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

**Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

## **Agenda**

### **New Castle Planning and Zoning Commission Regular Meeting Wednesday, December 09, 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**

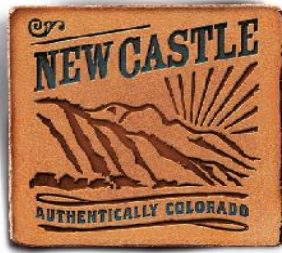
#### **Items for Consideration – Continued from November 23, 2020**

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

#### **Comments/Reports**

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

#### **Adjournment**



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## Memorandum

**To:** Planning Commission  
**From:** Paul Smith  
**Re:** Agenda Item – Filing 11 Preliminary PUD Decision of Resolution PZ 2020-09  
**Date:** 12-2-20

**Purpose:**

On December 9<sup>th</sup> the Commission will continue the hearing for Resolution PZ 2020-09 regarding a preliminary PUD application for 85 residential dwelling units in Filing 11 of Castle Valley Ranch. The hearing is part of a reassessment of the Commission's original denial of the land use proposal (PZ 2020-06) presented on May 13<sup>th</sup> and May 27<sup>th</sup> of 2020.

As a reminder, the reasons for denial were that:

“The Application (did) not meet the approval criteria set forth in the Town Code applicable to the Application, including, without limitation, compliance with the Comprehensive Plan, satisfaction of the issues identified in Section 17.100.090(A)(6), and other grounds as reflected in the record of the public hearing regarding the Application.”

With Resolution PZ 2020-09 the Commission will decide whether the current revisions to the application are sufficient enough to meet the approval criteria from Section 17.100.090 of the Town Code. A preliminary application shall be approved only if:

1. It is generally compatible with adjacent land uses;
2. It is consistent with the comprehensive plan;
3. The town has the capacity to serve the proposed use with water, sewer, fire and police protection;
4. The uses proposed within the PUD are uses permitted outright or by special review within the zoning district or districts contained within the PUD;
5. The number of dwelling units permitted by the underlying zoning districts 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, 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.

Resolution PZ 2020-09 is a decision solely on a preliminary PUD application. If approved, the Commission must still hold a public hearing on a combined preliminary/final subdivision application and a final PUD application. A denial of PZ 2020-09 by the Commission would end the current application.

Thank you,  
Paul

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Action regarding Preliminary Plan, as amended: The Preliminary Plan, as amended by the Amended Preliminary Plan, proposes:

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

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

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

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

- a. Eliminate, reorient, or reduce the following two buildings that adversely impact the natural character of the Property
  - 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
  - Eliminate Building 13 because of 30' fill and projected settlement
  - Eliminate Building 14 because of 38' fill and projected settlement
  - Orient Building 29 so that the building is parallel to Eagle Ridge Drive
- b. Design duplex units on Eagle Ridge Road with garages which can accommodate two vehicles to improve the housing diversity, snow storage, and on-street parking issues.
- c. The covenants for Filing 11 shall prohibit the parking of boats, trailers, campers, RVs, inoperative vehicles, etc. in driveways or on public rights of way for no more than 48 consecutive hours.

- d. Upgrade the open space area off of Falcon Ridge Court as a central “green” with functional active or passive space.
- e. Applicant shall adequately screen the western portion of Filing 11 from the adjacent homes along South Wildhorse Drive through one or more of the following:
  - Widening the natural buffer along C Avenue to greater than 120 feet;
  - Heavily landscaping Open Space A as shown on the Preliminary Plan with trees to obscure the line-of-site; or
  - Installing at least three trees near the rear lot lines of the lots along the west side of Filing 11 and including a provision in covenants for Filing 11 regarding on-going HOA maintenance and replacement of the same.
- f. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings. In addition to the snow storage areas shown on the revised site plan submitted with the Amended Preliminary Plan, a snow storage easement shall be designated to the east of Building 11 consistent with the comments from the Public Works Director. Snow storage shall be free of all obstructions including, 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. Provide 5’ landscape (“green”) buffers between the road and sidewalks the outer radial lane of Eagle Ridge Dr. for snow storage.
- i. The boundary of the open space area at the southwestern end of Filing 11 shall be revised to incorporate the entire length of the trail that connects to Eagle Ridge Drive as shown on the revised site plan. Said open space and trail shall be owned and maintained by the HOA for the development but shall be open for public use.
- j. Design Bear Canyon Dr. as a 50’ right-of-way according to comments from the Public Works Director. No homes in this filing or any future filing north of the southern intersection of Eagle Ridge Drive and Bear Canyon Drive shall front or be accessed off of Bear Canyon Drive.
- k. Provide water and sewer service stub-outs for future development east of Bear Canyon Drive prior to the installation of road infrastructure.
- l. Provide verification that the Castle Valley Blvd right-of-way can accommodate standard turn lanes and through lanes.
- m. Specify on the plat that Open Space A shall be owned and maintained by the Town and that all other open space areas within the development shall be owned and

maintained by the HOA.

- n. 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)
- o. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- p. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- q. Provide a conceptual landscape plan for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Plans submitted to obtain a building permit for any dwelling in Filing 11 shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.
- r. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- s. 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.
- t. Prior to the recordation of any Filing 11 phase plat, the Applicant shall enter into a subdivision improvements agreement with the Town for each phase of the development in a form acceptable to the Town Attorney. The subdivision improvements agreement for the first phase shall address the allocation of work and costs between Applicant and the Town necessary to mitigate potential fuel hazards for wildland fires in areas identified as threats by Colorado River Fire & Rescue.
- u. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- v. 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.
- w. 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.

- x. 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;
- y. 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.

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

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

SO RESOLVED this 23rd day of November, 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 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**  
Preliminary PUD Application Materials

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

November 23, 2020

To: New Castle Planning & Zoning Commissioners  
New Castle Town Council

From: Caitlin Carey, Resident and Homeowner, 39 S. Painted Horse Circle, New Castle

RE: Preliminary Filing 11 Application & Resolution PZ-2020-9

As a preliminary note, this letter adopts by reference the content of the letter provided by Denise & Steve Scheberle of November 18, 2020. I will not itemize each and every point made in their communication. However it should be noted that we support these points and are in agreement.

For me, my family, and so many others I know, this proposed development is more than just about diminished property values and the developer's "bare minimum" approach. This is about the grave concern we have over the more is better approach that seems to have been adopted by the Town Council.

The beauty of New Castle, and of Castle Valley is that it is somewhat of a sleepy little town, with good schools, lots of sidewalks, lots of open spaces, and tolerable traffic. Those of us who have moved here have done so for these reasons among others. We don't have stop lights; we have stop signs. The highest speed limit is a short 45 MPH between the City Market four way stop and the beginning of Old Town. We have 100+ year old houses. When it is nice outside, people on horses can be seen taking a stroll on most of the trails or sidewalks in town. We like it because it is quiet.

The parcel at issue holds of the best views we have, and for years was an elk migration corridor. We've scared these native animals off with our continued development and encroachment into their natural habitat. If I had my way, there would be ZERO development on the southwest side of Castle Valley Boulevard. But unfortunately, that is not realistic. So for our family, development with the people who already live here is what needs to be considered, not the developer's profit. That should never been an acceptable reason to approve something so many are so vehemently opposed to.

The bottom line here is this: These developers do not live here. They do not have children in the schools that are already nearly full in a school district that struggles to keep teachers. These developers have zero long term interest other than their wallets in our neighborhood. They do not care about what traffic will look like in the morning, trying to get to our four way stop that is access to I-70 or Highway 6. They will not have to hope that during fire season, the resources of our fire department or police department are not spread too thin. They will not have to be concerned about the increased traffic in an area that is currently safe for our children to ride bikes or scooters or walk to school. They will not carry the burden they are placing on our community. We will.

New Castle and Castle Valley is not ripe for another large development. City Market needs a drastic overhaul, we all know that. We're grateful for it, but it needs to grow. We are not ready.

It is not wanted. The people who will bear the burden of this development do not want it as it has been proposed. Please listen to the people who live here, who put money into our small town economy, whose children are the ones playing, whose dogs are the ones walking, whose elderly parents are the ones enjoying the open spaces and easy life.

Since the development will likely move forward, we are not asking for too much. We are asking for consideration of the homes that will be most directly affected by this development. Please consider realistic, usable open space. Please work to maintain the character of New Castle and Castle Valley. We are asking that you consider this from the standpoint of those who will bear this burden the most.

Do the right thing. Deny the developer's bully tactic. Make them work with the people who will be most affected. They should be doing this themselves, but it is clear they are going to have to be made to be civil.

“Compromise is not about losing. It is about deciding that the other person has just as much right to be happy with the end result as you do.” – Donna Martini

Sincerely,  
Caitlin Carey

**I'm sending this on behalf of myself, Khmasea Bristol, my mother Bay Bristol, and my father David Bristol. We cannot be on the call tonight, but Denise Schekerle will speak on behalf of the 70 residents who signed her letter/petition.**

**As residents of New Castle, we urge you not to approve the Filing 11 application** for development of the property behind South Wildhorse Drive and Mount Harvard Court by CVR Investors, Inc. (CVR), a company located in Castle Rock, CO. Our rationale remains the same as we described to the Planning and Zoning Commission in May of this year, when commissioners wisely denied the application in a 7-0 vote. Though we appreciate the changes made over the summer to improve the initial application, it still falls far short of an application worthy of approval. This high-density development STILL offers very little open space, STILL provides insufficient buffers between multiple-unit housing and single-family homes, STILL inadequately considers the impact of the development to surrounding property values, STILL ignores the need to maintain wildlife migration patterns, STILL does not adequately provide for pedestrian/traffic interface on Castle Valley Boulevard, STILL has not adequately addressed traffic loading onto Castle Valley Boulevard, STILL does not provide adequate additional parking for new residents, among other concerns. We feel that should this application be approved, it will increase costs to the town as it addresses traffic, safety, fire, and other infrastructure issues insufficiently addressed to date. It also limits the town's ability to provide mixed-use development. Moreover, it does not reflect the goals of New Castle's Comprehensive Plan, leaving the town with a densely packed sea of rooftops that does little to make the town unique or desirable. We recognize the right of CVR to develop this property; however, that right is not absolute in much the same way as we are governed by the requirements of a homeowner's association. If this development is allowed as currently presented, we have much to lose.

### **1. Too much density**

The planned net density for the development exceeds the average density in the town, creating many potential problems for the town, surrounding homeowners and future residents. The town will face higher costs in traffic control, snow removal, fire response, infrastructure maintenance, etc. Adjacent homeowners will suffer from reduced property values, which seems very unfair, and the town has a responsibility to not damage current homeowners in permitting a new development. Moreover, future residents of the development will face inadequate parking, noise and congestion. As we mentioned in the May meeting, the triplexes on Redstone Drive and Foxwood Lane, where congestion and parking are on-going issues, were built by this developer. This development replicates and worsens the problems there.

### **2. Insufficient buffer between single-family and multiple family homes**

Concerns about an urban buffer were identified in the town planning staff report to the Town Council in response to CVR's initial sketch plan on October 1, 2019. The staff report noted concerns about the "blunt transition" from large

single-family homes to high density homes. Very little action has been taken to meet those concerns since that report or in subsequent meetings.

The preliminary/final application allows just 59 to 72 feet of buffer behind the homes on South Wildhorse/Mount Harvard, *including the hill owned by the town*. This buffer must be much bigger. As currently in the application, the developer loses very little, as the buffer includes the natural drainage down the hill, as well as the town's property. In order to protect the value of the homes along the development, this buffer needs to be much larger. This is a win-win-win for residents, wildlife that frequent the drainage area, and the town. Increasing the buffer not only brings the development into greater compliance with the goals of the comprehensive plan and helps protect property values, both outside and inside the development, it has the added benefit of adding much-needed open space for the pedestrian walkway and offers a corridor for wildlife. The Colorado Division of Wildlife has identified this area as an important deer habitat, and residents view deer everyday grazing and bedding in this field.

The visual impact analysis was not available for review on the town's website, nor has it been conducted to date. If this analysis exists, we would like to review it. If not, one should be done considering the buffer concerns.

### **3. Insufficient open space**

At first glance, it appears that CVR's application has met the minimal requirements for open space (1.5 acres dedicated open space in the 13.5 acres to be built). However, a closer look at the four open spaces shown on Overall Site Plan Map (page 7 of the application) tells a different story. Municipal Code Sec.17.104.010 encourages a **creative approach to the development of land and an integrated open space system** throughout the Castle Valley Ranch. The Town of New Castle's Comprehensive Plan calls for pedestrian networks, recognizes the importance that citizens put on open spaces and calls for preserving open space and natural beauty whenever possible.

One open space proposed by the CVR is **directly adjacent to Castle Valley Boulevard**, and provides for little or no recreational opportunities. At just one-third of an acre (14,000 square feet), this "open space" largely represents what would be a need to provide a buffer between the street and the development anyway, as is the case with the homes along Castle Valley Boulevard to the north. The staff report pointed to the need for open space recreation, and this does not begin to meet that need.

Another open space is the buffer area that roughly parallels the homes on South Wildhorse. As described above, it does not meet the stated desire of the town to have natural green ways and open space corridors, in that it is too narrow for this purpose. By increasing this open space, the developer would retain the natural beauty of the area, as well as enhance the desirability of the multi-family units and help to offset the negative impacts of the development.

A second issue is drainage and slope. The storm water drain for run-off from the east side of Castle Valley Boulevard creates an intermittent pond during snow melt that runs fully into the open space areas. The slope of this open space area is also significant and further limits its use. Open space should be space that is accessible to the public, not undevelopable space. The proposed re-routing of the storm drain and placement of 800 feet of rip-rap along the hill further hampers this open space.

Also troubling is the pedestrian walkway that currently is designed to end at Castle Valley Boulevard. There is no provision for safe crossing of the street; there are no sidewalks that join that area. The only crosswalk that exists is on the north side the South Wildhorse/Castle Valley Boulevard intersection, which is on the opposite side of the Wildhorse/Castle Valley Boulevard intersection.

The developer has opened a small green space in the center of the development; it may serve the residents of the development but are not easily accessible to other residents. **We concur with the staff report that urged that the development have more open space than currently proposed.**

### **4. Wildfires and other considerations**

As we increase population, we must consider a second street to allow people in Castle Valley Ranch to enter/leave. Traffic loading is already apparent on the one street (Castle Valley Boulevard), especially during rush hours. Interestingly, CVR proposes a street for the development that does not join the roundabout. This will make left-hand turns out of the development very challenging, especially during school and business drive times. However, this inconvenience may become a very serious danger should a wildfire sweep the area, as EVERYONE has no way out other than one street. In October 2019, many residents witnessed the fire on the hill that is adjacent to the land in Filing 11. We were lucky that time, due to the amazing work of our firefighters and the availability of air support. Next time we may not be so lucky. **This issue is paramount in the minds of many Castle Valley Ranch residents and must be considered with any development, but especially in ones with high density that compounds traffic concerns. Connecting to C Street should be discussed as a way of potentially saving lives.**

Additionally, as noted in the staff report, concerns continue regarding how the remaining lots to the south of this development, as well as the other side of Castle Valley Boulevard, along North Wildhorse, and VIX Park will be developed. **The town has a great opportunity to consider the prominent value residents place on open spaces, with connected trail systems in thinking about future development.** It also must consider where and how multiple-use building will occur.

Finally, we encourage the town to carefully consider infrastructure capacity. We saw no storm water management study in the materials for Filing 11 and note that the run-off from the storm drains creates a pond in the area proposed for development.

As we argued in May, we have an opportunity to make New Castle a highly desired gem of a town through careful development, but once that opportunity is lost, we've lost it forever. The Town of New Castle has an opportunity to promote development that aligns with the comprehensive plan, Smart Growth Principles, and the stated desires of the community to protect the town's scenic quality and open space. We urge you to not approve this amended application. We stand ready as residents to assist the town that we all love in honoring the New Castle Comprehensive Plan and vision as set forth.