

**New Castle Planning and Zoning Commission Special Virtual Meeting  
Wednesday, April 12, 2023, 7:00 p.m.,**

Virtual Meetings are subject to internet and technical capabilities.

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

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

**Call to Order**

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

**Roll Call**

Present Chair Apostolik  
Commissioner Bourquin  
Commissioner Martinez  
Commission Alternate Rittner  
Commissioner Sass  
Commissioner Alternate Parks

Absent Commissioner Westerlind  
Commissioner McDonald (recused)

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

**Meeting Notice**

Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting in accordance with Resolution TC 2023-1.

**Conflicts of Interest**

There were no conflicts of interest.

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

There were no citizen comments.

**Public Hearing**

Resolution PZ2023-01 A Resolution of the New Castle Planning and Zoning Commission Approving a Final PUD Development Plan and Preliminary Subdivision Plat for Lakota Canyon Ranch PUD Filing 8 (Longview).

Town Planner Paul Smith had applicant Dwayne Romero, RG Lakota Holding, LLC, introduce his staff and the concept of the project.

Mr. Romero introduced: Romero Business Partner CFO Shawn Gleason, Romero Planning Director Heather Henry and Katie Tabor, Engineer Chris Manera, Architect Scott McHale, Attorney Jody Edwards and Transportation Engineer Cassi Slade.

Planner Smith reported on the story pole event using a balloon to represent the heights of the building on lot CR-5 that that took place on April 6, 2023. Pictures of the event are attached to these minutes (exhibit A).

Planner Smith reviewed the staff report regarding the changes that were made between preliminary and final plan.

<b>Preliminary Plan</b>	<b>Final Plan</b>
<ul style="list-style-type: none"> <li>• 185 residential units: 111 apartments, 20 townhomes, 25 flats, 29 single-family</li> </ul>	<ul style="list-style-type: none"> <li>• 185 residential units: <b>108 apartments, 21 townhomes, 28 flats, 28 single-family;</b></li> </ul>
<ul style="list-style-type: none"> <li>• 11.8 units/acre</li> </ul>	<ul style="list-style-type: none"> <li>• <b>10.6 units/acre;</b></li> </ul>
<ul style="list-style-type: none"> <li>• 40% gross area as open space</li> </ul>	<ul style="list-style-type: none"> <li>• No change;</li> </ul>
<ul style="list-style-type: none"> <li>• 51,407 square ft interior commercial space</li> </ul>	<ul style="list-style-type: none"> <li>• No change;</li> </ul>
<ul style="list-style-type: none"> <li>• Apartment Buildings 37ft maximum building height</li> </ul>	<ul style="list-style-type: none"> <li>• Apartment Buildings <b>35ft - height decrease 2ft;</b></li> </ul>
<ul style="list-style-type: none"> <li>• Building CR-5 max height 44ft - 9ft increase</li> </ul>	<ul style="list-style-type: none"> <li>• No change;</li> </ul>
<ul style="list-style-type: none"> <li>• 450 off-street residential spaces incl. driveways</li> </ul>	<ul style="list-style-type: none"> <li>• No change;</li> </ul>
<ul style="list-style-type: none"> <li>• 163 commercial parking spaces (40% reduction)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>171</b> commercial parking spaces (40% reduction);</li> </ul>
<ul style="list-style-type: none"> <li>• Shared Parking: 272 apartment; 163 commercial</li> </ul>	<ul style="list-style-type: none"> <li>• Shared Parking: 272 apartment; <b>171 commercial;</b></li> </ul>
<ul style="list-style-type: none"> <li>• Drive G: open to two-way traffic</li> </ul>	<ul style="list-style-type: none"> <li>• No change;</li> </ul>
<ul style="list-style-type: none"> <li>• Drive A: open to two-way traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Drive A: open to <b>one-way traffic;</b></li> </ul>
<ul style="list-style-type: none"> <li>• Drive B (residential): open to two-way traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Drive B (residential): open to <b>one-way traffic;</b></li> </ul>
<ul style="list-style-type: none"> <li>• Drive B (commercial): open to two-way traffic</li> </ul>	<ul style="list-style-type: none"> <li>• No change;</li> </ul>
<ul style="list-style-type: none"> <li>• Drive C: public road</li> </ul>	<ul style="list-style-type: none"> <li>• Drive C: <b>private</b> road;</li> </ul>
<ul style="list-style-type: none"> <li>• 6 Townhomes on Drive C</li> </ul>	<ul style="list-style-type: none"> <li>• <b>3 Townhomes</b> on Drive C;</li> </ul>
<ul style="list-style-type: none"> <li>• Snow Storage: 0.85acres</li> </ul>	<ul style="list-style-type: none"> <li>• Snow Storage: <b>0.82acres</b></li> </ul>
<ul style="list-style-type: none"> <li>• Mixed-use CR-3: commercial &amp; res. on both floors</li> </ul>	<ul style="list-style-type: none"> <li>• No change;</li> </ul>
<ul style="list-style-type: none"> <li>• Faas Ranch Rd and Lakota Dr intersection</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Enhanced visibility of pedestrian crosswalk</b></li> </ul>
<ul style="list-style-type: none"> <li>• Pedestrian pathways on either side of Faas Ranch Rd. crosswalk</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Additional lights and pathways/connectivity across crosswalk at Faas Ranch Rd.</b></li> </ul>
<ul style="list-style-type: none"> <li>• Affordable housing: broad concept</li> </ul>	<ul style="list-style-type: none"> <li>• Affordable housing: <b>plan defined in Exhibit A, pg. i-8</b></li> </ul>

Romero Planning Director Heather Henry explained the enhanced visibility of pedestrian crosswalk at Faas Ranch Road and Lakota Drive. Included in the crosswalk are bump outs which narrow the crosswalk distance. There would also be sidewalks in all intersections and crosswalks in all four directions. With sidewalks and crosswalks in the intersection of Faas Ranch Road and Lakota Drive was one way to direct the flow of foot traffic. There would also be low vegetation which would make it easier to see the pedestrians and the pedestrians to see

vehicle traffic.

Commissioner Bourquin asked if the one-way street doesn't work, could it be changed in the future to a two-way street with no on street parking.

Planner Smith said yes.

Planner Smith reviewed the resolution and the conditions and explained what some of the requests from the applicant are.

Planner Smith reviewed "Zoning" item 5.a.i *The maximum height of Building CR-5 shall be 44 feet consistent with the building elevations materials presented in the Application. The A-1 Building types shown on the most recent site plan shall be designed and constructed as partially sunken structures with a maximum height of 35 feet per building. The maximum height of all other structures within Filing 8 shall be 35 feet as provided in Section 17.128.010.*

The height of 44 feet would only be for building CR-5.

Planner Smith said there were questions about the heights of surrounding buildings. Shibui Apartments height is 38 feet for those buildings. The firehouse (tower) is about 36 feet. The Lakota Senior House (middle building) is 43 feet.

Commissioner Parks asked what the reasoning for the height request was because architectural trying to match the roof tops in Lakota Canyon Ranch instead of a flatter roof.

Ms. Henry said yes because of the continuity in Lakota Canyon Ranch. No matter what the buildings in Longview will focus on the continuity. The roof pitches in Lakota Canyon Ranch are 8 and 12 minimum of 6 foot. Looking at the roof pitches of Shibui Apartments or the Castle Ridge townhomes which have very low pitches. Lakota Canyon Ranch didn't anticipate 3 story buildings which are allowed in the Mixed-Use Zone. By having the roof pitches and the livability which would come with the higher building height. To get to the three story and the continuity with the architecture and the pitches on the other buildings, but the other buildings are not three story.

Commissioner Martinez asked the building which faces Castle Valley Boulevard is not 44 feet.

Ms. Henry said that was correct. The 44 feet is behind the entire building which faces Castle Valley Boulevard. The part of the building along Castle Valley Boulevard drops down to a two-story building.

Commissioner Martinez asked if the two-story part of CR-5 is two-story of commercial and no residential.

Ms. Henry said correct. The residential will be on the third floor.

Commissioner Riddile asked if the empty space or white space is meant for the branding of the businesses in the building.

Ms. Henry said yes. The business logo.

Planner Smith asked what the roof pitch is for building CR-5.

Architect Scott McHale said it's 5 or 6 foot.

Planner Smith said he believes Lakota Canyon Ranch design is a little steeper around 7 or 8 foot.

Planner Smith reviewed resolution item 5.a.ii. *The five apartment buildings (Building types A-1 and A-2 as described and depicted in the Application) shall be allowed to exceed the maximum number of units per building (10 per Section 17.128.070(I)) as follows:*

- a. *A-1 buildings: up to 24 units per building; and*
- b. *A-2 buildings: up to 20 units per building.*

Planner Smith said Building A-1 is along the golf course. Buildings A-2 are along Blackhawk Drive and 1 building closest to Shibui Apartments. The buildings exceed the maximum number of units. Per New Castle Municipal Code allows for maximum of 10 units per building. The request for exceeding the number of units has not changed since preliminary. Building A-2 has tuck under covered parking.

Planner Smith reviewed resolution item 5.a.iii. *The total number of commercial parking spaces required for Filing 8 shall be reduced by 40% from what is otherwise required under the Lakota Canyon Ranch PUD standards, subject to the implementation of a shared parking arrangement among the commercial, mixed-use, and multi-family uses within Filing 8.*

Planner Smith said the single family and the townhomes will not have shared parking and will have the required amount of parking. The shared parking concept only applies to the commercial, the flats and the apartments.

Planner Smith reviewed resolution item 5.a.iv. *A "floating zone" is established for the Phase 3 area shown on the PUD Plan allowing for up to an additional 10,000 square feet of commercial floor area within the "floating zone". The addition of commercial space may be approved as an administrative amendment to the PUD. The 40% "shared parking" reductions shall apply to any additional commercial floor area and no additional parking spaces will be required if the additional*

*commercial space is utilized; provided, however, that the floating zone will be subject to the annual shared parking audit, including the satisfaction of any mitigation measures required as part of the audit process. The overall cap on commercial square footage within the Lakota Canyon Ranch will continue to apply, and the additional commercial square footage provided for in the floating zone is subject to said cap.*

Planner Smith said there was discussion at the preliminary regarding the "floating zone" for building CR-3 which would be some kind of adaptive use. This would be based on the market and the demand. The "floating zone" would be open for a later discussion. The condition in the resolution is written as a townhome use only. Then, with applicants' discretion could change it to commercial if the market is there for the commercial.

Planner Smith said the commission would need to decide if having a "floating zone" be more adaptive and come back later or prefer to make a decision now.

Commissioner Bourquin asked if the "floating zone" would be levels 2 and 3 and the first floor as ground floor as retail.

Ms. Henry said as the resolution is written it could be any part of phase 3. The "floating zone" would not just be building CR-3 but any building in phase 3.

Planner Smith said the master plan for Lakota Canyon Ranch "there shall be no ground floor residential units on the same side of the building as ground floor commercial space in the Mixed-Use zone."

Planner Smith said building CR-3 ground floor is on the same level as the commercial building.

Commissioner Riddile asked the applicant says it would not apply CR-3 commercial space because it opens up to Lakota Drive.

Planner Smith said yes, believes so. Building CR-3 could have ground floor residential because it opens up to Lakota Drive.

Commissioner Parks said likes the idea to make the decision in the future as the market would dictate because wouldn't want commercial space to sit empty. Would the decision come back to the commission to review and to decide.

Town Attorney Haley Carmer said the way it is written to keep the flexibility there and would be done administratively. Therefore, it would not come back to the commission or to council as long as it is generally consistent with the PUD. It would be converting the space within the building from residential to commercial, which staff could approve.

Planner Smith reviewed resolution item 6.a. *"Vested Rights" The vested rights period for Filing 8 will be ten (10) years from the effective date of the ordinance approving the Final Plan.*

Commissioner Riddile asked to explain why the "Vested Rights" is getting specific and what is the concern.

Attorney Jody Edwards explained the vested rights do is it protects an approved development from changes in the code. For an example if there was a code change to change the height not more than 25 feet, then the developer wants a period of time to develop the project and be subject to the code change. Gives the developer some level of assurance since he will be put in infrastructure and create some public benefits. The developer needs a period of time to know to be able to complete the project.

Planner Smith reviewed resolution "Conditions" 7.a. *Applicant shall implement reserved or assigned parking for the shared parking areas of Filing 8 as follows:*

- i. All A-1 type apartment units shall have one assigned parking space in the parking area closest to the units;*
- ii. The east furthestmost A-2 apartment units shall have one assigned parking space in the parking area closest to the units; and*
- iii. All "tuck-in" parking beneath A-2 type apartments and CR-1 mixed-use building shall be reserved for tenants of those respective buildings.*

Planner Smith said before the projects starts the applicant will need to measure the parking situation on the peripheral streets such as Blackhawk Drive, Faas Ranch Road, Whitehorse Drive and do a benchmark study on how many of those on street parking spaces are being utilized. Then, as the project is phased in the applicant will need to come back with a reassessment on all of the parking in the development. Which would show the potential overflow parking on the side streets. The second part deals with the onsite parking.

The onsite parking would measure at a couple of the peak times. Conditions 7.b. *The shared parking arrangement in Phases 2 and 3 of Filing 8 shall be subject to the following parking audit process: On the first anniversary of initial implementation of shared parking in Phase 2 and Phase 3 of Filing 8 and annually thereafter for four additional years, Town Council shall review and take comment regarding the shared parking arrangement for Phase 2 and/or Phase 3, as applicable, to determine whether the arrangement adequately meets the needs of the owners and residents affected. The Fox Tuttle Parking Strategies Memorandum dated January 24, 2023 (the "Parking Memorandum") included in the Application establishes the process for evaluating the shared parking arrangement and sets the performance measures for the arrangement. If a "significant impact" is identified as provided in the Parking Memorandum, Town Council, in its discretion, may require Applicant to implement one or more of the Parking Demand Management Strategies listed in the Parking Memorandum or pay a parking mitigation fee if one has adopted for application on*

*a Town-wide basis.*

Planner Smith said there are two conditions that would need to be met before mitigation is required. The first one: complete another parking study within all of the current development (phase 2). If the study exceeds 90 percent and if the parking on the peripheral streets and exceeds a certain parameter. If, both of the conditions are met (exceeding onsite parking by 90 percent and certain benchmarks are exceeded on the peripheral), then the town would go into some type of mitigation.

Planner Smith said staff has reviewed the shared parking and did a count of the parking and how it would function and there were concerns. The concerns were with the A-1 & A-2 type apartment buildings because of the number of units in each of the buildings. There is likely won't be enough parking for each of the units. There is limited parking spaces in the parking lots south and west of building A-2. There would be some tuck in parking strictly for building A-2. Staff's recommendation is the east furthest A-2 apartment units shall have one assigned parking space in the parking area closest to the units. All A-1 type apartment units shall have one assigned parking space in the parking area closest to the units.

Ms. Henry said the shared parking strategy and the management plan would like to leave it as first presented because the whole point is you are able to pool the spaces. For example, someone may park in the apartment parking because they are going into a commercial space. However, the commercial space will have specific hours of operation and after hours that apartment parking will become available again for the apartment units. Parking management plan (exhibit B).

Commissioner Riddile asked what the reduced residential parking in the daytime was.

Traffic Engineer Cassi Slade said overall would be 39 percent on the commercial and multifamily. The townhomes would not be reduced at all.

Commissioner Riddile asked there are a certain number of dedicated commercial parking spaces and the 40 percent is being taken out of the residential, what is the percentage of the residential parking requirement.

Ms. Slade said she looked at the national data of what would be the demand if nothing was shared. She also looked at if there was shared parking with commercial and what that demand would look like. Both numbers are significantly under what would be provided for the project. From the town code there is a 39 percent reduction in the commercial and multifamily parking spaces.

Commissioner Bourquin said after doing a quick calculation based on building A-1, A-1 and A-2 and assuming everyone has 2 cars that would be 136 units that would need to park on the parcel which would be designated all the way to Shibui

Apartments there is a total of 114 parking spaces which would be a shortage of 30ish parking spaces.

Commissioner Sass asked how many of the tuck under parking spaces are there.

Ms. Henry said there will be 12 tuck under parking spaces for a 20 unit building.

Attorney Carmer said each phase is looked at separately and will have separate parking audits done and looked at as a whole.

Commissioner Riddile said would be fine with resolution condition 7.a.ii. being eliminated from the resolution since there will be 12 tuck under parking spaces.

Ms. Slade said having a parking management plan is a benefit because there will be tracking done and seeing people sharing parking spaces and having to walk from building CR-3 to building A-1. As each phase comes in the parking can be adjusted as needed and work with the town if there are any issues that have arisen.

Commissioner Bourquin asked what some of the adjustments might be if the shared parking doesn't work.

Ms. Slade said the applicant agreed to check in 1 year after phase 2 will do analysis because before phase 3 and 4 the parking can be adjusted before any concrete is poured and any buildings are built. In case the developer is not meeting what has been agreed to and the performance measures are met, there are different shared views such as enforcement or designation of parking spaces and partnerships with underutilized parking lots.

Planner Smith continued to review the resolution conditions.

Planner Smith asked about the landscaping in the development.

Ms. Henry said the town has code regarding landscaping against turf. Zero Scaping would be first most important, right sizing. Meaning any space that would be utilized for pocket park spaces which might have small lawns associated with the park. Then, the majority of the right-of-way, space adjacent to the trails and single family will have restrictions on native grass, shrubs that are native and adaptive in low water use. The tree cover would be more of a natural approach with mixture of trees but recognizing low to medium water use. As the irrigation is put in, the system would be line with the landscaping as a drip system irrigation.

Planner Smith asked in the resolution condition g. *All outside parking areas facing a residential-only use shall have a landscape buffer to obscure vehicles from view per Code Section 17.128.070.* What the buffer would be and where.

Connect One Design Katie Tabor said along Faas Ranch Road (CR-1 & CR-2). There would be a 2-3 foot berm consisting of dense shrub trees and shrub planting. The next area would be the large park in front of the apartment buildings would a 4 foot wall which would screen the lower level of headlights. The driveways along Castle Valley Boulevard have screening of parking and structures.

Planner Smith said at preliminary there was discussion about a traffic light or roundabout. The traffic study concluded the intersection at Faas Ranch Road and Castle Valley Boulevard would need to have traffic signaling at some point possible phase 3. The applicant was asked about the possibility of a roundabout. The applicant did look at the roundabout option but felt the grade and topography and line up with Faas Ranch Road is not conclusive. Therefore, the conclusion was to do a traffic signal. The roundabout at the intersection would need to be reduce the grade before and after the roundabout. The question is the roundabout would encroach Romero property to the north and to the south (exhibit C). There was concern that the buildings would not be affected. There was also a question about the fire department to make sure the entry would work. The fire department would prefer a roundabout vs. a traffic signal.

Town Engineer Jeff Simonson said he first looked at a single lane roundabout and the focus was the grade and how much construction would be needed. To have the roundabout match the existing grade at the intersection of both Castle Valley Boulevard and Faas Ranch Road. To soften the slopes through the roundabout (ie., 2% grade), an 18" uphill cut and an 18" downhill fill on Castle Valley Boulevard is necessary. From the uphill and downhill edges of the roundabout, there will be the need to reconstruct 200 lf +/- of the boulevard to transition back to existing grade. This would allow the roadway to get back to the existing 4.3% slope. Faas Ranch Road has approximately 133 feet of transition length.

The importance of the study is to determine how much room (if any) is necessary to secure additional future right of way from the adjacent properties to construct a roundabout. You will see on the exhibit, that approximately no more than 14 feet of additional encroachment would be necessary at the northwest corner of the Castle Valley Boulevard and Faas Ranch Road intersection and an additional encroachment of 37 feet would be necessary at the southeast corner of the intersection. There would need to be some utility work done such as the water main going up Castle Valley Boulevard as well as the water main going up Faas Ranch Road and relocation of the fire hydrant.

Planner Smith said there has been discussion about widening the boulevard to 4 lanes. How would widening the road affect the roundabout.

Engineer Simonson said would need at least another 15 feet of encroachment into the northwest corner. There would be more construction up Faas Ranch Road to connect with Castle Valley Boulevard correctly.

Ms. Henry said they would need to redesign the entrance into buildings CR-3 and CR-4.

Engineer Simonson said the single lane roundabout would affect the entrance into building CR-4. The entrance would need to be right in, right out only. The grading would need to be adjusted in order to get into the parking lot because the grading on Faas Ranch Road would be adjusted therefore the entrance would need to be adjust as well.

Commissioner Bourquin asked what the current traffic is on Castle Valley Boulevard and what would trigger a 2 lane road.

Ms. Slade said in the future if the predictions of traffic have grown on Castle Valley Boulevard two lanes would not need to be widened until 2040 or beyond. Current traffic flow on Castle Valley Boulevard just south of Faas Ranch Road is 6,100 vehicles per day and north of Faas Ranch Road is 5,150 vehicles per day. In 2030 would add about 1,000 additional vehicles per day on Castle Valley Boulevard with other developments. With the build out of Lakota Canyon Ranch would be just under 9,000 vehicles per day. The other trigger would be if Fass Ranch Road gets extended out which could be over 10,000 vehicles per day beyond 2040.

Ms. Henry said their average between am peak and pm peak is 25 percent.

Fire Marshall Orin Moon said when looking at the roundabout as a 2 lane would not be a problem. Right now, the fire apparatus enters and exits the fire state on the south side because it's all concrete and can handle the wight of the apparatus. With the road moving up there would need to be a new entrance into the fire house which would need to be similar to what is currently there. There is a culvert that would need to be moved or changed. The trade out of moving the entrance and having a roundabout is better than a traffic signal.

Commissioner Riddile said idea is not that we need the roundabout but to preserve the option.

Attorney Carmer said the traffic study suggests a need for mitigation at the intersection of Castle Valley Boulevard and Faas Ranch Road. Talking about how the applicant contributes to the traffic at the intersection at full build out of filing 8 is 25 percent. She explained resolution conditions i. and j. *(i) Applicant shall install a traffic light at the intersection of Faas Ranch Road and Castle Valley Boulevard and dedicate the traffic light and any necessary easements to the Town. The light will be installed as part of the development of Phase 2 of Filing 8. (j) The Applicant shall consult with Town Staff regarding the feasibility of a future traffic circle at Faas Ranch Rd. and Castle Valley Blvd. per the recommendations of the Town Engineer and include an access, utility, and drainage easement for the roundabout on the Phase 1 and/or Phase 2 plat in the location and with the dimensions approved by the Town Engineer. Non-permanent encroachments into the easement area will be*

*permitted subject to a revocable license approved by Town Council.*

Attorney Jody Edwards said would be happy to pay 25 percent of the traffic signal. The applicant understand the community wants a roundabout at the intersection of Castle Valley Boulevard and Faas Ranch Road, but the impacts on the development that there are significant material impacts that would occur to buildings CR-4 and CR-3. With 15 or 20 feet elevation change would be harder to get up and down the sidewalks. Then, you don't want the commercial buildings to be 10, 15, 20 feet way from the traffic. The applicant believes giving the land to the town would be the contribution as long as that is as far as it goes.

Mr. Edwards handed out a proposed change to the resolution regarding the traffic signal and the roundabout (Exhibit D).

Commissioner Parks asked at what point of phase 2 would the traffic signal be installed because the construction traffic could impact the intersection.

Attorney Carmer said resolution conditions i and j are not being recommended by staff but would be eliminated and replaced with the proposed language for Mr. Edwards. Staff recommend the roundabout and would not be installing the traffic signal.

Planner Smith asked at what point would the roundabout be put in.

Ms. Henry said in terms of the new proposed language, the dedication with the recording of the plat. All of phase 2 and most of the commercial building would need to be built before the roundabout would be required.

Commissioner Riddile said there should not be a traffic signal or roundabout be put in until needed.

Attorney Carmer said the dedication of the land would be free land not an easement. With the land dedication for the roundabout would be the end of the developer's obligation at the intersection of Castle Valley Boulevard and Faas Ranch Road. If the town wanted to put in a traffic signal in the interim that would be at the towns expense.

Planner Smith explained the affordable housing program, Longview at Lakota Canyon Ranch. (exhibit E).

Mr. Romero said the affordable housing portion of the application is geared for the offering and off set to the variations of the application requesting the height, density within buildings and parking. Clearly the applicant is doing it to the point of trying to provide a community asset that otherwise would not exist in the land use code. Have a program which is designed for public entities, public service employment. The rent reduction is 25 percent down from the average market rent.

The 20 residences will be in the form of condos and apartments will be front end loaded in phase 2 and phase 3, and in phase 4 is a final batch of 8 units. There would be 6 deeded properties to Habitat for Humanity, and they would hold the deed for those properties. The other 20 units would be in the rent reduction program. The Town of New Castle has what is called a "wild card". Meaning if the town doesn't fulfill their 5 units but would like to designate 1 of the 5 units to another public entity that servicing the town's benefit for an example the library district the town could then let the library employee be in the unit. The other benefit to the town is if the town has less than 2 units of the 5 occupied, then the town could go to the applicant and ask for another 5 percent reduction.

Ms. Henry said this affordable house program is unique because of the qualifications. There are not income qualifications, the qualifications are up to the entities to determine what the qualifications would be.

Attorney Carmer asked if the Habitat for Humanity properties be part of a sub association or be incorporated in Lakota Canyon Ranch Master Association.

Mr. Romero said those properties would be single family homes therefore would be part of the master association.

Chair Apostolik opened the public hearing at 9:08pm

Chair Apostolik closed the public hearing at 9:20pm

**MOTION: Chair Apostolik made a motion to approve Resolution PZ 2023-01, A Resolution of the New Castle Planning and Zoning Commission Recommending Conditional Approval of a Final PUD Development Plan for Lakota Canyon Ranch PUD Filing 8 (Longview) and Final Subdivision Plat of Filing 8, Phase 1 with the two additional conditions. Commissioner Sass seconded the motion, and it passed on a roll call vote: Commissioner Parks: Yes; Commissioner Riddile: Yes; Commissioner Rittner: Yes; Commissioner Martinez: Yes; Commissioner Sass: Yes; Chair Apotolik: Yes; Commissioner Bourquin: Yes.**

#### **Staff Reports**

There were no staff reports.

#### **Commission Comments and Reports**

There were no commission comments or reports.

#### **Review Minutes from Previous Meeting**

**MOTION: Commissioner Riddile made a motion to approve the August 24, 2022, meeting minutes as submitted. Commissioner Sass seconded the motion and it passed unanimously.**

**MOTION: Chair Apostolik made a motion to approve the September 14, 2022, meeting minutes as submitted. Commissioner Riddile seconded the motion and it passed unanimously.**

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

The meeting adjourned at 10:02 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Chair Chuck Apostolik

  
\_\_\_\_\_  
Deputy Town Clerk Mindy Andis, CMC



Exhibit A1  
to  
4-12-23 Planning & Zoning Minutes



Exhibit A2  
to  
4.12.23 Planning & Zoning Minutes



Exhibit A3  
to  
4.12.23 Planning & Zoning Minutes

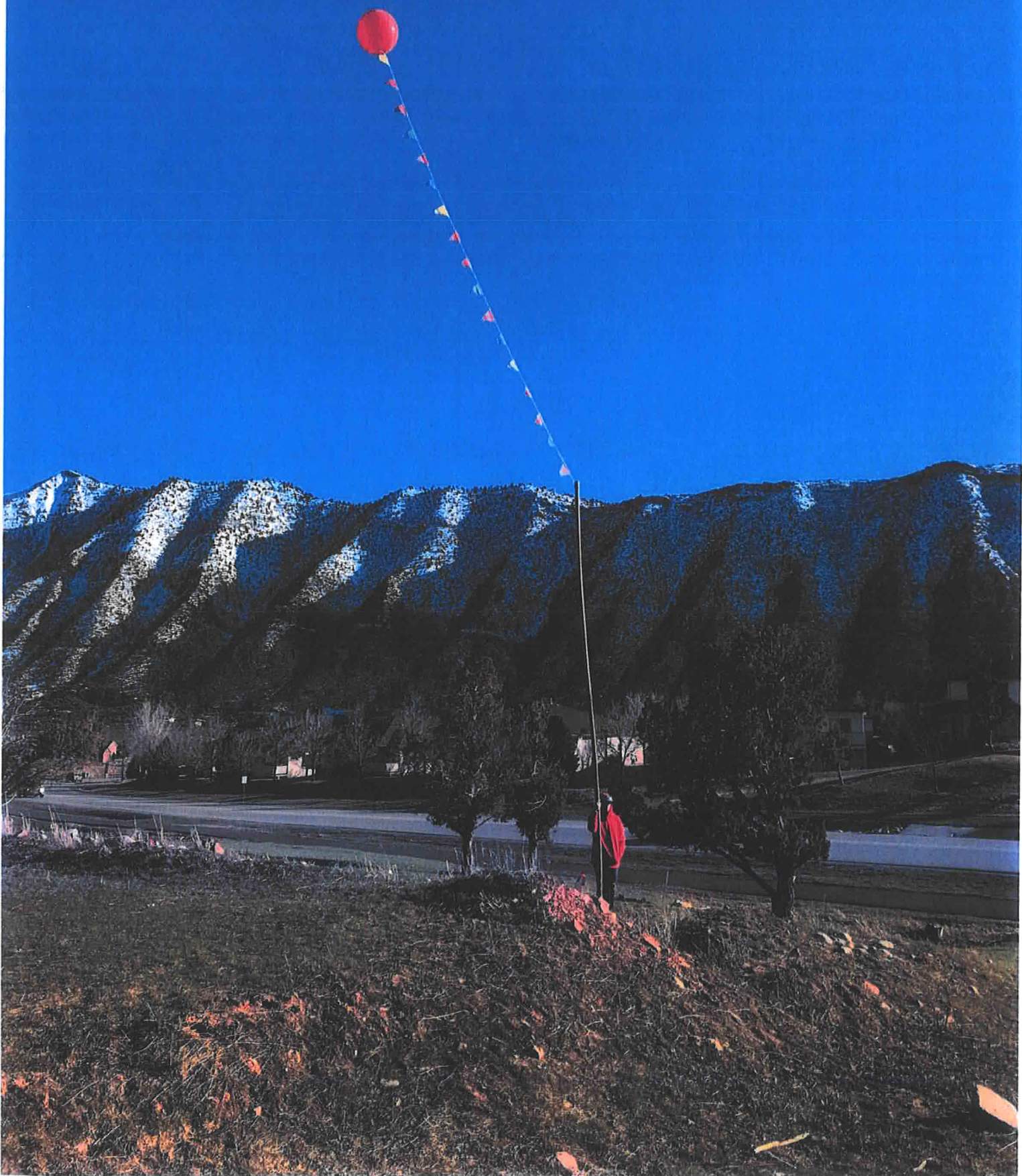




Exhibit B1  
to  
4.12.23 Planning & Zoning Minutes

**MEMORANDUM**

**To:** The Romero Group, LLC  
**From:** Cassie Slade, PE, PTOE  
**Date:** January 24, 2023  
**Project:** The Longview at Lakota Canyon Ranch  
**Subject:** Parking Strategies

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The Fox Tuttle Transportation Group in partnership with the design team has developed the following strategies to ensure the parking needs of The Longview at Lakota Canyon Ranch (Longview) are met in each phase. It is understood that Town Council has concerns that there will not be enough parking in the future and requested steps to ensure Longview monitors the parking situation as development occurs.

**Summary of Parking Study**

The Longview included a parking study as part of the PUD process and it is summarized here. New Castle's Municipal Code requires 647 parking spaces for this project. Based on national parking data, the parking demand was calculated to be up to 389 spaces without shared parking and up to 351 with shared parking. The project proposes to provide 443 parking spaces on-site (0% reduction on townhomes and 32% reduction on commercial/multi-family). Based on the analysis, the provided parking supply of 443 spaces will adequately accommodate the estimated peak parking demand (between 351 and 389 spaces) and have excess parking spaces during several periods of the weekday or weekend.

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## Parking Monitoring

The following steps are recommended to monitor the parking needs of the Longview:

**Before Study - prior to Construction.** It is important to perform a parking study on the existing neighborhood roadways prior to construction to understand if there is an impact to adjacent roadways once the project is built.

1. **Measure** the total on-street parking on each side of the roadways with the attached methodology.
2. **Document** the existing number of parked vehicles on Lakota Drive, White Horse Drive, Blackhawk Drive and Faas Ranch Road, adjacent to the project property, on one weekday and one weekend day: 4:00-5:00am, 12:00-1:00pm, and 6:00-7:00pm (at a minimum).
3. **Calculate** the occupancy rate of the existing on-street parking by dividing the number of occupied spaces by the total number of on-street parking spaces.

**After Study - One year after Phase 2 of Filing 8 is completed and generating traffic/parking.**

1. **Document** number of parking spaces that are utilized and the number of parking spaces that are vacant during the one weekday and one weekend day during 4:00-5:00am, 12:00-1:00pm, and 6:00-7:00pm (at a minimum). This includes all parking lots and internal on-street parking. These times are to capture the anticipated peak periods for the different land uses, but can be adjusted as appropriate.
2. **Identify** if there are specific parking areas of concern (waiting vehicles, illegally parked, truck loading in spaces, etc.). Take photos as appropriate.
3. **Document** the number of parked cars on the same segments of Lakota Drive, White Horse Drive, Blackhawk Drive and Faas Ranch Road from the Before Study. It is advised that video data collection be utilized to help determine if parked vehicles are patrons of Lakota Canyon Ranch.
4. **Observe** if parking is impacting adjacent neighborhoods or roadways. This is a subjective measurement since it may be difficult to determine which parked cars are supposed to be parking within Longview.

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5. **Calculate** the occupancy rate of the on-site parking by dividing the number of occupied spaces by the total number of on-site parking spaces.
  6. **Compare** the parking demand on the adjacent neighborhood roadways to the before study results.
  7. **Review** the number of complaints and incidents from residents, employees, and visitors.

### Performance Measures

The following performance measures have been defined for this development to determine when implementation of parking strategies may be needed:

- **Longview Occupancy Rate** above 90% during two peak periods  
AND
- **Neighborhood On-Street Occupancy Rate** significantly impacted.
  - If the before study occupancy rate is below 30%, then a significant impact would be 150% increase over existing.
  - If the before study occupancy rate is between 30-50%, then a significant impact would be 80% increase over existing.
  - If the before study occupancy rate is between 50-70%, then a significant impact would be 40% increase over existing.
  - If the before study occupancy rate is above 70%, then a significant impact would be 20% increase over existing.

It is understood that the findings will be reviewed and commented on by Town Council. It was agreed that this will occur for five (5) years by the development.

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## Parking Strategies

The specific parking strategy(s) to address the identified problem(s) will need to be determined at the time of review and will be based on the data collection and observations. It is not anticipated that all the listed strategies need to be implemented and there is not a specific order of implementation. If one strategy does not improve the parking situation, then it may need to be paired with another strategy for better results. It is recommended that the chosen mitigation strategy(s) be operational for a minimum of three (3) months before additional data is collected and analyzed.

The following list provides options to be considered to improve the parking arrangement if it is found to be underperforming in the future:

### Parking Demand Management Strategies:

1. Increased enforcement of on-site parking including citations and fines.
2. Partnerships with underutilized private lots nearby.
3. Designating specific parking spaces to specific users or by time of day.
4. Provide monetary incentives for residents to minimize their vehicle ownership and employees who carpool, walk, bike, or use transit.
5. Fund transit passes for residents and/or employees.
6. Charge for parking.
7. Implement neighborhood parking permit program (inside and/or outside Lakota Canyon Ranch)

### Physical Improvements (only if parking occupancy is 100% and neighborhoods are significantly impacted):

8. Add parking spaces by redesigning the subsequent phases. The number of spaces will depend on the field-observed parking demand and available property.
9. Construct a bus stop adjacent to or within the property.
10. Sign, stripe, and encourage parking along Faas Ranch Road.

It is recommended that one or more of the Strategies 1-7 be implemented before considering Strategies 8-10 due to higher cost and impact to the property. Again, it is not anticipated that all

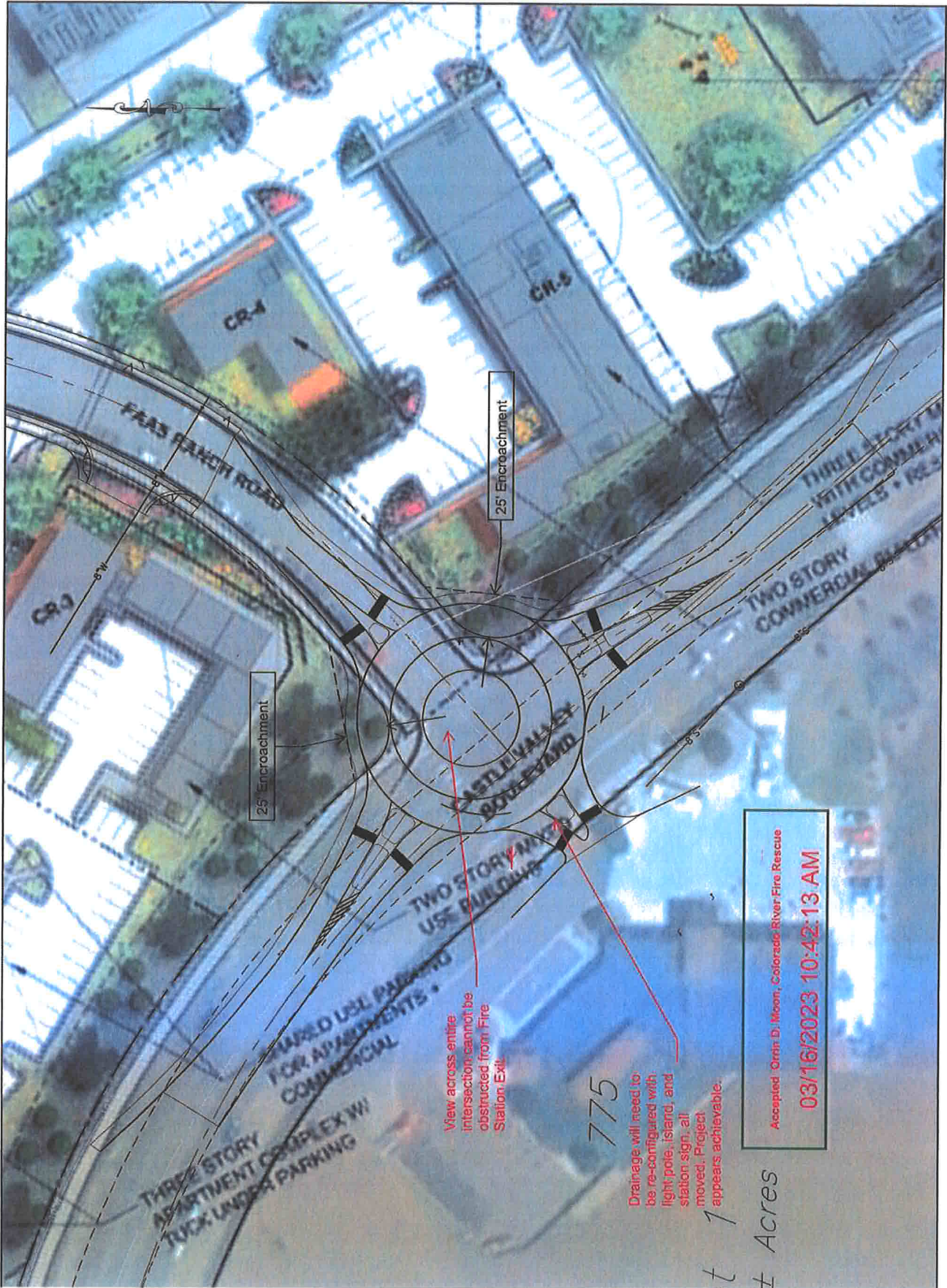
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the parking management strategies will need to be implemented. The most appropriate strategy should be identified once the data collection and analysis is completed to understand the issue(s). It is recommended that carpooling, multi-modal travel, and less vehicle ownership be highly encouraged for a reduced parking demand, which will positively impact traffic, emissions, health, and ability to construct homes and commercial space.

/CRS

**Attachments:**

Methodology to calculate amount of on-street parking



The Applicant's position is that the proposed concept of a roundabout will have material and adverse impacts on the site plan and will affect the value of the Applicant's property overall. Therefore, we recommend the following condition:

Applicant shall contribute 25% of the estimated cost of traffic signal improvements at the Castle Valley Ranch Boulevard/Faas Ranch Road intersection in the form of ~~(i)~~ dedication to the Town of land or an easement for a right-of-way of sufficient size to accommodate a roundabout in generally the location shown on the diagram prepared by the Town Engineer dated April 11, 2023; ~~and (ii) a one-time impact fee payment. The value of Applicant's land or easement dedication will be valued on a square footage basis approved by Town Council and applied toward the required contribution amount.~~ Applicant will dedicate the land indicated on the staff diagram for a roundabout with the Third Amended and Restated Subdivision Exemption Plat ~~pay the balance of its contribution in a lump sum payment due at the time of recordation of the Phase 2 final plat. The final location and dimensions of the right-of-way will be determined by the Town Engineer prior to recordation of the Phase 2 plat, and the easement or land dedication shall be dedicated on the Phase 2 plat.~~ Nonpermanent encroachments into the roundabout area will be permitted subject to a revocable license approved by Town Council. Minimum setbacks from the roundabout may be adjusted as needed on the Phase 2 and/or Phase 3 final plat so that no change to the approved site plan for Filing 8 will be required to accommodate the roundabout. The land ~~dedica~~ contribution by Applicant ~~ion~~ as provided in this condition will satisfy all of the Filing 8 traffic mitigation obligations at the Castle Valley Ranch/Faas Ranch Road intersection.

Exhibit D  
to  
4.12.23 Planning & Zoning Minutes

**Draft Affordable Housing Program, Longview @ Lakota**

Of the 183 residential units in our approved Preliminary Plan, twenty-six (26) units shall be deed restricted for “affordable” or “accessible” units. These twenty-six (26) units shall be allocated according to the following plan.

The twenty-six (26) units will be delivered in accordance with the phased development plan for Longview at Lakota:

<b>Maximum Allocation of Affordable Units per Phase by Entity</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Phase 4</b>	<b>Phase 5</b>	<b>Phase 6</b>
Habitat for Humanity	-	-	-	6	-	-
Valley View Hospital	-	6	-	-	-	-
Town of New Castle	-	3	2	-	-	-
Colorado River Fire District	-	1	1	-	-	-
Garfield County School District RE-2	-	3	2	2	-	-

**Group A**

**Habitat for Humanity:** Two development sites (each with one proposed triplex per development site, for a total of six (6) residential units) shall be deeded to Habitat for Humanity.

Qualifying: TBD by Habitat for Humanity

Pricing: TBD by Habitat for Humanity

**Group B**

**Right of First Offer:** The remaining twenty (20) units shall be allocated by way of a Right of First Offer according to the following ordered waterfall tiers:

As units come online per the phasing plan above, all employing entities in Group B/Waterfall 1 (below) will be given notices of available units for rent. Applications will be “first come, first served”, assuming each employing entity is under its unit threshold and the tenant qualifies (employment, rate restrictions, etc.). Also, units leased in Waterfall 1 may be Master Leased by the employing entity or leased directly to tenants (their employees).

**Waterfall 1:**

- Town of New Castle – up to 5 units (floating units)
- Colorado River Fire District - up to 2 units (floating units)
- Garfield County School District RE-2 - up to 7 units (floating units)
- Valley View Hospital – up to 6 units (specific group of units, located above proposed VVH Clinic)

**Qualifications:**

The public entities & Valley View Hospital may house their employees in their respective units regardless of employee projected income.

Pricing:

Public Entities:

- Rents shall be restricted to 75% of the average of the then-current free market rent roll (per unit type)

Valley View Hospital:

- Rents shall be restricted to 75% of the average of the then-current free market rent roll (per unit type) on no less than 3 units
- Rents shall be restricted to 90% of the average of the then-current free market rent roll (per unit type) on their remaining potential units

In the event a Waterfall 1 entity does not utilize their full allocation of units at a given time, all other entities in Waterfall 1 shall have the next Right of First Offer, prior to offering the unit(s) to the next Waterfall. This improves the chances that each entity will be able to respond and satisfy the housing demands of their respective workforces.

Town of New Castle specific provisions:

- If Town of New Castle has unused inventory within its 5 unit allocation, it may elect to extend occupancy to one (1) unused unit to another public entity that operates within the Town’s boundary (example: the Library District). The occupant must be a direct employee of the local public entity and must abide by the same termination provisions for Waterfall 1 (below)
- If Town of New Castle has occupancy of two (2) or less units from its 5 unit allocation, then the restricted rental rate shall be lowered from 75% to 70% of the average of the then-current free market rent roll (per unit type) for the remaining units in occupancy by Town employees

Waterfall 2:

All remaining units that have not been committed through Waterfall 1 shall go to the free market pool (Waterfall 2) for leasing.

Qualifying: Typical free market qualifications/screening.

Pricing: Market Rate, with terms no longer than 12 months in any written lease.

**If any free market lease ends without any further extension or renewal by the free market tenant, then the unit must go back up to Waterfall 1 for commencement of the Right of First Offer procedure described above.**

Employment Termination for Waterfall 1:

If a tenant’s employment with one of the entities in Waterfall 1 is terminated, they may continue occupancy through the end of their current lease, but then the unit will go back up to Waterfall 1 for commencement of Right of First Offer procedure described above.

Exhibit E2  
to  
4.12.23 Planning & Zoning Minutes

Longview may be developed in up to ten phases. The representations of phases in the application are representative only as possible phases and developer may re-configure the phases in any manner. The subplat for each phase shall be recorded after approval by the Town Administrator and Town Engineer.

- a. The Master Plat, including the Lot Line Adjustments with Parcel A1-1 and Parcel A-2, shall be executed and recorded within 180 days of the final approval of the development plan for Longview.
- b. All subplats shall be filed within ten (10) years of the recording of the Master Plat for Longview.
- c. Subplats shall be filed before commencing construction of any individual building within a phase; provided, however, developer may commence construction of infrastructure or public improvements in areas of the project for which a subplat has not yet been recorded.
- d. Vested rights for each individual phase shall be valid for three (3) years from the recording of the subplat for that phase.
- e. The developer shall prepare and record a Subdivision Improvements Agreement with each subplat, including a cost estimate for the public improvements within the phase as well as any public improvements located outside of such phase that will be constructed in conjunction with the construction of such phase. Prior to commencing construction for any phase, the developer shall be required to post financial security in a form acceptable to the Town Attorney for the public improvements located within the phase and to be constructed in conjunction with such phase.

The developer may, in its discretion, add up to an additional 10,000 square feet of commercial floor area (or approximately 20% of the approved commercial space) to the area designated as "Phase 3" in the application (notwithstanding what "phase it may be in construction"). The 40% "shared parking" reductions shall apply to this additional commercial floor area and developer shall satisfy any then-required mitigation measures resulting from the annual audit of parking. The addition of this commercial space may be approved as an administrative amendment to the PUD.