation Proclamation

Royce D. Pindell, Mayor

Attachments:

- **Business Appreciation Proclamation** (TownofBennettProclamation_BusinessAppreciation.pdf)

b. First Amendment to Public Improvements Reimbursement Agreement (PIRA) with Gayeski Capital Equities, LLC

Ordinance No. 722-21 - An Ordinance Approving a First Amendment to Public Improvements Reimbursement Agreement with Gayeski Capital Equities, LLC

Rachel Summers, Deputy Town Administrator

Melinda Culley, Town Attorney

Attachments:

- **Staff Report First Amendment to Public Improvements Reimbursement Agreement with Gayeski Capital Equities, LLC** (Staff_Report_First_Amendment_to_PIRA_with_Gayeski_Capital_Equities__LLC.pdf)
- **QuikTrip Consent** (QuikTrip_Consent_Email.pdf)
- **First Amendment to Public Improvements Reimbursement Agreement** (Larry_Gayeski_Bennett_Development_First_Amendment_to_Public_Improvements_Reimbursement_Agreement.pdf)
- **Ordinance No. 722-21 - An Ordinance Approving a First Amendment to Public Improvements Reimbursement Agreement with Gayeski Capital Equities, LLC** (Ordinance_No._722-21_Bennett_Crossing_F1_First_Amendment_PIRA.pdf)
- **Suggested Motion** (suggested_motion.pdf)

c. Special Events Liquor License

Resolution No. 865-21 - A Resolution Authorizing the Local Licensing Authority to Issue Special Events Permits Without State Approval

Attachments:

- **Staff Report Special Events Liquor License** (Staff_Report_Special_Events_Permit.pdf)
- **DR 8439 Special Events Permit Application** (DR_8439_Special_Events_Permit_Application.pdf)
- **Resolution No. 865-21 - A Resolution Authorizing the Local Licensing Authority to Issue Special Events Permits Without State Approval** (Special_event.reso.pdf)
- **Suggested Motion** (suggested_motion.pdf)

7. Town Administrator Report

Trish Stiles, Town Administrator

8. Trustee Comments and Committee Reports

Mayor and Trustees

9. Executive Session

Rachel Summers, Deputy Town Administrator

Attachments:

- **Executive Session Script** (Bennett_Exec_Session_Script_-_Kiowa_Creek_Preserve.pdf)

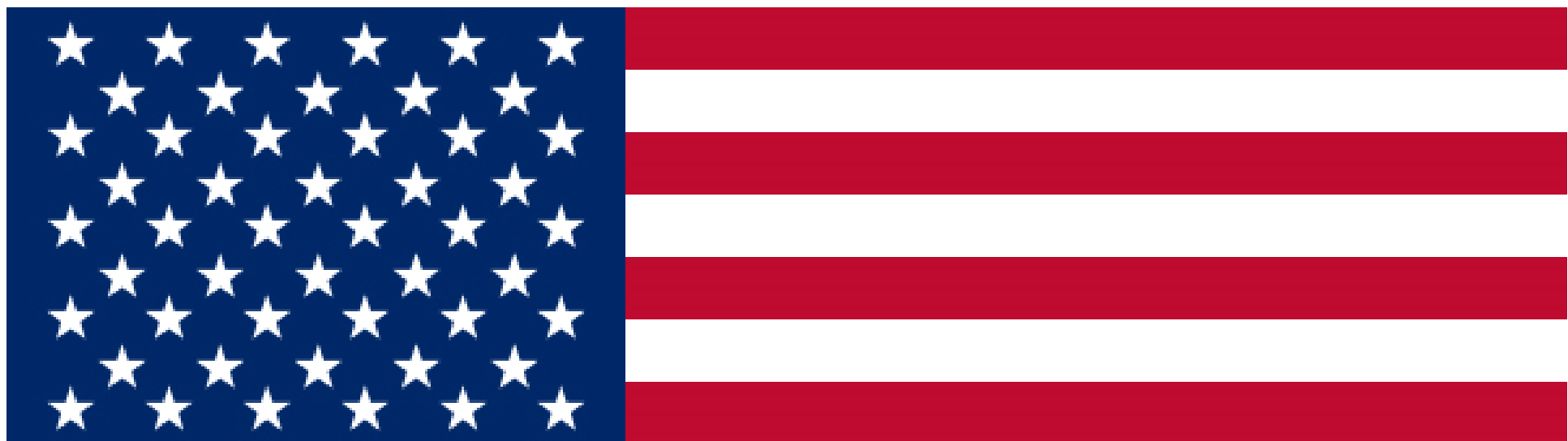
- For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Kiowa Creek Preserve - MacLennan Open Space**
- Return to Open Meeting**
- Report from Executive Session**

10. Action/Discussion Item

- To Take Action on Items Discussed in the Executive Session**

11. Adjournment

Individuals with disabilities who need auxiliary aids in attending the meeting may request assistance by contacting the Town Hall at 207 Muegge Way, Bennett, CO 80102-7806, (303) 644-3249. Please give notice at least 48 hours in advance of the meeting to allow for enough time in making the necessary arrangements.



TOWN OF BENNETT, COLORADO
BOARD OF TRUSTEES
Regular Meeting
March 9, 2021

1. CALL TO ORDER

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, March 9, 2021 virtually via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:00 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell
Whitney Oakley
Rich Pulliam
Denice Smith
Donna Sus
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*
Taeler Houlberg, *Assistant to the Town Administrator*
Alison Belcher, *Public Relations Coordinator*
Sara Aragon, *Community Development Coordinator*
Steve Hebert, *Planning and Economic Development Manager*
Daymon Johnson, *Director of Capital Projects*
Dan Giroux, *Town Engineer*
Melinda Culley, *Town Attorney*
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Tom Richardson, Jenny Romano, Aaron McLean, Larry Gayeski,
Nick Graue, Bob Frchetti, Craig Romwell, Mike Talcott, David Stockman

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Royce Pindell.

3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the agenda as presented.
The voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus, Vittum, Harrell

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

4. CONSENT AGENDA

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Smith, Sus, Vittum, Harrell, Oakley

NO: None

Mayor Royce Pindell declared the motion carried by unanimous vote.

A. Action: Approval of February 23, 2021 Regular Meeting Minutes.

B. Action: Approval of Well 6 Site Improvements, Phase 1

C. Action: Approval of Well 6 Site Improvements, Phase 2

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

5. REGULAR BUSINESS

A. Action/Discussion

1. Public Hearing

Case No. 21.01 - 300 Bennett Avenue Zoning

Ordinance No. 721-21 – An Ordinance Zoning Property Annexed to the Town of Bennett and Known as the 300 Bennett Avenue Annexation

Mayor Pindell called the matter of Case No. 21.01 – 300 Bennett Avenue Zoning to order. The public hearing was opened at 7:03 p.m.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News on February 5, 2021. Legal #2453.

Steve Hebert, Town Planning and Economic Development Manager, reported to the Trustees the purpose of the Public Hearing is the Zoning of 1.5 acres to R-3 – High Density Residential. Mr. Hebert also reported that Tom Richardson and David Stockman, DATO Investments, LLC, the owner's representatives, are present.

The Town Board of Trustees approved the annexation of the 1.5-acre parcel on June 23, 2020. During the annexation process, the applicant initially applied for C – Commercial zoning with the development of a self-storage facility in mind. The Planning and Zoning Commission recommended approval of the C – Commercial zone district; however, the Board of Trustees denied the request after considering concerns that some land uses in the C district might not be compatible with the surrounding residential neighborhoods. The applicants have revised their plans and now propose a townhome development, which is allowed under the R-3 zoning. This staff report addresses both the zoning and the sketch plan.

The applicants have requested R-3 zoning. The R-3 District is intended to provide for higher density multi-family residential development. The property is located at 300 Bennett Ave, immediately east of the Horizon Condominiums, which are also zoned R-3.

In the proposed R-3 zone district, the following land uses are Permitted Uses as “uses-by-right.” Uses by-right do not require further review and approval by the Board of Trustees.

1. Elementary and secondary education school
2. Religious institutions
3. Assisted living facility or nursing home
4. Group home for elderly, developmentally disabled or mentally ill persons
5. Home occupations
6. Manufactured homes
7. Multifamily dwelling
8. Rooming, lodging or boarding houses
9. Townhome dwelling
10. Public utilities, minor
11. Eligible telecommunications facilities request

There are several other land uses allowed as Conditional Uses requiring additional Board of Trustees approval, including but not limited to day care centers, parks, recreation centers, fire or police stations, and bed and breakfast establishments.

The applicant presented a sketch plan to the Planning and Zoning Commission on March 22. The sketch plan is intended to provide the subdivider with preliminary informal feedback from the Town staff and the Planning Commission. While the Board of Trustees does not review sketch plans, it is presented here to give the Board a preview of what is currently being contemplated for the property. The sketch plan includes a 20-lot townhome subdivision with an interior private drive. The townhomes will have front-loaded garages off the private drive, with rear yards backing up to Bennett Ave. on the north and the Bennett Crossing stormwater pond to the south.

All public services and utilities are available to the property including:

- Access – Bennett Avenue
- Water – Town of Bennett
- Sewer – Town of Bennett

- Stormwater – Town of Bennett
- Fire Protection – Bennett Watkins Fire Rescue
- Law Enforcement – Adams County Sheriff
- Electricity – IREA
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies

Notice of the Board of Trustees hearing has been posted on the property consistent with the municipal code. All property owners within 300 feet have also been notified by mail. During the Planning and Zoning Commission hearing, two property owners from the Brothers Four neighborhood to the north expressed concern about stormwater management and flooding. The Town Engineer indicated all stormwater generated by the development on the 300 Bennett Avenue property would be managed to prevent off-site flooding.

There are no objections to the proposed zoning. Most of the comments relate to the sketch plan and will be addressed with the future final plat application.

Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, outlined in Section 16-1-50, including to:

- Maintain and enhance a quality residential environment in the Town
- Provide a diversity of housing types at various densities
- Promote logical extensions of and efficient use of the Town's infrastructure

Staff also finds the proposed rezoning is consistent with, or will promote, the goals and policies of the Town of Bennett 2016 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code, including the following:

To provide a diversity of housing types at various densities

Staff Finding: The R-3 zoning will allow the construction of higher density homes, adding to the mix of primarily single-family detached homes currently in Bennett.

Preferred Scenario

The Comprehensive Plan outlines a Preferred Scenario described on Page 9. The Preferred Scenario includes a series of planning tiers (Tier One through Tier Four). The Preferred Scenario envisions a healthy, sustainable community where residents can live, work, and play locally, setting Bennett and its proximity to the I-70 corridor apart from a conventional development pattern.

Staff Finding: The 300 Bennett Avenue property is within Tier One described in the Plan, being a part of the Stable Urban area, and development would be consistent with the vision of the Preferred Scenario.

Mixed Residential

The property lies within an area designated as Mixed Residential, which calls for a variety of housing types combined with non-residential secondary land uses complementary and supportive of the neighborhood.

APPLICANT PRESENTATION

Tom Richardson and David Stockman are business partners with DATO Investments, LLC. Mr. Richardson thanked the Board of Trustees and Staff for the opportunity to present their case to the Trustees. Mr. Richardson reported the product on Ash Street is similar to the proposed 300 Bennett Avenue townhomes. The configuration is more square than the Ash Street townhomes. The design has been modified to address potential issues with 300 Bennett Avenue. DATO Investments, LLC will continue to work with Town Staff on the modifications. Mr. Stockman reported to the Commission that the hearing is before them tonight is in regards to zoning not to approve a townhouse project. David Stockman also reported each townhome will have two spaces per unit in the driveway. The extra 30' Bennett property could provide additional parking. DATO Investments, LLC is working with Town Staff on this property. The Ash Street Townhomes lots drain into the alleyway drainage system. The drainage issues are working towards being resolved.

Based upon staff findings and the recommendation of the Planning and Zoning Commission, staff recommends the Board of Trustees approve Ordinance No. 721-21 to zone the subject property R-3 High Density Residential.

Trustee Comments

Trustee Oakley expressed her gratitude to the applicants bringing a new proposed zoning which is a better fit for the area.

Mayor Pro Tem Harrell asked if the proposed product will be similar to the Ash Street townhomes. Mr. Richardson explained the product will be similar with some variation due to the size of the property as well as the orientation of the area.

Trustee Vittum asked if any person(s) were living in the home currently on the 300 Bennett Avenue residence. Mr. Richardson stated the residence is vacant. DATO Investments owns the property in total.

Public Comments

There were no public comments presented.

Mayor Pindell closed the public hearing on the 300 Bennett Avenue zoning at 7:23 p.m.

Trustee Oakley stated she heard favorable comments of the proposed rezoning from residents of the Horizon Condominiums.

TRUSTEE OAKLEY MOVED, TRUSTEE PULLIAM SECONDED to approve Ordinance No. 721-21 – An Ordinance Zoning Property Annexed to the Town of Bennett and Known as the 300 Bennet Avenue Annexation. Voting was as follows:

YES: Pulliam, Smith, Sus, Vittum, Oakley, Pindell

NO: Harrell

Mayor Royce Pindell declared the motion passed 6 votes to 1.

2. Public Hearing

Case No. 20.19 – Bennett Crossing Filing No. 4 Final Plat

Ordinance No. 720-21 – An Ordinance Approving an Outline Development Plan and Rezoning for the Bennett Crossing Southwest Planned Development

Case No. 20.20 – Bennett Crossing Southwest Rezoning and Outline Development Plan

Resolution No. 866-21 – A Resolution Approving a Final Plat for Bennett Crossing, Filing No. 4

Case No. 20.21 – QuikTrip Final Development Plan

Resolution No. 867-21 – A Resolution Approving a Final Development Plan for the QuikTrip Store #4216

Mayor Pindell called the matter of Case No. 20.19 – Bennett Crossing Filing No. 4 Final Plat, Case No. 20.20 – Bennett Crossing Southwest Rezoning and Outline Development Plan, and Case No. 20.21 – QuikTrip Final Development Plan. The public hearing was opened at 7:28 p.m.

Christina Hart, Town Clerk, stated that in accordance with Colorado State Statute, notice of the public hearing was properly posted and published in the Eastern Colorado News on February 5, 2021. Legal #2455.

Steve Hebert, Town Planning and Economic Development Manager, reported to the Trustees the purpose of the Public Hearing Case No. 20.20 involves the rezoning of 4.845 acres from C-General Commercial to Planned Development (PD) and the adoption of a new Bennett Crossing Southwest Outline Development Plan (ODP). The new ODP will include the QuikTrip property and portion of the original Bennett Crossing ODP, for a total of 9.765 acres. The property is located at the northeast corner of the I-70 and CO Highway 79 interchange.

The former JaGee/Conoco property, now owned by QuikTrip, was platted as the JaGee Properties Commercial Development and is currently zoned C-General Commercial. The other properties in this application are currently zoned PD and are a part of the original Bennett Crossing ODP. The applicant proposes rezoning the C-zoned property to PD and combining all of the lots into a new Bennett Crossing Southwest ODP. Staff concurs the pending redevelopment will be more effective if the entire property is under the same zone district.

The new ODP, if approved, will allow for a variety of business commercial and highway commercial uses, consistent with the previously approved Bennett Crossing ODP. In addition to the 4.845 acres of C-General Commercial land, those portions of the original Bennett Crossing ODP combine for a total 9.765 acres in the new Bennett Crossing Southwest Outline Development Plan (ODP).

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 collected and conveyed as part of the Bennett Crossing stormwater plan.

Access and Traffic

Each proposed lot will have access to a public street, either directly or via an access easement. Lot 2, Block 1 will have access via CO Highway 79, Marketplace Drive and Cedar Street. Other lots will have access via Marketplace Drive or Cedar Street. Lot 3, Block 1, south of the proposed QuikTrip facility, will have access via CO Highway 79 and Cedar Street via a proposed access easement. The existing and proposed street network will have adequate capacity to accommodate commercial development in the subdivision.

Gas, Electricity and Telecommunications

Natural gas will be provided by Colorado Natural Gas, electricity by IREA and telecommunications by Eastern Slope Technologies (ESRTA). Appropriate easements for these providers will be provided on the final plat.

Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, outlined in Section 16-1-50, including to:

- Support the development of Bennett as a model healthy community of interconnected employment and neighborhood centers;
- Promote logical extensions of and efficient use of the Town's infrastructure.

A proposed rezoning should be consistent with, or promote, the goals and policies of the Town of Bennett 2016 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Municipal Code, including the following:

Preferred Scenario

The Comprehensive Plan outlines a Preferred Scenario. The Preferred Scenario includes a series of planning tiers (Tier One through Tier Four). The Preferred Scenario envisions a healthy, sustainable community where residents can live, work, and play locally, setting Bennett and its proximity to the I-70 corridor apart from a conventional development pattern.

Staff Finding: The QuikTrip property is within Tier One described in the Plan, being a part of the Stable Urban area, and development would be consistent with the vision of the Preferred Scenario.

Staff also finds that having a commercial development with two different underlying zone districts will be difficult to administer, cause confusion and may limit development options. Therefore, staff supports the rezoning.

Notice of the March 9, 2021 Board of Trustees meeting 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, other than those from the referral agencies, have been received to date.

On February 22, 2021, the Planning and Zoning Commission recommended approval of Case No. 20.20 to rezone the subject property to Planned Development (PD) and the accompanying Bennett Crossing Southwest Outline Development Plan (ODP).

Based upon the findings above and the Planning and Zoning Commission recommendation, staff recommends the Board of Trustees approve Ordinance No. 720-21 – Bennett Crossing Southwest Outline Development Plan, with the following conditions:

- Before recording the Outline Development Plan the applicant shall make minor modifications as directed by Town Staff, Engineer and Town Attorney

Case No. 20.19 involves the re-subdivision of six existing platted lots, with a total acreage of 12.02 acres, into four lots, known as Bennett Crossing Filing No. 4 Final Plat. The applicant proposes to build a QuikTrip convenience store and gas station on one of the newly configured parcels.

The property is located at the northeast corner of the I-70 and CO Highway 79 interchange.

The former JaGee/Conoco property, now owned by QuikTrip, was platted as the JaGee Properties Commercial Development and recorded on May 16, 2005. The other lots included in this application are currently owned by Gayeski Capital Equities, LLC, the master developer of Bennett Crossing.

The former JaGee property is zoned C-General Commercial and the remaining lots are zoned Planned Development (PD). The companion rezoning application, Case No. 20.20, proposes to zone all of the properties to PD under a new Bennett Crossing Southwest Outline Development Plan (ODP). The new ODP, if approved, will allow for a variety of business commercial and highway commercial uses, consistent with the previously approved Bennett Crossing ODP. Development on properties zoned PD are subject to a Final Development Plan (FDP) process.

Water

Water will be provided by the Town of Bennett.

Sanitary Sewer

Sanitary sewer will be provided by the Town of Bennett.

Stormwater Management

Stormwater will be collected and conveyed as part of the Bennett Crossing stormwater plan.

Access and Traffic

Each proposed lot will have access to a public street, either directly or via an access easement. Proposed Lot 2, Block 1 will have access via CO Highway 79, Marketplace Drive and Cedar Street. Other lots will have access via Marketplace Drive or Cedar Street. Lot 3, Block 1, south of the proposed QuikTrip facility will have access via CO Highway 79 and Cedar Street via a proposed access easement. The existing and proposed street network will have adequate capacity to accommodate commercial development in the subdivision.

Gas, Electricity and Telecommunications

Natural gas will be provided by Colorado Natural Gas, electricity by IREA and telecommunications by Eastern Slope Technologies (ESRTA). Appropriate easements for these providers are provided on the final plat.

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

A. The final plat incorporates recommended changes, modifications and conditions attached to the sketch plan unless otherwise approved by the Planning Commission.

Staff Finding: Because all of the properties were previously platted, no sketch plan is required.

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 reconfiguration of the lots will accommodate new development that meets the standards of good subdivision design.

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 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 lot reconfiguration and the Filing No. 4 Final Plat document will accommodate the extension of utilities and public services to serve future commercial development.

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: All lots have access to a public street, either directly or by easement. Access will be via either CO Highway 79, Marketplace Drive or the future extension of Cedar Street. Each of these highways or street have the existing capacity to accommodate both vehicular and pedestrian traffic.

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: No public facilities are anticipated as part of this subdivision.

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 lot reconfiguration will accommodate new retail development and further the Comprehensive Plan goal of “enhancing the sales tax and employment base of the Town by attracting and retaining commercial and industrial development.”

C. Compliance with Zoning Regulations

Staff Finding: All lots in Filing No. 4 meet the standards set forth in the previously approved Bennett Crossing Outline Development Plan and the proposed Bennett Crossing Southwest Outline Development Plan, which will serve as the governing zoning document.

On March 22, 2021, the Planning and Zoning Commission recommended approval of the Bennett Crossing Filing No. 4 Final Plat.

Staff finds the proposed final plat complies with the overall Subdivision Regulations in Chapter 16, Article IV of the Bennett Municipal Code. Staff also finds the plat has been processed according to Section 16-4-360 and meets the approval criteria in 16-4-380. Based upon these findings, and the recommendation of the Planning and Zoning Commission, staff recommends the Board of Trustees approve the Bennett Crossing Filing No. 4 Final Plat, with the following conditions:

Before recording the final plat, the applicant shall:

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

Case No. 20.21 is a proposed Final Development Plan (FDP) for a 7,318 square-foot QuikTrip convenience store and fueling station. The 5.435-acre parcel is located near the northeast corner of I-70 and CO Highway 79. The site plan shows ten fuel dispenser islands for automobiles and small trucks and seven fuel dispenser islands for large trucks. Unlike Love’s Travel Stop to the west, the proposed QuikTrip is not a traditional truck stop, in that there will not be separate restrooms, showers or a lounge for truckers, nor will overnight truck parking be allowed. The plan is to raze the site, removing the Conoco Station and FNB Bank building and all other surface improvements. Consideration of this FDP is contingent upon approval

of Case No. 20.19, a subdivision plat and Case No. 20.10, a rezoning and new Outline Development Plan for the QuikTrip lot and adjacent lots.

The following summarizes the proposed site improvements.

- Proposed Code or ODP Requirement Building Floor Area 7,318 Sq. Ft. Max. 50%
- Landscaped Area 56,651 Sq. Ft. (23.9%) Min. 20%
- Building Height 20 feet Max. 50 feet
- Parking Spaces 77 Min. 24
- Minimum Building Setbacks 160.7' Front, 97' Side, 81.2' Rear 20' Front, 10' Side, 15' Rear

Access and Parking

Vehicular access to the QuikTrip site will be via CO Highway 79 to the west, Marketplace Drive to the north and a future extension of Cedar Street to the east. At the time of this report, the applicant has proposed the southern driveway be a $\frac{3}{4}$ movement access with a right-in/right-out/left-in movement and the northern driveway be right-in/right-out only. The southern drive will accommodate all vehicles but is focused on large tractor-trailer trucks. The northern drive off CO Highway 79 will accommodate automobiles and small trucks. Lot 3, Block 1 of the Bennett Crossing Filing No. 4 to the south of the QuikTrip facility will have access via an access easement on Lot 2 (QuikTrip). CDOT will determine the ultimate access onto Highway 79 and the FDP will be updated accordingly before recording. The site plan shows adequate parking for all customers, including short-term parking for tractor-trailers on the east side of the property.

Site Landscape Plan

The landscape plan includes a combination of trees, shrubs, ornamental grasses, rock mulch and a native seed mix. See Sheets 22-27 of the FDP for more details. In an effort to promote responsible water conservation, Staff recommended against using any irrigated turf on-site and recommended fewer trees along the western and northern borders and the removal of all trees along the southern border. The applicant has agreed and the landscape plans will be updated before recording. The landscape rendering below shows the proposed landscaping. Again, some of the trees along the western, northern and southern borders will be removed. All irrigated sod areas have been removed and changed to rock mulch and plant materials. The landscape strip on the southern border will still have ornamental grasses and rock mulch.

Building Elevations and Architecture

The one-story building will have a combination of brick, granite-colored EIFS ("synthetic" stucco), metal and glass as the primary building materials. The maximum height of the building is 20 feet. All rooftop mechanical equipment will be screened.

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 collected and conveyed as part of the Bennett Crossing stormwater plan.

Access and Traffic

Access is via CO Highway 79, Marketplace Drive and Cedar Street

Fire and Rescue

Fire and Rescue

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

Gas, Electricity and Telecommunications

Natural gas will be provided by Colorado Natural Gas, electricity by IREA and telecommunications by Eastern Slope Technologies (ESRTA).

The proposed convenience store and fueling station is consistent with the Guiding Principles, Vision Statement and Goals of the 2015 Comprehensive Plan. In particular, it is consistent with the principle of promoting a mix of land uses and enhancing the Town's employment base. It also supports the ability of QuikTrip to provide services and facilities to support existing and projected areas of population and growth.

The following is a summary of how the proposal complies with the Land Use and Development regulations in Chapter 16 of the Municipal Code. Staff analysis includes compliance with the recently proposed Bennett Crossing Southwest Outline Development Plan (ODP) and other provisions in the Code not explicitly addressed in the ODP.

1. Conformance with the Bennett Crossing Outline Development Plan:

- a. Permitted Uses: All of the proposed uses are allowed as Permitted Uses by Right.
- b. Building Height: The proposed building height of 20 feet is well below the maximum allowed height of 50 feet.
- c. Maximum Lot Coverage: The proposed lot coverage for buildings and parking is below the maximum of 80%.
- d. Floor Area Ratio (FAR): The proposed FAR of .03 is less than the maximum of .5
- e. Minimum Setbacks: The proposed front, side and rear building setbacks and parking lot setbacks all meet or exceed the minimums outlined in the ODP.
- f. Connectivity: Pedestrian connections to the store are provided by sidewalks along both CO Highway 79 and Marketplace Drive.

g. Building Orientation and Site Design:

- i. The main building is well-articulated on all four sides with attention to materials, entrances, window patterns and detailing. The majority of the proposed façade is comprised of red brick along with EFIS and the use of metal accents, providing visual interest to the building. Staff believes the proposed design, materials and colors are of high quality and compatible with future development in the area. All roof-top mechanical equipment will be screened.
- ii. The trash enclosure is to be faced with the same brick material used on the main building.

2. Parking Standards

The Town's Municipal Code includes off-street parking requirements for a variety of uses, including banks. The proposed number of parking spaces exceeds the Town's minimum parking requirement.

3. Landscape Standards

Staff supports the landscape plan as proposed, with the Staff's changes to reduce the number of trees along CO Highway 79 and Marketplace Drive property lines, and eliminate the trees in the landscaped island along the south property line.

4. Lighting Standards

The proposed lighting plan conforms with shielding, cutoff, illumination and height provisions of the Municipal Code as long as the fueling station canopy signs are full recessed into the canopy structure.

5. Sign Regulations

All signs, including wall signs, monument signs and pole signs, are subject to the sign regulations in the Bennett Municipal Code, Chapter 16, Article III. Final dimensions and colors will be determined at the time of sign permit. The existing pole sign at the far sound end of the former Conoco property is currently in conformance with the Bennett sign regulations. However, if it is considered an off-site sign by CDOT, it may need to be removed or relocated. The proposed FDP does not formally approve of its location, height or design.

The proposed site plan, building character and design, and landscape character meet the objectives of the Town's Development Design Guidelines relative to:

- Building location
- Parking
- Service areas
- Pedestrian access & circulation
- Enclosures & screening
- Fencing
- Site Lighting (subject to verification of canopy light design)
- Building orientation, mass & character
- Landscape character & design

Notice of the March 9, 2021 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, other than those from the referral agencies, have been received to date.

Staff finds the proposed Final Development Plan:

1. is consistent with the Town of Bennett Comprehensive Plan;
2. complies with the provisions of Chapter 16 – Land Use and Development, of the Bennett Municipal Code;
3. is consistent with the proposed Bennett Crossing Southwest Outline Development Plan; and,
4. conforms to the Town of Bennett Development Design Guidelines.

Staff recommends the Board of Trustees approve the QuikTrip Store #4216 Final Development Plan, subject to the following conditions:

1. The applicant shall confer with the Bennett Fire Protection District and ensure the proposed development conforms to adopted (IFC) fire code standards and design expectations of both the Town of Bennett and the District.
2. Before recording the Final Development plan, the applicant shall make minor modifications directed by Town Staff, Attorney, and Engineer.

APPLICANT PRESENTATION

QuikTrip representative, Mike Talcott, thanked staff and the Board of Trustees for the privilege to present their application. Mr. Talcott provided a background of QuikTrip.

- 15 years on Fortunes' List of "100 Best Companies to Work for in America".
- All locations are owned and operated by QuikTrip, and still family owned
- Creates an average of 22 new jobs per store
- Has never laid off an employee in the history of the company
- Average Store Manager earns \$100,000 per year
- Average entry level Assistant Manager starting pay is \$50,000 per year
- QuikTrip contributes 5% percent of its profits to charitable organizations in the communities in which it operates
- QuikTrip is a National Safe Place location for endangered youth

QuikTrip has partnered with Safe Place. A national nonprofit organization that provides safety for troubled or threatened youth. QuikTrip provides a place for the at-risk youth to come in off the street, receive food and drink, and wait for a volunteer from a Safe Place agency partner to connect them with professional help or a place to stay until their situation is resolved. QuikTrip also provides grants to the local Safe Place agencies.

QuikTrip supports military families, employees, and customers. QuikTrip partners with the Folds of Honor.

QuikTrip provides the very best security features for its employees and customers. Every square inch of QuikTrip will be under surveillance.

The QuikTrip store provides a variety of products for their customers:

- Full made to order kitchen
- Healthy selections; made fresh daily
- Grocery selection
- Ice vending machine
- On-tap drink selections
- Coffee bar

Public Comments

There were no public comments presented.

Mayor Pindell closed the public hearing on Case No. 20.19 – Bennett Crossing Filing No. 4 Final Plat, Case No. 20.20 – Bennett Crossing Southwest Rezoning and Outline Development Plan, and Case No. 20.21 – QuikTrip Final Development Plan at 8:40 p.m.

TRUSTEE PULLIAM MOVED, TRUSTEE SMITH SECONDED to approve Ordinance No. 720-21 – An Ordinance Approving an Outline Development Plan and Rezoning for the Bennett Crossing Southwest Planned Development. Voting was as follows:

YES: Smith, Sus, Vittum, Harrell, Oakley, Pindell, Pulliam

NO: None

Mayor Royce Pindell declared the motion passed unanimously.

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to approve Resolution No. 866-21 – A Resolution Approving a Final Plat for Bennett Crossing, Filing No. 4. Voting was as follows:

YES: Sus, Vittum, Harrell, Oakley, Pindell, Pulliam, Smith

NO: None

Mayor Royce Pindell declared the motion passed unanimously.

TRUSTEE PULLIAM MOVED, TRUSTEE VITTUM SECONDED to approve Resolution No. 867-21 – A Resolution Approving a Final Development Plan for the QuikTrip Store #4216. Voting was as follows:

YES: Vittum, Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

Mayor Royce Pindell declared the motion passed unanimously.

6. TOWN STAFF REPORTS

Town Administrator

Trish Stiles, Town Administrator provided the following report;

- Arapahoe County is in the process of reauthorizing the Open Space Sales Tax. The Arapahoe County Commissioners may visit the Bennett Board of Trustees to discuss the advantages of the Open Space Sales Tax. The sales tax will sunset in 2023 unless it is reauthorized.
- Westminster is hosting Colorado Municipal League (CML) September 22 – 24, 2021.
- Met with Robin Purdy to discuss the Bennett School Districts planning process as it relates to future school sites
- Discussions will continue regarding the IGA between the Town of Bennett and Bennett School District 29j.
- Shout out to Trustee Vittum; Ms. Stiles and Trustee Vittum attended two sub-regional forums for both Adams County and Arapahoe County. Trustee Vittum was very instrumental in making a case for Bennett and the Town's transportation needs. Thank you Trustee Vittum.
- The Town received a \$500,000 DOLA grant for the water tank.
- Public Works is preparing for the upcoming predicted snowstorm.
- Ms. Stiles will be enjoying some off for spring break on March 11, March 15, March 16 and March 18th. She will be in Town Hall on Wednesday March 17th. Ms. Summers will be available.
- The Town of Bennett is currently in the yellow of the COVID-19 dial. Remote work is still strongly encouraged.

7. TRUSTEE COMMENTS AND COMMITTEE REPORTS

Larry Vittum

Trustee Vittum reported on the following;

- Adams County elected Trustee Vittum Vice-Chairman of the Transportation Forum.

Darvin Harrell

Mayor Pro Tem Harrell reported on the following;

- How long before all of Town Staff will be back in person at Town Hall?
- When will the Bennett Community Center re-open? Ms. Stiles reported community services are still available i.e.: Food Bank and vaccine clinic. There is not a way to predict when the Community Center will re-open to the public.

Royce Pindell

Mayor Pindell reported on the following;

- 1,000,081 single vaccinations have been distributed to Coloradans.
- Many people are going into businesses without masks.

8. ADJOURNMENT

TRUSTEE PULLIAM MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 9:08 p.m. Voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus, Vittum

NO: None

The Mayor declared the motion carried by unanimous vote.

Royce D. Pindell, Mayor

Christina Hart, Town Clerk

TOWN OF BENNETT

Proclamation

BUSINESS APPRECIATION



WHEREAS, the Town of Bennett recognizes local businesses are the backbone of the Town's economy; and

WHEREAS, the Town of Bennett Board of Trustees wishes to express appreciation for the commitment our business community provided to the Bennett community during the challenging COVID-19 pandemic; and

WHEREAS, supporting the growth of local businesses produces economic stability in our community, and that entrepreneurs and small businesses create jobs, innovate and promote the diversification of the local economy; and

WHEREAS, recent events have taught us that we are stronger when we work together; and

WHEREAS, the Town of Bennett Board of Trustees calls upon all citizens to thank our business community for its considerable and long-term contributions to the Town of Bennett.

NOW, THEREFORE, BE IT PROCLAIMED the Town of Bennett Board of Trustees hereby declares the week of March 29 – April 2, 2021, "Bennett Stronger Together" week and urges the community to make a special effort to support our local businesses all year long.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the Town of Bennett, Colorado to be affixed this the 23 Day of March, 2021.

Royce D. Pindell, Mayor



STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees

FROM: Rachel Summers, Deputy Town Administrator
Melinda Culley, Town Attorney

DATE: March 23, 2021

SUBJECT: First Amendment to Public Improvements Reimbursement Agreement (PIRA) with Gayeski Capital Equities, LLC

Background

On March 12, 2019, the Board approved a Public Improvements Reimbursement Agreement (PIRA) for the commercial parcels in the Bennett Crossing subdivision. Under the PIRA, the developer – Gayeski Capital Equities, LLC – is entitled to receive 50% of the Town’s sales tax and lodging occupation tax revenues derived from the commercial parcels in Bennett Crossing in order to reimburse the developer for its costs for constructing the public improvements for the development. The maximum reimbursement amount under the PIRA is \$6.27 million with a reimbursement term of up to 20 years.

At the Board’s last meeting on March 9, 2021, the Board approved a plat for Bennett Crossing Filing No. 4 that expanded the boundaries of the Bennett Crossing property by adding the JaGee commercial parcels. The new QuikTrip will be located on this property.

Discussion

Gayeski Capital Equities, LLC requested that the PIRA be amended to include the JaGee property. If this amendment is approved, the developer will receive 50% of the Town’s sales tax and lodging occupation tax revenues derived from the Bennett Crossing Filing No. 4 property. QuikTrip has consented to the proposed amendment.

Staff Recommendation

Staff supports the proposed amendment to the PIRA because it should accelerate the pay down of the maximum reimbursement amount under the PIRA. For this reason, staff recommends approving Ordinance No. 722-21 to approve a first amendment to the public improvements reimbursement agreement with Gayeski Capital Equities, LLC.

Attachments

1. First amendment to PIRA
2. Email confirming QuikTrip’s consent to the proposed amendment
3. Ordinance No. 722-21

----- Forwarded Message -----

Subject:RE: [External] Fwd: Bennett Development, First Amendment to Public Improvements Reimbursement Agreement

Date:Tue, 9 Mar 2021 22:23:52 +0000

From:Devos, Troy <tdevos@quiktrip.com>

To:Larry Gayeski <larry-gayeski@comcast.net>

CC:Devos, Troy <tdevos@quiktrip.com>

Larry,

On behalf of the QuikTrip Corporation as the current owner of the JaGee Property, I acknowledge, accept, and approve of the proposed 1st amendment to the PIRA recorded in April 2019.

Troy DeVos | Director of Real Estate

QuikTrip Corporation | Denver Division

Office: 720-602-4224 | Cell: 602-821-6302

After Recording, Please Return To:

Michelle Gayeski
Gayeski Capital Equities, LLC
905 West 124th Avenue, Suite 200
Westminster, Colorado 80234

FIRST AMENDMENT TO PUBLIC IMPROVEMENTS REIMBURSEMENT

THIS FIRST AMENDMENT TO PUBLIC IMPROVEMENTS REIMBURSEMENT (“First Amendment”) is made as of the _____ day of _____, 2021, by and between the TOWN OF BENNETT, COLORADO, a municipal corporation of the State of Colorado (the “Town”), and GAYESKI CAPITAL EQUITIES, LLC, a Colorado limited liability company (the “Developer”).

RECITALS

A. The Town and Developer executed that certain Public Improvements Reimbursement (“PIRA”) dated effective as of April 1, 2019, as recorded in the real property records of Adams County, Colorado (the “Official Records”), on April 4, 2019, at Reception No. 2019000024626.

B. The Town and Developer now desire to amend the PIRA in accordance with the terms and conditions of this First Amendment.

AGREEMENT

NOW, THEREFORE, the Town and Developer, with signatures attached as proof of evidence, declare as follows:

1. Defined Terms. Unless otherwise defined in this First Amendment, defined terms, indicated by initial capital letters, shall have the meanings ascribed to them in the PIRA.

2. Property. Notwithstanding anything contained in the PIRA to the contrary, the Property under the PIRA is hereby amended to include **Exhibit A-1** attached hereto. As such the definition of “Property” set forth in Recital A of the PIRA is hereby deleted in its entirety and replaced with the following:

“A. Developer intends to construct Public Improvements (as defined below) to serve the commercial parcels of the Bennett Crossing Filing No. 1 legally described in the attached **Exhibit A**, and the commercial parcel legally described in the attached **Exhibit A-1** (collectively, the “Property”).”

Further, the definition of “Property” in Section 1.06 of the PIRA is hereby deleted in its entirety and replaced with the following:

Section 1.06 Property. That real property described in Exhibit A and Exhibit A-1, but excluding Block 1, Lot 10, Bennett Crossing Filing No. 1, Town of Bennett, County of Adams, State of Colorado.

3. Disclosure of Records. Section 4.03 of the PIRA is hereby deleted in its entirety and replaced with the following:

Section 4.03 Disclosure of Records. The Developer specifically understands, acknowledges, and agrees that implementation of this Agreement requires calculations based on the amount of sales and lodging occupation taxes remitted to the Town from owners, occupants or tenants within the Property (each an “Individual Taxpayer”) during the term of this Agreement. Because the amounts of the Reimbursement Payments will be public information, each Individual Taxpayer specifically understands, acknowledges and agrees that implementation of this Agreement requires calculations based on the amount of sales and/or lodging occupation taxes collected and remitted by such Individual Taxpayer during the term of this Agreement and further understands, agrees, and acknowledges that the amount of Reimbursement Payments, the period(s) for which such Reimbursement Payments are made, and related information will be public information. Each Individual Taxpayer further understands, agrees, and acknowledges that the amount of such Reimbursement Payments may permit persons other than officials or employees of the Town to identify the amount of sales and/or lodging taxes collected and remitted by an Individual Taxpayer during the term of this Agreement and, accordingly, the amount of taxable retail or lodging sales made by an Individual Taxpayer during the term of this Agreement. Each Individual Taxpayer, for itself, its successors, assigns, affiliates, and parent and subsidiary organizations, hereby waives any proprietary rights and rights of confidentiality it may have with respect to any information necessary for or generated in connection with the implementation of this Agreement, including without limitation any rights under C.R.S. § 29-2-106(4)(c)(II), Bennett Municipal Code Sec. 4-7-80, or common law. Each Individual Taxpayer further releases the Town, including its officials and employees, from any and all liability or claims in connection therewith.

4. Effect of Amendment. Except as expressly amended hereby, the PIRA shall continue in full force and effect. In the event of any conflict or inconsistency between the provisions of the PIRA and this First Amendment, the provisions of this First Amendment shall control in all instances.

5. Severability. In the event that any one or more of the provisions of this First Amendment shall for any reason be held to be invalid or unenforceable, the remaining provisions of this First Amendment shall be unimpaired, and shall remain in full force and effect and be binding upon the parties hereto.

6. Headings. The paragraph headings that appear in this First Amendment are for purposes of convenience of reference only and are not in any sense to be construed as modifying the substance of the paragraphs in which they appear.

7. Governing Law. This First Amendment shall be governed by and construed in accordance with the laws of the State of Colorado.

8. **Recordation.** This First Amendment shall be recorded in the Official Records.

9. **Runs with the Land.** The benefits and rights granted and agreed to herein and the burdens, duties and obligations imposed and agreed to herein shall run with the land and shall be a benefit of and burden to the parties and the successors and assigns to of the parties.

[Remainder of Page Intentionally Left Blank]

Exhibit A-1
Legal Description

All of JAGEE PROPERTIES COMMERCIAL DEVELOPMENT, according to the plat thereof recorded May 16, 2005 at Reception No. 2005051600513760, less and except the 20' right of way dedication along the westerly and southerly boundary,
County of Adams,
State of Colorado.

Tax ID No.: 0181534301001

ORDINANCE NO. 722-21

AN ORDINANCE APPROVING A FIRST AMENDMENT TO PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH GAYESKI CAPITAL EQUITIES, LLC

WHEREAS, pursuant to Ordinance No. 695-19 adopted on March 12, 2019, the Board of Trustees approved a Public Improvements Reimbursement between the Town of Bennett and Gayeski Capital Equities, LLC (“PIRA”) for the Bennett Crossing Filing No. 1 property; and

WHEREAS, Gayeski Capital Equities has requested the PIRA be amended to include additional property that will be subject to the PIRA; and

WHEREAS, the Board of Trustees finds that it is in the Town’s best interest to approve a First Amendment to the PIRA.

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

Section 1. The Board of Trustees hereby approves the First Amendment to the Public Improvements Reimbursement between the Town of Bennett and Gayeski Capital Equities, LLC (“First Amendment”) in substantially the same form of such First Amendment attached hereto.

Section 2. The Mayor is hereby authorized to execute the First Amendment, except that the Mayor is hereby further granted the authority to negotiate and approve such revisions to said First Amendment as the Mayor, Town Administrator and Town Attorney determines are necessary or desirable for the protection of the Town, so long as the essential terms and conditions of the First Amendment are not altered.

Section 3. All prior ordinances or parts of such prior ordinances, codes or parts of codes in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any paragraph, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED, BY TITLE ONLY, THIS 23 DAY OF MARCH, 2021.

TOWN OF BENNETT, COLORADO

Royce D. Pindell, Mayor

ATTEST:

Christina Hart, Town Clerk

Suggested Motion

I move to approve Ordinance No. 722-21 – An ordinance approving a First Amendment to Public Improvements Reimbursement Agreement with Gayeski Capital Equities, LLC.

STAFF REPORT



TO: Mayor and Town of Bennett Board of Trustees
FROM: Christina Hart, Town Clerk
DATE: March 23, 2021
SUBJECT: Town of Bennett / Bennett Arts Council Special Events Permit

Background

The Town of Bennett and Bennett Arts Council host many special events throughout the year including Bennett Days, the Town's largest annual celebration. In the past, the Town has assisted with permitting and operated under the VFW's liquor license in order to have a beer garden and VIP tent at Bennett Days. However, in order to make event planning more efficient and to accommodate additional yearly events, the Clerk's Department began looking into the Town of Bennett obtaining its own liquor license.

DR8439 Special Events Permit Application

Under Colorado's liquor licensing regulations, the Town of Bennett qualifies for a DR8439 Application for a Special Events Permit. This license would allow the Town to apply for up to 15 special events in a calendar year. Furthermore, the Board's approval of draft Resolution No. 865-21 would waive the requirement to submit the special events permit application to the State Liquor License Enforcement Division for approval. Section 6-2-40(c) of the Bennett Municipal Code gives authority to the Town Clerk to approve an application for a special events permit, thereby allowing the permits to be approved administratively.

The Town would be required to fulfill the following criteria and provide the following documents with the DR8439 application:

- Diagram of area to be licensed
- Application submitted to the Town Clerk at least 30 days prior to the event
- Public notice of the proposed event posted for at least (10) days before approval of the permit by the Town Clerk; no public hearing is required

If opposition to the special events permit were to arise, a public hearing would be scheduled and the application would be brought before the Board of Trustees acting as the Local Licensing Authority.

Upon the approval and issuance of a special events permit, the Town Clerk is required to report those findings to the State Liquor Enforcement Division within ten days. The notification will include the name of the organization, the address of the permitted location and the permitted dates of the special events permit.

All additional liquor license applications will continue to follow the liquor licensing process and will be presented to the Local Licensing Authority during a public hearing. New liquor licenses are required to be approved by the State Liquor Licensing Enforcement Division.

Staff Recommendation

After thorough discussion with the Colorado Liquor Enforcement Division regarding the best option for the Town of Bennett to obtain a liquor license, Staff recommends the Local Licensing Authority approve Resolution No. 865-21 and authorize the Local Licensing Authority to issue a special events permits without approval from the State Licensing Authority.

Following approval of the draft resolution, all DR8439 applications submitted to the Town of Bennett will be approved administratively through the office of the Town Clerk. Regular updates pertaining to special events permits will be given to the Board of Trustees during the quarterly Clerk's Department Progress Report.

Attachments

1. DR8439 Application for Special Events Permit
2. Resolution No. 865-21

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following** (See back for details.)

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:

- 2110 ☐ Malt, Vinous And Spirituous Liquor \$25.00 Per Day
- 2170 ☐ Fermented Malt Beverage \$10.00 Per Day

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate State Sales Tax Number (Required)

2. Mailing Address of Organization or Political Candidate
(include street, city/town and ZIP)

3. Address of Place to Have Special Event
(include street, city/town and ZIP)

4. Authorized Representative of Qualifying Organization or Political Candidate

Date of Birth

Phone Number

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

5. Event Manager

Date of Birth

Phone Number

Event Manager Home Address (Street, City, State, ZIP)

Email Address of Event Manager

6. Has Applicant Organization or Political Candidate been
Issued a Special Event Permit this Calendar Year?

☐ No ☐ Yes How many days? _____

7. Is the premises for which your event is to be held currently licensed under the
Colorado Liquor or Beer codes?

☐ No ☐ Yes License Number _____

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☐ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.
Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.	Date Hours From .m. To .m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature

Title

Date

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)

☐ City
☐ County

Telephone Number of City/County Clerk

Signature

Title

Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	\$.

(Instructions on Reverse Side)

Application Information and Checklist

The following supporting documents must be attached to this application for a permit to be issued:

- ☐ Appropriate fee.
- ☐ Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions. **Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- ☐ Copy of deed, lease, or written permission of owner for use of the premises.
- ☐ Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- ☐ If not incorporated, a NONPROFIT charter; **or**
- ☐ If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- ☐ Application must first be submitted to the Local Licensing Authority (city or county) at least thirty (30) days prior to the event.
- ☐ Public notice of the proposed event and procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least (10) days before approval of the permit by Local Licensing Authority. (44-5-106 C.R.S.)
- ☐ State Licensing Authority must be notified of approved applications by Local Licensing Authorities within ten (10) days of approval.
- ☐ Check payable to the Colorado Department Of Revenue

Qualifications for Special Events Permit

(44-5-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 4 and 3 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

RESOLUTION NO. 865-21

A RESOLUTION AUTHORIZING THE LOCAL LICENSING AUTHORITY TO ISSUE SPECIAL EVENTS PERMITS WITHOUT STATE APPROVAL

WHEREAS, C.R.S. § 12-48-107(5) authorizes local licensing authorities to elect to issue special events permits without obtaining the approval of the State Licensing Authority; and

WHEREAS, the Bennett Board of Trustees serves as the Local Licensing Authority for the Town; and

WHEREAS, the Board of Trustees, acting as the Local Licensing Authority, desires to elect to issue special events permits without obtaining the approval of the State Licensing Authority.

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

Section 1. The Local Licensing Authority of the Town of Bennett (the “Authority”) hereby elects to authorize the issuance of special events permits by the Authority without notifying the State Licensing Authority to obtain its approval or disapproval of applications for special events permits.

Section 2. Upon the issuance of a special events permit by the Local Licensing Authority, the Town Clerk is hereby directed to report to the State Liquor Enforcement Division, within ten days after the issuance of a permit, the name of the organization to which a permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service in accordance with C.R.S. § 12-48-107(5).

INTRODUCED, ADOPTED AND RESOLVED THIS 23 DAY OF MARCH, 2021.

TOWN OF BENNETT, COLORADO

ATTEST:

Royce D. Pindell, Mayor

Christina Hart, Town Clerk

Suggested Motion

I move to approve Resolution No. 865-21 – A resolution authorizing the Local Licensing Authority to issue special events permits without State approval.

EXECUTIVE SESSION SCRIPT

(Note: Two-thirds of the quorum present must vote yes; the session may only occur at a regular or special meeting of the Board)

I MOVE TO GO INTO EXECUTIVE SESSION:

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e); Kiowa Creek Preserve – MacLennan Open Space.

Let's take a ____ minute break to give everyone time to get to a private location for the executive session.

BEGIN THE EXECUTIVE SESSION:

It's March 23, 2021, and the time is _____. For the record, I am the presiding officer, Mayor Royce D. Pindell. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session are the following persons:

As a reminder, everyone participating in the executive session has a duty to maintain the confidentiality and privacy of this executive session. Because this is an electronic executive session, I am going to ask everyone to confirm for the record that they are in a private location where others cannot hear or see this executive session. Let's each take a turn and confirm this for the record.

ANNOUNCEMENT NO. 1

This is an executive session for the following purpose:

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e); Kiowa Creek Preserve – MacLennan Open Space.

I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session.

If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

ANNOUNCEMENT NO. 2

ANNOUNCEMENT TO BE MADE BY THE PRESIDING OFFICER
BEFORE CONCLUDING THE EXECUTIVE SESSION
(WHILE THE TAPE RECORDER IS STILL ON)

I hereby attest that this recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law.

The recording will be retained for a 90-day period.

The time is now _____, and we now conclude the executive session and return to the open meeting.

(turn off tape and return to open meeting)

ANNOUNCEMENT NO. 3

STATEMENT TO BE MADE BY THE PRESIDING OFFICER
UPON RETURNING TO THE OPEN MEETING

The time is now _____, and the executive session has been concluded. The participants in the executive session were:

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, the next agenda item is...