

**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. (the “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, the Applicant took the Commission’s decision regarding the preliminary PUD portion of the Application (the “original Preliminary Plan”) to Town Council for review; and

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

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

WHEREAS, at the September 23rd meeting, the Applicant elected to amend its original 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 November 23, 2020; and

WHEREAS, after the public hearing was closed, the Commission continued its consideration of the Amended Preliminary Plan to December 9, 2020, and again to January 13, 2021, with the consent of Applicant; and

WHEREAS, the Commission has considered testimony and other evidence 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 Preliminary Plan is generally compatible with adjacent land uses;
2. that the 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 original Preliminary Plan, as amended by the Amended Preliminary Plan, and 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, the public hearing held on November 23, 2020, and the Planning & Zoning Commission meetings held on December 9, 2020, and January 13, 2021.

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 thirty-one (31) multi-family buildings on thirty-one (31) 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 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 buildings that adversely impact the natural character of the Property and the livability of the community:
 - Eliminate Buildings 23 and 24 to make central open space more usable and to promote outdoor recreation
 - Orient Building 29 so that the building is parallel to Eagle Ridge Drive
 - b. The covenants for Filing 11 shall prohibit the parking of boats, trailers, campers, RVs, and inoperative vehicles in driveways or on public rights of way for no more than 48 consecutive hours.
 - c. Upgrade the open space area off of Falcon Ridge Court as a central “green” with functional active or passive space.

- d. Applicant shall adequately screen the western portion of Filing 11 from the adjacent homes along South Wild Horse Drive and Mt. Harvard Court 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 line of each lot 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.
- e. 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 fences.
- f. Install street signage stating, NO PARKING ON STREETS 48 HOURS AFTER A SNOWFALL EVENT OF 2" OR MORE.
- g. Provide 5' landscape ("green") buffers between the road and sidewalks along the outer radial lane of Eagle Ridge Dr. for snow storage.
- h. 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.
- i. Design Bear Canyon Dr. as a 60' 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. Parking shall be allowed on both sides of Bear Canyon Drive.
- j. 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.
- k. 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)

- l. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- m. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- n. 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.
- o. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- p. 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.
- q. 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.
- r. The sale of individual units within Filing 11 may not occur until a plat creating the unit is recorded with Garfield County.
- s. 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.
- t. 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.
- u. 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;
- v. 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.

Ganley Hill as a trail connector between Mount Medaris and Prendergast Hill.

x. Diversify color and texture of the buildings within the subdivision.

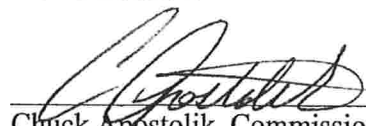
7. Action on final PUD portion of Application. The Commission hereby continues its decision on the final PUD portion of the Application until Applicant submits a revised final PUD development application that addresses the conditions set forth in Section 6 of this Resolution. The revised final application 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 Plan. 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 Plan and may be considered simultaneously with the Final PUD Development Plan.

SO RESOLVED this 13th day of January, 2021, by a vote of 6 to 1.



TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION



Chuck Apostolik, Commission Chair

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 SAD 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 SAD 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 SAD 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 FLED 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 000 09' 26" € 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° 0500" 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 15th, 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