

**New Castle Planning and Zoning Commission Meeting  
Wednesday, September 23, 2020, 7:00 p.m., Town Hall**

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

**Call to Order**

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

**Roll Call**

Present Chair Apostolik  
Commissioner Bourquin  
Commissioner Lucio  
Commissioner McDonald  
Commissioner Riddile  
Commissioner Sass  
Commissioner Westerlind arrived at 7:09pm

Absent None

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

**Meeting Notice**

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

**Conflicts of Interest**

There were no conflicts of interest.

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

There were no citizen comments.

**Items for Consideration**

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

Town Planner Paul Smith said that staff was continuing the reassessment of the application and that he had reviewed the audio of the prior meeting and had revised his staff report to reflect the comments from the commission.

Assistant Town Attorney Haley Carmer said that the reconsideration of the application was requested by the Town Council. The purpose of the reconsideration

was to determine whether there were any conditions that the commission felt were appropriate to add to the approval of the preliminary plan for Filing 11 which would bring the application into compliance with the necessary approval criteria which is set forth in the Municipal Code for approving PUD plans. She said that at the last meeting the commission went through a series of conditions that staff had put together based on concerns from the commission expressed at the end of the public hearing process in May. Based on the requirements the commission felt were not met with respect to the application which resulted in the initial decision to deny the filing 11 preliminary PUD application.

Attorney Carmer explained that at the last meeting the commission reviewed the conditions for the filing 11 preliminary PUD application and gave some recommendations. They also got some feedback from the applicant if they would be able to meet the conditions. Attorney Carmer said it was ultimately the commission's decision to determine if any of the conditions would be appropriate to impose on the application to bring it into compliance. She said that the applicant had gone through the list of conditions and had submitted a response to those conditions as to what may be feasible.

Attorney Carmer said that the purpose for the meeting was to make a final decision on the filing 11 PUD application; whether to up hold the original decision of denial of Resolution PZ2020-06, or to determine if there were some conditions which would be sufficient to bring the application into compliance. In that case, it would require a conditional approval of the filing 11 preliminary PUD. One of the conditions that was included in the proposed resolution was how the application would proceed if the decision was to conditionally approve. That would be to have the applicant come back with a combined preliminary and final subdivision application as well as a final PUD plan. The final PUD plan would need to address or include all of the conditions in the resolution.

Attorney Carmer said that since there had not been any action taken on the preliminary plan, the commission could add additional conditions or amend the proposed conditions.

Attorney Carmer explained that there will not be any new evidence or public comments accepted on the application, and that the reconsideration will be based on what was presented and heard during the public hearing process to the commission.

Planner Smith said the resolution that was presented at the last meeting has not been altered. The changes were made in the staff report to reflect the amended conditions (Exhibit A). He reviewed the redline for the commission.

Commissioner McDonald asked if the changes were provided to the applicant.

Planner Smith said the redline changes were in the packet.

After a brief discussion, the commission decided to review the applicants' responses with the applicant.

Aaron Atkinson, applicant. Mr. Atkinson said he wanted to make sure to convey that the commission and staff critiques of Filing 11 had been taken to heart. He said

they had expended a great deal of time and resources to revise the original plan to account for as many of the points as possible, given their business model and economic feasibility of the project. The modified plan they were drawing with the town engineer's approval, was still in full compliance with all the town codes, the Public Works Manual and was substantially compliant with the Comprehensive Plan. Mr. Atkinson said that they had been working diligently on the plan for over one year and were extremely disappointed to have missed the opportunity to put lots on the market in 2020. He said that it was nearing a point at which 2021 may also be in jeopardy.

Mr. Atkinson said that his response was related to the conditions listed in the resolution that was presented at the last meeting and not to the redline version of the staff report.

Resolution conditions list:

- A. Soften the transition between single-family homes along South Wild Horse Drive and the multifamily homes proposed in the application by:
  - Converting the buildings on Lots 2 & 8 to triplexes
  - Converting the buildings on Lots 3,4,5 & 7 to duplexes
  - Retaining the two duplex buildings on Lot 6
  - Integrate single-family home architectural features into the duplex design.

Chair Apostolik said that he felt a primary concern was softening the transition between the single-family homes and the multifamily homes. Chair Apostolik noted that Mr. Atkinson was electing to reduce down to duplexes. He also noted that each unit would have sod and one tree behind the building.

Chair Apostolik asked Mr. Atkinson if he was still considering reducing some of the triplexes down to duplexes.

Mr. Atkinson said they had determined they could economically replace the triplexes on the eastern edge of Eagle Ridge Drive with duplexes. The narrower units would soften the transition to South Wild Horse Drive. He also said that the yards for each home will be sodded, sprinkled, and have at least one tree behind each home.

Chair Apostolik asked if the reduction to a duplex would include building 8 or would it become a triplex.

Mr. Atkinson said the anticipation was that building would 8 be a triplex and everything to the north would be a duplex.

Chair Apostolik asked if the HOA would require a certain number of trees or shrubs to be planted.

Mr. Atkinson said that the development would have a sub-association of the Castle Valley Ranch Master Association. The sub-association will have requirements regarding landscaping.

Commissioner Riddile asked if buildings 1-8 would be duplexes.

Mr. Atkinson said buildings 1-7 would be duplexes and the balance as triplexes.

Commissioner Riddile asked if there would be an extra duplex since there would be some additional space from reducing the number of units.

Mr. Atkinson said that could be a consideration but he would need some sketch work on it. He said that they could certainly agree on the condition of softening the transition with duplexes from South Wild Horse Dr. to the development.

Commissioner Riddile said everything would be going to triplexes, and he asked if that would be just on the exterior of Eagles Ridge Road or throughout the entire PUD.

Mr. Atkinson said there would be no quadraplexes in rest of the PUD as everything would be something smaller.

B. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the land pursuant to approval criteria 17.100.090(A.6):

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

Chair Apostolik said condition B was basically eliminating buildings 12 & 13 or reorienting them, and that the applicant still was not sure.

Mr. Atkinson said that was correct. He said that the original plan showed the buildings as 10 and 11, not 12 and 13. Mr. Atkinson said regarding units 10 & 11 he cannot agree on eliminating the buildings. He felt that the back yards could be stepped in such a way that there is no an eye sore.

Mr. Atkinson said that with respect to buildings 12 and 13, they would not eliminate those either because his engineer said he believed there may be an economical way to design and build the southerly units 12 and 13 with walkout basements. If he determined that was not available, Mr. Atkinson said they will have to investigate re-orienting the designs so the structures were buildable and aesthetically pleasing.

Commissioner Bourquin said she would prefer to see units there because of the single-loaded roadway without any units. It made more sense from an infrastructure and development standpoint to have units on that side if you are going to build. She said that she would also like to see a grading plan to better understand the disruption to the site.

Mr. Atkinson said there would be a grading plan submitted at final approval.

Commissioner Bourquin asked if having walk-out basements was a new concept.

Mr. Atkinson said yes. The walk-out basements were a new concept for the project. He said that the first concern was to make the foundations work, and one way is to have walk-out basements. Again, Mr. Atkinson said that they were currently unable to agree with eliminating buildings 12 and 13.

Planner Smith said having walk out basements would reduce the amount of fill needed because you would lowering the structure down the hill.

Commissioner McDonald asked what the south side of the units would look like.

Mr. Atkinson said the HOA would have landscaping requirements at the rear. There would be softening transition to the Hogback.

Commissioner Riddile said one of his priorities was to maintain a soft east/west trail connector between Prendergast and Mt. Medaris.

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

Mr. Atkinson said he could not agree to the condition because he cannot build the duplexes with 2-car garages because they would have to be built much wider and the project would lose a lot of density. Also, he said it would change the whole price structure of the units in the wrong direction. The way the homes were currently designed they have a garage with an attractive front porch, which makes it look more like a single-family home in a neighborhood.

Commissioner Westerlind asked Mr. Atkinson how he would address the parking issues that had been created in similar areas of Castle Valley Ranch.

Mr. Atkinson said he had met the on and off-street parking requirements in terms of the number of units that will be built. He said he was looking into additional ways to provide on-street parking.

Commissioner Bourquin said the parking issue in similar areas in Castle Valley Ranch could be that there was not enough storage in the garage. Therefore, the garage is being used for storage and the parking was overflowing onto the street.

Mr. Atkinson said that additional storage was an option that he would consider.

Commissioner McDonald asked what would be done with the additional space gained since there will be two units eliminated.

Mr. Atkinson said he was not sure because of the reconfiguration and lot lines changing. He said he was trying to create usable open space and keep a unit count that was still acceptable for the project.

- D. Upgrade Open Space C as a central "green" with useable park space by eliminating Falcon Ridge Court and buildings 18 ,19 and 20. Add

off-street parking between buildings 17 and 21 for Open Space C. Open Space C shall include flat space for activities, playground equipment, or shade structures.

Mr. Atkinson said they were looking into expanding the area south of buildings 8, 9 and 10 to create a wide open space. The area was interesting because the views from that point were beautiful and the area was uniquely positioned against the C Avenue Trail Connection. He said they were exploring the idea of installing a gazebo and leveling the terrain to make the area as useable as possible for New Castle residents for picnics, gatherings and the like. At the same time, he said they would be enhancing the access to the trails up the hill as requested by the town staff. He noted that they were doing their best to meet the commission's request for useable open space, and at the same time capture enough units in this development so they were able to exhaust their remaining units over the rest of their developable land. He said they had been working with senior engineer Dan Cokely at SGM to do so. He said they could not provide playground equipment or structures, although the sub association could do so in the future if the community so desired.

Commissioner Riddile said unit 20 felt very cramped due to the parking and open space issues. He felt the area could be better utilized for off-street parking and open space concerns, which would also take the pressure off of having 2 car garages.

Mr. Atkinson said as far as that condition was concerned, he was confident that they could provide open space that would be more useable, that's not less that is currently showing on the plan for open space "C".

Chair Apostolik asked if the current application was being treated as a preliminary plan.

Attorney Carmer said yes. The commission was considering Castle Valley Ranch Filing 11 preliminary plan with the conditions. The understanding was the final plan will take into account all the conditions.

Chair Apostolik said that if the preliminary plan was approved, the commission would have another opportunity to look at the plan at the final hearing.

Attorney Carmer said yes. If the preliminary was approved, then the application would go to a final hearing before the P&Z Commission. The commission would make a recommendation to council on the final application and council would make a final decision on the final PUD plan application.

- E. Widen the natural buffer along C Avenue to greater than 10 feet or heavily landscape with trees to obscure the line-of-site between adjacent homes along South Wild Horse Drive and those in Filing 11.

Mr. Atkinson said he could agree to plant some trees along the corridor to obscure the line-of-site, but he cannot agree to widen the buffer or to "heavily" landscape the area.

Chair Apostolik asked if the trees would be evergreen or conifer trees. Trees that would not drop their leaves.

Mr. Atkinson said yes.

Commissioner Bourquin suggested instead of sod she would like to see natural landscaping.

Commissioner Westerlind asked for the sagebrush in the area not to be disturbed. If possible, to not have the excavators get near it.

- F. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. A snow storage easement shall be designated between each building structure and confined to an area 15' wide by 10' deep beyond the sidewalk. Additionally, snow storage easements in aggregate shall total no less than 15% of the plow able street area. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.

Mr. Atkinson said he could agree to identify the snow storage easements on the final plat and the temporary locations on phasing drawings. He said they couldn't feasibly have a snow storage easement between every single building; however, they can have an easement at the outer radials of Eagle Ridge Drive and elsewhere in order to accommodate snow plowing and snow management. Further, he said they were investigating the elimination of units fronting Bear Canyon Drive, which would provide significant snow storage opportunities. Because of the way the units on Bear Canyon Drive had shifted had changed the snow storage, the traffic concerns and the parking opportunity that might exist if there are no driveways onto Bear Canyon Drive. It gave new perspective on the look of Bear Canyon Drive.

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

Mr. Atkinson said he would need to see exactly where they would need to install the signs.

- H. Prohibit on-street parking along the outer radial lane of Eagle Ridge Drive to improve snow removal, safety, and traffic flow. Prohibit parking adjacent to any snow storage easement identified on the plat.

Mr. Atkinson said he would like to know in more detail the areas specifically where parking would be prohibited.

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

Mr. Atkinson said this was acceptable, particularly because they intended to remove all the structures loading on Bear Canyon Drive.

Commissioner Riddile asked if the buffer would also be in the inner radial lane of Eagle Ridge Drive.

Mr. Atkinson said that was something he would not like to do. The liability perspective was a great concern. However, Mr. Atkinson felt he could accomplish good snow management with some targeted areas within the development to help mitigate some of the need. Part of that was due to the reduction in the density which would produce extra surface area. The reason for agreeing to the condition on Bear Canyon Drive was that he did not want the condition for rest of the development.

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

Mr. Atkinson said that from discussions with Chief Moon, much of the fuels with which he was concerned were located on the town's property not that of the developer. Those areas are of concern irrespective of the new development, as he's described the "chimney" effect of C Avenue as it existed now. So, he felt the cost should be shared equally between the developer and the town. In addition, with the current discussions, they were looking to provide open space near the area which would mitigate the fire concerns.

Chair Apostolik asked if Mr. Atkinson would provide an estimated cost for the mitigation to the town, so the town was aware.

Mr. Atkinson said yes.

Chair Apostolik asked if Mr. Atkinson was going to have Chief Moon sign off on the mitigation, just to make sure it is done correctly.

Mr. Atkinson said yes, if Chief Moon would be part of the mitigation.

K. Construct and dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mt. Medaris and Prendergast Hill as shown on Exhibit "C" or dedicate as public open space a portion of the land bordering properties to the south of Eagle Ridge Road.

Mr. Atkinson said he would agree to reorient the development to provide open space south of Eagle Ridge Road at the southerly border of the development, provided all such open space was counted against the covenant of developers to dedicate open space to the town.

Commissioner McDonald asked if this open space would be actual usable open space for the community.

Mr. Atkinson said the main factor in the usability was the grade. He said that his engineer had confirmed it could be done in such a way to make the open space usable.

Mr. Atkinson asked about the requirement of 10 percent dedication for public use. He wanted to make sure when the open space south of Eagles Ridge Road was dedicated that would count towards the dedication requirement.

Planner Smith said yes, and that until the full 10 percent dedication requirement in the entire Castle Valley Ranch Subdivision was met, there will be 10 percent dedication requirement per PUD.

Commissioner Riddile said if Mr. Atkinson was to dedicate buildings 12 & 13 as open space that would be fine. However, there are steep slopes that he would not want to count as part of the required dedication percentage.

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

Mr. Atkinson said he could agree to furnish at least two paved or concrete access points from Eagle Ridge Drive/Bear Canyon Drive to Open Space "C".

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

Mr. Atkinson said he disagreed because a wider road would cause increased vehicle speeds and endanger people similar to Club House Drive in Lakota. Hehe said that the current span of the road was more in line with the Comprehensive Plan, which provided that "New Castle supports concepts of traditional neighborhood design and smart growth that included appropriately designed and compatible narrower street sections that incorporate pedestrian-friendly crossings, traffic calming techniques, landscaping and lighting." (Comp Plan at Policy T-1G.)

Mr. Atkinson said that in order to provide better access and traffic flow, they would design the road so as not to front any units onto Bear Canyon Drive until it turned to the east at the southern end of the property. This will reduce incoming cars from driveways and with the tree-lined street and the greenbelts, it should be very neighborhood friendly.

Commissioner Riddile said if the houses were not fronting Bear Canyon Drive, then a parking lane becomes less important.

Mr. Atkinson said the green belt and sidewalk along both side of Bear Canyon Drive would still exist and provide for some snow storage with no parking on the street.

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

Mr. Atkinson said there was no need for the stub-outs for future development because it will be back yards on the east side of Bear Canyon Drive.

Chair Apostolik said the taps would be on future development.

Mr. Atkinson said yes that was correct.

O. Provide verification that the Castle Valley Boulevard right-of-way can accommodate standard turn lanes and through lanes.

Mr. Atkinson said he would work with SGM to provide the verification.

P. Specify on the plat that Open Space "A, B, and C" shall be maintained by the HOA.

Mr. Atkinson said per previous discussions and meetings, the sub association will maintain Open Space "B and C", but not open Space "A" which is to be maintained by the town as a trail connector.

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

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

Mr. Atkinson said this was acceptable.

Chair Apostolik asked if this was part of the permitting process for the development.

Planner Smith said the phasing plan was part of the requirement for the new preliminary and final plans. Also part of the Subdivision Improvement Plan (SIA).

Attorney Carmer said also for the infrastructure phasing particularly if the infrastructure phasing happens at different times during the development of the subdivision. Also will need to see the plan to determine what the securities will be for the various aspects of the project and the public improvements.

Commissioner Westerlind asked about the sewer cut on N. C Avenue, if the repairs would be done after the fact by the town or will CVR Investors be making the repairs.

Mr. Atkinson said he was not sure.

Planner Smith said it would be up to the developer to repair.

Planner Smith said that as part of his staff report, he was requesting a landscaping plan. The landscaping plan would be more of the interior common spaces that the town will be maintaining.

Commissioner Bourquin said that anything the town will be taking ownership of should have a landscaping plan submitted because the town should know what they are taking ownership of. She also said that they should know what the HOA will be maintaining for the open spaces and to understand if the requirements were being met. Having a landscaping plan will also help the commission understand what the landscaping will look like in the usable open space.

Commissioner Riddile said what he would like to see was native landscaping.

Chair Apostolik said he does not mind if the landscaping plan was generic, but he was concerned about open space "A" because of the citizen comments that were heard during the public hearings. He felt that landscaping plan needed to be more specific.

Planner Smith said the landscaping would go to the Parks, Open Space, Trails and Recreation (POSTR) Committee for their approval.

Commissioner Westerlind said he would like to see the landscaping plan up front. Especially if the landscaping would block the construction activity in the next building phase.

Attorney Carmer said the location as well as the type of trees would be required in the landscaping plan.

Mr. Atkinson said he would agree to provide a detailed landscaping plan for all of the open spaces in filing 11.

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

Mr. Atkinson said this was acceptable.

S. Demonstrate that all exterior illumination shall comply with acceptable International Dark-Sky Association (IDA) standards.

Mr. Atkinson said this requirement should be imposed by way of the sub association covenants, which he could do.

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

Mr. Atkinson said this was acceptable.

- U. Submit an exhibit and conveyance document(s) in a form acceptable to the town attorney outlining the necessary water rights (potable and/or raw) required for Filing 11.

Mr. Atkinson said this was acceptable.

- V. Prior to the recordation of any Filing 11 phase plat, the applicant shall enter into a subdivision improvements agreement with the town for each phase of the development in a form acceptable to the town attorney.

Mr. Atkinson said this was acceptable.

- W. The sale of individual units within Filing 1 may not occur until a plat is recorded with Garfield County.

Mr. Atkinson said this was acceptable.

- X. All representations of the Applicant made verbally or in written submittals presented to the town in conjunction with the application before the commission or town council shall be considered part of the application and binding on the applicant.

Mr. Atkinson said this was acceptable.

- Y. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, when developing the property according to the plan as amended.

Mr. Atkinson said this was acceptable.

- Z. The applicant shall reimburse the town for any and all expenses incurred by the town regarding this approval, including, without limitation, all costs incurred by the town's outside consultants such as legal and engineering costs.

Mr. Atkinson said this was acceptable.

- AA. Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this resolution.

Mr. Atkinson said this was acceptable.

Commissioner Riddile asked Mr. Atkinson if conditions R-AA was still acceptable.

Mr. Atkinson said yes.

Commissioner Riddile asked what the next action was.

Attorney Carmer said it would be a motion to approve the resolution. However, she said there were a few changes to the conditions. Since there were recommendations from the commission at the last meeting and now from the applicant what was agreeable and what was not. It is up to the commission what conditions were appropriate in order to bring the application into compliance. There was some work on a few of the conditions where there are differences of opinion between the commission and the applicant. If the commission approved with referral to the staff report that could be on an option and changes could be made based on what was heard tonight.

Commissioner Bourquin asked if the resolution was approved would the application then go to final, or was there any way the application could come back to P&Z for another review as preliminary, as an amendment and open the application back up to a public hearing. She said she did not feel the application was ready for final. On the other hand she did not want the application to stall. Commissioner Bourquin said she felt very optimistic about the direction the application was going.

Chair Apostolik said the public hearing portion of the preliminary application was closed or it would need to be a new application.

Attorney Carmer said the public hearing was closed on what had been submitted. If the applicant wanted to amend the application, then there would be a notice requirement for a public hearing. The only way to require the applicant come back for a public hearing was to deny the preliminary application. The commission could continue the decision on the resolution and ask the applicant to come back with an amended preliminary subject to the public notice hearing process. Therefore, the commission would not be making a decision on the resolution or the application; rather, the commission would be continuing the decision until the amended preliminary update was provided. Attorney Carmer said it depended on what else the commission would like to see added to the plan.

Commissioner Riddile asked if the final application would be a public hearing.

Attorney Carmer said the final application before P&Z would be a public hearing, but not before town council.

Commissioner McDonald asked about condition # 25 which was to submit a new combined preliminary/final subdivision application.

Attorney Carmer said that was the platting portion of the subdivision. Splitting the property into individual lots. Because that portion of the application was denied and was not appealed. The PUD application was the more substance of the application and wouldn't necessarily become part of the plat. It is just to make sure the final plat was ready for review by P&Z.

Commissioner Bourquin said she would like to take the new conditions to the public and open the public hearing and allow the public to see the progress being made on the application and see if the public is more comfortable with the project.

Chair Apostolik asked Mr. Atkinson his thoughts on the application since he was still uncertain of some of the conditions. As a commission, he said the general consensus was to move forward but they would like to see little more information. Chair Apostolik asked Mr. Atkinson what sort of risk he wanted to take. If the commission was to act on the resolution and approve it with all the conditions listed in the resolution that had been discussed in the last meeting and the current meeting, how much time would you need to get information together, if the commission were to continue the discussion for another meeting.

Mr. Atkinson said there had been a lot of work done. He said he knew it will be a lot of risk, but he said he could be ready to present something at final PUD and preliminary/final Subdivision that the commission would be comfortable with. He further stated that he understood there will be a public hearing with public comment. The changes that needed to be made were substantial in writing, but not on the page. Mr. Atkinson said he does not want to go back to preliminary but understands the reasoning from the commission for going back to preliminary, although he voiced concern that there would be 3 or 4 more meetings to get the application moving forward.

Chair Apostolik asked Mr. Atkinson again how much time he would need to provide more information to satisfy, and Mr. Atkinson said he could be ready in four weeks.

Administrator Reynolds asked Attorney Carmer at what point would the changes in the current application be significant enough to require a new application.

Attorney Carmer said P&Z could not require the applicant to come back for a preliminary public hearing on the existing application. What could happen is the commission could continue on with an amendment of the application. However, if the application was changed from what the commission has considered that would have to happen at a public hearing, where the public could provide comment.

Chair Apostolik asked Attorney Carmer if based on the current number of conditions was it acceptable for the commission to continue the resolution without the applicant needing to come back with a full preliminary application.

Attorney Carmer said that it seemed that what the commission needed was the site plan and the layout including the configuration of the units and the number of units that would be considered an amendment of the current PUD plan. She did not think it was a full-blown new application in the sense that all the materials were resubmitted, but the big issue was the public comment. It would require noticing a public hearing and publishing. The meeting would need to be set far enough out to meet the public hearing notice requirement. So, if the commission wanted to see and consider a new plan then a public hearing would be required. Because what the commission was considering was the prior plan with conditions and the conditions would be shown at the final. That was a risk for the applicant to go that far because they would need to submit a complete PUD plan application along with all the

required materials. At that point it would be up to the commission to determine if the final complied with the conditions proposed on the preliminary with the understanding the application will look different because the commission was asking for it to look different in order to make the application fit into the approval criteria.

Commissioner Bourquin said that she was optimistic about the application going back to preliminary through an amendment process and having another public hearing for public comment. She apologized for the added time it would take for the developer, but said she felt that by amending the application it would expedite the process moving forward to final because there would be less material to submit creating a smoother final process.

Mr. Atkinson said the conditions list was derived from the public comments that were made in prior meetings. He said they were addressing what the public had said as well as staff comments. He said he expected there would be more public comments at final because there always were, but they were addressing what was brought up thus far.

Commissioner McDonald said Mr. Atkinson had addressed a lot of the concerns and there have been improvements made and he expected they would receive some positive comments from the public. He said it was hard to move forward when the commission cannot visualize exactly what the project will look like because they don't know the orientation of the lots will look like.

Commissioner Riddile said the new plan would be provided at final, and he was willing to risk moving to final if Mr. Atkinson was. Commissioner Riddile liked to see something addressing the conditions, but advised that Mr. Atkinson not come back with the same material that the commission currently had.

Mr. Atkinson said that his perspective was to put it all on the line for the next meeting and if it did not work then he may have to start all over again.

The Commission discussed the particulars with Attorney Carmer regarding the need for a public hearing noting that if the commission wanted to see a new plan that addressed all the conditions as listed, it would be necessary to have a public hearing on the amended plan, and that necessitated a fifteen-day public notice. If the commission simply needed more time to think about it, they could meet again in two weeks and post notice of the meeting 24-hours before the meeting. It was the public *hearing* that required the fifteen-day notice.

Chair Apostolik asked Mr. Atkinson if he was willing to take the risk to go to a preliminary/final PUD application or in the same time frame redo the preliminary.

Mr. Atkinson said he would rather go to a preliminary/final PUD application. The reasoning for going to preliminary/final PUD application was because the application was started in September of 2019 and he wanted to get the application to some kind of resolution. Mr. Atkinson said if he had to start all over again after final because the conditions were not satisfied then he would do it.

Chair Apostolik said based on the applicant's answer he did not have an issue going through the resolution with the conditions.

Break: 8:40 p.m.  
Reconvene: 8:52 p.m.

Mr. Atkinson said CVR Investors had originally filed the application in September of 2019 and been to countless hearings. They had spent over \$130,000 on the plan, and it was an enormous weight on their shoulders. Mr. Atkinson understood that the commission was trying to do the right thing. The idea of going through another 4-7 hearings was not something CVR Investors wanted to do. He said CVR Investors believed in the plan. Mr. Atkinson wants the commission to be informed on what is happening by visual but he could not do it because the attorney told him it would cause the application to go back to preliminary PUD.

Mr. Atkinson asked the commission without going to a vote what the thoughts were of each commissioner. He said he wanted to know how the commission felt about approving the preliminary knowing the developer would assume the risk at final by bringing a plan that would satisfy the conditions vs. going back to preliminary and having a public hearing. Mr. Atkinson said he would prefer to go to final.

Commissioner McDonald said there was a lot of support for the project. The commission was trying to help Mr. Atkinson with the process as much as the commission could without having it go to 4-7 hearings. At the final PUD there will be a public hearing and the public will be invited. He stated that Mr. Atkinson was running the risk of not being able to satisfy the concerns of the public and if those concerns over ride where the commission saw the project, that was the chance Mr. Atkinson would be taking. Commissioner McDonald said that by having the application go back to preliminary so the commission would have a chance to look at the changes and address the concerns should set the application up for success at the final PUD. Commissioner McDonald said he would be alright moving on to final and leaving at chance with Mr. Atkinson.

Commissioner Westerlind said he agreed with Commissioner McDonald and the risk was Mr. Atkinson's to take if he feels like moving on to final PUD. He said there had been improvements made to correct some of the concerns. He thought that the commission will hear from people who live in the project and the surrounding neighbors to the project.

Commissioner Bourquin said the commission did want to set Mr. Atkinson up for success and would like for the project to be developed. She wanted to do it in a way that matched the community vision by creating great places for the future neighbors to live. Commissioner Bourquin felt optimistic, but did not feel comfortable agreeing to move onto final PUD with what had been presented to the commission.

Chair Apostolik agreed. He felt the biggest concern was the number of conditions in the resolution, and he said he would like to see the application come back as an amended preliminary PUD so there would not be a denial later, but has no problem moving the application forward as it was Mr. Atkinson's risk to take.

Commissioner Riddile said there was still a lot of conditions that were currently unknown. There had been great progress from where the application was several months ago. Commissioner Riddile said that the application the way it was could not be approved, however the application was moving in the right direction.

Commissioner Sass agreed with the other commissioner's comments. She also said she could move the application forward. However, Commissioner Sass thought transparency was important, and the public did not know there had been a lot of conditions met. Having the public input one more time at an amended preliminary PUD should make the final application go smooth. It was up to Mr. Atkinson to take the risk and move to final and potentially have to go back to the drawing board. If the public could see the good changes that would be a plus and a show good faith.

Commissioner Lucio said he appreciated the significant changes Mr. Atkinson had made. The only concern was the public because he did not want them to feel like they had been left out and not heard. The public should have the opportunity to see the changes and the progress made.

Mr. Atkinson said CVR Investors would amend the Preliminary plat and go to a public hearing.

Attorney Carmer said to clarify this would not be a whole new application just amending the layout to address the conditions in the resolution. It was what the applicant would need to submit to satisfy the conditions. The reason for the public hearing again because this would be new information and new plan for the project. The requirement is noticing the public hearing and giving the public a chance to comment on any new material that would be submitted.

Chair Apostolik asked Attorney Carmer if it would it be considered new information or compliance with the conditions.

Attorney Carmer said it was new information because the commission had not imposed any conditions because the commission has not voted on the resolution. What the commission has been discussing was the issues with the application and how the issues might be resolved. The problems the commission saw with the application that was originally presented plan and why the application did not comply with the approval criteria for PUD plans as required in the New Castle Municipal Code. The commission had been discussing the deficiencies and how those might be cured. The applicant would like to have the opportunity to cure the deficiencies through the amendment that would be presented at a public hearing. The applicant would present and the community would have an opportunity to provide comment on the amended plan.

Commissioner Bourquin clarified that at that point the commission would vote to move the application to final.

Attorney Carmer said that was correct. The commission would vote to approve the preliminary PUD with conditions or without conditions.

Commissioner Bourquin asked if the vote of approval could happen in one meeting then the application would move to final.

Attorney Carmer said yes.

**MOTION: Chair Apostolik made a motion to continue Resolution PZ 2020-09 to November 25, 2020. Commissioner Westerlind seconded the motion and it passed unanimously.**

**Items for Next Planning and Zoning Agenda**

There were no items for the next meeting.

**Staff Reports**

There were no staff reports.

**Commission Comments and Reports**

There were no comments or reports.

**Review Minutes from Previous Meeting**

**MOTION: Chair Apostolik made a motion to approve the August 26, 2020 meeting minutes as submitted. Commissioner Westerlind seconded the motion and it passed unanimously.**

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

The meeting adjourned at 9:11 p.m.

Respectfully Submitted,



  
Chair Chuck Apostolik

  
Deputy Town Clerk Mindy Andis, CMC



**Town of New Castle**

450 W. Main Street  
PO Box 90

**Planning & Code Administration Department**

**Phone:** (970) 984-2311

**Fax:** (970) 984-2716

**Staff Report**

**Castle Valley Ranch - Filing 11//Portion of PA17 & Remaining PA19  
Preliminary PUD Development  
Planning Commission – September, 23 2020**

Report Compiled: 9/18/2020

**Project Information**

**Name of Applicant:** CVR Investors, Inc and its assigns

**Applicant's Mailing Address:** 1038 Country Club Estates Dr., Castle Rock, CO

**Phone/Email:** 303-549-1916; aa@hackstafflaw.com

**Property Owner:** CVR Investors, Inc. (Aaron Atkinson)

**Owner Mailing Address** Same as applicant

**Proposed Use:** *Originally* proposed 27 Multifamily Lots (MF1), 3-plexes and 4-plexes; 91 total residential units;

**Legal Description:** Section: 32 Township: 5 Range: 90 A PCL IN THE NE4 OF SEC 31 & NW4 OF SEC 32 CONT 48.695 AC AKA PARCEL 2

Section: 31 Township: 5 Range: 90 A PARCEL OF LAND SITUATE IN THE N1/2 SEC 31 CONT 15.505 AC AKA PARCEL 5

**Street Frontage:** North – Castle Valley Blvd;

**Existing Zoning:** Residential (R) & Mixed Use (MU)

**Surrounding Zoning:** Single Family (SF2) – North & South Wildhorse Dr.  
Mixed Use (MU1) & Multifamily (MF1) – Redstone Dr.

## **I Application Exhibits:**

(New exhibits since May 27<sup>th</sup>, 2020)

- A. Memorandum from Town Attorney, August, 20, 2020
- B. Updated applicant narrative
- C. Original site plan from May 13, 2020 public hearing
- D. Staff report from May 13, 2020 public hearing
- E. Annotated Staff site plan, August 20, 2020
- F. Town Council minutes from July 21, 2020

## **II Sketch Plan:**

### *Sketch Plan*

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 tri-plexes and four-plexes similar in style to existing units along Redstone Dr. and Foxwood Ln. in Castle Valley Ranch (CVR). The 15 acre proposal spanned both mixed-use and residential zones south of Castle Valley Blvd (CVB) and east of S Whitehorse Dr. 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 (CP). Staff acknowledged that the overall *design* conformance was substantial, however, it disputed the degree of continuity with the CP and aspects of the CVR Master Plan. Staff maintained that though strict compliance with the CP may not be practical in some cases, the CP is intended to provide qualitative and quantitative guidance for future land use and is made binding by virtue of its inclusion of the approval criteria for land development applications pursuant to C.R.S. 31-23-206.

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 *CP*.
- 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 S Wildhorse 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 *CP*. 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 Dr. & Foxwood Ln. 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 Preliminary/Final Hearing – Planning Commission Denial**

On May 13, 2020, the New Castle Planning Commission opened the hearing for Resolution PZ 2020-06 on a preliminary PUD application for Filing 11 in Castle Valley Ranch. The application consisted of 91 duplex, triplex, and four-plex units on approximately 13.5 acres. At

the continuance on May 27, 2020, the Commission – as the approval body for preliminary PUD applications – unanimously denied the application because of noncompliance with the Comprehensive Plan, Section 17.100.090(A)(6) of the municipal code, and other grounds as reflected in the record of the public hearing pursuant to the approval criteria for PUD applications in Section 17.100.090. Specifically, the application:

- ***Is NOT generally compatible with adjacent land uses***
  - Development in the vacant parcels to the north and east remained undetermined. A master plan amendment, introduced by the applicant on February 12, 2020, intended to rezone all land in CVR owned by the applicant from mixed use to residential, which would clarify the nature of development of those parcels in the future. However, the master plan amendment was deferred by the applicant until August 26, 2020. Therefore, the application’s compatibility with the neighboring parcels remained difficult to ascertain.
  - The proposed style and density of multifamily units was deemed to be out of balance with the large, single-family residential homes on South Wildhorse. Adverse impacts on aesthetics and property values would be likely.
  
- ***Is NOT consistent with the comprehensive plan***
  - Residential or commercial development of 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 (*Goal CG-4A*). Proposed amenities are used sparingly.
  - A large-scale, multifamily development would challenge the livability of the community. Shortcomings with parking, usable open space, non-vehicular circulation, and snow storage will generate a more utilitarian experience rather than one hospitable to quality places that people want to live, work, play, and learn in (*Goal CG-5*).
  - Mixed-use zoning, as defined in the master plan, Town code, and the comprehensive plan, signifies a mixture of residential and non-residential development. Mixed-use affords a community the possibility for local amenities, services, and possible employment (*Goals CG-4A thru E*);
  - Existing wildlife corridors would be displaced with little attention given to relocation habitat (*Goal EN-1*). Sensitive environmental areas will be preserved, and open space corridors will be used to break up continuous areas of development (*Goal POST-4A-B*).
  - Though marketed as competitively priced, the multifamily units would likely sell at price points at or above \$400k similarly to other townhomes in CVR. New development should embrace aspects of genuine affordability with a diversity of densities, types, and unit sizes (*Goal HO-2A*).
  - Sidewalks and trails could go further in generating connectivity between neighboring parks, open space, and other filings along CVB. Separated sidewalks and a trail easement between Ganley and Prendergast were recommended (*Goal T-1F*). The intent of the Commission is to encourage non-motorized trails and generous open space which promote recreational value (*Goal POST-3*).
  - Road designs do not adequately accommodate public safety access and will increase road maintenance. Single car garages mean owners will habitually default to using the garage as storage and at least one vehicle parked on the street. Mobility will be tight even in the best conditions. The resulting congestion, as already experienced on Redstone Dr. and Foxwood Ln., will lead to costly snow removal and at times generate obstacles for emergency equipment (*Goal T-1G*).
  
- ***The uses proposed are NOT permitted outright in all instances***
  - Roughly 2/3’s of the site plan spans mixed use zoning. While multifamily housing is a permitted use in the mixed-use zone district, the zone district is purposely designated for a mixture of uses in accordance with the adopted Smart-Growth model and is meant to complement residential areas by providing needed services and amenities. Developing only residential in the mixed-use zone does not comply with the purpose of the zone district.

- Due to obligations with a restrictive covenant, the applicant is compelled to develop only residential on the property. This obligation, however, does not mean the applicant is forced into exclusively multifamily townhome development. Staff and the Commission offered possible solutions for development which, though forfeited the commercial, offered diversity, amenities, and enhanced livability. Unfortunately, none were advanced.

#### **IV Applicant Appeal**

According to Section 17.100.070 § D, “the applicant may take a disputed decision of the planning commission to the town council for review. If, in the town council's sole discretion, the finding of the planning commission may have been in error, the town council shall refer the application back to the planning commission for reassessment.” On July 21, 2020, pursuant to this code provision, the applicant formally contested the Commission’s conclusion before Council. Specifically, the applicant maintained that:

- **The Commission’s decision is inconsistent with C.R.S. 29.22.03.**
  - The applicant argued that because the Comprehensive Plan is insufficiently specific and largely discretionary, the goals and policies identified in it could not be used as formal conditions of approval in a land use application. The statute reads, “(2) No local government shall impose any discretionary condition upon a land-use approval unless the condition is based upon duly adopted standards that are sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.”
- **The Commission’s acted inequitably in consideration of the application**
  - Eagle’s Ridge Ranch (approved 2019) and Lakota Senior Housing (approved 2017) were both found to be compliant with the approval criteria though they were 2-3 times the density.
  - High density multi-family units in ERR and LSH also demonstrate a blunt transition across from large single-family homes north of CVB. Yet those applications were deemed compliant with the approval criteria.
  - Filing 9 townhomes on Redstone Dr and Foxwood Ln are merely replicated in the currently application. Again Filing 9 was deemed compliant while the current application was not.
- **MF-1 is a permitted use on the list of uses within the MU general zoning**
  - Irrespective of the definition of mixed-use in the Code and Comprehensive Plan as a mixture of residential and non-residential uses, the applicant argued any use-by-right listed in the MU zoning is an approved option for development whether in part or in whole. The Commission, therefore, was mistaken in its conclusion that the elected use was not permitted in the underlying zoning district by virtue of the absence of a non-residential or commercial use.
- **Compromises with the design were made at the Commission’s request**
  - Density was reduced to 91 units upon initial review from sketch plan
  - Greenbelts were added along Bear Canyon Dr per request of Public Works
  - Snow storage areas were specified per request of the Commission and Public Works
  - Off-street parking was added along Eagle Ridge Rd
  - An east-west trail connector was added from the C Avenue connector, along Eagle Ridge Rd, to Bear Canyon Rd

Upon review of all testimony, Town Council recommended that Staff, the Commission, and the applicant should reconvene on the preliminary PUD application and consider whether sufficient revisions could be made to warrant the Commission's approval.

#### **V. Revised Preliminary PUD Application and Approval Process**

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

The Commission will be charged with deciding whether any recommended revisions or combination of revisions to the application will favor approval based on the criteria in MC 17.100.090. An application shall demonstrate:

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

#### **VI. Staff Recommendations:**

Staff recommends the Planning Commission explore the following alternatives to the Filing 11 preliminary PUD application prior to deciding on Resolution 2020-09.

1. Soften the transition between single family homes along S Wildhorse Dr. and the multifamily units along the west side of Eagle Ridge Road homes of this proposal by exchanging triplexes and quadplexes for duplexes. Consider integrating single-family home architectural features into the duplex design.
  - ~~Converting lots 2 & 8 from quadplexes to triplexes. (Less 2 units)~~
  - ~~Converting lots 3, 4, 5, & 7 to duplexes. (Less 5 units)~~
  - ~~Retaining lot 6 as two duplex buildings.~~
  - ~~Integrate single family home architectural features into the duplex design.~~

2. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the land pursuant to approval criteria 17.100.090(A.6):
  - Reduce building 10 to a duplex because of the aesthetic impacts of an 18' grade cut; **(Less 2 units)**
  - Reduce building 11 to a duplex because of the aesthetic impacts of a 14' grade cut; **(Less 1 unit)**
  - Eliminate building 12 because of 30' of fill and likelihood of excessive settlement; (Less 3 units)
  - Eliminate building 13 because of 38' of fill and likelihood of excessive settlement; (Less 3 units)
  
3. Design duplex units on Eagle Ridge Rd. with two-vehicle garages to improve which can accommodate two vehicles to improve the housing diversity, on-street snow storage removal, and on-street parking issues congestion.
  
4. Upgrade Open Space C as a central "green" with useable park functional active or passive space, by eliminating Falcon Ridge Court and buildings 18, 19 & 20. Add off-street parking between buildings 17 & 21 for Open Space C. Open Space C shall include flat space for activities, playground equipment, or shade structures. (Less 9 units)
  
5. Widen the natural buffer along C Avenue to greater than 120 feet *or* heavily landscape with drought resistant trees and vegetation to obscure the line-of-site between adjacent homes along S Wildhorse Dr. and those in Filing 11. An improved natural buffer will also function to protect the wildlife habitat identified in the referral from the District Wildlife Manager of Colorado Parks & Wildlife.
  
6. Provide a comprehensive snow removal plan which identifies sufficient snow storage easements, sidewalk separation, signage, and improved off-street parking.
  
- ~~6. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. A snow storage easement shall be designated between each building structure and confined to an area 15' wide by 10' deep beyond the sidewalk. Additionally, snow storage easements in aggregate shall total no less than 15% of the plowable street area. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.~~
  
- ~~7. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2" OR MORE".~~
  
- ~~8. Prohibit on-street parking along the outer radial lane of Eagle Ridge Dr to improve snow removal, safety, and traffic flow. Prohibit parking adjacent to any snow storage easement identified on the plat.~~
  
- ~~9. Require 5' landscape ("green") buffers between the road and sidewalks along both sides of Bear Canyon Dr. and the inner radial lane of Eagle Ridge Dr. All green buffers shall be lined with trees except in designated easements.~~

40.7. At the developer's sole expense, mitigate potential fuel hazards for wildland fires in

areas identified as threats by Colorado River Fire & Rescue.

~~41.8.~~ Construct and Dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill. Alternatively, dedicate as Public Open Space land bordering properties to the south of Eagle Ridge Rd.

~~42.9.~~ Improve trail connectors with areas gained by downsizing to duplexes as shown in the Exhibit by providing a north-south connector from the C Ave switchback (at CVB), continuing between lots 2 & 3 and 22 & 23 to Open Space C. The north-south connector will continue between lots 15 & 16 to the south end of Eagle Ridge Rd. An additional east-west connector will extend from Open Space C between lots 25 & 26 to Bear Canyon Dr and beyond. ~~All such connectors shall be paved or concrete.~~

~~43.10.~~ Design Bear Canyon Dr. as a collector street as defined in the Municipal Code to channel traffic from residential areas to arterial streets. The minimum right-of-way shall be 60' including two 12' wide travel lanes, two 8' wide parking lanes, two 5' wide landscape buffers, and two 5' sidewalks.

~~44.11.~~ Provide water and sewer service stub-outs for future development east of Bear Canyon Drive prior to the installation of road infrastructure.

~~45.12.~~ Provide verification ~~Verify that the configuration of turn lanes and through lanes at Castle Valley Blvd and Bear Canyon Dr right-of-way will not interfere with the turn lane distances at N & S Wildhorse can accommodate standard turn lanes and through lanes.~~

~~46.13.~~ Specify on the plat that Open Spaces A, B, and C ~~Open Space A shall be maintained by the Town and Open Spaces B and C shall be maintained by the HOA.~~

~~47.14.~~ Provide a construction phasing plan. Identify, at minimum, each of the following components:

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

~~48.15.~~ Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.

~~49.16.~~ Provide a lighting plan demonstrating ~~Demonstrate~~ that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.

~~17.~~ Provide a landscape plan illustrating size, type and location of plant materials and an irrigation plan, if applicable.

~~20.18.~~ Designate locations of mailbox kiosks with written authorization from the local postmaster.

- ~~21.19.~~ Submit an exhibit and conveyance document(s) in a form acceptable to the Town Attorney outlining the necessary water rights (potable and/or raw) required for Filing 11.
- ~~22.20.~~ Prior to the recordation of any Filing 11 phase plat, the applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney.
- ~~23.21.~~ The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- ~~24.22.~~ All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council and reflected in the minutes of such hearings shall be considered part of the Application and binding on the applicant.
- ~~25.23.~~ The applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, when developing the Property according to the Plan, as amended.
- ~~26.24.~~ The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.
- ~~27.25.~~ Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this Resolution.