

**New Castle Planning and Zoning Commission Meeting
Wednesday, May 27, 2020, 7:00p.m., Town Hall**

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

Call to Order

Commission Chair Apostolik called the meeting to order at 7:00 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, Town Clerk Melody Harrison and Deputy Town Clerk Mindy Andis and members of the public. All persons attended the meeting via phone computer, smart phone or tablet.

Meeting Notice

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

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing – Continued from May 13, 2020

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

Chair Apostolik asked Town Planner Paul Smith if there was anything he would like to add from the meeting on May 13, 2020.

Planner Smith said he did not have anything new to add other than the applicant, Aaron Atkinson had submitted an updated site plan earlier in the afternoon by e-mail. He said the new site plan had not been reviewed by staff or consultants.

Town Attorney Haley Carmer briefed the commissioners and the audience of the

procedures for the public hearing. She also said that the commission needed to consider the testimony and application and determine whether the 6 criteria were satisfied either on its own or with conditions.

The application is a combined preliminary PUD and final PUD application and preliminary subdivision and final subdivision application.

Fire Prevention Chief Orrin Moon addressed the citizens' concerns regarding wildfire danger. Chief Moon and Wildland Division Chief Zach Pigati did a site visit and determined there was somewhat of a wildfire threat to the proposed development. The worst area being up C Ave at the turn-around where there are heavy fuels in the draw. He said that a fire could start at the bottom of the draw, intensifying as it moved up the draw, preheating all the fuels then becoming a roaring fire at the top of the hill. The primary units that could be effected are the side units 9A-9D. Chief Moon suggested that some mitigation should be done in the area around those units. He further stated that there are some concerns with the next draw over where mitigation should be done as well. The units that would be effected are 11A-11D and 12A-12D.

Chief Moon said he was also concerned about having a secondary access to the development. The fire code identified multifamily as 100 or more units before a secondary access was required, however the fire department and emergency services always welcomed a secondary access for emergency evacuation. He said that many of the subdivisions in New Castle have a second way out.

Commissioner Riddile asked Chief Moon about mitigation, whether that meant reducing the fuels or was there something else.

Chief Moon said it would be taking all the dead fuel out, cutting back some of the brush and maybe removing some of the trees to give a clear space around some of the fuels.

Chair Apostolik asked Mr. Aaron Atkinson, applicant, if there was anything he would like to discuss from the last meeting on May 13, 2020.

Mr. Atkinson said after listening to the concerns from the staff and the commissioners, they decided to review the plans and tried to determine if there were ways to make changes to the plat to address some of the concerns of the commission and town staff.

Mr. Atkinson said one of the concerns from staff was snow management. He said that the buildings along Bear Canyon Drive had been moved 5 feet to the West in order to create a greenbelt the length of the street. Which would include buildings 1, 24, 25, 26 and 27. Moving buildings will allow for the greenbelts and snow storage.

Mr. Atkinson said they would designate the area East of Bear Canyon Dr. as temporary snow storage until the area was developed, which would provide both sides of Bear Canyon Drive for snow storage.

Mr. Atkinson said the T turn-around was changed to a cul-de-sac replicating Mt. Harvard.

Mr. Atkinson said on the north side of Eagle Ridge Road, buildings 1-3, the

backyards had been limited to 25 feet from the back of the units, which expanded "Open Space B". Also, buildings 2 and 3 were swapped. Building 6 previously had been a triplex and was changed to be 2 duplexes.

Mr. Atkinson said to help with snow management there would be parking restrictions and signage implemented with 48 hour restriction in advance of a snow storm, which would allow for snow plows to get through. In addition, there would be signage marking the permanent snow storage areas. There were parking spaces on the south side of Eagles Ridge Road that could be allocated for snow storage.

Mr. Atkinson said that the unit counts were still the same. The utilities and road configuration were same except for the cul-de-sac.

Mr. Atkinson said building 21 & 22 on the corner of Eagle Ridge Road and Falcon Ridge Court was cinched up to accommodate the cul-de-sac which allowed for a greater area at the corner for more snow storage.

Commissioner Bourquin asked Mr. Atkinson if he would be willing to shorten the backyards on buildings 4-7 to 25 feet since the other buildings were at 25 feet.

Mr. Atkinson said that would be something they would look at.

Commissioner Bourquin asked Mr. Atkinson about shortening the driveways to 20 feet. Shortening the driveways and the back yards would give more open space to "Open Space A" to help with the buffer between the new development and S. Wild Horse Drive.

Mr. Atkinson said one of the amenities CVR Investors would like to provide buyers were the 25 foot driveways so that would not be something they were willing to consider.

Commissioner Riddle asked Public Works Director John Wenzel if he was satisfied with the solutions regarding snow storage.

Director Wenzel said yes.

Administrator Reynolds said he had some concern about using signage to control parking on snow days because the driveways were singlewide and there would be only a certain amount of spaces to park cars.

Attorney Carmer asked Mr. Atkinson if the new plans he submitted would abide by the earth tones initially submitted..

Mr. Atkinson said that the architectural design requirements from Castle Valley Ranch Master Association were earth tones and would need to be approved by the association.

Attorney Carmer asked Mr. Atkinson if the general architectural structure and building layout would be the same as previously presented.

Mr. Atkinson said yes, that was correct.

Attorney Carmer asked Mr. Atkinson about the timeline for infrastructure and phasing.

Mr. Atkinson said that with respect to the grading of the site the intention was to grade the entire site at once in conjunction with phase 1 infrastructure. Beyond the actual grading, the infrastructure would be done by phases. In terms of timing, want to start moving dirt and begin phase 1 as quickly as possible.

Chair Apostolik opened up to the public for questions and comments.

Sally Linden, New Castle resident. Ms. Linden said each unit would have 2 plus cars and was concerned that in case of an emergency, evacuation going down Castle Valley Boulevard could be problematic.

Richard Davis, New Castle resident. Mr. Davis said that using the extra parking at the east end of Bear Canyon Drive for temporary snow storage for the next couple of years did not make sense. He felt it would be better to have a solution now for snow storage instead of trying to working it out later.

Mr. Davis was also concerned about trying to use Open Space "A" as a wildlife corridor and the flooding in the area.

Mr. Atkinson said with regard to the east side of Bear Canyon Drive, the issue there is they were not sure the future of the east side; what the development will look like. He said it was hard to commit to a permanent solution when they did not know what the next development would look like.

Regarding Open Space "A" and the wildlife corridor, some of the conversations had been about moving the corridor further east where there was a small creek. It would make more sense than at the C Avenue trail connection.

Virginia & Wayne Shelton, New Castle residents. Mr. Shelton said they had sent in a couple of letters with concerns and it appeared that none of their concerns had been addressed. The parking problem will be worse than the Redstone Drive parking issues because there will be 4plexes verses the triplexes on Redstone Drive.

Denise & Steve Scheberle, New Castle residents. Ms. Scheberle asked what (we) want New Castle to be. Do (we) want New Castle to be a hodge-podge of condensed development without enough open space which provided a quality of life. She said that once the property was lost, it was lost forever. Ms. Scheberle felt there was a need to be careful in deciding what was done with the property. She felt that Open Space "A" was inadequate as open space and buffer between low and high density areas. Open Space "B" was simply a buffer between the development and Castle Valley Boulevard. She felt that the town was already not adhering to its own Comprehensive Plan by not having enough parks and open space.

Mr. Scheberle said when they were looking at purchasing their home they looked at the plat for the proposed development and it showed single-family lots, not what was currently being proposed.

Jamin Heady-Smith, New Castle resident. Mr. Heady-Smith said looking at the

zoning map the development was in a mixed-use zone and it did not appear to have any mixed-use. He said that the Comprehensive Plan looked at how to diversify commercial businesses within New Castle and how to increase the sales tax base. He asked why they were using the mixed-use area with high-density housing. Mr. Jamin Heady-Smith said that nothing had been said about the impact on the schools with the increase of children.

Planner Smith said the town did reach out to the Garfield RE-2 school district superintendent and they felt there would be no adverse impact to the schools.

Joni Owens, New Castle resident. Ms. Owens said she lived in a townhome in the Peaks which was much more open than the proposed development. She said that the parking was a mess. Ms. Owens said she was often unable to get out of her own driveway because of all the vehicles lining the street. She felt that the applicant was meeting just the minimum requirement. She asked where the alternative parking would be when parking becomes restricted due to snow plowing and mitigation.

Ines Baquero, New Castle resident. Ms. Baquero asked about the cost of infrastructure such as putting in sidewalks along Castle Valley Boulevard and maintenance of the boulevard. She felt that the planned fire mitigation did not seem to be enough to protect against wildfires.

Chair Apostolik asked at what population does Castle Valley Boulevard becomes a four-lane road.

Director Wenzel said Castle Valley Boulevard Right of Way was already defined and it will accommodate the four lanes of traffic.

Town Engineer Jeff Simonson said as Castle Valley Ranch Master Plan has the concept of expanding Castle Valley Ranch Boulevard 4 lanes. As the subdivision continued to develop eastward the elements were being built into Castle Valley Boulevard. The entrance from Bear Canyon Drive onto Castle Valley Boulevard and connecting to the intersection of S. Wild Horse Drive will be built as a four lane road with the proposed improvement agreement for the project. The 4 lane road will be built by developers as the property gets development eastward.

Tom Schwenk, New Castle resident. Mr. Schwenk said the snow storage on Bear Canyon Drive is only solving about 25-30 percent of the problem, and he asked how snow would be removed from Eagles Ridge Road and Falcon Ridge Road. The felt the developer seemed unwilling to address the issue of space between the street and sidewalk which was a concern. Mr. Schwenk also said that the original plan approval for Village Homes had 60 units and the proposed plan had 90 units.

Lisa Miller, New Castle resident. Ms. Miller voiced concerns about public safety. The increase of people will require increased law enforcement, fire and rescue calls.

Myrna Candreia, New Castle resident. Ms. Candreia said that by not having all the answers regarding wildfire put the citizens in harm's way. Once a fire was coming

there is no time to think about how to escape. She felt that once the developer was finished building, he will leave and have no further concern for the community.

Chair Apostolik asked Director Wenzel and Engineer Simonson about the back up of traffic on Castle Valley Boulevard and asked them to explain the intersection of Castle Valley Boulevard and Highway 6.

Engineer Simonson said when the town had built the pedestrian bridges across the railroad, interstate 70 and the river, the town performed a required traffic study. The bridges were designed in a way to accommodate a round-a-bout. It was determined through the process that a round-a-bout was the best way to handle future traffic using an anticipated growth of 2 ½ percent per year. Colorado Department of Transportation (CDOT) has also recognized the traffic problems that are occurring on Castle Valley Boulevard, Highway 6 and Interstate 70. In the past 3 years they have conducted a study for themselves and have invested more money to design. CDOT is in the processes of finalizing projects and hope to be shovel ready. The project will include construction of a round-a-bout and slip lanes at the intersection of Castle Valley Boulevard and Highway 6, as well as three lane bridge sections over the railroad, Interstate 70 and river with round-a-bouts at both of the ramp locations.

Andrea Wildenthal, New Castle resident. Ms. Wildenthal said she lived on Redstone Drive and if everybody had to move their vehicles off the road during a snowstorm it would be nothing short of a disaster. She said there was no parking at all for people to move the vehicles to. She suggested that the developer to get the parking right the first time because there was only one chance at it.

Jeanne Huyser, New Castle resident. Ms. Huyser said she lived on Foxwood Lane and the street looked like a used car lot instead of residential homes. On Foxwood Lane parking was only allowed on one side of the street and Ms. Huyser said she has gotten home not been able to pull into her drive because someone else was parked in her driveway. She felt that over flow and visitor parking needed to be addressed.

Jessica Dooling, New Castle resident. Ms. Dooling said she was very concerned about the precedent the proposed development was setting if the development plan of New Castle was not followed. She said that the proposed open space planned for the project was not usable open space due to the layout of the land.

The town had received several letters from citizens voicing their concerns regarding the proposed development. The concerns of the citizens were:

- Parking
- Snow removal and storage
- Wildland fire
- High density
- Insufficient buffer area between single-family and multi-family homes
- Insufficient open space/green belt and trails
- Increase traffic

- Diversity in units

Chair Apostolik closed the public hearing at 8:30pm.

Chair Apostolik asked Mr. Atkinson why he was asking for a final approval when the submittals were not complete which was required as part of the final application. He said there seemed to be concerns about open space, diversity of units still not being addressed, density, trail connectivity, off street parking and snow storage. Because as of 3:15pm today it was received by the town a plan with adjustments changing the triplexes to duplexes on the backside of S. Wild Horse Dr., changed a triplex to a 4 plex in a couple of areas and moved things around.

Mr. Atkinson said that they had submitted new plans earlier in the day because there were several changes made from suggestions and concerns at the last meeting on May 13, 2020. There were questions asking if CVR Investors was willing to increase green space, if they were willing to reduce the number of units, increase the Open Space "A" for foot traffic and for emergency vehicles. He said that CVR Investors was trying to address the concerns of the citizens and the commission. The objective criteria that was set forth in the public works manual had been met by the original submittals. He said that the new submittal did address the items regarding the diversity by adding duplexes, as well as the snow storage issue.

Chair Apostolik said according to Director Wenzel, there was a concession that was made regarding the snow storage.

Director Wenzel said there was. He noted that Public Works did their best to work with all the applicants to find some concession. After reviewing the application there were conversations regarding green belts, snow storage and ample off street parking.

Commissioner Riddile asked Director Wenzel if the newly submitted plans included a good snow storage plan.

Director Wenzel said unable to answer the question because staff had just received the new plans earlier the same day and he has been unable to review the plans.

Commissioner Riddile said he thought the applicant had been discouraged from submitting a combined preliminary and final application at sketch plan review. He said he remembered that council had said that he could submit preliminary-final but would need some flexibility to receive comments.

Chair Apostolik asked Planner Smith if there was enough information to consider the application as a final with only one triplex elevation.

Mr. Atkinson said there was also a street side elevation.

Chair Apostolik ask Planner Smith to review what was required for a final application.

Planner Smith said what was originally submitted was sufficient to meet the minimum requirements. Whether it meets the Comprehensive Plan was a different question. He said in the staff report were some possible shortcomings to the development. Planner Smith said that staff had not had time to review the new plan submitted earlier in the day. He said to move the application forward the PUD needed to meet the 6 criteria, and all the fine points could be worked out at council. Planner Smith said that the overall look, livability was sufficient.

Commissioner Bourquin said she supported the concept of density. She felt that duplex, triplex and 4-plex were an appropriate product to meet the demand to diversify within the community. She said that housing mix was important so it did not look cookie-cutter. Higher density was better supported when public transportation was available along with other public amenities that are not available in New Castle. Commissioner Bourquin said that the streets were not designed to handle the number of vehicles and traffic that the units' will bring. The development does not have the walking/biking trails needed to help provide other forms of transportation. She was concerned that the original plan was designed for single-family units and the proposed design was more product on the lots. To have a more dense development there needs to be more open space. She felt that Open Space "B" was a nonfunctional space to be considered open space. Commissioner Bourquin said that successful, high-density developments required the crucial components of connectivity of roadways, sidewalks and trails.

Commissioner Lucio voiced deep concern regarding the density and potential parking issues in the development. Also, he was concerned about the lack of open space, fire mitigation, increased traffic, snow management and security.

Commissioner McDonald stated that as a commission they had a responsibility to the public but also to the developer and to not discourage development. He said that the concerns were about density, about putting too many people in too little of an area. The response from the applicant has been "No." Commissioner McDonald said that there was the ability to create a quality project but he was not certain if the proposal was a responsible approach. Commissioner McDonald also voiced concerns about the project changing from single family to multifamily. He felt that the developer had other property and could help mitigate some of the concerns; however the developer does not seem to want to discuss other possibilities. Commissioner McDonald said that the location was the place to have higher density.

Chair Apostolik asked Mr. Atkinson the reasoning for going from single family to multifamily higher density.

Mr. Atkinson said Village Homes plan was not all single family; there were multifamily units. There had been concerns about diversity of product. The previous development had just little over 6 units per acer and that was on the low side of density. Mr. Atkinson said that the proposed development was well suited for the property and within the vested rights in the master plan. It also met the criteria set in the public works manual and the town code. Mr. Atkinson said that the project will be beautiful, be maintainable and allow for appropriate snow storage. He felt

that the commission needed to understand that CVR Investors cannot solve the concerns of snow removal to the extent the commission wanted. He noted that snow management was not specified by the public works manual or by Town of New Castle Municipal Code.

Commissioner Sass said that when the application was first brought to P&Z there was concern voiced about the lack of single family homes in the development. When the application came back to P&Z there still was no addition of single family homes. She said that the commission was clear about what they wanted to see which is reflected by their comments. Commissioner Sass said that Mr. Atkinson was stating he was conceding snow removal but not a lot of concession on other concerns of the commission. She asked what the reason was for not adding single family units when single family was in the plans to begin with.

Mr. Atkinson said there was a lot that had to happen to present a development such as this one. He expressed a desire to work with the town, and stated he had much as he could. Mr. Atkinson said that the plan that was submitted earlier in the day is what came out of the conversations with the town. With respect to the single family units, Mr. Atkinson said that was not in line with what CVR Investors wanted to bring to the market. Single family units in a development like this one just did not incorporate well. The scope of services that are provided by a sub association for single family and multifamily developments were different. What did change from sketch moving forward was the East/West portion of the sidewalk was expanded to 8 feet wide for a trail. The buffer from the backside of the townhomes to the backside of the single-family homes was 120 feet. Mr. Atkinson said that he understood that there were concerns voiced at sketch plan that did not get incorporated into the preliminary/final plan. He said that CVR Investors saw it as a give and take with the town. He said there were certain things that CVR Investors wanted to provide and certain things the town required, and he hoped they could meet in the middle.

Administrator Reynolds asked for some clarity on where the Comprehensive Plan fit in.

Policy CG4A – Large residential and commercial development (50 lots/units or greater) shall include a mix of land-use types that provide effectively integrated convenience retail, employment, services, parks/open space/trails, public transit and non-motorized access.

Policy CG5A - The following 10 principles of Smart Growth should be used to guide the public, land use applications and local decision-makers to evaluate new development with a goal of achieving most or all of the principles in a development proposal.

- A. Mixed land uses.*
- B. Incorporate compact building design.*
- C. Create a range of housing opportunities and choices.*
- D. Create walkable communities.*
- E. Foster distinctive, attractive communities with a strong sense of place.*
- F. Preserve open space, farmland, natural beauty and critical environmental areas.*
- G. Strengthen and direct development toward existing communities.*

- H. Provide a variety of transportation options.*
- I. Make development decisions predictable, fair and cost-effective.*
- J. Encourage community and stakeholder collaboration in development decisions.*

Administrator Reynolds asked Attorney Carmer to explain the value or the importance of the guidelines of the Comprehensive Plan.

Attorney Carmer said the Comprehensive Plan was a general map of how the town wanted to grow and develop moving forward. The Comprehensive Plan gave guidelines and parameters on how that would work. She said that on the other side was the more enforceable Municipal Code and zoning requirements. Attorney Carmer said that clearly nothing could be done that violated zoning, and the Comprehensive Plan came in as approval criteria. She said that the current case would be the PUD. If it met all the zoning requirements it did not mean it met the Comprehensive Plan requirements.

The Comprehensive Plan provided additional frame work for what can be developed for the zoning, but also complied with looking towards the future guidelines that are in the Comprehensive Plan. The zoning is about how many units can be developed, what the setback are, what kind of units can be built. The Comprehensive Plan says only single family or multifamily is appropriate because of how the town wants to develop and move forward. It is an approval criteria for the PUD: that is where the guiding principles come into play.

Commissioner Westerland voiced concerns about the direction the development was headed. He said that the property is zoned as mix-use but the development is maximizing what can be done with the space. He felt that the project was more of a business opportunity for the applicant than something for the people of the area. Commissioner Westerland said that the proposal as it was did not preserve the integrity of the town. In terms of the wildlife corridor: you cannot move it. The wildlife will go where they go.

Commissioner Riddle said there was plenty of room for multifamily in the community, but he felt there were problems with the proposed multifamily and it needed to be done correctly. He said that the development was overdone with too many units. He thought that the goals of the town and the developer were too far apart. He noted that there had been multiple meetings and hearings and there were very minimal changes made to the plan. There were specifics provided to the developer and they had tried negotiate and meet in the middle.

Attorney Carmer explained the resolution. The decision on the application were governed by the 6 criteria. If one or more criteria is not satisfied, that supported a recommendation of denial of the application.

The commission went through all 6 criteria separately and determined the following:

1. that the Application is generally compatible with adjacent land uses;
Meets the requirement
2. that the Application is consistent with the Town's Comprehensive Plan;

Does not meet

3. that the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection;

Does not meet

4. that the uses proposed within the PUD are uses permitted outright within the zoning district contained within the PUD;

Does not meet

5. the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan;

Meets the requirement

6. the PUD utilizes the natural character of the land, includes compatible land uses, provides for fire and police protection, off-street parking, vehicular, pedestrian, and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieved adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town;

Does not meet

MOTION: Chair Apostolik made a motion to deny the Combined Preliminary/Final PUD Development Plan and Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19.

Commissioner Riddile seconded the motion and it passed on a roll call vote: Commissioner Lucio: Yes; Commissioner Riddile: Yes; Commissioner Westerlind: Yes; Commissioner McDonald: Yes; Commissioner Bourquin: Yes; Commissioner Sass: Yes; Chair Apostolik: Yes.

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no commission comments or reports

Review Minutes from Previous Meeting

Clerk Andis said she was unable to complete the minutes in a timely matter.

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

The meeting adjourned at 9:22 p.m.

Respectfully Submitted



Chair Chuck Apostolik

Deputy Town Clerk Mindy Andis, CMC