

**New Castle Planning and Zoning Commission Special Virtual Meeting  
Wednesday, January 13, 2021, 7:00 p.m.,**

**Due to concerns related to the Coronavirus, this meeting was open to the public as a virtual meeting only.**

**To join by computer, smart phone or tablet:  
<https://us02web.zoom.us/j/7096588400>**

**If you prefer to telephone in:  
Please call: 1-346-248-7799  
Meeting ID: 709 658 8400**

**Call to Order**

Commission Chair Apostolik called the meeting to order at 7:03 p.m.

**Roll Call**

Present Chair Apostolik  
Commissioner Bourquin  
Commissioner Lucio  
Commissioner McDonald  
Commissioner Riddile  
Commissioner Sass  
Commissioner Westerlind

Absent None

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Town Attorney David McConaughy, Assistant Town Attorney Haley Carmer, Public Works Director John Wenzel, Deputy Town Clerk Mindy Andis and members of the public. All persons attended the meeting via phone computer, smart phone or tablet.

**Meeting Notice**

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2021-1.

**Conflicts of Interest**

There were no conflicts of interest.

**Citizen Comments on Items NOT on the Agenda**

There were no citizen comments.

### **Item for Consideration – Continued from December 9, 2020**

Consider Resolution PZ-2020-09 Approving a Preliminary PUD Development Plan for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19.

Assistant Town Attorney Haley Carmer gave a brief summary of the application. Attorney Carmer said that CVR Investors had submitted a revised preliminary PUD plan at the end of October 2020. The public hearing for the application was opened and closed on November 23, 2020. Since then, the commission had been deliberating the application and considering the evidence to determine whether to approve, approve with conditions or deny the preliminary PUD application. She said that in the packet was a proposed resolution with a number of conditions the commission had discussed over the past several meetings. Attorney Carmer said that within the past few days the applicant's attorney, Bart Johnson, had submitted a proposed redline version of the resolution and a letter explaining the proposed changes.

Attorney Johnson said CVR Investors had looked at other projects with the same product type, same type of road, and density configuration particularly in filing 6 and 9 with the same type of buildings. Then CVR Investors looked at the response they had received on their application. CVR Investors had become frustrated and felt they were being held to a different standard although their application was very comparable to others. He said CVR Investors felt they were complying with the zoning standards just as the other projects had, but were being looked at differently. Attorney Johnson said that CVR Investors were eager to make the project work, but had some concerns about at what extent they might have to go to meet some of the conditions.

Chair Apostolik reviewed the proposed conditions with the commission.

6. Conditions. Approval of the Preliminary Plan, as amended, is subject to and contingent up on satisfaction of the following conditions:

- a. Eliminate, reorient, or reduce the following buildings that adversely impact the natural character of the Property and the livability of the community:
  - ~~Reduce the building on Lot 11 to a duplex because of the aesthetic impacts of a 18' grade cut~~
  - ~~Reduce the building on Lot 12 to a duplex because of the aesthetic impacts of a 14' grade cut~~
  - ~~Eliminate Building 13 because of 30' fill and projected settlement~~
  - ~~Eliminate Building 14 because of 38' fill and projected settlement~~
  - Eliminate Buildings ~~24~~ 23 and ~~25~~ 24 to make central open space more usable and to promote outdoor recreation
  - Orient Building 29 so that the building is parallel to Eagle Ridge Drive

Commissioner Riddile said the elimination of buildings 23 and 24 would be an

opportunity for additional parking, additional snow storage and a playground. He said he had no problem with the rest of the redline.

Commissioner McDonald said he agreed with Commissioner Riddile. Eliminating buildings 23 and 24 would give a little more open space. Looking at the comprehensive plan, the guiding principle in terms of open space was to have a location that was accessible by as much of the development as possible and to have trails that are interconnected with the open space.

- ~~b. Design duplex units on Eagle Ridge Road with garages which can accommodate two vehicles to improve the housing diversity, snow storage, and on-street parking issues.~~
- c. The covenants for Filing 11 shall prohibit the parking of boats, trailers, campers, RVs, inoperative vehicles, etc. in driveways or on public rights of way for no more than 48 consecutive hours.
- d. Upgrade the open space area off of Falcon Ridge Court as a central “green” with functional active or passive space.
- e. Applicant shall adequately screen the western portion of Filing 11 from the adjacent homes along South Wild Horse Drive through one or more of the following:
- Widening the natural buffer along C Avenue to greater than 120 feet;
  - Heavily landscaping Open Space A as shown on the Preliminary Plan with trees to obscure the line-of-site; or
  - Installing at least three trees near ~~the~~ each rear lot lines of the lots along the west side of Filing 11 and including a provision in covenants for Filing 11 regarding on-going HOA maintenance and replacement of the same.

Commissioner Sass said if there would not be a wider buffer then there needed to be more of a natural buffer which meant more than 1 tree per unit to help extend the natural buffer.

- f. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. In addition to the snow storage areas shown on the revised site plan submitted with the Amended Preliminary Plan, a snow storage easement shall be designated to the east of Building 11 consistent with the comments from the Public Works Director. Snow storage shall be free of all obstructions including fences.
- g. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2” OR MORE.
- h. Provide 5’ landscape (“green”) buffers between the road and sidewalks along the outer radial lane of Eagle Ridge Dr. for snow storage.

Commissioner Bourquin said having the buffer was an essential to solve snow storage. She said that the ice dams on the sidewalks in Castle Valley Ranch were very dangerous and a matter of public safety for anyone who walks. She also said that there were cars that cannot see the edge of road and were driving on the sidewalks.

- i. The boundary of the open space area at the southwestern end of Filing 11 shall be revised to incorporate the entire length of the trail that connects to Eagle Ridge Drive as shown on the revised site plan. Said open space and trail shall be owned and maintained by the HOA for the development but shall be open for public use.
- j. Design Bear Canyon Dr. as a ~~50'~~ 60' right-of-way according to comments from the Public Works Director. No homes in this filing or any future filing north of the southern intersection of Eagle Ridge Drive and Bear Canyon Drive shall front or be accessed off of Bear Canyon Drive. **Parking shall be allowed on both sides of Bear Canyon Drive.**

Public Works Director John Wenzel said if the applicant had a desire to have parking then the right-of-way would need to change to 60 foot right-of-way along Bear Canyon Drive. Director Wenzel said he was fine with the 60 foot right-of-way as long as there were no homes fronting Bear Canyon Drive.

- k. Specify on the plat that Open Space A shall be owned and maintained by the Town and that all other open space areas within the development shall be owned and maintained by the HOA.
- l. Provide a construction phasing plan. Identify, at minimum, each of the following components:
  - Buildout phases;
  - Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
  - Storage and staging areas for construction equipment and materials;
  - Illustrate drainage and erosion control best management practices (BMP's)
- m. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- n. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- o. Provide a conceptual landscape plan for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Plans submitted to obtain a building permit for any dwelling in Filing 11 shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.

- p. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- q. Submit an exhibit and conveyance document(s) in a form acceptable to the Town Attorney outlining the necessary water rights (potable and/or raw) required for Filing 11.
- r. Prior to the recordation of any Filing 11 phase plat, the Applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney. The subdivision improvements agreement for the first phase shall address the allocation of work and costs between Applicant and the Town necessary to mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.
- s. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- t. Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this Resolution.
- u. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Town Council shall be considered part of the Application and binding on the Applicant.
- v. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, when developing the Property according to the Plan, as amended;
- w. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.
- x. Dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill.
- y. Diversify ~~painting color~~ and texture of the ~~units buildings~~ within the subdivision.

Commissioner Westerlind expressed concern regarding the separation from South Wild Horse and Eagle Ridge Road.

Commissioner Bourquin expressed concern regarding the redline version of the conditions list in the resolution from the applicant. She said that in previous meetings with the applicant, the applicant expressed an inability to accommodate some of the concerns.

**MOTION: Chair Apostolik made a motion to approve Resolution PZ2020-09 Approving a Preliminary PUD Development Plan for Castel Valley Ranch**

**MOTION: Chair Apostolik made a motion to approve Resolution PZ2020-09 Approving a Preliminary PUD Development Plan for Castel Valley Ranch Filing 11, Being a portion of PA17 and PA19 as amended. Commissioner Westerlind seconded the motion and it passed on a roll call vote: Commissioner Westerlind: Yes; Commissioner Lucio: Yes; Commissioner McDonald: Yes; Commissioner Riddile: Yes; Commissioner Sass: Yes; Chair Apostolik: Yes; Commissioner Bourquin: No.**

**Staff Reports**

There were no staff reports.

**Commission Comments and Reports**

There were no commission comments.

**Review Minutes from Previous Meeting**

**MOTION: Chair Apostolik made a motion to approve the November 23, 2020 meeting minutes as submitted. Commissioner McDonald seconded the motion and it passed unanimously.**

**Review Minutes from Previous Meeting**

**MOTION: Commissioner Bourquin made a motion to approve the December 9, 2020 meeting minutes as submitted. Commissioner Sass seconded the motion and it passed unanimously.**


**MOTION: Chair Apostolik made a motion to adjourn the meeting. Commissioner Westerlind seconded the motion and it passed unanimously.**

The meeting adjourned at 7:39 p.m.

Respectfully Submitted



  
Chair Chuck Apostolik

  
Deputy Town Clerk Mindy Andis, CMC