

**New Castle Planning and Zoning Commission Meeting
Wednesday, February 26, 2020, 7:00p.m., Town Hall**

Call to Order

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

Roll Call

Present Chair Apostolik
 Commissioner Bourquin
 Commissioner McDonald
 Commissioner Riddile
 Commissioner Sass

Absent Commissioner Johannsson
 Commissioner Lucio

Also present at the meeting were Town Administrator Dave Reynolds, Town Planner Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Mindy Andis and members of the public.

Meeting Notice

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

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Zoning text amendment pursuant to Sections 16.16.010 & 17.100.040 of the Town of New Castle Municipal Code concerning the application process for Subdivision and PUD Development Sketch Plans.

Chair Apostolik opened the Public Hearing at 7:01 p.m.

Motion: Chair Apostolik made a motion to continue the public hearing until March 11, 2020. Commissioner Riddile seconded the motion and it passed unanimously.

Public Hearing – Continued from February 12, 2020

Brief description of application: Application for PUD Master Plan Amendment of Planning Areas PA13, PA17, & PA18 in Castle Valley Ranch – Changing Mixed-Use 1&2 Zoning to Residential Zoning;

Legal description: Town of New Castle, Garfield County, State of Colorado:

- Parcel A: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31 AND THE NW1/4 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32 A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S 01° 19' 34" E 1570.62 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE CASTLE VALLEY BOULEVARD, AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED JANUARY 9, 2001 UNDER RECEPTION NO. 574735, ALSO BEING A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH PUD AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590 THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAD RIGHT OF WAYS 01°19' 34" E AND ALONG SAID EASTERLY BOUNDARY LINE 1066.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID CASTLE VALLEY RANCH, P.U.D.; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 40' 24" W 1195.15 FEET; 2. N 00° 19' 36" E 120.00 FEET; 3. N 89° 40' 24" W 180.00 FEET; 4. N 00° 05'00" W 210.20 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 00° 05'00" W 983.59 FEET; THENCE S 89° 56' 5" W 552.43 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA19A AND PA19B AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE N 40° 33' 51" E ALONG SAID EASTERLY BOUNDARY LINE 283.40 FEET; THENCE CONTINUING ALONG SAD EASTERLY BOUNDARY LINE N 55° 43' 05" E 455.98 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF CASTLE VALLEY BOULEVARD; THENCE DEPARTING SAD EASTERLY BOUNDARY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 862.01 FEET; AN ARC LENGTH OF 591.51 FEET (CHORD BEARS S61° 39' 09" E 579.98 FEET); THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1.S 81° 18' 39" E 261.25 FEET; 2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 342.58 FEET (CHORD BEARS S 67° 40' 47" E 339.36 FEET); 3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 19.02 FEET (CHORD BEARS S 14° 30' 47" E 19.00 FEET); 4. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 82.00 FEET, AN ARC LENGTH OF 110.68 FEET (CHORD BEARS S 48° 27' 33" E 102.47 FEET);

5. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 20.06 FEET (CHORD BEARS S 82° 08' 49" E 20.03 FEET); 6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 57.30 FEET (CHORD BEARS S 41° 01' 02" E 57.29 FEET); 7. S 38° 44' 14" E 193.94 FEET TO THE POINT OF BEGINNING.

- Parcel B: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32, A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S29° 45' 20" W 2647.04 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, P.U.D. AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590, THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 50' 34" W 450.00 FEET; 2. N 00° 09' 26" E 75.00 FEET; 3, N 89° 50' 34" W 275.00 FEET; 4, N 00° 09' 26" E 150.00 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N00° 47' 28" W 548.03 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA 19A & WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE N 40° 33' 51" E 273.86 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 89° 56' 25" E 552.43 FEET; THENCE S 00° 05' 00" E 983.59 FEET TO THE POINT OF BEGINNING (a/k/a Assessor Account No. R043084.)
- Parcel C: A PARCEL OF LAND SITUATE IN THE SW1/4 SECTION 29, SE1/4 SECTION 30, THE NE1/4 SECTION 31 AND THE NW1/4 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE 1/4 CORNER BETWEEN SAID SECTIONS 29 AND 30, A BLM BRASS CAP IN PLACE; THENCE S 27° 20' 37" E 2941.40 FEET TO A POINT ON THE WESTERLY LINE OF LAKOTA CANYON RANCH, FIRST AMENDED PLAT FLING NO. 1 AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED JULY 18, 2003 UNDER RECEPTION NO. 632116, THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY LINE S 90° 00' 00" W 34.26 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A

RADIUS OF 300.00 FEET; AN ARC LENGTH OF 123.32 FEET, CHORD BEARS S 78° 13' 25" W 122.46 FEET; THENCE S66° 26' 50" W 88.64 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 180.86 FEET, CHORD BEARS S83° 43' 05" W 178.13 FEET; THENCE N 79° 00' 40" W 277.49 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 273.25 FEET, CHORD BEARS N 52° 55' 05" W 263.90 FEET; THENCE N 26° 49' 30" W 358.53 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET; AN ARC LENGTH OF 218.29 FEET, CHORD BEARS N 62° 33' 33" W 204.41 FEET; THENCE S 81° 42' 24" W 142.08 FEET; THENCE S 08° 42' 12" E 51.58 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 855.84 FEET, AN ARC LENGTH OF 209.29 FEET, CHORD BEARS S 15° 42' 32" E 208.77 FEET; THENCE S 65° 53' 03" W 97.34 FEET; THENCE S 81° 23' 34" W 266.32 FEET; THENCE S 51° 51' 16" W 126.84 FEET; THENCE S 36° 47' 12" W 88.30 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CASTLE VALLEY BOULEVARD AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE RECORDED JANUARY 9, 2001 UNDER RECEPTION NO. 574735; THENCE ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING NINE (9) COURSES: 1. S 34° 40' 33" E 927.02 FEET; 2. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 762.01 FEET, AN ARC LENGTH OF 620.22 FEET, CHORD BEARS S 57° 59' 36" E 603.25 FEET; 3. S 81° 18' 39" E 261.25 FEET; 4. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 819.98 FEET, AN ARC LENGTH OF 395.62 FEET, CHORD BEARS S 67° 29' 21" E 391.79 FEET; 5. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 140.42 FEET, AN ARC LENGTH OF 11.84 FEET, CHORD BEARS N 87° 15' 43" E 11.84 FEET; 6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 86.00 FEET, AN ARC LENGTH OF 136.02 FEET; CHORD BEARS S 49° 50' 45" E 122.28 FEET; 7. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 170.42 FEET, AN ARC LENGTH OF 16.26 FEET, CHORD BEARS S 07° 16' 18" E 16.26 FEET; 8. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 819.98 FEET, AN ARC LENGTH OF 70.54 FEET, CHORD BEARS S 41° 12' 06" E 70.52 FEET; 9. S 38° 44' 14" E 63.19 FEET TO A POINT ON SAID WESTERLY LINE OF LAKOTA CANYON RANCH, FIRST AMENDED PLAT FILING NO. 1 AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED JULY 18, 2003 UNDER RECEPTION NO. 632116 UNDER RECEPTION NO. 632116; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING NINE (9) COURSES: 1. N 01° 19' 33" W 284.64 FEET; 2. N

00° 50' 46" W 298.08 FEET; 3. N 01° 24' 24" W 405.00 FEET; 4. N 01° 13' 24" W 135.00 FEET; 5. N 03° 05' 23" E 23.82 FEET; 6. N 01° 46' 46" W 247.13 FEET; 7. S 88° 47' 17" W 2.05 FEET; 8. N 01° 19' 33" W 12.43 FEET TO THE WEST 1/16 CORNER OF SECTIONS 29 AND 32 A REBAR AND ALUMINUM CAP LS NO. 36572 IN PLACE; 9. N 00° 55' 44" W 17.57 FEET TO THE POINT OF BEGINNING.

- Parcel D: A PARCEL OF LAND LOCATED ENTIRELY WITHIN THAT PARCEL DESCRIBED BY THE WARRANTY DEED RECORDED MARCH 9, 2006 UNDER RECEPTION NO. 693683 SITUATE IN THE SW 1/4 OF SECTION 29, SE 1/4 OF SECTION 30, AND NW 1/4 OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., GARFIELD COUNTY, COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FROM WHENCE A BLM BRASS CAP IN PLACE AT THE 1/4 CORNER OF SAID SECTIONS 29 AND 30 BEARS N 53° 08' 04" W A DISTANCE OF 1655.92 FEET WITH ALL BEARING RELATIVE TO N 89° 36' 48" E THE LINE BETWEEN FOUND MONUMENTS FOR SAID W 1/4 CORNER SECTION 29 AND A REBAR AND CAP STAMPED LS 13174 THE NORTHEAST CORNER OF SAID OPTION PARCEL; THENCE S 00° 55' 44" E ALONG THE WEST LINE OF PARCEL A-1 AS DEPICTED ON THE PLAT; THE AMENDED AND RESTATED SUBDIVISION EXCLUSION/EXEMPTION OF LAKOTA CANYON RANCH AS RECORDED JULY 18, 2003 UNDER RECEPTION NO. 632118 A DISTANCE OF 1124.50 FEET TO A POINT ON THE WEST LINE OF BLOCK F AS DEPICTED ON THE PLAT; FIRST AMENDED AND RESTATED FINAL SUBDIVISION PLAT OF LAKOTA CANYON RANCH FILING 1 AS RECORDED JULY 18, 2003 UNDER RECEPTION NO. 632116; THENCE N 88° 47' 17" E ALONG A SOUTHERLY LINE OF SAID AMENDED AND RESTATED SUBDIVISION EXCLUSION/EXEMPTION OF LAKOTA CANYON RANCH A DISTANCE OF 0.99 FEET; THENCE S 01° 21' 09" E ALONG SAID WEST LINE BLOCK F A DISTANCE OF 465.00 FEET TO A POINT ON THE NORTH LINE OF SILVERADO TRAIL RIGHT OF WAY AS DEPICTED ON SAID PLAT OF LAKOTA CANYON RANCH FILING 1; THENCE S 88° 47' 17" W ALONG THE NORTH LINE OF SAID SILVERADO TRAIL A DISTANCE OF 4.42 FEET; THENCE S 00° 55' 44" E A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF A PARCEL AS DESCRIBED IN INSTRUMENT RECORDED APRIL 17, 2007 UNDER RECEPTION NO. 721293; THENCE THE FOLLOWING NINE (9) COURSES ALONG SAID NORTH LINE; 1. S 90° 00' 00" W A DISTANCE OF 34.26 FEET; 2. THENCE 123.32 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 23° 33' 09" AND A SUBTENDING CHORD BEARING S 78° 13' 26" W A DISTANCE OF 122.45 FEET; 3. THENCE S 66°

26' 50" W A DISTANCE OF 88.64 FEET; 4. THENCE 180.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 34° 32' 30" AND A SUBTENDING CHORD BEARING S 83° 43' 05" W A DISTANCE OF 178.13 FEET; 5. THENCE N 79° 00' 40" W A DISTANCE 277.49 FEET; 6. THENCE 273.25 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 52° 11' 11" AND A SUBTENDING CHORD BEARING N 52° 55' 05" W A DISTANCE OF 263.90 FEET; 7. THENCE N 26° 49' 30" W A DISTANCE OF 358.53 FEET; 8. THENCE 218.29 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 71° 28' 06" AND SUBTENDING CHORD BEARING N 62° 33' 33" W A DISTANCE OF 204.41 FEET; 9. THENCE S 81° 42' 24" W DISTANCES OF 104.99 FEET TO A POINT ON THE EAST LINE OF THE NORTH WILD HORSE DRIVE RIGHT OF WAY AS DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED SEPTEMBER 25, 2007 UNDER RECEPTION NO. 733780; THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID NORTH WILD HORSE DRIVE; 1. N 08° 42' 12" W A DISTANCE OF 17.22 FEET; 2. THENCE 390.97 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 668.49 FEET, A CENTRAL ANGLE OF 33° 30' 34" AND A SUBTENDING CHORD BEARING N 08° 03' 05" E A DISTANCE OF 385.42 FEET; 3. THENCE 228.11 FEET ALONG THE ARC OF A REVERSE CURVE HAVING A RADIUS OF 491.25 FEET, A CENTRAL ANGLE OF 26° 36' 20" AND SUBTENDING CHORD BEARING N 11° 30' 11" E A DISTANCE OF 226.07 FEET TO A POINT OF NON-TANGENCY; THENCE 103.99 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 23°50'00" AND A SUBTENDING CHORD BEARING S 79° 12' 35" E A DISTANCE OF 103.24 FEET; THENCE S 67° 17' 36" E A DISTANCE OF 131.42 FEET; THENCE S 30° 00' 58" W A DISTANCE OF 50.41 FEET; THENCE S 18° 54' 59" W A DISTANCE OF 221.52 FEET; THENCE S16° 07' 55" W A DISTANCE OF 50.00 FEET; THENCE 104.09 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 970.00 FEET, A CENTRAL ANGLE OF 6° 08' 55" AND A SUBTENDING CHORD BEARING S 11° 34' 51" W A DISTANCE OF 104.04 FEET TO A POINT OF NON-TANGENCY; THENCE S 71° 43' 03" E A DISTANCE OF 57.57 FEET; THENCE S 63° 30' 38" E A DISTANCE OF 55.33 FEET; THENCE S 56° 40' 07" E A DISTANCE OF 55.13 FEET; THENCE S 44°48' 48" E A DISTANCE OF 174.82 FEET TO A POINT OF NON-TANGENCY; THENCE 30.23 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 6° 17' 51" AND A SUBTENDING CHORD BEARING N 42° 06' 34" E A DISTANCE OF 30,21 FEET; THENCE S 51° 02' 22" E A DISTANCE OF 247.25 FEET TO A

POINT OF NON-TANGENCY; THENCE 102.92 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 481.00 FEET, A CENTRAL ANGLE OF 12° 15' 34" AND SUBTENDING CHORD BEARING N 54° 54' 14" E A DISTANCE OF 102.72 FEET; THENCE 122.69 FEET ALONG THE ARC OF A REVERSE CURVE HAVING A RADIUS OF 219.00 FEET, A CENTRAL ANGLE OF 32° 05' 53" AND A SUBTENDING CHORD BEARING N 44° 59' 05" E A DISTANCE OF 121.09 FEET; THENCE N 28° 56' 08" E A DISTANCE OF 541.68 FEET; THENCE N 14° 00' 12" E A DISTANCE OF 22.45 FEET; THENCE N 00° 55' 44" W A DISTANCE OF 289.40 FEET; THENCE N 32° 41' 48" W A DISTANCE OF 88.46 FEET; THENCE N 00° 02' 34" W A DISTANCE OF 167.50 FEET; THENCE N 54° 50' 38" E A DISTANCE OF 173.10 FEET; THENCE S 89° 54' 27" E A DISTANCE OF 116.87 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE FOLLOWING PROPERTIES FROM ALL OF THE ABOVE: LOTS 1 THROUGH 19 AND OPEN SPACE, CASTLE VALLEY RANCH SUBDIVISION PA12, FILING 9, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 25, 2007 UNDER RECEPTION NO. 733785; LOTS 1 THROUGH 17, CASTLE VALLEY RANCH SUBDIVISION PA13, FILING NO. 10, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 28, 2011 UNDER RECEPTION NO. 812500; LOTS 1A, 1B AND 1C, LOTS 2A, 2B AND 2C, AMENDED FINAL PLAT OF LOTS 1 AND 2 OF CASTLE VALLEY RANCH PA12, FILING NO. 9; LOTS 3A, 3B AND 3C, LOTS 14A, 14B AND 14C, AMENDED FINAL PLAT OF LOTS 3 AND 14 OF CASTLE VALLEY RANCH PA12, FILING NO.9; LOTS 4A, 4B AND 4C, LOTS 15A, 15B AND 15C, AMENDED FINAL PLAT OF LOTS 4 AND 15 OF CASTLE VALLEY RANCH PA12, FILING NO. 9; ALL THOSE STREETS AND PUBLIC RIGHTS OF WAY DEDICATED ON THE FINAL PLAT OF CASTLE VALLEY RANCH PA12, FILING NO.9; and ALL THOSE STREETS AND PUBLIC RIGHTS OF WAY DEDICATED ON THE FINAL PLAT OF CASTLE VALLEY RANCH PA13, FILING NO.10,

Common address: N/A

Applicant: CVR Investors, Inc. and its assigns

Landowner: CVR Investors, Inc.

Town Planner Paul Smith said the application was to change the Mixed-Use Zoning on parcels owned by CVR Investors in Castle Valley Ranch to Residential Zoning.

Planner Smith said that the owners were restricted from building commercial because of the private restrictive covenant they are bound by with the other developers that own mixed-use parcels in Castle Valley Ranch.

Planner Smith said the specifications for the Master Plan allowed up to 100,000sf or 2.3 acres of commercial to be built in Castle Valley Ranch.

Planner Smith said that Lakota Canyon Ranch, which was a separate Planned Unit Development (PUD), had another allowance of up to 100,000sf or 2.3 acres of commercial.

Commissioner Riddile asked if the commission was being asked to consolidate mix-use and not eliminate any, and Planner Smith said that was correct.

Planner Smith said there were two main issues with the application. Staff saw changing the zoning as a risk, because if the mix-use was changed on the applicants' parcels it forced the commercial requirement on the other mixed-use parcels in Castle Valley Ranch. There is no obligation on the other owners to build out the 2.3 acres of commercial. The risk in the future might be that there is a need for commercial on one of CVR Investors parcels.

Planner Smith said the second issue was that the comprehensive plan addressed integrated developments, which meant to live and work in the community to avoid the need to commute. Changing the zoning would limit the possible location for commercial.

Planner Smith said the town was potentially risking too much by eliminating a significant portion of mix-use without knowing what might happen in the future. If the parcels were kept mix-use, the applicant could still build residential. Each time the applicant brought in a new filing, they will be questioned about the mix-use. Therefore, the town and CVR Investors were trying to find some kind of middle ground regarding the mixed-use requirement as the applicant moved forward with development.

Chair Apostolik asked Mr. Steve Craven (CTS Investments, LLC) owner of a parcel in Castle Valley Ranch, if he was still looking at developing his parcels and if he had some kind of timeline for development of commercial.

Mr. Craven said he was actively pursuing commercial development on his parcels.

Chair Apostolik asked Mr. Craven if he thought that he would be able to develop the commercial space if there were 500 more homes built in Castle Valley Ranch.

Mr. Craven said he believed there were enough existing rooftops to support commercial and further stated that he thought commercial development was more an identity issue that New Castle had to overcome.

Chair Apostolik asked Aaron Atkinson, the applicant, if the request to change zoning was denied, what would hold him back from building residential. The parcels are zoned mix-use, but commercial is not required to be built.

Mr. Atkinson said the potential restrictions would be from council and the commission. Currently filing 11 was submitted for review and with each filing submitted the same discussion will likely take place. Mr. Atkinson said there is also the restrictive covenant that prevented CVR Investors from building commercial.

Chair Apostolik asked Mr. Atkinson how many acres there were total in the parcels, and how many homes were left that could be built.

Mr. Atkinson said believed there were 114 acres remaining which could equal approximately 210 units.

Chair Apostolik asked Planner Smith what the maximum density allowed on CVR Investors properties was.

Planner Smith said there was no maximum density other than lot size maximums. When an applicant requested a PUD the applicant could then ask for a higher density.

Chair Apostolik asked for staff's opinion on higher density pockets and Planner Smith said that residential medium density was about 4 units per acre, or approximately 10,000sf lots. He said that there are more than 6 units per acre, it starts to get urban type density.

Chair Apostolik asked Mr. Atkinson what the lot size was for the tri-plexes built on the north side of Castle Valley Ranch. Mr. Atkinson said he did not know. Mr. Craven said the tri-plexes were about 6 units per acre, single family homes are 3.5 units per acre of usable land, not sloped or unbuildable.

Commissioner Riddile presented a proposal to the commission and to Mr. Atkinson, which is attached to these minutes at Exhibit A.

Chair Apostolik asked Mr. Atkinson what his thoughts were on the proposal.

Mr. Atkinson said "Open Space North" was not going to happen. The reason is because the bulk of the value of CVR Investors assets in New Castle is where the "Open Space North" was located.

Commissioner Riddile asked what would go there.

Mr. Atkinson said if filing 11 received approval it will be 2 units per acre. There will have to be a fair amount of open space that would need to be accounted for.

Commissioner Riddile asked Mr. Atkinson when "Open Space North" will be developed.

Mr. Atkinson said he does not know. CVR Investors had talked about the project being a 15 year build out. Phasing will likely be south to north.

Commissioner Bourquin stated that Mr. Atkinson was asking for the commission to make decisions for the future and long term use of the property by changing from commercial to residential. Yet Mr. Atkinson was not able to provide much information about how the commission should plan for the future.

Rick Davis, New Castle resident. Mr. Davis said he does a lot of walking across "Open Space North" and there is a lot of wildlife tracks. There needs to be some consideration for the wildlife corridor and protection of the wildlife.

Chair Apostolik said open space will be discussed with each filing separately as they are submitted within each parcel. There will be a public hearing about the filing and how it will be developed. That was the time when dedicated open space, biking or hiking trails being built and wildlife corridors will be discussed. When the filings are submitted to the town, staff will get input from Division of Wildlife, the Fire Department and other emergency services.

Attorney Carmer said reason for the discussion was because each time the commission received a filing application, the commission will need to make a decision repeatedly. At some point, the concern will be that the commission won't be able to make the decision. There would be open land that will not be able to be developed because of a private restrictive covenant and the commission and council will not be able to make the findings that would be needed to approve a filing.

Chair Apostolik closed the Public Hearing at 7:49 p.m.

Chair Apostolik said CVR Investors had no time frame and no foresight beyond what was submitted.

Mr. Atkinson said he agreed if the chair meant the filing 111 submittal.

Attorney Carmer said the commission could make some recommendations regarding density on each parcel. CVR Investors had some flexibility to move density around on the parcels.

Commissioner Riddile said he did not want to keep having the same conversion repeatedly.

Commissioner Bourquin said she would like to have CVR Investors to come back with more of a detailed master plan and more information, so the commission could make an educated decision about how the different parcels worked together.

Commissioner Bourquin also said that if CVR Investors were willing to have some kind trade regarding "Open Space North" then, might be willing to let the commercial go. But, without some kind of trade, she would like to have the commercial because that was an added value to the community.

Chair Apostolik asked Mr. Craven the reasoning for the restrictive covenant.

Mr. Craven said there was a fair amount of density that was allowed in the master plan, which was in the original annexation agreement. There was 2500 units and about 250,000sf of commercial space anticipated. When Castle Valley Ranch was re-planned, the mix-use was to be downzoned because of the oil shale boom that did not happen and the plan then didn't make sense. To have a realistic planning tool for the town and other owners, Castle Valley Ranch was re-planned and the town asked for a cap on both residential and commercial. The ask was for 1200 residential units and negotiated to 1400 residential units and 100,000sf of commercial. When Eric Williams (Williams Family Investment Company RLLP) asked Mr. Craven to buy him out, water rights and density had to be divided. Mr. Williams wanted a certain amount for his property and rest of it remained with CTS Investors. Mr. Williams has about 10,000sf of commercial space and 70 residential

units. The remainder of 523 residential units 90,000sf of commercial is on CTS Investors property. Mr. Craven then sold some property to Village Homes and again water rights and density had to be divided. Village Homes had no desire to build commercial and there was a long conversation about what to do with the commercial. There was a long standing view since the original 1983 annexation agreement that there would be "core" in Castle Valley Ranch. The "core" would consist of Kathryn Senor Elementary School, Riverside Middle School and VIX Park, which was zoned as residential and mix-use prior to Mr. Craven dedicating the property to the town.

Mr. Craven said in 2002 there was an effort put forth to create more open space in Castle Valley Ranch. The current plan had about 40 percent open space on it. The plan was to bring all the trails to the "core" area which was next to the round-about and the schools. The idea was to honor the "core" that was anticipated in 1983. There was a 30 acre school site, 10 acre park site, and another 3.4 acre park were dedicated, and there were trails to connect it all. It has been a long term plan and everything has been planned around the "core". There was 82.3 acres planned for mix-use in the master plan in Castle Valley Ranch. The plan was not to put commercial units on every parcel.

Chair Apostolik ask Mr. Atkinson if he would be interested in discussing the proposal of Commissioner Riddile or something along those lines.

Mr. Atkinson said yes and he would like to have clarity and to work together.

Motion: Commissioner Riddile made a Motion Continue Major Amendment of the Castle Valley Ranch PUD Master Plan to continue until March 25, 2020. Commission Chair Apostolik seconded the motion and it passed unanimously.

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no commission comments or reports

Review Minutes from Previous Meeting

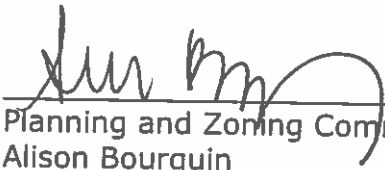
Motion: Chair Apostolik made a motion to approve the February 12, 2020 meeting minutes as submitted. Commissioner Riddile seconded the motion and it passed unanimously.

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

The meeting adjourned at 8:32p.m.

Respectfully Submitted,





Planning and Zoning Commission Vice- Chair
Alison Bourquin



Deputy Town Clerk Mindy Andis, CMC

Proposal Summary

- Background
 - CVR Investors is requesting that they be released of commercial development obligations.
 - At February 12th, 2020 P&Z Meeting, Public expressed a desire for open space preservation, new soft trail corridors, and density considerations. Public Hearing was continued to February 26th, 2020 Meeting.
- Existing Parameters
 - CVR Investors holds approximately 67.5 acres of developable land.
 - At 303 available units, the resulting density would be 4.5 Units/Acre
 - This density is typically associated with single family residential zoning.
 - Neither the Town or Applicant likely desire such a low density.
 - As a result, a higher density will likely be built in the future.
- Analysis
 - Assuming a 70/30 by unit Multifamily/Single Family split, the resultant average density equals 5.75 Units/Acre
 - This results in a roughly a 60/40 by acreage Multifamily/Single Family split
 - At 5.75 Units/Acre, the required developable acreage reduces to 52.7 Acres
 - Surplus of 14.8 Acres (Does not include "undevelopable" land)
- Proposal
 - Applicant address "surplus" by dedicating open spaces and public right-of-ways to the Town as a condition of Master Plan Amendment releasing them of commercial obligations.
 - Dedicated Spaces
 - Open Space South
 - Preservation of future east-west soft trail to be built by Town/Others
 - Open Space North
 - Preservation of social trails ("Sunset Trail")
 - Silverado Trail ROW
 - Alignment to be confirmed by Town Engineer.
 - Proposal does not specify densities for future PUD's. Only requires land dedication.
 - Enforcement is implied due to limited developable land.
 - Proposal does not include releasing future PUD's of 10% Open Space requirement
 - Factored into assumed densities of analysis.
 - Proposal has 0.9 Acres of Surplus unaccounted for to act as a buffer as details are sorted through.

Analysis Detail

Developable Areas

Area 1	29.3	Acres
Area 2	2.2	Acres
Area 3	23	Acres
Area 4	3	Acres
Area 5	10	Acres
Total Developable Acreage	67.5	Acres
Total Potential Units	303	Units
Minimum Potential Density	4.5	Units/Acre
Assumed Multifamily Density	6.5	Units/Acre
Assumed Single Family Density	4	Units/Acre
Multifamily Proportion (By Unit)	70.0%	
Single Family Proportion (By Unit)	30.0%	
Multifamily Acreage	33	59%
Single Family Acreage	23	41%
Resultant Average Density	5.75	
Developable Acreage	52.7	
Surplus Acreage	14.8	

Proposed Changes

Area 1 Reduction	1.4	Trail Corridor Perservation
Area 2 Elimination	2.2	Open Space Preservation
Area 4 Reduction	0.3	Silverado Trail ROW Preservation
Area 5 Elimination	10	Open Space Preservation
Reduction in Developable Area	13.9	
Remaining Surplus Acreage	0.9	



