



# Town Board of Trustees

Tuesday, July 25, 2023 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/84285000718>

Meeting ID: 842 8500 0718

Passcode: 677682

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. July 11, 2023 - Regular Meeting Minutes

#### Attachments:

- **July 11, 2023 - Regular Meeting Minutes** (07-11-2023\_-\_Draft\_Regular\_Meeting\_Minutes.pdf)

### b. Memorandum of Understanding (MOU) with Colorado Energy Office (CEO)

Resolution No. 981-23 - A Resolution Supporting the Memorandum of Understanding (MOU) with the Colorado Energy Office (CEO)

#### Attachments:

- **Staff Report Memorandum of Understanding (MOU) with Colorado Energy Office (**

CEO) (0\_-\_TownofBennett\_Staff\_Report\_Energy\_MOU\_\_1\_.pdf)

- **Memorandum of Understanding (MOU) with Colorado Energy Office (CEO)** (1\_-\_MOU\_Energy\_Office.pdf)
- **Resolution No. 981-23 - A Resolution Supporting the Memorandum of Understanding (MOU) with the Colorado Energy Office (CEO)** (2\_-\_RESOLUTION\_Energy\_MOU\_the\_dits\_\_1\_.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 - Amendments to Chapter 16 of the Bennett Municipal Code

#### a. Ordinance No. 772-23 - Updates to Chapter 16, Article III Regarding Sign Regulations

Ordinance No. 772-23 - An Ordinance Amending Chapter 16, Article III of the Bennett Municipal Code Regarding Sign Regulations

Steve Hebert, Planning Manager

#### Attachments:

- **Public Hearing Script** (Public\_Hearing\_Script.pdf)
- **Staff Report Ordinance No. 772-23 - Updates to Chapter 16, Article III Regarding Sign Regulations** (1\_-\_Staff\_Report.pdf)
- **PowerPoint Presentation** (2\_SignCodeUpdate\_PPT\_BoT\_07\_25\_23\_\_1\_.pdf)
- **Planning and Zoning Commission Resolution No. 2023-04** (3\_Resolution\_No.\_2023-04\_-\_A\_Resolution\_Recommending\_Approval\_of\_an\_Ordinance\_Amending\_Chapter\_16\_of\_the\_Bennett\_Municipal\_\_1\_.pdf)
- **Ordinance No. 772-23 - An Ordinance Amending Chapter 16, Article III of the Bennett Municipal Code Regarding Sign Regulations** (4\_2023-7-18\_Sign\_Code\_updates\_772-23.ord.pdf)

#### b. Chapter 16.2.210 - Teacherages Definitions

Ordinance No. 773-23 - An Ordinance Amending Chapter 16 of the Bennett Municipal Code Concerning Teacherages  
Denise Taylor, Assistant to the Town Manager

#### Attachments:

- **Staff Report Chapter 16.2.210 - Teacherages Definitions** (5\_-\_Staff\_Report\_Teacherage\_\_3\_.pdf)

- **Proposed Changes to Section 16.2.210** (6\_-\_Teacherage\_Sec.\_16\_2\_210.\_\_\_\_Definiti ons.pdf)
- **Proposed Changes to Section 16.2.470** (7\_-\_Teacherage\_Sec.\_16\_2\_470.\_\_\_\_Land\_u ses.pdf)
- **Letter of Support from Bennett School District** (8\_-\_BSD\_in\_Support\_of\_Teacherag es.pdf)
- **Resolution 2023-05 Recommending Approval of an Ordinance** (9\_-\_P\_Z\_Resolutio n\_2023-05.pdf)
- **Ordinance No. 773-23 - An Ordinance Amending Chapter 16 of the Bennett Municip al Code Concerning Teacherages** (10\_-\_2023-07-06\_Teacherages.ord.pdf)
- **Suggested Motion** (suggested\_motion.pdf)

## 7. Action/Discussion Items

### a. Chapter 8 Parking, Storage and Vehicle Weight Changes

Ordinance No. 771-23 - An Emergency Ordinance Amending Chapter 8 of the Bennett Municipal Code Concerning Overweight Vehicle Parking and Restrictions

Trish Stiles, Town Manager

#### Attachments:

- **Staff Report Chapter 8 Parking, Storage and Vehicle Weight Changes** (0\_-\_Staff\_R eport\_Ch\_8\_parking\_and\_weight\_restriction\_discussion\_ch.pdf)
- **Ordinance No. 771-23 - An Emergency Ordinance Amending Chapter 8 of the Ben nett Municipal Code Concerning Overweight Vehicle Parking and Restrictions** (1\_-\_ Parking\_and\_Overweight\_Vehicles.\_ord\_draft\_\_rev\_7-18-23\_.pdf)
- **Suggested Motion** (2\_-\_suggested\_motion.pdf)

### b. Professional Services Discussion and RFP

Trish Stiles, Town Manager

## 8. Town Manager Report

Trish Stiles, Town Manager

## 9. Trustee Comments and Committee Reports

Mayor and Trustees

## 10. Executive Session

Rachel Summers, Deputy Town Manager

#### Attachments:

- **Executive Session Script** (Bennett\_Exec\_Session\_Script.pdf)

**a. For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e); Bennett Crossing Pearl Street**

**b. Return to Open Meeting**

**c. Report from Executive Session**

## 11. Adjournment

Individuals with disabilities who need auxiliary aids in attending the meeting may request assistance by contacting the Town Hall at 207 Muegge Way, Bennett, CO 80102-7806, (303) 644-3249. Please

give notice at least 48 hours in advance of the meeting to allow for enough time in making the necessary arrangements.

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Contact: Christina Hart ([chart@bennett.co.us](mailto:chart@bennett.co.us) 1303-644-3249 X1001) | Agenda published on 07/20/2023 at 2:48 PM



DRAFT

## Town Board of Trustees

### Minutes

Tuesday, July 11, 2023 at 7:00 pm

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

#### 1. Meeting Information

207 Muegge Way, Bennett, CO 80102

#### 2. Call to Order

Royce D. Pindell, Mayor

##### a. Roll Call

###### **Minutes:**

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

Royce D. Pindell, Mayor  
Whitney Oakley, Mayor Pro Tem  
Kevin Barden, Trustee  
Steve Dambroski, Trustee  
Denice Smith, Trustee - *excused*  
Donna Sus, Trustee  
Larry Vittum, Trustee

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

Trish Stiles, Town Manager  
Rachel Summers, Deputy Town Manager  
Taeler Houlberg, Administrative Services Director  
Adam Meis, IT and Communications Manager  
Tiffany Chaput, Communications Coordinator  
Danette Ruvalcaba, Director of Finance  
Melinda Culley, Town Attorney  
Christina Hart, Town Clerk

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

Kathy Smiley  
Pat Siegman  
Diane Moler  
Mason Oakley

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### 3. Pledge of Allegiance

Royce D. Pindell, Mayor

**Minutes:**

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

### 4. Approval of Agenda

Royce D. Pindell, Mayor

**Minutes:**

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

Ayes: Dambroski, Oakley, Pindell, Sus, Vittum, Barden

Nays: None

Excused: Smith

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

### 5. Consent Agenda

Royce D. Pindell, Mayor

**Minutes:**

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

Ayes: Oakley, Pindell, Sus, Vittum, Barden, Dambroski

Nays: None

Excused: Smith

Royce D. Pindell, Mayor, declared the motion carried by unanimous vote. **1. Action:** Approval of June 27, 2023, Regular Meeting Minutes **2. Action:** Approval of Resolution No. 979-23 - A Resolution Approving Open Space Grant Agreements Between the Town of Bennett and County of Adams for the Open Space Event Bleachers, Highway 79 Permanent Trail Construction Phase II and Trupp Park Phase VI

**PUBLIC COMMENTS NOT ON THE AGENDA**

Diane Moler, 595 Grant Avenue, commented the "No Parking" signs on 6th Street, 7th Street and Ash Street are hard to see because they run parallel to the street.

**a. June 27, 2023 - Regular Meeting Minutes**

**b. Adams County Open Space Grant Agreements**

Resolution No. 979-23 - A Resolution Approving Open Space Grant Agreements Between the Town of Bennett and County of Adams for the Open Space Event Bleachers, Highway 79 Permanent Trail Construction Phase II and Trupp Park Phase VI

### Public Comments on Items Not Scheduled for Public Hearing

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

## Regular Business

### 6. Action/Discussion Items

#### a. Termination of Lease Agreement

Resolution No. 980-23 - A Resolution Approving a Termination of Lease Agreement

##### Minutes:

Trish Stiles, Town Manager, presented a resolution for terminating the lease agreement between the Town of Bennett and Broken and Beautiful Bennett. The Board discussed the item.

**MAYOR PRO TEM OAKLEY MOVED, TRUSTEE DAMBROSKI SECONDED** to approve Resolution No. 980-23 - A resolution approving a termination of lease agreement. The voting was as follows:

Ayes: Pindell, Sus, Vittum, Barden, Dambroski, Oakley

Nays: None

Excused: Smith

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

### 7. Town Manager Report

##### Minutes:

- Marketplace Drive Signal - Additional electrical components have been secured for the signal to operate. Staff continues to meet with CORE Electric Cooperative and CDOT.
- July 10th - Construction on the Exit 304 off-ramp commenced. The monthly CDOT meeting included a discussion on the bridge design. Staff is looking at Grant opportunities for the construction.
- Bennett was recently awarded an Adams County/FEMA grant for a generator for the NOMCOM facility.
- Staff is anticipating a DOLA grant for the Community Safety Building.
- Bennett was awarded the following two awards from CIRSA.
  - Safety Champion Award - recognizing agencies with unique and beneficial safety training. - Loss Control Sudit and Property Casual combined award.
- Upcoming Events: - July 14th - Board retreat - July 14th - Party in the Park - July 21st - State of the Town - July 25th - Board Meeting - July 26th - ADCOG Dinner at the Bennett Community Center - July 27th - Arapahoe County Boots Not Suits
- July 20th - Meeting with the Bennett Parks and Recreation District Director.
- Out of the office on July 17th and 18th.

### 8. Trustee Comments and Committee Reports

Mayor and Trustees

**Minutes:**

**Whitney Oakley, Mayor Pro Tem, reported on the following:**

- Centennial residents have noticed increased truck traffic with Dynamic Breaking Systems traveling west on Colfax Avenue. Has the Town installed an exempt sign for Dynamic Breaking Systems?

**Royce D. Pindell, Mayor, reported on the following:**

- Accepted the Town's CIRSA Safety Awards during the CML conference.
- Thanked Staff for all of their continued hard work.

**Donna Sus, Trustee, reported on the following:**

- Will be meeting with the Bennett School Superintendent, Robin Purdy, about school crossing guards.
- Trustee Sus will be meeting with the Corridor Community Connections Bennett representative.

**9. Adjournment**

**Minutes:**

**TRUSTEE DAMBROSKI MOVED, MAYOR PRO TEM OAKLEY SECONDED** to adjourn the meeting. The meeting was adjourned at 7:43 p.m. Voting was as follows:

Ayes: Sus, Vittum, Barden, Dambroski, Oakley, Pindell,

Nays: None

Excused: Smith

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

**Minutes Approved:**

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Royce D. Pindell, Mayor

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Christina Hart, Town Clerk

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# STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees  
FROM: Denise Taylor, Assistant to the Town Manager  
DATE: July 25, 2023  
SUBJECT: MOU with Colorado Energy Office (CEO)

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## Background

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As part of an investigation into solar and other sustainable energy sources for Town facilities, Staff learned that the Colorado Energy Office (CEO) provides program administration and technical assistance to local governments through their Energy Performance Contracting (EPC) Program.

In the EPC Program, an Energy Service Company (ESCO) would be selected to perform an audit of Town facilities and identify which buildings are using energy inefficiently and estimate savings from possible upgrades. The CEO has a stringent vetting process (every 5 years) for Energy Service Companies (ESCO) to participate in the program. The ESCO will create a business case for possible energy savings. They are also experienced on the funding side of the process and can assist with seeking grants or other funding options. DOLA gives extra points on grant projects for using this service when applying for Energy Impact Funds.

The CEO will be a partner with Bennett through the work with the ESCO and any projects. They will answer questions and offer advice about how well projects align with the local governments goals, timeline and budget. Staff engineers will also review the business case and any energy audits created by the selected service company.

Town Staff had conversations with the Energy Service Company, McKinstry. They are a certified ESCO and willing to work with the Town. They have extensive experience in Colorado helping local governments realize cost savings through energy upgrades.

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## Staff Recommendation

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Staff recommends entering into a non-binding MOU with the Colorado Energy Office and moving forward with McKinstry as the Energy Service Company.

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## Attachments

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1. Memorandum of Understanding between the Colorado Energy Office and the Town of Bennett
2. Resolution No. 981-23

**MEMORANDUM OF UNDERSTANDING**  
**between the COLORADO ENERGY OFFICE**  
**and the TOWN OF BENNETT**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into by and between the STATE OF COLORADO (the “State”), acting by and through the Colorado Energy Office (the “CEO”), and the TOWN OF BENNETT (the “Facility Owner”). “Party” means the State, CEO or Facility Owner and “Parties” means both the State/CEO and the Facility Owner.

**RECITALS**

**WHEREAS**, in compliance with the State Procurement Code as set forth in section 24-101-101, *et seq.*, C.R.S. and any applicable public bidding requirements, the CEO issued a Request for Proposals (“RFP”) to energy service companies (“ESCOs”) to provide as needed energy performance contract services for its Energy Performance Contracting Program; and

**WHEREAS**, as a result of the RFP process, CEO maintains a list of pre-qualified ESCOs that are eligible for final selection by State agencies and local governments and/or municipalities to provide energy performance contracting services; and

**WHEREAS**, the purpose of this MOU is to provide the Facility Owner with access to the services and support of the CEO’s Energy Performance Contracting (“EPC”) Program; and

**WHEREAS**, in furtherance of the purpose of this MOU, the CEO is available to assist the Facility Owner with the development and implementation of EPC projects, as well as to encourage the Facility Owner to adhere to the guidelines of the EPC Program.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and the representations and covenants contained herein, the parties hereto agree as follows:

- 1. Effective Date of MOU.** This MOU shall become effective upon the later date on which the Director or authorized designee of CEO, or the representative for the Facility Owner has signed it.
- 2. Term of MOU.** The Parties’ respective performances under this MOU shall commence on the Effective Date and shall expire one year from date of signature or at the end of the term of services contracted from a pre-qualified ESCO.
- 3. Responsibilities of the CEO and the EPC Program to Facility Owner.** The responsibilities of the CEO and the EPC Program include, but are not limited to:
  - a. Upon execution of this MOU, CEO will assign an EPC project consultant to provide advice and technical assistance throughout the lifecycle of Facility Owner’s project.
  - b. CEO will provide the Facility Owner with information on the CEO website regarding the preapproved, pre-qualified list of ESCOs, which includes links to the ESCOs’ website for further information;
  - c. CEO will assist Facility Owner to procure the services of an ESCO from the pre-qualified list of approved ESCOs;

- d. CEO will assist the Facility Owner with technical guidance in order to develop and execute a Technical Energy Audit and Project Proposal Contract with a pre-qualified ESCO and also support the Facility Owner with any amendments thereof;
- e. CEO will provide technical guidance to the Facility Owner and attend on-site meetings between the Facility Owner and ESCO, as needed and subject to availability;
- f. CEO will assist the Facility Owner to develop and initiate an energy performance contract project;
- g. CEO will monitor project implementation for audits and for energy performance contract projects;
- h. CEO will facilitate the energy performance contract process to ensure commitments are met by both the ESCO and the Facility Owner;
- i. CEO will review Facility Owner's audits, proposals, calculations, contracts and measurement and verification reports;
- j. As required for school districts and requested by other public agencies, the CEO will complete a construction walk-through of project facilities prior to the "Notice of Substantial Completion" documents being finalized;
- k. If applicable, CEO will identify possible solutions to mediate any conflicts between the Facility Owner and the ESCO.

**4. Responsibilities of the Facility Owner.** The responsibilities of the Facility Owner include:

- a. By executing this MOU, Facility Owner agrees to program participation in CEO's EPC Program and engage the CEO for assistance in all stages of the EPC Program, including project development;
- b. Using a secondary selection process, Facility Owner agrees to select an ESCO from CEO's current pre-qualified list of ESCOs and which meets the requirements of Facility Owner's procurement rules, regulations and statutes (if applicable);
- c. Facility Owner will provide information as needed for the feasibility study/technical energy audit and any other project development activities;
- d. Facility Owner will review/approve the ESCO's proposals, designs and reports in a timely manner;
- e. Facility Owner agrees to execute CEO approved contracts with the ESCO;
- f. Facility Owner agrees to arrange for project financing, and with the assistance and advice of legal counsel, execute appropriate financing documents and EPC contract;
- g. Facility Owner agrees to provide project management;
- h. Facility Owner will endeavor to work with the pre-qualified ESCO to develop and refine project parameters and any other project development activities;
- i. Facility Owner will assign its staff, employees, representatives to the facility project team including operations, maintenance, financial and upper management personnel;
- j. Depending on the subject matter to be discussed, Facility Owner will ensure appropriate personnel attend project development meetings;

- k. Facility Owner will provide access to and escort ESCO, its subcontractors and CEO to buildings during mutually agreed-upon hours;
  - l. If Facility Owner is a school district, Facility Owner agrees to allow CEO to complete a construction walk-through of project facilities prior to the "Notice of Substantial Completion" documents being finalized;
  - l. During project reviews and any other reviews, Facility Owner will endeavor to address CEO's recommendations;
  - m. As requested by CEO and as needed, Facility Owner agrees to provide CEO with information regarding measurement and verification activities.
5. THIS MOU IS NOT INTENDED TO CREATE, NOR WILL THIS MOU BE CONSTRUED OR INTERPRETED AS CREATING A LEGALLY BINDING AND ENFORCEABLE CONTRACT BETWEEN THE PARTIES. IN THE EVENT EITHER PARTY FAILS TO FULLY COMPLY WITH THE PROVISIONS OF THIS MOU, THERE WILL BE NO LEGAL OR EQUITABLE REMEDIES AVAILABLE TO EITHER PARTY. THE SOLE REMEDY AVAILABLE TO THE PARTIES FOR FAILURE TO FULLY COMPLY WITH THE PROVISIONS OF THIS MOU IS TO TERMINATE THIS MOU. THE FACILITY OWNER ACKNOWLEDGES AND AGREES THAT CEO'S SERVICES MAY INCLUDE ADVICE AND RECOMMENDATIONS, BUT ALL DECISIONS IN CONNECTION WITH THE FACILITY OWNER'S EPC PROJECT SHALL BE THE SOLE RESPONSIBILITY OF THE FACILITY OWNER, ITS AGENTS AND CONTRACTORS.
6. **Signatures.** IN WITNESS WHEREOF, the Parties have executed this MOU as of the Effective Date.

<b>STATE OF COLORADO</b> , acting by and through the <b>COLORADO ENERGY OFFICE</b>		<b>FACILITY OWNER:</b>	
_____	_____	_____	_____
Will Toor, CEO Director	Date	Name: Title:  <input type="checkbox"/> Yes! I have reviewed this MOU and accept CEO's free technical support for an EPC project.  <input type="checkbox"/> No thank you. I have reviewed this MOU and decline CEO's free technical support for an EPC project.	Date
_____	_____		
EPC Team Representative	Date		



## FACILITY OWNER INFORMATION

*To be completed by facility owner (for CEO use only)*

### Owner's representative

Name	Denise Taylor
Title	Assistant to the Town Manager
Mailing address	207 Muegge Way, Bennett CO 80102
Email address	<a href="mailto:dtaylor@bennett.co.us">dtaylor@bennett.co.us</a>
Direct office phone	303-644-3249 x 1029
Cell phone	303-918-6771

### Project information

Types of facilities to be assessed for energy savings:	<ol style="list-style-type: none"> <li>1. Town Hall and other buildings with office space</li> <li>2. Pump/Well Buildings</li> <li>3. Maintenance Buildings</li> <li>4. Water &amp; Waste water Treatment Facilities</li> <li>5.</li> <li>6.</li> </ol>				
Have you selected an ESCO?	<input type="checkbox"/>	Yes. Name:	In conversation with McKinstry	<input type="checkbox"/>	No
If yes, has procurement department validated selection?	<input type="checkbox"/>	Yes.		<input type="checkbox"/>	Not yet.

**Please list any immediate needs you have related to your performance contract.**

**RESOLUTION NO. 981-23**

**A RESOLUTION SUPPORTING THE MEMORANDUM OF UNDERSTANDING  
(MOU) WITH THE COLORADO ENERGY OFFICE (CEO)**

**WHEREAS**, the Board of Trustees elects to enter into a non-binding MOU with the Colorado Energy Office (CEO) for the purpose of accessing the services and support of the CEO’s Energy Performance Contracting (“EPC”) Program.

**WHEREAS**, there is no cost for these services; and

**WHEREAS**, the Town of Bennett Board of Trustees wishes to participate in the EPC Program.

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

**Section 1:** The Board of Trustees of the Town of Bennett supports entering into the Memorandum of Understanding between the Colorado Energy Office and the Town of Bennett.

**INTRODUCED, READ AND ADOPTED THIS 25<sup>TH</sup> DAY OF JULY 2023.**

TOWN OF BENNETT, COLORADO

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

ATTEST:

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

**Public Hearing Script  
Board of Trustees**

**MAYOR:** I will next call the matter of proposed amendments to Chapter 16 of the Bennett Municipal Code to order. This is a public hearing concerning sign regulations, adding a definition for Teacherages and to designate Teacherages a Conditional Use in Public zoning district.

**MAYOR:** Ms. Hart, do we have proper notification?

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

**MAYOR:** Mr. Hebert do you have a staff presentation on this matter?

[Steve Hebert, Planning Manager]

**MAYOR:** This is a public hearing. Please keep public comment to the issues before the Trustees. If you wish to speak please write your name and address in the chat box and you will be called on. 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 Trustees, not to Town staff.

**MAYOR:** Is there anyone here who wishes to speak on this issue?

[Public comment]

**MAYOR:** If there is no more public comment I will now close the public comment portion of the public hearing. We will now proceed to the Trustees discussion. Are there any questions from the Trustees or any discussion of the Trustees?

Who would like to begin?

Who is next?

Any other questions or comments?

**MAYOR:** Ms. Taylor do you have a staff presentation on this matter?

[Denise Taylor, Assistant to the Town Manager]

**MAYOR:** This is a public hearing. Please keep public comment to the issues before the Trustees. If you wish to speak please write your name and address in the chat box and you will be called on. 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 Trustees, not to Town staff.

**MAYOR:** Is there anyone here who wishes to speak on this issue?

[Public comment]

**MAYOR:** If there is no more public comment I will now close the public comment portion of the public hearing. We will now proceed to the Trustees discussion. Are there any questions from the Trustees or any discussion of the Trustees?

Who would like to begin?

Who is next?

Any other questions or comments?

**MAYOR:** I will now close the public hearing and the Trustees will deliberate. During deliberations, Trustees may ask questions of Town staff but no further public comment will be received.

**MAYOR:** We have a two ordinances in front of us and I would entertain a motion on each. Let's take each item one at a time in the order they appear on the agenda.

**MAYOR:** May we have a Roll-Call vote/

Motion carries/fails.



TO: Mayor and Town of Bennett Board of Trustees  
FROM: Steve Hebert, Planning Manager  
DATE: July 25, 2023  
SUBJECT: Ordinance No. 772-23 - Updates to Chapter 16, Article III Regarding Sign Regulations

## Background

Chapter 16, Article III of the Bennett Municipal Code includes the Town's sign regulations. Per Section 16-3-30, the intent of the regulations is to provide a balanced and fair legal framework for the design, construction, and placement of signs that:

- (1) Promote the efficient communication of messages, and ensure that persons exposed to signs are not overwhelmed by the number of messages presented;
- (2) Encourage the innovative use of sign design;
- (3) Promote both renovation and proper maintenance of signs;
- (4) Reduce administrative burdens;
- (5) Enable fair and consistent permitting and enforcement;
- (6) Ensure that signs are compatible with their surroundings and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
- (7) Enhance property values and business opportunities;
- (8) Promote the safety of persons and property by ensuring that signs do not create a hazard by:
  - a. Confusing or distracting motorists; or
  - b. Impairing drivers' ability to see pedestrians, obstacles or other vehicles or to read traffic signs;
- (9) Protect the public welfare and enhance the appearance and economic value of the landscape by avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors; and
- (10) Assist in wayfinding.

## Summary of Proposed Updates

Periodically Staff reviews the municipal code for necessary or desired updates. The objective of this update is to:

- Perform a general cleanup to remove redundancies, correct errors, improve definitions, etc.;
- Maintain consistency with U.S. Supreme Court rulings, regarding free speech;
- Address sign types not currently mentioned in the code; and
- Make minor adjustments to some of the sign standards.

The attached draft ordinance includes all of the proposed changes. Words to be added are underlined, words to be deleted are ~~stricken through~~.

Below is a summary of the proposed updates to the Town of Bennett sign code. (See the PowerPoint presentation in the packet for images of some of the concepts discussed below.)

1. General cleanup to remove redundancies, correct errors, improve definitions, etc.
2. Increasing percent of window area for window signs from 10% to 25%. Most codes vary from 25%-50%.
3. Allow for a master sign plan for master planned residential projects, e.g. Muegge Farms, Bennett Ranch, etc.
4. Allow for larger temporary signs on undeveloped or property under development on both residential and non-residential properties. This will accommodate homebuilders and developers, consistent with what most other communities allow.
5. New standards for menu and message boards for a restaurant with a drive-thru, e.g. Sonic. Our code doesn't specifically accommodate these.
6. More accommodating standards for wall signs on non-residential buildings. Current code limits the total wall sign area to 100 sq. ft. for an entire building. Most codes allow 100 sq. ft. per building facade.
7. Minor changes to wall sign lighting to be consistent with the intent of the new lighting ordinance.
8. Minor design standard upgrade to require wall sign raceways be painted the same color as the color of the building wall behind it.

## **Planning and Zoning Commission Recommendation**

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The Planning and Zoning Commission reviewed the proposed changes on April 17, 2023 and recommended approval of the draft ordinance. See their resolution attached.

## **Board of Trustees Study Session Review**

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Staff presented the proposed changes to the Board of Trustees in a study session on June 13, 2023. The Board was supportive of the proposed changes. One comment was made regarding the use of "no higher than" when addressing the maximum height of a particular sign type. There was a question about the appropriateness of that language when discussing maximum height. Staff reviewed the language and confirmed the "no higher than" language is appropriate when it is being compared to the height of a building element that is variable, such as the height of a building parapet, which can vary from building to building.

## **Staff Recommendation**

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Staff recommends the Board of Trustees adopt Ordinance No. 772-23 amending Chapter 16 of the Bennett Municipal Code regarding sign regulations.

## Attachments

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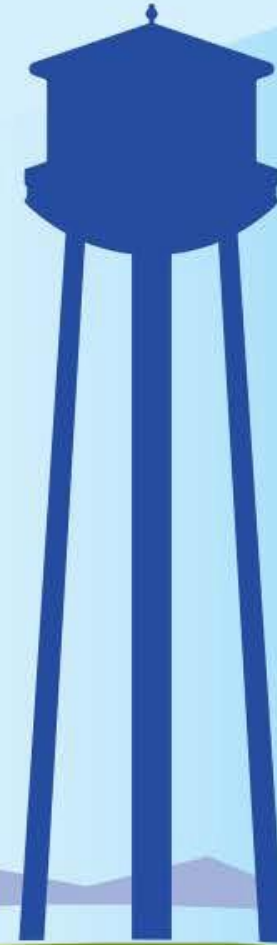
1. Staff PowerPoint Presentation
2. Planning and Zoning Commission Resolution No. 2023-04
3. Proposed Ordinance No. 772-23

# Proposed Sign Code Update Chapter 16, Article III

## Board of Trustees Public Hearing

July 25, 2023

Steve Hebert, Planning Manager



# Sign Code Update

- General cleanup to remove redundancies, correct errors, improve definitions, etc.
- Maintain consistency with U.S. Supreme Court rulings re: free speech.

Sec. 16-3-320. Permit approval criteria.

- (a) Applications for sign permits and sign plans (when required by this Article) shall be submitted in accordance with the Applicant Guide.
- (b) The Zoning Administrator shall review the sign permit application in light of the approval criteria in this Article and shall either approve, approve with conditions or deny such application.
- (c) An application for a sign permit may be approved if it complies with the applicable standards set forth in this Article or a final development plan, and all applicable building code requirements. In cases where there is a conflict between this Article and the final development plan, the final development plan shall control.
- (d) An application for a revocable permit may be approved if it complies with the following criteria:
  - (1) The applicant agrees to the terms of a revocable permit agreement, including, but not limited to, any provisions that require compensation to the Town for use of public property or public right-of-way and that indemnify the Town and hold the Town harmless from future damages or liability claims.
  - (2) The proposed sign complies with all applicable use, development and design standards set forth in this Article, and all applicable building code requirements.
  - (3) The proposed sign shall not interfere with street intersection visibility or in any other way adversely affect the public health, safety or welfare.
  - (4) The proposed sign shall not be located over any existing or future utilities and may be removed by the Town if necessary for reconstruction of a street, sidewalk, utilities or to protect the health, safety and welfare of the citizens of the Town, with no liability to the Town for replacement or repair.
  - (5) The proposed sign has been approved by the Town Engineer based on the Town Engineer's review of the proposal under all Town ordinances, resolutions, rules, regulations and policies governing the use of public property and public rights-of-way.
- (e) A sign permit shall lapse and have no further effect unless a sign has been erected in compliance with the terms and conditions of the permit within six (6) months ~~one (1) year~~ after the date of the sign permit approval.

(Ord. 646-14 §1(Exh. A), 12-9-2014 ; Ord. No. 660-16, §2(Exh. A), 2-23-2016.)

# Sign Code Update

- Increasing percent of window area for window signs from 10% to 25%.
- Most codes vary from 25%-50%.

This



Not This






# Sign Code Update

- Allow for a master sign plan for master planned residential projects, e.g. Muegge Farms, Bennett Ranch, etc.
- Currently allowed for commercial and industrial.

**OUTLINE DEVELOPMENT PLAN  
MUEGGE FARMS 3RD AMENDMENT  
TOWN OF BENNETT, COUNTY OF ADAMS, STATE OF COLORADO  
COMMUNITY SIGNAGE & GUIDELINES  
PAGE 12 OF 13**

**STANDARDS & GUIDELINES**

**R-1 Primary Community Monument**



*Exhibits are for purposes of intent only and may be subject to revisions with subsequent submittals*


**Standards**

- 2 signs per community within the subdivision
- Maximum area of 60 square feet of type face
- Maximum height of 15'

**Guidelines**

- **Location:** Community Monument signs are typically located at the entrance or prominent intersections of a community. They shall be located on a site frontage adjoining a public or private street, tract, easement or right-of-way. The setbacks should ensure that all sight lines are preserved. Upon approval of the zoning administrator, a monument sign can be integrated into a wall.
- **Landscaping:** Landscaping shall be provided at the base of the supporting structure equal to two times the area of one face of the sign. For example, twenty (20) square feet of sign area equals sixty (60) square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project, or if physical conditions of the site would preclude all or a portion of the landscaping.
- **Lighting:** Monument signs may be illuminated.

**R-2 Secondary Entry Monument**




**Standards**

- 4 signs per community within the subdivision
- Maximum area of 40 square feet of type face
- Maximum height of 12'

**Guidelines**

- **Location:** Secondary Monument signs are typically located at prominent intersections of a community or at terminus view sheds. They shall be located on a site frontage adjoining a public or private street, tract, easement or right-of-way. The setbacks should ensure that all sight lines are preserved. Upon approval of the zoning administrator, a monument sign can be integrated into a wall.
- **Landscaping:** Landscaping shall be provided at the base of the supporting structure equal to two times the area of one face of the sign. For example, twenty (20) square feet of sign area equals sixty (60) square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project, or if physical conditions of the site would preclude all or a portion of the landscaping.
- **Lighting:** Monument signs may be illuminated.

**R-3 Neighborhood Identification Monument**



**Standards**

- 3 signs per neighborhood within each filing or planning area
- Maximum area of 32 square feet of type face
- Maximum height of 8'

**Guidelines**

- **Location:** Neighborhood Identification Monument signs are typically located at prominent intersections of the entrance of an individual neighborhood. They shall be located on a site frontage adjoining a public or private street, tract, easement or right-of-way. The setbacks should ensure that all sight lines are preserved. Upon approval of the zoning administrator, a monument sign can be integrated into a fence or wall.
- **Landscaping:** Landscaping shall be provided at the base of the supporting structure equal to three times the area of one face of the sign. For example, twenty (20) square feet of sign area equals sixty (60) square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project, or if physical conditions of the site would preclude all or a portion of the landscaping.
- **Lighting:** Monument signs may be illuminated.

# Sign Code Update

- Allow for larger temporary signs on undeveloped or property under development on both residential and non-residential properties.
- Recommend 96 Sq. Ft.
- This will accommodate homebuilders and developers, consistent with what most other communities allow.





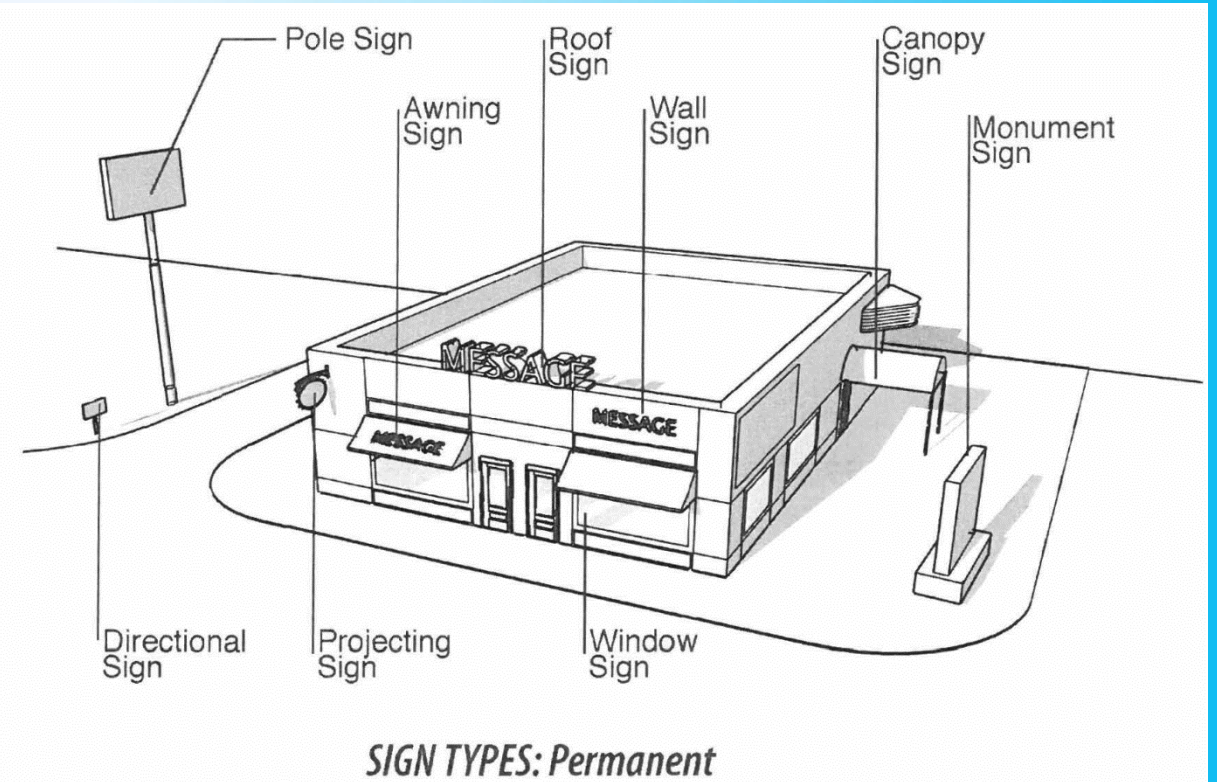
# Sign Code Update

- Specifically allow changeable copy menu board signs.



# Board Study Session Comments

- Staff presented the proposed changes to the Board of Trustees in a study session on June 13, 2023. The Board was supportive of the proposed changes.
- Question re: consistent use of language related to “no higher than...” rather than maximum height.
- Some reference points vary, thus the language is appropriate



# Planning and Zoning Commission Recommendation

The Planning and Zoning Commission reviewed the proposed changes on April 17, 2023 and recommended approval of the draft ordinance. See their resolution is attached.

# Staff Recommendation

Staff recommends the recommends the Board of Trustees adopt Ordinance 772-23, amending Chapter 16 of the Bennett Municipal Code regarding sign regulations.

(See Proposed Ordinance)

Questions/Comments?

**BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2023-04**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING CHAPTER 16 OF THE BENNETT MUNICIPAL CODE CONCERNING SIGN REGULATIONS**

**WHEREAS**, there has been proposed a draft ordinance to amend certain provisions in Chapter 16 of the Bennett Municipal Code concerning sign regulations; and

**WHEREAS**, the Planning and Zoning Commission has held a duly-noticed public hearing to consider and hear public comments on the proposed amendments; and

**WHEREAS**, based on the recommendation of Town Staff, the testimony of the witnesses and the documents made a part of the record of the public hearing, the Planning and Zoning Commission finds that the proposed ordinance should be approved in essentially the same form as accompanies this Resolution.

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

**Section 1.** The Planning and Zoning Commission hereby recommends approval of the proposed ordinance amending Chapter 16 of the Bennett municipal code concerning sign regulations.

**INTRODUCED, PASSED AND ADOPTED, THIS 17<sup>TH</sup> DAY OF APRIL, 2023.**



Martin Metsker, Chairperson

ATTEST:



Secretary





**ORDINANCE NO. 772-23**

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III OF THE BENNETT MUNICIPAL CODE REGARDING SIGN REGULATIONS**

**WHEREAS**, pursuant to state law, including but not limited to C.R.S. § 31-23-301 et seq., the Town is authorized to regulate signs within the Town; and

**WHEREAS**, the Board of Trustees of the Town of Bennett has previously adopted Chapter 16, Article III, which sets forth the current sign regulations within the Town; and

**WHEREAS**, the Board of Trustees desires to amend the sign regulations for the purpose of promoting the health, safety and general welfare of the Town; and

**WHEREAS**, the Bennett Planning and Zoning Commission has held a duly-noticed public hearing on such proposed regulations and has forwarded to the Board of Trustees its recommendation on such regulations; and

**WHEREAS**, the Board of Trustees has considered the recommendation of the Planning and Zoning Commission and has held a duly-noticed public hearing on the proposed sign regulation amendments in Chapter 16 of the Bennett Municipal Code.

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

**Section 1.** The following definitions in Section 16-3-210 of the Bennett Municipal Code are hereby amended as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

**Sec. 16-3-210. Definitions.**

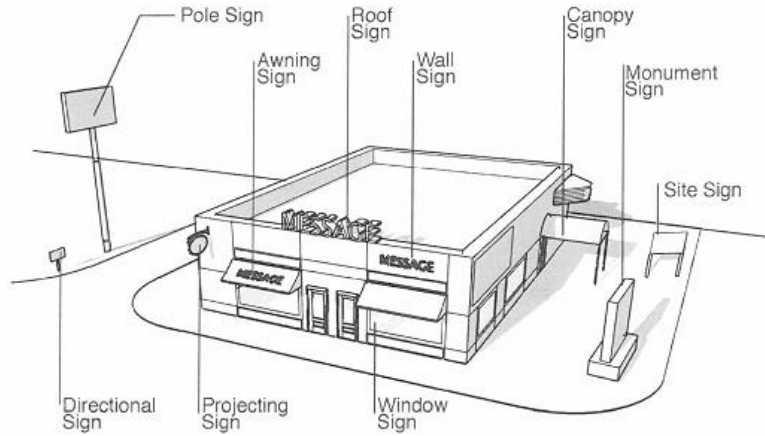
~~*Mural* means a picture or graphic illustration applied directly to a wall of a building that does not advertise or promote a particular business, service or product.~~

*Sign, external accessory use* means a sign located outside of a principal commercial use affixed to accessory commercial structures.

*Sign, menu* means a permanently mounted sign at a drive-up or drive-through facility that is not legible from the adjacent street right-of-way.

*Sign, permanent* [Definition to remain same. Add the following figure under definition].

Figure \_\_\_\_\_



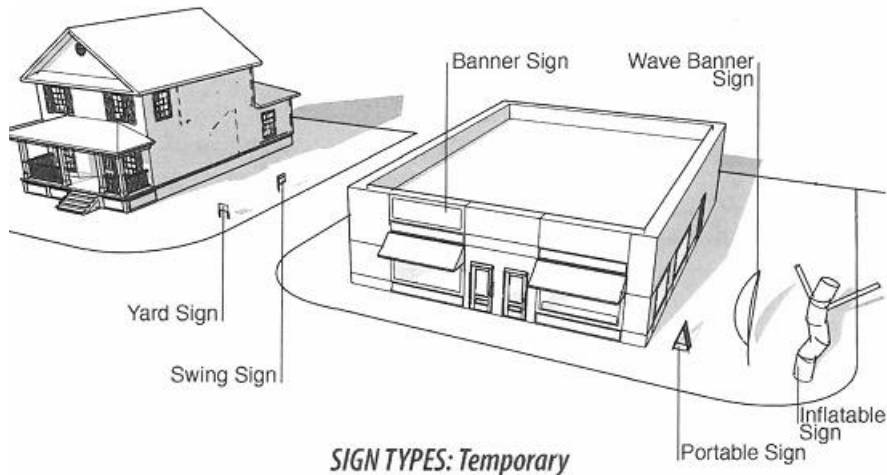
**SIGN TYPES: Permanent**

*Sign, site* means a ~~temporary~~ freestanding sign constructed of vinyl, plastic, wood, or metal or other durable material and designed or intended to be displayed for a short period of time.

*Sign, temporary* means any banner, blimp, wind or fan-driven sign, or other sign constructed of light fabric, cardboard, wallboard, plywood, sheet metal, paper or other ~~light~~ materials, with or without a frame, intended or designed to be displayed for a limited period of time.

[Add the following figure under definition]

Figure



**SIGN TYPES: Temporary**



*Sign, window* means a sign which is applied or attached to the exterior or interior of a window, or applied to, attached to, or located within one (1) foot of the interior of a window, which can be seen through the window from the exterior of the structure.

~~*Transition method* means a visual effect applied to a message to transition from one (1) message to the next. Transition methods include:~~

~~a. — Dissolve — a frame effect accomplished by varying the light intensity or pattern, where the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.~~

~~b. — Fade — a frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e. fading to black) and the subsequent frame gradually increases intensity to the point of legibility.~~

**Section 2.** Sections 16-3-320(b) and (e) of the Bennett Municipal Code are hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

**Sec. 16-3-320. Permit approval criteria.**

(b) The Zoning Administrator shall review the sign permit application in light of the approval criteria in this Article and shall either approve, approve with conditions or deny such application.

(e) A sign permit shall lapse and have no further effect unless a sign has been erected in compliance with the terms and conditions of the permit within six months ~~one (1) year~~ after the date of the sign permit approval.

**Section 3.** Section 16-3-340 of the Bennett Municipal Code is hereby amended to read as follows (words to be added are underlined):

**Sec. 16-3-340. Master sign plan.**

For any master planned residential community, multi-tenant retail center, industrial park or other unified form of commercial site development or redevelopment, the applicant may ~~shall~~ submit a master sign plan that consists of coordinated and/or shared signage for the entire development. Such master plan may be incorporated into an Outline Development Plan in PD – Planned Development zone districts.

(1) In general, signs shall have mutually unifying elements which may include uniformity in materials, color, size, height, letter style, sign type, shape, lighting, location on buildings, and design motif.

(2) Materials and textures of signs shall be compatible with the architectural character of the site and building(s). Supporting sign structures of freestanding signs shall be compatible with ~~match~~ the primary finish and colors of the associated building(s).

[Subsection 3-6 to remain same]

**Section 4.** Section 16-3-350 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. 16-3-350. - Signs allowed without permit.**

(a) Generally, the following types of signs are allowed in all zoning districts without a sign permit, subject to the provisions of this Section.

(b) Exempt signs shall otherwise be in conformance with all applicable requirements of this Article, and the construction and safety standards of the Town.

(c) Changing or replacing the copy on an existing lawful sign shall also not require a permit, provided the copy change does not change the nature of the sign or render the sign in violation of this Article.

(d) All signs not listed in this Section (and that are not prohibited under Section 16-3-360) require a sign permit pursuant to Section 16-3-310 above.

(1) Flags, provided that the following restrictions are met:

a. For residential uses, the height of the pole on which the flag is mounted does not exceed the height of the principal structure on the lot or the distance from the flagpole to the lot line, whichever is less.

b. For nonresidential uses, the height of the pole on which the flag is mounted does not exceed the height of the principal structure on the lot or forty (40) feet, whichever is less.

c. The location of the flagpole is set back a distance from a property line that is at least equal to its height.

(2) Banners and inflatable signs shall be allowed without a sign permit provided that the following requirements are met:

a. ~~Either one~~ One (1) banner per business may be displayed on a building wall, not to exceed one-half (½) square foot for each linear foot of exterior wall up to a maximum area of one hundred (100) square feet; ~~or~~

b. ~~Two~~ two (2) freestanding wave banners are permitted per business, up to a maximum height of twelve (12) feet and a maximum square footage of fifty (50) square feet each;

~~b.c.~~ No banner shall be illuminated, animated or constructed of reflective materials;

~~e.d.~~ Inflatable signs shall be securely anchored or tethered to the ground, building or structure; and

~~e.e~~ Banners and inflatable signs shall comply with the sign design and maintenance standards in Sections 16-3-510 and 16-3-530.

[Figures, Subsections 3 through 4 to remain same]

(5) Any sign displayed on a window or inside a residential building, ~~and any sign inside a nonresidential building that is not visible through a window.~~

(6) Permanent window signs, provided that such signs are limited to ~~ten percent (10%)~~ twenty-five percent (25%) of the total window area of an establishment in a commercial zoning district, and are illuminated only during the times the establishment is in operation.

[Subsections 7 through 14 to remain same]

(15) ~~Murals or w~~Works of art, as defined in Section 16-3-210.

[Subsection 16 to remain same]

(17) External accessory use signs limited to an aggregate sign area of forty (40) square feet in area, as defined in Section 16-3-210.

[Subsections 18 through 19 to remain same]

**Section 5.** Tables 3.1 and 3.2 in Section 16-3-410 of the Bennett Municipal Code are hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Table 3.1  
Standards for Residential Zoning Districts

Sign Type	Maximum Number	Maximum Area	Maximum/ <del>Minimum</del> Height
Awning or Canopy Sign	<u>1 per door or window</u> <del>Unlimited</del>	0.5 square feet of signage for each linear foot of awning or canopy	No higher than roof or parapet line; 9 feet minimum pedestrian clearance; 14 feet minimum vehicular clearance

Directional Sign	Per approved sign plan	6 square feet	<del>No higher than</del> 4 feet
Monument sign	1 per public, quasi- public or institutional use; 2 per main entrance to a subdivision, multi- family housing complex or mobile home park	32 square feet	<del>No higher than</del> 6 feet
Site Sign	1 per street frontage	16 square feet	<del>No higher than</del> 6 feet
Swing Sign	1 per street frontage	6 square feet, inclusive of riders	<del>No higher than</del> 6 feet
<u>Temporary sign (located on undeveloped property or property under development)</u>	<u>1 per street frontage</u>	<u>&lt;20 ac. = 64 square feet</u>	<u>8 feet</u>
	<u>2 per street frontage</u>	<u>&gt;20 ac. = 96 square feet</u>	<u>12 feet</u>
Wall Sign	1 per single-family or two-family dwelling with a home-based business	2 square feet	<del>No higher than</del> 8 feet
	1 per principal multifamily family building, per street frontage	32 square feet	No higher than 1 foot below roof or parapet line
	1 per public, quasi- public or institutional use	32 square feet.	No higher than 1 foot below roof or parapet line
Yard Sign	Unlimited, within maximum area requirements	6 square feet per sign/24 square feet total	<del>No higher than</del> 4 feet

Table 3.2  
Standards for Nonresidential Zoning Districts

Sign Type	Maximum Number	Maximum Area	Maximum/Minimum Height
Awning or Canopy Sign	Unlimited	0.5 square feet of signage for each linear foot of awning or canopy	No higher than roof or parapet line; 9 feet minimum height pedestrian clearance; 14 feet minimum height vehicular clearance
Directional Sign	Per approved sign plan	6 square feet	<del>No higher than</del> 4 feet, except when used on a vehicular clearance structure: minimum of 14 feet
Monument Sign	1 per legal lot of record, except within a master sign plan	75 square feet	<del>No higher than</del> 8 feet for lots < 150 lineal feet of frontage; 10 feet for lots > 150 lineal feet of frontage
	1 per multi-tenant retail center, industrial park or other form of unified site development	150 square feet	<del>No higher than</del> 25 feet
<u>Menu Sign</u>	<u>2 per drive-through lane</u>	<u>75 sq. ft. per drive-through lane</u>	<u>7 feet</u>
Pole Sign	1 per legal lot of record proximate to I-70/SH79 intersection (Figure 3.8(b): <u>Pole Sign Location Detail</u> )	380 square feet	<del>No higher than</del> 60 feet
Projecting Sign	1 per building entrance	15 square feet	No higher than roof or parapet line; 9 feet minimum height
Roof Sign	1 per principal building	100 square feet	No higher than 4 feet above the roofline, parapet or fascia wall on a flat roof; no higher than roofline on a peaked or mansard roof
Site Sign	1 per street frontage	32 square feet	<del>No higher than</del> 8 feet
Swing Sign	1 per street frontage	6 square feet, inclusive of riders	<del>No higher than</del> 6 feet
<u>Temporary sign (located</u>	<u>1 per street frontage</u>	<u>32 square feet</u>	<u>8 feet</u>

<u>on developed property)</u>			
<u>Temporary sign (located on undeveloped property or property under development)</u>	<u>1 per street frontage</u>	<u>&lt;5 ac. = 64 square feet</u>	<u>8 feet</u>
	<u>2 per street frontage</u>	<u>&gt;5 ac. = 96 square feet</u>	<u>12 ft.</u>
Wall Sign	Unlimited. Within allowed maximum area.	1.5 square feet of area per lineal foot of exterior wall frontage or leased frontage, up to a maximum of 100 square feet <del>for entire building</del> <u>per building facade.</u>	<del>No higher than 25 feet and</del> <u>Not higher than the eave line of the principal building</u>
Yard Sign	Unlimited, within maximum area requirements	6 square feet per sign/24 square feet total	<del>No higher than 4 feet</del>

**Section 6.** Figure 3.1 in Section 16-3-420 of the Bennett Municipal Code is hereby deleted.

**Section 7.** Section 16-3-420(4)(d) 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. 16-3-420. Standards by sign type.**

(4) Electronic message centers.

d. Transition Method. The electronic message center shall be limited to static messages. Displays shall not flash, rotate, scintillate, blink or strobe illumination when transitioning between messages. ~~-, changed only through either dissolve or fade transitions, which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing scintillating or varying of light intensity.~~

**Section 8.** Section 16-3-420(10) 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. 16-3-420. Standards by sign type.**

(10) Wall signs.

a. Location. A wall sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail.

b. Quantity, Area and Height. A wall sign shall comply with the quantity, area and height requirements established in Section 16-3-410. Wall signs shall not be higher than the eave line of the principal building. No sign part, including cut-out letters, may project from the building wall more than required for construction purposes and in no case more than twelve (12) inches.

c. Lighting. Wall signs may be illuminated in nonresidential zoning districts only. All lighting must be internal or by way of a full-cutoff light fixture so the source of the light is not directly visible off-site.

d. If individual letters are mounted on a raceway, the raceway shall be the same or similar color as the color of the background of the building façade upon which the raceway is mounted.

[Figure 3.11 to remain same]

**Section 9.** Section 16-3-420 of the Bennett Municipal Code is hereby amended by the addition of a new subsection (11) to read as follows:

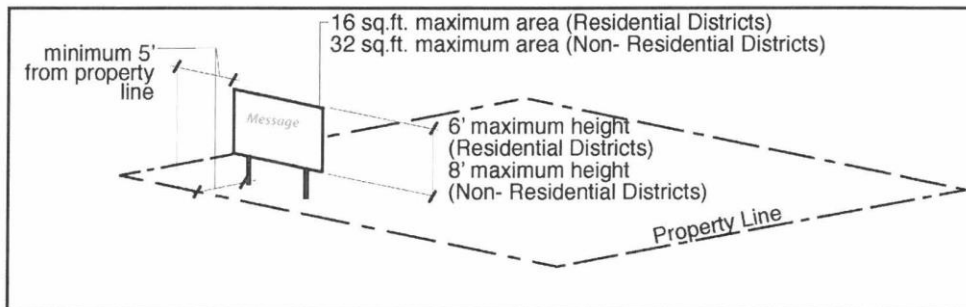
**Sec. 16-3-420. Standards by sign type.**

(11) Site Signs shall be permitted as follows:

a. Location. Site signs shall be setback a minimum of five (5) feet from any property line. Site signs are not permitted on parcels with existing residential uses.

b. Quantity, area and height. A site sign shall comply with the quantity, area and height requirements established in Section 16-3-410.

Figure \_\_\_\_: Site Sign Detail



**Section 10.** Section 16-3-430(1) of the Bennett Municipal Code and Figures 3.12 and 3.14 concerning Site Signs are hereby deleted and the remaining subsections shall be renumbered.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE  
ONLY THIS 25<sup>TH</sup> DAY OF JULY 2023.**

TOWN OF BENNETT, COLORADO

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Royce D. Pindell, Mayor

Attest:

---

Christina Hart, Town Clerk



# STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees  
FROM: Denise Taylor, Assistant to the Town Manager  
DATE: July 25, 2023  
SUBJECT: Chapter 16.2.210 - Teacherages Definitions

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## Background

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The challenge of providing affordable housing is a pressing issue that is affecting communities across the nation. More specifically, the Bennett School District is finding it increasingly difficult to find and recruit teachers due to the lack of affordable housing for early career educators. Representatives of the District met with Town Staff to discuss the possibilities of building housing specifically for teachers on school district property, known as teacherages.

Teacherage is defined as any housing facility for teachers and other school employees provided by a school district. Colorado Revised Statutes § 22-32-110 gives school boards the authority to construct, purchase, or remodel teacherages for the employees of the district.

Designating teacherages as a conditional use in the Public Zone, offers the Planning Commission and the Board of Trustees the ability to require a site plan, traffic, utilities and public safety studies, as well as rely on Bennett Municipal Code (BMC) Section 16-2-330 to ensure design harmony and compatibility for this use and future uses in designated public use zones. Public hearings before both the Planning Commission and Town Board are required for conditional uses, which would give interested parties the opportunity to provide comments on a proposed teacherage.

A Public Hearing was held by the Planning and Zoning Commission on July 17 and they voted in favor of the amendment.

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## Staff Recommendation

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Town Staff recommends an amendment to the BMC to add a definition for teacherages to Section 16.2.210 and to designate teacherages as a conditional use in the Land Use Table in BMC Section 16.2.470.

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## Attachments

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1. Proposed changes to Section 16.2.210
2. Proposed changes to Section 16.2.470
3. Letter of Support from Bennett School District
4. Resolution 2023-05 Recommending Approval of an Ordinance
5. Ordinance No. 773-23

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## Sec. 16-2-210. Definitions.

The words and phrases used in this Article shall have the meanings defined below:

*Substantial change* means a modification that changes the physical dimensions of an Eligible Support Structure such that after the modification, the structure meets any of the following criteria:

- A. For Towers, it increases the height of the Tower by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other Eligible Support Structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;
- B. For Towers, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- C. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, as determined on a case-by-case basis based on the location of the Eligible Support Structure but not to exceed four (4) cabinets per application; or for Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- D. When the change entails any excavation or deployment more than thirty (30) feet in any direction outside the current site.
- E. When the change would defeat the concealment elements of the Eligible Support Structure by causing a reasonable person to view the structure's intended stealth design as no longer effective;
- F. For any Eligible Support Structure, it does not comply with record evidence of conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in above paragraphs A, B, C and D of this definition.

For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the Tower or Base Station, inclusive of approved appurtenances and any modifications that were approved prior to February 22, 2012.

*Teacherage* means any housing facility for teachers and other school employees provided by a school district on school district property.

*Temporary moving or storage containers* means a storage container associated with a temporary use, such as building renovation or the process of moving into or out of a dwelling unit. Temporary moving or storage containers, as hereby defined, do not include *cargo containers* as defined in this Article.

*Temporary use* means a land use that is only permitted for a specified period of time.

Sec. 16-2-470. Land uses.

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

Land Use Categories	Zone Districts										
	A	RE	R-1	R-1A	R-2	R-3	MH	C	EC	I	P
<b>G. RESIDENTIAL USES</b>											
(1) Assisted living facility or nursing home					C	P					
(2) Group home for the aged, persons with developmental disabilities, and persons with behavioral or mental health disorders in compliance with all state and federal law.	P	P	P	P	P	P					
(3) Group home for juvenile offenders						C					
(4) Home occupations	P	P	P	P	P	P	P		P		
(5) Manufactured homes	P	P	P	P	P	P	P				
(6) Mobile homes							P				
(7) Multifamily dwelling						P			C		
(9) Rooming, lodging or boarding houses						P			C		
(8) Single-family dwelling	P	P	P		P	C	P				
(9) Teacherage											C
(910) Two-family dwelling					P	C					
(10 11) Townhome dwelling					C	P					

# BENNETT SCHOOL DISTRICT 29J

July 13, 2023

Denise Taylor  
Assistant to the Town Manager  
207 Muegge Way  
Bennett, CO 80102

RE: Teacherages

Good Afternoon,

Thank you for the consideration of municipal code changes to allow us to build teacherages. For many years, Colorado and national housing markets have been increasing in value at a level very inconsistent with Colorado school revenues which has made it almost all but impossible to hire and retain teaching staff simply because they cannot afford to live here. Nationally, schools are seeing a huge teacher shortage and the competition to recruit and retain quality teachers is very intense.

In short, Bennett School District 29J would like to build units for teachers to be able to live in while educating our students at an affordable level. We have looked at many different options for cost efficiency and while we are figuring out the best way to construct or purchase these units we are asking the Town of Bennett to consider possible changes to the code to allow these options. It is not our intent to profit off these units or to sell and compete with the builders.

Thank you for the continued partnership with the school district we look forward to your response. Please feel free to call or email with any questions.

Sincerely,



Keith Yaich  
CFO  
720-810-0584  
kyaich@bsd29j.com

**BENNETT PLANNING AND ZONING COMMISSION**

**RESOLUTION NO. 2023-05**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING CHAPTER 16 OF THE BENNETT MUNICIPAL CODE CONCERNING TEACHERAGES**

**WHEREAS**, there has been proposed a draft ordinance to amend certain provisions in Chapter 16 of the Bennett Municipal Code concerning teacherages; and


**WHEREAS**, the Planning and Zoning Commission has held a duly-noticed public hearing to consider and hear public comments on the proposed amendments; and

**WHEREAS**, based on the recommendation of Town Staff, the testimony of the witnesses and the documents made a part of the record of the public hearing, the Planning and Zoning Commission finds that the proposed ordinance should be approved in essentially the same form as accompanies this Resolution.

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


**Section 1.** The Planning and Zoning Commission hereby recommends approval of the proposed ordinance amending Chapter 16 of the Bennett municipal code concerning the definition of teacherages and their conditional use in public use zones.

**INTRODUCED, PASSED AND ADOPTED, THIS 17<sup>TH</sup> DAY OF JULY 2023.**



Martin Metsker, Chairperson

ATTEST:



Secretary



**ORDINANCE NO. 773-23**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE BENNETT MUNICIPAL CODE CONCERNING TEACHERAGES**

**WHEREAS**, the Board of Trustees of the Town of Bennett previously adopted Chapter 16 of the Bennett Municipal Code, which sets forth requirements for the use and development of land within the Town; and

**WHEREAS**, the Board of Trustees desires to amend Chapter 16 to include teacherages as a conditional use in the Public (P) District; and

**WHEREAS**, the Bennett Planning and Zoning Commission has held a duly-noticed public hearing on the proposed ordinance and has forwarded to the Board of Trustees its recommendation on such ordinance; and

**WHEREAS**, the Board of Trustees has considered the recommendation of the Planning and Zoning Commission and has held a duly-noticed public hearing on the proposed ordinance.

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

**Section 1.** Section 16-2-210 of the Bennett Municipal Code is hereby amended by the addition of the following definition to be inserted alphabetically in said section (words added are underlined):

**Sec. 16-2-210. Definitions.**

The words and phrases used in this Article shall have the meanings defined below:

Teacherage means any housing facility for teachers and other school employees provided by a school district.

**Section 2.** Section G in Table 2.12 in Section 16-2-470 of the Bennett Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

<b>G. RESIDENTIAL USES</b>										
(1) Assisted living facility or nursing home					C	P				
(2) Group home for the aged, persons with developmental disabilities, and persons with behavioral or mental health disorders in compliance with all state and federal law.	P	P	P	P	P	P				

(3) Group home for juvenile offenders						C					
(4) Home occupations	P	P	P	P	P	P	P		P		
(5) Manufactured homes	P	P	P	P	P	P	P				
(6) Mobile homes							P				
(7) Multifamily dwelling						P			C		
(9) Rooming, lodging or boarding houses						P			C		
(8) Single-family dwelling	P	P	P		P	C	P				
<b><u>(9)Teacherage</u></b>											<u>C</u>
<b><u>(9)10</u></b> Two-family dwelling					P	C					
<b><u>(10)11</u></b> Townhome dwelling					C	P					

**Section 2.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 3.** The repeal or modification of any provision of the Municipal Code of the Town of Bennett by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 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 AND ORDERED PUBLISHED BY TITLE ONLY THIS 25<sup>TH</sup> DAY OF JULY 2023.**

TOWN OF BENNETT, COLORADO

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

ATTEST:

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

## Suggested Motion

I move to approve Ordinance No. 772-23 – An ordinance amending Chapter 16, Article III of the Bennett Municipal Code regarding sign regulations.

I move to approve Ordinance No. 773-23 – An ordinance amending Chapter 16 of the Bennett Municipal Code concerning teacherages.



# STAFF REPORT



welcome neighbors.

TO: Mayor and Town of Bennett Board of Trustees  
FROM: Trish Stiles, Town Manager  
DATE: July 25, 2023  
SUBJECT: Chapter 8 Parking, Storage and Vehicle Weight Changes

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## Background

During the June 13<sup>th</sup> Board meeting, Staff presented amendments to Chapter 8 Sections 8-5-10 and 8-5-20 of the Bennett Municipal Code regarding overweight parking on Palmer Ave. as well as overweight vehicles and weight limits on Kiowa- Bennett Road.

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## Staff Recommendation

Per the Board's directive, given the urgency of Palmer Avenue's safety and the significance of Kiowa-Bennett Road's role in the County's transportation system Staff recommends the Board of Trustees adopt Emergency Ordinance No. 771-23 an emergency ordinance amending Chapter 8 of the Bennett Municipal Code concerning parking, storage, use and overweight vehicles.

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## Attachments

1. Emergency Ordinance No. 771-23

**ORDINANCE NO. 771-23**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 8 OF THE BENNETT MUNICIPAL CODE CONCERNING OVERWEIGHT VEHICLE PARKING AND RESTRICTIONS**

**WHEREAS**, an increasing number of overweight vehicles are parking on Palmer Street, which is creating site line issues and safety hazards for people driving in the area; and

**WHEREAS**, to address this issue, the Board of Trustees has determined that Section 8-5-10(a)(4) of the Bennett Municipal Code should be amended to prohibit overweight vehicle parking on Palmer Avenue; and

**WHEREAS**, Section 8-5-20(b) of the Bennett Municipal Code prohibits overweight vehicle transportation on Kiowa-Bennett Road; and

**WHEREAS**, given the importance of the Kiowa-Bennett Road in Arapahoe County’s transportation network, the Board of Trustees has determined that Section 8-5-20(b) should be amended to allow overweight vehicle transportation on said road.

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

**Section 1.** Section 8-5-10(a)(4) of the Bennett Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 8-5-10. Parking, storage and use.**

(a) It is unlawful to park, keep or store any vehicle weighing more than ten thousand (10,000) pounds empty weight, semi-tractor, semi-trailer, tow truck, bus or construction equipment or permit the same to be parked, kept or stored, on any public street, highway, road, alley or any other right-of-way within the Town, or on any private property in any residential zoned district or mobile home district within the Town, except in the following circumstances:

(4) When said vehicle is parked along First Street, ~~Palmer and Colfax~~ Avenues, Highways 36 and 79, and rights-of-way in that area encompassed within the following: from Pike Street east to Custer Street, and Kiowa Avenue north to Colfax Avenue; provided that such motor vehicles are operable, have not been left in any one (1) location for a continuous period of more than seventy-two (72) hours and do not obstruct the sidewalk or line of sight necessary for the right-of-way or create a health or safety risk.

**Section 2.** Section 8-5-20(b) of the Bennett Municipal Code is hereby amended to read as follows (words added are underlined):

**Sec. 8-5-20. Weight limits.**

(b) No person shall drive, operate or move any vehicle exceeding ten thousand (10,000) pounds empty weight upon any of the streets or parts thereof within the Town, excluding First Street, Palmer and Colfax Avenues, Highways 36 and 79, Kiowa-Bennett Road, and that area encompassed within the following: from Pike Street east to Custer Street, and Kiowa Avenue north to Colfax Avenue.

**Section 3.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 4.** The repeal or modification of any provision of the Municipal Code of the Town of Bennett by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 5.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 6.** The Board of Trustees herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate safety of the public and importance to improve traffic safety on Palmer Avenue and to allow overweight vehicle transportation on Kiowa-Bennett Road in light of the importance of said road in Arapahoe County's transportation network. Therefore, the Board of Trustees herewith further finds, determines and declares that it is necessary for this ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by three-fourths of the entire Board of Trustees.

**INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY THIS 25<sup>TH</sup> DAY OF JULY 2023.**

TOWN OF BENNETT, COLORADO

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Royce D. Pindell, Mayor

ATTEST:

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Christina Hart, Town Clerk

## **Suggested Motion**

I move to approve Ordinance No. 771-23 – An emergency ordinance amending Chapter 8 of the Bennett Municipal Code concerning overweight vehicle parking and restrictions.

## EXECUTIVE SESSION SCRIPT

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

I MOVE TO GO INTO EXECUTIVE SESSION:

**For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e); Bennett Crossing Pearl Street.**

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

BEGIN THE EXECUTIVE SESSION:

**It's July 25, 2023, and the time is \_\_\_\_\_. For the record, I am the presiding officer, Mayor, Royce D. Pindell. As required by the Open Meetings Law, this executive session is being electronically recorded.**

**Also present at this executive session are the following persons:**

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

ANNOUNCEMENT NO. 1

**This is an executive session for the following purpose:**

**For the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. Section 24-6-402(4)(e); Bennett Crossing Pearl Street.**

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

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

ANNOUNCEMENT NO. 2

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

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

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

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

(turn off tape and return to open meeting)

ANNOUNCEMENT NO. 3

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

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

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

**Seeing none, the next agenda item is...**