

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

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

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

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

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

WHEREAS, the Application proposes the construction of 185 residential units (108 rental apartments, 20 townhomes, and 29 single-family homes), 28 Mixed-Use Flats, and 51,407 square feet of commercial space on a total of 16.336 acres; and

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

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

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

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

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Availability of town services from public works (including water and sewer services), fire, and police;
4. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;

5. Required open space or parks designed for active or passive use by residents of the subdivision and the public; and
6. Development consistent with the natural character, contours, and viewsheds of the land

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

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Planning and Zoning Commission.
2. Definition of the Application. The “Application” consists of the documents and information identified by the Town Clerk on Exhibit B, plus all representations of and other documents presented by the Applicant reflected in the minutes of the Planning and Zoning Commission public hearing held on August 24, 2022.
3. Action regarding Preliminary Plan, as amended: The Preliminary Plan proposes:
  - a. The construction of 185 residential units (108 rental apartments, 20 townhomes, and 29 single-family homes), 28 Mixed-Use Flats, and 51,407 square feet of commercial space as depicted on the most updated site plan included in the Application;
  - b. The subdivision of the Property into 39 lots as shown on the Preliminary Plat dated May 30, 2022, and updated August 18, 2022;
  - c. That Filing 8 will be platted with a single plat and developed in up to five phases as shown on the preliminary plat and plan with phasing dated March 21, 2022; and
  - d. Amended final plats for the multi-family buildings will be submitted for approved at the staff level upon construction of said buildings, provided that the amended final plats and multi-family buildings are in substantial conformance with the Application.

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

4. Zoning. Upon approval of a final PUD plan for the Property, the development and use of the Property shall be subject to the following restrictions and requirements:
  - a. the restrictions and requirements of the MU Zone District of the Lakota Canyon Ranch PUD Zoning Regulations, Section 17.128.070 of the Code (Zone District), subject to the following modifications:
    - i. The maximum height of Buildings CR-3, CR-4, and CR-5 shown on the Application site plan shall be 37 feet. The maximum height of

all other structures within Filing 8 shall be 35 feet as provided in Section 17.128.010.

- ii. Buildings B-1, B-2, B-4, and B-5 shown on the Application site plan shall be allowed to exceed the maximum units per building to the extent shown on the Application sheet titled “Site Plan Unit Counts”;
  - iii. The number of commercial parking spaces required for Filing 8 shall be reduced by 40% from what’s otherwise required under the Lakota Canyon Ranch PUD standards;
  - iv. any modifications approved by the Town and shown on the final plat for the Property. In the event of any conflict between the Zone District text and the final plats for the Property, the final plat shall control.
- b. all other applicable provisions of the Code; and
  - c. all applicable Ordinances of the Town.

5. Conditions. Approval of the Application is subject to and contingent up on satisfaction of the following conditions:

- a. Amend the Preliminary Plat to identify the following as public rights-of-way: Lakota Drive, Drive A, and Drive B
- b. Revise the Longview at Lakota covenants to include provisions regarding shared parking. Such provisions shall specify management and enforcement requirements, including, but not limited to location, hours of use, penalties for violation, and maintenance responsibilities.
- c. Drive A & Drive B shall serve as a one-way street with parking on one side and a single six-foot sidewalk.
- d. Drive C shall not dead-end. Construct Drive C as a cul-de-sac or an alternative that satisfies the street design requirements of the Public Works Manual.
- e. Parking along Lakota Drive from Whitehorse Drive to Drive A shall allow on-street parking on the west side of Lakota Drive only. The east side of Lakota Drive from Whitehorse Drive to Drive A shall be signed “No Parking.”
- f. Townhomes directly adjacent to Drive A and Drive C shall be setback at least 10 feet from the street to improve egress and pedestrian safety.
- g. All outside parking areas facing a residential-only use shall have a landscape buffer

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

- p. The Applicant shall comply with all applicable building, residential, electrical, and municipal code requirements, including all sign code regulations, as well as all recommendations of the Town Engineer and Town Public Works Director set forth in their letters dated July 21, 2022, and July 22, 2022, respectively, when developing the Property;
  - q. 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.
  - r. The sale of individual lots or units within Filing 8 may not occur until a plat creating the lot or unit is recorded with Garfield County.
6. Severability. Each section of this Resolution is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part hereof, the intent being that the provisions of this Resolution are severable.
7. Effective Date. This Resolution shall be effective upon adoption.

SO RESOLVED this 24th day of August, 2022, by a vote of \_\_\_\_ to \_\_\_\_.

TOWN OF NEW CASTLE  
PLANNING & ZONING  
COMMISSION

\_\_\_\_\_  
Chuck Apostolik, Chairman

ATTEST:

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

Exhibits:

- Exhibit A: Legal Description
- Exhibit B: List of Application materials

**EXHIBIT A**  
Legal Description

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

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

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

**EXHIBIT B**  
Preliminary PUD Application Materials

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