



# **Town Board of Trustees**

**Tuesday, March 8, 2022 at 7:00 pm**

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

## **1. Meeting Information**

207 Muegge Way, Bennett, CO 80102

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

<https://us02web.zoom.us/j/87625492576>

Meeting ID: 876 2549 2576

Passcode: 624205

One tap mobile

+16699006833

## **2. Call to Order**

Royce D. Pindell, Mayor

### **a. Roll Call**

## **3. Pledge of Allegiance**

Royce D. Pindell, Mayor

## **4. Approval of Agenda**

Royce D. Pindell, Mayor

## **5. Consent Agenda**

Royce D. Pindell, Mayor

### **a. February 22, 2022 - Regular Meeting Minutes**

#### **Attachments:**

- **February 22, 2022 - Regular Meeting Minutes** (02-22-2022\_-\_Regular\_Meeting\_Minutes.pdf)

### **b. CORE Electric Cooperative Utility Underground Access Easement**

#### **Attachments:**

- **Staff Memo CORE Electric Cooperative Utility Underground Access Easement** (\_6\_Water\_Campus\_Memo.docx.pdf)
- **CORE Electric Cooperative Utility Underground Access Easement** (CORE\_Electric\_Coop\_Easement.pdf)

## Public Comments on Items Not Scheduled for Public Hearing

The Board of Trustees welcomes you. Thank you for joining us 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 on the provided sheet or in the chat box. If you are on the phone, once we get through the sign-up sheet and chat box we will call for any other comments for items not on the agenda.

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

## Regular Business

### 6. Public Hearing

#### a. Case No. 21.42 - Bennett Crossing Filing No. 3, Amendment No. 1

Resolution No. 906-22 - A Resolution Approving the Bennett Crossing Filing 3, Amendment No. 1 Final Plat

Steve Hebert, Planning and Economic Development Manager

#### Attachments:

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report Case No. 21.42 Bennett Crossing Filing No. 3, Amendment No. 1** (1-BennettCrossing\_Filing3\_Amend1\_Board\_Staff\_Report\_03\_08\_22.pdf)
- **PowerPoint Presentation Case No. 21.42 Bennett Crossing Filing No. 3, Amendment No. 1** (2-BoT\_Presentation\_BennettCrossing\_Filing3\_AmendNo1.pdf)
- **Land Use Application** (3-Bennett\_Crossing\_Filing\_No\_3\_Lots\_1-4\_Replat\_-\_LandUseApplication\_\_1\_.pdf)
- **Applicant's Letter of Intent** (4-Letter\_of\_Intent\_Bennett\_Crossing\_Filing\_No\_3\_Lots\_1-4\_Replat\_-.pdf)
- **Bennett Crossing Filing No. 3 Final Plat, Amendment No. 1** (5-Bennett\_Crossing\_Filing\_No\_3\_1st\_Amendment\_-\_Final\_Plat\_\_1\_.pdf)
- **Original Bennett Crossing Filing No. 3 Recorded Final Plat** (6-BennettCrossingFilingNo3\_RecordedPlat.pdf)
- **Combined Referral Comments** (7-CombinedReferralComments\_BCrsngFN03AmdNo1.pdf)
- **Planning and Zoning Commission Resolution No. 2022-05** (8-Resolution\_No\_2022-05\_-\_Recommending\_Approval\_of\_the\_Bennett\_Crossing\_Filing\_No\_3\_Final\_Plat\_\_Amendment\_No\_1\_\_1\_.pdf)
- **Resolution No. 906-22 - A Resolution Approving the Bennett Crossing Filing 3, Amendment No. 1 Final Plat** (9-BennettCrossing\_Filing3\_Amend1\_Board\_reso\_906-22.pdf)
- **Suggested Motion** (10-suggested\_motion.pdf)

**b. Case No. 22.03 - Bennett Crossing Outline Development Plan (ODP), Amendment No. 1**

Resolution No. 907-22 - A Resolution Approving the Bennett Crossing Outline Development Plan, Amendment No. 1

Steve Hebert, Planning and Economic Development Manager

**Attachments:**

- **Public Hearing Script** (0\_-\_Public\_Hearing\_Script.PC.pdf)
- **Staff Report Case No. 22.03 Bennett Crossing Outline Development Plan (ODP), Amendment No. 1** (1-BennettCrossingODP\_Amend1\_Board\_Staff\_Report\_03\_08\_22.pdf)
- **PowerPoint Presentation Case No. 22.03 Bennett Crossing Outline Development Plan (ODP), Amendment No. 1** (2-BoT\_\_Presentation\_BennettCrossing\_ODP\_AmendNo1\_03\_08\_22.pdf)
- **Land Use Application** (3-BennettCrossing\_ODPAmendNo1\_Application.pdf)
- **Bennett Crossing Outline Development Plan (ODP), Amendment No. 1** (4-01.10.22\_BENNETT\_ODP\_Amend1\_01\_31\_22Version.pdf)
- **CANA Annual Statistical Report** (5-CANA\_AnnualStatisticsReport2021-short.pdf)
- **CDPHE Guide to Air Permitting Requirements** (6-CDPHE-Guide-Air-Permitting-Requirement-for-Crematories.pdf)
- **Planning and Zoning Commission Resolution 2022-07** (Resolution\_No.\_2022-07\_-\_Recommending\_Approval\_of\_teh\_Bennett\_Crossing\_Outline\_Development\_Plan\_\_Amendment\_No.\_1.pdf)
- **Resolution No. 907-22 - A Resolution Approving the Bennett Crossing Outline Development Plan, Amendment No. 1** (8-BennettCrossingODP\_Amend1\_\_BOT\_reso\_907-22.pdf)
- **Suggested Motion** (9\_-\_suggested\_motion.pdf)

**7. Action/Discussion Items**

**a. Amendments to the Town's Dynamic Braking Device Ordinance**

Ordinance No. 737-22 - An Ordinance Amending Chapter 10 of the Bennett Municipal Code Concerning Dynamic Braking Devices

Melinda Culley, Town Attorney

**Attachments:**

- **Staff Report Amendments to the Town's Dynamic Braking Device Ordinance** (0\_-\_Jake\_Brake\_Amend\_Staff\_Report.pdf)
- **Ordinance No. 737-22 - An Ordinance Amending Chapter 10 of the Bennett Municipal Code Concerning Dynamic Braking Devices** (1\_-\_ORDINANCE\_NO\_737-22\_-\_Jake\_Brake\_ordinance\_revised.pdf)
- **Suggested Motion** (2\_-\_suggested\_motion.pdf)

**b. Staff Appreciation Proclamation**

Royce D. Pindell, Mayor

**Attachments:**

- **Staff Appreciation Proclamation** (TownofBennettProclamation\_Employee

## **8. Town Administrator Report**

Trish Stiles, Town Administrator

## **9. Trustee Comments and Committee Reports**

Mayor and Trustees

## **10. 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.

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Contact: Christina Hart (chart@bennett.co.us 1303-644-3249 X1001) | Agenda published on  
03/03/2022 at 5:30 PM



TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
February 22, 2022

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**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, February 22, 2022 via hybrid meeting. Mayor Royce D. Pindell called the meeting to order at 7:02 p.m. The following persons were present upon the call of the roll:

Mayor: Royce D. Pindell

Trustees Present: Kevin Barden  
Darvin Harrell  
Whitney Oakley  
Denice Smith  
Donna Sus  
Larry Vittum

Staff Present: Trish Stiles, *Town Administrator*  
Taeler Houlberg, *Administrative Services Director*  
Alison Belcher, *Communications and IT Director*  
Steve Hebert, *Planning and Economic Development Manager*  
Daymon Johnson, *Capital Projects Director*  
Robin Price, *Public Works Director*  
Ricky Martinez, *Assistant Public Works Director*  
Adam Meis, *IT and Communications Manager*  
Dan Giroux, *Town Engineer*  
Mike Heugh, *Town Traffic Engineer*  
Sara Aragon, *Community Development Manager*  
Steve King, *Special Projects Coordinator*  
Melinda Culley, *Town Attorney*  
Christina Hart, *Town Clerk*

Public Present: Kathy Smiley, Steve Dambroski, Trey Ferrell, Cooper Raines

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce D. Pindell.

**3. APPROVAL OF AGENDA**

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

YES: Harrell, Oakley, Pindell, Smith, Sus, Vittum, Barden  
NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

#### 4. CONSENT AGENDA

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

YES: Oakley, Pindell, Smith, Sus, Vittum, Barden, Harrell  
NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

A. Action: Approval of February 8, 2022 Regular Meeting Minutes

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

There were no public comments presented.

#### 5. REGULAR BUSINESS

##### A. Public Hearing

##### 1. Case 21.26 Bennett Ranch Filing No. 2 Final Plat

##### Resolution No. 905-22 – A Resolution Approving a Final Plat for Bennett Ranch Filing No. 2

Mayor Royce D. Pindell called the matter of Case 21.26 Bennett Ranch Filing No. 2 Final Plat to order. The public hearing was opened at 7:06 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 January 7 and January 14, 2022. Legal #2559.

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

Access to the townhomes will be via a public street, and a series of private driveways and alleys. In addition, several tracts are set aside as open space tracts that will eventually accommodate landscaping and pedestrian connections.

Notice of the January 24, 2022, Planning and Zoning Commission hearing and the February 22, 2022, Board of Trustees hearing was published in the Eastern Colorado News, posted on the subject property and sent to all property owners within 300 feet of the property. No comments, other than those from the referral agencies, have been received to date.

## PUBLIC COMMENTS

Steve Dambroski, 140 Cleveland Court, asked if the alleys would be concrete or asphalt and if the alleys would withstand the weight of trash trucks.

The public hearing closed at 7:40 p.m.

TRUSTEE OAKLEY MOVED, TRUSTEE SUS SECONDED to approve Resolution No. 905-22 – A resolution approving a final plat for Bennett Ranch Filing No. 2. The voting was as follows:

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

NO: None

Mayor Royce D. Pindell declared the motion passed unanimously.

### **B. Action/Discussion**

#### **1. Request for Proposal 22-002 – Bennett Regional Park and Open Space (BRPOS) Lower Pond Fishing Improvements**

Robin Price, Public Works Director, reported to the Trustees the Town of Bennett secured a grant from Arapahoe County Open Space to help design and construct a fishing pond at Bennett Regional Park and Open Space Lower Pond (BRPOS). The purpose of the grant project is to turn the lower pond at BRPOS into a recreational fishing pond that will be open and free to the public while still providing adequate storage for existing and future storm water drainage. The Town issued a request for proposal (RFP) on January 13, 2022, for Bennett Regional Park and Open Space Lower Pond Fishing Improvements. Town Staff is committed to recruiting the best talent and resources to build the Town of Bennett's improvements and infrastructure. As a result, the Town team personally approached and invited five known, trusted and highly qualified civil construction firms that have successfully provided high-performance improvements in the Town previously. The work outlined and required by this RFP is unique, and even a bit challenging due to the mix of tasks, and some of the salvage and reuse, as well as high-care items involved. As a result, the Town had only two contractors respond to the RFP. However, both responding firms were very active and thorough, and asked numerous insightful questions about the project. Below is a summary of the responses received for RFP 22-002 and the prior Town experience for each. Proposals were due on February 10 at 2:00 p.m.

The Town received the following qualified responses:

- Kuhn Construction, Inc.: Kuhn Construction, Inc. is a local company that has worked on numerous projects throughout the Town including the most recent BRPOS trail construction and upper pond repurposing. Kuhn Construction, Inc. met all the RFP criteria and gave some additional insight and recommendations on the existing pond liner recommendations.
- Anson Excavating & Pipe, Inc.: Anson Excavating is located in Craig, CO and have worked with the Town on a few utility and concrete projects. Anson Excavating met all of the RFP criteria.

After a thorough evaluation of the contractors and their submitted bids, Staff believes both companies would be qualified to complete this project. When comparing the two bids with

the current grant budget of \$650,000 (\$487,500 Grant and Cash Match of \$162,500 from the reserved Antelope Hills Redemption Fund located in the General Fund) both bids exceeded the current budget. Town Staff conducted a meeting with Kuhn Construction, Inc. to include a phased approach so Town Staff can proceed with the current grant. Anson Excavating due to mobilization and base costs of the bid could not fit into the current budget. Kuhn Construction, Inc. while providing their pricing met with Raven Industries on-site to conduct a detailed evaluation, to address the pond liner as a spliced "curtain" area reduction per the RFP instruction. From their investigation, the Kuhn-Raven team determined the current liner was sun damaged and had a large potential to leak due to the existing liner age of over 15 years. Town Staff worked diligently with Kuhn Construction, Inc. to carefully and thoughtfully reduce the base scope of the original RFP-requested fishing pond improvements, and in turn to upgrade the critical improvement of providing an entirely new, earth-protected and UV-ray resistant liner for the final fishing pond area. The pond liner is the foundation of the fishing pond and Staff's sense was that the pond and fishing amenity would never be more successful than its ability to hold onto our precious Town water. After Town Staff met with Kuhn Construction, Inc. to determine priority and costs Kuhn Construction, Inc. updated their proposal to remove, specific items that Town Staff will need to add to a second phase of the Fishing Pond Grant. The updated proposal from Kuhn Construction, Inc. dated February 10, 2022, includes the reduced scope with the updated full liner.

TRUSTEE VITTUM MOVED, MAYOR PRO TEM HARRELL SECONDED to authorize the Mayor and the Town of Bennett to enter into a standard Town contract agreement with the updated Kuhn Construction, Inc. proposal dated February 10, 2022 in the amount no to exceed \$574,000.00. The voting was as follows:

YES: Vittum, Barden, Harrell, Oakley, Pindell, Smith, Sus  
NO: None

Mayor Royce D. Pindell declared the motion passed four aye's to two no's.

## **2. Lafever Building Systems – Change Order PW-007**

Daymon Johnson, Capital Projects Director, reported to the Board of Trustees, The Town contracted Lefever Building Systems (LBS) to complete the construction of our new Public Works facility on the NOMCOM Campus. The contract date between LBS and the Town was 5/24/2021 and was for a total of \$2,856,110 with a date of completion of 5/31/2022.

The date of substantial completion initially was 4/1/2022; however, due to delays with materials, the completion has been amended to 5/31/2022.

Through various cost analyses and material discussions, Town staff has reviewed and processed change orders to date as a part of the allowable contingency of the contract. Staff value engineered a deduction of \$168,056 for grading and site utilities, taking the contract well below its initial estimate.

Per the finance policy, Staff is seeking Board consideration of change order PW-006 for \$182,518, which is 5% of the contract total.

The first part of this change (\$134,349) is the materials and labor for tenant improvements (TI). At the contract, Staff was operating on budget allowance for the TI work, understanding the TI drawings were not final. Final drawings were completed and released by D2C Architects on 6/15/2021, followed by the procurement of TI materials on 2/15/2022. Furthermore, the finalized TI work includes a fire sprinkler system, additional lighting and fixture upgrades, the interior door package and radiant heaters. These items were budget allowances in the initial core, shell drawings, and included the GMP proposal; however, some of those budget allowances were lower than current pricing and those material changes are what is shown here.

The second half of this change order (\$48,169) on page 2 is for material increases from suppliers. Simply put, the materials market volatility right now, and for the last several months, has been at an unprecedented level. Some suppliers are holding pricing for less than 24hrs. This cost is directly attributed to materials shortages and/or changes relating to materials availability and pricing fluctuations.

Overall, while this change order is \$182,518, the total contract change is an additional \$77,030. This overage is covered in the Public Facilities Impact Fund.

TRUSTEE SMITH MOVED, TRUSTEE VITTUM SECONDED to authorize Town Staff to execute change order PW-007 with Lefever Building Systems in an amount not to exceed \$182,518 for contractor services to continue the construction of the new Public Works facility.

The voting was as follows:

YES:	Sus, Barden, Harrell, Oakley, Pindell, Smith
NO:	None

Mayor Royce D. Pindell declared the motion passed unanimously.

## **6. TOWN ADMINISTRATOR REPORT**

Trish Stiles, Town Administrator, reported on the following:

- Attended the monthly CDOT meeting. Discussion included the pedestrian crosswalks issues. Bennett residents submitted 200 of the 2,000 comments.
- Met with Peter Cozinsky and DRCOG to discuss the TIP cycles.
- A draft of the MOU will be coming before the board regarding the 304-bridge design.
- Adams County Sheriff is providing regular updates to Ms. Stiles.
- Rachel Hampell, new Executive Assistant, will be starting on March 7.
- Ms. Stiles will be on vacation from February 26 – March 6. Ms. Summers will be covering during that time.
- The Board retreat will be on February 25 from 8:00 am – 1:00 pm at CORE Electric Coop.

## **7. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

### **Larry Vittum**

Trustee Vittum reported on the following:

- Attended DRCOG

**Royce D. Pindell**

Mayor Pindell reported on the following:

- Offered his thanks to the CSO's.
- Thanked staff for their great work removing snow.

**8. ADJOURNMENT**

TRUSTEE BARDEN MOVED, MAYOR PRO TEM HARRELL SECONDED to adjourn the meeting. The meeting was adjourned at 8:50 p.m. Voting was as follows:

YES: Smith, Vittum, Barden, Harrell, Oakley, Pindell

NO: None

Mayor Royce D. Pindell declared the motion carried by unanimous vote.

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Royce D. Pindell, Mayor

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Christina Hart, Town Clerk

# MEMO



*welcome neighbors.*

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TO: Mayor Pindell and the Board of Trustees

FROM: Dan Giroux, Town Engineer

DATE: March 8, 2022

SUBJECT: CORE Electric Cooperative Utility Underground Access Easement

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The new CORE Electric Cooperative 25-foot easement at the Town's #6 Water Campus is required to convert a current 'blanket easement' covering the entire Town Water Tank parcel into a smaller, metes & bounds based power easement. This covers the new, main, buried power feed for the new Town at-grade water tank and related accessories, including pumps and controls, from CORE Electric Cooperative's State Highway 79 power line. The 25-foot width is required due to some bends in the buried power line alignment from overhead pole to the ultimate use point to the west.

For CORE Use Only		
Township: 3S	Range: 63W	Section: 33
W/O #: ELD4906		
Legal:		
RECEPTION # 2017000068187		
Engineer: BDK		

**CORE ELECTRIC COOPERATIVE**  
**5496 North U.S. Highway 85**  
**Sedalia, Colorado 80135**  
**303-688-3100**

**UTILITY UNDERGROUND ACCESS EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that  
TOWN OF BENNETT

(“Grantor”), for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto CORE Electric Cooperative, a Colorado non-profit corporation and electric cooperative and to its successors or assigns, a perpetual non-exclusive easement 25 feet in width (“the Easement”) for the construction and continued operation, maintenance, inspection, repair, alteration, and replacement of underground electric distribution and communication facilities and underground cables, wires, conduits, above ground transformers, switches, manholes, splicing boxes, testing terminals, devices, attachments, and other incidental equipment (collectively “the Facilities”) located upon, under, and across the following real property belonging to Grantor situated in the County of Adams, State of Colorado, and more particularly described as follows:

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

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

The undersigned agrees that all Facilities installed upon, under, and across the Easement by CORE shall remain the property of and may be removed at the option of CORE

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

The undersigned Grantor(s) warrant that they are the owner of the Easement property and that the property is free and clear of encumbrances and liens of whatsoever character except the following:

\_\_\_\_\_  
\_\_\_\_\_



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

In the presence of:

\_\_\_\_\_

**TOWN OF BENNETT**

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

STATE OF COLORADO            )  
  ) ss.  
County of                         )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
by \_\_\_\_\_.

Witness my hand and official seal.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

## DESCRIPTION FOR EASEMENT

BEING a description of a Twenty-Five (25) foot wide easement, situated in the Northeast Quarter of the Northeast Quarter of Section 33, Township Three (3) South, Range Sixty-Three (63) West of the 6th P.M., Adams County, Colorado. The boundary of said easement being more particularly described as follows:

COMMENCING at the Northeast corner of Section 33; thence SOUTH 00°26'55" EAST 954.15 feet along the EAST line of the Northeast Quarter of Section 33; thence SOUTH 89°33'05" WEST 50.05 feet to the WEST Right-of-Way of State Highway 79 and POINT OF BEGINNING;

Thence SOUTH 89°09'20" WEST 500.00 feet along the NORTH line of Town of Bennett Water Tank parcel;

Thence SOUTH 00°26'55" EAST 25.00 feet;

Thence NORTH 89°09'20" EAST 500.00 feet parallel to the NORTH line of Town of Bennett Water Tank parcel to the WEST Right-of-Way of State Highway 79;

Thence NORTH 00°26'55" WEST 25.00 feet to along said Right-of-Way to the POINT OF BEGINNING

Containing 0.29 acres more or less.

### EXHIBIT A

Plot Date: 02/25/22 8:10am, Plotted by: mtkid, Drawing Path: N:\Swap\AcPublish\_7580\Drawing Name: Water Tank Electrical Easement exhibit.dwg

Date:	25/FEB/22
Job No:	728
Drawn:	LD
Design:	DPG
Checked:	
File:	WT Ease
Scale:	1" = 100'

### TOWN OF BENNETT #6 WATER CAMPUS CORE COOPERATIVE ELECTRICAL EASEMENT



Plot Date: 02/25/22-8:10am, Plotted by:mtkid, Drawing Path: N:\Swap\AcPublish\_7580\Drawing Name:Water Tank Electrical Easement exhibit.dwg

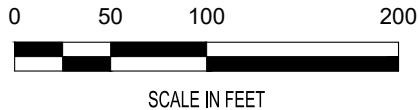
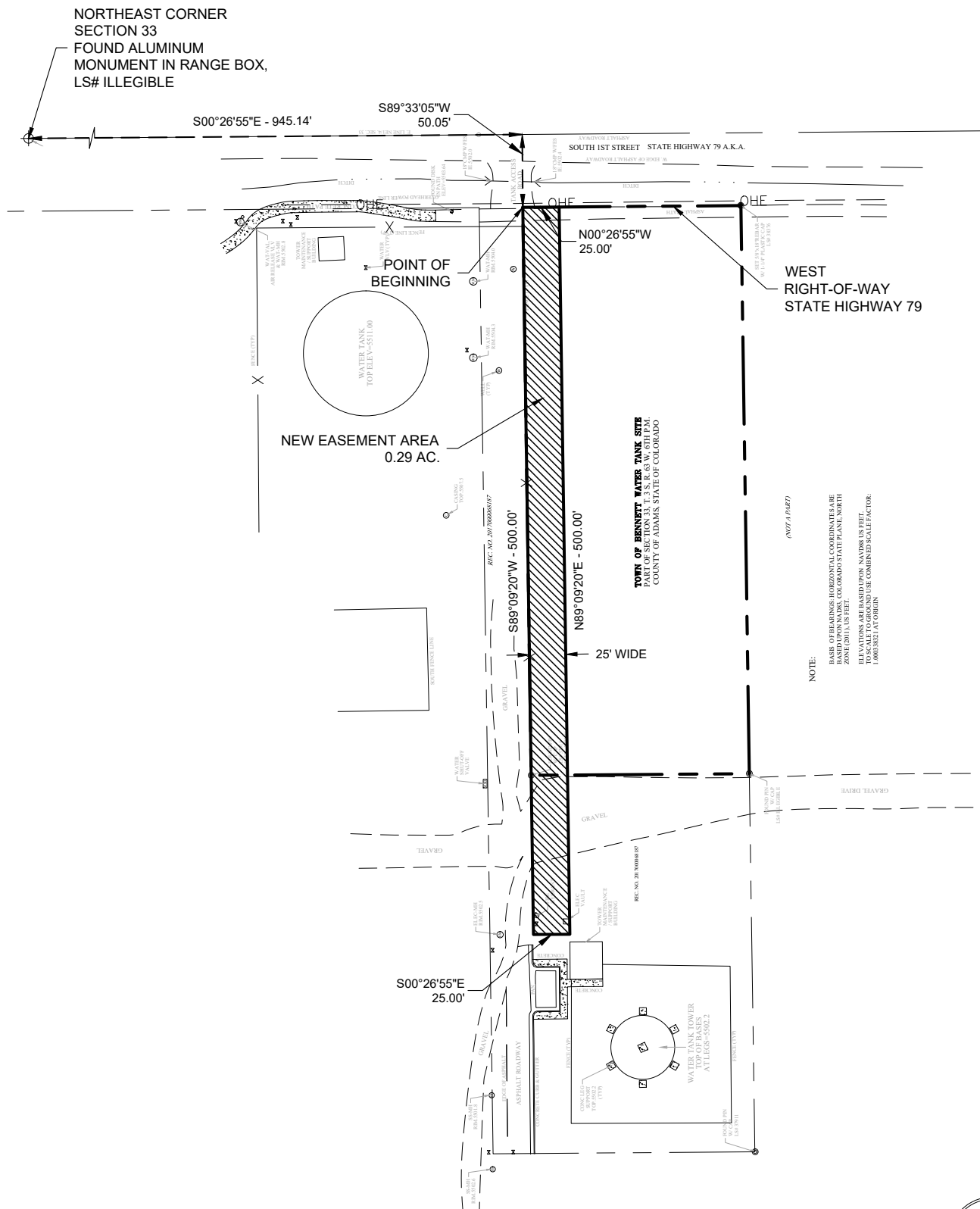


EXHIBIT B



Date:	25/FEB/22
Job No:	728
Drawn:	LD
Design:	DPG
Checked:	
File:	WT Ease
Scale:	1" = 100'

**TOWN OF BENNETT #6 WATER CAMPUS  
CORE COOPERATIVE ELECTRICAL EASEMENT**

**TERRAMAX** CONSULTING ♦ ENGINEERING

4220 GOLF VISTA DRIVE  
LOVELAND, COLORADO 80537  
DANGIROUX@TERRAMAX.US  
(303) 929-3194

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

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

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

The Procedure for the public hearing will be as follows:

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

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

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

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

**NEXT**, the Board may ask questions of anyone who testified.

I will then close the public hearing and no further testimony or other evidence will be received. The Board 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.

**MAYOR:** Do we have proper notification?

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

Do any Trustees have any disclosures?

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

Town staff, please introduce the applicant and provide your staff report.

*[Staff presentation]*

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

*[Applicant presentation]*

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

*[Question and Answer]*

**MAYOR:** 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.

**MAYOR:** Does the applicant wish to respond to any of the comments?

*[Opportunity for applicant to provide any rebuttal evidence]*

**MAYOR:** Before we turn to Trustee 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 Trustee 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?

**MAYOR:** I will now close the public hearing and the Trustees will deliberate on the evidence presented. During deliberations, Trustees 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.]*

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

May we have a Roll-Call vote?

Motion carries/fails.

# STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees  
FROM: Steve Hebert, Planning and Economic Development Manager  
DATE: March 8, 2022  
SUBJECT: Case No. 21.42 – Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat

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

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

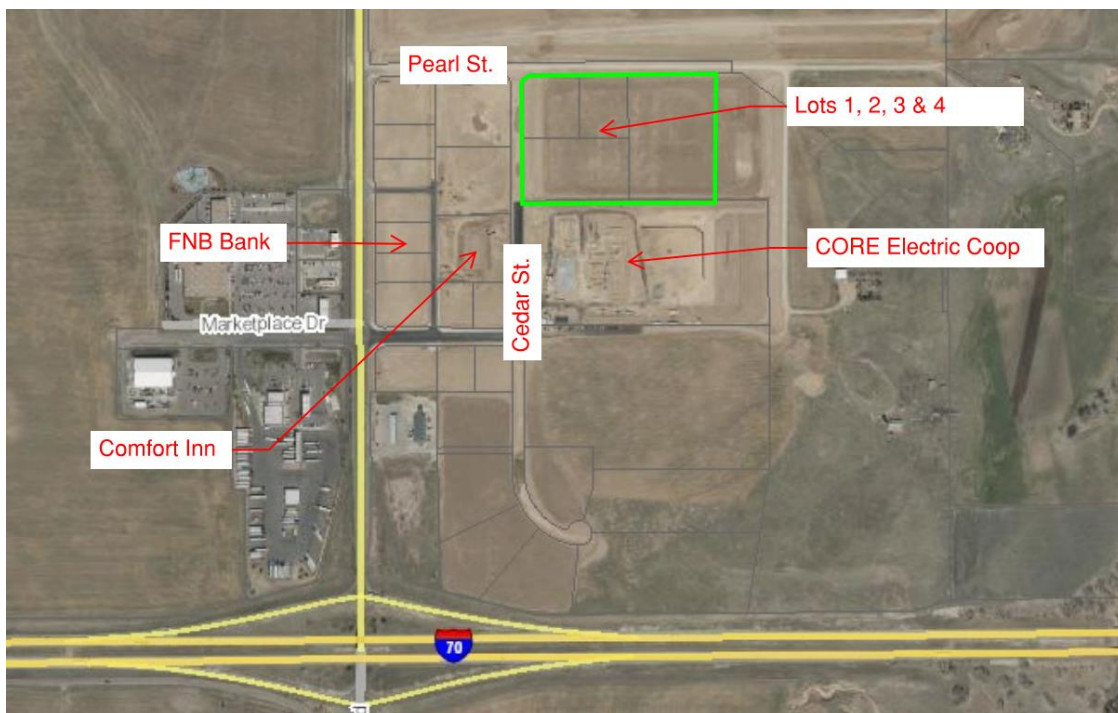
**Purpose:** Adjust Lot Lines, Creating Five Lots Out of Four

## Background

The applicant is proposing an amendment to the Bennett Crossing Filing No. 3 Final Plat to rearrange lots lines and create an additional buildable lot. Per Section 16-2-340 of the Bennett Municipal Code, boundary line adjustments that create additional lots shall be considered a minor subdivision and must be reviewed by the Planning and Zoning Commission and the Board of Trustees.

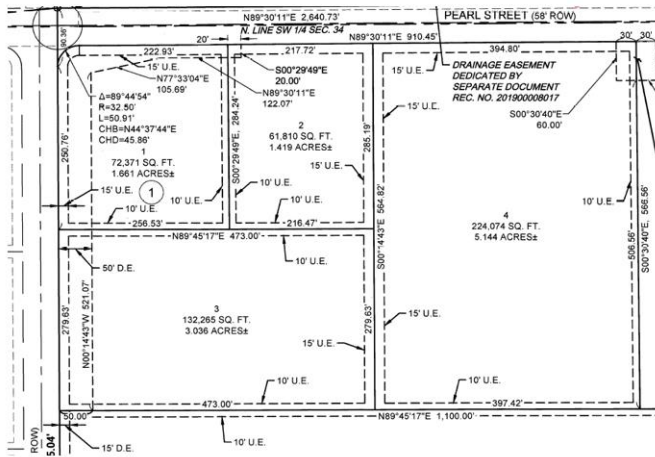
## Proposed Amendment to Filing No. 3

Lots 1, 2, 3 and 4 of Block 1, in the Bennett Crossing Filing 3 subdivision are shown in the vicinity map below:

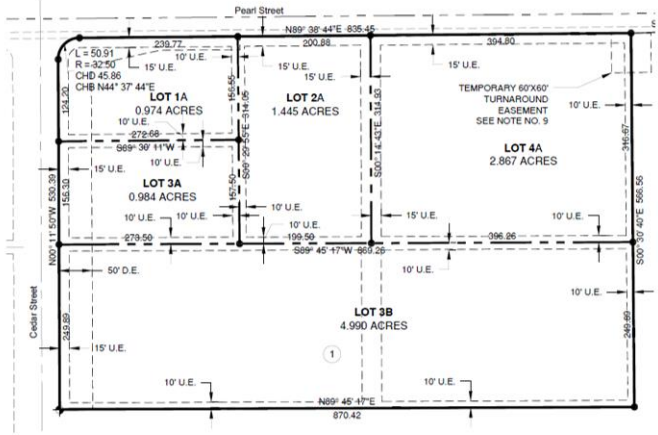


The existing lot configuration of Bennett Crossing Filing No. 3, at the southeast corner of Cedar Street and Pearl Street, is shown below on the left. Lots 1-4 are to be replatted into five lots (1A, 2A, 3A, 3B and 4A) shown on the right below. A full size version of the plat document is attached.

Existing Lot Configuration



Proposed Lot Configuration



## Staff Analysis and Findings

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

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

## Public Comment

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

## Planning and Zoning Commission Recommendation

The Planning and Zoning Commission adopted Resolution No. 2022-05 on February 28, 2022, recommending approval of the Bennett Crossing Filing 3 Amendment No. 1 Final Plat, subject to conditions.

## Staff Recommendation

Staff recommends the Board adopt Resolution No. 906-22, approving Bennett Crossing Filing 3, Amendment No. 1 Final Plat, with the following conditions:


1. provide an easement, acceptable to the Town and the Bennett-Fire Watkins Fire District that will serve as secondary or emergency access to lot 3B and access to adjacent stormwater facilities;
2. update plat notes related to easements and maintenance in a manner directed by the Town Engineer; and,
3. make other minor modifications as directed by Town Staff, Town Engineer and Town Attorney.

## **Attachments**

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1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Applicant's Letter of Intent
4. Bennett Crossing Filing No. 3 Final Plat, Amendment No. 1
5. Original Bennett Crossing Filing No. 3 Recorded Final Plat
6. Combined Referral Comments
7. Planning and Zoning Commission Resolution No. 2022-05
8. Draft Board of Trustees Resolution No. 906-22





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

Town of Bennett Board of Trustees

March 8, 2022

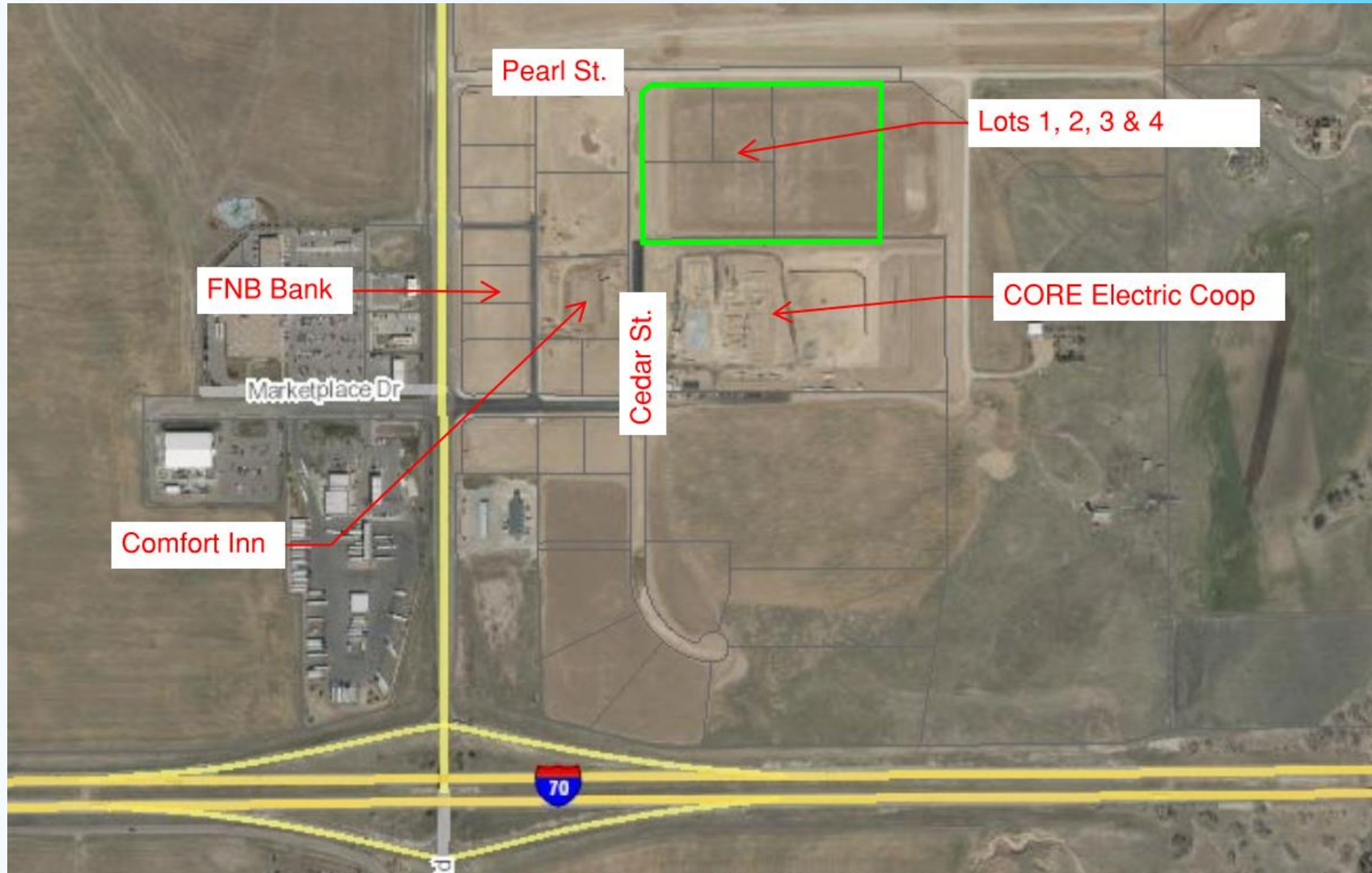
Steve Hebert, Planning & Economic Development Manager

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

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

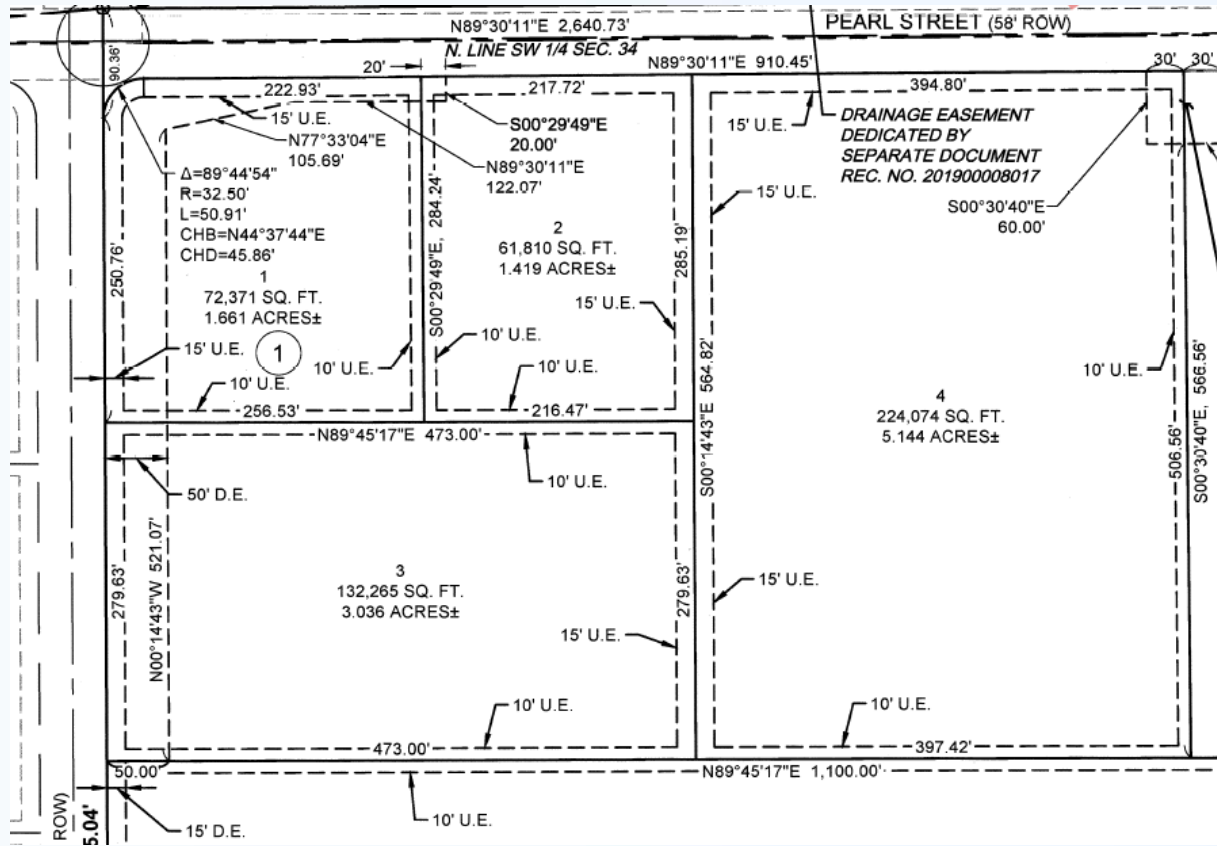
# Bennett Crossing Filing 3, Amendment No.1

## Vicinity Map

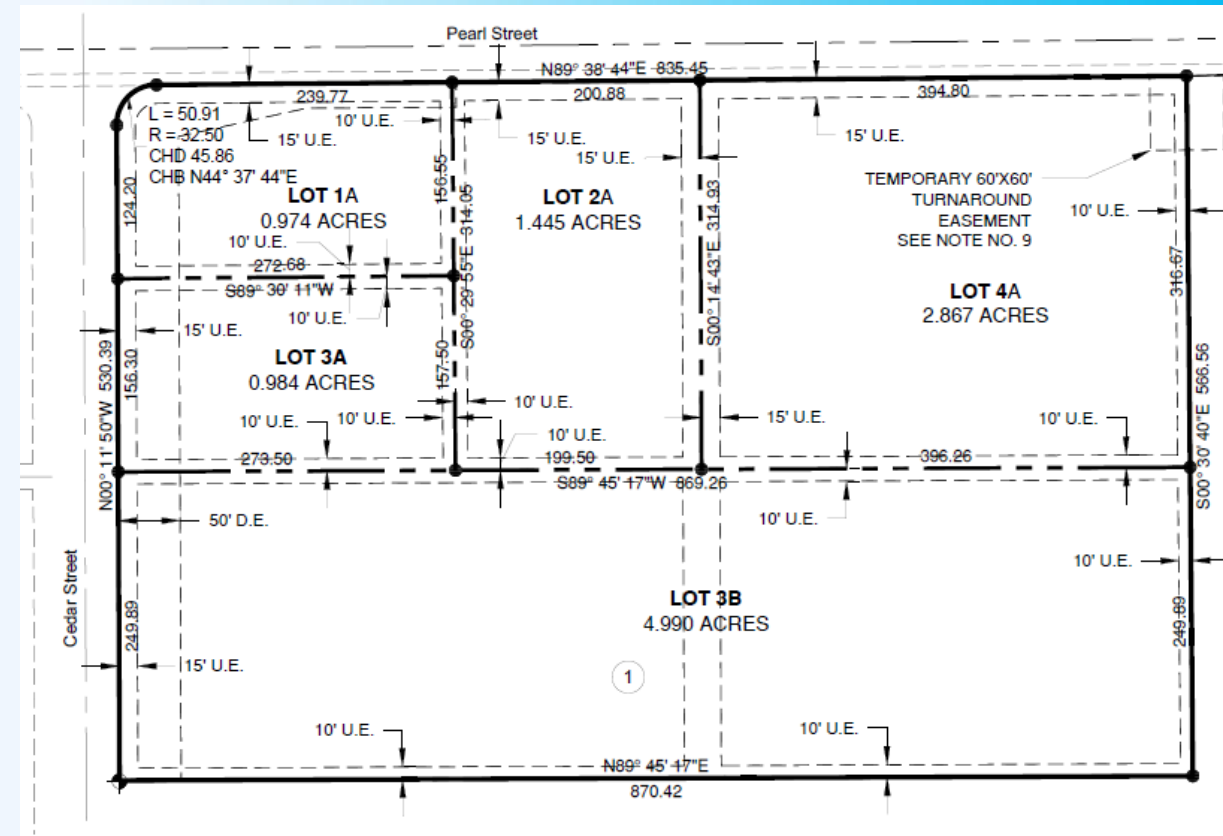


# Amendment No. 1 Proposed Lot Line Changes

## Existing Lot Configuration



## Proposed Lot Configuration



# Review Criteria and Staff Findings

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

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

# Planning and Zoning Commission Recommendation

The Planning and Zoning Commission adopted Resolution No. 2022-05 on February 28, 2022, recommending approval of the Bennett Crossing Filing 3 Amendment No. 1 Final Plat, subject to conditions.



## Staff Recommendation

Staff recommends the Board adopt Resolution No. 906-22, approving Bennett Crossing Filing 3, Amendment No. 1 Final Plat, with the following conditions:

Before recording the final plat, the applicant shall

1. provide one or more easements, acceptable to the Town and the Bennett-Fire Watkins Fire District that will serve as secondary or emergency access to lot 3B and access to adjacent stormwater facilities;
2. update plat notes related to easements and maintenance in a manner directed by the Town Engineer; and,
3. make other minor modifications as directed by Town Staff, Town Engineer and Town Attorney.

## Town of Bennett Land Use Application Form

*TO BE COMPLETED BY APPLICANT*

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

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

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

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

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



November 12, 2021

**Town of Bennett, Planning Department**

207 Muegge Way

Bennett, CO 80102

Attention: Steve Hebert, AICP



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

Dear Steve,

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

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

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

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

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

Sincerely,

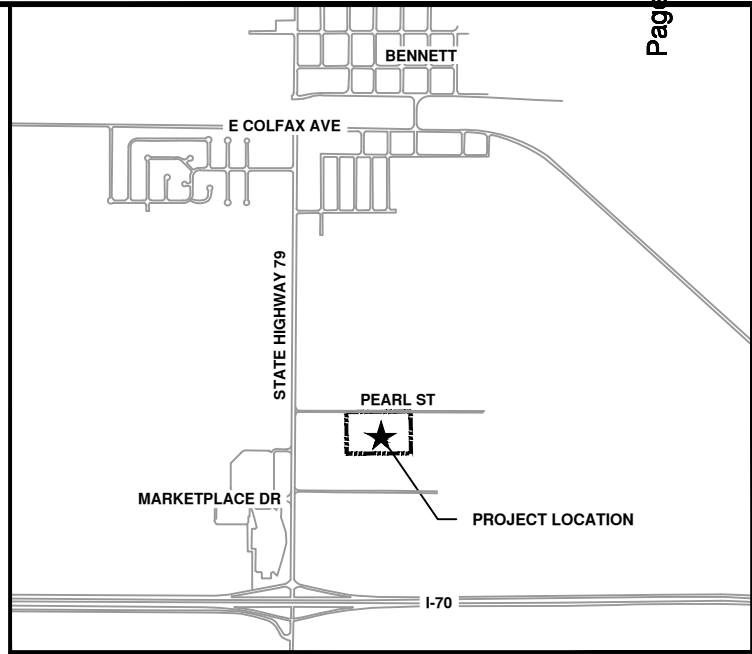
**Strategic Site Designs, LLC**

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

Owner

Enclosures: Refer to List in Body of Letter

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



VICINITY MAP  
NTS

**LEGEND**

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

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

**NOTES:**

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

**PURPOSE STATEMENT:**

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

**OWNERSHIP CERTIFICATE**

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

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

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

AS: MANAGING MEMBER.

NOTARY PUBLIC  
STATE OF COLORADO  
COUNTY OF ADAMS

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

WITNESS MY HAND AND OFFICIAL SEAL NOTARY SEAL

NOTARY PUBLIC

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

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

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

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

**TOWN OF BENNETT APPROVAL**

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

MAYOR

ATTEST: TOWN CLERK

**LEGAL DESCRIPTION AND DEDICATIONS:**

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

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

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

**CLERK AND RECORDER'S CERTIFICATE**

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

CLERK AND RECORDER

DEPUTY COUNTY

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

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



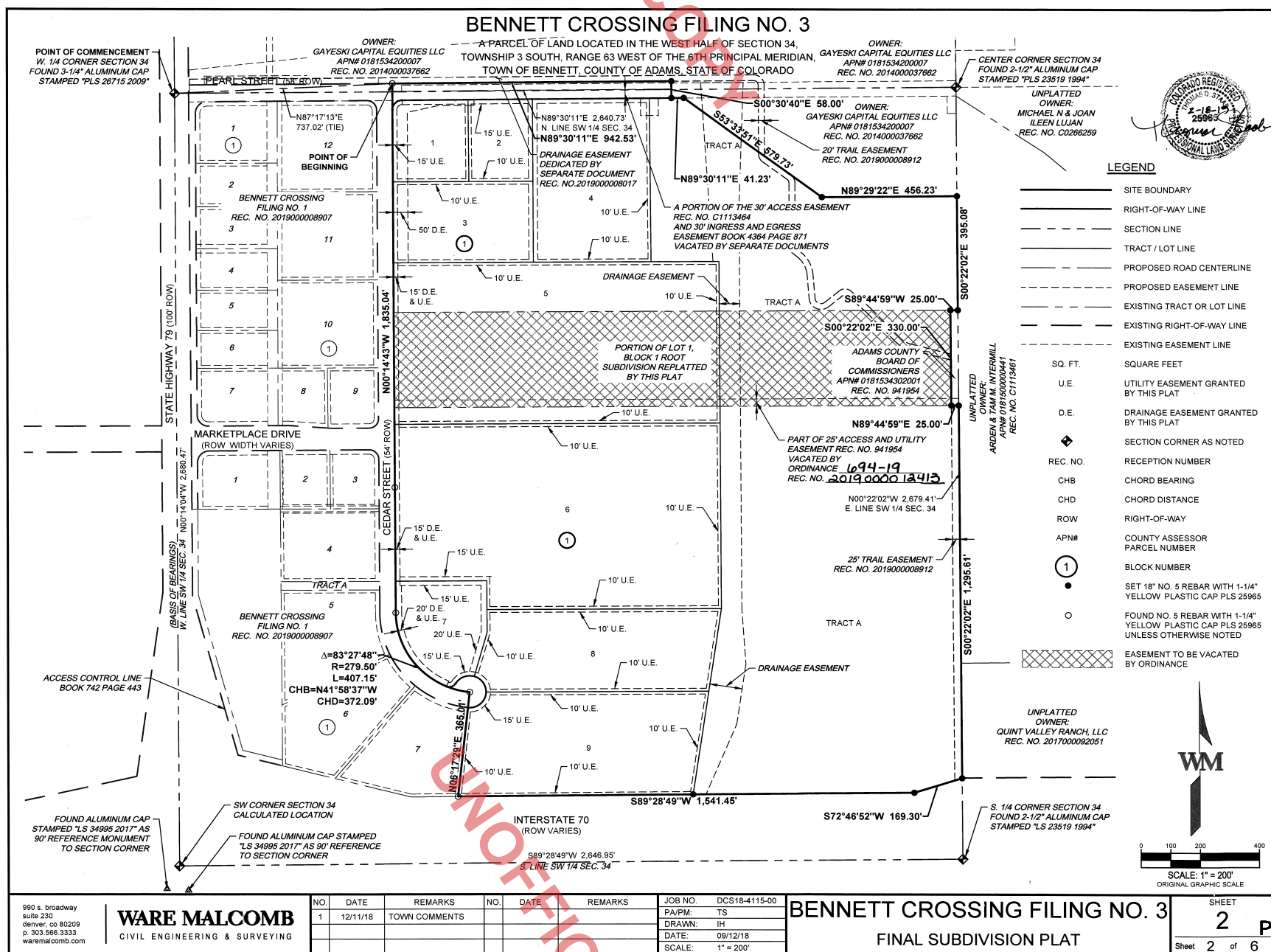
PROJ. NO.	00040.0000.0014	SURVEYED	DRAWN	CHECKED	SHEET	OF
DATE:	9/15/2021		CRN	ALK	1	1

RECEPTION: 201900012642,  
2/21/2019 at 9:59 AM, 1 OF 6,  
REC: 563.00  
TD Pgs: 0 Josh Zieglerham, Adams County, CO.

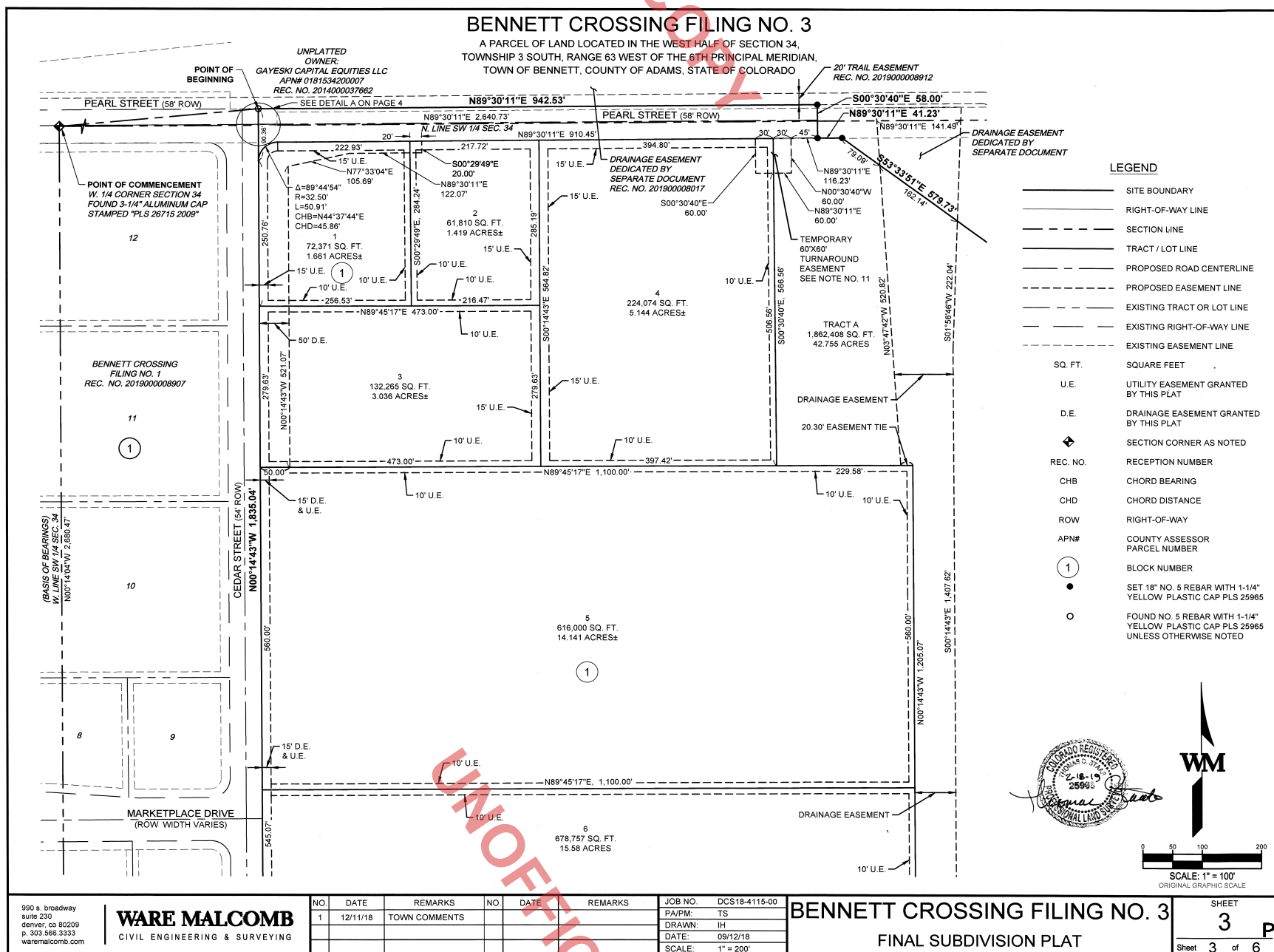
<p><b>PURPOSE STATEMENT:</b> THIS BENNETT CROSSING FILING NO. 3 PLAT IS INTENDED TO SUBDIVIDE 99.062 ACRES INTO 9 LOTS, 1 TRACT, DEDICATE RIGHT-OF-WAY AND GRANT EASEMENTS.</p> <p><b>OWNERSHIP AND DEDICATION:</b> THE UNDERSIGNED, BEING THE OWNER(S) OF A PARCEL OF LAND SITUATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p><b>COMMENCING</b> AT THE WEST QUARTER CORNER OF SECTION 34 AND CONSIDERING THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 34 TO BEAR NORTH 00°14'04" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:</p> <p>THENCE NORTH 87°8'13" EAST A DISTANCE OF 737.02 FEET TO THE NORTHEAST CORNER OF BENNETT CROSSING FILING NO. 1 RECORDED AT RECEPTION NO. 201900008907 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, AND THE POINT OF BEGINNING;</p> <p>THENCE NORTH 89°30'11" EAST A DISTANCE OF 942.53 FEET; THENCE SOUTH 00°30'40" EAST A DISTANCE OF 58.00 FEET; THENCE NORTH 89°30'11" EAST A DISTANCE OF 41.23 FEET; THENCE SOUTH 53°33'51" EAST A DISTANCE OF 579.73 FEET; THENCE NORTH 89°29'22" EAST A DISTANCE OF 456.23 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00°22'02" EAST ALONG SAID EAST LINE A DISTANCE OF 395.08 FEET TO THE NORTHEAST CORNER OF THAT 25-FOOT PARCEL DEDICATED TO ADAMS COUNTY BY ROOT SUBDIVISION RECORDED AT RECEPTION NO. 941954 OF THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;</p> <p>THENCE ALONG THE BOUNDARY OF SAID PARCEL THE FOLLOWING THREE (3) COURSES:</p> <p>1) SOUTH 89°44'59" WEST A DISTANCE OF 25.00 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; 2) SOUTH 00°22'02" EAST A DISTANCE OF 330.00 FEET; 3) NORTH 89°44'59" EAST A DISTANCE OF 25.00 FEET;</p> <p>THENCE SOUTH 00°22'02" EAST ALONG SAID EAST LINE A DISTANCE OF 1,295.61 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 70;</p> <p>THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:</p> <p>1) SOUTH 72°46'52" WEST A DISTANCE OF 169.30 FEET; 2) SOUTH 89°28'49" WEST A DISTANCE OF 1,541.45 FEET TO THE SOUTHEAST CORNER OF SAID BENNETT CROSSING FILING NO. 1;</p> <p>THENCE ALONG THE EAST BOUNDARY OF SAID BENNETT CROSSING FILING NO. 1 THE FOLLOWING THREE (3) COURSES:</p> <p>1) NORTH 06°17'29" EAST A DISTANCE OF 365.01 FEET TO A POINT OF CURVATURE; 2) ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 83°27'48", A RADIUS OF 279.50 FEET, AN ARC LENGTH OF 407.15 FEET AND A CHORD THAT BEARS NORTH 41°58'37" WEST A DISTANCE OF 372.09 FEET; 3) NORTH 00°14'43" WEST A DISTANCE OF 1,835.04 FEET TO THE POINT OF BEGINNING;</p> <p>SAID PARCEL CONTAINS AN AREA OF 4,315,151 SQUARE FEET, OR 99.062 ACRES, MORE OR LESS.</p> <p>HAVE LAID OUT, PLATTED, AND SUBDIVIDED THE ABOVE DESCRIBED LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF <b>BENNETT CROSSING FILING NO. 3</b>, A SUBDIVISION OF A PART OF THE TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO, AND HEREBY DEDICATE TO THE TOWN OF BENNETT IN FEE SIMPLE THE STREETS AND ALL OTHER PUBLIC WAYS AND PUBLIC PLACES AS SHOWN ON THE PLAT FOR PUBLIC USE THEREOF FOREVER, AND HEREBY DEDICATES TO THE USE OF THE TOWN OF BENNETT, ALL SERVING PUBLIC UTILITY, AND OTHER APPROPRIATE ENTITIES SUCH EASEMENTS AS ARE CREATED HEREBY AND DEPICTED, OR BY NOTE, REFERENCED HEREON, ALONG WITH THE RIGHT TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, INSPECT AND OPERATE MAINS, TRANSMISSION, DISTRIBUTION AND SERVICE LINES AND APPURTENANCES OR OTHER IMPROVEMENTS FOR WHICH THE EASEMENTS WERE GRANTED, TOGETHER WITH THE RIGHT OF ACCESS, ON, ALONG AND IN ALL OF THE EASEMENTS, EITHER DIRECTLY OR THROUGH THE VARIOUS APPLICABLE SERVICE PROVIDERS AS MAY BE NECESSARY TO ACCOMPLISH THE INTENDED PURPOSES OF THE EASEMENT, UNLESS MORE NARROWLY DEFINED BY NOTE HEREON. "UTILITY" SHALL MEAN SEWER, WATER, DRAINAGE, ELECTRICITY, GAS, TELEPHONE, CABLE AND OTHER TELECOMMUNICATIONS FACILITIES.</p> <p>IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COST INVOLVED IN CONSTRUCTING AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, STORM DRAINAGE WORKS AND LINES, WATER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE WORKS AND LINES, LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OR ARRANGEMENTS MADE BY THE SUBDIVIDER THEREOF WHICH ARE APPROVED BY THE TOWN OF BENNETT, COLORADO, AND SUCH SUMS SHALL NOT BE PAID BY THE TOWN OF BENNETT, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED WHEN ACCEPTED BY THE TOWN OF BENNETT SHALL BECOME THE SOLE PROPERTY OF SAID TOWN OF BENNETT, COLORADO, EXCEPT PRIVATE ROADWAY CURBS, GUTTER AND PAVEMENT AND ITEMS OWNED BY MUNICIPALITY FRANCHISED UTILITIES, AND/OR OTHER SERVING PUBLIC ENTITIES, WHICH WHEN CONSTRUCTED OR INSTALLED SHALL REMAIN AND/OR BECOME PROPERTY OF SUCH MUNICIPALITY FRANCHISED AND/OR OTHER SERVING PUBLIC ENTITIES AND SHALL NOT BECOME THE PROPERTY OF THE TOWN OF BENNETT, COLORADO.</p>		<p align="center"><b>BENNETT CROSSING FILING NO. 3</b></p> <p align="center">A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO</p> <p><b>NOTES:</b></p> <p>1. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.</p> <p>2. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF CERTIFICATION SHOWN HEREON.</p> <p>3. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, ASSUMED TO BEAR NORTH 00°14'04" WEST, AND IS MONUMENTED AS SHOWN HEREON.</p> <p>4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY WARE MALCOMB TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL TITLE INFORMATION OF RECORD, WARE MALCOMB RELIED UPON TITLE REPORT NO. N00196776-010-T02-LP, ISSUED BY CHICAGO TITLE INSURANCE COMPANY, HAVING AN EFFECTIVE DATE OF NOVEMBER 2, 2018 AT 8:00 A.M.</p> <p>5. THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE UNITED STATES SURVEY FOOT AS DEFINED BY THE U.S. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S NATIONAL GEODETIC SURVEY.</p> <p>6. SURFACED, ACCESS ROADS CAPABLE OF WITHSTANDING THE IMPOSED LOADS OF FIRE APPARATUS AND ALL REQUIRED FIRE HYDRANTS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING CONSTRUCTION.</p> <p>7. RIGHT-OF-WAY FOR INGRESS AND EGRESS FOR EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON, AND THROUGH ANY AND ALL PRIVATE ROADS AND DRIVES.</p> <p>8. ALL PRIVATE ROADS AND DRIVES ARE HEREBY DESIGNATED AS FIRE LANES. WHEN REQUIRED, ALL THE FIRE LANES SHALL BE POSTED "NO PARKING-FIRE LANE". ALL FIRE LANES SHALL BE INCLUDED INTO THE TOWN OF BENNETT PROGRAM FOR ENFORCEMENT OF PRIVATE PROPERTY PARKING.</p> <p>9. TRACT A SHALL BE OWNED AND MAINTAINED BY SUBDIVIDER AND MAY BE SUBJECT TO FUTURE SUBDIVISION.</p> <p>10. THIS PLAT REPLACES A PORTION OF LOT 1, BLOCK 1, ROOT SUBDIVISION AS DEPICTED ON SHEET 2.</p> <p>11. THE TEMPORARY TURNAROUND EASEMENT IN LOT 4, BLOCK 1 AND TRACT A WILL BE VACATED WHEN PEARL STREET IS EXTENDED TO THE EAST AND/OR A NEW TURNAROUND AREA IS CONSTRUCTED AND ACCEPTED BY THE TOWN OF BENNETT.</p>		<p align="center"><b>VICINITY MAP</b> SCALE 1" = 300'</p>																							
<p><b>OWNERSHIP CERTIFICATE</b></p> <p>IN WITNESS THEREOF, GAYESKI CAPITAL EQUITIES, LLC, HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS <u>20th</u> DAY OF <u>FEBRUARY</u>, 20<u>19</u> AD.</p> <p>OWNER: GAYESKI CAPITAL EQUITIES, LLC. 905 WEST 124TH AVENUE, SUITE 200 WESTMINSTER, CO 80234 (303) 457-9700 Larry.Gayeski@comcast.net</p> <p>BY: <i>Larry Gayeski</i> AS: MANAGING MEMBER</p> <p><b>NOTARY PUBLIC</b> STATE OF COLORADO COUNTY OF ADAMS</p> <p>THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS <u>20th</u> DAY OF <u>FEBRUARY</u>, 20<u>19</u> AD. BY LARRY GAYESKI AS MANAGING MEMBER OF GAYESKI CAPITAL EQUITIES LLC.</p> <p>WITNESS MY HAND AND OFFICIAL SEAL NOTARY SEAL</p> <p><i>Bennett J. White</i> NOTARY PUBLIC</p> <p>MY COMMISSION EXPIRES: <u>12-01-2021</u></p> <p>NOTARY ADDRESS: <u>307 MUESSGE WAY</u></p> <p>IN WITNESS THEREOF, _____ HAVE CAUSED THESE PRESENTS TO BE EXECUTED THIS _____ DAY OF _____, 20____ AD.</p>		<p><b>TOWN OF BENNETT APPROVALS</b></p> <p>THIS IS TO CERTIFY THAT THE PLAT OF BENNETT CROSSING FILING NO. 3 WAS APPROVED ON THIS <u>29th</u> DAY OF <u>JANUARY</u>, 20<u>19</u> AD. AND THAT THE MAYOR OF THE TOWN OF BENNETT HEREBY ACKNOWLEDGES SAID PLAT UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.</p> <p><i>Mayor</i> MAYOR</p> <p><i>Deputy J. White</i> DEPUTY TOWN CLERK</p> <p align="center"><b>SEAL</b></p> <p><b>SURVEYOR'S CERTIFICATE</b></p> <p>I, THOMAS D. STAAB, A REGISTERED SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF BENNETT CROSSING FILING NO. 3 PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION ON THE 23RD DAY OF OCTOBER, 2018, AND THAT THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION.</p> <p>SIGNED THIS <u>16th</u> DAY OF <u>FEBRUARY</u>, 20<u>19</u>.</p> <p>THOMAS D. STAAB, P.L.S. NO. 25965 FOR &amp; ON BEHALF OF JANSEN STRAWN CONSULTING ENGINEERS, INC.</p> <p align="center"><b>RECORDER'S CERTIFICATE</b></p> <p>STATE OF COLORADO ) COUNTY OF ADAMS )</p> <p>I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE ON</p> <p>THE <u>19th</u> DAY OF <u>February</u>, 20<u>19</u></p> <p>AT <u>9:59</u> O'CLOCK <u>A.</u> M.</p> <p>RECEPTION NO. <u>201900012642</u></p> <p>CLERK AND RECORDER</p> <p>BY: <i>Handy Johnson</i> DEPUTY</p>																									
<p>990 s. broadway suite 230 denver co 80209 p. 303.566.3333 waremalcomb.com</p> <p><b>WARE MALCOMB</b> CIVIL ENGINEERING &amp; SURVEYING</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REMARKS</th> <th>NO.</th> <th>DATE</th> <th>REMARKS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12/11/18</td> <td>TOWN COMMENTS</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		NO.	DATE	REMARKS	NO.	DATE	REMARKS	1	12/11/18	TOWN COMMENTS				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>JOB NO. DCS18-4115-00</td> <td>PA/PM: TS</td> </tr> <tr> <td>DRAWN: IH</td> <td>DATE: 09/12/18</td> </tr> <tr> <td>SCALE: N/A</td> <td></td> </tr> </table>		JOB NO. DCS18-4115-00	PA/PM: TS	DRAWN: IH	DATE: 09/12/18	SCALE: N/A		<p align="center"><b>BENNETT CROSSING FILING NO. 3</b></p> <p align="center"><b>FINAL SUBDIVISION PLAT</b></p>		<p align="right">SHEET <b>1</b> Page 31</p> <p align="right">Sheet 1 of 6</p>	
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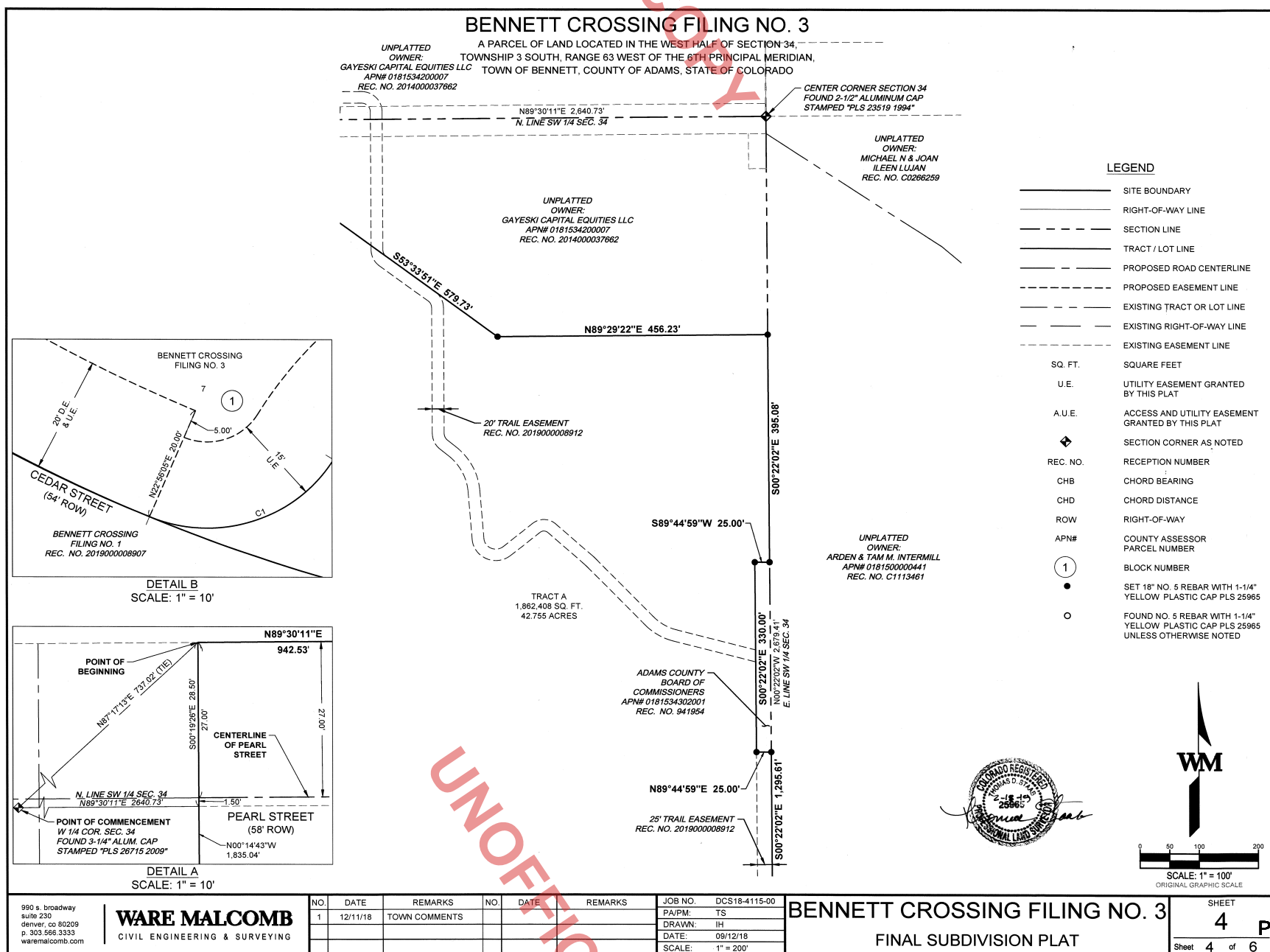
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2/21/2019 at 9:59 AM, 2 OF 6,  
TD Pgs: 0 Josh Zygjelbaum, Adams County, CO.



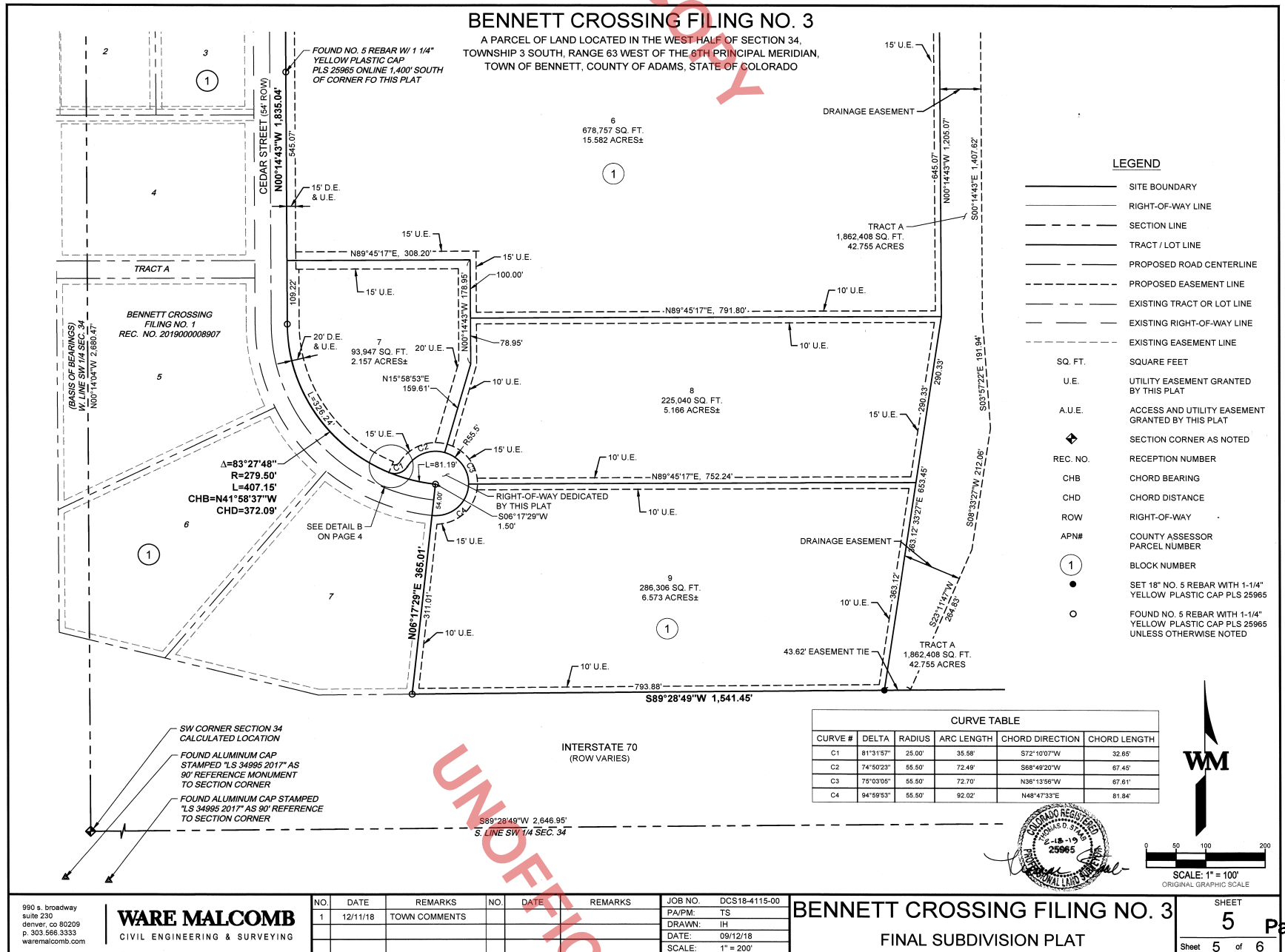
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RECEPTION#: 2019000012642,  
2/21/2019 at 9:59 AM, 4 OF 6,  
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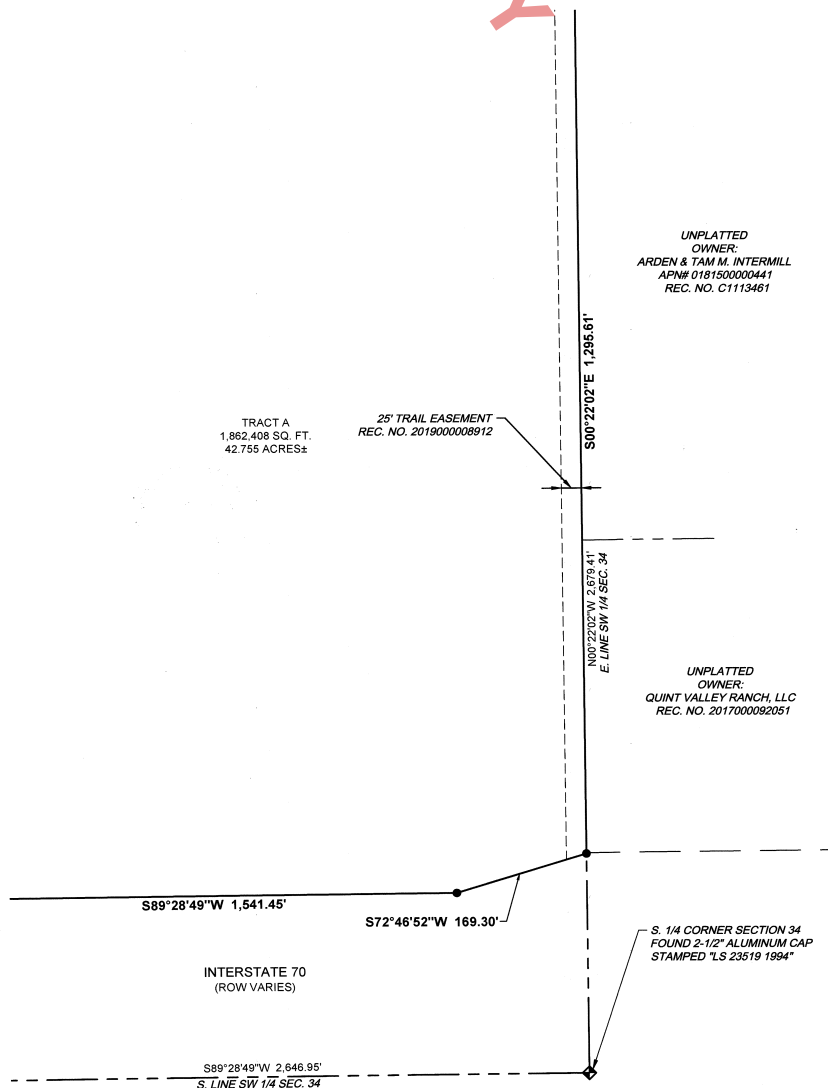
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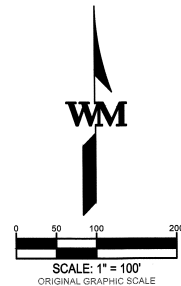
## BENNETT CROSSING FILING NO. 3

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



### LEGEND

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



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

**WARE MALCOMB**  
CIVIL ENGINEERING & SURVEYING

NO.	DATE	REMARKS	NO.	DATE	REMARKS	JOB NO.	DCS18-4115-00
1	12/11/18	TOWN COMMENTS				PA/PM:	TS
						DRAWN:	IH
						DATE:	09/12/18
						SCALE:	1" = 200'

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

3 SHEET  
6  
Sheet 6 of 6







## Engineering Review Memo

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

---

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

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

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

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

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

### **Final Plat & General**

1. Please correct text v linework conflicts.

### **Water System**

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

### **Sanitary Sewer System**

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



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

### **Streets & Access**

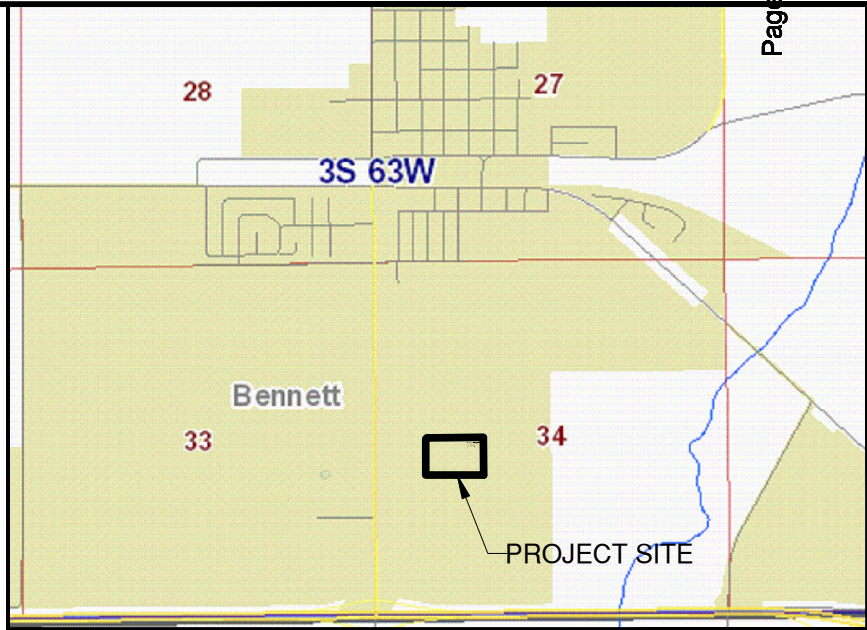
1. Secondary accesses to Lot 3B may be required due to size and dimensions, depending on layout, density, use, and related required emergency access and utility access.
2. Is there not already a Filing 3 secondary access commitment made to the "IREA Lot" to the south? Is the sanitary sewer main route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

### **Stormwater**

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

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

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



VICINITY MAP  
NTS

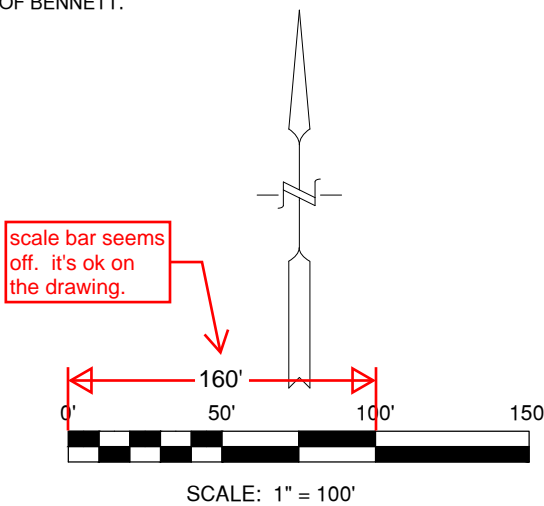
LEGEND

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

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

NOTES:

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



CERTIFICATION:

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

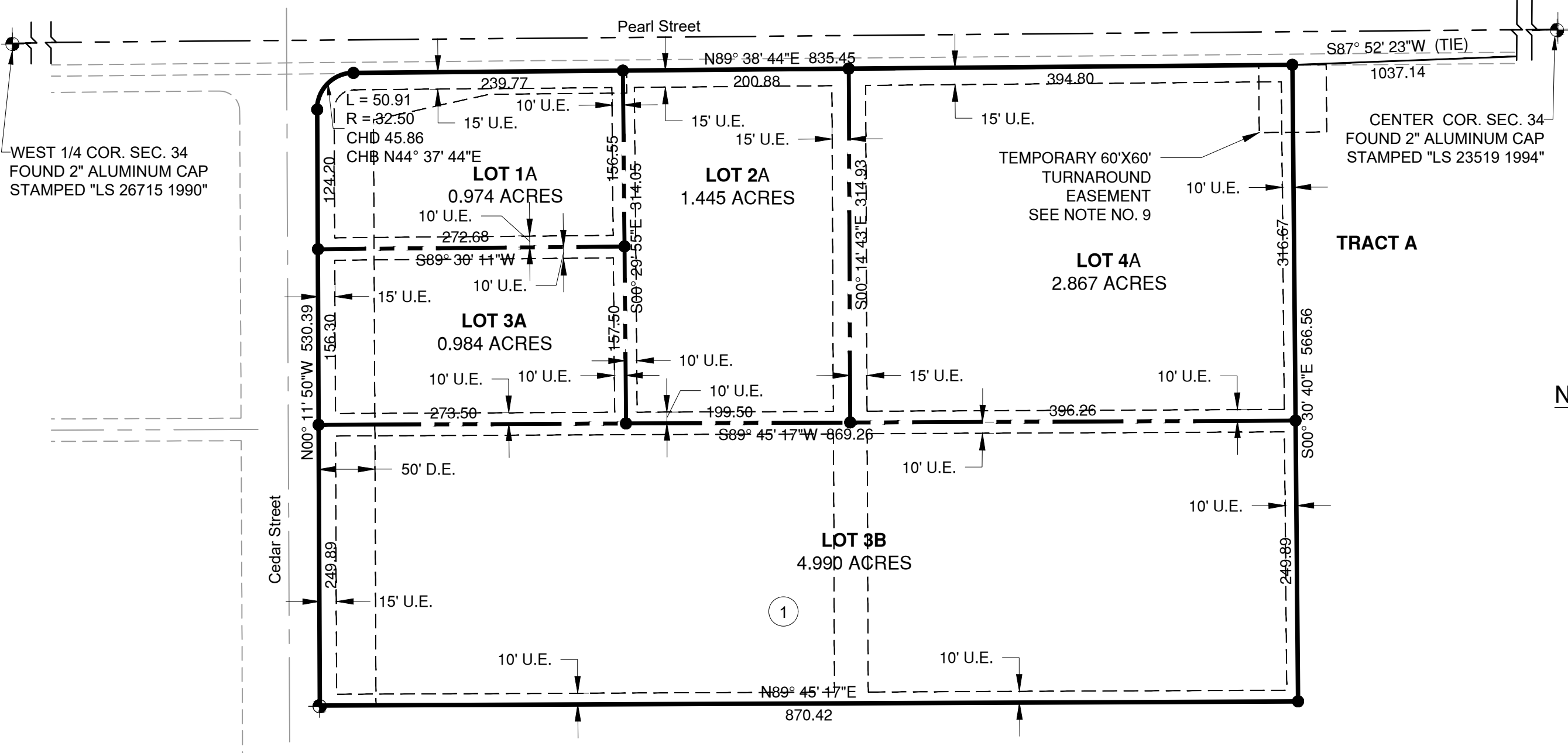
ANTHONY L. KNIEVEL, PLS NO. 38157  
FOR AND ON BEHALF OF CAMPOS, EPC

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



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

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



PURPOSE STATEMENT:

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

OWNERSHIP CERTIFICATE

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

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

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

AS: MANAGING MEMBER.

NOTARY PUBLIC  
STATE OF COLORADO  
COUNTY OF ADAMS

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

WITNESS MY HAND AND OFFICIAL SEAL NOTARY SEAL

NOTARY PUBLIC

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

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

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

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

TOWN OF BENNETT APPROVALS

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

MAYOR

ATTEST: TOWN CLERK

LEGAL DESCRIPTION AND DEDICATIONS:

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

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

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

CLERK AND RECORDER'S CERTIFICATE

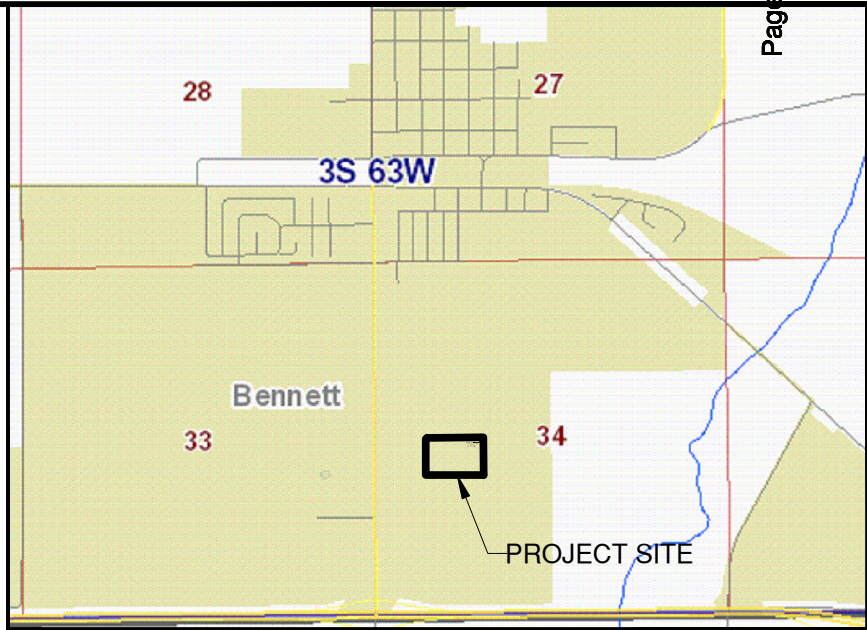
THE FOREGOING PLAT AND DEDICATION WAS FILED FOR RECORDATION IN THE OFFICE OF THE ADAMS COUNTY CLERK AN RECORDER IN THE STATE OF COLORADO AT \_\_\_\_\_, O'CLOCK \_\_\_\_\_, M ON THE DAY OF, \_\_\_\_\_ A.D., 2021

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

CLERK AND RECORDER



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



VICINITY MAP

LEGEND

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

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

NOTES:

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

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



SCALE: 1" = 100'

CERTIFICATION:

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

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

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

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



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

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

PURPOSE STATEMENT:

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

OWNERSHIP CERTIFICATE

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

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

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

AS: MANAGING MEMBER.

NOTARY PUBLIC  
STATE OF COLORADO  
COUNTY OF ADAMS

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

WITNESS MY HAND AND OFFICIAL SEAL NOTARY SEAL

NOTARY PUBLIC

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

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

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

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

TOWN OF BENNETT APPROVALS

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

MAYOR

ATTEST: TOWN CLERK

LEGAL DESCRIPTION AND DEDICATIONS:

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

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

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

CLERK AND RECORDER'S CERTIFICATE

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

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

CLERK AND RECORDER



**Melinda A. Culley**

(303) 298-1601 tel

(303) 298-1627 fax

*melinda@kellypc.com*

### **MEMORANDUM**

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

FROM: Melinda Culley /s/

DATE: January 19, 2022

RE: Bennett Crossing Filing No.3, First Amendment

---

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

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

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

2. Revise the Purpose Statement to read:

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

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



**TOWN OF BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-05**

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

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

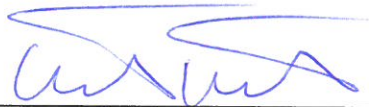
**WHEREAS**, all materials related to the proposed amended final plat been reviewed by Town Staff and found to be in compliance with Town of Bennett zoning ordinance and subdivision regulations; and

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

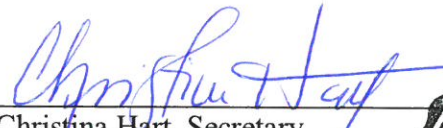
**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF BENNETT, COLORADO:**

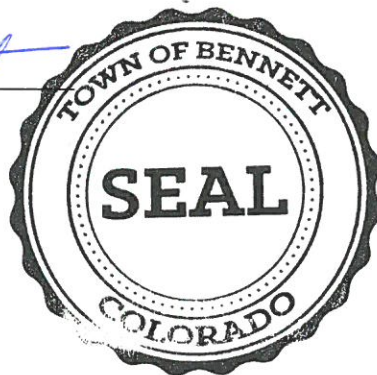
**Section 1.** The Planning and Zoning Commission hereby recommends approval of the proposed Bennett Crossing Filing No. 3 Final Plat, Amendment No. 1, subject to the conditions set forth on Exhibit A, attached hereto and incorporated herein by reference.

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

  
Chairperson

ATTEST:

  
Christina Hart, Secretary



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

Before recording the final plat:

1. provide an easement, acceptable to the Town and the Bennett-Watkins Fire District, for the north service drive to the CORE property (Lot 5, Block 1, Bennett Crossing Filing No 3), which will also serve as secondary or emergency access to lots 3B and 4A and access to adjacent stormwater facilities.
2. update plat notes related to easements and maintenance in a manner directed by the Town Engineer
3. make other minor modifications as directed by Town Staff, Town Engineer and Town Attorney.



**RESOLUTION NO. 906-22**

**A RESOLUTION APPROVING THE  
BENNETT CROSSING FILING 3, AMENDMENT NO. 1 FINAL PLAT**

**WHEREAS**, there has been submitted to the Board of Trustee of the Town of Bennett a request for approval of an amendment to the Bennett Crossing Filing 3 Final Plat; and

**WHEREAS**, all materials related to the proposed amended final plat have been reviewed by Town Staff and found with conditions to be in compliance with Town of Bennett land use and development ordinances; and

**WHEREAS**, after a noticed public hearing, at which evidence and testimony were entered into the record, the Board of Trustees finds that the proposed Bennett Crossing Filing 3, Amendment No. 1 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 Board of Trustees hereby approves the proposed Bennett Crossing Filing No. 3, Amendment No. 1 Final Plat, subject to the conditions set forth on Exhibit A, attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED THIS 8TH DAY OF MARCH 2022.**

TOWN OF BENNETT

\_\_\_\_\_  
Royce D. Pindell, Mayor

ATTEST:

\_\_\_\_\_  
Christina Hart  
Town Clerk

**EXHIBIT A**  
**BENNETT CROSSING FILING 2, AMENDMENT NO. 1 FINAL PLAT**  
**Conditions of Approval**

Before recording the final plat, that applicant shall:

1. provide one or more easements, acceptable to the Town and the Bennett-Fire Watkins Fire District that will serve as secondary or emergency access to lot 3B and access to adjacent stormwater facilities;
2. update plat notes related to easements and maintenance in a manner directed by the Town Engineer; and,
3. make other minor modifications as directed by Town Staff, Town Engineer and Town Attorney.

### **Suggested Motion**

I move to approve Resolution No. 906-22 - A resolution approving the Bennett Crossing Filing 3, Amendment No. 1 Final Plat with the following conditions of approval:

1. Provide one or more easements, acceptable to the Town and the Bennett-Fire Watkins Fire District that will serve as secondary or emergency access to lot 3B and access to adjacent stormwater facilities;
2. Update plat notes related to easements and maintenance in a manner directed by the Town Engineer; and,
3. Make other minor modifications as directed by Town Staff, Town Engineer and Town Attorney.

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

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

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

The Procedure for the public hearing will be as follows:

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

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

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

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

**NEXT**, the Board may ask questions of anyone who testified.

I will then close the public hearing and no further testimony or other evidence will be received. The Board 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.

**MAYOR:** Do we have proper notification?

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

Do any Trustees have any disclosures?

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

Town staff, please introduce the applicant and provide your staff report.

*[Staff presentation]*

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

*[Applicant presentation]*

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

*[Question and Answer]*

**MAYOR:** 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.

**MAYOR:** Does the applicant wish to respond to any of the comments?

*[Opportunity for applicant to provide any rebuttal evidence]*

**MAYOR:** Before we turn to Trustee 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 Trustee 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?

**MAYOR:** I will now close the public hearing and the Trustees will deliberate on the evidence presented. During deliberations, Trustees 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.]*

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

May we have a Roll-Call vote?

Motion carries/fails.

TO: Mayor and Town of Bennett Board of Trustees

FROM: Steve Hebert, Planning and Economic Development Manager

DATE: March 8, 2022

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

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

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

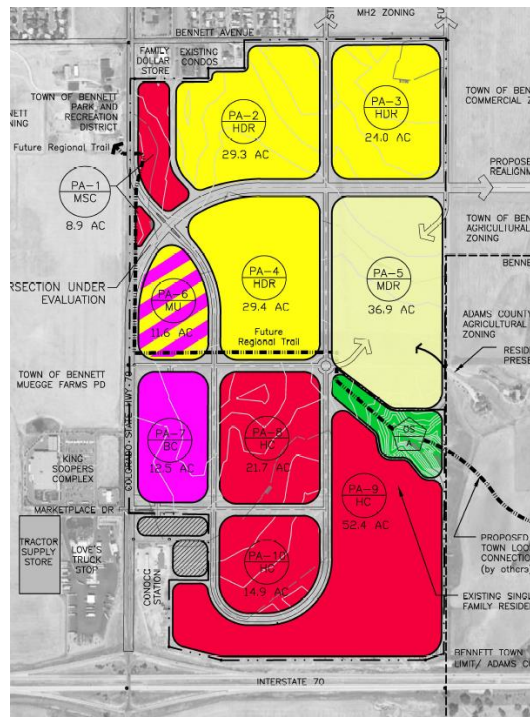
**Purpose:** Amend the ODP to Reflect Boundary Changes and Allow a Crematorium

## Background

The applicant is proposing two changes to the Bennett Crossing Outline Development Plan (ODP) that will do the following:

1. Reflect a boundary change consistent with the exclusion of the QuikTrip property from the Bennett Crossing ODP when the Board approved a new Bennett Crossing Southwest ODP for QuikTrip.
2. Allow a crematorium as a permitted use in the Highway Commercial subarea zone district.

Together, these two changes will be included in a new ODP called Bennett Crossing Outline Development Plan, Amendment No. 1. Below is the land use map for the proposed ODP. It is the same as the originally approved ODP with the exception around the old Conoco/QuikTrip area.



## First Proposed Change – Boundary Change

When QuikTrip first approached the Town of Bennett and the developer of Bennett Crossing, Gayeski Capital Equities, they wanted to combine both the old Conoco/FNB Bank property, with Lots 1-4 of Bennett Crossing Filing No. 1. The Conoco/FNB property was zoned C – General Commercial and the Bennett Crossing properties were zoned PD – Planned Development, within the Bennett Crossing ODP. To have consistent zoning, the properties QuikTrip acquired were all zoned PD – and became part of what is now the Bennett Crossing Southwest ODP.

This proposed amendment reflects the exclusion of the original Lots 1-4 of the Bennett Crossing ODP. Below is an excerpt from the proposed Bennett Crossing ODP, Amendment No. 1. The cross hatched area at the southeast corner of S. 1<sup>st</sup> St. and Marketplace Drive will be removed from the ODP.



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

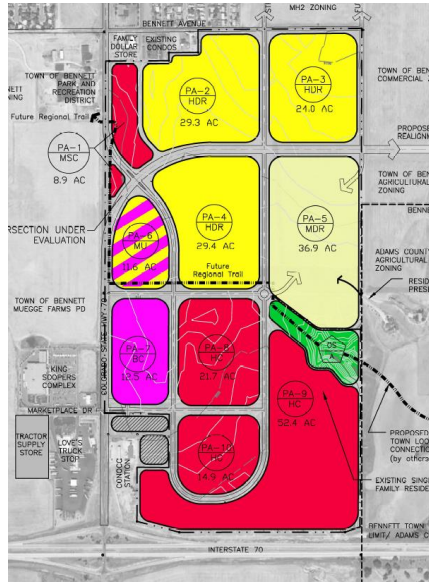
A funeral home operator has expressed interest in building a new facility in Bennett Crossing and would like to add a crematorium to the facility. A crematorium is a facility that houses a cremator having a cremation chamber or retort. In this chamber, the body of a deceased is incinerated and hence, reduced to skeletal remains and bone fragments. The current Bennett Crossing ODP allows funeral homes and mortuaries as permitted uses in the Highway Commercial (HC) District. However, the definition of a funeral or mortuary in the Bennett Municipal Code specifically excludes a crematory.

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

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

The land use table on Sheet 6 of 6 of the outline development plan (see attached) now lists a crematorium as a permitted use in the Highway Commercial zone district. To avoid confusion and prohibit a proliferation of free-standing crematoriums, staff is recommending a note be added to line 13 to limit a crematorium as an accessory use to a funeral home or mortuary. This was the original intent presented to staff.

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



## Surrounding Zoning and Land Use

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

## Impacts and Regulation by Other Agencies

Funeral homes, mortuaries and crematoriums tend to have a perceived negative impact in some communities. However, such uses are often found in mixed-use neighborhoods such as Bennett Crossing. Cremation rates have grown in the past 50 years, particularly in Colorado. The Cremation Association of North America (CANA) 2021 Annual Statistical Report is attached.

The Town's development guidelines that address site design and building architecture can assure high quality developments in our town. All funeral homes and crematories must be registered with the Colorado Department of Regulatory Agencies (DORA). Because the operation of a crematory furnace will emit air pollutants (tiny particles of unburned material that mix with the exhaust gases as they leave the cremation chamber and exit through the smoke stack), facilities that utilize them are subject to Colorado air emission reporting and permitting requirements. The Colorado Department of Public Health and Environment's (CDPHE) guide to air permitting requirements is attached.



## Staff Analysis and Findings

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### Consistency with the Comprehensive Plan

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

### Consistency with the Intent of the Zoning Code

Staff Finding: Staff finds the existing Outline Development Plan is consistent with the purpose of the Bennett Land Use Code, outlined in Section 16-1-50. The proposed amendments are also consistent with the land use code. Staff is recommending the crematorium be allowed in the Highway Commercial (HC) District, but only as accessory use to a funeral home or mortuary, rather than allowing a crematorium to become a free-standing business. This was the original intent of the proposal as presented to staff.

## Public Comment

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

## Planning and Zoning Commission Recommendation

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The Planning and Zoning Commission adopted Resolution No. 2022-07 on February 28, 2022, recommending approval of the Bennett Crossing Outline Development Plan, Amendment No. 1.

## Staff Recommendation

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Staff recommends the Board of Trustees approve Resolution 907-22 approving the Bennett Crossing Outline Development Plan, Amendment No. 1, subject to the following conditions:

Before recording:

1. The land use table on Sheet 6 of 6 of the outline development plan shall be amended to indicate a crematorium is allowed in the Highway Commercial District only as an accessory use to a funeral home or mortuary.
2. The applicant shall make minor modifications to the outline development plan as directed by Town Staff, the Town Attorney and the Town Engineer.

## Attachments

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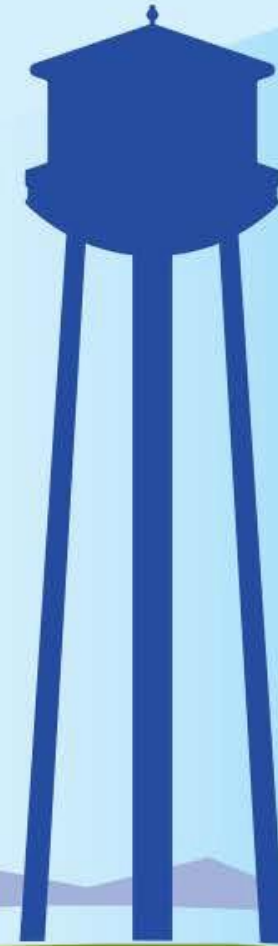
1. Staff PowerPoint Presentation (PDF)
2. Land Use Application
3. Bennett Crossing Outline Development Plan (ODP), Amendment No. 1
4. CANA Annual Statistical Report
5. CDPHE Guide to Air Permitting Requirements
6. Planning and Zoning Commission Resolution 2022-07
7. Draft Board Resolution No. 907-22

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

Town of Bennett Board of Trustees

March 8, 2022

Steve Hebert, Planning & Economic Development Manager



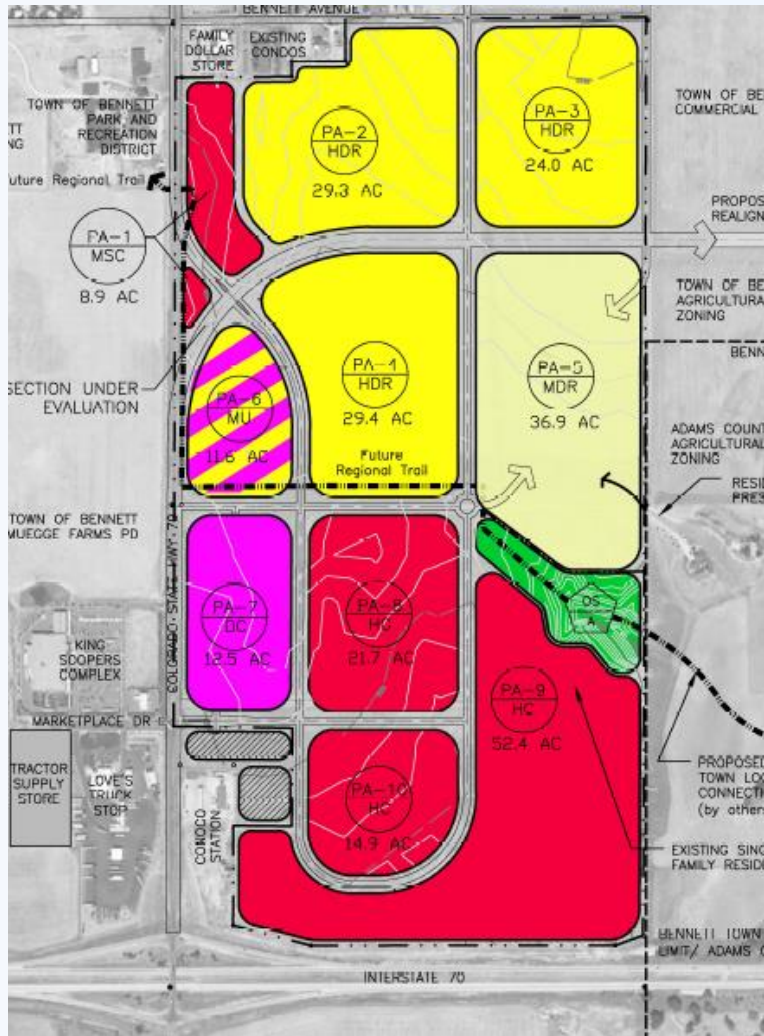
# Proposed Changes to the Bennett Crossing Outline Development Plan (ODP)

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

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

# Proposed Boundary Changes

Overall Bennett Crossing ODP



Cross-hatched Area to be Deleted from ODP



# Proposed Crematorium as a Permitted Use

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

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

# Cremation Trends in the U.S.

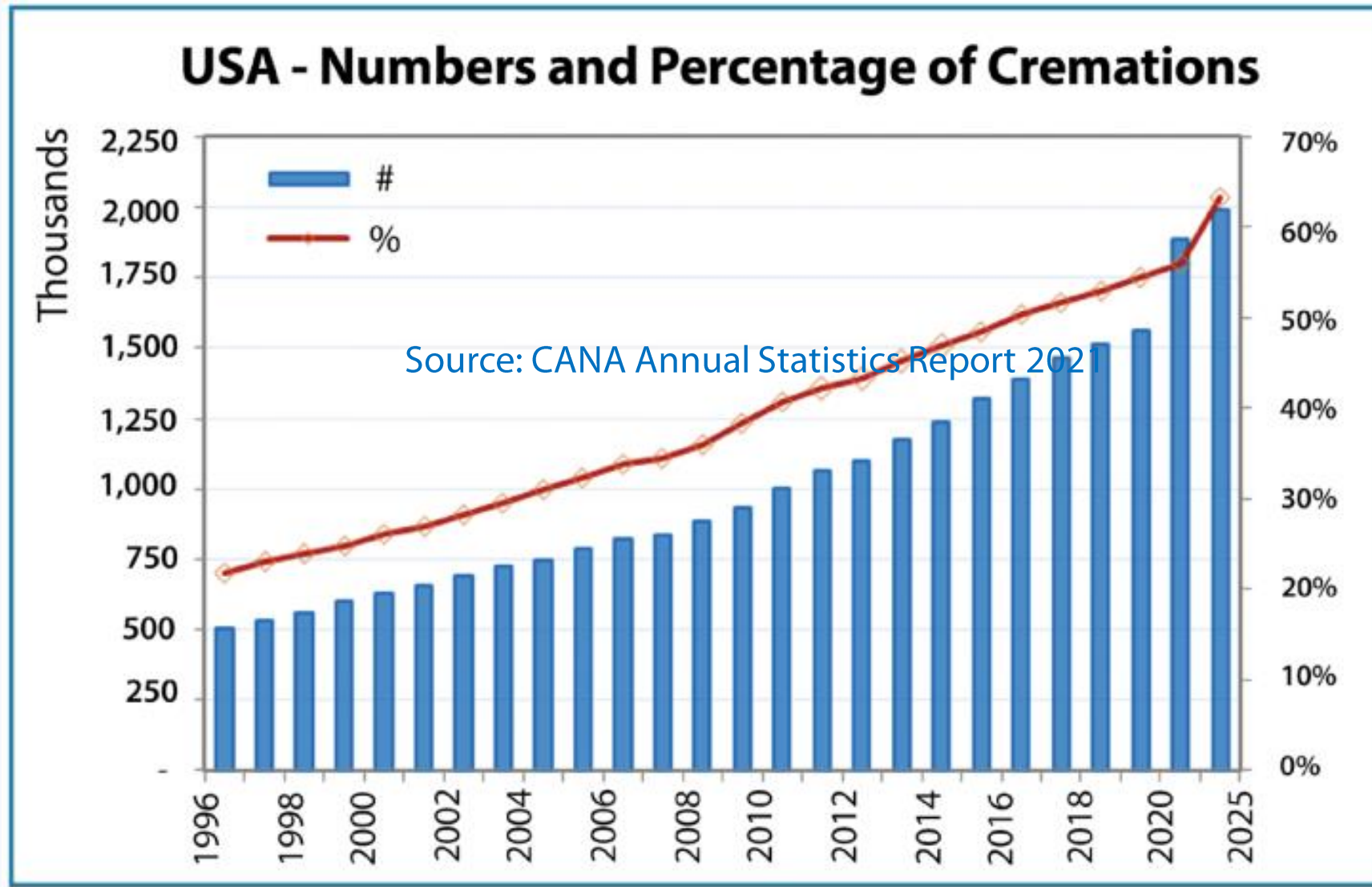
Source: CANA Annual Statistics Report 2021

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



# Cremation Trends in the U.S.

Source: CANA Annual Statistics Report 2021



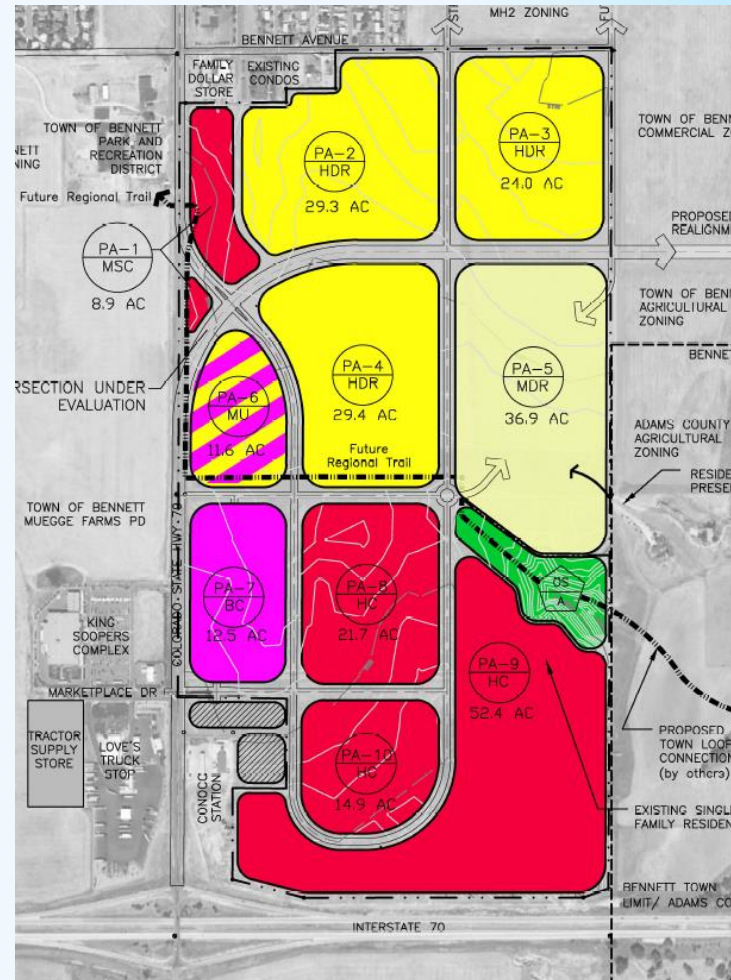
# Proposed Amendment to Permitted Uses

Staff is recommending a note be added to line 13 indicating a crematorium is permitted in the HC District only as an accessory use to a funeral home or mortuary.

<i>Bennett Crossing Planned Development</i>						
<i>Land Use Categories</i>	<i>MSC</i>	<i>MDR</i>	<i>HDR</i>	<i>MU</i>	<i>BC</i>	<i>HC</i>
<b>J. SERVICES</b>						
(1) Dry cleaning				P		
(2) Financial services (such as banks, savings and loan and brokerages) with drive-in facilities	P			P	P	P
(3) Financial services (such as banks, savings and loan and brokerages) with no drive-in facilities	P			P	P	P
(4) Funeral homes and mortuaries	P			P	P	P
(5) Limited equipment rental				C	P	P
(6) Offices; administrative business and professional, except health-related	P			P	P	P
(7) Offices; medical, dental or other health-related, including urgent care facilities	P			P	P	P
(8) Personal services, other (<5000 sq. ft.)	P			P	P	P
(9) Personal services, other (>5000 sq. ft. <25000 sq. ft.)	P*			P	P	P
(10) Personal services, other (>25000 sq. ft.)				C	P	P
(11) Repair, furniture and major household appliance	P			C	P	P
(12) Repair, other except vehicle- related repair	P			C	P	P
(13) Crematoriums						P
<p>p* Limited to no more than 10,000 sf in MSC</p>						



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



# Surrounding Zoning and Land Use

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

## Impacts, Design Review and Regulation by Other Agencies

- The applicant has indicated there will be no outside evidence of the crematorium as it is integrated into the building design and construction.
- Any development within Bennett Crossing is subject to a Final Development Plan and the Town's Design Guidelines.
- All funeral homes and crematories must be registered with the Colorado Department of Regulatory Agencies (DORA).
- Because the operation of a crematory furnace will emit air pollutants, facilities that utilize them are subject to Colorado air emission reporting and permitting requirements through the Colorado Department of Public Health and the Environment (CDPHE).

## Staff Findings

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

# Planning and Zoning Commission Recommendation

The Planning and Zoning Commission adopted Resolution No. 2022-07 on February 28, 2022, recommending approval of the Bennett Crossing Outline Development Plan, Amendment No. 1.

## Staff Recommendation

Staff recommends the Board of Trustees adopt Resolution No. 907-22, approving the Bennett Crossing Outline Development Plan, Amendment No. 1, with the conditions:

Before recording:

1. The land use table on Sheet 6 of 6 of the outline development plan shall be amended to indicate a crematorium is allowed in the Highway Commercial District only as an accessory use to a funeral home or mortuary.
2. The applicant shall make minor modifications to the outline development plan as directed by Town Staff, the Town Attorney and the Town Engineer.

# Town of Bennett Land Use Application Form

*TO BE COMPLETED BY APPLICANT*

Application Type: Other \_\_\_\_\_ Other \_\_\_\_\_

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

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

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

**City:** Westminster **State:** CO **Zip:** 80234 **Phone:** 720.290.4447

**Email:** MGAYESKI@g2denver.com

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

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

**City:** Westminster **State:** CO **Zip:** 80234 **Phone:** 720.290.4447

**Email:** mgayeski@g2denver.com

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

**Name of Firm:**

**Address:**

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Parcel#:** \_\_\_\_\_ **Subdivision Name:** \_\_\_\_\_

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

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

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

**Current Zoning:** PD **Proposed # lots/units:** \_\_\_\_\_

**Total Acreage:** \_\_\_\_\_ **Gross Floor Area:** \_\_\_\_\_

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

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

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

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

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

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_



BENNETT CROSSING PD LEGAL DESCRIPTION

Parcel One:

A parcel of land located in the West Half of Section 34, Township 3 South, Range 63 West of the 6<sup>th</sup> 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 6<sup>th</sup> 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.

Parcel Two:

A parcel of land located in the Southwest Quarter of Section 34, Township 3 South, Range 63 West of the 6<sup>th</sup> 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 6<sup>th</sup> Principal Meridian Bears North 89°33'30" East;

Commencing at the Northwest corner of said Section 34;  
Thence South 00°05'40" West, along the Westerly line of the Northwest Quarter of said Section 34, a distance of 2679.88 feet to the West Quarter corner of said Section 34;  
Thence South 00°17'18" West, along the Westerly line of the Southwest Quarter of said Section 34, a distance of 1091.57 feet;  
Thence South 89°42'42" East, a distance of 50.00 feet to the Easterly right of way of Colorado State Highway 79 and the point of beginning;  
Thence North 00°17'18" East, along said Easterly right of way, a distance of 330.00 feet;  
Thence South 89°43'33" East, a distance of 2592.56 feet to the Easterly line of the Southwest Quarter of said Section 34;  
Thence South 00°09'06" West, along said Easterly line, a distance of 330.00 feet;  
Thence North 89°43'33" West, a distance of 2593.34 feet to the point of beginning.

(Note: the above described parcel is also known as Lot 1, Root Subdivision, as per the plat recorded November 16, 1971 at Reception No. 941954)

Parcel Three:

A parcel of land located in the Southwest Quarter of Section 34, Township 3 South, Range 63 West of the 6<sup>th</sup> 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 6<sup>th</sup> Principal Meridian Bears North 89°33'30" East;

Commencing at the Northwest corner of said Section 34;  
Thence South 00°05'40" West, along the Westerly line of the Northwest Quarter of said Section 34, a distance of 2679.88 feet to the West Quarter corner of said Section 34;  
Thence South 00°17'18" West, along the Westerly line of the Southwest Quarter of said Section 34, a distance of 1091.57 feet;  
Thence South 89°42'42" East, a distance of 50.00 feet to the point of beginning;  
Thence South 89°43'33" East, a distance of 2593.34 feet to the Easterly line of the Southwest Quarter of said Section 34;  
Thence South 00°09'06" West, along said Easterly line, a distance of 1295.61 feet to the Northerly right of way of Interstate Highway 70 as described in Book 742 at Page 443 of the Adams County records;  
Thence along said Northerly right of way the following three (3) courses:

- South 73°18'00" West, a distance of 169.30 feet;
  - South 89°59'30" West, a distance of 1700.00 feet;
  - North 75°36'00" West, a distance of 447.69 feet;
- Thence North 00°11'00" East, a distance of 892.33 feet;  
Thence North 89°49'00" West, a distance of 298.74 feet to the Easterly right of way of Colorado State Highway 79;  
Thence North 00°17'18" East, along said Easterly right of way, a distance of 352.29 feet to the point of beginning.

Assessor's Parcel Nos. 0181534200007, 018150030001 and 0181534300001  
Commonly Known as Vacant Land and 1773 Silverheels Road, Bennett, Colorado

Except for Lot 1 and a portion of Lot 2 of Bennett Crossing Filing No. 4

OUTLINE DEVELOPMENT PLAN -- AMENDMENT No. 1

- Sheet 1:
- Remove a portion of PA-7 and PA-9 (Lot 1 and a portion of Lot 2 of Bennett Crossing Filing No. 4). This area is now included in the Bennett Crossing Southwest Outline Development Plan, recorded December 21, 2021 at Reception No. 2021000148119. All of Lot 4, Filing No. 4 remains in this Bennett Crossing ODP
- Sheet 6:
- Update J. Services: by adding (13) Crematorium as a permitted use in the HC Planning Areas

This amendment only affects properties in the Bennett Crossing Filing No. 3 subdivision plat.

# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

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



### BENNETT CROSSING PD ZONING SUMMARY TABLE

PLANNING AREA	AREA (Acre) +/-	ZONING	ZONING DESCRIPTION
PA-1	8.9	MSC	Main Street Commercial District
PA-2	29.3	HDR	High Density Residential District
PA-3	24.0	HDR	High Density Residential District
PA-4	29.4	HDR	High Density Residential District
PA-5	36.9	MDR	Medium Density Residential District
PA-6	11.6	MU	Mixed Use District
PA-7	12.5	BC	Business Commercial District
PA-8	21.7	HC	Highway Commercial District
PA-9	52.4	HC	Highway Commercial District
PA-10	14.9	HC	Highway Commercial District
Total Planning Area	241.6		
Open Space	8.8		
Public ROW	37.0		
Total PD Area	287.4		

#### TOWN APPROVAL

THIS OUTLINE DEVELOPMENT PLAN WAS APPROVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BENNETT, COLORADO ON THE \_\_\_\_\_, DAY OF \_\_\_\_\_, 20\_\_\_\_, BY ORDINANCE NO. \_\_\_\_\_

BENNETT MAYOR

ATTEST: TOWN CLERK

#### ACCEPTANCE BLOCK AND NOTARY

BY SIGNING THIS OUTLINE DEVELOPMENT PLAN THE OWNER ACKNOWLEDGES AND ACCEPTS ALL OF THE REQUIREMENTS AND INTENT SET FORTH HEREIN.

OWNER, Gayeski Capital Equities, LLC, by Larry Gayeski, Manager

STATE OF COLORADO

)

) SS

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

THE ABOVE AND FOREGOING SIGNATURE OF \_\_\_\_\_ AS \_\_\_\_\_ OF \_\_\_\_\_ WAS SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

WITNESS MY HAND AND OFFICIAL SEAL.

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

Notary Public

#### COUNTY CLERK AND RECORDER CERTIFICATE:

THIS MAP WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ADAMS COUNTY,

COLORADO, AT \_\_\_\_\_ O'CLOCK, \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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

ADAMS COUNTY CLERK AND RECORDER

DEPUTY

# BENNETT CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1 ZONE DISTRICT PLAN

### TABLE OF CONTENTS

Sheet 1: Zone District Plan

Sheets 2-5: Development Standards and Guidlines

Sheet 6: Land Use Matrix Tables

OWNER  
Gayeski Capital Equities, LLC  
905 W. 124th Avenue, Suite 200  
Westminster, CO 80234  
303-457-8700

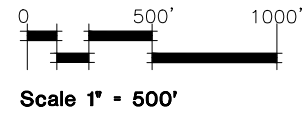
PLANNER / LANDSCAPE ARCHITECT  
Plan West Inc.  
767 Santa Fe Drive  
Denver, CO 80204  
303-741-1411

TOWN OF BENNETT  
COLORADO

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

ENGINEER  
Jansen Strawn Consulting Engineers  
45 W. 2nd Avenue  
Denver, CO 80223  
303-561-3333

sheet 1 of 6



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



# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

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

### BENNETT CROSSING Planned Development

OUTLINE DEVELOPMENT PLAN

#### INTRODUCTION

##### Overview

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

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

##### Intent

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

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

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

##### Planned Development Zoning

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

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

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

- Develop town and neighborhood centers with mixed land use and greater land density to shorten distances between homes, workplaces, schools, shopping, places of worship, cultural facilities, and recreation and social activities.
- Design new developments in a manner to blend with the rural setting and preserve natural features and areas designated for agricultural production.
- Ensure that affordable housing and access to healthy living is available for people of all ages and income levels.
- Offer access to open space, trails and parks to provide more opportunities for walking, biking, recreation, and contact with nature.
- Foster a distinctive, attractive community that retains our young people to support future community governance.
- Preserve open space, farmland, and areas that have environmental significance to the region.
- New development should be contiguous, or nearly so, to existing infrastructure and services.
- Provide a variety of transportation choices including bicycle trails; sidewalks; and mass transit to reduce the dependence upon automobiles; and create streets that are safe for use by automobiles, pedestrians, and bicyclists.

#### LAND USE PLANNING OVERVIEW

##### Overall Development Program

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

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

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

##### Residential Development

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

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

##### Retail, Commercial, and Industrial

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

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

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

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

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

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

#### SITE ANALYSIS

##### Existing Conditions

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

##### Historic and Archeological Resources

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

##### Environmentally Significant Areas

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

#### GENERAL CONDITIONS

##### Planning Area Boundaries

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

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

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

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

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

##### Special Financing Districts

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

#### DEFINITIONS

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

##### Flex Office

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

##### Patio Home

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

##### Townhome

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

#### END OF SECTION

#### DEVELOPMENT STANDARDS and GUIDELINES

#### INTRODUCTION

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

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

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

##### Intent

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

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

##### Development Program

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

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

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

##### Land Uses Permitted in MSC

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

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

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

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

##### SETBACKS

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

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

#### DEVELOPMENT GUIDELINES

##### Connectivity

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

## BENNETT CROSSING OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

### DEVELOPMENT STANDARDS AND GUIDLINES

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

sheet 2 of 6



# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

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

### Building Orientation and Site Design

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

### END OF SECTION

### HIGH DENSITY RESIDENTIAL DISTRICT (HDR)

Planning Areas 2, 3, and 4

#### Intent

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

#### Development Program

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

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

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

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

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

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

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

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

### SETBACKS

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

#### Minimum Setbacks from Residential Collectors

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

#### Minimum Setback from SH 79

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

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

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

### DEVELOPMENT GUIDELINES

#### Connectivity

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

#### Building Orientation and Site Design

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

### END OF SECTION

### MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Planning Area 5

#### Intent

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

#### Development Program

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

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

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

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

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

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

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

### SETBACKS -- MDR

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

#### Minimum Setback from SH 79

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

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

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

### DEVELOPMENT GUIDELINES

#### Connectivity

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

#### Building Orientation and Site Design

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

### END OF SECTION

## BENNETT CROSSING

## OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

### DEVELOPMENT STANDARDS AND GUIDLINES

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



# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

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

### MIXED USE DISTRICT (MU)

Planning Area 6

#### Intent

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

#### DEVELOPMENT PROGRAM

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

#### Residential and Commercial Mixed Use

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

#### Residential Land Uses

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

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

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

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

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

#### Lot and Building Standards

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

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

### SETBACKS – RESIDENTIAL

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

### DEVELOPMENT GUIDELINES

#### Connectivity

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

#### Building Orientation and Site Design

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

### END OF SECTION

### BUSINESS COMMERCIAL DISTRICT (BC)

Planning Area 7

#### Intent

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

#### Development Program

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

#### Land Uses Permitted in BC

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

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

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

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

### SETBACKS BUSINESS COMMERCIAL

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

#### See setback figures in the appendix

### DEVELOPMENT GUIDELINES

#### Connectivity

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

#### Building Orientation and Site Design

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

### END OF SECTION

### HIGHWAY COMMERCIAL (HC)

Planning Areas 8, 9 and10

#### Intent

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

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

#### Development Program

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

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

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

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

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

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

### SETBACKS

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

### DEVELOPMENT GUIDELINES

#### Connectivity

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

#### Building Orientation and Site Design

- All buildings will be articulated on all four sides with attention to materials, entrances, window patterns and detailing.
- Building Front doors/facades should be oriented toward the adjacent public streets.
- Flex office should screen loading and service from view. Office and showroom should face the public street.
- Loading docks, outdoor storage, and service areas should be screened from I-70, internal collector and interior streets with screening that matches or complements the primary architecture.
- Circulation should be designed with appropriate signage to separate automobiles from service and long-haul trucks where possible.

### END OF SECTION

# BENNETT CROSSING

# OUTLINE DEVELOPMENT PLAN

# AMENDMENT NO. 1

## DEVELOPMENT STANDARDS AND GUIDLINES

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





# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

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

### OPEN SPACE AND TRAILS (OS)

Open space Planning Area

#### Intent

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

#### Development Program

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

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

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

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

#### Regional Trail

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

### DEVELOPMENT GUIDELINES

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

END OF SECTION

### TOWN OF BENNETT MUNICIPAL CODE STANDARDS

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

#### Parking Standards

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

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

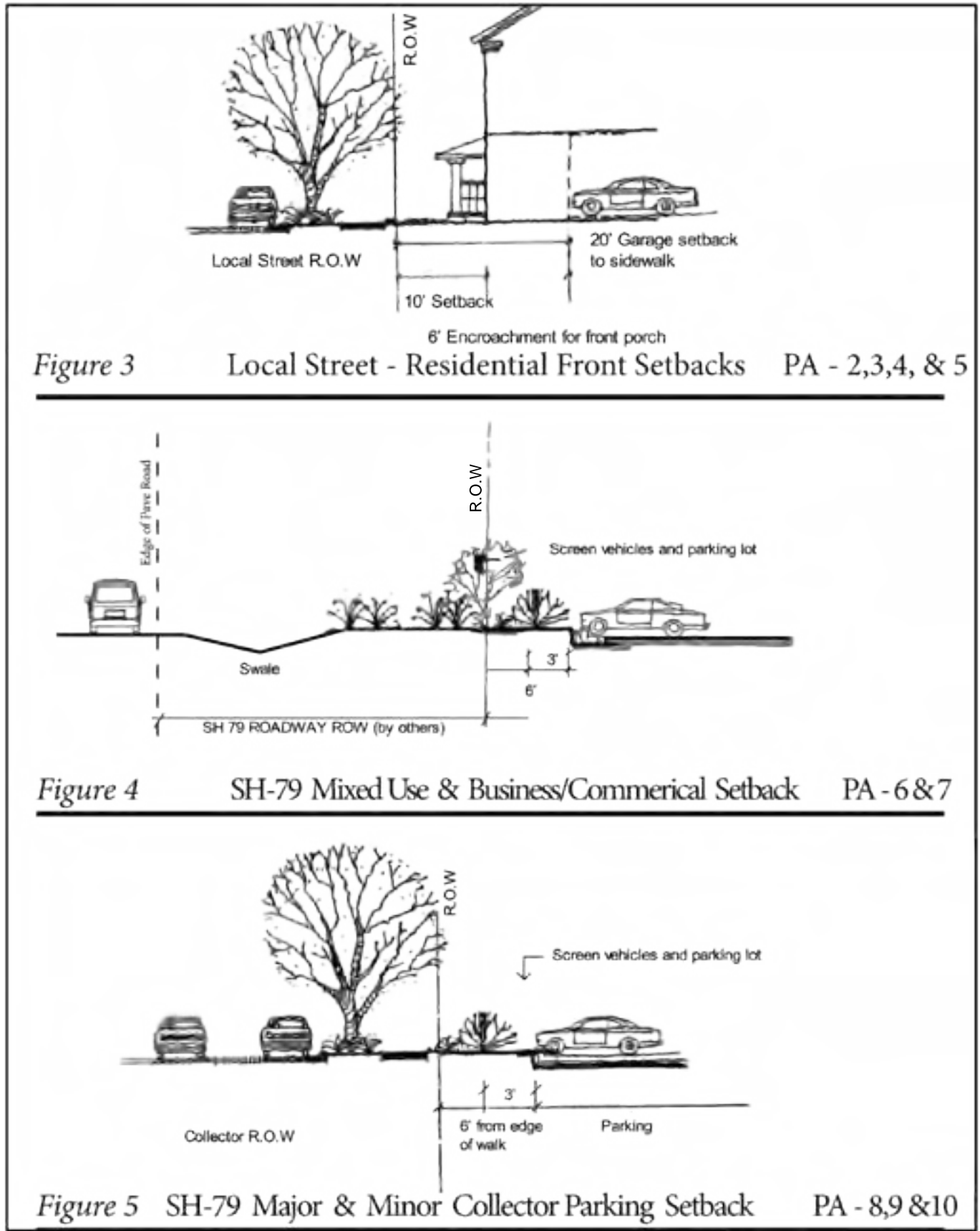
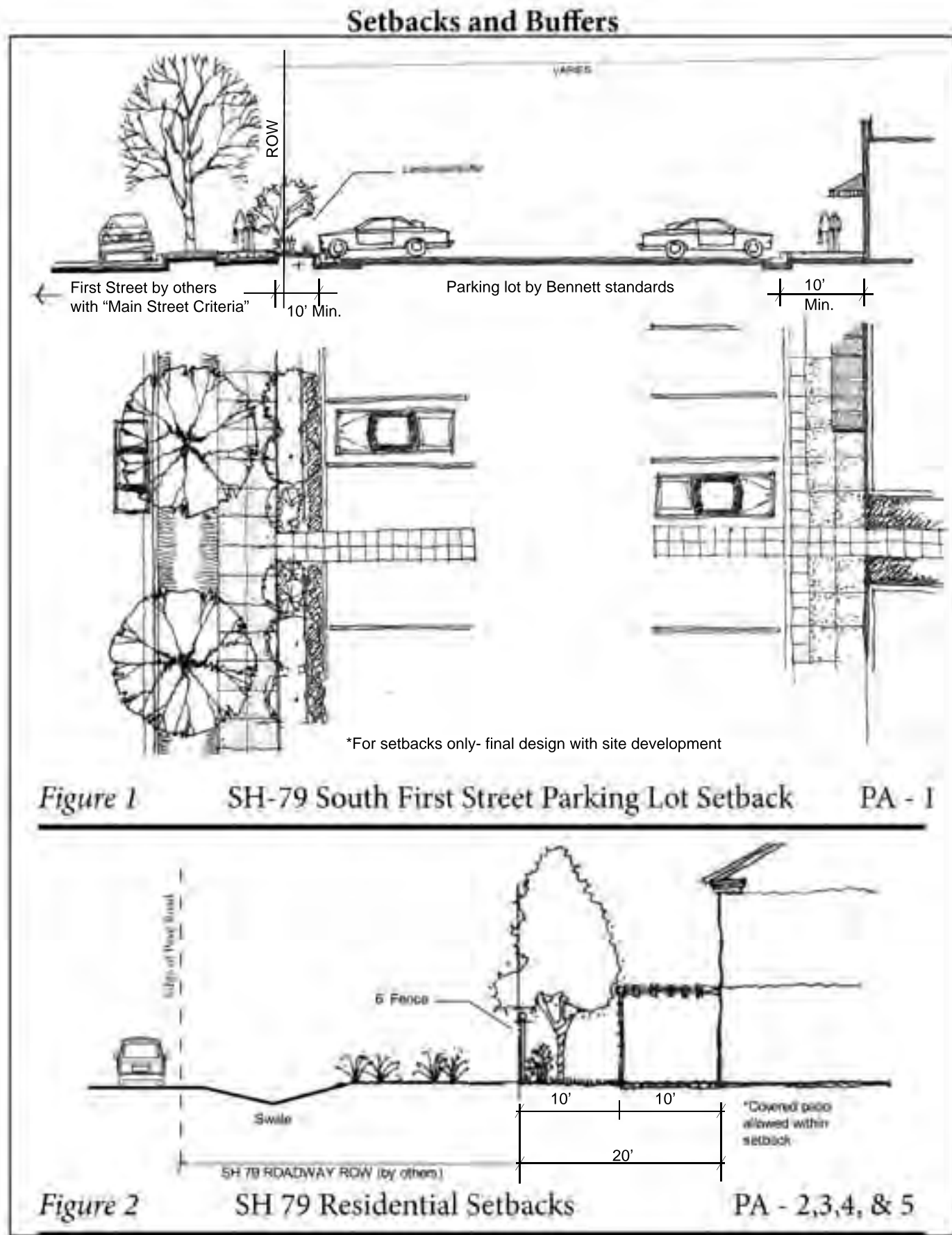
#### Landscape Standards

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

#### Lighting Standards

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

END OF SECTION



## BENNETT CROSSING

## OUTLINE DEVELOPMENT PLAN

## AMENDMENT NO. 1

### DEVELOPMENT STANDARDS AND GUIDLINES

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

# OUTLINE DEVELOPMENT PLAN AMENDMENT NO. 1

## BENNETT CROSSING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## BENNETT CROSSING

## OUTLINE DEVELOPMENT PLAN

## AMENDMENT NO. 1

### LAND USE MATRIX TABLES

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



# CANA Annual Statistics Report

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

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

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

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

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

#### Methodology

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

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

#### Projections

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

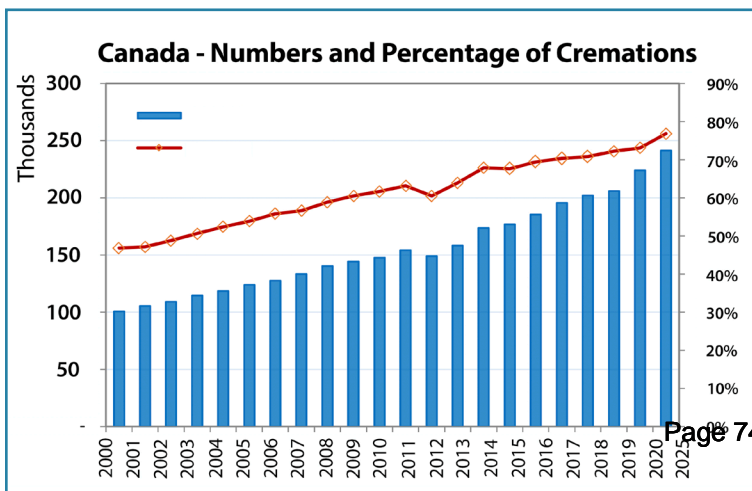
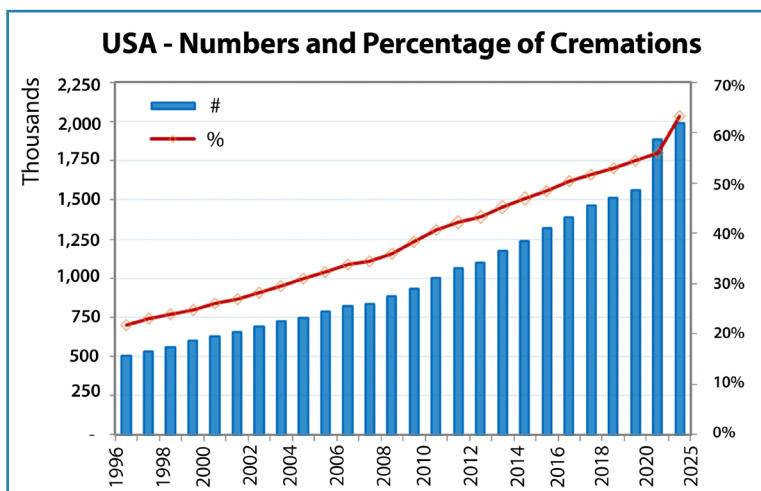
future percentages and reported the average of those five models.

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

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

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

### United States and Canadian Cremation Trends





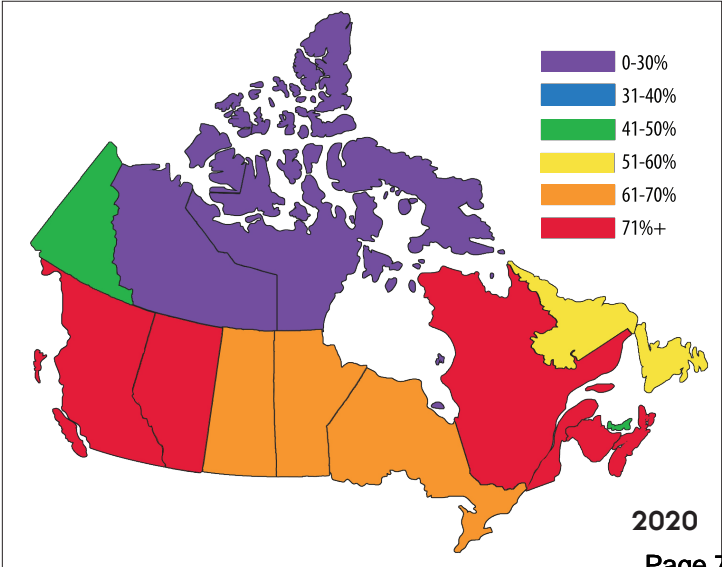
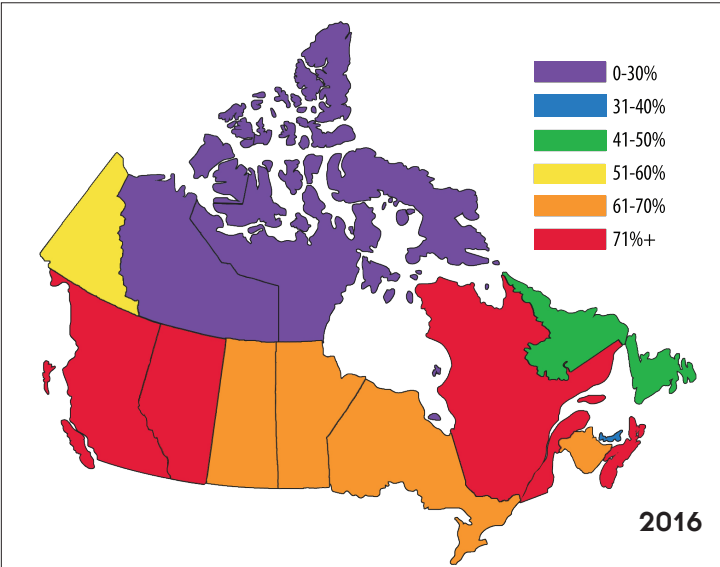
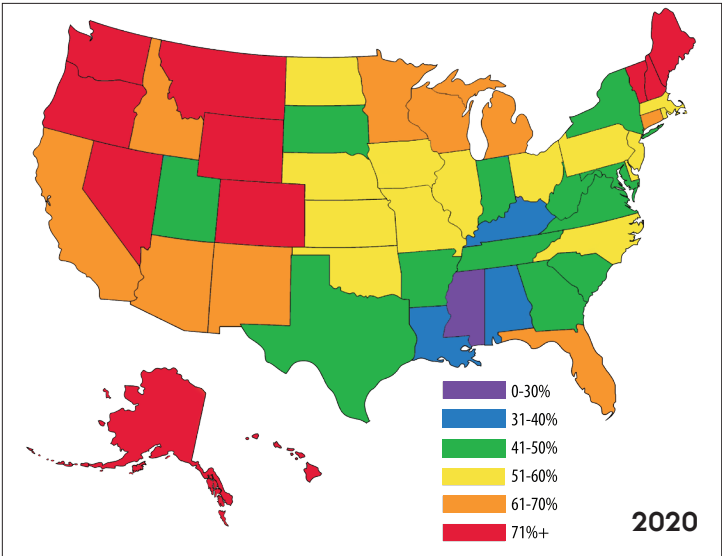
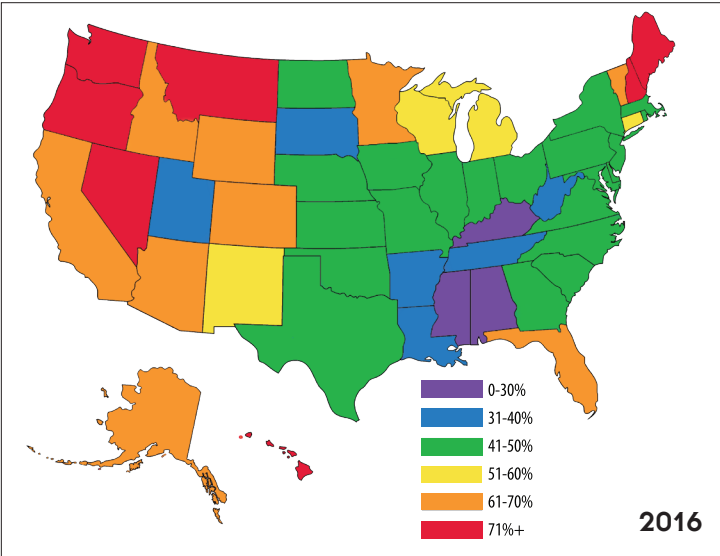
Annual Growth Rate

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

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

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

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





**COLORADO**

**Small Business Assistance Program**

Department of Public Health & Environment

## A Guide to Air Permitting Requirements for Crematories

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

A crematory is an establishment containing a furnace (called a retort or incinerator) used for cremation of human or animal remains. These establishments are also called a Crematorium. Because the operation of a crematory furnace will emit air pollutants (tiny particles of unburned material that mix with the exhaust gases as they leave the cremation chamber and exit through the smoke stack), facilities that utilize them are subject to Colorado air emission reporting and permitting requirements.

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

### ✓ Air Pollutant Emission Notices (APENs)

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

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

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

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

## ✓ Supplemental Form

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

## ✓ Air Permits

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

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

Included in the packet are:

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

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

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

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

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

## ➤ OPERATING REQUIREMENTS

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

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

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

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

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

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

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

#### ➤ **TRAINING REQUIREMENTS**

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

#### ➤ **RECORDKEEPING REQUIREMENTS**

The owner or operator shall maintain records as follows:

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

#### ➤ **HELP IS AVAILABLE**

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

## APPENDIX A

## INCINERATOR LOG - COMBINED BURN LOG & MAINTENANCE LOG

**Company:**

**Location Address:**

City/State/Zip:

[illegible]

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



**TOWN OF BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2022-07**

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

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


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

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

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

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

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

  
Chairperson

ATTEST:

  
Christina Hart, Secretary



**RESOLUTION NO. 907-22**

**A RESOLUTION APPROVING THE  
BENNETT CROSSING OUTLINE DEVELOPMENT PLAN, AMENDMENT NO. 1**

**WHEREAS**, there has been submitted to the Board of Trustee of the Town of Bennett a request for approval of an amendment to the Bennett Crossing Outline Development Plan; and

**WHEREAS**, all materials related to the proposed amended Outline Development Plan have been reviewed by Town Staff and found with conditions to be in compliance with Town of Bennett land use and development ordinances; and

**WHEREAS**, after a noticed public hearing, at which evidence and testimony were entered into the record, the Board of Trustees finds that the proposed Bennett Crossing Outline Development Plan, Amendment No. 1 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 Board of Trustees hereby approves the proposed Bennett Crossing Outline Development Plan, Amendment No. 1, subject to the conditions set forth on Exhibit A, attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED THIS 8TH DAY OF MARCH 2022.**

TOWN OF BENNETT

\_\_\_\_\_  
Royce D. Pindell, Mayor

ATTEST:

\_\_\_\_\_  
Christina Hart  
Town Clerk

**EXHIBIT A**  
**BENNETT CROSSING OUTLINE DEVELOPMENT PLAN, AMENDMENT NO. 1**  
**Conditions of Approval**

Before recording:

1. The land use table on Sheet 6 of 6 of the outline development plan shall be amended to indicate a crematorium is allowed in the Highway Commercial District only as an accessory use to a funeral home or mortuary.
2. The applicant shall make minor modifications to the outline development plan as directed by Town Staff, the Town Attorney and the Town Engineer.

### **Suggested Motion**

I move to approve Resolution No. 907-22 - A resolution approving the Bennett Crossing Outline Development Plan, Amendment No. 1 with the following conditions:

1. The land use table on Sheet 6 of 6 of the outline development plan shall be amended to indicate a crematorium is allowed in the Highway Commercial District only as an accessory use to a funeral home or mortuary.
2. The applicant shall make minor modifications to the outline development plan as directed by Town Staff, the Town Attorney and the Town Engineer.

# STAFF REPORT



welcome neighbors.

TO: Mayor and Board of Trustees  
FROM: Melinda Culley, Town Attorney  
DATE: March 8, 2022  
SUBJECT: Amendments to the Town's Dynamic Braking Device Ordinance

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## Background

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In 2021, the Board adopted Ordinance No. 730-21, which added a new section to the Bennett Municipal Code making it unlawful to use a dynamic braking device within the Town. CDOT has requested that the Town make certain amendments to the ordinance before it will agree to the placement of engine brake signs on State Highways 79 and 36. The changes include:

- Adding language that allows the use of a dynamic braking device in emergency situations and in an effort to avoid a collision.
- Stating that persons violating the statute shall be punished in accordance with Section 1-4-20 of the Town Code, which is the Town's general penalty ordinance. The maximum fine under that section is \$2,650 (adjusted for inflation) or imprisonment of up to 364 days.

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## Staff Findings and Recommendation

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Staff recommends approving Ordinance No. 737-22, An Ordinance Amending Chapter 10 of the Bennett Municipal Code Concerning Dynamic Braking Devices.

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## Attachments

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1. Ordinance No.737-22

## ORDINANCE NO. 737-22

### AN ORDINANCE AMENDING CHAPTER 10 OF THE BENNETT MUNICIPAL CODE CONCERNING DYNAMIC BRAKING DEVICES

**WHEREAS**, the Board of Trustees previously adopted Ordinance No. 730-21, which added a new section to the Bennett Municipal Code making it unlawful to use a dynamic braking device within the Town; and

**WHEREAS**, the Board of Trustees desires to amend that section to include an exception for emergency situations and to address penalties for violating said section.

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

**Section 1.** Section 10-5-190 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

**Sec. ~~10-5-190~~ 10-9-50 - Dynamic braking devices.**

a. Except as provided herein, No person shall operate within the limits of the Town any motor vehicle with a dynamic braking device engaged. For purposes of this section, a *dynamic braking device* is a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

b. It shall be an affirmative defense to an alleged violation of this section if the motor vehicle is in an emergency situation and in an effort to avoid collision with any other vehicle, stationary object or moving object, dynamic braking is required for purposes of avoiding said collision. Should the Municipal Court determine that dynamic braking, was used in conjunction with the avoidance of a collision as anticipated in this section, then the defendant shall be exonerated from any liability.

c. Any person who violates this section commits a violation that may be punishable up to the maximum allowed under Section 1-4-20 of this Code.

**Section 2.** If any article, 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 3.** The repeal or modification of any provision of any prior ordinance 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 judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**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.

**INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED  
BY TITLE ONLY THIS 8TH DAY OF MARCH 2022.**

---

Royce D. Pindell, Mayor

ATTEST:

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Christina Hart, Town Clerk

### **Suggested Motion**

I move to approve Ordinance No. 737-22 – An ordinance amending Chapter 10 of the Bennett Municipal Code concerning dynamic braking devices.



# TOWN OF BENNETT

# Proclamation

## EMPLOYEE APPRECIATION

**WHEREAS**, Town of Bennett employees make significant contributions to the well-being and quality of life for all citizens of the Town; and

**WHEREAS**, Town employees preserve public safety, maintain and protect our water systems, preserve our public buildings, roads, parks and open space, support our economic well-being, promote healthy development, safeguard our financial systems and handle a host of other essential duties entrusted to them by the public; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, over the last two years, during very challenging times, the employees of the Town of Bennett have performed their duties with professionalism, compassion, integrity and true commitment to those they serve, while continually seeking ways to utilize taxpayer resources wisely; and

**WHEREAS**, the dedication of our employees is unmatched, and they remind us that there are few things more important than doing our utmost to make a difference in the lives of others; and

**WHEREAS**, it is appropriate to set aside a day to honor and recognize Town of Bennett employees and encourage our citizenry to learn more about their local government and the exceptional employees who serve them.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Town Board of Trustees is privileged to express special recognition and gratitude to our employees for their tremendous efforts, sacrifices and spirit of dedication to the citizens of our Town.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the Town of Bennett, Colorado to be affixed this 8th Day of March 2022.

*Royce D. Pindell, Mayor*

