

**New Castle Town Council Regular Meeting
Tuesday, May 02, 2023, 7:00 PM**

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Call to Order

Mayor A Riddile called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

| | |
|---------|---|
| Present | Councilor Mariscal Councilor Carey Councilor Hazelton Mayor A Riddile Councilor Copeland Councilor Leland Councilor G Riddile |
| Absent | None |

Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody Byram, Town Planner Paul Smith, Assistant Planner Laruen Prentice, Public Works Director John Wenzel, Town Treasurer Loni Burk, Town Attorney David McConaughy, Assistant Town Attorney Haley Carmer and members of the public.

Meeting Notice

Clerk Byram verified that her office gave notice of the meeting in accordance with Resolution TC 2023-01.

Conflicts of Interest

There were no conflicts of interest.

Agenda Changes

There were no agenda changes.

Citizen Comments on Items not on the Agenda

There were no citizen comments.

Consultant Reports

Consultant Attorney – present for agenda items.

Consultant Engineer – not present.



Scan this QR code to access the documents related to Item A:

Items for Consideration

Consider Ordinance TC 2023-2 - an Ordinance of the New Castle Town Council Approving a Final PUD Development Plan for Lakota Canyon Ranch PUD Filing 8 (Longview) and Final Subdivision Plat for Filing 8, Phase 1 (1st reading)

Mayor A Riddile told the audience that he would open the public hearing at the appropriate time, and public comments will be limited to three minutes. He also asked that people not repeat comments that had already been stated.

Town Planner Paul Smith introduced the project. He then invited Dwayne Romero, President and CEO of the Romero Group to introduce his team.

Mr. Romero greeted the council and said that he was the applicant for the Longview application. He introduced his team: Heather Henry; Principal and Partner of Connect One Design, E. Scott McHale, Principal and Partner of Z Group Architects; Chris Manera, Principal and Partner of Colorado River Engineering; Jody Edwards with Klein Cote Edwards Citron, LLC; Caleb Feaver of Fox Tuttle Transportation Group, and Caleb was stepping in for Cassie Slade.

Mr. Romero said that they were present as the applicants and were prepared for an in-depth and robust review of the development.

Planner Smith said that this was the first of two readings of the approval ordinance. He clarified that there were two primary packets: the first was the 8.5x11 pages and the second was the 11x17 pages. He said that when he referred to pages number I-_, those were the 8.5x11 pages, and when he referred to pages T-_ those were the 11x17 pages. Planner Smith said that Assistant Planner Lauren Prentice will screen-share as he reviewed the staff report.

Planner Smith reviewed the following staff report:

Staff Report

**Ordinance 2023 - 2
Lakota Canyon Ranch - Filing 8
Combined PUD and Subdivision Plan
with Vested Rights**

Town Council Meeting
Tuesday, May 2, 2023

Town Council – May 2nd, 2023

Report Compiled: 4/28/2023

Project Information

Name of Applicant: Dwayne Romero

Applicant's Mailing Address: 350 Market St. #304 Basalt, CO 81621

Phone / Email: 970-273-3100 / dromero@romero-group.com

Property Address: TBD

Property Owner: RG Lakota Holdings, LLC & RG Lakota II Holdings, LLC

Owner Mailing Address Same as Applicant

Proposed Use: 185 residential units; 51,407sf commercial space; 28 mixed-use flats, 108 rental apartments, 21 townhomes, & 28 single-family homes

Legal Description: Section: 32 Township: 5 Range: 90 Subdivision: WHITEHORSE VILLAGE AT LAKOTA CANYON RAN AMENDED PARCEL 3 FUTURE DEVELOPMENT PHASE 1 A RE-SUB OF BLK A, B1 & B2 LAKOTA CANYON RANCH FILING 1 4.42 ACRES

Section: 29 Township: 5 Range: 90 Subdivision: LAKOTA CANYON RANCH FILING #3 PHASE 1 FUTURE DEVELOPMENT PARCEL AS PLATTED PER RECEPTION NO. 665843 5.844 ACRES

Section: 29 Township: 5 Range: 90 PARCEL C-2 2ND AMENDED PLAT OF LAKOTA CANYON RANCH FKA EAGLES RIDGE RANCH. 5.321 ACRES

Street Frontage: Castle Valley Blvd.
Faas Ranch Rd.
Lakota Dr.
Blackhawk Dr.
Whitehorse Dr.

Existing Zoning: Mixed Use (MU)

Surrounding Zoning: Single Family Residential; Multifamily Residential (Shibui, Senior Housing)
Nonresidential (CRFR Fire House)

I. Introduction – Application History & Review Process

On **April 12th, 2023**, the Planning & Zoning Commission (“P&Z”) held a public hearing for Resolution 2023-1 on a Final PUD/Subdivision application for Filing 8 in Lakota Canyon Ranch. P&Z voted unanimously to recommend Council approval of the application. Within sixty (60) days from the date of the P&Z's recommendation, or within such time as is mutually agreed by the Town Council and the applicant, Council shall approve the application, with or without conditions, or deny the application according to the following approval criteria:

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 consistent with the natural character, contours, and viewsheds of the land.

II. Brief Timeline and Themes from Meeting/Hearings:

The applicant submitted the original sketch plan application on **June 21, 2021**. P&Z and Council both convened to review and comment on the conceptual plan which included the following:

- 196 residential units; 128 Rental Apartments, 48 Townhomes, & 21 Single-Family Homes; 75,900sf commercial space

The applicant conducted the obligatory community meeting at the Lakota Clubhouse on **October 21st, 2021**, and was later approved for a preliminary application by P&Z on **September 14, 2022**. The community meeting and the preliminary hearing generated mutually beneficial feedback from the applicant, Staff, P&Z, and the public concentrating on New Castle’s vision for smart-growth and quality-of-life. To these ends, certain themes emerged over the discussions. Some of those included:

- Prioritizing trails, open space, and connectivity (for wildlife & residents);
- Sustainability;
- Increased commercial amenities;
- Concern about pedestrian safety throughout the mixed-use area, specifically the crosswalk at Faas Ranch Road and Lakota Drive;
- Traffic congestion mitigation at the intersection of Faas Ranch Rd and Castle Valley Blvd (“CVB”) and the possibility of a roundabout;
- Preservation of viewsheds with three-story buildings, one of which exceeded the maximum building height;
- Building massing along CVB;
- Elevated noise levels near commercial businesses, being mitigated with limited hours and use;
- Strategies for snow maintenance and storage on public rights-of-way;
- Excessive lighting of parking lots and buildings;
- Reduced rent/workforce housing;
- “Shared” parking;
- Project phasing;

From these themes, the applicant submitted a revised final proposal, summarized in the table below (changes in ***bold italics***):

| <u>Preliminary Plan</u> | <u>Final Plan</u> |
|--|--|
| • 185 residential units: 111 rental apartments, 20 townhomes, 25 flats, 29 single-family homes | • 185 residential units: <i>108 rental apartments, 21 townhomes, 28 flats, 28 single-family homes</i> |
| • Snow Storage: 0.85 acres | • Snow Storage: <i>0.82 acres</i> |
| • 40% gross area as open space | • No change |
| • 51,407 square ft interior commercial space | • No change |
| • Apt. buildings A-1, A-2: 20, 24 units/bldg. – max. residential units/bldg. variance | • No change |
| • Total residential density: 11.8 units/acre | • Total residential density: <i>10.6 units/acre</i> |
| • Apt. buildings max. 37ft – 2ft height variance | • Apt. buildings max. <i>35ft – no height variance</i> |
| • CR-5 building max. 44ft – 9ft height variance | • No change |

| | |
|--|---|
| <ul style="list-style-type: none"> • 450 off-street residential spaces (incl. driveways) | <ul style="list-style-type: none"> • No change |
| <ul style="list-style-type: none"> • 163 commercial shared parking spaces | <ul style="list-style-type: none"> • 171 commercial shared parking spaces |
| <ul style="list-style-type: none"> • Shared parking spaces – 40% reduction variance | <ul style="list-style-type: none"> • No change |
| <ul style="list-style-type: none"> • CR-3 building – mixed use on both floors | <ul style="list-style-type: none"> • No change |
| <ul style="list-style-type: none"> • Drive G: two-way traffic | <ul style="list-style-type: none"> • No change |
| <ul style="list-style-type: none"> • Drive A: two-way traffic | <ul style="list-style-type: none"> • Drive A: one-way traffic |
| <ul style="list-style-type: none"> • Drive B (residential): two-way traffic | <ul style="list-style-type: none"> • Drive B (residential): one-way traffic |
| <ul style="list-style-type: none"> • Drive B (commercial): two-way traffic | <ul style="list-style-type: none"> • No change |
| <ul style="list-style-type: none"> • Drive C: public road | <ul style="list-style-type: none"> • Drive C: private road |
| <ul style="list-style-type: none"> • Drive C: six townhomes | <ul style="list-style-type: none"> • Drive C: three townhomes |
| <ul style="list-style-type: none"> • Faas Ranch Rd and Lakota Dr intersection | <ul style="list-style-type: none"> • Enhanced visibility of pedestrian crosswalk |
| <ul style="list-style-type: none"> • Pedestrian pathways on either side of Faas Ranch Rd. crosswalk | <ul style="list-style-type: none"> • Additional lights and pathways/connectivity across crosswalk at Faas Ranch Rd. |
| <ul style="list-style-type: none"> • Affordable housing broad concept | <ul style="list-style-type: none"> • Affordable Housing Program; Exhibit A, pg. i-8 |

III. Staff Review:

Excerpt from the 2002 Lakota Master Plan, (Ord. 2002-18):

“The planning concept for the mixed-use zone is to create an attractive environment for community, commercial and retail in a pleasant central location. The community commercial area would be located close to the highway intersection for easy access to non-resident shoppers and would be convenient to the main Boulevard to cut down on traffic trip length and be located near residential areas to cut down on vehicle trips. In keeping with the objective to reduce motor vehicle trips, non-motorized trail systems shall be designed throughout the project and connect residential and commercial districts in a convenient and logical manner. Office and service uses would be mixed into the development in non-store front locations including at the periphery of retail areas as well as on second stories. This would cut down on employee day trips. In some cases, smaller residential units may be mixed in with the commercial/office development, provided that in any building containing both residential and commercial space, there shall be no ground floor residential dwelling units on the same side of the building as ground floor commercial space.”

The application process is meant to assure that the proposal conforms to these expectations and the core values of the 2009 Comprehensive Plan (“CP”), which itself was the result of various public meetings. Applicants are expected to clearly demonstrate substantial conformity with the CP in all applications, (**Policy CG-1B, CP pg. 50**). The following CP checklist, though not exhaustive, should assist the Commission’s assessment. A development application should:

- 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.

1) *Is the proposal consistent with the comprehensive plan?*

Quality of Life: As proposed, Filing 8 represents a community advocating health and wellness. The concept seeks to augment the lifestyle amenities already available to residents of New Castle. The commercial core of the development plans to attract wellness services, recreation-oriented retail, potential restaurants or cafes, co-working space for remote work, and outside public gathering areas. The applicant has placed courtyards, trails, and landscape buffers to diffuse building mass. The entirety of the development will “maintain the concept of a compact community with a defined urban edge thereby avoiding sprawl” (**See CP section “Community Growth”, pg. 50**). The CP posits that the Town should strive for a healthy relationship of land uses that effectively integrate convenience retail, employment, services, open space, trails, and public transit (**Policy CG-4A, CP pg. 52**).

Affordability: Surrounding the commercial core is an array of residential housing options fostering an authentic mixed-use, modest urban experience accessible to a wide demographic. The applicant has communicated that units are to be priced competitively with affordability in mind. Though unit prices are not finalized, the applicant is sympathetic to the local housing crisis and the need to “attract and retain a stable, local workforce” (**Policy HO-2A, CP pg. 59**). The submittal packet specifies that 26 multi-family units will be rent restricted and available to local agencies per the schedule provided (**Exhibit A, pg. i-8**). Six of those will be offered to Habitat for Humanity. The remaining will be part of a “right-of-first offer” rental pool available to Valley View Hospital, the Town of New Castle, Colorado River Fire Rescue, and Garfield RE-2 Schools. The rental prices will correspond to a fraction of the average rental prices for similar sized units within Filing 8.

Commercial Development: The proposal is the first of its kind to contemplate commercial development beyond the downtown core and highway interchange. The scarcity of commercial occupancy in New Castle has perhaps been one of the more obvious inconsistencies between the expectations of the CP and past development proposals. In response, the current application presents a commercial core surrounded by a diverse offering of residential typologies. This kind of land use distribution is one of the key components to smart-growth, (**Policy CG-5A, pg. 53; Exhibit A, pg. t-5**).

Lakota Canyon Ranch allows up to 100,000sf of commercial space and, to date, none has been met. With the ongoing imbalance between residential and commercial space in New Castle, optimizing the available commercial properties has become a town priority. Though the present plan commits to only 51,407 commercial square feet, the commitment is broadly premised on balancing market supply with market demand. The upside is that a slimmed-down commercial core may have a better chance of thriving long-term. On the downside, any potential commercial space forfeited today may be commercial space permanently lost for tomorrow.

One way to potentially capture more future commercial space may be to reconsider the expectation of the Lakota design concept, (see The Master Plan excerpt, above). The Master Plan notes that no ground floor residential dwelling units should be on the same side of the building as ground floor commercial space, (Section 17.128.070 (K)). As a case in point, Building CR-3 appears to show ground floor residential on the same side of the building as the commercial occupancy, although the main entries face Lakota Dr. (**Exhibit A, pg. t-55**). At the preliminary hearing, Staff recommended that the applicant consider the bottom floor of the residential portion of Building CR-3 as a candidate for flex-zoning. This would give both the applicant and the Town an option to adapt to future commercial and/or residential demand as the market dictates. Per the submittal packet, the applicant is sensitive to the commercial issue and is willing to reconsider the use of the residential units at later phasing (**Exhibit A, pg. i-10**).

Nevertheless, it is Staff's opinion that once these units are formalized as residential, as they currently are now, a later pivot to commercial will be challenging since the demand for, and ease of, filling residential units will be economically more compelling. Therefore, staff endorses an adaptive zoning model which would leave the use of those units *undecided* until the build of this Phase 3 is imminent. A similar exercise was performed with the Lakota Recreation Center by which P&Z reconvened after initially approving LCR Phase 1 to decide on the final design and use of the private open space.

Fiscal Impact: The fiscal impact study performed by Triple Point Strategic Consulting states that revenues for Filing 8 will average \$1.15 million from 2023 to 2045. Expenses will average approximately \$560,000 over the same timeframe. By 2029, 501 people will be housed in the proposed expansion. Also, by 2029, it is anticipated that 114 total jobs will be created, including 62 direct construction jobs, (see preliminary submittal packet). The intent of the fiscal impact analysis is to demonstrate that the town can manage the economic effects of new development (**Policy CG-7B, CP pg. 54**). Staff are confident the development is fiscally viable based on the assumptions and conclusions of the analysis.

Sustainability: The application is considerate of various "net zero" measures to minimize the carbon footprint. Solar collectors, alternative transportation, and higher density residential units are all proposed. EV charging capacity will also be required in all residential units with garages per the updated code section 15.10.020. In the building elevations, solar panel arrays are intended for the roofs of the three-story apartment buildings, two-story triplexes, as well as the mixed-use buildings. Adjacent commercial use may help reduce reliance on motor vehicles. Details on anticipated commercial tenants or uses should help validate this assertion (**Goal EN-7, CP pg. 67**). At the preliminary hearing the applicant pledged to incorporate as many sustainability initiatives as feasible during development (**Exhibit K**).

Environmental Impact: All development will be expected to comply with the Town's dark-sky recommendations prior to building permit (**Goal EN-4, CP pg. 66**). To conserve water, Sheet L.7.01 & L.7.02 show that a preponderance of the landscaping will be xeric, covered with native grasses, dry climate conifers, Breeze, and shrubs. Staff recommends, as a condition of approval, that the landscaping be perpetually weed free per the Colorado Noxious Weed Act and any recommendation of Garfield County and New Castle Public Works. In sum, the proposal succeeds in reducing irrigation, minimizing manicuring, and retaining habitat for wildlife. (**Policy EN-2C, CP pg. 66**).

According to Brian Gray's input from Colorado Parks and Wildlife (CPW), the proposal will likely only impact small mammals and ground nesting birds because of the "degraded" conditions of the property already. Though negative impacts are to be expected, wildlife movement corridors are noted behind Blackhawk Dr, along the golf course, and the landscape

buffer west of Shibui. Purposely designed corridors would ideally prohibit dog use, minimize manicured lawns, and protect and promote native grasses, forbs and shrubs. Limiting manicured landscaping and fences, as observed elsewhere in the greater Valley, may be enough to promote wildlife egress between buildings and throughout the overall parcel, (see preliminary submittal packet). **(Policy EN-1A, CP pg. 65).**

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

The proposal is comprised of three parcels originally zoned as mixed-use. In Lakota, mixed-use development is allowed:

- a maximum density of 12 units per useable acre
- 10 units per building
- 100,000sf of commercial space
- Maximum 35' building height
- Off-street parking of:
 - 2 off-street parking spaces per residential unit
 - 2 spaces per 300sf retail
 - 1 space per 300sf office
 - 2 spaces per 300sf medical + 1space/two employees
- 15% gross area committed to open space

The proposed residential density of 10.6 units per acre is less than the 12 units per acre allowed for Lakota mixed-use zoning. All apartment buildings will exceed the PUD requirement of 10 units per building. A-1 type apartments consist of 24 units per building. A-2 type apartments are 20 units each. The applicant, however, has taken this into consideration. The development concept virtually relocates some residential density from other undeveloped parcels north of the Lakota Clubhouse. This serves two purposes: 1) to provide more public open space to the north of the Lakota for general community use; 2) to provide more inexpensive and centralized housing solutions consistent with the Town's Smart Growth concept. To relieve concerns with higher density, the applicant has softened the massing near existing single-family homes and provided landscape buffering between lower and higher populated areas. Overall, the density decreases from the southeast to northwest with higher density apartments bordering the existing Shibui complex, moderately dense townhomes and commercial in the development's core, and single-family homes adjacent to Blackhawk Dr. and Whitehorse Village Dr. Off-street parking is covered in section 5.) below.

*****NOTE: The applicant is requesting a variance to exceed the maximum 10 units per building by fourteen (14) for A-1 Buildings and ten (10) units for A-2 Buildings.**

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

The parcels are adjacent to single-family homes (LCR), apartments (Shibui), condominiums (Senior Housing, Castle Ridge), townhomes (Eagle's Ridge Ranch), and the local fire station. It is Staff's opinion that mixed-use development is a use consistent to these. In locations where visual transitions between buildings are starker, the applicant has been careful to provide architectural variation, hardier landscape screening and/or reoriented buildings to mollify compatibility worries.

The applicant maintains that only a portion of the development will be incorporated into the Lakota HOA, (see preliminary submittal packet). This portion will be subject to the HOA's design standards. The remaining portion of the development shall conform to the design standards described in section 17.128.070 of the municipal code. Specifically,

To maintain visual quality in the mixed-use zone, building facades should be varied and articulated to provide visual interest to pedestrians and motorists. Street level windows and numerous building entries are required in commercial areas. Arcades, porches, bays, and balconies are encouraged. In no case shall the streetside façade of a building consist of an unarticulated blank wall or an unbroken series of garage doors. Building designs should provide as much visual stimulus as possible, without creating a chaotic image. Buildings should incorporate design elements at the street level that draw in pedestrians and reinforce street activity. Facades should vary from one building to the next, rather than create an overly unified frontage. Building materials such as concrete, masonry, tile, stone, and wood are encouraged; glass curtain walls and reflective glass are discouraged. Development shall comply with any design guidelines or illustrations that may be approved as part of the site plan review process described in Section 17.128.030.

Definitive building designs, facades, and materials shall demonstrate compliance with this section by Council's decision. In all instances the applicant is committed to architectural fidelity with the aesthetic norms for which Lakota is known (**Precedent images found on pages t-29 through t-32 of Exhibit A**).

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

The preliminary application narrative projected an increase of 200-400 new residents and the possibility of 100-150 employees at full buildout. The New Castle Police Department is confident that the population increase would not compromise their existing services to the

public, (see preliminary submittal packet). Similarly, Colorado River Fire Rescue does not anticipate adverse impacts to their services, (**Exhibit E**).

The Public Works Department and the Town Engineer have been consulted throughout the application process and have provided referrals, **Exhibits C & I** (respectively). Lakota Canyon Ranch was originally approved for 827 residential units (EQRs) and 100,000sf commercial space. These totals were primarily the result of calculations performed based on water dedicated from Elk Creek. As of 6/23/21, Lakota has 240 rooftops connected to town water with sixteen additional homes under construction. No commercial property currently exists within the originally approved mixed-use zones. With 185 additional units for Filing 8, the running total of rooftops in Lakota would be 425 units or 51% of the 827. The sewage treatment plant was upgraded years ago to accommodate the full PUD. In short, the town water & sewer service has a greater capacity than would be necessary to meet the needs of the proposal.

The final plat for each phase shall indicate all public rights-of-way and/or open space maintained by the Town and the responsibility of property management to maintain private drives and other common elements. Currently the Town is committed to servicing Lakota Dr. and Faas Ranch Rd as well as the Drives A & B which all serve single-family units. Drives A, B, & C were redesigned by the applicant to meet Town standards. Drive C would preferably terminate in a cul-de-sac; however, the hammerhead turnaround was agreed to be acceptable given the limited use of the street by three townhomes (**Exhibit A, pg. t-5**).

Public Works has also reiterated the need for sufficient snow storage provisions. Public Works requires that snow storage sites, in aggregate, have a functional area of at least 15% of the total paved area of the PUD inclusive of driveways and sidewalks. Snow storage areas shall be contiguous to the right-of-way and spaced no further than 300 feet along each street. The revised site plan submitted subsequently to the Director's comments should now evidence sufficient storage.

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

Filing 8 proposes to be a community focusing on health and wellness. Dispersed throughout the plan are instances of open space interlinked by pedestrian paths. Sidewalks and trails are deliberately located to allow non-vehicular access to all portions of the development as well as access to other areas of Town. Staff recommend soft-surface trails made of crusher fines or a similar material.

Parking has been tabulated and reported in **Exhibit A, pg. t-6**. Because of the density of the proposal, sufficient parking will play a large role in the livability of the community. The applicant requests a reduction in the required parking given that the parking proposed will be supplemented with a shared parking plan. The shared parking plan concluded that some of the commercial parking demand may be served by the available residential parking spaces when, theoretically, those residents are away at work. Since the residential parking spaces serve a dual-purpose during business hours, fewer commercial spaces are warranted.

When originally proposed as first-come-first-served, **(Exhibit A, pg. i-2)**, concern was raised at the preliminary hearing about the limited spaces in proximity to the apartment buildings, especially those towards the southeast (Shibui area). The limited number of spaces in addition to the shared nature of those spaces seemed to increase the likelihood that the buildings' tenants will end up having to park a significant distance from their front doors. Staff recommends an arrangement that would include one assigned parking space adjacent to each unit. This accommodation would only apply to the A-1 type apartments and the A-2 apartment next to Shibui. The applicant has confirmed that all "tuck-in" parking within A-2 type apartments and within CR-1 flats will be reserved for tenants of those respective buildings. Staff maintains that the proposed performance monitoring **(Exhibit A, i-2)** paired with a modest level of assigned parking would provide a significant improvement to the community's quality of life:

Staff therefore recommends the modified shared parking plan that follows:

- i. Single-Family homes & townhomes will each have at least two off-street parking places totaling 272 spaces (not including driveway parking);
- ii. Apartments, flats, and commercial buildings will be subject to a shared parking arrangement totaling 171 parking spaces or a 40% reduction in required parking;
- iii. A-1 type apartments and the A-2 type apartment adjacent to Shibui will have at least one assigned parking space per unit;
- iv. Covered parking in all A-2 type apartments and the flats in Building CR-1 will be reserved for residential tenants only;
- v. The approved parking arrangement will be subject to annual performance monitoring for up to five (5) years **(Exhibit A, pg. i-3)**, annual review of the monitoring with Staff and Council, and implementation of improvement strategies if the approved arrangement is insufficient;

The traffic study also assessed the projected traffic flows at the intersection of Faas Ranch Rd. and CVB. The study concluded that traffic control measures will be required at the intersection. Though the Town does not currently anticipate widening CVB, the study concluded that the steep grades at the intersection made a roundabout infeasible and cost prohibitive. A signal was ultimately recommended once certain development benchmarks are met, (see preliminary submittal packet).

Staff conducted a separate study of the intersection intending to corroborate the Fox Tuttle results. The study revealed that in spite of the difficult topography, a traffic circle which met Town standards could adequately serve anticipated traffic flow, **(Exhibit H)**. The alignment

would require easements at both corners of Faas Ranch Rd and Castle Valley Blvd. as well as a modest offset of the CRFR entrance. Since the traffic circle is anticipated at later phasing, the current plat omits these easements. P&Z recommended that the easements be dedicated with the Subdivision Exemption Plat per PZ Resolution 2023-1 condition (j) with non-permanent encroachments allowed until the date of construction nears.

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

According to section 17.128.070 of the municipal code, commercial uses in the mixed-use zone shall have landscaped at least 10% of the gross project area. Additionally, all outside parking facing a residential-only use shall have a landscape buffer or fence obscure vehicles from view. **Exhibit A, pg. t-11**, indicates the extent of landscaping in the commercial district. Landscape buffers will still be required along parking for all commercial buildings as necessary.

For residential uses, the code requires open space greater than or equal to 15% of the gross project area. The proposal shows at least 40% of the gross area as open space. Active space includes the park fronting apartment building A-2, a court at building CR-1, pocket parks surrounding the townhomes of Drive C, and all trails within the development. Passive space is comprised mainly of various easements at the perimeter of the development and along Lakota Drive to break up the road and parking, **(Exhibit A, pg. t-7)**.

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

With Lakota Dr. as a benchmark, the property drops uniformly in elevation for roughly 95' from northwest to southeast, **(Exhibit A, pg. t-19)**. In theory, units and/or blocks will step with the natural grade. The applicant improved the sketch design by angling the single-family lots northeast of Drive B to reflect the terrain features at those locations. In a similar move, the multifamily units southwest of Drive B were reduced to single-family homes. A-1 apartment buildings, south of Lakota Drive, were likewise realigned to step with the topography. The townhomes west of Drive C were relocated to Drive A to reduce congestion in that area.

In order to comply with the Lakota building height requirements, the applicant agreed at preliminary plan to "sink-in" the A-1 apartments to fit the structure under the 35-foot maximum. Other than building CR-5, all buildings will fit under this cap. The applicant is asking for a variance on the building height for Building CR-5 **(Exhibit A, pg. t-65)** of up to 44 feet. The height of Building CR-5 was demonstrated to the public with a story balloon on April 6th, 2023. As an additional point of reference, buildings adjacent to the property have the following maximum heights:

- Shibui = 38.3 feet
- Fire House = 36 feet
- Senior Housing = 43 feet

Exceptions to building height often come with a compromise to viewsheds. Council, therefore, must consider the cost of compromising views with added building mass and particularly the benefit of a commercial occupant in that location.

*****NOTE: The applicant is requesting a variance with the height of Building CR-5 to exceed the required 35-foot limit by nine (9) feet.**

IV. Staff Recommendations

Staff provides the following recommendations for Council's consideration of Ordinance 2023-2:

- A. The maximum building height of Building CR-5 shall be 44 feet consistent with the building elevations presented in **Exhibit A, pg. t-65**. The A-1 building types shall accommodate the surrounding grade sufficiently enough so to not exceed the 35 feet maximum building height for mixed-use zoning as defined in Section 17.128.010. All other structures within Filing 8 shall not exceed 35 feet as provided in Section 17.128.010.
- B. Apartment buildings (building types A-1 and A-2) shall be allowed to exceed the maximum allowed units per building of ten (10) (Section 17.128.070 (I)) by the following number:
 - 1. A-1 shall exceed the allowed units per building by fourteen (14), up to a total of twenty-four (24);
 - 2. A-2 shall exceed the allowed units per building by ten (10), up to a total of twenty (20);
- C. 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. The 40% reduction will apply to Phases 2 and 3 as shown on the PUD Plan, regardless of whether those phases are platted and developed in multiple sub-phases. Additionally, all "tuck-in" parking beneath A-2 type apartments and CR-1 mixed-use building shall be reserved for tenants of those respective buildings.
- D. A "floating zone" is established for the Phase 3 area shown on the PUD Plan—which phase may be platted and developed in multiple sub-phases allowing for up to an additional 10,000 square feet of commercial floor area within the buildings in the "floating zone." The additional 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.

E. The following vested rights shall be approved for Filing 8, provided that the requirements of Section 16.36 of the Town Code have been satisfied:

1. The vested rights period for Filing 8 will be ten (10) years from the effective date of the ordinance approving the Final Plan.
2. All phase plats for Filing 8 shall be recorded within ten (10) years of the effective date of the ordinance approving the Final Plan.
3. Vested rights for each individual phase of Filing 8 shall be valid for three (3) years from the recording of the final plat for that phase, subject to the maximum vested rights period of 10 years.
4. The recordation of a phase plat will not extend the maximum vested rights period beyond 10 years.
5. The following are exceptions to the vested rights for Filing 8:
 - i. Development of Filing 8 will be subject to any wildland urban interface regulations in effect at the time of building permit, regardless of the approved Final Plan.
 - ii. Owners in Filing 8 will be required to comply with the sign code in effect at the time of application for a sign permit. There is no grandfathering of or vested rights for signage within Filing 8.

F. The shared parking arrangement in Phases 2 and 3 of Filing 8 shall be subject to the following parking audit process:

1. 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, 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, Council, in its discretion, may require the applicant to implement one or more of the Parking Demand Management Strategies listed in the Parking Memorandum. Prior to review by Council, the applicant shall add payment of a parking mitigation fee to the Parking Memorandum as a last-resort remedy if the shared parking arrangement fails.

- G. Each Filing 8 plat shall indicate whether the property included in the plat is subject to the covenants for the Lakota Canyon Ranch Master Association, a Lakota Canyon Ranch sub-association, and/or an association independent of the Lakota Canyon Ranch community. Covenants addressing shared parking, including management and enforcement requirements, hours of use, penalties for violation, maintenance responsibilities, and the reserved parking arrangements identified above shall be recorded with the applicable final plat(s). Copies of any new covenants shall be submitted to and approved by the Town Attorney prior to recordation of a final plat.
- H. Prior to first building permit application for each phase, the applicant shall specify location of any sustainability initiatives identified in **Exhibit K**. The applicant shall use commercially reasonable efforts to implement the full list of initiatives included in the Application by the time of Filing 8 completion.
- I. In addition to the provisions of Chapter 16.16 of the municipal code, plats for all phases shall identify streets and sidewalks dedicated as public rights-of-way, travel direction for one-way streets, locations for on-street parking, any dedicated open space, easements for snow storage, and any necessary signage as required under recommendation (J) below.
- J. Streets or sides of streets showing no parking in in the Application shall be signed “No Parking this Side of Street” and placed in locations recommended by Public Works and the Police Department.
- K. All outside parking areas facing residential-only use shall have a landscape buffer to obscure vehicles from view per municipal code, Section 17.128.070.
- L. Prior to review by Council, the applicant shall specify colors, materials, and final architectural design features for all buildings subject to Section 17.128.070 (M) of the municipal code.
- M. Following construction of the CR-5 building, the applicant shall submit an improvement location certificate to the Town to confirm that the CR-5 building is no taller than 44 feet.
- N. The 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 dedication of land to the Town for a right-of-way of sufficient size to accommodate a two-lane roundabout in generally the location shown on the diagram prepared by the Town Engineer dated April 11, 2023. The applicant will dedicate the land indicated on the staff diagram for a roundabout with the Third Amended & Restated Subdivision Exemption Plat. The final location and dimensions of the right-of-way dedication will be determined by the Town Engineer prior to recordation of the Third Amended & Restated Subdivision Exemption Plat. Non-permanent encroachments into the roundabout area will be permitted subject to a revocable license approved by 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 dedication by applicant as provided in this condition will satisfy all of the Filing 8 traffic mitigation obligations at the Castle Valley Ranch/Faas Ranch Road intersection.

- O. The applicant shall implement and comply with the affordable housing plan included in the application (**Exhibit A, pg. i-8**). The applicant shall prepare all necessary deed restrictions and agreements needed to formalize the affordable housing plan, which deed restrictions and agreements shall be subject to review and approval by the Town Attorney. Any deed restriction shall be recorded at the same time as the phase plat creating the lot(s) to be encumbered with the deed restriction.
- P. The applicant shall include an additional potable water service line and curb stop for a water sample station. The sample station shall be purchased and installed by the Town. The additional service line and curb stop shall be located near the intersection of Drive F and Drive H or, if such location is unfeasible, another location approved by Public Works. Any easements necessary for the sample station will be dedicated to the Town on the appropriate plat.
- Q. Provide a conceptual landscape plan to staff for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Plans submitted to obtain a building permit for any building shall demonstrate no more than 2,500 square feet of irrigated sod per dwelling unit as specified in 13.20.060 of the Municipal Code. Plans submitted to obtain a building permit must also identify measures (e.g., retaining walls, swales, perimeter drains, sumps, etc.) for diverting surface water drainage from adjacent lots. The landscape plans for townhomes and A-1 apartment buildings in Phase 2 shall incorporate trees and other appropriate screening from the golf course. The landscape plan for the townhome buildings and private drive in Phase 4 shall incorporate trees and other appropriate screening from the adjacent homes on Blackhawk Drive.
- R. The applicant shall comply with all applicable building code and municipal code requirements, including all sign code regulations and any wildland-urban interface regulations, in effect at the time of development for the property, as well as all recommendations of the Town Engineer and Town Public Works Director provided in response to review of the Application. All building permit 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.
- S. Submit a construction phasing plan for staff approval. Identify, at minimum, each of the following components for each phase or subphase:
1. Buildout phases;
 2. A schedule that identifies:
 - i. the sequencing of infrastructure, road, and building construction;
 - ii. the sequencing of occupancy and egress for residents during construction;
 - iii. construction traffic flow with any alternative means of project access;
 - iv. location of construction parking;
 - v. list of construction hours;
 - vi. any necessary traffic control plans during construction;

3. Storage and staging areas for construction equipment and materials;
 4. Location of temporary snow storage;
 5. Illustrate drainage and erosion control best management practices (BMP's);
 6. Conformance to all requirements and specifications approved by the fire marshal concerning temporary access for each phase including, but not limited to, temporary hammerhead turnarounds at dead end streets and any necessary ingress/egress routes for emergency personnel and equipment during construction;
- T. Street names shall be approved by Garfield County Communications to avoid any duplication of names in the county dispatch area.
- U. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- V. Landscaping and open space shall be perpetually weed free per the Colorado Noxious Weed Act and any recommendation of Garfield County and New Castle Public Works.
- W. The plat making 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. The third amended subdivision exemption map will be updated to incorporate the change made by the foregoing and be recorded at the same time as the lot line adjustment plat.
- X. The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit is recorded with Garfield County
- Y. Prior to the recordation of the Final Plat for Phase 1, Filing 8, the applicant shall enter into a subdivision improvements agreement with the Town in a form acceptable to the Town Attorney and provide security for the public improvements required thereunder.
- Z. Phase plats that are in substantial compliance with the approved Application may be approved on a staff level and shall be recorded with Garfield County before commencing construction of any individual building within a phase. No grading or excavation for the construction of a building shall occur until a permit is used for that specific building. The applicant may commence grading and excavation for infrastructure for public improvements in areas of the project for which a phase plat and subdivision improvements agreement has not yet been recorded, provided that the applicant has obtained a grading permit pursuant to the Town Code and posted security to cover the applicable grading and revegetation work.
- AA. A subdivision improvements agreement shall be recorded with each phase plat, 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. At the time of recordation of the phase plat and SIA, 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.
- BB. One or more phase plats may include one or more lots upon which townhome buildings will be

constructed. Such phase plat shall show the building envelope for the townhome building but need not show the individual units. One or more amended plats to define the boundaries of the individual units within each building shall be prepared for each building envelope based on as-built surveys after construction, which amended plats may be approved on staff level. Individual units may not be sold or separately encumbered until and unless the amended plat showing such units has been approved by Town Staff, signed by the Town Administrator, and recorded in the real estate records of Garfield County.

- CC. All representations of the applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Council shall be considered part of the Application and binding on the applicant.
- DD. 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.

VI. Final Application Exhibits:

- A. Final Plan Submittal Packet – April 5, 2023
- B. Affidavit of Public Notice – April 4, 2023
- C. Referral from Public Works – March 21, 2023
- D. Roundabout Diagram from Fire Department – March 16, 2023
- E. Roundabout Comment from Fire Department – March 16, 2023
- F. Proposed Conditions Language from Town Attorney – March 15, 2023
- G. Referral from Town Attorney – March 17, 2023
- H. Roundabout Referral from Town Engineer – January 12, 2023
- I. Referral from Town Engineer – March 24, 2023
- J. Referral from Fire Marshall – March 17, 2023
- K. Applicant Comment on Sustainability Initiatives – April 5, 2023
- L. Citizen Comment – April 7, 2023
- M. Town Residential Parking Exhibit – April 24, 2023

Town Attorney David McConaughy cautioned the council that this was a public hearing and council members should refrain from expressing any opinion or how they may want to vote yet because their decision should be based on the entire record including public comments which had yet to be heard. He said that it was a time for questions, not expressing opinions.

Planner Smith also reviewed the conditions in the following ordinance:

***TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2023-2***

Town Council Meeting
Tuesday, May 2, 2023

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL GRANTING CONDITIONAL APPROVAL OF A FINAL PUD DEVELOPMENT PLAN FOR LAKOTA CANYON RANCH PUD FILING 8 (LONGVIEW) AND VESTED RIGHTS FOR THE SAME AND THE FINAL SUBDIVISION PLAT OF FILING 8, PHASE 1

WHEREAS, RG Lakota Holdings, LLC and RG Lakota II, LLC (collectively, "Owner") are the owners of certain real property within the Town of New Castle, Colorado (the "Town") described in the attached Exhibit A, which property is located within the Lakota Canyon Ranch PUD (the "Property," or "Filing 8," or "Longview"); and

WHEREAS, the Property is zoned Mixed Use (MU) within the Lakota Canyon Ranch PUD; and

WHEREAS, on September 14, 2022, the Planning & Zoning Commission approved a Preliminary PUD Development Plan ("Preliminary Plan") for Filing 8 and a Preliminary Plat ("Preliminary Plat") for Phase 1 of Filing 8; and

WHEREAS, on February 3, 2023, Dwayne Romero, on behalf of Owner ("Applicant") submitted an application requesting approval of a Final PUD Development Plan for Filing 8 ("Final Plan") and a Final Plat for Phase 1 of Filing 8 (the "Phase 1 Final Plat") (collectively, the "Application" as further defined below);

WHEREAS, the Application proposes the construction of 185 residential units (108 rental apartments, 21 townhomes, 28 single-family homes, and 28 Mixed-Use Flats), 51,407 square feet of commercial space, and open space areas on a total of 17.51 acres; and

WHEREAS, the Applicant intends to develop the Property and the public improvements associated with the same in up to ten phases; and

WHEREAS, the Town of New Castle Planning & Zoning Commission ("Commission") held a duly noticed public hearing on April 12, 2023, to consider the Application and recommended that Town Council approve the Application with conditions; and

WHEREAS, Applicant has requested vested rights for the Final Plan, which Final Plan constitutes a site-specific development plan under Section 16.36.020 of the Town Municipal Code; and

WHEREAS, pursuant to Code Section 16.36.060, a duly-noticed public hearing was held by Town Council on May 2, 2023, to consider the Application and vested rights for the Final Plan; and

WHEREAS, Town Council has considered the Application materials, testimony, and other evidence from Staff, the Applicant, and members of the public concerning the Application; and

WHEREAS, Town Council has determined pursuant to Section 16.36.050 of the Code that vested rights for the Final Plan are appropriate considering the phasing of development of Filing 8; the substantial benefits conferred upon the Town and its citizens by the additional parks and open space, sales

tax revenue, employment opportunities, and affordable housing opportunities incorporated into the Filing 8 mixed-use development; and the other unique characteristics of the proposed development; and

WHEREAS, based on the Application, testimony, and other information presented, subject to compliance with the terms and conditions of this Ordinance, Town Council finds that the Application complies with the following review criteria set forth in Sections 16.16.020(G) and 17.100.050(H) of the Code:

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. Required open space or parks designed for active or passive use by residents of the subdivision and the public; and
7. Development consistent with the natural character, contours, and viewsheds of the land

WHEREAS, Town Council finds further that the Application meets the goals described in Code Section 16.04.010, satisfies the criteria set forth in Code Section 17.72.090, and conforms or will conform with the conditions of approval of the Preliminary Plan; and

WHEREAS, Town Council now desires to approve the Application and vested rights for the Final Plan pursuant to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of Town Council.
2. Definition of the Application. The “Application” consists of the documents and information identified on Exhibit B, plus all representations of and other documents presented by the Applicant reflected in the recordings and minutes of the Planning and Zoning Commission public hearing held on April 12, 2023, and the Town Council meeting and public hearing held on May 2, 2023.
3. Approval of Final Plan: The Final Plan proposes:
 - a. The development of 185 residential units (108 rental apartments, 21 townhomes, 28 single-family homes, and 28 Mixed-Use Flats), 51,407 square feet of commercial space, and open space as depicted on the final Lakota Canyon Ranch PUD Filing 8, Longview Master Plat/Plat dated April 5, 2023 (the “Master Plat/Plan”), Site Plan dated February 25, 2023, Site Plan Unit Count Info sheet dated January 13, 2023, and as otherwise described in the Application;
 - b. Multi-family, mixed-use, and single-family use areas in the locations and with the acreage depicted on the Acreage Use Diagram dated January 13, 2023;

- c. *Use and other zoning standards as described and depicted on the Zoning Diagram dated January 13, 2023;*
- d. *Building elevations and architectural design and materials as described and depicted in the Precedent Images, Design & Material Notes, and architectural drawings and floor plans dated April 26, 2023;*
- e. *The subdivision of the Property into 39 lots as shown on the Master Plat/Plan by platting the phases shown on the Master Plat/Plan in up to 10 phases; and*
- f. *Phase plats and amended final plats for the multi-family buildings will be submitted for approval at the staff level, provided that the phase plats, amended final plats, and multi-family buildings are in substantial conformance with the approved Application.*

Town Council hereby approves the Final Plan, subject to compliance with all conditions set forth in Section 7 of this Ordinance.

4. *Subdivision.* *Applicant has submitted the Phase 1 Final Plat, which proposes to subdivide Phase 1 into three single-family lots and three future development parcels. The Phase 1 Final Plat takes into account adjustments made between Lakota Canyon Ranch Parcels A1-1 and Parcel A2, which will be accomplished through a boundary line adjustment plat that will be recorded prior to the Phase 1 Final Plat. Town Council hereby approves the Phase 1 Final Plat, subject to compliance with the applicable conditions set forth in Section 7 of this Ordinance.*

5. *Zoning.* *Development and use of the Property under the Final Plan is subject to the following restrictions and requirements:*

- a. *The restrictions and requirements of the MU Zone District of the Lakota Canyon Ranch PUD Zoning Regulations, Section 17.128.070 of the Code, as may be amended or recodified from time to time, subject to the following variations:*
 - i. *The maximum height of Building CR-5 shall be 44 feet consistent with the building elevations materials dated April 26, 2023. The A-1 Building types shown on the Application's 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.*
 - 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.*

- 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. The 40% reduction will apply to Phases 2 and 3 as shown on the Master Plat/Plan, regardless of whether those phases are platted and developed in multiple sub-phases.*
- iv. *A “floating zone” is established for the Phase 3 area shown on the Master Plat/Plan—which phase may be platted and developed in multiple sub-phases—allowing for up to an additional 10,000 square feet of commercial floor area within the buildings in the “floating zone.” The additional 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.*
- v. *Any modifications approved by the Town and shown on any final phase plat for the Property. In the event of any conflict between the Zone District text or this Ordinance and the final plats for the Property, the final plat shall control.*

b. *All other applicable provisions of the Code; and*

c. *All applicable Ordinances of the Town.*

6. *Vested Rights. Town Council finds that the requirements of Section 16.36 for obtaining vested rights for Filing 8 have been satisfied and hereby approves the following vested rights for Filing 8:*

a. *The vested rights period for Filing 8 will be ten (10) years from the effective date of this Ordinance.*

b. *All phase plats for Filing 8 shall be recorded within ten (10) years of the effective date of this Ordinance.*

c. *Vested rights for each individual phase of Filing 8 shall be valid for three (3) years from the recording of the final plat for that phase, subject to the maximum vested rights period of 10 years.*

d. *The recordation of a phase plat will not extend the maximum vested rights period for Filing 8 beyond 10 years.*

e. *The following are exceptions to the vested rights for Filing 8:*

- i. *Development of Filing 8 will be subject to any wildland urban interface regulations in effect at the time of building permit, regardless of the approved Final Plan.*
- ii. *Owners of property within Filing 8 will be required to comply with the sign code in effect at the time of application for a sign permit. There is no grandfathering of or vested rights for signage within Filing 8.*

7. *Conditions. Approval of the Application, Final Plan, and Phase 1 Final Plat are subject to and contingent up on satisfaction of the following conditions:*

- a. *All “tuck-in” parking beneath A-2 type apartments and CR-1 mixed-use building shall be reserved for residential tenants of those respective buildings.*
- 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 _____, 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.

- c. *Each Filing 8 plat shall indicate whether the property included in the plat is subject to the covenants for the Lakota Canyon Ranch Master Association, a Lakota Canyon Ranch sub-association, and/or an association independent of the Lakota Canyon Ranch community. Covenants addressing shared parking, including management and enforcement requirements, hours of use, penalties for violation, maintenance responsibilities, and the reserved parking arrangements identified above shall be recorded with the applicable final plat(s). Copies of any new covenants shall be submitted to and approved by the Town Attorney prior to recordation of a final plat.*
- d. *Prior to the first building permit application for each phase, the Applicant shall specify the location of any sustainability initiatives identified in the Application. Applicant shall use commercially reasonable efforts to implement the full list of initiatives included in the Application by the time of Filing 8 completion.*
- e. *In addition to the provisions of Chapter 16.16 of the municipal code, plats for all phases shall identify streets and sidewalks dedicated as public rights-of-way, travel direction for one-way streets, locations for on-street parking, any dedicated open space, easements for snow storage,*

and any necessary signage as required under Condition F.

- f. Streets or sides of streets showing no parking in in the Application shall be signed “No Parking this Side of Street” and placed in locations recommended by Public Works and the Police Department.*
- 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.*
- h. Following construction of the CR-5 building, Applicant shall submit an improvement location certificate to the Town to confirm that the CR-5 building is no taller than 44 feet.*
- i. 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 dedication of land to the Town for a right-of-way of sufficient size to accommodate a two-lane roundabout in generally the location shown on the diagram prepared by the Town Engineer dated April 11, 2023. Applicant will dedicate the land indicated on the staff diagram for a roundabout on the Third Amended & Restated Subdivision Exemption Plat. The final location and dimensions of the right-of-way dedication will be determined by the Town Engineer prior to recordation of the Third Amended & Restated Subdivision Exemption 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 or sub-plats so that no change to the approved site plan for Filing 8 will be required to accommodate the roundabout. The land dedication by Applicant as provided in this condition will satisfy all of the Filing 8 traffic mitigation obligations at the Castle Valley Ranch/Faas Ranch Road intersection.*
- j. Applicant shall implement and comply with the affordable housing plan included in the Application. Applicant shall prepare all necessary deed restrictions and agreements needed to formalize the affordable housing plan, which deed restrictions and agreements shall be subject to review and approval by the Town Attorney. Any deed restriction shall be recorded at the same time as—and as a condition of—recordation of the phase plat creating the lot(s) or units to be encumbered with the deed restriction.*
- k. The Applicant shall include an additional potable water service line and curb stop for a water sample station. The sample station shall be purchased and installed by the Town. The additional service line and curb stop shall be located near the intersection of Drive F and Drive H or, if such location is unfeasible, another location approved by Public Works. Any easements necessary for the sample station will be dedicated to the Town on the appropriate plat.*
- l. Applicant shall provide a conceptual landscape plan to staff for each phase of development illustrating size, type, and location of plant materials and an irrigation plan, if applicable. Plans submitted to obtain a 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. Plans submitted to obtain a building permit must also identify measures (e.g., retaining walls, swales, perimeter drains, sumps, etc.) for diverting surface water drainage away from adjacent lots. The*

landscape plans for the townhome and A-1 buildings in Phase 2 or its sub-phases shall incorporate trees and other appropriate screening from the golf course. The landscape plan for the townhome buildings and private drive in Phase 4 shall incorporate trees and other appropriate screening from the adjacent homes on Blackhawk Drive.

- m. The development of Filing 8 shall comply with all applicable building code and municipal code requirements, including all sign code regulations and any wildland-urban interface regulations, in effect at the time of development of the property, as well as all recommendations of the Town Engineer and Town Public Works Director provided in response to review of the Application. All building permit 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.*
- n. Submit a construction phasing plan for staff approval that identifies, at a minimum, each of the following components for each phase or sub-phase of construction:*
 - i. Buildout phases;*
 - ii. A schedule that identifies*
 - 1. the sequencing of infrastructure, road, and building construction;*
 - 2. the sequencing of occupancy and egress for residents during construction;*
 - 3. construction traffic flow with any alternative means of project access;*
 - 4. location of construction parking;*
 - 5. list of construction hours; and*
 - 6. any necessary traffic control plans during construction;*
 - iii. Storage and staging areas for construction equipment and materials;*
 - iv. Location of temporary snow storage;*
 - v. Drainage and erosion control best management practices (BMP's);*
 - vi. Conformance to all requirements and specifications approved by the Fire Marshal concerning temporary access for each phase including, but not limited to, temporary hammerhead turnarounds at dead end streets and any necessary ingress/egress routes for emergency personnel and equipment during construction.*
- o. Street names shall be approved by Garfield County Communications to avoid any duplication of names in the county dispatch area.*
- p. Designate locations of mailbox kiosks with written authorization from the local postmaster.*
- q. Landscaping and open space shall be perpetually weed free per the Colorado Noxious Weed Act and any recommendation of Garfield County and New Castle Public Works.*
- r. The plat making 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 Application. The Third Amended & Restated Subdivision Exemption Plat will be updated to incorporate the change made by the foregoing and be recorded at the same time as the lot line adjustment plat.*

- s. *The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit is recorded with Garfield County.*
 - t. *Prior to the recordation of the Phase 1 Final Plat, the Applicant shall enter into a subdivision improvements agreement with the Town in a form acceptable to the Town Attorney and provide security for the public improvements required thereunder.*
 - u. *Phase plats that are in substantial compliance with the approved Application may be approved on a staff level and shall be recorded with Garfield County before commencing construction of any individual building within a phase. No grading or excavation for the construction of a building shall occur until a permit is used for that specific building. Applicant may commence grading and excavation for infrastructure for public improvements in areas of the project for which a phase plat and subdivision improvements agreement has not yet been recorded, provided that applicant has obtained a grading permit pursuant to the Town Code and posted security to cover the applicable grading and revegetation work.*
 - v. *A subdivision improvements agreement shall be recorded with each phase plat, 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. At the time of recordation of the phase plat and SIA, 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.*
 - w. *One or more phase plats may include one or more lots upon which townhome buildings will be constructed. Such phase plat shall show the building envelope for the townhome building but need not show the individual units. One or more amended plats to define the boundaries of the individual units within each building shall be prepared for each building envelope based on as-built surveys after construction, which amended plats may be approved on staff level. Individual units may not be sold or separately encumbered until and unless the amended plat showing such units has been approved by Town Staff, signed by the Town Administrator, and recorded in the real estate records of Garfield County.*
 - x. *All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Town Council shall be considered part of the Application and binding on the Applicant.*
 - y. *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.*
8. Severability. *Each section of this Resolution is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part hereof, the intent being that the provisions of this Resolution are severable.*

9. Effective Date. This Ordinance shall be effective 14 days after final publication pursuant to Section 4.3 of the Town Charter

INTRODUCED on May 2, 2023, at which time copies were available to the Town Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle, Colorado, on (date) , read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk

Planner Smith said that in the Lakota PUD the buildings had designs that were consistent with the Lakota vision. He said that was true of any single-family or duplex home that was built. The building permit application is submitted to the town as well as the Design Review Committee (DRC) in Lakota. The DRC will review the applications to make sure they comply with the Lakota standards. Planner Smith said that the commercial portion of the Longview development was not proposed to be part of the Lakota HOA, so the design review will be different. Buildings such as CR-5, the apartment buildings and the mixed-use buildings are proposed to be outside the Lakota Master Association, therefore the review of those buildings' architecture will be a council approval. Planner Smith said that there was potentially a lot involved in that. He said it was not listed as a condition currently. The applicant had provided some examples of architecture and representative materials for siding and roofing for each building. Planner Smith said that if council approved the buildings as they had been designed and submitted then essentially staff will review that and make sure it complied with what was submitted and approved by council for only those buildings that were not part of the HOA. Planner Smith offered that council could review the designs now and again at second reading, and staff will take feedback from the council on what they would like to see or preferred to see, and he suggested that it be added as a condition.

Attorney Carmer said that in section 3 of the ordinance it explained what the final PUD plan consisted of and that included the site plan, the master plan and plat, including the

building elevations, design and materials described in the plans submitted. She said that if council were to approve the final plan, the included designs were part of that approval. Attorney Carmer said that if what they had in the packet was acceptable that will cover it. If there were changes that the council wanted to see those would be clarified as a condition.

Planner Smith said that staff had reviewed the designs, and some were in line with Lakota and some that were not as much. The designs were not bad, but they included metal roofs, stone, some timber, some variation of colors and façades. Planner Smith said that the town was getting ready to adopt the wildland urban interface code, and one thing that will be used was cement board which was a non-combustible siding that was made to look like any other siding. He said that it will likely be one material recommendation from staff however, it was not a material you would see in Lakota today. Planner Smith said that brick was highlighted in a couple buildings and that was also a material not seen in Lakota. He said there were a few buildings that had curtain walls of glass and a few steel braces.

Planner Smith also suggested that there was a palette of architecture used around the valley and the council could review and choose some of those if they wanted.

Planner Smith said that staff were looking for some guidance for design approval for the buildings.

Councilor Carey said that she read somewhere in the town code that turf was not allowed in town. Planner Smith said that he had not seen that.

Attorney McConaughy said that before the council began, he wanted to point out something unique about the application that they were considering. The application has a request for vested rights which was allowed by town code in reference to state statute. He said that both the code and statute had a presumptive period of three years for vested rights. He said that the code said that the council had the discretion to go over three years and that it was totally in the council's discretion. Attorney McConaughy said that the statute that is referenced in the code had more guidance than that and said that vested rights shall not be vested for more than three years unless warranted in light of all relevant circumstances including but not limited to the size and phasing of the development, economic cycles, and market conditions. He said that would be the justification to go beyond three years, and the request was for ten years. He said it was something for the council to think about when they were deliberating.

Mayor A Riddile opened the public hearing at 9:03 p.m.

Mayor A Riddile asked that the commenters step up to the podium, state their name and address for the record, and then they can have three minutes for their comment. He asked that each commenter please not repeat previous comments, rather, in the essence of timeliness they can just say that they agree.

Bob Dubois, Member of the Lakota Canyon Ranch Design Review Committee. Mr. Dubois said that he had seven minutes prepared so he would have to cut it down. He said that he had lived in Lakota for more than 17 years and had spent 13 years as a member of the DRC, and that was what he was present for. Part of his comments were what Planner

Smith was speaking about regarding the design guidelines which was what made Lakota look like Lakota. Mr. Dubois said that the design of both the firehouse and Eagle's Ridge Townhomes were reviewed by the DRC and fit within the Lakota theme. Lakota Senior Housing is not within the HOA, but had they stayed with their original design everyone would have been very disappointed. Mr. Dubois said they had stayed in touch with the DRC, and although not everything about senior housing was not Lakota but they did include more design features than originally planned.

Mr. Dubois said that the single-family homes in Lakota will go through the DRC, but the apartments and commercial building will be within their own master association. That meant many things including that those buildings will not be required to abide by the Lakota standards. Mr. Dubois said that as a member of the DRC, he felt that it was very important to ensure the continuity of the buildings in the new development so that they fit in with the rest of Lakota Canyon Ranch. He emphasized the point several times and asked that the council think ahead ten or twelve years once the development was built and how it would appear out of place. He said that it was about the end game, and that once the council put their stamp on it and it was built, it was done. The same with senior housing: it was built, and it was done. Mr. Dubois said that the DRC has zero interest in trying to design anything for the Romero Group, it was not what they did. He said that they had a great interest in sitting down with the Romero Group and looking at their ideas to see what they could put together and how they could cooperate to make it look more Lakota.

Bob Dubois, 217 Blackhawk Drive. Mr. Dubois asked which apartment buildings would be over-height. Planner Smith said there were two buildings along the golf course. Mr. Dubois said that the commercial buildings on Faas Ranch Road and the Valley View Building were simply too high. He suggested that the areas be lowered to accommodate the height.

Sally Linden, 805 Ute Circle. Ms. Linden said that she felt that fire evacuation had not been addressed. She said that Castle Valley Boulevard was too narrow, and that she understood it was platted for four lanes. She was concerned that traffic will bottleneck near Shibui, and ingress and egress for the development needed to be addressed. Ms. Linden said that she lived on a horseshoe street, and at the end, regardless of national standards, she had a neighbor who had two cars, seven construction trucks with trailers that took up a lot of space on the street. She said that if you went down S. Wildhorse Drive and looked, each home had at least three cars, and most had construction trailers on the street. Ms. Linden said they could do what they want to do, but why not just do less? It's too much. Ms. Linden felt that trying to make commercial property work would not be successful. Additionally, she said that one-way streets were a fire hazard and narrow streets become a trap.

Mark McDonald, 301 Deer Valley Drive. Mr. McDonald complimented the Romero Group on their approach and their willingness to listen. He said that they had been through this with other developers who were not nearly as committed to excellence. Mr. McDonald said that in regard to the transition of apartments to townhomes to single family as shown in the drawings and images presented, the transition from single-family to townhouses to

apartments will look vastly different than the pictures because some were not subject to design review. He hoped there could be a way to transition a little bit on those buildings not subject to design review.

Roger Sheffield, 199 Blackhawk Drive. Member of the Lakota Design Review Committee. Mr. Sheffield said that he was there to discuss what was not addressed, which was the Blackhorse Drive and Whitehorse Drive intersection. He said earlier in the day there were 17 cars parked at that intersection, most of the time they were parked within feet of the intersection, and no one was paying attention. He said he understood that there were staffing issues in the town and he appreciated the hard work the town did. Mr. Sheffield said that there will be an expectation of 500 more cars coming in and out of the area. He said that he appreciated it when Mr. Romero said they will police themselves, but that would not happen. Mr. Sheffield said that no one was taking into account the additional forty or so lots on Whitehorse that have yet to be built. Mr. Sheffield said that the parking study that was done was done in 2020. The national standards that were mentioned were done in 2016. Mr. Sheffield questioned why the Romero Group could not answer the question. Mr. Sheffield felt that more research needed to be done on traffic patterns related to escaping out of certain situations. He said that the fire chief at the last meeting had not even considered looking at traffic patterns and was against the roundabout for getting fire trucks in and out of the area. Mr. Sheffield said that he was not against the development at all, but he still thought there were some serious questions that were not being answered or discussed.

Helen Griffith, 387 Faas Ranch Road. Ms. Griffith said that she had not heard anything, and assumed that when phase I starts, the mailboxes for Faas Ranch Road, and she had not heard anything about placement for the mail for the development. Ms. Griffith said that she was in agreement with the evacuation issues and the traffic issues.

Mary Gervais, 140 Lakota Drive. Ms. Gervais said that she was the Whitehorse Representative of the Lakota Board of Directors, and an avid Garden Clubber. Ms. Gervais thanked the developer for every inch of open space and trails. Being outside and having good places for everyone to be outside she felt was an important part of a healthy community. She thanked the developer for that. She also said that the deer and foxes wanted her to thank them as well because she communicated with them. Ms. Gervais said that on behalf of the Garden Club, she wanted to say to the town that the development had come with drought resistant plants listed on their planting list. Ms. Gervais said that the Garden Club asked the Town of New Castle that as each development came in, that drought-resistance and fire mitigation in terms of where things were planted, a priority in what the town allowed.

Mayor A Riddile closed the public hearing at 9:18 p.m.

Councilor Carey said that she had heard a number of comments about evacuation. She thanked the commenters for expressing their concerns. She said that it was something that the town was working on, and that there was an evacuation plan/emergency plan in

process. She said that one of the things that was being considered was some public meetings similar to the Bear Aware meetings.

Councilor Leland said that regarding the drought-resistant plants proposed, and because Councilor Carey mentioned bears, on the list of plants was service berries and acorns, both of which were bear-friendly. He suggested perhaps they were not the best.

Councilor G Riddile asked if the Romero Group was willing to speak to the DRC. Mr. Romero said that they were comfortable with the fact that they had designs that were originally founded in DRC guidelines. He said that they were also comfortable with the fact that they were creating a separate HOA, apart from Lakota. He said that the Lakota DRC was geared towards 100% residential, although it was approved with 100,000 sf of commercial. Mr. Romero said that there were two things that were substantive to that which bore mentioning. The first was the fact that there was a wildland and wildfire mitigation set of designs/regulations/requirements that he did not believe existed in many of the guidelines of the Lakota Canyon Ranch Master Association. The second, and more importantly, was that the Longview application is trying to pick up on the mixed-use community which has some need and desire to get into forms and structures that are of mixed-use and multi-family formation and there were different means, methods, structures and materials that need to be taken advantage of to make sure they were cost efficient in terms of assembly. Mr. Romero said he was not describing trying to make cheap apartments, he was simply saying that kind of commercial design had a different level of rigor, separate and apart from the residential standards that one would see in the design guidelines for Lakota. Mr. Romero said they had never tried to not be good neighbors, in fact, by definition it was quite the opposite. He said they had been proactive with what they had been doing in the ownership and assembly. He said there was no doubt they will have ongoing conversations, but they also needed to have freedom of action. Mr. Romero said they were trying to achieve so many different goals, so there had to be some compromise. He listed the goals: Residential, affordable, commercial, sales tax revenue for the town, parking and parking mitigation, heights, density, density within buildings. Mr. Romero said they were trying to thread several needles at one time and still be good neighbors and friends. Mr. Romero said that they were looking for an effective compromise in all that and he felt the process with the town staff, P&Z and council had supported that and there was no need to create friction where it was not warranted.

Mayor A Riddile asked for an approximate timeline for phasing. Mr. Romero said there were five phases, but there could be multiple sub-phases. He said they were trying to do two things. The first was to be responsive to the market absorption for what can be built and sold, not built and vacant. That comment applied to both residential and commercial. Mr. Romero said the second issue was easy academics. In phase 1, the first few homesites on Whitehorse Village Drive at the top were anticipated in the ordinance of approval. Then he felt that the lower site had a good section of multi-family and the bulk of the commercial commitments. He noted they had a letter of commitment from Valley View Hospital for a 12,000 to 15,000 sf clinic in phase II. That will provide confidence to move forward with design development, capital planning, permitting, then horizontal construction that eventually leads to vertical development for CR-5 and then they will

move on to A-1. He said the first two phases will have good visibility and were projected in the next year or two, but beyond that it was somewhat market driven. He said that he appreciated that the council was considering the extended vesting request because he felt everyone knew that 180 residential units plus 60,000-plus square feet of commercial cannot be absorbed in three years. Mr. Romero said that they were no home builders, so they anticipated either partnering or selling to home builders and or individual home builders to build out the single-family and duplex residences.

Councilor Mariscal said that her concerns were about parking. She asked about buildings A1 and A2, if they were affordable housing or market price. Ms. Henry said that the affordable units were really 'floating' units and could be in any of the buildings, however, the A buildings were apartments and would not be for sale. Councilor Mariscal felt that market price homes meant that the owners likely could afford several cars. Ms. Henry said that because the units were apartments that could be controlled. If someone signed a lease for a studio apartment, they would be allowed one car. A two bedroom, two cars. She said you won't end up in that single-family situation where one home could have seven cars. Ms. Henry also said that the parking did meet the code requirements for the residential units.

Councilor Carey said that she knew the parking issue had been well-discussed, but she wanted to comment. She told the Romero Group that she was grateful for their time and attention and creativity regarding the parking. She said that if there was a family of three, mom, dad and teenager, there will likely be three vehicles, and it would be hard to tell them they could not have three cars, and that was what the overflow parking was for. Councilor Carey said that the parking proposed allowed for an extra 92 spaces available, which would then allow for 77 spaces to be assigned and still meet the national parking standard. She felt that was something to think about.

Councilor Hazelton said that he was ready to hear what the council felt about bringing the ordinance back. He said that personally, he had a lot of information to think over. Councilor Leland agreed and said that having a little time to think over everything would be helpful, not to mention there were still other items on the agenda to handle before the mandator 10:00 p.m. adjournment. The council agreed.

Attorney McConaughy said that the council could motion to leave the hearing open without re-noticing. He said that the ordinance still had to come back for second reading, so if the council took action, it would not be completed yet.

Mayor A Riddile said that the public hearing was closed. Attorney McConaughy said that the public hearing portion was closed, but no decision was made yet, and the council often took additional public comment anyway, but the mayor had closed it. He said that if council wanted to continue it, they could.

MOTION: Councilor Hazelton motion to continue Ordinance TC 2023-01 - an Ordinance of the New Castle Town Council Approving a Final PUD Development Plan for Lakota Canyon Ranch PUD Filing 8 (Longview) and Final Subdivision Plat

for Filing 8, Phase 1 (1st reading) to the May 16, 2023 council meeting. Councilor Carey seconded the motion and it passed unanimously.

"Bear with Us" - Discussion of Wildlife Solutions

Councilor Carey asked that the council discuss the item briefly since it was so late. She said that they needed money to pay for certain items for the Hispanic Bear Meeting, which included an interpreter, food and childcare or entertainment for kids. The council discussed it briefly, reducing the funding from the requested \$2,500.00 to \$1,000.00. Councilor Hazelton agreed with the interpreter but disagreed that food was necessary since it had not been provided or the other bear meetings.

MOTION: Mayor A Riddile made a motion to approve funding in the amount of \$1,000.00 for the Hispanic Bear Meeting. Councilor Copeland seconded the motion and it passed with Councilor Hazelton voting no.

MOTION: Councilor Carey made a motion to extend the meeting past 10:00 p.m. Councilor Mariscal seconded the motion and it passed unanimously.

Consider an Update to the town Records Request Policy

The council tabled the item until the next council meeting.

Town Attorney McConaughy and Attorney Carmer left the meeting.

MOTION: Councilor a Riddile made a motion at 9:46 p.m. to go into Executive Session (1) for conference with Town Attorney for purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and (2) for purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) concerning the CVR Investors lawsuit; and

(Clerk Byram left the room, Planner Smith and Assistant Planner Prentice left the meeting)

Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Treasurer, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; and

(Clerk Byram returned, Treasurer Burk left the room)

Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) regarding the Town Clerk, and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Councilor Hazelton seconded the motion and it passed unanimously.

Executive session concluded.

At the end of the executive session, Mayor A Riddile made the following statement:

"The time is now 10:45 p.m. and the executive session has been concluded. The participants in the executive sessions were: Councilors Mariscal, Carey and Hazelton; Mayor A Riddile; Councilors Copeland, Leland, and G Riddile; Town Treasurer Burk, Town Administrator Reynolds and Town Clerk Byram. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record."

No concerns were stated.

Consent Agenda

April 2023 Bills of \$1,001,530.45

The council tabled the consent agenda because of the late hour.

Staff Reports

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

The council did not ask for staff reports because of the late hour.

Commission Reports

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

The council did not ask for commission reports because of the late hour.

Council Comments

The council did not make comments because of the late hour.

MOTION: Mayor A Riddile made a motion to adjourn. Councilor Hazelton seconded the motion and it passed unanimously.

The meeting adjourned at 10:46 p.m.

Respectfully submitted,



Mayor Pro Tem Grady Hazelton



Town Clerk Melody Byram, CMC