

**New Castle Planning and Zoning Commission Meeting
Wednesday, August 26, 2020, 7:00 p.m., Town Hall**

Due to concerns related to the Coronavirus, the meeting was held as a virtual meeting only. Commission Members and the Public attended by phone, computer, smart phone or tablet.

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 Riddle
 Commissioner Westerlind

Absent Commissioner Sass

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Town Attorney David McConaughy, Assistant Town Attorney Haley Carmer and 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 2020-1.

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ-2020-08 Recommending Approval of a Conditional Use Permit for a Quilting Studio on Property Located in the Commercial -1 Zone.

Chair Apostolik opened the public hearing at 7:04 p.m.

Town Planner Paul Smith said the application proposed a quilting studio workspace in the C-1 zoning district along the alleyway south of Main Street. The studio will consist of a 280 square foot structure that will accommodate assembly area and a large quilting machine used to service quilts for clients. Currently the property is occupied by a single-family home built in 1909 and accessory structures. The use is currently non-conforming according to code section 17.36.050. In the event that the property should transition from a residential to conforming commercial use, this

studio can be readily converted to a single car garage or storage shed. The applicant maintains that the versatility of the structure will be an asset to the community regardless of the proposed use or future use of the property.

Whereas chapter 17.36 of the municipal code does permit analogous uses such as printing shops and photography studios, provisions for quilting studios are neither specified permitted nor not-permitted. Therefore per section 17.36.040 (D), "any use not specifically defined in the permitted, conditional, or non-permitted use categories shall be a conditional use." As a conditional use application, the Planning Commission is required to hold a public hearing in accordance with the procedures set forth in Municipal Code chapter 16.08. Within 30 days after the hearing, the commission must make one of three recommendations to Town Council:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

The purpose of a conditional use permit is to determine if the nature of the proposed use is appropriate to the location, character of the surrounding development, vehicle capacity on adjacent streets, and potential environmental effects, among other factors, that the town may deem relevant to the type of land use.

Site Plan:

- (1) Adjacent land uses and location of adjacent structures:

Staff Comment – The existing building is adjacent to a residential lot to the west, and the Ringer commercial building to the East. The Ringer building is a live/work establishment. The house fronts Main St. to the north, and an alleyway to the south.

- (2) Boundary and size of lot:

Staff Comment – In C-1 the minimum lot area for a single-family detached unit is 2,500 square feet per dwelling unit. The current lot size is 5,000 square feet. The minimum floor area is 800 square feet per dwelling unit. The existing floor area is 1,638 square feet. The quilting studio will add 280 square feet of lot coverage.

- (3) Boundary location, height and setbacks:

Staff Comment – The maximum building height in C-1 for residential is 32 feet. The proposed building height is 13'. Setbacks are noted on the drawings and comply with the C-1 minimum setbacks mentioned in section 17.36.080.

- (4) Off-street parking and loading areas:

Staff Comment – For residential dwelling units in the C-1 zone there must be one and one-half parking spaces per dwelling unit. (Municipal Code 17.76.120§B). A minimum of fifty (50) percent of the required parking spaces in the C-1 zone district shall be provided onsite behind the building and with access from the alley. Currently there are 2.5 off-street

parking spaces located entirely in the rear of the lot.

(5) Points of ingress and egress:

Staff comment – The studio design shows a service door planned at the northern side of the structure and a 7' barn door to the east. Parking for the studio will be accessed by the alleyway from either the east or west.

(6) Service and refuse areas:

Staff Comment –There is access for meter readings and ample space beyond the fence for any trash collection services. In the event that the land were to transition to commercial use, the proposed garage would not impede on the function of these areas.

(7) Signs and exterior lighting:

Staff Comment – There are currently no proposed exterior signs and/or lighting. Should this change, the applicant will be required to comply with lighting and sign code provisions in the municipal code. Any added exterior lighting will need to be dark-sky compliant per the comprehensive plan.

(8) Fencing, landscaping and screening:

Staff Comment -The garage will run parallel to the existing fence and contribute to the screening at the rear of the lot. Fencing will remain compliant with R-1 zone standards.

(9) Compliance with performance standards:

Staff Comment – The applicant has submitted a signed document stating they will comply with all performance standards.

(10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements:

Staff Comment – The garage will not be connected to Town water and sewer. Electrical service is anticipated on the west wall of the structure. The garage does not impede on any easement.

Section 17.36.030 of the municipal code states that the town's goals within the C-1 district are to retain historical characteristics of the downtown business area by preserving existing structures constructed prior to the year 1930. Remodeling and construction is encouraged: to reflect the goals of the zone district; to enhance the town's attraction to residents, tourists, and visitors; to serve as a support and stimulus to business and industry; to reflect a pedestrian orientation; and to enhance property values. Section 17.36.100 states that design and construction in C-1 shall be consistent with the following provisions:

- A. Remodeling and restoration improvements to preexisting and/or nonconforming structures are encouraged and shall not affect their existing uses as described above. Exterior remodeling and improvements shall blend with the existing structure and surrounding neighborhood with the effect to retain and restore the district's historical characteristics.

- B. New additions to existing structures shall meet the setback requirements of this district. The exterior shall blend with the existing structure.
- C. New construction within this C-1 district shall be designed in relation to the historical characteristics of the district, so that the exterior features of such construction shall blend with the historical characteristics as established in this chapter.
- D. Exterior finish materials such as logs, exposed metals or materials of gloss finish, or vinyl-finish siding on nonresidential buildings are not permitted.

Staff anticipates that the design and construction of the quilting studio will not violate these provisions nor conflict with the overall design of the existing house.

A conditional use application shall be approved only if the town council finds that the application:

1. Is eligible for conditional review under Section 17.35.050;

Comment: Sections 17.36.050, 17.36.050, and 17.36.060 of the municipal code identify the list of permitted uses, conditional uses, and non-permitted uses, respectively. By virtue of its exclusion from all of these lists, a quilting studio is thereby subject to the conditional use process. A complete application with all CUP requirements was confirmed on July 1, 2020. A public hearing with the Planning Commission was scheduled for the first available meeting after 45 days.

2. Is generally compatible with adjacent land uses;

Comment: Although the current land use of this lot is non-conforming in C-1, it is staff's opinion that the proposed addition of the garage will not inhibit the transition of land use from residential to commercial. Moreover the presence of a studio structure will likely enhance the function of the property with any use.

3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;

Comment: The proposal anticipates little negative impact on the community and adjacent properties. Furthermore, the Applicant will satisfy the requirements of all adopted building codes and Town codes as described in the conditions of approval.

4. Is consistent with the comprehensive plan

Comment: The New Castle Comprehensive Plan Policy H-1G maintains that New Castle will encourage new businesses in historic downtown that will create a destination/stop for tourism. New Castle will favor

retail and service for its downtown buildings. The proposed quilting studio is consistent with these policies.

5. The town has the capacity to serve the proposed use with water, sewer, fire, and police protection.

Comment: The studio will not be serviced by the Town's water or sewer. Impacts on the Town's infrastructure, including police and fire protection are slight.

The staff recommends Planning Commission **approval of Resolution PZ 2020-8** with the following conditions:

- A. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after Applicant has entered into an agreement with the Town specifying that all conditions imposed by the town council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by town council, or the application is deemed withdrawn by the applicant and is of no further force and effect.
- B. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84.070.
- C. In the event the town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the applicant and/or owner may be summoned before the town council in a public meeting to show-cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf.
- D. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
- E. Added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
- F. All representations of the applicant in written and verbal presentations submitted to the town or made at public hearings before the planning commission or town council shall be considered part of the application and binding on the applicant.
- G. 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 towns outside consultants such as legal and engineering

costs.

Chair Apostolik read into the record a letter for support:

To whom it may concern,

*I'm writing to express my approval of Dara Marquardt's request for a conditional use permit for a quilting studio on her property.
It will be a positive addition for her family and the New Castle community and a proper utilization of the property's C-1 zoning.*

Alicia Herring

Applicant Ms. Dara Marquardt, said the quilt studio was unique to the area in that there is not another one in the valley.

Planner Smith asked Ms. Marquardt to explain how the quilting machine worked and the size of it.

Ms. Marquardt said the machine was on a 12-foot frame and was robotic. Ms. Marquardt said she received the tops of quilts and then will put batting in the middle and the backing on, and then hand guide the quilt through the machine to sew everything together. She said the machine was big enough to sew a king size quilt.

Commissioner Westerlind asked if Ms. Marquardt would be working with other quilters.

Ms. Marquardt said it would be just her.

Chair Apostolik closed the public hearing at 7:16 p.m.

MOTION: Commissioner Riddile made a motion to approve Resolution PZ-2020-08, a Resolution of the New Castle Planning & Zoning Commission Recommending Approval of a Conditional Use Permit for a Quilting Studio on Property Located in the Commercial -1 Zone. Commissioner Bourquin seconded the motion and it passed on a roll call vote: Commissioner Riddile: Yes; Chair Apostolik: Yes; Commissioner McDonald: Yes; Commissioner Westerlind: Yes; Commissioner Bourquin: Yes; Commissioner Lucio: Yes.

Public Hearing

Consider Continuation of Decision on Resolution PZ-2020-02 Recommending Approval of Castle Valley Ranch PUD Master Plan Amendment.

Chair Apostolik stated the Castle Valley Ranch PUD Master Plan Amendment had been withdrawn by the applicant.

Items for Consideration

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

Town Attorney David McConaughy said in February 2020, CVR Investors, Inc. submitted a combined preliminary/final subdivision and preliminary/final PUD development plan application to the town concerning development of Filing 11 in Castle Valley Ranch. The Planning and Zoning Commission considered the application at a public hearing held on May 13, 2020 which was continued to May 27, 2020. After the public hearing was closed on May 27, 2020, the commission unanimously voted to deny the application. Because the commission is the approving body for preliminary subdivision and PUD applications and because a final subdivision/PUD application cannot be considered unless a preliminary application has been previously approved, the application did not proceed to town council for review and decision.

Section 17.100.070(D) of the Town Municipal Code allows an applicant to take a disputed preliminary PUD decision made by the planning and zoning commission to town council for review. CVR Investors exercised this option, and council reviewed the commission's decision regarding the application on July 21, 2020 meeting. At the meeting, town staff summarized the application, the information presented at the public hearings, the issues the commission identified regarding the application, and the basis for the commission's decision to deny the application. CVR Investors then presented its argument to council as to why the commission erred in denying the application. After hearing both presentations and without taking additional public comment or new evidence from staff or CVR Investors, council decided to refer the application back to the commission for reassessment. Specifically, council directed the commission to consider whether one or more conditions proposed by town staff to address the commission's concerns would justify conditional approval of the preliminary PUD portion of the application (the "Preliminary Application") rather than an outright denial.

Based on the direction from council, the commission will be reconsidering the preliminary application. CVR Investors did not appeal the commission's denial of the preliminary subdivision plat application, and the final subdivision application cannot be acted on until a preliminary plat is approved, so there is nothing more for the commission to do with respect to the subdivision portion of the original application. Similarly the final PUD application cannot move forward unless and until the preliminary application has been approved. The commission's reassessment of the preliminary application will dictate what happens with the final PUD application portion of the original application.

In reassessing the preliminary application, the commission must decide whether the preliminary application (a) unconditionally satisfies the approval criteria set forth in Section 17.100.090(A); (b) can satisfy the approval criteria if one or more conditions are imposed; or (c) cannot satisfy the approval criteria regardless of whether conditions are imposed. The commission must make its decision based on the information and evidence presented during the May 13 and May 27 public hearings; no new information or public comment will be taken.

Considering the reasons for the commissions' initial decision to deny the application, staff has developed a number of conditions for the commission to review.

Those are presented in the staff report and Resolution PZ 2020-9. If adopted, Resolution PZ 2020-9 would replace and supersede Resolution PZ 2020-6, the resolution that formally denied the application, as to the preliminary application only. The conditions proposed by staff are not an exhaustive list. The commission may decide that some conditions should be removed and others added in order for the preliminary application to satisfy the PUD approval criteria. The commission may also decide that no amount of conditions will bring the preliminary application in line with the approval criteria, in which case the commission's previous decision will stand.

If, after its reassessment, the commission decided to conditionally or unconditionally approve the preliminary application, the commission must decide whether or not to act on the final PUD portion of the application. As presented in Resolution PZ 2020-9, staff recommends that the commission continue its decision on the final PUD application until CVR Investors submits a revised, final PUD application and combined preliminary/final subdivision application that addressed all conditions that may be imposed on the preliminary application. If the Commission goes this route, the application would come back to the commission for a new public hearing on the revised, final PUD application and preliminary/final subdivision application.

Alternatively, the commission may approve the preliminary PUD application (with or without conditions) and recommend approval of the final PUD application subject to the same conditions, if any. In that event, the final PUD application would go to council for review and decision at a public meeting, but there would be no additional public hearings regarding the PUD portion of the application. CVR Investors would also need to submit a new combined preliminary/final subdivision application that would go to the commission for review at a public hearing, although the scope of that hearing would be limited to issues related to the subdivision plat only.

To summarize, the commission had the following options with respect to the preliminary application:

1. Approve the preliminary PUD application without conditions and recommend approval of the final PUD application without conditions;
2. Approve the application with conditions and recommend approval of the final PUD application with those same conditions;
3. Approve the application with conditions and continue a decision on the final PUD application pending submission of a revised final PUD application and a combined preliminary/final subdivision application; or

4. Maintain the commission's original denial of the application.

Planner Smith said upon review of all testimony, town council recommended that staff, the planning commission, and the applicant should reconvene on the preliminary PUD application and consider whether sufficient revisions could be made to warrant the commission's approval.

As a result of the council's decision, both staff and the applicant have provided alternatives to the original preliminary PUD application for the commission's consideration. Resolution PZ 2020-9 shall repeal and supersede Resolution PZ 2020-6 only with respect to the preliminary application. Resolution PZ 2020-6 remains in effect for all other portions of the original application. The preliminary/final subdivision application has been previously denied but may be re-submitted for further review in conformity with the approved preliminary PUD Development Plan and may be considered simultaneously with the hearing on any final PUD Development Plan.

The commission will be charged with deciding whether any recommended revisions or combination of revisions to the application will favor approval based on the criteria in *New Castle Municipal Code* 17.100.090. An application shall demonstrate:

1. Generally compatibility with adjacent land uses;
2. Consistency with the comprehensive plan;
3. Town's capacity to serve water and sewer and provide fire and police protection;
4. Whether land uses are permitted outright or by special review;
5. Whether number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan;
6. Whether the PUD utilizes:
 - i. the natural character of the land,
 - ii. provides for off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation,
 - iii. is of overall compatible architectural design,
 - iv. achieves adequate screening, buffering and aesthetic landscaping,
 - v. avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of this title.

Staff recommended that the planning commission explore the following alternatives to the Filing 11 preliminary PUD application prior to deciding on Resolution 2020-09.

Planner Smith said approval of the preliminary application is subject to and contingent up on satisfaction of the following conditions:

- A. Soften the transition between single family homes along South Wild Horse Dr. and the multifamily homes proposed in the Application by:

- Converting lots 2 & 8 from quadplexes to triplexes. (**Less 2 units**)
- Converting lots 3, 4, 5, & 7 to duplexes. (**Less 5 units**)
- Retaining lot 6 as two duplex buildings.
- Integrate single-family home architectural features into the duplex design.

Commissioner Bourquin asked about less units versus converting from quadplexes and triplexes to duplexes because it moved the building spaces around. She said that the numbers were not as important as the typology. Commissioner Bourquin said she would like to see duplexes along S. Wild Horse Drive.

Aaron Atkinson, applicant, said that CVR Investors had been looking at the application a lot since the last meeting in terms of which concerns that were heard in the hearings could be addressed. One of the concerns was more usable open space. He said they had discussed eliminating Falcon Ridge Court, along with the associated units. Doing that would expand the open space "C".

Mr. Atkinson said eliminating Falcon Ridge Court and expanding open space "C", there was concern about the grade which may make it unusable. He was not sure if there was a way to make it a little large in order to make it a flatter space which could be use more for a parkland.

Mr. Atkinson said that was an option which he was exploring. He said that CVR Investors were operating within a certain number of restrictions which they were trying to balance.

Mr. Atkinson said the first constraint was having to provide more usable open space. CVR Investors were looking into ways in which that would be accomplished.

Mr. Atkinson said that the second constraint was related to the buildings on the south side of Eagles Ridge Road. Buildings 10 and 11 had negative aesthetics and the question was whether there was a way to deal with it because of the grade concerns. He said it became a question of aesthetically and financially can it be changed from a quadplex to a duplex. He said they would need to look at the engineering again to see if it could be done.

Mr. Atkinson said that the third constraint was the number of units. The issue of density had come up during the hearings for filing 11. The questions were about how the density played into the rest of the acreage of land and how units are distributed. The concern was that making a decision on density in filing 11 now may have negative ramifications later. The issue was the number of units that are eliminated in filing 11 may be moved to the east, but he didn't want to create a problem in the future.

Commissioner Bourquin said there had been a discussion about what CVR Investor's plans and thoughts for the additional filings. She said it was hard to make a decision on filing 11 without understanding what the ramifications were when the road that dead ends on the current site plan. She asked how it connect through,

and how the units compare in relationship to those on the other side of Bear Canyon Drive. Commissioner Bourquin said it would be beneficial to think about how the pieces fit together.

Mr. Atkinson said he agreed with that.

Attorney McConaughy said that they needed to understand Mr. Atkinson's perspective as to why a condition eliminating units may or may not be acceptable. He said they needed to keep in mind that the application had to be able to stand on its own, therefore the commission cannot place conditions on the application because of what may happen on the property across the street.

Commissioner McDonald said that since there was an issue with appearance of buildings 10 and 11, would that same issue apply to buildings 12 and 13 since the buildings were on the same ridge.

Mr. Atkinson said yes that is correct and buildings 10-13 were being looked at.

Planner Smith said staff saw problems with buildings 10 and 11 regarding cuts that would be visible. He said there had been discussions about eliminating 10C, 10D and 11A because of visual impacts to the community. He also said there will be some serious fill further east. Planner Smith said that the buildings on the south have some cut and fill working needing to be done. For now, he said staff was referencing 10C, 10D and 11A as cut issues into the bank which may require retaining structure. Otherwise it will be exposed dirt that will show for a number of years.

Chair Apostolik asked Mr. Atkinson what his thoughts were about the conditions that had been introduced by staff in regards to softening the transition.

Mr. Atkinson said after reading the staff comments he felt that the transitioning was one of the conditions that could work. Softening the transition with duplexes that more closely resemble a single-family homes looked very promising and could be accomplished down the western side of Eagle Ridge Drive where it would be across the street from South Wild Horse Drive units.

Commissioner Riddle asked if it would be acceptable to have a condition on one side of Eagle Ridge Road that buildings 1-9 would be converted to townhomes.

Mr. Atkinson said he was comfortable with duplexes along that section. He said the problem was needing more time. There could be a problem with buildings 10-13 and he said he was not sure what the ripple effect will be across rest of the site.

Chair Apostolik asked Mr. Atkinson if he wanted to continue the meeting to another date or go through rest of the conditions.

Mr. Atkinson said he would like to go through rest of the conditions because when he goes back to his team wanted to have a complete and clear understanding of what the town was looking for, and having more specific answers to the questions.

Attorney McConaughy asked the commission if they were open to a conditional approval because if the answer was "No" then there was no reason to continue. If the commission was willing to consider the conditional approval then it would be worth moving forward and have a discussion.

Commissioner Bourquin said "Yes".

Commissioner Riddile said "Yes". He said he liked the transition to duplexes on the west side, expanding open space "C", not just engineering constraints of connecting soft trail corridor going east and west, and eliminating buildings 11-13.

Commissioner McDonald said "Yes" and was very happy to see CVR Investors openness and willing to address some of the concerns the commission had. The proposed conditions make the plan more community friendly and more in line with what the commission was trying to accomplish in the comprehensive plan.

Commissioner Westerlind said "Yes".

Commissioner Lucio said "Yes".

Commissioner Bourquin said converting lot 3 could stay a triplex would be an adequate buffer. However she thought lots 4-7 should be duplexes because that was the area that was the tightest along South Wild Horse Drive.

Mr. Atkinson said would like to take advantage of the configuration that previously existed and capitalize on the work the engineer had originally done.

Town Administrator Dave Reynolds said one of the big factors for creating the duplex lots was because of the parking issue. The other issue staff looked at was snow storage. The more small separations between the buildings and lower density along the road provided more small spots for public works to push snow. The other concern from the commission was there needed to be a diversity of product, and in order to have a diversity of product, staff felt substituting some of the triplex units to duplex units helped with the diversity.

Commissioner Westerlind said the ability to create a wildlife corridor would also help soften the transition with natural landscaping.

Mr. Atkinson asked for some examples of integrating single-family architecture features.

Planner Smith said the idea is make the building look more like a single family home. More offsets or different orientations to make it stick out more like a home. Being able to buffer the transition better.

Chair Apostolik said also using different textures so the buildings all don't look the same.

- B. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the land pursuant to approval criteria

17.100.090(A.6):

- a. Reduce the building on Lot 10 to a duplex because of the aesthetic impacts of a 18' grade cut.
- b. Reduce the building on Lot 11 to a duplex because of the aesthetic impacts of a 14' grade cut.

Chair Apostolik asked Mr. Atkinson if he was ok with the direction staff has presented for conditions on the grade cut feet.

Mr. Atkinson said he cannot be sure because of the particular condition depended heavily on engineering and he needed more time with the engineer to look at it.

Commissioner Riddile said a natural character of land was to preserve a soft trail corridor by eliminating units 12 and 13 and do to a 30 foot fill.

Mr. Atkinson asked if units 10-13 had to be eliminated and the area become a dedicated open space. However, he said dedicating open space where units 10-13 were may not make open space "C" much bigger.

Commissioner Riddile said open space "C" needed to be bigger by eliminating unit 20 but keeping units 18 and 19. He said that units 12 and 13 could be eliminated, and leave unit 11.

Commissioner Bourquin said she would like to see open space "C" as more valuable. Eliminating units 10-13 created a single loaded roadway which was not a good use of infrastructure.

Commissioner Riddile said if units 11 and 13 were eliminated, there may be room to end Eagles Ridge Drive at unit 14, which could help the topography and also help with plat fills. He said that one of the problems was Eagles Ridge Drive backing up to Bear Canyon Drive. He felt that the roads should be broken up to improve the emergency access.

- C. Design duplex units on Eagle Ridge Rd. with garages which can accommodate two vehicles to improve the housing diversity, snow storage, and on-street parking issues.

Planner Smith said the main reason is get cars off the street. The original design had single car garages with single car driveways. To help eliminate the congestion on the street would require a two car garage with a two car driveways. It would also contribute to the diversity issue.

Mr. Atkinson said having a two-car garage as a condition will need further discussion.

- D. Upgrade open space "C" as a central "green" with useable park space by eliminating Falcon Ridge Ct. and buildings 18, 19 & 20. Add off-street parking between buildings 17 & 21 for open space "C". Open Space "C" shall include flat space for activities, playground equipment, or shade structures.

Planner Smith said in the original plan there were 3 open spaces. Open space "A"

was N. C Avenue, open space "B" was along Castle Valley Boulevard and open space "C" was a small area in the middle of filing 11.

Staff was proposing to eliminate units 18-20 to have a large open space "C" as usable space for a park which would include flat space with landscaping focusing on an activity.

Mr. Atkinson said he heard them about opening up open space "C" and he would need to look at the possibility and will accommodate as best as he can.

Commissioner Riddile said if unit 20 was eliminated could convert the north side of Falcon Ridge Court to a few off street parking spaces.

- E. Widen the natural buffer along North C Ave. to greater than 120 feet *or* heavily landscape with trees to obscure the line-of-site between adjacent homes along South Wild Horse Dr. and those in Filing 11.

Planner Smith said the transition along N. C Avenue had a couple of alternatives. The first one is to pair it with the open space along the trail that currently existed further west along Castle Valley Boulevard, just north of South Wild Horse Dr. The other was if there was a way to widen the open space along C. Avenue to something that is similar to the South Wild Horse open space. Heavily landscape with trees it could be used for wildlife corridor.

Commissioner Westerlind suggested having both. Widening the buffer along N C Avenue with heavily a landscape area would create a nice walking path, as well as a wildlife corridor and screening creating a softer transition.

Mr. Atkinson asked how dense for the landscaping.

Planner Smith said would need to consult with public works but could be as dense as evergreens touching.

- F. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. A snow storage easement shall be designated between each building structure and confined to an area 15' wide by 10' deep beyond the sidewalk. Additionally, snow storage easements in aggregate shall total no less than 15% of the plow able street area. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.
- G. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2" OR MORE".
- H. Prohibit on-street parking along the outer radial lane of Eagle Ridge Drive to improve snow removal, safety, and traffic flow. Prohibit parking adjacent to any snow storage easement identified on the plat.

Planner Smith said public works and town engineer was recommending more frequent snow storage areas. Because the more frequency of snow storage would resolve a lot of the snow storage issue.

Chair Apostolik asked Mr. Atkinson if the condition was workable.

Mr. Atkinson said he did not know because of the reconfiguration of the buildings.

Commissioner Riddile suggested to have Mr. Atkinson submit a snow storage plan that would utilize storage easements, signage, and off street parking.

The commission agreed to combine conditions F, G and H as a single condition.

- I. Provide 5' landscape ("green") buffers between the road and sidewalks along both sides of Bear Canyon Dr. and the inner radial lane of Eagle Ridge Dr. All green buffers shall be lined with trees except in designated easements.

Mr. Atkinson said having a buffer on Bear Canyon Drive should not be an issue, but with regard to the inner radial that would be subject to the reconfiguration.

- J. At the developer's sole expense, mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.

Planner Smith said this condition comes from the request of the fire marshal. There were concerns regarding fire hazard along C Avenue. Along the west side of C Avenue as it dips down into downtown, the over growth of trees does need to be mitigated. Also on the east side of the property could be mitigated.

Mr. Atkinson said he has spoken with the fire marshal and would like to look at the areas with him to determine the concern.

- K. Construct and 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 as shown on Exhibit C or dedicate as Public Open Space a portion of the land bordering properties to the south of Eagle Ridge Road.

Mr. Atkinson said it depended on the reconfiguration of the area south of Eagles Ridge Road.

Commissioner Riddile said at some point everything from the south will be dedicated as active public space. For an example there would be trails running through the open space.

Mr. Atkinson said he agreed.

- L. Improve trail connectors with areas gained by downsizing to duplexes as shown on Exhibit C by providing a north-south connector trail from the C Ave switchback (at Castle Valley Boulevard), continuing between Lots 2 & 3 and 22 & 23 to Open Space C. The north-south connector will continue between Lots 15 & 16 to the south end of Eagle Ridge Rd. An additional east-west connector will extend from Open Space C between Lots 25 & 26 to Bear Canyon Drive and beyond. All such connectors shall be paved or concrete.

Mr. Atkinson said it would depend on the reconfiguration of Eagle Ridge Road and it had been discussed.

Chair Apostolik said he agreed with paved or concrete trails for the outer trails, but asked why paved or concrete instead of recycled asphalt for the inner trails.

Commissioner Bourquin said even using a little bit of gravel and make it a soft surface trail would work just fine.

- M. Design Bear Canyon Dr. as a collector street as defined in the Municipal Code to channel traffic from residential areas to arterial streets. The minimum right-of-way shall be 60' including two 12' wide travel lanes, two 8' wide parking lanes, two 5' wide landscape buffers, and two 5' sidewalks.

Chair Apostolik said the current configuration could also change based on what happened on the south east portion. That particular grade coming off the arterial at the bottom will be extensive.

Attorney McConaughy asked Mr. Atkinson about dedicating a wider right-of-way even if it was not built wider now since there was no certainty what will happen with the adjacent property.

Mr. Atkinson said that could be a solution, but would he need to look at.

- N. Provide water and sewer service stub-outs for future development east of Bear Canyon Drive prior to the installation of road infrastructure.
- O. Provide verification that the Castle Valley Blvd right-of-way can accommodate standard turn lanes and through lanes.
- P. Specify on the plat that Open Spaces A, B, and C shall be maintained by the HOA.

Commissioner Bourquin asked to see a full landscaping plan at final approval.

Commissioner Westerlind would like to know who would be taking over landscaping and maintenance upon completion of covenants.

Planner Smith said open space "A" would be maintained by the town and open space "B and C" would be maintained by the HOA.

- Q. Provide a construction phasing plan. Identify, at minimum, each of the following components:
 - o Buildout phases;
 - o Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - o Storage and staging areas for construction equipment and materials;
 - o Illustrate drainage and erosion control best management practices (BMP's)

- R. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- S. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- T. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- U. 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.
- V. 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.
- W. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- X. 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.
- Y. 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;
- Z. 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.
- AA. 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.

Attorney McConaughy had suggested staff, applicant and himself come back with a revision of the conditions.

The commission agreed to continue the resolution until September 23, 2020.

MOTION: Commissioner Westerlind made a motion to continue Resolution PZ 2020-09 to September 23, 2020. Chair Apostolik seconded the motion and it passed unanimously.

Items for Next Planning and Zoning Agenda

There were no items for the next meeting.

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no comments or reports.

Review Minutes from Previous Meeting

MOTION: Commissioner Bourquin made a motion to approve the August 12, 2020 meeting minutes as submitted. Commissioner Riddile seconded the motion and it passed unanimously.

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

The meeting adjourned at 9:14 p.m.

Respectfully Submitted,




Chair Chuck Apostolik


Deputy Town Clerk Mindy Andis, CMC