

Posted: _____

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

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Planning and Zoning Commission Regular Meeting

Wednesday, June 10, 2020, 7:00 PM

Call to Order, Roll Call, Meeting Notice

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

Citizen Comments on Items NOT on Agenda

Public Hearing

- A. Consider Resolution PZ-2020-05 Recommending Approval of Amendments to Sections 17.36.040 & 17.36.050 of the New Castle Municipal Code Concerning Uses on Lots Greater Than 10,000 Square Feet Located in the C-1 Zone District

Public Hearing

- B. Resolution PZ-2020-06 Denying a Combined Preliminary/Final PUD Development Plan and Preliminary/Final Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA17 and PA19

Comments/Reports

Review Minutes of Previous Meetings

- C. Minutes May 13, 2020

- D. Minutes May 27, 2020

Adjournment

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2020-5

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF AMENDMENTS TO
SECTIONS 17.36.040 & 17.36.050 OF THE NEW CASTLE MUNICIPAL CODE
CONCERNING USES ON LOTS GREATER THAN 10,000 SQUARE FEET
LOCATED IN THE C-1 ZONE DISTRICT.

WHEREAS, Sections 17.36.040 & 17.36.050 of the Town of New Castle (“Town”) municipal code (“Code”) set forth the permitted and conditional uses for properties located in the C-1 zone district; and

WHEREAS, Subsection A of Section 17.36.050 currently requires a conditional use permit for the permitted uses listed in Section 17.36.040 when these uses are contemplated on a lot or lots greater than 10,000 square feet, and

WHEREAS, Town staff believes that requiring a conditional use permit for any uses whatsoever on parcels larger than 10,000 square feet places an undue burden on such properties and would be difficult to enforce and has therefore suggested changes to the Code sections referenced herein to ease that burden; and

WHEREAS, pursuant to section 17.92.030(B) of the Code, the Planning Commission opened a public hearing on March 25, 2020 and continued the same to June 10, 2020, to consider the proposed Code amendments; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that Council approve the Code amendments set forth in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

2. Recommendation. The Commission approves of the changes to Code Sections 17.36.040 & 17.36.050 set forth in Exhibit A and recommends that Town Council adopt the same.

TOWN OF NEW CASTLE, COLORADO,
PLANNING & ZONING COMMISSION

By: _____
Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk

EXHIBIT A

Draft Ordinance

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-__**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 17.36.040 & 17.36.050 OF THE NEW CASTLE MUNICIPAL CODE
CONCERNING USES ON LOTS GREATER THAN 10,000 SQUARE FEET
LOCATED IN THE C-1 ZONE DISTRICT.**

WHEREAS, Chapter 17.36.040 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the conditions for uses permitted outright in C-1 zoning; and

WHEREAS, Chapter 17.36.050 of the Code sets forth the conditions for uses requiring a conditional use permit in C-1 zoning; and

WHEREAS, subsection A of Chapter 17.36.050 requires a conditional use permit for the permitted uses listed in Chapter 17.36.040 when these uses are contemplated on a lot or lots greater than 10,000 square feet, and

WHEREAS, the Town Council finds that requiring a conditional use permit for any uses whatsoever on parcels larger than 10,000 square feet places an undue burden on such properties and would be difficult to enforce; and

WHEREAS, the Town Council (“Council”) has considered the amendments to the Code set forth herein and now desires to approve the same.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

3. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

4. Section 17.36.040 and Section 17.36.050 Amendment. Section 17.36.040 and Section 17.36.050 of the Town Municipal Code are hereby repealed in their entirety and reenacted as set forth below:

17.36.040 – Permitted Uses.

A. Any of the uses set out in subsections B through D are permitted outright provided the following requirements are complied with:

1. All fabrication, service and repair operations are conducted within a building;

2. All storage of materials shall be within a building or obscured by a fence of at least six feet in height;
3. Storage areas shall be restricted to the rear twenty-five (25) feet of the lot(s); and
4. No dust, noise, glare or vibration is projected beyond the lot(s).

B. Retail establishments for the trade and sales of the following goods and materials:

1. Antiques;
2. Appliances;
3. Art and art supplies;
4. Automotive parts, new;
5. Bakery and doughnut shop;
6. Beverages;
7. Books, magazines, newspapers;
8. Cafe, coffee shop;
9. Clothing;
10. Dry goods;
11. Feed and pet supplies;
12. Food;
13. Furniture;
14. Garden supply and plants;
15. Groceries;
16. Hardware, general and specialty;
17. Jewelry;
18. Office materials and supply.

C. Personal service establishment, including:

1. Art gallery;
2. Automatic laundry/laundromat for individual use;
3. Bank;
4. Barber, beauty shop;
5. Day care facility for children under thirteen (13) years of age;
6. Indoor recreation;
7. Indoor theater;
8. Laundry or dry cleaning station for individual pick-up only;
9. Medical/health clinic limited to human outpatient services with floor area of no more than two thousand (2,000) square feet;
10. Office for the conduct of a business or profession;
11. Pharmacy;
12. Photography supply, studio;
13. Printing shop;
14. Private club;
15. Reading room;
16. Real estate sales office;
17. Restaurant, with or without a bar;
18. Shoe repair;
19. Studio for the conduct of arts and crafts instruction;
20. Tailor shop;
21. Tavern;
22. Travel agency.

D. Residential. One or more residential dwelling unit(s) when located on a floor above the ground floor of a commercial use building, or, when located on a ground floor and within the rear forty (40) feet of a lot, within a commercial use building.

17.36.050 – Conditional Uses

A. Any use listed as a permitted use in Sections 17.36.040(B), (C) and (D), which use is to be a drive-in establishment or facility where the customer receives goods or services while occupying a vehicle.

B. The following uses may be allowed subject to the provisions and requirements of Chapter 17.84 of this title:

1. Auditorium, public or private;
2. Automobile service station, with or without minor repairs;
3. Automobile, small truck, trailer rental facility;
4. Automobile washing facility;
5. Church or facility for any recognized established religion;
6. Community building operated by the public;
7. Educational facility, public or private;
8. Emergency response, public safety facility;
9. Facility for treatment, storage and disposal of wastewater;
10. Facility for treatment, storage and distribution of drinking water;
11. Fraternal lodge;
12. Hotel, motel;
13. Household appliance repair;
14. Library, public or private;
15. Medical/health clinic limited to human outpatient services with floor area of greater than two thousand (2,000) square feet;
16. Mobile vending carts or stands;

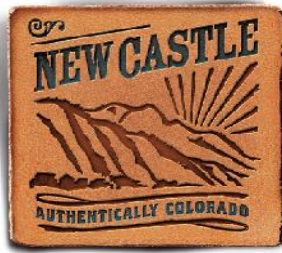
17. Mortuary;
18. Municipal shop facility, for maintenance, repair and storage of equipment and materials for municipal services;
19. Museum, public or private;
20. Parking lot or garage as principal use of the lot;
21. Public building for the administration of government;
22. Residential apartment building;
23. Residential single-family detached building occupying no more than one thousand two hundred (1,200) square feet of land area;
24. Rooming and boarding house facility;
25. Small engine repair and sales shop;
26. Taxidermy shop;
27. Temporary building to be used to conduct a permitted use;
28. Utility substation, electric or gas, public or private;
29. Veterinary clinic limited to small animal outpatient services, not including kennel.

C. Any use not specifically defined in the permitted, conditional, or nonpermitted use categories shall be a conditional use.

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on _____, 2020, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on _____, 2020, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.



Planning Planning

Planning

450 W. Main Street

PO Box 90

New Castle, CO 81657

Planning Planning

Planning (970) 984-2311

Planning (970) 984-2716

www.newcastlecolorado.org

Memorandum

To: Planning Commission
From: Paul Smith
Re: Agenda Item – C-1 Zoning Amendment
Date: 5-29-20

Purpose:

In C-1 zoning, Town Code requires a conditional use permit for any uses *whatsoever* on parcels larger than 10,000 square feet. Staff believes this requirement places an undue burden on such properties and would be difficult to enforce. The current draft ordinance eliminates this conditional use requirement altogether.

Alternatively, it may be worth considering whether at least some of the current permitted/conditional uses are good candidates for special review when located on lots greater than 10k sf. In this case, the 10k sf language would be retained and the Commission would be charged with the task of merely rearranging the use lists.

Thank you,
Paul

17.36.040 - Permitted uses.

- A. Any of the uses set out in subsections B through D are permitted when occurring on a lot or lots with a total area of ten thousand (10,000) square feet or less, provided the following requirements are complied with:
 - 1. All fabrication, service and repair operations are conducted within a building;
 - 2. All storage of materials shall be within a building or obscured by a fence of at least six feet in height;
 - 3. Storage areas shall be restricted to the rear twenty-five (25) feet of the lot(s); and
 - 4. No dust, noise, glare or vibration is projected beyond the lot(s).
- B. Retail establishments for the trade and sales of the following goods and materials:
 - 1. Antiques;
 - 2. Appliances;
 - 3. Art and art supplies;
 - 4. Automotive parts, new;
 - 5. Bakery and doughnut shop;
 - 6. Beverages;
 - 7. Books, magazines, newspapers;
 - 8. Cafe, coffee shop;
 - 9. Clothing;
 - 10. Dry goods;
 - 11. Feed and pet supplies;
 - 12. Food;
 - 13. Furniture;
 - 14. Garden supply and plants;
 - 15. Groceries;
 - 16. Hardware, general and specialty;
 - 17. Jewelry;
 - 18. Office materials and supply.
- C. Personal service establishment, including:
 - 1. Art gallery;
 - 2. Automatic laundry/laundromat for individual use;
 - 3. Bank;
 - 4. Barber, beauty shop;
 - 5. Day care facility for children under thirteen (13) years of age;
 - 6. Indoor recreation;
 - 7. Indoor theater;
 - 8. Laundry or dry cleaning station for individual pick-up only;

9. Medical/health clinic limited to human outpatient services with floor area of no more than two thousand (2,000) square feet;
 10. Office for the conduct of a business or profession;
 11. Pharmacy;
 12. Photography supply, studio;
 13. Printing shop;
 14. Private club;
 15. Reading room;
 16. Real estate sales office;
 17. Restaurant, with or without a bar;
 18. Shoe repair;
 19. Studio for the conduct of arts and crafts instruction;
 20. Tailor shop;
 21. Tavern;
 22. Travel agency.
- D. Residential. One or more residential dwelling unit(s) when located on a floor above the ground floor of a commercial use building, or, when located on a ground floor and within the rear forty (40) feet of a lot, within a commercial use building.

(Ord. 2005-16 §§ 2, 3; Ord. 2001-5 § 2 (part); prior code § 13-04-080(C))

17.36.050 - Conditional uses.

- A. Any of the uses permitted as listed in Sections 17.36.040(B), (C) and (D) when occurring on a lot or lots with a total area of greater than ten thousand (10,000) square feet;
- B. Any use listed under permitted uses above which use is to be a drive-in establishment or facility where the customer receives goods or services while occupying a vehicle.
- C. The following uses may be allowed subject to the provisions and requirements of Chapter 17.84 of this title:
 1. Auditorium, public or private;
 2. Automobile service station, with or without minor repairs;
 3. Automobile, small truck, trailer rental facility;
 4. Automobile washing facility;
 5. Church or facility for any recognized established religion;
 6. Community building operated by the public;
 7. Educational facility, public or private;
 8. Emergency response, public safety facility;
 9. Facility for treatment, storage and disposal of wastewater;
 10. Facility for treatment, storage and distribution of drinking water;
 11. Fraternal lodge;

12. Hotel, motel;
 13. Household appliance repair;
 14. Library, public or private;
 15. Medical/health clinic limited to human outpatient services with floor area of greater than two thousand (2,000) square feet;
 16. Mobile vending carts or stands;
 17. Mortuary;
 18. Municipal shop facility, for maintenance, repair and storage of equipment and materials for municipal services;
 19. Museum, public or private;
 20. Parking lot or garage as principal use of the lot;
 21. Public building for the administration of government;
 22. Residential apartment building;
 23. Residential single-family detached building occupying no more than one thousand two hundred (1,200) square feet of land area;
 24. Rooming and boarding house facility;
 25. Small engine repair and sales shop;
 26. Taxidermy shop;
 27. Temporary building to be used to conduct a permitted use;
 28. Utility substation, electric or gas, public or private;
 29. Veterinary clinic limited to small animal outpatient services, not including kennel.
- D. Any use not specifically defined in the permitted, conditional, or nonpermitted use categories shall be a conditional use.

(Ord. 2005-16 § 4; Ord. 2001-5 § 2 (part): prior code § 13-04-080(D))

(Ord. No. 2013-4, § 2(A), 6-18-2013)

17.36.060 - Nonpermitted uses.

The following uses are not permitted in the C-1 commercial zone district:

1. Outside storage of wrecked or inoperable vehicles or equipment, salvage, scrap or other such items;
2. Self-storage facilities;
3. Petroleum, oil and gasoline storage;
4. Recreation vehicle park;
5. Propane storage;
6. Auto wrecking and salvage yard;
7. Auto storage yard;
8. Truck repair and storage yard;

9. Mobile home park;
10. Asphalt batch plant;
11. Concrete block and mixing plant;
12. Concrete storage yard;
13. Gravel extraction;
14. Gravel storage;
15. Mining operations;
16. Adult entertainment establishment or sexually-oriented business;
17. Testing laboratories, business research and development involving hazardous materials or pollution;
18. Kennel.

(Ord. No. 2013-4, § 2(B), 6-18-2013)

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2020-6**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION DENYING A COMBINED PRELIMINARY/FINAL PUD DEVELOPMENT PLAN AND PRELIMINARY/FINAL SUBDIVISION PLAT FOR CASTLE VALLEY RANCH FILING 11, BEING A PORTION OF PA 17 AND PA 19.

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

WHEREAS, the Applicant has submitted an application requesting approval of a combined Preliminary/Final PUD Development Plan and a Preliminary/Final Subdivision Plat for the first phase of the development, which application is further defined in Section 2 of this Resolution (the “Application”); and

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

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

WHEREAS, the Applicant intends to develop and plat the Property in phases, with the first phase including ten (10) lots, eleven (11) multi-family buildings, and 33 residential units and the public improvements associated with the same; and

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

WHEREAS, the Commission listened to testimony from Staff, referral agencies, the Applicant, and members of the public concerning the Application; and

WHEREAS, pursuant to Section 16.16.020(F) and 16.16.030(C), subdivisions creating four or more lots must be found to comply with the Town’s comprehensive plan; and

WHEREAS, pursuant to Section 17.100.090, the following approval criteria apply to a PUD development plan application:

1. that the Application is generally compatible with adjacent land uses;
2. that the Application is consistent with the Town’s Comprehensive Plan;
3. that the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection;

4. that the uses proposed within the PUD are uses permitted outright within the zoning district contained within the PUD;
5. the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan;
6. the PUD utilizes the natural character of the land, includes compatible land uses, provides for fire and police protection, off-street parking, vehicular, pedestrian, and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieved adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town; and

WHEREAS, based on the Application and the testimony heard, the Commission found that one or more of the approval criteria set forth in Section 17.100.090 have not been met and that the proposed subdivision of the Property does not comply with the comprehensive plan and therefore voted to deny the Application at its May 27, 2020 meeting; and

WHEREAS, the Commission now desires to adopt this Resolution to document its findings and decision regarding the Application.

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

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.
2. Definition of the Application. 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 opened on May 13, 2020, and continued until May 27, 2020.
3. Summary of Application: The Application (as updated on May 27, 2020) proposes:
 - a. The construction of ninety-one (91) residential units in twenty-seven (28) multi-family buildings on twenty-seven (27) lots on 13.538 acres of land, with the lots, roads, and open space to be platted and developed in accordance with the site/phasing plan dated May 27, 2020 that is included in the Application;
 - b. That the first phase of Filing 11 will include ten (10) lots, ten (11) multi-family buildings, and 33 residential units and the public improvements associated with the same; and
 - c. The development and use of the Property would be zoned as and subject to the restrictions and requirements of the MF-1 Zone District of the Castle Valley

Ranch PUD Zoning Regulations, Section 17.104.080 of the Code (Zone District), as may be modified by the final plats for the Property; and

- d. That the platting of future phases of Filing 11, including subdividing the Property into lots and amending final plats as the multi-family buildings are constructed, be approved at a the staff level, provided that the future phase plats and amended final plats are in substantial conformance with the Application.

4. Decision. The Commission finds that the Application does not meet the approval criteria set forth in the Town Code applicable to the Application, including, without limitation, compliance with the Comprehensive Plan, satisfaction of the issues identified in Section 17.100.090(A)(6), and other grounds as reflected in the record of the public hearing regarding the Application. The Planning Commission therefore denies the Application.

5. Effect of Decision. Pursuant to Sections 16.16.030(B) and 17.100.080(A) of the Town Code, only those portions of a preliminary subdivision plat application and preliminary PUD development plan application that have been approved may be submitted for final application approval. The Commission is the decision maker regarding preliminary PUD and subdivision applications. In light of the decision set forth in Section 4 of this Resolution, no further action will be taken on the final PUD and subdivision portions of the Application.

6. Effective Date. This Resolution and the Commission's decision regarding the Application shall be effective as the date of adoption of this Resolution.

SO RESOLVED this 10th day of June, 2020, by a vote of ____ to ____.

TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION

Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk

EXHIBIT A
Legal Description

Parcel A: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31 AND THE NW1/4 SECTION 32, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32 A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S 01° 19' 34" E 1570.62 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE CASTLE VALLEY BOULEVARD, AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED JANUARY 9, 2001 UNDER RECEPTION NO. 574735, ALSO BEING A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH PUD AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590 THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAYS 01°19' 34" E AND ALONG SAID EASTERLY BOUNDARY LINE 1066.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID CASTLE VALLEY RANCH, P.U.D.; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 40' 24" W 1195.15 FEET; 2. N 00° 19' 36" E 120.00 FEET; 3. N 89° 40' 24" W 180.00 FEET; 4. N 00° 05'00" W 210.20 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 00° 05'00" W 983.59 FEET; THENCE S 89° 56' 5" W 552.43 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA19A AND PA19B AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE N 40° 33' 51" E ALONG SAID EASTERLY BOUNDARY LINE 283.40 FEET; THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY LINE N 55° 43' 05" E 455.98 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF CASTLE VALLEY BOULEVARD; THENCE DEPARTING SAID EASTERLY BOUNDARY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 862.01 FEET; AN ARC LENGTH OF 591.51 FEET (CHORD BEARS S61° 39' 09" E 579.98 FEET); THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING SEVEN (7) COURSES: 1.S 81° 18' 39" E 261.25 FEET; 2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 342.58 FEET (CHORD BEARS S 67° 40' 47" E 339.36 FEET); 3. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 19.02 FEET (CHORD BEARS S 14° 30' 47" E 19.00 FEET); 4. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 82.00 FEET, AN ARC LENGTH OF 110.68 FEET (CHORD BEARS S 48° 27' 33" E 102.47 FEET); 5. ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 115.42 FEET, AN ARC LENGTH OF 20.06 FEET (CHORD BEARS S 82° 08' 49" E 20.03 FEET); 6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 719.98 FEET, AN ARC LENGTH OF 57.30 FEET (CHORD BEARS S 41° 01' 02" E 57.29 FEET); 7. S 38° 44' 14" E 193.94 FEET TO THE POINT OF BEGINNING.

Parcel B: A PARCEL OF LAND SITUATE IN THE NE1/4 SECTION 31, TOWNSHIP 5 SOUTH, RANGE 90 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/16 CORNER BETWEEN SAID SECTIONS 29 AND 32, A REBAR AND ALUMINUM CAP LS NO. 36572 SET IN PLACE; THENCE S29° 45' 20" W 2647.04 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, P.U.D. AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED AUGUST 10, 1983 UNDER RECEPTION NO. 344590, THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES: 1. N 89° 50' 34" W 450.00 FEET; 2. N 00° 09' 26" E 75.00 FEET; 3, N 89° 50' 34" W 275.00 FEET; 4, N 00° 09' 26" E 150.00 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N00° 47' 28" W 548.03 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASTLE VALLEY RANCH, PA 19A & WITH THE GARFIELD COUNTY CLERK AND RECORDER'S OFFICE RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 687288; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE N 40° 33' 51" E 273.86 FEET; THENCE DEPARTING SAID SOUTHERLY BOUNDARY LINE N 89° 56' 25" E 552.43 FEET; THENCE S 00° 05'00" E 983,59 FEET TO THE POINT OF BEGINNING

EXHIBIT B
Application Materials

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

1 **New Castle Planning and Zoning Commission Meeting**
2 **Wednesday, May 13, 2020, 7:00p.m., Town Hall**
3

4 **Due to concerns related to the Coronavirus, the meeting was held as a**
5 **phone conference meeting only. Commission Members and the Public**
6 **attended by phone, computer, smart phone or tablet.**
7

8 **Call to Order**

9 Commission Chair Apostolik called the meeting to order at 7:00 p.m.

10
11 **Roll Call**

12 Present Chair Apostolik
13 Commissioner Bourquin
14 Commissioner McDonald
15 Commissioner Riddile
16 Commissioner Sass
17 Commissioner Westerlind
18 Commissioner Lucio

19
20 Absent None
21

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

27 **Meeting Notice**

28 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
29 in accordance with Resolution TC 2020-1.
30

31 **Conflicts of Interest**

32 There were no conflicts of interest.
33

34 **Oaths of Office – Commissioner Beth Sass, Commissioner Alison Bourquin**
35 **and Commissioner Brian Westerlind.**
36

37 Deputy Clerk Andis swore in the newly elected members of the Commission:
38 Commissioner Beth Sass, Commissioner Alison Bourquin and Commissioner Brian
39 Westerlind.
40

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

42 There were no citizen comments.
43

44 **Public Hearing**

45 Consider Resolution PZ-2020-06 Regarding Combined Preliminary/Final Application
46 for Subdivision and PUD Development Plans in Castle Valley Ranch, Filing 11
47

48 Chair Apostolik opened the public hearing at 7:07 p.m.
49

1 Town Planner Paul Smith said the application was for Castle Valley Ranch
2 Filing 11/Portion of PA17 & Remaining PA19. Combined Preliminary/Final for PUD &
3 Subdivision Development Plans.

4
5 Planner Smith walked through the progression of the application: A sketch plan
6 application for Filing 11 was reviewed by the Planning Commission on September
7 11, 2019 and by Council on October 1, 2019. At that time, the development
8 proposal contemplated 96 multi-family dwelling units comprised entirely of triplexes
9 and quadraplexes, similar in style to existing units along Redstone Drive and
10 Foxwood Lane in Castle Valley Ranch (CVR). The 15-acre proposal spanned both
11 mixed-use and residential zones south of Castle Valley Boulevard and east of South
12 Wild Horse Drive. The general concept of the sketch plan – lot sizes, open space,
13 trails, & roads – tracked closely with a prior application submitted by Village
14 Homes, Inc. in 2008. The 2008 application was for 62 single-family homes and was
15 ultimately withdrawn.

16
17 At both meetings it was noted by the Applicant that the sketch plan demonstrated
18 substantial compliance with the municipal code, adopted model codes, public works
19 manual, and the Comprehensive Plan. Staff acknowledged that the overall *design*
20 conformance was substantial, however, it disputed the degree of continuity with the
21 Comprehensive Plan and aspects of the CVR Master Plan. Staff maintained that
22 though strict compliance with the Comprehensive Plan is not compulsory – and in
23 some cases not practical – the Comprehensive Plan was intended to provide
24 qualitative and quantitative guidance for future land use. It was an instrument
25 used to discover what manner of development mutually benefited the needs of the
26 town and the aspirations of the developer.

27
28 The sketch plan process produced points of consensus and debate. Those included:

29
30 Points of Consensus:

- 31
32
- 33 • For a preliminary/final application, all submittal components need to be
34 thorough and complete prior to meeting with Council.
 - 35 • The Applicant's product – triplexes on Redstone Dr. and Foxwood Ln – has
36 generally been well received by buyers. The units are energy efficient with
37 various modern amenities.
 - 38 • The typical price-point has been competitive with Lower Valley multi-family
39 development.
 - 40 • High density residential is better suited along and south of Castle Valley Blvd.
41 (CVB) rather than in the vacant parcels to the north of CVB.
 - 42 • Land use proposals should prioritize the health and well-being of the
43 community.
 - 44 • The developer is currently party to a restrictive covenant committing them to
45 no more than 303 additional residential units and no commercial
46 development.
 - 47 • An east-west connector trail should be integrated into the design.
 - 48 • A looped raw water system is best practice for landscape irrigation.
 - 49 • View planes should be preserved as much as feasible.
- 50

1 Points of Debate:
2

- 3 • Two-thirds of the proposed development consists within a mixed-use zone as
4 specified by the CVR Master Plan. Areas of strategic, small-scale commercial
5 development should be considered in fidelity with the vision of mixed-use in
6 the Comprehensive Plan.
- 7 • Pedestrian circulation should be improved to provide direct access to open
8 space, parks, and other areas throughout the CVR PUD.
- 9 • Diversity of dwelling units should be included into the design rather than the
10 same style throughout.
- 11 • The density and design of multi-family homes seemed misplaced when
12 directly bordering larger single-family homes on South Wild Horse Dr.
13 Transitions should be more subtle.
- 14 • Trail connectivity was limited. The proposed Open Space C was not useful.
15 A park amenity would be a better use of that location.
- 16 • Off-street parking, though compliant with codes, would create ongoing
17 challenges for traffic flow and snow storage given the density, road widths,
18 attached sidewalks, and propensity of residents to have more than two cars
19 per household or using their garages as storage.
- 20 • Snow storage was not adequately specified on the site plan.
- 21 • C Ave might be considered for a future emergency access road, in hindsight
22 to the small fire that broke out on Mt. Medaris in the summer of 2019.
- 23 • There should be separation between the curb and sidewalk for pedestrian
24 safety and snow storage.
- 25 • The proposal did not sufficiently represent the Smart-Growth model
26 endorsed by the Comprehensive Plan. Smart-Growth promotes sustainable
27 communities with compact residential mixed with commercial amenities and
28 services, all reasonably accessible without vehicles.
- 29 • There was dissatisfaction with not knowing the development plan with the
30 neighboring parcels. Without visibility it would be difficult to assess the
31 appropriateness of the current proposal with the overall community. A
32 master plan amendment was recommended to flesh-out those details.

33
34 Per Council request, the Applicant presented the conceptual plan to the general
35 public at an open house. The meeting unfortunately was not well attended, but the
36 few attendees did provide feedback based on their perception of Redstone Drive
37 & Foxwood Lane and their recollection of the original application for Filing 11 in
38 2008. The units have generally been well-built and at an attractive price-point to a
39 variety of consumers. However there was comment that the build-out could have
40 better planned for parking, traffic flow, and non-vehicular movement.

41
42 **III Current P&Z Preliminary/Final Application:**
43

44 On February 10, 2020 the Applicant submitted preliminary and final applications for
45 a combined PUD & Subdivision plan in planning areas 17 & 19 of CVR (a.k.a. Filing
46 11). The application was considered complete on March 23, 2020. A
47 preliminary/final application with P&Z should demonstrate rigorous compliance with
48 the adopted codes, provisions for utilities and infrastructure, substantial
49 conformance with the Comprehensive Plan, and minimize any adverse impacts to
50 the Town. The commission's recommendation shall be delivered to council within

1 30 days of the close of the hearing, per *Municipal Code* 17.100.080. The
2 Commission can take one of the following actions at the hearing:

- 3
- 4 • Approve the application with or without conditions;
- 5 • Deny approval of the application;
- 6 • Continue the hearing pursuant to *Municipal Code* 16.08.040 § G.
- 7

8 Commissioner Bourquin asked since both preliminary and final were combined,
9 could preliminary be approved and final denied.

10
11 Town Attorney Haley Carmer said the application was unique in some respect. She
12 said they were being presented with a full development of 91 units, however, the
13 application is to plat and develop only the first phase of the filing. The commission
14 needed to determine whether there was enough information to approve the
15 preliminary for the entire development and the final for the first phase of the first
16 10 lots with 32 units. The applicant was seeking an approval for the whole
17 development, but authority for the different phases to be approved at an
18 administrative level. The zoning can be decided now and the next two phases will
19 have to be consistent. . If future phases are different then staff would have the
20 option to bring the phases back to Planning & Zoning and Council for approval.

21
22 Planner Smith said applicant was looking to get approval for a PUD application for
23 91 units and Subdivision Plat for phase 1.

24
25 In what follows, the application will be assessed according to the criteria outlined in
26 *Municipal Code* 17.100.090:

- 27
- 28 1. Generally compatibility with adjacent land uses;
- 29 2. Consistency with the comprehensive plan;
- 30 3. Town's capacity to serve water and sewer and provide fire and police
31 protection;
- 32 4. Whether land uses are permitted outright or by special review;
- 33 5. Whether number of dwelling units permitted by the underlying zoning
34 districts is not exceeded by the PUD plan;
- 35 6. Whether the PUD utilizes:
 - 36 i. the natural character of the land,
 - 37 ii. provides for off-street parking, vehicular, pedestrian and bicycle
38 circulation, outdoor recreation,
 - 39 iii. is of overall compatible architectural design,
 - 40 iv. achieves adequate screening, buffering and aesthetic
41 landscaping,
 - 42 v. avoids development of areas of potential hazard, ensures
43 compliance with the performance standards and meets all other
44 provisions of this title.
- 45

46 **IV CVR Purpose and Approval Criteria:**

47
48 *Castle Valley Ranch PUD – Purpose*

49
50 According to Municipal Code section 17.104.010, the purpose and intent of the

1 Castle Valley Ranch PUD zone district regulations are to:
2

- 3 1. Encourage variety in the physical development pattern of Castle Valley
4 Ranch;
- 5 2. Provide a variety of housing densities greater than would be normally
6 possible;
- 7 3. Encourage the use of a more creative approach to the development of land;
- 8 4. Encourage a more efficient, aesthetic and desirable use of open space;
- 9 5. Encourage a more efficient use of energy through solar orientation, native
10 vegetation, and water conservation;
- 11 6. Provide a variety of dwelling and building designs;
- 12 7. Provide high standards of development and provide amenities appropriate to
13 the densities involved in the project;
- 14 8. Provide an integrated open space system throughout areas as outlined on the
15 Castle Valley Ranch PUD zoning plan as well as throughout individual
16 districts;
- 17 9. Provide for a variety of housing types in order to best meet the housing
18 demands of all age groups;
- 19 10. Maintain and preserve the general alignment of drainage ways for aesthetic,
20 energy and functional purposes;
- 21 11. Provide pedestrian networks throughout the open space districts as well as
22 throughout individual districts thereby providing an integrated network
23 throughout the entire development;
- 24 12. Provide landscape areas and tree plantings throughout the entire
25 development.

26
27 It is helpful to have these priorities in mind when considering an application's
28 degree of conformance with the following approval criteria.

29
30 *Approval Criteria*

31
32 **1) Is the proposal generally compatible with adjacent land uses?**

33
34 The property is surrounded by mixed-use and residential zoning. Currently
35 all surrounding development consists of either single family homes or
36 multifamily dwellings. The proposed units are modeled after the tri-plexes
37 located off of Redstone Drive – sized between 1,600sf & 1,796sf – and
38 include four designated open spaces.

39
40 **Staff Comment:** Since the adjacent land uses are comprised of residential and
41 open space, and the proposal resembles the tri-plexes built in Filing 9 on Redstone
42 Dr. and Foxwood Ln., it is reasonable to conclude that the proposal is broadly
43 compatible with surrounding uses.

44
45 There is some apprehension with the blunt transition from large single family
46 homes directly to the west (3,000-4,000 sf on South Wild Horse Dr.) to the higher
47 density 3 & 4-plexes proposed. The transition to higher density may have some
48 adverse effects on property assessments in one way or another. Because of added
49 congestion, noise, loss of view planes, without additional amenities the homes on
50 South Wild Horse Dr. could suffer from external obsolescence. Conversely the close

1 proximity of the higher value homes to the proposed development may artificially
2 inflate the property values of the multi-family homes. These effects might be
3 avoided by replacing some of the multi-family lots with smaller single family
4 dwellings, particularly on the west side of Eagle Ridge Dr. Alternatively these
5 threats might be mitigated with increased open space and ample landscape buffers.

6
7 Finally, it is difficult to assess future compatibility of the proposal with the
8 undeveloped properties to the East – parcels which the applicant currently owns.
9 For example, were the current application to be approved, how would it impact the
10 future design of the mixed-use zone PA17 to the East? At this time the
11 expectation for this parcel is unknown. With greater visibility, however, the town
12 would be in a better position to determine the suitability of the current application.

13
14 Degree of Conformance: Moderate/High

15
16 Commissioner McDonald asked about the ways to mediate the 70 feet of
17 transitional area between single family and multi-family units.

18
19 Planner Smith said simply to add trees and landscaping. Also to soften the
20 transition there could be different types of units.

21
22 Commissioner Bourquin asked about the emergency access to Mt. Medris regarding
23 the width, right-of-way or spaces needed for the fire department to have access.

24
25 Planner Smith said he was not certain.

26
27 Town Engineer Jeff Simonson said it all depended on the type of vehicle that was
28 used.

29
30 Commissioner Bourquin said there would be some grading that would need to be
31 done.

32
33 Planner Smith said that could be done. The biggest concern was the slope and
34 some of the bigger vehicles that may not be able to get up N. C. Avenue.

35
36 Commissioner Riddile asked if the fire department has asked or requested
37 emergency access from N. C. Avenue to Castle Valley Ranch.

38
39 Planner Smith said it was brought up by staff during sketch plan review.

40
41 Commissioner Westerlind asked what the spacing of the units were compared to the
42 units on Redstone Drive and Foxwood Lane.

43
44 Planner Smith said thought the setback was 10 feet and 20 feet between buildings.

45
46 Commissioner Riddile said on the other side of South Wild Horse Drive and Little
47 Bear Peak it does transition to an exclusively townhome area. The area between is
48 a minimum of 70 feet, then it gets larger at Hot Shot Park.

49

1 Commissioner Bourquin said according to the Division of Wildlife there is significant
2 wildlife movement in the filling 11 area and would that be accommodated and on
3 the plans. She thought that perhaps 70 feet would be a small wildlife corridor.
4

5 Planner Smith said he had spoken with Colorado Wildlife District Manager, Brian
6 Gray. Mr. Gray said there is no determined feet required for wildlife corridor
7 because there are so many people going through the corridor on foot, with dogs
8 and on bikes. He said that once the area becomes a green space it loses the
9 significance of a corridor. If the opportunity existed for creating wildlife movement
10 corridors on the edges of the development, the developer should reclaim using
11 appropriate vegetation and it should contain visual and noise barriers. Some wildlife
12 species may still attempt to access the area to the south of the development, so a
13 vegetative barrier may provide some mitigation for the disruption of the site.
14 Planner Smith said however, there was one other alternative: the drainage by the
15 roundabout that could potentially be used for the wildlife corridor.
16

17 Applicant Aaron Atkinson (CVR Investors) said he had heard the discussion
18 regarding the emergency access from N. C. Avenue to Castle Valley Ranch. After
19 looking at it, the grade is too significant to be willing to look at something like that.
20

21 Mr. Atkinson said regarding the wildlife corridor concern, he agreed that the area to
22 the east of the property would be more suitable area for the corridor.
23

24 Chair Apostolik asked Mr. Atkinson if there were plans to landscape the backside of
25 the properties to enhance the transition between single family and multi-family
26 units. Because all that is shown the plans is generic landscaping which includes
27 some irrigation, a few trees in front of the houses off of Castle Valley Boulevard but
28 nothing the other way.
29

30 Mr. Atkinson said regarding the transition and with respect to what the town
31 pointed out, CVR Investors disagreed. Mr. Atkinson said he had looked over the
32 Comprehensive Plan and was familiar with the discussions about diversification in
33 regards to housing products. He said that the Comprehensive Plan is not read in
34 isolation about one filing, and it is not a Castle Valley Ranch specific document. It is
35 a Town of New Castle document. He said that the diversification requirement that is
36 encouraged not just in one specific parcel but across the entire town. He felt that
37 the town was not in a position where there was enough multi-family product that is
38 a price point to meet what the demand is. CVR Investors felt the proposed town
39 homes can and will meet the current demand.
40

41 Chair Apostolik said it was not so much the transition from single family to multi-
42 family. The concern was the transition between the existing homes and the new
43 development coming in.
44

45 Mr. Atkinson said during the discussion at sketch plan there was conversation about
46 a softer transition that could be made. Perhaps single family homes along the
47 westerly Eagles Ridge Drive to soften the transition to S. Wild Horse Dr.
48 With regards to open space "A", Mr. Atkinson said that CVR Investors did provide a
49 generic landscaping plan intended to meet with the open space. Mr. Atkinson said
50 he was open to some discussion regarding landscaping and open space "A" with the

1 understanding that would ultimately give to the town and there will be maintenance
2 required. He said he understood the concerns of the citizens regarding multi-family
3 right next to a development on S. Wild Horse that are single family units. He said
4 there will be plenty of square footage from building envelope to building envelope.
5 By design there will be two sections of landscaping and it's appropriate for the
6 parcel.
7

8 Chair Apostolik said there was a difference in the transition and part of the concern
9 at the sketch plan hearing was that the homes were all the same. . Some ideas
10 were to change the texture or siding.

11 Mr. Atkinson said the architectural plans that were submitted were conceptual only.
12 The anticipated design was tri-plexes and quadraplexes they will have the same feel
13 as the buildings on Redstone Drive. The buildings will be a contemporary design
14 and not be a row home in a tract development. The design of the tri-plexes
15 specifically will look like a single family home without being a single family home.
16 The buildings will look marginally different from one to the next.

17 Mr. Atkinson said that he could not say what the design would look like at this point
18 in the development.
19

20 Commissioner Bourquin said as far as the triplex and quadraplex, she supported the
21 product type. An increase in density starts to provide assessable, affordable
22 housing.

23 Commissioner Bourquin said that housing mix and diversity means both product
24 and price point. The diversity of housing is when there is different product type and
25 price points that are offered. That is what the Comprehensive Plan is referencing
26 regarding diversity and housing mix. Offering different houses for all stages of life
27 and all ranges of income. She felt that Triplex and quadraplex were the same and
28 missing the diversity.
29

30 Commissioner Westerlind asked Mr. Atkinson what the anticipated price range
31 would be.
32

33 Mr. Atkinson said he did not have an answer, however, the price points for the units
34 on Redstone Drive were between \$350,000.00 and \$390,000.00. Of course, it is
35 subject to market conditions.
36

37 Planner Smith said some of the end units on Redstone Drive sold in the low
38 \$400,000.00 range.
39

40 Commissioner Sass said that looking at the zoning map, on S. Wild Horse Drive the
41 map showed residential it does not say mix use or multi-family housing. Therefore,
42 she felt that the property should be developed into single family homes and not
43 multi-family homes.

44 Planner Smith explained that multi-family was allowed in residential and mixed-use
45 zones.
46

47 Planner Smith asked Mr. Atkinson if the architectural plans were conceptual plans
48 meaning that is what would be built.
49

1 Mr. Atkinson said yes, that is what CVR Investors will be building, but they are
2 conceptual in the sense that the veneer and color, etc. are broad strokes of what
3 will be built. The floor plans are the same but the aesthetics are not yet known.
4

5 Planner Smith said since the application was at final it was considered to be what
6 you see is what you get. Staff needed to be sure what has been submitted is what
7 CVR Investors are planning to build.
8

9 Mr. Atkinson said that is what will be built. Colors and products cannot be specific,
10 but the floor plans and the structure is what is shown on the architectural plans.
11

12 **2) Is the proposal consistent with the Comprehensive Plan?**

13
14 The Comprehensive Plan anticipates future development to follow the Smart-
15 Growth model (Goal CG-5). Values of smart-growth include:
16

- 17 • Livability
- 18 • Efficiency
- 19 • Affordability
- 20 • Environmentally Conscious

21
22 Central to this model is the concept of “place-making”. Place-making is a
23 strategy promoting attractive, livable communities which, in turn, drive
24 place-based business and investment while discouraging economic
25 outsourcing. The community’s intrinsic strengths are primary to all
26 development concepts. Incremental building, balanced housing types, transit
27 alternatives, recreational opportunities, and even commercial services are
28 believed to help create attractive communities which are environmentally
29 friendly and compatible with the community’s needs. The CVR Master Plan
30 purposely arranged mixed-use zones contiguous with residential zones to
31 help preserve a place for services, amenities, and public wellness to achieve
32 these ends.
33

34 **Staff Comment:** The Applicant proposes higher density townhomes. This
35 was a helpful first-step in restraining sprawl and resonates with the more
36 urban flavor specified by the Comprehensive Plan. The proposal
37 speculates that higher density should furnish more affordable options for
38 young families, professionals, or those looking to downsize (CP Goal HO-
39 2). Though the affordability is not at the level of deed restriction, the
40 units should match an attractive price-point in the Valley.
41

42 Higher density should not, however, sacrifice health and wellness. Staff
43 believes the current proposal risks sacrificing livability with the congestion
44 caused by bulk residential growth. A balance might be struck by
45 eliminating some buildings while increasing some tri-plexes to
46 quadraplexes. Or, reduce all quadraplexes to tri-plexes. With livability in
47 mind this move would create greater buffer space between structures to
48 meet the topography challenges, snow storage needs, trail placement,
49 and parking limitations discussed below.
50

1 The Comprehensive Plan expects a balance of land-uses particularly with
2 development over 50 lots (Comprehensive Plan Goal CG-4A) and
3 especially when the development lies within a mixed-use zone. A mixture
4 of home designs, integrated service amenities, non-vehicular connectivity,
5 and generous open space will go a long way in improving community
6 wellness and pairs better with the tenants of Smart-Growth.
7

8 The proposal demonstrates dedication of the required 10% of lands with a
9 grade less than 35%. This amounts to ~1.5 acres of land. The adequacy
10 of this dedication is discussed below. Other than space allocated to
11 pedestrian paths, only Open Space "C" is reserved for potential recreation
12 (Comprehensive Plan Goal POST-2).
13

14 The Colorado Parks & Wildlife referral indicates that the current proposal
15 would continue to compromise wildlife habitat. The referral concludes, "If
16 the opportunity exists for creating wildlife movement corridors on the
17 edges of this development, they should be reclaimed using appropriate
18 vegetation and should contain visual and noise barriers. Some wildlife
19 species may still attempt to access the area to the south of this
20 development, so a vegetative barrier may provide some mitigation for the
21 disruption at the site" (Comprehensive Plan Goal EN-1).
22

23 Is the project sustainable? The Comprehensive Plan (Goal CG-7) and
24 *Municipal Code* (17.100.060) requires a fiscal impact study by final
25 application to determine the future fiscal sustainability of public
26 improvements. However because of the many variables and costs
27 involved in a fiscal analysis, a full-on return on investment study was not
28 requested. In theory, a fiscal analysis would indicate that the town is
29 better off with rather than without the proposed development. Some beta
30 to help demonstrate this benefit:
31

- 32 • The town has historical placed the burden of the initial
33 infrastructure improvements on the developer (Goal I-1A).
- 34 • The application narrative explains that the 91 units will generate
35 roughly \$1.66 million in permit fees, water taps, recreation fees,
36 and use tax. However, other than use tax (~13% of permit fees or
37 \$221,000 of the \$1.66 million) and recreation fees (\$45,500 for all
38 91 units), permit fees are usually a zero sum.
- 39 • The town can expect revenues for infrastructure through a portion
40 of the 8.551 mills on property assessments. For an average
41 townhome in New Castle this amounts to \$210/year.
- 42 • The town can expect revenues from sales tax (29% of all sales
43 taxes is reserved for road maintenance and another 21% is
44 reserved for parks and recreation).
- 45 • According to Public Works, the rule-of-thumb is that the town
46 typically depends on \$3,640/year per lane-mile for road paving and
47 utility repair.
48

49 A fiscal impact study would combine these metrics with other dynamics to
50 demonstrate the economic feasibility of development. For now it should help

1 stimulate thought regarding known revenues and expenditures.

2
3 Degree of Conformance: Low/Moderate

4
5 Chair Apostolik asked Planner Smith the reasoning for the degree of conformance of
6 low/moderate.

7
8 Planner Smith said the low/moderate has more to do with the smart growth model.
9 Whether the community is livable/affordable and economically conscience, but has
10 higher density. The biggest effects will come from snow storage, trails and parking,
11 and may impact wildlife and whether or not the open space is usable. Planner Smith
12 said that nothing had really changed from Sketch Plan to the Preliminary/Final Plan.
13 He asked if the commission was satisfied with the one 5-acre open space parcel or
14 did they want something that was more usable for picnic and parks, and should
15 there be another park that is dedicated to the town that would have to be
16 maintained.

17
18 Chair Apostolik asked if open space was an arbitrary term.

19
20 Planner Smith said that open space just meant there were no structures.

21
22 Commissioner Riddile said should look at what a sub association could do with a
23 pocket park. If the town does accept another pocket park was it possible give some
24 responsibility to a sub association.

25
26 Chair Apostolik asked Mr. Atkinson if they were looking at having a Home Owners
27 Association (HOA) in filing 11.

28
29 Mr. Atkinson said yes, there would be two layers. First would be in the Castle Valley
30 Ranch Master Association, then there would be a sub association for just that filing.
31 The sub association would be similar to filing 9. The sub association would be
32 dealing with the open space issues other than open space "A" because open space
33 "A" is the towns.

34
35 Commissioner Bourquin said after reading the citizens letters and staff comments,
36 open space was very valuable to the community. Since COVID-19 it had become
37 more import to the health and wellbeing of the community. With the increase of
38 density open space becomes more important for the wellness and livability of the
39 community.

40
41 Commissioner Westerlind said the way the project was laid out there was no extra
42 parking for the open spaces or for community gatherings. There was no way for
43 people to get to know their neighbors.

44
45 Commissioner Riddile asked Mr. Atkinson what his willingness was to reduce the
46 number of units in the proposed development for livability. The units would be
47 replaced with snow storage, parking and open space.

48
49 Mr. Atkinson said each item needed its own discussion. Regarding the open space
50 the development has met the requirement and the criteria. CVR Investors had gone

1 through a lot of time and money to get the design to the point it was at. The design
2 started as a configuration of roads and drawings that made it to town council 10
3 years ago. He said their willingness to redraw was reduced even from sketch plan.
4 Mr. Atkinson said that regarding the open space the answer was no. Mr. Atkinson
5 said that snow storage needed to have its own discussion because they had
6 submitted a new plat that showed additional snow storage.
7

8 Commissioner Bourquin said market data from 2008 should not have been used to
9 determine market feasibility. When CVR Investors shifted typology so significantly,
10 adding nearly 40 percent more product. She asked why that was not cause for a
11 second look at grading, roads lay out, utilities and open space.
12

13 Mr. Atkinson said partly because the data would show the transitions in terms of
14 demographics from 2008 to 2020 have not changed so dramatically that would
15 require dramatic changes to the design. The codes and requirements as of 2008 are
16 not substantially different as they are in 2020. The only different is New Castle
17 needs more multi-family product then it ever did back in 2008.
18

19 **3) Does the town have the capacity to serve the proposed use with**
20 **water, sewer, fire and police protection?**
21

22 Per the 2002 Second Amended Caste Valley Ranch Annexation Agreement,
23 the Castle Valley Ranch PUD is has been allocated a maximum of 1400 total
24 units. Currently an estimated 530 lots remain vacant. Dedicated water rights
25 are still available for the proposed development.
26

27 **Staff Comment:** Public Works has confirmed that
28 adequate water and sewer capacity are available for
29 the number of lots proposed. According to the
30 *Comprehensive Plan* and the Castle Valley Ranch
31 Master Plan, a raw water loop for all landscape
32 hydration should be featured. A water testing
33 station for the Filing 11 has also tentatively been
34 planned per Public Works recommendation.
35



36 All Staff have responded negatively to the width of the proposed road
37 right-of-ways (ROW). Currently the proposed design
38 is for 50' ROW or 37' flowline-to-flowline. This
39 includes two 10.5' drive lanes, two 8' parking lanes,
40 and two 5' attached sidewalks. This indeed is the
41 minimum requirement for all local residential roads
42 (*Municipal Code 16.28.050 §H*). To improve public
43 safety, snow storage, and optimize the pedestrian
44 experience, Public Works recommends detached
45 sidewalks with an additional 5' green buffer. The result would be a 60'
46 ROW similar to N Wild Horse Dr. and other collector streets. The Police
47 Chief would preference limiting parking to one side of street based on the
48 poor track record of moving emergency personal and equipment in the
49 Town's multi-family residential neighborhoods.
50



1 The 50' ROW in the higher density neighborhoods becomes increasingly
2 problematic when snow storage is taken into account. Firstly, it is not
3 easy to push snow down the middle of the street with 21' of total travel
4 lane and vehicles parked on both sides. The driver must be attentive to
5 snow "wake" or throwing snow from the blade
6 into the sides of vehicles. Secondly, when snow
7 storage is poorly located, snow removal
8 becomes highly inefficient and expensive. On
9 heavy snow days, snow will be pushed into
10 large piles in vacant parking spaces for staging
11 until loaders and trucks haul it off – pushing
12 snow is quick and inexpensive; Lifting and
13 hauling snow is unreasonable when other



14 alternatives for street design are available. Finally, with vehicles parked
15 on both sides of the street, snow crews usually must return multiple times
16 to clear area where vehicles were originally parked. In the end, narrower
17 ROWs usually bring a cost advantage to a developer. However for the
18 Town of New Castle, the minimized widths have proven to be an ongoing
19 challenge.
20

21 Degree of Conformance: Moderate

22
23 Town Public Works Director John Wenzel said after reviewing the application has
24 the following comments:
25

26 **Streets and Sidewalks**

27 With the ultimate buildout of the adjacent property located to the east
28 of PA 17 & 19, Bear Canyon Drive will likely have high traffic volumes and
29 will function more as of a collector street than as a residential street. Our
30 Municipal Code defines a collector street as: "those with low to medium
31 traffic volumes, whose purpose is to provide access to residential areas
32 and to channel traffic from residential areas to arterial streets." The
33 Public Works Department recommends that Bear Canyon Drive have a
34 right-of-way of 60 feet, to include 2/12' wide travel lanes, 2/8' wide
35 parking lanes, 2/5' wide "green belts", and 2/5' wide sidewalks. The
36 incorporation of the "green belt" will provide much needed snow
37 storage space. The alternative to storing snow in the "green belt" is
38 storing snow in the parking lane. Storing snow in the parking lane causes
39 drivers to partially park in the travel lane, creating dangerous
40 conditions for motorist. This can be especially hazardous on high
41 volume roads.
42

43 Falcon Ridge Ct. has been designed as a dead-end street. The town's
44 Municipal Code does not permit this design standard. Dead-end streets
45 do not efficiently and safely accommodate all modes of travel,
46 particularly emergency vehicles, maintenance vehicles, and delivery
47 vehicles. Dead-end streets often result in conflict between private
48 property owners and vehicle operators, especially when vehicle
49 operators require the use of private property to safely turn around.
50

1 **Snow Storage**

2 High density developments make snow removal services extremely
3 difficulty and time consuming. The close proximity and the large number
4 of driveways greatly reduces snow storage availability. Additional design
5 standards should be considered, including, "green belts", designated
6 snow storage areas, and ample off street parking.
7

8 **Open Space**

9 The applicant indicates that Open Spaces B, C and D are to be conveyed
10 to the Castle Valley Ranch HOA. We should make sure that that is an
11 acceptable situation with the Castle Valley Ranch HOA authorities.
12 Otherwise, it may be necessary for the applicant to create a sub HOA.
13

14 Colorado River Fire Rescue Fire Marshal Orrin Moon stated in a letter after
15 reviewing the plans for Castle Valley Ranch Mr. Moon had the following comments:
16

- 17 1. The phasing of the construction does not say if infrastructure is in place prior
18 to construction of buildings. We need information on how the phasing will be
19 done, roads, (all weather driving surface), waterlines and fire hydrants will
20 be installed and in service. Buildings shall not be built prior to roads,
21 hydrants and water supply being in service.
22 2. Phase 1 shows a dead end with provisions of a fire truck turnaround installed
23 at the beginning of Falcon Ridge Court. Phase 2 shows no fire truck
24 turnaround at the end of the street. Fire truck turnaround on all-weather
25 driving surface is required.
26 3. All street names shall be cleared through Garfield County Communications to
27 avoid any duplication of street names in the county dispatch area.
28
29 Address numbering shall be sequential and based on distance from entrance
30 of street. Fire Marshal will submit names to Communications for approval.
31 4. Falcon Ridge parking entrance will work for a fire truck turnaround on the
32 street. Parking signage shall be installed on turnaround to disallow any
33 parking other than the established parking spots. Wording on signage shall be
34 approved by Fire Marshal.
35 5. Fire Hydrant Detail on plans will be strictly enforced as to finish grade
36 elevation. Hydrants too low will be reviewed by fire marshal and New Castle
37 Public Works to determine if an extension is needed prior to final approval.
38 Any vegetation located near fire hydrants shall be planted to allow growth
39 which will never obstruct a 3' radius around fire hydrant.
40

41 Garfield County Emergency Communications Authority Tom Holm and Colorado
42 River Fire Rescue John Gredig stated in a response to naming of streets: There are
43 currently the following street names: Bear Paw Lane, Bear Wallow Lane, Bear Ridge
44 Road, Black Bear Road, Golden Bear Road., Little Bear Peak, Eagle Ridge Drive and
45 many other street names with Eagle. However, Falcon Ridge Court is fine, currently
46 there are no other Falcon street names.
47

48 Chair Apostolik asked Town Engineer Jeff Simonson why was the recommendation
49 was NOT to put the buffers in simply because of the deterioration of the roads.

1
2 Mr. Simonson said he did not address the buffers because public works might need
3 to add a place for snow storage and to resolve the ongoing dispute with land
4 owners shoveling the sidewalk into the streets and public works plowing the snow
5 back onto the sidewalks. There were problems in Lakota Canyon Ranch where the
6 buffers caused an issue undermining the sidewalks and roadway. There was some
7 construction issues associated with that, but it could be done properly.
8
9 Chair Apostolik said looking at the design plan there was no buffer shown. He asked
10 if town staff gone through the plan designed by SGM and was the applicant made
11 aware of the buffering request.
12
13 Mr. Simonson said he believed that was a discussion during sketch plan.
14
15 Director Wenzel said the buffers was part of his comments during the sketch plan
16 process.
17
18 Chair Apostolik said the current plans did not address the buffers.
19
20 Mr. Simonson said the current plans did meet the requirements of the code. There
21 was a problem with snow storage. Buffers would be the best way to resolve the
22 issue with snow storage. Planning & Zoning Commission and Town Council could
23 have include a resolution of the snow storage issue as a condition of approval. The
24 current proposal is to have the sidewalk to the back of the curb.
25
26 Commissioner Riddile asked Director Wenzel if he has looked as the proposed snow
27 storage plan.
28
29 Director Wenzel said he had and it was the biggest concern. As far as public works
30 and maintenance standpoint looking at the high density developments there's
31 always concerns about the level of service for snow removal and snow storage. He
32 said there are a number of solutions or combination of solutions that could be
33 implemented such as green belts, wider right-of-ways, parking restrictions and
34 dedicated snow areas. Director Wenzel said that what make it difficult was the
35 number of driveways and the number of parked cars on the street. He felt green
36 belts were very effective.
37
38 Commissioner Riddile asked Mr. Atkinson if he was open to any of the suggestions
39 from the public works and town engineer regarding snow storage.
40
41 Mr. Atkinson said yes. The current design surrounded a couple of concepts. One
42 concern was water getting underneath the gutter and the street. The second
43 concern is currently there is 25' from sidewalk to garage. The green belt in the
44 development going back and redrawing and by redrawing things either gets pushed
45 back or drawn in to an extent that is not workable. Limiting the snow storage to
46 Little Bear Canyon Dr. Open to parking restrictions to help accommodate some of
47 the issues in terms of snow storage.
48
49 Commissioner Riddile asked Director Wenzel if the snow storage shown on the
50 plans were adequate.

1 Director Wenzel said snow storage areas are difficult because snowplows are not
2 designed to carry snow, they are designed to push snow. Carrying snow and putting
3 it in a designated snow storage area takes a lot of resources from public works.
4 Public Works does not have much personnel or financial resources. He said that a
5 designated snow storage area as the only solution to the problem would increase
6 the work load by 5-8 percent. That meant there had to be more plow drivers and
7 equipment operators for snow hauling. Designated snow storage is part of a
8 solution but it is not the only solution. In addition, he said that point loading snow
9 storage caused water not to flow during the freeze/thaw cycles causing ice build-
10 up.

11 Director Wenzel said he had proposed a number of solutions to the applicant. Have
12 spoken with the applicant about green belts which are very effective. He noted that
13 the failed roadway in Lakota had to do with the quality of construction and not the
14 presence of the green belt. Director Wenzel said that green belts, designated snow
15 storage area and off street parking make plowing more efficient.

16
17 Engineer for CVR Investors Dan Cokley said the spaces that were chosen for snow
18 storage was because the spaces were available on the plan and he said he believed
19 the streets had enough slope that the water will flow when the snow melts.

20
21 Mr. Atkinson said green belts are something the applicant will not consider because
22 that meant going back to the drawing board and starting over. However, they
23 would consider Bear Canyon Drive. Also, he said that parking restrictions could be
24 looked at to help public works.

25
26 Director Wenzel said Bear Canyon Drive would be the very minimum with regards
27 to the green belts because that looks more like a collector street than a residential
28 street. The way that it's designed now the only alternative was to store snow in the
29 parking lane, which means people will park in the drive lane. He said when people
30 park in the drive lane that creates a hazard. Particularly on a heavily traveled road
31 like Bear Canyon Drive. Public Works was not concerned about the extra work
32 related to snow removal but more concerned about the limited resources and the
33 level of service to the residences living the neighborhoods and the livability of the
34 subdivision.

35
36 Commissioner Westerlind asked Director Wenzel if having an alternating parking
37 plan such as certain days of the week on one side and other days on the opposite
38 side of the street might work.

39
40 Director Wenzel said yes. That type of plan has worked in other neighborhoods with
41 the cooperation with sub HOAs. Again, he said that was another possible solution.

42
43 Town Administrator Dave Reynolds said you have to look at the how often you have
44 opposing driveways across the street from one other in the development and the
45 ability to have alternating side of the street parking. Looking at the driveway
46 layout, whether or not there is any space for alternate side parking may be
47 inhibited by the driveways.

48
49 Engineer Simonson said between each block of units, for example building 1 and 2,
50 there is significant space between driveways where you have the ability to bump

1 out the sidewalk and create a space to provide snow storage that could be directly
2 plowed from the street. That could be repeated between each building, providing
3 scattered locations to store some of the snow.

4
5 Mr. Atkinson said that could be something they would look at. Then that would
6 address CVR Investors concerns regarding the driveway clearance and people's cars
7 off the sidewalk.

8
9 Commissioner Bourquin asked about using intersection bump-outs for landscaping
10 buffers that would also provide for snow storage.

11
12 Mr. Atkinson said he does think so, but he had not looked at the bump-outs in
13 those terms..

14
15 Chair Apostolik asked if the sub association could take care of plowing even though
16 the town owned the streets.

17
18 Director Wenzel said that often times there were difference in ideas of how to
19 maintain the streets, therefore the town often takes back the maintenance of the
20 streets.

21
22 Chair Apostolik asked if there was a way the town could collect from the HOA when
23 the town has to take back the streets.

24
25 Director Wenzel said that he did not have an answer.

26
27 Administrator Reynolds said it got difficult when the town breaks away from the
28 normal, and created phases around town that all have different ways of maintain
29 the streets, the agreements often fall apart and it makes it harder to manage.

30
31 Commissioner Riddle asked Mr. Atkinson if building 1-6 could they be moved 5 feet
32 to the North and West then, shift everything else 5 feet. That would create a green
33 belt on one side of Eagles Ridge Dr.

34
35 Mr. Atkinson said every change to the plan does have an effect then it would seem
36 not say the least monetary. So, therefore it would not be something to consider.

37
38 **4) Are the uses proposed within the PUD permitted outright or by**
39 **special review?**

40
41 The proposal spans two distinct zones according to the Castle Valley Ranch
42 Updated Master Plan Map. A residential zone, comprises the northern third
43 of the development (5.1ac). The southern two-thirds, identified in red, is
44 zoned mixed-use (8.8ac). The Applicant indicates that the site specific
45 zoning is entirely multi-family MF-1, defined as a "multifamily townhouse and
46 patio home district allowing for creative approaches to development with
47 housing alternatives that are sensitive to existing and surrounding land uses"
48 (17.104.080 A.3). In both residential and mixed-use zones, townhomes are
49 permitted by right.
50

1 **Staff Comment:** Though the use intended is one of several permitted by
2 right, the commitment to only residential development in a zone
3 dedicated to mixed-use is not how the code defines mixed use in Castel
4 Valley Ranch (*Municipal Code* 17.104.080). Mixed use is purposely
5 designated for a mixture of uses in accordance with the Smart-Growth
6 model discussed earlier:
7

- 8 • MU-1: "mixed use district providing a mix of residential and
9 nonresidential land uses within close proximity to each other that
10 are suitably located within the community core."
11 • MU-2: "mixed use district providing a mix of residential and light
12 industrial, office uses within close proximity to each other where
13 complementary business uses may be permitted, and where higher
14 intensity uses will be permitted that may not be suitable within the
15 community core."
16

17 Nevertheless, converting the MU zones to all residential has become an all
18 too common practice for developers in New Castle. Understandably, the
19 alternative – nonresidential/commercial development – comes with
20 economic risk, for it is arguably more difficult to fill commercial space.
21 However, as noted in a previous development application, the town
22 struggles to correct the current imbalance between residential and
23 commercial, which has contributed to fiscal disparities.
24

25 Staff contends that demand from the community plus demand from
26 business interests makes provisions for commercial services and vendors
27 more viable than in years past. The current Lakota Canyon Ranch Deli
28 and the former veterinary clinic on 7th Street are testaments to successful
29 business approaches integrated within predominantly residential areas.
30 Fourmile Mountain Market in Glenwood Springs, Southside Drive in Basalt,
31 and Eagle Ranch in Eagle are further instances of discrete commercial
32 ventures in the heart of established residential neighborhoods.
33

34 Staff maintains, then, that the developer consider strategic locations for
35 smart commercial options in their development plans. One suggestion
36 might be to negotiate a zoning change which dedicates specific locations
37 and/or functions that are deemed viable commercial areas. To move
38 forward without any considerations means the permanent loss of another
39 nine acres of the town's limited mixed-use property.
40

41 Degree of Conformance: Low/Moderate
42

43 Commissioner Westerlind asked Planner Smith what was the ratio between
44 commercial and residential rooftop compared to a similar town.
45

46 Planner Smith said he did not have a number.
47

48 Town Attorney Haley Carmer asked Planner Smith what the acreage was of the MU
49 portion of filing 11 compared to rest of the MU that CVR Investors owned.
50

1 Planner Smith said in filing 11 was just under 9 acres, and that he was not sure
2 what the remaining acreage was.

3
4 **5) Is the number of dwelling units permitted by the underlying zoning**
5 **districts exceeded by the PUD plan?**
6

7 The number of dwelling units in Castle Valley Ranch is restricted in two ways:
8 1) total number of units for all of Castle Valley and 2) minimum lot area per
9 dwelling unit provided in tables found in *Municipal Code* 17.104.080 §H.
10 Currently there are approximately 530 vacant lots in the Castle Valley Ranch
11 PUD. With approximately 186.5 usable acres remaining, the average density
12 would approach 2.8 units per acre. Furthermore the applicant has elected
13 the MF-1 zoning designation which limits the lot size for residential units to
14 no smaller than 2,200sf. At this lot size the allowed density could approach
15 an unrealistic 19.8 units/acre. The Castle Valley Ranch mixed-use zones are
16 also allocated up to 100,000 aggregate square feet of commercial space
17 which, like Lakota Canyon Ranch, has yet to be developed.
18

19 **Staff Comment:** The present application represents 91 units on 15ac for
20 a density of 6.1 units per acre which, though more than double the
21 average remaining density in Castle Valley Ranch, is far less than the 19.8
22 units/acre which could be allowed. If this proposal were approved the
23 average remaining density would then fall to 2.6 units/acre. Staff believes
24 this is manageable in theory.
25

26 In sum, though the density is significantly higher than many parts of the
27 overall PUD, it would not affect the build-out of other parcels too
28 adversely. For the application density, strictly speaking, should not be in
29 conflict with the code requirements.
30

31 Degree of Conformance: High
32

33 Chair Apostolik asked if the development went to a higher density in another
34 portion of Castle Valley Ranch that was acceptable, then could the rest of property
35 remain open space once the maximum buildout was met.
36

37 Planner Smith said yes. There is a cap of 1400 units for Castle Valley Ranch.
38

39 Attorney Carmer said that regarding the land that was subject to the restrictive
40 covenants, once the 303 units were built, unless the covenants were amended or
41 voided somehow, the applicant cannot go above that number because of a private
42 contract. Notwithstanding if there are still units available under the 1400 units in
43 Castle Valley Ranch.
44

45 Chair Apostolik asked if the restrictive covenants could be changed without the
46 town's approval.
47

48 Attorney Carmer said yes. Just like it was imposed without the town's say in the
49 first place.
50

1 **6) Does the PUD proposal:**

2
3 **i. Provide off-street parking –**

4 Castle Valley Ranch requires two
5 off-street parking spaces per unit
6 (17.104.100). The proposed design
7 shows single-vehicle garages, with
8 the driveway providing the second
9 off-street parking space. As



10 observed on Redstone Drive, the Riverpark Condos, and the Pyramid
11 Peak Townhomes, this design is less than optimal and, as discussed
12 above, compromises quality of life. In practice, these garages are
13 used for storage, the driveway used for one vehicle, and the ROW
14 used for all remaining vehicles. Together with sidewalks without green
15 buffers, garbage bins in the driveway, and cars along the curb the
16 congestion makes for an unpleasant pedestrian experience and
17 undermines the appeal of the community. Other options exist. Staff
18 encourages the Applicant to consider alternatives.

- 19
20 **ii. Utilize the natural character of the land –** Due to the moderately
21 sloped topography of the proposed 15 acres, some cut-and-fill will be
22 required for construction feasibility. On the north two-thirds of the
23 property, the Application will provide stepped lots. The lot lines will
24 likely require retaining features such as simple stacked-rock walls or
25 wood tie retention. To date, these details have not been furnished.



34
35 Moving south in the development creates greater design challenges
36 and topography alterations. Buildings 12 & 13 will require up to 36' of
37 structural fill at the base of Ganley Hill. To remain below an 8% road
38 grade the natural land contours will require alteration. At some point
39 significant fill material will likely need to be moved or imported to the
40 future Filing 12 to match the eastern grade with Filing 11. To retain
41 the property's natural character measures such as these should be
42 kept to a minimum.

- 43
44 **iii. Provide pedestrian and bicycle circulation –** Proposed sidewalks
45 help to provide safe egress from the street-to-home or from home-to-
46 home. The *Comprehensive Plan* (*Comprehensive Plan* Goal T-1)
47 envisions more for pedestrian circulation. Specifically non-vehicular
48 trail systems should contribute to local recreation. Staff feels the
49 current design has a solid start with 8' paths included to the north and
50 to the west of the development. Staff maintains that trail connectivity

1 could be increased internal to the development with small
2 modifications to the development plan. A connecting 8' trail at the
3 south end of Filing 11 and one that bisects the development is
4 advised.
5



6
7
8
9
10
11
12
13
14
15
iv. Provide outdoor recreation – Other than the existing C. Avenue trail and a small centrally located pocket park, there is no realistic component of outdoor recreation to this proposal. The 2008 application included a central one acre lot that

16 was accessible from two streets. Staff encourages the development to
17 have more useable open space than currently proposed. Elimination of
18 Building 20 at a minimum with some grading changes will be a positive
19 step in creating usable recreation space. An East-West connecting
20 trail, is included in the plan set along the south end of Eagle Ridge Dr.
21 to Bear Canyon Dr. Adding a landscape buffer of at least three feet
22 along this trail will provide better safety for pedestrian travel.
23

24 **v. Is of overall compatible architectural design, achieves**
25 **adequate screening, and ensures compliance with performance**
26 **standards** – The overall architecture will generally follow the design
27 aspects of the approved townhomes located on Redstone Drive and
28 Foxwood Ln. However, many of the buildings will be enlarged to
29 quadraplexes. Landscaping and screening are identified on sheets
30 L1.0-3.0. All landscaping shall conform to requirements set forth by
31 the relevant town codes and verified by the parks department. The
32 applicant will be expected to agree to the performance standards
33 adopted by the town.
34

35 Degree of Conformance: Moderate
36

37 Chair Apostolik asked Mr. Atkinson why the trail or road from the roundabout to
38 Bear Canyon Rd. was not complete going to the east when there was concern
39 during the sketch plan.
40

41 Mr. Atkinson said from a design point just was not something CVR Investors wanted
42 to put into the plans. He said that as a concession to the town, CVR Investors
43 decided to change it at lower portion to increase it to an 8 foot trail that would still
44 accomplish the East-West path.
45

46 Commissioner Bourquin asked if there was thought about stepping the units.
47

48 Mr. Atkinson said that was not something CVR Investors had looked at.
49

50 Chair Apostolik as Mr. Atkinson if that would something CVR Investors would be

1 willing to look at: stepping the units to allow some kind of pathway to go through.

2
3 Mr. Atkinson said tentatively that CVR Investors would look at it but were hesitant
4 to go much further because they were not sure what it would do to the Subdivision
5 Improvement Agreement (SIA) or the plan. He said they would be willing to speak
6 with the engineer about.

7
8 Engineer Cokely said what was driving the site were the road grades and not the
9 units. Stepping the units could work but the road grades that are there cannot be
10 adjusted because they were at maximum grade on Bear Canyon Dr. The site
11 balanced meaning there would not be any dirt being imported or exported.

12
13 Commissioner Westerlind said there was stock piled of 12,000 cubic yards of top
14 soil. That was a large amount to have to get rid of. He asked what the plans were
15 to moving that much soil.

16
17 Engineer Cokely said grading it all at once, however, it would be up to CVR
18 Investors about how it would be developed. If there was a stack pile there would be
19 erosion control around it and could be reseeded to protect it from erosion.

20
21 Mr. Atkinson said the excavation would be done in phases.

22
23 Engineer Simonson said the geotechnical report did spell out compaction
24 requirements for placing the fill. In buildings 12A-13C those units may have some
25 special consideration given in the foundation design to make sure they are not
26 compromised by settlement. He said they may need to have an additional soils
27 report done for building 12A-13C before construction.

28
29 Administrator Reynolds asked what the future was for the area where the fill dirt
30 would be. He said that if homes were to be built on there, that area would need to
31 be filled and brought back to road grade in order for the area to be developed.

32
33 Engineer Cokely said yes. The area to the East was graded similar to the current
34 project site. It would be the same amount of fill for the East side that there was for
35 the West side.

36 37 **V. Subdivision Approval**

38
39 A subdivision application will be approved by Town Council only if it is found to be
40 compliant with the criteria set forth in *Municipal Code* 16.16.030. A subdivision plat
41 will be provided at the preliminary stage of the application and will be reviewed by
42 the Town attorney and engineer for compliance. Per resolution PZ 2019-5, "One or
43 more amended plats to define the boundaries of the individual units within each
44 building shall be prepared for each building envelope based on as-built surveys
45 after construction, which may be approved on staff level." Sale of individual units
46 may not occur until the amended plat is recorded with Garfield County. Any
47 revisions and corrections will be made prior to Council meeting.

48 49 **VI. Staff Recommendations:**

1 Staff recommends the planning commission explore the following alternatives to the
2 proposal prior to deciding on resolution PZ 2020-06:
3

- 4 1. Integrate areas of strategic commercial development within the mixed-use
5 zone of the Castle Valley Ranch master plan.
6
- 7 2. Soften the transition created by the juxtaposition of large single-family
8 homes with multi-family townhomes.
9
- 10 3. Improve the parking arrangement and resulting traffic congestion that results
11 from parked vehicles along both sides of the streets.
12
- 13 4. Expand road ROWs to include 5' green buffers between road and sidewalk.
14
- 15 5. Improve pedestrian circulation to provide direct access to open space, parks,
16 and other areas of Castle Valley Ranch. Create greater trail connectivity.
17 Possibly add an east-to-west trail corridor throughout development and along
18 the southern property border
19
- 20 6. Expand Open Space C to include useable recreation space.
21
- 22 7. Provide a general plan for the vacant parcel east of the proposed
23 development in order to guide considerations for how best to use the mixed-
24 use zone, trail routing, and road configuration.
25
- 26 8. Eliminate Buildings 12 & 13 in order to minimize fill material at the south end
27 of the property and retain the natural topography.
28
- 29 9. Consider more strategic places for snow storage to minimize removal efforts
30 by Public Works.
31
- 32 10. Design C Ave as part of a greater wildlife corridor potentially accessible by
33 emergency vehicles when needed.
34
- 35 11. Street names be approved through Garfield County Communications to avoid
36 any duplication of names in the county dispatch area.
37

38 Attorney Carmer asked Mr. Atkinson if the areas outside of the footprint would be
39 limited common areas or general common areas. She also asked what he
40 anticipated the fencing to be around each of the units and how much is it would be
41 broken up.
42

43 Mr. Atkinson said that based on his experience on Redstone, people want fences, so
44 he anticipated there to be fences for many of the units. The HOA maintenance
45 would look a lot like filing 9 and would include outside of building envelopes.
46

47 Commissioner Westerlind asked Mr. Atkinson who would be responsible for the
48 maintenance of the landscaping of the open spaces at building A-D.
49

1 Mr. Atkinson said open space A would be the responsible of the town once it's
2 completed. Rest of the open space would the sub association.
3
4 Attorney Carmer asked Mr. Atkinson if CVR Investors would be building the trail
5 from Castle Valley Boulevard to C Avenue.
6
7 Mr. Atkinson said yes. The maintenance side, once complete, would be the town's.
8
9 Chair Apostolik asked Director Wenzel if there was specifications for trails so there
10 would not be any issues.
11
12 Director Wenzel said there had been a lot of consideration and he will ask for final
13 construction drawings that show what the trail profile, surface and subgrade would
14 look like.
15
16 Chair Apostolik asked Mr. Atkinson if he was in agreement.
17
18 Mr. Atkinson said yes.
19
20 Commissioner Westerlind asked Mr. Atkinson what was the anticipated repair of the
21 sewer line running down C Avenue and whether he will be replacing the entire road
22 and tying into the existing system.
23
24 Engineer Cokely said yes, CVR Investors would replace surface with asphalt millings
25 where the sewer cut lines were. In some areas it would be the entire portion of the
26 road. It will depend on what is disturbed.
27
28 **MOTION: Chair Apostolik made a motion to continue the public hearing to**
29 **May 27, 2020. Commissioner McDonald seconded the motion and it passed**
30 **unanimously.**
31
32 **Items for Consideration**
33 Consider Nominations for Vice-Chair
34
35 **MOTION: Commissioner Sass made a motion to appoint Commissioner**
36 **Bourquin as Vice-Chair. Commissioner Lucio seconded the motion and it**
37 **passed unanimously.**
38
39 Consider Appointment to Historic Preservation Commission (HPC)
40
41 **MOTION: Commissioner Bourquin made a motion to appoint Commissioner**
42 **Sass to the Historic Preservation Commission (HPC). Chair Apostolik**
43 **seconded the motion and it passed unanimously.**
44
45 **Staff Reports**
46 There were no staff reports.
47
48 **Commission Comments and Reports**

1 Commissioner Bourquin asked since the slow reopening of public places due to
2 COVID-19, has town thought of opening up open spaces such as sidewalks and
3 parks so restaurants could have outdoor seating.
4

5 Administrator Reynolds said yes. The town was actively working on a plan. Council
6 had approved the parks along Main Street and closing the south side of 5th street to
7 allow for take-out food and drinks.
8

9 **Review Minutes from Previous Meeting**

10
11 **MOTION: Chair Apostolik made a motion to approve the March 25, 2020**
12 **meeting minutes as submitted. Commissioner Riddile seconded the motion**
13 **and it passed unanimously.**

14 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**
15 **Commissioner Riddile seconded the motion and it passed unanimously.**
16

17 The meeting adjourned at 10:30 p.m.
18

19
20 Respectfully Submitted,
21
22
23
24
25
26

Chair Chuck Apostolik

27 Deputy Town Clerk Mindy Andis, CMC
28

1 **New Castle Planning and Zoning Commission Meeting**
2 **Wednesday, May 27, 2020, 7:00p.m., Town Hall**

3
4 **Due to concerns related to the Coronavirus, the meeting was held as a**
5 **virtual meeting only. Commission Members and the Public attended by**
6 **phone, computer, smart phone or tablet.**
7

8 **Call to Order**

9 Commission Chair Apostolik called the meeting to order at 7:00 p.m.

10
11 **Roll Call**

12 Present Chair Apostolik
13 Commissioner Bourquin
14 Commissioner McDonald
15 Commissioner Riddle
16 Commissioner Sass
17 Commissioner Westerlind
18 Commissioner Lucio

19
20 Absent None

21
22 Also present at the meeting were Town Administrator Dave Reynolds, Town Planner
23 Paul Smith, Assistant Town Attorney Haley Carmer, Public Works Director John
24 Wenzel, Town Engineer Jeff Simonson, Town Clerk Melody Harrison and Deputy
25 Town Clerk Mindy Andis and members of the public. All persons attended the
26 meeting via phone computer, smart phone or tablet.

27 **Meeting Notice**

28 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
29 in accordance with Resolution TC 2020-1.
30

31 **Conflicts of Interest**

32 There were no conflicts of interest.
33

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

35 There were no citizen comments.
36

37 **Public Hearing – Continued from May 13, 2020**

38 Consider Resolution PZ-2020-06 Regarding Combined Preliminary/Final Application
39 for Subdivision and PUD Development Plans in Castle Valley Ranch, Filing 11
40

41 Chair Apostolik asked Town Planner Paul Smith if there was anything he would like
42 to add from the meeting on May 13, 2020.
43

44 Planner Smith said he did not have anything new to add other than the applicant,
45 Aaron Atkinson had submitted an updated site plan earlier in the afternoon by e-
46 mail. He said the new site plan had not been reviewed by staff or consultants.
47

48 Town Attorney Haley Carmer briefed the commissioners and the audience of the

1 procedures for the public hearing. She also said that the commission needed to
2 consider the testimony and application and determine whether the 6 criteria were
3 satisfied either on its own or with conditions.

4 The application is a combined preliminary PUD and final PUD application and
5 preliminary subdivision and final subdivision application.
6

7 Fire Prevention Chief Orrin Moon addressed the citizens' concerns regarding wildfire
8 danger. Chief Moon and Wildland Division Chief Zach Pigati did a site visit and
9 determined there was somewhat of a wildfire threat to the proposed development.
10 The worst area being up C Ave at the turn-around where there are heavy fuels in
11 the draw. He said that a fire could start at the bottom of the draw, intensifying as it
12 moved up the draw, preheating all the fuels then becoming a roaring fire at the top
13 of the hill. The primary units that could be effected are the side units 9A-9D. Chief
14 Moon suggested that some mitigation should be done in the area around those
15 units. He further stated that there are some concerns with the next draw over
16 where mitigation should be done as well. The units that would be effected are 11A-
17 11D and 12A-12D.
18

19 Chief Moon said he was also concerned about having a secondary access to the
20 development. The fire code identified multifamily as 100 or more units before a
21 secondary access was required, however the fire department and emergency
22 services always welcomed a secondary access for emergency evacuation. He said
23 that many of the subdivisions in New Castle have a second way out.
24

25 Commissioner Riddle asked Chief Moon about mitigation, whether that meant
26 reducing the fuels or was there something else.
27

28 Chief Moon said it would be taking all the dead fuel out, cutting back some of the
29 brush and maybe removing some of the trees to give a clear space around some of
30 the fuels.
31

32 Chair Apostolik asked Mr. Aaron Atkinson, applicant, if there was anything he would
33 like to discuss from the last meeting on May 13, 2020.
34

35 Mr. Atkinson said after listening to the concerns from the staff and the
36 commissioners, they decided to review the plans and tried to determine if there
37 were ways to make changes to the plat to address some of the concerns of the
38 commission and town staff.

39 Mr. Atkinson said one of the concerns from staff was snow management. He said
40 that the buildings along Bear Canyon Drive had been moved 5 feet to the West in
41 order to create a greenbelt the length of the street. Which would include buildings
42 1, 24, 25, 26 and 27. Moving buildings will allow for the greenbelts and snow
43 storage.

44 Mr. Atkinson said they would designate the area East of Bear Canyon Dr. as
45 temporary snow storage until the area was developed, which would provide both
46 sides of Bear Canyon Drive for snow storage.

47 Mr. Atkinson said the T turn-around was changed to a cul-de-sac replicating Mt.
48 Harvard.

49 Mr. Atkinson said on the north side of Eagle Ridge Road, buildings 1-3, the

1 backyards had been limited to 25 feet from the back of the units, which expanded
2 "Open Space B". Also, buildings 2 and 3 were swapped. Building 6 previously had
3 been a triplex and was changed to be 2 duplexes.

4 Mr. Atkinson said to help with snow management there would be parking
5 restrictions and signage implemented with 48 hour restriction in advance of a snow
6 storm, which would allow for snow plows to get through. In addition, there would
7 be signage marking the permanent snow storage areas. There were parking spaces
8 on the south side of Eagles Ridge Road that could be allocated for snow storage.

9 Mr. Atkinson said that the unit counts were still the same. The utilities and road
10 configuration were same except for the cul-de-sac.

11 Mr. Atkinson said building 21 & 22 on the corner of Eagle Ridge Road and Falcon
12 Ridge Court was cinched up to accommodate the cul-de-sac which allowed for a
13 greater area at the corner for more snow storage.

14

15 Commissioner Bourquin asked Mr. Atkinson if he would be willing to shorten the
16 backyards on buildings 4-7 to 25 feet since the other buildings were at 25 feet.

17

18 Mr. Atkinson said that would be something they would look at.

19

20 Commissioner Bourquin asked Mr. Atkinson about shortening the driveways to 20
21 feet. Shortening the driveways and the back yards would give more open space to
22 "Open Space A" to help with the buffer between the new development and S. Wild
23 Horse Drive.

24

25 Mr. Atkinson said one of the amenities CVR Investors would like to provide buyers
26 were the 25 foot driveways so that would not be something they were willing to
27 consider.

28

29 Commissioner Riddile asked Public Works Director John Wenzel if he was satisfied
30 with the solutions regarding snow storage.

31

32 Director Wenzel said yes.

33

34 Administrator Reynolds said he had some concern about using signage to control
35 parking on snow days because the driveways were singlewide and there would be
36 only a certain amount of spaces to park cars.

37

38 Attorney Carmer asked Mr. Atkinson if the new plans he submitted would abide by
39 the earth tones initially submitted..

40

41 Mr. Atkinson said that the architectural design requirements from Castle Valley
42 Ranch Master Association were earth tones and would need to be approved by the
43 association.

44

45 Attorney Carmer asked Mr. Atkinson if the general architectural structure and
46 building layout would be the same as previously presented.

47

48 Mr. Atkinson said yes, that was correct.

49

1 Attorney Carmer asked Mr. Atkinson about the timeline for infrastructure and
2 phasing.

3
4 Mr. Atkinson said that with respect to the grading of the site the intention was to
5 grade the entire site at once in conjunction with phase 1 infrastructure. Beyond the
6 actual grading, the infrastructure would be done by phases. In terms of timing,
7 want to start moving dirt and begin phase 1 as quickly as possible.

8
9 Chair Apostolik opened up to the public for questions and comments.

10
11 Sally Linden, New Castle resident. Ms. Linden said each unit would have 2 plus cars
12 and was concerned that in case of an emergency, evacuation going down Castle
13 Valley Boulevard could be problematic.

14
15 Richard Davis, New Castle resident. Mr. Davis said that using the extra parking at
16 the east end of Bear Canyon Drive for temporary snow storage for the next couple
17 of years did not make sense. He felt it would be better to have a solution now for
18 snow storage instead of trying to working it out later.

19 Mr. Davis was also concerned about trying to use Open Space "A" as a wildlife
20 corridor and the flooding in the area.

21
22 Mr. Atkinson said with regard to the east side of Bear Canyon Drive, the issue there
23 is they were not sure the future of the east side; what the development will look
24 like. He said it was hard to commit to a permanent solution when they did not know
25 what the next development would look like.

26 Regarding Open Space "A" and the wildlife corridor, some of the conversations had
27 been about moving the corridor further east where there was a small creek. It
28 would make more sense than at the C Avenue trail connection.

29
30 Virginia & Wayne Shelton, New Castle residents. Mr. Shelton said they had sent in a
31 couple of letters with concerns and it appeared that none of their concerns had
32 been addressed. The parking problem will be worse than the Redstone Drive
33 parking issues because there will be 4plexes verses the triplexes on Redstone
34 Drive.

35
36 Denise & Steve Scheberle, New Castle residents. Ms. Scheberle asked what (we)
37 want New Castle to be. Do (we) want New Castle to be a hodge-podge of
38 condensed development without enough open space which provided a quality of
39 life. She said that once the property was lost, it was lost forever. Ms. Scheberle felt
40 there was a need to be careful in deciding what was done with the property. She
41 felt that Open Space "A" was inadequate as open space and buffer between low and
42 high density areas. Open Space "B" was simply a buffer between the development
43 and Castle Valley Boulevard. She felt that the town was already not adhering to its
44 own Comprehensive Plan by not having enough parks and open space.

45 Mr. Scheberle said when they were looking at purchasing their home they looked at
46 the plat for the proposed development and it showed single-family lots, not what
47 was currently being proposed.

48
49 Jamin Heady-Smith, New Castle resident. Mr. Heady-Smith said looking at the

1 zoning map the development was in a mixed-use zone and it did not appear to have
2 any mixed-use. He said that the Comprehensive Plan looked at how to diversify
3 commercial businesses within New Castle and how to increase the sales tax base.
4 He asked why they were using the mixed-use area with high-density housing. Mr.
5 Jamin Heady-Smith said that nothing had been said about the impact on the
6 schools with the increase of children.
7

8 Planner Smith said the town did reach out to the Garfield RE-2 school district
9 superintendent and they felt there would be no adverse impact to the schools.
10

11 Joni Owens, New Castle resident. Ms. Owens said she lived in a townhome in the
12 Peaks which was much more open than the proposed development. She said that
13 the parking was a mess. Ms. Owens said she was often unable to get out of her
14 own driveway because of all the vehicles lining the street. She felt that the
15 applicant was meeting just the minimum requirement. She asked where the
16 alternative parking would be when parking becomes restricted due to snow plowing
17 and mitigation.
18

19 Ines Baquero, New Castle resident. Ms. Baquero asked about the cost of
20 infrastructure such as putting in sidewalks along Castle Valley Boulevard and
21 maintenance of the boulevard. She felt that the planned fire mitigation did not
22 seem to be enough to protect against wildfires.
23

24 Chair Apostolik asked at what population does Castle Valley Boulevard becomes a
25 four-lane road.
26

27 Director Wenzel said Castle Valley Boulevard Right of Way was already defined and
28 it will accommodate the four lanes of traffic.
29

30 Town Engineer Jeff Simonson said as Castle Valley Ranch Master Plan has the
31 concept of expanding Castle Valley Ranch Boulevard 4 lanes. As the subdivision
32 continued to develop eastward the elements were being built into Castle Valley
33 Boulevard. The entrance from Bear Canyon Drive onto Castle Valley Boulevard and
34 connecting to the intersection of S. Wild Horse Drive will be built as a four lane road
35 with the proposed improvement agreement for the project. The 4 lane road will be
36 built by developers as the property gets development eastward.
37

38 Tom Schwenk, New Castle resident. Mr. Schwenk said the snow storage on Bear
39 Canyon Drive is only solving about 25-30 percent of the problem, and he asked
40 how snow would be removed from Eagles Ridge Road and Falcon Ridge Road. The
41 felt the developer seemed unwilling to address the issue of space between the
42 street and sidewalk which was a concern. Mr. Schwenk also said that the original
43 plan approval for Village Homes had 60 units and the proposed plan had 90 units.
44

45 Lisa Miller, New Castle resident. Ms. Miller voiced concerns about public safety. The
46 increase of people will require increased law enforcement, fire and rescue calls.
47

48 Myrna Candraia, New Castle resident. Ms. Candraia said that by not having all the
49 answers regarding wildfire put the citizens in harm's way. Once a fire was coming

1 there is no time to think about how to escape. She felt that once the developer was
2 finished building, he will leave and have no further concern for the community.

3
4 Chair Apostolik asked Director Wenzel and Engineer Simonson about the back up of
5 traffic on Castle Valley Boulevard and asked them to explain the intersection of
6 Castle Valley Boulevard and Highway 6.

7
8 Engineer Simonson said when the town had built the pedestrian bridges across the
9 railroad, interstate 70 and the river, the town performed a required traffic study.
10 The bridges were designed in a way to accommodate a round-a-bout. It was
11 determined through the process that a round-a-bout was the best way to handle
12 future traffic using an anticipated growth of 2 ½ percent per year. Colorado
13 Department of Transportation (CDOT) has also recognized the traffic problems that
14 are occurring on Castle Valley Boulevard, Highway 6 and Interstate 70. In the past
15 3 years they have conducted a study for themselves and have invested more
16 money to design. CDOT is in the processes of finalizing projects and hope to be
17 shovel ready. The project will include construction of a round-a-bout and slip lanes
18 at the intersection of Castle Valley Boulevard and Highway 6, as well as three lane
19 bridge sections over the railroad, Interstate 70 and river with round-a-bouts at both
20 of the ramp locations.

21
22 Andrea Wildenthal, New Castle resident. Ms. Wildenthal said she lived on Redstone
23 Drive and if everybody had to move their vehicles off the road during a snowstorm
24 it would be nothing short of a disaster. She said there was no parking at all for
25 people to move the vehicles to. She suggested that the developer to get the
26 parking right the first time because there was only one chance at it.

27
28 Jeanne Huyser, New Castle resident. Ms. Huyser said she lived on Foxwood Lane
29 and the street looked like a used car lot instead of residential homes. On Foxwood
30 Lane parking was only allowed on one side of the street and Ms. Huyser said she
31 has gotten home not been able to pull into her drive because someone else was
32 parked in her driveway. She felt that over flow and visitor parking needed to be
33 addressed.

34
35 Jessica Dooling, New Castle resident. Ms. Dooling said she was very concerned
36 about the precedent the proposed development was setting if the development plan
37 of New Castle was not followed. She said that the proposed open space planned for
38 the project was not usable open space due to the layout of the land.

39
40 The town had received several letters from citizens voicing their concerns regarding
41 the proposed development. The concerns of the citizens were:

- 42
43
- 44 • Parking
 - 45 • Snow removal and storage
 - 46 • Wildland fire
 - 47 • High density
 - 48 • Insufficient buffer area between single-family and multi-family homes
 - 49 • Insufficient open space/green belt and trails
 - Increase traffic

- Diversity in units

Chair Apostolik closed the public hearing at 8:30pm.

Chair Apostolik asked Mr. Atkinson why he was asking for a final approval when the submittals were not complete which was required as part of the final application. He said there seemed to be concerns about open space, diversity of units still not being addressed, density, trail connectivity, off street parking and snow storage. Because as of 3:15pm today it was received by the town a plan with adjustments changing the triplexes to duplexes on the backside of S. Wild Horse Dr., changed a triplex to a 4 plex in a couple of areas and moved things around.

Mr. Atkinson said that they had submitted new plans earlier in the day because there were several changes made from suggestions and concerns at the last meeting on May 13, 2020. There were questions asking if CVR Investors was willing to increase green space, if they were willing to reduce the number of units, increase the Open Space "A" for foot traffic and for emergency vehicles. He said that CVR Investors was trying to address the concerns of the citizens and the commission. The objective criteria that was set forth in the public works manual had been met by the original submittals. He said that the new submittal did address the items regarding the diversity by adding duplexes, as well as the snow storage issue.

Chair Apostolik said according to Director Wenzel, there was a concession that was made regarding the snow storage.

Director Wenzel said there was. He noted that Public Works did their best to work will all the applicants to find some concession. After reviewing the application there were conversations regarding green belts, snow storage and ample off street parking.

Commissioner Riddile asked Director Wenzel if the newly submitted plans included a good snow storage plan.

Director Wenzel said unable to answer the question because staff had just received the new plans earlier the same day and he has been unable to review the plans.

Commissioner Riddile said he thought the applicant had been discouraged from submitting a combined preliminary and final application at sketch plan review. He said he remembered that council had said that he could submit preliminary-final but would need some flexibility to receive comments.

Chair Apostolik asked Planner Smith if there was enough information to consider the application as a final with only one triplex elevation.

Mr. Atkinson said there was also a street side elevation.

Chair Apostolik ask Planner Smith to review what was required for a final application.

1 Planner Smith said what was originally submitted was sufficient to meet the
2 minimum requirements. Whether it meets the Comprehensive Plan was a different
3 question. He said in the staff report were some possible shortcomings to the
4 development. Planner Smith said that staff had not had time to review the new plan
5 submitted earlier in the day. He said to move the application forward the PUD
6 needed to meet the 6 criteria, and all the fine points could be worked out at council.
7 Planner Smith said that the overall look, livability was sufficient.

8
9 Commissioner Bourquin said she supported the concept of density. She felt that
10 duplex, triplex and 4-plex were an appropriate product to meet the demand to
11 diversify within the community. She said that housing mix was important so it did
12 not look cookie-cutter. Higher density was better supported when public
13 transportation was available along with other public amenities that are not available
14 in New Castle. Commissioner Bourquin said that the streets were not designed to
15 handle the number of vehicles and traffic that the units' will bring. The
16 development does not have the walking/biking trails needed to help provide other
17 forms of transportation. She was concerned that the original plan was designed for
18 single-family units and the proposed design was more product on the lots. To have
19 a more dense development there needs to be more open space. She felt that Open
20 Space "B" was a nonfunctional space to be considered open space. Commissioner
21 Bourquin said that successful, high-density developments required the crucial
22 components of connectivity of roadways, sidewalks and trails.

23
24 Commissioner Lucio voiced deep concern regarding the density and potential
25 parking issues in the development. Also, he was concerned about the lack of open
26 space, fire mitigation, increased traffic, snow management and security.

27
28 Commissioner McDonald stated that as a commission they had a responsibility to
29 the public but also to the developer and to not discourage development. He said
30 that the concerns were about density, about putting too many people in too little of
31 an area. The response from the applicant has been "No." Commissioner McDonald
32 said that there was the ability to create a quality project but he was not certain if
33 the proposal was a responsible approach. Commissioner McDonald also voiced
34 concerns about the project changing from single family to multifamily. He felt that
35 the developer had other property and could help mitigate some of the concerns;
36 however the developer does not seem to want to discuss other possibilities.
37 Commissioner McDonald said that the location was the place to have higher
38 density.

39
40 Chair Apostolik asked Mr. Atkinson the reasoning for going from single family to
41 multifamily higher density.

42
43 Mr. Atkinson said Village Homes plan was not all single family; there were
44 multifamily units. There had been concerns about diversity of product. The previous
45 development had just little over 6 units per acer and that was on the low side of
46 density. Mr. Atkinson said that the proposed development was well suited for the
47 property and within the vested rights in the master plan. It also met the criteria set
48 in the public works manual and the town code. Mr. Atkinson said that the project
49 will be beautiful, be maintainable and allow for appropriate snow storage. He felt

1 that the commission needed to understand that CVR Investors cannot solve the
2 concerns of snow removal to the extent the commission wanted. He noted that
3 snow management was not specified by the public works manual or by Town of
4 New Castle Municipal Code.

5
6 Commissioner Sass said that when the application was first brought to P&Z there
7 was concern voiced about the lack of single family homes in the development.
8 When the application came back to P&Z there still was no addition of single family
9 homes. She said that the commission was clear about what they wanted to see
10 which is reflected by their comments. Commissioner Sass said that Mr. Atkinson
11 was stating he was conceding snow removal but not a lot of concession on other
12 concerns of the commission. She asked what the reason was for not adding single
13 family units when single family was in the plans to begin with.

14
15 Mr. Atkinson said there was a lot that had to happen to present a development such
16 as this one. He expressed a desire to work with the town, and stated he had much
17 as he could. Mr. Atkinson said that the plan that was submitted earlier in the day is
18 what came out of the conversations with the town. With respect to the single family
19 units, Mr. Atkinson said that was not in line with what CVR Investors wanted to
20 bring to the market. Single family units in a development like this one just did not
21 incorporate well. The scope of services that are provided by a sub association for
22 single family and multifamily developments were different. What did change from
23 sketch moving forward was the East/West portion of the sidewalk was expanded to
24 8 feet wide for a trail. The buffer from the backside of the townhomes to the
25 backside of the single-family homes was 120 feet. Mr. Atkinson said that he
26 understood that there were concerns voiced at sketch plan that did not get
27 incorporated into the preliminary/final plan. He said that CVR Investors saw it as a
28 give and take with the town. He said there were certain things that CVR Investors
29 wanted to provide and certain things the town required, and he hoped they could
30 meet in the middle.

31
32 Administrator Reynolds asked for some clarity on where the Comprehensive Plan fit
33 in.

34 Policy CG4A – *Large residential and commercial development (50 lots/units or*
35 *greater) shall include a mix of land-use types that provide effectively integrated*
36 *convenience retail, employment, services, parks/open space/trails, public transit*
37 *and non-motorized access.*

38 Policy CG5A - *The following 10 principles of Smart Growth should be used to guide*
39 *the public, land use applications and local decision-makers to evaluate new*
40 *development with a goal of achieving most or all of the principles in a development*
41 *proposal.*

- 42 A. *Mixed land uses.*
- 43 B. *Incorporate compact building design.*
- 44 C. *Create a range of housing opportunities and choices.*
- 45 D. *Create walkable communities.*
- 46 E. *Foster distinctive, attractive communities with a strong sense of place.*
- 47 F. *Preserve open space, farmland, natural beauty and critical environmental*
48 *areas.*
- 49 G. *Strengthen and direct development toward existing communities.*

1 H. Provide a variety of transportation options.

2 I. Make development decisions predictable, fair and cost-effective.

3 J. Encourage community and stakeholder collaboration in development
4 decisions.

5 Administrator Reynolds asked Attorney Carmer to explain the value or the
6 importance of the guidelines of the Comprehensive Plan.

7
8 Attorney Carmer said the Comprehensive Plan was a general map of how the town
9 wanted to grow and develop moving forward. The Comprehensive Plan gave
10 guidelines and parameters on how that would work. She said that on the other side
11 was the more enforceable Municipal Code and zoning requirements. Attorney
12 Carmer said that clearly nothing could be done that violated zoning, and the
13 Comprehensive Plan came in as approval criteria. She said that the current case
14 would be the PUD. If it met all the zoning requirements it did not mean it met the
15 Comprehensive Plan requirements.

16 The Comprehensive Plan provided additional frame work for what can be developed
17 for the zoning, but also complied with looking towards the future guidelines that are
18 in the Comprehensive Plan. The zoning is about how many units can be developed,
19 what the setback are, what kind of units can be built. The Comprehensive Plan says
20 only single family or multifamily is appropriate because of how the town wants to
21 develop and move forward. It is an approval criteria for the PUD: that is where the
22 guiding principles come into play.

23
24 Commissioner Westerland voiced concerns about the direction the development was
25 headed. He said that the property is zoned as mix-use but the development is
26 maximizing what can be done with the space. He felt that the project was more of a
27 business opportunity for the applicant than something for the people of the area.
28 Commissioner Westerland said that the proposal as it was did not preserve the
29 integrity of the town. In terms of the wildlife corridor: you cannot move it. The
30 wildlife will go where they go.

31
32 Commissioner Riddile said there was plenty of room for multifamily in the
33 community, but he felt there were problems with the proposed multifamily and it
34 needed to be done correctly. He said that the development was overdone with too
35 many units. He thought that the goals of the town and the developer were too far
36 apart. He noted that there had been multiple meetings and hearings and there were
37 very minimal changes made to the plan. There were specifics provided to the
38 developer and they had tried negotiate and meet in the middle.

39
40 Attorney Carmer explained the resolution. The decision on the application were
41 governed by the 6 criteria. If one or more criteria is not satisfied, that supported a
42 recommendation of denial of the application.

43
44 The commission went through all 6 criteria separately and determined the
45 following:

- 46
47 1. that the Application is generally compatible with adjacent land uses;
48 **Meets the requirement**
49 2. that the Application is consistent with the Town's Comprehensive Plan;

1 **Does not meet**

2 3. that the Town has the capacity to serve the proposed uses with water,
3 sewer, fire and police protection;

4 **Does not meet**

5 4. that the uses proposed within the PUD are uses permitted outright within the
6 zoning district contained within the PUD;

7 **Does not meet**

8 5. the number of dwelling units permitted by the underlying zone district is not
9 exceeded by the PUD plan;

10 **Meets the requirement**

11 6. the PUD utilizes the natural character of the land, includes compatible land
12 uses, provides for fire and police protection, off-street parking, vehicular,
13 pedestrian, and bicycle circulation, outdoor recreation, is of overall
14 compatible architectural design, achieved adequate screening, buffering and
15 aesthetic landscaping, avoids development of areas of potential hazard,
16 ensures compliance with performance standards, and meets all other
17 provisions of the applicable ordinances of the Town;

18 **Does not meet**

19
20 **MOTION: Chair Apostolik made a motion to deny the Combined**
21 **Preliminary/Final PUD Development Plan and Preliminary/Final**
22 **Subdivision Plat for Castle Valley Ranch Filing 11, Being a Portion of PA17**
23 **and PA19.**

24
25 **Commissioner Riddile seconded the motion and it passed on a roll call vote:**
26 **Commissioner Lucio: Yes; Commissioner Riddile: Yes; Commissioner**
27 **Westerlind: Yes; Commissioner McDonald: Yes; Commissioner Bourquin:**
28 **Yes; Commissioner Sass: Yes; Chair Apostolik: Yes.**

29
30 **Staff Reports**

31 There were no staff reports.

32
33 **Commission Comments and Reports**

34 There were no commission comments or reports

35
36
37 **Review Minutes from Previous Meeting**

38 Clerk Andis said she was unable to complete the minutes in a timely matter.

39
40 **MOTION: Chair Apostolik made a motion to adjourn the meeting.**

41 **Commissioner Riddile seconded the motion and it passed unanimously.**

42
43 The meeting adjourned at 9:22 p.m.

44
45
46 Respectfully Submitted,

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2
3

Chair Chuck Apostolik

4 Deputy Town Clerk Mindy Andis, CMC
5

DRAFT