

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2019-4**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION RECOMMENDING CONDITIONAL APPROVAL OF A FINAL 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 36 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 approved a preliminary PUD development plan pursuant to the terms and conditions of Resolution PZ 2019-2; and

WHEREAS, the Commission held a public hearing on the final PUD development plan on May 8, 2019; 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 recommend approval of the Application to the Town Council, 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 meetings and public hearings held on April 10, 2019 and May 8, 2019.
3. Approval. The Application proposes construction of 36 residential dwelling units on the Property as depicted in the Application and including the following:

- Building 1: 6 condominium units
- Building 2: 8 condominium units
- Building 3: 3 townhome units
- Building 4: 5 townhome units
- Building 5: 3 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 recommends approval of the Application as a Final PUD Development Plan pursuant to Section 17.100.080 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 36 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.

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 a maximum of 36 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 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. The Commission recommends that the Town Council approve the Public Works Director's recommendation regarding Applicant's request for a variance from design standards to allow for attached sidewalks. 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 provide berming and screening between Thunderbird Drive and Castle Valley Boulevard as shown on the landscape plan in the Application.
- O. The Applicant shall comply with the recommendations of the Public Works Department dated May 2, 2019 and the Town Engineer dated March 6, 2019 as revised on May 1, 2019.
- P. The trash enclosure shall include siding that matches that used on the buildings to be located on the Property and that complies with the Lakota Canyon Ranch design guidelines. The trash enclosure shall not be located within any setback on the Property.
- Q. The site and retaining walls on the Property shall have a natural stone look that complies with the Lakota Canyon Ranch design guidelines.
- R. Applicant shall revise the architectural elevation plans for the buildings to accurately reflect the elevations and grading on the site.

SO RESOLVED this 8th day of May, 2019, by a vote of 5 to 1.



TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION


Alison Bourquin, Vice-Chair

ATTEST:


Mindy Andis, Deputy Town Clerk

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 Final Applications
- 2) Legal Description
- 3) Title Commitment
- 4) Warranty deed
- 5) Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase 7
- 6) Referral Comment, XCEL, February 13, 2019
- 7) Referral Comment, Lakota Canyon Ranch HOA, April 25, 2019
- 8) Environmental Site Assessment, Kumar & Associates, November 15, 2017
- 9) Drainage & Soils Reports, 2191001.00, Revised April 25, 2019
- 10) Final Review, David McConaughy, April 4, 2019
- 11) Final Review, Orrin Moon, March 12 & April 2, 2019
- 12) Final Review, John Wenzel & Daniel Becker, March 5, 2019 & May 2, 2019
- 13) Final Review, Jeff Simonson, March 6, 2019 & May 1, 2019
- 14) Plan Set, Revised Architectural Plans, T1.0 – A3.91, February 19, 2019, revised April 24, 2019
- 15) Plan Set, Revised Civils, C1.00 – C8.03, April 25, 2019
- 16) Applicant Response to Staff Reports and e-mails regarding the same sent May 7, 2019
- 17) Pictures, renderings, and plans presented at May 8, 2019 Planning & Zoning Commission meeting