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Remove 3/06/18

**Town of New Castle Administration Department**  
450 W. Main Street **Phone:** (970) 984-2311  
PO Box 90 **Fax:** (970) 984-2716  
New Castle, CO 81647 [www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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## Agenda

New Castle Planning & Zoning Commission Special Meeting  
Monday, March 5, 2018, 7:00 p.m., Town Hall

Call to Order, Roll Call, Meeting Notice

Conflicts of Interest (Disclosures are on file with Town Clerk & Secretary of State)

Citizen Comments on Items NOT on Agenda

Public Hearing

A. Brief description of application: PUD Amendment for Lakota Ridge Senior Apartments,

Legal description: Lot 2A, Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase 7, According to the Plat thereof Recorded July 30, 2010 Under Reception No. 789213

Common address: 705 Castle Valley Blvd., New Castle

Applicant: Lakota Ridge Senior Apartments, LLP

Landowner: Lakota Ridge Senior Apartments, LLP

B. Resolution PZ-2018-01 Recommending Approval of Lakota Ridge Senior Apartments, LLP'S Major PUD Development Plan Amendment

Comments/Reports

E. Items for Next Planning and Zoning Agenda

F. Commission Comments/Reports

G. Staff Reports

Review Minutes of Previous Meetings

H. February 7, 2018 Minutes

Adjournment





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Boulder, Colorado 80302  
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iv@ivdesousa.com

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seal & signature



19 April 2017

LAKOTA RIDGE SENIOR APARTMENTS



**LEGEND**

- NEW BALCONY WITH ONE EXPOSED TIMBER AND METAL GUARDRAIL
- PATIO - AT GRADE
- CORRUGATED METAL ROOF OVER BALCONY OR DORMER BELOW
- OPEN TIMBER TRELLIS OVER BALCONY BELOW
- OPEN TIMBER TRELLIS OVER PATIO OR OPENING BELOW
- CORRUGATED METAL ROOF OVER UNIT ENTRY BELOW
- ASPHALT SHINGLE CLAD ROOF OVER PATIO BELOW
- SHRUBS TO RELOCATED TO SHIELD PTAC GRILLE WHERE POSSIBLE

**ENLARGED BUILDING PLANS**

BUILDING 1 PLANS	A3.5
BUILDING 2 PLANS	A3.6
BUILDING 3 PLANS	A3.7
BUILDING 3 ROOF PLAN	A3.7.1
BUILDING 4 PLANS	A3.8
BUILDING 4 ROOF PLAN	A3.8.1
BUILDING 5 PLANS	A3.9
BUILDING 6 PLANS	A3.10
BUILDING 6 ROOF PLAN	A3.10.1

**issue date:**  
20170419  
100 % CONSTRUCTION DOCUMENTS

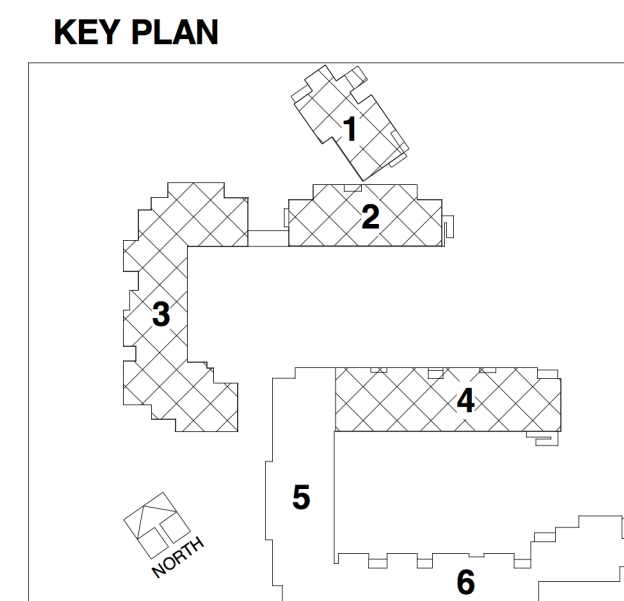
**revisions:**

No.	Description	Date
2	Plan review revisions	20170524

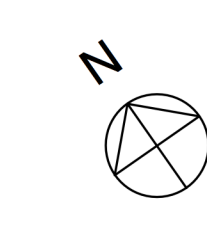
**project**  
Lakota Ridge Senior Apartments  
705 CASTLE VALLEY BLVD  
NEWCASTLE CO 81647

**drawing title**  
1ST FLOOR PLAN

**drawing scale** 1/16" = 1'-0"  
**drawing number**



**1 1st FLOOR PLAN**  
1/16" = 1'-0"



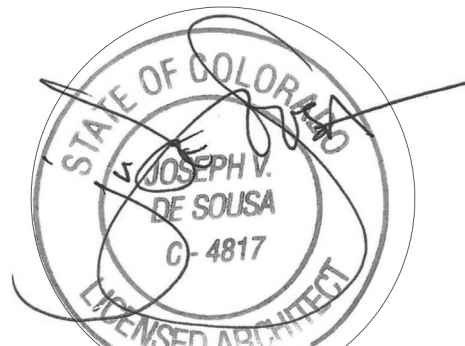




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1	Addendum #1	20170510
2	Plan review revisions	20170524

project  
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NEWCASTLE CO 81647

drawing title  
2ND FLOOR PLAN

drawing scale 1/16" = 1'-0"

drawing number

A-PUD-2

LEGEND

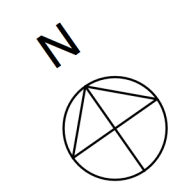
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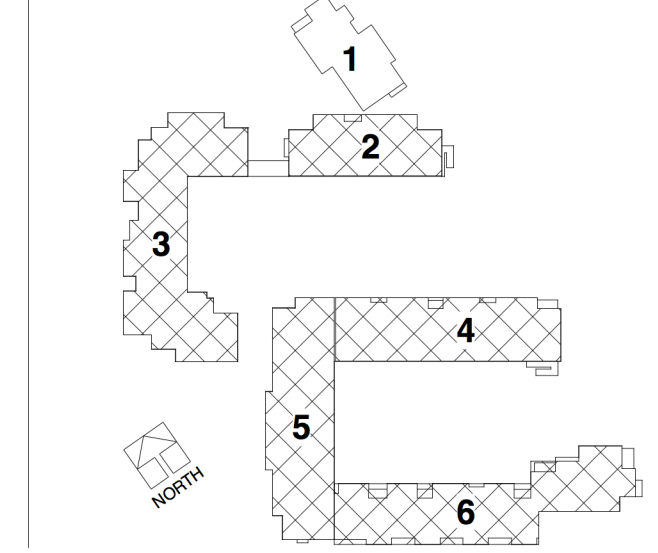
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BUILDING 6 ROOF PLAN	A3.10.1



1 2nd FLOOR PLAN  
1/16" = 1'-0"



KEY PLAN



RR.33 MAXIMUM TRAVEL DISTANCE = 202'-5 1/2"

MAXIMUM TRAVEL DISTANCE = 50'-6"

PARKING AREA REFER TO CIVIL

ACCESSIBLE ROUTE CONTINUES ON A3.1 AND A3.3

COMMUNITY TERRACE REFER TO SHEET LANDSCAPE

PARKING AREA REFER TO CIVIL

ACCESSIBLE ROUTE

TRASH

TRASH "B"

PROPERTY LINE

SETBACK LINE

PROPERTY LINE

SETBACK LINE

PROPERTY LINE

SETBACK LINE

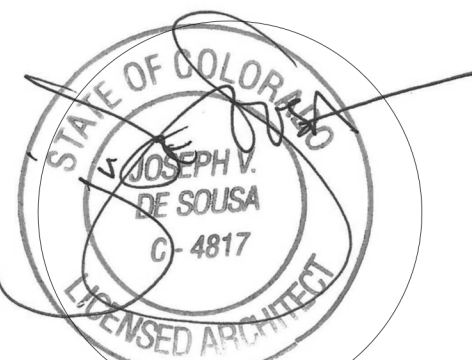




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1 3rd FLOOR PLAN  
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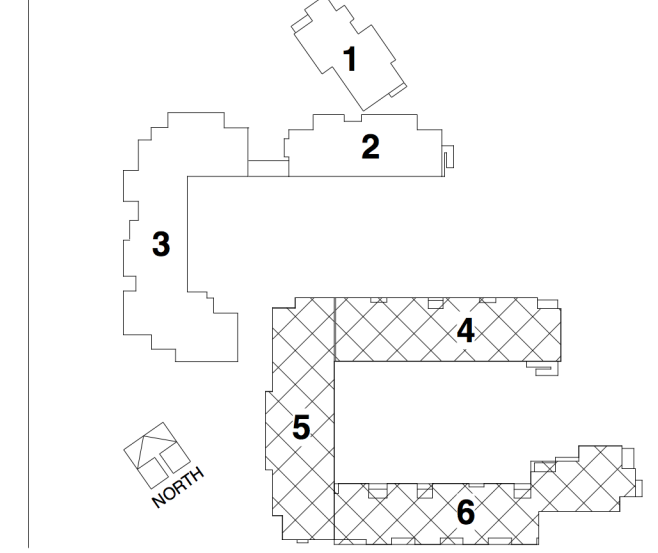
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NEWCASTLE CO 81647

drawing title  
3RD FLOOR PLAN

drawing scale 1/16" = 1'-0"  
drawing number

KEY PLAN



A-PUD-3

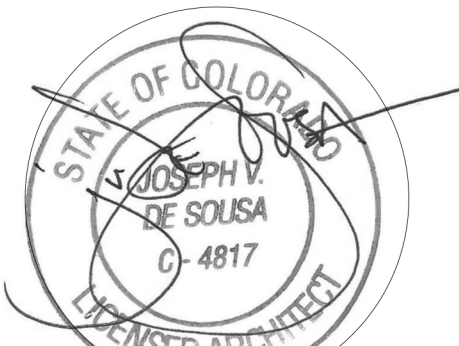




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4	V.E.	20170919

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drawing title


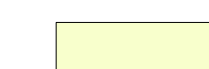






ROOF PLAN

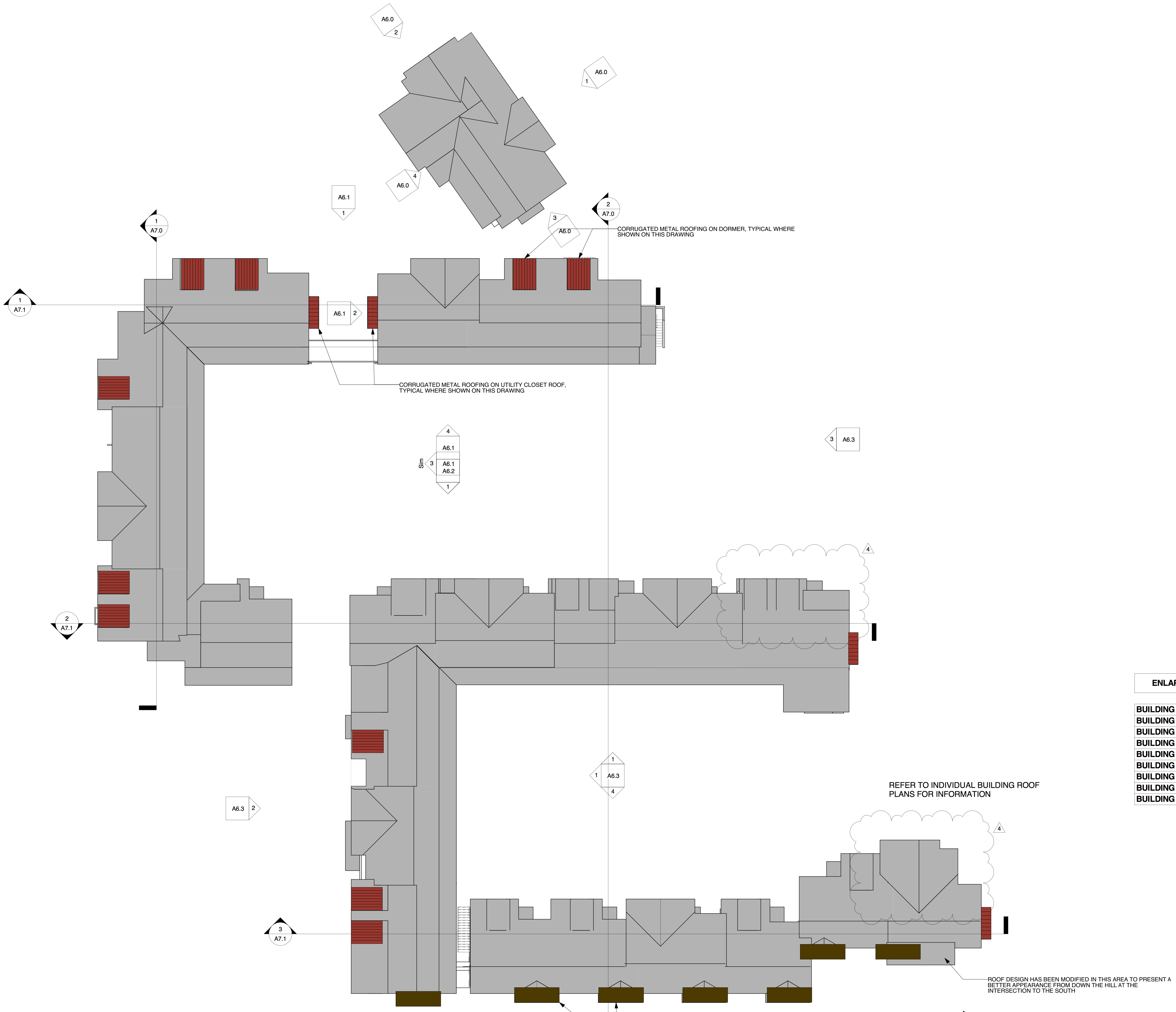
drawing scale 1/16" = 1'-0"

drawing number

A-PUD-4

LEGEND

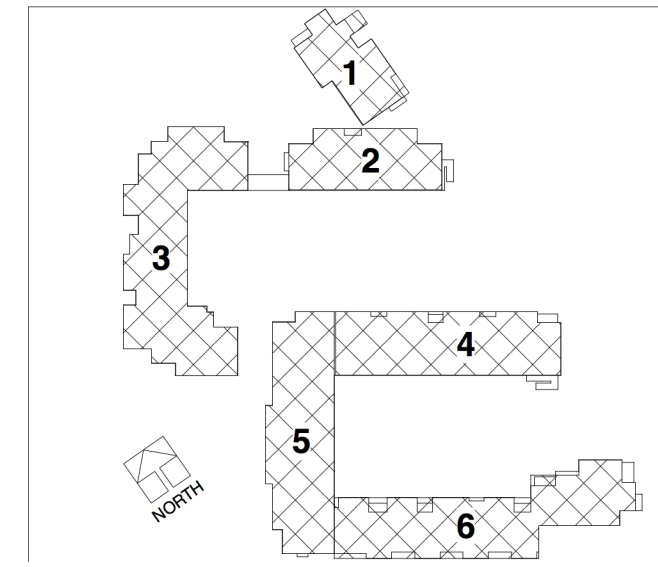
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KEY PLAN



1 ROOF PLAN  
 1/16" = 1'-0"





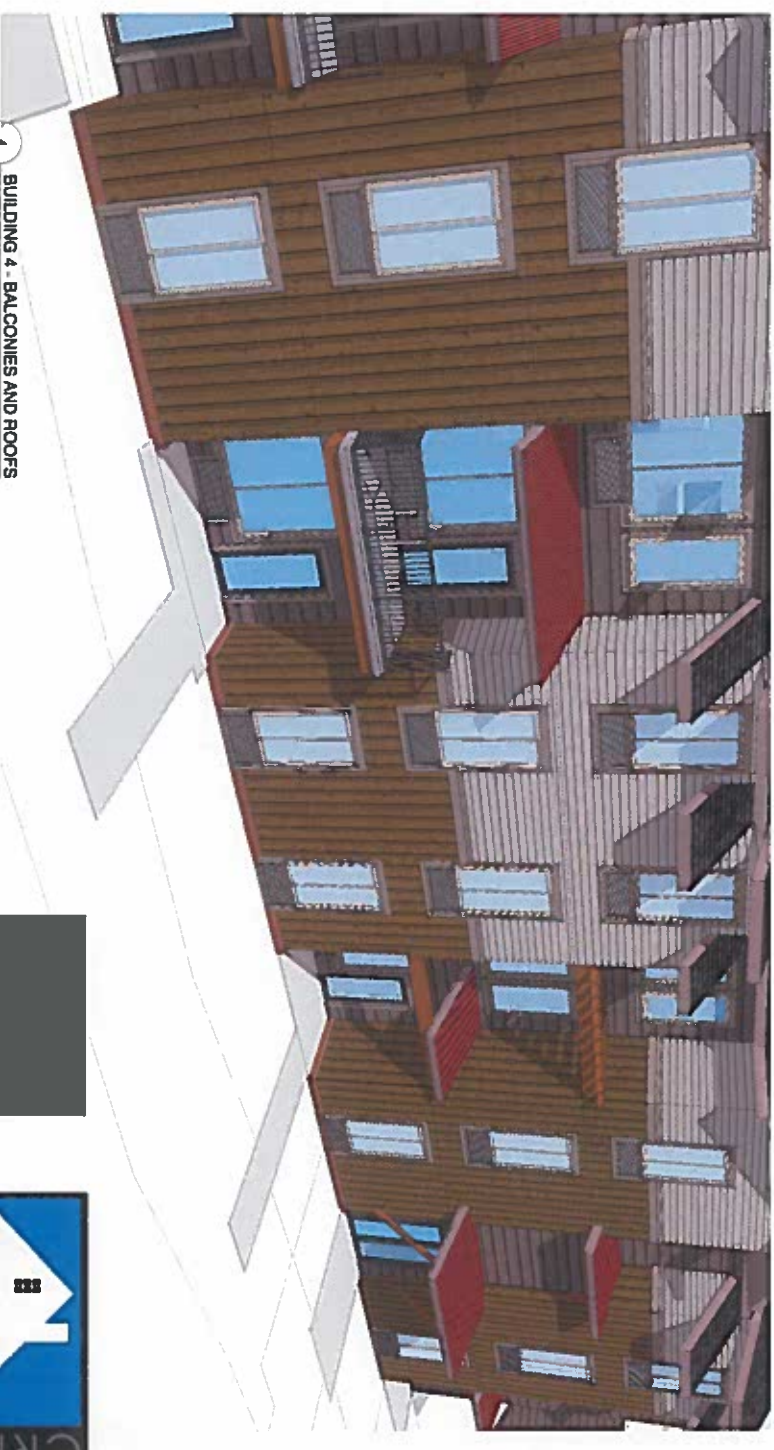
1 BUILDING 4 - FROM NORTHEAST CORNER  
NO SCALE



3 BUILDING 4 - ROOFS AND TRELLIS ELEMENT  
NO SCALE



2 BUILDING 2 - FROM NORTHEAST CORNER  
NO SCALE



4 BUILDING 4 - BALCONIES AND ROOFS  
NO SCALE

# LAKOTA RIDGE SENIOR APARTMENTS

## ARCHITECTURAL CHARACTER

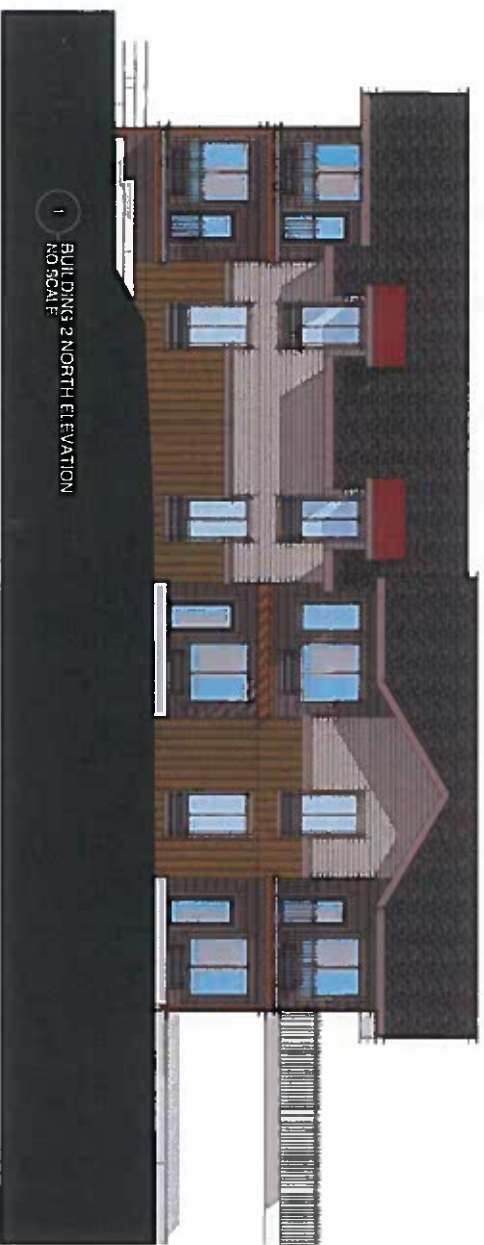


iv DeSousa LLC  
Architecture + Design



Community Resources  
& Housing Development  
CORPORATION





1 BUILDING 2 NORTH ELEVATION  
NO SCALE



2 BUILDING 4 - NORTH ELEVATION  
NO SCALE

# LAKOTA RIDGE SENIOR APARTMENTS

## ARCHITECTURAL CHARACTER





## Tim Cain

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**From:** bobd@innermountain.com  
**Sent:** Wednesday, February 28, 2018 5:56 AM  
**To:** Tim Cain  
**Cc:** 'RICK DAVIS'; 'Roger Proffitt'; 'Mark McDonald'  
**Subject:** Senior Housing  
**Attachments:** New Castle Senior HousingFebruary 28.docx

Good morning Tim,

Thank you for allowing the Lakota Canyon Ranch Design Review Committee, be part of the Town's P&Z committee discussions on the Senior Housing Project.

As New Castle residents, we feel it is very important that these units fit in with the surrounding area.

The success for its residents and the surrounding community greatly depends on the visual appearance and design of this large project.

Please see the attachment for our support in several areas that have been discussed.

I do not have any letterhead to put this document on, however this support is documented from a meeting the Lakota Canyon Ranch DRC members (Bob DuBois, Rick Davis and Roger Proffitt) held on February 26, 2018 at the Lakota Canyon Recreation Center.

Please feel free to reach out for any clarification.

Thank you,  
Bob DuBois



The Design Review Committee of Lakota Canyon Ranch met on February 26,2018 to discuss the Senior Housing project (currently under construction) and the agreements made by JV and CRHDC.

While the project changed significantly months after breaking ground, and the newer proposals do not meet the initial design, The DRC of Lakota Canyon Ranch appreciates the good faith effort by JV and the CRHDC to come to come forth and change the structures more towards the initial approved project.

On a personal level, each of us want ensure that the Senior Housing Units will be the very best they can be for their future occupants. Yet, this is really not in our scope of business. The DRC has one goal in this matter. Our goal is that the outdoor visual aspect of this project meets the desired look for New Castle and all of its residents and the surrounding area.

With that said, the DRC supports the following:

- Minimum of 40 porches and balcony's, with the use of Heavy support beams where possible. More porches and balconies if additional monies can be procured.
- Where metal roof is shown on the drawings. This is to be corrugated "Rusted" roofing. It is strongly suggested that the contractor spray the roofing with a type of chemical the manufacturer suggests, typically muriatic acid or a muriatic acid mixture, **PRIOR** to installing the roofing. We have found that often times without a spray, the rusting process can take months or longer, rendering the roofing a shiny metal.
- Railing (not white) to blend in as best as possible with the siding.
- As agreed, JV will set a meeting with the DRC to discuss all outdoor paint colors to be used.
- All landscaping monies initially approved stay the same and are not used to cover the cost of balconies ect. We feel landscaping done properly with this project can truly enhance the visual aspect for years to come.  
At the time of the "paint" meeting, we would appreciate JV discussing in some detail the landscaping plans. We don't need everything done to the last detail, but we would be interested for example in tree selection and size. We've all lived in the area a long time and may be able to offer some helpful suggestions in regards to plants and trees that are more deer proof than others.
- Support beams and posts, using Douglas Fir. We strongly suggest these posts to be 8" X 8". Our desire is to have a "Heavy Timber" Look as we do in Lakota Canyon Ranch and the Fire department next door.
- The heating and cooling louvers continue to be a disappointing piece of this project. The contractor is to construct a mockup of a Grill cover. We are hoping to see one using the corrugated rusted metal. And another that would be the siding that will be used in the project. At the same time, we would appreciate any other suggestions to help these louvers blend in as much as possible.

Thank you,

Bob DuBois

On behalf of the Lakota Canyon Ranch Design Review Committee



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(1)

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**Staff Report  
Lakota Ridge Senior Apartments – PUD Amendment  
New Castle Planning and Zoning – Hearing – March 5, 2018**

Report Date: 3/1/2018

**Project Information**

**Name of Applicant:** Lakota Ridge Senior Apartments, LLLP

**Applicant's Mailing Address** 7305 Lowell Blvd, Suite 200, Westminster, CO 80030

**Phone & E-mail address:** (303) 428- 1448 - E-mail: carly@crhdc.org

**Property Address:** 705 Castle Valley Blvd., New Castle, CO 81647

**Property Owner:** Lakota Ridge Senior Apartments, LLLP

**Owner Mailing Address /Phone:** 7305 Lowell Blvd., Suite 200, Westminster, CO 80030  
(970) 522-7530

**Proposed Use:** Senior Apartments

**Size of Site:** 2.872+/- acres

**Street Frontage:** Castle Valley Blvd. and TBD

**Existing Zoning:** Lakota Canyon Ranch PUD (LCR) - MU

**Surrounding Zoning:** North - MU, South – R/2 PUD, West – School vacant land and East- MU

**Off- Street Parking:** One-half space per resident

**I Summary:**

The Planning & Zoning Commission (PNZ) met February 7, 2018 for a special meeting to evaluate the efficacy of Community Resources & Housing Development Corp (CRHDC) presentation to revise construction plans which eliminated individual unit balconies among other changes. The end result of the meeting was PNZ recommended that a committee to be formed to analyze the plans in more specific detail. The members of the committee included PNZ Chairman Chuck Apostolik, Town Planner Tim Cain, Building Inspector Dave Reynolds, the Lakota Canyon Ranch (LCR) Design Review Committee (DRC) members, the LCR Homeowners Association residents 'representative, Patrick Stuckey, and members of the CRHDC team.



The committee met on February 21, 2018 and it appeared by the end of the meeting that consensus had been reached. The presentation was well-received because many new design elements had been incorporated into the construction plans. Besides the members of the committee, also in attendance was Councilwoman Mary Metzger, PNZ members Brandi Copeland and Susan Ruggles. The DRC requested another meeting with the CRHDC to discuss other items such as the type and color of the shingles.

The Town's building inspector, Dave Reynolds will address specific detail about the revised construction plans including updated elevations for buildings 2 & 4.

**V Conditions:**

1. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant.
2. 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

**VI Recommendation:**

PNZ appears to have at least options. They are:

1. Approve of the building alterations (without balconies).
2. Require CRHDC to design architectural features that are acceptable to PNZ.
3. Require CRHDC to build the senior apartments according to the original plans.
4. See the building Inspector's report dated February 1, 2018 for additional recommendations.





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## Staff Report

### Lakota Ridge Senior Apartments PUD Amendment Application Review

*Date:* 03/01/18

#### ***Purpose***

The purpose of this report to advise the Planning and Zoning Commission of progress made as it relates to the application for *Amendment to the Lakota Ridge Apartment PUD*. This report shall also make observations and staff recommendations related to the latest information provided by the architect and owners of this project.

#### ***Background:***

On February 7, 2018 the Planning and Zoning Commission held a public meeting to discuss the proposed changes to the Lakota Ridge Senior Apartments PUD. The meeting was attended by the owners of the project *Colorado Resources and Housing Development Corporation (CRHDC)*, the project architect, and many citizens who wished to speak both for and against the proposed changes. After a presentation by the architect, presentation by staff, comments from citizens, and questions and comments by P&Z Commissioners, it was decided that a special workshop would be scheduled in order to investigate and work through potential solutions to exterior design concerns.

#### ***Report Objective***

The following information captures the conclusions of the Workshop which was held on 2/21/18, reviews the latest plans submitted by the architect on 2/28/18, summarizes the latest designs, and provides staff conclusions and recommendations.

#### ***Workshop Summary:***

On February 21, 2018, a workshop was held as directed by the Planning & Zoning Commissioners on 2/7/18. In attendance at the workshop were: members of Town Staff, Tim Cain and Dave Reynolds, representatives from CRHDC, Al Gold, David Meir, Mearl Means, project architect JV DeSousa, members of the Lakota Canyon Ranch Design Review Committee Rick Davis, Bob DuBois, Mark McDonald, Patrick Stuckey, and members of the Planning and Zoning Commission Brandy Copeland, Chuck Apostolik, and Susan Ruggles.

Based on the recommendations and concerns that were voiced by the Planning and Zoning Commissioners as well as area residents, project architect JV DeSousa came to the workshop with drawings of potential solutions that he wished for the workshop attendees to consider. After approximately two and one-half hours



of open discussion and consideration the workshop attendees reached what was felt to be fair and equitable solutions to most of the outstanding exterior design concerns.

Beyond the conversation of changes to the buildings exterior the group also focused on the loss of the in-floor radiant heating system and its replacement with approximately 100 externally visible HVAC compact units. It was mentioned by CRHDC that due the current state of construction and the total costs of the In-Floor Heating System, it had become financially impractical to return to the in-floor heating system. Staff reminded CRHDC that all progress on the project, which varied from the originally approved plans, had always been at the sole risk of CRHDC.

The workshop meeting concluded with a summation of the points that were felt to be a reasonable path forward. Architect JV DeSousa and CRHDC representatives were tasked with submitting new drawings and details that captured the redesigned elements and points of conversation. It was agreed that the Planning and Zoning Commission would meet as soon as practical to formally review the submitted changes and determine the best path forward based on their findings related to the revised exterior designs.

The attached *Exhibit "A"* represents Staffs notes and conclusions from the 2-21-18 workshop.

The attached *Exhibit "B"* represents notes and conclusions as recorded by members of the Lakota Design Review Committee who were in attendance at the 2-21-18 workshop.

Please review attached *Exhibits "A & B"* at this time in order to gain an understanding of the workshop conclusions.

#### ***Review of new plans submitted 2-28-18***

Upon review of the latest plans submitted 2-28-18, staff has made the following observations:

- a. The plans do substantially, but not totally, match the conclusions of the workshop attendees.
- b. The plans include a total of (26) Units which have a patio space, (13) Units which have a Balcony space, and (11) Units which remain with no outdoor living space. See Exhibit "C" for a detailed accounting of outdoor living spaces.
- c. The plans are designed to be elevation views in order to demonstrate a reasonable picture of the final project. Final more detailed plans may be required by Staff and the Planning & Zoning Commission in order to do better understand and confirm the dimensions of certain elements such as Trellis lumber dimensions, balcony details, window and HVAC louver vent details, balcony railing details, etc.
- d. The plans do give a greater level of attention to matching exterior design elements found in the Lakota subdivision as well as the neighboring Fire Station as originally represented by CRHDC representatives prior to the original PUD approval.

The newly submitted plans do however fall short of documenting the following items which were captured in the workshop discussions:

- a. The workshop discussion concluded that (10) Units would be left with no outdoor living space. The submitted plans illustrate that (11) Unit will have no outdoor living space.
- b. CRHDC has agreed to have the Lakota Design Review Committee be a contributor in choosing the final exterior paint colors.
- c. CRHDC has agreed to have the Lakota Design Review Committee be a contributor in choosing the final roof shingle colors.
- d. CRHDC has agreed to have the Lakota Design Review Committee be a contributor in choosing the final balcony railing color.
- e. CRHDC has agreed that to the best of their ability they will use landscape features to help mask the appearance of the lower HVAC louvered vents.

- f. CRHDC has agreed to develop an HVAC louver vent cover sample for consideration by the Planning & Zoning Commission and the Lakota Design Review Committee.

### **Staff Conclusions**

The workshop held on 2-21-18 had positive results in that all attendees were able to help work through a process of considering potential solutions to the issues surrounding the proposed changes to the exterior of this project. CRHDC arrived at the workshop prepared with drawings which were used as a starting point for conversation. The attendees asked many questions, voiced many concerns, made thoughtful suggestions, and demonstrated concern over both the final look of the project, but also to the ability of all future residents to have a quality facility with each having their own outdoor living space.

Although there remain several units without outdoor living space, the attendees did appear to conclude that the new design elements which included the return of many balconies, the addition of decorative Trellis details, the addition of balcony roof details, the addition of rusty corrugated metal roof materials, the agreement to paint or cover the HVAC Louvers, the addition of heavy timbers at the balconies, and the involvement of the Lakota Design Review Committee in the final exterior color, shingle, and railing detail selections, all help to provide a final product that is more suitable to the Castle Valley Corridor than the original plans submitted in the PUD amendment application.

### **Staff Recommendations**

The Planning and Zoning Commission may first consider the impact of the loss of (11) outdoor living spaces verses the improved appearance of the revised exterior plans.

*Should the Planning and Zoning Commission determine that the loss of the (11) outdoor living spaces is acceptable, staff recommends the following:*

1. Require that CRHDC obtain approval in writing from the Lakota Design Review Committee for the final exterior paint colors, roof colors, and balcony railing colors, and heavy timber beam sizes prior to final approval of a PUD amendment.
2. Require that CRHDC provide a mock up job site sample of a HVAC louver cover, as well as a mock up job site sample of the window trim and HVAC Louver trim detail including final paint color. These samples shall be reviewed in field by the Lakota Design Review Committee and a final solution approved prior to final approval of a PUD amendment.
3. CRHDC shall account for the difference of (1) exterior balcony which was presented at the workshop verses the total number of balconies detailed in the newest submitted plans.
4. CHRDC shall provide a final set of working plans for review by staff that detail all changes to the areas of the buildings exterior that are under consideration for change. Plans shall include lumber dimension sizes, balcony details, roof details, engineering details, and all other details necessary for final plan approval by the Building Department prior to approval of a PUD amendment.
5. CHRDC shall provide all documentation which demonstrates that the proposed changes to the heating and cooling systems shall meet or exceed the requirements of the 2009 National Energy Conservation Code as adopted by the Town of New Castle prior to the approval of a PUD amendment.



*Should the Planning and Zoning Commission determine that the loss of the (11) outdoor living spaces is not acceptable, staff recommends one of the following options:*

1. The Planning and Zoning Commission may recommend denial of the CRHDC application as submitted.
2. The Planning and Zoning Commission may allow CRHDC to submit revised plans which meet a request to provide all units with an outdoor living area.

*Prepared by: David Reynolds Town Building Inspector*



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## Exhibit "A"

Summary of 2-21-18 P&Z Workshop with Lakota Senior Housing

CRHD shall have all exterior paint colors reviewed by Lakota DRC.

CRHD shall have roof shingle colors determined by Lakota DRC using Tamko Dimensional Shingles.

CRHD shall submit a final proposal drawing ASAP based on tonight's discussion.

Final Proposal Drawing shall include and illustrate:

All areas roof surfaces that shall now be Rusty Metal Corrugated Roofing.

All apartment units that will receive patio areas.

All Apartment units that will receive balconies.

All areas that will receive roof over balconies.

All areas that will receive trellis / pergola style decorative elements.

Details showing that all HAVC Louvers will be painted to match window trim colors.

Landscaping shall be located to best hide HVAC Units.

Balcony roof support structure details, upright posts or kickback support system.

Identify all units that will not have outdoor living space.



## Exhibit "B"

New Castle Senior Housing

February 28,2018

The Design Review Committee of Lakota Canyon Ranch met on February 26,2018 to discuss the Senior Housing project (currently under construction) and the agreements made by JV and CRHDC.

While the project changed significantly months after breaking ground, and the newer proposals do not meet the initial design, The DRC of Lakota Canyon Ranch appreciates the good faith effort by JV and the CRHDC to come to come forth and change the structures more towards the initial approved project.

On a personal level, each of us want ensure that the Senior Housing Units will be the very best they can be for their future occupants. Yet, this is really not in our scope of business. The DRC has one goal in this matter. Our goal is that the outdoor visual aspect of this project meets the desired look for New Castle and all of its residents and the surrounding area.

With that said, the DRC supports the following:

- Minimum of 40 porches and balcony's, with the use of Heavy support beams where possible. More porches and balconies if additional monies can be procured.
- Where metal roof is shown on the drawings. This is to be corrugated "Rusted "roofing. It is strongly suggested that the contractor spray the roofing with a type of chemical the manufacturer suggests, typically muriatic acid or a muriatic acid mixture, **PRIOR** to installing the roofing. We have found that often times without a spray, the rusting process can take months or longer, rendering the roofing a shiny metal.
- Railing (not white) to blend in as best as possible with the siding.
- As agreed, JV will set a meeting with the DRC to discuss all outdoor paint colors to be used.
- All landscaping monies initially approved stay the same and are not used to cover the cost of balconies ect. We feel landscaping done properly with this project can truly enhance the visual aspect for years to come.

At the time of the "paint" meeting, we would appreciate JV discussing in some detail the landscaping plans. We don't need everything done to the last detail, but we would be interested for example in tree selection and size. We've all lived in the area a long time and may be able to offer some helpful suggestions in regards to plants and trees that are more deer proof than others.

- Support beams and posts, using Douglas Fir. We strongly suggest these posts to be 8" X 8". Our desire is to have a "Heavy Timber" Look as we do in Lakota Canyon Ranch and the Fire department next door.
- The heating and cooling louvers continue to be a disappointing piece of this project. The contractor is to construct a mockup of a Grill cover. We are hoping to see one using the corrugated rusted metal. And another that would be the siding that will be used in the project. At the same time, we would appreciate any other suggestions to help these louvers blend in as much as possible.

Thank you,

Bob DuBois

On behalf of the Lakota Canyon Ranch Design Review Committee

# Exhibit "C"

## Lakota Ridge Senior Apartments Listing of Outdoor Living Space

### Building #1

Unit #	Type of Space	Notes
111	Balcony	
112	Balcony	

### Building #2

Unit #	Type of Space	Notes
211	Patio	
212	Patio	
213	Balcony	
221	Balcony	
222	None	Trellis
223	Balcony	

### Building #3

Unit #	Type of Space	Notes
311	Patio	At Front Door
312	Patio	
313	Patio	
314	Patio	
315	Patio	
316	Patio	
321	None	Small Roof
322	Balcony	
323	Balcony	
324	Balcony	
325	Balcony	
326	Balcony	

### Building #4

Unit #	Type of Space	Notes
411	Patio	At Front Door
412	Patio	At Front Door
413	Patio	At Front Door
414	Patio	At Front Door
415	Patio	At Front Door
421	Balcony	
422	Balcony	
423	Balcony	
424	None	Small Roof
425	None	Small Roof
431	None	Trellis
432	None	Roof
433	None	Roof
434	None	Trellis
435	None	Trellis

### Building #5

Unit #	Type of Space	Notes
531	Patio	(2) Patios
532	None	Roof
533	None	Roof

### Building #6

Unit #	Type of Space	Notes
621	Patio	At Front Door
622	Patio	At Front Door
623	Patio	At Front Door
624	Patio	At Front Door
625	Patio	At Front Door
626	Patio	At Front Door
631	Patio	At Front Door
632	Patio	At Front Door
633	Patio	At Front Door
634	Patio	At Front Door
635	Patio	At Front Door
636	Patio	At Front Door

Notes: (11) Units have no outdoor living space  
 (13) Units have Balconies  
 (26) Units have Patios



**TOWN OF NEW CASTLE, COLORADO**  
**RESOLUTION NO. PZ-2018-01**

A RESOLUTION OF THE NEW CASTLE PLANNING & ZONING  
COMMISSION RECOMMENDING APPROVAL OF A MAJOR  
AMENDMENT OF LAKOTA RIDGE SENIOR APARTMENTS, LLP'S PUD  
DEVELOPMENT PLAN.

WHEREAS, by Ordinance No. 2016-4, Lakota Ridge Senior Apartments, LLP (“Applicant”) obtained approval for a final PUD Development Plan (“Plan”) for the property located at 705 Castle Valley Boulevard in the Town of New Castle, Colorado, and more fully described as:

LOT 2A, AMENDED FINAL PLAT, LOT 2, LAKOTA CANYON RANCH PUD,  
PHASE 7, ACCORDING TO THE PLAT THEREOF RECORDED JULY 30, 2010,  
UNDER RECEPTION NO. 789213

(“Property”); and

WHEREAS, the Plan comprises those documents enumerated in Exhibit A to Ordinance No. TC 2016-4, including the architectural and design plans for the buildings to be constructed on the Property; and

WHEREAS, after initiating construction on the Property, Applicant informed Town staff that as a result of budget constraints, Applicant intended to alter several of the exterior design features of the buildings to be located on the Property; and

WHEREAS, because the architectural and design elements of Applicant’s project were part of the as-approved Plan, Applicant cannot not implement those changes without processing a Plan amendment; and

WHEREAS, Applicant submitted the documents listed in Exhibit A hereto as its Plan amendment application (“Application”);

WHEREAS, pursuant to Section 17.100.110 of the Town Municipal Code, Town staff determined that the Application constitute a major amendment of the Plan; and

WHEREAS, pursuant to Sections 16.08.050, 17.100.080, and 17.100.110(C) of the Code, the Commission opened a public hearing on January 24, 2018, to consider the Application and continued the hearing to February 7, 2018; and

WHEREAS, following the February 7<sup>th</sup> public hearing, the Commission tabled consideration of the Application until March 5, 2018, to allow Applicant to make changes to its Application in light of the comments and information presented at the hearing; and

WHEREAS, Applicant submitted revised architectural and design plans to the Town on March 1, 2018, which are listed in Exhibit A, replace all prior plans submitted as part of the Application, and reflect Applicant's intended development of the Property; and

WHEREAS, at a duly noticed public meeting, the Commission considered the Application, as supplemented, and the criteria set forth in Section 17.100.090 of the Town Municipal Code;

WHEREAS, based on the Application the information and testimony presented regarding the same, the Commission hereby finds that:

1. The Application is generally compatible with adjacent land uses;
2. The Application is consistent with the comprehensive plan;
3. The Town has the capacity to serve the proposed use with water, sewer, fire and police protection;
4. The uses proposed within the PUD are uses permitted outright or by special review within the zoning district or districts contained within the PUD;
5. The number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan; and
6. The PUD utilizes the natural character of the land, includes compatible land uses, provides, as applicable, for fire and police protection, off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieves adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of the Town Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.

2. Approval. Pursuant to Chapter 17.100 of the New Castle Municipal Code, the Commission hereby recommends that the Town Council approve the Application, as supplemented by the Mach 1, 2018 plans, as an amendment of Applicant's Final PUD Development Plan for the Property. Only those aspects of the Plan addressed in the Application shall be amended upon Town Council's approval of the Application, and all other provisions of the Plan shall remain in full force and effect.

3. Conditions. The Commission recommends the following conditions of approval:

A. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council and reflected in the minutes of such hearings 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, including all sign code regulations, when developing the Property according to the Plan, as amended; and

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.

THIS RESOLUTION PZ 2018-1 was adopted by the New Castle Planning and Zoning Commission by a vote of \_\_\_\_ to \_\_\_\_ on the 5<sup>th</sup> day of March, 2018.

NEW CASTLE PLANNING AND  
ZONING COMMISSION

By: \_\_\_\_\_  
Chuck Apostolik, Chairman

ATTEST:

\_\_\_\_\_  
Mindy Andis, Deputy Town Clerk

## **EXHIBIT A**

The Final PUD Development Plan amendment application consists of the following documents:

1. Development Application (Jan. 17, 2018)
2. Checklist of PUD final development plan (Jan. 17, 2018)
3. List of property owners within 250 feet of subject property (Jan. 18, 2018)
4. Affidavit as to Notice of Public Hearing (Jan. 18, 2018)
5. Special Warranty Deed (Jan. 18, 2018)
6. Written statement for PUD Amendment (Jan. 18, 2018)
7. Public comments from Steve Craven, Scott Crow, and Connie Henke (Jan. 2018)
8. Town Planner's report – January 31, 2018
9. Town Building Inspector's report – January 31, 2018
10. Lakota Canyon Ranch Design Review Committee e-mail and comment letter – February 28, 2018
11. Elevations for Buildings 2 & 4—March 1, 2018
12. PUD Application revision documentation – March 1, 2018
13. Building Inspector Report – March 2, 2018
14. Town Planner Report – March 2, 2018

**RECEIVED**

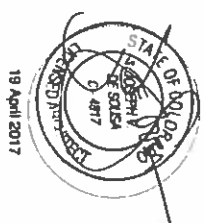
MAR 05 2018  
Town of  
New Castle, CO



IVD LLC  
18107th Street, Third Floor  
Boulder, Colorado 80502  
724.581.1200  
ivd@ivdusa.com

All elements of this document represent design intent only. Final engineering and construction shall remain the responsibility of the contractor or subcontractor. The contractor or subcontractor shall be responsible for providing all permits and approvals required for the project and shall be responsible for the accuracy of the information and the quality of the construction with the specified project.

seal & signature



**LEGEND**

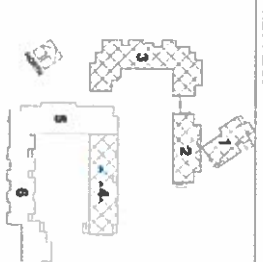
- NEW BALCONY WITH ONE EXPOSED TRUSS AND ONE TO REMAIN
- MECH. JT. GRADE
- CONCRETE WITH ROOF OVER BALCONY OR DOWN BELOW
- OPEN TRUSS WITH OPEN BALCONY SECTION
- OPEN TRUSS WITH OPEN BALCONY SECTION
- OPEN TRUSS WITH OPEN BALCONY SECTION
- CONCRETE WITH MECH. OVER UNIT ENTRY
- MECH. 1 SHINGLE CLAD ROOF OVER UNIT ENTRY
- SHINGLE CLAD ROOF OVER UNIT ENTRY
- SHINGLE CLAD ROOF OVER UNIT ENTRY

**ENLARGED BUILDING PLANS**

BUILDING 1 PLANS	A2.5
BUILDING 2 PLANS	A2.6
BUILDING 3 PLANS	A2.7
BUILDING 3 ROOF PLAN	A2.7.1
BUILDING 4 PLANS	A2.8
BUILDING 4 ROOF PLAN	A2.8.1
BUILDING 5 PLANS	A2.9
BUILDING 6 ROOF PLAN	A2.10
BUILDING 6 ROOF PLAN	A2.10.1



**1**  
1ST FLOOR PLAN  
1/16" = 1'-0"



drawing title  
1ST FLOOR PLAN

drawing scale 1/16" = 1'-0"  
drawing number

A-PUD-1

# LAKOTA RIDGE SENIOR APARTMENTS

Issue date:  
20170419  
100 % CONSTRUCTION  
DOCUMENTS

revisions:

No.	Description	Date
2	Plan Review Revision	20170324

Project  
**Lakota Ridge Senior Apartments**  
705 CASTLE VALLEY BLVD  
NEWCASTLE CO 81647

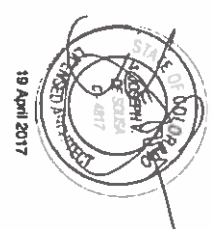




MO LLC  
1910 7th Street, Third Floor  
Boulder, Colorado 80502  
ivd@ivdbuilders.com

All contents of this document represent design intent only. Final engineering and construction shall remain the responsibility of the contractor. All items, conditions, arrangements and plans indicated or approved by third parties are the responsibility of the contractor and shall be coordinated with the specified project.

seal & signature



19 April 2017

# LAKOTA RIDGE SENIOR APARTMENTS

Issue date:  
2017/04/19  
100 % CONSTRUCTION  
DOCUMENTS

revision:	No.	Description	Date
	1	As Issued	2017/04/19
	2	Final Review	2017/04/19

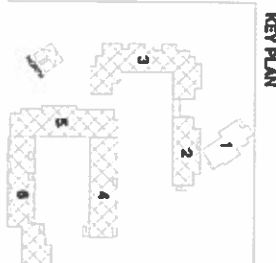
Project:  
Lakota Ridge  
Senior Apartments  
705 CASTLE VALLEY BLVD  
NEWCASTLE CO 81647

drawing title  
2ND FLOOR PLAN

drawing scale 1/16" = 1'-0"  
drawing number  
A-PUD-2



1 2ND FLOOR PLAN  
1/16" = 1'-0"



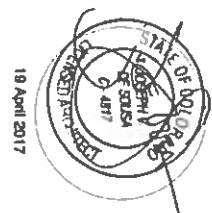
KEY PLAN



HO LLC  
1919 7th Street, Third Floor  
Boulder, Colorado 80502  
720.441.1233  
ivd@ivd.com

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small & signatures



1 3rd FLOOR PLAN  
1/8" = 1'-0"



**ENLARGED BUILDING PLANS**

BUILDING 1 PLANS	A3.5
BUILDING 2 PLANS	A3.6
BUILDING 3 PLANS	A3.7
BUILDING 3 ROOF PLAN	A3.7.1
BUILDING 4 PLANS	A3.8
BUILDING 4 ROOF PLAN	A3.8.1
BUILDING 5 PLANS	A3.9
BUILDING 6 ROOF PLAN	A3.10.1

- LEGEND**
- [Blue shaded area] NEW BALCONY WITH ONE FRONTED TERRACE AND LEFT OVERHANG
  - [Yellow shaded area] NEW AT ENTRANCE
  - [Red shaded area] CONSULTATED WITH NCCP OVER BALCONY OVERHANG SECTION
  - [Red hatched area] OPEN TERRACE WITH ONE BALCONY BELOW
  - [Red hatched area] OPEN TERRACE WITH ONE BALCONY ON
  - [Red hatched area] CONSULTATED WITH NCCP OVER LEFT ENTRY SECTION
  - [Red hatched area] NEW AT BALCONY CANTILEVER OVER HANG SECTION TO BE LOCATED TO MAINTAIN ONE-LINE SIGNAGE POSITION

# LAKOTA RIDGE SENIOR APARTMENTS

Issue date:  
20170419  
100 % CONSTRUCTION DOCUMENTS

revisions:

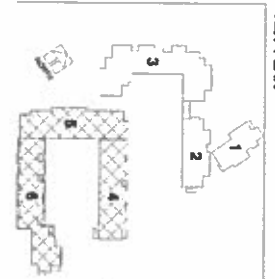
No.	Description	Date
1	Addressed R1	20170319
2	Final Review Revisions	20170325

Project:  
Lakota Ridge  
Senior Apartments  
705 CASTLE VALLEY BLVD  
NEWCASTLE CO 81647

drawing title

3RD FLOOR PLAN

drawing scale 1/8" = 1'-0"  
drawing number



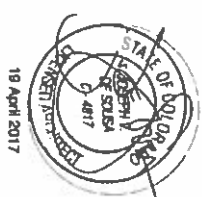




NO LLC  
1610 1/2th Street, Third Floor  
Boulder, Colorado 80502  
781.231.1200  
iVP@iVP.com

All contents of this document represent design intent only. Final engineering and fabrication shall remain the responsibility of the contractor or manufacturer. All dimensions and materials are provided by these drawings and are the property of the architect and shall be used in connection with the specified contract.

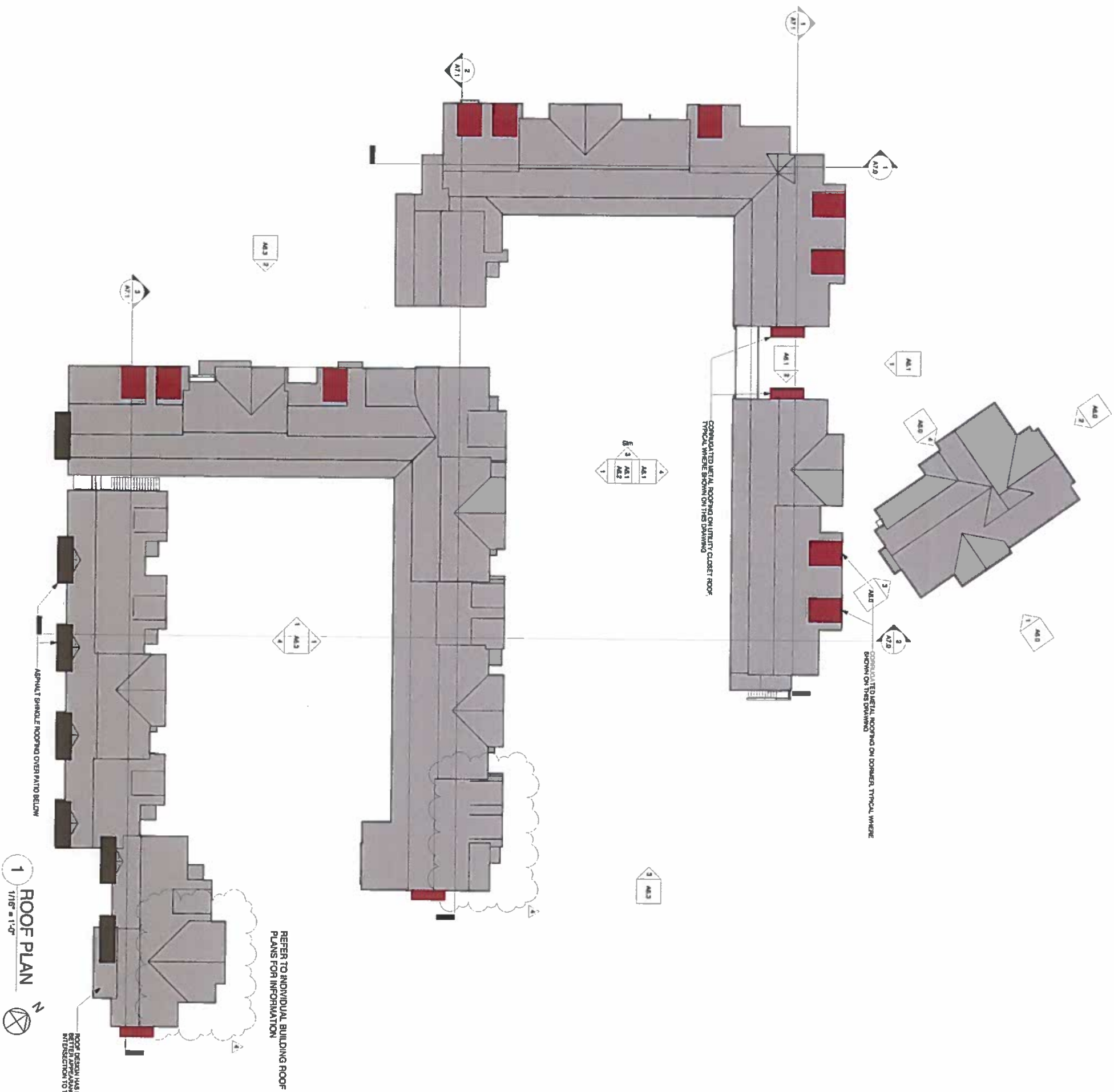
seal & signature



19 April 2017

**LEGEND**

[Light Blue Box]	APRIL 19, 2017: CONCEPTUAL DESIGN AND UTILITY, SANITARIUM AND WET, BATHROOM
[Yellow Box]	APRIL 19, 2017: OWNER
[Red Box]	CONSULTANT UTILITY, ROOF OVER BALCONY OR COMMON AREAS
[Hatched Box]	OPEN TERRACE, TERRACE OVER BALCONY BELOW
[Vertical Line Box]	OPEN TERRACE, TERRACE OVER BALCONY
[Red Box]	CONSULTANT UTILITY, ROOF OVER UNIT ENTRY
[Red Box]	APRIL 19, 2017: SHEDDLE CLOUD ROOF OVER BALCONY
[Green Box]	SHEDDLE TO BE RELOCATED TO SHEDDLE OFFICE



**ENLARGED BUILDING PLANS**

BUILDING 1 PLANS	A1.5
BUILDING 2 PLANS	A1.6
BUILDING 3 PLANS	A1.7
BUILDING 3 ROOF PLAN	A2.7.1
BUILDING 4 PLANS	A1.8
BUILDING 4 ROOF PLAN	A1.8.1
BUILDING 5 PLANS	A1.9
BUILDING 6 ROOF PLAN	A1.10
BUILDING 8 ROOF PLAN	A1.10.1

REFER TO INDIVIDUAL BUILDING ROOF PLANS FOR INFORMATION

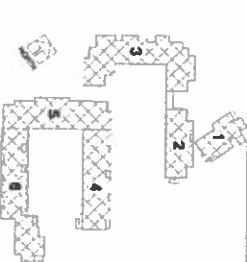
**1 ROOF PLAN**  
1/16" = 1'-0"



ROOF DESIGN HAS BEEN ADJUSTED IN THIS AREA TO PRESENT A BETTER APPEARANCE FROM DOWN THE HILL AT THE INTERSECTION TO THE SOUTH

ASPHALT SHINGLE ROOFING OVER PAVD BELOW

**KEY PLAN**



drawing title  
**ROOF PLAN**

drawing scale 1/16" = 1'-0"  
drawing number

**A-PUD-4**

**LAKOTA RIDGE SENIOR APARTMENTS**

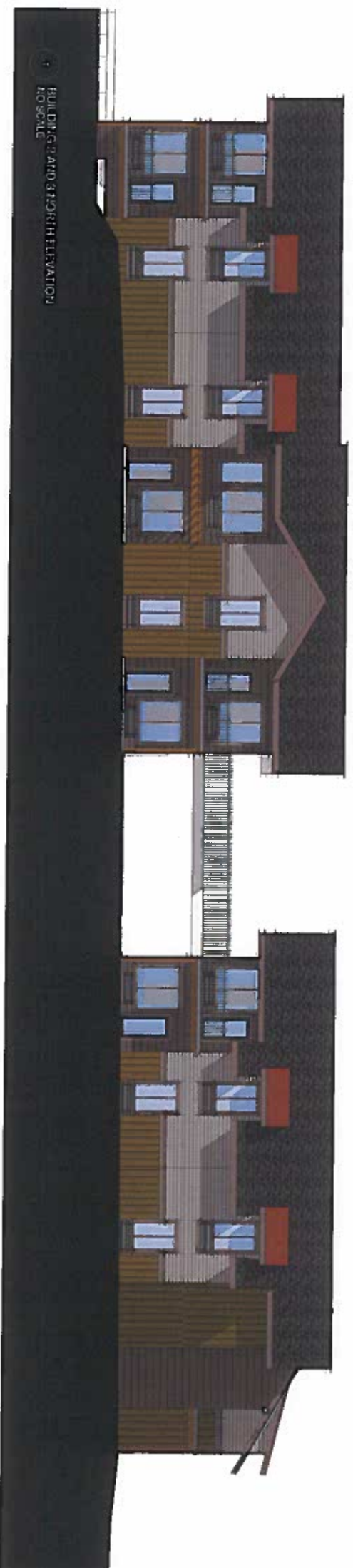
Issue date:  
2017/04/19  
100 % CONSTRUCTION  
DOCUMENTS

revisions:

No.	Description	Date
1	As Issued	2017/03/10
2	V.E.	2017/03/18

Project  
**Lakota Ridge Senior Apartments**  
705 CASTLE VALLEY BLVD  
NEWCASTLE CO 81647





# LAKOTA RIDGE SENIOR APARTMENTS

## ARCHITECTURAL CHARACTER



Iv DeSousa LLC  
Architecture + Design



Community Resources  
& Housing Development  
CORPORATION

# LAKOTA RIDGE SENIOR APARTMENTS ARCHITECTURAL CHARACTER



Iv DeSouza LLC  
Architecture + Design



Community Resources  
& Housing Development  
CORPORATION

1  
2 New Castle Planning and Zoning Commission Special Meeting  
3 Wednesday, February 7, 2018, 7:00p.m., Town Hall

4  
5 Call to Order

6 Commission Chair Chuck Apostolik called the meeting to order at 7:02 p.m.

7  
8 Roll Call

9 Present Chair Chuck Apostolik  
10 Commissioner Copeland  
11 Commissioner Riddile  
12 Commissioner Urnise

13  
14 Absent Commissioner Ruggles

15  
16 Also present at the meeting were Town Attorney Haley Carmer, Town Planner Tim  
17 Cain, Deputy Town Clerk Mindy Andis, Building Inspector Dave Reynolds, Public  
18 Works Director John Wenzel and members of the public.

19 Meeting Notice

20 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting  
21 in accordance with Resolution TC-2018-1.

22  
23 Conflicts of Interest

24 Commissioner Urnise said that the civil engineering company working on the Lakota  
25 Ridge Senior Apartments had employed him at the beginning of the project. He said  
26 he had subsequently left that company and had not been involved with the new  
27 proposed design, therefore had no financial gain.

28  
29 Citizen Comments on Items NOT on the Agenda

30 There were no citizen comments.

31  
32 Public Hearing

33 PUD Amendment

34  
35 Purpose: PUD Amendment for Lakota Ridge Senior Apartments

36  
37 Legal description: Lot 2A, Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase  
38 7, According to the Plat thereof Recorded July 30, 2010  
39 Under Reception No.789213

40  
41 Common Address: 705 Castle Valley Blvd., New Castle

42  
43 Applicant: Lakota Ridge Senior Apartments, LLP

44  
45 Landowner: Lakota Ridge Senior Apartments, LLP

46  
47 B. Resolution PZ-2018-01 Recommending Approval of Lakota Ridge Senior  
48 **Apartments, LLP's Major PUD Development Plan Amendment**



1 Chair Apostolik opened the Public Hearing at 7:04p.m.

2  
3 Town Planner Tim Cain said that Lakota Canyon Ranch (LCR) had a Design Review  
4 Committee (DRC) that reviewed every new house or commercial structure built in  
5 LCR. A homeowner/contractor must submit building plans to the DRC. The DRC  
6 sends a letter of approval to the homeowner/contractor, and that letter is required  
7 as part of the submission of building plans to the New Castle Building & Planning  
8 Department. Community Resources & Housing Development Corp (CRHDC) was not  
9 required to meet all the guidelines of the LCR Design Review Committee because  
10 **the property was not annexed into the LCR Home Owner's Association (HOA).**  
11

12 Prior to hearings and meetings with the Planning & Zoning (P&Z) Commission and  
13 Town Council, CRDHC met with LCR DRC. DRC requested that CRDHC not use  
14 stucco; to use earth tone colors except beige, and they asked that the roofline be  
15 broken up, which CRHDC agreed to do. DRC also preferred stone cladding on the  
16 lower base of the buildings. CRHDC had eliminated the stucco, agreed not to use  
17 beige and changed the rooflines. Planner Cain noted that as of January 31, 2018  
18 the elevations do not appear to have any break in the rooflines. He also stated that  
19 CRHDC would be unable to install the stone cladding because of the cost.  
20

21 Planner Cain said that CRHDC had submitted architectural drawings before the  
22 (P&Z) and Town Council. The drawings depicted private open-air balconies for each  
23 living unit. CRHDC had cost overruns that were not expected. They were severely  
24 underfunded so CRHDC eliminated the balconies and radiant heating among other  
25 alterations. For example, a concrete sidewalk was partially eliminated because it  
26 was located near a steep hillside. However, a railing or wall could have been  
27 utilized. This would be another additional expense not anticipated by CRHDC.  
28

29 The municipal code and building codes had very specific regulations when a project  
30 has a substantial change in plans. Staff had selected portions of 17.100.110-  
31 amendments applicable to municipal code requirements.  
32

33 1. *Municipal Code chapter 17.100.110- Amendments.*

- 34  
35 • *No approved PUD plan shall be altered unless approved by formal*  
36 *amendment. There are three types of formal amendments:*  
37 *administrative, minor, and major.*  
38

39 A. *Administrative amendments are de minimus alterations to the*  
40 *approved plan. Administrative amendments may be approved in*  
41 *writing by the town administrator. Administrative amendments*  
42 *include, but are not limited to:*  
43

44 1. *Minor alterations to approved architectural plans*  
45

46 B. *Minor amendments are alterations to an approved PUD development*  
47 *plan that require increased review and scrutiny. Minor amendments*  
48 *may be approved by resolution of the planning commission following a*  
49 *noticed public hearing. The planning commission may condition such*  
50 *approval as necessary to ensure that the development will be*

1 compatible with current community standards, infrastructure, and  
2 regulations.  
3

4 C. Major amendments to a PUD must be approved in accordance with the  
5 procedures applicable to the approval of a final PUD development plan  
6 application as set forth in Section 17.100.080. During the review of  
7 any proposed major amendment to the PUD, the town may require  
8 such new conditions of approval as are necessary to ensure that the  
9 development will be compatible with current community standards,  
10 infrastructure, and regulations.  
11

12 At any time during the course of a review of an administrative or minor  
13 amendment, the Town Administrator may require a hearing before the P&Z.  
14 Because there were substantial changes to building plans, the Town Administrator  
15 elevated the PUD Amendment to the Planning & Zoning Commission.  
16

17 (A) There were several representations regarding the design of the six (6)  
18 buildings quoted by CRHDC personnel during the public process of P&Z  
19 hearings and Town Council meetings. A couple included the following  
20 statements:  
21

- 22 • CRHDC presented a slide show to the community, P&Z & Town Council  
23 **remarking, "We are working to make sure the development incorporates**  
24 **the main design aspects of the Lakota Canyon Ranch Design Guidelines**  
25 **and Covenants. We are working to ensure this is a development all**  
26 **residents of New Castle will be proud of. The design will incorporate some**  
27 **of the same upscale design features that your homes incorporate in LCR."**  
28
- 29 • In an email dated April 22, 2016 from Carly Johansson Director of Real  
30 Estate for CRHDC to Graham Riddile P&Z Commissioner, Sonnie Black LCR  
31 HOA President & Town of New Castle with copies to JV DeSousa CRHDC  
32 Architect, Tim Cain Town Planner & Tom Baker Town Administrator, Ms.  
33 Johansson wrote **"The units include private outdoor space (balconies)"**  
34 **and "Although we will not be subject to the Design Guidelines or**  
35 **Covenants of the HOA we will still be developing as closely as possible to**  
36 **these guidelines."**  
37

38 In order for CRHDC to fund the senior apartments, CRHDC had asked the town  
39 council to waive certain fees. In addition, council allowed a different method of  
40 Equivalent Residential Unit (EQR) calculations for the single bedroom apartments,  
41 which furthered reduced the water and sewer expenses.  
42

43 Lakota Ridge Senior Apartments Final Site Specific Development Plan was approved  
44 by Town Council on August 2, 2016 and included the following fee waivers:  
45

- |                                  |              |                              |
|----------------------------------|--------------|------------------------------|
| 46 • Building permit fee         | \$12,941.95  | Amount waived = \$12,941.95  |
| 47 • Plan review fee             | \$8,412.27   | Amount waived = \$8,412.27   |
| 48 • Water & Sewer tap fees      | \$508,400.00 | Amount waived = \$85,600.00  |
| 49 • Water rights dedication fee | \$313,200.00 | Amount waived = \$271,000.00 |
| 50 • Recreation fee              | \$25,00.00   | Amount waived = \$12,500.00  |

1		
2	Total building permit fees minus water meters	\$867,954.22
3	<b>Total building permit fees with waivers</b>	<b>\$390,454.22</b>
4	Total CRHDC savings	\$477,500.00
5		

6 Planner Cain said that staff recognized that CRHDC was substantially underfunded  
7 by approximately \$200,000.00, causing them to propose elimination of the  
8 balconies and radiant heating to reduce overall construction costs. Unfortunately,  
9 the buildings were no longer compatible with the surrounding LCR neighborhood.

10  
11 When a project had a substantial alteration in building plans, it is required that the  
12 new plans be submitted to the Building & Planning Dept. Building plans were  
13 submitted digitally in November 2017, however, the building Inspector could not  
14 perform an adequate analysis without paper copies. At that time, paper copies were  
15 requested and CRHDC was informed that by continuing to build they were  
16 proceeding at their own risk. The plans were finally submitted on Tuesday, January  
17 30, 2018.

18  
19 Planner Cain said that P&Z appeared to have at least four options. They were:

- 20
- 21 1. Approve the building alterations (without balconies).
- 22 2. Require CRHDC to design architectural features that are acceptable to P&Z.
- 23 3. Require CRHDC to build the senior apartments according to the original plans.
- 24 4. **See the building Inspector’s report dated February 1, 2018 for additional**
- 25 **recommendations.**
- 26

27 Town Building Inspector Dave Reynolds said it had come to attention of the building  
28 department that significant exterior and interior changes had been designed for the  
29 Lakota Ridge Senior Apartments project. Staff met in person and by phone on  
30 multiple occasions with the project owners and architect in an effort to understand  
31 the full nature of the proposed changes. Staff was provided with updated elevation  
32 views of the project on January 22, 2018, and a complete set of updated drawings  
33 on **January 30, 2018. Staff was also provided with a single 8.5” x 11” conceptual**  
34 **elevation drawing in late December, along with an electronic set of revised**  
35 **drawings.** Based on the extensive nature of the proposed changes to the approved  
36 PUD, it was necessary for staff to bring the matter before P&Z and town council in  
37 the form of a PUD Amendment Application.

38  
39 It was the objective of the staff review and report to present P&Z and town council  
40 with a full understanding of the proposed changes to the Lakota Ridge Senior  
41 Apartments project. Staff would provide P&Z and town council with an  
42 understanding of the conditions under which the original PUD was presented and  
43 approved, as well as provide staff conclusions and staff recommendations as they  
44 relate to the proposed changes to the project.

45  
46 The initial understanding that changes were being made to the project occurred in  
47 late November when it was discovered by staff the balconies had been removed  
48 **from the contractor’s scope of work. It was the owner’s original position that the**  
49 **proposed changes to the buildings did not warrant town review or approval.** In  
50 subsequent meetings with the owner, staff requested revised drawings and advised



1 the owners that such changes absolutely required review and approval. Staff met  
2 with the project architect, project managers, and **project owner's** representative to  
3 discuss possible avenues to mitigate the proposed changes.

4  
5 The following lists represent **staff's current understanding of the proposed changes**  
6 to the interior and exterior of the project:

7  
8 Exterior:

- 9 ❖ All exterior balconies and railings had been removed.
- 10  
11 ❖ All exterior balcony doors had been changed to windows.
- 12  
13 ❖ Heavy Timber Framing which supported the exterior balcony systems  
14 had been removed.
- 15  
16 ❖ All units had been redesigned to use two (2) "Hotel Type" wall  
17 mounted heating and cooling units which were prominently noticeable  
18 under all bedroom and living room windows from most all exterior  
19 views.
- 20  
21 ❖ All proposed HVAC louvered exterior intake grills were designed to be  
22 Mill Finished Aluminum Color.
- 23  
24 ❖ Due to the loss of protection from weather provided by the removed  
25 balconies, small shed style roofs had been added above certain  
26 exterior ground level doors.
- 27  
28 ❖ Certain exterior walkways had been modified to change areas that  
29 were designed with decorative pavers to standard concrete.
- 30  
31 ❖ Areas of solid surface walkways in the courtyard area had been  
32 changed to a compacted stone material.

33  
34 Interior:

- 35  
36 ❖ Heating of each unit had been changed from Natural Gas Radiant  
37 Floor Heat to individual electric wall units, two (2) per dwelling unit.

38  
39 **Staff requested that consideration be given to finding a solution to "break up the**  
40 **mass" once the balconies were removed. The most recent plans received January**  
41 **22, 2018 showed no visible evidence that additional features were added per**  
42 **discussions and requests.**

43  
44 Staff requested that consideration be given to finding a solution to mask, or better  
45 hide, the HVAC exterior grills / louvers, no visible evidence was noticed that there  
46 had been any attempt to minimize the visual effects of the exposed HVAC louvers.  
47 New plans submitted January 22, 2018 show that the HVAC face grills were to be  
48 Mill Finished Aluminum Color.

49  
50 Planner Cain said that all representations of the applicant that were made in writing

1 via documents submitted to the town or verbal agreements made at public hearings  
2 before the P&Z or town council shall be considered part of the application, and were  
3 binding on the applicant.

4  
5 The following are examples of representations made by the owners during the  
6 project presentation at the original approval phase. The quotes provided indicate  
7 the original representations of certain project elements that were now part of the  
8 PUD Amendment Application, that CRHDC was seeking change:

9  
10 **"Although this project will not be located in Lakota Canyon Ranch subdivision we**  
11 **are working to make sure that the development incorporates the main design**  
12 **aspects of the Lakota Canyon Ranch Design Guidelines and the Covenants. We are**  
13 **working to assure this is a development all residents of New Castle will be proud of.**  
14 **The design will incorporate some of the same upscale design features that your**  
15 **homes incorporate."**

16  
17 **"The units include private outdoor space..."**

18  
19 **"Although we will not be subject to the Design Guidelines or Covenants of the HOA**  
20 **we still will be developing as closely as possible to these guidelines."**

21  
22 **"Town Planner Tim Cain reported that there had been no public opposition to the**  
23 **development, however; the Lakota Canyon Ranch Design Review Board felt that the**  
24 **subject property should comply with their concerns regarding the exterior of the**  
25 **proposed structures."**

26  
27 During the original PUD approval process the town agreed to help financially  
28 underwrite the project in the form of requested fee concessions and favorable land  
29 sale pricing and terms. It is estimated the town concessions related to the building  
30 department, water department, & water rights dedication fees total  
31 \$477,500.00. Additional savings to the owners were realized in the form of  
32 favorable land pricing given by the town in order to provide the land that this  
33 project is on.

34  
35 In conclusion, the original representations for the project, although not legally  
36 governed by Lakota HOA Standards, were represented to be that of a project that  
37 would substantially match the feel of Lakota neighborhood standards, it was under  
38 those representations that the project was approved.

39  
40 The original representation to the town, public, and potential end users of the  
41 project was that the project would have individual outdoor private spaces  
42 (balconies /decks), it was under those representations that the project was  
43 approved.

44  
45 The original representation of the project was the units would be provided with In-  
46 Floor radiant gas heat in each unit; it was under those representations that this  
47 project was approved.

48  
49 The town invested a large amount of time, energy, and financial support to assist in  
50 making the project, as originally represented, a reality.

1  
2 Town staff has worked to provide the owners with possible suggested solutions that  
3 might be used to help mitigate the appearance of the removal of the balconies and  
4 the addition of visible HVAC Units. The owner had chosen to present little in the  
5 way of alternative methods to help mitigate the appearance of the requested  
6 changes.

7 Cost overruns for the project are cited as the cause for the proposed changes, the  
8 large cost overruns were discovered relatively shortly after the initial PUD Approval,  
9 yet the application for the proposed changes were not submitted to the town for  
10 consideration until recently. The owners had been notified by the town that the  
11 changes warranted review and approval, and that all further progress on the job  
12 **site would be at the owner's sole risk.**

13  
14 It seemed unreasonable that changing from In Floor Radiant Gas Heat to individual  
15 electric HVAC wall mounted units would have a lasting savings on the project.  
16 While the initial installation cost of the Hotel Style wall units would be a significant  
17 savings to the constructions costs of the project, it seemed reasonable to conclude  
18 that the ongoing utility costs maybe significantly higher, and a potential burden on  
19 the occupants.

20  
21 It was not clear at the time of the report if the changes to the heating system meet  
22 the requirements of the town adopted 2009 International Energy Code.

23  
24 The following recommendations and suggestions are based on the original  
25 representation for the project and the needs of residents along the Castle Valley  
26 corridor for a project the residents could be proud of. There should also be  
27 consideration of the needs of the future residents of the project that the units have  
28 the features necessary for a comfortable home, as well as the needs of the town to  
29 assure that the town funds already spent was utilized as represented. The  
30 following recommendations can be considered as individual or in combination as  
31 needed:

- 32  
33 1. Complete the project as originally represented and approved.  
34  
35 2. Complete the project with the return of the balconies/decks, timbers, and all  
36 exterior features as originally represented. Allow the exterior visible HVAC Units if it  
37 can be shown that the exterior HVAC louvers can be masked to better blend with  
38 the exterior structure and siding. Note the return of the balconies/decks and the  
39 deck railing system would mask the appearance of 50% of the HVAC units.  
40  
41 3. Add the balconies/decks back to the project, but allow for a less expensive  
42 construction design. The original balconies/decks were built with a concrete floor  
43 system which adds significant cost to each deck. It was possible to construct less  
44 expensive decks on the project, which as viewed from the street would have a very  
45 similar look as the original balconies/decks. Allow the exterior visible HVAC Units if  
46 it can be shown that the exterior HVAC louvers can be masked to better blend with  
47 the exterior structure and siding. Note the return of the balconies/decks and the  
48 balconies/deck railing system would mask the appearance of 50% of the HVAC  
49 units.  
50



1 4. Allow for the removal of the exterior balconies/decks, but add additional  
2 approved architectural features to better break up the mass of the buildings. Such  
3 features might include decorative gable end beams, decorative wood corbels,  
4 decorative wood out-lookers, stone siding, decorative band boards, decorative  
5 corner boards, shingle style gable end siding, better color variation between  
6 individual buildings, better color variation between segments of each building,  
7 corrugated rusty metal roofing as required in Lakota, Eyebrow Roofs with  
8 corrugated rusty metal roofing over windows.  
9

10 5. If consideration is given to the approval of the application, require the owners to  
11 demonstrate to the satisfaction of P&Z and town council how they had incorporated  
12 the same upscale design features that are required in Lakota, and how they would  
13 assure all residents of New Castle that this would be a project that all residents  
14 would be proud of as represented in their initial presentations.  
15

16 6. Request an accounting of the estimated cost savings to the project based on the  
17 proposed changes and had the owners demonstrate the proposed changes are the  
18 only viable source of savings. Can other elements of the construction be adjusted  
19 for savings? Can certain units in the building be completed in future phases in  
20 order to create the immediate savings needed to complete the approved exterior  
21 look? Have the owners approached their lenders to try to resolve their financial  
22 short comings? Have the owners adjusted their projected profit and income  
23 streams to adjust for their cost overruns?  
24

25 CRHDC Architect JV DeSousa and Executive Director of CRHDC Al Gold gave a brief  
26 slideshow presentation depicting the changes made to the project.  
27

28 Mr. Gold said twelve (12) years ago CRHDC built the Castle Valley Senior Housing  
29 project. The project had twenty four (24) units and had been operated very well  
30 with good management. The project had been an asset to the New Castle  
31 community.  
32

33 Four (4) years ago the town approached CRHDC about building additional senior  
34 housing. CRHDC started looking for land and struck a deal to purchase town-owned  
35 land for the project. The town had been very supportive and partnering with CRHDC  
36 to make the project happen.  
37

38 Mr. Gold said that at the time there was a waiting list of about four hundred (400)  
39 seniors waiting to get into an apartment.  
40

41 CRHDC had applied to Colorado Housing Finance Authority (CHFA) for equity in  
42 order to build the project. CRDHC was awarded CHFA credits in order to sell the tax  
43 credits to investors for equity for the money to build the project.  
44

45 Initially, Mr. Gold said that the project was not underfunded; they had funding for  
46 what was budgeted. There were circumstances that affected the budget. Fires,  
47 floods and tariffs on lumber contributed on the cost increase. CRHDC had to find  
48 ways to cut costs on the on the project and stay within budget.  
49

50 Mr. Gold said that CRHDC did have to remove the balconies/decks, but it would not  
affect how the project was being built or how it would look and it would fit very well

1 into the New Castle community. The intent of the project was to provide housing for  
2 seniors.

3  
4 Mr. DeSousa said CRHDC was the owner of property, but only a minority owner, as  
5 it was primarily owned by the tax credit purchasers. Wells Fargo was the primary  
6 land and building owner for period of fifteen (15) years. The project cannot borrow  
7 more money or equity, and the equity came from a third for-profit party and from  
8 non-profit CRHDC. CRHDC had no for-profit motivator. The debt was capped at  
9 what could be charged for rent. Therefore, there was very limited debt service  
10 available for the project. The debt will be paid for by the tenants who live there..  
11 Incurring additional debt to pay for additional capital improvements made the  
12 project less affordable.

13  
14 Mr. DeSousa said there was much of the project that had not changed as stated in  
15 the PUD documents. He said the scale and the massing of the buildings was the  
16 same. All of the buildings were two (2) stories except for building four (4), which  
17 was three (3) stories. There had been some change to the architecture character.  
18 The position of the buildings on the site and the scale of the buildings was the  
19 same, and window openings on the buildings replaced the balcony/decks.

20  
21 The buildings were always anticipated to step and be cut into the hillside to take  
22 advantage of the terrain, which would mitigate the scale of the structures. That  
23 made the structures close in scale to the residential family dwellings in the area.

24  
25 In late May of 2017, the construction costs were delivered to CRHDC, and they  
26 were \$1.5 million dollars higher than the cost estimated 14 months earlier. In June  
27 2017 the project undertook a Value Engineering exercise to remove the \$1.5 million  
28 dollar cost increase. The bulk of the change, approximately \$850,000.00, was made  
29 on revisions on the project that were invisible to the community such as soils  
30 reconditioning.

31  
32 In June of 2017, the general contractor contract was hired.

33  
34 In July 2017, the project financing was secured, enabling CRHDC to apply for a  
35 building permit. The funding actually came from the tax credit, which paid for the  
36 building permit.

37  
38 In the middle of August 2017, the revisions were finalized. The balcony/decks were  
39 removed from the project. By removing the balcony/decks reduced the project cost  
40 by \$200,000.00. The limited design package made the project affordable.

41  
42 The grill from the Packaged Terminal Air Conditioning unit below the window made  
43 the window look like a large window unit more so than a hotel/motel heating unit  
44 that protruded out from the wall.

45  
46 Bob Dubois, Lakota Canyon Ranch resident and member of the design review  
47 committee, said if you looked at the building covered in Tyvek, the holes under the  
48 windows do not fit the same size window. He said there were no air conditioning  
49 units in the community that looked like that.

50

1 Mr. DeSousa said the drawing was very accurate and the jam trim size does change  
2 in dimension so it could be wrapped and look exactly like it does on the plans.  
3

4 Mr. DeSousa said the lower level units that face Castle Valley Boulevard had small  
5 roof over the entry door instead of a balcony/deck. The roof would allow for  
6 adequate natural light in those units.  
7

8 On November 14, 2017, CRHDC received the final construction cost and the project  
9 was within budget. On November 21, 2017, Mr. DeSousa met with Building  
10 Inspector Reynolds and Planner Cain to review the changes for the first time.  
11

12 Mr. DeSousa said that CRHDC acknowledged there were changes made to the  
13 project in response to their budgetary challenges. There were significant  
14 construction cost increases over the past year. Unfortunately, it was not a project  
15 that could raise the rent to pay for more capital improvements. The funding  
16 (capitalization) was fixed in 2016 when they applied to CHFA, and the tax credits  
17 were able to be sold.  
18

19 Mr. DeSousa said that CRHDC was informed by staff that the changes were  
20 significant enough to merit an amendment to the PUD. He also believed the  
21 architectural characteristics of the project were still intact. The balcony/decks were  
22 removed and the heating systems changed. The radiant in-floor heat provided even  
23 heat that was excellent for seniors, but it was a luxury and a high cost item. CRHDC  
24 had to make up a large budget shortfall and had to make significant changes.  
25

26 Mr. DeSousa said that when CRHDC met with some of **the seniors in New Castle's**  
27 community in 2013, one of the requests was to have private outdoor space. CRHDC  
28 primary commitment was to bring 50 affordable senior housing units to New Castle.  
29

30 Leslie Means, manager at New Castle Senior Housing said she worked seven (7)  
31 days a week answering phone calls from seniors who were in desperate need of  
32 housing.  
33

34 Tobie Thurman with the Center for Independence, a non-profit organization serving  
35 Pitkin, Eagle and Garfield Counties. Ms. Thurman represented clients who were  
36 seniors with disabilities. Ms. Thurman asked Mr. DeSousa what the accessibility for  
37 seniors with low mobility was to the multi-level buildings.  
38

39 Mr. DeSousa said there was an elevator and every unit was a type B. There were  
40 three (3) units that will be fully accessible type A units and every unit had been  
41 designed dimensionally to be easily converted fully into type A and C unit A117.1  
42 project. All the kitchens will start out with a 36-inch countertop but can be modified  
43 as well as all the fixtures with adequate spacing for the ADA requirements.  
44

45 Town Public Works Director John Wenzel said the project is one that everyone  
46 wanted, especially the town. The town had contributed significantly financially to  
47 the project with dedication of land and reduction of fees. **Mr. Wenzel's concern**  
48 was to not set a standard. If the town allowed a developer to change the project after it  
49 had been presented to the community, P&Z and council, it would set a precedent  
50 for future development. He said that CRHDC had made the changes without a



1 public process. Every developer hereafter would point to the project and want the  
2 same treatment, effectively preventing the town from holding the developer  
3 accountable.

4  
5 Mr. Gold said, the project was a tax credit project and it was not possible to go  
6 back and ask for more credit because the tax credits were locked in and would  
7 change the structure of the tax credits. For the Division of Housing to fund the  
8 project, they required the local municipality to also participate in the project.  
9

10 Patrick Stuckey, Lakota Canyon Ranch resident and former town councilor, said he  
11 was very disappointed in CRHDC, in that they did not have the foresight of \$1.5  
12 million shortfall on the construction. He said it was a significant amount of money  
13 that was not made up of cost increases. He said the town liked and approved the  
14 project based on the original design that was presented to P&Z and to council.  
15 There is a need for the New Castle seniors. The town gave almost \$500,000.00 for  
16 the project. Mr. Stuckey said there needed to be some kind of mitigation to help  
17 break up the mass of two (2) and three (3) stories. If the mass was not broken up,  
18 it will look like a motel. Mr. Stuckey agreed with Public Works Director Wenzel, and  
19 said that other developers were held to the standards, and CRHDC needed to be  
20 held to the standards as well. Otherwise, they would be short-changing the Town of  
21 New Castle, the citizens and seniors who will be living there.  
22

23 Robin King, resident living in senior housing in Glenwood Springs. Ms. King said  
24 that she felt a balcony/deck was not a big deal. She said there were times she had  
25 no hot water or heat. Ms. King said she wanted to be in a safe place with heat and  
26 hot water.  
27

28 Steve Craven, Castle Valley Ranch Developer. Mr. Craven said he had seen projects  
29 come and make promises, then not fulfill the promises, and those projects turned  
30 out to be eyesores. He said Castle Valley Boulevard was the primary road to CVR  
31 and LCR. What happened on the Boulevard will affect the people of the New Castle  
32 community for many years to come. He felt that it was up to the town to make sure  
33 that what happened on the Boulevard was up to standards. Mr. Craven challenged  
34 CRHDC to mitigate the changes that were needed.  
35

36 Mr. Stuckey asked if all of the foundations were complete and if CRHDC could  
37 complete some of the buildings with balcony/decks and then find a way to fund the  
38 completion of rest of buildings.  
39

40 Mr. Gold said that under the tax credit requirements, there had to be a certain  
41 number of units complete by a certain date. If they were not completed in time,  
42 there would be major penalties. They must have eight (8) units completed by  
43 August, 2018.  
44

45 Mark McDonald, resident of LCR. Mr. McDonald said he was taken aback that the  
46 project had proceeded to the point where it is at now without proper approvals. He  
47 asked how they allowed the project get to the point of taking out the balcony/decks  
48 and installing space for the air conditioning units without coming back to the town  
49 for approval for the changes.  
50

1 Mr. Craven asked how the project was \$1.5 million over budget.  
2  
3 Mr. DeSousa said the general contractor was surprised when the costs came back.  
4  
5 Mr. Craven asked if there was a firm bid.  
6  
7 Mr. DeSousa said no. In order to submit for a tax credit you had to submit a  
8 certified estimate of construction cost. There were significant market changes in the  
9 state of Colorado over the year.  
10  
11 Merle Means, Castle Valley Ranch resident. Mr. Means said there was a three (3)  
12 percent over-run put into the budget package.  
13  
14 Cory Nelson, 38483 County Rd. 241. Mr. Nielson asked if the entire infrastructure  
15 was complete in regards to water and sewer, or if CRHDC would be asking the town  
16 for more assistance.  
17  
18 Mr. DeSousa said everything was fine, although there was a **"T" connection point at**  
19 **Blackhawk Dr.** that was not aligned the way it was anticipated. That resulted in a  
20 different configuration on how the water main was extended up Castle Valley  
21 Boulevard.  
22  
23 Chair Apostolik closed the Public Hearing at 8:23p.m.  
24  
25 Commissioner Riddile asked how the tenants would be selected.  
26  
27 Ms. Means said tenants would be selected based on a first come first serve basis.  
28 There was also a formula for certain incomes below 60 percent of area medium  
29 income. Eight (8) units will be subsidized by Garfield County Housing Authority and  
30 rest of units will need to meet **CHFA's funding requirement.**  
31  
32 Commissioner Riddile asked will there be smoking allowed inside the units.  
33  
34 Ms. Means said no. Smoking would be allowed 30 feet from the property and in  
35 designated smoking areas.  
36  
37 Commissioner Riddile said CRHDC knew in May 2017 that there would be \$1.5  
38 million dollar overrun, and he asked when CRHDC notified the Town of New Castle  
39 of the overrun.  
40  
41 Mr. DeSousa said CRHDC did not notify the town.  
42  
43 Commissioner Riddile said he found that very insulting because the Town of New  
44 Castle was a partner in the project and learned about the issue November 29,  
45 2017. Ground was broken around June 27, 2017. CRHDC knew about the cost  
46 overrun prior to breaking ground, and did not tell their partner, the town, the  
47 problem. CRHDC continued construction in July, August, and September, and the  
48 town building inspector discovered that CRHDC was not following the approved  
49 plans. At that time, CRHDC did not have any interest in providing any mitigation to  
50 the town.

1  
2 Commissioner Riddile said he suggested putting the balcony/decks back in, using  
3 less expensive construction design. He also suggested that the heating and cooling  
4 units be designed so they did not stick out.  
5

6 Chair Apostolik asked if the interior of the unit could be changed to include a closet  
7 to house the heating and cooling unit and duct. The contract with the general  
8 contractor was signed in July. There were five (5) months before CRHDC came to  
9 the town to discuss what was going on with the cost overruns.

10  
11 Inspector Reynolds said there was some discussion with the building department  
12 and CRHDC about the cost overruns. Once it was discovered that the balcony/decks  
13 were not going to be there, the question was asked if there was going to be new  
14 plans submitted in October 2018. The answer from CRHDC was that it was a visual  
15 item and therefore no, and it was not the towns business. Mr. Reynolds pursued it  
16 further and Mr. DeSousa cooperated and explained CRHDC was holding off until all  
17 the final costs came in because they **didn't know what all the changes would be.**  
18

19 Commissioner Copeland asked how much was going to be saved by not using  
20 radiant heat.

21  
22 Mr. DeSousa said about \$400,000.00.  
23

24 Commissioner Copeland was in agreement with putting the balcony/decks back in.  
25

26 Chair Apostolik was in agreement with putting the balcony/decks back in. He said  
27 there was an original intent given to the town, and the town had provided almost  
28 \$500,000.00 in fee reductions to the developer. Chair Apostolik said he was  
29 appalled that CRHDC used senior citizens as leverage to get their way. He said the  
30 idea of that was disgusting. Chair Apostolik recommended they figure out a way to  
31 put the balcony/decks back in.  
32

33 Assistant Town Attorney Carmer said the commission could

34 1) approve the application and allow applicant to construct the buildings according  
35 to the revised plans that compose the application.

36 2) Approve the Application provided that application satisfy certain conditions  
37 recommended by the commission and approved by council, including, but not  
38 limited to, those explained in the building **inspector's report; or**

39 3) Deny the application and require applicant to construct the buildings according to  
40 the original plan.  
41

42 Chair Apostolik asked Mr. DeSousa how long it would take to come back with  
43 numbers for adding back in the balcony/decks and heating and cooling units. He  
44 reminded CRHDC that they had brought this upon themselves and the commission  
45 was trying to work through the problem.  
46

47 Mr. DeSousa suggested scheduling a meeting or workshop in two week with the  
48 commission, citizens from LCR, community and the general contractor to discuss  
49 design solutions together.  
50

1 Inspector Reynolds said this had been attempted by having meetings to consider  
2 other changes so it did not have to come back to P&Z and council. There has been  
3 many suggestions offered and but CRHDC had not taken advantage of and did not  
4 put anything back.

5  
6 Chair Apostolik asked Attorney Carmer if after the workshop it turns out it will not  
7 be a major PUD amendment would there need to be another public hearing.

8  
9 Attorney Carmer said the application was already submitted and open, so the  
10 applicant would need to withdraw the application.

11  
12 Planner Cain said he would schedule a workshop.

13  
14 Motion: Chair Apostolik made a motion to table the resolution until the  
15 commission had a workshop with the developer. Commissioner Riddile  
16 seconded the motion and it passed unanimously.

17  
18 Items for next Planning and Zoning Agenda  
19 There were no items.

20  
21 Commission Comments and Reports  
22 There were no comments or reports.

23  
24 Staff Reports  
25 There were no reports

26  
27 Review Minutes from Previous Meeting  
28 Motion: Commissioner Urnise made a motion to approve the January 24,  
29 2018, meeting minutes as submitted. Chair Apostolik seconded the motion  
30 and it passed unanimously.

31  
32 Motion: Chair Apostolik made a motion to adjourn the meeting.  
33 Commissioner Urnise seconded the motion and it passed unanimously.

34  
35 The meeting adjourned at 9:12 p.m.

36  
37  
38 Respectfully Submitted,

39  
40  
41  
42 \_\_\_\_\_  
43 Planning and Zoning Commission Chair  
Chuck Apostolik

44 \_\_\_\_\_  
Deputy Town Clerk Mindy Andis, CMC