

**New Castle Planning and Zoning Commission Special Virtual Meeting
Wednesday, December 9, 2020, 7:00 p.m.,**

Due to concerns related to the Coronavirus, this meeting was open to the public as a virtual meeting only.

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

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

Call to Order

Commission Chair Apostolik called the meeting to order at 7:03 p.m.

Roll Call

Present Chair Apostolik
Commissioner Bourquin
Commissioner Lucio
Commissioner McDonald
Commissioner Riddile
Commissioner Sass
Commissioner Westerlind

Absent None

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

Meeting Notice

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

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Item for Consideration – Continued from November 23, 2020

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

Assistant Town Attorney Haley Carmer said since the public hearing was closed at the last meeting, the resolution had come back to the commission for discussion and deliberation. There were a number of conditions listed in the resolution. The decision is on the preliminary plan portion of the filing 11 application. The question is whether the application satisfied the criteria in the code for preliminary approval on its own or with all or some of the conditions listed in the resolution.

Town Planner Paul Smith said the decision was to make sure that the application was in compliance with the 6 criteria set forth in the municipal code. Does the application meet the criteria as it is or does the commission need to spend time on the conditions and will the application be able to move on to final. Does the conditions in the resolution need to be a condition for the application to comply with the criteria.

Chair Apostolik said he did not want to go through each condition again since the town does have professionals that the commission rely on to be able to work out some of the small issues. However, he said he would like to go through the preliminary application criteria and determine if the application meet those requirements.

Criteria 1: It is generally compatible with adjacent land uses;

Chair Apostolik said the land was zoned mixed-use, and that residential was allowed in mixed-use and is next to residential. One of issues heard was the high density next to single family homes.

Commissioner Westerlind said that he felt the application as it was did not fit the criteria because of the increased density.

Commissioner McDonald said softening of the buffer was unclear from the applicant. The applicant came back with fencing but it was unclear what the fencing would look like.

Commissioner Bourquin said she was fine with the density. The applicant had done a good job with mitigating the duplexes. When looking at the foot print of the duplex it was similar to the footprint of a single family home. However, she said the applicant had not addressed the concept of mixed-use. When looking at the comprehensive plan the application does not line up with the mixed-use zoning. Commissioner Bourquin said she believed the duplexes and triplexes were compatible with adjacent land.

Commissioner Riddile said there had been a lot of discussion about density. He said there were plenty of places in town with dense housing. He also said there

had been comments made about displacing wildlife. Wildlife had been displaced since Castle Valley Ranch started in 1992 and 1993. Commissioner Riddile said there used to be elk and deer herds a few hundred yards away from the first homes built, but the herds were now gone. He felt that everyone who owned a home in Castle Valley Ranch, Lakota Canyon Ranch and River Park were guilty of wildlife displacement. Commissioner Riddile said that there had been comments made about a lack of communication. He noted that on October 1, 2019, public notice went out and a second notice went out from CVR Investors regarding a public open house schedule for October 29, 2019 to present the filing 11 plans. Only two people showed up. He also felt that the comments made regarding investors and renters were discriminatory. Commissioner Riddile said that he did not buy into the idea that home values would drop because of the filing 11 development. He said that the same comments were made when the town built Bear Dance Park. Commissioner Riddile said that there had not been any complaints about the fill in on Mt. Yale and Mt. Harvard, that area was also "Open Space".

Commissioner Riddile said there were a couple more conditions that should be added.

- 1) Eliminate buildings 11, 12, 13 & 14 to allow for a soft biking and hiking trail.
- 2) Eliminate buildings 23 & 24 for more open space.
- 3) Different building textures.
- 4) What the vision was for the remaining land. What kind of use and development. The developer has been asked many time, but has not given an answer.

Commissioner Sass said she agreed with Commissioner Riddile. When the application was first submitted, the original plan had triplexes and quadraplexes. The new plans have duplexes and triplexes. The density is appropriate for this area and would like to keep as much open space as possible. Condensing the buildings would make it easier for public works, fire and etc. However, she would like to see some kind of barrier between the homes on South Wild Horse Drive and the duplexes. The developer has come back with a better plan but it was not the perfect plan.

Commissioner Lucio said he believes the density was too much. When asked if it was generally compatible with adjacent land uses he felt the answer was "No" it's too dense and even then, maybe half way.

Chair Apostolik said the biggest issue that had come up from not only the commissioners but also the public was the density. It was not so much the density that iwas a problem but the buffering between the homes on South Wild Horse Drive and the proposed development. The original plan had 30 plus single family homes, then Mr. Atkinson came back with 91 unites and now it's down to 85 units.

Chair Apostolik asked Mr. Atkinson what the reasoning was for the high density if

they could come to some agreement regarding the buffer next to the single family homes.

Mr. Atkinson said when CVR Investors first came in with the plans there was a configuration that had already been approved. However, the plan did not line up with the products CVR Investors built or what the current market needed. CVR Investors did not like to build mixed products, instead they built in clusters, clustering the same type of product. He said that in order to have a project, they first had to be able to make it work economically. He said that they were spending money in the first two phases of the project, and they had to be able to have a certain density to make the project worthwhile. He also said there was a demand for that type of high-density project. The density was about 6 units per acre, which is low considering the neighboring multifamily project. He noted that the current plan included almost 3 acres of open space, which was about 19% of square footage of the entire plan, which was more than the required amount.

Mr. Atkinson said in regards to the question about the density, there had been a lot of work done to address the issue. He said the significant change was reducing from triplexes and quadplexes down to duplexes and triplexes. By dropping down to duplexes also dropped the density and changed what looked like many multifamily structures to what would look more like a large single-family structure, particularly from the back. The elevations in the sketch plans were designed to look like single-family homes.

Mr. Atkinson said regarding the buffering there were conversations about fences primarily as security concerns. The fence would be right up against the public trail and as a result they were looking at a 5-6' fence to help provide a buffer from the trail to the back yards. Also, there had been a conversation about trees which Mr. Atkinson agreed to plant one tree per unit to help with buffering. The elevation of the homes on South Wild Horse was higher than the elevation of the duplexes. He said there would be a natural buffer because of the difference in elevation. He said that CVR Investors had gone to great lengths to address the buffering issue. Mr. Atkinson said that his understanding of the criteria 1 "generally compatible with adjacent land uses" was that the development was compatible because CVR Investors was not building an industrial complex. CVR Investors are building duplexes that very closely resembles single family homes. Therefore, he felt was compatible, although may not be the exact same thing. He said that the property has vested rights that have been there for decades and the rights provide them the ability to build residential product notwithstanding the zoning. Mr. Atkinson stated again that the application CVR Investors has submitted was compatible.

Commissioner Lucio asked Mr. Atkinson where he got his information about the type of building product I that was in demand.

Mr. Atkinson said that some came from his experience from across the street on how the buildings were constructed and sold. He said that CVR Investors also work

very closely with a couple of realtors. Once the plans were drawn they had conversations with realtors and found out what types of products were in demand. He said they then looked at the comprehensive plan that pointed out that there are not many multifamily units that are in the middle to low price range for people to purchase.

Criteria 2: It is consistent with the comprehensive plan

Commissioner Bourquin said the comprehensive plan called for mixed uses and typologies within an area. She felt that the clustering CVR Investors wanted to do was opposite of what the comprehensive plan looked for.

Mr. Atkinson disagreed because he interpreted that part of the comprehensive plan to mean not for a filing but for the greater community. The comprehensive plan also provided for flexibility. He said there was a section of the comprehensive plan that said the type of product filing 11 proposed with small square footage that can reach that sector of the market should be favored. If CVR Investors were applying for a diversity of product, they would be looking at the exact same kind of issue with compatibility. There are single-family homes on South Wild Horse Drive to the west, duplex product in filing 11, and on the property across Castle Valley Boulevard to the north there would be predominantly single-family homes to accommodate rest of the units.

Commissioner Westerlind said he agreed with Commissioner Bourquin. He noted that the staff report went into detail on how the application did not comply with the comprehensive plan.

Chair Apostolik noted that Mr. Atkinson, on August 20, 2020, had written a response letter and the letter there was a reference to Policy CG-5A in the comprehensive plan, item # *B. Incorporate compact building design*. Chair Apostolik agreed with Policy CG-5A item # *C. Create a range of housing opportunities and choices*. Chair Apostolik asked how that fit into the Filing 11 development.

Mr. Atkinson also said that the comprehensive plan pointed out a "Lack of affordable housing is a persistent and growing problem in and around New Castle." The comprehensive plan stated that single-family homes were the predominate product seen in communities. For CVR Investors being able to offer product which was different from the predominant single-family product was providing a range of housing opportunity and choice. Mr. Atkinson said that he believed it was the product people really needed because it fit a price point and it fit with what people want.

Planner Smith said the comprehensive plan did speak to the community at large having the diversity. He said there was a policy in the comprehensive plan: Policy CG-4A "Large residential and commercial development (50 lots/units or greater)

shall include a mix of land-use types that provide effectively integrated convenience retail, employment, services, park/open space/trails, public transit and non-motorized access". Planner Smith agreed with Mr. Atkinson that there was a lack in diversity with multifamily homes. However, he said the current zoning map did show all the multifamily homes correctly. He said there was a very large number of multifamily units that are unaccounted for on the zoning map. There was a fair amount of diversity but it just was not well represented on the approved zoning map.

Commissioner Bourquin said since a good portion of the property was zoned mixed-use was a question mark because the applicant did not address that need in the community. She asked how the rest of CVR's property interacted with the development, and stated that not knowing what rest of the property will potentially develop into made it hard to make a decision. She said that given just one element of the plan with the percentage of mixed use did raise the question of the diversity of housing type on the property.

Mr. Atkinson said when CVR Investors bought the property there was 303 approved units which was balanced into the current acreage. There was acreage to the east that CVR Investors had concerns with as to the buildability in particular areas. After the development of filling 11, he said rest of land looks to be single-family homes. Mr. Atkinson said that CVR Investors had a sketch plan in draft form that were all single-family homes for another parcel of land. He felt that based on the vested rights and the density that was allotted to CVR Investors when they purchased it, it would be foolish to do anything else, given the acreage that is left.

Commissioner Westerlind asked Mr. Atkinson about the buildability of the property to the east. He asked if Mr. Atkinson meant off Bear Canyon Drive and will Bear Canyon Drive loop around to a full 30 homes or 75 plus multifamily units.

Mr. Atkinson said the buildability was farther east. Units will be backing the units along Bear Canyon Drive just loading onto Bear Canyon Drive.

Chair Apostolik said the biggest issue was the buffering. In the comprehensive plan it encouraged collaboration with the community. He said it was pretty clear the community did not have a good impression of the development.

Chair Apostolik asked Mr. Atkinson if instead of duplexes was it worth changing them to single-family considering the buffering issue. Then there could be duplexes or triplexes along Bear Canyon Drive He also said it made sense to build from north to south since the development will be phased in order to make money.

Mr. Atkinson said he was concerned about the community and wants the community to buy into CVR Investors vision of the project. He felt the question really was whether CVR Investors was willing to take the last 18 months and start over. Mr. Atkinson said he really did not have a good answer.

Chair Apostolik asked Mr. Atkinson if it would really be starting over. He said that when the utilities were in, the road will be in and the lots will be the same.

Chair Apostolik asked Attorney Carmer if adding single-family as a condition to the preliminary would require an entirely new application.

Attorney Carmer said no, as It is similar to having conditions proposed about reducing or eliminating buildings. It would be a condition and then they would decide if that condition was satisfied at preliminary/final subdivision and preliminary/final PUD plan application.

Mr. Atkinson said it would be at odds with the cluster idea and he would start over with a new preliminary plat. He said that would be a fundamentally drastic change.

Chair Apostolik asked Mr. Atkinson what would make the change drastic. There would be 6-7 units. The structure would be about the same maybe smaller. He said he understood there would be loss of sales with reducing the number of units.

Mr. Atkinson said one of the concerns is just that: the loss of sales. He said that CVR Investors were at a point where they cannot eliminate any more units and still maintain the number of expenses with Serenity Park.

Administrator Reynolds asked if reducing density along South Wild Horse Drive, would there be an opportunity to build along the east side of Bear Canyon Drive. The infrastructure would in and therefore there would no cost difference, but it would be shifting some of the density away from South Wild Horse to another location.

Mr. Atkinson said CVR Investors tentatively decided not to load out onto Bear Canyon Drive because of the grade.

Commissioner Sass said the commission has had an issue with the plan since sketch plan where there was some discussion about single family homes along South Wild Horse Drive.

Mr. Atkinson said he understands that the single-family concept was discussed during sketch plan, however, moving from triplexes to duplexes was a pleasant change for the commission. He said the issue at hand was the greater community at large insisting it to be single family homes.

Commissioner Bourquin said there really was two issues. The first was the units themselves and second was the space to create a buffer. Commissioner Bourquin said she was fine with the units but would like to see more space because of the grades, trails and wildlife corridor and how it played in the overall use. She had a concern about how the density had created a problem around site planning. She said the problem was the additional stress placed on roadways and parking and

additional stress on open space. There was a lot more people using the shared infrastructure of roads and open space. There was a component missing when it comes to the transportation system and the open space system that had not been adequately resolved. Commissioner Bourquin said that in the last 18 months it was something that has been talked about and she was still not seeing it. On the plan there was nowhere for families to play with their children. The parking issue was not adequately resolved which was the result of the architecture of single car garages.

Commissioner McDonald said there were 31 buildings that are currently proposed which was roughly the same number of single family homes from the original plan. Mr. Atkinson had said he would try to resemble the buildings to single-family homes as much as possible, and it might be a better product in the end. Commissioner McDonald agreed the filing would be a good place to have a higher density project. If buildings did look more like a single-family homes, then that might be something to work with. He said he would also agree there needed to be more open space for the residents to move around and for families to enjoy.

Mr. Atkinson said the open space proposed was almost twice the amount of what was required as set by the town code. He said it was hard to find a way to accommodate when CVR Investors had already surpassed the required standards. In regards to the street parking issue, the comprehensive plan stated in the "Land Use Types" it was consistently seen the residential portion is that the comprehensive plan was looking for "narrow road sections reduce traffic speeds but accommodate on-street parking. The number of parking spaces allocated per unit greatly exceeded what was required by the standards of the town.

Commissioner Bourquin said residents on Redstone Drive had voiced their concerns and had stated there are things that just do not work. Commissioner Bourquin believed the issue was due to the architectural impact of having a single car garage and having the higher density with more units sharing the same linear square footage of roadway and because New Castle was a bedroom community. Bedroom communities are car dependent and very important to people's lives. She said that tied back to the mixed-use conversation. Commissioner Bourquin said that mixed-use was important, because if more jobs were created the town would be more sustainable and would rely less on vehicles. Therefore, the architectural impact of having a single car garage, the increased density and the limited linear footage of the roadway network was creating problems and the commission was trying to think of the future residents and trying to mediate those problems.

Mr. Atkinson said he understood the concerns from residents on Redstone Drive, however, the concern was legislating new parking requirements through the filing 11 development application which was not proper.

Chair Apostolik asked Public Works Director John Wenzel if the proposed plan met the intent of the code or if there were issues with it for public works.

Public Works Director John Wenzel said when talking about it at a public works level, the discussion was about the level of service. He said that public works had received numerous complaints about parking on Redstone Drive and Foxwood Lane. He said there were challenges such as snow removal because of the close proximity of driveways and the number of vehicles parked on the street and the lack of snow storage space.

Planner Smith said there were other alternatives for the parking issues, such as limiting parking on the streets and providing other parking areas which Mr. Atkinson had done.

Criteria 3: The town has the capacity to serve the proposed use with water, sewer, fire and police protection.

Planner Smith said there has been some concerns regarding potential fire hazards in the location of the proposed development and whether there was a sufficient evacuation plan for the community.

Fire Marshall Orrin Moon said that as far as evacuation for the development, it was no different from anywhere else in New Castle or Castle Valley Ranch. It is based on where the emergency is located. He said there were good routes out of Castle Valley Ranch and out of New Castle. There was not a one way in and one way out situation; there are good evacuation routes. He said that the proposed development does have a one way in and one way out circle drive. There were conversations about having another exit road, but code does not require the secondary road. If the developer does move forward with future development in the same area, then there may be a secondary road required. The primary road currently planned is adequate. He said there was nothing different in the proposed development than what was currently developed. Evacuations all depend on where the emergency is. Marshall Moon said that there were no concerns regarding evacuation routes.

Marshall Moon said there was some potential for wildfire on the south end of the development down onto C Avenue He felt that here was some mitigation that could be done.

Marshall Moon said as the development was being phased in there cannot be a complete road around the development because there needed to be an area for the fire trucks to turn around in so the trucks can get back out. Therefore, he said there would need to be a T-turn or a cul-d-sac.

Planner Smith asked what happened if there was an evacuation and everyone is on Castle Valley Boulevard heading south to the four way stop, what happened at the intersections.

Marshall Moon said if there was a wildfire situation there will be plenty of law enforcement to assist with the evacuation and getting people out safely.

Attorney Carmer said that regarding density and the number of people in the area, the total density of Castle Valley Ranch was decided a long time ago and that was how the infrastructure was planned in the first place. She said adding filing 11 was not adding new density that was not planned or accounted for.

Criteria 4: The uses proposed within the PUD are uses permitted outright or by special review within the zoning district or districts contained within the PUD.

Chair Apostolik asked Planner Smith if the proposed use was a use permitted outright.

Planner Smith said that it was. The general zoning was a combination of one third residential zoning and two thirds mixed-use. In general the development was in compliance with the residential portion of the zoning. Planner Smith said that whether it was a mixed-use development was another question.

Attorney Carmer said the type of residential proposed use was a permitted use.

Criteria 5: The number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan.

Planner Smith said the lot sizes in the code are minimum standard, there are not maximum lot sizes. He noted that CVR Investors could make the lots bigger.

Criteria 6: The PUD utilizes the natural character of the land, includes compatible land uses, provides for fire and police protection, off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieves adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of this title.

Director Wenzel said parking was a problem. When public works first reviewed the application, there were suggestions of additional off street parking because that was an issue that was recognized early on. The parking situation was problematic in the winter months when public work crews are trying to plow snow and do snow removal. There was simply no place to put the snow when there are vehicles parked the entire length of both sides of the roadway. There just is no space for snow storage.

Chair Apostolik said currently there are snow storage areas that are identified on the plans and there was conversation about signage for removing vehicles off of streets when there are snow accumulation of 2" or more within 48 hours. He also

said that Commissioner Westerlind had also brought up semipermeable parking in a prior meeting.

Chair Apostolik asked Mr. Atkinson if there was any thought about semipermeable parking.

Mr. Atkinson said there was some consideration, however it was something that he would not prefer to do. There has been alternative solutions regarding the snow. He said that one suggestion was allow CVR Investors to accommodate snow removal through the HOA. CVR Investors had gone to great lengths to isolate areas for snow storage for the benefit of the town.

Director Wenzel said that was a horrible model. He said that privatizing snow services and street maintenance were fundamental services of public entities. He said that trying to privatize those services was great until the HOA services fall short and citizens living on those streets are more demanding of a higher level of service from the town.

Administrator Reynolds said the town does have privatized streets, and on occasion the town does get calls. He said it only works for a little while, then it comes to the town being asked to take care the road or the town being blamed for not taking care of the road or snow.

Director Wenzel said that a perfect example was Walters Lane which is a private road. He said the condition of the road was terrible and public works gets the phone calls from people demanding the road to be fixed because the developer did not want to build the road to town standards and specifications.

Director Wenzel said there were privatized roads in Lakota Canyon Ranch and the residents regularly call the town expecting the town solve the shortfalls of the HOA. Director Wenzel said that privatized roads just do not work.

Director Wenzel said snow removal services should not be a consideration to be privatized.

Administrator Reynolds said the residents were paying property taxes, real estate taxes and HOA dues. On high snow years the HOA dues do increase because it does cost to plow the streets. Having vehicles on the road when trying to plow snow, a private company will be running into the same issues.

Director Wenzel said there has been suggestions given to Mr. Atkinson. Some of the suggestions have been separated sidewalks, green belts, parking restrictions and off street parking. He said those were all proven solutions to the snow plowing and removal problems.

Mr. Atkinson said CVR Investors was complying with the public works manual for snow removal which had already been met. He said that CVR Investors was not against trying to meet the snow removal requirements or try to find a workable solution, however, they had some concerns with respect to some of the suggestions. For example the green belts would allow for water and filtration under the streets which CVR Investors would have to warrant for 2 years before they are turned over to the town. Green belts are not something that CVR Investors wants to spend money on, because they think it is a bad idea.

Director Wenzel said water filtration behind the streets is not a concern if the streets are properly constructed.

Mr. Atkinson said the green belts on the outer radial of Eagles Ridge Drive are necessary therefore the building footprints needs to be moved out so the driveway size that was agreed to could be accommodated. The trees that were talked about on the west side Eagles Ridge Drive will not be able to have a significant size tree as originally discussed because there wouldn't enough room.

Chair Apostolik said that it appears there is a disagreement regarding snow and parking.

Commissioner Riddile said there was a concern regarding the trail. Mr. Atkinson had agreed to dedicate the trail. The concern for the trail was buildings 12-14 because the construction of trail would be inhibited by those three buildings.

Chair Apostolik asked Mr. Atkinson what the feasibility of keeping building 12-14 with the drop in grade, if there would there be walk-out basements put in and could they use a dozer right outside of the lot line to help flatten the area to help with the future of the trails.

Mr. Atkinson said it was feasible. He said that CVR Investors had in mind to dedicate that area south, including the hill, it to the town.

Commissioner Lucio asked Mr. Atkinson if Serenity Park would have any facilities in the park.

Mr. Atkinson said there are designs for a gazebo and a couple of picnic tables. The park would be graded to less than 5 percent which would be useable as a park for the community. As far as playground equipment, he said it would not be anything CVR Investors would provide. If the town desired to have playground equipment that would be up to the town to provide after the dedication. He said there would be grass and the idea of Serenity Park was to have the park as a very useful space. He said that the placement of the park was unique because of the confluence of several trails as well as open space "A". The park would be usable by the entire town even though the maintenance of it was covered by the sub HOA for filing 11.

Commissioner Bourquin said she would rather have buildings 23 & 24 become essential open space for the community with the possibly having 200 people living in the development. The residents were going to need an outdoor space to gather, to recreate and use. She noted that during this time of COVID-19 there has been more of a need within the community. People are outdoors more and it is important for livability.

Chair Apostolik asked if all the parking along Bear Canyon Drive had been taken away, or if there was still two sided parking around Eagles Ridge Drive.

Mr. Atkinson said there was no parking on the outer radial of Eagles Ridge Drive within 48 hours of a snow event. He said they really did not want to restrict the residents from parking on the road for 48 hours. He said he thought there was an agreement to provide intermittent snow storage areas on the outer radial of Eagles Ridge Drive to allow for the snow plows to put the snow between the buildings.

Planner Smith said if Bear Canyon Drive was to go to 50' wide right-of-way, there would be no parking on either side of the drive, there would be separated sidewalks.

Mr. Atkinson said some of the changes that were agreed to in order to help alleviate some of the concerns on Bear Canyon Drive was there would be no driveways that would load onto Bear Canyon Drive which would ease the flow of traffic. He said they also agreed to the green belts along Bear Canyon Drive. Mr. Atkinson said they would like to provide on street parking along Bear Canyon Drive as an amenity to the area. If 50' was a concern, then Mr. Atkinson said he would be willing to go to 60' and allow people to park on Bear Canyon Drive.

Commissioner Bourquin asked what the concern was for people parking on Bear Canyon Drive.

Director Wenzel said there is no objection to people parking on Bear Canyon Drive, rather, it came down to whether parking was allowed or not which will determine the right width of the road. Bear Canyon Drive was considered a collector street and travel lanes were typically wider on collector streets. He said that there was accommodation for wider streets, then they needed to accommodate for parking lanes, separated sidewalks and the green belts on both sides which would require a 60' right-of-way.

Commissioner Bourquin asked what made Bear Canyon Drive a collector street when it does not go anywhere. She felt that having narrower lanes would help slow traffic speeds.

Chair Apostolik said that street will collect north and south of Eagles Ridge Drive and could continue down south into the next filing.

Director Wenzel said that under the definitions of the public works manual it qualified as a collector street. Also the street is supporting all of the residential traffic and taking it onto the arterial road which was Castle Valley Blvd.

Town Engineer Jeff Simonson said the typical street sections were 36' from flow lane to flow lane. Then for collector street there would be 12' lanes, 6' parking lanes on each side of the street. The big reason for a collector street was more of a long term planning of the development. He said that typically you do not want to load a collector street with driveways, and the current design helped to continue with the classification of a collector street. He said that if there was going to be parking on the street then the street would need to be 36' from flow lane to flow lane. The alternative, he said, was not to have a collector street and narrow the street to 30' from flow lane to flow lane and not have parking on the street and pave a paved shoulder.

Chair Apostolik asked Director Wenzel based on the current location for snow storage would that work.

Director Wenzel said initially the staff had recommended the developer should construct separated sidewalks to include the green belts because that was the most efficient way to move and to store snow. It also provided the highest level of service. He said the developer came back and said it would be too difficult to accommodate. Then the staff came up with an alternative to designate snow storage areas. He said the importance of designating snow storage areas was because citizens get attached to empty parcels of land directly adjacent to their property, and piling snow into those areas was not well received. He said if you start off with designated snow storage areas it becomes easier for public works to manage.

Director Wenzel said the first priority was to have green belts and, separated sidewalks, and the reasoning was to be able to accommodate for snow storage and help improve the level of service.

Commissioner Bourquin asked Mr. Atkinson why he was willing to build green belts on Bear Canyon Drive but nowhere else.

Mr. Atkinson said the reason for agreeing to that was to help meet in the middle. During the discussions CVR Investors agreed build the green belts at that location as well as tree line the street. Then, identify isolated snow storage areas with signage throughout Eagles Ridge Drive in order to push the snow along the outer radials and between driveways. This would allow plenty of space to do that. He said that the other difference between Eagles Ridge Drive and Bear Canyon Drive was because it had a ripple effect that happens because of the 25' driveways. Because of the larger driveways, it moved the footprint of the home back and provided for a smaller back yard of 20' or less.

Director Wenzel said because of the density and the lack of off street parking, the town had worked with some HOAs to develop a program to implement the 48 hour restriction after a snow event. The restrictions had been well received by the residents and was very effective. He said in some of the neighborhoods where the program was active, the town has received almost 100 percent compliance from the residents.

Chair Apostolik asked if criteria 6, did the application meet or were there conditions that need to be added in order for the application to meet criteria 6 to move forward.

- 1) Eliminate buildings 11, 12, 13 & 14 to allow for a soft biking and hiking trail.
- 2) Eliminate buildings 23 & 24 for more open space.
- 3) Different building textures and colors.

Chair Apostolik said he did agree with eliminating buildings 12-14 because he believed that would be up to the developer to make the trail work.

Commissioner Bourquin said if there were walkout basements it might minimize the grade and might alleviate some the issues.

Commissioner Westerlind said he would like to see more of a buffer or distance along South Wild Horse Drive.

Mr. Atkinson said CVR Investors cannot afford to lose any units. He said at the end it would be an either or Serenity Park or losing building 23 & 24. Moving the development to the east would mean all new engineering.

Commissioner McDonald said he would much rather see buildings 23 & 24 eliminated for more open space "C" and not have Serenity Park. Open Space "C" was more centrally located for people to actually use.

Commissioner Bourquin said it seemed there was a lot of underutilized open space. She asked if it would be possible for a variance to reduce some of the side yard setbacks from 10' to 8'. By doing that might be able to get a couple extra units. With side yards being non-useable space and central green space being very usable space.

Administrator Reynolds said the problem was that as buildings are being brought closer together you get fewer parking spaces on the street. Depending on what the developer was willing to do as far as the green belt between the sidewalk and the street, it would also be cutting down on snow storage space. It all changed when as you pull buildings closer together.

Commissioner Westerlind asked Mr. Atkinson if there would be fences or would it

be open between units.

Mr. Atkinson said there would be a privacy fence in the back of the buildings on the west side of Eagles Ridge Drive. There would also be back yard fencing throughout the development. He said he was not expecting to have fencing between the buildings.

Commissioner Westerlind asked it would be possible to have little cluster gathering places between every few buildings.

Mr. Atkinson said that would be something he was willing to explore.

Chair Apostolik said currently there were 29 conditions just to move forward with the application from preliminary. He said he would like to continue the meeting to allow the commission to think about what it would take to move the application forward. Also, what it would take to satisfy the 6 criteria described in the town code, otherwise the application would be denied.

Mr. Atkinson said he would like for the commission to be informed and willing to continue to the meeting to January 13, 2021.

MOTION: Commissioner Westerlind made a motion to continue Resolution PZ-2020-09 to January 13, 2021 at 7pm. Chair Apostolik seconded the motion and it passed unanimously.

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no commission comments.

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

The meeting adjourned at 9:07 p.m.

Respectfully Submitted




Chair Chuck Apostolik


Deputy Town Clerk Mindy Andis, CMC