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**Planning & Code Administration
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Staff Report

**9 North Wild Horse
Castle Valley Ranch PA8 & PA9 Final Plan, Filing 13
Ordinance TC #2025-1
Town Council (TC) – February 18th, 2025**

Report Compiled: 2/14/2025

Project Information

Name of Applicant:	R2 Partners
Applicant's Mailing Address:	1009 Delta Avenue Cincinnati, OH 45208
Phone/Email:	614-266-7629/b.rosenberg@r2partners
Property Owner:	CTS Investments, LLC
Owner Mailing Address	343 Dakota Blvd. Boulder, CO 90304
Proposed Use:	130 rental townhomes/apartments in 16 buildings
Approximate Residents:	~ 310-340
Bulk Density:	2.73 units/acre
Open Space:	34 acres passive open space; 9.6 acres developed open space;
Proposed Zoning:	MF-2 per the Castle Valley Ranch PUD
Surrounding Zoning:	Single family residential homes (N Wild Horse Dr.) Open Space (VIX Park, LCR Golf Course) Mixed Use/Commercial zoning (TC Midwest, LLC) Residential zoning (CVRI & LCR)

I Introductory Summary

R2 Partners has been both a developer and owner of multifamily rental projects for over the past 60 years. Based in Cincinnati and serving various areas in Colorado, R2 is rethinking multifamily residential living. Their current application in Castle Valley Ranch (CVR), Planning Areas 8 & 9, embraces the quality of life prized by all New Castle residents. The proposal contemplates 130 multi-family rental units with three distinct floorplans:

- Model 1: “*Empty-nester*” targets retirees valuing convenience and practicality (~770-1,470sf);
- Model 2: “*Live/Work*” focuses on professionals looking for adaptive designs and multi-functional space focused on a work-from-home end user (~680-960sf);
- Model 3: “*Townhomes*” are conventional urban/suburban concepts available for starters or those looking to downsize (~1,420sf);

Dispersed over approximately 47.6 total acres, the proposal contemplates 43.6 acres of passive & active open space (91.6% of total acreage) and includes a connection of N Wild Horse Dr. east of VIX Park. The Applicant will dedicate two single track trails that extend from VIX park to the BLM. Prior to the current preliminary hearing, the Applicant convened for public meetings/hearings on the following dates:

- October 25th, 2023 – P&Z Sketch Plan
- November 7th, 2023 – Council Sketch Plan
- December 7th, 2023 – Community Open House Meeting
- January 24th, 2024 – P&Z Sketch Plan Revised Site Plan
- June 26th, 2024 – P&Z Preliminary Plan
- November 13th – P&Z Final Plan

The final application was reviewed by P&Z and recommended for conditional approval on November 13th, 2024. On January 7th, 2025 the Applicant and the Town agreed to a 60-day extension for final decision on the application pursuant to section 17.100.060 (F). The current deadline for final decision is March 6th, 2025. Town Council's decision will be made by ordinance which shall be introduced twice at a Town Council meeting and, if approved, shall take effect 14 days after final publication pursuant to Article IV of the New Castle municipal code.

As the final of three application steps for new planned unit developments (“PUD”) & subdivisions, final PUD reviews assess zoning conformance, compliance with Public Works requirements, the suitability of utilities and infrastructure, compatibility with the comprehensive plan, and address any adverse impacts to the town. By final approval, all civil drawings should approximate construction level readiness.

Council shall decide on (1) of three (3) outcomes to the application: 1) approve the application unconditionally; 2) approve the application with conditions; 3) deny the application. The Council's decision will be made by written ordinance.

II Changes from June, 2024 Preliminary Plan

At the November 13th hearing, the commissioners approved the application with the conditions listed in Resolution PZ #2024-05. The general site plan has remained consistent throughout the preliminary & final application steps. Below are several key components to the proposal with some general comments from the commissioners:

Final Plan	P&Z Comments/Questions
<ul style="list-style-type: none">130 residential rental units: 26townhomes, 80 apartments, 24 empty nesters, 16 buildings	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">2.73 units/acre	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">91.6% gross area open space (i.e. active + passive open space)	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">229 off-street residential parking spaces	<ul style="list-style-type: none">Parking management strategy should be implemented as problems arise.
<ul style="list-style-type: none">All electric units, 5-15% reduction in energy use;	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Passive open space with courtyards	<ul style="list-style-type: none">Priority of protecting native vegetation as much as possible
<ul style="list-style-type: none">MF-2 zoning: 40ft building height limit. 6 buildings exceed limit.	<ul style="list-style-type: none">Content with height if structure heights remain at or below 40ft
<ul style="list-style-type: none">Snow Storage: 18.7% of road area	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Live/Work units balconies removed	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Open space: Applicant owned	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Pull-in parking included on west side of N Wild Horse for VIX Park users	<ul style="list-style-type: none">No comment; Staff condition for cost-share discussed below.
<ul style="list-style-type: none">Townhomes: two-story duplexes and triplexes	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Townhomes with single-car garages will have driveways sized to two-car.	<ul style="list-style-type: none">P&Z appreciative of proactive solution to likely parking issue.
<ul style="list-style-type: none">Workforce housing: See Staff recommendations below.	<ul style="list-style-type: none">5 units seems limited; Make available to more than Town staff No change
<ul style="list-style-type: none">Vista Loop: Dedicated to TownChapman & Medaris Loops: Owner maintained	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Two spaces of EV charging capacity added to VIX parking area	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Temporary construction easement to bypass N Wild Horse	<ul style="list-style-type: none">Priority of protecting pedestrian areas near CVB and Dog Park;
<ul style="list-style-type: none">Consider cost-share with VIX Park parking	<ul style="list-style-type: none">No comment
<ul style="list-style-type: none">Facilitate cost-share between TC Midwest & R2 Partners for a portion of NWH improvements.	<ul style="list-style-type: none">No comment

II Staff Review:

Throughout the application process, application documents will be reviewed pursuant to the criteria outlined in the Municipal Code (MC) for planned unit developments (PUDs) and subdivisions. At the final plan stage, an application shall show conformity to the following

criteria (MC 17.100.050(H)):

1. Consistency with the comprehensive plan;
2. Compliance with zoning and density requirements;
3. Compatibility to neighboring land uses;
4. Availability of town services from public works (including water and sewer services), fire, and police;
5. Adequacy of off-street parking and vehicle, bicycle, and pedestrian circulation;
6. The extent to which any required open space or parks are designed for active or passive use by residents of the subdivision or the public; and
7. Development is consistent with the natural character, contours, and viewsheds of the land.

1) Is the proposal consistent with the comprehensive plan?

Applicants are expected to demonstrate substantial conformity with the CP in all applications (**Policy CG-1B**). The checklist below, though not exhaustive, provides a tool for reviewers to assess conformance with the CP:

- ☐ Foster distinctive, attractive communities with a strong sense of place and quality of life.
- ☐ Demonstrate that individual project fits into a fully-balanced community land use structure.
- ☐ Ensure a mix of uses that complement the existing New Castle land-use patterns.
- ☐ Create walkable communities with non-vehicular interconnection between use areas.
- ☐ Guarantee a balance of housing types that support a range of affordability.
- ☐ Preserve open space, farmland, natural beauty, critical environmental areas, and wildlife habitat.
- ☐ Encourage economic development and supporting hard & soft infrastructure.
- ☐ Concentrate development in ways which provide efficient and cost-effective services.

Quality of Life: According to the application packet (**Exhibit A-Application, page 3**), the proposal aligns with numerous New Castle goals and values favorable for Smart Growth and a high standard of living (**Goal CG-5**). The proposal focuses on conservation of the natural environment (**Goals EN-1 thru EN-8**), sensitivity to architectural aesthetics, and an active lifestyle (**Goal RT-1**) that together support community and sustainability.

As part of a Smart Growth strategy, policy **Goal CG-4A** expects large residential development (greater than 50 units) to integrate commercial services and conveniences. Though not included with this application, commercial development is anticipated elsewhere in Castle Valley Ranch. To meet Smart Growth objectives, Council could, in its evaluation, consider commercial prospects elsewhere in CVR as satisfactorily meeting this requirement. Though independently owned, the two developments may mutually complement each other and resonate with the CVR Master Plan.

Trails/Open Space/Recreation: The trails shown on **Exhibit A, page 7**, align with currently existing use-trails and trail agreements. Two trails will originate from VIX Park and lead east towards the locally dubbed “Sunset Trail” that terminates with public lands to the north. The goal is for a seamless trail experience connecting routes already prized by residents (**Goal POST-3**). Preservation of these trail corridors should also be supportive of existing wildlife habitat (**Goal POST-4**). Other walking trails are dispersed internal to the development. Altogether the trail network will be conducive to recreational opportunities and non-vehicular access to adjoining developments.

Environmental Impact: New Castle is committed to stewardship of the natural environment and therefore is careful to consider potential negative impacts of new development. The Town partners with Colorado Parks and Wildlife (CPW) to identify and protect critical environmental resources (**Goal EN-1**). CPW has provided referral comment and Jake Stanton, the District Wildlife Manager, recommends the following best management practices:

1. Bear-resistant trash containers with regular trash disposal during construction;
2. Bear-resistant dumpsters and/or trash bins for all resident refuse;
3. Wildlife friendly fencing per CPW specifications;
4. Use of non-fruiting trees, shrubs, and flowers for landscaping;
5. Prohibition of at-large and outdoor feeding of pets;
6. Prohibition of feeding wildlife;

For its part, the Town regulates off-leash dogs, encourages dark-sky compliance, preservation of native vegetation, and/or limiting fences in certain areas. In some development applications, the Town has encouraged additional landscape buffers to neutralize the effects of urban impacts on habitat.

New Castle has also made progress in terms of energy conservation. The current building codes require sustainable building practices, that reduce fuel consumption and promote use of renewable energy (**Goal EN-7**). All buildings will comply with the state of Colorado's solar and electrical readiness provisions. Moreover, the Applicant is committed in the direction of Netzero construction. A Netzero building is one that is optimally efficient and generates energy onsite using clean renewable resources in a quantity equal to or greater than the total amount of energy consumed. Net-zero/all-electric appliances paired with solar PV or ground source heating are feasible methods to exploit especially considering local, state, and federal incentives currently available. At this time, fully functioning solar array is not being considered at initial build, but the Applicant maintains that the efficiency steps already being proposed (**Exhibit A-Appendix, page 195**) will reduce consumption by 5-15%.

The Applicant has also proposed raw water as the means to irrigate landscaping. Raw water is non-potable water which bypasses the town's treatment facility thereby eliminating the processing step. The Applicant also receives a reduction in water right dedication requirements as a result of implementation. Opting for raw water is ultimately an economic and sustainability win for all.

Affordability: The rental aspect of the proposal is unique. Rental communities provide a fully managed property for tenants who do not have the time nor inclination to fuss with general repairs and upkeep. Rental communities also provide a way for retirees to downsize in communities dominated by larger single-family homes and a way for younger families to participate in communities in which they may otherwise be priced-out. The proposal also offers units for professionals seeking adaptable spaces serving dual purposed living area plus functional office space. In sum, the diversity of housing modalities works to stratify rent prices making housing attainable to varying income levels.

9 North Wild Horse offers a community promoting quality of life. Quality of life is potentially disadvantaged when a disproportionate share of household income is dedicated to housing costs. The Applicant has been committed to rent rates that are sensible for New Castle. Prices will vary with unit type and should track with those in New Castle and

Glenwood Springs. Of the 130 total units (**Exhibit A-Application, page 14**), the types include 80 *Live/Work* units; 24 *Empty-nester* units, and 26 conventional *Townhome* units. *Live/Work* & *Empty-nester* units will consist of 1-2 bedroom units with the *Townhomes* all at 3-bedroom. For context, Garfield County “Fair Market Rent” for 2023 is \$1,357 for 1-bedroom, \$1,861 for 2-bedroom, and \$2,275 for 3-bedroom. Locally, a Staff search has found asking prices ranging from \$1,650 (850sf) to \$4,000 (2,000sf) with an average two-bedroom going for \$2,600 (Note: not update since 2024).

Discussions about affordable housing in New Castle are bracketed by several features: 1) Per vested rights, there are currently no price caps on rent (or sales) prices; 2) the CP indicates that the town will create and preserve affordable housing merely as an *element* of all new development (**Goal HO-2**); 3) the CP does not define “affordability” though the US Department of Housing and Urban Development (HUD) maintains that monthly housing expenses should not exceed 30% of household income. This discussion aside, the Applicant has been working with P&Z and Staff to implement an affordable housing plan. Initially, three 1-bedroom units were offered to the Town at a 25% rent reduction on a rolling availability (**Exhibit A-Appendix, page 184**). P&Z asked the Applicant to find a way to increase this to at least five total including two, two-bedroom units. To offset costs for this request, the Applicant eliminated one building and increased the height of two Live/Work buildings from two to three levels. At the P&Z final hearing, a 20-year sunset clause was also added for consideration. Ultimately, resolution PZ 2024-6 deferred the final conditions of the affordable housing plan for the Council deliberation. At present, the Applicant and Staff have submitted two alternatives outlined in the conditions below.

Fiscal Impact: A fiscal impact study was performed (Triple Point Strategic Consulting) comparing estimated revenues with costs associated with the new development. The study helps determine whether the Town can meet the new demand on services (**Policy CG-7B, CP pg. 54**). The analysis projects a population increase of 2,004 for the entire town of New Castle with approximately 313 associated specifically with the new development. The analysis then projects revenues and costs based on the Town’s budget averaged between the tax years of 2021 and 2024. The results show a yearly net benefit to the town of \$190,177. The cumulative net benefit by 2045 is estimated to be \$7 million with \$3.2 million coming in the initial two years of construction. The Town’s finance department has reviewed the assumptions and projected outcomes separately with comparable results.

2) Does the proposal demonstrate compliance with zoning and density requirements?

Zoning: The Applicant has elected Castle Valley Ranch *MF-2* zoning criteria. According to *MC 17.104.080 MF-2* is a “multifamily district allowing higher density including apartments.” The following land uses are those permitted by right:

- Attached dwelling units in structures containing more than two units;
- Public parks, playgrounds and related accessory structures 5,000 sq. ft. or less;
- Parking facilities;
- Recreation facilities including, but not limited to health facilities, hobby rooms, activity rooms, meeting rooms, pools, gymnasiums, ball fields, tennis or basketball courts, volleyball courts, and any building of fields or play surfaces;
- Pedestrian and bicycle trails;
- Open space and parks

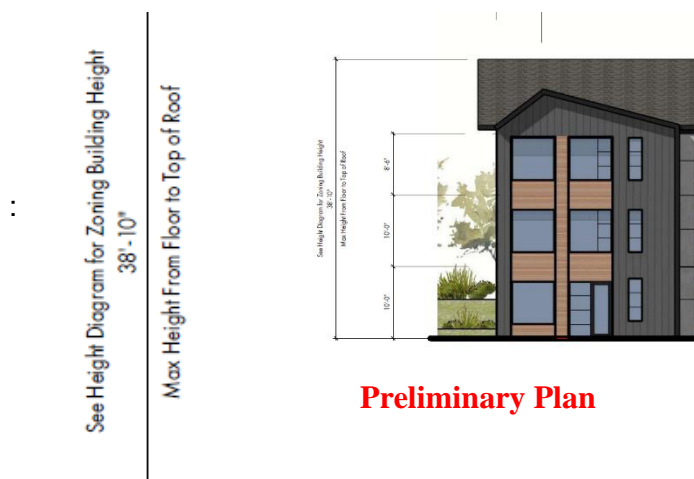
The main differences between MF-1 and MF-2 zoning are that the former allows detached dwelling units, slightly lower density, and lower maximum building height (35'). All proposed uses are permitted by right.

The Master PUD allows for the following density standards:

- Minimum lot area of 2,200sf;
- Minimum lot area per dwelling unit of 1,600sf or 27.2 units per acre;
- Maximum building height of 40';
- Minimum front yard setback 18';
- Minimum side yard setback of 0';
- Minimum rear yard setback of 10';
- Minimum distance between buildings of 10';

Density: As shown in the submittal packet (**Exhibit A-Application, page 8**) overall bulk density reaches 2.73 units per acre which is far below the 27.2 units per acre allowed. The *Live/Work* units have the highest localized density within the overall 46.7 acres. However, the *Live/Work* density is no more than 12.3 units/acre which is one unit/acre less than Eagle's Ridge Ranch and five units/acre less than the new senior housing development. Setbacks for each building lot will be finalized at permitting.

Building Height: As architectural designs became refined, the maximum building height for the three story *Live/Work* buildings (Buildings B3 & B4 **Exhibit A-Application, page 18**) was reexamined in relation to the building height definition in Section 17.04.050. At the preliminary hearing the building height was shown as 38.8' measured from the bottom slab to the top ridge as shown below:



The current final plan variation (**Exhibit A-Application, page 18**) shows a slightly increased height from slab of 39.9' (though not the uppermost part of the roof):

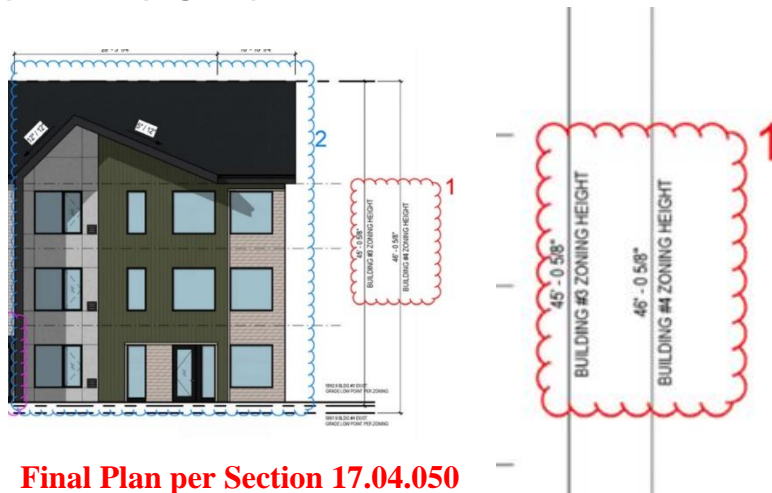


Final Plan

However, per the code, the initial point of reference for height measurements is not the bottom floor slab. Rather, the building height is defined as follows:

"Building height" means the vertical distance measured from the lowest point of the natural grade on the lot within twenty-five (25) feet of the tallest side of the building to the uppermost point of the roof of the building; provided, however, that if the lot upon which a building is to be built has a slope greater than fifteen (15) percent, building height shall be defined as the vertical distance measured from the average existing grade within the building setback envelope to the uppermost point of the roof of the building.

Taking into account the code's definition renders the building height at approximately 46' or 6' above the 40' zoning maximum (See also 41.5' for B;1 43.8' for B2, Exhibit A-Application, page 19):



Final Plan per Section 17.04.050

The Town has allowed deviations to height limits in the past. Most recently the Town granted a 9' exception for a single building in the Lakota Canyon Ranch Longview application. In that instance, certain factors informed P&Z's decision. For one, the

Longview building was closely situated to other buildings that also exceeded their respective height maximums (i.e. Shibui, CRFR Firehouse, and the Senior Housing). At that time, P&Z was also generally persuaded by the fact that the building's excess height would be obscured by two-story structures immediately adjacent. Story balloons were erected on site to demonstrate this perspective.

At the June preliminary hearing, P&Z expressed concern with the visual impacts of adding a third level to Buildings B3 & B4. At least two methods to mitigate were explored: 1) obscure east elevations using the 2-story Buildings B-1 & B-2. In this way building mass will step gradually with the grade from N Wild Horse to the east; 2) Blunting of roof pitches (compare *Live/Work* gables with sketch plan exhibits). With massing alternatives, structure orientation, and roof articulation, the Applicant felt the concerns with increased building height on the surrounding views would be relieved. Staff has suggested



Sketch Plan *Live/Work* Massing

returning to stepped structures as illustrated in the original sketch plan (see above) to better approximate the appearance of surrounding single family and multi-family homes. Alternatively, the structures could be modestly sunken into the topography, effectively lowering the building height. This precedent was also set during the Longview application.

For the Applicant to move forward with these alternatives, Council would have to be convinced that Buildings B1-B4 fit the surrounding residential neighborhood currently comprised of single-family (SF) homes and triplexes. Council would also need to be mindful that the precedent set with this height exception may prompt other future developers in the area to do the same. Overall, Council should come away from the decision with the confidence that consistency with the surroundings is preserved no matter what building height is decided.

3) *Does the proposal demonstrate compatibility to neighboring land uses?*

The parcel lies in the vicinity of various land uses within CVR: larger SF homes on N Wild Horse Dr., Buckskin Cir. & TBD Filing 12 to the south, VIX Park to the west, a commercial parcel (TC Midwest, LLC) to the southwest and two Garfield RE-2 schools within walking distance. BLM land and the Lakota Links Golf Course lie directly north of the parcel.

P&Z and Council have generally understood compatibility in terms of style and function. A use is considered more or less compatible in *style* to the degree it is similar in architecture, landscaping, and site planning (e.g. roads, trails, open space). A use is considered compatible in *function* to the degree its purpose serves the community similarly to surrounding uses. At times when compatibility is questionable, P&Z and Council have been hospitable to adding transitional features between developments to mute perceived incongruities in style or function. In such cases “buffering”, for example landscape screening and open space, can soften the juxtaposition between two architecturally dissimilar developments. Likewise, small scale retail, professional service uses, and open space can function to temper alleged incompatibility between a SF development and, say, an industrial zone.

9 North Wild Horse is a multi-family rental property located within a rural residential setting. As a higher density product, building structures will naturally have more mass and height than those surrounding it. In anticipation of this, the Applicant includes open space buffering (~150' separation) adjacent to homes along Buckskin Dr. Greater distancing is expected to the east and south, near future Silverado Dr. and N Wild Horse homes. Architectural features derive articulation and texturing from neighboring residential designs. *Townhome* units will have horizontal and vertical displacement ("stepping") to better resemble the SF home context. As noted elsewhere, *Live/Work* and *Empty-nester* buildings (**Exhibit A-Application, pages 18-26**) exhibit less vertical displacement than surrounding structures and adjoining topography. This style might be deemed less compatible than what was viewed originally at sketch plan. Feedback from P&Z, Council, and the community has been mixed with respect to the more urban, block style multifamily buildings characteristic of developments in Denver, Vail Valley, and the Roaring Fork mid-valley. Therefore, Council will need to consider whether the current architectural signatures (i.e. roof pitches, elimination of balconies, taller windows) are an adequate tradeoff.

On the other hand, with a more conventionally urban approach the Applicant successfully minimizes sprawl which is supportive of the idyllic areas of CVR. Parking for the *Live/Work* units is nested within the interior of the building site plan while *Empty-nester* units obscure vehicle volume with covered parking spaces (**Exhibit A-Application, page 23**). Parking is also restricted to one side of the street on Vista Loop to reduce on-street congestion. Landscaping will be used sparsely to minimize disruption to otherwise unspoiled terrain. All things considered, the Applicant has made efforts to preserve the overarching style and function of CVR along N Wild Horse Dr. and includes transition features to address instances where compatibility may be questionable.

4) Is there availability of town services from public works (including water and sewer services), fire, and police?

Police:

At Sketch Plan, the Applicant anticipated an increase of approximately 338 new residences at build-out. The Police Department currently consists of twelve FTOs which is ideal for a town the size of New Castle. Generally, additional FTEs are considered for every increase of 500 residents. Therefore, the Police Chief concludes that there would be no compromise with police service as a result of the expected population increase.

Fire: In light of the current multi-year drought and the ongoing expansion of the wildland-urban interface, Colorado River Fire Rescue now stresses improving the resiliency of structures and expanding the surrounding defensible space (**Goal EN-8**). Replacing conventional materials with those of more effective ignition resistance, particularly in buildings along the perimeter of the development, buys time for firefighters during a wildland fire incident and inhibits fires from spreading from the source. In 2024, the Town adopted standards for the requirement of ignition resistant materials and improved defensible space requirements for new structures. To extend their firefighting potential, CRFR requests modest clearing and grading for fire apparatus access near the periphery of the development **Exhibit C**. The Applicant has updated the site plan to address this concern (**Exhibit A-Application, page 7**). It is important that these routes be improved sufficiently enough to carry the weight of the necessary fire apparatus.

Public Works: The CVR PUD is approved for 1,400 residential units and 100,000sf of

commercial space. These totals were primarily the result of calculations performed on the basis of water dedicated from Elk Creek. At present the PUD has approximately 890 units and no commercial development. With 130 proposed units in this Application, the PUD remains well short of the 1,400 total rooftops allocated for CVR. The current sewer treatment plant is also sufficiently sized to process the full build-out of both CVR and Lakota.

Streets: The Town contemplates ownership and maintenance of Vista Loop and the N. Wild Horse connector, once all public improvements are accepted. Remaining streets will be private. Public Works agrees that speed, safety, and costs are priorities in road design. On-street parking serves to accommodate overflow vehicle parking for guests, deliveries, trash collection, extra resident vehicles, and emergency vehicles. Staff and the Applicant have worked closely to provide street designs that satisfy all these concerns. **Exhibit A-Application, page 46** shows the agreed upon designs.

Snow Storage: Snow removal is located on the site plan (**Exhibit A-Application, page 12**). 17.8% of total roadway area has been designated for snow storage which is 2.8% more than required. Ample snow storage is demonstrated on all separated sidewalks – Staff's preferred storage location.

Raw Water: Raw water is available at the north end of VIX Park and is expected to irrigate all common landscaping areas within the new PUD. The raw water infrastructure will be extended and looped with the installation of the N Wild Horse road connection.

5) Is there adequate off-street parking and vehicle, bicycle, and pedestrian circulation?

Parking: The purpose of off-street parking in the PUD “is to ensure that safe and convenient off-street parking is provided to serve the requirements of all land uses in the Castle Valley Ranch PUD and to avoid congestion in the streets” (MC 17.104.100). As shown on **Exhibit A-Application, page 9**, the following Town standards apply:

- Duplex, tri-plex or four-plex – Two spaces per dwelling unit;
- Five or more dwelling units in one structure – One and one-half spaces per dwelling unit + 1 recreational vehicle parking space for every 5 units in a 5-plex or greater;

Off-Street Parking: Per the standards, required off-street parking totals 229 spaces. The distribution is as follows: The *Townhome* models provide for a mix of one and two car garages. Regardless of garage size, all units will include two-car driveways (**Exhibit A-Application, page 10**), or 3-4 off-street parking spaces where only two are required. This provision solves for issues related to garages used as miscellaneous storage rather than vehicle storage. The Code reduces parking to 1.5 spaces per unit for *Empty-nester* and *Live/Work* models. The Applicant, familiar with the complications of high-density residential parking, has offered at least two spaces per unit for the *Empty-nester* models and has exceeded the parking for the *Live/Work* units. Based on P&Z input, no differentiation will be made between seasonal/RV parking and other parking, but seasonal spaces will be included in the over parking count.

With the improved parking at VIX, the Applicant has also planned to install two fully equipped level 2 EV parking spaces at VIX park. These spaces will be a community-wide

amenity. Staff also recommend a parking management plan be added to the covenants prior to final approval with provisions for reserved parking in shared lots and prohibitions on overnight parking along N Wild Horse Dr. adjacent to VIX park.

Vehicular Circulation: Road, sidewalk, and trail design is a critical component to any new development in New Castle. To optimize circulation, the Applicant is committed to connecting N Wild Horse Dr. to complete the underdeveloped section between Alder Ave. and Castle Valley Blvd. Of note, nearly 1/5th of this new road section is outside the Applicant's property boundary. However, because of the importance of circulation and public safety, the Applicant has agreed to work with the neighboring property owners, particularly TC Midwest, to complete this link. Staff anticipates that the connector will match the Town standard ROW, including detached sidewalks with landscaping.

Nonvehicular Circulation: The Applicant has made a point not to disrupt the general trail alignment between VIX Park and the BLM land. Also, separated sidewalks allow easy circulation to all inhabited portions of the property with additional soft trails extending to the periphery for easier interface with surrounding neighborhoods (**Exhibit A-Application, page 7**). To meet pedestrian safety concerns, high visibility crosswalks with bump outs were added per P&Z request.

6) *Are the required open space or parks designed for active or passive use by residents of the subdivision or the public?*

As previously discussed, 91.6% of the property will remain as passive/active open space. Within that area, the Applicant has preserved existing public use trails with various connecting trails added (**Exhibit A-Application, page 7**). To reduce the overall development footprint, small, active parks have been replaced with passive open space and two small sitting areas (**Exhibit A-Application, pages 84**). Since the open space requirements for CVR have already been met, no open space will be dedicated to the Town. However, the Applicant contemplates ongoing public access to all residents with an easement agreement.

7) *Is the development consistent with the natural character, contours, and viewsheds of the land?*

The site plan (**Exhibit A-Application, page 35**) follows the sloping topography downhill from northeast to southwest. Each building generally terraces with the existing slope (**Exhibit A-Application, pages 26,36-37**). Terracing of structures limits cut-and-fill and reduces the need for unsightly landscape retention. The approach also softens the blunt, "blocky" appearance, that may otherwise disrupt the undulating, natural landscape. The *Live/Work* units and the *Empty-nesters* are formidable in size, stretching approximately 150'. As the architecture is being finalized Staff recommends revisiting the massing particularly of the *Live/Work* units. Since roof step-downs at the stair corridors were eliminated, there is concern that an uninterrupted roof ridge for the entire length of the building conflicts with the contours of surrounding topography. And, per **Policy EN-6B** of the CP, visual access to the ridgeline is expected. The Applicant, in **Exhibit A-Application, page 37**, has contemplated modestly sized berms and drought resistant trees or shrubs partly as a screening strategy to mitigate building mass. Ultimately, Council should consider whether these structures, coupled with screening, is enough to maintain consistency with the natural character of the

land.

To conserve water and limit landscape maintenance such as mowing, Staff requests the Applicant consider drought resistant vegetation and seeding with native grasses to restore disturbed areas to their original state. Sod and landscape irrigation, likewise, should be used sparingly to minimize the need for landscape maintenance. Modestly mowed buffers and borders can provide a satisfying manicured look needing little maintenance.



V Staff Recommendations

Staff offer the following recommendations to the final PUD application:

- A. The maximum building height of Buildings B1, B2, B3, B4, B15, & B16 shall not exceed the building elevations presented in **Exhibit A-Application, pages 18-19, & 27-28.** *Alternatively*, the Applicant shall consider height reductions, additional screening, architectural modifications, or any combination of these to these structures to optimize consistency with the natural character of the land. All other structures shall comply with the building height requirements specified in Section 17.04.050.
- B. All site specific development applications subject to the provisions of the International Fire Code or matters requiring fire alarms and/or fire suppression shall be submitted to the Fire Marshal for review and comment.
- C. The applicant shall comply with all recommendations of the Town Engineer, Town Public Works Director, and Town Attorney provided in response to review of the Application.
- D. All exterior lighting to be dark-sky compliant per the comprehensive plan. Parking lot lighting should be on timers to reduce the light duration at night while maintaining security lighting as needed.
- E. The location and manufacturer of any electric vehicle supply equipment install within the public right of way shall be at the discretion of Public Works.
- F. A temporary construction easement, generally conforming to that depicted in the Application, is constructed to accommodate construction vehicle circulation for the buildout of PA 8 & 9 (R2 Partners LLC) and PA 12 (TC Midwest LLC) until the completion of either PA 12 or PAs 8 & 9, whichever is first. The easement shall consist of a semi-impervious surface, a track pad at the intersection with Castle Valley Blvd. and include safety fencing along the length of the easement to prevent unauthorized entry into the easement area. Any damage to public infrastructure, including but not limited to, asphalt bike paths, landscape irrigation, underground utilities, and landscaping shall be the responsibility of the Applicant. The design of the easement shall be approved by the Public Works Department and Town Engineer prior to permitting. Landscaping and grade of PA 12 shall be restored to its initial state once construction operations are completed. The Town Council shall approve the temporary construction easement with

the Final Plat.

- G. All trash dumpsters shall be located within an approved trash enclosure that extends six feet high and includes a bear resistant latching mechanism. Trash receptacles for townhomes shall be of a bear resistant type and stored inside.
- H. A declaration of covenants for the common interest community that are to the satisfaction of the Town Attorney. The form of the declaration of covenants shall be finalized before consideration of the Final Plat by the town council. Recordation of the declaration of covenants shall be accomplished at or before recording of the Final Plat.
- I. A subdivision improvements agreement ("SIA") containing an engineer's stamped cost estimate of public improvements, to the satisfaction of the Town Attorney. The form of the SIA shall be finalized before consideration of the Final Plat by the Town Council. Recordation of the SIA shall be accomplished at or before recording of the Final Plat.
- J. Provide a construction phasing plan for inclusion in a subdivision improvements agreement. Identify, at minimum, each of the following components:
 - Buildout phases if necessary;
 - Schedule that identifies the sequencing of construction, sequencing of occupancy, traffic flow, and traffic control plans during construction;
 - Storage and staging areas for construction equipment and materials;
 - Illustrate drainage and erosion control best management practices (BMP's);
 - Conformance to all requirements and specifications approved by the fire marshal concerning temporary access to the project;
 - Provisions for the protection and preservation of all existing vegetation, including trees, shrubs, and native grasses that do not interfere with the construction of buildings, roads, or utility infrastructure.
- K. Landscaping shall incorporate native grasses and plants that minimize maintenance, mowing, and irrigating. The PUD landscaping plan shall be approved by Public Works. Plans submitted for 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.
- L. All disturbed areas in the project shall be revegetated and maintained in a predominantly weed free condition.
- M. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with the Application before the Commission or Town Council shall be considered part of the Application and binding on the Applicant.
- N. The Applicant shall 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.
- O. The sale of individual lots, parcels or units may not occur until a plat creating the lot, parcel or unit is recorded with Garfield County and security for the public improvements has been received by the Town.

P. The Applicant and Town Council shall reach agreement on an affordable housing covenant that includes one of two options:

1) 3-one bedroom units offered at 75% of the current market rate in perpetuity;

Or,

2) 3-one bedroom units & 2-two bedroom units offered with the following pricing arrangement:

- Years 0-20 after certificate of occupancy ("CO") – all rent reduced units shall be offered at 75% of current market rate;
- Greater than 20 years up to 23 years after CO – all rent reduced units shall be offered at 80% of current market rate;
- Greater than 23 years and up to 26 years after CO – all rent reduced units shall be offered at 85% of current market rate;
- Greater than 26 years and up to 30 years after CO – all rent reduced units shall be offered at 90% of current market rate;
- Greater than 30 years – the affordable housing covenant shall expire;

The affordable housing covenant shall designate the general housing type for each unit as necessary, without specifying the exact location of each affordable housing unit. The affordable housing covenant shall designate authority to the Town to choose qualified renters that have passed background checks to live in the affordable housing units, with priority first given to town staff and then to members of the workforce of New Castle. If the property or any affordable housing unit were ever to be part of a further subdivision or if Lots 1, 2, and 3, as depicted on the Final Plat, are ever sold into separate ownership, the Town will apply its then-current affordable housing regulations and modify the affordable housing covenant accordingly. The affordable housing covenant shall be finalized before consideration of the Final Plat by Town Council. Recordation of the affordable housing covenant shall be accomplished at or before recording of the Final Plat.

Q. Finalization of water rights dedication requirements for the project. Calculation of irrigated areas and finalization of EQR dedication requirements. A warranty deed conveying the required water rights in the Coryell Ditch shall be executed and recorded together with the Final Plat.

R. Should issues arise about property management or community security, which are not cured after Town notice, the matter can come back for Planning & Zoning and Council review and the potential imposition of additional responsive conditions.

S. **[Place holder for the cost share agreements]**

VI Final Plan Exhibits:

- A. Applicant Final Plan Application & Appendix – February 18, 2025
- B. CRFR Fire Marshal Referral, Orrin Moon – October 18, 2024
- C. Town Engineer Comments, Jefferey Simonson – January 29, 2025
- D. Town Public Works Director Comments, John Wenzel – October 21, 2024
- E. Temporary Easement Access Referral, TC Midwest, LLC – October 28, 2024
- F. Public Hearing Notice, with Legal Description for Final Plan P&Z – November 13, 2024
- G. Notarized Affidavit of Public Hearing Notice – November 5, 2024
- H. List of Adjacent Property Owners within 250 Feet