

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2019-5**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING CONDITIONAL APPROVAL OF A FINAL
SUBDIVISION PLAT 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 which comprises 2.607 acres (the "Property"); and

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

WHEREAS, James P. Colombo ("Applicant") has submitted an application requesting approval of a final subdivision plat for the Property ("Application"); and

WHEREAS, the Applicant proposes to construct 36 residential units in 9 separate buildings; 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 preliminary subdivision application and approved it with conditions pursuant to Resolution PZ 2019-3; and

WHEREAS, the Commission held a duly-noticed public hearing on May 8, 2019, to consider the Application for approval of a final subdivision plat; and

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

WHEREAS, the Commission has separately considered a related PUD application for the property; and

WHEREAS, subject to compliance with the terms and conditions of this Resolution, the Commission finds that the Application and the subdivision proposed therein is in compliance with the Town's comprehensive plan; 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, 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 and subdivision of the Property into units as set forth below:

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 that the Town Council approve the Application as a Final Subdivision Plat pursuant to Section 16.16.030 of the New Castle Municipal Code, subject to the terms and conditions of this Resolution.

If the Town Council approves a final subdivision application, a subdivision plat may be approved and recorded that shows the building envelope for each of the nine buildings but not the individual units. One or more amended plats to define the boundaries of the individual units within each building shall be prepared for each building envelope based on as-built surveys after construction, which may be approved on staff level. Individual units may not be sold or separately encumbered until and unless the amended plat showing such units has been approved by Town Staff, signed by the Town Administrator, and recorded in the real estate records of Garfield County.

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. All conditions of PUD approval as set forth in Resolution PZ 2019-4 are incorporated by reference and shall be deemed additional conditions of this Resolution.
- E. The form of the final plat including plat notes and certificates shall be subject to review and approval by the Town Attorney and Town Engineer prior to recording.

SO RESOLVED this 8th day of May, 2019, by a vote of 6 to 0.



TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION


Alison, Bourquin, Vice-Chair

ATTEST:


Mindy Andis, Deputy Town Clerk

EXHIBIT A
Legal Description

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) Subdivision Plat dated March 18, 2019, revised April 23, 2019