

**New Castle Planning and Zoning Commission Meeting
Wednesday, May 13, 2020, 7:00p.m., Town Hall**

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

Call to Order

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

Roll Call

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

Absent None

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

Meeting Notice

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2020-1.

Conflicts of Interest

There were no conflicts of interest.

Oaths of Office – Commissioner Beth Sass, Commissioner Alison Bourquin and Commissioner Brian Westerlind.

Deputy Clerk Andis swore in the newly elected members of the Commission: Commissioner Beth Sass, Commissioner Alison Bourquin and Commissioner Brian Westerlind.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ-2020-06 Regarding Combined Preliminary/Final Application for Subdivision and PUD Development Plans in Castle Valley Ranch, Filing 11

Chair Apostolik opened the public hearing at 7:07 p.m.

Town Planner Paul Smith said the application was for Castle Valley Ranch Filing 11/Portion of PA17 & Remaining PA19. Combined Preliminary/Final for PUD & Subdivision Development Plans.

Planner Smith walked through the progression of the application: A sketch plan application for Filing 11 was reviewed by the Planning Commission on September 11, 2019 and by Council on October 1, 2019. At that time, the development proposal contemplated 96 multi-family dwelling units comprised entirely of triplexes and quadraplexes, similar in style to existing units along Redstone Drive and Foxwood Lane in Castle Valley Ranch (CVR). The 15-acre proposal spanned both mixed-use and residential zones south of Castle Valley Boulevard and east of South Wild Horse Drive. The general concept of the sketch plan – lot sizes, open space, trails, & roads – tracked closely with a prior application submitted by Village Homes, Inc. in 2008. The 2008 application was for 62 single-family homes and was ultimately withdrawn.

At both meetings it was noted by the Applicant that the sketch plan demonstrated substantial compliance with the municipal code, adopted model codes, public works manual, and the Comprehensive Plan. Staff acknowledged that the overall *design* conformance was substantial, however, it disputed the degree of continuity with the Comprehensive Plan and aspects of the CVR Master Plan. Staff maintained that though strict compliance with the Comprehensive Plan is not compulsory – and in some cases not practical – the Comprehensive Plan was intended to provide qualitative and quantitative guidance for future land use. It was an instrument used to discover what manner of development mutually benefited the needs of the town and the aspirations of the developer.

The sketch plan process produced points of consensus and debate. Those included:

Points of Consensus:

- For a preliminary/final application, all submittal components need to be thorough and complete prior to meeting with Council.
- The Applicant's product – triplexes on Redstone Dr. and Foxwood Ln – has generally been well received by buyers. The units are energy efficient with various modern amenities.
- The typical price-point has been competitive with Lower Valley multi-family development.
- High density residential is better suited along and south of Castle Valley Blvd. (CVB) rather than in the vacant parcels to the north of CVB.
- Land use proposals should prioritize the health and well-being of the community.
- The developer is currently party to a restrictive covenant committing them to no more than 303 additional residential units and no commercial development.
- An east-west connector trail should be integrated into the design.
- A looped raw water system is best practice for landscape irrigation.
- View planes should be preserved as much as feasible.

Points of Debate:

- Two-thirds of the proposed development consists within a mixed-use zone as specified by the CVR Master Plan. Areas of strategic, small-scale commercial development should be considered in fidelity with the vision of mixed-use in the Comprehensive Plan.
- Pedestrian circulation should be improved to provide direct access to open space, parks, and other areas throughout the CVR PUD.
- Diversity of dwelling units should be included into the design rather than the same style throughout.
- The density and design of multi-family homes seemed misplaced when directly bordering larger single-family homes on South Wild Horse Dr. Transitions should be more subtle.
- Trail connectivity was limited. The proposed Open Space C was not useful. A park amenity would be a better use of that location.
- Off-street parking, though compliant with codes, would create ongoing challenges for traffic flow and snow storage given the density, road widths, attached sidewalks, and propensity of residents to have more than two cars per household or using their garages as storage.
- Snow storage was not adequately specified on the site plan.
- C Ave might be considered for a future emergency access road, in hindsight to the small fire that broke out on Mt. Medaris in the summer of 2019.
- There should be separation between the curb and sidewalk for pedestrian safety and snow storage.
- The proposal did not sufficiently represent the Smart-Growth model endorsed by the Comprehensive Plan. Smart-Growth promotes sustainable communities with compact residential mixed with commercial amenities and services, all reasonably accessible without vehicles.
- There was dissatisfaction with not knowing the development plan with the neighboring parcels. Without visibility it would be difficult to assess the appropriateness of the current proposal with the overall community. A master plan amendment was recommended to flesh-out those details.

Per Council request, the Applicant presented the conceptual plan to the general public at an open house. The meeting unfortunately was not well attended, but the few attendees did provide feedback based on their perception of Redstone Drive & Foxwood Lane and their recollection of the original application for Filing 11 in 2008. The units have generally been well-built and at an attractive price-point to a variety of consumers. However there was comment that the build-out could have better planned for parking, traffic flow, and non-vehicular movement.

III Current P&Z Preliminary/Final Application:

On February 10, 2020 the Applicant submitted preliminary and final applications for a combined PUD & Subdivision plan in planning areas 17 & 19 of CVR (a.k.a. Filing 11). The application was considered complete on March 23, 2020. A preliminary/final application with P&Z should demonstrate rigorous compliance with the adopted codes, provisions for utilities and infrastructure, substantial conformance with the Comprehensive Plan, and minimize any adverse impacts to the Town. The commission's recommendation shall be delivered to council within

30 days of the close of the hearing, per *Municipal Code* 17.100.080. The Commission can take one of the following actions at the hearing:

- Approve the application with or without conditions;
- Deny approval of the application;
- Continue the hearing pursuant to *Municipal Code* 16.08.040 § G.

Commissioner Bourquin asked since both preliminary and final were combined, could preliminary be approved and final denied.

Town Attorney Haley Carmer said the application was unique in some respect. She said they were being presented with a full development of 91 units, however, the application is to plat and develop only the first phase of the filing. The commission needed to determine whether there was enough information to approve the preliminary for the entire development and the final for the first phase of the first 10 lots with 32 units. The applicant was seeking an approval for the whole development, but authority for the different phases to be approved at an administrative level. The zoning can be decided now and the next two phases will have to be consistent. . If future phases are different then staff would have the option to bring the phases back to Planning & Zoning and Council for approval.

Planner Smith said applicant was looking to get approval for a PUD application for 91 units and Subdivision Plat for phase 1.

In what follows, the application will be assessed according to the criteria outlined in *Municipal Code* 17.100.090:

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

IV CVR Purpose and Approval Criteria:

Castle Valley Ranch PUD – Purpose

According to Municipal Code section 17.104.010, the purpose and intent of the

Castle Valley Ranch PUD zone district regulations are to:

1. Encourage variety in the physical development pattern of Castle Valley Ranch;
2. Provide a variety of housing densities greater than would be normally possible;
3. Encourage the use of a more creative approach to the development of land;
4. Encourage a more efficient, aesthetic and desirable use of open space;
5. Encourage a more efficient use of energy through solar orientation, native vegetation, and water conservation;
6. Provide a variety of dwelling and building designs;
7. Provide high standards of development and provide amenities appropriate to the densities involved in the project;
8. Provide an integrated open space system throughout areas as outlined on the Castle Valley Ranch PUD zoning plan as well as throughout individual districts;
9. Provide for a variety of housing types in order to best meet the housing demands of all age groups;
10. Maintain and preserve the general alignment of drainage ways for aesthetic, energy and functional purposes;
11. Provide pedestrian networks throughout the open space districts as well as throughout individual districts thereby providing an integrated network throughout the entire development;
12. Provide landscape areas and tree plantings throughout the entire development.

It is helpful to have these priorities in mind when considering an application's degree of conformance with the following approval criteria.

Approval Criteria

1) Is the proposal generally compatible with adjacent land uses?

The property is surrounded by mixed-use and residential zoning. Currently all surrounding development consists of either single family homes or multifamily dwellings. The proposed units are modeled after the tri-plexes located off of Redstone Drive – sized between 1,600sf & 1,796sf – and include four designated open spaces.

Staff Comment: Since the adjacent land uses are comprised of residential and open space, and the proposal resembles the tri-plexes built in Filing 9 on Redstone Dr. and Foxwood Ln., it is reasonable to conclude that the proposal is broadly compatible with surrounding uses.

There is some apprehension with the blunt transition from large single family homes directly to the west (3,000-4,000 sf on South Wild Horse Dr.) to the higher density 3 & 4-plexes proposed. The transition to higher density may have some adverse effects on property assessments in one way or another. Because of added congestion, noise, loss of view planes, without additional amenities the homes on South Wild Horse Dr. could suffer from external obsolescence. Conversely the close

proximity of the higher value homes to the proposed development may artificially inflate the property values of the multi-family homes. These effects might be avoided by replacing some of the multi-family lots with smaller single family dwellings, particularly on the west side of Eagle Ridge Dr. Alternatively these threats might be mitigated with increased open space and ample landscape buffers.

Finally, it is difficult to assess future compatibility of the proposal with the undeveloped properties to the East – parcels which the applicant currently owns. For example, were the current application to be approved, how would it impact the future design of the mixed-use zone PA17 to the East? At this time the expectation for this parcel is unknown. With greater visibility, however, the town would be in a better position to determine the suitability of the current application.

Degree of Conformance: Moderate/High

Commissioner McDonald asked about the ways to mediate the 70 feet of transitional area between single family and multi-family units.

Planner Smith said simply to add trees and landscaping. Also to soften the transition there could be different types of units.

Commissioner Bourquin asked about the emergency access to Mt. Medris regarding the width, right-of-way or spaces needed for the fire department to have access.

Planner Smith said he was not certain.

Town Engineer Jeff Simonson said it all depended on the type of vehicle that was used.

Commissioner Bourquin said there would be some grading that would need to be done.

Planner Smith said that could be done. The biggest concern was the slope and some of the bigger vehicles that may not be able to get up N. C. Avenue.

Commissioner Riddile asked if the fire department has asked or requested emergency access from N. C. Avenue to Castle Valley Ranch.

Planner Smith said it was brought up by staff during sketch plan review.

Commissioner Westerlind asked what the spacing of the units were compared to the units on Redstone Drive and Foxwood Lane.

Planner Smith said thought the setback was 10 feet and 20 feet between buildings.

Commissioner Riddile said on the other side of South Wild Horse Drive and Little Bear Peak it does transition to an exclusively townhome area. The area between is a minimum of 70 feet, then it gets larger at Hot Shot Park.

Commissioner Bourquin said according to the Division of Wildlife there is significant wildlife movement in the filling 11 area and would that be accommodated and on the plans. She thought that perhaps 70 feet would be a small wildlife corridor.

Planner Smith said he had spoken with Colorado Wildlife District Manager, Brian Gray. Mr. Gray said there is no determined feet required for wildlife corridor because there are so many people going through the corridor on foot, with dogs and on bikes. He said that once the area becomes a green space it loses the significance of a corridor. If the opportunity existed for creating wildlife movement corridors on the edges of the development, the developer should reclaim using appropriate vegetation and it should contain visual and noise barriers. Some wildlife species may still attempt to access the area to the south of the development, so a vegetative barrier may provide some mitigation for the disruption of the site. Planner Smith said however, there was one other alternative: the drainage by the roundabout that could potentially be used for the wildlife corridor.

Applicant Aaron Atkinson (CVR Investors) said he had heard the discussion regarding the emergency access from N. C. Avenue to Castle Valley Ranch. After looking at it, the grade is too significant to be willing to look at something like that.

Mr. Atkinson said regarding the wildlife corridor concern, he agreed that the area to the east of the property would be more suitable area for the corridor.

Chair Apostolik asked Mr. Atkinson if there were plans to landscape the backside of the properties to enhance the transition between single family and multi-family units. Because all that is shown the plans is generic landscaping which includes some irrigation, a few trees in front of the houses off of Castle Valley Boulevard but nothing the other way.

Mr. Atkinson said regarding the transition and with respect to what the town pointed out, CVR Investors disagreed. Mr. Atkinson said he had looked over the Comprehensive Plan and was familiar with the discussions about diversification in regards to housing products. He said that the Comprehensive Plan is not read in isolation about one filing, and it is not a Castle Valley Ranch specific document. It is a Town of New Castle document. He said that the diversification requirement that is encouraged not just in one specific parcel but across the entire town. He felt that the town was not in a position where there was enough multi-family product that is a price point to meet what the demand is. CVR Investors felt the proposed town homes can and will meet the current demand.

Chair Apostolik said it was not so much the transition from single family to multi-family. The concern was the transition between the existing homes and the new development coming in.

Mr. Atkinson said during the discussion at sketch plan there was conversation about a softer transition that could be made. Perhaps single family homes along the westerly Eagles Ridge Drive to soften the transition to S. Wild Horse Dr. With regards to open space "A", Mr. Atkinson said that CVR Investors did provide a generic landscaping plan intended to meet with the open space. Mr. Atkinson said he was open to some discussion regarding landscaping and open space "A" with the

understanding that would ultimately give to the town and there will be maintenance required. He said he understood the concerns of the citizens regarding multi-family right next to a development on S. Wild Horse that are single family units. He said there will be plenty of square footage from building envelope to building envelope. By design there will be two sections of landscaping and it's appropriate for the parcel.

Chair Apostolik said there was a difference in the transition and part of the concern at the sketch plan hearing was that the homes were all the same. . Some ideas were to change the texture or siding.

Mr. Atkinson said the architectural plans that were submitted were conceptual only. The anticipated design was tri-plexes and quadraplexes they will have the same feel as the buildings on Redstone Drive. The buildings will be a contemporary design and not be a row home in a tract development. The design of the tri-plexes specifically will look like a single family home without being a single family home. The buildings will look marginally different from one to the next.

Mr. Atkinson said that he could not say what the design would look like at this point in the development.

Commissioner Bourquin said as far as the triplex and quadraplex, she supported the product type. An increase in density starts to provide assessable, affordable housing.

Commissioner Bourquin said that housing mix and diversity means both product and price point. The diversity of housing is when there is different product type and price points that are offered. That is what the Comprehensive Plan is referencing regarding diversity and housing mix. Offering different houses for all stages of life and all ranges of income. She felt that Triplex and quadraplex were the same and missing the diversity.

Commissioner Westerlind asked Mr. Atkinson what the anticipated price range would be.

Mr. Atkinson said he did not have an answer, however, the price points for the units on Redstone Drive were between \$350,000.00 and \$390,000.00. Of course, it is subject to market conditions.

Planner Smith said some of the end units on Redstone Drive sold in the low \$400,000.00 range.

Commissioner Sass said that looking at the zoning map, on S. Wild Horse Drive the map showed residential it does not say mix use or multi-family housing. Therefore, she felt that the property should be developed into single family homes and not multi-family homes.

Planner Smith explained that multi-family was allowed in residential and mixed-use zones.

Planner Smith asked Mr. Atkinson if the architectural plans were conceptual plans meaning that is what would be built.

Mr. Atkinson said yes, that is what CVR Investors will be building, but they are conceptual in the sense that the veneer and color, etc. are broad strokes of what will be built. The floor plans are the same but the aesthetics are not yet known.

Planner Smith said since the application was at final it was considered to be what you see is what you get. Staff needed to be sure what has been submitted is what CVR Investors are planning to build.

Mr. Atkinson said that is what will be built. Colors and products cannot be specific, but the floor plans and the structure is what is shown on the architectural plans.

2) Is the proposal consistent with the Comprehensive Plan?

The Comprehensive Plan anticipates future development to follow the Smart-Growth model (Goal CG-5). Values of smart-growth include:

- Livability
- Efficiency
- Affordability
- Environmentally Conscious

Central to this model is the concept of “place-making”. Place-making is a strategy promoting attractive, livable communities which, in turn, drive place-based business and investment while discouraging economic outsourcing. The community’s intrinsic strengths are primary to all development concepts. Incremental building, balanced housing types, transit alternatives, recreational opportunities, and even commercial services are believed to help create attractive communities which are environmentally friendly and compatible with the community’s needs. The CVR Master Plan purposely arranged mixed-use zones contiguous with residential zones to help preserve a place for services, amenities, and public wellness to achieve these ends.

Staff Comment: The Applicant proposes higher density townhomes. This was a helpful first-step in restraining sprawl and resonates with the more urban flavor specified by the Comprehensive Plan. The proposal speculates that higher density should furnish more affordable options for young families, professionals, or those looking to downsize (CP Goal HO-2). Though the affordability is not at the level of deed restriction, the units should match an attractive price-point in the Valley.

Higher density should not, however, sacrifice health and wellness. Staff believes the current proposal risks sacrificing livability with the congestion caused by bulk residential growth. A balance might be struck by eliminating some buildings while increasing some tri-plexes to quadraplexes. Or, reduce all quadraplexes to tri-plexes. With livability in mind this move would create greater buffer space between structures to meet the topography challenges, snow storage needs, trail placement, and parking limitations discussed below.

The Comprehensive Plan expects a balance of land-uses particularly with development over 50 lots (Comprehensive Plan Goal CG-4A) and especially when the development lies within a mixed-use zone. A mixture of home designs, integrated service amenities, non-vehicular connectivity, and generous open space will go a long way in improving community wellness and pairs better with the tenants of Smart-Growth.

The proposal demonstrates dedication of the required 10% of lands with a grade less than 35%. This amounts to ~1.5 acres of land. The adequacy of this dedication is discussed below. Other than space allocated to pedestrian paths, only Open Space "C" is reserved for potential recreation (Comprehensive Plan Goal POST-2).

The Colorado Parks & Wildlife referral indicates that the current proposal would continue to compromise wildlife habitat. The referral concludes, "If the opportunity exists for creating wildlife movement corridors on the edges of this development, they should be reclaimed using appropriate vegetation and should contain visual and noise barriers. Some wildlife species may still attempt to access the area to the south of this development, so a vegetative barrier may provide some mitigation for the disruption at the site" (Comprehensive Plan Goal EN-1).

Is the project sustainable? The Comprehensive Plan (Goal CG-7) and *Municipal Code* (17.100.060) requires a fiscal impact study by final application to determine the future fiscal sustainability of public improvements. However because of the many variables and costs involved in a fiscal analysis, a full-on return on investment study was not requested. In theory, a fiscal analysis would indicate that the town is better off with rather than without the proposed development. Some beta to help demonstrate this benefit:

- The town has historically placed the burden of the initial infrastructure improvements on the developer (Goal I-1A).
- The application narrative explains that the 91 units will generate roughly \$1.66 million in permit fees, water taps, recreation fees, and use tax. However, other than use tax (~13% of permit fees or \$221,000 of the \$1.66 million) and recreation fees (\$45,500 for all 91 units), permit fees are usually a zero sum.
- The town can expect revenues for infrastructure through a portion of the 8.551 mills on property assessments. For an average townhome in New Castle this amounts to \$210/year.
- The town can expect revenues from sales tax (29% of all sales taxes is reserved for road maintenance and another 21% is reserved for parks and recreation).
- According to Public Works, the rule-of-thumb is that the town typically depends on \$3,640/year per lane-mile for road paving and utility repair.

A fiscal impact study would combine these metrics with other dynamics to demonstrate the economic feasibility of development. For now it should help

stimulate thought regarding known revenues and expenditures.

Degree of Conformance: Low/Moderate

Chair Apostolik asked Planner Smith the reasoning for the degree of conformance of low/moderate.

Planner Smith said the low/moderate has more to do with the smart growth model. Whether the community is livable/affordable and economically conscience, but has higher density. The biggest effects will come from snow storage, trails and parking, and may impact wildlife and whether or not the open space is usable. Planner Smith said that nothing had really changed from Sketch Plan to the Preliminary/Final Plan. He asked if the commission was satisfied with the one 5-acre open space parcel or did they want something that was more usable for picnic and parks, and should there be another park that is dedicated to the town that would have to be maintained.

Chair Apostolik asked if open space was an arbitrary term.

Planner Smith said that open space just meant there were no structures.

Commissioner Riddile said should look at what a sub association could do with a pocket park. If the town does accept another pocket park was it possible give some responsibility to a sub association.

Chair Apostolik asked Mr. Atkinson if they were looking at having a Home Owners Association (HOA) in filing 11.

Mr. Atkinson said yes, there would be two layers. First would be in the Castle Valley Ranch Master Association, then there would be a sub association for just that filing. The sub association would be similar to filing 9. The sub association would be dealing with the open space issues other than open space "A" because open space "A" is the towns.

Commissioner Bourquin said after reading the citizens letters and staff comments, open space was very valuable to the community. Since COVID-19 it had become more import to the health and wellbeing of the community. With the increase of density open space becomes more important for the wellness and livability of the community.

Commissioner Westerlind said the way the project was laid out there was no extra parking for the open spaces or for community gatherings. There was no way for people to get to know their neighbors.

Commissioner Riddile asked Mr. Atkinson what his willingness was to reduce the number of units in the proposed development for livability. The units would be replaced with snow storage, parking and open space.

Mr. Atkinson said each item needed its own discussion. Regarding the open space the development has met the requirement and the criteria. CVR Investors had gone

through a lot of time and money to get the design to the point it was at. The design started as a configuration of roads and drawings that made it to town council 10 years ago. He said their willingness to redraw was reduced even from sketch plan. Mr. Atkinson said that regarding the open space the answer was no. Mr. Atkinson said that snow storage needed to have its own discussion because they had submitted a new plat that showed additional snow storage.

Commissioner Bourquin said market data from 2008 should not have been used to determine market feasibility. When CVR Investors shifted typology so significantly, adding nearly 40 percent more product. She asked why that was not cause for a second look at grading, roads lay out, utilities and open space.

Mr. Atkinson said partly because the data would show the transitions in terms of demographics from 2008 to 2020 have not changed so dramatically that would require dramatic changes to the design. The codes and requirements as of 2008 are not substantially different as they are in 2020. The only different is New Castle needs more multi-family product then it ever did back in 2008.

3) Does the town have the capacity to serve the proposed use with water, sewer, fire and police protection?

Per the 2002 Second Amended Caste Valley Ranch Annexation Agreement, the Castle Valley Ranch PUD is has been allocated a maximum of 1400 total units. Currently an estimated 530 lots remain vacant. Dedicated water rights are still available for the proposed development.

Staff Comment: Public Works has confirmed that adequate water and sewer capacity are available for the number of lots proposed. According to the *Comprehensive Plan* and the Castle Valley Ranch Master Plan, a raw water loop for all landscape hydration should be featured. A water testing station for the Filing 11 has also tentatively been planned per Public Works recommendation.



All Staff have responded negatively to the width of the proposed road right-of-ways (ROW). Currently the proposed design is for 50' ROW or 37' flowline-to-flowline. This includes two 10.5' drive lanes, two 8' parking lanes, and two 5' attached sidewalks. This indeed is the minimum requirement for all local residential roads (*Municipal Code 16.28.050 §H*). To improve public safety, snow storage, and optimize the pedestrian experience, Public Works recommends detached sidewalks with an additional 5' green buffer. The result would be a 60' ROW similar to N Wild Horse Dr. and other collector streets. The Police Chief would preference limiting parking to one side of street based on the poor track record of moving emergency personal and equipment in the Town's multi-family residential neighborhoods.



The 50' ROW in the higher density neighborhoods becomes increasingly problematic when snow storage is taken into account. Firstly, it is not easy to push snow down the middle of the street with 21' of total travel lane and vehicles parked on both sides. The driver must be attentive to snow "wake" or throwing snow from the blade into the sides of vehicles. Secondly, when snow storage is poorly located, snow removal becomes highly inefficient and expensive. On heavy snow days, snow will be pushed into large piles in vacant parking spaces for staging until loaders and trucks haul it off – pushing snow is quick and inexpensive; Lifting and hauling snow is unreasonable when other alternatives for street design are available. Finally, with vehicles parked on both sides of the street, snow crews usually must return multiple times to clear area where vehicles were originally parked. In the end, narrower ROWs usually bring a cost advantage to a developer. However for the Town of New Castle, the minimized widths have proven to be an ongoing challenge.



Degree of Conformance: Moderate

Town Public Works Director John Wenzel said after reviewing the application has the following comments:

Streets and Sidewalks

With the ultimate buildout of the adjacent property located to the east of PA 17 & 19, Bear Canyon Drive will likely have high traffic volumes and will function more as of a collector street than as a residential street. Our Municipal Code defines a collector street as: "those with low to medium traffic volumes, whose purpose is to provide access to residential areas and to channel traffic from residential areas to arterial streets." The Public Works Department recommends that Bear Canyon Drive have a right-of-way of 60 feet, to include 2/12' wide travel lanes, 2/8' wide parking lanes, 2/5' wide "green belts", and 2/5' wide sidewalks. The incorporation of the "green belt" will provide much needed snow storage space. The alternative to storing snow in the "green belt" is storing snow in the parking lane. Storing snow in the parking lane causes drivers to partially park in the travel lane, creating dangerous conditions for motorists. This can be especially hazardous on high volume roads.

Falcon Ridge Ct. has been designed as a dead-end street. The town's Municipal Code does not permit this design standard. Dead-end streets do not efficiently and safely accommodate all modes of travel, particularly emergency vehicles, maintenance vehicles, and delivery vehicles. Dead-end streets often result in conflict between private property owners and vehicle operators, especially when vehicle operators require the use of private property to safely turn around.

Snow Storage

High density developments make snow removal services extremely difficult and time consuming. The close proximity and the large number of driveways greatly reduces snow storage availability. Additional design standards should be considered, including, "green belts", designated snow storage areas, and ample off street parking.

Open Space

The applicant indicates that Open Spaces B, C and D are to be conveyed to the Castle Valley Ranch HOA. We should make sure that that is an acceptable situation with the Castle Valley Ranch HOA authorities. Otherwise, it may be necessary for the applicant to create a sub HOA.

Colorado River Fire Rescue Fire Marshal Orrin Moon stated in a letter after reviewing the plans for Castle Valley Ranch Mr. Moon had the following comments:

1. The phasing of the construction does not say if infrastructure is in place prior to construction of buildings. We need information on how the phasing will be done, roads, (all weather driving surface), waterlines and fire hydrants will be installed and in service. Buildings shall not be built prior to roads, hydrants and water supply being in service.
2. Phase 1 shows a dead end with provisions of a fire truck turnaround installed at the beginning of Falcon Ridge Court. Phase 2 shows no fire truck turnaround at the end of the street. Fire truck turnaround on all-weather driving surface is required.
3. All street names shall be cleared through Garfield County Communications to avoid any duplication of street names in the county dispatch area.

Address numbering shall be sequential and based on distance from entrance of street. Fire Marshal will submit names to Communications for approval.

4. Falcon Ridge parking entrance will work for a fire truck turnaround on the street. Parking signage shall be installed on turnaround to disallow any parking other than the established parking spots. Wording on signage shall be approved by Fire Marshal.
5. Fire Hydrant Detail on plans will be strictly enforced as to finish grade elevation. Hydrants too low will be reviewed by fire marshal and New Castle Public Works to determine if an extension is needed prior to final approval. Any vegetation located near fire hydrants shall be planted to allow growth which will never obstruct a 3' radius around fire hydrant.

Garfield County Emergency Communications Authority Tom Holm and Colorado River Fire Rescue John Gredig stated in a response to naming of streets: There are currently the following street names: Bear Paw Lane, Bear Wallow Lane, Bear Ridge Road, Black Bear Road, Golden Bear Road., Little Bear Peak, Eagle Ridge Drive and many other street names with Eagle. However, Falcon Ridge Court is fine, currently there are no other Falcon street names.

Chair Apostolik asked Town Engineer Jeff Simonson why was the recommendation was NOT to put the buffers in simply because of the deterioration of the roads.

Mr. Simonson said he did not address the buffers because public works might need to add a place for snow storage and to resolve the ongoing dispute with land owners shoveling the sidewalk into the streets and public works plowing the snow back onto the sidewalks. There were problems in Lakota Canyon Ranch where the buffers caused an issue undermining the sidewalks and roadway. There was some construction issues associated with that, but it could be done properly.

Chair Apostolik said looking at the design plan there was no buffer shown. He asked if town staff gone through the plan designed by SGM and was the applicant made aware of the buffering request.

Mr. Simonson said he believed that was a discussion during sketch plan.

Director Wenzel said the buffers was part of his comments during the sketch plan process.

Chair Apostolik said the current plans did not address the buffers.

Mr. Simonson said the current plans did meet the requirements of the code. There was a problem with snow storage. Buffers would be the best way to resolve the issue with snow storage. Planning & Zoning Commission and Town Council could have include a resolution of the snow storage issue as a condition of approval. The current proposal is to have the sidewalk to the back of the curb.

Commissioner Riddile asked Director Wenzel if he has looked as the proposed snow storage plan.

Director Wenzel said he had and it was the biggest concern. As far as public works and maintenance standpoint looking at the high density developments there's always concerns about the level of service for snow removal and snow storage. He said there are a number of solutions or combination of solutions that could be implemented such as green belts, wider right-of-ways, parking restrictions and dedicated snow areas. Director Wenzel said that what make it difficult was the number of driveways and the number of parked cars on the street. He felt green belts were very effective.

Commissioner Riddile asked Mr. Atkinson if he was open to any of the suggestions from the public works and town engineer regarding snow storage.

Mr. Atkinson said yes. The current design surrounded a couple of concepts. One concern was water getting underneath the gutter and the street. The second concern is currently there is 25' from sidewalk to garage. The green belt in the development going back and redrawing and by redrawing things either gets pushed back or drawn in to an extent that is not workable. Limiting the snow storage to Little Bear Canyon Dr. Open to parking restrictions to help accommodate some of the issues in terms of snow storage.

Commissioner Riddile asked Director Wenzel if the snow storage shown on the plans were adequate.

Director Wenzel said snow storage areas are difficult because snowplows are not designed to carry snow, they are designed to push snow. Carrying snow and putting it in a designated snow storage area takes a lot of resources from public works. Public Works does not have much personnel or financial resources. He said that a designated snow storage area as the only solution to the problem would increase the work load by 5-8 percent. That meant there had to be more plow drivers and equipment operators for snow hauling. Designated snow storage is part of a solution but it is not the only solution. In addition, he said that point loading snow storage caused water not to flow during the freeze/thaw cycles causing ice build-up.

Director Wenzel said he had proposed a number of solutions to the applicant. Have spoken with the applicant about green belts which are very effective. He noted that the failed roadway in Lakota had to do with the quality of construction and not the presence of the green belt. Director Wenzel said that green belts, designated snow storage area and off street parking make plowing more efficient.

Engineer for CVR Investors Dan Cokley said the spaces that were chosen for snow storage was because the spaces were available on the plan and he said he believed the streets had enough slope that the water will flow when the snow melts.

Mr. Atkinson said green belts are something the applicant will not consider because that meant going back to the drawing board and starting over. However, they would consider Bear Canyon Drive. Also, he said that parking restrictions could be looked at to help public works.

Director Wenzel said Bear Canyon Drive would be the very minimum with regards to the green belts because that looks more like a collector street than a residential street. The way that it's designed now the only alternative was to store snow in the parking lane, which means people will park in the drive lane. He said when people park in the drive lane that creates a hazard. Particularly on a heavily traveled road like Bear Canyon Drive. Public Works was not concerned about the extra work related to snow removal but more concerned about the limited resources and the level of service to the residences living the neighborhoods and the livability of the subdivision.

Commissioner Westerlind asked Director Wenzel if having an alternating parking plan such as certain days of the week on one side and other days on the opposite side of the street might work.

Director Wenzel said yes. That type of plan has worked in other neighborhoods with the cooperation with sub HOAs. Again, he said that was another possible solution.

Town Administrator Dave Reynolds said you have to look at the how often you have opposing driveways across the street from one other in the development and the ability to have alternating side of the street parking. Looking at the driveway layout, whether or not there is any space for alternate side parking may be inhibited by the driveways.

Engineer Simonson said between each block of units, for example building 1 and 2, there is significant space between driveways where you have the ability to bump

out the sidewalk and create a space to provide snow storage that could be directly plowed from the street. That could be repeated between each building, providing scattered locations to store some of the snow.

Mr. Atkinson said that could be something they would look at. Then that would address CVR Investors concerns regarding the driveway clearance and people's cars off the sidewalk.

Commissioner Bourquin asked about using intersection bump-outs for landscaping buffers that would also provide for snow storage.

Mr. Atkinson said he does think so, but he had not looked at the bump-outs in those terms..

Chair Apostolik asked if the sub association could take care of plowing even though the town owned the streets.

Director Wenzel said that often times there were difference in ideas of how to maintain the streets, therefore the town often takes back the maintenance of the streets.

Chair Apostolik asked if there was a way the town could collect from the HOA when the town has to take back the streets.

Director Wenzel said that he did not have an answer.

Administrator Reynolds said it got difficult when the town breaks away from the normal, and created phases around town that all have different ways of maintain the streets, the agreements often fall apart and it makes it harder to manage.

Commissioner Riddile asked Mr. Atkinson if building 1-6 could they be moved 5 feet to the North and West then, shift everything else 5 feet. That would create a green belt on one side of Eagles Ridge Dr.

Mr. Atkinson said every change to the plan does have an effect then it would seem not say the least monetary. So, therefore it would not be something to consider.

4) Are the uses proposed within the PUD permitted outright or by special review?

The proposal spans two distinct zones according to the Castle Valley Ranch Updated Master Plan Map. A residential zone, comprises the northern third of the development (5.1ac). The southern two-thirds, identified in red, is zoned mixed-use (8.8ac). The Applicant indicates that the site specific zoning is entirely multi-family MF-1, defined as a "multifamily townhouse and patio home district allowing for creative approaches to development with housing alternatives that are sensitive to existing and surrounding land uses" (17.104.080 A.3). In both residential and mixed-use zones, townhomes are permitted by right.

Staff Comment: Though the use intended is one of several permitted by right, the commitment to only residential development in a zone dedicated to mixed-use is not how the code defines mixed use in Castel Valley Ranch (*Municipal Code 17.104.080*). Mixed use is purposely designated for a mixture of uses in accordance with the Smart-Growth model discussed earlier:

- MU-1: "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."
- MU-2: "mixed use district providing a mix of residential and light industrial, office uses within close proximity to each other where complementary business uses may be permitted, and where higher intensity uses will be permitted that may not be suitable within the community core."

Nevertheless, converting the MU zones to all residential has become an all too common practice for developers in New Castle. Understandably, the alternative – nonresidential/commercial development – comes with economic risk, for it is arguably more difficult to fill commercial space. However, as noted in a previous development application, the town struggles to correct the current imbalance between residential and commercial, which has contributed to fiscal disparities.

Staff contends that demand from the community plus demand from business interests makes provisions for commercial services and vendors more viable than in years past. The current Lakota Canyon Ranch Deli and the former veterinary clinic on 7th Street are testaments to successful business approaches integrated within predominantly residential areas. Fourmile Mountain Market in Glenwood Springs, Southside Drive in Basalt, and Eagle Ranch in Eagle are further instances of discrete commercial ventures in the heart of established residential neighborhoods.

Staff maintains, then, that the developer consider strategic locations for smart commercial options in their development plans. One suggestion might be to negotiate a zoning change which dedicates specific locations and/or functions that are deemed viable commercial areas. To move forward without any considerations means the permanent loss of another nine acres of the town's limited mixed-use property.

Degree of Conformance: Low/Moderate

Commissioner Westerlind asked Planner Smith what was the ratio between commercial and residential rooftop compared to a similar town.

Planner Smith said he did not have a number.

Town Attorney Haley Carmer asked Planner Smith what the acreage was of the MU portion of filing 11 compared to rest of the MU that CVR Investors owned.

Planner Smith said in filing 11 was just under 9 acres, and that he was not sure what the remaining acreage was.

5) Is the number of dwelling units permitted by the underlying zoning districts exceeded by the PUD plan?

The number of dwelling units in Castle Valley Ranch is restricted in two ways: 1) total number of units for all of Castle Valley and 2) minimum lot area per dwelling unit provided in tables found in *Municipal Code* 17.104.080 §H. Currently there are approximately 530 vacant lots in the Castle Valley Ranch PUD. With approximately 186.5 usable acres remaining, the average density would approach 2.8 units per acre. Furthermore the applicant has elected the MF-1 zoning designation which limits the lot size for residential units to no smaller than 2,200sf. At this lot size the allowed density could approach an unrealistic 19.8 units/acre. The Castle Valley Ranch mixed-use zones are also allocated up to 100,000 aggregate square feet of commercial space which, like Lakota Canyon Ranch, has yet to be developed.

Staff Comment: The present application represents 91 units on 15ac for a density of 6.1 units per acre which, though more than double the average remaining density in Castle Valley Ranch, is far less than the 19.8 units/acre which could be allowed. If this proposal were approved the average remaining density would then fall to 2.6 units/acre. Staff believes this is manageable in theory.

In sum, though the density is significantly higher than many parts of the overall PUD, it would not affect the build-out of other parcels too adversely. For the application density, strictly speaking, should not be in conflict with the code requirements.

Degree of Conformance: High

Chair Apostolik asked if the development went to a higher density in another portion of Castle Valley Ranch that was acceptable, then could the rest of property remain open space once the maximum buildout was met.

Planner Smith said yes. There is a cap of 1400 units for Castle Valley Ranch.

Attorney Carmer said that regarding the land that was subject to the restrictive covenants, once the 303 units were built, unless the covenants are amended or voided somehow, the applicant cannot go above that number because of a private contract. Notwithstanding if there are still units available under the 1400 units in Castle Valley Ranch.

Chair Apostolik asked if the restrictive covenants could be changed without the town's approval.

Attorney Carmer said yes. Just like it was imposed without the town's say in the first place.

6) Does the PUD proposal:

- i. **Provide off-street parking –** Castle Valley Ranch requires two off-street parking spaces per unit (17.104.100). The proposed design shows single-vehicle garages, with the driveway providing the second off-street parking space. As



observed on Redstone Drive, the Riverpark Condos, and the Pyramid Peak Townhomes, this design is less than optimal and, as discussed above, compromises quality of life. In practice, these garages are used for storage, the driveway used for one vehicle, and the ROW used for all remaining vehicles. Together with sidewalks without green buffers, garbage bins in the driveway, and cars along the curb the congestion makes for an unpleasant pedestrian experience and undermines the appeal of the community. Other options exist. Staff encourages the Applicant to consider alternatives.

- ii. **Utilize the natural character of the land –** Due to the moderately sloped topography of the proposed 15 acres, some cut-and-fill will be required for construction feasibility. On the north two-thirds of the property, the Application will provide stepped lots. The lot lines will likely require retaining features such as simple stacked-rock walls or wood tie retention. To date, these details have not been furnished.



Moving south in the development creates greater design challenges and topography alterations. Buildings 12 & 13 will require up to 36' of structural fill at the base of Ganley Hill. To remain below an 8% road grade the natural land contours will require alteration. At some point significant fill material will likely need to be moved or imported to the future Filing 12 to match the eastern grade with Filing 11. To retain the property's natural character measures such as these should be kept to a minimum.

- iii. **Provide pedestrian and bicycle circulation –** Proposed sidewalks help to provide safe egress from the street-to-home or from home-to-home. The *Comprehensive Plan* (*Comprehensive Plan* Goal T-1) envisions more for pedestrian circulation. Specifically non-vehicular trail systems should contribute to local recreation. Staff feels the current design has a solid start with 8' paths included to the north and to the west of the development. Staff maintains that trail connectivity

could be increased internal to the development with small modifications to the development plan. A connecting 8' trail at the south end of Filing 11 and one that bisects the development is advised.



- iv. Provide outdoor recreation** – Other than the existing C. Avenue trail and a small centrally located pocket park, there is no realistic component of outdoor recreation to this proposal. The 2008 application included a central one acre lot that

was accessible from two streets. Staff encourages the development to have more useable open space than currently proposed. Elimination of Building 20 at a minimum with some grading changes will be a positive step in creating usable recreation space. An East-West connecting trail, is included in the plan set along the south end of Eagle Ridge Dr. to Bear Canyon Dr. Adding a landscape buffer of at least three feet along this trail will provide better safety for pedestrian travel.

- v. Is of overall compatible architectural design, achieves adequate screening, and ensures compliance with performance standards** – The overall architecture will generally follow the design aspects of the approved townhomes located on Redstone Drive and Foxwood Ln. However, many of the buildings will be enlarged to quadraplexes. Landscaping and screening are identified on sheets L1.0-3.0. All landscaping shall conform to requirements set forth by the relevant town codes and verified by the parks department. The applicant will be expected to agree to the performance standards adopted by the town.

Degree of Conformance: Moderate

Chair Apostolik asked Mr. Atkinson why the trail or road from the roundabout to Bear Canyon Rd. was not complete going to the east when there was concern during the sketch plan.

Mr. Atkinson said from a design point just was not something CVR Investors wanted to put into the plans. He said that as a concession to the town, CVR Investors decided to change it at lower portion to increase it to an 8 foot trail that would still accomplish the East-West path.

Commissioner Bourquin asked if there was thought about stepping the units.

Mr. Atkinson said that was not something CVR Investors had looked at.

Chair Apostolik as Mr. Atkinson if that would something CVR Investors would be

willing to look at: stepping the units to allow some kind of pathway to go through.

Mr. Atkinson said tentatively that CVR Investors would look at it but were hesitant to go much further because they were not sure what it would do to the Subdivision Improvement Agreement (SIA) or the plan. He said they would be willing to speak with the engineer about.

Engineer Cokely said what was driving the site were the road grades and not the units. Stepping the units could work but the road grades that are there cannot be adjusted because they were at maximum grade on Bear Canyon Dr. The site balanced meaning there would not be any dirt being imported or exported.

Commissioner Westerlind said there was stock piled of 12,000 cubic yards of top soil. That was a large amount to have to get rid of. He asked what the plans were to moving that much soil.

Engineer Cokely said grading it all at once, however, it would be up to CVR Investors about how it would be developed. If there was a stack pile there would be erosion control around it and could be reseeded to protect it from erosion.

Mr. Atkinson said the excavation would be done in phases.

Engineer Simonson said the geotechnical report did spell out compaction requirements for placing the fill. In buildings 12A-13C those units may have some special consideration given in the foundation design to make sure they are not compromised by settlement. He said they may need to have an additional soils report done for building 12A-13C before construction.

Administrator Reynolds asked what the future was for the area where the fill dirt would be. He said that if homes were to be built on there, that area would need to be filled and brought back to road grade in order for the area to be developed.

Engineer Cokely said yes. The area to the East was graded similar to the current project site. It would be the same amount of fill for the East side that there was for the West side.

V. Subdivision Approval

A subdivision application will be approved by Town Council only if it is found to be compliant with the criteria set forth in *Municipal Code* 16.16.030. A subdivision plat will be provided at the preliminary stage of the application and will be reviewed by the Town attorney and engineer for compliance. Per resolution PZ 2019-5, "One or more amended plats to define the boundaries of the individual units within each building shall be prepared for each building envelope based on as-built surveys after construction, which may be approved on staff level." Sale of individual units may not occur until the amended plat is recorded with Garfield County. Any revisions and corrections will be made prior to Council meeting.

VI. Staff Recommendations:

Staff recommends the planning commission explore the following alternatives to the proposal prior to deciding on resolution PZ 2020-06:

1. Integrate areas of strategic commercial development within the mixed-use zone of the Castle Valley Ranch master plan.
2. Soften the transition created by the juxtaposition of large single-family homes with multi-family townhomes.
3. Improve the parking arrangement and resulting traffic congestion that results from parked vehicles along both sides of the streets.
4. Expand road ROWs to include 5' green buffers between road and sidewalk.
5. Improve pedestrian circulation to provide direct access to open space, parks, and other areas of Castle Valley Ranch. Create greater trail connectivity. Possibly add an east-to-west trail corridor throughout development and along the southern property border
6. Expand Open Space C to include useable recreation space.
7. Provide a general plan for the vacant parcel east of the proposed development in order to guide considerations for how best to use the mixed-use zone, trail routing, and road configuration.
8. Eliminate Buildings 12 & 13 in order to minimize fill material at the south end of the property and retain the natural topography.
9. Consider more strategic places for snow storage to minimize removal efforts by Public Works.
10. Design C Ave as part of a greater wildlife corridor potentially accessible by emergency vehicles when needed.
11. Street names be approved through Garfield County Communications to avoid any duplication of names in the county dispatch area.

Attorney Carmer asked Mr. Atkinson if the areas outside of the footprint would be limited common areas or general common areas. She also asked what he anticipated the fencing to be around each of the units and how much is it would be broken up.

Mr. Atkinson said that based on his experience on Redstone, people want fences, so he anticipated there to be fences for many of the units. The HOA maintenance would look a lot like filing 9 and would include outside of building envelopes.

Commissioner Westerlind asked Mr. Atkinson who would be responsible for the maintenance of the landscaping of the open spaces at building A-D.

Mr. Atkinson said open space A would be the responsible of the town once it's completed. Rest of the open space would be the sub association.

Attorney Carmer asked Mr. Atkinson if CVR Investors would be building the trail from Castle Valley Boulevard to C Avenue.

Mr. Atkinson said yes. The maintenance side, once complete, would be the town's.

Chair Apostolik asked Director Wenzel if there was specifications for trails so there would not be any issues.

Director Wenzel said there had been a lot of consideration and he will ask for final construction drawings that show what the trail profile, surface and subgrade would look like.

Chair Apostolik asked Mr. Atkinson if he was in agreement.

Mr. Atkinson said yes.

Commissioner Westerlind asked Mr. Atkinson what was the anticipated repair of the sewer line running down C Avenue and whether he will be replacing the entire road and tying into the existing system.

Engineer Cokely said yes, CVR Investors would replace surface with asphalt millings where the sewer cut lines were. In some areas it would be the entire portion of the road. It will depend on what is disturbed.

MOTION: Chair Apostolik made a motion to continue the public hearing to May 27, 2020. Commissioner McDonald seconded the motion and it passed unanimously.

Items for Consideration

Consider Nominations for Vice-Chair

MOTION: Commissioner Sass made a motion to appoint Commissioner Bourquin as Vice-Chair. Commissioner Lucio seconded the motion and it passed unanimously.

Consider Appointment to Historic Preservation Commission (HPC)

MOTION: Commissioner Bourquin made a motion to appoint Commissioner Sass to the Historic Preservation Commission (HPC). Chair Apostolik seconded the motion and it passed unanimously.

Staff Reports

There were no staff reports.

Commission Comments and Reports

Commissioner Bourquin asked since the slow reopening of public places due to COVID-19, has town thought of opening up open spaces such as sidewalks and parks so restaurants could have outdoor seating.

Administrator Reynolds said yes. The town was actively working on a plan. Council had approved the parks along Main Street and closing the south side of 5th street to allow for take-out food and drinks.

Review Minutes from Previous Meeting

MOTION: Chair Apostolik made a motion to approve the March 25, 2020 meeting minutes as submitted. Commissioner Riddile seconded the motion and it passed unanimously.

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

The meeting adjourned at 10:30 p.m.

Respectfully Submitted,





Chair Chuck Apostolik



Deputy Town Clerk Mindy Andis, CMC