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Remove 2/08/18

**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  
Wednesday, February 7, 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

C. Items for Next Planning and Zoning Agenda

D. Commission Comments/Reports

E. Staff Reports

Review Minutes of Previous Meetings

F. January 24, 2018 Minutes

Adjournment

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**Town of New Castle**  
 PO Box 90  
 450 W. Main Street  
 New Castle, Co 81647

**DEVELOPMENT APPLICATION**

<b>Applicant:</b> Lakota Ridge Senior Apartments LLLP	
<b>Address:</b> 7305 Lowell Blvd. Suite 200 Westminster CO 80030	<b>Phone:</b> 303-428-1448 <b>FAX:</b> 303-428-1989 <b>E-mail:</b> carly@crhdc.org or david.maier@crhdc.org
<b>Property Owner:</b> Lakota Ridge Senior Apartments LLLP	
<b>Address:</b> same as above	<b>Phone:</b> <b>FAX:</b> <b>E-mail:</b> same as above
<b>Contact Person:</b> Carly Johansson or David Maier	
<b>Address:</b> Same as above.	<b>Phone:</b> <b>FAX:</b> same as above. <b>E-mail:</b>
<b>Property Location/Address:</b> 705 Castle Valley Blvd. New Castle CO 81647	
<b>Legal Description:</b> Lot 2A, Amended Final Plat, Lot 2, Lakota Canyon Ranch PUD, Phase 7, According to the Plat Thereof Recorded July 10, 2010, Under Reception NO. 789213	<b>Acres:</b> 2.872 +/-
<b>Existing Zone (Not sure? Click here for help):</b> M/U / Lakota Ridge Senior Apartments PUD	
<b>Existing Land Use:</b> None, undeveloped	
<b>TYPE(S) OF LAND USE(S) REQUESTED</b>	
<input type="checkbox"/> Pre-Annexation Agreement <input type="checkbox"/> Annexation <input type="checkbox"/> Subdivision (Including Minor and Major Subdivisions, Lot Splits, Sketch Plans, Subdivision Preliminary Plans, Subdivision Final Plans, & Condominiumizations) <input type="checkbox"/> Amended Plat <input type="checkbox"/> Planned Unit Development (Including PUD Sketch Plans, Preliminary PUD Development Plans, PUD Master Plans and Final PUD Development Plans) <input type="checkbox"/> Floodplain Development Permit	<input type="checkbox"/> Lot Line Adjustment or Dissolution <input type="checkbox"/> Site Specific Development Plan/Vested Rights <input type="checkbox"/> Variance <input type="checkbox"/> Zoning <input type="checkbox"/> Zoning Amendment <input type="checkbox"/> Re-zoning <input type="checkbox"/> R-1-HC Identification <input type="checkbox"/> Conditional Use Permit or Special Review Use Permit <input checked="" type="checkbox"/> Other PUD Amendment per the Town's Request.
This development would create <u>50</u> residences and <u>0</u> square feet of commercial space.	
Applicant must also complete and submit the appropriate <u>checklist</u> for the type of land use requested. Both the applicant and the property owner must sign this application.	
Applicants are encouraged to schedule a pre-application meeting with the Town Administrator and/or Town Consultants prior to submitting this application.	

RECEIVED

JAN 17 2018

TOWN OF  
NEW CASTLE, CO  
BUILDING DEPARTMENT



**AGREEMENT TO PAY CONSULTING FEES AND EXPENSES**

It is the policy of the Town of New Castle that all land use applications must be filed in the Office of the Town Clerk to receive formal consideration. Please refer to the Town Clerk's Office for all applicable procedures.

However, the Town encourages land use applicants to consult informally with members of the Town Staff, including outside consultants, prior to filing applications if the applicant has questions regarding areas within Staff members' particular expertise; PROVIDED THAT THE POTENTIAL APPLICANT AGREES TO REIMBURSE THE TOWN FOR ALL FEES AND EXPENSES RELATING TO SUCH INFORMAL MEETINGS.

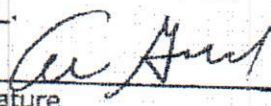
The Town employs outside consultants for engineering, surveying, planning, and legal advice. These consultants bill the Town on an hourly basis as well as for expenses including but not limited to copies, facsimile transmissions, and long distance telephone calls.

It is the Town's policy that all persons wishing to hold informal meetings with members of the Town Staff acknowledge responsibility for all fees and expenses charged by outside consultants by signing this Agreement below.

I acknowledge and agree to pay the Town of New Castle all actual costs incurred by the Town in relation to legal, engineering, surveying, planning, or other services performed by consultants to the Town as a result of such consultants' review and comment upon, or other services related to, land use proposals and/or applications proposed by me or on my behalf, regardless of whether or not such application is formally filed with the Town. Interest shall be paid at the rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect all costs of collection in addition to the amount due and unpaid, including but not limited to reasonable attorney's fees and costs.

SO AGREED this 21 day of December, 2017.

Lakota Ridge Senior Apartments LLLP  
Applicant (Print Name)

  
Signature

303-428-1448  
Telephone

7305 Lowell Blvd Suite 200 Westminster CO 80030  
Mailing Address

Lakota Ridge Senior Apartments LLLP  
Property Owner

Same as Above

Mailing Address If Different From Above

Owner

Relationship to Applicant or Potential Applicant

Type of application: PUD Amendment

Property description: 50 Unit Senior Housing Development

**RECEIVED**

JAN 18 2018

TOWN OF  
NEW CASTLE, CO  
BUILDING DEPARTMENT

**Written Statement for  
Planned Unit Development  
Amendment Application**

**Project Name: Lakota Ridge Senior Apartments**

**Project Address: 705 Castle Valley Ranch, Blvd. New Castle, Colorado**

Located in New Castle, Colorado, the Lakota Ridge Senior Apartments will consist of six buildings, which includes a resident community center. The buildings are built into the land and step up the land as the land slopes up. The six buildings vary in height between two or three stories. The proposed development would provide 50 units; 40 of which are one-bedroom and 10 of which are two-bedroom units. We feel the site plan and look of the buildings will respond very well to the surrounding development in the neighborhood. Even though our land is not in the Lakota Canyon Ranch Subdivision we are aware of the design guidelines and covenants of this area and have taken all of this into consideration in the look and design and scale of the buildings.

The primary source of financing for this development is Low Income Housing Tax Credits (LIHTC) from the Colorado Housing and Finance Authority (CHFA). This funding source has been impacted by the current proposed tax legislation and as a result has reduced the amount of equity most developers are able to bring to their projects. This in addition to rising construction costs has caused our team to have to reconsider several aspects of the project. We have had to eliminate balconies and change the heating system from an in floor radiant heat to a PTAC through the wall unit. The project always had a through the wall PTAC unit for cooling however now the units will provide both heating and cooling. These units will be flush with the exterior of the building and will not extend beyond the face of the building. These are not decisions we made lightly and we spent a lot of time looking for alternative ways to build the balconies. Unfortunately the project could not afford this amenity.

The property will serve seniors aged 55 and over with mixed incomes up to 60% of the Area Median. *Lakota Ridge Senior Apartments* will be a 50-unit, 55 and up development in New Castle, Colorado, serving seniors with mixed incomes up to 60% of the Area Median. The project, with 40 1-bedroom/1-bath units and 10 2-bedroom/1-bath units is designed with the senior population in mind. There will be 5 units set aside for 30% AMI, 5 units for those who earn less than 40% AMI, 10 units for those earning less than 50% AMI, and 30 units for those who earn up to 60%. In creating this mix, CRHDC will be able to serve very low income populations while maintaining the affordability of the project in perpetuity, so that seniors can continue to benefit from the development of the units for years to come.

The project will serve a diverse population with supportive service needs. While older adults have an overwhelming desire to age in New Castle and the surrounding area, low- and modest-income seniors face the dual challenge of finding affordable housing that can also

accommodate their changing needs and support their health and quality of life as they grow older.

The proposed development houses seniors and works to serve this population with supportive services designed to preserve seniors' autonomy and independence. The development is accessible and designed with seniors in mind. Studies show that accessible housing designed for seniors results in a lower likelihood of nursing home entry and less functional decline overall (Urban Institute 2012). Avoiding nursing home entry is important in that it is generally least the least preferred housing option for seniors and can be very costly to individuals and the public. Many seniors at the existing senior housing development, New Castle Senior Housing, are active members in community. Several residents volunteer as readers at the local elementary school and community center. This type of community engagement helps senior residents to age in place.

The Lakota Ridge Senior Housing Development and its community center will serve as a hub for service delivery and extending into surrounding neighborhoods to help even more seniors in the community. Rural elders need to voice their concerns and be active participants in the life of their community. We believe the Lakota Ridge Development can be a critical platform for seniors to be engaged in their community and will help its residents maintain their health, daily functioning, and quality of life.

As the property manager, CRHDC will partner extensively with the Garfield County Department of Human Services to offer the Senior Nutrition Program, community Health Fairs, Meals on Wheels and the Roaring Fork Transit Authority Traveler Transportation Program. This program makes it not only easy to get around town, but also allows seniors to go to and from other cities in the Roaring Fork Valley. The project will also have an on-site staff member who is accessible to the residents should any challenges or issues occur.

The selected site is within a mile of the grocery store, pharmacy, and dining options. Within two miles of the site, there are subdivisions, open space, shopping, and Main Street. Residents can also access the local government offices, medical care and recreation centers within two miles of the property. The Senior Services Director for Garfield County noted that the site is very accessible for seniors and, in the warm months, seniors can walk to the grocery store. The walkability coupled with the extensive travel services offered by the County's Human Services Department mean that residents can have access to all amenities in the Garfield County without a vehicle.

As current owners and managers of the community's senior housing project we have seen how welcoming the community can be of this type of development. We are also very aware of the kind of need the community has for this type of development. Through both our experience and through our market study we feel this development will fit in well with the goals and needs of the Town of New Castle. Thank you for your consideration of this proposed development.



**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

Law Office of Mark Berry  
1 Wren  
Littleton, CO 80127  
(303) 932-2909

State Documentary Fee  
\$ 0  
\* Transfer Listing \*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SPECIAL WARRANTY DEED**

THIS DEED is made between the TOWN OF NEW CASTLE, COLORADO, a Colorado home rule municipality whose address is 450 W. Main Street, P.O. Box 90, New Castle, Colorado 81647 ("**Grantor**"), and LAKOTA RIDGE SENIOR APARTMENTS LLLP, a Colorado limited liability limited partnership, whose address is 7305 Lowell Blvd., Suite 200, Westminster, CO 80030 ("**Grantee**").

WITNESSETH, that Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto Grantee and its successors and assigns forever, together with improvements thereon, if any, all that real property located in the County of Garfield, State of Colorado, described as follows:

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.

(the "**Real Property**"), together with all and singular hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim, and demand whatsoever of Grantor, either in law or equity, of, in, and to said Real Property subject only to those matters as set forth in Exhibit "A" attached hereto (the "**Permitted Exceptions**"); provided, however, Grantor expressly disclaims any right of the Town of New Castle to establish an easement through the subject Real Property (except within a reserved or dedicated public Right of Way) pursuant to or arising from the Water Storage Tank Agreement recorded in Garfield County Clerk's Office on January 9, 2003 in book 1425 at page 238, or the Annexation and Development Agreement recorded in Garfield County Clerk's Office on June 16, 1999 in Book 1135 at Page 520, and hereby releases the subject Real Property from any property dedication requirement or easement relating to either of the aforementioned agreements; provided, however, nothing herein shall be deemed as a release or waiver of any provisions of the Development Agreement for Lakota Ridge Senior Apartments dated August 3, 2016, and recorded as Reception No. 893283.



**EXHIBIT A**

Property Address: 705 CASTLE VALLEY BLVD NEW CASTLE CO 81647

**RIGHT OF PROPRIETOR OF A VEIN OR LODGE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 24, 1895, IN BOOK 12 AT PAGE 384.**

**RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED OCTOBER 24, 1895, IN BOOK 12 AT PAGE 384.**

**RIGHT OF WAY GRANTED TO MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY RECORDED MARCH 22, 1934 IN BOOK 174 AT PAGE 555.**

**RESERVATION OF ONE-HALF OF ALL OIL AND GAS INTERESTS OWNED BY GRANTOR, AS RESERVED IN DEED RECORDED AUGUST 15, 1986 IN BOOK 693 AT PAGE 460.**

**ANNEXATION AND DEVELOPMENT AGREEMENT AS DESCRIBED IN INSTRUMENT RECORDED JUNE 16, 1999 IN BOOK 1135 AT PAGE 520.**

**TERMS, CONDITIONS AND PROVISIONS OF WATER STORAGE TANK AGREEMENT RECORDED JANUARY 08, 2003 IN BOOK 1425 AT PAGE 238.**

**NOTE: UPON RECORDATION OF A DEED FROM THE TOWN OF NEW CASTLE RELEASING SUBJECT PROPERTY FOR ANY EASEMENT OR RESTRICTION RELATING TO SAID AGREEMENT, THE FOREGOING EXCEPTION WILL BE DELETED.**

**RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (A) IS EXEMPT UNDER CHAPTER 42, SECTION 3607 OF THE UNITED STATES CODE OR (B) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS, AS CONTAINED IN FIRST AMENDED AND RESTATED MASTER DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKOTA CANYON RANCH RECORDED OCTOBER 19, 2004 IN BOOK 1632 AT PAGE 9, SUPPLEMENTAL DECLARATION RECORDED DECEMBER 23, 2004 IN BOOK 1650 AT PAGE 645 AND SECOND SUPPLEMENT TO THE FIRST AMENDMENT RECORDED AUGUST 10, 2005 IN BOOK 1715 AT PAGE 459 AND AMENDMENT TO THE FIRST AND SECOND SUPPLEMENTS RECORDED FEBRUARY 8, 2006 IN BOOK 1770 AT PAGE 826 AND THIRD SUPPLEMENT RECORDED OCTOBER 19, 2006 IN BOOK 1854 AT PAGE 684 AND AMENDMENT TO THE THIRD SUPPLEMENT RECORDED DECEMBER 28, 2007 UNDER RECEPTION NO. 740134 AND FOURTH SUPPLEMENT RECORDED FEBRUARY 4, 2008 UNDER RECEPTION NO. 742261.**

**NOTE: UPON RECORDATION OF A DULY EXECUTED AND ACKNOWLEDGED AMENDMENT TO SAID COVENANTS, EFFECTIVELY WITHDRAWING SUBJECT PROPERTY FROM THE ANNEXABLE PROPERTY, THE FOREGOING EXCEPTION WILL BE DELETED.**

**EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE RECORDED PLAT OF LAKOTA CANYON RANCH SUBDIVISION EXCLUSION/EXEMPTION RECORDED JULY 18, 2003 UNDER RECEPTION NO. 632118.**

**NOTES ON THE RECORDED PLAT OF LAKOTA CANYON RANCH, PHASE 7 RECORDED FEBRUARY 26, 2009 UNDER RECEPTION NO. 763774.**

**NOTES ON THE RECORDED PLAT OF AMENDED FINAL PLAT LOT 2, LAKOTA CANYON RANCH, PHASE 7 RECORDED JULY 30, 2010 UNDER RECEPTION NO. 789213.**



**TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN DEVELOPMENT AGREEMENT FOR LAKOTA RIDGE SENIOR APARTMENTS RECORDED JUNE 06, 2017 UNDER RECEPTION NO. 893283.**

**NOTE: THE FOLLOWING CLAUSE WILL BE ATTACHED TO THE OWNERS POLICY TO BE ISSUED:**

**SUBJECT TO THE CONDITIONS OF THE POLICY, PENDING SUCH TIME AS THE IMPROVEMENTS CONTEMPLATED UPON INSURED PREMISES SHALL BE COMMENCED, LIABILITY UNDER THIS POLICY IS LIMITED TO THE PURCHASE PRICE FOR THE LAND; BUT AS AND WHEN THE ERECTION OF SUCH IMPROVEMENTS SHALL BE COMMENCED, LIABILITY HEREUNDER SHALL INCREASE, AS THE IMPROVEMENTS PROGRESS, IN THE AMOUNT OF THE COST THEREOF, UP TO THE FACE AMOUNT OF THIS POLICY.**

**NOTE: THE FOLLOWING CLAUSE WILL BE ATTACHED TO THE MORTGAGEES POLICY TO BE ISSUED:**

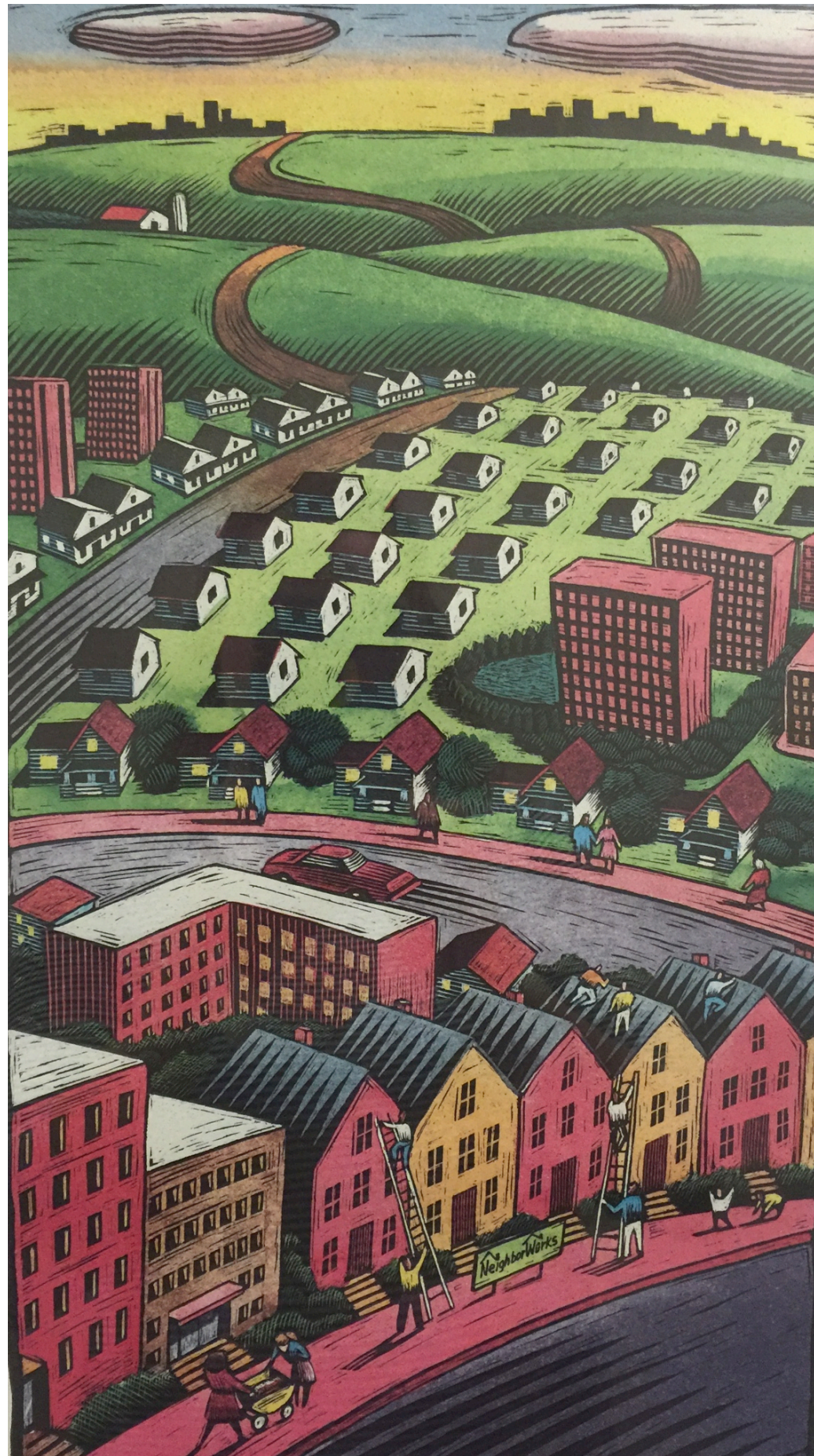
**SUBJECT TO THE CONDITIONS OF THE POLICY, PENDING DISBURSEMENT OF THE FULL PROCEEDS OF THE LOAN SECURED BY THE DEED OF TRUST SET FORTH UNDER SCHEDULE A HEREOF, THIS POLICY INSURES ONLY TO THE EXTENT OF THE AMOUNT ACTUALLY DISBURSED, BUT INCREASES AS EACH DISBURSEMENT IS MADE IN GOOD FAITH AND WITHOUT ACTUAL KNOWLEDGE OF ANY DEFECTS IN, OR OBJECTION TO, THE TITLE, UP TO THE FACE AMOUNT OF THE POLICY.**

# Lakota Ridge Senior Apartments





# Community Resources and Housing Development Corporation



- *Developer*
- *Owner*
- *Property Manager*

Lakota Ridge Senior Apartments







Site Plan: Lakota Ridge Senior Apartments



Community Resources  
& Housing Development  
CORPORATION





- Two stories tall on one or both sides*
- Three stories tall on one side*

Building height: Lakota Ridge Senior Apartments





Site section/building height: Lakota Ridge Senior Apartments







View Castle Valley Blvd westbound 2015







Building elevations: Lakota Ridge Senior Apartments 2016 preliminary



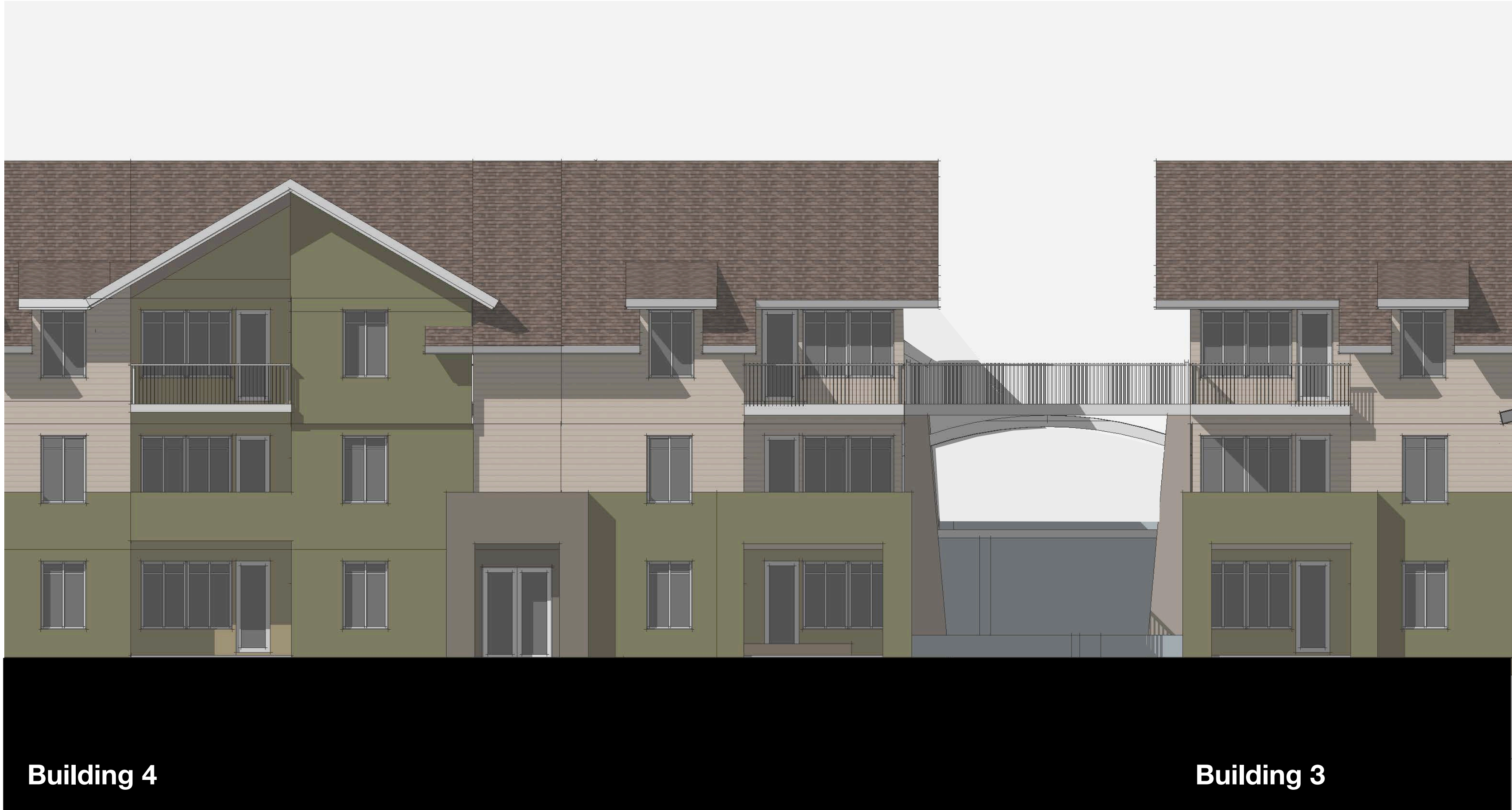




Building elevations: Lakota Ridge Senior Apartments 2016 preliminary







Building elevations: Lakota Ridge Senior Apartments 2016 preliminary







View Castle Valley Blvd eastbound 2016 preliminary



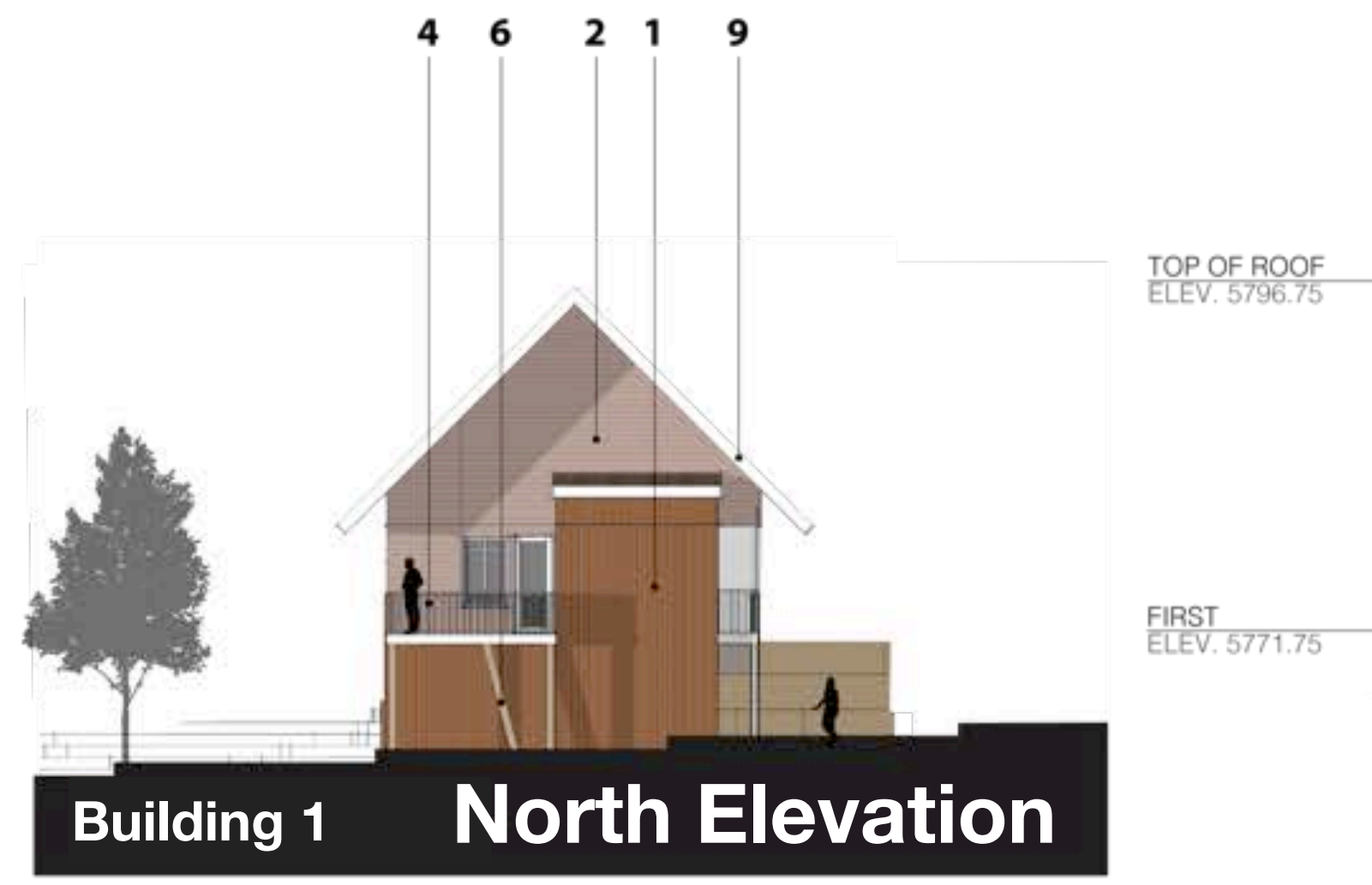
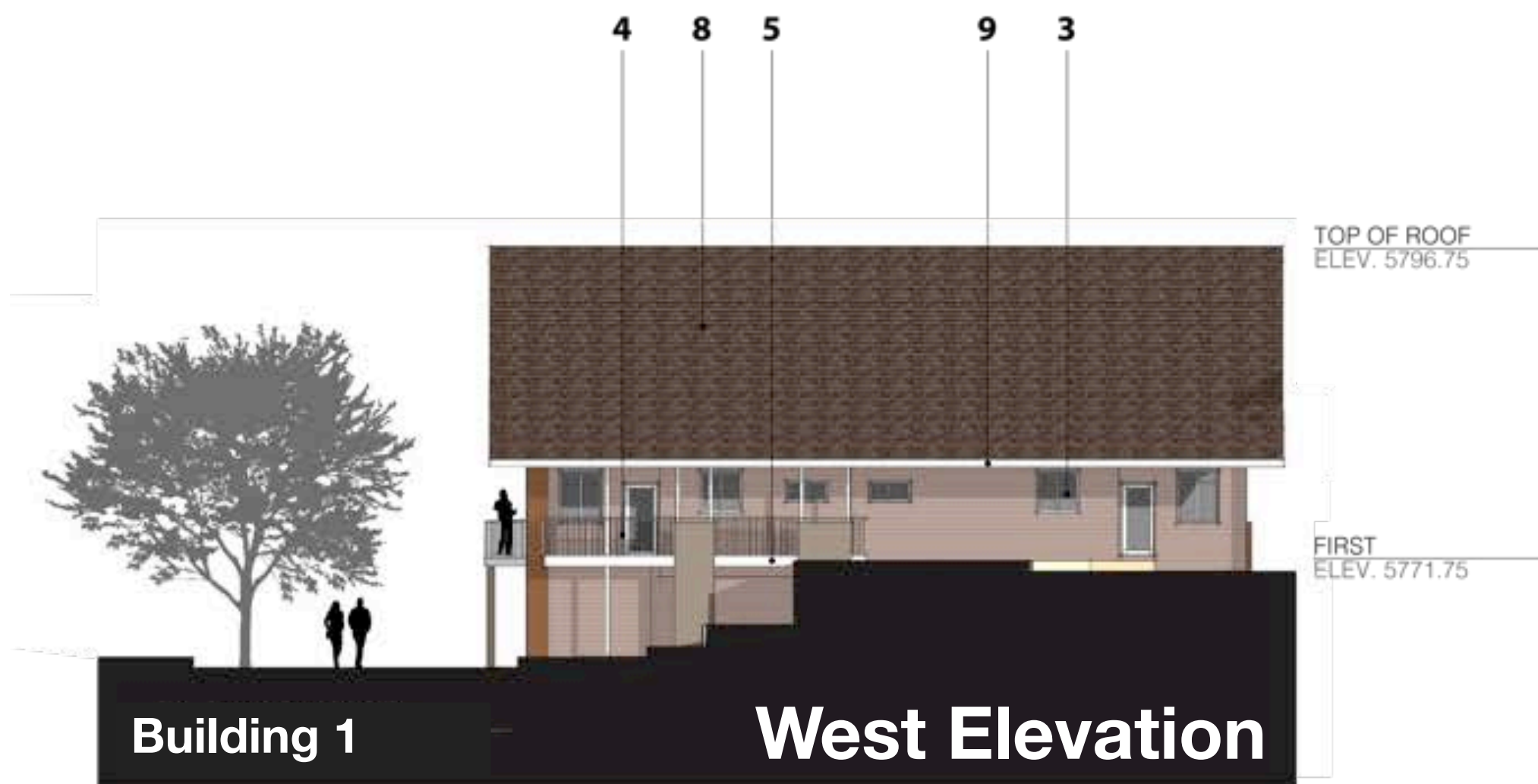




Building elevations: Lakota Ridge Senior Apartments 2016 final







Building elevations: Lakota Ridge Senior Apartments 2016 final







Building elevations: Lakota Ridge Senior Apartments 2016 final







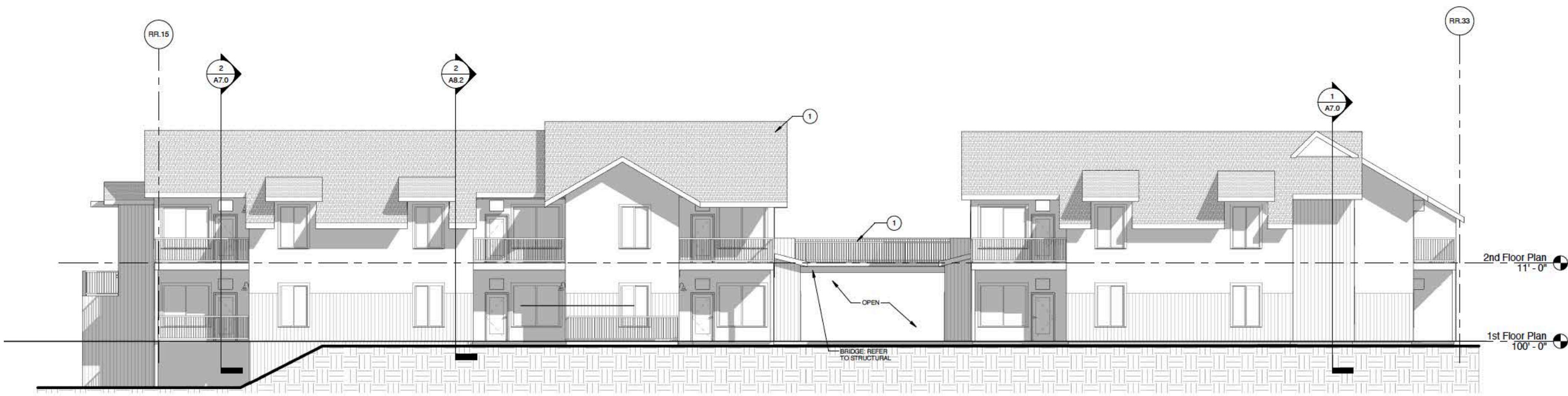
View Castle Valley Blvd eastbound 2016 final







4 Bldg 4 North B  
1/8" = 1'-0"

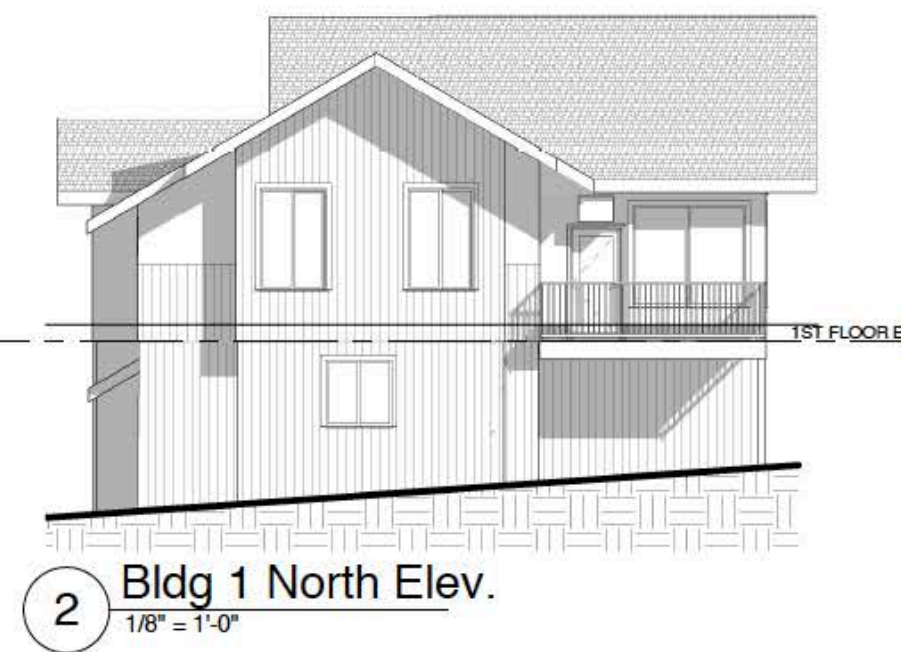
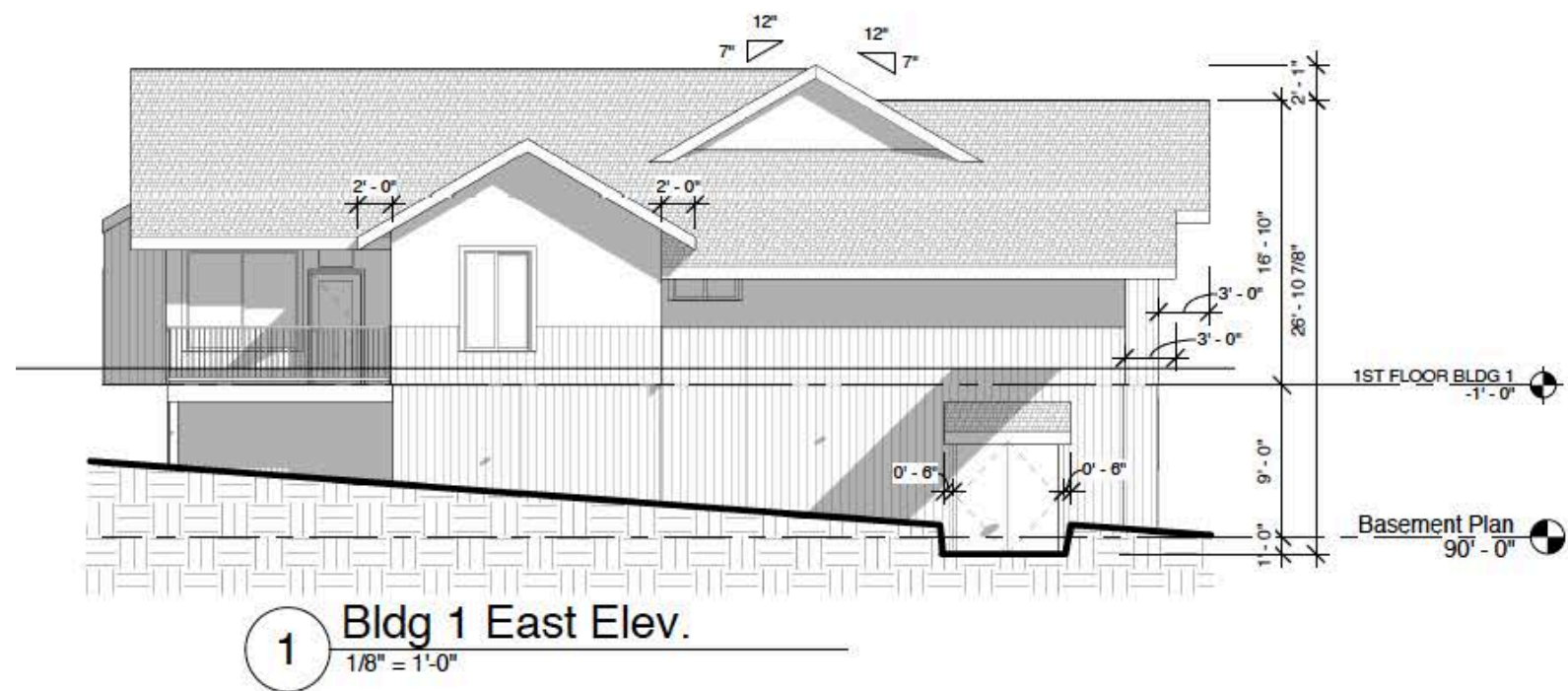
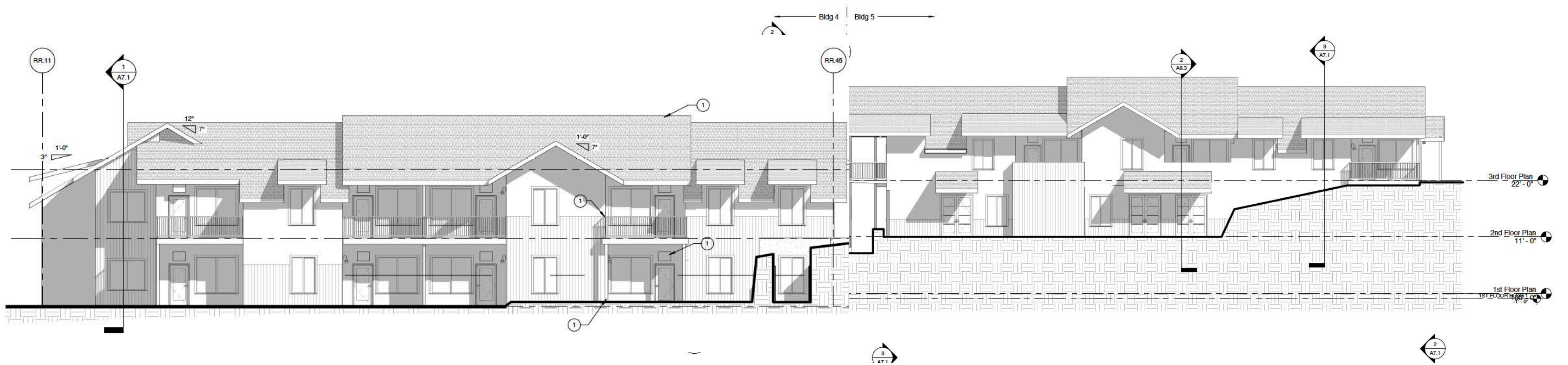


1 Bldg 2 & 3 North Elev.  
1/8" = 1'-0"

# Building elevations: Lakota Ridge Senior Apartments 2017 plan review







Building elevations: Lakota Ridge Senior Apartments 2017 plan review







Building elevations: Lakota Ridge Senior Apartments 2017 plan review







Building 6

North Elevation



Building 4 and 3

North Elevation

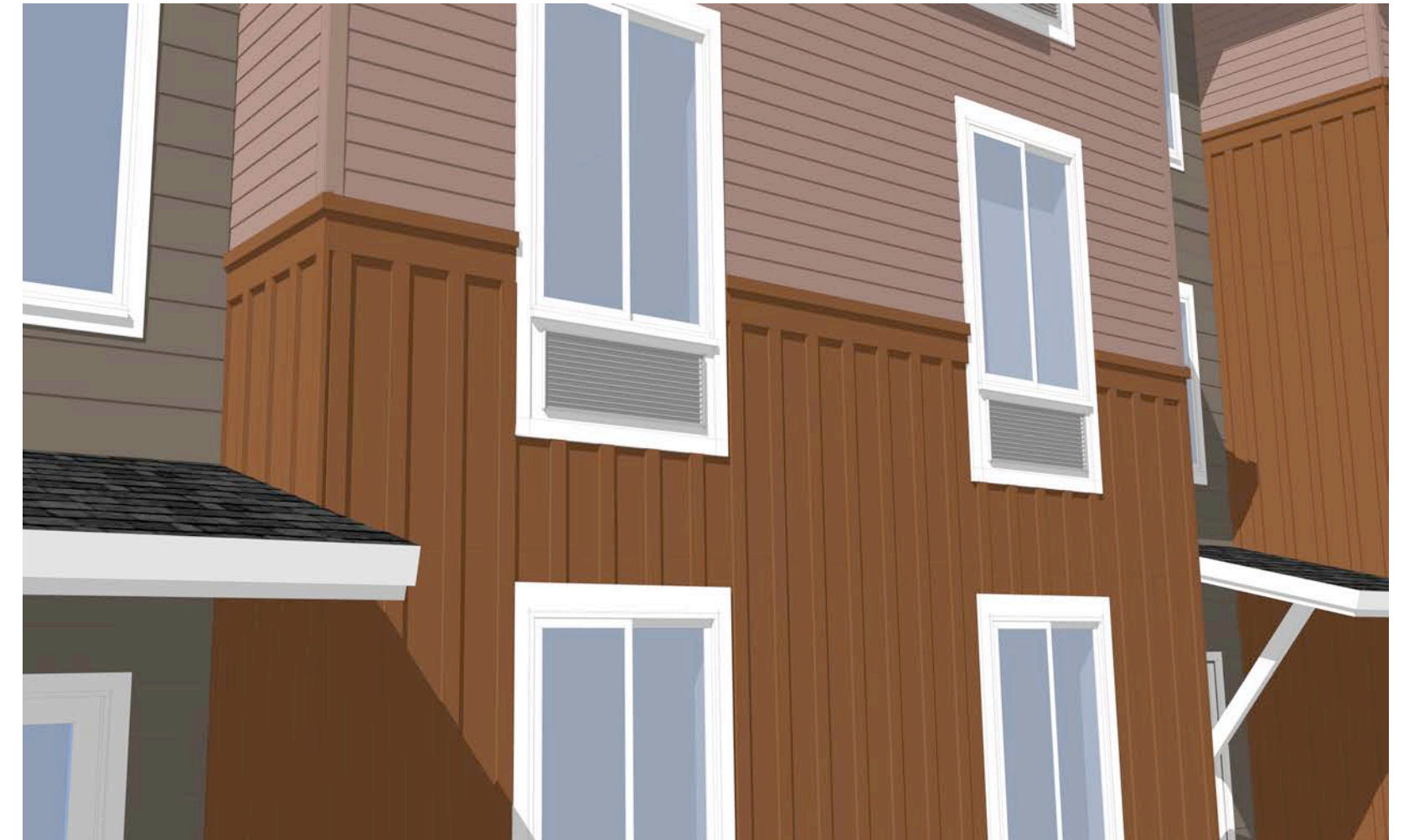
Building elevations: Lakota Ridge Senior Apartments 2017 post VE







- ASPHALTIC COMPOSITION SHINGLE ROOFING
- CEMENT FIBER FASCIA AND SOFFIT
- CEMENT FIBER SIDING - 11" EXPOSURE, PAINTED
- CEMENT FIBER SIDING - 5.5" EXPOSURE, PAINTED
- VINYL WINDOWS, LoE GLASS
- CEMENT FIBER WINDOW TRIM, 4/4
- CEMENT FIBER TRIM BAND WITH DRIP LEDGE
- PTAC FACE GRILLE, FLUSH WITH SURFACE OF SURROUNDING TRIM, MILL FINISH ALUMINUM COLOR
- ASPHALTIC COMPOSITION SHINGLE ROOFING
- WOOD KICKER AT ENTRY ROOF
- FIBERGLASS DOOR, PAINTED
- CEMENT FIBER BOARD AND BATTEN SIDING, 2.5" BATTENS AT 12" O.C.



1 PARTIAL ELEVATION - BUILDING SYSTEMS  
NO SCALE

2 BUILDING CLADDING SYSTEMS  
NO SCALE

# Building elevations: Lakota Ridge Senior Apartments 2017 post VE







Building 6

North Elevation



Building 4 and 3

North Elevation

Building elevations: Lakota Ridge Senior Apartments 2017 post VE







**Building 2 and 3**

**North Elevation**



**Building 1**



**Building 3 and 5**

**West Elevation**

Building elevations: Lakota Ridge Senior Apartments 2017 post VE







Building 4 north elevation: Lakota Ridge Senior Apartments 2017 post VE







Building 6 north elevation: Lakota Ridge Senior Apartments 2017 post VE







View southwest from Castle Valley Boulevard 2017 post VE







View south from Castle Valley Boulevard 2017 post VE







1 VIEW OF PROJECT FROM CASTLE VALLEY BOULEVARD WESTBOUND  
NO SCALE

Castle Valley Boulevard westbound 2017 post VE







Castle Valley Boulevard eastbound 2017 post VE





CRHDC



Community Resources  
& Housing Development  
**CORPORATION**







**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Planning & Code  
Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716



(1)

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**Staff Report  
Lakota Ridge Senior Apartments – PUD Amendment  
New Castle Planning and Zoning – Hearing – January 24, 2018**

Report Date: 1/31/2018

**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 Project history specific to the design review process:**

Lakota Canyon Ranch (LCR) has a Design Review Committee (DRC) that reviews every new house or commercial structure built in LCR. A homeowner/contractor must submit building plans to the DRC. Once the homeowner/contractor receives approval of the plans, a letter is drafted by the committee. This letter is required upon submission of building plans to the New Castle Building & Planning Dept. Community Resources Housing & Development Corp (CRHDC) was not required to meet all the guidelines of the LCR Design Review Committee because the property was not annexed into the LCR Home Owner's Association (HOA).

Prior to hearings and meetings with the Planning & Zoning (PNZ) Commission and Town Council,



CRDHC met with the LCR DRC. DRC requested that CRDHC not use stucco, use earth tone colors, not use beige and break up the roofline which CRHDC agreed to do. DRC also would have preferred stone cladding on the lower base of the buildings. CRHDC eliminated stucco, agreed not to use beige and changed the rooflines, but, as of January 31, 2018 the current elevations do not appear to break up the rooflines. CRHDC was underfunded to use stone cladding.

**II Rationale for PUD Amendment:**

- (A) CRHDC submitted architectural drawings before the Planning & Zoning Commission (P&Z) and Town Council. These drawings depicted private open air balconies for each living unit. CRHDC have cost overruns that were not expected. They are severely underfunded so CRHDC eliminated the balconies and radiant heating among other alterations. For example, a concrete sidewalk was partially eliminated because it is located fairly near a steep hillside. However, a railing or wall could have been utilized. This would be another additional expense not anticipated by CRHDC.

The municipal code and building codes have very specific regulations when a project has a substantial change in plans. Staff has selected portions of 17.100.110-Amendments applicable to municipal code requirements

1. *Municipal Code chapter 17.100.110- Amendments.*

- *No approved PUD plan shall be altered unless approved by formal amendment. There are three types of formal amendments: administrative, minor, and major.*
  - A. *Administrative amendments are de minimus alterations to the approved plan. Administrative amendments may be approved in writing by the town administrator. Administrative amendments include, but are not limited to:*
    - 1. *Minor alterations to approved architectural plans*
  - B. *Minor amendments are alterations to an approved PUD development plan that require increased review and scrutiny. Minor amendments may be approved by resolution of the planning commission following a noticed public hearing. The planning commission may condition such approval as necessary to ensure that the development will be compatible with current community standards, infrastructure, and regulations.*
  - C. *Major amendments to a PUD must be approved in accordance with the procedures applicable to the approval of a final PUD development plan application as set forth in Section 17.100.080. During the review of any proposed major amendment to the PUD, the town may require such new conditions of approval as are necessary to ensure that the development will be compatible with current community standards, infrastructure, and regulations.*

At any time during the course of a review of an administrative or minor amendment, the Town Administrator may require a hearing before the PNZ. Because of substantial changes to building plans, the Town Administrator elevated the PUD Amendment to PNZ.

- (B) There were several representations regarding the design of the six (6) buildings quoted by CRHDC personnel during the public process of Planning & Zoning hearings and Town Council meetings. A couple included the following statements:

- CRHDC presented a slide show to the community, P&Z & Town Council remarking, "".... we are working to make sure the development incorporates the main design aspects of the Lakota Canyon Ranch Design Guidelines and Covenants. We are working to ensure this is a development all residents of New Castle will be proud of. The design will incorporate some of



the same upscale design features that your homes incorporate (residents of LCR),”

- In an email dated April 22, 2016 to Graham Riddile, Sonnie Black & New Castle with copies to JV DeSousa, Tim Cain & Tom Baker, the Director of Real Estate for CRHDC, Carly Johansson, stated, “The units include private outdoor space (balconies)” and “Although we will not be subject to the Design Guidelines or Covenants of the HOA we will still be developing as closely as possible to these guidelines.”

**III Fee waivers:**

In order for CRHDC to fund the senior apartments, they asked the town council to waive certain fees. In addition, council allowed a different method of eqr calculations for the single bedroom apartments. This furthered reduced water and sewer expenses.

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

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

Total building permit fees minus water meters = ===== \$867,954.22  
 Total building permit fees with waivers----- = \$390,454.22

Total CRHDC savings --- = \$477,500.00

**IV Discussion:**

Staff recognizes CRHDC is substantially underfunded such that the elimination of the balconies and radiant heating have reduced overall construction costs. However, the buildings are no longer compatible with the surrounding LCR neighborhood. Many CRHDC presentations made before PNZ, council and public.

When a building has substantial alteration in building plans, it is required the new plans be submitted to the Building & Planning Dept. Building plans were submitted digitally in November, 2017, however, the building Inspector cannot perform an adequate analysis until paper copies are submitted to the Building & Planning Dept. At that time we requested paper copies and informed CRHDC that they were proceeding at their own risk. The plans were submitted on Tuesday, January 30, 2018.

**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:**

The upscale architectural values LCR residents have as well as other residents from in-town and out-of-town have to be considered. (Paraphrasing) One LCR resident stated, “Would you rather see an



eyesore for the next 50 years or be pleasantly pleased with re-constructing the buildings such that they are aesthetically enjoyable for all to see.” Another said and I’m paraphrasing, “I don’t care about balconies, I need an affordable place to live or I will be homeless.”

In contrast, CRHDC had to cut the budget significantly and the design features and other exclusions such as radiant heating were eliminated was an extremely hard decision to make. They were not happy at all with cheapening the architectural look and feel.

PNZ appears to have at least four 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.



**Town of New Castle**

450 W. Main Street

PO Box 90

New Castle, CO 81647

**Building Department****Phone:** (970) 984-2311**Fax:** (970) 984-2716[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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## Staff Report

### Lakota Ridge Senior Apartments PUD Amendment Application Review

**Date:** 02/01/18

**Purpose**

It has come to attention of the Building Department that significant exterior and interior changes have been designed for the *Lakota Ridge Senior Apartments* Project. Staff has met in person and by phone on multiple occasions with the project owners and architect in an effort to understand the full nature of the proposed changes. Staff was provided with updated elevation views of the project on 1/22/18, and a complete set of updated drawings on 1/30/18. Staff was also provided with a single 8.5" x 11" conceptual elevation drawing in late December, along with an electronic set of revised drawings. Based on the extensive nature of the proposed changes to the approved PUD, it is necessary for Staff to bring this matter before P&Z and Council in the form of a PUD Amendment Application.

**Report Objective**

It is the objective of this *Staff Review & Report* to present P&Z and Town Council with a full understanding of the proposed changes to the *Lakota Ridge Senior Apartments* project. In issuing this report, Staff will also provide P&Z and Town Council with an understanding of the conditions under which the original PUD was presented and approved, as well as provide *Staff Conclusions* and *Staff Recommendations* as they relate to the proposed changes to this project.

**Background:**

The initial understanding that changes were being made to this project occurred in late November when it was discovered by Staff that the balconies had been removed from the contractor's scope of work. It was the owner's original position that the proposed changes to the buildings did not warrant Town review or approval. In subsequent meetings with the owner, Staff requested revised drawings and advised the owners that such changes absolutely require review and approval. Staff met with the project architect, project managers, and the project owner's rep to discuss possible avenues to mitigate the proposed changes.



### ***Summary of Changes from the approved PUD:***

The following lists represent Staff's current understanding of the proposed changes to the interior and exterior of the project:

#### **Exterior:**

- ❖ All exterior balconies and railings have been removed.
- ❖ All exterior balcony doors have been changed to windows.
- ❖ Heavy Timber Framing which supported the exterior balcony systems has been removed.
- ❖ All units have been redesigned to use (2) "Hotel Type" wall mounted heating and cooling units which are prominently noticeable under all bedroom and living room windows from most all exterior views.
- ❖ All proposed HVAC louvered exterior intake grills are designed to be Mill Finished Aluminum Color.
- ❖ Due to the loss of protection from weather provided by the removed balconies, small shed style roofs have been added above certain exterior ground level doors.
- ❖ Certain exterior walkways have been modified to change areas that were designed with decorative pavers to now be standard concrete.
- ❖ Areas of solid surface walkways in the courtyard area have been changed to a compacted stone material.

#### **Interior:**

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

#### **Note:**

Staff requested that consideration be given to finding a solution to "break up the mass" once the balconies were removed. The most recent plans received 1/22/18 shows no visible evidence that additional features were added per discussions and requests.

Staff requested that consideration be given to finding a solution to mask, or better hide, the HVAC exterior grills / louvers, no visible evidence is noticed that there is any attempt to minimize the visual effects of the exposed HVAC louvers. New plans submitted 1/22/18 show that the HVAC face grills are to be Mill Finished Aluminum Color.

### ***Original representations by Owners prior to PUD approval.***

The following is a small sample of representations made by the owners during the project presentation in the original approval phase. The quotes provided give a feel for the original representations of certain project elements which are now part of this *PUD Amendment Application, and seeking change:*



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

*“The units include private outdoor space...”*

*“Although we will not be subject to the Design Guidelines or Covenants of the HOA we still will be developing as closely as possible to these guidelines.”*

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

### **Financial investment by the Town.**

During the original PUD approval process the Town agreed to help financially underwrite this project in the form of requested fee concessions and favorable land sale pricing and terms. It is estimated that Town concessions related to the Building Department, Water Department, & Water Rights Dedication Fees total \$477,500.00. Additional savings to the owners were realized in the form of favorable land pricing giving by the Town in order to provide the land that this project now sits on.

### **Staff Conclusions:**

- The original representations for this project, *although not legally governed by the Lakota HOA Standards*, were represented to be that of a project that would substantially match the feel of Lakota neighborhood standards, it was under those representation that this project was approved.
- The original representation to the Town, Public, and potential end users of this project was that this project would have individual outdoor private spaces (balconies / decks), it was under those representation that this project was approved.
- The original representation of this project was that the units would be provided with In-Floor radiant gas heat in each unit, it was under those representation that this project was approved.
- The Town invested large amounts of time, energy, and financial support to assist in making this project, as originally represented, a reality.
- Town Staff has worked to provide the owners with possible suggested solutions that might be used to help mitigate the appearance of the removal of the balconies and the addition of visible HVAC Units. The owner has chosen to present little in the way of alternative methods to help mitigate the appearance of the requested changes.
- Cost overruns for this project are cited as the cause for the proposed changes, these large cost overruns were discovered relatively shortly after the initial PUD Approval, yet this applications proposed changes were not made fully available to the Town for consideration until relatively recently. The owners have been notified by the Town that these changes warranted review and approval, and that all further progress on the job site would be at the owner’s sole risk.
- It seems unreasonable that changing from In Floor Radiant Gas Heat to individual electric HVAC wall mounted units will have a lasting savings on this project. While the initial installation cost of the Hotel Style wall units will be a significant savings to the constructions costs of the project it seems reasonable to conclude that the ongoing utility costs maybe significantly higher, and a potential burden on the occupants?
- *It is not clear at the time of this report if the changes to the heating system meet the requirements of the Town adopted 2009 International Energy Code.*



### **Staff Recommendations & Suggestions:**

The following recommendations are based on the original representation for this project, the needs of residents along the Castle Valley corridor to have a project they can be proud of, the needs of the residents of this project to have the features necessary for a comfortable home, and the needs of the Town to assure that the Town funds already spent are utilized as represented. These recommendations can be considered as individual or in combination as needed:

1. Complete the project as originally represented and approved.
2. Complete the project with the return of the decks, timbers, and all exterior features as originally represented. Allow the exterior visible HVAC Units if it can be shown that the exterior HVAC louvers can be masked to better blend with the exterior structure and siding. **Note that the return of the decks and the deck railing system will mask the appearance of 50% of the HVAC units.**
3. Add the decks back to the project, but allow for a less expensive construction design. The original decks were built with a concrete floor system which adds significant cost to each deck. It is possible to construct less expensive decks on this project which as viewed from the street would have a very similar look as the original decks. Allow the exterior visible HVAC Units if it can be shown that the exterior HVAC louvers can be masked to better blend with the exterior structure and siding. **Note that the return of the decks and the deck railing system will mask the appearance of 50% of the HVAC units.**
4. Allow for the removal of the exterior decks, but add additional **approved** architectural features to better break up the mass of the buildings. Such features might include decorative gable end beams, decorative wood corbels, decorative wood out-lookers, stone siding, decorative band boards, decorative corner boards, shingle style gable end siding, better color variation between individual buildings, better color variation between segments of each building, corrugated rusty metal roofing as required in Lakota, Eyebrow Roofs with corrugated rusty metal roofing over windows, etc., etc....
5. If consideration is given to the approval of this application, require the owners to demonstrate to the satisfaction of P&Z and Town Council how they have incorporated the same upscale design features that are required in Lakota, and how they will assure all residents of New Castle that this will be a project that all residents will be proud of as represented in their initial presentations.
6. Request an accounting of the estimated cost savings to the project based on the proposed changes and have the owners demonstrate that the proposed changes are the only viable source of savings. Can other elements of the construction be adjusted for savings? Can certain units in the building be completed in future phases in order to create the immediate savings needed to complete the approved exterior look? Have the owners approached their lenders to try to resolve their financial short comings? Have the owners adjusted their projected profit and income streams to adjust for their cost overruns?

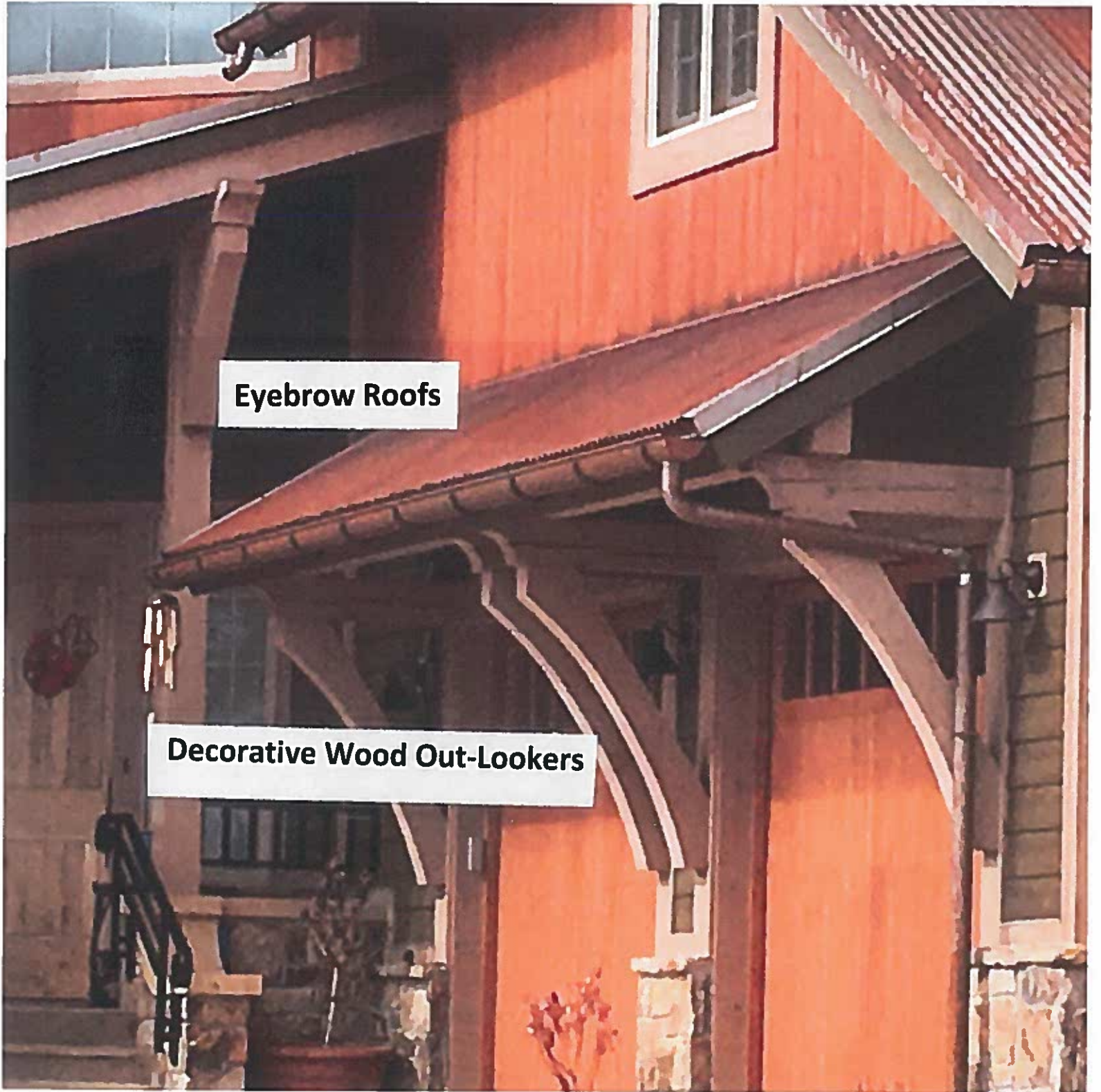




**Decorative Corner Boards**

**Stone Siding**






**Eyebrow Roofs**


**Decorative Wood Out-Lookers**





**Corrugated Rusty Metal Roofing**





**Decorative Band Boards**





**Stone Siding**



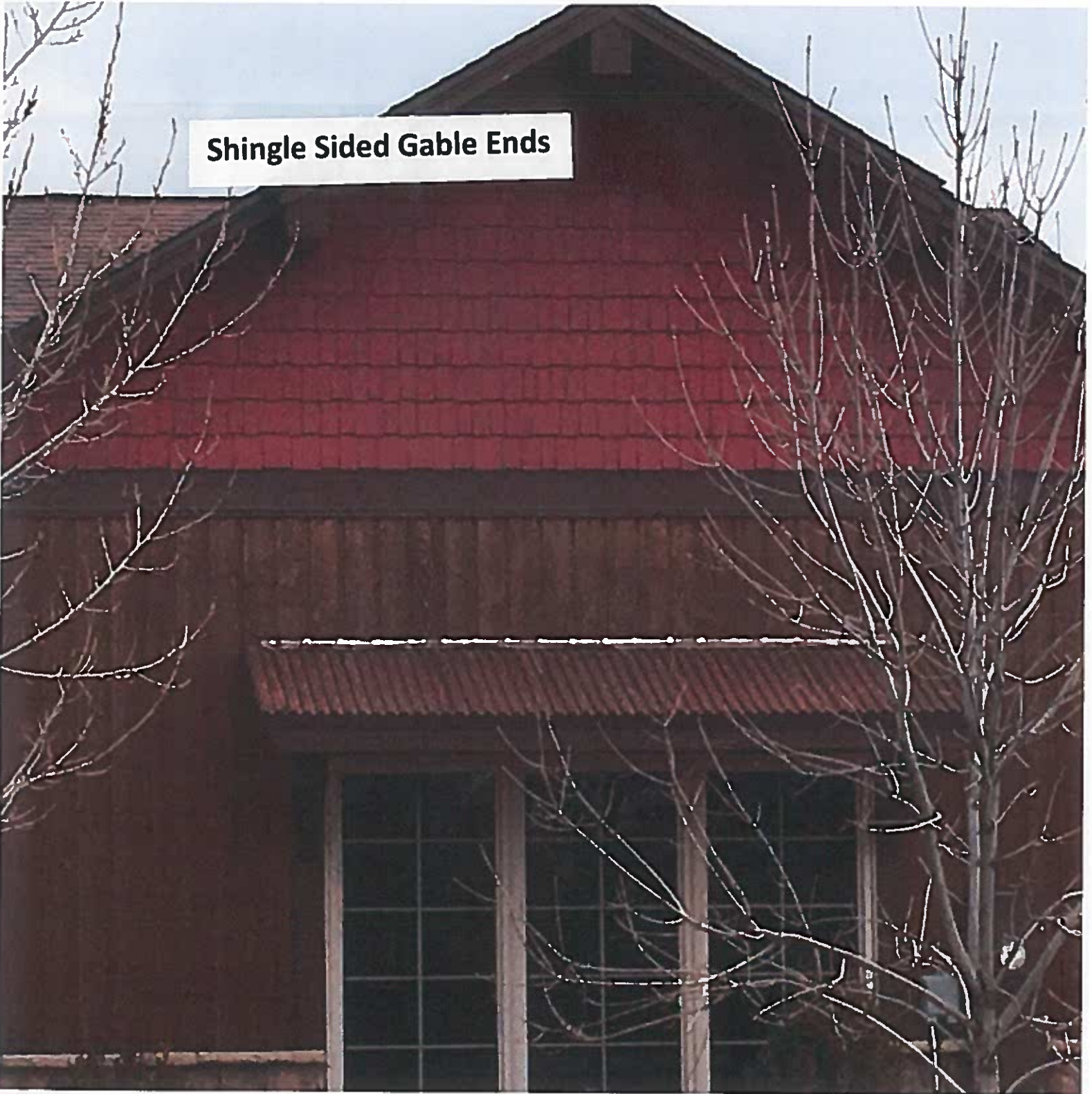
**Shingle Sided Gable Ends**



**Decorative Band Boards**

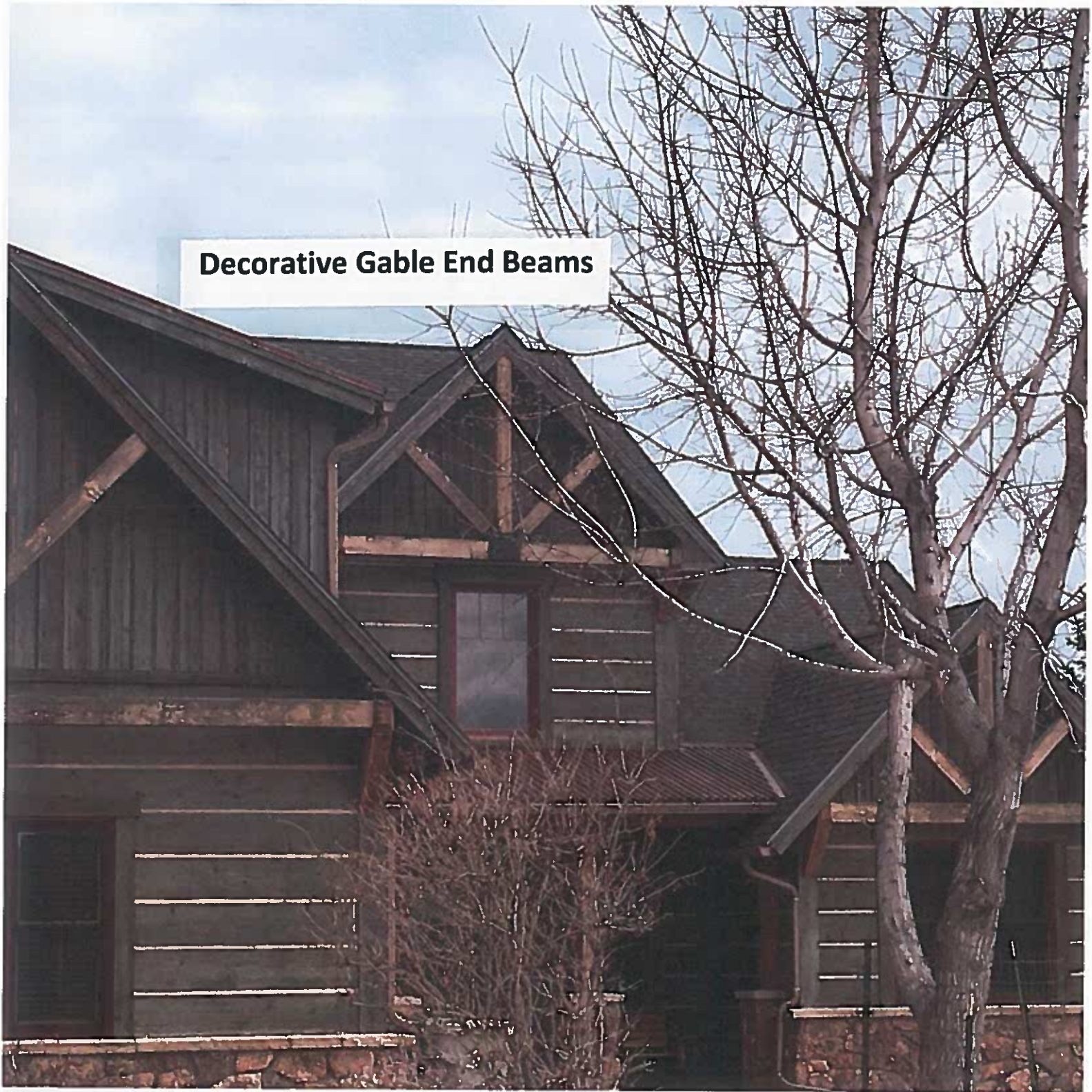


**Shingle Sided Gable Ends**





**Decorative Gable End Beams**





A black and white photograph of a house's roofline. The focus is on a gable end where decorative wood corbels are installed. The corbels are rectangular blocks with a decorative top edge, supporting the roof's overhang. A chimney pipe is visible on the roof to the left. The roof is covered in shingles, and a gutter is visible at the bottom. Bare tree branches are in the upper left corner.

**Decorative Wood Corbels**



From: henke.connie@dorsey.com [mailto:henke.connie@dorsey.com]

Sent: Wednesday, January 31, 2018 12:59 PM

To: Tom Baker <tbaker@newcastlecolorado.org>

Cc: lakota@crhdc.org

Subject: Lakota Ridge Senior Housing

Hi Tom, I am waiting to submit my application to live at the Lakota Ridge Senior housing currently being built. My daughter and her family live in New Castle and I will be retiring this summer. New Castle is a great community with lots of possibilities for the future; however, living for the transitional senior population is sadly deficient in this community. I hope that the city of New Castle is aware of this and can put forth every effort to see that this facility its completed and that many more follow. The senior population should not be forgotten and should be rewarded for what they have done. I am originally from Del Norte, Colorado and have lived in the Northwest for 45 years; but want to come back to my roots. Please support the construction of this facility and more to follow.

Regards, Connie Henke



(Sent via email on 1-22-18)

To: New Castle Planning & Zoning Commission

From: Steve Craven, CTS Investments

Subject: PUD Amendment for Lakota Ridge Senior Apartments

Dear Commissioners,

It came to my attention this morning while reviewing the agenda for the January 24, 2018, P & Z meeting, and a subsequent review of memorandums from both the Assistant Town Attorney and the Town Planner, that significant changes to the approved plans for the above mentioned project are being proposed. It is also apparent that the Applicant has not provided the necessary associated information for adequate review by either the town or the public as required.

This project is located along Castle Valley Boulevard. Any changes to the approved plans have the potential to dramatically impact the lives and property values of all that currently live in "the valley", or that will live in "the valley" or beyond for many, many years to come. Accordingly, any change to the approved plans need to be fully vetted by the town, its residents, and none resident property owners. Anything less would truly be a crime.

I contacted the town today to find that I could not obtain both a set of approved plans and a set of proposed changes for comparison. I could not. This is an undeniable problem that must be addressed.

I would like to attend the meeting tomorrow night, but have a prior commitment out of town that will keep me from doing so. I trust that the Commission will continue the hearing as proposed by staff and as appropriate given the current circumstances.

I trust this will be entered into the record. Please confirm.

Sincerely,

Steve Craven

CTS Investments LLC



(Sent via email on January 23, 2018)

Gentlemen,

How is it that a development can come SO far along...and all of a sudden be the ire of the NIMBY's in your area?

As a technically homeless, 62 year old, partially disabled man with chronic pain and cancer issues, I've been 'counting the days' until I might have the chance to move in to such a nice environment.

While balconies would be nice...(although the first floor is more to my ills & pains)...they certainly shouldn't be holding up what has already been approved and on which a great deal of money has been spent.

If I can get my very pained body to the meeting I will certainly be making my opinion known. Meanwhile...the show must go on!

Regards,

Scott Crow, 970-925-3030



**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, the Commission has considered the criteria set forth in Section 17.100.090 of the Town Municipal Code and, based on the information and testimony presented, 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 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 \_\_\_\_ day of February, 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



## MEMORANDUM

TO: New Castle Planning & Zoning Commission

FROM: Haley Carmer, Assistant Town Attorney

DATE: February 2, 2018

RE: Lakota Ridge Senior Apartments PUD Development Plan Amendment

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On August 2, 2016, by Ordinance No. TC 2016-4, Town Council approved Lakota Ridge Senior Apartments, LLP'S ("Applicant") Final PUD Development Plan ("Plan") for the property located at what is now 705 Castle Valley Boulevard ("Property") within the Lakota Canyon Ranch PUD. The Plan includes the architectural and design plans that Applicant submitted.

Following Applicant's purchase of the Property from the Town in 2017, Applicant began construction of the 6-building, 50-unit senior housing facility as proposed in the Plan. In November 2017, Applicant informed Town staff that as a result of budget constraints, Applicant intended to alter several of the exterior design features of the buildings. Because the architectural and design elements of Applicant's project were part of the as-approved Plan, Applicant could not implement those changes without processing a Plan amendment. After reviewing the proposed changes, and pursuant to Section 17.100.110 of the Town Code, Town staff determined that the changes constitute a major amendment of the Plan. Accordingly, the plan amendment must be reviewed by the Commission at a notice public hearing and approved by Town Council. *See Code Sec. 17.100.110(C) and 17.100.080.*

Applicant's proposed changes are identified in the reports provided by the Town planner and Town building inspector and will be discussed at the February 7<sup>th</sup> continuation of the public hearing that was opened at the January 24<sup>th</sup> Planning & Zoning Commission ("Commission") meeting. The documents that comprise the major PUD plan amendment application ("Application") are listed at the end of this memorandum.

As explained in the Town planner and building inspector reports, the Commission has the following options with respect to the Application:

1. Approve the Application and allow Applicant to construct the buildings according to the revised plans that compose the Application;
2. Approve the Application provided that Application satisfy certain conditions recommended by the Commission and approved by Council, including, but not limited to, those explained in the Building Inspector's report; or
3. Deny the Application and require Applicant to construct the buildings according to the original Plan.



Resolution PZ 2018-1 proposes approving the Application as submitted. However, based on the information and testimony presented at the February 7<sup>th</sup> meeting, the Commission may revise the Resolution to add approval conditions or to recommend denial of the Application. The Assistant Town Attorney, Town Planner, and Building Inspector will be present at the February 7<sup>th</sup> meeting to discuss the Application and answer any questions you may have.

**Applicant's Major PUD Amendment Application 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



1 New Castle Planning and Zoning Commission Meeting  
2 Wednesday, January 24, 2017, 7:00p.m., Town Hall

3  
4 Call to Order

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

6  
7 Roll Call

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

12  
13 Absent Commissioner Ruggles  
14

15 Also present at the meeting were Town Planner Tim Cain, Deputy Town Clerk Mindy Andis, Building Inspector Dave Reynolds and members of the public.

17 Meeting Notice

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

20  
21 Conflicts of Interest

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

26  
27 Citizen Comments on Items NOT on the Agenda

28 There were no citizen comments.  
29

30 Public Hearing

31 PUD Amendment

32  
33 Purpose: PUD Amendment for Lakota Ridge Senior Apartments

34  
35 Legal description: Lot 2A, Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase  
36 7, According to the Plat thereof Recorded July 30, 2010  
37 Under Reception No.789213

38  
39 Common Address: 705 Castle Valley Blvd., New Castle

40  
41 Applicant: Lakota Ridge Senior Apartments, LLP

42 Landowner: Lakota Ridge Senior Apartments, LLP

43  
44 B. Resolution PZ-2018-01 Recommending Approval of Lakota Ridge Senior  
45 **Apartments, LLP's Major PUD Development Plan Amendment**

1 Chair Apostolik opened the Public Hearing at 7:03p.m.  
2  
3 Town Planner Tim Cain reported the town had not received a completed application  
4 in time for staff to review. Therefore he recommended that the public hearing be  
5 continued to a later date.  
6  
7 The commission agreed to hold a special meeting on Wednesday, February 7, 2018  
8 at 7:00 p.m. at the community center.  
9  
10 Chair Apostolik closed the Public Hearing at 7:05p.m.  
11  
12 Items for Consideration  
13  
14 Consider Commission Appointment to Historic Preservation Commission  
15  
16 The commission decided to table the appointment of a commissioner to Historic  
17 Preservation Commission until there were no vacant seats on the Planning and  
18 Zoning Commission.  
19  
20 Items for next Planning and Zoning Agenda  
21 There were no items.  
22  
23 Commission Comments and Reports  
24 There were no comments or reports.  
25  
26 Staff Reports  
27 There were no reports  
28  
29 Review Minutes from Previous Meeting  
30 Motion: Commissioner Urnise made a motion to approve the November 29,  
31 2017, meeting minutes as submitted. Commissioner Riddile seconded the  
32 motion and it passed unanimously.  
33  
34 Motion: Chair Apostolik made a motion to adjourn the meeting.  
35 Commissioner Riddile seconded the motion and it passed unanimously.  
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1 The meeting adjourned at 7:10 p.m.

2

3 Respectfully Submitted,

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\_\_\_\_\_  
Planning and Zoning Commission Chair  
Chuck Apostolik

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

DRAFT