

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ-2022-05

A RESOLUTION OF THE NEW CASTLE PLANNING & ZONING
COMMISSION APPROVING A MINOR AMENDMENT TO THE FINAL PUD
DEVELOPMENT PLAN FOR EAGLE’S RIDGE RANCH.

WHEREAS, by Ordinance No. 2019-4, a final PUD Development Plan (“Plan”) and final subdivision plat the (“Plat”) for the that certain real property described in the Final Plat, Eagle’s Ridge Ranch at Lakota Canyon Ranch, recorded November 29, 2021, at Reception No. 967192 (the “Property”) was approved by the New Castle Town Council; and

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

WHEREAS, as explained more fully in Ordinance 2019-4, the Plan allows for the construction of up to 30 residential units in up to 6 buildings consistent with the architectural plans and site plan approved as part of the Plan; and

WHEREAS, Malo Development Company—Lakota, LLC (“Applicant”), the current owner of the Property, now desires to amend the Plan by reducing the number of units to be constructed on the Property, increasing open space, and reorienting the location of the buildings on the Property; and

WHEREAS, to accommodate the changes to the Plan proposed by Applicant, it will be necessary to amend the Plat as well; and

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

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

WHEREAS, pursuant to Sections 16.08.050, and 17.100.110(B) of the Code, the Commission opened a public hearing on September 14, 2022, to consider the Application; and

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

1. The Application is consistent with the comprehensive plan;
2. The Application complies with zoning and density requirements;
3. The Application is compatible with the adjacent land uses;
4. The Town has the capacity to serve the proposed use with water, sewer, fire and police protection;
5. The off-street parking and vehicle, bicycle, and pedestrian circulation proposed in the Application are adequate;

6. The required open space or parks proposed in the Application provide adequate active or passive use by residents of the subdivision and/or the public; and
7. The development proposed in the Application is consistent with the natural character, contours, and viewsheds of the land

WHEREAS, the Commission desires to approve the Application as provided in this Resolution.

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 Section 17.100.110(B) of the New Castle Municipal Code, the Commission approves the Application as an amendment of Applicant's Final PUD Development Plan for the Property to allow for the subdivision and development of the Property in up to six (6) buildings containing up to 22 units as set forth below and consistent with the site plan dated September 6, 2022, that was submitted as part of the Application:

Building 1: 3, 3-bedroom units

Building 2: 4, 3-bedroom units

Building 3: 3, 3-bedroom units

Building 4: 4, 3-bedroom units

Building 5: 1, 3-bedroom unit
2, 2-bedroom units

Building 6: 2, 3-bedroom units
3, 2-bedroom units

Only those aspects of the Plan addressed in the Application shall be amended. All other provisions of the Plan not addressed in this Resolution shall remain in full force and effect.

3. Conditions. The Commission approves the Application subject to the following conditions of approval:

A. Each townhome unit shall be provided with separate water and sewer service directly from the main line. Gas and electric service must run directly to each unit from the building exterior rather than through crawlspaces or attic spaces.

B. The sale of individual lots or units within Eagle's Ridge Ranch may not occur until a plat creating the lot or unit is recorded with Garfield County.

C. The amended Plat shall be reviewed and approved by Town staff and the Town attorney prior to recordation.

D. Prior to recordation of the amended Plat, Applicant shall provide updated snow storage, drainage, grading, and utility plans that reflect actual proposed conditions based on the changes proposed in the Application. Said plans will be subject to review and approval by the Public Works Department and Town engineer, and Applicant shall comply with all Town staff and Town engineer recommendations and requirements regarding the plans.

E. At the time of recordation of the amended Plat, Applicant shall record an amendment to the Declaration of Covenants, Conditions, and Restrictions for Eagle's Ridge Ranch Homeowners Association to update the maximum units allowed in the development and make any other changes that may be necessary as a result of the Application. Said amendment shall be subject to review by the Town attorney.

F. A subdivision improvements agreement and security for the first phase of development of the Property is currently in place, and the SIA was recorded at Reception No. 967189. The phase 1 SIA will be amended and additional security will be provided by Applicant prior to recordation of the amended Plat if deemed necessary by the Town engineer following review of the updated grading, drainage, and utility plans. A subdivision improvement agreement for each subsequent phase shall be recorded before work commences in each phase. No lot or unit in any future phase of development of the Property shall be sold until the public improvements for the particular phase have been constructed and accepted by the Town.

G. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission and reflected in the minutes and/or recordings of such hearings shall be considered part of the Application and binding on the Applicant.

H. 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.

I. 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 2022-5 was adopted by the New Castle Planning and Zoning Commission by a vote of ____ to ____ on the 14th day of September, 2022.

NEW CASTLE PLANNING AND
ZONING COMMISSION

By: _____
Chuck Apostolik, Commission Chair

ATTEST:

Mindy Andis, Deputy Town Clerk

EXHIBIT A
Application Materials

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—February 28, 2018
12. PUD Application revision documentation –February 28, 2018
13. Building Inspector Report – March 2, 2018
14. Town Planner Report – March 2, 2018
15. Architectural and design plans showing 9 units without balconies—March 5, 2018