

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2022-4**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION APPROVING A PRELIMINARY PUD DEVELOPMENT PLAN
AND PRELIMINARY SUBDIVISION PLAT FOR LAKOTA CANYON RANCH
PUD FILING 8 (LONGVIEW)**

WHEREAS, RG Lakota Holdings, LLC and RG Lakota II, LLC (collectively, “Applicant”) are the owners of certain real property within the Town of New Castle described in the attached Exhibit A, which property is located within the Lakota Canyon Ranch PUD (the “Property,” or “Filing 8” or “Longview”); and

WHEREAS, on April 11, 2022, Applicant submitted an application requesting approval of a Preliminary PUD Development Plan (“Preliminary Plan”) and a Preliminary Plat (“Preliminary Plat”) for Filing 8 (collectively, the “Application” as further defined below);

WHEREAS, the Property is zoned Mixed Use (MU) within the Lakota Canyon Ranch PUD; and

WHEREAS, the Application proposes the construction of 184 residential units (108 rental apartments, 21 townhomes, 27 single-family homes, and 28 Mixed-Use Flats), and 51,407 square feet of commercial space on a total of 16.336 acres; and

WHEREAS, the Applicant intends to develop the Property and the public improvements associated with the same in up to five phases; and

WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly noticed public hearing on August 24, 2022, that was continued to September 14, 2022, to consider the Application; and

WHEREAS, the Commission has considered the Application materials, testimony, and other evidence from Staff, the Applicant, and members of the public concerning the Application; and

WHEREAS, based on the Application, testimony, and other information presented, subject to compliance with the terms and conditions of this Resolution, the Commission finds that the Application complies with the following review criteria set forth in Sections 16.16.020(G) and 17.100.050(H) of the Code:

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of town services from public works (including water and sewer services), fire, and police;

5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
6. Required open space or parks designed for active or passive use by residents of the subdivision and the public; and
7. Development consistent with the natural character, contours, and viewsheds of the land

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 Application. The “Application” consists of the documents and information identified 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 held on August 24, 2022, and continued to September 14, 2022.
3. Action regarding Preliminary Plan: The Preliminary Plan proposes:
 - a. The construction of 184 residential units (108 rental apartments, 21 townhomes, 27 single-family homes, and 28 Mixed-Use Flats), and 51,407 square feet of commercial space as depicted on the most updated site plan included in the Application;
 - b. The subdivision of the Property into 39 lots as shown on the Preliminary Plat dated May 30, 2022, and updated August 18, 2022;
 - c. That Filing 8 will be platted with multiple plats and developed in up to five phases as shown on the preliminary plat and plan with phasing dated March 21, 2022; and
 - d. Amended final plats for the multi-family buildings will be submitted for approval at the staff level upon construction of said buildings, provided that the amended final plats and multi-family buildings are in substantial conformance with the Application.

The Planning Commission hereby approves the Preliminary Plan and Preliminary Plat, subject to compliance with all conditions set forth in Section 5 of this Resolution.

4. Zoning. Upon approval of a final PUD plan for the Property, the development and use of the Property shall be subject to the following restrictions and requirements:
 - a. the restrictions and requirements of the MU Zone District of the Lakota Canyon Ranch PUD Zoning Regulations, Section 17.128.070 of the Code, as may be amended or recodified from time to time, subject to the following variations:

- i. The maximum height of Building CR-5 shall be 44 feet consistent with the Application materials presented on September 14, 2022. The A-1 Building types shown on the most recent site plan shall be designed and constructed as partially sunken structures with a maximum height of 37 feet per building. The maximum height of all other structures within Filing 8 shall be 35 feet as provided in Section 17.128.010.
 - ii. The five apartment buildings (Building types A-1 and A-2 shown on the most recent Application site plan) shall be allowed to exceed the maximum units per building to the extent shown on the Application sheet titled "Site Plan Unit Counts";
 - iii. The number of commercial parking spaces required for Filing 8 shall be reduced by 40% from what is otherwise required under the Lakota Canyon Ranch PUD standards, subject to the implementation of a shared parking arrangement among the commercial, mixed-use, and multi-family uses within Filing 8;
 - iv. Any modifications approved by the Town and shown on the final plat for the Property. In the event of any conflict between the Zone District text and the final plats for the Property, the final plat shall control.
 - b. all other applicable provisions of the Code; and
 - c. all applicable Ordinances of the Town.
5. Conditions. Approval of the Application is subject to and contingent up on satisfaction of the following conditions:
- a. Amend the Preliminary Plat to identify the following as public rights-of-way: Lakota Drive, Drive A, and Drive B
 - b. Revise the Longview at Lakota covenants to include provisions regarding shared parking. Such provisions shall specify management and enforcement requirements, including, but not limited to location, hours of use, penalties for violation, and maintenance responsibilities.
 - c. Drive A & Drive B shall be 24 feet in width as measured from flow line to flow line and serve as one-way streets with parking on one side and a single 5.5-foot attached sidewalk.
 - d. Parking along Lakota Drive from Whitehorse Drive to Drive A shall allow on-street parking on the west side of Lakota Drive only. The east side of Lakota Drive from Whitehorse Drive to Drive A shall be signed "No Parking."

- e. All outside parking areas facing a residential-only use shall have a landscape buffer to obscure vehicles from view per Code Section 17.128.070.
- f. Identify all permanent snow storage easements on the final plat and any temporary locations on the phasing drawings.
- g. Provide a construction phasing plan that includes, at a minimum, each of the following components:
 - i. Buildout phases;
 - ii. Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - iii. Storage and staging areas for construction equipment and materials;
 - iv. Drainage and erosion control best management practices (BMP's);
 - v. Conformance to all requirements and specifications approved by the fire marshal concerning temporary access for each phase including, but not limited to, temporary hammerhead turnarounds at dead end streets and any necessary ingress/egress routes for emergency personnel and equipment during construction
- h. Request approval of street names through Garfield County Communications to avoid any duplication of names in the county dispatch area.
- i. Demonstrate that all exterior illumination shall comply with acceptable International Dark-sky Association (IDA) standards.
- j. Provide a conceptual landscape plan to staff for each phase illustrating size, type and location of plant materials and an irrigation plan, if applicable. Landscaping shall incorporate native grasses and plants that minimize maintenance, moving, and irrigating. The landscaping plan shall be approved by the Parks Department. Plans submitted to obtain a building permit for any building shall demonstrate no more than 2,500 square feet of sod per dwelling unit as specified in 13.20.060 of the Municipal Code.
- k. Designate locations of mailbox kiosks with written authorization from the local postmaster.
- l. Prior to the recordation of the first phase plat of Filing 8, the Applicant shall enter into a subdivision improvements agreement with the Town for development of the first phase of Filing 8 in a form acceptable to the Town Attorney. A subdivision improvements agreement for each subsequent phase within Filing 8 shall be recorded before work commences in each phase.
- m. 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.


- n. The Applicant shall comply with all applicable building, residential, electrical, and municipal code requirements, including all sign code regulations, as well as all recommendations of the Town Engineer and Town Public Works Director set forth in their letters dated July 21, 2022, and July 22, 2022, respectively, when developing the Property;
- o. 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.
- p. The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit is recorded with Garfield County.
- q. On the first anniversary of initial implementation of shared parking in Phase 2 of Filing 8 and annually thereafter for five years, Town Council shall review and take comment regarding the shared parking arrangement for Phase 2 to determine whether the arrangement adequately meets the needs of the owners and residents affected. Specific criteria for making said determination shall be identified as part of the final PUD/subdivision process. If Town Council determines after a public hearing and based on the applicable criteria that issues need to be addressed regarding the shared parking, Town Council may require, among other things that Applicant provide additional parking on property it owns or pay a parking mitigation fee in lieu thereof.
- r. On the first anniversary of initial implementation of shared parking in Phase 3 of Filing 8 and annually thereafter for five years, Town Council shall review and take comment regarding the shared parking arrangement for Phase 3 to determine whether the arrangement adequately meets the needs of the owners and residents affected. Specific criteria for making said determination shall be identified as part of the final PUD/subdivision process. If Town Council determines after a public hearing and based on the applicable criteria that issues need to be addressed regarding the shared parking, Town Council may require, among other things that Applicant provide additional parkin on property it owns or pay a parking mitigation fee in lieu thereof.
- s. Applicant's final Filing 8 PUD/subdivision application (the "Final Application") shall incorporate traffic-calming features along Faas Ranch Road between Castle Valley Boulevard and Lakota Drive and include additional pedestrian enhancements at the Lakota Drive/Faas Ranch Road intersection.

- t. Prior to submission of a Final Application, Applicant shall:
 - i. consult with Town staff regarding the desirability of narrowing Faas Ranch Road between Castle Valley Boulevard and Lakota Drive and incorporate staff recommendations into the Final Application;
 - ii. review the street and path connectivity within Filing 8 and make adjustments that may be needed to promote and encourage pedestrian activity; and
 - iii. Work with Town staff to incorporate a “floating zone” or similar concept for Phase 3 to allow flexibility to include additional commercial square footage within Phase 3.
 - u. Prior to the public hearing regarding Applicant’s Final Application, Applicant shall erect story poles to demonstrate the height of the buildings for which height variations are preliminarily approved under Section 4 of this Resolution.
 - v. As part of its Final Application, Applicant shall include an outline detailing Applicant’s plan for providing 10-15% of the total units as affordable or community housing units.
6. Severability. Each section of this Resolution is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part hereof, the intent being that the provisions of this Resolution are severable.
7. Effective Date. This Resolution shall be effective upon adoption.

SO RESOLVED this 14th day of September, 2022, by a vote of 7 to 0.

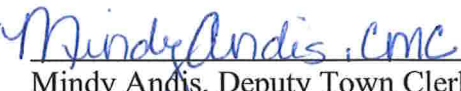


TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION



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

Section: 32 Township: 5 Range: 90 Subdivision: WHITEHORSE VILLAGE AT LAKOTA CANYON RAN AMENDED PARCEL 3 FUTURE DEVELOPMENT PHASE 1 A RE-SUB OF BLK A, B1 & B2 LAKOTA CANYON RANCH FILING 1 4.42 ACRES

Section: 29 Township: 5 Range: 90 Subdivision: LAKOTA CANYON RANCH FILING #3 PHASE 1 FUTURE DEVELOPMENT PARCEL AS PLATTED PER RECEPTION NO. 665843 5.844 ACRES

Section: 29 Township: 5 Range: 90 PARCEL C-2 2ND AMENDED PLAT OF LAKOTA CANYON RANCH FKA EAGLES RIDGE RANCH. 5.321 ACRES

EXHIBIT B
Preliminary PUD Application Materials

- A. Project Submittal Packet – August 18th, 2022
- B. Referral from Public Works Director – July 22nd, 2022
- C. Referral from Town Engineer – July 21st, 2022
- D. Referral from Fire Marshal – August 17th, 2022
- E. Email Response from Applicant Engineer to Fire Marshal – August 8th, 2022
- F. Referral from Police Chief – July 19th, 2022
- G. Referral from Colorado Parks and Wildlife – June 7th, 2022
- H. Affordable Housing Strategy/Commercial Reduction, Heather Henry – August 9th, 2022
- I. Shared Parking Comment, Heather Henry – August 16th, 2022
- J. NC Wildlife Open Space Examples (Alder Park) – August 13th, 2022
- K. NC Parking Lot Examples (River Park and Shibui) – August 17th, 2022
- L. Comcast Will-Serve Letter – June 14th, 2022
- M. Applicant Attorney Letter on Mineral Rights Owners – July 22nd, 2022
- N. Public Comment, Jennifer Hawley – August 15th, 2022
- O. Public Comment, Andrew Hawley – August 15th, 2022
- P. Affidavit of Public Notice – August 18th, 2022
- Q. Agreement to Pay Consulting Fees – June 16th, 2021
- R. HOA Inclusion/Exclusion Intent Letter from Applicant – August 10th, 2022
- S. Filing 8 Plat – August 18th, 2022
- T. Xcel Will-Serve Letter – July 11th, 2022
- U. Chris Manera Engineering Response to SGM Letter – August 18th, 2022
- V. Longview at Lakota Preliminary Plan P&Z Review slides date September 14, 2022