Posted: _	
Remove:	



**Town of New Castle** 450 W. Main Street PO Box 90 New Castle, CO 81647 **Administration Department Phone:** (970) 984-2311 **Fax:** (970) 984-2716
www.newcastlecolorado.org

#### **Agenda**

New Castle Planning and Zoning Commission Regular Meeting Wednesday, September 14, 2022, 7:00 PM

Virtual Meetings are subject to internet and technical capabilities.

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 called on.

Call to Order, Roll Call, Meeting Notice
Conflicts of Interest
Citizen Comments on Items NOT on Agenda
Public Hearing

- A. Prior Meeting Verification from August 24, 2022
  - \* Commissioner Riddile
  - \* Commission Alternate Parks

#### **Public Hearing**

B. Consider Resolution PZ2022-5 Approving a Minor PUD Amendment for Eagle's Ridge Ranch PUD

#### **Public Hearing**

Continued from August 24, 2022-Consider Resolution PZ2022-4 Approving a Preliminary PUD Development Plan for Lakota Canyon Ranch Filing 8 (Longview)

#### **Comments/Reports**

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

#### **Adjournment**

#### TOWN OF NEW CASTLE, COLORADO RESOLUTION NO. PZ-2022-05

A RESOLUTION OF THE NEW CASTLE PLANNING & ZONING COMMISSION APPROVING A MINOR AMENDMENT TO THE FINAL PUD DEVELOPMENT PLAN FOR EAGLE'S RIDGE RANCH.

WHEREAS, by Ordinance No. 2019-4, a final PUD Development Plan ("Plan") and final subdivision plat the ("Plat") for the that certain real property described in the Final Plat, Eagle's Ridge Ranch at Lakota Canyon Ranch, recorded November 29, 2021, at Reception No. 967192 (the "Property") was approved by the New Castle Town Council; and

WHEREAS, the Property is part of the Lakota Canyon Ranch PUD and is zoned mixed use (MU); and

WHEREAS, as explained more fully in Ordinance 2019-4, the Plan allows for the construction of up to 30 residential units in up to 6 buildings consistent with the architectural plans and site plan approved as part of the Plan; and

WHEREAS, Malo Development Company—Lakota, LLC ("Applicant"), the current owner of the Property, now desires to amend the Plan by reducing the number of units to be constructed on the Property, increasing open space, and reorienting the location of the buildings on the Property; and

WHEREAS, to accommodate the changes to the Plan proposed by Applicant, it will be necessary to amend the Plat as well; and

WHEREAS, Applicant submitted the documents listed in Exhibit A hereto as its Plan and Plat amendment application ("Application"); and

WHEREAS, pursuant to Section 17.100.110 of the Town Municipal Code, Town staff determined that the Application constitute a minor amendment of the Plan; and

WHEREAS, pursuant to Sections 16.08.050, and 17.100.110(B) of the Code, the Commission opened a public hearing on September 14, 2022, to consider the Application; and

WHEREAS, based on the Application and the information and testimony presented regarding the same, the Commission hereby finds that:

- 1. The Application is consistent with the comprehensive plan;
- 2. The Application complies with zoning and density requirements;
- 3. The Application is compatible with the adjacent land uses;
- 4. The Town has the capacity to serve the proposed use with water, sewer, fire and police protection;
- 5. The off-street parking and vehicle, bicycle, and pedestrian circulation proposed in the Application are adequate;

- 6. The required open space or parks proposed in the Application provide adequate active or passive use by residents of the subdivision and/or the public; and
- 7. The development proposed in the Application is consistent with the natural character, contours, and viewsheds of the land

WHEREAS, the Commission desires to approve the Application as provided in this Resolution.

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

- 1. <u>Recitals Incorporated by Reference.</u> The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.
- 2. <u>Approval</u>. Pursuant to Section 17.100.110(B) of the New Castle Municipal Code, the Commission approves the Application as an amendment of Applicant's Final PUD Development Plan for the Property to allow for the subdivision and development of the Property in up to six (6) buildings containing up to 22 units as set forth below and consistent with the site plan dated September 6, 2022, that was submitted as part of the Application:

Building 1: 3, 3-bedroom units

Building 2: 4, 3-bedroom units

Building 3: 3, 3-bedroom units

Building 4: 4, 3-bedroom units

Building 5: 1, 3-bedroom unit

2, 2-bedroom units

Building 6: 2, 3-bedroom units

3, 2-bedroom units

Only those aspects of the Plan addressed in the Application shall be amended. All other provisions of the Plan not addressed in this Resolution shall remain in full force and effect.

- 3. <u>Conditions</u>. The Commission approves the Application subject to the following conditions of approval:
  - A. Each townhome unit shall be provided with separate water and sewer service directly from the main line. Gas and electric service must run directly to each unit from the building exterior rather than through crawlspaces or attic spaces.
  - B. The sale of individual lots or units within Eagle's Ridge Ranch may not occur until a plat creating the lot or unit is recorded with Garfield County.

- C. The amended Plat shall be reviewed and approved by Town staff and the Town attorney prior to recordation.
- D. Prior to recordation of the amended Plat, Applicant shall provide updated snow storage, drainage, grading, and utility plans that reflect actual proposed conditions based on the changes proposed in the Application. Said plans will be subject to review and approval by the Public Works Department and Town engineer, and Applicant shall comply with all Town staff and Town engineer recommendations and requirements regarding the plans.
- E. At the time of recordation of the amended Plat, Applicant shall record an amendment to the Declaration of Covenants, Conditions, and Restrictions for Eagle's Ridge Ranch Homeowners Association to update the maximum units allowed in the development and make any other changes that may be necessary as a result of the Application. Said amendment shall be subject to review by the Town attorney.
- F. A subdivision improvements agreement and security for the first phase of development of the Property is currently in place, and the SIA was recorded at Reception No. 967189. The phase 1 SIA will be amended and additional security will be provided by Applicant prior to recordation of the amended Plat if deemed necessary by the Town engineer following review of the updated grading, drainage, and utility plans. A subdivision improvement agreement for each subsequent phase shall be recorded before work commences in each phase. No lot or unit in any future phase of development of the Property shall be sold until the public improvements for the particular phase have been constructed and accepted by the Town.
- G. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission and reflected in the minutes and/or recordings of such hearings shall be considered part of the Application and binding on the Applicant.
- H. 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.
- I. 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.

THIS RESOLUTION	PZ	2022-5 wa	s adopted	by the	New	Castle	Planning	and	Zoning
Commission by a vote of	_ to	on the	e 14th day	of Sept	embe	r, 2022	•		

## NEW CASTLE PLANNING AND ZONING COMMISSION

	By: _	
	-	Chuck Apostolik, Commission Chair
ATTEST:		
Mindy Andie Danuty Town Clark	-	
Mindy Andis, Deputy Town Clerk		

**EXHIBIT A**Application Materials

#### **EXHIBIT A**

The Final PUD Development Plan amendment application consists of the following documents:

- 1. Development Application (Jan. 17, 2018)
- 2. Checklist of PUD final development plan (Jan. 17, 2018)
- 3. List of property owners within 250 feet of subject property (Jan. 18, 2018)
- 4. Affidavit as to Notice of Public Hearing (Jan. 18, 2018)
- 5. Special Warranty Deed (Jan. 18, 2018)
- 6. Written statement for PUD Amendment (Jan. 18, 2018)
- 7. Public comments from Steve Craven, Scott Crow, and Connie Henke (Jan. 2018)
- 8. Town Planner's report January 31, 2018
- 9. Town Building Inspector's report January 31, 2018
- 10. Lakota Canyon Ranch Design Review Committee e-mail and comment letter February 28, 2018
- 11. Elevations for Buildings 2 & 4—February 28, 2018
- 12. PUD Application revision documentation February 28, 2018
- 13. Building Inspector Report March 2, 2018
- 14. Town Planner Report March 2, 2018
- 15. Architectural and design plans showing 9 units without balconies—March 5, 2018



#### **Town of New Castle** 450 W. Main Street PO Box 90

New Castle, CO 81647

## Planning & Code Administration Department

**Phone:** (970) 984-2311 **Fax:** (970) 984-2716

#### **Staff Report**

Eagle's Ridge Ranch
Minor Amendment to PUD
Planning Commission – Hearing– September 14th, 2022

Report Compiled: 8/8/2022

**Project Information** 

Name of Applicant: Colombo International, Inc.

**Applicant's Mailing Address:** 300 Horseshoe Dr., Basalt, CO. 81621

Phone/Email: (970) 618-9222; colombo@sopris.net

**Property Address:** 741 Castle Valley Blvd, New Castle, CO 81647

**Property Owner:** Malo Development Lakota, LLC.

Owner Mailing Address 300 Horseshoe Dr., Basalt, CO 81621

**Proposed change:** Reduction of 30 townhomes and condominiums to

22 townhomes

**Legal Description:** Lot 2B, Lakota Canyon Ranch, Phase 7,

according to the Final Plat, Resubdivision of Parcel D Plat recorded February 26, 2009, as Reception No. 763774, and the Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase 7,

recorded July 30, 2010, as Reception No. 789213

Street Frontage: North – Castle Valley Blvd; West – Town of

New Castle ROW shared with Lakota Ridge Senior Housing;

Existing Zoning: Residential

**Surrounding Zoning:** North – Mixed Use (MU), South – R/2, West – Mixed

Use (MU) and East – Mixed Use (MU)

#### I Introduction

The applicant requests a minor amendment to the Eagles Ridge Ranch PUD (ERR) approved in 2019 through ordinance TC 2019-4. According to section 17.100.110 of the municipal code, minor amendments are alterations to an approved PUD development plan that require increased review and scrutiny. Minor amendments may be approved by resolution of the planning commission following a noticed public hearing. The Planning Commission (P&Z) may condition such approval as necessary to ensure that the development will be compatible with current community standards, infrastructure, and regulations. Minor amendments include, but are not limited to:

- 1. An increase or decrease equal to or less than three (3) percent of the overall coverage of residential structures as originally approved within the PUD;
- 2. An increase or decrease equal to or less than three (3) percent or one thousand (1,000) square feet (whichever is less) of the overall coverage of commercial/light industrial structures as originally approved within the PUD;
- 3. A reduction in the number of residential dwelling units not including designated affordable housing units;
- 4. An increase of the originally approved common or public open spaces;
- 5. Improvements to site circulation such as deceleration lanes, increased street connectivity, improved/expanded non-motorized access routes, etc.;
- 6. Alterations to the applicable PUD dimensional standard(s) (e.g., setbacks, building height, F.A.R) of less than ten percent (10%).

Pursuant to section 17.100.110 (D), because the request includes a reduction of units, the town administrator determined that the application will be deemed a minor amendment and proceed with a public hearing before P&Z. The town administrator has also determined, in accordance with section 17.100.110 (E), that the submitted exhibits are sufficient evidence for the application's consideration.

#### II Proposed Changes

In consideration of the minor amendment, note that the project is currently permitted for construction. Eight townhome units (Buildings 5 & 6) are presently being framed. Alteration of those units is not anticipated considered with this application. The amended proposal shows general consistency with the original site plan **(Exhibit A, pg.)** in terms of architectural design, site layout, open space, and landscaping. However, the applicant contemplates modest alterations with the intent of improving the community's livability and the marketability. Those changes include:

Original Plan	Revised Plan
Total #Units: 30 total units – 16 townhomes, 14 condominiums;	Total #Units: 22 total units – all townhomes;
Density: 13.52 units/acre	Density: 10.10 units/acre
• Open Space: 23.7%	Open Space: 31.6%
Parking: 85 total – 7 on-street, 78 off-street	Parking: 85 total – 3 on-street, 82 off-street
Street Width: 24 feet	Street Width: 28 feet
OS Width: 39.28 feet	OS Width: 76.26 feet
Trash Enclosure: Along CVB	Trash Enclosure: Removed – individual service

Other important improvements to the livability of the PUD include the replacement of the parking lot along CVB with passive open space, upgraded two-car garages for the lower 14 townhouses, and increased snow storage east of the public street.

Upon review of the submittal packet, Staff concludes that the proposed changes:

- 1. **Are** consistent with the comprehensive plan;
- 2. **Comply** with zoning and density requirements;
- 3. Are Compatibility to neighboring land uses;
- 4. Have sufficient access to town services including water and sewer services, fire, and police;
- 5. **Have** adequate off-street parking as well as vehicle, bicycle, and pedestrian circulation;
- 6. **Meet** open space and park requirements;
- 7. **Are** consistent with the natural character, contours, and viewsheds of the land.

#### **III Staff Recommendations**

Staff recommends the following conditions in consideration of *PZ 2022-05*:

- 1. Provide pedestrian pathway between Buildings 1 & 2 that intersects with the bike path along Castle Valley Blvd.
- 2. Each townhome unit shall be provided with separate water and sewer service directly from the main. Gas and electric service must run directly to each unit from the building exterior rather than through crawlspaces or attic spaces.
- 3. 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.
- 4. The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit is recorded with Garfield County.
- 5. Prior to the recordation of the Filing 8 plat, the Applicant shall enter into a subdivision improvements agreement with the Town for development of the first phase of Filing 8 in a form acceptable to the Town Attorney. A subdivision improvement agreement for each subsequent phase shall be recorded before work commences in each phase.
- 6. 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.

## Planning Department (970) 984-2311

Fax: (970) 984-2716 Email: tnc@glenwood.net NEW CAST!

LAND DEVELOPMENT APPLICATION

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

Note: You are <u>required</u> to meet with the Town Planner to review a checklist of items applicable to your project <u>before</u> filing this application with the Town. All application materials are subject to the Colorado Open Records Act (CORA), C.R.S. §24-72-201 to 207.

Applicant:	.0	
MALO DEVELOPMENT CON	1PAKY-LALOTA	,LLC
Address:	Phone: 970 618-9	1722
74 CASTLE VALLEY BU		e soprisine
Property Owner:		
MALO DEVELOPMENT CON	IPANY -LOKOTA	LLC
Address:	Phone:	
300 HORSEYDE DR.	FAX: SAME E-mail:	Websel was
Contact Person:	362	
JIM COLOMBO		
Address:	Phone:	The second secon
300 HORSESHOE DOZ. BASKO	FAX: SAME	
Property Location/Address:	31	
	JID. NEW CAST	E,00
Legal Description:		Acres:
SEE ATTACHED	NA A	2.607
Existing Zone (e.g., Residential R-1, Commercial C-1):	Existing Land Use:	
M-U	RESIDENT	IAL
TYPE(S) OF LAND U	USE(S) REQUESTED	
Pre-Annexation Agreement	☐Conditional Use Permit or Spo	naial Davian Usa Danmit
Annexation	Lot Line Adjustment or Disso	
Subdivision (including Minor and Major Subdivisions,	Site Specific Development Pla	n/Vested Rights
Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations)	∐Variance □Zoning	
Amended Plat	Zoning Amendment	
Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans)	Re-zoning	
Applicant Signature 7/27/22 Date		



## AGREEMENT TO PAY CONSULTING AND ADMINISTRATIVE COSTS

Pursuant to municipal code section 16.08.070, for any land use application, the applicant shall pay all costs incurred by the town for the preparation of plats, plans, other required data and

documents, recording fees, publication costs, legal and engineering review and advice, planning review and advice, inspections and all other out-of-pocket costs incurred by the town in connection with the land use application. In the case of withdrawal or denial of a land use application, the applicant shall be responsible for all costs actually incurred by the town in connection with such application regardless of the state of the review process at which the application is withdrawn or denied.

To secure payment of costs incurred by the town, the owner of the land proposed for development (and the applicant, if different) shall be required to sign the following agreement:

By signing below, the applicant and property owner hereby agree to reimburse the Town the actual costs to the Town for engineering, planning, surveying, legal services, and all other costs incurred by the Town in connection with the review and approval of the land use application. I also agree to reimburse the Town for the cost of making any correction or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. I agree that interest shall be imposed at the rate of 1.5% per month on all balances not paid within thirty (30) days of a statement. In the event the Town pursues collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs. In addition to all other remedies allowable by law, I agree that in the event any amounts remain due and unpaid for sixty (60) days the Town shall have the power and authority to certify such amounts, plus a ten percent penalty, to Garfield County to be imposed as a tax lien against the real property subject to the development application.

SO AGREED this 27 day of	JULY 20 22.
<u>JAMES COLOMBO</u> Applicant (Print Name)	Signature of Applicant
970 418-9222 Telephone Number	Mariling Address of Applicant
Email	Email Address of Applicant
Property Owner	Signature of Property Owner
SAME  Relationship of Owner to Applicant	Owner Mailing Address BASAUT, CO. 3162
Type of application:	MIHOR AMENDMENT
Property description: SEE	AHACHED



## **Summary Proposed Site/Project Revisions**

#### PHASE I

• Remains the same

#### PHASE II

- Reduction from 8 Townhouse to 7 Townhouses
- All Townhouses will be 3brm, 3.5 baths w/ 2-Car Garages
- Phase II Townhouses will be relocated approximately an additional 20 feet to the North towards Caste Valley Boulevard to provide for a 28% larger park area between Phase I and Phase II.

#### PHASE III

- Reduced from 14 Condominiums to 7 Townhouses
- All Townhouses will be at least 3brms, 3.5 baths w/2-Car Garages
- Thunderbird Road will be eliminated altogether. Access will be off Little Bear which will be relocated to the north approximately 20 feet.
- All parking along Castle Valley Boulevard will be eliminated. This area will become a landscaped park area with a berm along Castle Valley Blvd.

#### **INFRASTRUCTURE**

- Road widening and Roundabout will remain the same.
- Sidewalks will remain the same with slight alignment adjustments to allow for an additional 5 guest parking spaces.
- Waterline already installed will remain where they are.
- Sewer lines already installed will remain where they are.

•

#### **PARKING**

- 2 parking spaces are required for each of the 22 Townhouses = 44 required spaces.
- Each Townhouse in Phase II and Phase II will have 4 parking spaces.
- There will be 5 additional parking spaces along the roadway on ERR property.
- The total required parking spaces for the revised Phase I, Phase II and Phase III is 44 spaces.
- The revised site plan will provide 83 parking spaces.

#### **SNOW STORAGE**

• Snow Storage will be significantly enlarged with much larger park areas between Phase I and Phase II as well as the new park area along Castle Valley Boulevard.

#### INTERNAL PATHWAY

• The Internal Pathway will remain but slightly adjusted due to the new building's locations.

#### TOTAL OPEN SPACE

• Total Open Space will be increased from 23.7% to 31.6%

#### NON-PERMIABLE ROAD SURFACES

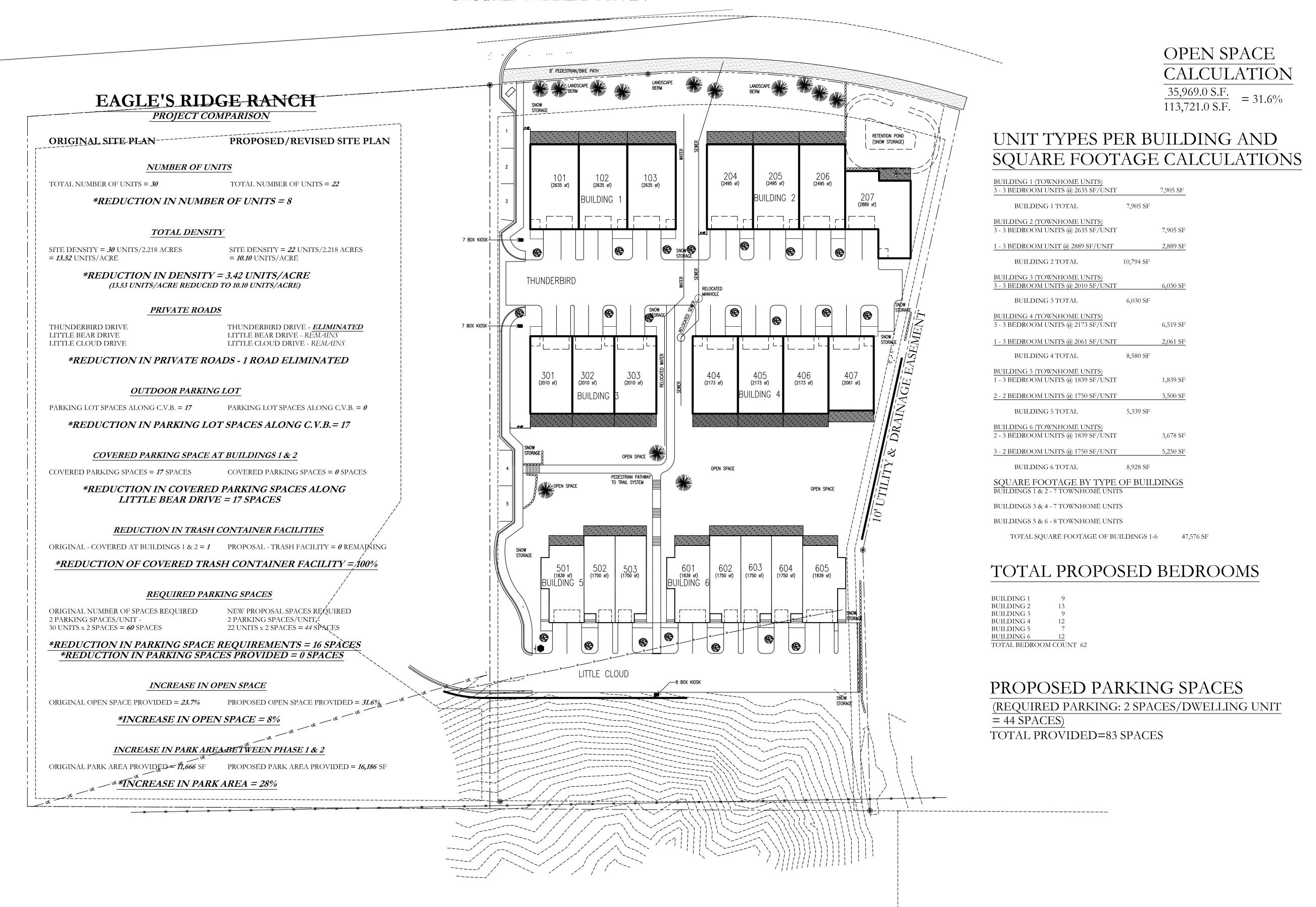
• Non-Permeable Road Surfaces will be reduced by approximately 33%

#### TOTAL NUMBER OF RESIDENTIAL UNITS

- The total number of residential units for the entire project, including Phase I, Phase II and Phase III will be reduced from 30 units to 22 units. This represents a reduction of 8 units which is a 26.7% reduction in density.
- The number of units per acre is significantly reduced from 13.52/ units per acre to 10.0/units per acre.

# Proposed Site Plan

## CASTLE VALLEY BLVD.



COLOMBO INTERNATIONAL JNC.

EAGLE'S RIDGE LAKOTA CANYON RANCH

PHASE 7, LOT 2B NEW CASTLE, COLORADO

REVISIONS

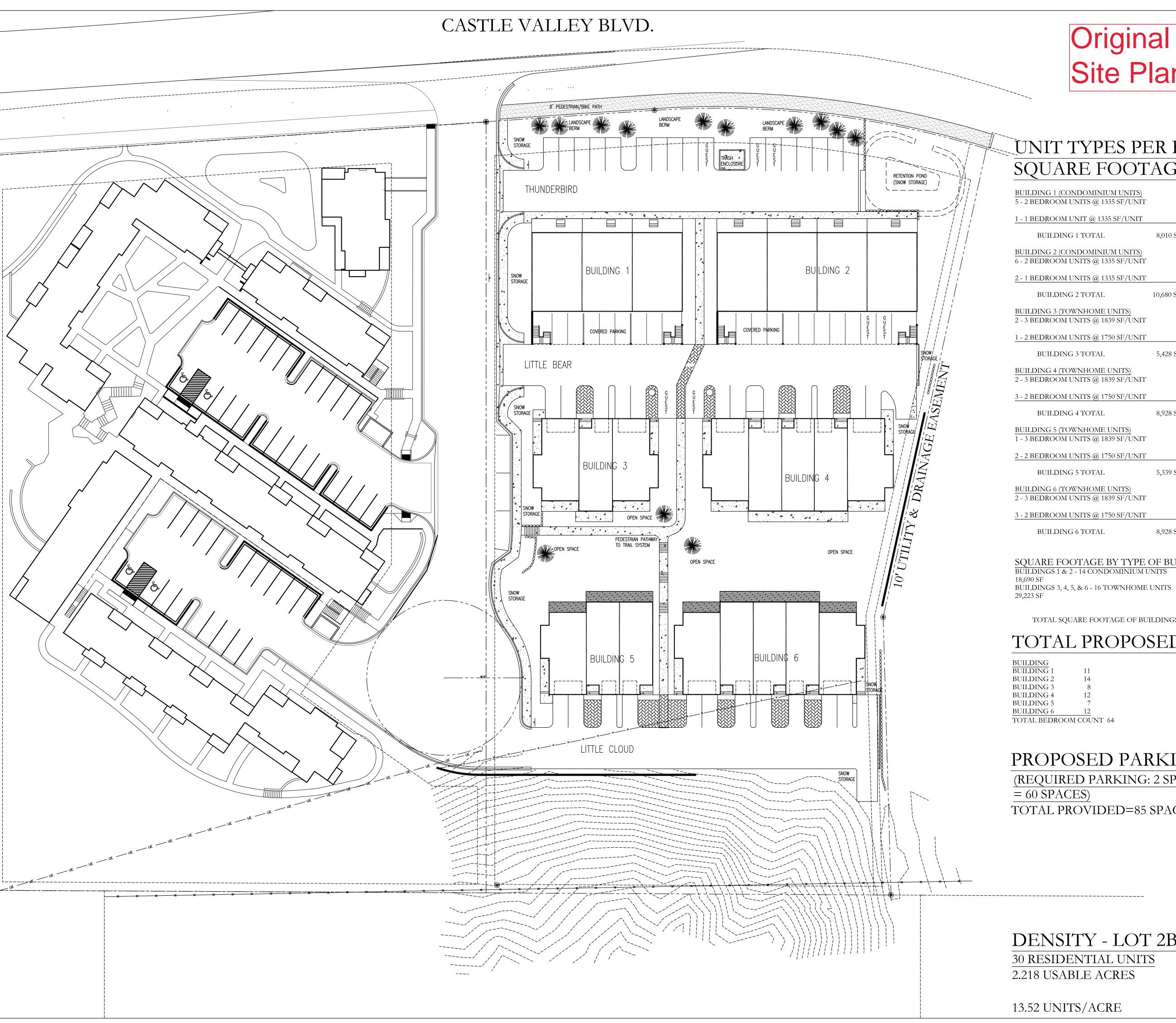
All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO. 2018-22 DRAWN BY CHECKED BY

ISSUE DATE 06-07-22 SHEET TITLE

SITE PLAN REVISION - R1 09-06-22

SP 1.0-R1





OPEN SPACE

 $\frac{27,001.9 \text{ S.F.}}{113,721.0 \text{ S.F.}} = 23.7\%$ 

# UNIT TYPES PER BUILDING AND SQUARE FOOTAGE CALCULATIONS

		<u></u>
BUILDING 1 (CONDOMINIUM UNITS)		
5 - 2 BEDROOM UNITS @ 1335 SF/UNIT		6,675 SF
1 - 1 BEDROOM UNIT @ 1335 SF/UNIT		1,335 SF
BUILDING 1 TOTAL	8,010 SF	
BUILDING 2 (CONDOMINIUM UNITS)		
6 - 2 BEDROOM UNITS @ 1335 SF/UNIT		8,010 SF
2 - 1 BEDROOM UNITS @ 1335 SF/UNIT		2,670 SF
BUILDING 2 TOTAL	10,680 SF	
BUILDING 3 (TOWNHOME UNITS)		
2 - 3 BEDROOM UNITS @ 1839 SF/UNIT		3,678 SF
1 - 2 BEDROOM UNITS @ 1750 SF/UNIT		1,750 SF
BUILDING 3 TOTAL	5,428 SF	
BUILDING 4 (TOWNHOME UNITS)		
2 - 3 BEDROOM UNITS @ 1839 SF/UNIT		3,678 SF
3 - 2 BEDROOM UNITS @ 1750 SF/UNIT		5,250 SF
BUILDING 4 TOTAL	8,928 SF	
BUILDING 5 (TOWNHOME UNITS)		
1 - 3 BEDROOM UNITS @ 1839 SF/UNIT		1,839 SF
2 - 2 BEDROOM UNITS @ 1750 SF/UNIT		3,500 SF
BUILDING 5 TOTAL	5,339 SF	
BUILDING 6 (TOWNHOME UNITS)		
2 - 3 BEDROOM UNITS @ 1839 SF/UNIT		3,678 SF
3 - 2 BEDROOM UNITS @ 1750 SF/UNIT		5,250 SF
BUILDING 6 TOTAL	8,928 SF	

SQUARE FOOTAGE BY TYPE OF BUILDINGS BUILDINGS 1 & 2 - 14 CONDOMINIUM UNITS

TOTAL SQUARE FOOTAGE OF BUILDINGS 1-6 47,313 SF

# TOTAL PROPOSED BEDROOMS

TOTAL BEDROOM COUNT 64

## PROPOSED PARKING SPACES

(REQUIRED PARKING: 2 SPACES/DWELLING UNIT = 60 SPACESTOTAL PROVIDED=85 SPACES

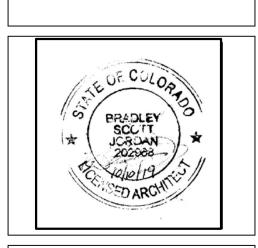


DENSITY - LOT 2B

30 RESIDENTIAL UNITS 2.218 USABLE ACRES

13.52 UNITS/ACRE





EAGLE'S RIDGE LAKOTA CANYON RANCH

PHASE 7, LOT 2B NEW CASTLE, COLORADO

REVISIONS

PROJECT NO. 2018-22 DRAWN BY CHECKED BY

ISSUE DATE 10/10/19 PERMIT

SHEET TITLE SITE PLAN

SP2.0

218101400231

1.) DATE OF SURVEY WAS AUGUST 2022.

2.) BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF S89°40'33"E BETWEEN THE CENTER 1/4 OF SAID SECTION 32 AND THE EAST 1/4 CORNER OF SAID SECTION 32, BOTH BEING MARKED WITH 3" GARFIELD COUNTY SURVEYOR BRASS CAPS ON 2" PIPE STAMPED FOR SAID CORNERS AS SHOWN HEREON.

3.) THIS PLAT IS BASED ON:

- EAGLES RIDGE RANCH AT LAKOTA CANYON RANCH RECORDED NOVEMBER 19, 2021 AS
- RESEARCH FOR RIGHTS-OF-WAY AND EASEMENTS OF RECORD ARE BASED ON TITLE COMPANY OF THE ROCKIES COMMITMENT NUMBER 0603593-C, EFFECTIVE DATE OCTOBER 21, 2021
- MONUMENTS FOUND IN PLACE AS INDICATED HEREON.

4.) ALL DIMENSIONS SHOWN HEREON ARE RECORD AND AS-MEASURED UNLESS OTHERWISE INDICATED.

5.) ALL FOUND OR SET MONUMENTS ARE FLUSH WITH GROUND EXCEPT AS NOTED HEREON.

6.) THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND

7.) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

## *SURVEYOR'S CERTIFICATE*

I MICHAEL J. LANGHORNE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE AMENDED FINAL PLAT OF EAGLE'S RIDGE RANCH AT LAKOTA CANYON RANCH AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT ACCURATELY REPRESENTS A SURVEY, PERFORMED BY ME OR UNDER MY SUPERVISION, IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONFORMS WITH THE CURRENT "STANDARDS FOR LAND SURVEYS" OF THE COLORADO AES BOARD OF LICENSURE, AS WELL AS WITH RELATED SURVEY REQUIREMENTS OF CURRENT VERSIONS OF THE COLORADO REVISED STATUTES AND THE COUNTY OF GARFIELD REGULATIONS, THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF THE AMENDED FINAL PLAT OF EAGLE'S RIDGE RANCH AT LAKOTA CANYON RANCH AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE

ΙN	WITNESS	WHEREOF	I HAVE	SET MY	HAND	AND	SEAL

MICHAEL J. LANGHORNE, P.L.S. #36572



## Amended Final Plat

# EAGLE'S RIDGE RANCH AT LAKOTA CANYON RANCH

A Resubdivision of Lot 2B, Lakota Canyon Ranch, Phase 7 Situate in the N1/2 Section 32, Township 5 South, Range 90 West of the 6th P.M. Town of New Castle, County of Garfield, State of Colorado

#### *'ITLE CERTIFICATE*

. AN AGENT AUTHORIZED BY A TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (INCLUDING MORTGAGES, DEEDS OF TRUST, JUDGMENTS, EASEMENTS, CONTRACTS AND AGREEMENTS OF RECORD AFFECTING THE REAL PROPERTY I

TITLE COMPANY OF THE ROCKIES COMMITMENT NUMBER 0603593-C. EFFECTIVE DATE OCTOBER 21, 2021 SCHEDULE B. PART II EXCEPTIONS:

- RIGHTS OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED AND A RIGHT OF WAY FOR DITCHES OR CANALS AS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES PATENT RECORDED OCTOBER 24, 1895 IN BOOK 12 AT PAGE 384 AS RECEPTION NO. 18783
- EASEMENT AND RIGHT OF WAY FOR THE PRENDERGRAST DITCH BY AND RIGHTS-OF-WAYS FOR DITCH LATERALS AS CONTAINED IN WARRANTY DEED RECORDED JANUARY 29, 1915 IN BOOK 29 AT PAGE 559 AS
- EASEMENT AND RIGHT OF WAY FOR THE PRENDERGRAST ENLARGEMENT AND EXTENSION OF THE SPION-KOP DITCHES AS CONTAINED IN OUIT CLAIM DEED RECORDED MAY 27, 1926 IN BOOK 133 AT PAGE
- 10. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN RIGHT OF WAY GRANTED TO MOUNTAIN STATE TELEPHONE AND TELEGRAPH CO. RECORDED MARCH 22, 1934 IN BOOK 174
- 11. MATTERS RELATED TO THE MINERAL ESTATES AS CONTAINED IN DEED RECORDED APRIL 4, 1960 IN BOOK 325 AT PAGE 82 AS RECEPTION NO. 208938, AND ANY AND ALL ASSIGNMENTS OF RECORD, OR OTHERWISE
- 12. MATTERS RELATED TO THE MINERAL ESTATES AS CONTAINED IN DEED RECORDED AUGUST 15, 1986 IN BOOK 693 AT PAGE 460 AS RECEPTION NO. 373515, AND ANY AND ALL ASSIGNMENTS OF RECORD, OR OTHERWISE, THEREOF, OR INTERESTS THEREIN
- 13. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE RESOLUTION TC 99-7. RECORDED JUNE 16, 1999 IN BOOK 481 AS RECEPTION NO. 547370.
- 14. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE RESOLUTION TC 99-8. RECORDED JUNE 16. 1999 IN BOOK 1135 AT PAGE 484 AS RECEPTION NO
- 15. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW
- 16. TERMS. AGREEMENTS. PROVISIONS. CONDITIONS AND OBLIGATIONS AS CONTAINED IN ANNEXATION AND DEVELOPMENT AGREEMENT, RECORDED JUNE 16, 1999 IN BOOK 1135 AT PAGE 520 AS RECEPTION NO. 547373. AMENDMENT RECORDED MAY 2, 2005 IN BOOK 1683 AT PAGE 556 AS RECEPTION NO. 673289
- 17. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE RESOLUTION NO. 99-10, RECORDED JUNE 16, 1999 IN BOOK 1135 AT PAGE 548 AS RECEPTION NO.
- 18. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE RESOLUTION NO. 2002-8, RECORDED JULY 1, 2002 IN BOOK 1366 AT PAGE 336 AS RECEPTION NO.
- 19. EASEMENTS, RIGHTS OF WAY AND ALL OTHER MATTERS AS SHOWN ON THE PLAT OF EAGLES RIDGE RANCH SUBDIVISION EXCLUSION/EXEMPTION PLAT, RECORDED JULY 17, 2002 AS RECEPTION NO. 607173.
- 20. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE, COLORADO ORDINANCE NO. 2002-17, RECORDED JANUARY 8, 2002-17 IN BOOK 1424 AT PAGE 933
- 21. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE, COLORADO ORDINANCE NO. 2002-18, RECORDED JANUARY 8, 2003 IN BOOK 1424 AT PAGE 970 AS
- 22. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN WATER STORAGE TANK AGREEMENT, RECORDED JANUARY 8, 2003 IN BOOK 1425 AT PAGE 238 AS RECEPTION NO. 618303.
- 23. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE, COLORADO ORDINANCE NO. 2003-2, RECORDED JULY 18, 2003 IN BOOK 1494 AT PAGE 621 AS
- 24. EASEMENTS, RIGHTS OF WAY AND ALL OTHER MATTERS AS SHOWN ON THE AMENDED AND RESTATED SUBDIVISION EXCLUSION/EXEMPTION MAP OF LAKOTA CANYON RANCH (FORMERLY EAGLES RIDGE RANCH) RECORDED JULY 18, 2003 AS RECEPTION NO. 632118, AND ON THE SECONDED AMENDED AND RESTATED SUBDIVISION EXCLUSION/EXTENSION MAP OF LAKOTA CANYON RANCH (FORMERLY EAGLES RIDGE RANCH) RECORDED OCTOBER 19, 2006 AS RECEPTION NO. 709280; AND THE FINAL PLAT LAKOTA CANYON RANCH, PHASE 7, RECORDED FEBRUARY 26, 2009 AS RECEPTION NO. 763774, AND THE AMENDED FINAL PLAT, LOT 2, LAKOTA CANYON RANCH PHASE 7, RECORDED JULY 20, 2010 AS RECEPTION NO. 789213.
- 25. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN BYLAWS OF LAKOTA CANYON RANCH MASTER ASSOCIATION, INC., RECORDED DECEMBER 11, 2003 IN BOOK 1545 AT PAGE 939
- 26. RESTRICTIONS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, AS CONTAINED IN FIRST AMENDED AND RESTATED MASTER DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKOTA CANYON RANCH, RECORDED OCTOBER 19, 2004 IN BOOK 1632 AT PAGE 9 AS RECEPTION NO. 661954: FIRST SUPPLEMENT TO FIRST AMENDED AND RESTATED MASTER DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKOTA CANYON RANCH, RECORDED DECEMBER 23, 2004 IN BOOK 1650 AT PAGE 645 AS RECEPTION NO. 665845; SECOND SUPPLEMENT RECORDED AUGUST 10, 2005 IN BOOK 1715 AT PAGE 459 AS RECEPTION NO. 679902; AMENDMENT TO THE FIRST AND SECTION SUPPLEMENTS RECORDED FEBRUARY 8, 2006 IN BOOK 1770 AT PAGE 826 AS RECEPTION NO. 691983; THIRD SUPPLEMENT RECORDED OCTOBER 19, 2006 IN BOOK 1854 AT PAGE 684 AS RECEPTION NO. 709285; AMENDMENT TO THE THIRD SUPPLEMENT RECORDED DECEMBER 28, 2007 AS RECEPTION NO. 740134; FOURTH SUPPLEMENT RECORDED FEBRUARY 4, 2008 AS RECEPTION NO. 742261.
- 27. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE, COLORADO ORDINANCE NO. 2009-1, RECORDED FEBRUARY 26, 2009 AS RECEPTION NO. 763773.
- 28. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN TOWN OF NEW CASTLE, COLORADO ORDINANCE NO. 2009-2, RECORDED FEBRUARY 26, 2009 AS RECEPTION NO. 763776.
- 29. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN LAKOTA CANYON HOA LOT MAINTENANCE POLICY RECORDED SEPTEMBER 12, 2018 AS RECEPTION NO. 911620.

DATED THIS	DAY OF	 , A.D. 202
TITLE COMPANY:		
AGENT		

1. EAGLES RIDGE RANCH AT LAKOTA CANYON RANCH, IS SUBJECT TO THE TERMS AND CONDITIONS OF TOWN OF NEW CASTLE ORDINANCE NO. 2019-4 (THE "APPROVAL ORDINANCE") RECORDED AND THE SUBDIVISION AND PUD DEVELOPMENT AGREEMENT FOR EAGLES RIDGE RANCH AT LAKOTA , 2019, AS RECEPTION NO.\_ THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AS SAID AGREEMENT MAY BE AMENDED FROM TIME TO

ERR DECLARATION, WHICH MAY BE AMENDED OR SUPPLEMENTED FROM TIME TO TIME, ESTABLISH AND DEFINE THE

3. ALL OF THE PRIVATE STREETS THUNDERBIRD DRIVE AND LITTLE CLOUD DRIVE AND THE OPEN SPACE AREAS AS SHOWN ON THIS PLAT ARE HEREBY CONVEYED BY OWNER TO THE EAGLE'S RIDGE RANCH HOMEOWNERS ASSOCIATION TO BE HELD, MAINTAINED, AND MANAGED PURSUANT TOT THE ERR DECLARATION. THE PRIVATE STREET AND OPEN SPACE AREAS CREATED HEREBY SHALL BE GENERAL COMMON ELEMENT

5. ALL DEVELOPMENT WITHIN EAGLES RIDGE RANCH AT LAKOTA CANYON RANCH SHALL COMPLY WITH THE REQUIREMENTS OF THE WILDFIRE HAZARD MITIGATION AND RESPONSE PLAN ATTACHED TO AND INCORPORATED INTO THE MASTER DECLARATION, COPIES OF WHICH ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE NEW CASTLE

6. THIS PLAT CREATES SEPARATE PARCELS FOR 6 SEPARATE BUILDING ENVELOPES OR "BLOCKS" AS SHOWN. NO INDIVIDUAL UNIT WITHIN ANY BLOCK MAY BE SEPARATELY SOLD, ENCUMBERED OR CONVEYED UNTIL AND UNLESS AN AMENDED PLAT DEPICTING THE BOUNDARIES OF SUCH UNIT IS APPROVED BY NEW CASTLE TOWN STAFF AND RECORDED WITH THE GARFIELD COUNTY CLERK AND RECORDER.

8. IF ANY UNDERGROUND UTILITIES WITHIN UTILITY EASEMENTS ARE EXCAVATED FOR REPAIR, REPLACEMENT OR MAINTENANCE, THE TOWN SHALL HAVE NO DUTY TO RESTORE, REPAIR OR REPLACE ANY LANDSCAPING, CONCRETE FLATWORK, OR OTHER IMPROVEMENTS THAT MAY BE DAMAGED OR DESTROYED, WHICH SHALL BE THE RESPONSIBILITY OF THE EAGLE'S RIDGE RANCH HOMEOWNERS ASSOCIATION FOR COMMON AREAS OR THE PROPERTY OWNER IF WITHIN A

9. THE PURPOSE OF THIS AMENDED PLAT IS TO ADJUST THE LOCATION OF BUILDING ENVELOPES 1, 2, 3, AND 4, AND THEREBY REMOVING THUNDERBIRD DRIVE.

## TOWN COUNCIL CERTIFICATE

THIS PLAT APPROVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, GARFIELD COUNTY, COLORADO, THIS , A.D. 2022, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY AND FOR CONVEYANCE TO THE TOWN OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISION THAT APPROVAL IN NO WAY OBLIGATES THE TOWN OF NEW CASTLE FOR FINANCING OR CONSTRUCTING OF IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE TOWN

WITNESS MY HAND AND THE SEAL OF THE TOWN OF NEW CASTLE. ATTEST:

## PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 2, LAKOTA CANYON RANCH, PHASE 7 RECORDED AS RECEPTION NO. 763774 IN THE OFFICE OF THE GARFIELD COUNTY CLERK AND RECORDER, SAID PARCEL SITUATE IN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, ALL BEARINGS RELATIVE TO A BEARING OF N89°40'33"W BETWEEN THE EAST 1/4 CORNER OF SAID SECTION 32 AND THE CENTER 1/4 CORNER OF SAID SECTION 32, BOTH GARFIELD COUNTY SURVEYOR BRASS CAPS IN PLACE, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE N89°41'47"W 235.30 FEET; THENCE N00°00'00"E 447.87 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF CASTLE VALLEY BOULEVARD; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1.) N86°06'36"E 98.06 FEET 2.) ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 532.92 FEET, AN ARC LENGTH OF 195.25 FEET

COMMENCING AT SAID CENTER 1/4 CORNER; THENCE N89°41'47"W 17.07 FEET TO THE TRUE POINT OF BEGINNING;

(CHORD BEARS S83°23'37"E 194.16 FEET); THENCE DEPARTING SAID RIGHT-OF-WAY S12°25'54"W 278.62 FEET; THENCE S01°37'09"E 161.41 FEET TO THE TRUE

ALSO KNOWN AS: LOT 2B LAKOTA CANYON RANCH, PHASE 7, ACCORDING TO THE FINAL PLAT, RESUBDIVISION OF PARCEL D PLAT RECORDED FEBRUARY 26, 2009 AS RECEPTION NO. 763774 AND THE AMENDED FINAL PLAT, LOT 2, LAKOTA CANYON RANCH, PHASE 7, RECORDED JULY, 30, 2010 AS RECEPTION NO. 789213. COUNTY OF GARFIELD, STATE OF COLORADO

#### CERTIFICATE OF OWNERSHIP, SUBDIVISION AND DEDICATION

A. OWNERSHIP. MALO DEVELOPMENT COMPANY-LAKOTA LLC, A COLORADO LIMITED LIABILITY COMPANY IS THE OWNER OF THE REAL PROPERTY DESCRIBED ON THIS PLAT (THE "PROPERTY").

B. SUBDIVISION. OWNER HAS CAUSED THE PROPERTY TO BE LAID OUT, SURVEYED AND PLATTED AS ILLUSTRATED ON THIS AMENDED FINAL PLAT OF EAGLES RIDGE AT LAKOTA CANYON RANCH (THE "PLAT"), AND TO BE SUBJECTED TO THE DEDICATIONS, RESERVATIONS, EASEMENTS, AND OTHER MATTERS SHOWN OR DESCRIBED HEREON

C. DEDICATIONS AND EASEMENTS. OWNER HEREBY MAKES THE FOLLOWING DEDICATIONS AND EASEMENTS:

RESPONSIBILITY OF THE EAGLE'S RIDGE RANCH HOMEOWNERS ASSOCIATION, NOT THE TOWN OF NEW CASTLE. AN ACCESS EASEMENT IS HEREBY GRANTED OVER AND ACROSS THUNDERBIRD DRIVE, LITTLE BEAR DRIVE AND LITTLE CLOUD DRIVE FOR PUBLIC AND EMERGENCY PURPOSES

WITHIN A BUILDING FOOTPRINT OR IMPROVED PATIO AREA FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR OR REPLACEMENT OF UNDERGROUND UTILITIES AND APPURTENANCES THERETO INCLUDING. BUT NOT LIMITED TO. ELECTRIC LINES, CABLE TV LINES, NATURAL GAS PIPELINES, SANITARY SEWER LINES, WATER LINES, TELEPHONE LINE AND IRRIGATION WATER LINES.

3. PERPETUAL. NON-EXCLUSIVE DRAINAGE EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE TOWN UTILITY PROVIDERS AND THE EAGLE'S RIDGE RANCH HOMEOWNERS ASSOCIATION AND RESERVED TO THE OWNER. FOR THE INSTALLATION. OPERATION. MAINTENANCE, REPAIR AND REPLACEMENT OF DRAINAGE FACILITIES FOR THI MAINTENANCE TO THE DRAINAGE FACILITIES WITH THE COSTS TO THE TOWN BEING REIMBURSED BY THE EAGLES RIDGE RANCH HOMEOWNERS ASSOCIATION THE EAGLE'S RIDGE RANCH HOMEOWNERS ASSOCIATION NOT THE TOWN SHALL HAVE RESPONSIBILITY TO MAINTAIN ANY DRAINAGE EASEMENTS AND DRAINAGE FACILITIES

4. PERPETUAL, NON-EXCLUSIVE EASEMENTS UPON THE OPEN SPACE AREAS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE EAGLE'S RIDGE RANCH HOMEOWNERS ASSOCIATION AND RESERVED TO THE OWNER FOR THE PURPOSE OF PLACING, STORING AND REMOVING SNOW WHICH MAY BE PLOWED FROM THE STREETS WITHIN EAGLES

5. PERPETUAL, NON-EXCLUSIVE EASEMENTS ARE HEREBY GRANTED TO AND FOR THE BENEFIT OF LAW ENFORCEMENT PERSONNEL, FIRE DEPARTMENTS AND OTHER EMERGENCY SERVICES PROVIDERS, FOR INGRESS, EGRESS AND ACCESS PURPOSES, OVER AND ACROSS ALL STREETS AND PRIVATE DRIVEWAYS WHICH MAY BE CONSTRUCTED, RECONSTRUCTED OR RELOCATED WITHIN THE PROPERTY.

6. PERPETUAL, NON-EXCLUSIVE EASEMENTS ARE HEREBY GRANTED TO UTILITY PROVIDERS, INCLUDING OWNER, FOR THE INSTALLATION, MAINTENANCE AND REPAIR OF UTILITIES, OVER, ACROSS AND UNDER (A) ALL STREETS AND PRIVATE DRIVEWAYS WHICH MAY BE CONSTRUCTED, RECONSTRUCTED OR RELOCATED WITHIN THE PROPERTY, (B) ALL EASEMENTS AS SHOWN HEREON AND (C) ANY PORTION OF THE PROPERTY WHICH MAY BE DESIGNATED BY OWNER PURSUANT TO THE RESERVATIONS AND RIGHTS PROVIDED FOR HEREIN OR IN THE DECLARATION.

## D. <u>RESERVATIONS.</u> OWNER HEREBY RESERVES TO ITSELF AND ITS SUCCESSORS AND ASSIGNS THE FOLLOWING:

1. THE RIGHT TO ENTER UPON THE PROPERTY FOR THE PURPOSE OF ANY WORK IN CONNECTION WITH ITS DEVELOPMENT OF THE PROPERTY AND THE RIGHT TO GRANT ADDITIONAL EASEMENTS AND, SUBJECT TO TOWN APPROVAL, TO RELOCATE AND/OR SUBSTITUTE EXISTING EASEMENTS WITH RESPECT TO THE PROPERTY IN ORDER TO COMPLETE THE DEVELOPMENT THEREOF. THIS RIGHT IS SUBJECT TO THE REQUIREMENT FOR TOWN APPROVAL OF A CONSTRUCTION PLAN AS PROVIDED IN ORDINANCE 2109-4, WHICH PLAN SHALL BE AVAILABLE AT NEW CASTLE TOWN HALL.

2. A NON-EXCLUSIVE EASEMENT OVER AND ACROSS THOSE PORTIONS OF THE PROPERTY AS MAY BE REQUIRED FOR GRADING AND THE INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT OF DRAINAGE STRUCTURES, IRRIGATION SYSTEMS, FENCING, RETAINING WALLS AND OTHER SIMILAR STRUCTURES.

<i>DATED</i> :	
MALO DEVELOPMENT COMPANY-LAKOTA, LLC	
300 HORSESHOE DRIVE	
BASALT, CO 81621	
STATE OF COLORADO )	
) SS.	
COUNTY OF GARFIELD )	
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF	, 2022
3Y:	
VITNESS MY HAND AND OFFICIAL SEAL.	
MY COMMISSION EXPIRES:	
NOTARY PUBLIC	

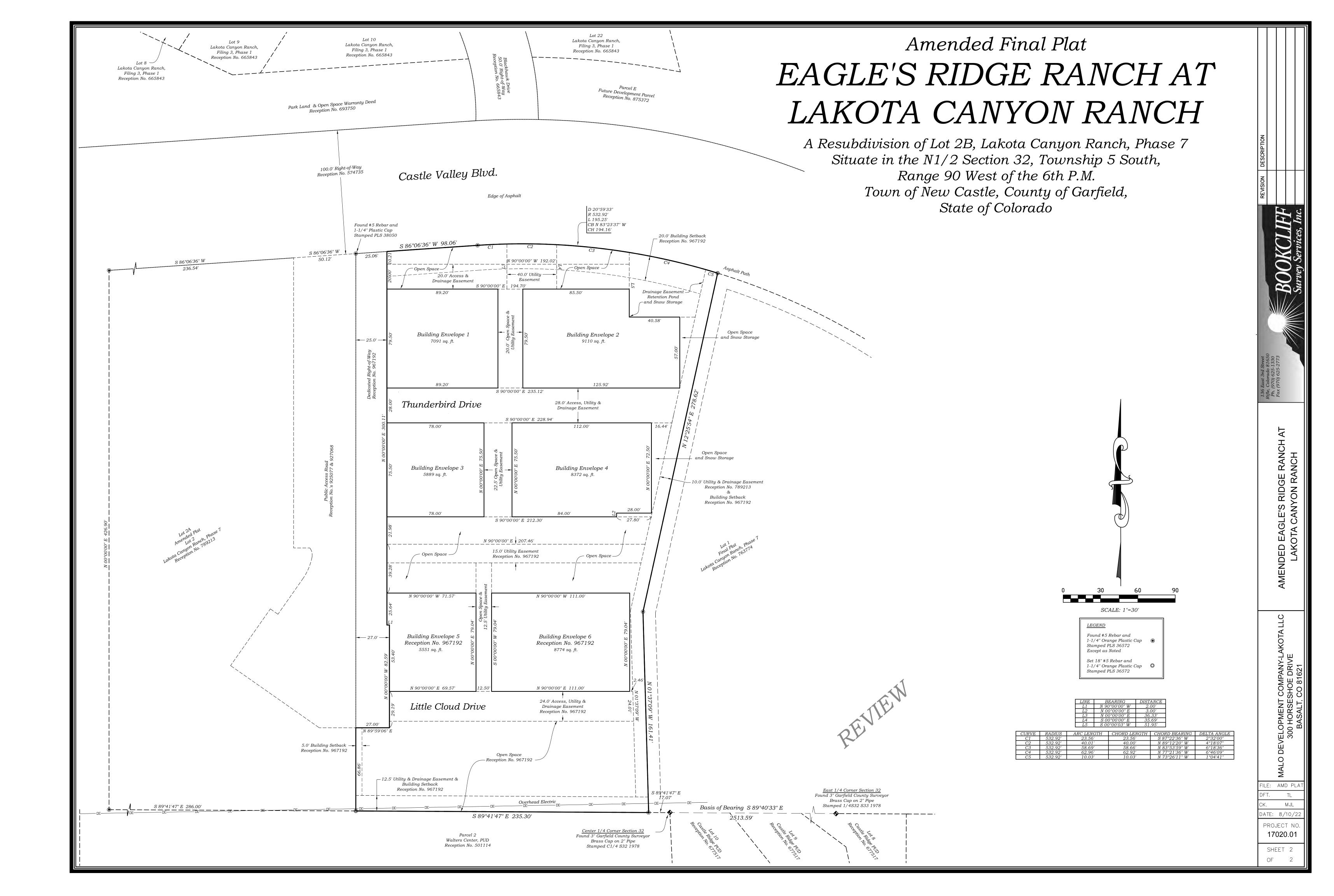
## CLERK AND RECORDER'S CERTIFICATE

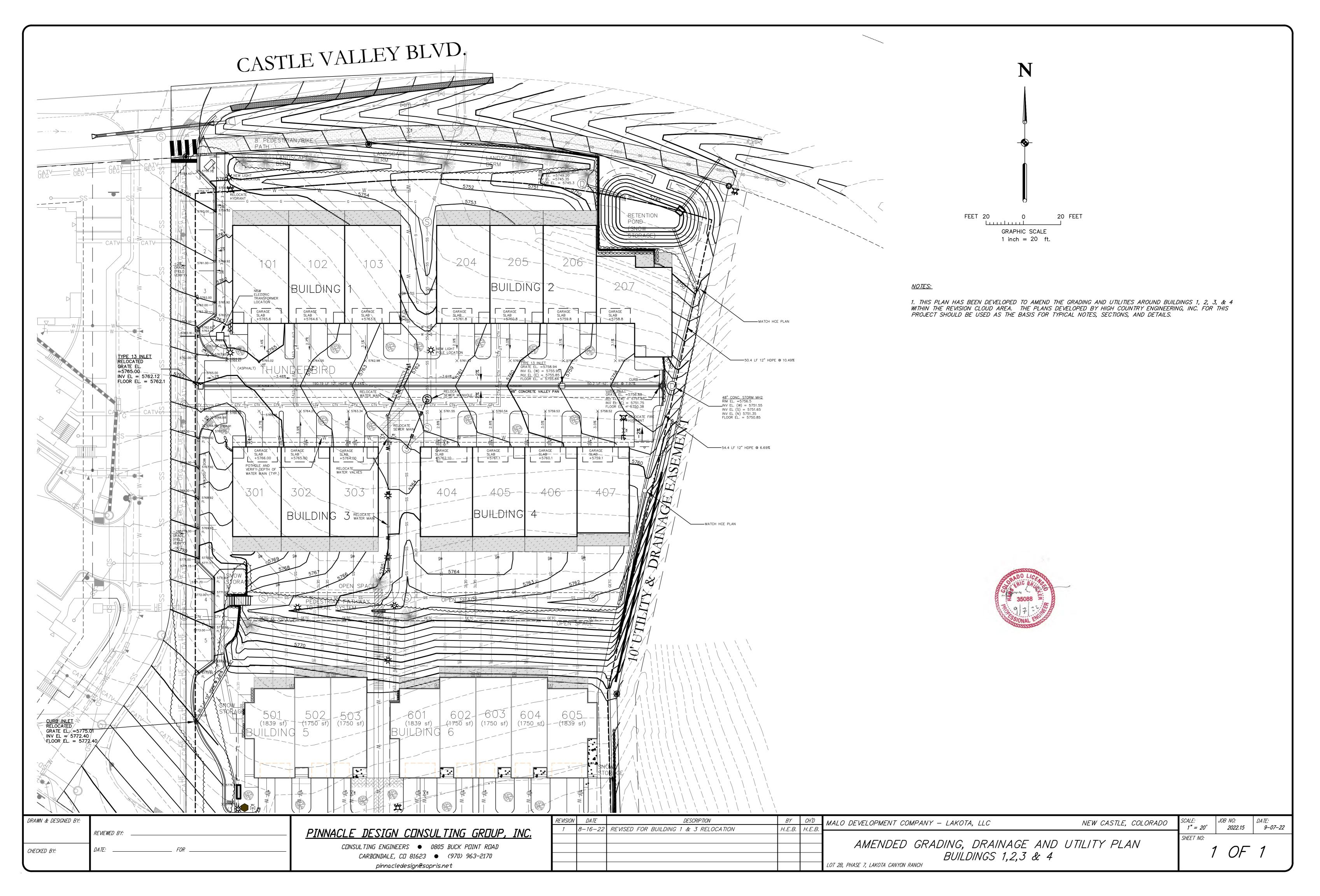
THIS PLAT WAS FILED	FOR RECORD IN	THE OFFICE	OF THE CLERK AND RECOR	DER OF GARFIELD COUNTY,
COLORADO, AT	O'CLOCK	, ON THIS _	DAY OF	A.D., 20, AND IS
DULY RECORDED AS	RECEPTION NO.		·	

CLERK AND RECORDER	

ILE: AMD PL MJL DATE: 8/10/2

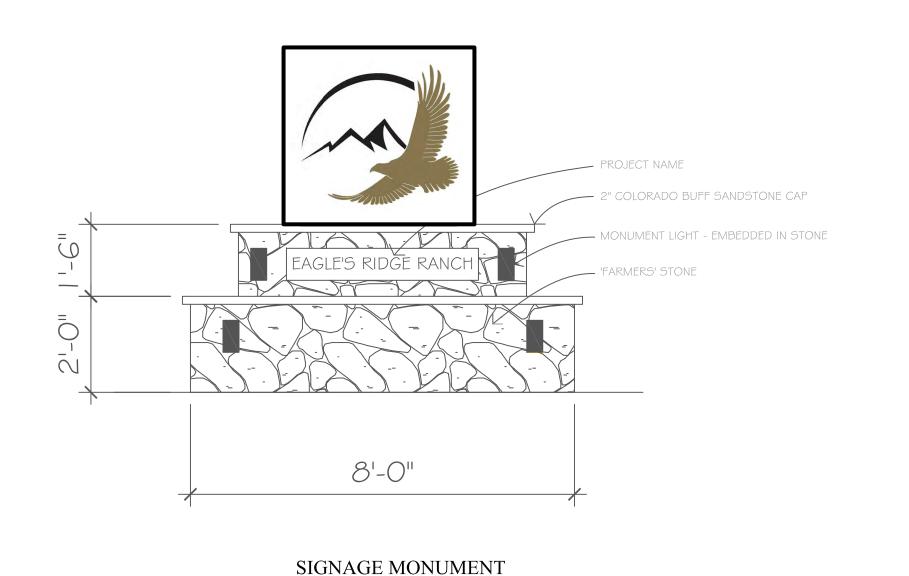
PROJECT NO 17020.01







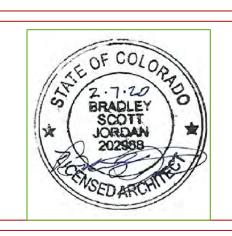




1/2"=1'-0"

JORDAN ARCHITECTURE, I P.O. Box Glenwood Springs, Colorado Phone: 970.618 bradjordanarchitect@gmai jordanarchitecur

COLOMBO
INTERNATIONAL
INC.
300 HORSHOE DRIVE
BASALT, COLORADO 81621
PHONE: 970.618.9222



EAGLE'S RIDGE
AT
LAKOTA CANYON
RANCH

PHASE 7, LOT 2B NEW CASTLE, COLORADO

REVISIONS

All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO.

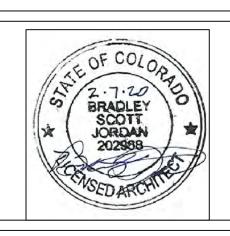
DRAWN BY BSJ

J.C.
ISSUE DATE
05-19-22

SHEET TITLE LANDSCAPE PLAN 09-07-22

JORDAN ARCHITECTURE, INC
P.O. Box 10
Glenwood Springs, Colorado 816
Phone: 970.618.66
bradjordanarchitect@gmail.co
jordanarchitecure.co

COLOMBO
INTERNATIONAL
Southern Street
Southern



EAGLE'S RIDGE AT LAKOTA CANYON RANCH

PHASE 7, LOT 2B
NEW CASTLE, COLORADO

REVISIONS

All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO.
2018-22
DRAWN BY
BSJ

CHECKED BY J.C. ISSUE DATE 07-27-22

SHEET TITLE LIGHTING & SIGNAGE PLAN 09-07-22

LS 1.0





#### **Paul Smith**

From:

Jeff Simonson <JeffS@sgm-inc.com>

Sent:

Thursday, September 8, 2022 12:57 PM

To:

Paul Smith

Subject:

RE: ERR- PACKETS

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe

Hi Paul,

I still haven't seen anything other than the proposed site plan sent. Certainly a smaller number of units will equate to having more room to deal with issues. I am looking forward to seeing the revised grading, drainage and utility plans to see how things are going to change, particularly from an improvements perspective. Have we seen revised cost estimates?

Thanks!

Jefferey S. Simonson, PE, CFM Principal



118 W Sixth St, Suite 200 Glenwood Springs, CO 81601 970.384.9005 / 970.379.4691 cell

www.sgm-inc.com



From: Paul Smith <psmith@newcastlecolorado.org>

Sent: Thursday, September 8, 2022 11:33 AM To: Jeff Simonson < Jeff S@sgm-inc.com>

Subject: FW: ERR- PACKETS

Hi Jeff,

Did you have any comments for Colombo's changes? John had nothing.

Thanks, Paul

From: Jim Colombo < colombo@sopris.net >

Sent: Wednesday, September 7, 2022 10:45 PM

To: Paul Smith psmith@newcastlecolorado.org>; Dave Reynolds dreynolds@newcastlecolorado.org>

Cc: Haley Carmer (hcarmer@garfieldhecht.com) < hcarmer@garfieldhecht.com>; Lauren Prentice < lprentice@newcastlecolorado.org>; David H. McConaughy < dmcconaughy@garfieldhecht.com>

Subject: FW: ERR- PACKETS

#### **Paul Smith**

From:

John Wenzel

Sent:

Friday, August 19, 2022 10:03 AM

To:

Paul Smith; jeffs (jeffs@sgm-inc.com); Orrin.Moon@Crfr.us

Cc:

Haley Carmer (hcarmer@garfieldhecht.com)

Subject:

RE: ERR- Minor Amendment Application

Hi Paul,

From a Public Works standpoint, I don't see any problems with Jim's request.

Thank you

John

From: Paul Smith <psmith@newcastlecolorado.org>

Sent: Friday, August 19, 2022 8:57 AM

To: jeffs (jeffs@sgm-inc.com) <jeffs@sgm-inc.com>; John Wenzel <jwenzel@newcastlecolorado.org>;

Orrin.Moon@Crfr.us

Cc: Haley Carmer (hcarmer@garfieldhecht.com) <hcarmer@garfieldhecht.com>

Subject: FW: ERR- Minor Amendment Application

Hello,

Jim Colombo has applied for an amendment to his project on CVB. The original site plan is attached. It is a reduction of density from 30 units to 22 units. This is a one-off meeting with the Planning Commission. Please take a moment to review and provide feedback as you see fit. There is not much changed with utilities. Jeff, I do not have updated cost estimate yet. I am asking for responses by September 2<sup>nd</sup>.

Orrin, are the street names a problem? There already is a Little Bear Peak and a Red Cloud in New Castle.

Thank you,

Paul

From: Jim Colombo < colombo@sopris.net > Sent: Thursday, July 28, 2022 12:49 PM

To: Paul Smith psmith@newcastlecolorado.org>

Cc: Dave Reynolds < dreynolds@newcastlecolorado.org >; David H. McConaughy < dmcconaughy@garfieldhecht.com >

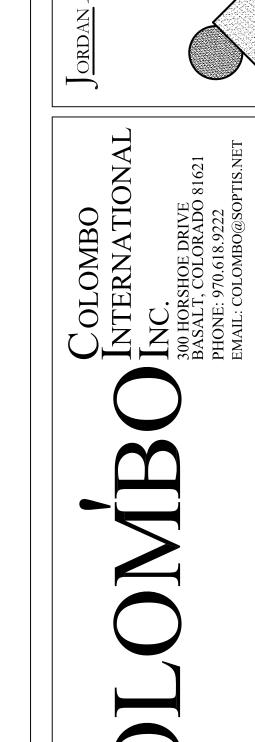
Subject: ERR- Minor Amendment Application

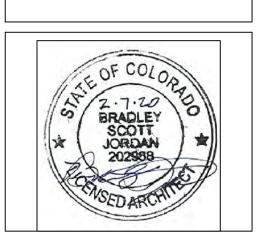
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul,

I have attached the following documents as our application for the ERR Minor Amendment: I will have checks for the fees and the deposit dropped off at Town Hall this afternoon before 5pm.

I will send the Civil Engineering Grading Plan of redline changes for utilities by separate email. It is a large file and might have to send by WeTransfer or Dropbox.





EAGLE'S RIDGE LAKOTA CANYON RANCH PHASE 7, LOT 2B

NEW CASTLE, COLORADO

REVISIONS

All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO. 2018-22 DRAWN BY

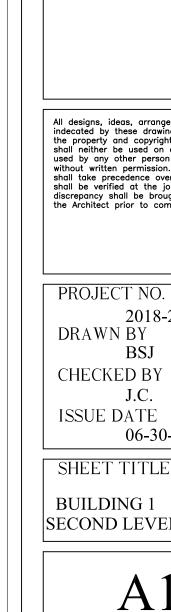
CHECKED BY ISSUE DATE 06-28-22

SHEET TITLE **BUILDING 1** 

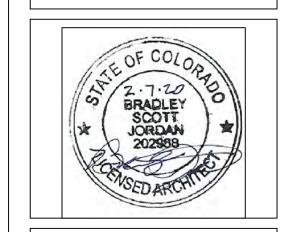
PLAN NORTH

FIRST LEVEL FLOOR PLAN

A1.11



PLAN NORTH



EAGLE'S RIDGE LAKOTA CANYON RANCH PHASE 7, LOT 2B

NEW CASTLE, COLORADO

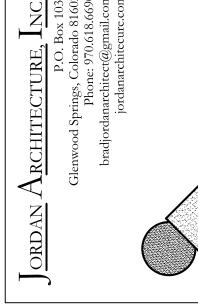
REVISIONS

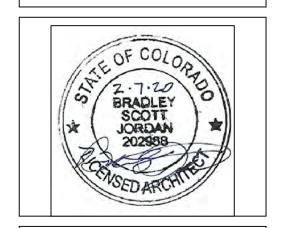
All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO. 2018-22 DRAWN BY CHECKED BY

06-30-22 SHEET TITLE

**BUILDING 1** SECOND LEVEL FLOOR PLAN





EAGLE'S RIDGE AT LAKOTA CANYON RANCH PHASE 7, LOT 2B

REVISIONS

△ 04-21-20 BLDG. DEPT.

NEW CASTLE, COLORADO

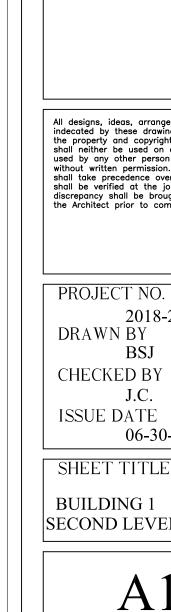
All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO. 2018-22 DRAWN BY CHECKED BY

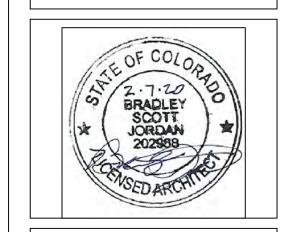
J.C. ISSUE DATE 06-30-22

SHEET TITLE **BUILDING 2** SECOND LEVEL FLOOR PLAN

A1.22



PLAN NORTH



EAGLE'S RIDGE LAKOTA CANYON RANCH PHASE 7, LOT 2B

NEW CASTLE, COLORADO

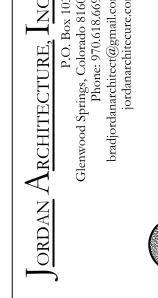
REVISIONS

All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO. 2018-22 DRAWN BY CHECKED BY

06-30-22 SHEET TITLE

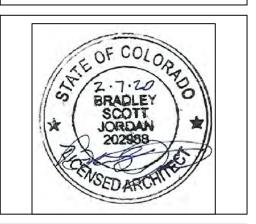
**BUILDING 1** SECOND LEVEL FLOOR PLAN



I EKINA I IONAL

C.
HORSHOE DRIVE
ALT, COLORADO 81621
NE: 970.618.9222
IL: COLOMBO@SOPTIS.NET

COLOMBO
INTERNATI
BOLORSHOE DRIVI
BASALT, COLORADI
BASALT, COLORADI
BELONIE: 970 618 9222



AT
LAKOTA CANYON
RANCH
PHASE 7, LOT 2B
NEW CASTLE, COLORADO

REVISIONS

All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO.
2018-22
DRAWN BY
BSJ
CHECKED BY

CHECKED BY J.C. ISSUE DATE 06-30-22

SHEET TITLE

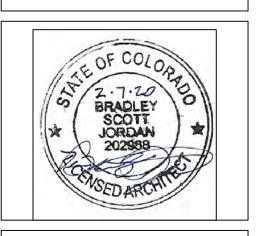
BUILDING 3

FIRST LEVEL FLOOR PLAN

A1.31

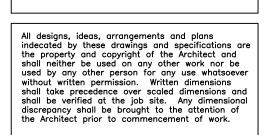
PLAN NORTH





EAGLE'S RIDGE LAKOTA CANYON RANCH PHASE 7, LOT 2B NEW CASTLE, COLORADO

REVISIONS

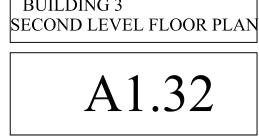


PROJECT NO. 2018-22 DRAWN BY

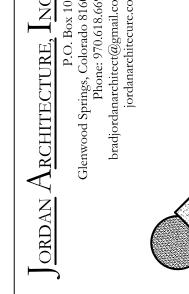
CHECKED BY ISSUE DATE 06-30-22

PLAN NORTH

SHEET TITLE BUILDING 3







INTERNATIONAL

INC.
300 HORSHOE DRIVE
BASALT, COLORADO 81621
PHONE: 970.618.9222

SCOTT JORDAN 202888

EAGLE'S RIDGE
AT
LAKOTA CANYON
RANCH
PHASE 7, LOT 2B
NEW CASTLE, COLORADO

REVISIONS

All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

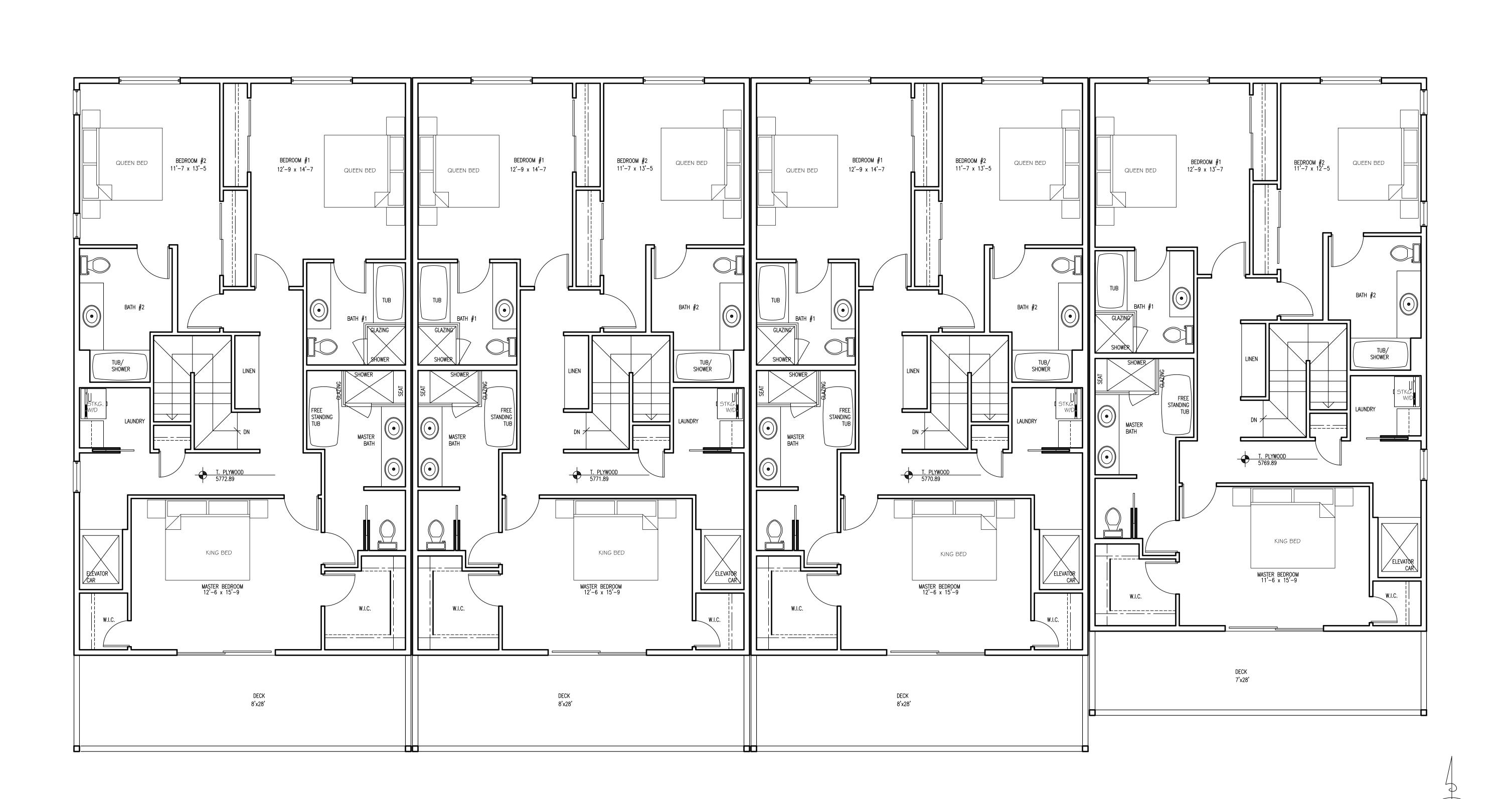
PROJECT NO.
2018-22
DRAWN BY
BSJ
CHECKED BY

ISSUE DATE
06-2022
SHEET TITLE
BUILDING 4

PLAN NORTH

FIRST LEVEL FLOOR PLAN

A1.41



JORDAN ARCHITECTURE, INC.

P.O. Box 1033

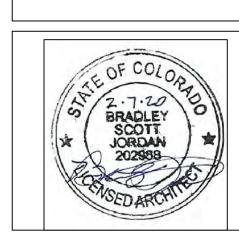
Glenwood Springs, Colorado 81602

Phone: 970.618.6699

bradjordanarchitect@gmail.com
jordanarchitecure.com

INTERNATIONAL
Sou Horshoe Drive
BASALT, COLORADO 81621
PHONE: 970.618.9222

COLOMBA COLOMBA INTERNAT BASALT COLOMBA BASALT COLOMBA



EAGLE'S RIDGE
AT
LAKOTA CANYON
RANCH
PHASE 7, LOT 2B
NEW CASTLE, COLORADO

REVISIONS

All designs, ideas, arrangements and plans indecated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO.
2018-22
DRAWN BY
BSJ
CHECKED BY

ISSUE DATE
06-30-22

SHEET TITLE

PLAN NORTH

BUILDING 4 SECOND LEVEL FLOOR PLAN

A1.42

## NOTICE OF PUBLIC HEARING Town of New Castle

Virtual Meetings are subject to internet and technical capabilities.

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

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

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

<u>Date</u>: September 14<sup>th</sup>, 2022

<u>Time</u>: 7:00 PM

Place of hearing: New Castle Town Hall, 450 West Main Street, New Castle, CO

Public body

conducting hearing: Planning & Zoning Commission

**Brief description** 

of application: Minor PUD amendment application for Eagle's Ridge Ranch

PUD requesting a reduction from 30 residential units to 22

townhomes

<u>Legal description</u>: Building Envelopes 1 – 6; Open Space; and Thunderbird Drive,

Little Bear Drive and Little Cloud Drive Private Rights-Of-Way, Eagle's Ridge Ranch at Lakota Canyon Ranch, according to the final plat thereof recorded November 29, 2021, at Reception

No. 967192

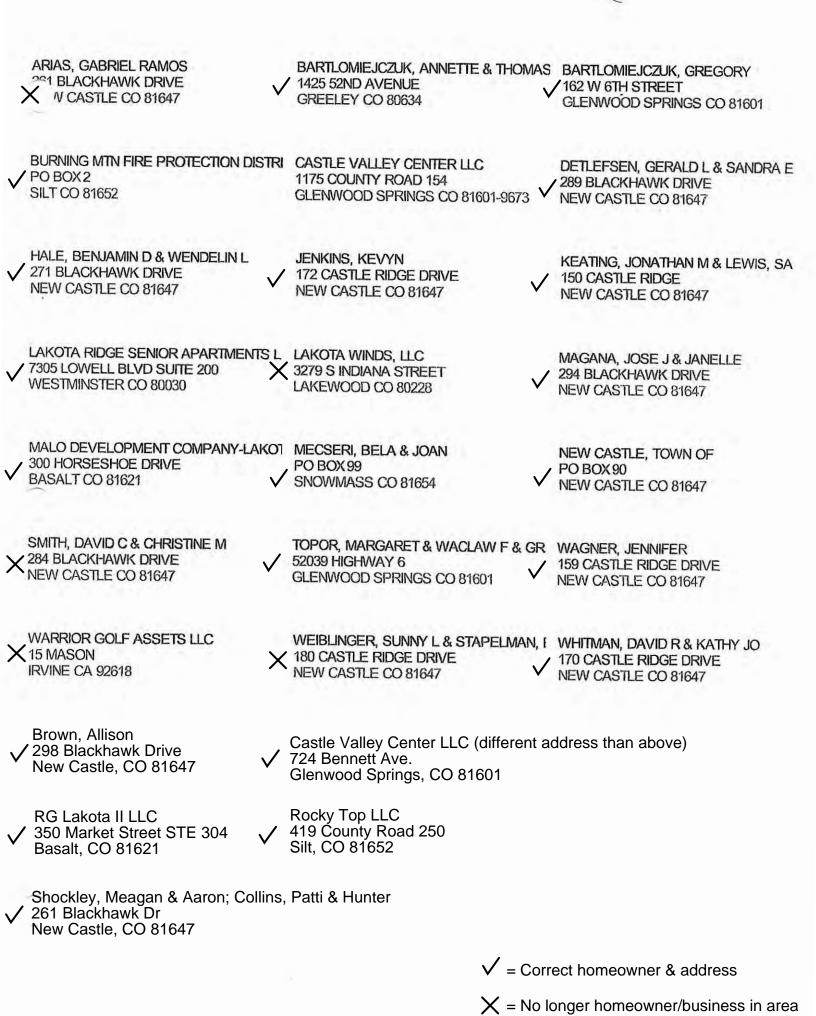
<u>Common address</u>: TBD (near intersection of Faas Ranch Rd. and Castle Valley

Blvd.)

<u>Applicant</u>: Malo Development Company – Lakota, LLC

<u>Landowner</u>: Malo Development Company – Lakota, LLC

The complete application is available at the Town Clerk's office at 450 West Main Street, P.O. Box 90, New Castle, CO 81647. All interested persons are invited to appear and state their views, protests or objections. If you cannot appear personally at such hearing, then you are urged to state your views by letter.



#### AFFIDAVIT AS TO NOTICE OF PUBLIC HEARING

We, Malo Development Company – Lakota, LLC, do hereby certify that pursuant to ordinances of the Town of New Castle, ovided notice of a public hearing before the New Castle Planning

Colorado, we provided notice of a public hearing before the New Castle Planning Commission on **September 14<sup>th</sup>**, **2022**, regarding a **Minor Amendment Application to the Eagles Ridge Ranch PUD** by doing the following:

UTRENTICALLY COLORADO

Notary Public

My commission expires:

- At least fifteen (15) days prior to such hearing, we sent a copy of the attached Notice of Public Hearing by certified mail to the owners of all property within two hundred fifty (250) feet of the subject property and to the Town of New Castle.
- If required by Chapter 16.10 of the New Castle Municipal Code, at least thirty
  (30) days prior to such hearing, we sent a copy of the attached Notice of
  Public Hearing by certified mail to the owners of mineral estates who have
  requested notification with respect to the subject property at the Garfield
  County Clerk and Recorder.
- 3. At least fifteen (15) days prior to such hearing, we posted notice of the hearing on the property on a sign approved by the Town at least twenty-two (22) inches wide, twenty-six (26) inches high, with letters at least one (1) inch in height. The sign was posted so that it was visible from a public street.
- At least (15) days prior to such hearing, the attached Notice of Public Hearing was published on the **Town's website**.

(Down			
Signature			
STATE OF COLORADO	) ) ss.		
COUNTY OF GARFIELD	3		
Subscribed and sworn to		day of	September
Witness my hand and of	icial seal.		

NOTARY PUBLIC STATE OF COLORADO

# TOWN OF NEW CASTLE, COLORADO RESOLUTION NO. PZ 2022-4

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION APPROVING A PRELIMINARY PUD DEVELOPMENT PLAN AND PRELIMINARY SUBDIVISION PLAT FOR LAKOTA CANYON RANCH PUD FILING 8 (LONGVIEW)

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

WHEREAS, on April 11, 2022, Dwayne Romer ("Applicant") submitted an application on behalf of the owners of the Property requesting approval of a Preliminary PUD Development Plan ("Preliminary Plan") and a Preliminary Plat ("Preliminary Plat") for Filing 8 (collectively, the "Application" as further defined below);

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

WHEREAS, the Application proposes the construction of 185 residential units (108 rental apartments, 20 townhomes, and 29 single-family homes), 28 Mixed-Use Flats, and 51,407 square feet of commercial space on a total of 16.336 acres; and

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

WHEREAS, the Town of New Castle Planning & Zoning Commission ("Commission") held a duly noticed public hearing on August 24, 2022, to consider the Application; and

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

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

- 1. Consistency with the comprehensive plan;
- 2. Compliance with zoning and density requirements;
- 3. Availability of town services from public works (including water and sewer services), fire, and police;
- 4. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;

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

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

- 1. <u>Recitals</u>. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.
- 2. <u>Definition of the Application</u>. The "Application" 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 held on August 24, 2022.
- 3. <u>Action regarding Preliminary Plan, as amended:</u> The Preliminary Plan proposes:
  - a. The construction of 185 residential units (108 rental apartments, 20 townhomes, and 29 single-family homes), 28 Mixed-Use Flats, and 51,407 square feet of commercial space as depicted on the most updated site plan included in the Application;
  - b. The subdivision of the Property into 39 lots as shown on the Preliminary Plat dated May 30, 2022, and updated August 18, 2022;
  - c. That Filing 8 will be platted with a single plat and developed in up to five phases as shown on the preliminary plat and plan with phasing dated March 21, 2022; and
  - d. Amended final plats for the multi-family buildings will be submitted for approved at the staff level upon construction of said buildings, provided that the amended final plats and multi-family buildings are in substantial conformance with the Application.

The Planning Commission hereby approves the Preliminary Plan and Preliminary Plat, subject to compliance with all conditions set forth in Section 5 of this Resolution.

- 4. <u>Zoning</u>. Upon approval of a final PUD plan for the Property, the development and use of the Property shall be subject to the following restrictions and requirements:
  - a. the restrictions and requirements of the MU Zone District of the Lakota Canyon Ranch PUD Zoning Regulations, Section 17.128.070 of the Code (Zone District), subject to the following modifications:
    - i. The maximum height of Buildings CR-3, CR-4, and CR-5 shown on the Application site plan shall be 37 feet. The maximum height of

- all other structures within Filing 8 shall be 35 feet as provided in Section 17.128.010.
- ii. Buildings B-1, B-2, B-4, and B-5 shown on the Application site plan shall be allowed to exceed the maximum units per building to the extent shown on the Application sheet titled "Site Plan Unit Counts";
- iii. The number of commercial parking spaces required for Filing 8 shall be reduced by 40% from what's otherwise required under the Lakota Canyon Ranch PUD standards;
- iv. any modifications approved by the Town and shown on the final plat for the Property. In the event of any conflict between the Zone District text and the final plats for the Property, the final plat shall control.
- b. all other applicable provisions of the Code; and
- c. all applicable Ordinances of the Town.
- 5. <u>Conditions</u>. Approval of the Application is subject to and contingent up on satisfaction of the following conditions:
  - a. Amend the Preliminary Plat to identify the following as public rights-of-way: Lakota Drive, Drive A, and Drive B
  - b. Revise the Longview at Lakota covenants to include provisions regarding shared parking. Such provisions shall specify management and enforcement requirements, including, but not limited to location, hours of use, penalties for violation, and maintenance responsibilities.
  - c. Drive A & Drive B shall serve as a one-way street with parking on one side and a single six-foot sidewalk.
  - d. Drive C shall not dead-end. Construct Drive C as a cul-de-sac or an alternative that satisfies the street design requirements of the Public Works Manual.
  - e. Parking along Lakota Drive from Whitehorse Drive to Drive A shall allow on-street parking on the west side of Lakota Drive only. The east side of Lakota Drive from Whitehorse Drive to Drive A shall be signed "No Parking."
  - f. Townhomes directly adjacent to Drive A and Drive C shall be setback at least 10 feet from the street to improve egress and pedestrian safety.
  - g. All outside parking areas facing a residential-only use shall have a landscape buffer

to obscure vehicles from view per Code Section 17.128.070.

- h. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings.
- i. Provide a construction phasing plan that includes, at a minimum, each of the following components:
  - i. Buildout phases;
  - ii. Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
  - iii. Storage and staging areas for construction equipment and materials;
  - iv. Drainage and erosion control best management practices (BMP's);
  - v. Conformance to all requirements and specifications approved by the fire marshal concerning temporary access for each phase including, but not limited to, temporary hammerhead turnarounds at dead end streets and any necessary ingress/egress routes for emergency personnel and equipment during construction
- j. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- k. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- 1. Provide a conceptual landscape plan to staff for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Landscaping shall incorporate native grasses and plants that minimize maintenance, moving, and irrigating. The landscaping plan shall be approved by the Parks Department. Plans submitted to obtain a building permit for any building shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.
- m. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- n. Prior to the recordation of the Filing 8 plat, the Applicant shall enter into a subdivision improvements agreement with the Town for development of the first phase of Filing 8 in a form acceptable to the Town Attorney. A subdivision improvement agreement for each subsequent phase shall be recorded before work commences in each phase.
- o. 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.

- p. The Applicant shall comply with all applicable building, residential, electrical, and municipal code requirements, including all sign code regulations, as well as all recommendations of the Town Engineer and Town Public Works Director set forth in their letters dated July 21, 2022, and July 22, 2022, respectively, when developing the Property;
- q. 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.
- r. The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit is recorded with Garfield County.
- 6. Severability. Each section of this Resolution is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part hereof, the intent being that the provisions of this Resolution are severable.
- 7. Effective Date. This Resolution shall be effective upon adoption. SO RESOLVED this 24th day of August, 2022, by a vote of to . TOWN OF NEW CASTLE PLANNING & ZONING **COMMISSION** Chuck Apostolik, Commission Chair ATTEST: Mindy Andis, Deputy Town Clerk Exhibits:

Exhibit A: Legal Description

Exhibit B: List of Application materials

# **EXHIBIT A**

# Legal Description

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

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

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

## **EXHIBIT B**

# Preliminary PUD Application Materials

- A. Project Submittal Packet August 18th, 2022
- B. Referral from Public Works Director July 22<sup>nd</sup>, 2022
- C. Referral from Town Engineer July 21st, 2022
- D. Referral from Fire Marshal August 17<sup>th</sup>, 2022
- E. Email Response from Applicant Engineer to Fire Marshal August 8th, 2022
- F. Referral from Police Chief July 19<sup>th</sup>, 2022
- G. Referral from Colorado Parks and Wildlife June 7th, 2022
- H. Affordable Housing Strategy/Commercial Reduction, Heather Henry August 9<sup>th</sup>, 2022
- I. Shared Parking Comment, Heather Henry August 16<sup>th</sup>, 2022
- J. NC Wildlife Open Space Examples (Alder Park) August 13th, 2022
- K. NC Parking Lot Examples (River Park and Shibui) August 17<sup>th</sup>, 2022
- L. Comcast Will-Serve Letter June 14<sup>th</sup>, 2022
- M. Applicant Attorney Letter on Mineral Rights Owners July 22<sup>nd</sup>, 2022
- N. Public Comment, Jennifer Hawley August 15<sup>th</sup>, 2022
- O. Public Comment, Andrew Hawley August 15<sup>th</sup>, 2022
- P. Affidavit of Public Notice August 18th, 2022
- Q. Agreement to Pay Consulting Fees June 16th, 2021
- R. HOA Inclusion/Exclusion Intent Letter from Applicant August 10<sup>th</sup>, 2022
- S. Filing 8 Plat August 18<sup>th</sup>, 2022
- T. Xcel Will-Serve Letter July 11th, 2022
- U. Chris Manera Engineering Response to SGM Letter August 18th, 2022



# **Town of New Castle**

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

# Planning & Code Administration Department

**Phone:** (970) 984-2311 **Fax:** (970) 984-2716

www.newcastlecolorado.org

# **Staff Report**

Lakota Canyon Ranch - Filing 8
Combined PUD and Subdivision Preliminary Plan
Planning Commission – August 24<sup>th</sup>, 2022

Report Compiled: 8/18/2021

# **Project Information**

Name of Applicant: Dwayne Romero

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

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

Property Address: TBD

Property Owner: RG Lakota Holdings, LLC

Owner Mailing Address Same as applicant

**Proposed Use:** 185 residential units; 51,407sf commercial space; 28 Mixed-Use Flats,

108 Rental Apartments, 20 Townhomes, & 29 Single-Family Homes

Legal Description: Section: 32 Township: 5 Range: 90 Subdivision: WHITEHORSE

VILLAGE AT LAKOTA CANYON RAN AMENDED PARCEL 3 FUTURE DEVELOPMENT PHASE 1 A RE-SUB OF BLK A, B1 & B2 LAKOTA

CANYON RANCH FILING 1 4.42 ACRES

Section: 29 Township: 5 Range: 90 Subdivision: LAKOTA CANYON RANCH FILING #3 PHASE 1 FUTURE DEVELOPMENT PARCEL AS

PLATTED PER RECEPTION NO. 665843 5.844 ACRES

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

**ACRES** 

Street Frontage: Castle Valley Blvd.

Faas Ranch Rd. Lakota Dr. Blackhawk Dr. Whitehorse Dr. **Existing Zoning:** Mixed Use (MU)

Surrounding Zoning: Single Family Residential; Multifamily Residential (Shibui, Senior

Housing)

Nonresidential (CRFR Fire House)

## <u>I Introduction – Application History & Review Process</u>

On June 21, 2021 the applicant submitted a sketch plan for Filing 8 in Lakota Canyon Ranch ("LCR"). The application was reviewed by the Planning Commission ("Commission") on July 28<sup>th</sup>, 2021 followed by Town Council ("Council") on September 7<sup>th</sup>, 2021. The applicant also introduced the proposal at the required community meeting on October 21<sup>st</sup>, 2021. The preliminary plan is the second of three PUD/subdivision application steps. Like the sketch plan, the preliminary plan should demonstrate zoning conformance, compliance with the town code, provisions for utilities and infrastructure, compatibility with the comprehensive plan, and address any adverse impacts to the town. Unlike the sketch plan, however, the preliminary plan is assessed through a public hearing and will evaluate the application according to the following approval criteria:

- 1. Consistency with the comprehensive plan;
- 2. Compliance with zoning and density requirements;
- 3. Compatibility to neighboring land uses;
- 4. Availability of town services from public works (including water and sewer services), fire, and police;
- 5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
- 6. The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and
- 7. Development consistent with the natural character, contours, and viewsheds of the land.

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the applicant, the commission shall make one (1) of three (3) decisions regarding the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The commission's decision will be made by written resolution. A continuance may be granted pursuant to Section 16.08.040(G) of the code.

# II Changes from July 28th, 2021 Sketch Plan:

The sketch plan meetings generated useful feedback from staff, P&Z, Council, and the public concentrating on New Castle's vision for smart-growth and quality-of-life. To these ends, certain themes emerged over the sketch plan discussions. Some of those included:

- Prioritizing trails, open space, connectivity, net-zero alternatives, & increased commercial amenities;
- Concern with traffic congestion at the intersection of Faas Ranch Rd and CVB and the possibility of a roundabout at Faas Ranch and CVB;
- Preservation of view planes with three-story buildings that exceeding the allowed building height; Building mass close to CVB;
- Elevated noise levels near commercial businesses:
- Strategies for snow maintenance and storage on public rights-of-way;
- Concerns with building heights, massing along CVB, and viewsheds;
- Excessive lighting of parking lots and buildings;

- Employee/deed restricted housing;
- "Shared" parking;
- Project phasing;

From these themes, the applicant submitted a revised proposal on July 28<sup>th</sup>, 2022 for preliminary review. The table below summarizes many of the adjustments from sketch plan to preliminary plan.

Sketch Plan	Preliminary Plan		
196 residential units: 120apt, 48twnh, 7flats, 21sf	185 residential units: 111apt, 20twnh, 25flats, 29sf		
12.58 units/acre	11.8 units/acre		
40% gross area open space	<ul> <li>40% gross area open space; No change;</li> </ul>		
75,900sf commercial	51,407sf commercial		
42ft maximum building height	37ft maximum building height		
392 off-street residential parking spaces	450 off-street residential spaces incl. driveways		
253 commercial parking spaces	163 commercial parking spaces (40% reduction)		
Shared Parking: discussed	Shared Parking: 272 apartments; 163 commercial		
Drive G: emergency egress only	Drive G: open to two-way traffic		
Snow storage: not provided	Snow Storage: 0.85acres		
Apartment B-3: aligned along CVB	Apartment B-3: aligned along Shibui property line		
Apartments B-1&2: parallel with Lakota Dr	Apartments B-1&2: skewed to accommodate topo		
Building CR-5: vehicle access along CVB	Building CR-5: access removed & landscaped		
Building CR-4: located corner of Faas & CVB	Building CR-4 : located at Lakota Dr intersection		
Building CR-3B: building not included	Building CR-3B: building w/ two-level flats		
Townhomes: two-story four and five-plexes	Townhomes: two-story duplexes and triplexes		
Townhomes adjacent to Lakota Dr	Townhomes replaced with SF homes		
Affordable housing: discussed	Affordable housing: see Exhibit H		

### III Staff Review:

According to the 2002 Lakota Master Plan (Ord. 2002-18):

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

The application process is meant to assure that the present proposal conforms to these expectations. Additionally, the major elements of the 2009 Comprehensive Plan ("CP") were originally based on the community's core values resulting from various public input opportunities such as surveys, stakeholder interviews, meetings, and Steering Committee contributions. Applicants are expected to clearly demonstrate substantial conformity with the comprehensive plan in all applications (Policy CG-1B, CP pg. 50). The following checklist should assist the Commission's conformance review:

☐ Demonstrate that individual project fits into a fully-balanced community land use structure.
$\square$ Ensure a mix of uses that complement the existing New Castle land-use patterns.
$\Box$ Create walkable communities with non-vehicular interconnection between use areas.
$\Box$ Guarantee a balance of housing types that support a range of affordability.
☐ Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.
$\hfill\square$ Encourage economic development and supporting hard & soft infrastructure.
☐ Concentrate development in ways which provide efficient and cost-effective services.

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

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

Affordability: Surrounding this commercial core is a range of residential housing options fostering an authentic mixed-use, urban experience accessible to a wide income demographic. The applicant has communicated that units are to be priced competitively with affordability in mind. Though unit prices are not finalized, the applicant is sympathetic to the housing crisis and the need to "attract and retain a stable, local workforce". Exhibit I lists affordable housing possibilities that are being considered such as: H4H units, anchor tenant employee housing, and potential deed restricted housing for town, school district, and fire district workers. The Commission is encouraged to collaborate with the applicant during the review process to help achieve these goals (Policy HO-2A, CP pg. 59). As the application moves forward, staff recommends that the applicant identify the area median income ("AMI") for each residential building type (e.g., 80% AMI for apartments, 100% AMI for townhomes, 120% AMI for single-family homes). The hope is that the expected unit prices will align with actual housing needs and median income levels of New Castle residents.

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

Lakota Canyon Ranch allows up to 100,000sf of commercial space and, to date, none has been built. With the ongoing imbalance between residential and commercial space in New Castle, optimizing the available commercial properties has become a town priority. In the present plan, the applicant is reducing the commercial space from the sketch plan by 32% to 51,407 square feet. According to **Exhibit H** the change is broadly premised on the need to balance demand with market conditions. The upside is that a slimmed-down commercial core will have a better chance of thriving long-term. On

downside, any sacrificed commercial space will likely be lost permanently. With very little commercial space left within town limits, this sacrifice could be costly. Therefore, the Commission should carefully weigh the perceived benefits with the likely costs of such a reduction and whether it is indeed in the best interests of the town.

*Fiscal Impact:* The fiscal impact study performed by Triple Point Strategic Consulting states that revenues for Filing 8 will average \$1.15 million from 2023 to 2045. Expenses will average approximately \$560,000 over the same timeframe. By 2029, 501 people will be housed in the proposed expansion. Also, by 2029, it is anticipated that 114 total jobs will be created, including 62 direct construction jobs, (Exhibit A, pg. 259). The intent of the fiscal impact analysis is to demonstrate that the town can manage the economic effects of new development (Policy CG-7B, CP pg. 54). Staff is confident the development is fiscally viable based on the assumptions and conclusions of the analysis.

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

All development will be expected to comply with the town's dark-sky recommendations prior to building permit (Goal EN-4, CP pg. 66). To conserve water, staff recommends that the balance of common areas be landscaped with native grasses and perpetually weed-free, similar to the current conditions along CVB. In consultation with the Parks Department, reduced landscape irrigation, minimized mowing and manicuring, and creative xeriscaping are recommended (Policy EN-2C, CP pg. 66).

Wildlife Impact: According to Brian Gray's input from Colorado Parks and Wildlife (CPW), the proposal will likely only impact small mammals and ground nesting birds because of the "degraded" conditions of the property already. Though negative impacts are to be expected, mitigation steps such as wildlife movement corridors should be considered during the design/review process. Lakota and Castle Valley Ranch do have weed-free and undisturbed open space which coincidently serve as movement corridors. However, purposely designed corridors would ideally prohibit dog use, minimize manicured lawns, and protect and promote native grasses, forbs and shrubs. Limiting manicured landscaping and fences, as observed elsewhere, may be enough to promote wildlife egress between buildings and throughout the overall parcel. (Exhibit J). (Policy EN-1A, CP pg. 65)

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

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

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

The proposed residential density of 11.8 units per acre is less than the 12 units per acre allowed for Lakota mixed-use zoning. Conversely, all apartment buildings will exceed the units allowed per building. Apartments B-1 & B-2 show 21 units per building. Apartments B-4 & B-5 each show 24 units. Similarly, three buildings at the Lakota Senior Housing exceeded the allowed 10 units per building. With generally higher density than the rest of Lakota, the applicant has been considerate of aesthetic transitions with the existing development by means of reducing the density towards already existing single-family homes along Blackhawk Dr. and Whitehorse Dr. The density decreases from the southeast to northwest with higher density apartments bordering the existing Shibui complex, moderately dense townhomes and commercial in the development's core, and single-family homes adjacent to Blackhawk Dr. and Whitehorse Village Dr. Off-street parking is covered in section 5.) below.

\*\*\*NOTE: The applicant is requesting a variance with one Lakota zoning requirement, namely the number of units per building.

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

The parcels are adjacent to single-family homes (LCR), apartments (Shibui), condominiums (Senior Housing, Castle Ridge), townhomes (Eagle's Ridge Ranch), and the local fire station. It is staff's opinion that mixed-use development is a consistent to these adjacent uses. In locations where building types have more abrupt transitions with existing buildings, the applicant has been careful to heavily screen or reorient buildings to mollify concerns with building mass.

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

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

Definitive building designs, facades, and materials shall demonstrate compliance with this section by final application. In all instances the applicant is committed to architectural fidelity with the aesthetic norms for which Lakota is known (**Precedent images found in Exhibit A, pg. 72**).

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

The application narrative projects an increase of 200-400 new residents and the possibility of 100-150 employees at full build. The New Castle Police Department is confident that the residential increase would not compromise their services (**Exhibit F**). After consideration by staff, the increase in population as a result of this development should not require an additional officer. Similarly, Colorado River Fire Rescue does not currently anticipate adverse impacts on their services to the town. Both

departments will provide referral comments at the preliminary application.

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

The final plat shall indicate all public rights-of-way maintained by the town and the responsibility of maintenance of other private drives and open spaces. The town is committed to maintaining Lakota Dr. and Faas Ranch Rd as well as the Drives A, B, & C which all service the single-family units. Drives A, B, & C do not currently meet town right-of-way standards. The streets shall be widened to town standards or, alternatively, be provided with features that compensate for the narrower drive lanes. For instance, Drives A & B may be dedicated as one-way roads with on-street parking on one side and a wider sidewalk than typical. *Or,* Drives A & B may prohibit all on-street parking in exchange for a two-way street. In no instance shall parking be allowed on both sides of Drives A, B, or C. As a dead-end street, Drive C shall be modified as a cul-de-sac, or some variant. This alteration would likely involve a reorientation of the adjacent townhome units. Staff is also concerned that safety might be compromised with structures directly abutting the drive lanes. Modest setbacks are recommended to improve the quality of life for these residents (**Exhibit A, pg. 5**).

Public works has also reiterated the need for sufficient snow storage provisions. Sheet L.4.00 calls out 0.85 acres of snow storage. The public works director recommends that snow storage sites, in aggregate, have a functional area of at least 15% of the paved area inclusive of driveways and sidewalks. All snow storage areas shall be contiguous to the right-of-way. According to the **Exhibit A**, **pg. 8** the snow storage requirement has been met.

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

Filing 8 proposes to be a community focusing on health and wellness. Instances of open space, trails, and non-vehicular connectivity are shown dispersed throughout the site plan. A 1/3 acre park is centered in the southeast parcel amidst higher density apartment and commercial structures. Trails and sidewalks border every parcel, although sidewalks are omitted for the single-family homes on Drive A. Staff requests that an additional trail connector be added from the CVB trail near the storm water detention area creating a short-cut which traverses more directly from the Blackhawk Dr. trail towards the commercial core. Otherwise, pedestrians must travel downhill from Blackhawk to Faas Ranch Rd. to access these commercial amenities (Exhibit A, pg. 5). Trails with crusher fines may be ideal for perimeter trails, while asphalt/ paths will be recommended for any paths maintained by the town.

Parking has been tabulated and reported in **Exhibit A, pg. 6**. A minimum of two off-street parking places will be designated for each dwelling unit. All single family homes will have a two car driveway for an additional two spaces per home. The applicant has requested a 40% reduction in commercial parking as part of a shared parking initiative. The applicant cites the parking study performed by the Fox Tuttle Transportation Group **(Exhibit A, pg. 254)** to justify this request.

Staff evaluated the parking on the basis of practicality and has the following observations:

• Building CR-3B composed of 9 units, requires 18 off-street parking per the Lakota standards (Exhibit A, pg. 48). Tenants of these units would likely compete with patrons of Building

- CR-3A for adjacent parking places. The applicant should demonstrate how parking will be managed for these corner buildings (e.g., will parking be assigned?). Staff worries that the limited parking will lead to persistent complaints to the town/PD from future tenants or patrons.
- No driveways are indicated for the triplexes abutting Drive A & C. Though the two-car garages meet the off-street parking standard, the narrow streets which lack on-street parking will create conditions more equivalent to a parking lot. Pedestrian egress may also be constrained in these areas. Utility easements are generally required around the perimeter of all buildings.
- Apartments B-4 & B-5 show 48 units. Per the Lakota zoning, 98 off-street parking spaces are anticipated. The site plan shows only 56 spaces in proximity to the buildings which is 1.2 spaces per unit. The Commission must decide whether roughly one space per apartment unit is adequate for the residents in that location based on the zoning, guidance from the Comprehensive Plan, and past precedents such as the Lakota Senior Housing.

For the "shared parking" concept to be a success, staff feels management will be paramount. Prior to approval, the applicant should defend the practical logistics of this strategy, otherwise the Commission only has the assumptions of the parking study as their guide. **Exhibit I**, indicates that all parking near apartments and flats is parking common (i.e., unassigned) with commercial uses. Based on the parking habits of those already living in town, staff has concerns that common parking or even one space per dwelling unit of assigned parking will make parking inconvenient if not inaccessible for many residents. In the end, staff would prefer to have greater confidence that no residents would be potentially cut-off from parking in the vicinity of their homes. Again, management will be key to the success of this model. At sketch plan the applicant was also encouraged, "to provide a comparison study which juxtaposes parking in one or two mixed-use developments elsewhere in the valley (e.g. Willits, Riverwalk in Edwards, Meadows in Glenwood) with the parking configuration proposed here. These analogs will help P&Z and Council determine whether a reduction is justified." Nothing yet has been provided.

The traffic study offered by Fox Tuttle (Exhibit A, pg. 119) assessed the traffic flows at the intersection of Faas Ranch Rd. and CVB. Their study concluded that traffic control measures will be required at the intersection. Though the town does not currently anticipate widening CVB, the study concluded that the steep grades at the intersection make a roundabout infeasible and cost prohibitive. A traffic signal was ultimately recommended by the time of full build-out (Exhibit A, pg.135). The applicant would assume the installation of the signal while Public Works would control the signaling based on traffic flow. Traffic signal override systems, as required by CRFR, will also be furnished by the applicant (Exhibit D). Whitehorse Dr and Blackhawk Dr have been designed to accommodate future traffic loads for all of Whitehorse Village, Lakota Dr. is slated for completion during the first phase of construction and will likely absorb some of the load from Whitehorse Village as well as residents of Longview.

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

According to section 17.128.070 of the municipal code, commercial uses in the mixed-use zone shall have landscaped at least 10% of the gross project area. Additionally, all outside parking facing a residential-only use shall have a landscape buffer or fence obscure vehicles from view. **Exhibit A, pg.** 13 indicates the extent of landscaping in the commercial district. Landscape buffers will still be required along parking for all commercial buildings as necessary.

For residential uses, the code requires open space greater than or equal to 15% of the gross project area. The proposal shows 40% of the gross area as open space. Active space includes the park fronting apartment building B-3, a court at building CR-1, pocket parks surrounding the townhomes

of Drive C, and all trails within the development. Passive space is comprised mainly of various easements at the perimeter of the development.

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

With Lakota Dr. as a benchmark, the property drops uniformly in elevation for roughly 95' from northwest to southeast (Exhibit A, pg. 21). In theory, units and/or blocks will step with the natural grade. The applicant has improved the sketch design by angling the single family units northeast of Drive B to reflect the terrain features at those locations. In a similar move, the multifamily units southwest of Drive B were reduced to single family homes. Apartment buildings B-1 & B-2 were likewise realigned to step with the topography.

Compliance with the Lakota building height requirements has proven challenging to the proposed buildings. At sketch plan, staff explained the nuances of the specifically Lakota height requirement *MC* 17.128.010:

"Building height" means the maximum vertical distance measured from the lowest point of natural or finished grade on the lot within five (5) feet of the tallest side of the building to the uppermost point of the roof of the building.

Building heights of structures close to the edge of a hill are typically affected negatively and, as a result, must be either distanced from the hill's edge or reduced in height. Following sketch plan the renderings were updated to show that the maximum building height was lowered five feet from 42 feet to 37 feet. However, this measurement is taken from the building's slab not from the lowest point of natural grade, per the definition above. For most structures this will make little difference. Moreover, building B-3 was repositioned away from CVB to the Shibui area in order mitigate these slope affects. Still, structures along the golf course, especially the three level Apartments B-4 & B-5 may maintain a taller appearance from the vantage point of Faas Ranch Rd. Preservation of viewsheds is a value expressed in the CP (Goal EN-6, pg. 67). The Commission will have to decide whether the potential compromise of views is compensated by the increase in density.

\*\*\*NOTE: The applicant is requesting an additional variance with respect to building height.

# IV Staff Recommendations

Staff recommends that the Planning Commission explore the following suggestions to the Filing 8 preliminary PUD application prior to deciding on Resolution 2022-04:

- a. Amend the Preliminary Plat to identify the following as public rights-of-way: Lakota Drive, Drive A, and Drive B.
- b. Revise the Longview at Lakota covenants to include provisions regarding shared parking. Such provisions shall specify management and enforcement requirements, including, but not limited to location, hours of use, penalties for violation, and maintenance responsibilities.
- c. Drive A & B shall serve as a one-way street with parking on one side and a single six foot sidewalk.
- d. Drive C shall not dead-end. Construct Drive C as a cul-de-sac or an alternative that satisfies the street design requirements of the Public Works Manual.
- e. Parking along Lakota Drive from Whitehorse Drive to Drive A shall allow on-street parking only on the west side of Lakota Drive. The east side of Lakota Drive from Whitehorse Drive to Drive A shall be

- signed "No Parking".
- f. Townhomes directly adjacent to Drives A and C shall be setback at least 10 feet from the street to improve egress and pedestrian safety.
- g. All outside parking areas facing a residential-only use shall have a landscape buffer to obscure vehicles from view per code section 17.128.070.
- h. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings.
- i. 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);
  - Conformance to all requirements and specifications approved by the fire marshal concerning temporary access for each phase including, but not limited to, temporary hammerhead turnarounds at dead end streets and any necessary ingress/egress routes for emergency personnel and equipment during construction;
- j. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- k. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- I. Provide a conceptual landscape plan to staff for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Landscaping shall incorporate native grasses and plants that minimize maintenance, moving, and irrigating. The landscaping plan shall be approved by the Parks Department. Plans submitted to obtain a building permit for any building shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.
- m. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- n. Prior to the recordation of the Filing 8 plat, the Applicant shall enter into a subdivision improvements agreement with the Town for development of the first phase of Filing 8 in a form acceptable to the Town Attorney. A subdivision improvement agreement for each subsequent phase shall be recorded before work commences in each phase.
- o. 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.
- p. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, as well as all recommendations of the Town Engineer and Town Public Works Director set forth in their letters dated July 21, 2022, and July 22, 2022, respectively, when developing the property.
- q. 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.

- r. The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit is recorded with Garfield County.
- s. Consider allowing buildings CR-3, CR-4 and CR-5 to exceed the maximum building height up to 37 feet. No other structure shall exceed the maximum 35 foot building height as defined code section 17.128.010.
- t. Consider allowing buildings B-1, B-2, B-4, and B-5 to exceed the maximum units per building to the extent shown on the submittal sheet titled "Site Plan Unit Counts".

## V Next Steps

Within thirty (30) days after the close of the public hearing, or within such time as is mutually agreed by the planning commission and the applicant, the commission shall make one (1) of three (3) decisions regarding the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The commission's decision will be made by written resolution. A continuance may be granted pursuant to Section 16.08.040(G) of the code.

# VI Sketch Plan Application Exhibits:

- A. Project Submittal Packet August 18th, 2022
- B. Referral from Public Works Director July 22<sup>nd</sup>, 2022
- C. Referral from Town Engineer July 21st, 2022
- D. Referral from Fire Marshal August 17<sup>th</sup>, 2022
- E. Email Response from Applicant Engineer to Fire Marshal August 8th, 2022
- F. Referral from Police Chief July 19<sup>th</sup>, 2022
- G. Referral from Colorado Parks and Wildlife June 7<sup>th</sup>. 2022
- H. Affordable Housing Strategy/Commercial Reduction, Heather Henry August 9th, 2022
- I. Shared Parking Comment, Heather Henry August 16th, 2022
- J. NC Wildlife Open Space Examples (Alder Park) August 13<sup>th</sup>, 2022
- K. NC Parking Lot Examples (River Park and Shibui) August 17th, 2022
- L. Comcast Will-Serve Letter June 14th, 2022
- M. Applicant Attorney Letter on Mineral Rights Owners July 22<sup>nd</sup>, 2022
- N. Public Comment, Jennifer Hawley August 15<sup>th</sup>, 2022
- O. Public Comment, Andrew Hawley August 15<sup>th</sup>, 2022
- P. Affidavit of Public Notice August 18th, 2022
- Q. Agreement to Pay Consulting Fees June 16<sup>th</sup>, 2021
- R. HOA Inclusion/Exclusion Intent Letter from Applicant August 10th, 2022
- S. Filing 8 Plat August 18th, 2022
- T. Xcel Will-Serve Letter July 11th, 2022
- U. Chris Manera Engineering Response to SGM Letter August 18th, 2022

# Longview at Lakota Preliminary Plan P&Z Review

**September 14, 2022** 













# **DISCUSSION TOPICS:**

Site Plan Renderings
Site Plan Revisions
Architectural Revisions
Affordable Housing











 THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY



	VIEW TOWARDS SHIBU
4	NOT TO SCALE

Print Date: FEBRUARY 25, 2022	-		Issue & R	evisions		- 40	COLORADO	5	Sheet Name: 3D REPRESENTATION	THE LONGVIEW AT LAKOTA CANYON RANCH	
File Name: THE LONGVIEW AT LAKOTA CANYON RANCH	4	Date:	Comments:	Drawn by:	Checked by:		COLUMNU			CANTON RANCH	
Horiz. Scale:							Dn/ED			Client:	
These drawings have been prepared for the client identified on the						connect one	IN A EI		Sheet Number: L.5.00B	The Romero Group 350 Market Street	
design sheet titleblock. Unless these drawings bear a signed seal, they						connect one	RNGINEERING	GROUP		Suite 304	
may be used only at owners sole risk.						6/ E-9/ No. 13	izcezfezătub	architects		Basalt, CO 81621	

 THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY



4 VIEW OF LAKOTA DRIVE SIDEWALKS

Print Date:	FEBRUARY 25, 2022		Issue & Rev	isions	
File Name:	THE LONGVIEW AT LAKOTA CANYON RANCH	Date:	Comments:	Drawn by:	Checked by:
Horiz. Scale:				2.427.	Circona 2y:
Those drawings	have been prepared for the client identified on the				
design sheet title	eblock. Unless these drawings bear a signed seal, they				
may be used on	ly at owners sole risk.				





5	
1	
archi	tects

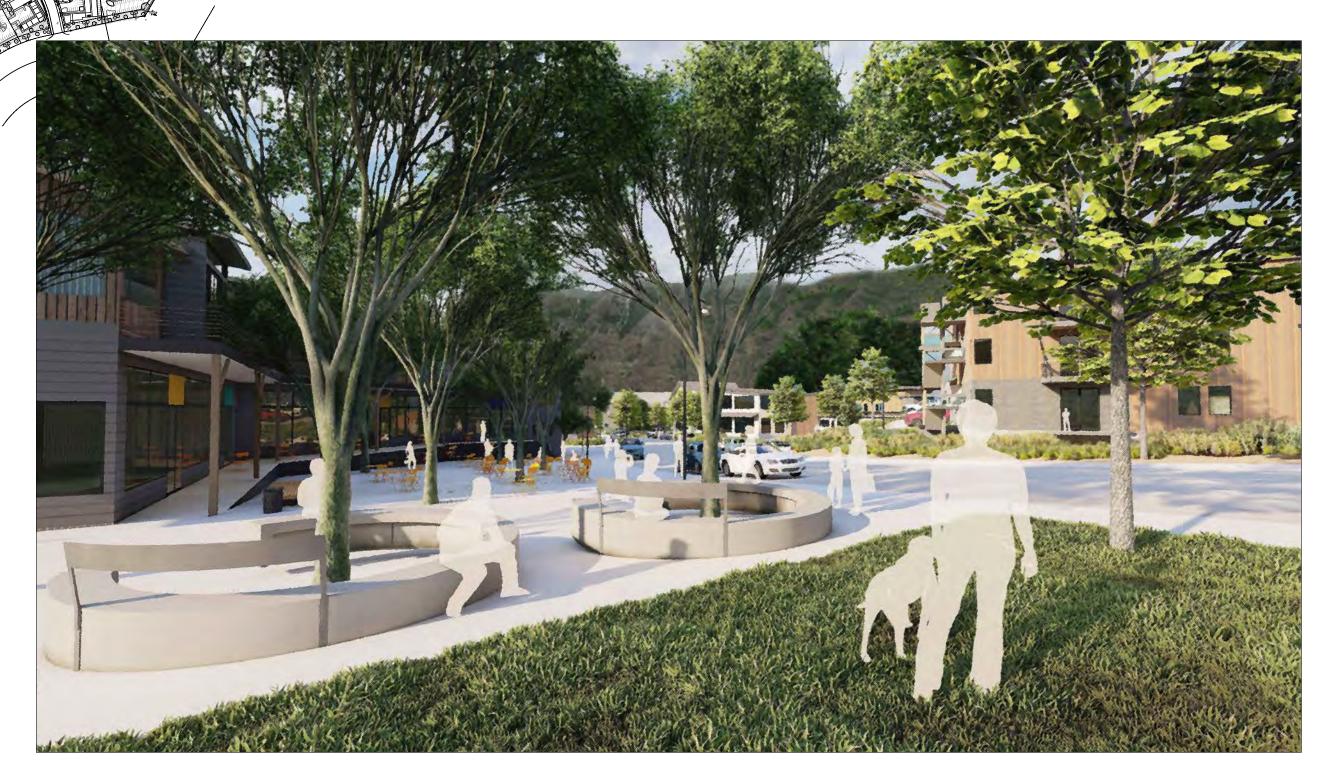
3D REPRESENTATION	

THE LONGVIEW AT LAKOTA CANYON RANCH

Sheet Number: L.5.03B

Client: The Romero Group 350 Market Street Suite 304 Basalt, CO 81621

 THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY



VIEW OF COMMERCIAL PLAZA

Print Date: FEBRUARY 25, 2022		Issue & Rev	risions
File Name: THE LONGVIEW AT LAKOTA CANYON RANCH	Date:	Comments:	Drawn by:
Horiz. Scale:			Ziaiii zy.
These drawings have been prepared for the client identified on the			
design sheet titleblock. Unless these drawings bear a signed seal, they			
may be used only at owners sole risk.			



Checked by:



5	
1	
archi	tects

Sheet Name: 3D REPRESENTATION

ESENTATION

THE LONGVIEW AT LAKOTA CANYON RANCH

Client:

Sheet Number: L.5.01B

Client: The Romero Group 350 Market Street Suite 304 Basalt, CO 81621

THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY



VIEW OF PARK
NOT TO SCALE

Print Date:	FEBRUARY 25, 2022	
File Name:	THE LONGVIEW AT LAKOTA CANYON RANCH	
Horiz. Scale:		$] \subseteq$
design sheet titl	s have been prepared for the client identified on the eblock. Unless these drawings bear a signed seal, they ally at owners sole risk.	

Issue & Revisions			
Date:	Comments:	Drawn by:	Checked by:





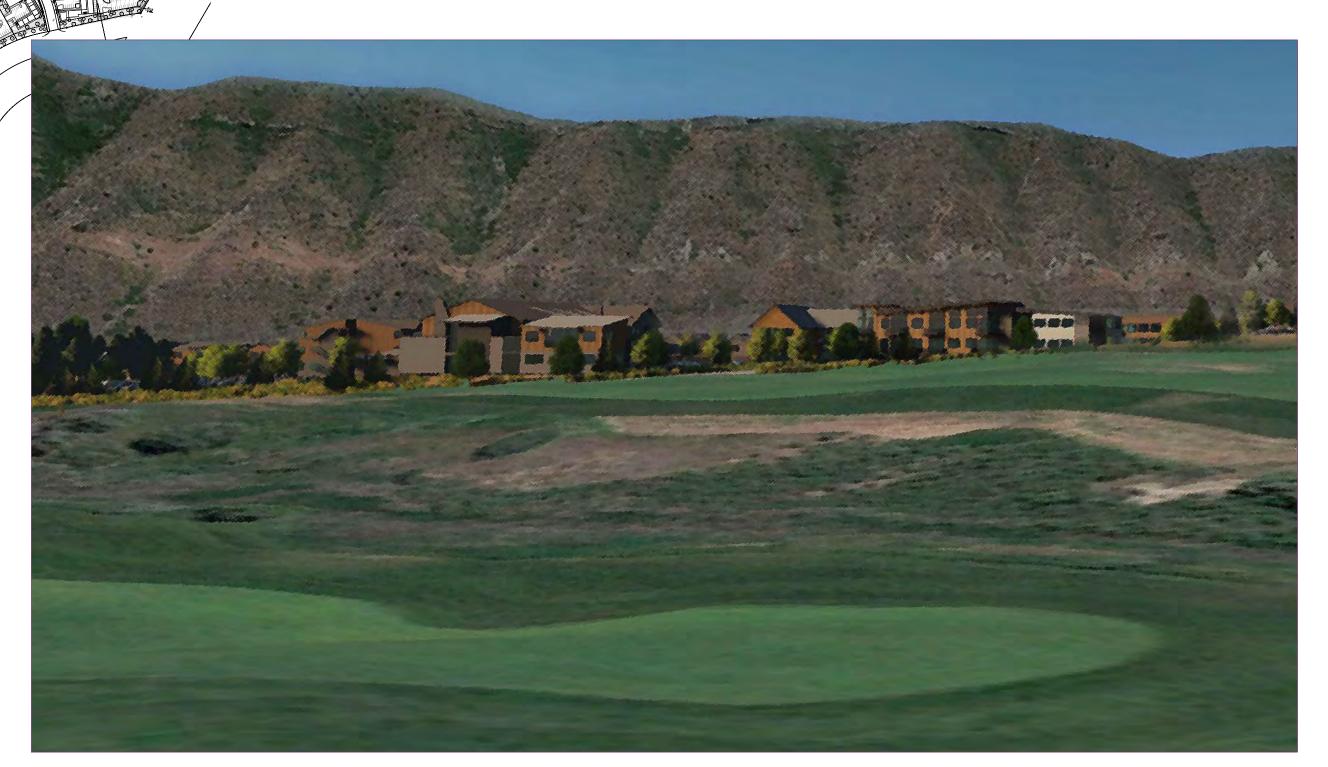
5	
1	
archi	tects

Sneet Name: 3D REPRESENTATION

et Name: 3D REPRESENTATION	THE LONGVIEW AT LAKOTA CANYON RANCH
	Client:

	Cilett.
Choot Number	The Romero Group
Sheet Number: L.5.02B	350 Market Street
L.0.02D	Suite 304
	Basalt, CO 81621

 THE IMAGES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE INCLUDED TO CONVEY SCALE, PROPORTION, AND MASS ONLY



2 VIEW FROM FAAS RANCH ROAD NOT TO SCALE

Print Date: FEBRUARY 25, 2022		Issue & Revisions				
File Name: THE LONGVIEW AT LAKOTA CANYON RANCH		Date:	Comments:	Drawn by:	Checked by:	
Horiz. Scale:						
These drawings have been prepared for the client identified on the design sheet titleblock. Unless these drawings bear a signed seal, they may be used only at owners sole risk.						





5	
1	
archi	tects

Sheet Name	3D REPRESENTATION

THE LUNGVIEW AT LANGTA
CANYON RANCH

Sheet Number: L.5.03B

Client: The Romero Group 350 Market Street Suite 304 Basalt, CO 81621





Print Date: MARCH 18, 2022

File Name: THE LANDING AT LAKOTA CANYON RANCH

Horiz. Scale:

These drawings have been prepared for the client identified on the design sheet titleblock. Unless these drawings bear a signed seal, they may be used only at owners sole risk.

		Issue & Rev	isions	
	Date:	Comments:	Drawn by:	Checked by:
$\supset$				

connect one





Sheet Nam
Sheet Num

CR-4 EXTERIOR ELEVATIONS

CANYON RANCH

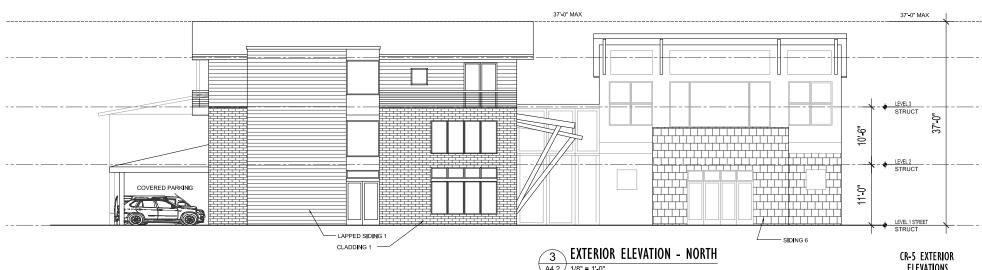
The Romero Group 350 Market Street Suite 304 Basalt, CO 81621

1









								A4.2 / 1/8" = 1'-0"	ELEVATIONS
Print Date: MARCH 18, 2022			Issue & Ro	evisions		Caracte		Sheet Name:	THE LONGVIEW AT LAKOTA
File Name: THE LANDING AT LAKOTA CANYON RANCH		Date:	Comments:	Drawn by:	Checked by:	T COLORADO	1		CANYON RANCH
Horiz. Scale:				,		I Duted			Client:
These drawings have been prepared for the client identified on the design sheet titleblock. Unless these drawings bear a signed seal, they may be used only at owners sole risk.	000					connect one ENGINEERING	nnoup architects	Sheet Number: C5-4.2	The Romero Group 350 Market Street Suite 304 Basalt, CO 81621
								<b>05</b> 1.2	,

# **REVISED HEIGHT C5 09/08/2022**

350 Market Street

Suite 304 Basalt, CO 81621



ENGINEERING

connect one

Sheet Number:

architects

Print Date:

File Name:

Horiz. Scale:

These drawings have been prepared for the client identified on the design sheet titleblock. Unless these drawings bear a signed seal, they may be used only at owners sole risk.

# **REVISED HEIGHT C5 09/08/2022**



Print Date:	MARCH 18, 2022					
File Name:	File Name: THE LANDING AT LAKOTA CANYON RANCH					
Horiz. Scale:						
These drawings have been prepared for the client identified on the design sheet titleblock. Unless these drawings bear a signed seal, they may be used only at owners sole risk.						

Issue & Revisions									
Date:	Comments:	Drawn by:	Checked by:						







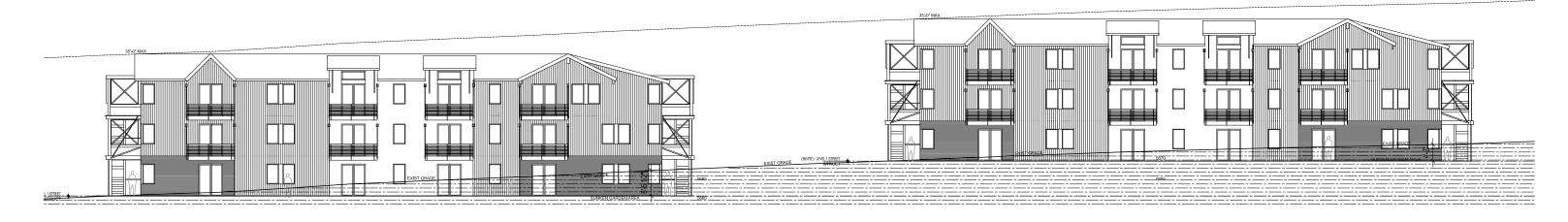
Sheet Name:	CR-5 EX Eleva
Sheet Number:	CL

EXTERIOR ELEVATION - SOUTH

| A4.1 | 1/8" = 1'-0"

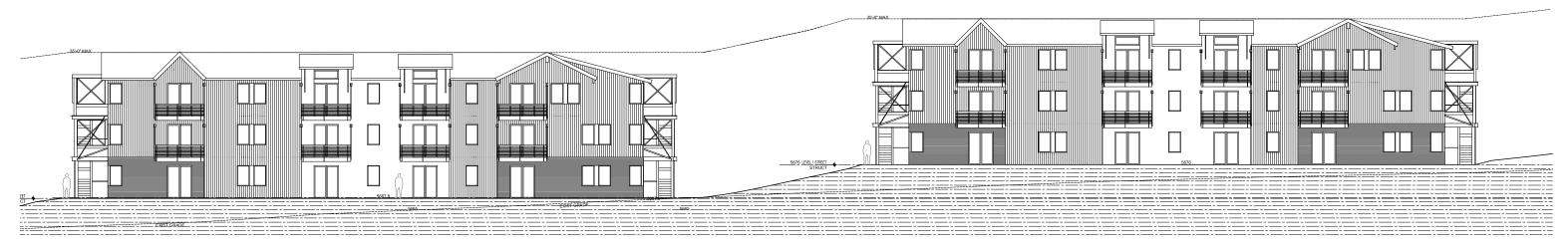
THE LONGVIEW AT LAKOTA CANYON RANCH

Client:
The Romero Group
350 Market Street
Suite 304
Basalt, CO 81621



2 EXTERIOR ELEVATION - SUNKEN GARDEN OPTION

A4.3) 3/32" = 1'-0"



# EXTERIOR ELEVATION - ELEVATED PAD (A4.3) 3/32" = 1'-0"

Print Date: MARCH 18, 2022		Issue & Revisions		COLODADO		57	Sheet Name:	APARTMENT I	THE LONGVIEW AT LAKOTA CANYON RANCH			
File Name: THE LANDING AT LAKOTA CANYON RANCH  Horiz. Scale:		Date:	Comments:	Drawn by:	Checked by:	1	Dule D	/		EXT ELEVATIONS	Client:	
These drawings have been prepared for the client identified on the design sheet titleblock. Unless these drawings bear a signed seal, they may be used only at owners sole risk.	000					connect one	ENGINEERING INCORPORATED	GIMULP architects	Sheet Number:	AI-4.3	The Romero Group 350 Market Street Suite 304 Basalt, CO 81621	

1

# **Longview Proposed Affordable Housing:**

- Goal: assist local Public Organizations in staff recruitment/retention in the face of increased housing costs
- Offered as a Community Benefit to offset variations (parking, density, height) in application
- Target Organizations:
  - 1. Valley View Hospital
  - 2. Garfield Re-2 School District
  - 3. Colorado River Fire Rescue District
  - 4. Town of New Castle
  - 5. Habitat for Humanity
- Blended Approach (maximum flexibility for Public Organizations) for rates, restrictions & rent vs own
- Target Amounts: 12%-15% of total Longview residential inventory











# P&Z Questions?









