

**New Castle, Colorado
Planning and Zoning Commission
Wednesday, November 13, 2024, 7:00 PM**

Call to Order

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

Roll Call

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

Also present at the meeting was Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Planner Lauren Prentice, Town Attorney Mike Sawyer, Public Works Director John Wenzel, Town Engineer Jeff Simonson, Deputy Town Clerk Remi Bordelon, and members of the public.

Meeting Notice

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

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ 2024-6, A Resolution of the New Castle Planning and Zoning Commission Recommending Conditional Approval of a Final PUD Development Plan and a Final Subdivision Plat for Castle Valley Ranch PUD Filing 13 (9 N Wild Horse Drive)

Prior Meeting Verification from June 26, 2024

- Commissioner Martinez verified she read the prior meeting minutes.
- Commissioner Sass verified she read the prior meeting minutes.

Chair Apostolik opened the public hearing at 7:02 p.m.

Town Planner Paul Smith stated that the application from Preliminary to Final had not changed much. He said the intention for Final was to focus on the fine tuned details of the application unlike the Preliminary meeting that tackled the bigger issues/questions.

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Staff Report
9 North Wild Horse
Castle Valley Ranch PA8 & PA9 Final Plan, Filing 13
Resolution PZ #2024-06
Planning & Zoning Commission (P&Z) – November 13th, 2024

Report Compiled: 11/7/2024

Project Information

Name of Applicant:	R2 Partners
Applicant's Mailing Address:	1009 Delta Avenue Cincinnati, OH 45208
Phone/Email:	614-266-7629/ b.rosenberg@r2partners
Property Owner:	CTS Investments, LLC
Owner Mailing Address	343 Dakota Blvd. Boulder, CO 90304
Proposed Use:	130 rental townhomes/apartments in 16 buildings
Approximate Residents:	~ 310-340
Bulk Density:	2.73 units/acre
Open Space:	34 acres passive open space; 9.6 acres developed open space;
Proposed Zoning:	MF-2 per the Castle Valley Ranch PUD
Surrounding Zoning:	Single family residential homes (N Wild Horse Dr.) Open Space (VIX Park, LCR Golf Course) Mixed Use/Commercial zoning (TC Midwest, LLC) Residential zoning (CVRI & LCR)

I Introductory Summary

R2 Partners has been both a developer and owner of multifamily rental projects for over the past 60 years. Based in Cincinnati and serving various areas in Colorado, R2 is rethinking multifamily residential living. Their current application in Castle Valley Ranch (CVR), Planning Areas 8 & 9, embraces the quality of life prized by all New Castle residents. The proposal contemplates 130 multi-family rental units with three distinct floorplans:

- Model 1: "Empty-nester" targets retirees valuing convenience and practicality (~770-1,470sf);
- Model 2: "Live/Work" focuses on professionals looking for adaptive designs and multi-functional space focused on a work-from-home end user (~680-960sf);
- Model 3: "Townhomes" are conventional urban/suburban concepts available for starters or those looking to downsize (~1,420sf);

Dispersed over approximately 47.6 total acres, the proposal contemplates 43.6 acres of passive & active open space (91.6% of total acreage) and includes the completion of the N Wild Horse Dr. connector with updated VIX parking. The Applicant will maintain public access to several existing single track trails that traverse the property from VIX park to the BLM. Prior to the current preliminary hearing, the Applicant convened for public meetings on the following dates:

- October 25th, 2023 – P&Z Sketch Plan
- November 7th, 2023 – Council Sketch Plan
- December 7th, 2023 – Community Open House Meeting
- January 24th, 2024 – P&Z Sketch Plan Revised Site Plan
- June 26th, 2024 – P&Z Preliminary Plan

The final plan submittal was deemed complete on September 30th, 2024. As the final of three application steps for new planned unit developments ("PUD") & subdivisions, final PUD reviews assess zoning conformance, compliance with Public Works requirements, the suitability of utilities and infrastructure, compatibility with the comprehensive plan, and address any adverse impacts to the town. By final approval, all civil drawings should attain construction level readiness.

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Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the P&Z and the Applicant, the commission shall make one (1) of three (3) recommendations to Town Council regarding the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The commission's decision will be made by written resolution. A continuance may be granted pursuant to Section 16.08.040(G) of this title.

Within sixty (60) days from the date of the P&Z's written recommendation on the application, or within such time as is mutually agreed by the Town Council and the Applicant, the Town Council shall approve the application, with or without conditions, or deny the application. Town Council's decision will be made by ordinance which shall be introduced twice at a Town Council meeting and, if approved, shall take effect 14 days after final publication pursuant to Article IV of the New Castle municipal code.

Planner Smith noted that comments were included from Fire Marshall Orrin Moon, Director of Public Works John Wenzel and Town Engineer Jeff Simonson. He clarified that their comments had not changed much from Preliminary.

Planner Smith reviewed the general design of the development. He identified the ten units of triplexes and townhomes located North of the development, the 'Live/Work' units located in the center of the site with two two-story units facing North Wild Horse Drive as well as two three-story units planned for the center of the development, while two 'Empty Nesters' units were planned for a smaller separate loop. He explained that all units were rental units to be managed by the developer. He outlined the loop road 'Vista Loop' which he stated would be maintained by the Town, the other roads and parking lots within the development would be privately maintained. He added that the developer agreed to connect/pave the remainder of North Wild Horse Drive.

Planner Smith reminded the commission that the resolution was a draft to consider as recommendations to Council for approval. He said the recommendations to Council included staff and legal input. He stated that the commission had the opportunity to amend, change, add or remove recommendations that would go to Council for final consideration. Planner Smith stated that Council would need to make a decision within 60 days of the Planning & Zoning Commission's recommendation. He said there was concern of meeting that deadline with the upcoming holidays as well as platting and engineering details to work through. He stated staff had communicated with Council and R2 Partners to discuss a reasonable timeframe in which R2 Partners would meet with Council to negotiate.

II Changes from June, 2024 Preliminary Plan

At the June 26th hearing, the Commission unanimously approved the application with the conditions listed in Resolution PZ #2024-05. Though the general site plan remains consistent with the preliminary application, a few key changes are identified below:

<i>Preliminary Plan</i>	<i>Final Plan</i>
• 130 residential rental units: 26twnh, 80 apartments, 24 empty nesters	• No change
• 2.73 units/acre	• No change
• 91.6% gross area open space	• No change
• 229 off-street residential parking spaces	• No change
• Netzero construction: discussed	• 5%-15% reduction in energy use
• 16 total buildings	• No change

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• 4 apartment bldgs.; 10 townhome bldgs.	• No change
• Apartments B-3 & B-4 are three story	• No change
• Passive open space with courtyards	• No change
• MF-2 zoning: 40 building height limit	• No change
• Tallest building: B3/B4 (Live/Work) @ 38.8'	• Tallest building: B3/B4 (Live/Work) ~ 46'
• 1,600sf min lot area	• No change
• Snow Storage: 20.5% of road area	• 18.7% of road area;
• Live/Work units balconies removed	• No change
• Open space: Applicant owned	• No change
• Pull-in parking included on west side of N Wild Horse for VIX Park users	• Cost share requested
• Townhomes: two-story duplexes and tri-plexes	• No change
• Workforce housing: 5 live/work @ 75% FMV	• No change
• Vista Loop: Town owned and maintained	• No change
• Chapman & Medaris Loops: Owner maintained	• No change
• EV charging capacity: Discussed	• EV charging capacity: Complies with state requirements
• Temporary construction easement: Considered	• Temporary construction easement: Concept proposed

Planner Smith reviewed the changes that occurred from Preliminary to Final (utilizing the table above from his staff report). He highlighted the changes as:

- Netzero Construction: He clarified that netzero was not in town code as a requirement. He stated R2 Partners felt netzero was a priority to them. He stated that R2 Partners had committed to all electric units for the development. Planner Smith identified that going all electric was an important step towards netzero with the prospect of future solar installation or future local energy suppliers/utility companies providing energy sources via solar or other renewables to their customers.
- Tallest Building: Planner Smith stated that the tallest building at Preliminary was shown to reach thirty eight feet and eight inches. He stated that the height limits for that particular zone was forty feet. He stated that due to the topography of the land and elevations, the thirty eight feet and eight inches building height for two of the buildings equated to forty six feet.
- VIX Parking: Planner Smith stated that R2 Partners had asked for the Town's assistance in sharing the cost responsibility of paving the VIX Park parking lot.
- Workforce Housing: Planner Smith explained that there would be five units: three one-bedroom and two two-bedroom units offered to town staff with rent reductions. He said a topic for discussion would be if it would be limited to town staff or expandable to other workforce renters.
- EV Charging: Planner Smith stated he worked with the DHM team on charging ability to ensure the state requirement of capacity.
- Temporary Construction Easement: Planner Smith stated traffic flow and construction traffic would come from the south side of North Wild Horse Drive. Due to the potential for traffic congestion, Planner Smith said Katherine Senior agreed to a temporary construction easement of thirty feet following the property boundary of TC Midwest to the Castle Valley Boulevard roundabout.

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Commissioner Cotey asked if the town had any inclusionary zoning requirements as part of the Town's policy. Town Attorney Mike Sawyer stated the Town had a comprehensive plan provision that stated developments must include affordable housing components. He added that one of the five criteria for approving a final plat was compliance with the comprehensive plan. Commissioner Cotey said the five proposed units equated to about three percent of the development. She added that the industry standard was closer to ten percent and that the City of Basalt requires twelve percent of a development be affordable housing. She stated that five units was on the low side of what was comparable to the area. Planner Smith responded that knowing the industry standard was important context and explained that based on town needs, five units seemed adequate at the time but did not include the possibility for workforce residents outside of town staff.

II Staff Review:

Throughout the application process, application documents will be reviewed pursuant to the criteria outlined in the Municipal Code (MC) for planned unit developments (PUDs) and subdivisions. At the final plan stage, an application shall show conformity to the following criteria (MC 17.100.050(H)):

1. *Consistency with the comprehensive plan;*
2. *Compliance with zoning and density requirements;*
3. *Compatibility to neighboring land uses;*
4. *Availability of town services from public works (including water and sewer services), fire, and police;*
5. *Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;*
6. *The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and*
7. *Development is consistent with the natural character, contours, and viewsheds of the land.*

1) Is the proposal consistent with the comprehensive plan?

Applicants are expected to demonstrate substantial conformity with the CP in all applications (Policy CG-1B). The checklist below, though not exhaustive, provides a tool for reviewers to assess conformance with the CP:

- ☐ *Foster distinctive, attractive communities with a strong sense of place and quality of life.*
- ☐ *Demonstrate that individual project fits into a fully-balanced community land use structure.*
- ☐ *Ensure a mix of uses that complement the existing New Castle land-use patterns.*
- ☐ *Create walkable communities with non-vehicular interconnection between use areas.*
- ☐ *Guarantee a balance of housing types that support a range of affordability.*
- ☐ *Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.*
- ☐ *Encourage economic development and supporting hard & soft infrastructure.*
- ☐ *Concentrate development in ways which provide efficient and cost-effective services.*

Quality of Life: *According to the application packet (Exhibit A, page 3), the proposal aligns with numerous New Castle goals and values favorable for Smart Growth and a high standard of living (Goal CG-5). The proposal focuses on conservation of the natural environment (Goals EN-1 thru EN-8), sensitivity to architectural aesthetics, and an active lifestyle (Goal RT-1) that together support community and sustainability.*

As part of a Smart Growth strategy, policy Goal CG-4 expects large residential development (greater than 50 units) to integrate commercial services and conveniences. Though not included with this application, commercial development is anticipated on the vacant parcel south of VIX Park. To meet Smart Growth objectives, P&Z should consider

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the adjoining commercial parcel owned by TC Midwest, LLC in its evaluation. Though independently owned, the two developments may mutually complement each other and resonate with the CVR Master Plan.

Trails/Open Space/Recreation: The trails shown on **Exhibit A, page 7**, align with currently existing use-trails and trail agreements. Two trails will originate from VIX Park and lead east towards the locally dubbed “Sunset Trail” that terminates with public lands to the north. The goal is for a seamless trail experience connecting routes already prized by residents (**Goal POST-3**). Preservation of these trail corridors should also be supportive of existing wildlife habitat (**Goal POST-4**). Other walking trails are dispersed internal to the development. Altogether the trail network will be conducive to recreational opportunities and non-vehicular access to adjoining developments.

Environmental Impact: New Castle is committed to stewardship of the natural environment and therefore is careful to consider potential negative impacts of new development. The Town partners with Colorado Parks and Wildlife (CPW) to identify and protect critical environmental resources (**Goal EN-1**). CPW has provided referral comment and Jake Stanton, the District Wildlife Manager, recommends the following best management practices:

1. Bear-resistant trash containers with regular trash disposal during construction;
2. Bear-resistant dumpsters and/or trash bins for all resident refuse;
3. Wildlife friendly fencing per CPW specifications;
4. Use of non-fruiting trees, shrubs, and flowers for landscaping;
5. Prohibition of at-large and outdoor feeding of pets;
6. Prohibition of feeding wildlife;

For its part, the Town regulates off-leash dogs, excessive light trespass, preservation of native vegetation, and/or limiting fences in certain areas. In some development applications, the Town has encouraged additional landscape buffers to neutralize the effects of an urban setting on wildlife habitat.

New Castle has also made progress in terms of energy conservation. The current building codes require sustainable building practices, that reduce fuel consumption and promote use of renewable energy (**Goal EN-7**). All buildings will comply with the state of Colorado’s solar and electrical readiness provisions. Moreover, the Applicant is committed in the direction of Netzero construction. A Netzero building is one that is optimally efficient and generates energy onsite using clean renewable resources in a quantity equal to or greater than the total amount of energy consumed. Net-zero/all-electric appliances paired with solar PV or ground source heating are feasible methods to exploit especially considering local, state, and federal incentives currently available. At this time, fully functioning solar array is not being considered at initial build, but the Applicant maintains that the efficiency steps already being proposed (**Exhibit A-Appendix, page 183**) will reduce consumption by 5-15%.

The Applicant has also proposed raw water as the means to irrigate landscaping. Raw water is non-potable water which bypasses the town’s treatment facility thereby eliminating the processing step. The Applicant also receives a 25% reduction in water tap fees as a result of implementation. Opting for raw water is ultimately an economical and sustainability win for all.

Affordability: The rental aspect of the proposal is unique. Rental communities provide a fully managed property for tenants who do not have the time nor inclination to fuss with general repairs and upkeep. Rental communities also provide a way for retirees to downsize in communities dominated by larger single-family homes and a way for younger families to participate in communities in which they may otherwise be priced-out. The proposal also offers units for professionals seeking adaptable spaces serving dual

purposed living area plus functional office space. In sum, the diversity of housing modalities works to stratify rent prices making housing attainable to varying income levels.

*9 North Wild Horse offers a community promoting quality of life. Quality of life is potentially disadvantaged when a disproportionate share of household income is dedicated to housing costs. The Applicant has been committed to rent rates that are sensible for New Castle. Prices will vary with unit type and should track with those in New Castle and Glenwood Springs. Of the 130 total units (**Exhibit A-Application, page 33**), the types include 80 live/work units; 24 empty nester units, and 26 conventional townhome units. Live/work & Empty Nester units will consist of 1-2 bedroom units with the townhomes all at 3-bedroom. For context, Garfield County "Fair Market Rent" for 2023 is \$1,357 for 1-bedroom, \$1,861 for 2-bedroom, and \$2,275 for 3-bedroom. Locally, a Staff search has found asking prices ranging from \$1,650 (850sf) to \$4,000 (2,000sf) with an average two-bedroom going for \$2,600.*

*Discussions about affordable housing in New Castle are bracketed by several features: 1) Per vested rights, there are currently no price caps on rent (or sales) prices; 2) the CP indicates that the town will create and preserve affordable housing merely as an element of all new development (**Goal HO-2**); 3) the CP does not define "affordability" though the US Department of Housing and Urban Development (HUD) maintains that monthly housing expenses should not exceed 30% of household income. This discussion aside, the Applicant has generously offered the town five, one-bedroom live/work units at 25% off the then-current market rate on a rolling availability (**Exhibit A-Appendix, page 174**). Additionally, the Applicant has made significant adjustments to the site plan and building architecture to address these economic impacts.*

Fiscal Impact: *A fiscal impact study was performed (Triple Point Strategic Consulting) comparing estimated revenues with costs associated with the new development. The study helps determine whether the Town can meet the new demand on services (**Policy CG-7B, CP pg. 54**). The analysis projects a population increase of 2,004 for the entire town of New Castle with approximately 313 associated specifically with the new development. The analysis then projects revenues and costs based on the Town's budget averaged between the tax years of 2021 and 2024. The results show a yearly net benefit to the town of \$190,177. The cumulative net benefit by 2045 is estimated to be \$7 million with \$3.2 million coming in the initial two years of construction. The Town's finance department has reviewed the assumptions and projected outcomes separately with comparable results.*

Planner Smith addressed that a covenant for affordable housing was included as an exhibit to the packet. He reiterated that R2 Partners had stayed consistent in wanting to commit to making affordable housing available. Planner Smith stated that it would be preferred that the agreement be made in perpetuity, not a twenty year affordable housing plan, with the understanding that the available units would be made available to town staff initially and if unneeded would then be offered fair market for R2 Partners to rent out. Commissioner Cotey asked if the affordable housing units would only be offered to town staff and Planner Smith confirmed. Commissioner Cotey proposed the town consider a lottery program to offer affordable housing to the broader general workforce community of New Castle. Town Administrator Dave Reynolds acknowledged the possibility for Town Council to take that into consideration.

Commissioner McDonald asked how the affordable housing units would be rotated and available if they switch to fair market due to a lack of need. R2 Partners Principal Barry Rosenberg clarified that renters would sign a twelve month lease. Once the contract expired and if there was a need for affordable housing, the unit would be offered first

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to town staff. Mr. Rosenberg added that R2 Partners was open to offering affordable housing units to residents outside of town staff, dependent on the Town's preference. Director of Public Works John Wenzel asked if the five units kept for town staff were specific units or of like kind. R2 Partners Attorney Chad Lee with JVAM Law confirmed that the way the agreement was currently written, the five units were specific locations. Mr. Rosenberg reiterated that a renter's contract would expire every year and become available to offer to town staff or an agreed upon rental pool of applicants. Town Attorney Mike Sawyer stated the agreement for the five affordable housing units should not be designated to specific locations, but rather be an agreement for general units available that met the three one-bedroom and two two-bedroom housing description. He advised that language be added as a recommendation. Planner Smith asked R2 Partners Attorney Lee for confirmation of the Town's authority to designate a renter of their choosing for the available affordable housing. R2 Partners Attorney Lee confirmed the Town had the authority to choose a designee of their choice to utilize the five units of affordable housing, given an approved background check. R2 Partners Attorney Lee added that was their intent with the agreement and would be happy to clear up the language in which it was written for further clarification.

Alternate Commissioner Rittner asked if R2 Partners would consider providing additional units of affordable housing for onsite property management staff. Mr. Rosenberg confirmed that the five affordable housing units would be a separate agreement for any onsite management units. Mr. Rosenberg stated that they had not finalized an onsite management plan but had discussed the possibility of hired on-site staff.

2) Does the proposal demonstrate compliance with zoning and density requirements?

Zoning: The Applicant has elected Castle Valley Ranch MF-2 zoning criteria. According to MC 17.104.080 MF-2 is a "multifamily district allowing higher density including apartments." The following land uses are those permitted by right:

- Attached dwelling units in structures containing more than two units;
- Public parks, playgrounds and related accessory structures 5,000 sq. ft. or less;
- Parking facilities;
- Recreation facilities including, but not limited to health facilities, hobby rooms, activity rooms, meeting rooms, pools, gymnasiums, ball fields, tennis or basketball courts, volleyball courts, and any building of fields or play surfaces;
- Pedestrian and bicycle trails;
- Open space and parks

The main differences between MF-1 and MF-2 is that the former allows detached dwelling units, slightly lower density, and lower maximum building height (35'). All proposed uses are permitted by right.

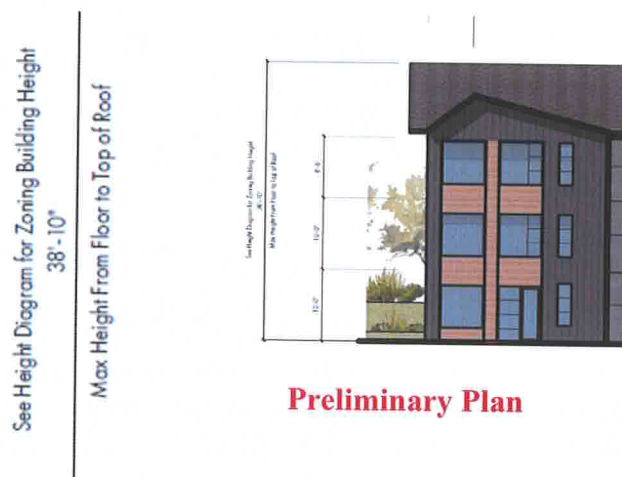
The Master PUD allows for the following density standards:

- Minimum lot area of 2,200sf;
- Minimum lot area per dwelling unit of 1,600sf or 27.2 units per acre;
- Maximum building height of 40';
- Minimum front yard setback 18';
- Minimum side yard setback of 0';
- Minimum rear yard setback of 10';
- Minimum distance between buildings of 10';

Density: As shown in the submittal packet (**Exhibit A-Application, page 8**) overall bulk density reaches 2.73 units per acre which is far below the 27.2 units per acre allowed. The live/work units have the highest localized density within the overall 46.7 acres. However, the live/work density is no more than 12.3 units/acre which is one unit/acre less than Eagle's Ridge Ranch and five units/acre less than the Senior Housing. Setbacks for each building lot will be finalized at final application.

Building Height: As architectural designs became refined, the maximum building height for the three story live/work buildings (Buildings B3 & B4 **Exhibit A-Application, page 18**) was reexamined in relation to the building height definition in Section 17.04.050. At the preliminary hearing the building height was shown as 38.8' measured from the bottom slab to the top ridge as shown below:

Planner Smith explained that the common assumption for measuring building height involved measuring the top to the bottom of the building. He explained for the particular zoning that the development was in spoke differently to identifying building height. He clarified that the Castle Valley Ranch (CVR) height definition considered the slope/hillside in which a building would be developed in an effort to avoid designing callosal structures that appeared taller than they actually were. He explained that the buildings with a planned height of thirty eight feet and eight inches would have a 'virtual' height of forty six feet due to the visual downslope twenty five feet from the building, termed the "Slope Effect." He concluded that the thirty eight foot and eight inches building heights were technically six feet above the limits of the code definition for building heights, but also below the forty foot max building height for a structure. He said the slope effect applied to all four 'Live/Work' units. Planner Smith added that the town had taken into consideration the slope effect and allowed development plans similar to this height difference in the past. He said the resolution was a draft and the first condition addressed the six foot height difference for the commission to either accept as illustrated in the packet or offer alternatives for Town Council to consider.



The current final plan variation (**Exhibit A-Application, page 18**) shows a slightly increased height from slab of 39.9' (though not the uppermost part of the roof):



However, per the code, the initial point of reference for height measurements is not the bottom floor slab. Rather, the building height is defined as follows:

"Building height" means the vertical distance measured from the lowest point of the natural grade on the lot within twenty-five (25) feet of the tallest side of the building to the uppermost point of the roof of the building; provided, however, that if the lot upon which a building is to be built has a slope greater than fifteen (15) percent, building height shall be defined as the vertical distance measured from the average existing grade within the building setback envelope to the uppermost point of the roof of the building.

Taking into account the code's definition renders the building height at approximately 46' or 6' above the 40' zoning maximum (See also 41.5' for B;1 43.8' for B2, Exhibit A-Application, page 19):



The Town has allowed deviations to height limits in the past. Most recently the Town granted a 9' exception for a single building in the Lakota Canyon Ranch Longview application. In that instance, certain factors informed P&Z's decision. For one, the Longview building was closely situated to other buildings that also exceeded their respective height maximums (i.e. Shibui, CRFR Firehouse, and the Senior Housing). At that time, P&Z was also generally persuaded by the fact that the building's excess height

would be obscured by two-story structures immediately adjacent. Story balloons were erected on site to demonstrate this idea.

At the June preliminary hearing, P&Z expressed concern with the visual impacts of adding a third level to Buildings B3 & B4. At least two methods to mitigate were explored: 1) obscure east

elevations using the 2-story Buildings B-1 & B-2. In this way building mass will step gradually with the grade from N Wild Horse to the east; 2) Blunting of roof pitches (compare Live/Work gables with sketch plan exhibits). With massing alternatives, structure orientation, and roof articulation, the Applicant felt the concerns with increased building height on the surrounding views would be relieved. Staff has suggested returning to stepped structures as illustrated in the original sketch plan (see above) to better approximate the appearance of surrounding single family and multi-family homes. Alternatively, the structures could be modestly sunken into the topography, effectively lowering the building height. This precedent was also set during the Longview application.



Sketch Plan Live/Work Massing

For the Applicant to move forward with these alternatives, P&Z would have to be equally convinced as before that Buildings B1-B4 fit the surrounding residential neighborhood currently comprised of SF homes and triplexes. P&Z would also need to be mindful that the precedent set with this height exception may prompt other future developers in the area to do the same. Overall, P&Z should come away from the decision with the confidence that consistency with the surroundings is preserved no matter what height is decided.

3) Does the proposal demonstrate compatibility to neighboring land uses?

The parcel lies in the vicinity of various land uses within CVR: larger SF homes on N Wild Horse Dr, Buckskin Cir. & TBD Filing 12 to the south, VIX Park to the west, a commercial parcel (TC Midwest, LLC) to the southwest and two Garfield RE-2 schools within walking distance. BLM land and the Lakota Links Golf Course lie directly north of the parcel.

P&Z and Council have generally understood compatibility in terms of style and function. A use is considered more or less compatible in style to the degree it is similar in architecture, landscaping, and site planning (e.g. roads, trails, open space). A use is considered compatible in function to the degree its purpose serves the community similarly to surrounding uses. At times when compatibility is questionable, P&Z and Council have been hospitable to adding transitional features between developments to mute perceived incongruities in style or function. In such cases "buffering", for example landscape screening and open space, can soften the juxtaposition between two architecturally dissimilar developments. Likewise, small scale retail, professional services uses, and open space can function to temper alleged incompatibility between a SF development and, say, an industrial zone.

9 North Wild Horse is a multifamily rental property located within a rural residential setting. As a higher density product, building structures will naturally have more mass and height than those surrounding it. In anticipation of this, the Applicant includes open space buffering (~150' separation) adjacent to homes along Buckskin Dr. Greater distancing is expected to the east and south near future Silverado Dr. and N Wild Horse

homes. Architectural features derive articulation and texturing from neighboring residential designs. Townhomes units will have horizontal and vertical displacement (stepping) to better resemble the SF home context. As noted elsewhere, live/work and empty nester buildings (**Exhibit A-Application, pages 18-26**) exhibit less vertical displacement than surrounding structures and adjoining topography. This style might be deemed less compatible than what was viewed originally at sketch plan. Feedback from P&Z, Council, and the community has been mixed with respect to the more urban, block style multifamily buildings characteristic of developments in Denver, Vail Valley, and the Roaring Fork mid-valley. Therefore, P&Z will need to consider whether the current architectural signatures (i.e. roof pitches, elimination of balconies, taller windows) are an adequate tradeoff.

On the other hand, with a more conventionally urban approach the Applicant successfully minimizes sprawl which is supportive of the idyllic areas of CVR. Parking for the live/work lots is nested within the interior of the building site plan while Empty-Nester units obscure vehicle volume with covered parking spaces (**Exhibit A-Application, page 7**). Parking is also restricted to one side of the street on Vista Loop to reduce on-street congestion. Landscaping will be used sparsely to minimize disruption to otherwise unspoiled terrain. All things considered, the Applicant has made efforts to preserve the overarching feel and function of CVR at N Wild Horse Dr. and attempts transitioning features to address instances where compatibility may be questionable.

4) Is there availability of town services from public works (including water and sewer services), fire, and police?

Police: At Sketch Plan, the Applicant anticipated an increase of approximately 338 new residents at build-out. The Police Department currently consists of eleven FTEs which is ideal for a town the size of New Castle. Generally, additional FTEs are considered for every increase of 500 residents. Therefore, the Police Chief concludes that there would be no compromise with police service as a result of the expected population increase.

Fire: In light of the current multi-year drought and the ongoing expansion of the wildland-urban interface, Colorado River Fire Rescue now stresses improving the resiliency of structures and expanding the surrounding defensible space (**Goal EN-8**). Replacing conventional materials with those of more robust fire resistance, particularly in buildings along the perimeter of the development, buys time for firefighters during a wildland fire incident and inhibits fires from spreading from the source. In 2024, the Town adopted standards for the requirement of fire resistant materials and improved defensible space requirements for new structures. To extend their firefighting potential, CRFR requests two-track roads for fire apparatus be designed along the periphery of the outer structures and a singular vehicle route extending towards the Lakota Links property, **Exhibit C**. The Applicant has updated the site plan to address this concern (**Exhibit A-Application, page 7**). It is important that these routes be improved sufficiently enough to carry the weight of the necessary fire apparatus. These routes should also be permanently signed "Emergency Access Only".

Public Works: The CVR PUD is approved for 1,400 residential units and 100,000sf of commercial space. These totals were primarily the result of calculations performed on the basis of water dedicated from Elk Creek. At present the PUD has approximately 895 built units and no commercial development. With 130 proposed units in this Application, the PUD remains well short of the 1,400 total rooftops allocated for CVR. The current sewer treatment plant is also sufficiently sized to process the full build-out of both CVR and Lakota.

Streets: The Town contemplates maintenance of Vista Loop and the N. Wild Horse connector once all public improvements are accepted. Remaining streets will be private. Public Works agrees that speed, safety, and costs are priorities in road design. On-street

parking serves to accommodate overflow vehicle parking for guests, deliveries, trash collection, extra resident vehicles, and emergency vehicles. Staff and the Applicant have worked closely to provide street designs that satisfy all these concerns. **Exhibit A-Application, page 45** shows the agreed upon designs.

Snow Storage: Snow removal is located on the site plan (**Exhibit A-Application, page 12**). 17.8% of total roadway area has been designated for snow storage which is 2.8% more than required. Ample snow storage is demonstrated on all separated sidewalks, Staff's preferred storage location.

Raw Water: Raw water is available at the north end of VIX Park and is expected to irrigate all common landscaping areas within the new PUD. The raw water infrastructure will need to be extended and looped with the installation of the N Wild Horse road connection.

5) Is there adequate off-street parking and vehicle, bicycle, and pedestrian circulation?

Parking: The purpose of off-street parking in the PUD "is to ensure that safe and convenient off-street parking is provided to serve the requirements of all land uses in the Castle Valley Ranch PUD and to avoid congestion in the streets" (MC 17.104.100). As shown on **Exhibit A-Application, page 9**, the following Town standards apply:

- Duplex, tri-plex or four-plex – Two spaces per dwelling unit;
- Five or more dwelling units in one structure – One and one-half spaces per dwelling unit + 1 recreational vehicle parking space for every 5 units in a 5-plex or greater;

Off-Street Parking: Per the standards, required off-street parking totals 229 spaces. The distribution is as follows: The Townhome models provide for a mix of one and two car garages. Regardless of garage size, all units will include two-car driveways (**Exhibit A, page 11**), or 3-4 off-street parking spaces where only two are required. This provision solves for issues related to garages used as miscellaneous storage rather than vehicles. The Code reduces parking to 1.5 spaces per unit for Empty Nester and Live/Work models. The Applicant, familiar with the complications of high density residential parking, has offered at least two spaces per unit for the Empty Nester models and has exceeded the parking for the Live/Work units. Based on P&Z input, no differentiation will be made between seasonal/RV parking and other parking, but seasonal spaces will be included in the over parking count.

One dilemma to the parking total will be the requirements for EV charging equipment. Approximately 10 spaces will require EV ready equipment, designated solely for EV use per state statute. These spaces may only be occupied by electric vehicles which may result in less overall parking for non-EV owners. The Applicant has therefore planned to install two fully equipped EV parking spaces at VIX park. The Applicant has added a parking site plan since the preliminary (**Exhibit A-Application, page 10**). Staff also recommend a parking management plan be added to the covenants prior to final approval with provisions for reserved parking in shared lots and prohibitions on overnight parking along N Wild Horse Dr. adjacent to VIX park.

Vehicular Circulation: Road, sidewalk, and trail design is a critical component to any new development in New Castle. To optimize circulation, the Applicant is committed to connecting N Wild Horse Dr. completing the underdeveloped section between Alder Ave. and Castle Valley Blvd. Of note, nearly 1/5th of this new road section is outside the Applicant's property boundary. However, because of the importance of circulation and public safety, the Applicant has agreed to work with the neighboring property owners, particularly CVR Investors, to complete this link. Staff anticipates that the connector will match the Town standard ROW, including detached sidewalks with landscaping.

Nonvehicular Circulation: The Applicant has made a point not to disrupt the general trail alignment between VIX Park and the BLM land. Separated sidewalks allow easy circulation to all inhabited portions of the property with additional soft trails extending to the periphery for easier interface with surrounding neighborhoods (**Exhibit A-Application, page 7**). To meet pedestrian safety concerns, high visibility crosswalks with bump outs were added per P&Z request.

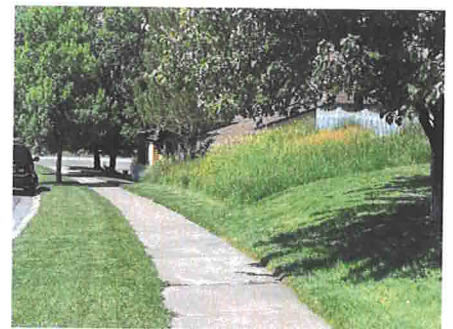
Planner Smith said in the event of any parking issues, such as staff/police called out to the site, there was wording in the included covenant that stated the town may require a parking management plan. Mr. Rosenberg said it was difficult to predict the parking situation twenty years down the road. He said R2 Partners modeled their proposal after the Romero Group development plan in regard to parking that allowed for flexibility for the Town to require changes if problems arose. Commissioner Cotey explained that the Romero Group development was mixed use, so the comparison in planning was not the same. Mr. Rosenberg explained that the wording gave the Town the authority to address any parking issues in the future. Planner Smith advised to add that wording to the conditions and Mr. Rosenberg stated he did not feel that was a problem.

6) Are the required open space or parks designed for active or passive use by residents of the subdivision or the public?

As previously discussed, 91.6% of the property will remain as open space. Within that area, the Applicant has preserved existing public use trails with various connecting trails added (**Exhibit A-Application, page 7**). To reduce the overall development footprint, small, active parks have been replaced with passive open space and two small sitting areas (**Exhibit A-Application, pages 79-81**). Since the open space requirements for CVR have already been met, no open space will be dedicated to the Town. However, the Applicant contemplates ongoing public access to all residents with an easement agreement.

7) Is the development consistent with the natural character, contours, and viewsheds of the land?

The site plan (**Exhibit A-Application, page 48**) follows the sloping topography downhill from northeast to southwest. Each building generally terraces with the existing slope (**Exhibit A-Application, pages 44-52**). Terracing of structures limits cut-and-fill and reduces the need for unsightly landscape retention. The approach also softens the blunt, "blocky" appearance, that may otherwise disrupt the undulating, natural landscape. The Live/Work units and the Empty Nesters are formidable in size, stretching approximately 150'.



As the architecture is being finalized Staff recommends revisiting the massing particularly of the live/work units. Since roof step-downs at the stair corridors were eliminated, there is concern that an uninterrupted roof ridge for the entire length of the building conflicts with the contours of surrounding topography. And, per **Policy EN-6B** of the CP, visual access to the ridgeline is expected. The Applicant, in **Exhibit A-Application, page 37**, has contemplated modestly sized berms and drought resistant trees or shrubs partially as a screening strategy to mitigate building mass. Ultimately, P&Z should consider whether these structures, coupled with screening, is enough to maintain consistency with the natural character of the land. To conserve water and limit landscape maintenance such as mowing, Staff requests the Applicant consider drought resistant vegetation and seeding with native grasses to restore disturbed areas to their original state. Sod and landscape irrigation, likewise,

should be used sparingly to limit the need for landscape maintenance. Modestly mowed buffers and borders can provide a satisfying manicured look needing little maintenance.

V Staff Recommendations

Staff offer the following recommendations to the final PUD application:

- A. *The maximum building height of Buildings B1, B2, B3, & B4 shall not exceed the building elevations presented in **Exhibit A-Application, pages 18-26**. Alternatively, the Applicant shall consider height reductions, additional screening, architectural modifications, or any combination of these to these structures to optimize consistency with the natural character of the land. All other structures shall comply with the building height requirements specified in Section 17.04.050.*

DHM Design Principal Jason Jaynes commented that a couple townhomes fell into the previous discussion regarding height and slope effect. He identified the two buildings as the townhomes to the right of the 'Live/Work' units. He said those two townhomes would not meet the code definition, similar to the 'Live/Work' units. Planner Smith asked how much the building heights exceed. Mr. Jaynes said the buildings were under thirty five feet, but it would be best to look at it in detail.

- B. *All site specific development applications subject to the provisions of the International Fire Code or matters requiring fire alarms and/or fire suppression shall be submitted to the Fire Marshal for review and comment.*
- C. *The Applicant shall comply with all recommendations of the Town Engineer, Town Public Works Director, and Town Attorney provided in response to review of the Application, **Exhibits C, D, & E**.*
- D. *All exterior lighting to be dark-sky compliant per the comprehensive plan. Demonstrate that all exterior lighting will limit trespass. Parking lot lighting should be on timers to reduce the light duration at night while maintaining security lighting as needed.*

Planner Smith stated the dark-sky compliance had been resolved, but that staff kept the wording for ease of access for future reference.

- E. *The location and manufacturer of any electric vehicle supply equipment install within the public right of way shall be at the discretion of Public Works.*

Planner Smith said there were two equipped EV ready spaces at VIX park planned at the discretion of Public Works for which manufacture to use.

- F. *Fire Access roads illustrated in **Exhibit A-Application, page 7** shall be signed "Emergency Access Only", per fire marshal referral in **Exhibit B**.*

Planner Smith said Fire Marshal Moon would like to have the road traveling north towards the golf course to be regraded, cleared of brush and flattened (Exhibit A). Planner Smith stated that road would be an emergency access only with signage.

- G. *A temporary construction easement, generally conforming to that depicted in **Exhibit F**, shall be constructed to accommodate construction vehicle circulation for the buildout of PA 8 & 9 (R2 Partners LLC) and PA 12 (TC Midwest, LLC) until the completion of either PA 12 or PAs 8 & 9, whichever is first. The easement shall consist of a semi-impervious surface, a track pad at the intersection with Castle Valley Blvd. and include safety fencing along the hazardous to the public. Any damage to public infrastructure, including but not limited to asphalt bike paths,*

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landscape irrigation, underground utilities, landscaping shall be the responsibility of the Applicant.

Planner Smith said the easement would apply to both R2 Partners and a potential development from TC Midwest. Whichever build finished first would terminate the agreement at the discretion of TC Midwest.

- H. All trash dumpsters shall be located within an approved trash enclosure that extends six feet high and includes a bear resistant latching mechanism. Trash receptacles for townhomes shall be of a bear resistant type and stored inside.*

Planner Smith noted that trash receptacles should have a structured storage space, particularly with the townhomes that were designed with one car garages.

- I. A declaration of covenants for the common interest community that are to the satisfaction of the Town Attorney. The form of the declaration of covenants shall be finalized before consideration of the Final Plat by the town council. Recordation of the declaration of covenants shall be accomplished at or before recording of the Final Plat.*
- J. A parking management plan shall be added to the covenants prior to final approval with provisions for reserved parking in shared lots as necessary. Signage on both sides of N Wild Horse Dr adjacent to VIX park shall read "No Overnight Parking".*

Planner Smith suggested changing the language to model after what existed in the parking definition and management of the covenants as previously discussed.

- K. A subdivision improvements agreement ("SIA") containing an engineer's stamped cost estimate of public improvements, to the satisfaction of the Town Attorney. The form of the SIA shall be finalized before consideration of the Final Plat by the town council. Recordation of the SIA shall be accomplished at or before recording of the Final Plat.*

Planner Smith said Item K would be presented and discussed at Town Council.

- L. Provide a construction phasing plan for inclusion in a subdivision improvements agreement. Identify, at minimum, each of the following components:*
- Buildout phases if necessary;*
 - 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);*
 - Conformance to all requirements and specifications approved by the fire marshal concerning temporary access to the project;*

Planner Smith said R2 Partners has addressed Item L in the packet, as a single phase development.

- M. Landscaping shall incorporate native grasses and plants that minimize maintenance, mowing, and irrigating. The PUD landscaping plan shall be approved by Public Works. Plans submitted for building permit for any building shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.*
- N. All disturbed areas in the project shall be revegetated and maintained in a*

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predominantly weed free condition.

- O. 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.*
- P. 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.*
- Q. The sale of individual lots, parcels or units may not occur until a plat creating the lot, parcel or unit is recorded with Garfield County and security for the public improvements has been received by the Town.*
- R. The Applicant and Town reach final agreement on the form of an affordable housing covenant that includes definition of the number of restricted units, the calculation of below market rents, the workforce that qualify to live in the units, and the term for which the affordable housing covenant shall be in force. The affordable housing covenant shall be finalized before consideration of the Final Plat by the town council. Recordation of the affordable housing covenant shall be accomplished at or before recording of the Final Plat.*
- S. Finalization of water rights dedication requirements for the project. Calculation of irrigated areas and finalization of EQR dedication requirements. A warranty deed conveying the required water rights in the Coryell Ditch shall be executed and recorded together with the final plat.*

Planner Smith said Item S would be built into the Subdivision Improvement Agreement which would be presented to Town Council.

- T. Vested rights be granted for a period of ___ years.*

Planner Smith stated that staff discussed vested rights with R2 Partners and they were content with the ten year vesting. He said ten years seemed reasonable to all parties.

Mr. Jaynes discussed building height in detail, specifically the 'slope effect.' He explained that the height was measured from the existing grade based on town code. He added that the identified line for initial measurement would not exist after R2 Partners filled in the soil, flattened and built platforms for the structures. He said the initial baseline did not account for the grading that would take place during development as depicted in Exhibit B. Commissioner Cotey noted the difference between lowering the buildings' heights, which would require a retaining wall, versus having a balanced site grading as it was currently planned. Mr. Jaynes highlighted the comparison of building heights from Preliminary to Final (Exhibit C) where he added that the buildings were not breaking the ridgeline. He outlined the architectural changes made to the building designs, including making the broom pitches steeper for snow, but it only affecting the height of the design slightly.

Alternate Commissioner Rittner expressed concern regarding the visual mass of the front of the buildings. Andrea Korber with Land and Shelter Architecture stated that the two-story buildings were the only visible structures from North Wild Horse Drive. She said the height concern was not visible from the public way. She added that the height definition was unique and restrictive when involving larger buildings. Ms. Korber

said the design placement of the buildings intentionally placed the lower height structures toward the road. She described the architectural design of the buildings to be a classic, tradition residential look with cross gables, with the goal of blending the development in with the larger neighborhood.

Commissioner Cotey asked if R2 Partners would consider adding trees to the south side of the two-story buildings to help blend into the landscape. She said it would visually breakup the massing of the buildings. Ms. Korber said that seemed like a reasonable request, that the landscaping plan could still evolve, and the location of tree planting was not set in stone.

Gary Cupples, a New Castle resident, asked if a wildfire evacuation plan had been reviewed or modified to account for the added population from the new development. Planner Smith stated there was an approved evacuation plan that was available online to review. He said the evacuation plan took into consideration total buildout of Castle Valley Ranch. Mr. Cupples asked if R2 Partners had been involved with multiphase developments in the past. Mr. Rosenberg confirmed they had and explained the development had planned to be built in one phase by category, meaning (as an example) 'Live/Work would be built first, followed by 'Empty Nesters' followed by the townhomes. Town Attorney Sawyer clarified that the understanding was all public improvements would be completed at the same time. Mr. Rosenberg confirmed and noted the buildings would open overtime.

Robin Bauer, a New Castle resident, asked what the traffic control plan was involving construction traffic on North Wild Horse Drive. Mr. Rosenberg explained there was an agreement with TC Midwest for a construction access easement that would detour construction traffic off the Castle Valley Ranch roundabout north to the boundary of VIX Park and reconnect to North Wild Horse Drive. He referenced the visual map of the easement (Exhibit D). Mr. Rosenberg added that the traffic study and design of North Wild Horse Drive included full buildout of Castle Valley Ranch and accounted for the development. Mr. Bauer expressed concern regarding larger dump truck vehicles on North Wild Horse Drive and explained the single lane road did not accommodate larger vehicles to the point that other vehicles had to pull over to allow a dump truck to pass. Public Works Director Wenzel said the buildout of the road met the Town's design standards and would be a comfortable travel lane. He explained that most travel lanes were ten feet wide, however the extension/connection of North Wild Horse Drive would be eleven feet wide with two eight foot parking lanes on either side of the road. Town Engineer Simonson added that the road would accommodate the capacity of the new development based on the traffic report that was conducted.

Denise Scheberle, a New Castle resident, asked for clarification on the ninety one and sixth tenths percent gross area of open space. Mr. Jaynes referred to the Open Space Diagram (Exhibit E) and explained that the majority of the property would be undeveloped. Mr. Rosenberg explained that the size of the property was estimated to be sixty acres and the development only planned to build within ten acres. Ms. Scheberle asked if that would stay open space in perpetuity and Planner Smith confirmed that was the case. Mr. Rosenberg clarified there was an agreement with Steve Cravin to build six more units within a triangle section of land North-East of the development. She asked how the new R2 Partners development would blend with what

exists on North Wild Horse Drive in regard to traffic and pedestrian crossings. Commissioner Cotey stated there are traffic calming solutions that the town could explore.

Julia Koch, a New Castle resident, asked if R2 Partners was planning to sell any townhomes as she felt it was important to provide New Castle residents the opportunity to own affordable housing. Mr. Rosenberg explained the entire development would be rentals only. He explained that their market study revealed the majority of families were not able to afford to buy their own home, so the townhomes were catered to accommodate those who otherwise could not purchase a home. He added that the biggest issue for home purchasing was young families affording the down payment.

Lynne Cassidy, a New Castle resident, commented that she would like to see the affordable housing language clarified further with the option of expanding the rental pool of applicants, as previously discussed.

Chair Apostolik closed the public hearing at 8:39 p.m.

Chair Apostolik asked Public Works Director Wenzel about the change from a ten inch hot tap to a megalug fitting. Public Works Director Wenzel confirmed they experienced issues with hot taps in the past and that it was a minor change. Chair Apostolik asked if Public Works Director Wenzel was in agreement with the plans thus far in regard to road widths, side parking and snow storage. Public Works Director Wenzel verified he felt any issues in those categories had been resolved.

Chair Apostolik asked Town Engineer Simonson if he felt everything was resolvable that had previously been discussed and identified; Town Engineer Simonson confirmed.

Chair Apostolik noted comments from Fire Marshall Moon that the fire hydrants needed a ten foot zone to avoid any issues with trees. Mr. Jaynes confirmed that they planned for a ten foot zone despite the design drawings. He stated R2 Partners would make an exhibit that clearly identified the ten foot zone for fire hydrants.

Chair Apostolik asked to make an addition to Item Four 'establishment of disturbed areas during construction' to include temporary irrigation if there existed a long build out time. Commissioner Cotey added to include drainage protection through the corridor during construction in the effort for preservation and Mr. Rosenberg agreed. Mr. Jaynes confirmed that disturbance would be present in the area due to a water line crossing through. He noted that they would need to revegetate the disturbed area and had a plan in place including the use of native plants. He added that they would be preserving most of the area and revegetating the disturbed areas.

Chair Apostolik asked R2 Partners to confirm that besides Xcel and the megalugs, construction traffic would not utilize North Wild Horse Drive. He said the way the phasing was planned, R2 Partners would be on the North side of the parking area on North Wild Horse Drive. Mr. Jaynes stated that R2 Partners had planned to rough the private road in from what was existing off of North Wild Horse Drive. He said they would then put the utilities in, begin construction of the buildings and then before they

received their certificate of occupancy, pave North Wild Horse Drive. Chair Apostolik stated that during that timeframe, whether it be one to three years, the public should not have an issue with use of VIX Park parking access. Mr. Jaynes confirmed that was correct. Chair Apostolik added the importance of R2 Partners protecting the development site from the public as VIX Park was used for multiple recreation activities, kids, animals and parking was utilized daily by the public. Mr. Rosenberg agreed to take that into account.

Commissioner Sass asked if the affordable housing units were comparable to past developments. Town Administrator Dave Reynolds confirmed it was comparable aside from the twenty year limit. Commissioner Sass asked if developers typically did not include a limit to affordable housing. Administrator Reynolds shared the example of the Romero Group, which was in perpetuity, and the only development in which the town had an affordable housing agreement. He confirmed that the comprehensive plan did not outline a specific length of time for affordable housing units. Commissioner Cotey noted that the comprehensive plan was established thirty years ago with a different housing market than present day. She suggested the town revisit the parameters of affordable housing and stated she felt it should be in perpetuity. Mr. Rosenberg said they would be more open to a benchmark of twenty years where they would revisit the need from the town and renew an agreement every twenty years. He added that affordable housing impacts the value of the property and he did not know what the market would look like in twenty years' time. Commissioner Cotey said that sounded fair. Town Attorney Sawyer said having certain renewal periods could be built into a covenant. He added that if the property were to ever change hands, sell or subdivide, during that time it would be brought back to the Town to discuss.

Commissioner Cotey said she thought it would be Town Council's role to determine the appropriate language for identifying who would qualify for affordable housing but that the commission could recommend broadening the pool of potential renters. Administrator Reynolds said Town Council might be more open to prioritizing affordable housing to the workforce that works in New Castle, in an effort to avoid casting too large of a net that encompassed the entire valley. Commissioner Cotey identified the challenge of New Castle not having a large jobs market. Chair Apostolik clarified that the workforce of New Castle would be first priority in a list of pool priorities that qualify a renter for affordable housing. Mr. Rosenberg stated that how the affordable housing agreement was written gave the town full authority to choose who they felt was a priority as long as they passed the background check. Commissioner Cotey asked if the way the affordable housing agreement was written currently was at the discretion of the town and was not limited to just town staff. Mr. Rosenberg said that was correct. Commissioner McDonald asked if there was a plan to administer the program within the town. Administrator Reynolds confirmed Town Council would discuss the program and noted Town Council made it very clear that their first priority was town staff and then the workforce of New Castle.

Alternate Commissioner Rittner expressed the importance of public safety and the need for an onsite property manager. She asked how R2 Partners would handle a situation where the Town felt safety was a concern or better management was needed. Mr. Rosenberg said he didn't want to be locked into something but was open to adding language that provided the opportunity to have a discussion with the town about any

issues that may arise and present a plan that everyone would agree upon. Commissioner McDonald asked if R2 Partners had any other properties in the area. Mr. Rosenberg confirmed they did and said the assigned management team may manage both sites. He added that R2 Partners had discussed with Dywane Romero the option to utilize the same management team that Mr. Romero was currently using. Commissioner McDonald asked if R2 Partners would have a rental office on site and Mr. Rosenberg confirmed there would be an onsite rental office for a property management team to work out of.

Town Attorney Sawyer asked for clarification on what the commission would like to recommend as a condition in regard to an onsite property management team and outline expectations should any issues arise. Alternate Commissioner Rittner said having language that allowed for some provisions to revisit with R2 Partners on the chance that issues came up was important. Mr. Rosenberg added to include language that spoke of multiple issues that were persistent would warrant a return to Town Council to discuss. Chair Apostolik said the commission had done this in the past with conditional use permits and could utilize similar language for this condition. Alternate Commissioner Parks stated that the commission had expressed interest for an onsite property manager. He asked if the commission should make that a condition. Chair Apostolik clarified that the commission did not have the authority to require onsite management from R2 Partners. Alternate Commissioner Rittner asked if it would become their right to require if the development experienced persistent issues in the future and would need to revisit with R2 Partners. Chair Apostolik confirmed it could be part of that discussion should they need to review R2 Partners in the future. Commissioner Sass clarified that the word 'onsite' did not necessarily mean a property manager living on the property and that the definition for 'onsite' would also need to be discussed.

Commissioner Cotey revisited the building heights and stated she was not concerned with the difference of the slope effect. The commission agreed they did not feel that was an issue and felt it was explained well enough.

Alternate Commissioner Parks noted that the suggested speed limit was twenty five miles per hour and suggested it be dropped to twenty miles per hour to match the surrounding neighborhoods. Mr. Rosenberg stated he did not have a problem with that. Alternate Commissioner Parks added a suggestion to the grading plan to include soil stabilization for revegetation for slope ratios two to two and a half to one slopes with control blankets. Mr. Rosenberg said he would check that but was under the understanding that the slope ratio was three to one.

Town Attorney Sawyer said that the resolution stated a recommendation for approval subject to conditions identified by the staff report, verbatim, as well as modifications made by the commission. He said the commission could motion to recommend approval subject to staff conditions with modifications that he and Planner Smith would review with the commission. He said the revised resolution would be rewritten and presented at the next Planning & Zoning Commission Meeting for official signature.

Planner Smith reviewed each of the conditions as outlined in the staff report and draft resolution with added modifications from the commission.

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Conditions:

- A. Planner Smith noted Condition A would add townhomes 15 and 16, except as drawn, and remove the language: *Alternatively, the Applicant shall consider height reductions, additional screening, architectural modifications, or any combination of these to these structures to optimize consistency with the natural character of the land. All other structures shall comply with the building height requirements specified in Section 17.04.050.*
- B. Condition B was unchanged.
- C. Condition C was unchanged.
- D. Condition D was unchanged.
- E. Condition E was unchanged.
- F. Condition F was unchanged.
- G. Regarding Condition G, Mr. Rosenberg clarified that R2 Partners did not own the property but were in negotiations. Town Attorney Sawyer clarified it was a recommendation. Commissioner Sass noted that the use of safety fencing was included in the condition. Commissioner Martinez asked if R2 Partners was not granted the construction easement, then they would have to utilize North Wild Horse Drive. Mr. Rosenberg confirmed that was correct. Chair Apostolik said if R2 Partners did not get the construction easement, that the commission would need to discuss with them the use of North Wild Horse Drive. Town Attorney Sawyer suggested adding that the easement be drafted as a formal agreement prior to final plat approval by Town Council. Mr. Rosenberg said he did not have a problem with that addition.
- H. Condition H was unchanged.
- I. Condition I was unchanged.
- J. Planner Smith said he recommended adopting language in the covenants for Condition J and add signage to North Wild Horse Drive.
- K. Condition K was unchanged.
- L. Planner Smith said Condition L was a catch all for the management of the construction. He added that the building department had many review procedures within the permitting process to assess construction of each building including issues of erosion. He said Construction Management Plans (CMPs) were also included and would be reviewed by Public Works and Engineering. Chair Apostolik asked if the town required CMPs with permit applications. Planner Smith confirmed they did. Engineer Simonson added that the state also required CMPs and said there was an erosion control plan to discuss involving the soils report and slope ratios. He said the soils report identified a stable slope being a two to one slope. He suggested treating the final slope with erosion mitigation surfaces along with seeding. Planner Smith added that reseeding would require temporary irrigation as well. Commissioner Cotey asked to add a condition for a tree protection plan.
- M. Condition M was unchanged.
- N. Planner Smith said Condition N was unchanged but would be an appropriate line item for any revegetation conditions.
- O. Condition O was unchanged.
- P. Condition P was unchanged.
- Q. Condition Q was unchanged.

- R. Planner Smith asked if the commission wanted to add a twenty year renewal period to the affordable housing agreement for Condition R. Town Attorney Sawyer suggested the commission recommend an initial term of twenty years with potential for renewal terms after.
- S. Condition S was unchanged.
- T. Planner Smith said Condition T would have ten years of vested rights.

Town Attorney Sawyer suggested wording for an additional condition regarding property management. He read the condition as: *should issues arise about property management or community security, which are not cured after Town notice, that the matter can come back for Planning & Zoning and Council review and the potential imposition of additional responsive conditions.* R2 Partners Lee said he felt that was good enough as a condition and added he and Mr. Rosenberg would revise the covenants accordingly.

MOTION: Chair Apostolik made a motion to approve with conditions Resolution PZ 2024-6, A Resolution of the New Castle Planning and Zoning Commission Recommending Conditional Approval of a Final PUD Development Plan and a Final Subdivision Plat for Castle Valley Ranch PUD Filing 13 (9 N Wild Horse Drive). Commissioner McDonald seconded the motion, and it passed on a roll call vote. Commissioner McDonald: Yes; Commissioner Cotey: Yes; Alternate Commissioner Parks: Yes; Alternate Commissioner Rittner: Yes; Chair Apostolik: Yes; Commissioner Sass: Yes; Commissioner Martinez: Yes.

Staff Reports

Planner Smith reported there were no further meetings scheduled for 2024. To come, he added that the property above McDonalds and Maverick on Castle Valley Boulevard had new buyers who would speak to P&Z regarding amendments to the originally approve development plan. He said there was a traffic study being conducted and the new buyers seemed motivated.

Commissioner Martinez asked when the Romero Group would start construction. Planner Smith said the date was unknown. He added that the Romero Group just finished the plat for Phase 1.

Commission Comments and Reports

Alternate Commissioner Parks reported that the Historic Preservation Commission would be presenting the recommendation to historically designate Highland Cemetery to Town Council on December 3, 2024.

Review Minutes from Previous Meeting

MOTION: Chair Apostolik made a motion to approve the July 24, 2024 meeting minutes. Alternate Commissioner Parks seconded the motion and it passed unanimously.

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

The meeting adjourned at 9:28 p.m.

Respectfully Submitted,


Remi Bordelon, Deputy Town Clerk


Chuck Apostolik, Chair



ILLUSTRATIVE SITE PLAN

LEGEND

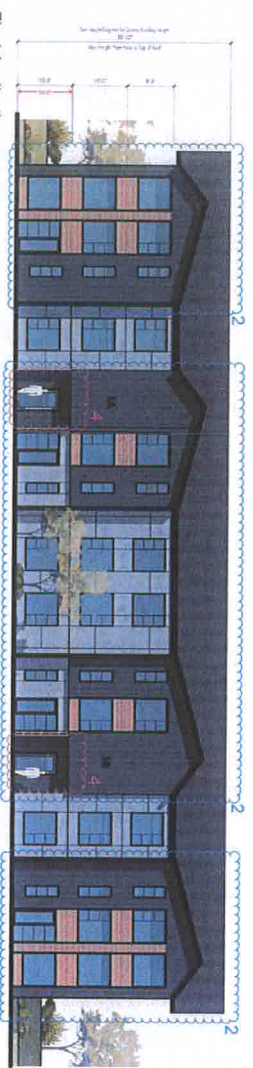
- 1 TOWNHOMES
10 BUILDINGS - 26 UNITS
- 2 LIVEWORK APARTMENTS
4 BUILDINGS - 80 UNITS
- 3 EMPTY-NESTERS APARTMENTS
2 BUILDINGS - 24 UNITS
- 4 PAVED PATHS &
SIDEWALKS
- 5 GATHERING AND BBQ
AREA
- 6 SOFT SURFACE TRAILS
- 7 EXISTING TRAILS
- 8 FIRE ACCESS
- 9 NORTH WILD HORSE
DRIVE EXTENSION
- 10 VIX PARK
- 11 LAKOTA PUD
- 12 FUTURE DEVELOPMENT
- 13 SELLER RETAINED LAND (WITH
NEW LOT LINE: 12.3 ACRES)
- 14 EXISTING RESIDENTIAL
DEVELOPMENT



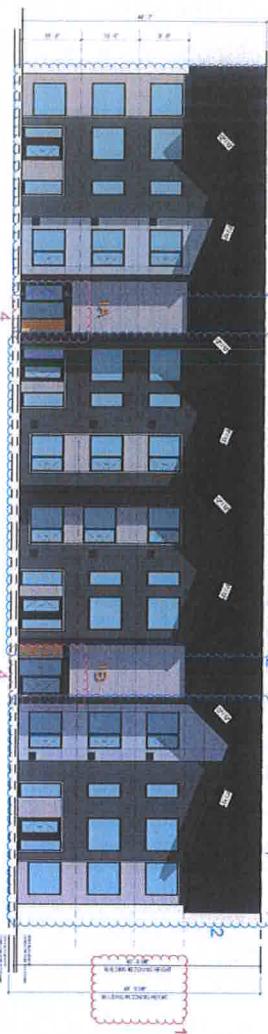
Live Work Comparisons 3 Story - Elevations

Front Elevation

Preliminary Application

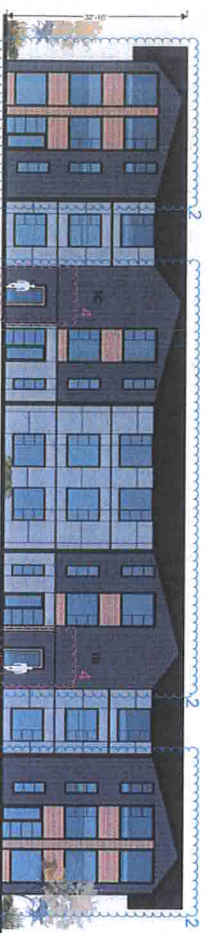


Final Application

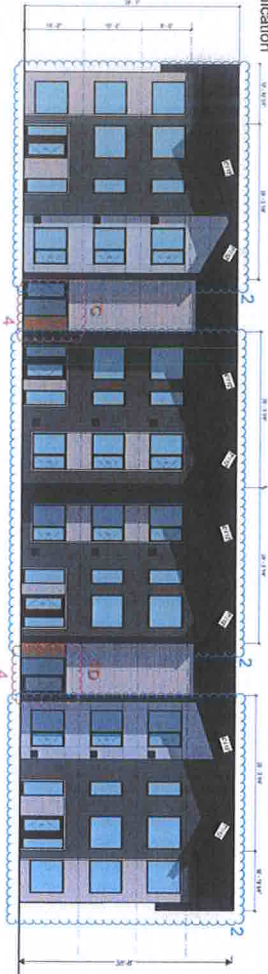


Back Elevation

Preliminary Application

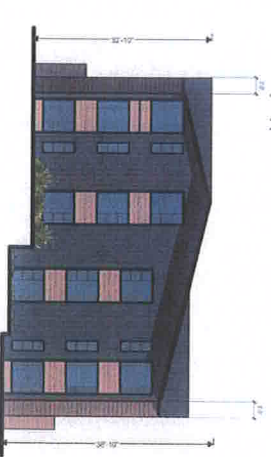


Final Application

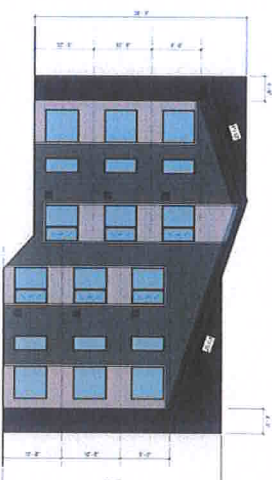


Side Elevation

Preliminary Application



Final Application



live work 3-story - left elevation

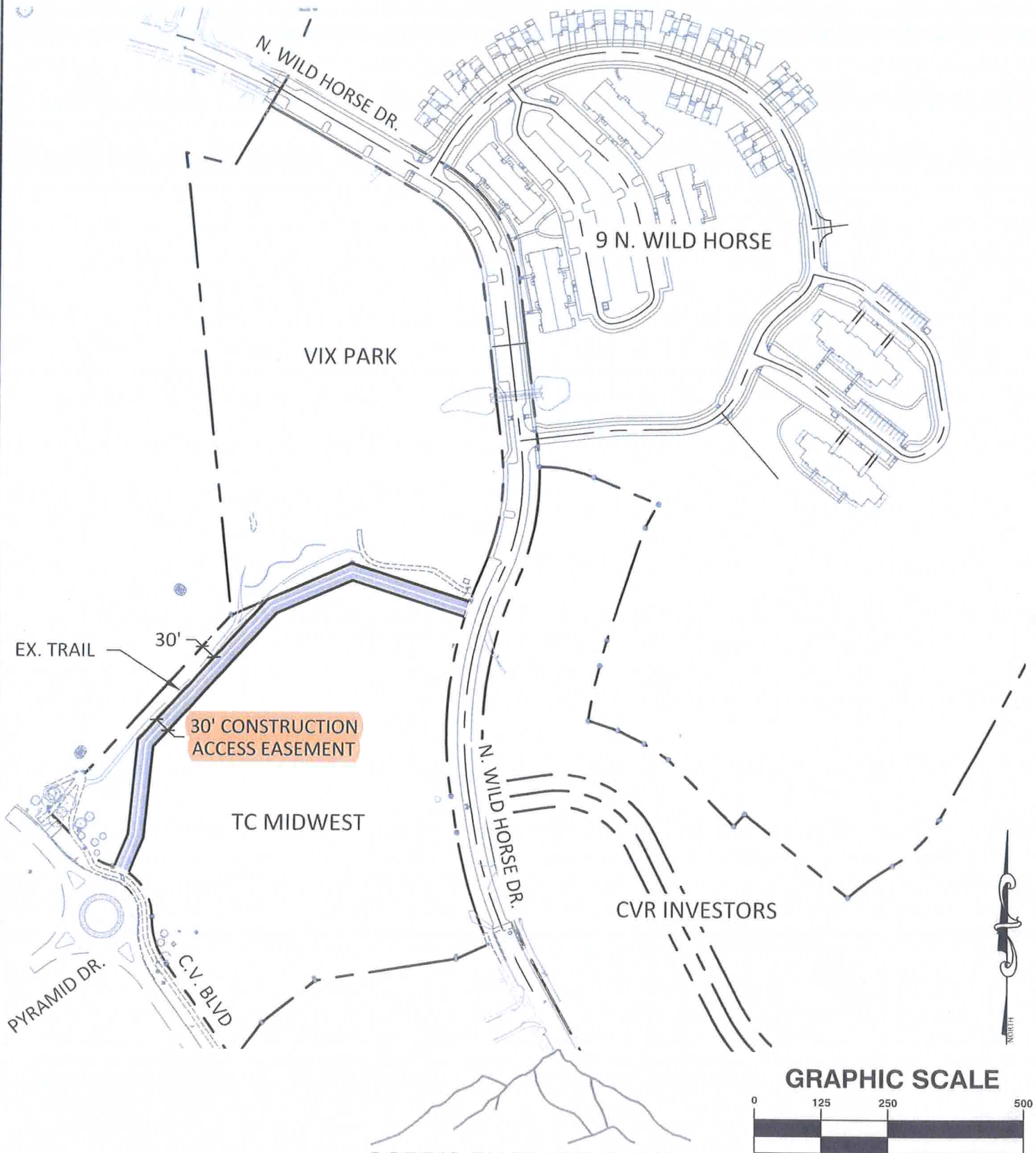
General Changes:
1. Window sizes and groupings changed to more accurately reflect available materials
2. Material Change - all roofs will be asphalt shingle
3. Fiber Cement siding colors updated (see color legend on re-submitted Elevation pages)

Specific Changes:

1. Zoning Roof Heights requirements shown, Roof heights adjusted
2. Gable locations changed to offer better views from inside the living rooms, but retain the spirit of the design
4. Building Entrances given more color to delineate Unit from Building Entrance

TC MIDWEST: CONSTRUCTION EASEMENT EXHIBIT
9 NORTH WILD HORSE
 NEW CASTLE, COLORADO.

SHEET 1 OF 1



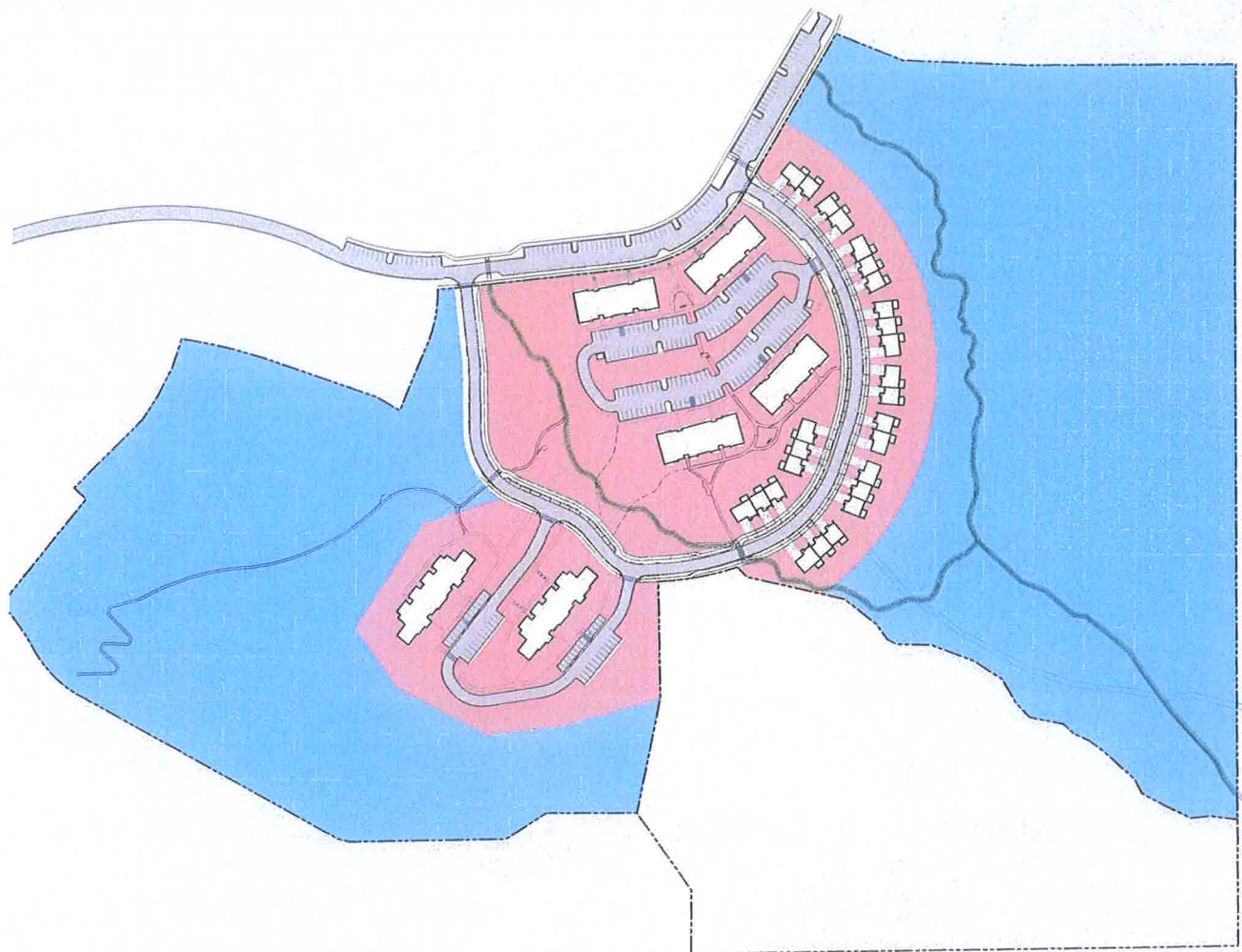
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OPEN SPACE DIAGRAM:



LEGEND

- PASSIVE OPEN SPACE
1,386,480 sq ft (31.3 acres) TOTAL
- DEVELOPMENT OPEN SPACE
462,781 sq ft (10.5 acres) TOTAL
- PUBLIC ACCESS TRAIL (EXISTING)

NOTES

- PASSIVE OPEN SPACE TO INCLUDE UNDISTURBED AGRICULTURE AND TRAILS OUTSIDE OF THE AREA OF DEVELOPMENT. THIS SPACE IS NOT TO BE DEVELOPED FOR TRAIL USE.
- DEVELOPMENT OPEN SPACE TO INCLUDE AREAS WITHIN THE DEVELOPMENT THAT ARE NOT TO BE DEVELOPED FOR TRAIL USE. THIS SPACE MAY INCLUDE TRAIL ELEMENTS FOR PUBLIC USE.

