

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. PZ 2019-2**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING  
COMMISSION CONDITIONALLY APPROVING A PRELIMINARY PUD  
DEVELOPMENT PLAN FOR EAGLE'S RIDGE RANCH**

WHEREAS, Malo Development Company – Lakota, LLC is the owner of certain real property within the Town of New Castle ("Town") described on Exhibit A (the "Property"); and

WHEREAS, the Property is part of the Lakota Canyon Ranch PUD and is zoned mixed use (MU); and

WHEREAS, on February 2, 2019, James P. Colombo ("Applicant") submitted an application requesting approval of a Preliminary PUD Development Plan for the Property ("Application"); and

WHEREAS, the Applicant proposes to construct 40 residential units on the Property which comprises 2.607 acres; and

WHEREAS, once developed, the Property will be known as "Eagle's Ridge Ranch"; and

WHEREAS, the Planning & Zoning Commission ("Commission") held a duly noticed public hearing on April 10, 2019 to consider the Application; and

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

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

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

ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town; and

WHEREAS, based on the Application and the testimony and other evidence presented at the public hearing, the Commission desires to approve the Application, subject to the terms and conditions set forth below.

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 Commission.
2. Definition of the Application. The "Application" consists of the documents and information identified by the Town Planner on Exhibit B, plus all representations of the Applicant reflected in the minutes of the Planning and Zoning Commission meeting and public hearing held on April 10, 2019.
3. Approval. The Application proposes construction of 40 residential dwelling units on the Property as depicted in the Application and including the following:

Building 1:	8 condominium units
Building 2:	8 condominium 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

The Commission hereby approves the Application as a Preliminary PUD Development Plan pursuant to Section 17.100.070 of the New Castle Municipal Code, subject to the terms and conditions of this Resolution. Pursuant to Section 17.128.020(E)(6), the Commission approves the Application to include 35 units on the Property notwithstanding the presumptive maximum density standards for the MU zone district set forth in Section 17.128.070 of the Code, provided, however, this increase in density shall apply only to the specific PUD development plan included in the Application. It shall be up to the Applicant to determine and propose how the number of units will be allocated across the several types of units, which shall be considered as part of the Final PUD Development Plan.

4. Zoning. The development and use of the Property shall be subject to the restrictions and requirements of the MU District of the Lakota Canyon Ranch PUD Zoning Regulations, Section 17.128.070 of the Code, 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.

5. Conditions.

- A. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application and before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
- B. 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;
- C. 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;
- D. 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.
- E. The property shall be annexed into the Lakota Canyon Ranch Homeowners' Association. 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.
- F. 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.
- G. The total density of the project shall be reduced to a maximum of 35 units. This 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.
- H. All deviations from development standards as identified by the Town Engineer, Town Planner, and Public Works Director shall be subject to specific review and approval by the Town Council.
- I. 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.

- J. 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.
- K. The public right of way shared with the adjacent property shall be widened to a 50' right-of-way with 36 foot paving from the face of curbs. The right-of-way will include area for sidewalks and on-street parking. Any additional area to be dedicated for right-of-way shall be from the Applicant's property and not the adjacent property owned by others.
- L. The proposed cul-de-sac at the south end of the public road shall be built to a 45 foot radius.
- M. 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.
- N. The Applicant shall submit a landscape plan to provide berming and screening between Thunderbird Drive and Castle Valley Boulevard.
- O. The Applicant shall comply with the recommendations of the Public Works Department dated March 5, 2018 and the Town Engineer dated March 6, 2018, except that the "half-tee" turnaround areas at the ends of the private drives as shown shall be acceptable.

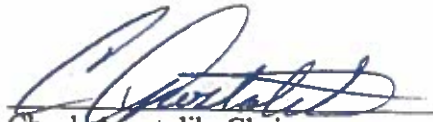
SO RESOLVED this 10<sup>th</sup> day of April, 2019, by a vote of 6 to 0.



ATTEST:

  
Town Clerk/Deputy Town Clerk

TOWN OF NEW CASTLE  
PLANNING & ZONING  
COMMISSION

  
Chuck Apostolik, Chairman

**EXHIBIT A**

Lot 2B, Lakota Canyon Ranch, Phase 7, according to the Final Plat, Resubdivision of Parcel D Plat recorded February 26, 2009, as Reception No. 763774, and the Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase 7, recorded July 30, 2010, as Reception No. 789213.

**EXHIBIT B**

**List of Application Documents**

- 1) PUD & Subdivision Combination Applications
- 2) Legal Description
- 3) Public Notice
- 4) Title Commitment
- 5) Warranty deed
- 6) List of Properties within 250' of Development
- 7) Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase 7
- 8) Plan Review Set, T1.0 – C5.10, February 20, 2019
- 9) Plan Review Revised Civils, C1.0 – C6.03, February 4, 2019
- 10) Revised Civils, C1.00-C6.03, April 3, 2019
- 11) Road Exhibit, SP2.0, April 9, 2019, Enhanced
- 12) New Site Plan, SP2.0, April 9, 2019
- 13) Trash Enclosure, Drawing, February 19, 2019
- 14) Roofline Revision, A3.11, April 3, 2019
- 15) Roofline Revision, A3.12, April 4, 2019
- 16) Roofline Revision, A3.71, April 3, 2019
- 17) NW Perspective 1, Rendering, April 9, 2019
- 18) NW Perspective 2, Rendering, April 9, 2019