

**New Castle, Colorado  
Planning and Zoning Commission  
Wednesday, February 14, 2024, 7:00 PM**

**Call to Order**

Commission Chair Apostolik called the meeting to order at 7:00 p.m.

**Roll Call**

Present	Chair Apostolik Commissioner Martinez Commissioner Carey Commission Alternate Rittner Commissioner Alternate Parks Commissioner Sass Commissioner McDonald Commissioner Cotey
Absent	Commissioner Westerlind

Also present at the meeting was Town Administrator David Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Remi Bordelon, and members of the public.

**Meeting Notice**

Deputy Town Clerk Bordelon verified that her office gave notice of the meeting in accordance with Resolution TC 2024-1.

**Conflicts of Interest**

There were no conflicts of interest.

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

There were no citizen comments.

**Items For Consideration**

**Castle Valley Ranch PA 12 Sketch Plan**

Town Administrator Dave Reynolds addressed members of the public in attendance, reviewed the process for a land use application and what the expectations were for a sketch plan. He explained that the intent of a sketch plan was to provide the commission with the opportunity to review a land use application for the very first time. He said the intent of this meeting was "step one" in a long process. Administrator Reynolds explained that after the initial sketch plan meeting with the commission, the land use application then would go to Council as a sketch plan followed by a community open house, a commission preliminary meeting, a final meeting with the commission then to Council for a final decision. He clarified that at any stage of the process of the land use development application, it may be re-reviewed to a previous phase in the process, meaning a sketch plan meeting or preliminary meeting. He outlined the many opportunities the community would have to comment on a development proposal during the process.

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**Staff Report Castle Valley Ranch PA 12 Sketch Plan**

Planning Commission – February 14th, 2024

Report Compiled: 2/8/2024

Project Information

Applicant: Maarjan Hashami

Applicant's Mailing Address: 17774 Preston Rd. Dallas, TX 75254

Phone/Email: 469-531-4115/maarjan@tcfuels.com

Property Owner: TC Midwest LLC

Owner Mailing Address 17774 Preston Rd. Dallas, TX 75254

Proposed Use: 56–64k sf of Commercial Space:

- Fueling Station
- Bank
- Community Market
- Market
- Café
- Boutique Hotel
- Open Space & Plaza

Parcel Acreage: 10.77 acres

Open Space/Floor Area to Land Ratio: ~ 2 acres/13-15.2

Proposed Zoning: M/U - 1

Surrounding Zoning: SF homes (N Wild Horse Dr., Redstone Dr, CVB); Open Space (VIX Park), Residential zoning (CVRI), School (Kathryn Senor Elementary)

**I Introduction**

TC Midwest LLC approached the Town in early 2023 to discuss commercial development on Planning Area 12 (PA12) off the Castle Valley Blvd. (CVB) roundabout near Kathryn Senor Elementary (Exhibit A, pg. 4) and across from Pyramid Dr. In those early conversations, the Applicant noted how the prospects of PA12 dovetailed with their history of development in the Valley (Exhibit A, pg. 1). With one of the only remaining commercial parcels available, Staff agreed that a central multifunctional commercial property having amenities within walking distance to the surrounding community, could be a valuable addition to the neighborhood. After a number of congenial discussions and numerous plan edits, the Applicant officially submitted a sketch plan application on November 7th, 2023 to pursue this vision.

The proposal contemplates the 7 buildings in 4 phases (Exhibit A, pg. 8) all bracketed by a circuitous parking lot/driveway arrangement intersecting at the CVB roundabout to the west and N Wild Horse Dr to the east. Project phasing is summarized as follows:

- Phase 1 – Bank, Fueling Station, Community Market, Restaurant w/ outdoor seating and, a central park/plaza;
- Phase 2 – Flexible, market based development; Potential for Town partnership;
- Phase 3 – Boutique Hotel;
- Phase 4 – Park/Open Space;

The sketch plan is the first of three application steps required for new planned unit developments ("PUDs") & subdivisions. The sketch plan review assesses initial compliance with town codes, provisions for utilities and infrastructure, substantial conformance to the comprehensive plan, and adverse impacts to the Town. The review provides the Applicant preliminary, nonbinding feedback from Staff, the Planning Commission, and Town Council before significant expenses are incurred. Though no approvals are made at this initial step, constructive feedback can be anticipated.

Town Planner Paul Smith introduced TC Midwest LLC, represented by applicant Maarjan Hashami and her team: Owner Brad Jordan of Jordan Architecture, Project Developer

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John Shade, Jancy Nickles with Sopris Engineering and her local property management team. Planner Smith described the location of the development proposal as adjacent to Pyramid Drive, next to the roundabout and south from VIX Park. He identified the size of the development proposal as an estimated fifty-five to sixty-five thousand square feet of commercial space on just under 11 acres that did not include residential zoning but rather mixed use. He reviewed the site plan (Exhibit A) and described the development phases as roughly 4 phases:

- Phase 1 – development off the roundabout to include an office/administration building (potentially a bank), gas station with a supporting community market, and a restaurant with outside open seating in the plaza.
- Phases 2 through 4 were still being planned but with the idea of a boutique hotel, central outdoor plaza, and other commercial occupancies. He clarified that staff recommended that the applicant’s Phases 2 through 4 be reviewed as separate preliminary and final meetings.

Commissioner Martinez asked if the commission would be considering the entire development or just Phase 1. Assistant Attorney Carmer clarified that the commission was considering a phased PUD plan for the entire development where Phase 1 would be the first portion constructed. She said the whole application would be considered for approval and, if approved, each phase would build out per the criteria of the approval.

Ms. Hashami described the intent of the development plan with a vision of providing a centralized community space available for kids to play and many amenities to offer to the community. She said the entire team was present for the meeting in an effort to answer any and all questions regarding the development.

**II Staff Review:**

*Throughout the application process, the submittal documents will be reviewed pursuant to the criteria below as outlined in the Municipal Code (MC) for planned unit developments (PUDs) and subdivisions. An proposal should show general conformity to the following (MC17.100.040(E)):*

1. Consistency with the comprehensive plan;
2. Compatibility of proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions;
3. Availability of town services from public works, fire, and police;
4. Vehicle, bicycle, and pedestrian circulation; and
5. Preservation of the natural character of the land.

Planner Smith outlined the approval criteria in the staff report as well as the intent of the Castle Valley Ranch (CVR) PUD. He summarized the outlined values and goals of the comprehensive plan and how they matched with the CVR PUD. He explored the application and if it was consistent with the comprehensive plan and stated that the project would provide a centralized area of community amenities and gatherings. He added that the northern buildings could provide a commercial space for the Recreation Department. He identified the proposed development provided a walkable location for the surrounding community. He said the goal with the comprehensive plan was to provide smart growth that included amenities, community, and was walking distance.

Chair Apostolik asked if the proposed development was the last of the three mixed use zoned areas that included Filing 11 and the Romero Group development. Planner Smith

confirmed the TC Midwest, LLC development would probably be the last mixed use area, however he clarified that CVR had the possibility of developing up to 100,000 square feet of commercial development. He said the proposed TC Midwest, LLC development would be utilizing fifty-five to sixty-five thousand square feet, so the remaining about of commercial occupancy could be built within other areas zoned as mixed use within CVR.

Commissioner Cotey asked for further details of the phasing process of the proposed development plan. Planner Smith referenced the project summary (Exhibit B) and explained that Phase 1 involved development of the property adjacent to Castle Valley Boulevard and included a fueling station, community market, restaurant and office building. He noted concerns from both the Fire Marshal and Town Engineer regarding the need for temporary turnarounds and roundabouts during construction to avoid dead-end streets. Ms. Hashami added that the later phases of 2 and 3 were proposed as interchangeable, meaning either one could be the next in line to develop, with the understanding of connecting the development to North Wild Horse Drive after the completion of Phase 1. She noted the timeline for the process after completing Phase 1 as an immediate transition to planning the next phase due to high costs. She clarified that the mockup designs for the buildings in Phases 2 and 3 were merely placeholder businesses without any established tenants. She added the buildings were also simply acting as a reference for the viewshed analysis and not intended as the actual design.

Planner Smith discussed the design of the road as a private loop comprised of driveways and parking spaces with egress off North Wild Horse Drive with the intent to align with the Silverado Trail (when built) providing direct access to Lakota. He added that the town would not maintain the private circulation.

**1) Is the proposal consistent with the comprehensive plan?**

*According to CVR PUD regulations (MC 17.104.010):*

*"The purpose and intent of the Castle Valley Ranch PUD zone district regulations are to:*

- A. Encourage variety in the physical development pattern of Castle Valley Ranch;*
- B. Provide a variety of housing densities greater than would be normally possible;*
- C. Encourage the use of a more creative approach to the development of land;*
- D. Encourage a more efficient, aesthetic and desirable use of open space;*
- E. Encourage a more efficient use of energy through solar orientation, native vegetation, and water conservation;*
- F. Provide a variety of dwelling and building designs;*
- G. Provide high standards of development and provide amenities appropriate to the densities involved in the project;*
- H. Provide an integrated open space system throughout areas as outlined on the Castle Valley Ranch PUD zoning plan as well as throughout individual districts;*
- I. Provide for a variety of housing types in order to best meet the housing demands of all age groups;*
- J. Maintain and preserve the general alignment of drainage ways for aesthetic, energy and functional purposes;*
- K. Provide pedestrian networks throughout the open space districts as well as throughout individual districts thereby providing an integrated network throughout the entire development;*
- L. Provide landscape areas and tree plantings throughout the entire development."*

*The CVR planning concept is consistent with the major elements of the currently adopted Comprehensive Plan ("CP"). Applicants are expected to*

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clearly demonstrate substantial conformity with the CP in all applications (**Policy CG-1B**). Substantial conformance to the CP may include:

- *Fostering distinctive, attractive communities with a strong sense of place and quality of life.*
- *Demonstrating a fully-balanced community and land use structure.*
- *Ensuring a mix of uses that complement existing land-use patterns.*
- *Creating walkable communities and encourage multi-modal transportation.*
- *Balancing housing types that support a range of affordability.*
- *Preserving open space, natural beauty, and critical wildlife habitat.*
- *Encouraging economic development.*
- *Providing efficient and cost-effective services.*

*Per the submittal narrative (Exhibit A, page 1), the development proposes relevant commercial amenities intending a socio-economic focal point in the core of Castle Valley Ranch (CVR). The centralized location is poised to enhance connectivity of services and amenities to the surrounding community reinforcing key values of the Comprehensive Plan such as "Smart Growth" (Goal CG-5) and Economic Development (Goal E-1). The heart of the proposal (Exhibit A, page 4) is the central event plaza meant for year-round community gatherings flanked by surrounding retail shops, restaurants, and services. The plaza will function as a place for picnics, music venue, food trucks, or even weddings. The commercial uses directly adjacent to Castle Valley Blvd. will support commuters, recreationists, and/or residents with various goods.*

*The projected phasing aligns with a number of New Castle goals and values favorable for Smart Growth and quality of life (Goal CG-5) including a focus on conservation of the natural environment (Goals EN-1 thru EN-8), sensitivity to architectural aesthetics, and promoting trails and open space (Goal RT-1). The Applicant aspires to create a space commensurate with community, outdoor recreation, and sustainability. Generous open space, interconnected trail systems, and thoughtful use of resources contribute to these ends.*

**Economic Impact:** *Historically the Town has struggled with an imbalance between residential and commercial development. Like the valley-wide effort for affordable housing, New Castle has long encouraged development of commercial square footage to attract businesses and thereby expand the goods and services available to its residents. The current application is one step to neutralize this disparity. Retail and hotel establishments will also improve the tax revenues, with 3.5% and 5% rates respectively. Limited capital costs for utility infrastructure and subsequent maintenance should be incurred by the Town since few of these components will be conveyed to the Town. With added employees, the proposal should add vitality to this part of the community. To be sure, the Applicant is required to include a fiscal Impact study as part of the preliminary plan application.*

**Trails/Open Space/Recreation:** *The site plan establishes a baseline commitment to pedestrian friendly communities, trails, and active open space (Exhibit A, pages 4). The central plaza will be the focus for outdoor entertainment, dining, recreating, or just relaxing. Sidewalks and/or trails from the surrounding neighborhoods, trails, and schools are all anticipated to lead towards this central area. Parking areas should provide hi-visibility crosswalks to prioritize pedestrian safety. Likewise, the Applicant should be strategic in traffic calming to deter speeding and shortcutting around the property. Currently two continuous trails will connect N Wild Horse Dr with CVB. Both paths will have connecting spurs (presently not drawn) to access the various commercial amenities by foot or bike. Finally, a play area park on the north end of the property will balance*

with the Town's pump track and dog park. Whether this park is dedicated to the Town is yet to be decided.

**Environmental Impact:** *New Castle is committed to stewardship of the natural environment and recognizes the potential negative impacts of new development. The Town will work with Colorado Parks and Wildlife (CPW) and the Applicant to identify and protect critical environmental resources (Goal EN-1). Though CPW defers comment until the preliminary stage, the surrounding areas of the property have historically been recognized as year-long habitat for various birds and mammals. It will be important to minimize conflicts by, for instance, prohibiting dogs off-leash, minimizing light trespass, preserving native habitat, and limiting use of fences. In some cases, added landscape buffers in certain locations may offset these impacts with enhanced vegetation and/or landscape features.*

*New Castle also endorses sustainable building that minimizes the consumption of fossil fuels and maximizes use of renewables (Goal EN-7). All buildings will comply with the recently adopted Colorado Electrical and Solar Ready codes. It will be important for the Applicant to discuss how sustainable building measures are featured in the proposal as the application progresses. Net-zero/all-electric alternatives are achievable options manifested in new developments throughout the Valley. No less should be expected of this proposal.*

*Raw water is being considered as the means to irrigate landscaping (Exhibit A, pg. 10). Raw water is non-potable water which bypasses the town's treatment facility thereby eliminating the processing step. The Applicant also receives a 25% reduction in water tap fees as a result of implementation. Opting for raw water is ultimately economic and sustainability win for all involved.*

Planner Smith said Colorado Parks and Wildlife (CPW) would provide their input of environmental impacts during the preliminary meeting. He outlined the general impacts CPW typically addressed. He added that in an effort to preserve and protect local species and minimize environmental impacts, retention of native vegetation and reduction in fencing was encouraged.

Planner Smith remarked on the expectations for sustainable building practices with the adoption of the new Colorado Electrical and Solar Readiness requirements. He said the expectation was to build with net zero, meaning zero carbon use in the buildings. He said the hope was to implement net zero with the site plan structures.

Planner Smith said raw water was anticipated for use for landscaping. He identified the amount of landscaping depicted in the site plan and said the goal would be to minimize the amount of raw water irrigation.

Commissioner Cotey asked Ms. Hashami what the open space concepts would look like during the integration of the multiple phases of development. Ms. Hashami said Phase 1 would have the most immediate impact. She explained the center of the development could be left as a park or a community gathering/event space. She highlighted the intended parking amenity of a designated pickup/drop-off area in Phase 1 for the community to utilize the center plaza. She said improvements to the center of the development would be integrated after Phase 1 but before the next phase as that was the focal point of the project. She added they planned to screen around the

community plaza when the next phase of construction begins with the intention to preserve the aesthetics for the community.

Commissioner Cotey stated she liked the vision of community gathering places but was concerned that community areas were not incorporated in Phase 1. She stated that she had reservations of the development making it past Phase 1 and would lose the potential of those community spaces. She requested to include some of the community gathering spaces within Phase 1 buildout.

**2) Does the proposal demonstrate compatibility with the proposed zoning, density, and general development plan to neighboring land uses and applicable town code provisions**

**Land Use:** *The Applicant has elected to develop under the CVR MU-1 zoning criteria. According to MC 17.104.080, MU-1 is a "mixed use district providing a mix of residential and nonresidential land uses within close proximity to each other that are suitably located within the community core. The following land uses are permitted by right:*

- *SF and multifamily dwellings;*
- *Childcare facilities;*
- *Places of worship;*
- *Administrative and tech;*
- *Banks;*
- *Personal service shops;*
- *Restaurants and taverns;*
- *Gasoline service;*
- *Retail;*
- *Offices;*
- *Parking;*
- *Parks*
- *Recreational facilities;*
- *Trails and open space;*

*Warehousing, manufacturing, and industrial uses are not permitted in MU-1 zoning regulations.*

*The Master PUD allows for the following density standards:*

- *Maximum floor area/land ratio of 0.6:1;*
- *Maximum building height of 40';*
- *Maximum accessory building height of 25'*
- *Minimum front yard setback 15';*
- *Minimum side yard setback of 5';*
- *Minimum rear yard setback of 10'*
- *Minimum distance between buildings of 10';*

*Mixed-use districts in CVR emerged from early discussions about Smart Growth and its implementation in undeveloped areas of New Castle (Goal CG-5). A key thesis of Smart Growth is the blending of residential and commercial in order to reduce traffic and environmental impacts, increase pedestrian access, foster social connections, and overall improve the quality of life. Live-work structures – buildings with residential units above commercial establishments – are often co-extensive with the mixed-use concept. The current property could, in theory, be an ideal location for the live-work model. However, the Applicant's restrictive covenants (viz. an obligation to develop commercial only) contractually prohibits residential on this parcel. Though independent of the vested rights with the Town, the restrictive covenants are no less binding on the Applicant. In*

*light of this, the Planning Commission will still need to consider whether a commercial only development or a bona fide mixed-use venture is the better fit for CVR.*

*For Phase 1, the Applicant has elected strictly permitted uses per the vested rights, with structures complying with density, separation, and height constraints. Uses within Phases 2 & 3 are indefinite though multi-functional buildings are anticipated. The Phase 3 boutique hotel is neither permitted by right nor prohibited and therefore will require special attention if approval is considered. Occupancy of later phases will track market demand, but could be a central location for child-care services, small offices, or a Town partnership for a recreation center adjacent to VIX park.*

*Setbacks and building heights will be provided at the preliminary application. These provisions aside, the Planning Commission should prioritize ways of mitigating the potential visual impacts of building massing to the surrounding neighborhoods. Massing alternatives, structure orientation, landscape screening, and roof articulation, for example, are ways visual impacts can be diminished. Some of these elements have been included in the renderings (Exhibit A, pages 20, 22-23, 28-29).*

*Staff also recognizes that Phases 2 & 3 are currently conceptual and will remain so for the unforeseeable future. Future factors could impact anticipated uses and designs in ways both functionally and aesthetically detrimental to the Town without some form of accountability. Therefore, Staff recommends that all future phases, including site plan, building design, and engineering, be reviewed prior to building permit application.<sup>1</sup>*

**Off-Street Parking:** *Parking specifications and the parking plan for Phase 1 are prepared in Exhibit A, pg. 5. As designed, off-street parking is underrepresented by 10 spaces. The bulk of this deficit will be found in the restaurant parking lot(s) with a 17 space shortage. Patrons will likely be compelled to use empty bank or fueling station spaces when the nearer lots are full. EV supply equipment (EVSE) will also be required at a rate of one per lot or three total for Phase 1. Fueling bays are counted towards the parking total, a reasonable request given the nature of fueling stations. Pursuant to Section 17.104.100 (M), P&Z may approve joint use parking arrangements to allow parking from one lot to overflow to another during off-business hours (e.g. restaurant parking overflow to the bank parking lot during the evening). Ultimately, the purpose of off-street parking in the PUD "is to ensure that safe and convenient off-street parking is provided to serve the requirements of all land uses in the Castle Valley Ranch PUD and to avoid congestion in the streets" (MC 17.104.100). P&Z will need to consider whether the available parking proposed is commensurate with the commercial square footage envisioned.*

Planner Smith reviewed the list of permitted land uses by vested rights. He said all structures in the development proposal of Phase 1 were approved uses by right. He said when phases 2 through 4 were up for review, they would need to discuss the boutique hotel as that was not an approved use by right. He added that staff had discussed with the applicant the option of a recreation center in Phase 2. Planner Smith discussed the zoning of the proposed development as 'mixed use' outlining the intention of such development as a combination of commercial and residential. He explained that due to private ownership agreements, this particular parcel of land was designated as solely commercial development while the residential portion of development was divided amongst the other owners. He clarified that the applicant was not considering incorporating residential development due to that private agreement. He stated that the Town of New Castle was not subject to that private agreement and needed to take that into consideration. Assistant Attorney Haley

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Carmer noted that private agreement was a convenient agreement that had been recorded for over a decade. She added that the overall distribution of commercial versus residential 'mixed use' zoning had been heavily focused on residential development. She said this application for commercial development was balancing the zoning allocation for 'mixed use' in CVR specifically. Commissioner Cotey stated that was not the reason for mixed use zoning but rather a commercial zoned district. She added that the desirability of mixed use promotes a sense of place and gathering as outlined in the comprehensive plan and smart growth principles. She stated combining commercial and residential uses was what created the synergy of what was supported in the comprehensive plan. She noted the agreement was made separate from the town by the developers.

Commissioner Carey and Commissioner Cotey questioned staff and legal counsel as to why gas stations were considered an approved use in 'mixed use' zoning but required a conditional use permit for a commercial zoned district. Assistant Attorney Carmer said the designated zoning was part of a PUD Zoning Act, where CVR was established by determining permitted uses after analysis for each of the zoned districts back in 2002. Commissioner Cotey asked about 'sunsetting' and the ability to change zoning code. Assistant Attorney Carmer responded that CVR had vested zoning rights through 2043, a thirty year term approved by Council in 2013. She added that the landowners who had vested zoning rights would have to approve any changes/modifications to their zoning districts.

Commissioner Martinez stated that gasoline services was in the permitted uses but warned the developer that there would be pushback regarding a gas station. Commissioner Cotey stated that gasoline services was only permitted in one scheduled permitted land use section and stated it was not noted in the mixed-use zone district. She stated the PUD was not in alignment with Chapter 17 of the Town Code. Assistant Attorney Carmer clarified that comparing permitted and conditional uses of the CVR PUD versus the downtown commercial zoning would be different. She clarified that each zone district had different specifications and requirements.

Commissioner Carey asked if conditions could be added to avoid big box stores being incorporated into the commercial development site. Assistant Attorney Carmer clarified the commission may require conditions based on design standards, but not denying specific business brands that fall under the category of retail use. As an example, Assistant Attorney Carmer said the commission could agree on a design space of five units intended for five businesses. If the business could fit their operation within that designated space, then there would be no issues. However, she said, if a business tried to expand their operation beyond the individual office space, a required re-review by P&Z would ensue.

Commissioner Cotey added the importance of ensuring that the commercial buildings had the capacity to accommodate many business types on the off chance that the original business were unsuccessful. Chair Apostolik asked Ms. Hashami if they had any tenants currently in mind. Ms. Hashami confirmed they had tenants for Phase 1. She clarified they did not have tenants for Phase 2 or 3. Chair Apostolik asked if the development team had a timeline for buildout for Phase 2 and 3. Ms. Hashami stated that the development team was in the process of an internal preliminary design for

Phase 2 and 3, but not presented to any architects yet. Ms. Hashami explained Phase 1 was ready for buildout as it would be a self-tenant situation. Chair Apostolik asked if they were planning on the revenue of Phase 1 to sustain Phase 2 and 3 buildouts. Ms. Hashami clarified that the initial buildout from Phase 1 would allow for greater attainability in funding for Phase 2 and 3.

Planner Smith discussed the parking layout, after conducting a parking count. He said staff noticed the restaurant parking was lacking in accommodations by 17 spaces. He stated it was an applicant variance request for reduced parking. Planner Smith said it may be considered by the commission for shared parking by the separate businesses within Phase 1, perhaps after hours from the bank to the restaurant. He added there would be electric vehicle charging stations within the fueling station. Commissioner Cotey stated that if the circulation issues were addressed then the development should be walkable. She added that there needed to be a balance between availability in parking as well as open gatherings for the community so as to not have a development overwhelmed by a parking lot, therefore losing pedestrian connectivity. Commissioner Parks voiced concerns of the public choosing to park on North Wild Horse Drive for easy access to the commercial amenities. Commissioner Rittner inquired about accessibility for loading trucks and gas tanker trucks. Planner Smith added that the circulation master plan did not seem to match the street width and parking spaces depicted in Phase 1. Ms. Hashami said that detailed plans of the parking arrangements would be prepared for the preliminary meeting as currently they only had a general sketch concept. Chair Apostolik noted that previously approved shared parking arrangements were considered for residential developments. He said that the commission would need to take that into account for a commercial shared parking agreement. Commissioner McDonald stated the importance of knowing where the sidewalk would be in order to understand how parking would fit into the site plan. Chair Apostolik suggested shifting the administration/bank building over to the northwest to bring parking spaces closer to the restaurant. Ms. Hashami stated that shifting the location of the administration/bank building would not be a problem. She said her team would work on the sidewalk locations as soon as possible. Commissioner Parks referenced the site plan and suggested shifting the landscaping to include a sidewalk.

Commissioner Cotey asked what the back of the community market would look like as there would be the expectation for grease traps, disposal, and delivery points. She noted there would need to be greater access for retail, restaurant and market locations. Ms. Hashami said she would consider that point and have her engineer look into access possibilities.

Chair Apostolik asked what the continuation of traffic flow would look like regarding the restaurant. He specifically asked about restaurant deliveries and stated the parking lot cuts off access to the restaurant. Mr. Nickles said most of the deliveries could occur outside of the operating hours of the businesses. Commissioner Carey and Commissioner Rittner both expressed concerns of late-night deliveries to an otherwise residential area. Chair Apostolik stated it was not up to the commission to decide on operating hours but rather to comment on the planning and development in an effort to provide the proposed site plan available space for deliveries during normal business hours. Commissioner Carey clarified that her concern was centered around heavy

delivery truck traffic traveling in a residentially dense area that includes dark sky compliance requirements.

Chair Apostolik asked Assistant Attorney Carmer if there was anything in the town code that limited the hours of operation for a commercially zoned area surrounded by residential homes. Assistant Attorney Carmer said there was nothing in the code or PUD that specifically set a limit on business operating hours. She added that dark sky compliance focused on design of the lighting and not the duration of use. She emphasized that the commission was looking at a PUD plan and said these desired regulations could be incorporated, specific to the development. Planner Smith added that during staff recommendations a condition regarding business operating hours may be included. Ms. Hashami stated they would look into delivery times of supply trucks.

Commissioner Martinez asked Ms. Hashami if the development team would consider removing the fuel station from the design plans. Ms. Hashami said it was possible, but the entire development team would need to be in agreement of that decision. She added that she would be conducting more research on environmental impacts of the fuel station to better answer the commission's questions. Commissioner Cotey expressed her appreciation of Ms. Hashami's willingness to explore other options. She said she appreciated the concept of a community gathering place in the heart of the community and added that an autocentric fueling station was in direct opposition of that concept. Commissioner Cotey emphasized the severity of impacts the fueling station would leave behind, marking that location as a 'brown field site' that would require environmental remediation should the business fail. Ms. Hashami said she would investigate the options for removing buried fuel tanks.

### **3) Is there availability of town services from public works, fire, and police?**

**Police:** *There is little indication that police service would be compromised with the added commercial traffic. However, the Police Department currently consists of eight officers (plus one in training) with an ideal department size of 11 officers. Generally, additional officers are considered for every 1,000 resident increase.*

**Fire:** *In response to the current multi-year drought and the ongoing expansion of the wildland-urban interface, Colorado River Fire Rescue now emphasizes the resiliency of structures and improving defensible space (**Goal EN-8**). Recently, such measures were codified with the adoption of the 2021 International Fire and Wildland-Urban Interface Codes. Structures are required to use materials with higher ignition resistance than more conventional materials, particularly in buildings. Limiting the combustion properties of a structure reduces fuel loads thereby inhibiting flame spread and buys time for firefighting during a wildland fire incident. Vegetation on lots of new structures will also be required to be thinned to provide separation from structures and other combustible materials.*

**Public Works:** *The CVR Master PUD is approved for 1,400 residential units and 100,000sf of commercial space. These totals were primarily the result of calculations performed on the basis of water dedicated from Elk Creek. At present, the PUD has no commercial space developed. The current sewer treatment plant is sufficiently sized to process the full build-out of both CVR and Lakota.*

*Raw Water: Raw water is available at the roundabout on CVB and is expected to*

*irrigate all common areas within the new PUD. The raw water infrastructure will need to be extended and looped with the installation of the N Wild Horse road connection.*

*Streets/Snow Storage: The proposed design does not contemplate conveying public roads to the Town. The proposed looped driveway shows a standard 24' width with perpendicular parking on both sides. Snow storage is currently omitted at this point, but will be vital to plan early given the density of the development. Adequate snow storage is crucial for public safety, cost savings, and quality of life. Circulation around the later phases is only conceptual at this stage (**Exhibit A, pp. 8, 13**). However, parking and drive lanes do not seem to fit consistently on the current sketch. Staff recommends that the Applicant provide an improved driveway alignment consistent with the design of Phase 1 prior to the Council meeting. Finally, the intersection with N Wild Horse Dr. would typically align with future Silverado Tr. Since Silverado Tr. is yet to be built, the alignment of the west entry to the property should be considered a place holder until the location of the intersection is better formalized.*

*Open Space: The Applicant has made efforts to integrate active open space in two locations (**Exhibit A, page 4**). The Parklet to the north and the central Event Plaza will be available to all residents and will complement the proposed commercial uses.*

Planner Smith reported there were no concerns from the police department. He stated that the Colorado River Fire Rescue was supportive after the adoption of the Wildland-Urban Interface code. He added that Public Works commented on snow storage and the need to incorporate that into the plans for walkability, parking and sidewalks. With regard to Silverado Trail, Planner Smith stated it was unclear if the planned egress east of the development would align with the road as it was unclear where Silverado Trail would connect to North Wild Horse Drive. Planner Smith suggested the commission consider a condition requiring the alignment of the egress and connection points of Silverado Trail to North Wild Horse in whichever order the developments progressed.

#### **4) Is there adequate vehicle, bicycle, and pedestrian circulation?**

*Because of the high density and disrupted lines of sight it will be important for the interior driveway loop to provide high visibility pedestrian crosswalks, preferably with bump outs, placed in priority locations. This should ease the feeling of one having to forge a moat of parking in order reach the project's interior. Peripheral paths with connecting spurs will be designed to allow foot/bike access to all amenities. These paths will be modestly landscaped and dimly lit along their routes with a soft trail surface.*

Chair Apostolik identified that construction access for Phase 1 would feed from the Castle Valley Boulevard roundabout. He said the pedestrian trail would need to be shifted to the northeast and asked the applicant if they planned to shift the trail with the understanding that the roundabout would one day be a four-lane access at full buildout. He added that there needed to be a temporary pedestrian crossing to ensure public crossing and access to the tunnel during construction. Commissioner Cotey stated the importance of public safety for the school children who use walkways and pedestrian crossings to commute to the school next to the development site. Chair Apostolik asked if the applicant was considering an expansion of the roundabout with

separate entry and exit lanes based on the full buildout of four lanes on Castle Valley Boulevard. He noted this would be a commercial access point unlike the residential traffic flows. Mr. Nickles said they could consider that idea but would need to work with town staff. He added that the roundabout functioned better for traffic flow rather than a four way stop with traffic lights. He said he assumed the roundabout had already been built out. He said with the eventual expansion to a four-lane boulevard, he said he would look at planning ahead for that expansion.

Commissioner Carey expressed concerns of traffic flow and fire safety without a direct link from the roundabout to North Wild Horse Drive/Silverado Trail. Commissioner Cotey added her concerns regarding roundabout movement, school traffic and pedestrian circulation. Commissioner Cotey stated she wanted to see what traffic impacts looked like on Castle Valley Boulevard with a traffic study. Planner Smith clarified that traffic studies were conducted and reviewed at the preliminary meeting. Ms. Hashami said crossings and walkways would be incorporated in later phases of development. Both Commissioner Carey and Commissioner Cotey expressed their desire for safe crossings and sidewalks earlier rather than later in the development phases with consideration of the community and elementary school next to the proposal. Ms. Hashami agreed and said she would work that into the plans.

#### **5) Is the natural character of the land preserved?**

***Topography:** Grade (**Exhibit A, page 6**) slopes gradually downhill from east to west dropping 30-40' in 700ft (~4% slope). Such slopes are rarely problematic from a design standpoint and therefore structural steps or terracing of landscaping should be minimal, if necessary. Nevertheless, the Applicant should demonstrate material balance of expected cut-and-fill before construction commences. The structural designs appear to preserve and match existing grade features and follow uniformly with the current slope.*

*To conserve water and limit landscape maintenance such as mowing, staff requests the applicant consider drought resistant vegetation and seeding of native grasses to restore disturbed areas to their original state. Sod with landscape irrigation, likewise, should be used sparingly to limit the need for landscape maintenance.*

Planner Smith said the development site had a gradual sloped area. He said the focus would be on the conservation of water as well as building heights and obstructed viewsheds. Planner Smith reminded the commission commercial buildings allowed for forty-foot building heights and added the site plan did not come close to that maximum height from the development team.

Commissioner Parks said he would like to see details regarding drainage through the development site as it was located on a sixty-foot elevation grade. He added he would like to see water quality ponds. Planner Smith said Town Engineer Jeff Simonson also commented on the need for water quality ponds.

#### **IV Staff Recommendations**

- A. *Include details for managing potential hazards related to the operation of a fuel station, including storage location, managing fuel spills, possible air*

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*pollutants, and including draft covenants which include best practices for daily upkeep and appearance of the fueling station and its immediate surroundings.*

For Item A, Ms. Hashami stated that the fuel station was not planned as a large, corporate gas station but rather a few pumps available with a market/café feel. She clarified that the fuel station was not intended to be the focus of the development (Exhibit C). Commissioner Cotey expressed concerns of air quality from the fuel station in relation to the distance from a school. Commissioner Carey added the proximity to residential homes was also a concern. A member of the local management team, Shaun, working with Ms. Hashami stated he and his team managed gas stations in Glenwood Springs. He reiterated that the proposed fuel station would not be a typical gas station. He identified the fuel station would have an emergency stop switch in the case of an emergency. He said there were gas stations all over the valley and said it was typically a safe operation with no fumes. He added that they could reduce the fuel station bays from four down to two. Commissioner Cotey requested more research be conducted in regard to air quality impacts from the fuel station with close proximity to a school.

Commissioner Carey referenced the EPA's Siting Guidelines for Elementary Schools and stated the guidelines did not recommend a gas station be within one thousand feet of a school. She questioned if the fuel station would meet substantial conformity with the comprehensive plan and the amenities that were appropriate to the area. Commissioner Cotey added the point of 'adjacent land uses' to Commissioner Carey's comment. Commissioner Carey said the fuel station was five hundred two feet from the school and three hundred forty feet from residential homes. Commissioner Carey said she would like to see staff's recommendation for Item A to be far more robust in order to move forward. Commissioner Cotey shared that her son attends Katherine Senior Elementary School and was a cancer survivor. She said it was very important to her that the commission ensure the health, safety, and wellness of all the children who attend school in New Castle. She said Item A was a key point as it was the town's job to ensure the health, safety and wellness of the community despite economic development. She said there were other ways to support the community of New Castle.

- B. Provide a lighting plan demonstrating that all parking lot and exterior building lighting will be dark-sky compliant per the Comprehensive Plan. Parking lot lighting should be on timers to reduce the light duration at night while maintaining security lighting as necessary.*
- C. Applicant shall demonstrate compliance to section 17.104.100(P) related to off-street parking specifications within the CVR PUD. Particularly, plans shall include:
  - *Entry access divider at N Wild Horse Dr.*
  - *Screening of parking from adjacent residential zones;*
  - *At least 10% landscaping of parking lots;*
  - *Parking lot/driveway snow storage;**
- D. Consider relocating all refuse containers (i.e. dumpsters) to the rear of buildings or out-of-sight of CVB.*

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For Item D, Commissioner Carey requested the containers be completely enclosed and bear resistant. She asked that all trash cans be fully enclosed.

- E. Provide temporary turnarounds for emergency personnel as recommended in the referral letter from CRFR.*
- F. Minimize construction traffic along N Wild Horse Dr. with provisions for a temporary construction easement that includes an impervious road surface that accommodates construction vehicle circulation for the buildout of PA 8 & 9 (R2 Partners LLC) and PA 12 (TC Fuels Midwest LLC) until the completion of either PA 12 or PAs 8 & 9, whichever is first.*

Planner Smith said he had discussed Item F with R2 Partners and TC Midwest. He explained there was the possibility of two development sites to be under construction at the same time. He said he hoped to form a temporary egress between the two development sites until full buildout from one or the other. He said both developments had been amenable to the suggestion. He clarified that all construction traffic would enter through the roundabout until one of the development sites was completed to avoid driving down North Wild Horse Drive.

- G. Extend raw water infrastructure from existing stub-outs into the new development with an extension along N Wild Horse Dr.*
- H. Specify on the plat open space maintained by the HOA and open space maintained by the Town, if applicable.*

For Item H, Planner Smith stated that Public Works would prefer to maintain the main trail from the pedestrian underpass culvert up to VIX Park. He clarified that all other trails on the property would be maintained privately. He added that the expectation would be to have the development team pave the main trail to which Ms. Hashami agreed.

- I. Provide a water sampling station per the recommendations of the Town Engineer and Public Works Director.*
- J. A preliminary and final PUD application shall be submitted to the Town in accordance with Sections 17.100.050 and 17.100.060 for future phases 2-4.*
- K. Following final PUD approval, minor alterations to architectural plans, including changes to design features and exterior materials, and any other alteration addressed in Section 17.100.110 of the Code will be processed in accordance with said section.*

For Item K, Planner Smith explained that in the event of any design changes after approval, during or post construction, those alterations would need to come back to P&Z for a re-review. Commissioner Cotey emphasized the importance of defining what significant changes/alterations would look like in order to protect and preserve the agreed upon development design, should the property sell during entitlements prior to construction. Assistant Attorney Carmer said the establishment of those definitions would occur during the Preliminary and Final P&Z meetings.

Administrator Reynolds shared an example related to the issue of post-approval design changes involving Lakota Senior Housing. He said the town put a stop order to the development construction due to the significant changes made after the approval process. He shared that the development was brought back to P&Z for re-review where they discussed and negotiated the budget engineering changes that were made.

- L. The development shall comply with all currently adopted building code and municipal code requirements, including all sign code regulations in effect at the time of building permit application, as well as all recommendations of the Town Engineer and Town Public Works Director provided in response to review of the Application. All site specific development applications subject to the provisions of the International Fire Code or matters requiring fire alarms and/or fire suppression shall be submitted to the Fire Marshal for review and comment.*

Chair Apostolik asked if it was worth it to the development team to return to P&Z for a second sketch plan review before moving forward. Ms. Hashami shared that the cost for a design team was expensive resulting in only presenting Phase 1 of the development, ready for buildout, for the current sketch plan meeting. Ms. Hashami said her team could make the necessary changes from the comments received and submit to Planner Smith. She said she hoped to proceed to Preliminary after the adoption of the design changes that the commission feels comfortable with.

Commissioner Cotey asked if Preliminary was specifically for Phase 1 or for the entire development. She added that Assistant Attorney Carmer stated the development would be submitted under a PUD and asked how that would look regarding the PUD versus Phase 1. Assistant Attorney Carmer stated the development was submitted with general plans depicting circulation connectivity. She said Phase 1 had detailed plans for development but Phase 2 and 3 would plan to return to P&Z for Preliminary and Final for each phase. Commissioner Carey noted the amount of requested changes made by the commission and stated she would prefer not to have the development progress to Preliminary. Chair Apostolik stated that was not a decision the commission could make and was a risk on the applicant's part. Assistant Attorney Carmer clarified that sketch plan did not include a decision or approval from the commission but rather an initial review of the design presented by the developer. Commissioner Cotey agreed and said there were a lot of changes to work through to the point that she would prefer to revisit the development plan as a second sketch plan.

Commissioner Sass summarized the commission's main points by noting the sensitivity of the development based on proximity to a school and high pedestrian use. She summarized the importance of keeping an open, safe walkway available during construction. She stated that the fuel station was the biggest issue. She agreed that having a marketplace was great without having a fueling station. She was in agreement that moving the location of the bank for added parking for the restaurant would be beneficial. She expressed the same concern of access issues for the back of the restaurant for delivery and trash. Commissioner Sass suggested to identify the



distances from homes to businesses when hosting the community open house. She advised the best course of action would be for the development team to return to P&Z with a revised sketch plan. Ms. Hashami said she agreed that the best course of action would be to return to P&Z with the revised changes before moving forward.

Ms. Hashami summarized her plan to move forward as first hosting a community open house to receive public input then presenting to Council to gather more input before returning to P&Z with another review/sketch of the design incorporating the requested changes. Chair Apostolik said he felt more comfortable with that plan as he didn't want to see TC Midwest spend money on a final design to then have to change it again. He clarified that he didn't want to have to change layout design in Preliminary as it would not be fair to the developer.

Chair Apostolik concluded with the statement that he thought it was a great idea and said the development team had some work to do, regarding the design changes suggested by the commission. Commissioner Cotey encouraged the public to continue to attend town meetings.

### **Staff Reports**

Planner Smith said there were no items for the next meeting.

### **Commission Comments and Reports**

There were no commissioner comments.

### **Review Minutes from Previous Meeting**


**MOTION: Commissioner McDonald made a motion to approve the January 24, 2024 meeting minutes. Chair Apostolik seconded the motion and it passed unanimously.**

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

The meeting adjourned at 9:16 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Chuck Apostolik, Chair

  
\_\_\_\_\_  
Remi Bordelon, Deputy Town Clerk

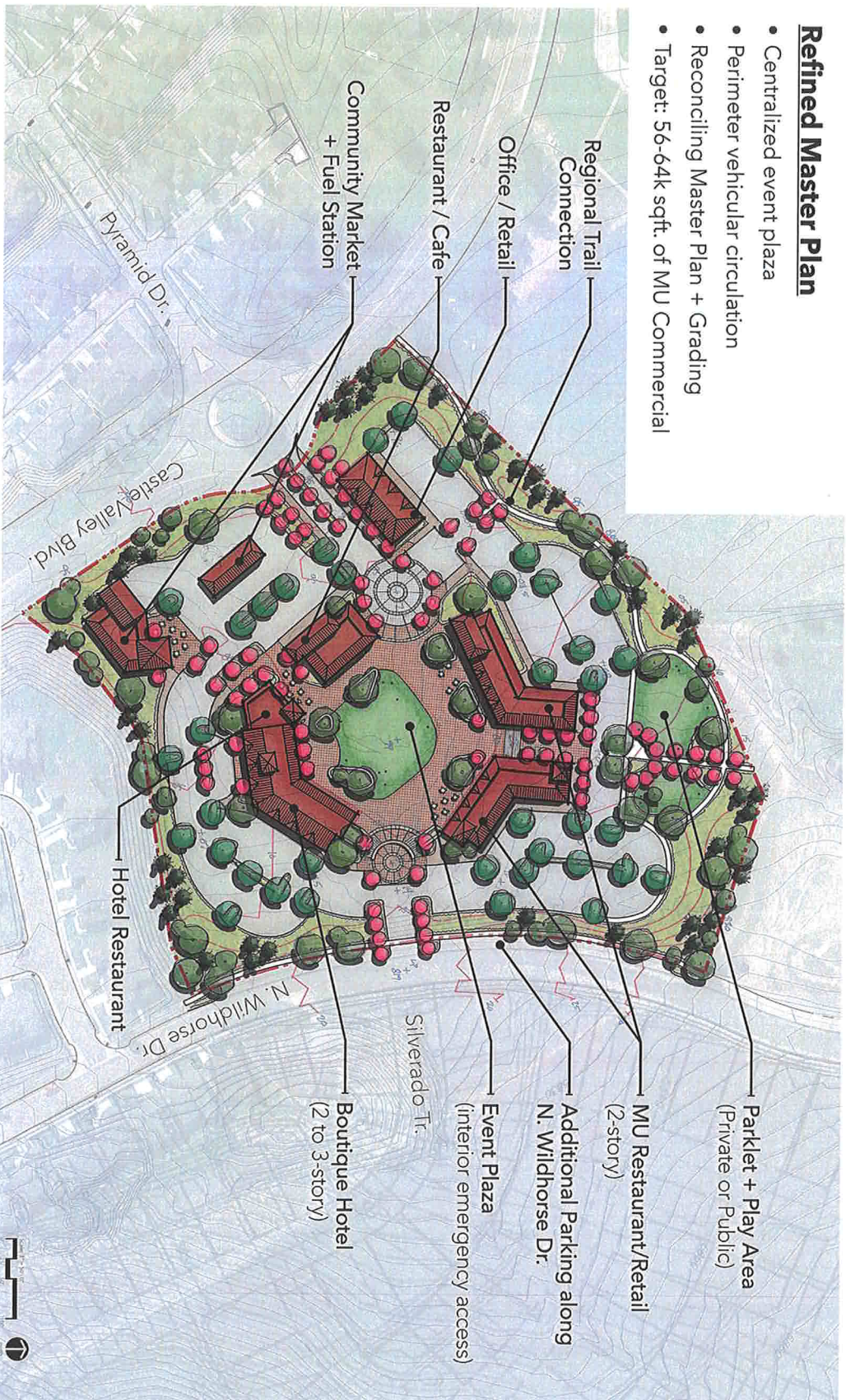


## Exhibits

- Exhibit A – Master Plan
- Exhibit B – Project Summary
- Exhibit C – View of the Gas Station

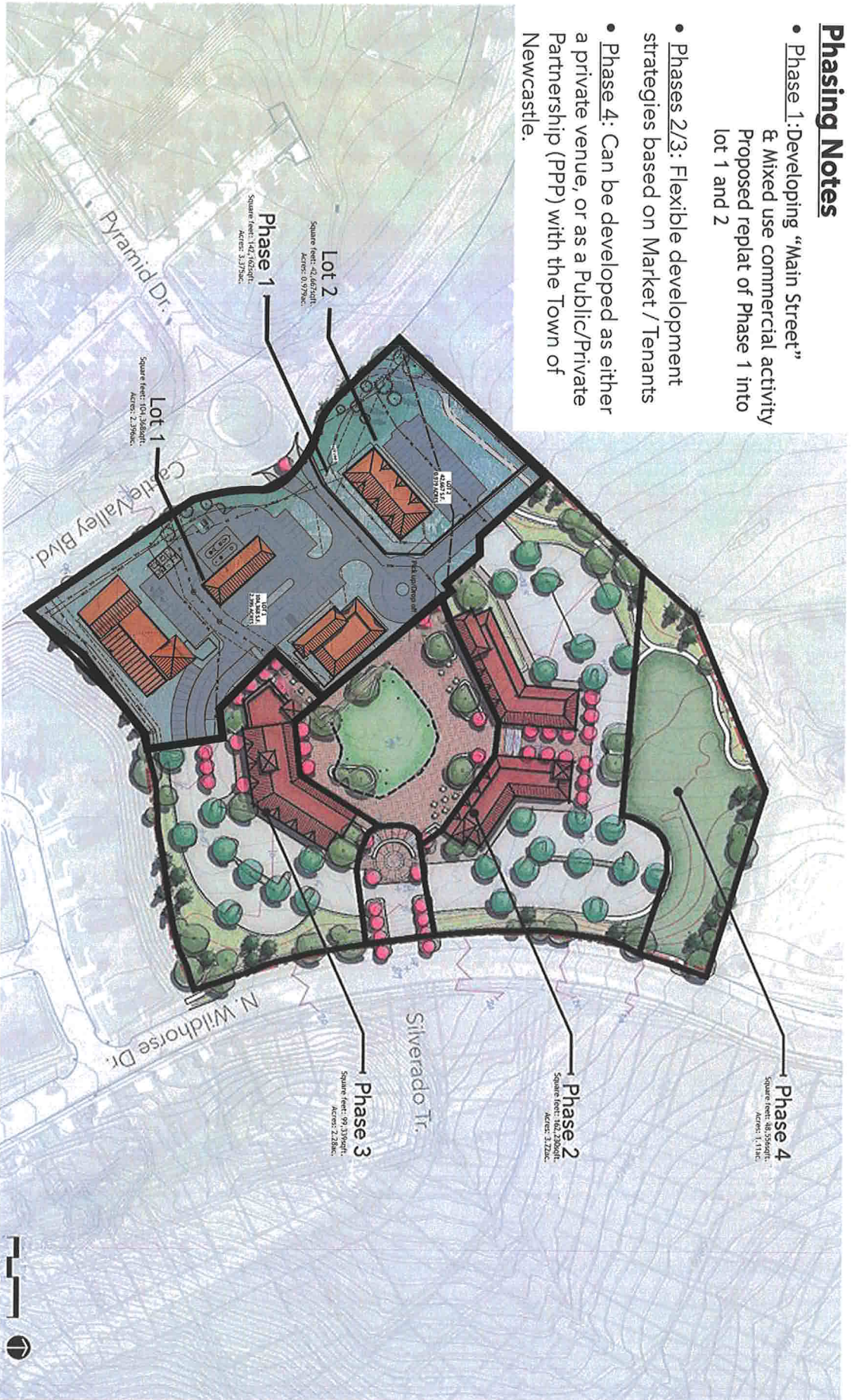
## Refined Master Plan

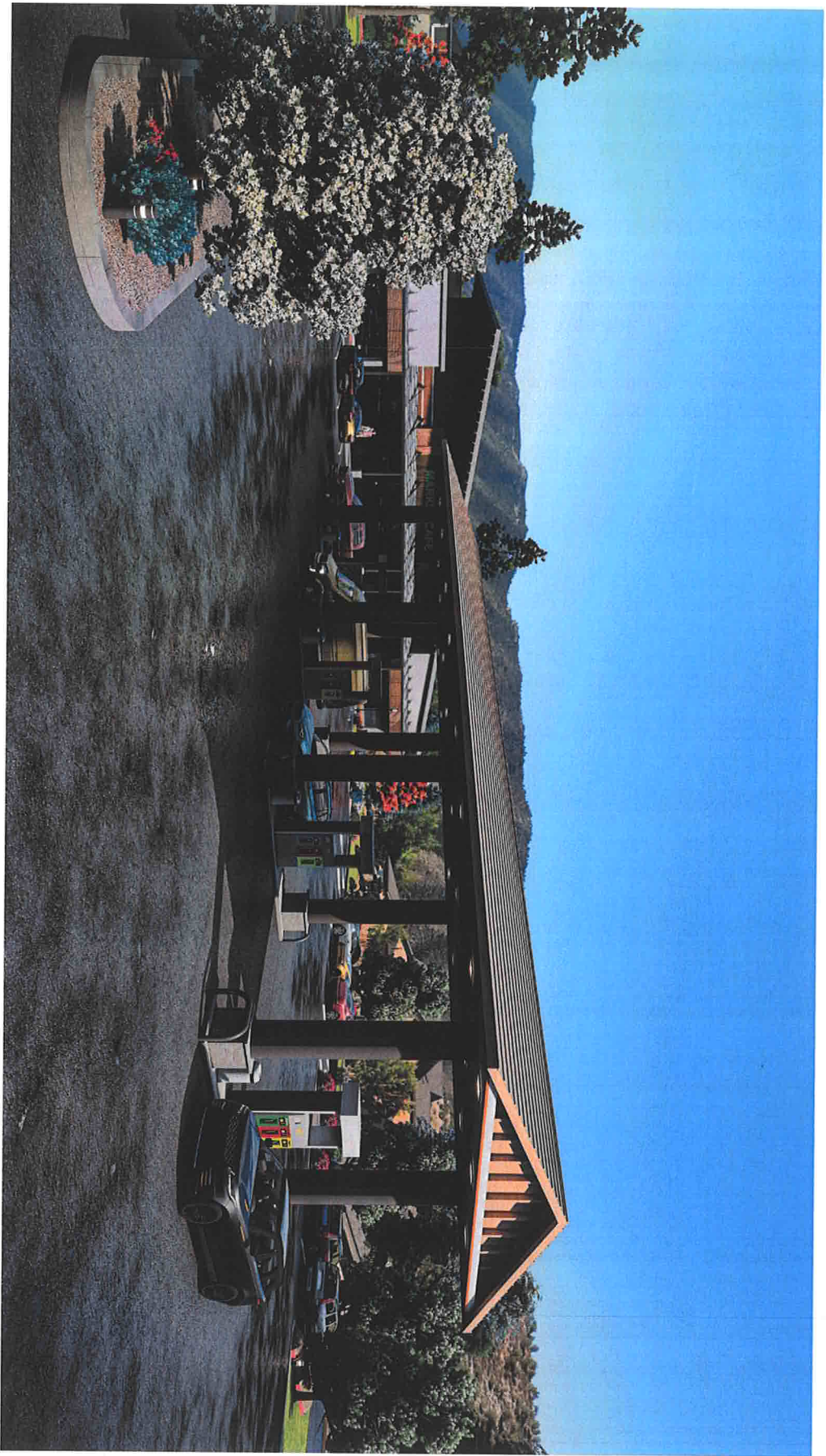
- Centralized event plaza
- Perimeter vehicular circulation
- Reconciling Master Plan + Grading
- Target: 56-64k sqft. of MU Commercial



## Phasing Notes

- Phase 1: Developing "Main Street"  
& Mixed use commercial activity  
Proposed replat of Phase 1 into  
lot 1 and 2
- Phases 2/3: Flexible development  
strategies based on Market / Tenants
- Phase 4: Can be developed as either  
a private venue, or as a Public/Private  
Partnership (PPP) with the Town of  
Newcastle.





**View G - Fuelling Shed/Gas Station**