

**New Castle Planning and Zoning Commission Special Virtual Meeting
Monday, November 23, 2020, 7:00 p.m.,**

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

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

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

Call to Order

Commission Chair Apostolik called the meeting to order at 7:01 p.m.

Roll Call

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

Absent None

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, 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-2020-09 Approving a Preliminary PUD Development Plan for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19.

Chair Apostolik opened the public hearing at 7:03 pm.

Assistant Town Attorney Haley Carmer summarized the process thus far. Attorney Carmer said the original land use application for Castle Valley Ranch Filing 11 was submitted in the spring of 2020. The application was a combined preliminary/final PUD application and preliminary/final subdivision application. A public hearing on the application was held in May of 2020. The Planning and Zoning Commission ultimately made the decision after the second public hearing to deny the preliminary plan and the preliminary subdivision plat. Therefore, with the denial of the preliminary application there would be no further action taken.

Attorney Carmer explained that the applicant requested, as they have a right to under New Castle Municipal Code, to have the town council review the planning and zoning commission decision regarding the preliminary PUD to see if it warranted a reconsideration by the planning and zoning commission. Town Council decided to have planning and zoning commission review the preliminary plan portion of the original application only in August. The planning and zoning commission continued the application to September and the applicant elected to amend the preliminary PUD application to provide new materials. The planning and zoning commission is to decide whether to approve the preliminary PUD plan as is without conditions, with conditions, or to deny the application. If the application does move forward with either a straight approval or a conditional approval since planning and zoning commission is the ultimate deciding body for preliminary PUD plan, then the applicant would come back with a combined preliminary/final subdivision plat for the first phase or the entire filing. The applicant would also have a final PUD plan application for the entire project.

Town Planner Paul Smith said that the preliminary application was for Castle Valley Ranch Filing 11 PA17 and a portion of PA19. The property is south of Castle Valley Boulevard and directly east of South Wild Horse Drive and Mt. Harvard Court. The original application had 91 units of mainly triplexes and quadraplexes. The current application is for duplexes and triplexes with a total of 85 units. In the packet is also an updated resolution with several conditions. He said the conditions list was compiled by staff using the applicant's concerns and suggestions.

Planner Smith reviewed the list of conditions with the commission.

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

Condition a. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the Property

- Reduce the building on Lot 10 to a duplex because of the aesthetic impacts of a 18' grade cut
- Reduce the building on Lot 11 to a duplex because of the aesthetic impacts of a 14' grade cut
- Eliminate Building 13 because of 30' fill and projected settlement
- Eliminate Building 14 because of 38' fill and projected settlement

- Orient Building 29 so that the building is parallel to Eagle Ridge Drive.

Town Engineer Jeff Simonson said units 29 A-C could be rotated to be more parallel to Eagles Ridge Drive, and it would be more efficient for construction of those units. He said lots 13 and 14 were challenged with 30-foot fill and 38-foot fill from a construction standpoint. One of concepts the applicant had come up with was having walk out basements to help eliminate at least 8-10 feet of fill. He said that the bigger problem would be 4-6 inches of fill even if the fill was compacted well because there would be 2 percent of settlement over 5-10 year time period. In the 5-10 year time period is where the town would end up regulating the situation in the future for movement. The foundation can be built where it actually goes through the fill and can adequately supporting the structure. The exterior fill around the building continues to settle. The exterior grading and the drainage could be a problem in the future and would be difficult to control.

Applicant Aaron Atkinson said building 29 could be oriented to be parallel to Eagles Ridge Drive. Regarding buildings 10-14, he said the buildings would be a challenge because of the fill. With the proper engineering, there should not be an issue with buildings 10-14. He said he would have all the proper structural engineering done prior to moving forward with construction of buildings 10-14. The buildings would be on solid foundations. Mr. Atkinson said he had also looked at walkout basements. With respect to buildings 13 and 14, he said he would like to retain those buildings as seen in the application. He said he was not sure of any reason why the town would be involved in any settlement issues with buildings 13 and 14 as it relates to structure itself. If the application does move forward with buildings 13 and 14 constructing and engineering the foundation would become a builder warranty issue. With regard to buildings 10 and 11, Mr. Atkinson was confident they would be able to make the buildings aesthetically pleasing from the rear. He said there had been conversations about stone retaining walls and walk out basements to help make the rear aesthetic better. Mr. Atkinson said with the current condition of 6a there would be 8 units lost. He said there was a certain density across the entire development that they had to maintain, and they could not economically afford to lose 8 units. Mr. Atkinson said they would like to retain those units and they would make the units were aesthetically pleasing and they would engineer the foundations, even if it was more costly to make sure the foundations were sturdy so that there wouldn't be any warranty issues.

Chair Apostolik asked Mr. Atkinson about erosion control and run off coming towards the town regarding buildings 13 and 14.

Mr. Atkinson said from his understanding that was not a concern that couldn't be addressed. Similar buildings on South Wild Horse Drive had been built on similar fill and he was not aware of any issues.

CVR Investors Engineer Dan Cokely said that the developer planned to do the grading all at once as part of phase 1. The fill would be part of phase 3 therefore the fill would sit there for a certain number of years, which would allow some of the settlement to occur before the buildings were built. Engineer Cokely said that for

erosion control it could be revegetated, and they can place blankets on the fill slope. To inhibit erosion there will be a drainage ditch on the downhill side. He said the amount of run off will not increase because of the development. Currently the run off is going to the ponds in the south east and south west of the subdivision. He said that south of Wild Horse Drive the PA22 development had cut slopes that were the same range as units 11A and 12C. In terms of vertical height those cut slopes were from 30-70 feet tall, and had been revegetated and handled. Engineer Cokely noted that the cut slopes in units 11A and 12C were not as tall. The fill slope below buildings 13 and 14 will not be as tall as some of the slopes that are in other developments.

Commissioner Bourquin asked what Mr. Atkinson plans were for revegetating and if the revegetation would be done in phases.

Mr. Atkinson said the plan was to revegetate as part of the phasing plan. As far as revegetating the area to ameliorate concerns, it was something he was willing to look into. As far as timing, Mr. Atkinson said he was not sure when the best time was to revegetate, whether immediately after the grading, or after allowing the soil sit for a period of time.

Attorney Carmer asked Mr. Atkinson to describe the phasing plan because it was hard to understand by looking at the site plan.

Mr. Atkinson said phase 1 would be the north side, phase 2 the central areas off of Falcon Ridge Court and the southwestern buildings and phase 3 the southerly portion including buildings 11-13 and buildings across the street.

Chair Apostolik asked the commission for their comments pertaining to condition 6a.

Commissioner Bourquin said she did not have an issue with buildings 10 and 11 going from a duplex to a triplex.

Commissioner McDonald said the buildings on the south side he did not have an issue with. He felt there was a need to address erosion control and revegetation issues. He also felt the grading could be a problem as you look at the contours, there are a few hills, but it also looked like some of it would be relatively flat. Commissioner McDonald said he wondered what the grading will be like on the south side.

Commissioner Westerlind said as long as there was a builder's warranty that would cover settling issues for buildings 10 and 11, and he did not have a problem with that. He said he would prefer to have the higher density away from Castle Valley Boulevard.

Commissioner Sass said did not have an issue with buildings 10 and 11. She asked which homes were being referred to that had similar fill issues as what was being proposed. Engineer Cokely said they were cut situations, not fill situations, and he

said they were on Crestone Way, Sunshine Court, Red Cloud Court and El Diente Way.

Commissioner Lucio said he was okay with buildings 10 and 11, and he was agreeable with either duplexes or triplexes.

Commissioner Riddile said he was fine with triplexes.

Engineer Simonson said the commission needed to be aware that the applicant will need to comply with all state laws. Since the applicant would be grading more than an acre they would be required to have a storm water management master plan through final plat and through the construction drawings. As part of plan would be revegetation and revegetation would not address not only long term but also from the first day of construction. The storm water management plan will require a state storm water permit which would need to be secured and will need to be maintained on a daily bases. To make sure all of the erosion and settlement control are in place.

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

Mr. Atkinson said the 2 car garages do not conform to the floor plan and does not mirror what was drawn for the lot lines. To help with the diversity of housing some of buildings were changed to duplex lots.

Commissioner Westerlind asked if the driveways could be widened to help with recreational park space and get more vehicles off the street.

Mr. Atkinson said he was not sure if that would work or not because he had not thought of it.

Commissioner McDonald asked Mr. Atkinson if he had looked at other parking alternatives that had not already been presented.

Mr. Atkinson said yes. He had looked at the end of Falcon Ridge Court with several spaces at the center of the cul-de-sac.

Planner Smith said there were other duplexes in town that were high quality that had two car garages with the master bedroom on the lower floor.

Commissioner Riddile agreed with keeping the cars off the street. If the units would not have a two car garage then there needed to be alternatives for surface space to keep vehicles off of the street.

Planner Smith said the duplexes along Eagles Ridge Drive were a significant change the applicant made and also there are no long driveways off of Bear Canyon Drive.

Condition c. The covenants for Filing 11 shall prohibit the parking of boats, trailers, campers, RVs, inoperative vehicles, etc. in driveways or on public rights of way for no more than 48 consecutive hours.

Mr. Atkinson said items in condition c are fine as far as being in the covenants with the HOA. Those items are in line with what he wanted and would help with traffic concerns and allow for better movement through the development.

Commissioner Westerlind asked how it was regulated in other parts of Castle Valley Ranch.

Mr. Atkinson said it was enforced by the property management and believed fines were imposed.

Condition d. Upgrade the open space area off Falcon Ridge Court as a central "green" with functional active or passive space.

Mr. Atkinson said there were efforts taken to expand the usable space in open space "C" as much as possible, including the use of the retaining wall and about 8,000 square feet will be at or around 5 percent usable space. He said a smaller percentage about 2,000 square feet be less than 10 percent usable space due to the soil. Mr. Atkinson said he was trying to make the space as level as possible for usability.

Engineer Cokley said in the original plan had about 9,000 square feet of usable open space and the current plan had about 8,000 square feet of usable open space. He believed there was less paved area in the current plan than there was in the original plan.

Commissioner Riddile said he would like to see the elimination of buildings 23 and 24.

Commissioner Bourquin said maybe in exchange for buildings 10 and 11, there might be an opportunity for a few more off street parking spaces.

Commissioner Westerlind said would like to see more usable open space.

Planner Smith asked if it was possible for Falcon Ridge Court could go through to Bear Canyon Drive.

Engineer Cokely said that was looked at, but in order to create an intersection there needed to be a 4 percent grade on Falcon Ridge Court at Eagles Ridge Drive and Bear Canyon. He said Bear Canyon Drive was at an 8 percent grade. That would raise the grade to 6 feet on Bear Canyon Drive where Falcon Ridge Court would connect and then it would become 9 feet where Bear Canyon Drive connected to Eagles Ridge Drive. Physically it would not work very well and created more fill.

Condition e. Applicant shall adequately screen the western portion of Filing 11 from the adjacent homes along South Wild Horse Drive through one or more of the

following:

- Widening the natural buffer along C Avenue to greater than 120 feet;
- Heavily landscaping Open Space A as shown on the Preliminary Plan with trees to obscure the line-of-site; or
- Installing at least three trees near the rear lot lines of the lots along the west side of Filing 11 and including a provision in covenants for Filing 11 regarding on-going HOA maintenance and replacement of the same.

Planner Smith said the transitions between the existing homes on South Wild Horse Drive and Mt. Harvard Court were less blunt or more similar in kind and move into duplex units along Eagles Ridge Drive. This was done by the applicant to meet the requirement. The purpose was for transitioning and to provide a wildlife corridor.

Mr. Atkinson said one way was to go from triplexes to duplexes to help with the buffering along Eagles Ridge Drive. Second was to install fencing behind the duplexes on the west side to help provide some buffering. Mr. Atkinson said he would be willing to provide one tree per unit near the rear of each duplex unit. Providing a tree would allow for appropriate canopy and not overcrowd the trees. It would be part of the landscaping that would be offered.

Commissioner Bourquin asked Mr. Atkinson what type of fencing would be installed. Mr. Atkinson said the fencing would not be a split rail and would be more private. The fence would be in rear of the units on the lot line, which would be off the walkway.

Town Administrator Dave Reynolds asked for some clarification regarding the fences; what the fence looked like in relation to the South Wild Horse homes and the elevation of South Wild Horse homes compared to the elevation of the Eagles Ridge Drive duplex homes. He asked where the fence line was and whether it was an actual barrier that would help the South Wild Horse homes or was it just a visual barrier from the pathway, and if a 6 foot fence solved the problem.

Engineer Cokely said the houses on South Wild Horse are on fill and about 10-20 feet higher at the foundation grade than the grade of the east side of filing 11.

Chair Apostolik asked Mr. Atkinson what types of trees would be planted. Because the point of the trees would be for screening. The current plan showed 17 conifer trees and the majority were on Castle Valley Boulevard.

Mr. Atkinson said the idea would be conifers because of the survivability. He said he wanted to make sure that whatever was planted would not take over and look out of place. The conifers would be reasonably sized in that area. Mr. Atkinson would also put in a drip system to make sure the trees survived.

Applicant John Elmore said taking buildings out of the development did not make sense financially and the numbers would not work. He said there had to be enough density to justify the cost and expenses for grading road and all the other expenses that would be to develop filing 11. He said the idea of Serenity Park was to move part of open space "C" to an area with the best view. Serenity Park was also very accessible off of North C. Avenue trail and provided access from the parking spaces at Eagles Ridge Drive. He said that was the tradeoff to have buildings 23 and 24 and making open space "C" smaller.

Chair Apostolik said they had discussed open space "C" at several meetings and Mr. Elmore now talked about what it would cost to move open space "C" to create Serenity Park and putting buildings into open space "C" and around the cul-de-sac and reducing the area. He said he took exception to the claim because it was fill that was not being hauled off site. It is a location to put the fill. He said Serenity Park was nothing but fill and a gazebo and two trees.

Engineer Cokely said Serenity Park was a cut and not fill.

Commissioner Riddile said in 2008 or 2009 a similar plan proposing 40 or 42 single-family homes was proposed and they were able to make it work. He asked them to consider 8D-4C and 4A as single family homes.

Mr. Elmore said they had tried to group the same types of housing and keep the consistency of quality. The houses need to be in an HOA and the needs are different between townhouses vs. single-family houses.

Mr. Atkinson said those units were reduced down to duplex buildings. Single-family homes was not part of the vision for filing 11.

Commissioner Bourquin said the square footage of the duplexes are similar to single-family square footage except they were a duplex. She said single-family could be done but she felt it was fine with the duplexes.

Mr. Elmore said they were trying to be price sensitive and if you change the product you will also change the price to be higher.

Condition f. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. In addition to the snow storage areas shown on the revised site plan submitted with the Amended Preliminary Plan, a snow storage easement shall be designated to the east of Building 11 consistent with the comments from the Public Works Director. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.

Condition g. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2" OR MORE.

Conditions h. Provide 5' landscape ("green") buffers between the road and sidewalks the outer radial lane of Eagle Ridge Dr. for snow storage.

Planner Smith said there were snow storage areas identified mainly in the interior of Eagles Ridge Drive. There also needed to be an additional area for snow storage, preferably at the extra parking spaces on the downhill side between buildings 11 and 12.

Mr. Atkinson said that it made sense to use the parking spaces between buildings 11 and 12 for snow storage.

Chair Apostolik asked if those parking spaces would have signage of some kind to indicate the area as snow storage.

Mr. Atkinson said he would come up with something for snow storage.

Engineer Simonson said having signs is an easy fail safe, and something public works could do. He said that being able to notify citizens they had 48 hours to move the vehicles off the street made it easier for snow plowing the street.

Mr. Atkinson said there was an agreement of 5' buffers along Bear Canyon Drive. He said they also agreed to tree line Bear Canyon Drive. Mr. Atkinson said they would also be providing snow storage easements along the outer radial side of Eagle Ridge Drive: for example the corners at the turn of the road.

Engineer Cokely said anywhere there was not a utility easement could have a snow storage easement.

Mr. Atkinson said he had a concern about "no parking on street 48 hours after a snowfall event".

Administrator Reynolds said there were areas in town where there is signage and while it is not perfect, it works. The residents have gotten used to it.

Mr. Atkinson said regarding the discussions of green belts on Bear Canyon Drive and there is enough area throughout Eagles Ridge Drive. The concern is the depth of the driveways and the depths of the lots. He said they would like to provide deep driveways in order to park a pickup truck without being on the sidewalk. Adding another 5' presents a problem on Eagles Ridge Drive. Having the interval areas of snow storage is a condition that can be agreed to and would also serve the need for snow management.

Engineer Simonson said the typical parking space for a full size vehicle is 20' long. Between the back of the curb and gutter to the face of the garage door was 30' along Eagle Ridge Drive. That is where the extra 5' comes from in order to have the buffer. Having signs to have vehicles moved within 48 hours of a snow fall will make it much easier to plow the streets. Having the streets cleared of vehicles is ideal for snow plowing and having places to be able to put the snow. Then the town is not having the battle with citizens about putting snow from the sidewalk into the

street and then plow come through and putting the snow back onto the sidewalk. Having the extra buffer makes sense and helps everyone.

Administrator Reynolds asked if the concern is the length of the vehicles pushing it to close to the sidewalk area. Is the 5' buffer set in stone or can they be adjusted to give more room for the drive lane.

Engineer Simonson said if sidewalk was provided on both sides of the street, then there would be no reason to drop the sidewalk down to 4'. He said you just need room to put the snow.

Mr. Elmore said the design standard for the entire project was to have 25' driveways from the sidewalk to the garage door. If there is a full size truck with a trailer hitch you need that much room in order for the hitch not to be obstructing the sidewalk. Then there would be a 5' sidewalk.

Engineer Cokely said the design was 30' from garage door to the back of curb.

Engineer Simonson said the requirement is 19' driveway, which is a standard space in the municipal code. The parking spacing along the south side of Eagles Ridge Drive would also be 19'.

Mr. Elmore said that was not the design for filing 11. With having only 20' driveways between the front of the garage door and the sidewalk becomes an issue because of full size trucks with trailer hitches and that is why the driveways were designed to be 25'.

Commissioner McDonald asked if the 5' buffer was required.

Administrator Reynolds said no. However, there is room for compromise regarding sidewalk and driveways. He said that instead of doing a 5' sidewalk do a 4' sidewalk with a 22' driveway. The said the town was trying to solve parking problems and at the same time solve snow storage issues.

Commissioner Bourquin said sidewalks should not go smaller than 5' because 2 1/2' tends to be a person's safety bubble and 2 people can pass by each other without a problem.

Chair Apostolik asked Attorney Carmer if this was a condition that needed to be worked out between staff and the applicant before the applicant came back with a final.

Attorney Carmer said yes. The condition can be changed as staff sees fit.

Condition i. The boundary of the open space area at the southwestern end of Filing 11 shall be revised to incorporate the entire length of the trail that connects to Eagle Ridge Drive as shown on the revised site plan. Said open space and trail shall be owned and maintained by the HOA for the development but shall be open

for public use.

Attorney Carmer said the consideration was to have the whole trail to be within the open space and to indicate that the property was owned and maintained by the HOA. There would not be a need for a separate easement.

Condition j. Design Bear Canyon Dr. as a 50' right-of-way according to comments from the Public Works Director. No homes in this filing or any future filing north of the southern intersection of Eagle Ridge Drive and Bear Canyon Drive shall front or be accessed off of Bear Canyon Drive.

Planner Smith said with the 50' right-of-way along Bear Canyon Drive there would be no parking on either side of the street. Bear Canyon Drive would act as a collector street, just not at the width of a collector street.

Planner Smith asked Mr. Atkinson what the future plan was for the east end of Bear Canyon Drive. If homes would be fronting Bear Canyon Drive or would the 50' right-of-way be maintained with the same type of design as in the earlier phases of filing 11.

Mr. Atkinson said they were not sure that there would not be driveways on a portion of Bear Canyon Drive as it moved east. The idea of the right-of-way was when the driveways fronting onto Bear Canyon Drive were eliminated. The purpose was to help with the flow of traffic down Bear Canyon Drive and to alleviate on-street parking issues. Hopefully, to use some of the on street parking for people to park on Bear Canyon Drive. He said they would not rule out driveways fronting the Bear Canyon Drive in the future.

Condition k. Provide water and sewer service stub-outs for future development east of Bear Canyon Drive prior to the installation of road infrastructure.

Chair Apostolik said that on the initial application on the north east side off of Bear Canyon Drive near Castle Valley Boulevard at some point that was where the water main would be taken to and stopped. He asked if that was how the utilities will be ran.

Engineer Simonson said he was not sure since there were no current plans for the next filing and what that might look like. He said that the water would be required to be looped and still made sense to stub at the north end of Bear Canyon Drive and also at the south end.

Condition l. Provide verification that the Castle Valley Blvd right-of-way can accommodate standard turn lanes and through lanes.

Engineer Cokely said the plans that were submitted in February of 2020 showed a left turn lane onto Bear Canyon Drive and the transitions back to the existing lanes and were shown within the right-of way with no conflicts.

Condition m. Specify on the plat that Open Space A shall be owned and maintained by the Town and that all other open space areas within the development shall be owned and maintained by the HOA.

Condition n. Provide a construction phasing plan. Identify, at minimum, each of the following components:

- Buildout phases;
- Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
- Storage and staging areas for construction equipment and materials;
- Illustrate drainage and erosion control best management practices (BMP's)

Condition o. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.

Condition p. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.

Condition q. Provide a conceptual landscape plan for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Plans submitted to obtain a building permit for any dwelling in Filing 11 shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.

Condition r. Designate locations of mailbox kiosks with written authorization from the local postmaster.

Condition s. 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.

Condition t. Prior to the recordation of any Filing 11 phase plat, the Applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney. The subdivision improvements agreement for the first phase shall address the allocation of work and costs between Applicant and the Town necessary to mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.

Condition u. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.

Condition v. 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.

Condition w. 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.

Condition x. 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;

Condition y. 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.

Chair Apostolik said that at the last meeting in September 2020 he had asked to have the buildings textured so the buildings do not look all alike. So that the buildings look more like homes than a standard track duplexes.

Mr. Atkinson said would agree to take steps to make the buildings look more like single-family homes and to have distinct features. He said he was hesitant on each building having a different texture.

Chair Apostolik said would like to add different textures not just paint colors to the buildings as a condition.

Commissioner Riddile said he would like to have some discussion on easements for trails for biking and hiking, and connecting Mount Medaris with Ganley Hill and Prendergast Hill.

Planner Smith said the dedication for public use of a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill had been discussed but no decision had been made.

Mr. Atkinson said He agreed to the public open space bordering to the south of Eagles Ridge Road for the trails and it was determined that it was workable.

Commissioner Riddile said he wanted to clarify there would be a soft hiking and biking trail which would connect the bottom of Mount Medaris with Ganley Hill and Prendergast Hill.

Mr. Atkinson said that was correct.

Planner Smith said they could add the dedication for public use of a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill as a condition.

Chair Apostolik opened the public hearing at

Wayne Shelton, New Castle resident. Mr. Shelton said the issue was density. The density was too much for a small area. He said the parking issues still had not been solved. He asked when there was a snow event and the cars were required to be moved, where were the cars supposed to go. Open Space "A" is a berm with

"natural" grass which means weeds. He said there will be weeds growing along Castle Valley Boulevard and the open space "C" trails.

Mr. Atkinson said the town would be maintaining open space "A", therefore should not turn into weeds. The remaining open spaces will be maintained by the HOA. The parking for filing 11 exceeded the requirements for parking. For snow storage, Mr. Atkinson said he had worked hard on tactically placed snow storage areas throughout the project. He said that great changes had been made to accomplish that issue.

Dee Kressner, New Castle resident. Ms. Kressner said that her back yard faced Sunset Trail, and she would like to know what the plans were for behind her house. She said she could envision multi-story condos which would block the views of the Hog Backs, eliminating the trails that so many people use, the construction noise, decrease in property value.

Steve and Denise Scheberle, New Castle resident. Ms. Scheberle said to continue to work with the developer to bring the project more in line with New Castle Comprehensive Plan. The conditions in the resolution shows there is a great concern. The concern is the builder will build, make money, then leave the town and the town is left with a nightmare. The open spaces proposed by the developer are insufficient with only a narrow walking path along South Wild Horse Drive side of the development. Serenity Park being proposed is still inadequate. The decrease open space in the development open space "C" and marking the berm alongside Castle Valley Blvd as open space. Open space means it's enjoyable, usable space. That is a buffer between a main street and the development. It's not defined and should not be defined as open space. Leaving more open space around a development is a win, win and will increase the property values for properties adjacent to a development and inside the development. Ms. Scheberle checked when purchasing their home what would be developed behind them. At that time there was a proposal of single family homes. There is still an issue of traffic and wildfire danger. High density development being able to safely evacuate all residents on just one road. A connector to N. C. Street would help elevate loading onto Castle Valley Blvd. Leave the natural drainage alone as a nice beautiful open space. Need to also consider another crosswalk across Castle Valley Blvd.

Myrna Candraia, New Castle resident. Ms. Candraia said she lived on Foxwood Drive in the same area as Redstone Drive and there are problems. Many of the problems will be repeated in the proposed project. There are issues with snow storage and unless there are enough parking to fit the development will be tough. She said she can't back out of the driveway onto the street on trash days because there is very little space because of the cars parked on the street. There is drainage issues behind Foxwood Drive. There needs to be a good escape route when there is a wild fire. The development doesn't follow the Comprehensive Plan.

Ines Baquero New Castle resident. Ms. Baquero said the plans are vague and not reassuring. Living in home at the bottom of Castle Valley Ranch the drainage flows into the back yard, and it has dropped 2' since the house was built. There is

concern regarding the drainage. There are 5 homes in Ms. Baquero's cul-de-sac with 15 cars. When Mount Yale is built there will be no place to put snow.

Sally Linden, New Castle resident. Ms. Linden said would like to see a good quality single-family community. In Lakota Canyon Ranch there is a combination of single family homes with duplexes with different HOA's and it seems to work. Looking down the road the current owners of Lakota Canyon Ranch will be building duplexes and triplexes. The questions is how much does the town want to build. Would like to keep the town a quant, wonderful outdoor and sporting type town. Still be able to see the mountains. The low priced home will become investment properties which will turn into rental properties with tenants who will not take care of the properties. Once the land is gone it's gone: no turning back.

Tom Schwenk, New Castle resident. Mr. Schwenk said the project is out of character for the area to put duplexes and triplexes next to single-family homes. He said is sounds there is compromise from the town but nothing from the applicant. The applicant doesn't want to give up 5', but what does the residents on South Wild Horse Drive give up.

Lynn Cassidy, New Castle resident. Ms. Cassidy said she supports and agrees with everyone else.

Erin Bassett, Local realtor. Ms. Bassett spoke about the property values. In 2016 there were 18 single family homes that were built on North Wild Horse Drive. There was a single family home sold in 2018 and in a year and half later the same house sold for little over \$39,000 more. At the same time there were triplexes being built across the street on North Wild Horse. One of the triplex units was bought and sold a few years later for little over \$32,000 more. The developer is trying to build an affordable project which the town has asked for.

Chair Apostolik closed the public hearing at 10:05 pm.

MOTION: Chair Apostolik made a motion to continue Resolution PZ-2020-09 to December 9, 2020 at 7:00pm. Commissioner Riddile seconded the motion and it passed unanimously.

Items for Next Planning and Zoning Agenda

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no commission comments.

Review Minutes of Previous Meetings

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

MOTION: Commissioner Bourquin made a motion to approve the October 28, 2020 meeting minutes as submitted. Commissioner Sass seconded the motion and it passed unanimously.

MOTION: Commissioner Sass made a motion to approve the November 4, 2020 meeting minutes as submitted. Commissioner Westerlind 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 10:15 p.m.

Respectfully Submitted




Chair Chuck Apostolik


Deputy Town Clerk Mindy Andis, CMC