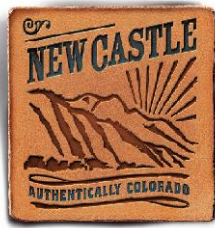


Posted: _____

Remove:



Town of New Castle

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

Administration Department

Phone: (970) 984-2311

Fax: (970) 984-2716

www.newcastlecolorado.org

Agenda

New Castle Planning and Zoning Commission Regular Meeting

Wednesday, September 11, 2019, 7:00 PM

Call to Order, Roll Call, Meeting Notice

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

Citizen Comments on Items NOT on Agenda

Items For Consideration

[A.](#) CVR Investors Sketch Plan Application

Comments/Reports

Review Minutes of Previous Meetings

[B.](#) Draft Minutes June 12, 2019

Adjournment

Item Attachment Documents:

A. CVR Investors Sketch Plan Application

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



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

DEVELOPMENT APPLICATION

Applicant: CVR Investors, Inc. and its assigns	
Address: 1038 Country Club Estates Dr., Castle Rock, CO 80108	Phone: 303-549-1916 FAX: E-mail: aa@hackstafflaw.com
Property Owner: CVR Investors, Inc.	
Address:	Phone: FAX: E-mail:
Contact Person: Aaron Atkinson	
Address:	Phone: FAX: E-mail:
Property Location/Address: Castle Valley Ranch, New Castle, CO	
Legal Description: Planning Areas 17 & 19, Filing 11	Acres: 14.958
Existing Zone (Not sure? Click here for help): M/U2	
Existing Land Use: Vacant Land	
TYPE(S) OF LAND USE(S) REQUESTED	
☐ Pre-Annexation Agreement ☐ Annexation ☒ Subdivision (including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) ☐ Amended Plat ☒ Planned Unit Development (including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) ☐ Floodplain Development Permit	☐ Lot Line Adjustment or Dissolution ☐ Site Specific Development Plan/Vested Rights ☐ Variance ☐ Zoning ☐ Zoning Amendment ☐ Re-zoning ☐ R-1-HC Identification ☐ Conditional Use Permit or Special Review Use Permit ☐ Other
This development would create 10696 residences and N/A square feet of commercial space.	
Applicant must also complete and submit the appropriate checklist for the type of land use requested. Both the applicant and the property owner must sign this application.	
Applicants are encouraged to schedule a pre-application meeting with the Town Administrator and/or Town Consultants prior to submitting this application.	



(IN FEET)
1 inch = 100 ft

LINE TABLE		
LINE	LENGTH	BEARING
L1	50.85	S15°51'02"W
L2	45.67	S55°35'56"E
L3	55.56	S09°18'29"E
L4	5.00	S82°57'17"E
L5	50.00	S02°02'43"W
L6	5.00	S82°57'17"E
L7	62.00	S07°00'00"W
L8	34.75	S85°11'09"W
L9	30.00	N45°26'00"W

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	882.01	920.29	260.14	438.09	S38°47'14"E	33°35'08"
C2	780.00	59.11	17.81	58.08	S75°31'03"E	10°52'39"
C3	1026.00	126.30	77.40	126.15	S78°48'08"E	8°40'51"
C4	882.01	110.10	50.13	110.03	S38°20'08"E	7°19'06"
C5	882.01	86.22	43.19	86.18	S78°26'44"E	5°43'51"

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Σ

1118 West Sixth Street, Suite 200
Glenwood Springs, CO 81601
970.945.1004 www.sgm-inc.com

Castle Valley Ranch
New Castle, CO

[illegible]

Project Milestone:	Preliminary Not For Construction
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Job No.	2000-109.02	
Drawn by:	JJJ	
Date:	7.30.1	
QC:	RM	PE: DJJ
File:	CVR-SketchPlan	

Title:

PA17 Sketch Plan

Dwg No.

I:\2000\2000-109\029Pa17-Elmore\H-Dwgs\Civil\MiscDwgs\CVR-SketchPlan.dwg Plotted: 8/27/2019 11:22 AM By: Jason Mehltrop





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

**Planning & Code Administration
Department**

Phone: (970) 984-2311

Fax: (970) 984-2716

Staff Report

**Castle Valley Ranch - Filing 11//Portion of PA17 & Remaining PA19
PUD & Subdivision Sketch Plans
Planning Commission – September 11th, 2019**

Report Compiled: 9/9/2019

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 Address:	TBD
Property Owner:	CVR Investors, Inc. (Aaron Atkinson)
Owner Mailing Address	Same as Applicant
Proposed Use:	31 Multifamily Lots (MF1), 3-plexes and 4-plexes; 96 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 Introduction – Sketch Plan

On August 2nd, 2019 the Applicant submitted a combined PUD & Subdivision sketch plan for Filing 11 in Castle Valley Ranch. After several alterations and clarifications, the application was considered complete on August 27th, 2019. Per Municipal Code sections 16.16.010 (Subdivisions) and 17.100.040 (PUDs), a development sketch plan is a visual and conceptual model showing site specific zoning, general utility & infrastructure requirements, circulation patterns, and expected density. These components inform the extent of an application's level of compliance with Town codes and the Comprehensive Plan. At this initial phase, the sketch plan gives the Applicant preliminary, nonbinding feedback from Staff, PnZ, and Council before significant expenses are incurred. No formal approval decisions are made on the application at this stage. However, recommendations, endorsements, or criticism based on the application approval criteria can be expected.

In what follows, the application will be assessed according to the criteria outlined in Municipal Code 17.100.090. The intent of this exercise is merely to communicate to the Applicant Staff's opinion of an application's level of conformity to Town regulations and requirements and to project how successful the application might be at future hearings. A development application will be assessed based on the following criteria:

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

The review with Staff comments follows in Section III.

II Sketch Plan Application Exhibits:

- 1) PUD & Subdivision Combination Applications, August 2nd, 2019
- 2) Agreement to Pay Consulting Fees & Expenses, August 2nd, 2019
- 3) Subdivision Review Letter, August 2nd, 2019
- 4) Townhome Renderings, August 2nd, 2019
- 5) Response to Town Planner, August, 27th, 2019
- 6) Response to Public Works Director, August 27th, 2019
- 7) PA Sketch Site Plans, Sheets 1-4, August 27th, 2019

III CVR Purpose and Approval Criteria:

A. Castle Valley Ranch PUD – Purpose

According to Municipal Code section 17.104.010, the purpose and intent of the Castle Valley Ranch PUD zone district regulations are to:

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

Staff will have these values and priorities in mind when considering an application's degree of conformance with the following criteria.

B. Approval Criteria

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

The property is surrounded by mixed use and residential zones. Currently all surrounding development consists of either single family homes or multifamily dwellings. The proposal models its units entirely after those located off of Redstone Drive which are sized between 1,600sf – 1796sf. The development concept also includes some open space areas similar to those observed elsewhere in Castle Valley Ranch. In particular, the Avenue C corridor is retained for pedestrian mobility (Open Space A) as are the paths and easements along Castle Valley (Open Spaces C & D). A central pocket park is also envisioned within the development (Open Space B).

Staff Comment: Staff has some concern with the blunt transition from large single family designs directly to the west (S Wildhorse Drive) to higher density 3 & 4-plexes. The Comprehensive Plan anticipates a balance of land-uses, particularly with development over 50 lots (Goal CG-4) and especially when the development lies within a mixed-use zone. A mixture of home designs, similar to what was endorsed in 2008, pairs better with desired aesthetics and overall housing needs identified in the Comprehensive Plan. Another point of apprehension is the level of connectivity for non-vehicular traffic internal to the development (Goal T-1). Sidewalks detached from the street are encouraged for walkability as are off-

street trail systems (T-1F) linking other parks, trails, and the Downtown area. These open space uses are all hallmarks of the Castle Valley Master PUD and are expected to be represented in all future developments.

The Applicant has also not communicated their expectations for their properties bordering to the north and east of Filing 11. To better comprehend the compatibility of this parcel, it would be helpful to have a general indication of possible development in other parcels which the Applicant owns. For instance, if the Applicant does not intend commercial in the mixed-use portion of Filing 11, will they in the adjacent land of Filing 12? If not, this might affect the current proposal.

Degree of Conformance: Moderate

2) Is the proposal consistent with the comprehensive plan?

The Comprehensive Plan anticipates high growth potential in a relatively rural setting all confined within an Urban Growth Boundary. To limit sprawl, communities are expected to be “compact” with a decidedly “urban edge”. A balance of housing types, mobility alternatives, recreational opportunities, and even commercial services are believed to help create attractive communities which are environmentally friendly and compatible with the community’s needs (Goal CG-5). The approved zoning along Castle Valley Blvd purposely places mixed-use zones contiguous with residential zones to help achieve this end.

Staff Comment: The Applicant proposes higher density residences. This is a helpful first-step in restraining sprawl and resonates with the more urban sentiment defined by the CP. The Applicant speculates that higher density should furnish more affordable options for new residents (HO-2) or those looking to downsize. Though this is not at the level of deed restricted housing, the units should match an attractive price-point for the Valley.

The Applicant will dedicate the minimum 10% of the developed 15 acres to open space, with much of this committed to the Avenue C pedestrian path. Other than space allocated to pedestrian paths only the central park area reserved for potential recreation (POST-2).

A 2008 a CPW referral indicates that the current property is “heavily utilized” by deer and elk in the winter and spring. Further development will undermine the preservation of wildlife habitat (EN-1; An updated CPW referral is pending).

A raw water option will decrease the development’s dependence on potable water for landscaping and reduce the load on infrastructure (I-1H). A raw water tap off of Castle Valley Blvd and looped back to Filing 8 is proposed on the site plan.

Information on the preservation of view planes has yet to be provided (EN-6).

Though the proposal does manage to meet some of the expectations of the Comprehensive Plan, Staff believes the proposal’s emphasis on homogeneity and market driven outcomes may overlook the need for communities to be diverse, distinct, and offering a strong sense of place (CG-5A). We feel various alternatives are available to meet this expectations.

Degree of Conformance: Moderate

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

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

Staff Comment: Public works has confirmed that adequate water and sewer capacity are available for the number of lots proposed. Per the updated According to the Comprehensive Plan and the Castle Valley Master Plan, a raw water for all landscape hydration should be featured in the development. This has been included in the design by the developer.

The fire marshal has noted the possibility of needing a 2nd access road for life safety measures per 2015 IFC, Section D106 if fire sprinkling is omitted. During completion review, the Applicant reduced the number of multifamily dwellings below 100 to be exempt from this requirement. However as the application progresses, any changes in the types or number of dwelling units may invalidate this exemption. Staff will monitor this matter as things progress.

The Police Department has not commented at this point in the application process.

Degree of Conformance: High

4) Are the uses proposed within the PUD permitted outright or by special review?

The proposal spans two distinct zones according to the CVR Updated Master Plan Map. The residential zone, colored in Dijon, comprises the northern third of the development (5.1ac). The southern two-thirds, identified in red, is zoned mixed-use (8.8ac). The Applicant has indicated that the target site specific zoning is entirely MF-1, defined as a “multifamily townhouse and patio home district allowing for creative approaches to development with housing alternatives that are sensitive to existing and surrounding land uses” (17.104.080 A.3). In both residential and mixed-use zones, townhomes are permitted by right.

Staff Comment: Though the use intended is permitted by right, the commitment to only residential development in a zone dedicated to mixed-use has become an all too common practice for developers in New Castle. Understandably, the alternative – nonresidential/commercial development – comes with economic risk, for it is arguably more difficult to sell or fill nonresidential development. However, Staff contends that the demand from the community plus the demand from business interests makes provisions for commercial services and vendors more viable than in years past. As noted in a previous development application, the Town too struggles to correct the current imbalance between residential and commercial, which has contributed to fiscal disparities. Staff maintains that the Town should incentivize developers to consider strategic locations for smart commercial options in their development plans. One suggestion might be to negotiate a zoning change which dedicates specific locations and/or functions that are deemed viable commercial areas. To move forward without any such considerations means the permanent loss of another eight acres of the Town’s designated mixed-use land.

Degree of Conformance: Low/Moderate

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

The number of dwelling units in Castle Valley Ranch is restricted two ways: 1) total number of units for all of Castle Valley and 2) minimum lot area per dwelling unit. Currently there is approximately 530 vacant lots in the Castle Valley PUD. With approximately 186.5 usable acres remaining, the average density would approach 2.8 units per acre. Furthermore the Applicant has elected the MF-1 zoning designation which limits the lot size for residential units to no smaller than 2,200sf. The Castle Valley mixed-use zones are also allocated up to 100,000 aggregate square feet of commercial space which, like Lakota Canyon Ranch, has yet to be developed.

Staff Comment: The present application represents 96 units on 15ac for a density of 6.4 units per acre or more than double the average density remaining in Castle Valley. As future parcels are built out, this figure may have a small impact on the average density allowed for future developers. In other words, subtracting the current proposal from the overall figures, the remaining average density would increase only to 2.4 units/ac. Staff believes this is negligible. Finally the average lot size for this proposal reaches 6,800sf per lot. This is over three times the minimum requirements.

In sum, though the density is significantly higher than many parts of the overall PUD, it would not affect the build-out of other parcels too adversely. For this application the issue will not be density, strictly speaking, but whether the amount and type of dwelling units undermines the general scope and vision of the Comprehensive Plan (see #2 above).

Degree of Conformance: High

6) Does the PUD proposal:

- **Provide off-street parking** – Castle Valley requires two off-street parking spaces per unit (17.104.100). The proposed design advocates for single-vehicle garages, with the driveway providing the second off-street parking space. As observed on Redstone Drive, this design is less than optimal (see picture). In practice, garages are used for storage, the driveway used for one vehicle, and the Town right-of-way is used for all remaining vehicles. Together with sidewalks without green buffers, garbage bins, and cars at the curb the congestion makes for an unpleasant pedestrian experience. Staff encourages green space between curb and sidewalk, overflow parking areas in strategic locations, and potentially some units designed with two-vehicle garages.
- **Utilize the natural character of the land** – Due to the early stage of the development application, the Applicant has yet to include a description of certain grading aspects. However to remain below an 8% road grade the natural land contours will require alteration. At some point significant fill dirt will likely need to be moved or imported to the future Filing 12 to match the eastern grade with Filing 11. Several retaining walls will be required to successfully stabilize soils at steeper topographies. Soil stabilizing measures such as these should be came to a bare minimum.
- **Provide pedestrian and bicycle circulation** – Proposed sidewalks help to provide safe egress from the street-to-home or from home-to-home. The Comprehensive Plan envisions more for pedestrian circulation. Specifically non-vehicular trail systems should

contribute to locale recreation. Staff feels the current design has a solid start with 8' paths included to the north and to the west of the development. Staff maintains that trail connectivity could be increased internal to the development with small modifications to the development plan. A connecting 8' trail at the south end of Filing 11 and one that bisects the development is advised.

- **Provide outdoor recreation** – Other than the existing Avenue C trail and a small centrally located pocket park, there is no component of outdoor recreation to this proposal. The design intent is to provide maximal rooftops at a competitive price point.
- **Is of overall compatible architectural design** – Undetermined, but will generally follow the design aspects of the approved townhomes located on Redstone Drive and also built by the Applicant (see packet).
- **Achieves adequate screening** – Undetermined
- **Ensures compliance with performance standards** – Undetermined

Degree of Conformance: Moderate

C. Subdivision Approval

A subdivision application will be approved by Town Council only if it is found to be compliant with the criteria set forth in MC 16.16.030. A subdivision plat will be provided at the preliminary stage of the application and will be reviewed by the Town attorney and engineer for compliance. Per PZ 2019-5, "One or more amended plats to define the boundaries of the individual units within each building shall be prepared for each building envelope based on as-built surveys after construction, which may be approved on staff level." Sale of individual units may not occur until the amended plat is recorded with Garfield County.

IV Staff Suggestions:

Staff recommends that the Planning Commission consider the following suggestions in its review of the sketch plan:

1. Areas of strategic commercial development be integrated into the design of the mixed-use area or specific areas be rezoned for commercial in fidelity with vision of mixed-use in the Comprehensive Plan.
2. Pedestrian circulation be improved to provide direct access to open space, parks, and other areas of Castle Valley Ranch.
3. Diversity of dwelling units be included into the development design per the Comprehensive Plan and similar to the 2008 application.
4. The Application provide an open house to community members after receiving feedback from Council, but prior to submitting a preliminary applications.

July 31, 2019

Paul Smith
Town Planner
New Castle Town Hall
450 West Main Street
PO Box 90
New Castle, Colorado 81647

Re: Sketch Plan submittal, Planning Area 17 & 19, Filing 11

Dear Paul:

The purpose of this letter is to transmit a Subdivision Sketch Plan for the above referenced Planning Areas of Castle Valley Ranch, New Castle, Colorado. Per the Town checklist, we have included the following items with this submittal:

- Development Application
- Sketch Plan
- \$400 Non-refundable Application Fee
- Renderings from similar project

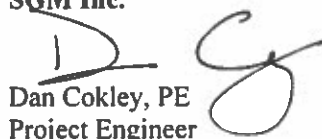
We are requesting a subdivision plat review for a multi-family development that will consist of 106 three-bedroom units. Based upon the Town municipal code, the water usage and sewage loading rates are as follows:

- Water Usage – 106 units at 1 EQR/unit = 106 EQR x 350 gpd (3.5 persons x 100 gpd/person) = 36,750 gpd
- Sewage Loading - 106 units at 1 EQR/unit = 106 EQR x 280 gpd (3.5 persons x 100 gpd/person x 80% non-consumptive use) = 29,680 gpd

We look forward to working with you on this development application. Please contact me with any questions or if additional information is required.

Sincerely,

SGM Inc.


Dan Cokley, PE
Project Engineer

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Public Works Department
(970) 984-0669 ex200
jwenzel@newcastlecolorado.org



Town of New Castle
801 W Main Street
New Castle, CO 81647

August 15, 2019

Paul,

The Public Works Department has had the opportunity to review the Castle Valley Ranch Planning Area 17 & 19 Sketch Application and has the following comments:

Raw Water

Our expectation is that the subdivision's outdoor landscaping will be irrigated with raw water. This will require the extension of our raw water mainline and installation of lateral lines required to service each property. The expansion of the raw water system is a strategic goal set by Town Council in 2008. **Response: Raw water irrigation, as well as other utilities, are shown on Sheet 2.**

Streets and Sidewalks

Our Municipal Code requires that residential streets are 50' from flow line to flow line. **Response: The interpretation of New Cast Municipal Code no. 16.28.050 suggests that residential streets are 50' right-of-ways. This Development right-of-ways have been labelled as 50'. Our plans show 36' from flow line to flow line. (2) 10 Ft. travel ways and (2) 8 Ft. parallel parking spaces.**

Sidewalks should be a minimum of 5' wide. **Response: Sidewalks are 5' throughout the development.**

A 5' "green belt" should also be constructed between the back of curb and sidewalk. **Response: "Green belt" was omitted in favor of a wider paving section that allows for on street parking with minimal impact to thru traffic and is consistent with existing neighboring developments.**

Full width acceleration and deceleration lanes/turn lanes should be designed for entering and exiting Castle Valley Boulevard. **Response: Full width accel/decel lanes are designed for traffic into or out of the development.**

Asphalt Trails

At a minimum, the asphalt trails should be designed to be 8 feet wide, 2 inches thick, with 6 inches of structural subgrade. **Response: Trail is designed to be 8' wide asphalt. Typical section for trail will be included at Preliminary Design submittal**

Snow Storage

High density subdivisions make snow removal more difficult and time consuming. We would like to see several dedicated snow storage areas, which are permanently marked with signage. We would also like the developer to consider off street parking areas. **Response:** *There are several Open space areas, Areas between buildings along the streets and Additional CVR land that can be utilized for snow storage and off-street parking areas. During Preliminary approval process, as we create a grading plan, we can define and identify these areas in more detail. We have indicated the current amount of parking spaces on drawings Sheet 2, Note #4, this does not include any off-street parking spaces that may be generated.*

Street Lights

Street lights should be placed at intersections for pedestrian safety. The design/style should be the same as adjacent neighborhoods. **Response:** *Street lights throughout the development are now shown on Sheet 2.*

Open Space

All the open space with the exception of Open Space A, should be maintained by the HOA. **Response:** *As we have done in the past, we will institute a homeowners sub association that will govern this filing. The sub association will maintain the open space within this filing, with the exception of "Open Space A" on our plat.*

Buffer Zone

It is possible that the neighbors in PA-19 might object to having such a high density development directly adjacent to their homes. A buffer zone of lower density should be considered. **Response:** *Parcel A is an open space for the asphalt trail which provides a buffer between Pa19 (existing homes) and Pa17 (Proposed). The distance between property lines vary from 59 Ft. to 72 Ft+/-, The distance between buildings should vary from 100 Ft. to 114 Ft. +/- Pa19 is the higher in elevation to Pa17. Preliminary elevations differences for Pa17 vary from 3 Ft. to 15 Ft. lower than Pa19 on the adjacent lots. We feel that this is a sufficient buffer between the Planning Areas. See Drawing sheet #2 for depiction.*

Filing 11 – Town Sketch Review Comments w/ CVR Responses: (In Blue)

The current application is for a PUD/Subdivision sketch plan for Castle Valley Filing 11. The application materials submitted on August 2nd, 2019, fulfill the minimal checklist requirements per 16.16.010 & 17.100.040. The checklist items are necessary for a complete application. However, the sketch plan is also reviewed by Staff for general conformance with relevant codes and the Comprehensive Plan. Early identification of non-conforming items which could influence the design are better off resolved early in the application.

The review detected certain issues that Staff believes may potentially change the proposal as it stands and thus should be addressed prior to a PnZ meeting. We conclude that the present sketch plan application is **incomplete**, based on the following issues:

- Castle Valley zoning classification(s) needs to be designated to understand the scope and possible density of the PUD. MF-1, MF-2, MU-1, MU-2, etc. (See 17.104.080)? **Response: MF-1**
- At 106 units the fire code requires a two access roads (2015 IFC D106). This was not required in the 2008 application because it was SF homes (see D107). **Response: Developer has chosen to revise the area of the development. The resulting area shows 96 units instead of the originally proposed design of 106. As per Section D106, a single access for the fire department should be adequate.**
- The development will span two distinct general zoning areas (R & MU) as mapped in the Updated Master Plan. Eventually an approved site specific PUD would likely modify this zoning. However, until then, we will need to differentiate the general zoning in order for PnZ to understand the degree to which the proposal complies with the Master Plan and the Comprehensive Plan. An overlay sheet will make this more obvious. **Response: See sheet #4 which shows the designated zoning related to the proposed development.**
- Per Public Works review, a looped raw water line should be designated on the site plan. **Response: Raw water irrigation, as well as other utilities, are shown on Sheet 2.**
- Compliance with Comprehensive Plan – The approval criteria (attached) requires substantial compliance with the comp plan. These are general guidelines, but it works in the developers favor to be compliant with these expectations as much as possible. Relevant areas of non-conformance include:
 - Goal CG-4: Mixed/balanced use is desirable for sustainability...especially in a MU designated zone; **Response: *We have been very candid with the Town over the past few years that we did not see any opportunities for commercial development in the near-term; we have never in our tenure with CVR been approached by anyone for purposes of commercial development. We have also been candid with the Town about the fact that we are restricted from commercial development by virtue of an agreement, which we inherited, that was executed between Village Homes and Mr. Steve Craven. Most importantly, we are confident that the Town requires more citizens (who require housing) before there are enough people to justify commercial development in Castle Valley Ranch. In the almost 20 years our group has been***

involved with Castle Valley Ranch or Lakota, we have never fielded a single request by a commercial developer to purchase or lease any of our properties. As conscientious developers, we do not want to try and force something on the Town that will inevitably fail. Should the need for commercial development arise with respect to our future development, we are very open to that conversation with the Town.

- Policy CG-4A: residential development (>50lots) shall include a mix of land-use types; **Response:** See above.
- Policy I-11: New development will design raw water irrigation; **Response:** Raw water irrigation, as well as other utilities, are shown on Sheet 2.
- Policy T-1F: Connectivity, specifically trails east-to-west, should be considered; **Response:** *We understand the interest and benefits brought by more trails in the Town. To that end, we have been working with Steve Craven to produce a workable agreement with the Town for trails on our real property. With respect to this particular filing, for context, there will be a north-south trail extending from Castle Valley Boulevard south to C. Avenue. Also, our understanding is that Castle Valley Boulevard incorporates a trail, which extends east-to-west at this location. So, given that there will be two trails immediately abutting this filing, we felt as though this was sufficient for trail connectivity*
- Goal EN-6: New Castle will protect ridgelines and viewsheds; A rendering from CV Boulevard looking south over the development would help to identify whether viewplanes are preserved. This was very useful for the last developer in “selling” his proposal to Council and the community. **Response:** *Along the same lines as the bullet point below, this would seem like a cost that we are not comfortable with at the sketch plan phase of this filing. Should the filing be well received and move on to preliminary and final hearings, we welcome the discussion regarding this endeavor to help answer questions regarding the development.*
- Floor plan sheet? It would be helpful to reproduce a model floor plan, perhaps from the Redstone lots. **Response:** *As our filing is presently in sketch plan, it is premature to produce floor plans for units that may ultimately be constructed on this land. While we are anticipating the same townhome product that we have been successfully building in Filing 9, this is by no means certain. We also don't feel that the floor plans are material to the P&Z focus in the sketch plan phase, which is compliance with the codes, ordinances and comprehensive plan.*

Item Attachment Documents:

B. Draft Minutes June 12, 2019

1
2
3
4
5 **New Castle Planning and Zoning Commission Meeting**
6 **Wednesday, June 12, 2019, 7:00p.m., Town Hall**
7

8 **Call to Order**

9 Commission Chair Apostolik called the meeting to order at 7:00pm.
10

11 **Roll Call**

12 Present Chair Apostolik
13 Commissioner Bourquin
14 Commissioner Copeland
15 Commissioner Johannsson
16 Commissioner Lucio
17 Commissioner McDonald
18 Commissioner Sass
19

20 Absent None
21

22 Also present at the meeting were Town Administrator Dave Reynolds, Town Planner
23 Paul Smith, Assistant Town Attorney Haley Carmer, Deputy Town Clerk Mindy Andis
24 and members of the public.

25 **Meeting Notice**

26 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
27 in accordance with Resolution TC-2019-1.
28

29 **Conflicts of Interest**

30 There were no conflicts of interest.
31

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

33 There were no citizen comments.
34

35 **Public Hearing**
36

37 Amending the Town's Comprehensive Plan to Include a Downtown Plan
38

39 Commission Chair Chuck Apostolik opened the Public Hearing at 7:01 p.m.
40

41 Town Administrator Dave Reynolds said the town council had few minor changes to
42 the downtown plan. The changes town council made were:
43

- 44 1) Added sentence on page 4: "Nothing in this plan for Downtown New Castle
45 impedes in any way with the vested rights of property owners in any region
46 of town."
47
48 2) Removed Appendix one (The 3 locations for downtown)

- 3) Page 5—Changed “Vision for Downtown New Castle: to “Goals.” We had three lists labeled “Vision.”
- 4) Incorporated the “Executive Summary” into the introduction. (It was not an executive summary.)
- 5) In the introduction there are two sections labeled “B”. Changed second B to C and item C to D.

Steve Craven, owner of CTS Investments, LLC and property owner within Castle Valley Ranch. Mr. Craven, who owns vested right, said he understood that the changes he requested had been included in the final Downtown Plan.

Assistant Town Attorney Haley Carmer explained the redline changes incorporated Mr. Craven’s concerns and what he had asked for through his attorney. She said that staff wanted to respect vested rights that were existing, and when new vested rights are created they would be subject to the downtown plan since the plan would be in place. Any rights that are vested now the town cannot impede because that was the point of the vested rights. The developer develops under the policies that are in place when the developer gets the vested rights. The Downtown Plan is a new policy and guideline that was not in place when Mr. Craven got his vested rights and there are other existing vested rights throughout town. Once existing vested rights expire then they would need to comply with the plan.

Attorney Carmer noted that there was a line added to the end of paragraph G on page 53 that said “The ideal goal is to assure the other zoning districts do not detract from Downtown while at the same time preserving landowners’ vested rights.” By adding the sentence it made sure there was a Downtown Plan and at the same time respected and preserved vested rights.

Commission Chair Chuck Apostolik closed the Public Hearing at 7:13 p.m.

Commissioner Bourquin said she agreed with adding the statement regarding other zoning districts not detract from Downtown. The plan will give the commission guidelines and leverage in the future.

Attorney Carmer reviewed the resolution with the commission.

Motion: Commission Chair Apostolik made a motion approving Resolution PZ 2019-06, A Resolution of the New Castle Planning and Zoning Commission Adopting an Addendum to and Amending the Comprehensive Master Plan for the Town of New Castle. Commissioner Lucio seconded the motion. The motion passed on a roll call vote: Commissioner Sass: Yes; Commissioner Bourquin: Yes; Chair Apostolik: Yes; Commissioner Johannsson: Yes; Commissioner McDonald: Yes; Commissioner Lucio: Yes.

Items for next Planning and Zoning Agenda

Administrator Reynolds said the next meeting would be a workshop to review building plans and various elements of a land use applications.

1
2 **Staff Reports**

3 There were no staff reports.
4

5 **Commission Comments and Reports**

6 Chair Apostolik and Commissioners want to thank Mr. Bruce Leland for all of his
7 hard work on the edits to the Downtown Plan. The work was very much
8 appreciated.
9

10 **Review Minutes from Previous Meeting**

11 **Motion: Commissioner Copeland made a motion to approve the May 8,**
12 **2019 meeting minutes as submitted. Commissioner McDonald seconded**
13 **the motion and it passed unanimously.**
14

15 **Motion: Chair Apostolik made a motion to adjourn the meeting.**
16 **Commissioner Bourquin seconded the motion and it passed unanimously.**
17

18 The meeting adjourned at 7:26p.m.
19

20
21 Respectfully Submitted,
22
23
24
25

26
27 _____
28 Planning and Zoning Commission Chair
Chuck Apostolik

29 _____
30 Deputy Town Clerk Mindy Andis, CMC