

**New Castle Planning and Zoning Commission Meeting
Wednesday, April 10, 2019, 7:00p.m., Town Hall**

Call to Order

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

Roll Call

Present Chair Apostolik
 Commissioner Bourquin
 Commissioner Hazelton
 Commissioner Johannsson
 Commissioner Lucio
 Commissioner McDonald - left building at 7:02
 Commissioner Sass

Absent None

Also present at the meeting were Town Administrator David Reynolds, Town Planner Paul Smith, Town Attorney David McConaughy, Town Engineer Jeff Simonson, Public Works Director John Wenzel, Deputy Town Clerk Mindy Andis and members of the public.

Meeting Notice

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

Conflicts of Interest

Commissioner McDonald said he is the president of Lakota Canyon Ranch Home Owners Association (HOA).

Town Attorney David McConaughy said staff is recommending a condition of the land use application coming before the commission that requires negotiation between the developer and the HOA. Commissioner McDonald will have some power in the negotiation.

Citizen Comments on Items NOT on the Agenda

Bob Dubois, 217 Blackhawk Dr. New Castle. Mr. Dubois asked about the pond in front of the new senior housing.

Town Administrator Dave Reynolds said that it was built by design.

Attorney McConaughy said it was a retention pond and would not be full of water all the time.

Public Hearing

Preliminary and Final Application for Planned Unit Development

Purpose: Application for Preliminary and Final Application for Planned Unit

Development

Legal description: Lakota Canyon Ranch, Phase 7, Lot 2B, Reception# 789213

Common Address: 741 Castle Valley Blvd., New Castle

Applicant: Jim Colombo

Landowner: Malo Development Company - Lakota, LLC

Public Hearing

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Applicant: Jim Colombo

Landowner: Malo Development Company - Lakota, LLC

Commission Chair Chuck Apostolik opened the Public Hearing at 7:02 p.m.

Town Planner Paul Smith said on February 15th, 2019, the applicant submitted a combination preliminary/final Planned Unit Development (PUD) and combination preliminary/final subdivision application for a property zoned mixed use located in the Lakota Canyon Ranch PUD between the current fire station Colorado River Fire Rescue (CRFR) and the Lakota Ridge Senior Housing. The development consists of 40 total residential units built in three phases:

- Condominiums (1&2 bedrooms, ~1,325sf)
- Townhomes (2&3 bedrooms, two-story, ~1,970-2,220sf)
- Duplexes (2 bedroom, two-story, ~870sf).

Planer Smith said the applicant was targeting residential development as a result of the ostensive need in the community for "reasonably priced residences" and designs which would accommodate first time homeowners and new families.

As a combination application, the applicant was required to submit sufficient review materials for both preliminary and final components of the proposal. The planning commission's recommendation decision must be made on all components prior to the final hearing with town council. Per municipal code § 17.100.070-080, the planning commission is allocated up to 30 days from the close of the public hearing to take one of the following actions on this application:

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

Staff's report evaluated the application for compliance with regulations and expectations set forth in the Town of New Castle Comprehensive Plan, the Town of New Castle Municipal Code, and the Town of New Castle Public Works Manual. The report also explored the viability of the proposal in terms of life safety, environmental impact, and community benefit.

In accordance with municipal code § 17.100.090, a PUD application shall be approved by Town Council only if it is found to be compliant with the following criteria:

1) The proposal is generally compatible with adjacent land uses:

The property is surrounded by mixed use and residential zones. As is typical of mixed use development, a variety of uses are employed in the zones. To the East, is located CRFR. Situated to the west is the Lakota Ridge Senior Housing – a Section 8 affordable living complex. North of the property, across Castle Valley Blvd, are single-family homes (~2500-4000sf), multi-family homes, and the Lakota Canyon Ranch golf course. Finally, to the south exists residential zoning and open space. Other than the Colorado River Fire & Rescue (CRFR) station, the neighboring land uses are compatible with the residential use proposed in the development plan.

2) Is consistent with the comprehensive plan & the uses proposed within the PUD are uses permitted outright or by special review within the zoning district or districts contained within the PUD (combined with municipal code § 17.100.090 #5):

Future development in New Castle is guided by the 2009 Comprehensive Plan. The guiding principle for community growth states:

New growth and expansion in New Castle will maintain the concept of a compact community with a defined urban edge thereby avoiding sprawl. Ensuring a mix of uses both within the community as a whole and within individual developments will ensure the vitality of New Castle as it grows...The choice to grow is based upon the long-term interests of the municipal residents, the community vision and economic health
(Comprehensive Plan, pg. 50)

Therefore the Comprehensive Plan expects that,

Applicants will be required to clearly demonstrate substantial conformity with the comprehensive plan in all applications
(Policy CG-1B, Comprehensive Plan, pg. 51)

The property is part of the original Lakota Canyon Ranch PUD Master Plan established by Ordinance 2002-18. The PUD adopted four zone districts:

1. residential low-density
2. residential medium-density

- 3. mixed-use
- 4. open space.

Water, utility, and traffic impact studies stipulated a maximum allowance of 827 total residential units – variously dispersed among zone districts – and up to 100,000sf (~2.3acres) of commercial space, all situated within in the mixed use district (municipal code § 17.128.020).

The proposed development resides entirely in the mixed use zone district of Lakota. The development concept for Lakota mixed use (municipal code §17.128.070) typifies the comprehensive plans guiding principle for community growth. It states:

The planning concept for the mixed use zone is to create an attractive environment for community, commercial and retail in a pleasant central location. The community commercial area would be located close to the highway intersection for easy access to non-resident shoppers and would be convenient to the main Boulevard to cut down on traffic trip length and be located near residential areas to cut down on vehicle trips. In keeping with the objective to reduce motor vehicle trips, non-motorized trail systems shall be designed throughout the project and connect residential and commercial districts in a convenient and logical manner. Office and service uses would be mixed into the development in non-store front locations including at the periphery of retail areas as well as on second stories. In some cases, smaller residential units may be mixed in with the commercial/office development, provided that in any building containing both residential and commercial space. (municipal code§ 17.128.070, K)

The applicant proposes a total of 40 residential dwelling units: 16 condominiums, 18 free-market townhomes, 6 free-market duplexes, and no commercial development. The proposal anticipates the phasing of 9 total structures of no more than two stories. A pedestrian path along Castle Valley Boulevard is anticipated to connect with the Town ROW at Lakota Ridge Senior Housing and terminate at the northeast corner of the lot line. Of the two areas dedicated for open space, one identifies as landscaped area confined between the townhomes and the other as natural unimproved area at the very south end of the lot.

Though the current proposal does not isolate any area for commercial development, it is noteworthy that this has been more the rule rather than the exception in Lakota. To date, three parcels zoned mixed use have been approved exclusively for residential development. A fourth parcel, occupied by CRFR, is neither residential nor commercial. Nevertheless, it is a potential concern that this type of imbalance between residential and commercial is inconsistent with both the comprehensive plan and the municipal code. To be sure, there are still mixed use areas vacant for genuine mixed use development, including the present parcel. However whether or not future developments are to be more aligned with the guiding principles of the comprehensive plan would likely be influenced by the precedent set with the decision on the present application.

3) The Town has the capacity to serve the proposed use with water,

sewer, fire, and police protection:

Per the 2013 Lakota Agreement section 6.d,

The Town has previously entered into loan agreements and completed construction of improvements to its wastewater treatment plant in order to provide adequate capacity to serve Lakota Canyon Ranch PUD at full buildout. The water storage tank described in the Water Tank Agreement has been completed, and capacity for Lakota Canyon Ranch PUD has been reserved as provided therein.

At current build out levels, the Lakota PUD is well short of exhausting the present water and sewer capacity. The existing main lines would be sufficient to meet the requirement of the proposed density and use. The applicant anticipates the availability of raw water to the property. However raw water service ends near the Lakota Canyon Recreation Center at Clubhouse Drive, about ¼ mile short of the project.

4) The number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan:

The density within the Lakota Master Plan is regulated in two ways:

1. the number of units per zone district
2. the number of units per acre.

The number of units allowed in the mixed use zone district of the Lakota PUD is set at 345. The number of lots currently approved through ordinance total 174. This means roughly half of the mixed use zone is currently not earmarked for immediate development.

With respect to density in terms of units per acre, the municipal code permits a maximum of 12.0 dwelling units per gross useable acre (municipal code § 17.128.070 F). A gross useable area is defined as land that has less than 35% slope. (municipal code § 17.128.010). Developers often elect to diffuse more concentrated development with the presence of open space. The mixed use zone specifies 15% of the gross project area to be open space (municipal code § 17.128.070 E). Open space may include parks, recreational areas, landscaped or unimproved areas, courts, play areas, easements, or rights of ways not used for streets and sidewalks.

With respect to *units-per-zone*, the current development proposal would increase the total units in the mixed use zone by 40 to an overall total of 214. This leaves 131 residential units remaining for the undeveloped portion of the mixed use zone. Less the current property, the vacant mixed use parcels consist roughly of 15.6 acres centered at Faas Ranch Road entrance. If the owners of the vacant parcels build strictly residential at the maximum allowed 12.0 per acre, they would approach 187 units, and thus exceed the overall zone density by 56 units.

The figures does not preclude the proposal as it stands. There is no way to surmise the density intended by a future proposal of an undeveloped parcel nor if a future development, would have significantly more commercial than residential. However it is important to respect how any single development proposal can have an impact on the development of future parcels in Lakota, especially as density limits are approached. Though zone densities could feasible be mollified through amendment, such modifications would affect others elsewhere.

With respect to *units-per-acre*, the property occupies 2.607 acres. Of that, the south most 73' is deemed unusable due to a slope greater than 35%. Therefore, the total useable acreage amounts to 2.218 useable acres. With a design of 40 units, the number of units per acre comes to 18.03. By comparison the neighboring Lakota Ridge Senior Housing number of units per acre, less its unusable acreage amounts to 19.44. Though similar, in both cases the density exceeds what code prescribes. Another relevant metric to understand density is the floor-area-ratio (FAR). FAR is the ratio of gross floor area (including all floors) to gross lot area. The FAR for the Senior Housing is 44% and the FAR for the proposed development is 58%. The FAR difference is a consequence of the difference in square footage per unit between the two developments. Units within the Lakota Ridge Senior Housing average under 1,000sf. Though the FAR is not regulated by code for the mixed use district, the proposed project will have the appearance of a greater density than the standard units per acre calculation appears to entail.

Open space will be identified entirely by the portion between townhome structures. The steepness of the land on the south end of the property excludes its participation in the open space total (municipal code § 17.128.070). In spite of this exclusion, the open space requirement is met at 20.5%.

5) The PUD will:

- **Utilizes the natural character of the land** – The property has a natural slope that rises approximately 25' from north to south. The building layouts utilize this slope, tiered with the rise in elevation. The rear duplex units are at the very top of the property and are visually prominent when viewed from the I-70 interchange. The exterior design premise is a stone and wood veneer with metal shed roofs – components obvious throughout the landscape in New Castle.
- **Provide off-street parking** – Off-street parking requirements are stipulated in the municipal code design standards. Municipal code § 17.76 requires two off-street parking places per dwelling unit. 90 degree parking places are to be 9'x19'. The parking for the proposed development is more than ample including necessary handicap parking places.
- **Provide pedestrian and bicycle circulation** – Pedestrian paths will be constructed as a continuation of the path from the Senior Housing to CRFR. Additional interior paths will be placed throughout the open space areas. Continuous paths, therefore, are included in the design.
- **Provide outdoor recreation** – Other than open space, the current proposal offers limited recreational opportunities. There are open

- space trails within 50' of the west lot line. The development will pave over at least one know use trail on the south ridge of the property.
- **Is of overall compatible architectural design** – According to municipal code § 17.128.030, prior to building permit issuance the owner will submit, process, and obtain approval from the design review committee of the Lakota Canyon Ranch HOA for the development of townhome units. The proposal will therefore be expected to be in strict compliance with the HOA design guidelines. In most cases, the design is compliant. However the flat roofs of the north facing condominiums are an exception to this compliance.
- **Achieves adequate screening** – Per municipal code §17.104.100 P.3, every parking area should be adequately screened from adjoining residential uses by a fence or wall 3.5' to 6' tall or by a strip of a least 4' wide of densely planted trees or shrubs. The north parking lot will have a landscaped berm to shield the rest of the Lakota Canyon development from the condominium parking lot. It is anticipated that all exterior lightening will be dark sky compliant.
- **Ensures compliance with performance standards** – As a residential use, no unusual pollution hazards are anticipated per the Colorado Department of Public Health's rules and regulations.

The following history provides context of the time constraints involved with the review of the proposal. The application for preliminary/final plat was submitted on February 15, 2019. Due to a printing issue, the site plans were not distributed to town staff and outside consultants until February 21, 2019. Reviewers included:

- Jeff Simonson, SGM, Town Engineering Consultant
- David McConaughy, Garfield & Hecht, Town Attorney
- Orrin Moon, Colorado River Fire Rescue, Fire Marshal
- John Wenzel, Town of New Castle, Public Works Director
- Paul Smith, Town of New Castle, Town Planner
- Dave Reynolds, Town of New Castle, Town Administrator

After sufficient time for preliminary review, staff and consultants met to debrief about the project on March 6, 2019. On March 12, 2019 (30 days prior to hearing) the preliminary/final subdivision application was added to the review packet. Preliminary reviews were sent to the applicant on March 13, 2019. Applicant then met with the consulting engineer, the public works director, and the town planner on March 19, 2019 to discuss items of concern related to utilities and roads. By April 3, 2019 applicant had responded to all preliminary reviews. A final meeting was held between all reviewers and applicant on April 3, 2019. Subsequent revisions to staff reviews were included in the staff report, submitted on April 5, 2019. Due to these time constraints, not all revisions to this application were completed nor could every revision be reviewed to the full satisfaction of staff by the report due date of April 5, 2019.

In light of this timeline, staff recommends approval of the PUD and subdivision applications based on the following conditions:

1. The 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;

2. The applicant shall comply with all applicable building, residential, electrical, and municipal code requirements when developing the Property according to the PUD plan as may be finally approved;
3. The applicant shall reimburse the town for any and all expenses incurred by the town regarding this approval, including without limitation all costs incurred by the towns outside consultants such as legal and engineering costs.
4. Buildings and units may not be sold separately from the entire property unless a subdivision plat depicting the boundaries of the unit to be sold is approved by the Town Council and recorded with the Garfield County Clerk and Recorder.
5. The property shall be annexed into the Lakota Canyon Ranch Homeowners' Association (HOA). A supplemental declaration shall be prepared and submitted for review by the town prior to recording, which shall include provisions obligating the association to own and maintain the private roads, utilities, open space and common elements and to maintain the sidewalks adjacent to the public right of way on the side of the property. The supplemental declaration shall also provide that utility charges for all units within Buildings 1 and 2 shall be billed to the HOA, which shall be responsible to collect from the unit owners. The supplemental declaration shall also address the unit owners' rights regarding HOA amenities and how assessments will be calculated.
6. Except for Buildings 1 and 2, each unit shall be served by individual water and sewer service lines and a separate meter meeting the requirements of the Public Works department. Fire sprinkler systems may be served by a shared water supply line for each building.
7. The increase in the presumptive density from the underlying zone district shall be subject to approval by the Town Council and shall not increase the total number of residential units allowed within the entire Lakota Canyon Ranch PUD, which is capped at 827. Otherwise, the total density of the project shall be reduced from a proposed 18.03 units per acre to 12.0 units per gross useable acre as specified in municipal code § 17.128.070 F.
8. Commitment on the part of the HOA to maintain all private streets, utilities, and open space. Agreement on the part of the HOA that privileges to all amenities of the Lakota Canyon Ranch will be granted to residents of Eagle's Ridge Ranch pending negotiation of HOA assessments.
9. The shared public road be widened to a 50' right-of-way with 36' paving from face of curbs per municipal code § 13.28.050 H.4. ROW will include area for sidewalk and parking.

10. A cul-de-sac at the south end of the public road be built to a 45' radius per public works manual Chapter 1, Design and Improvement Standards, Page 10, paragraph 3 and municipal code §16.28.050 G.
11. Full tee turnarounds and snow storage be provided at the ends of each private access road.
12. The applicant will demonstrate compliance with the March 5, 2019 memorandum from the Public Works Department Director, John Wenzel, prior to approval of this application.
13. The applicant will demonstrate compliance with the March 6, 2019 preliminary review from the Town Engineer, Jeff Simonson, prior to approval of this application.
14. A subdivision improvements agreement will be prepared by the Town Attorney for consideration by the Town Council as part of any subdivision application. If the PUD application is approved separately from subdivision, then the Town and the Applicant shall enter into a development agreement to provide security for all required public improvements as generally described in Chapter 16.32 of the Town Code.
15. The applicant shall provide the town with a policy of title insurance for at least \$25,000 to insure any property dedicated to the town, which shall be free and clear of any liens or encumbrances.
16. Impact fees, tap fees, and water rights dedication fees will be required as set forth in the 2013 Amendment to Development Agreements for Lakota Canyon Ranch PUD dated March 19, 2013 and recorded as Reception No. 833371.

Town Attorney David McConaughy said the application was originally entitled "Preliminary/Final PUD Application" but had been revised to include a simultaneous request for Preliminary/Final Subdivision approval. Additional application materials including the draft subdivision plat were received by staff on April 3, 2019. Review is underway but had not been completed as of April 10, 2019.

The application seeks approval for 40 residential units in 9 separate buildings as follows:

- Building 1: 8 units on two stories (airspace/condo units)
- Building 2: 8 units on two stories (airspace/condo units)
- Building 3: 4 townhome units
- Building 4: 5 townhome units
- Building 5: 4 townhome units
- Building 6: 5 townhome units
- Building 7: 2 duplex units
- Building 8: 2 duplex units
- Building 9: 2 duplex units

TOTALS: 16 condominiums, 18 townhomes, 6 duplexes

The proposed final plat would create building envelopes for each building. The precise boundaries of each individual unit would be determined by an as-built survey after construction has commenced, and then amended plats for each building would be submitted for approval on a staff level. Individual units may not be sold into separate ownership until the amended plat was approved and recorded and all public improvements (roads, water lines, etc.) have been completed or adequately secured pursuant to a subdivision improvements agreement approved by town council. In the meantime, each building could theoretically be sold separately or used as separate collateral for construction loans. The Town has used a similar two-step platting process for other multi-family developments.

Municipal code § 17.100.030 provides that subdivision and PUD applications shall be submitted and processed simultaneously, and the public hearing notice includes both applications for consideration on April 10, 2019.

The Applicant is requesting consideration of both preliminary and final applications in a single hearing. Typically, the planning commission would consider a preliminary application first, including any conditions that need to be satisfied prior to final approval. The applicant then has one year to submit a final application showing compliance with the conditions.

Two draft resolutions of approval have been prepared – one for the PUD Development Plan application and one for the subdivision application. Given the number of anticipated conditions and the recent submission of supplemental material that is still being reviewed by staff, each resolution contemplates approval only of preliminary plans at this time, but the planning commission could direct staff to revise one or both resolutions to include final approval if desired. Both applications would move to town council after final approval by the planning commission.

The Planning Commission has the following options:

1. Approve both the combined preliminary/final PUD plan and the combined preliminary/subdivision plan on April 10, 2019 as requested by the applicant, with or without conditions; or
2. Approve the combined PUD preliminary/final application and continue the preliminary/final subdivision application; or
3. Approve only the preliminary plan for one or the other application, and continue the public hearing for the final plan(s); or
4. Continue one or both applications entirely; or
5. Deny one or both applications.

Given the anticipated number of conditions and the recent supplemental materials, staff recommended that the commission consider preliminary approval of the PUD plan with conditions and then continue the Final PUD Plan and the combined Preliminary/Final Subdivision Plan to a future meeting.

At the public hearing, the Planning Commission can expect presentations from Town Staff and applicant and then should allow comments from members of the public. Planning Commission members can ask questions of anyone who presents comments but should refrain from offering opinions or suggesting how they might vote until the public hearing has been closed. The Planning Commission must make its decision solely based on the materials submitted with the application and the matters presented on the record of the public hearing. Commissioners must avoid *ex parte* contacts with anyone, including Town Staff, outside the public hearing process regarding the substance of the application. Commissioners are free to ask staff where to view the materials or for guidance about the process but not the substance of the application.

The Planning Commission's decision is a recommendation to Town Council, which will make the final decision.

There are a few legal issues:

- A. Buildings and units may not be sold separately from the entire property unless a subdivision plat depicting the boundaries of the unit to be sold is approved and recorded.
- B. Applicant proposes annexation into the Lakota Canyon Ranch HOA. A supplemental declaration should be provided to accomplish that, which can include any provisions particular to this parcel. The supplemental declaration should address the HOA's maintenance obligations for the private road and for the sidewalks adjacent to the public roadway, including snow removal and storage. The town should have the right, but no obligation, to enforce such provisions if the HOA fails to do so. The supplemental declaration should also provide that water/sewer charges will be billed to the HOA for Buildings 1 and 2 where there will not be individual service lines and separate meters for each unit. The HOA will then be responsible to recoup such charges from the unit owners and to deal with any disputes among the owners relating to shared meters or service lines.
- C. Town Planner will address the underlying PUD Master Plan zoning, which contemplates a lower density than proposed. Because a PUD approval is effectively a zoning amendment, town council has the discretion to alter the presumptive density or other zoning criteria as part of its approval of a Final PUD Development Plan. Planning Commission should make its recommendation as to whether such deviations are appropriate. Lakota Canyon Ranch PUD is subject to a cap of 827 units in the entire PUD. As such, increasing the presumptive density for this property will effectively reduce the total number of units available for development on different parcels owned by others in the PUD.
- D. Town Engineer has identified potential encroachments into the adjacent Fire Station property relating to construction of a retaining wall. Proof of a temporary

construction easement or other form of written consent to use the adjoining property for temporary construction purposes should be required. Additional potential issues such as an easement for lateral support may or may not arise on this topic after receipt of structural plans for the retaining walls.

E. Except for the condo buildings as noted above, each unit should be served by individual service lines and meters.

G. A subdivision improvements agreement will be prepared by the Town Attorney for consideration by Town Council as part of any ordinance approving the application. Engineered drawings and cost estimates for all public improvements will be required in order to prepare this document to ensure that adequate security is in place to complete the public improvements.

H. Town Engineer has identified a number of areas where the application does not strictly comply with the Town Code or Public Works Manual. The Commission should make recommendations as to each proposed deviation from the code or manual for the Town Council's consideration. Note this can be included as part of the PUD process and does not require a separate variance process.

I. A title commitment for any property to be dedicated to the Town should be provided prior to recording of the final plat to ensure that any dedications are free and clear of encumbrances. Lender consent and subordination to dedications may be required, if applicable.

Town Public Workers Director John Wenzel said public works department looked at the application to make sure it meets standards and specification of the municipal code, public works manual and maintenance and operations.

There were a few concerns such as:

Water

- Water main line material type shall be Class 900 PCV. Water main line and service lines shall be bedded with class 6 road base or equivalent (exceptions to New Castle Public Works Manual).
- Pure-Core type water service lines may be substituted for K Copper. A tracer wire shall be placed with all service lines.
- Sensus meters shall be specified, installed and purchased from the town.
- Individual potable water service line shall be provided to each unit. Potable water sub-main line are not permitted.
- A set of three valves shall be placed at all "T" main line fittings for isolation.
- Fire hydrant fitting shall be MEGALUG mechanical joints.

The current design shows the installation of three new main line connections, requiring the removal of existing asphalt roadway and concrete curb. A looping water system should be considered to minimize disturbance of existing infrastructure and to improve water quality/pressure.

Waste Water

- Individual sewer service lines shall be provided to each unit. Sewer sub-main lines are not permitted.

- All sanitary sewer construction shall be in accordance with the Town of New Castle Public Works Manual.

Open space, Parks and Trails

- The Eagles Ridge Ranch application does not indicate ownership or maintenance responsibilities of the identified park space. The Public Works Department recommended that the park space be private and maintained by an HOA.
- If the park has not met its park land dedication requirement, the recommendation is cash payment in lieu of dedication.
- Landscaping planted in the public right-of-way shall be approved by the town's park department/tree board. Any landscaping planted in the public right-of-way shall be maintained by the Eagles Ridge Ranch HOA.

Streets

- Eagles Ridge Ranch shall provide the adjacent half of the public street currently serving the senior housing project. The "local residential street" design standards shall be met
- New Castle Municipal Code does not permit dead end streets. A cul-de-sac at the end of the public road shall be constructed.
- Thermo plastic markings shall be installed at all newly constructed intersections.
- Red truncated dome brick pavers shall be used at the handicap ramps.
- Currently there are no cul-de-sacs in the town inventory that are less than 40 foot radius. Eagle Ridge Ranch cul-de-sac has a 36 foot radius.

Sidewalks & Trails

- All concrete sidewalks located in the public right-of-ways shall be minimum of five feet in width.
- Concrete sidewalks, in the public right-of-way shall be placed a minimum of five feet behind the back of curb, to provide for snow storage.
- An engineering detail for the eight foot asphalt trail, parallel to Castle Valley Boulevard, shall be submitted for review.

Storm Drainage

- Town's engineer will review storm drainage design.

Street Lighting

- One street light at each newly constructed intersection should be placed for pedestrian safety.
- Street lights should be of the same design as the Lakota Canyon Ranch design.

Town Engineer Jeff Simonson said his report dated March 6, 2019 is as follows:

The water design report will need to be submitted and reviewed. Included in the report will be the need to define the adequacy of the design to accommodate fire flows, peak demand and fire sprinkler systems. The report will need to address

service sizing complete with anticipated service pressures in the second floor (highest) units under peak demand.

Sewer design report will need to be submitted and reviewed. Anticipated peak design requirements need to be provided to justify line sizes per the Town's Public Works Manual and the International Plumbing Code.

The drainage report and calculations will need to be modified to include all offsite drainage in the basin delineation. It appeared that the driveway from the Senior Center was not included as well as the drainage from the fire station was not included. Also, the calculations need to verify the reasoning behind the time of concentration increase for proposed conditions climbing by a factor of 3 (i.e., from 20.7 minutes to 67.1 minutes). The assumed grass swale cannot be treated as "sheet flow" but should be treated as shallow concentrated flow. Also, the grass swale is not the most remote part of the drainage area. The calculations need to follow the premise that the time of concentration is the time required for the runoff to become established and flow from the most remote part of the drainage area to the point under design. This would stand to reason that the time of concentration will need to be calculated from the upper parking lot down to the storm drain and then to the pond.

The traffic report still has yet to be received with any required improvement defined therein needing to be reflected in the design. The public works manual provides specific direction as to what counts need to be made and what issues need to be addressed within the traffic report. Consideration will need to be made as to the impacts anticipated to occur to adjacent infrastructure as a result of construction traffic including the export/import of earthwork, concrete, base, etc.

The Lakota Senior Center roadway will need to be improved to comply with the requirements of the public works manual. There will need to be 2 travel lanes and 2 parking lanes (one on each side of the street). The public works manual states as follows:

Council – All streets and alleys proposed for dedication to the public shall be laid out, graded and paved from curb to curb and striped. Curb and gutter and sidewalks shall be installed on all streets unless special circumstances warrant the Town Council to specifically waive installation in writing. In cases where a previously existing street which had not been brought up to Town specifications is located within a development, such street shall be paved with curb and gutter, sidewalk and other improvements so as to meet Town specifications. If any subdivision is located adjacent to any existing street right-of-way, the development shall provide at least the adjacent half of such street with improvements as required to bring such street up to town specifications. The developer shall provide and install street signs at all streets.

The roadway will need to have parking and sidewalk installed to be compliant with this section of the Code, or a variance will need to be sought to receive acceptance of the proposal by Town Council.

The soils report provided does not contain information pertaining to the required design elements necessary to justify the design of the roadway, access and parking areas. Pavement design will need to be provided to complement the requirements of the Street report.

Per public works manual, the design plans shall show the horizontal and vertical alignment of the existing streets for a distance of 300 feet from the point of intersection. A profile of each access way will need to be provided at the tie-in locations to graphically define how the streets will tie in to the Lakota Senior Center roadway. Note that the current ties reflect that the existing mountable curb and gutter is to remain in place and shall serve as the starting point for the access ways. Curb returns, valley pans, parking and cross walks are required to be part of the roadway needs in order to be compliant with the code. Any deviations from such will be a variance that would need to be approved by Council.

The methods of tying the roadways into the Lakota Senior Center roadway are not compliant with the code. Valley pans, sidewalk and parking are missing.

The access ways and parking for the development needs to end in either a cul-de-sac or, at a minimum, a tee turnaround designed in conformance with the public works manual requirements.

No pedestrian access has been defined for the units to get from the units to the adjacent sidewalks or trails.

The trash enclosure for the project appears to be located in the lowest part of the development. Access to the trash enclosure (ie. turn around) for the trash truck and pedestrian access to the dumpster is very limited. Because of the distance from and no pedestrian access to, It appears that folks in the upper portions of the development would likely desire to get in their vehicle and drive to the dumpster to get rid of their trash rather than to walk to it.

Under the SITE GRADING section of the geotechnical report, HP Kumar makes note that the risk of construction-induced slope instability at the site appears low provided building s are located at least 10 feet away from and no fill is placed at the top of the steep slope on the south side of the site, and cut and fill depths for the site grading are limited. Buildings 7, 8 and 9 are located such that they do not meet this criterion. Likewise, the upper roadway construction is needing fill and a retaining wall to meet grading requirements for the construction proposed. Finish grade contours are incomplete west of the parking area west of Building 7. The parking area on the west side of building 7 is nearly 8 feet high.

The water service line to building 7 is exposed to freezing as a result of the wall construction and the proximity of the service line to the wall.

A variety of site walls are described to be exceeding 4 feet in height and will need to be provided an engineered design independent of the structural design for the buildings. Prior to approval of the improvements proposed, it will be critical to

detail how these walls are to be built without trespass occurring onto adjacent properties.

Design, routing and appurtenant facilities for gas, electric, telephone and cable have not been provided. Thus, any conflicts with proposed improvements with meters, transformers, street lights, vegetation, water and sewer infrastructure, pedestals, etc... cannot be defined at this point.

Equipment access to sewer manhole 4 is not provided. Access will need to be provided for maintenance access.

Currently, drainage within the parking/access ways is proposed to flow to a "swale" down the center of the access ways. In order to meet the grading criteria defined, there will be an inherent asphalt joint constructed at the flowline that will be subject to thermal expansion and contraction. Thus, it has been the Town's experience that these joints readily "open up" (ie., crack) and introduce moisture into the base and subsoils (contrary to the site grading requirements of the soils report). A valley pan construction for the swale will help alleviate the cracking and introduction of moisture into the subsoils.

This project is subject to needing to follow the subsurface utility engineering report requirements that were recently passed last August under SB18-167. This includes Quality Level B (at a minimum) locates for utilities along Castle Valley Boulevard and the Lakota Senior Center roadway. At crossings of existing utilities, Quality Level A locates are anticipated for utility installations. Depending upon excavation depths of other improvements, other QL-A locates may also be necessary. SB18-167 does require the engineer of record to absorb the liability (i.e., through stamping the SUE report/map) of locates accordingly.

Water and Sewer infrastructure review has been limited based upon our quick review of the utility plan. Valves, clean outs, concrete reaction blocks, pipe specifications, main line ties to existing and compliant service ties to the mains are observed to be missing. Likewise, reviews of the "notes" on Sheet C2.00 provide a concern that confusion exists as to what standards are being applied for each of the specific improvements under design. Reference is noted towards, a variety of entities standards including the Town's. Once the larger issues in prior notes have been resolved with the developer, we would recommend that a meeting with the designer and Town staff ensue and that the utility plan be redrawn for a more concise and complete review to follow.

Water and sewer profiles are required to define any other pertinent structures necessary for installation such as drains and air release vaults. Also, utility conflicts with existing and potentially, proposed, need to be identified.

Storm drain manholes will need to be accessible for maintenance equipment. It appears that access to the lowest manhole and a few of the Nyloplast manholes will be a challenge.

The parking lot designs need to be evaluated to be compliant with the Town's parking lot standards including landscaping, screening, lighting, pedestrian access,

snow storage and dimension. The upper lots do not comply with the 64' overall width for double row with aisle and the lower parking area needs to be screened from the residential areas to the north. Standard parking stall dimensions are 9' wide by 19' long for the 90 degree configuration observed. Each parking lot needs to have at least 10% of the total area landscaped. Chapter 17.76 of the Municipal Code provides more detail.

The applicant has made several significant changes since the report. However, Engineer Simonson has not had a chance to review the plans since the last updated plan was submitted today (April 10, 2019). The drawings are still not complete. Since the application is a final PUD plan, Engineer Simonson reviews the plans from construction view and the plans ready for construction. By the end of the process, after going to town council for final review there will be a complete understanding what the subdivision improvements would look like or what the improvements cost would be.

So, a complete subdivision improvement agreement to make sure the infrastructure is completed.

Engineer Simonson said there was a new engineering law that just went into effect in the State of Colorado that required all the existing utilities that are located within a project to be located exactly.

Another issue was the cul-de-sac at the end of the public roadway is typically 45 foot wide radius at the curve. At the senior house project a "T" turn which means an emergency vehicle would drive in, back up and come back out. Currently the applicant is not able to meet the requirement of 45-foot radius, they currently have a 35-foot radius.

Prevention Division Chief/Fire Marshall Orrin Moon with Colorado River Fire Rescue said he had reviewed the application and looking at this strictly as a fire suppression and has the following concerns:

According to the building code any access road more than 140 feet in length is required to have a turn around. However, CRFR is alright with backing up the additional 75 feet there will be a number of people and vehicles responding to calls and enough personnel to guide the driver out.

- All streets shall be cleared through Garfield County Communications to avoid any duplication of street names in the county dispatch areas. The main road entering the proposed subdivision should be named to allow cross street information for emergency services. Address numbering shall be sequential and based on distance from entrance of street.
- A fire hydrant shall be added to the entrance of Thunderbird in the planter area to provide adequate fire flows to buildings 1 and 2.
- The intention of Eagles Ridge Ranch to achieve a safe level of interior sprinkling for all residences. A NFPA 13 R sprinkler system will be installed in all units and interior common areas. A spate sprinkler riser room in each building, sprinkler zone valves and flow detection for each residence including garage, exterior dry sidewall sprinklers for covered deck areas and fire sprinkler monitoring (fire alarm) system for each building. Fire

Department Connections for each building will be required along with horn/strobe and Knox type locking FDC connection plug for each building. Buildings 7, 8 and 9 may allow NFPA 13D fire sprinkler system installed in each building. Fire alarm pull stations may or may not be required at time of final building plans submittal.

- Because of the density and the number of units proposed in the project would be high in sprinkler system. The condos would need to have a sprinkler system, but the townhomes would not. There are 18 townhomes that are close together and built next to each other which mean if there was a fire in one unit there would be a fire in another unit. The sprinkler system is designed to contain the fire in one unit and not spreading. Giving the fire department enough time to respond and put the fire out. The applicant has agreed to put sprinkler systems in each unit.
- Unit smoke and CO detectors will be required from the building code.
- Knox Box type key box will be required for each building to allow sprinkler riser room access and any residence door access that is volunteered by residence.
- Fire extinguisher may be required for buildings 1 and 2 based on final occupancy type.
- All new fire hydrant installations shall meet Town of New Castle requirements and all steamer connections will face roadway. Any vegetation located near fire hydrants shall be planted to allow growth which will never obstruct a 3 foot radius around fire hydrant.
- Underground fire sprinkler system water supply shall be sized and installed to NFPA 13. Underground system shall be inspected prior to backfill by CRFPD Fire Marshal Office.
- Snow storage or any runoff will not be allowed to enter CRFPD property.
- Additional request/requirements may be added when final construction plans are reviewed.

Chair Apostolik asked if there would be enough fire hydrants to support the project.

Marshall Moon said no additional hydrants would be needed because they will be able to get within 150 feet of each fire hydrant and around each building. The fire hydrants across the street at senior housing would be utilized as well.

Mr.Colombo said he is the owner and developer of the property, as well as the owner and developer of Lakota Canyon Ranch.

Buildings 1 and 2 are condos with 2 stories 8 condos per building. On the second level has an overhang which creates a covered parking.

Buildings 3, 4, 5 and 6 are the townhouses. The units will have either 1 or 2 car garages. Each 2-bedroom unit will have 2 off street parking spaces and each 3 bedroom will have 4 off street parking. There will be no on street parking allowed. In addition there are 20 off street parking for guests throughout the project.

The two CRFRD and Mountain Waste and Recycling have said they are comfortable backing out of the project. There is plenty of room for delivery trucks to come in and turn around, there should be no need to back up. Every resident will have their own driveway.

Commissioner Bourquin asked if there would be any kind of protective berm incorporated within the project since it is located on Castle Valley Boulevard.

Mr. Colombo said there would be trees and plants all along the boulevard and throughout the project.

Commissioner Johannsson asked if the roofs of the building will be flat or were they changed to be pitched.

Mr. Colombo said they had been changed to be a pitched roof.

Mr. Colombo said each apartment will be 1300 square feet, town houses will be 1700-1800 square feet (2-3 bedrooms) and the duplexes will be 840 square foot starter or family homes.

Chair Apostolik noted that about a year earlier Mr. Columbo had presented the project and it had included some mixed-use. He asked why it had changed.

Mr. Colombo said he had heard that the commission and council did not want commercial outside of the downtown. It was not practical because Lakota was not a good location for commercial and was not likely to attract any businesses interested in the project.

Mr. Colombo said he had agreed to put alarmed sprinkler systems throughout the entire project and they would be independent systems for each building.

Mr. Colombo said there were two major questions against the project: density and roads. With regard to the density issue, the senior housing had 2.8 acres, which should have been 36 units since the municipal code allows 12 units per acre. However, senior housing put in 50 units which was a much high density at 17.4 units per acre. He noted that his project had 15.34 units per acre, which was far lower density than the senior housing.

Chair Apostolik said Mr. Columbo's proposal was a different type of use than senior housing.

Mr. Colombo said density could move around in a PUD. There were 345 units allowed in a mixed use zone district, and currently there were only 175 units built.

Commissioner Bourquin noted that there was not very much open space on the project for families with kids to go play.

Mr. Colombo said after meeting with staff the "T" was put in for a turnaround at the end of Eagles Ridge Road.

Commissioner Sass asked how wide the public access road was.

Mr. Colombo said the road would be 24 feet wide. However, there will be a curb and sidewalk next to it.

Attorney McConaughy asked who would be maintaining the roadways.

Mr. Colombo said Lakota Canyon Ranch HOA or a subcontractor. Nevertheless, there will be additional services needed for the property.

Chair Apostolik questioned the proposed snow storage at the "T" since the "T" needed to be left open. He asked where an alternative snow storage location would be.

Public Works Director John Wenzel said the snow storage was a big concern, and asked for a 5 foot sidewalk at the end of the streets and a 5 foot green belt to be built. A green belt is the ideal snow storage from a maintenance and operation standpoint. Doing that would allow the snow to be pushed off the roadway and sidewalk and stored in the green belt.

Lakota Canyon Ranch HOA Design Review Committee (DRC) member and Lakota resident Bob Dubois said the DRC liked all the design elements Mr. Colombo presented to the committee and felt they would fit in nicely with Lakota Canyon Ranch.

Lakota Canyon Ranch HOA Design Review Committee (DRC) member and Lakota resident Tim Hayes voiced concern about the traffic that there already is. Mr. Hayes said he has observed the school bus stopped for a long time, backing traffic up Castle Valley Boulevard in the morning and in the afternoon. With more families the traffic will get even worse. There should be a place for the school bus to be able to pull into for the children to get on and off the bus. This would allow the traffic to continue to flow and be safer for the children.

Mr. Hayes asked if the shingles on the rooftops were going to be cedar.

Mr. Colombo said no, they were going to be asphalt shingles.

Mr. Hayes had a concern of lighting from the buildings.

Mr. Colombo said he would be using "Dark Sky" fixtures. Dark Sky fixtures point downward and not outward. All the lighting, including street lights, porch lights and landscaping lights will be dark sky lights.

Lakota Canyon Ranch HOA Design Review Committee (DRC) member and Castle Ridge resident Roger Proffitt said the DRC is in full support of the design concept only.

Motion: Chair Apostolik made a motion to close the public hearing on the Preliminary PUD Development Plan and Preliminary Subdivision Plat for Eagle's Ridge Ranch at 8:52 p.m. Commissioner Lucio seconded the motion the motion passed unanimously.

Chair Apostolik asked Director Wenzel if the access road into senior housing and Mr. Colombo's property should be expanded from the current 24 foot width to 36 feet to meet the public demand.

Director Wenzel said yes to meet the specifications of the public works manual.

Chair Apostolik asked if the road can't be widen, then can the road be turned over for maintenance in regarding the snow removal to Mr. Colombo and the agreement with the HOA.

Attorney McConaughy said the road was already dedicated to the public, but the sidewalks on Mr. Colombo's property that have not yet been built or dedicated could be a condition that the snow storage from the sidewalks be the responsibility of Mr. Colombo. The entire road itself is on the senior housing property.

Attorney McConaughy reviewed the resolutions with the commission.

Motion: Commissioner Chair Apostolik made a motion recommending approval of Resolution PZ-2019-2, Recommending Conditionally Approval a Preliminary PUD Development Plan for Eagle's Ridge Ranch, with the following conditions to be added: Condition G to be changed as 35 units in density, add O to except half "T"'s turnaround areas at the ends of the private drives as shown add N to submit landscape plan to provide berming and year round screening between Thunderbird Drive and Castle Valley Boulevard, add P to comply with town engineer and town public works reports, Commissioner Hazelton seconded the motion. The motion passed on a roll call vote: Commissioner Johannsson: Yes; Commissioner Sass: Yes; Commissioner Hazelton: Yes; Commissioner Lucio: Yes; Chair Apostolik: Yes; Commissioner Bourquin: Yes.

Motion: Commissioner Chair Apostolik made a motion recommending approval of Resolution PZ-2019-3, Recommending Conditionally Approving a Preliminary Subdivision Plat for Eagle's Ridge Ranch, Commissioner Sass seconded the motion. The motion passed on a roll call vote: Commissioner Bourquin: Yes; Commissioner Lucio: Yes; Commissioner Sass: Yes; Commissioner Hazelton: Yes; Commissioner Johannsson Yes; Chair Apostolik: Yes.

Motion: Commissioner Chair Apostolik made a motion to continue the Final PUD Development Plan for Eagle's Ridge Ranch and Subdivision Plat for Eagle's Ridge Ranch to May 8, 2019, Commissioner Johannsson seconded the motion and it passed unanimously.

Items for next Planning and Zoning Agenda

Town Administrator David Reynolds said once the edits were done on the Downtown Plan he took the plan to council for their final input. The Downtown Plan will come back to the commission as a public hearing on May 22, 2019. Administrator Reynolds said that the zoning map would be coming to the commission for updates.

Staff Reports

There were staff reports.

Commission Comments and Reports

There were no commission comments or reports.

Review Minutes from Previous Meeting

Motion: Commissioner Chair Apostolik made a motion to approve the January 23, 2019 meeting minutes as corrected. Commissioner Sass seconded the motion and it passed unanimously.

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

The meeting adjourned at 9:47p.m.

Respectfully Submitted,




Planning and Zoning Commission Chair
Chuck Apostolik


Deputy Town Clerk Mindy Andis, CMC