

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
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Agenda

New Castle Planning and Zoning Commission Regular Meeting Wednesday, September 23, 2020, 7:00 PM

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

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

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

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

Call to Order, Roll Call, Meeting Notice

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

Citizen Comments on Items NOT on Agenda

Public Hearing

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

Comments/Reports

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

Review Minutes of Previous Meetings

- B.** Draft Minutes August 26, 2020

Adjournment

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

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

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

WHEREAS, the Applicant has submitted an application requesting approval of a combined Preliminary/Final PUD Development Plan and a Preliminary/Final Plat for the first phase of the development, 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, ten (10) multi-family buildings, and 32 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 that was continued to May 27, 2020, to consider the Application; and

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

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

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

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

WHEREAS, at its August 26, 2020 meeting, the Commission reconsidered the Preliminary Application based on the information and evidence presented during the public hearings; and

WHEREAS, subject to compliance with the terms and conditions of this Resolution, the Commission finds:

1. that the Preliminary Application is generally compatible with adjacent land uses;
2. that the Preliminary 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

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 on May 13, 2020 that was continued to May 27, 2020, the Town Council review held on July 21, 2020, and the Commission reassessment review conducted on August 26, 2020.
3. Action regarding Preliminary Application: The Preliminary Application proposes:
 - a. The construction of ninety-one (91) residential units in twenty-eight (28) multi-family buildings on twenty-seven (27) lots, 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, eleven (11) multi-family buildings, and 33 residential units and the public improvements associated with the same; and
- c. That the platting of future phases of Filing 11, including subdividing the Property into lots and amending final plats as the multi-family buildings are constructed, be approved at a the staff level, provided that the future phase plats and amended final plats are in substantial conformance with the Application.

The Planning Commission hereby approves the Preliminary Application subject to reducing the number of units by 19 as explained in Section 6 of this Resolution and subject to compliance with all other conditions set forth in Section 6 of this Resolution.

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

6. Conditions. Approval of the Preliminary Application is subject to and contingent up on satisfaction of the following conditions:

- a. Soften the transition between single family homes along South Wildhorse Dr. and the multifamily homes proposed in the Application by:
 - Converting the buildings on Lots 2 & 8 to triplexes
 - Converting the buildings on Lots 3, 4, 5, & 7 to duplexes
 - Retaining the two duplex buildings on Lot 6
 - Integrate single-family home architectural features into the duplex design.
- b. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the land pursuant to approval criteria 17.100.090(A.6):
 - Reduce the building on Lot 10 to a duplex because of the aesthetic impacts of a 18' grade cut
 - Reduce the building on Lot 11 to a duplex because of the aesthetic impacts of a 14' grade cut
- c. Design duplex units on Eagle Ridge Rd. with garages which can accommodate two vehicles to improve the housing diversity, snow storage, and on-street parking issues.
- d. Upgrade Open Space C as a central "green" with useable park space by eliminating Falcon Ridge Court and buildings 18, 19 & 20. Add off-street parking between buildings 17 & 21 for Open Space C. Open Space C shall include flat space for activities, playground equipment, or shade structures.

- e. Widen the natural buffer along C Avenue to greater than 120 feet *or* heavily landscape with trees to obscure the line-of-site between adjacent homes along South Wildhorse Dr. and those in Filing 11.
- f. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. A snow storage easement shall be designated between each building structure and confined to an area 15' wide by 10' deep beyond the sidewalk. Additionally, snow storage easements in aggregate shall total no less than 15% of the plowable street area. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.
- g. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2" OR MORE".
- h. Prohibit on-street parking along the outer radial lane of Eagle Ridge Drive to improve snow removal, safety, and traffic flow. Prohibit parking adjacent to any snow storage easement identified on the plat.
- i. Provide 5' landscape ("green") buffers between the road and sidewalks along both sides of Bear Canyon Dr. and the inner radial lane of Eagle Ridge Dr. All green buffers shall be lined with trees except in designated easements.
- j. At the developer's sole expense, mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.
- k. Construct and dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill as shown on Exhibit C or dedicate as Public Open Space a portion of the land bordering properties to the south of Eagle Ridge Rd.
- l. Improve trail connectors with areas gained by downsizing to duplexes as shown on Exhibit C by providing a north-south connector trail from the C Ave switchback (at Castle Valley Boulevard), continuing between Lots 2 & 3 and 22 & 23 to Open Space C. The north-south connector will continue between Lots 15 & 16 to the south end of Eagle Ridge Rd. An additional east-west connector will extend from Open Space C between Lots 25 & 26 to Bear Canyon Drive and beyond. All such connectors shall be paved or concrete.
- m. Design Bear Canyon Dr. as a collector street as defined in the Municipal Code to channel traffic from residential areas to arterial streets. The minimum right-of-way shall be 60' including two 12' wide travel lanes, two 8' wide parking lanes, two 5' wide landscape buffers, and two 5' sidewalks.
- n. Provide water and sewer service stub-outs for future development east of Bear Canyon Drive prior to the installation of road infrastructure.

- o. Provide verification that the Castle Valley Blvd right-of-way can accommodate standard turn lanes and through lanes.
- p. Specify on the plat that Open Spaces A, B, and C shall be maintained by the HOA.
- q. Provide a construction phasing plan. Identify, at minimum, each of the following components:
 - Buildout phases;
 - Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - Storage and staging areas for construction equipment and materials;
 - Illustrate drainage and erosion control best management practices (BMP's)
- r. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- s. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- t. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- u. Submit an exhibit and conveyance document(s) in a form acceptable to the Town Attorney outlining the necessary water rights (potable and/or raw) required for Filing 11.
- v. Prior to the recordation of any Filing 11 phase plat, the Applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney.
- w. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- x. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Town Council shall be considered part of the Application and binding on the Applicant.
- y. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, when developing the Property according to the Plan, as amended;
- z. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.

- aa. Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this Resolution.

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

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

SO RESOLVED this 26th day of August, 2020, by a vote of ____ to ____.

TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION

Chuck Apostolik, Chairman

ATTEST:

Mindy Andis, Deputy Town Clerk

Exhibits:

- Exhibit A: Legal Description
- Exhibit B: List of Application materials
- Exhibit C: Annotated Site Plan

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

EXHIBIT C
Annotated Site Plan
(to be attached)



**Town of New
Castle**

450 W. Main Street
PO Box 90

**Planning & Code Administration
Department**

Phone: (970) 984-2311

Fax: (970) 984-2716

Staff Report

**Castle Valley Ranch - Filing 11//Portion of PA17 & Remaining PA19
Preliminary PUD Development
Planning Commission – September, 23 2020**

Report Compiled: 9/18/2020

Project Information

Name of Applicant: CVR Investors, Inc and its assigns

Applicant's Mailing Address: 1038 Country Club Estates Dr., Castle Rock, CO

Phone/Email: 303-549-1916; aa@hackstafflaw.com

Property Owner: CVR Investors, Inc. (Aaron Atkinson)

Owner Mailing Address Same as applicant

Proposed Use: *Originally* proposed 27 Multifamily Lots (MF1), 3-plexes and 4-plexes; 91 total residential units;

Legal Description: Section: 32 Township: 5 Range: 90 A PCL IN THE NE4 OF SEC 31 & NW4 OF SEC 32 CONT 48.695 AC AKA PARCEL 2

Section: 31 Township: 5 Range: 90 A PARCEL OF LAND SITUATE IN THE N1/2 SEC 31 CONT 15.505 AC AKA PARCEL 5

Street Frontage: North – Castle Valley Blvd;

Existing Zoning: Residential (R) & Mixed Use (MU)

Surrounding Zoning: Single Family (SF2) – North & South Wildhorse Dr.
Mixed Use (MU1) & Multifamily (MF1) – Redstone Dr.

I Application Exhibits:

(New exhibits since May 27th, 2020)

- A. Memorandum from Town Attorney, August, 20, 2020
- B. Updated applicant narrative
- C. Original site plan from May 13, 2020 public hearing
- D. Staff report from May 13, 2020 public hearing
- E. Annotated Staff site plan, August 20, 2020
- F. Town Council minutes from July 21, 2020

II Sketch Plan:

Sketch Plan

A sketch plan application for Filing 11 was reviewed by the Planning Commission on September 11, 2019 and by Council on October 1, 2019. At that time the development proposal contemplated 96 multi-family dwelling units comprised entirely of tri-plexes and four-plexes similar in style to existing units along Redstone Dr. and Foxwood Ln. in Castle Valley Ranch (CVR). The 15 acre proposal spanned both mixed-use and residential zones south of Castle Valley Blvd (CVB) and east of S Whitehorse Dr. The general concept of the sketch plan – lot sizes, open space, trails, & roads – tracked closely with a prior application submitted by Village Homes, Inc. in 2008. The 2008 application was for 62 single-family homes and was ultimately withdrawn.

At both meetings it was noted by the Applicant that the sketch plan demonstrated substantial compliance with the municipal code, adopted model codes, public works manual, and the Comprehensive Plan (*CP*). Staff acknowledged that the overall *design* conformance was substantial, however, it disputed the degree of continuity with the *CP* and aspects of the CVR Master Plan. Staff maintained that though strict compliance with the *CP* may not be practical in some cases, the *CP* is intended to provide qualitative and quantitative guidance for future land use and is made binding by virtue of its inclusion of the approval criteria for land development applications pursuant to C.R.S. 31-23-206.

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

Points of Consensus:

- For a preliminary/final application, all submittal components need to be thorough and complete prior to meeting with Council.
- The Applicant's product – triplexes on Redstone Dr and Foxwood Ln – has generally been well received by buyers. The units are energy efficient with various modern amenities.
- The typical price-point has been competitive with Lower Valley multi-family development.
- High density residential is better suited along and south of Castle Valley Blvd. (CVB) rather than in the vacant parcels to the north of CVB.
- Land use proposals should prioritize the health and well-being of the community.
- The developer is currently party to a restrictive covenant committing them to no more than 303 additional residential units and no commercial development.

- An east-west connector trail should be integrated into the design.
- A looped raw water system is best practice for landscape irrigation.
- View planes should be preserved as much as feasible.

Points of Debate:

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

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

III Preliminary/Final Hearing – Planning Commission Denial

On May 13, 2020, the New Castle Planning Commission opened the hearing for Resolution PZ 2020-06 on a preliminary PUD application for Filing 11 in Castle Valley Ranch. The application consisted of 91 duplex, triplex, and four-plex units on approximately 13.5 acres. At

the continuance on May 27, 2020, the Commission – as the approval body for preliminary PUD applications – unanimously denied the application because of noncompliance with the Comprehensive Plan, Section 17.100.090(A)(6) of the municipal code, and other grounds as reflected in the record of the public hearing pursuant to the approval criteria for PUD applications in Section 17.100.090. Specifically, the application:

- ***Is NOT generally compatible with adjacent land uses***
 - Development in the vacant parcels to the north and east remained undetermined. A master plan amendment, introduced by the applicant on February 12, 2020, intended to rezone all land in CVR owned by the applicant from mixed use to residential, which would clarify the nature of development of those parcels in the future. However, the master plan amendment was deferred by the applicant until August 26, 2020. Therefore, the application’s compatibility with the neighboring parcels remained difficult to ascertain.
 - The proposed style and density of multifamily units was deemed to be out of balance with the large, single-family residential homes on South Wildhorse. Adverse impacts on aesthetics and property values would be likely.

- ***Is NOT consistent with the comprehensive plan***
 - Residential or commercial development of 50 lots/units or greater shall include a mix of land-use types that “provide effectively integrated convenience retail, employment, services, parks/open space/trails, public transit, and non-motorized access (*Goal CG-4A*). Proposed amenities are used sparingly.
 - A large-scale, multifamily development would challenge the livability of the community. Shortcomings with parking, usable open space, non-vehicular circulation, and snow storage will generate a more utilitarian experience rather than one hospitable to quality places that people want to live, work, play, and learn in (*Goal CG-5*).
 - Mixed-use zoning, as defined in the master plan, Town code, and the comprehensive plan, signifies a mixture of residential and non-residential development. Mixed-use affords a community the possibility for local amenities, services, and possible employment (*Goals CG-4A thru E*);
 - Existing wildlife corridors would be displaced with little attention given to relocation habitat (*Goal EN-1*). Sensitive environmental areas will be preserved, and open space corridors will be used to break up continuous areas of development (*Goal POST-4A-B*).
 - Though marketed as competitively priced, the multifamily units would likely sell at price points at or above \$400k similarly to other townhomes in CVR. New development should embrace aspects of genuine affordability with a diversity of densities, types, and unit sizes (*Goal HO-2A*).
 - Sidewalks and trails could go further in generating connectivity between neighboring parks, open space, and other filings along CVB. Separated sidewalks and a trail easement between Ganley and Prendergast were recommended (*Goal T-1F*). The intent of the Commission is to encourage non-motorized trails and generous open space which promote recreational value (*Goal POST-3*).
 - Road designs do not adequately accommodate public safety access and will increase road maintenance. Single car garages mean owners will habitually default to using the garage as storage and at least one vehicle parked on the street. Mobility will be tight even in the best conditions. The resulting congestion, as already experienced on Redstone Dr. and Foxwood Ln., will lead to costly snow removal and at times generate obstacles for emergency equipment (*Goal T-1G*).

- ***The uses proposed are NOT permitted outright in all instances***
 - Roughly 2/3’s of the site plan spans mixed use zoning. While multifamily housing is a permitted use in the mixed-use zone district, the zone district is purposely designated for a mixture of uses in accordance with the adopted Smart-Growth model and is meant to complement residential areas by providing needed services and amenities. Developing only residential in the mixed-use zone does not comply with the purpose of the zone district.

- Due to obligations with a restrictive covenant, the applicant is compelled to develop only residential on the property. This obligation, however, does not mean the applicant is forced into exclusively multifamily townhome development. Staff and the Commission offered possible solutions for development which, though forfeited the commercial, offered diversity, amenities, and enhanced livability. Unfortunately, none were advanced.

IV Applicant Appeal

According to Section 17.100.070 § D, “the applicant may take a disputed decision of the planning commission to the town council for review. If, in the town council's sole discretion, the finding of the planning commission may have been in error, the town council shall refer the application back to the planning commission for reassessment.” On July 21, 2020, pursuant to this code provision, the applicant formally contested the Commission’s conclusion before Council. Specifically, the applicant maintained that:

- **The Commission’s decision is inconsistent with C.R.S. 29.22.03.**
 - The applicant argued that because the Comprehensive Plan is insufficiently specific and largely discretionary, the goals and policies identified in it could not be used as formal conditions of approval in a land use application. The statute reads, “(2) No local government shall impose any discretionary condition upon a land-use approval unless the condition is based upon duly adopted standards that are sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.”
- **The Commission’s acted inequitably in consideration of the application**
 - Eagle’s Ridge Ranch (approved 2019) and Lakota Senior Housing (approved 2017) were both found to be compliant with the approval criteria though they were 2-3 times the density.
 - High density multi-family units in ERR and LSH also demonstrate a blunt transition across from large single-family homes north of CVB. Yet those applications were deemed compliant with the approval criteria.
 - Filing 9 townhomes on Redstone Dr and Foxwood Ln are merely replicated in the currently application. Again Filing 9 was deemed compliant while the current application was not.
- **MF-1 is a permitted use on the list of uses within the MU general zoning**
 - Irrespective of the definition of mixed-use in the Code and Comprehensive Plan as a mixture of residential and non-residential uses, the applicant argued any use-by-right listed in the MU zoning is an approved option for development whether in part or in whole. The Commission, therefore, was mistaken in its conclusion that the elected use was not permitted in the underlying zoning district by virtue of the absence of a non-residential or commercial use.
- **Compromises with the design were made at the Commission’s request**
 - Density was reduced to 91 units upon initial review from sketch plan
 - Greenbelts were added along Bear Canyon Dr per request of Public Works
 - Snow storage areas were specified per request of the Commission and Public Works
 - Off-street parking was added along Eagle Ridge Rd
 - An east-west trail connector was added from the C Avenue connector, along Eagle Ridge Rd, to Bear Canyon Rd

Upon review of all testimony, Town Council recommended that Staff, the Commission, and the applicant should reconvene on the preliminary PUD application and consider whether sufficient revisions could be made to warrant the Commission's approval.

V. Revised Preliminary PUD Application and Approval Process

As a result of the Council's decision, both Staff and the applicant have provided alternatives to the original preliminary PUD application for the Commission's consideration. Resolution PZ 2020-9 shall repeal and supersede Resolution PZ 2020-6 only with respect to the Preliminary Application. Resolution PZ 2020-6 remains in effect for all other portions of the original Application. The preliminary/final subdivision application has been previously denied but may be re-submitted for further review in conformity with the approved Preliminary PUD Development Plan and may be considered simultaneously with the hearing on any Final PUD Development Plan.

The Commission will be charged with deciding whether any recommended revisions or combination of revisions to the application will favor approval based on the criteria in MC 17.100.090. An application shall demonstrate:

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

VI. Staff Recommendations:

Staff recommends the Planning Commission explore the following alternatives to the Filing 11 preliminary PUD application prior to deciding on Resolution 2020-09.

1. Soften the transition between single family homes along S Wildhorse Dr. and the multifamily units along the west side of Eagle Ridge Road ~~homes of this proposal~~ by exchanging triplexes and quadplexes for duplexes. Consider integrating single-family home architectural features into the duplex design.

- ~~Converting lots 2 & 8 from quadplexes to triplexes. (Less 2 units)~~
- ~~Converting lots 3, 4, 5, & 7 to duplexes. (Less 5 units)~~
- ~~Retaining lot 6 as two duplex buildings.~~
- ~~Integrate single-family home architectural features into the duplex design.~~

2. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the land pursuant to approval criteria 17.100.090(A.6):
 - Reduce building 10 to a duplex because of the aesthetic impacts of an 18' grade cut; **(Less 2 units)**
 - Reduce building 11 to a duplex because of the aesthetic impacts of a 14' grade cut; **(Less 1 unit)**
 - Eliminate building 12 because of 30' of fill and likelihood of excessive settlement; (Less 3 units)
 - Eliminate building 13 because of 38' of fill and likelihood of excessive settlement; (Less 3 units)

3. Design duplex units on Eagle Ridge Rd. with two-vehicle garages to improve ~~which can accommodate two vehicles to improve the~~ housing diversity, on-street snow storageremoval, and on-street parking issues congestion.

4. Upgrade Open Space C as a central "green" with ~~useable park~~functional active or passive space. ~~by eliminating Falcon Ridge Court and buildings 18, 19 & 20. Add off-street parking between buildings 17 & 21 for Open Space C. Open Space C shall include flat space for activities, playground equipment, or shade structures. (Less 9 units)~~

5. Widen the natural buffer along C Avenue to greater than 120 feet ~~or~~ heavily landscape with drought resistant trees and vegetation to obscure the line-of-site between adjacent homes along S Wildhorse Dr. and those in Filing 11. An improved natural buffer will also function to protect the wildlife habitat identified in the referral from the District Wildlife Manager of Colorado Parks & Wildlife.

6. Provide a comprehensive snow removal plan which identifies sufficient snow storage easements, sidewalk separation, signage, and improved off-street parking.

- ~~6. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. A snow storage easement shall be designated between each building structure and confined to an area 15' wide by 10' deep beyond the sidewalk. Additionally, snow storage easements in aggregate shall total no less than 15% of the plowable street area. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.~~

- ~~7. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2" OR MORE".~~

- ~~8. Prohibit on-street parking along the outer radial lane of Eagle Ridge Dr to improve snow removal, safety, and traffic flow. Prohibit parking adjacent to any snow storage easement identified on the plat.~~

- ~~9. Require 5' landscape ("green") buffers between the road and sidewalks along both sides of Bear Canyon Dr. and the inner radial lane of Eagle Ridge Dr. All green buffers shall be lined with trees except in designated easements.~~

- ~~10.7.~~ At the developer's sole expense, mitigate potential fuel hazards for wildland fires in

areas identified as threats by Colorado River Fire & Rescue.

~~11.8.~~ ~~Construct and~~ Dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill. Alternatively, dedicate as Public Open Space land bordering properties to the south of Eagle Ridge Rd.

~~12.9.~~ Improve trail connectors with areas gained by downsizing to duplexes as shown in the Exhibit by providing a north-south connector from the C Ave switchback (at CVB), continuing between lots 2 & 3 and 22 & 23 to Open Space C. The north-south connector will continue between lots 15 & 16 to the south end of Eagle Ridge Rd. An additional east-west connector will extend from Open Space C between lots 25 & 26 to Bear Canyon Dr and beyond. ~~All such connectors shall be paved or concrete.~~

~~13.10.~~ Design Bear Canyon Dr. as a collector street as defined in the Municipal Code to channel traffic from residential areas to arterial streets. The minimum right-of-way shall be 60' including two 12' wide travel lanes, two 8' wide parking lanes, two 5' wide landscape buffers, and two 5' sidewalks.

~~14.11.~~ Provide water and sewer service stub-outs for future development east of Bear Canyon Drive prior to the installation of road infrastructure.

~~15.12.~~ ~~Provide verification~~ Verify that the configuration of turn lanes and through lanes at Castle Valley Blvd and Bear Canyon Dr right-of-way will not interfere with the turn lane distances at N & S Wildhorse. ~~can accommodate standard turn lanes and through lanes.~~

~~16.13.~~ Specify on the plat that Open Spaces A, B, and C ~~Open Space A shall be maintained by the Town and Open Spaces B and C~~ shall be maintained by the HOA.

~~17.14.~~ Provide a construction phasing plan. Identify, at minimum, each of the following components:

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

~~18.15.~~ Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.

~~19.16.~~ Provide a lighting plan demonstrating ~~Demonstrate~~ that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.

17. Provide a landscape plan illustrating size, type and location of plant materials and an irrigation plan, if applicable.

~~20.18.~~ Designate locations of mailbox kiosks with written authorization from the local postmaster.

~~21.19.~~ Submit an exhibit and conveyance document(s) in a form acceptable to the Town Attorney outlining the necessary water rights (potable and/or raw) required for Filing 11.

~~22.20.~~ Prior to the recordation of any Filing 11 phase plat, the applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney.

~~23.21.~~ The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.

~~24.22.~~ All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council and reflected in the minutes of such hearings shall be considered part of the Application and binding on the applicant.

~~25.23.~~ The applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, when developing the Property according to the Plan, as amended.

~~26.24.~~ The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.

~~27.25.~~ Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this Resolution.

CVR INVESTORS, INC.

5282 Red Pass Way
Castle Rock, CO 80108
303.549.1916

September 18, 2020

Via Electronic Mail

Town of New Castle
Attn: Planning & Zoning Commission
P.O. Box 90
New Castle, CO 81647

Re: *Application for Preliminary Plat Approval for Filing 11*
Parcel: Portion of PA17 and remaining PA19
Hearing: September 23, 2020

Dear Commissioners:

I am writing in regards to the upcoming continued hearing on our Filing 11 application. As you know, the Commission authorized us to continue the hearing until September 23rd, so that we could analyze the list of conditions suggested by the Town Staff and comment on them.

By way of brief introduction, I want to make sure we convey that we have taken the Commission's and the Staff's critiques of Filing 11 to heart. We have expended a great deal of time and resources to revise the original plan to account for as many of the points as we can, given our business model and the economic feasibility of the project. The modified plan that we are drawing (with SGM's approval) is still in full compliance with all the Town's Code and the Public Works Manual, and is substantially compliant with the Comprehensive Plan. We have been working diligently on this plan for over one year now; we are extremely disappointed that we have missed the 2020 season for bringing lots to the market, and we are now nearing a point at which 2021 may also be in jeopardy.

The following represents our responses to the list of conditions provided by the Town Staff:

A. Soften the transition between single-family homes along South Wildhorse Drive and the multifamily homes proposed in the Application[].

We have determined we can economically replace the triplexes originally drawn along the eastern edge of Eagle Ridge Drive to duplexes. These more narrow units

will soften the transition to South Wildhorse Drive. All of the yards for each home will be sodded, sprinkled, and have at least one tree behind each home.

B. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the land pursuant to approval criteria 17.100.090(A.6)[].

We were told that the southerly buildings all posed complications with respect to the anticipated engineering for foundations. In the past few weeks, Mr. Cokely has told us that he believes there may be an economical way for us to design and build these southerly units, including possibly designing walkout basements in these units. If he determines this is not available, we will have to investigate re-orienting these designs so the structures are buildable and aesthetically pleasing.

C. Design duplex units on Eagle Ridge Road with garages which can accommodate two vehicles to improve the housing diversity, snow storage, and off-street parking issues.

We cannot build the duplexes with 2-car garages because they would have to be built much wider and we would lose a lot of density. Also, to do this would change the whole price structure of these units in the wrong direction. The way the homes are designed now we have a garage with an attractive front porch, which makes it look more like a single-family home in a neighborhood.

D. Upgrade Open Space C as a central “green” with useable park space by eliminating Falcon Ridge Court and buildings 18, 19 and 20. Add off-street parking between buildings 17 and 21 for Open Space C. Open Space C shall include flat space for activities, playground equipment, or shade structures.

We are looking into expanding the area south of buildings 8, 9 and 10 to create a wide open space. This area is interesting because the views from this point are beautiful and this area is uniquely positioned against the C Avenue Trail Connection. We are exploring the installation of a gazebo and leveling the terrain to make the area as useable as possible for New Castle residents as a whole for picnics, gatherings and the like. At the same time, we will be enhancing the access to the trails up the hill as requested by the Town Staff. Please know that we are doing our best to meet the Commission’s request for useable open space, and at the same time capture enough units in this development so we are able to exhaust our remaining units over the rest of our developable land. We have been working with senior engineer Dan Cokely at SGM to do so. We cannot provide playground equipment or structures, although the subassociation can do so in the future if the community so desires.

E. Wide the natural buffer along C Avenue to greater than 10 feet or heavily landscape with trees to obscure the line-of-site between adjacent homes along South Wildhorse Drive and those in Filing 11.

We can agree to plant some trees along the corridor to obscure the line-of-site. We cannot agree to widen the buffer or to “heavily” landscape this area.

F. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. A snow storage easement shall be designated between each building structure and confined to an area 15’ wide by 10’ deep beyond the sidewalk. Additionally, snow storage easements in aggregate shall total no less than 15% of the plowable street area. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.

We can agree to identify the snow storage easements on the final plat and the temporary locations on phasing drawings. We can’t feasibly have a snow storage easement between every single building; however, we can have an easement at the outer radials of Eagle Ridge Drive and elsewhere in order to accommodate snow plowing and snow management. Further, we are investigating the elimination of units fronting to Bear Canyon Drive, which would provide significant snow storage opportunities.

G. Install street signage stating, “NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2” OR MORE.”

We need to see exactly where we would need to install these.

H. Prohibit on-street parking along the outer radial lane of Eagle Ridge Drive to improve snow removal, safety, and traffic flow. Prohibit parking adjacent to any snow storage easement identified on the plat.

We would like to know in more detail the areas specifically where parking would be prohibited.

I. Provide 5’ landscape (“green”) buffers between the road and sidewalks along both sides of Bear Canyon Drive, and the inner radial lane of Eagle Ridge Drive. All green buffers shall be lined with trees except in designated easements.

This is acceptable, particularly because we intend to remove all the structures loading on Bear Canyon Drive.

J. At the developer's sole expense, mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.

From discussions with Chief Moon, much of the fuels with which he is concerned are located on the Town's property—not that of the developer. These areas are of concern irrespective of the new development, as he's described the "chimney" effect of C Avenue as it exists even today. So, this cost should be shared equally between the developer and the Town. Also, from our current discussions, we are looking at providing open space near this area, which would mitigate the fire concerns.

K. Construct and dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill as shown on Exhibit "C" or dedicate as Public Open Space a portion of the land bordering properties to the south of Eagle Ridge Road.

We would agree to reorient the development to provide open space south of Eagle Ridge Road at the southerly border of the development, provided all such open space is counted against the covenant of developers to dedicate open space to the Town.

L. Improve trail connectors with areas gained by downsizing to duplexes as shown on Exhibit "C" by providing a north-south connector trail from the C Avenue switchback ... All such connectors shall be paved or concrete.

We agree to furnish at least two paved or concrete access points from Eagle Ridge Drive/Bear Canyon Drive to Open Space C.

M. Design Bear Canyon Drive as a collector street as defined in the Municipal Code to channel traffic from residential areas to arterial streets. The minimum right-of-way shall be 60' including two 12' wide travel lanes, two 8' wide parking lanes, two 5' wide landscape buffers, and two 5' sidewalks.

We disagree because a wider road would only increase vehicular speed and endanger people just like ClubHouse Drive in Lakota. The current span of the road is more in line with the Comprehensive Plan, which provides that "New Castle supports concepts of traditional neighborhood design and smart growth that includes appropriately designed and compatible *narrower street sections* that incorporate pedestrian-friendly crossings, traffic calming techniques, landscaping and lighting." (Comp Plan at Policy T-1G.)

However, in order to provide better access and traffic flow, we would design this road so as not to front any units onto Bear Canyon Drive until it turns to the east at

the southern end of the property. This will reduce incoming cars from driveways, and, with the tree-lined street and the greenbelts, should be very neighborhood-friendly.

N. Provide water and sewer service stub-outs for future development east of Bear canyon Drive prior to the installation of road infrastructure.

We are agreeable to this.

O. Provide verification that the Castle Valley Boulevard right-of-way can accommodate standard turn lanes and through lanes.

We will work with SGM to provide this verification.

P. Specify on the plat that Open Spaces A, B and C shall be maintained by the HOA.

Per previous discussions and meetings, the subassociation will maintain Open Spaces B and C, but Open Space A is to be maintained by the Town as a trail connector.

Q. Provide a construction phasing plan.

This is acceptable.

R. Request approval of street names[[]].

This is acceptable.

S. Demonstrate that all exterior illumination shall comply with acceptable...standards.

This requirement should be imposed by way of the subassociation covenants, which we can do.

T. Designate locations of mailbox kiosks[[]].

This is acceptable.

U. Submit an exhibit and conveyance document(s) in a form acceptable to the Town Attorney outlining the necessary water rights[[]].

This is acceptable.

V. Prior to the recordation of any Filing 11 phase plat, the Application shall enter into an SIA[].

This is acceptable.

W. The sale of individual units within Filing 1 may not occur until a plat...is recorded[].

This is acceptable.

X. All representations...

This is acceptable.

Y. The Application shall comply with...codes.

Acceptable.

Z. The Applicant shall reimburse the Town[].

This is acceptable.

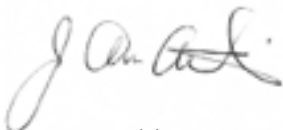
AA. Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this Resolution.

This is acceptable, subject to our responses herein.

CONCLUSION

In conclusion, I appreciate the opportunity to re-convene with the Commission and to revisit everyone's concerns (on all sides) to move this application forward for the betterment of the community as a whole. We look forward to the approval of the preliminary plat with conditions, so that we can move towards the final plat stage of this filing for a successful development for everyone.

Sincerely,



J. Aaron Atkinson
President

CVR Investors, Inc.

**New Castle Planning and Zoning Commission Meeting
Wednesday, August 26, 2020, 7:00 p.m., Town Hall**

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

Call to Order

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

Roll Call

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

- Absent Commissioner Sass

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

Meeting Notice

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

Conflicts of Interest

There were no conflicts of interest.

Citizen Comments on Items NOT on the Agenda

There were no citizen comments.

Public Hearing

Consider Resolution PZ-2020-08 Recommending Approval of a Conditional Use Permit for a Quilting Studio on Property Located in the Commercial -1 Zone.

Chair Apostolik opened the public hearing at 7:04 p.m.

Town Planner Paul Smith said the application proposed a quilting studio workspace in the C-1 zoning district along the alleyway south of Main Street. The studio will consist of a 280 square foot structure that will accommodate assembly area and a large quilting machine used to service quilts for clients. Currently the property is occupied by a single-family home built in 1909 and accessory structures. The use is currently non-conforming according to code section 17.36.050. In the event that the property should transition from a residential to conforming commercial use, this

studio can be readily converted to a single car garage or storage shed. The applicant maintains that the versatility of the structure will be an asset to the community regardless of the proposed use or future use of the property.

Whereas chapter 17.36 of the municipal code does permit analogous uses such as printing shops and photography studios, provisions for quilting studios are neither specified permitted nor not-permitted. Therefore per section 17.36.040 (D), "any use not specifically defined in the permitted, conditional, or non-permitted use categories shall be a conditional use." As a conditional use application, the Planning Commission is required to hold a public hearing in accordance with the procedures set forth in Municipal Code chapter 16.08. Within 30 days after the hearing, the commission must make one of three recommendations to Town Council:

- 1) Approve the CUP unconditionally;
- 2) Approve the CUP with conditions;
- 3) Deny the CUP.

The purpose of a conditional use permit is to determine if the nature of the proposed use is appropriate to the location, character of the surrounding development, vehicle capacity on adjacent streets, and potential environmental effects, among other factors, that the town may deem relevant to the type of land use.

Site Plan:

- (1) Adjacent land uses and location of adjacent structures:

Staff Comment – The existing building is adjacent to a residential lot to the west, and the Ringer commercial building to the East. The Ringer building is a live/work establishment. The house fronts Main St. to the north, and an alleyway to the south.

- (2) Boundary and size of lot:

Staff Comment – In C-1 the minimum lot area for a single-family detached unit is 2,500 square feet per dwelling unit. The current lot size is 5,000 square feet. The minimum floor area is 800 square feet per dwelling unit. The existing floor area is 1,638 square feet. The quilting studio will add 280 square feet of lot coverage.

- (3) Boundary location, height and setbacks:

Staff Comment – The maximum building height in C-1 for residential is 32 feet. The proposed building height is 13'. Setbacks are noted on the drawings and comply with the C-1 minimum setbacks mentioned in section 17.36.080.

- (4) Off-street parking and loading areas:

Staff Comment – For residential dwelling units in the C-1 zone there must be one and one-half parking spaces per dwelling unit. (Municipal Code 17.76.120§B). A minimum of fifty (50) percent of the required parking spaces in the C-1 zone district shall be provided onsite behind the building and with access from the alley. Currently there are 2.5 off-street

parking spaces located entirely in the rear of the lot.

(5) Points of ingress and egress:

Staff comment – The studio design shows a service door planned at the northern side of the structure and a 7’ barn door to the east. Parking for the studio will be accessed by the alleyway from either the east or west.

(6) Service and refuse areas:

Staff Comment –There is access for meter readings and ample space beyond the fence for any trash collection services. In the event that the land were to transition to commercial use, the proposed garage would not impede on the function of these areas.

(7) Signs and exterior lighting:

Staff Comment – There are currently no proposed exterior signs and/or lighting. Should this change, the applicant will be required to comply with lighting and sign code provisions in the municipal code. Any added exterior lighting will need to be dark-sky compliant per the comprehensive plan.

(8) Fencing, landscaping and screening:

Staff Comment -The garage will run parallel to the existing fence and contribute to the screening at the rear of the lot. Fencing will remain compliant with R-1 zone standards.

(9) Compliance with performance standards:

Staff Comment – The applicant has submitted a signed document stating they will comply with all performance standards.

(10) Location and size of easements, power poles, fire hydrants, gas lines, water and sewer lines; anticipated utility requirements:

Staff Comment – The garage will not be connected to Town water and sewer. Electrical service is anticipated on the west wall of the structure. The garage does not impede on any easement.

Section 17.36.030 of the municipal code states that the town's goals within the C-1 district are to retain historical characteristics of the downtown business area by preserving existing structures constructed prior to the year 1930. Remodeling and construction is encouraged: to reflect the goals of the zone district; to enhance the town's attraction to residents, tourists, and visitors; to serve as a support and stimulus to business and industry; to reflect a pedestrian orientation; and to enhance property values. Section 17.36.100 states that design and construction in C-1 shall be consistent with the following provisions:

- A. Remodeling and restoration improvements to preexisting and/or nonconforming structures are encouraged and shall not affect their existing uses as described above. Exterior remodeling and improvements shall blend with the existing structure and surrounding neighborhood with the effect to retain and restore the district's historical characteristics.

- B. New additions to existing structures shall meet the setback requirements of this district. The exterior shall blend with the existing structure.
- C. New construction within this C-1 district shall be designed in relation to the historical characteristics of the district, so that the exterior features of such construction shall blend with the historical characteristics as established in this chapter.
- D. Exterior finish materials such as logs, exposed metals or materials of gloss finish, or vinyl-finish siding on nonresidential buildings are not permitted.

Staff anticipates that the design and construction of the quilting studio will not violate these provisions nor conflict with the overall design of the existing house.

A conditional use application shall be approved only if the town council finds that the application:

1. Is eligible for conditional review under Section 17.35.050;

***Comment:* Sections 17.36.050, 17.36.050, and 17.36.060 of the municipal code identify the list of permitted uses, conditional uses, and non-permitted uses, respectively. By virtue of its exclusion from all of these lists, a quilting studio is thereby subject to the conditional use process. A complete application with all CUP requirements was confirmed on July 1, 2020. A public hearing with the Planning Commission was scheduled for the first available meeting after 45 days.**

2. Is generally compatible with adjacent land uses;

***Comment:* Although the current land use of this lot is non-conforming in C-1, it is staff's opinion that the proposed addition of the garage will not inhibit the transition of land use from residential to commercial. Moreover the presence of a studio structure will likely enhance the function of the property with any use.**

3. Meets all requirements of Section 17.84.020, is in compliance with this title and minimizes potential adverse impact of the conditional use on adjacent properties and traffic flow;

***Comment:* The proposal anticipates little negative impact on the community and adjacent properties. Furthermore, the Applicant will satisfy the requirements of all adopted building codes and Town codes as described in the conditions of approval.**

4. Is consistent with the comprehensive plan

***Comment:* The New Castle Comprehensive Plan Policy H-1G maintains that New Castle will encourage new businesses in historic downtown that will create a destination/stop for tourism. New Castle will favor**

retail and service for its downtown buildings. The proposed quilting studio is consistent with these policies.

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

Comment: The studio will not be serviced by the Town's water or sewer. Impacts on the Town's infrastructure, including police and fire protection are slight.

The staff recommends Planning Commission **approval of Resolution PZ 2020-8** with the following conditions:

- A. The use approved in the application shall not be conducted until the Town Planner has issued a conditional use certificate. That certificate shall be issued only after Applicant has entered into an agreement with the Town specifying that all conditions imposed by the town council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one year of the date of final approval by town council, or the application is deemed withdrawn by the applicant and is of no further force and effect.
- B. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in chapter 17.84.070.
- C. In the event the town receives any complaints about the use of the site or observes or becomes aware of any violations of the conditional use approval, the applicant and/or owner may be summoned before the town council in a public meeting to show-cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf.
- D. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations.
- E. Added exterior lighting will be dark sky compliant pursuant to the Comprehensive Plan Goal EN-4.
- F. All representations of the applicant in written and verbal presentations submitted to the town or made at public hearings before the planning commission or town council shall be considered part of the application and binding on the applicant.
- G. The applicant shall reimburse the town for any and all expenses incurred by the town regarding this approval, including without limitation all costs incurred by the towns outside consultants such as legal and engineering

costs.

Chair Apostolik read into the record a letter for support:

To whom it may concern,

I'm writing to express my approval of Dara Marquardt's request for a conditional use permit for a quilting studio on her property. It will be a positive addition for her family and the New Castle community and a proper utilization of the property's C-1 zoning.

Alicia Herring

Applicant Ms. Dara Marquardt, said the quilt studio was unique to the area in that there is not another one in the valley.

Planner Smith asked Ms. Marquardt to explain how the quilting machine worked and the size of it.

Ms. Marquardt said the machine was on a 12-foot frame and was robotic. Ms. Marquardt said she received the tops of quilts and then will put batting in the middle and the backing on, and then hand guide the quilt through the machine to sew everything together. She said the machine was big enough to sew a king size quilt.

Commissioner Westerlind asked if Ms. Marquardt would be working with other quilters.

Ms. Marquardt said it would be just her.

Chair Apostolik closed the public hearing at 7:16 p.m.

MOTION: Commissioner Riddile made a motion to approve Resolution PZ-2020-08, a Resolution of the New Castle Planning & Zoning Commission Recommending Approval of a Conditional Use Permit for a Quilting Studio on Property Located in the Commercial -1 Zone. Commissioner Bourquin seconded the motion and it passed on a roll call vote: Commissioner Riddile: Yes; Chair Apostolik: Yes; Commissioner McDonald: Yes; Commissioner Westerlind: Yes; Commissioner Bourquin: Yes; Commissioner Lucio: Yes.

Public Hearing

Consider Continuation of Decision on Resolution PZ-2020-02 Recommending Approval of Castle Valley Ranch PUD Master Plan Amendment.

Chair Apostolik stated the Castle Valley Ranch PUD Master Plan Amendment had been withdrawn by the applicant.

Items for Consideration

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

Town Attorney David McConaughy said in February 2020, CVR Investors, Inc. submitted a combined preliminary/final subdivision and preliminary/final PUD development plan application to the town concerning development of Filing 11 in Castle Valley Ranch. The Planning and Zoning Commission considered the application at a public hearing held on May 13, 2020 which was continued to May 27, 2020. After the public hearing was closed on May 27, 2020, the commission unanimously voted to deny the application. Because the commission is the approving body for preliminary subdivision and PUD applications and because a final subdivision/PUD application cannot be considered unless a preliminary application has been previously approved, the application did not proceed to town council for review and decision.

Section 17.100.070(D) of the Town Municipal Code allows an applicant to take a disputed preliminary PUD decision made by the planning and zoning commission to town council for review. CVR Investors exercised this option, and council reviewed the commission's decision regarding the application on July 21, 2020 meeting. At the meeting, town staff summarized the application, the information presented at the public hearings, the issues the commission identified regarding the application, and the basis for the commission's decision to deny the application. CVR Investors then presented its argument to council as to why the commission erred in denying the application. After hearing both presentations and without taking additional public comment or new evidence from staff or CVR Investors, council decided to refer the application back to the commission for reassessment. Specifically, council directed the commission to consider whether one or more conditions proposed by town staff to address the commission's concerns would justify conditional approval of the preliminary PUD portion of the application (the "Preliminary Application") rather than an outright denial.

Based on the direction from council, the commission will be reconsidering the preliminary application. CVR Investors did not appeal the commission's denial of the preliminary subdivision plat application, and the final subdivision application cannot be acted on until a preliminary plat is approved, so there is nothing more for the commission to do with respect to the subdivision portion of the original application. Similarly the final PUD application cannot move forward unless and until the preliminary application has been approved. The commission's reassessment of the preliminary application will dictate what happens with the final PUD application portion of the original application.

In reassessing the preliminary application, the commission must decide whether the preliminary application (a) unconditionally satisfies the approval criteria set forth in Section 17.100.090(A); (b) can satisfy the approval criteria if one or more conditions are imposed; or (c) cannot satisfy the approval criteria regardless of whether conditions are imposed. The commission must make its decision based on the information and evidence presented during the May 13 and May 27 public hearings; no new information or public comment will be taken.

Considering the reasons for the commissions' initial decision to deny the application, staff has developed a number of conditions for the commission to review.

Those are presented in the staff report and Resolution PZ 2020-9. If adopted, Resolution PZ 2020-9 would replace and supersede Resolution PZ 2020-6, the resolution that formally denied the application, as to the preliminary application only. The conditions proposed by staff are not an exhaustive list. The commission may decide that some conditions should be removed and others added in order for the preliminary application to satisfy the PUD approval criteria. The commission may also decide that no amount of conditions will bring the preliminary application in line with the approval criteria, in which case the commission's previous decision will stand.

If, after its reassessment, the commission decided to conditionally or unconditionally approve the preliminary application, the commission must decide whether or not to act on the final PUD portion of the application. As presented in Resolution PZ 2020-9, staff recommends that the commission continue its decision on the final PUD application until CVR Investors submits a revised, final PUD application and combined preliminary/final subdivision application that addressed all conditions that may be imposed on the preliminary application. If the Commission goes this route, the application would come back to the commission for a new public hearing on the revised, final PUD application and preliminary/final subdivision application.

Alternatively, the commission may approve the preliminary PUD application (with or without conditions) and recommend approval of the final PUD application subject to the same conditions, if any. In that event, the final PUD application would go to council for review and decision at a public meeting, but there would be no additional public hearings regarding the PUD portion of the application. CVR Investors would also need to submit a new combined preliminary/final subdivision application that would go to the commission for review at a public hearing, although the scope of that hearing would be limited to issues related to the subdivision plat only.

To summarize, the commission had the following options with respect to the preliminary application:

1. Approve the preliminary PUD application without conditions and recommend approval of the final PUD application without conditions;
2. Approve the application with conditions and recommend approval of the final PUD application with those same conditions;
3. Approve the application with conditions and continue a decision on the final PUD application pending submission of a revised final PUD application and a combined preliminary/final subdivision application; or

4. Maintain the commission's original denial of the application.

Planner Smith said upon review of all testimony, town council recommended that staff, the planning commission, and the applicant should reconvene on the preliminary PUD application and consider whether sufficient revisions could be made to warrant the commission's approval.

As a result of the council's decision, both staff and the applicant have provided alternatives to the original preliminary PUD application for the commission's consideration. Resolution PZ 2020-9 shall repeal and supersede Resolution PZ 2020-6 only with respect to the preliminary application. Resolution PZ 2020-6 remains in effect for all other portions of the original application. The preliminary/final subdivision application has been previously denied but may be re-submitted for further review in conformity with the approved preliminary PUD Development Plan and may be considered simultaneously with the hearing on any final PUD Development Plan.

The commission will be charged with deciding whether any recommended revisions or combination of revisions to the application will favor approval based on the criteria in *New Castle Municipal Code* 17.100.090. An application shall demonstrate:

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

Staff recommended that the planning commission explore the following alternatives to the Filing 11 preliminary PUD application prior to deciding on Resolution 2020-09.

Planner Smith said approval of the preliminary application is subject to and contingent up on satisfaction of the following conditions:

- A. Soften the transition between single family homes along South Wild Horse Dr. and the multifamily homes proposed in the Application by:

- Converting lots 2 & 8 from quadplexes to triplexes. (**Less 2 units**)
- Converting lots 3, 4, 5, & 7 to duplexes. (**Less 5 units**)
- Retaining lot 6 as two duplex buildings.
- Integrate single-family home architectural features into the duplex design.

Commissioner Bourquin asked about less units versus converting from quadplexes and triplexes to duplexes because it moved the building spaces around. She said that the numbers were not as important as the typology. Commissioner Bourquin said she would like to see duplexes along S. Wild Horse Drive.

Aaron Atkinson, applicant, said that CVR Investors had been looking at the application a lot since the last meeting in terms of which concerns that were heard in the hearings could be addressed. One of the concerns was more usable open space. He said they had discussed eliminating Falcon Ridge Court, along with the associated units. Doing that would expand the open space "C".

Mr. Atkinson said eliminating Falcon Ridge Court and expanding open space "C", there was concern about the grade which may make it unusable. He was not sure if there was a way to make it a little larger in order to make it a flatter space which could be used more for a parkland.

Mr. Atkinson said that was an option which he was exploring. He said that CVR Investors were operating within a certain number of restrictions which they were trying to balance.

Mr. Atkinson said the first constraint was having to provide more usable open space. CVR Investors were looking into ways in which that would be accomplished.

Mr. Atkinson said that the second constraint was related to the buildings on the south side of Eagles Ridge Road. Buildings 10 and 11 had negative aesthetics and the question was whether there was a way to deal with it because of the grade concerns. He said it became a question of aesthetically and financially can it be changed from a quadplex to a duplex. He said they would need to look at the engineering again to see if it could be done.

Mr. Atkinson said that the third constraint was the number of units. The issue of density had come up during the hearings for filing 11. The questions were about how the density played into the rest of the acreage of land and how units are distributed. The concern was that making a decision on density in filing 11 now may have negative ramifications later. The issue was the number of units that are eliminated in filing 11 may be moved to the east, but he didn't want to create a problem in the future.

Commissioner Bourquin said there had been a discussion about what CVR Investor's plans and thoughts for the additional filings. She said it was hard to make a decision on filing 11 without understanding what the ramifications were when the road that dead ends on the current site plan. She asked how it connect through,

and how the units compare in relationship to those on the other side of Bear Canyon Drive. Commissioner Bourquin said it would be beneficial to think about how the pieces fit together.

Mr. Atkinson said he agreed with that.

Attorney McConaughy said that they needed to understand Mr. Atkinson's perspective as to why a condition eliminating units may or may not be acceptable. He said they needed to keep in mind that the application had to be able to stand on its own, therefore the commission cannot place conditions on the application because of what may happen on the property across the street.

Commissioner McDonald said that since there was an issue with appearance of buildings 10 and 11, would that same issue apply to buildings 12 and 13 since the buildings were on the same ridge.

Mr. Atkinson said yes that is correct and buildings 10-13 were being looked at.

Planner Smith said staff saw problems with buildings 10 and 11 regarding cuts that would be visible. He said there had been discussions about eliminating 10C, 10D and 11A because of visual impacts to the community. He also said there will be some serious fill further east. Planner Smith said that the buildings on the south have some cut and fill working needing to be done. For now, he said staff was referencing 10C, 10D and 11A as cut issues into the bank which may require retaining structure. Otherwise it will be exposed dirt that will show for a number of years.

Chair Apostolik asked Mr. Atkinson what his thoughts were about the conditions that had been introduced by staff in regards to softening the transition.

Mr. Atkinson said after reading the staff comments he felt that the transitioning was one of the conditions that could work. Softening the transition with duplexes that more closely resemble a single-family homes looked very promising and could be accomplished down the western side of Eagle Ridge Drive where it would be across the street from South Wild Horse Drive units.

Commissioner Riddile asked if it would be acceptable to have a condition on one side of Eagle Ridge Road that buildings 1-9 would be converted to townhomes.

Mr. Atkinson said he was comfortable with duplexes along that section. He said the problem was needing more time. There could be a problem with buildings 10-13 and he said he was not sure what the ripple effect will be across rest of the site.

Chair Apostolik asked Mr. Atkinson if he wanted to continue the meeting to another date or go through rest of the conditions.

Mr. Atkinson said he would like to go through rest of the conditions because when he goes back to his team wanted to have a complete and clear understanding of what the town was looking for, and having more specific answers to the questions.

Attorney McConaughy asked the commission if they were open to a conditional approval because if the answer was "No" then there was no reason to continue. If the commission was willing to consider the conditional approval then it would be worth moving forward and have a discussion.

Commissioner Bourquin said "Yes".

Commissioner Riddile said "Yes". He said he liked the transition to duplexes on the west side, expanding open space "C", not just engineering constraints of connecting soft trail corridor going east and west, and eliminating buildings 11-13.

Commissioner McDonald said "Yes" and was very happy to see CVR Investors openness and willing to address some of the concerns the commission had. The proposed conditions make the plan more community friendly and more in line with what the commission was trying to accomplish in the comprehensive plan.

Commissioner Westerlind said "Yes".

Commissioner Lucio said "Yes".

Commissioner Bourquin said converting lot 3 could stay a triplex would be an adequate buffer. However she thought lots 4-7 should be duplexes because that was the area that was the tightest along South Wild Horse Drive.

Mr. Atkinson said would like to take advantage of the configuration that previously existed and capitalize on the work the engineer had originally done.

Town Administrator Dave Reynolds said one of the big factors for creating the duplex lots was because of the parking issue. The other issue staff looked at was snow storage. The more small separations between the buildings and lower density along the road provided more small spots for public works to push snow. The other concern from the commission was there needed to be a diversity of product, and in order to have a diversity of product, staff felt substituting some of the triplex units to duplex units helped with the diversity.

Commissioner Westerlind said the ability to create a wildlife corridor would also help soften the transition with natural landscaping.

Mr. Atkinson asked for some examples of integrating single-family architecture features.

Planner Smith said the idea is make the building look more like a single family home. More offsets or different orientations to make it stick out more like a home. Being able to buffer the transition better.

Chair Apostolik said also using different textures so the buildings all don't look the same.

- B. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the land pursuant to approval criteria

17.100.090(A.6):

- a. Reduce the building on Lot 10 to a duplex because of the aesthetic impacts of a 18' grade cut.
- b. Reduce the building on Lot 11 to a duplex because of the aesthetic impacts of a 14' grade cut.

Chair Apostolik asked Mr. Atkinson if he was ok with the direction staff has presented for conditions on the grade cut feet.

Mr. Atkinson said he cannot be sure because of the particular condition depended heavily on engineering and he needed more time with the engineer to look at it.

Commissioner Riddile said a natural character of land was to preserve a soft trail corridor by eliminating units 12 and 13 and do to a 30 foot fill.

Mr. Atkinson asked if units 10-13 had to be eliminated and the area become a dedicated open space. However, he said dedicating open space where units 10-13 were may not make open space "C" much bigger.

Commissioner Riddile said open space "C" needed to be bigger by eliminating unit 20 but keeping units 18 and 19. He said that units 12 and 13 could be eliminated, and leave unit 11.

Commissioner Bourquin said she would like to see open space "C" as more valuable. Eliminating units 10-13 created a single loaded roadway which was not a good use of infrastructure.

Commissioner Riddile said if units 11 and 13 were eliminated, there may be room to end Eagles Ridge Drive at unit 14, which could help the topography and also help with plat fills. He said that one of the problems was Eagles Ridge Drive backing up to Bear Canyon Drive. He felt that the roads should be broken up to improve the emergency access.

- C. Design duplex units on Eagle Ridge Rd. with garages which can accommodate two vehicles to improve the housing diversity, snow storage, and on-street parking issues.

Planner Smith said the main reason is get cars off the street. The original design had single car garages with single car driveways. To help eliminate the congestion on the street would require a two car garage with a two car driveways. It would also contribute to the diversity issue.

Mr. Atkinson said having a two-car garage as a condition will need further discussion.

- D. Upgrade open space "C" as a central "green" with useable park space by eliminating Falcon Ridge Ct. and buildings 18, 19 & 20. Add off-street parking between buildings 17 & 21 for open space "C". Open Space "C" shall include flat space for activities, playground equipment, or shade structures.

Planner Smith said in the original plan there were 3 open spaces. Open space "A"

was N. C Avenue, open space "B" was along Castle Valley Boulevard and open space "C" was a small area in the middle of filing 11.

Staff was proposing to eliminate units 18-20 to have a large open space "C" as usable space for a park which would include flat space with landscaping focusing on an activity.

Mr. Atkinson said he heard them about opening up open space "C" and he would need to look at the possibility and will accommodate as best as he can.

Commissioner Riddle said if unit 20 was eliminated could convert the north side of Falcon Ridge Court to a few off street parking spaces.

- E. Widen the natural buffer along North C Ave. to greater than 120 feet *or* heavily landscape with trees to obscure the line-of-site between adjacent homes along South Wild Horse Dr. and those in Filing 11.

Planner Smith said the transition along N. C Avenue had a couple of alternatives. The first one is to pair it with the open space along the trail that currently existed further west along Castle Valley Boulevard, just north of South Wild Horse Dr. The other was if there was a way to widen the open space along C. Avenue to something that is similar to the South Wild Horse open space. Heavily landscape with trees it could be used for wildlife corridor.

Commissioner Westerlind suggested having both. Widening the buffer along N C Avenue with heavily a landscape area would create a nice walking path, as well as a wildlife corridor and screening creating a softer transition.

Mr. Atkinson asked how dense for the landscaping.

Planner Smith said would need to consult with public works but could be as dense as evergreens touching.

- F. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. A snow storage easement shall be designated between each building structure and confined to an area 15' wide by 10' deep beyond the sidewalk. Additionally, snow storage easements in aggregate shall total no less than 15% of the plow able street area. Snow storage shall be free of all obstructions including, but not limited to, boulders, shrubs, trees, and fences.
- G. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2" OR MORE".
- H. Prohibit on-street parking along the outer radial lane of Eagle Ridge Drive to improve snow removal, safety, and traffic flow. Prohibit parking adjacent to any snow storage easement identified on the plat.

Planner Smith said public works and town engineer was recommending more frequent snow storage areas. Because the more frequency of snow storage would resolve a lot of the snow storage issue.

Chair Apostolik asked Mr. Atkinson if the condition was workable.

Mr. Atkinson said he did not know because of the reconfiguration of the buildings.

Commissioner Riddile suggested to have Mr. Atkinson submit a snow storage plan that would utilize storage easements, signage, and off street parking.

The commission agreed to combine conditions F, G and H as a single condition.

- I. Provide 5' landscape ("green") buffers between the road and sidewalks along both sides of Bear Canyon Dr. and the inner radial lane of Eagle Ridge Dr. All green buffers shall be lined with trees except in designated easements.

Mr. Atkinson said having a buffer on Bear Canyon Drive should not be an issue, but with regard to the inner radial that would be subject to the reconfiguration.

- J. At the developer's sole expense, mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.

Planner Smith said this condition comes from the request of the fire marshal. There were concerns regarding fire hazard along C Avenue. Along the west side of C Avenue as it dips down into downtown, the over growth of trees does need to be mitigated. Also on the east side of the property could be mitigated.

Mr. Atkinson said he has spoken with the fire marshal and would like to look at the areas with him to determine the concern.

- K. Construct and dedicate for public use a single-track hiking and biking easement at the base of Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill as shown on Exhibit C or dedicate as Public Open Space a portion of the land bordering properties to the south of Eagle Ridge Road.

Mr. Atkinson said it depended on the reconfiguration of the area south of Eagles Ridge Road.

Commissioner Riddile said at some point everything from the south will be dedicated as active public space. For an example there would be trails running through the open space.

Mr. Atkinson said he agreed.

- L. Improve trail connectors with areas gained by downsizing to duplexes as shown on Exhibit C by providing a north-south connector trail from the C Ave switchback (at Castle Valley Boulevard), continuing between Lots 2 & 3 and 22 & 23 to Open Space C. The north-south connector will continue between Lots 15 & 16 to the south end of Eagle Ridge Rd. An additional east-west connector will extend from Open Space C between Lots 25 & 26 to Bear Canyon Drive and beyond. All such connectors shall be paved or concrete.

Mr. Atkinson said it would depend on the reconfiguration of Eagle Ridge Road and it had been discussed.

Chair Apostolik said he agreed with paved or concrete trails for the outer trails, but asked why paved or concrete instead of recycled asphalt for the inner trails.

Commissioner Bourquin said even using a little bit of gravel and make it a soft surface trail would work just fine.

- M. Design Bear Canyon Dr. as a collector street as defined in the Municipal Code to channel traffic from residential areas to arterial streets. The minimum right-of-way shall be 60' including two 12' wide travel lanes, two 8' wide parking lanes, two 5' wide landscape buffers, and two 5' sidewalks.

Chair Apostolik said the current configuration could also change based on what happened on the south east portion. That particular grade coming off the arterial at the bottom will be extensive.

Attorney McConaughy asked Mr. Atkinson about dedicating a wider right-of-way even if it was not built wider now since there was no certainty what will happen with the adjacent property.

Mr. Atkinson said that could be a solution, but would he need to look at.

- N. Provide water and sewer service stub-outs for future development east of Bear Canyon Drive prior to the installation of road infrastructure.
- O. Provide verification that the Castle Valley Blvd right-of-way can accommodate standard turn lanes and through lanes.
- P. Specify on the plat that Open Spaces A, B, and C shall be maintained by the HOA.

Commissioner Bourquin asked to see a full landscaping plan at final approval.

Commissioner Westerlind would like to know who would be taking over landscaping and maintenance upon completion of covenants.

Planner Smith said open space "A" would be maintained by the town and open space "B and C" would be maintained by the HOA.

- Q. Provide a construction phasing plan. Identify, at minimum, each of the following components:
 - o Buildout phases;
 - o Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - o Storage and staging areas for construction equipment and materials;
 - o Illustrate drainage and erosion control best management practices (BMP's)

- R. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- S. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- T. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- U. Submit an exhibit and conveyance document(s) in a form acceptable to the Town Attorney outlining the necessary water rights (potable and/or raw) required for Filing 11.
- V. Prior to the recordation of any Filing 11 phase plat, the Applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney.
- W. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- X. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Town Council shall be considered part of the Application and binding on the Applicant.
- Y. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements, including all sign code regulations, when developing the Property according to the Plan, as amended;
- Z. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs.
- AA. Submit a new combined preliminary/final subdivision application to be considered concurrently with a revised final PUD application that takes into account the conditions set forth in this Resolution.

Attorney McConaughy had suggested staff, applicant and himself come back with a revision of the conditions.

The commission agreed to continue the resolution until September 23, 2020.

MOTION: Commissioner Westerlind made a motion to continue Resolution PZ 2020-09 to September 23, 2020. Chair Apostolik seconded the motion and it passed unanimously.

Items for Next Planning and Zoning Agenda

There were no items for the next meeting.

Staff Reports

There were no staff reports.

Commission Comments and Reports

There were no comments or reports.

Review Minutes from Previous Meeting

MOTION: Commissioner Bourquin made a motion to approve the August 12, 2020 meeting minutes as submitted. Commissioner Riddile seconded the motion and it passed unanimously.

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

The meeting adjourned at 9:14 p.m.

Respectfully Submitted,

Chair Chuck Apostolik

Deputy Town Clerk Mindy Andis, CMC

DRAFT