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Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
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Agenda

New Castle Planning and Zoning Commission Regular Virtual Meeting Wednesday, January 13, 2021, 7:00 PM

Due to concerns related to COVID-19, this meeting will be held as a virtual meeting only. The public is invited to attend.

[To join by computer, smart phone or tablet Click Here:](#)

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until

Call to Order, Roll Call, Meeting Notice

Conflicts of Interest (Disclosures are on file with Town Clerk & Secretary of State)

Citizen Comments on Items NOT on Agenda

Public Hearing

- A.** Consider Resolution PZ2020-9 Approving a Preliminary PUD Development Plan for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19

Comments/Reports

- Items for Next Planning and Zoning Agenda
- Commission Comments/Reports
- Staff Reports

Review Minutes of Previous Meetings

- B.** Draft Minutes November 23, 2020

- C.** Draft Minutes December 9, 2020

Adjournment

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2020-9**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION APPROVING A PRELIMINARY PUD DEVELOPMENT PLAN FOR CASTLE VALLEY RANCH FILING 11, BEING A PORTION OF PA 17 AND PA 19.

WHEREAS, CVR Investors, Inc. (“Applicant”) is the owner of certain real property within the Town of New Castle described in the attached Exhibit A, which property as part of Planning Areas 17 and 19 of the Castle Valley Ranch Master Plan (the “Property,” or “Filing 11”); and

WHEREAS, the PA 19 portion of the Property is zoned Residential (R), and the PA 17 portion is zoned Mixed Use (MU); and

WHEREAS, the Applicant submitted an application requesting approval of a combined Preliminary/Final PUD Development Plan and a Preliminary/Final Plat for the first phase of the development, (the “Original Application”); and

WHEREAS, the Original Application proposed to construct a total of 91 residential units in 28 multi-family buildings on 27 lots on 13.538 acres; and

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

WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly noticed public hearing on May 13, 2020 that was continued to May 27, 2020, to consider the Original Application; and

WHEREAS, after the public hearing was closed on May 27, 2020, the Commission voted to deny the Application in its entirety and adopted Resolution PZ 2020-6 effective as of August 7, 2020 to document its decision; and

WHEREAS, pursuant to Section 17.100.070(D) of the Town Municipal Code, Applicant took the Commission’s decision regarding the preliminary PUD portion of the Application (the “Preliminary Plan”) to Town Council for review; and

WHEREAS, on July 21, 2020, Town Council reviewed the Commission’s decision regarding the Preliminary Plan and decided to refer the Preliminary Plan back to the Commission for reassessment; and

WHEREAS, at its August 26, 2020 meeting, the Commission reconsidered the Preliminary Plan based on the information and evidence presented during prior public hearings and continued a decision regarding the Preliminary Plan to September 23, 2020; and

WHEREAS, at the September 23rd meeting, Applicant elected to amend its Preliminary Plan, which amendments included a new narrative, revised site plan, conceptual landscape layout, and 3-D renderings (the “Amended Preliminary Plan”);

WHEREAS, a decision regarding the Amended Preliminary Plan and a public hearing regarding the same was continued to and held on November 23, 2020; and

WHEREAS, the Commission listened to testimony from Staff, the Applicant, and members of the public concerning the Amended Preliminary Plan; and

WHEREAS, based on the testimony and other information presented, subject to compliance with the terms and conditions of this Resolution, the Commission finds:

1. that the Amended Preliminary Plan is generally compatible with adjacent land uses;
2. that the Amended Preliminary Plan is consistent with the Town’s Comprehensive Plan;
3. that the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection;
4. that the uses proposed within the PUD are uses permitted outright within the zoning district contained within the PUD;
5. the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan;
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, achieved adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.
2. Definition of the Preliminary Plan. The “Preliminary Plan” consists of the documents and information identified by the Town Clerk on Exhibit B, plus all representations of and other documents presented by the Applicant reflected in the minutes of the Planning and Zoning Commission public hearing on May 13, 2020 that was continued to May 27, 2020, the Town Council review held on July 21, 2020, the Commission reassessment review conducted on August 26 and September 23, 2020, the public hearing held on November 23, 2020, and the Planning & Zoning Commission meetings held on December 9, 2020, and January 13, 2021.

3. Action regarding Preliminary Plan, as amended: The Preliminary Plan, as amended by the Amended Preliminary Plan, proposes:
- a. The construction of eighty-five (85) residential units in twenty-nine (29) multi-family buildings on twenty-nine (29) lots, with the lots, roads, and open space to be platted and developed in accordance with the site plan submitted on October 30, 2020, as part of the Amended Preliminary Plan;
 - b. That Filing 11 will be platted and developed in up to three phases; and
 - c. That the platting of future phases of Filing 11, including subdividing the Property into lots and amending final plats as the multi-family buildings are constructed, be approved at a the staff level, provided that the future phase plats and amended final plats are in substantial conformance with the Amended Preliminary Plan.

The Planning Commission hereby approves the Preliminary Plan, as amended, subject to compliance with all conditions set forth in Section 6 of this Resolution.

5. Zoning. Upon approval of a final PUD plan for the Property, the development and use of the Property shall be subject to the restrictions and requirements of the MF-1 Zone District of the Castle Valley Ranch PUD Zoning Regulations, Section 17.104.080 of the Code (Zone District), as may be modified by the final plats for the Property; all other applicable provisions of the Code; and all applicable Ordinances of the Town. In the event of any conflict between the Zone District text and the final plats for the Property, the final plats shall control.

6. Conditions. Approval of the Preliminary Plan, as amended, is subject to and contingent up on satisfaction of the following conditions:

- a. Eliminate, reorient, or reduce the following buildings that adversely impact the natural character of the Property and the livability of the community:
 - Reduce the building on Lot 11 to a duplex because of the aesthetic impacts of a 18' grade cut
 - Reduce the building on Lot 12 to a duplex because of the aesthetic impacts of a 14' grade cut
 - Eliminate Building 13 because of 30' fill and projected settlement
 - Eliminate Building 14 because of 38' fill and projected settlement
 - Eliminate Buildings 24 and 25 to make central open space more usable and to promote outdoor recreation
 - Orient Building 29 so that the building is parallel to Eagle Ridge Drive
- b. Design duplex units on Eagle Ridge Road with garages which can accommodate two vehicles to improve the housing diversity, snow storage, and on-street parking issues.
- c. The covenants for Filing 11 shall prohibit the parking of boats, trailers, campers,

- RVs, inoperative vehicles, etc. in driveways or on public rights of way for no more than 48 consecutive hours.
- d. Upgrade the open space area off of Falcon Ridge Court as a central “green” with functional active or passive space.
 - e. Applicant shall adequately screen the western portion of Filing 11 from the adjacent homes along South Wildhorse Drive through one or more of the following:
 - Widening the natural buffer along C Avenue to greater than 120 feet;
 - Heavily landscaping Open Space A as shown on the Preliminary Plan with trees to obscure the line-of-site; or
 - Installing at least three trees near the rear lot lines of the lots along the west side of Filing 11 and including a provision in covenants for Filing 11 regarding on-going HOA maintenance and replacement of the same.
 - f. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. In addition to the snow storage areas shown on the revised site plan submitted with the Amended Preliminary Plan, a snow storage easement shall be designated to the east of Building 11 consistent with the comments from the Public Works Director. Snow storage shall be free of all obstructions including fences.
 - g. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2” OR MORE.
 - h. Provide 5’ landscape (“green”) buffers between the road and sidewalks along the outer radial lane of Eagle Ridge Dr. for snow storage.
 - i. The boundary of the open space area at the southwestern end of Filing 11 shall be revised to incorporate the entire length of the trail that connects to Eagle Ridge Drive as shown on the revised site plan. Said open space and trail shall be owned and maintained by the HOA for the development but shall be open for public use.
 - j. Design Bear Canyon Dr. as a 50’ right-of-way according to comments from the Public Works Director. No homes in this filing or any future filing north of the southern intersection of Eagle Ridge Drive and Bear Canyon Drive shall front or be accessed off of Bear Canyon Drive.
 - k. Specify on the plat that Open Space A shall be owned and maintained by the Town and that all other open space areas within the development shall be owned and maintained by the HOA.
 - l. Provide a construction phasing plan. Identify, at minimum, each of the following components:
 - Buildout phases;

- Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - Storage and staging areas for construction equipment and materials;
 - Illustrate drainage and erosion control best management practices (BMP's)
- m. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- n. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- o. Provide a conceptual landscape plan 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 dwelling in Filing 11 shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.
- p. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- q. Submit an exhibit and conveyance document(s) in a form acceptable to the Town Attorney outlining the necessary water rights (potable and/or raw) required for Filing 11.
- r. Prior to the recordation of any Filing 11 phase plat, the Applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney. The subdivision improvements agreement for the first phase shall address the allocation of work and costs between Applicant and the Town necessary to mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.
- s. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- t. Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this Resolution.
- u. 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.
- v. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, when developing the Property according to the Plan, as amended;

- w. 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.
- x. Dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill.
- y. Diversify painting and texture of the units within the subdivision.

7. Action on final PUD portion of Application. The Commission hereby continues its decision on the final PUD portion of the Application until Applicant submits a revised final PUD development application that addresses the conditions set forth in Section 6 of this Resolution. The revised final application will be considered at a public hearing noticed as set forth in Section 16.08 of the Town Municipal Code.

8. Effect of Resolution. This Resolution PZ 2020-9 shall repeal and supersede Resolution PZ 2020-6 only with respect to the Preliminary PUD. Resolution PZ 2020-6 remains in effect for all other portions of the Original Application. The preliminary/final subdivision application has been previously denied but may be re-submitted for further review in conformity with the approved Preliminary PUD Development Plan and may be considered simultaneously with the hearing on any Final PUD Development Plan.

SO RESOLVED this 13th day of January, 2021, by a vote of ____ to ____.

TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION

Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk

Exhibits:

- Exhibit A: Legal Description
- Exhibit B: List of Application materials

EXHIBIT A
Legal Description

Parcel A: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31 AND THE NW1/4 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32 A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S 01° 19' 34" E 1570.62 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE CASTLE VALLEY BOULEVARD, AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED JANUARY 9, 2001 UNDER RECEPTION NO. 574735, ALSO BEING A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH PUD AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590 THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAD RIGHT OF WAYS 01°19' 34" E AND ALONG SAID EASTERLY BOUNDARY LINE 1066.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID CASTLE VALLEY RANCH, P.U.D.; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 40' 24" W 1195.15 FEET; 2. N 00° 19' 36" E 120.00 FEET; 3. N 89° 40' 24" W 180.00 FEET; 4. N 00° 05'00" W 210.20 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 00° 05'00" W 983.59 FEET; THENCE S 89° 56' 5" W 552.43 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA19A AND PA19B AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE N 40° 33' 51" E ALONG SAID EASTERLY BOUNDARY LINE 283.40 FEET; THENCE CONTINUING ALONG SAD EASTERLY BOUNDARY LINE N 55° 43' 05" E 455.98 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF CASTLE VALLEY BOULEVARD; THENCE DEPARTING SAD EASTERLY BOUNDARY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 862,01 FEET; AN ARC LENGTH OF 591.51 FEET (CHORD BEARS S61° 39' 09" E 579.98 FEET); THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1. S 81° 18' 39" E 261.25 FEET; 2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 342.58 FEET (CHORD BEARS S 67° 40' 47" E 339.36 FEET); 3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 19.02 FEET (CHORD BEARS S 14° 30' 47" E 19.00 FEET); 4. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 82.00 FEET, AN ARC LENGTH OF 110.68 FEET (CHORD BEARS S 48° 27' 33" E 102.47 FEET); 5. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 20.06 FEET (CHORD BEARS S 82° 08' 49" E 20.03 FEET); 6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 57.30 FEET (CHORD BEARS S 41° 01' 02" E 57.29 FEET); 7. S 38° 44' 14" E 193.94 FEET TO THE POINT OF BEGINNING.

Parcel B: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32, A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S29° 45' 20" W 2647.04 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, P.U.D. AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590, THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 50' 34" W 450.00 FEET; 2. N 00° 09' 26" E 75.00 FEET; 3, N 89° 50' 34" W 275.00 FEET; 4, N 00° 09' 26" E 150.00 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N00° 47' 28" W 548.03 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA 19A & WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE N 40° 33' 51" E 273.86 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 89° 56' 25" E 552.43 FEET; THENCE S 00° 0500" E 983,59 FEET TO THE POINT OF BEGINNING

EXHIBIT B
Preliminary PUD Application Materials

- 1) PUD & Subdivision Combination Applications
- 2) Application Narrative
- 3) Applicant Response to Referrals - SGM
- 4) Referral - Colorado Parks & Wildlife
- 5) Referral - Colorado Fire River Fire and Rescue
- 6) Referral - Town of New Castle Public Works
- 7) Referral - Town Engineer
- 8) Referral - Town of New Castle Police Chief
- 9) Referral - Garfield RE-2 School District
- 10) Will Serve Letter - Xcel
- 11) Public Notice (for May 13, 2020, and November 23, 2020 public hearings)
- 12) List of Property owners within 250' of Development
- 13) Affidavit as to Notice of Public Hearing (May 13 & November 23, 2020)
- 14) Agreement to Pay Consulting Fees & Expenses, February 15th, 2019
- 15) Title Commitment + Legal Description
- 16) Soils Report - A.G. Wassenaar
- 17) Drainage Calculations - SGM
- 18) Utility Report - SGM
- 19) Traffic Impact Study - SGM
- 20) Construction Drawings
- 21) Architectural Floorplans
- 22) Updated site/phasing plan dated May 27, 2020
- 23) Narrative submitted October 30, 2020
- 24) Amended/revised site plan submitted October 30, 2020
- 25) Conceptual landscaping plan submitted October 30, 2020
- 26) 3D renderings submitted October 30, 2020
- 27) Public Works Director comments dated November 3, 2020
- 28) SGM referral comments dated November 13, 2020

1 **New Castle Planning and Zoning Commission Special Virtual Meeting**
2 **Monday, November 23, 2020, 7:00 p.m.,**

3
4 **Due to concerns related to the Coronavirus, this meeting was open to the**
5 **public as a virtual meeting only.**

6
7 **To join by computer, smart phone or tablet:**
8 **<https://us02web.zoom.us/j/7096588400>**

9
10 **If you prefer to telephone in:**
11 **Please call: 1-346-248-7799**
12 **Meeting ID: 709 658 8400**

13
14 **Call to Order**

15 Commission Chair Apostolik called the meeting to order at 7:01 p.m.

16
17 **Roll Call**

18 Present Chair Apostolik
19 Commissioner Bourquin
20 Commissioner Lucio
21 Commissioner McDonald
22 Commissioner Riddile
23 Commissioner Sass
24 Commissioner Westerlind

25
26 Absent None

27
28
29 Also present at the meeting were Town Administrator Dave Reynolds, Town Planner
30 Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Mindy Andis
31 and members of the public. All persons attended the meeting via phone computer,
32 smart phone or tablet.

33 **Meeting Notice**

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

36
37 **Conflicts of Interest**

38 There were no conflicts of interest.

39
40 **Citizen Comments on Items NOT on the Agenda**

41 There were no citizen comments.

42
43 **Public Hearing**

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

1 Chair Apostolik opened the public hearing at 7:03 pm.

2
3 Assistant Town Attorney Haley Carmer summarized the process thus far. Attorney
4 Carmer said the original land use application for Castle Valley Ranch Filing 11 was
5 submitted in the spring of 2020. The application was a combined preliminary/final
6 PUD application and preliminary/final subdivision application. A public hearing on
7 the application was held in May of 2020. The Planning and Zoning Commission
8 ultimately made the decision after the second public hearing to deny the
9 preliminary plan and the preliminary subdivision plat. Therefore, with the denial of
10 the preliminary application there would be no further action taken.

11
12 Attorney Carmer explained that the applicant requested, as they have a right to
13 under New Castle Municipal Code, to have the town council review the planning and
14 zoning commission decision regarding the preliminary PUD to see if warranted a
15 reconsideration by the planning and zoning commission. Town Council decided to
16 have planning and zoning commission review the preliminary plan portion of the
17 original application only in August. The planning and zoning commission continued
18 the application to September and the applicant elected to amend the preliminary
19 PUD application to provide new materials. The planning and zoning commission is
20 to decide whether to approve the preliminary PUD plan as is without conditions,
21 with conditions, or to deny the application. If the application does move forward
22 with either a straight approval or a conditional approval since planning and zoning
23 commission is the ultimate deciding body for preliminary PUD plan, then the
24 applicant would come back with a combined preliminary/final subdivision plat for
25 the first phase or the entire filing. The applicant would also have a final PUD plan
26 application for the entire project.

27
28 Town Planner Paul Smith said that the preliminary application was for Castle Valley
29 Ranch Filing 11 PA17 and a portion of PA19. The property is south of Castle Valley
30 Boulevard and directly east of South Wild Horse Drive and Mt. Harvard Court. The
31 original application had 91 units of mainly triplexes and quadraplexes. The current
32 application is for duplexes and triplexes with a total of 85 units. In the packet is
33 also an updated resolution with several conditions. He said the conditions list was
34 compiled by staff using the applicant's concerns and suggestions.

35
36 Planner Smith reviewed the list of conditions with the commission.

37
38 Conditions. Approval of the Preliminary Plan, as amended, is subject to and
39 contingent up on satisfaction of the following conditions:

40
41 **Condition a.** Eliminate, reorient, or reduce the following two buildings that adversely
42 impact the natural character of the Property

- 43 • Reduce the building on Lot 10 to a duplex because of the aesthetic
44 impacts of a 18' grade cut
- 45 • Reduce the building on Lot 11 to a duplex because of the aesthetic
46 impacts of a 14' grade cut
- 47 • Eliminate Building 13 because of 30' fill and projected settlement
- 48 • Eliminate Building 14 because of 38' fill and projected settlement

- Orient Building 29 so that the building is parallel to Eagle Ridge Drive.

Town Engineer Jeff Simonson said units 29 A-C could be rotated to be more parallel to Eagles Ridge Drive, and it would be more efficient for construction of those units. He said lots 13 and 14 were challenged with 30-foot fill and 38-foot fill from a construction standpoint. One of concepts the applicant had come up with was having walk out basements to help eliminate at least 8-10 feet of fill. He said that the bigger problem would be 4-6 inches of fill even if the fill was compacted well because there would be 2 percent of settlement over 5-10 year time period. In the 5-10 year time period is where the town would end up regulating the situation in the future for movement. The foundation can be built where it actually goes through the fill and can adequately supporting the structure. The exterior fill around the building continues to settle. The exterior grading and the drainage could be a problem in the future and would be difficult to control.

Applicant Aaron Atkinson said building 29 could be oriented to be parallel to Eagles Ridge Drive. Regarding buildings 10-14, he said the buildings would be a challenge because of the fill. With the proper engineering, there should not be an issue with buildings 10-14. He said he would have all the proper structural engineering done prior to moving forward with construction of buildings 10-14. The buildings would be on solid foundations. Mr. Atkinson said he had also looked at walkout basements. With respect to buildings 13 and 14, he said he would like to retain those buildings as seen in the application. He said he was not sure of any reason why the town would be involved in any settlement issues with buildings 13 and 14 as it relates to structure itself. If the application does move forward with buildings 13 and 14 constructing and engineering the foundation would become a builder warranty issue. With regard to buildings 10 and 11, Mr. Atkinson was confident they would be able to make the buildings aesthetically pleasing from the rear. He said there had been conversations about stone retaining walls and walk out basements to help make the rear aesthetic better. Mr. Atkinson said with the current condition of 6a there would be 8 units lost. He said there was a certain density across the entire development that they had to maintain, and they could not economically afford to lose 8 units. Mr. Atkinson said they would like to retain those units and they would make the units were aesthetically pleasing and they would engineer the foundations, even if it was more costly to make sure the foundations were sturdy so that there wouldn't be any warranty issues.

Chair Apostolik asked Mr. Atkinson about erosion control and run off coming towards the town regarding buildings 13 and 14.

Mr. Atkinson said from his understanding that was not a concern that couldn't be addressed. Similar buildings on South Wild Horse Drive had been built on similar fill and he was not aware of any issues.

CVR Investors Engineer Dan Cokely said that the developer planned to do the grading all at once as part of phase 1. The fill would be part of phase 3 therefore the fill would sit there for a certain number of years, which would allow some of the settlement to occur before the buildings were built. Engineer Cokely said that for

1 erosion control it could be revegetated, and they can place blankets on the fill
2 slope. To inhibit erosion there will be a drainage ditch on the downhill side. He said
3 the amount of run off will not increase because of the development. Currently the
4 run off is going to the ponds in the south east and south west of the subdivision. He
5 said that south of Wild Horse Drive the PA22 development had cut slopes that were
6 the same range as units 11A and 12C. In terms of vertical height those cut slopes
7 were from 30-70 feet tall, and had been revegetated and handled. Engineer Cokely
8 noted that the cut slopes in units 11A and 12C were not as tall. The fill slope below
9 buildings 13 and 14 will not be as tall as some of the slopes that are in other
10 developments.

11
12 Commissioner Bourquin asked what Mr. Atkinson plans were for revegetating and if
13 the revegetation would be done in phases.

14
15 Mr. Atkinson said the plan was to revegetate as part of the phasing plan. As far as
16 revegetating the area to ameliorate concerns, it was something he was willing to
17 look into. As far as timing, Mr. Atkinson said he was not sure when the best time
18 was to revegetate, whether immediately after the grading, or after allowing the soil
19 sit for a period of time.

20
21 Attorney Carmer asked Mr. Atkinson to describe the phasing plan because it was
22 hard to understand by looking at the site plan.

23
24 Mr. Atkinson said phase 1 would be the north side, phase 2 the central areas off of
25 Falcon Ridge Court and the southwestern buildings and phase 3 the southerly
26 portion including buildings 11-13 and buildings across the street.

27
28 Chair Apostolik asked the commission for their comments pertaining to condition
29 6a.

30
31 Commissioner Bourquin said she did not have an issue with buildings 10 and 11
32 going from a duplex to a triplex.

33
34 Commissioner McDonald said the buildings on the south side he did not have an
35 issue with. He felt there was a need to address erosion control and revegetation
36 issues. He also felt the grading could be a problem as you look at the contours,
37 there are a few hills, but it also looked like some of it would be relatively flat.
38 Commissioner McDonald said he wondered what the grading will be like on the
39 south side.

40
41 Commissioner Westerlind said as long as there was a builder's warranty that would
42 cover settling issues for buildings 10 and 11, and he did not have a problem with
43 that. He said he would prefer to have the higher density away from Castle Valley
44 Boulevard.

45
46 Commissioner Sass said did not have an issue with buildings 10 and 11. She asked
47 which homes were being referred to that had similar fill issues as what was being
48 proposed. Engineer Cokely said they were cut situations, not fill situations, and he

1 said they were on Crestone Way, Sunshine Court, Red Cloud Court and El Diente
2 Way.

3
4 Commissioner Lucio said he was okay with buildings 10 and 11, and he was
5 agreeable with either duplexes or triplexes.

6
7 Commissioner Riddile said he was fine with triplexes.

8
9 Engineer Simonson said the commission needed to be aware that the applicant will
10 need to comply with all state laws. Since the applicant would be grading more than
11 an acre they would be required to have a storm water management master plan
12 through final plat and through the construction drawings. As part of plan would be
13 revegetation and revegetation would not address not only long term but also from
14 the first day of construction. The storm water management plan will require a state
15 storm water permit which would need to be secured and will need to be maintained
16 on a daily bases. To make sure all of the erosion and settlement control are in
17 place.

18
19 **Condition b.** Design duplex units on Eagle Ridge Road with garages which can
20 accommodate two vehicles to improve the housing diversity, snow storage, and on-
21 street parking issues.

22
23 Mr. Atkinson said the 2 car garages do not conform to the floor plan and does not
24 mirror what was drawn for the lot lines. To help with the diversity of housing some
25 of buildings were changed to duplex lots.

26
27 Commissioner Westerlind asked if the driveways could be widened to help with
28 recreational park space and get more vehicles off the street.

29
30 Mr. Atkinson said he was not sure if that would work or not because he had not
31 thought of it.

32
33 Commissioner McDonald asked Mr. Atkinson if he had looked at other parking
34 alternatives that had not already been presented.

35
36 Mr. Atkinson said yes. He had looked at the end of Falcon Ridge Court with several
37 spaces at the center of the cul-de-sac.

38
39 Planner Smith said there were other duplexes in town that were high quality that
40 had two car garages with the master bedroom on the lower floor.

41
42 Commissioner Riddile agreed with keeping the cars off the street. If the units would
43 not have a two car garage then there needed to be alternatives for surface space to
44 keep vehicles off of the street.

45
46 Planner Smith said the duplexes along Eagles Ridge Drive were a significant change
47 the applicant made and also there are no long driveways off of Bear Canyon Drive.

48

1 **Condition c.** The covenants for Filing 11 shall prohibit the parking of boats, trailers,
2 campers, RVs, inoperative vehicles, etc. in driveways or on public rights of way for
3 no more than 48 consecutive hours.
4

5 Mr. Atkinson said items in condition c are fine as far as being in the covenants with
6 the HOA. Those items are in line with what he wanted and would help with traffic
7 concerns and allow for better movement through the development.
8

9 Commissioner Westerlind asked how it was regulated in other parts of Castle Valley
10 Ranch.
11

12 Mr. Atkinson said it was enforced by the property management and believed fines
13 were imposed.
14

15 **Condition d.** Upgrade the open space area off Falcon Ridge Court as a central
16 "green" with functional active or passive space.
17

18 Mr. Atkinson said there were efforts taken to expand the usable space in open
19 space "C" as much as possible, including the use of the retaining wall and about
20 8,000 square feet will be at or around 5 percent usable space. He said a smaller
21 percentage about 2,000 square feet be less than 10 percent usable space due to
22 the soil. Mr. Atkinson said he was trying to make the space as level as possible for
23 usability.
24

25 Engineer Cokley said in the original plan had about 9,000 square feet of usable
26 open space and the current plan had about 8,000 square feet of usable open space.
27 He believed there was less paved area in the current plan then there was in the
28 original plan.
29

30 Commissioner Riddile said he would like to see the elimination of buildings 23 and
31 24.
32

33 Commissioner Bourquin said maybe in exchange for buildings 10 and 11, there
34 might be an opportunity for a few more off street parking spaces.
35

36 Commissioner Westerlind said would like to see more usable open space.
37

38 Planner Smith asked if it was possible for Falcon Ridge Court could go through to
39 Bear Canyon Drive.
40

41 Engineer Cokely said that was looked at, but in order to create an intersection there
42 needed to be a 4 percent grade on Falcon Ridge Court at Eagles Ridge Drive and
43 Bear Canyon. He said Bear Canyon Drive was at an 8 percent grade. That would
44 raise the grade to 6 feet on Bear Canyon Drive where Falcon Ridge Court would
45 connect and then it would become 9 feet where Bear Canyon Drive connected to
46 Eagles Ridge Drive. Physically it would not work very well and created more fill.
47

48 **Condition e.** Applicant shall adequately screen the western portion of Filing 11
from the adjacent homes along South Wild Horse Drive through one or more of the

1 following:

- 2
- 3 • Widening the natural buffer along C Avenue to greater than 120 feet;
- 4 • Heavily landscaping Open Space A as shown on the Preliminary Plan
- 5 with trees to obscure the line-of-site; or
- 6 • Installing at least three trees near the rear lot lines of the lots along
- 7 the west side of Filing 11 and including a provision in covenants for
- 8 Filing 11 regarding on-going HOA maintenance and replacement of the
- 9 same.

10
11 Planner Smith said the transitions between the existing homes on South Wild Horse
12 Drive and Mt. Harvard Court were less blunt or more similar in kind and move into
13 duplex units along Eagles Ridge Drive. This was done by the applicant to meet the
14 requirement. The purpose was for transitioning and to provide a wildlife corridor.

15
16 Mr. Atkinson said one way was to go from triplexes to duplexes to help with the
17 buffering along Eagles Ridge Drive. Second was to install fencing behind the
18 duplexes on the west side to help provide some buffering. Mr. Atkinson said he
19 would be willing to provide one tree per unit near the rear of each duplex unit.
20 Providing a tree would allow for appropriate canopy and not overcrowd the trees. It
21 would be part of the landscaping that would be offered.

22
23 Commissioner Bourquin asked Mr. Atkinson what type of fencing would be installed.
24 Mr. Atkinson said the fencing would not be a split rail and would be more private.
25 The fence would be in rear of the units on the lot line, which would be off the
26 walkway.

27
28 Town Administrator Dave Reynolds asked for some clarification regarding the
29 fences; what the fence looked like in relation to the South Wild Horse homes and
30 the elevation of South Wild Horse homes compared to the elevation of the Eagles
31 Ridge Drive duplex homes. He asked where the fence line was and whether it was
32 an actual barrier that would help the South Wild Horse homes or was it just a visual
33 barrier from the pathway, and if a 6 foot fence solved the problem.

34
35 Engineer Cokely said the houses on South Wild Horse are on fill and about
36 10-20 feet higher at the foundation grade than the grade of the east side of filing
37 11.

38
39 Chair Apostolik asked Mr. Atkinson what types of trees would be planted. Because
40 the point of the trees would be for screening. The current plan showed 17 conifer
41 trees and the majority were on Castle Valley Boulevard.

42
43 Mr. Atkinson said the idea would be conifers because of the survivability. He said he
44 wanted to make sure that whatever was planted would not take over and look out
45 of place. The conifers would be reasonably sized in that area. Mr. Atkinson would
46 also put in a drip system to make sure the trees survived.

47

1 Applicant John Elmore said taking buildings out of the development did not make
2 sense financially and the numbers would not work. He said there had to be enough
3 density to justify the cost and expenses for grading road and all the other expenses
4 that would be to develop filing 11. He said the idea of Serenity Park was to move
5 part of open space "C" to an area with the best view. Serenity Park was also very
6 accessible off of North C. Avenue trail and provided access from the parking spaces
7 at Eagles Ridge Drive. He said that was the tradeoff to have buildings 23 and 24
8 and making open space "C" smaller.

9
10 Chair Apostolik said they had discussed open space "C" at several meetings and Mr.
11 Elmore now talked about what it would cost to move open space "C" to create
12 Serenity Park and putting buildings into open space "C" and around the cul-de-sac
13 and reducing the area. He said he took exception to the claim because it was fill
14 that was not being hauled off site. It is a location to put the fill. He said Serenity
15 Park was nothing but fill and a gazebo and two trees.

16
17 Engineer Cokely said Serenity Park was a cut and not fill.

18
19 Commissioner Riddile said in 2008 or 2009 a similar plan proposing 40 or 42 single-
20 family homes was proposed and they were able to make it work. He asked them to
21 consider 8D-4C and 4A as single family homes.

22
23 Mr. Elmore said they had tried to group the same types of housing and keep the
24 consistency of quality. The houses need to be in an HOA and the needs are different
25 between townhouses vs. single-family houses.

26
27 Mr. Atkinson said those units were reduced down to duplex buildings. Single-family
28 homes was not part of the vision for filing 11.

29
30 Commissioner Bourquin said the square footage of the duplexes are similar to
31 single-family square footage except they were a duplex. She said single-family
32 could be done but she felt it was fine with the duplexes.

33
34 Mr. Elmore said they were trying to be price sensitive and if you change the product
35 you will also change the price to be higher.

36
37 **Condition f.** Identify all permanent snow storage easements on the final plat and
38 any temporary locations on the phasing drawings. In addition to the snow storage
39 areas shown on the revised site plan submitted with the Amended Preliminary Plan,
40 a snow storage easement shall be designated to the east of Building 11 consistent
41 with the comments from the Public Works Director. Snow storage shall be free of all
42 obstructions including, but not limited to, boulders, shrubs, trees, and fences.

43
44 **Condition g.** Install street signage stating, NO PARKING ON STREETS 48 HOURS
45 AFTER A SNOWFALL EVENT OF 2" OR MORE.

46

1 **Conditions h.** Provide 5' landscape ("green") buffers between the road and
2 sidewalks the outer radial lane of Eagle Ridge Dr. for snow storage.

3
4 Planner Smith said there were snow storage areas identified mainly in the interior
5 of Eagles Ridge Drive. There also needed to be an additional area for snow storage,
6 preferably at the extra parking spaces on the downhill side between buildings 11
7 and 12.

8
9 Mr. Atkinson said that it made sense to use the parking spaces between buildings
10 11 and 12 for snow storage.

11
12 Chair Apostolik asked if those parking spaces would have signage of some kind to
13 indicate the area as snow storage.

14
15 Mr. Atkinson said he would come up with something for snow storage.

16
17 Engineer Simonson said having signs is an easy fail safe, and something public
18 works could do. He said that being able to notify citizens they had 48 hours to move
19 the vehicles off the street made it easier for snow plowing the street.

20
21 Mr. Atkinson said there was an agreement of 5' buffers along Bear Canyon Drive.
22 He said they also agreed to tree line Bear Canyon Drive. Mr. Atkinson said they
23 would also be providing snow storage easements along the outer radial side of
24 Eagle Ridge Drive: for example the corners at the turn of the road.

25
26 Engineer Cokely said anywhere there was not a utility easement could have a snow
27 storage easement.

28
29 Mr. Atkinson said he had a concern about "no parking on street 48 hours after a
30 snowfall event".

31 Administrator Reynolds said there were areas in town where there is signage and
32 while it is not perfect, it works. The residents have gotten used to it.

33
34 Mr. Atkinson said regarding the discussions of green belts on Bear Canyon Drive
35 and there is enough area throughout Eagles Ridge Drive. The concern is the depth
36 of the driveways and the depths of the lots. He said they would like to provide deep
37 driveways in order to park a pickup truck without being on the sidewalk. Adding
38 another 5' presents a problem on Eagles Ridge Drive. Having the interval areas of
39 snow storage is a condition that can be agreed to and would also serve the need for
40 snow management.

41
42 Engineer Simonson said the typical parking space for a full size vehicle is 20' long.
43 Between the back of the curb and gutter to the face of the garage door was 30'
44 along Eagle Ridge Drive. That is where the extra 5' comes from in order to have the
45 buffer. Having signs to have vehicles moved within 48 hours of a snow fall will
46 make it much easier to plow the streets. Having the streets cleared of vehicles is
47 ideal for snow plowing and having places to be able to put the snow. Then the town
48 is not having the battle with citizens about putting snow from the sidewalk into the

1 street and then plow come through and putting the snow back onto the sidewalk.
2 Having the extra buffer makes since and helps everyone.
3
4 Administrator Reynolds asked if the concern is the length of the vehicles pushing it
5 to close to the sidewalk area. Is the 5' buffer set in stone or can they be adjusted to
6 give more room for the drive lane.
7
8 Engineer Simonson said if sidewalk was provided on both sides of the street, then
9 there would be no reason to drop the sidewalk down to 4'. He said you just need
10 room to put the snow.
11
12 Mr. Elmore said the design standard for the entire project was to have 25'
13 driveways from the sidewalk to the garage door. If there is a full size truck with a
14 trailer hitch you need that much room in order for the hitch not to be obstructing
15 the sidewalk. Then there would be a 5' sidewalk.
16
17 Engineer Cokely said the design was 30' from garage door to the back of curb.
18
19 Engineer Simonson said the requirement is 19' driveway, which is a standard space
20 in the municipal code. The parking spacing along the south side of Eagles Ridge
21 Drive would also be 19'.
22
23 Mr. Elmore said that was not the design for filing 11. With having only 20'
24 driveways between the front of the garage door and the sidewalk becomes an issue
25 because of full size trucks with trailer hitches and that is why the driveways were
26 designed to be 25'.
27
28 Commissioner McDonald asked if the 5' buffer was required.
29
30 Administrator Reynolds said no. However, there is room for compromise regarding
31 sidewalk and driveways. He said that instead of doing a 5' sidewalk do a 4' sidewalk
32 with a 22' driveway. The said the town was trying to solve parking problems and at
33 the same time solve snow storage issues.
34
35 Commissioner Bourquin said sidewalks should not go smaller than 5' because 2 1/2'
36 tends to be a person's safety bubble and 2 people can pass by each other without a
37 problem.
38
39 Chair Apostolik asked Attorney Carmer if this was a condition that needed to be
40 worked out between staff and the applicant before the applicant came back with a
41 final.
42
43 Attorney Carmer said yes. The condition can be changed as staff sees fit.
44
45 **Condition i.** The boundary of the open space area at the southwestern end of
46 Filing 11 shall be revised to incorporate the entire length of the trail that connects
47 to Eagle Ridge Drive as shown on the revised site plan. Said open space and trail
48 shall be owned and maintained by the HOA for the development but shall be open

1 for public use.

2
3 Attorney Carmer said the consideration was to have the whole trail to be within the
4 open space and to indicate that the property was owned and maintained by the
5 HOA. There would not be a need for a separate easement.

6
7 **Condition j.** Design Bear Canyon Dr. as a 50' right-of-way according to comments
8 from the Public Works Director. No homes in this filing or any future filing north of
9 the southern intersection of Eagle Ridge Drive and Bear Canyon Drive shall front or
10 be accessed off of Bear Canyon Drive.

11
12 Planner Smith said with the 50' right-of-way along Bear Canyon Drive there would
13 be no parking on either side of the street. Bear Canyon Drive would act as a
14 collector street, just not at the width of a collector street.

15
16 Planner Smith asked Mr. Atkinson what the future plan was for the east end of Bear
17 Canyon Drive. If homes would be fronting Bear Canyon Drive or would the 50'
18 right-of-way be maintained with the same type of design as in the earlier phases of
19 filing 11.

20
21 Mr. Atkinson said they were not sure that there would not be driveways on a
22 portion of Bear Canyon Drive as it moved east. The idea of the right-of-way was
23 when the driveways fronting onto Bear Canyon Drive were eliminated. The purpose
24 was to help with the flow of traffic down Bear Canyon Drive and to alleviate on-
25 street parking issues. Hopefully, to use some of the on street parking for people to
26 park on Bear Canyon Drive. He said they would not rule out driveways fronting the
27 Bear Canyon Drive in the future.

28
29 **Condition k.** Provide water and sewer service stub-outs for future development
30 east of Bear Canyon Drive prior to the installation of road infrastructure.

31
32 Chair Apostolik said that on the initial application on the north east side off of Bear
33 Canyon Drive near Castle Valley Boulevard at some point that was where the water
34 main would be taken to and stopped. He asked if that was how the utilities will be
35 ran.

36
37 Engineer Simonson said he was not sure since there were no current plans for the
38 next filing and what that might look like. He said that the water would be required
39 to be looped and still made sense to stub at the north end of Bear Canyon Drive
40 and also at the south end.

41
42 **Condition I.** Provide verification that the Castle Valley Blvd right-of-way can
43 accommodate standard turn lanes and through lanes.

44
45 Engineer Cokely said the plans that were submitted in February of 2020 showed a
46 left turn lane onto Bear Canyon Drive and the transitions back to the existing lanes
47 and were shown within the right-of way with no conflicts.

48

1 **Condition m.** Specify on the plat that Open Space A shall be owned and maintained
2 by the Town and that all other open space areas within the development shall be
3 owned and maintained by the HOA.
4

5 **Condition n.** Provide a construction phasing plan. Identify, at minimum, each of
6 the following components:

- 7 • Buildout phases;
- 8 • Schedule that identifies the sequencing of construction, sequencing of
9 occupancy, traffic flow, and traffic control plans during construction;
- 10 • Storage and staging areas for construction equipment and materials;
- 11 • Illustrate drainage and erosion control best management practices
12 (BMP's)
13

14 **Condition o.** Request approval of street names through Garfield County
15 Communications to avoid any duplication of names in the county dispatch area.
16

17 **Condition p.** Demonstrate that all exterior illumination shall comply with
18 acceptable International Dark-sky Association (IDA) standards.
19

20 **Condition q.** Provide a conceptual landscape plan for each phase illustrating size,
21 type and location of plant materials and an irrigation plan, if applicable. Plans
22 submitted to obtain a building permit for any dwelling in Filing 11 shall demonstrate
23 no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of
24 the Municipal Code.
25

26 **Condition r.** Designate locations of mailbox kiosks with written authorization
27 from the local postmaster.
28

29 **Condition s.** Submit an exhibit and conveyance document(s) in a form acceptable
30 to the Town Attorney outlining the necessary water rights (potable and/or raw)
31 required for Filing 11.
32

33 **Condition t.** Prior to the recordation of any Filing 11 phase plat, the Applicant
34 shall enter into a subdivision improvements agreement with the Town for each phase
35 of the development in a form acceptable to the Town Attorney. The subdivision
36 improvements agreement for the first phase shall address the allocation of work and
37 costs between Applicant and the Town necessary to mitigate potential fuel hazards
38 for wildland fires in areas identified as threats by Colorado River Fire & Rescue.
39

40 **Condition u.** The sale of individual units within Filing 11 may not occur until a plat
41 creating the unit is recorded with Garfield County.
42

43 **Condition v.** Submit a new combined preliminary/final subdivision application to
44 be considered concurrently with a revised final PUD application that takes into
45 account the conditions set forth in this Resolution.

46 **Condition w.** All representations of the Applicant made verbally or in written
47 submittals presented to the Town in conjunction with the Application before the
48 Commission or Town Council shall be considered part of the Application and binding

1 on the Applicant.
2

3 **Condition x.** The Applicant shall comply with all applicable building, residential,
4 electrical and municipal code requirements, including all sign code regulations, when
5 developing the Property according to the Plan, as amended;
6

7 **Condition y.** The Applicant shall reimburse the Town for any and all expenses
8 incurred by the Town regarding this approval, including, without limitation, all costs
9 incurred by the Town's outside consultants such as legal and engineering costs.
10

11 Chair Apostolik said that at the last meeting in September 2020 he had asked to
12 have the buildings textured so the buildings do not look all alike. So that the
13 buildings look more like homes than a standard track duplexes.
14

15 Mr. Atkinson said would agree to take steps to make the buildings look more like
16 single-family homes and to have distinct features. He said he was hesitant on each
17 building having a different texture.
18

19 Chair Apostolik said would like to add different textures not just paint colors to the
20 buildings as a condition.
21

22 Commissioner Riddile said he would like to have some discussion on easements for
23 trails for biking and hiking, and connecting Mount Medaris with Ganley Hill and
24 Prendergast Hill.
25

26 Planner Smith said the dedication for public use of a single-track hiking and biking
27 easement at the base of Ganley Hill as a trail connector between Mount Medaris and
28 Prendergast Hill had been discussed but no decision had been made.
29

30 Mr. Atkinson said He agreed to the public open space bordering to the south of
31 Eagles Ridge Road for the trails and it was determined that it was workable.
32

33 Commissioner Riddile said he wanted to clarify there would be a soft hiking and
34 biking trail which would connect the bottom of Mount Medaris with Ganley Hill and
35 Prendergast Hill.
36

37 Mr. Atkinson said that was correct.
38

39 Planner Smith said they could add the dedication for public use of a single-track
40 hiking and biking easement at the base of Ganley Hill as a trail connector between
41 Mount Medaris and Prendergast Hill as a condition.
42

43 Chair Apostolik opened the public hearing at
44

45 Wayne Shelton, New Castle resident. Mr. Shelton said the issue was density. The
46 density was too much for a small area. He said the parking issues still had not been
47 solved. He asked when there was a snow event and the cars were required to be
48 moved, where were the cars supposed to go. Open Space "A" is a berm with

1 "natural" grass which means weeds. He said there will be weeds growing along
2 Castle Valley Boulevard and the open space "C" trails.

3
4 Mr. Atkinson said the town would be maintaining open space "A", therefore should
5 not turn into weeds. The remaining open spaces will be maintained by the HOA. The
6 parking for filing 11 exceeded the requirements for parking. For snow storage, Mr.
7 Atkinson said he had worked hard on tactically placed snow storage areas
8 throughout the project. He said that great changes had been made to accomplish
9 that issue.

10
11 Dee Kressner, New Castle resident. Ms. Kressner said that her back yard faced
12 Sunset Trail, and she would like to know what the plans were for behind her house.
13 She said she could envision multi-story condos which would block the views of the
14 Hog Backs, eliminating the trails that so many people use, the construction noise,
15 decrease in property value.

16
17 Steve and Denise Scheberle, New Castle resident. Ms. Scheberle said to continue to
18 work with the developer to bring the project more in line with New Castle
19 Comprehensive Plan. The conditions in the resolution shows there is a great
20 concern. The concern is the builder will build, make money, then leave the town
21 and the town is left with a nightmare. The open spaces proposed by the developer
22 are insufficient with only a narrow walking path along South Wild Horse Drive side
23 of the development. Serenity Park being proposed is still inadequate. The decrease
24 open space in the development open space "C" and marking the berm alongside
25 Castle Valley Blvd as open space. Open space means it's enjoyable, usable space.
26 That is a buffer between a main street and the development. It's not defined and
27 should not be defined as open space. Leaving more open space around a
28 development is a win, win and will increase the property values for properties
29 adjacent to a development and inside the development. Ms. Scheberle checked
30 when purchasing their home what would be developed behind them. At that time
31 there was a proposal of single family homes. There is still an issue of traffic and
32 wildfire danger. High density development being able to safely evacuate all
33 residents on just one road. A connector to N. C. Street would help elevate loading
34 onto Castle Valley Blvd. Leave the natural drainage alone as a nice beautiful open
35 space. Need to also consider another crosswalk across Castle Valley Blvd.

36
37 Myrna Candreia, New Castle resident. Ms. Candreia said she lived on Foxwood Drive
38 in the same area as Redstone Drive and there are problems. Many of the problems
39 will be repeated in the proposed project. There are issues with snow storage and
40 unless there are enough parking to fit the development will be tough. She said she
41 can't back out of the driveway onto the street on trash days because there is very
42 little space because of the cars parked on the street. There is drainage issues
43 behind Foxwood Drive. There needs to be a good escape route when there is a wild
44 fire. The development doesn't follow the Comprehensive Plan.

45
46 Ines Baquero New Castle resident. Ms. Baquero said the plans are vague and not
47 reassuring. Living in home at the bottom of Castle Valley Ranch the drainage flows
48 into the back yard, and it has dropped 2' since the house was built. There is

1 concern regarding the drainage. There are 5 homes in Ms. Baquero's cul-de-sac
2 with 15 cars. When Mount Yale is built there will be no place to put snow.

3
4 Sally Linden, New Castle resident. Ms. Linden said would like to see a good quality
5 single-family community. In Lakota Canyon Ranch there is a combination of single
6 family homes with duplexes with different HOA's and it seems to work. Looking
7 down the road the current owners of Lakota Canyon Ranch will be building duplexes
8 and triplexes. The questions is how much does the town want to build. Would like
9 to keep the town a quant, wonderful outdoor and sporting type town. Still be able
10 to see the mountains. The low priced home will become investment properties
11 which will turn into rental properties with tenants who will not take care of the
12 properties. Once the land is gone it's gone: no turning back.

13
14 Tom Schwenk, New Castle resident. Mr. Schwenk said the project is out of
15 character for the area to put duplexes and triplexes next to single-family homes. He
16 said is sounds there is compromise from the town but nothing from the applicant.
17 The applicant doesn't want to give up 5', but what does the residents on South Wild
18 Horse Drive give up.

19
20 Lynn Cassidy, New Castle resident. Ms. Cassidy said she supports and agrees with
21 everyone else.

22
23 Erin Bassett, Local realtor. Ms. Bassett spoke about the property values. In 2016
24 there were 18 single family homes that were built on North Wild Horse Drive. There
25 was a single family home sold in 2018 and in a year and half later the same house
26 sold for little over \$39,000 more. At the same time there were triplexes being built
27 across the street on North Wild Horse. One of the triplex units was bought and sold
28 a few years later for little over \$32,000 more. The developer is trying to build an
29 affordable project which the town has asked for.

30
31 Chair Apostolik closed the public hearing at 10:05 pm.

32
33 **MOTION: Chair Apostolik made a motion to continue Resolution PZ-2020-**
34 **09 to December 9, 2020 at 7:00pm. Commissioner Riddile seconded the**
35 **motion and it passed unanimously.**

36
37 **Items for Next Planning and Zoning Agenda**

38
39 **Staff Reports**

40 There were no staff reports.

41
42
43 **Commission Comments and Reports**

44 There were no commission comments.

45
46 **Review Minutes of Previous Meetings**

1 **MOTION: Chair Apostolik made a motion to approve the September 23,**
2 **2020 meeting minutes as submitted. Commissioner Westerlind seconded**
3 **the motion and it passed unanimously.**

4
5 **MOTION: Commissioner Bourquin made a motion to approve the October**
6 **28, 2020 meeting minutes as submitted. Commissioner Sass seconded the**
7 **motion and it passed unanimously.**

8
9 **MOTION: Commissioner Sass made a motion to approve the November 4,**
10 **2020 meeting minutes as submitted. Commissioner Westerlind seconded**
11 **the motion and it passed unanimously.**

12
13 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
14 **Commissioner Sass seconded the motion and it passed unanimously.**

15
16 The meeting adjourned at 10:15 p.m.

17
18 Respectfully Submitted,

19
20
21
22
23
24 _____
25 Chair Chuck Apostolik

26 _____
27 Deputy Town Clerk Mindy Andis, CMC
28

1 **New Castle Planning and Zoning Commission Special Virtual Meeting**
2 **Wednesday, December 9, 2020, 7:00 p.m.,**
3

4 **Due to concerns related to the Coronavirus, this meeting was open to the**
5 **public as a virtual meeting only.**
6

7 **To join by computer, smart phone or tablet:**
8 **<https://us02web.zoom.us/j/7096588400>**
9

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

13
14 **Call to Order**

15 Commission Chair Apostolik called the meeting to order at 7:03 p.m.
16

17 **Roll Call**

18 Present Chair Apostolik
19 Commissioner Bourquin
20 Commissioner Lucio
21 Commissioner McDonald
22 Commissioner Riddile
23 Commissioner Sass
24 Commissioner Westerlind
25

26 Absent None
27
28

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

34 **Meeting Notice**

35 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
36 in accordance with Resolution TC 2020-1.
37

38 **Conflicts of Interest**

39 There were no conflicts of interest.
40

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

42 There were no citizen comments.
43

44 **Item for Consideration – Continued from November 23, 2020**

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

3
4 Assistant Town Attorney Haley Carmer said since the public hearing was closed at
5 the last meeting, the resolution had come back to the commission for discussion
6 and deliberation. There were a number of conditions listed in the resolution. The
7 decision is on the preliminary plan portion of the filing 11 application. The question
8 is whether the application satisfied the criteria in the code for preliminary approval
9 on its own or with all or some of the conditions listed in the resolution.

10
11 Town Planner Paul Smith said the decision was to make sure that the application
12 was in compliance with the 6 criteria set forth in the municipal code. Does the
13 application meet the criteria as it is or does the commission need to spend time
14 on the conditions and will the application be able to move on to final. Does the
15 conditions in the resolution need to be a condition for the application to comply
16 with the criteria.

17
18 Chair Apostolik said he did not want to go through each condition again since the
19 town does have professionals that the commission rely on to be able to work out
20 some of the small issues. However, he said he would like to go through the
21 preliminary application criteria and determine if the application meet those
22 requirements.

23
24 **Criteria 1:** It is generally compatible with adjacent land uses;

25
26 Chair Apostolik said the land was zoned mixed-use, and that residential was
27 allowed in mixed-use and is next to residential. One of issues heard was the high
28 density next to single family homes.

29
30 Commissioner Westerlind said that he felt the application as it was did not fit the
31 criteria because of the increased density.

32
33 Commissioner McDonald said softening of the buffer was unclear from the
34 applicant. The applicant came back with fencing but it was unclear what the
35 fencing would look like.

36
37 Commissioner Bourquin said she was fine with the density. The applicant had done
38 a good job with mitigating the duplexes. When looking at the foot print of the
39 duplex it was similar to the footprint of a single family home. However, she said
40 the applicant had not addressed the concept of mixed-use. When looking at the
41 comprehensive plan the application does not line up with the mixed-use zoning.
42 Commissioner Bourquin said she believed the duplexes and triplexes were
43 compatible with adjacent land.

44
45 Commissioner Riddle said there had been a lot of discussion about density. He
46 said there were plenty of places in town with dense housing. He also said there

1 had been comments made about displacing wildlife. Wildlife had been displaced
2 since Castle Valley Ranch started in 1992 and 1993. Commissioner Riddile said
3 there used to be elk and deer herds a few hundred yards away from the first
4 homes built, but the herds were now gone. He felt that everyone who owned a
5 home in Castle Valley Ranch, Lakota Canyon Ranch and River Park were guilty of
6 wildlife displacement. Commissioner Riddile said that there had been comments
7 made about a lack of communication. He noted that on October 1, 2019, public
8 notice went out and a second notice went out from CVR Investors regarding a
9 public open house schedule for October 29, 2019 to present the filing 11 plans.
10 Only two people showed up. He also felt that the comments made regarding
11 investors and renters were discriminatory. Commissioner Riddile said that he did
12 not buy into the idea that home values would drop because of the filing 11
13 development. He said that the same comments were made when the town built
14 Bear Dance Park. Commissioner Riddile said that there had not been any
15 complaints about the fill in on Mt. Yale and Mt. Harvard, that area was also "Open
16 Space".
17

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

- 20 1) Eliminate buildings 11, 12, 13 & 14 to allow for a soft biking and hiking trail.
- 21 2) Eliminate buildings 23 & 24 for more open space.
- 22 3) Different building textures.
- 23 4) What the vision was for the remaining land. What kind of use and
24 development. The developer has been asked many time, but has not given
25 an answer.
26

27 Commissioner Sass said she agreed with Commissioner Riddile. When the
28 application was first submitted, the original plan had triplexes and quadraplexes.
29 The new plans have duplexes and triplexes. The density is appropriate for this area
30 and would like to keep as much open space as possible. Condensing the buildings
31 would make it easier for public works, fire and etc. However, she would like to see
32 some kind of barrier between the homes on South Wild Horse Drive and the
33 duplexes. The developer has come back with a better plan but it was not the
34 perfect plan.
35

36 Commissioner Lucio said he believes the density was too much. When asked if it
37 was generally compatible with adjacent land uses he felt the answer was "No" it's
38 too dense and even then, maybe half way.
39

40 Chair Apostolik said the biggest issue that had come up from not only the
41 commissioners but also the public was the density. It was not so much the density
42 that iwas a problem but the buffering between the homes on South Wild Horse
43 Drive and the proposed development. The original plan had 30 plus single family
44 homes, then Mr. Atkinson came back with 91 unites and now it's down to 85 units.
45

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

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

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

16
17 Mr. Atkinson said in regards to the question about the density, there had been a
18 lot of work done to address the issue. He said the significant change was reducing
19 from triplexes and quadplexes down to duplexes and triplexes. By dropping down
20 to duplexes also dropped the density and changed what looked like many
21 multifamily structures to what would look more like a large single-family structure,
22 particularly from the back. The elevations in the sketch plans were designed to
23 look like single-family homes.

24
25 Mr. Atkinson said regarding the buffering there were conversations about fences
26 primarily as security concerns. The fence would be right up against the public trail
27 and as a result they were looking at a 5-6' fence to help provide a buffer from the
28 trail to the back yards. Also, there had been a conversation about trees which Mr.
29 Atkinson agreed to plant one tree per unit to help with buffering. The elevation of
30 the homes on South Wild Horse was higher than the elevation of the duplexes. He
31 said there would be a natural buffer because of the difference in elevation. He said
32 that CVR Investors had gone to great lengths to address the buffering issue. Mr.
33 Atkinson said that his understanding of the criteria 1 "generally compatible with
34 adjacent land uses" was that the development was compatible because CVR
35 Investors was not building an industrial complex. CVR Investors are building
36 duplexes that very closely resembles single family homes. Therefore, he felt was
37 compatible, although may not be the exact same thing. He said that the property
38 has vested rights that have been there for decades and the rights provide them
39 the ability to build residential product notwithstanding the zoning. Mr. Atkinson
40 stated again that the application CVR Investors has submitted was compatible.

41
42 Commissioner Lucio asked Mr. Atkinson where he got his information about the
43 type of building product I that was in demand.

44
45 Mr. Atkinson said that some came from his experience from across the street on
46 how the buildings were constructed and sold. He said that CVR Investors also work

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

6
7 **Criteria 2:** It is consistent with the comprehensive plan

8
9 Commissioner Bourquin said the comprehensive plan called for mixed uses and
10 typologies within an area. She felt that the clustering CVR Investors wanted to do
11 was opposite of what the comprehensive plan looked for.

12
13 Mr. Atkinson disagreed because he interpreted that part of the comprehensive plan
14 to mean not for a filing but for the greater community. The comprehensive plan
15 also provided for flexibility. He said there was a section of the comprehensive plan
16 that said the type of product filing 11 proposed with small square footage that can
17 reach that sector of the market should be favored. If CVR Investors were applying
18 for a diversity of product, they would be looking at the exact same kind of issue
19 with compatibility. There are single-family homes on South Wild Horse Drive to the
20 west, duplex product in filing 11, and on the property across Castle Valley
21 Boulevard to the north there would be predominantly single-family homes to
22 accommodate rest of the units.

23
24 Commissioner Westerlind said he agreed with Commissioner Bourquin. He noted
25 that the staff report went into detail on how the application did not comply with
26 the comprehensive plan.

27
28 Chair Apostolik noted that Mr. Atkinson, on August 20, 2020, had written a
29 response letter and the letter there was a reference to Policy CG-5A in the
30 comprehensive plan, item # *B. Incorporate compact building design*. Chair
31 Apostolik agreed with Policy CG-5A item # *C. Create a range of housing*
32 *opportunities and choices*. Chair Apostolik asked how that fit into the Filing 11
33 development.

34
35 Mr. Atkinson also said that the comprehensive plan pointed out a "Lack of
36 affordable housing is a persistent and growing problem in and around New Castle."
37 The comprehensive plan stated that single-family homes were the predominate
38 product seen in communities. For CVR Investors being able to offer product which
39 was different from the predominant single-family product was providing a range of
40 housing opportunity and choice. Mr. Atkinson said that he believed it was the
41 product people really needed because it fit a price point and it fit with what people
42 want.

43
44 Planner Smith said the comprehensive plan did speak to the community at large
45 having the diversity. He said there was a policy in the comprehensive plan: Policy
46 CG-4A "Large residential and commercial development (50 lots/units or greater)

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

9
10 Commissioner Bourquin said since a good portion of the property was zoned
11 mixed-use was a question mark because the applicant did not address that need in
12 the community. She asked how the rest of CVR's property interacted with the
13 development, and stated that not knowing what rest of the property will potentially
14 develop into made it hard to make a decision. She said that given just one element
15 of the plan with the percentage of mixed use did raise the question of the diversity
16 of housing type on the property.

17
18 Mr. Atkinson said when CVR Investors bought the property there was 303
19 approved units which was balanced into the current acreage. There was acreage to
20 the east that CVR Investors had concerns with as to the buildability in particular
21 areas. After the development of filling 11, he said rest of land looks to be single-
22 family homes. Mr. Atkinson said that CVR Investors had a sketch plan in draft form
23 that were all single-family homes for another parcel of land. He felt that based on
24 the vested rights and the density that was allotted to CVR Investors when they
25 purchased it, it would be foolish to do anything else, given the acreage that is left.

26
27 Commissioner Westerlind asked Mr. Atkinson about the buildability of the property
28 to the east. He asked if Mr. Atkinson meant off Bear Canyon Drive and will Bear
29 Canyon Drive loop around to a full 30 homes or 75 plus multifamily units.

30
31 Mr. Atkinson said the buildability was farther east. Units will be backing the units
32 along Bear Canyon Drive just loading onto Bear Canyon Drive.

33
34 Chair Apostolik said the biggest issue was the buffering. In the comprehensive plan
35 it encouraged collaboration with the community. He said it was pretty clear the
36 community did not have a good impression of the development.

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

41
42 Mr. Atkinson said he was concerned about the community and wants the
43 community to buy into CVR Investors vision of the project. He felt the question
44 really was whether CVR Investors was willing to take the last 18 months and start
45 over. Mr. Atkinson said he really did not have a good answer.

1 Chair Apostolik asked Mr. Atkinson if it would really be starting over. He said that
2 when the utilities were in, the road will be in and the lots will be the same.
3
4 Chair Apostolik asked Attorney Carmer if adding single-family as a condition to the
5 preliminary would require an entirely new application.
6
7 Attorney Carmer said no, as It is similar to having conditions proposed about
8 reducing or eliminating buildings. It would be a condition and then they would
9 decide if that condition was satisfied at preliminary/final subdivision and
10 preliminary/final PUD plan application.
11
12 Mr. Atkinson said it would be at odds with the cluster idea and he would start over
13 with a new preliminary plat. He said that would be a fundamentally drastic change.
14
15 Chair Apostolik asked Mr. Atkinson what would make the change drastic. There
16 would be 6-7 units. The structure would be about the same maybe smaller. He
17 said he understood there would be loss of sales with reducing the number of units.
18
19 Mr. Atkinson said one of the concerns is just that: the loss of sales. He said that
20 CVR Investors were at a point where they cannot eliminate any more units and still
21 maintain the number of expenses with Serenity Park.
22
23 Administrator Reynolds asked if reducing density along South Wild Horse Drive,
24 would there be an opportunity to build along the east side of Bear Canyon Drive.
25 The infrastructure would in and therefore there would no cost difference, but it
26 would be shifting some of the density away from South Wild Horse to another
27 location.
28
29 Mr. Atkinson said CVR Investors tentatively decided not to load out onto Bear
30 Canyon Drive because of the grade.
31
32 Commissioner Sass said the commission has had an issue with the plan since
33 sketch plan where there was some discussion about single family homes along
34 South Wild Horse Drive.
35
36 Mr. Atkinson said he understands that the single-family concept was discussed
37 during sketch plan, however, moving from triplexes to duplexes was a pleasant
38 change for the commission. He said the issue at hand was the greater community
39 at large insisting it to be single family homes.
40
41 Commissioner Bourquin said there really was two issues. The first was the units
42 themselves and second was the space to create a buffer. Commissioner Bourquin
43 said she was fine with the units but would like to see more space because of the
44 grades, trails and wildlife corridor and how it played in the overall use. She had a
45 concern about how the density had created a problem around site planning. She
46 said the problem was the additional stress placed on roadways and parking and

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

9
10 Commissioner McDonald said there were 31 buildings that are currently proposed
11 which was roughly the same number of single family homes from the original plan.
12 Mr. Atkinson had said he would try to resemble the buildings to single-family
13 homes as much as possible, and it might be a better product in the end.
14 Commissioner McDonald agreed the filing would be a good place to have a higher
15 density project. If buildings did look more like a single-family homes, then that
16 might be something to work with. He said he would also agree there needed to
17 more open space for the residents to move around and for families to enjoy.

18
19 Mr. Atkinson said the open space proposed was almost twice the amount of what
20 was required as set by the town code. He said it was hard to find a way to
21 accommodate when CVR Investors had already surpassed the required standards.
22 In regards to the street parking issue, the comprehensive plan stated in the "Land
23 Use Types" it was consistently seen the residential portion is that the
24 comprehensive plan was looking for "narrow road sections reduce traffic speeds
25 but accommodate on-street parking. The number of parking spaces allocated per
26 unit greatly exceeded what was required by the standards of the town.

27
28 Commissioner Bourquin said residents on Redstone Drive had voiced their
29 concerns and had stated there are things that just do not work. Commissioner
30 Bourquin believed the issue was due to the architectural impact of having a single
31 car garage and having the higher density with more units sharing the same linear
32 square footage of roadway and because New Castle was a bedroom community.
33 Bedroom communities are car dependent and very important to people's lives. She
34 said that tied back to the mixed-use conversation. Commissioner Bourquin said
35 that mixed-use was important, because if more jobs were created the town would
36 be more sustainable and would rely less on vehicles. Therefore, the architectural
37 impact of having a single car garage, the increased density and the limited linear
38 footage of the roadway network was creating problems and the commission was
39 trying to think of the future residents and trying to mediate those problems.

40
41 Mr. Atkinson said he understood the concerns from residents on Redstone Drive,
42 however, the concern was legislating new parking requirements through the filing
43 11 development application which was not proper.

44
45 Chair Apostolik asked Public Works Director John Wenzel if the proposed plan met
46 the intent of the code or if there were issues with it for public works.

1
2 Public Works Director John Wenzel said when talking about it at a public works
3 level, the discussion was about the level of service. He said that public works had
4 received numerous complaints about parking on Redstone Drive and Foxwood
5 Lane. He said there were challenges such as snow removal because of the close
6 proximity of driveways and the number of vehicles parked on the street and the
7 lack of snow storage space.

8
9 Planner Smith said there were other alternatives for the parking issues, such as
10 limiting parking on the streets and providing other parking areas which Mr.
11 Atkinson had done.

12
13 **Criteria 3:** The town has the capacity to serve the proposed use with water,
14 sewer, fire and police protection.

15
16 Planner Smith said there has been some concerns regarding potential fire hazards
17 in the location of the proposed development and whether there was a sufficient
18 evacuation plan for the community.

19
20 Fire Marshall Orrin Moon said that as far as evacuation for the development, it was
21 no different from anywhere else in New Castle or Castle Valley Ranch. It is based
22 on where the emergency is located. He said there were good routes out of Castle
23 Valley Ranch and out of New Castle. There was not a one way in and one way out
24 situation; there are good evacuation routes. He said that the proposed
25 development does have a one way in and one way out circle drive. There were
26 conversations about having another exit road, but code does not require the
27 secondary road. If the developer does move forward with future development in
28 the same area, then there may be a secondary road required. The primary road
29 currently planned is adequate. He said there was nothing different in the proposed
30 development than what was currently developed. Evacuations all depend on where
31 the emergency is. Marshall Moon said that there were no concerns regarding
32 evacuation routes.

33
34 Marshall Moon said there was some potential for wildfire on the south end of the
35 development down onto C Avenue He felt that here was some mitigation that could
36 be done.

37
38 Marshall Moon said as the development was being phased in there cannot be a
39 complete road around the development because there needed to be an area for
40 the fire trucks to turn around in so the trucks can get back out. Therefore, he said
41 there would need to be a T-turn or a cul-d-sac.

42
43 Planner Smith asked what happened if there was an evacuation and everyone is on
44 Castle Valley Boulevard heading south to the four way stop, what happened at the
45 intersections.

46

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

3
4 Attorney Carmer said that regarding density and the number of people in the area,
5 the total density of Castle Valley Ranch was decided a long time ago and that was
6 how the infrastructure was planned in the first place. She said adding filing 11 was
7 not adding new density that was not planned or accounted for.

8
9 **Criteria 4:** The uses proposed within the PUD are uses permitted outright or by
10 special review within the zoning district or districts contained within the PUD.

11
12 Chair Apostolik asked Planner Smith if the proposed use was a use permitted
13 outright.

14
15 Planner Smith said that it was. The general zoning was a combination of one third
16 residential zoning and two thirds mixed-use. In general the development was in
17 compliance with the residential portion of the zoning. Planner Smith said that
18 whether it was a mixed-use development was another question.

19
20 Attorney Carmer said the type of residential proposed use was a permitted use.

21
22 **Criteria 5:** The number of dwelling units permitted by the underlying zoning
23 districts is not exceeded by the PUD plan.

24
25 Planner Smith said the lot sizes in the code are minimum standard, there are not
26 maximum lot sizes. He noted that CVR Investors could make the lots bigger.

27
28 **Criteria 6:** The PUD utilizes the natural character of the land, includes
29 compatible land uses, provides for fire and police protection, off-street parking,
30 vehicular, pedestrian and bicycle circulation, outdoor recreation, is of overall
31 compatible architectural design, achieves adequate screening, buffering and
32 aesthetic landscaping, avoids development of areas of potential hazard, ensures
33 compliance with the performance standards and meets all other provisions of this
34 title.

35
36 Director Wenzel said parking was a problem. When public works first reviewed the
37 application, there were suggestions of additional off street parking because that
38 was an issue that was recognized early on. The parking situation was problematic
39 in the winter months when public work crews are trying to plow snow and do snow
40 removal. There was simply no place to put the snow when there are vehicles
41 parked the entire length of both sides of the roadway. There just is no space for
42 snow storage.

43
44 Chair Apostolik said currently there are snow storage areas that are identified on
45 the plans and there was conversation about signage for removing vehicles off of
46 streets when there are snow accumulation of 2" or more within 48 hours. He also

1 said that Commissioner Westerlind had also brought up semipermeable parking in
2 a prior meeting.
3
4 Chair Apostolik asked Mr. Atkinson if there was any thought about semipermeable
5 parking.
6
7 Mr. Atkinson said there was some consideration, however it was something that he
8 would not prefer to do. There has been alternative solutions regarding the snow.
9 He said that one suggestion was allow CVR Investors to accommodate snow
10 removal through the HOA. CVR Investors had gone to great lengths to isolate
11 areas for snow storage for the benefit of the town.
12
13 Director Wenzel said that was a horrible model. He said that privatizing snow
14 services and street maintenance were fundamental services of public entities. He
15 said that trying to privatize those services was great until the HOA services fall
16 short and citizens living on those streets are more demanding of a higher level of
17 service from the town.
18
19 Administrator Reynolds said the town does have privatized streets, and on
20 occasion the town does get calls. He said it only works for a little while, then it
21 comes to the town being asked to take care the road or the town being blamed for
22 not taking care of the road or snow.
23
24 Director Wenzel said that a perfect example was Walters Lane which is a private
25 road. He said the condition of the road was terrible and public works gets the
26 phone calls from people demanding the road to be fixed because the developer did
27 not want to build the road to town standards and specifications.
28
29 Director Wenzel said there were privatized roads in Lakota Canyon Ranch and the
30 residents regularly call the town expecting the town solve the shortfalls of the
31 HOA. Director Wenzel said that privatized roads just do not work.
32
33 Director Wenzel said snow removal services should not be a consideration to be
34 privatized.
35
36 Administrator Reynolds said the residents were paying property taxes, real estate
37 taxes and HOA dues. On high snow years the HOA dues do increase because it
38 does cost to plow the streets. Having vehicles on the road when trying to plow
39 snow, a private company will be running into the same issues.
40
41 Director Wenzel said there has been suggestions given to Mr. Atkinson. Some of
42 the suggestions have been separated sidewalks, green belts, parking restrictions
43 and off street parking. He said those were all proven solutions to the snow plowing
44 and removal problems.
45

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

9
10 Director Wenzel said water filtration behind the streets is not a concern if the
11 streets are properly constructed.

12
13 Mr. Atkinson said the green belts on the outer radial of Eagles Ridge Drive are
14 necessary therefore the building footprints needs to be moved out so the driveway
15 size that was agreed to could be accommodated. The trees that were talked about
16 on the west side Eagles Ridge Drive will not be able to have a significant size tree
17 as originally discussed because there wouldn't enough room.

18
19 Chair Apostolik said that it appears there is a disagreement regarding snow and
20 parking.

21
22 Commissioner Riddile said there was a concern regarding the trail. Mr. Atkinson
23 had agreed to dedicate the trail. The concern for the trail was buildings 12-14
24 because the construction of trail would be inhibited by those three buildings.

25
26 Chair Apostolik asked Mr. Atkinson what the feasibility of keeping building 12-14
27 with the drop in grade, if there would there be walk-out basements put in and
28 could they use a dozer right outside of the lot line to help flatten the area to help
29 with the future of the trails.

30
31 Mr. Atkinson said it was feasible. He said that CVR Investors had in mind to
32 dedicate that area south, including the hill, it to the town.

33
34 Commissioner Lucio asked Mr. Atkinson if Serenity Park would have any facilities in
35 the park.

36
37 Mr. Atkinson said there are designs for a gazebo and a couple of picnic tables. The
38 park would be graded to less than 5 percent which would be useable as a park for
39 the community. As far as playground equipment, he said it would not be anything
40 CVR Investors would provide. If the town desired to have playground equipment
41 that would be up to the town to provide after the dedication. He said there would
42 be grass and the idea of Serenity Park was to have the park as a very useful
43 space. He said that the placement of the park was unique because of the
44 confluence of several trails as well as open space "A". The park would be usable by
45 the entire town even though the maintenance of it was covered by the sub HOA for
46 filing 11.

1
2 Commissioner Bourquin said she would rather have buildings 23 & 24 become
3 essential open space for the community with the possibly having 200 people living
4 in the development. The residents were going to need an outdoor space to gather,
5 to recreate and use. She noted that during this time of COVID-19 there has been
6 more of a need within the community. People are outdoors more and it is
7 important for livability.

8
9 Chair Apostolik asked if all the parking along Bear Canyon Drive had been taken
10 away, or if there was still two sided parking around Eagles Ridge Drive.

11
12 Mr. Atkinson said there was no parking on the outer radial of Eagles Ridge Drive
13 within 48 hours of a snow event. He said they really did not want to restrict the
14 residents from parking on the road for 48 hours. He said he thought there was an
15 agreement to provide intermittent snow storage areas on the outer radial of Eagles
16 Ridge Drive to allow for the snow plows to put the snow between the buildings.

17
18 Planner Smith said if Bear Canyon Drive was to go to 50' wide right-of-way, there
19 would be no parking on either side of the drive, there would be separated
20 sidewalks.

21
22 Mr. Atkinson said some of the changes that were agreed to in order to help
23 alleviate some of the concerns on Bear Canyon Drive was there would be no
24 driveways that would load onto Bear Canyon Drive which would ease the flow of
25 traffic. He said they also agreed to the green belts along Bear Canyon Drive. Mr.
26 Atkinson said they would like to provide on street parking along Bear Canyon Drive
27 as an amenity to the area. If 50' was a concern, then Mr. Atkinson said he would
28 be willing to go to 60' and allow people to park on Bear Canyon Drive.

29
30 Commissioner Bourquin asked what the concern was for people parking on Bear
31 Canyon Drive.

32
33 Director Wenzel said there is no objection to people parking on Bear Canyon Drive,
34 rather, it came down to whether parking was allowed or not which will determine
35 the right width of the road. Bear Canyon Drive was considered a collector street
36 and travel lanes were typically wider on collector streets. He said that there was
37 accommodation for wider streets, then they needed to accommodate for parking
38 lanes, separated sidewalks and the green belts on both sides which would require
39 a 60' right-of-way.

40
41 Commissioner Bourquin asked what made Bear Canyon Drive a collector street
42 when it does not go anywhere. She felt that having narrower lanes would help slow
43 traffic speeds.

44
45 Chair Apostolik said that street will collect north and south of Eagles Ridge Drive
46 and could continue down south into the next filing.

1
2 Director Wenzel said that under the definitions of the public works manual it
3 qualified as a collector street. Also the street is supporting all of the residential
4 traffic and taking it onto the arterial road which was Castle Valley Blvd.
5

6 Town Engineer Jeff Simonson said the typical street sections were 36' from flow
7 lane to flow lane. Then for collector street there would be 12' lanes, 6' parking
8 lanes on each side of the street. The big reason for a collector street was more of a
9 long term planning of the development. He said that typically you do not want to
10 load a collector street with driveways, and the current design helped to continue
11 with the classification of a collector street. He said that if there was going to be
12 parking on the street then the street would need to be 36' from flow lane to flow
13 lane. The alternative, he said, was not to have a collector street and narrow the
14 street to 30' from flow lane to flow lane and not have parking on the street and
15 pave a paved shoulder.
16

17 Chair Apostolik asked Director Wenzel based on the current location for snow
18 storage would that work.
19

20 Director Wenzel said initially the staff had recommended the developer should
21 construct separated sidewalks to include the green belts because that was the
22 most efficient way to move and to store snow. It also provided the highest level of
23 service. He said the developer came back and said it would be too difficult to
24 accommodate. Then the staff came up with an alternative to designate snow
25 storage areas. He said the importance of designating snow storage areas was
26 because citizens get attached to empty parcels of land directly adjacent to their
27 property, and piling snow into those areas was not well received. He said if you
28 start off with designated snow storage areas it becomes easier for public works to
29 manage.
30

31 Director Wenzel said the first priority was to have green belts and, separated
32 sidewalks, and the reasoning was to be able to accommodate for snow storage and
33 help improve the level of service.
34

35 Commissioner Bourquin asked Mr. Atkinson why he was willing to build green belts
36 on Bear Canyon Drive but nowhere else.
37

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

1
2 Director Wenzel said because of the density and the lack of off street parking, the
3 town had worked with some HOAs to develop a program to implement the 48 hour
4 restriction after a snow event. The restrictions had been well received by the
5 residents and was very effective. He said in some of the neighborhoods where the
6 program was active, the town has received almost 100 percent compliance from
7 the residents.

8
9 Chair Apostolik asked if criteria 6, did the application meet or were there
10 conditions that need to be added in order for the application to meet criteria 6 to
11 move forward.

- 12
- 13 1) Eliminate buildings 11, 12, 13 & 14 to allow for a soft biking and hiking trail.
- 14 2) Eliminate buildings 23 & 24 for more open space.
- 15 3) Different building textures and colors.
- 16

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

19
20 Commissioner Bourquin said if there were walkout basements it might minimize
21 the grade and might alleviate some the issues.

22
23 Commissioner Westerlind said he would like to see more of a buffer or distance
24 along South Wild Horse Drive.

25
26 Mr. Atkinson said CVR Investors cannot afford to lose any units. He said at the end
27 it would be an either or Serenity Park or losing building 23 & 24. Moving the
28 development to the east would mean all new engineering.

29
30 Commissioner McDonald said he would much rather see buildings 23 & 24
31 eliminated for more open space "C" and not have Serenity Park. Open Space "C"
32 was more centrally located for people to actually use.

33
34 Commissioner Bourquin said it seemed there was a lot of underutilized open space.
35 She asked if it would it be possible for a variance to reduce some of the side yard
36 setbacks from 10' to 8'. By doing that might be able to get a couple extra units.
37 With side yards being non-useable space and central green space being very
38 usable space.

39
40 Administrator Reynolds said the problem was that as buildings are being brought
41 closer together you get fewer parking spaces on the street. Depending on what the
42 developer was willing to do as far as the green belt between the sidewalk and the
43 street, it would also be cutting down on snow storage space. It all changed when
44 as you pull buildings closer together.

45
46 Commissioner Westerlind asked Mr. Atkinson if there would be fences or would it

1 be open between units.
2

3 Mr. Atkinson said there would be a privacy fence in the back of the buildings on
4 the west side of Eagles Ridge Drive. There would also be back yard fencing
5 throughout the development. He said he was not expecting to have fencing
6 between the buildings.
7

8 Commissioner Westerlind asked it would be possible to have little cluster gathering
9 places between every few buildings.
10

11 Mr. Atkinson said that would be something he was willing to explore.
12

13 Chair Apostolik said currently there were 29 conditions just to move forward with
14 the application from preliminary. He said he would like to continue the meeting to
15 allow the commission to think about what it would take to move the application
16 forward. Also, what it would take to satisfy the 6 criteria described in the town
17 code, otherwise the application would be denied.
18

19 Mr. Atkinson said he would like for the commission to be informed and willing to
20 continue to the meeting to January 13, 2021.
21

22 **MOTION: Commissioner Westerlind made a motion to continue Resolution**
23 **PZ-2020-09 to January 13, 2021 at 7pm. Chair Apostolik seconded the**
24 **motion and it passed unanimously.**
25

26 **Staff Reports**

27 There were no staff reports.
28

29 **Commission Comments and Reports**

30 There were no commission comments.
31
32

33 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
34 **Commissioner Westerlind seconded the motion and it passed**
35 **unanimously.**
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1 The meeting adjourned at 9:07 p.m.

2

3 Respectfully Submitted,

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Chair Chuck Apostolik

10

Deputy Town Clerk Mindy Andis, CMC

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DRAFT