

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2024-6

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING CONDITIONAL APPROVAL OF A FINAL
PUD DEVELOPMENT PLAN AND A FINAL SUBDIVISION PLAT FOR
CASTLE VALLEY RANCH PUD FILING 13 (9 N WILD HORSE DR)**

WHEREAS, CTS Investments, LLC (“Owner”) is the owner of certain real property within the Town of New Castle described in the attached Exhibit A, which property is located within the Castle Valley Ranch PUD (the “Property,”); and

WHEREAS, Owner has authorized R2 Partners (“Applicant”) to file a land use application for preliminary plan approval for the Property; and

WHEREAS, on March 21, 2024, Applicant submitted an application requesting approval of a Preliminary PUD Development Plan (“Preliminary Plan”) and a Preliminary Plat (“Preliminary Plat”) for the Property;

WHEREAS, the Town of New Castle Planning & Zoning Commission (“Commission”) held a duly noticed public hearing on June 26, 2024 approving the Preliminary Plan and Preliminary Plat with conditions; and

WHEREAS, the Applicant submitted an application requesting approval of a final PUD development plan (“Development Plan”) and a final subdivision plat (“Final Plat”); and

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

WHEREAS, based on the Application, 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 16.16.030(G) and 17.100.060(F) of the Code:

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. Required open space or parks designed for active or passive use by residents of the subdivision and the public; and

7. 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 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 November 13, 2024.
3. Action regarding Final Plan: The Final Plan proposes:
 - a. The construction of 130 residential units as rental apartments and townhomes as depicted on the most updated site plan included in the Application;
 - b. The subdivision of the Property into 4 lots and 2 Parcels as shown on the Preliminary Plat dated April 12, 2024; and
 - c. The construction of public and private improvements as depicted on the most updated construction documents included in the Application.

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

4. Zoning. The development and use of the Property shall be subject to the following restrictions and requirements:
 - a. the restrictions and requirements of the MF-2 per the Castle Valley Ranch PUD; and
 - 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. The maximum building height of Buildings B1, B2, B3, & B4 shall not exceed the building elevations presented in Exhibit A-Plan, pages 18-26. 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. Demonstrate that all exterior lighting will limit trespass. 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 installed within the public right of way shall be at the discretion of Public Works.
- f. Fire access roads as depicted in the Application shall be permanently signed "Emergency Access Only".
- g. A temporary construction easement, generally conforming to that depicted in the Application, shall be 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 hazardous to the public. Any damage to public infrastructure, including but not limited to, asphalt bike paths, landscape irrigation, underground utilities, landscaping shall be the responsibility of the Applicant.
- h. 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.
- i. 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.
- j. A parking management plan shall be added to the covenants prior to final approval with provisions for reserved parking in shared lots as necessary. Signage on both sides of N Wild Horse Dr adjacent to VIX park shall read "No Overnight Parking".

- k. 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.
- l. 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;
- m. Landscaping shall incorporate native grasses and plants that minimize maintenance, mowing, and irrigating. The landscaping plan shall be approved by the Parks Department. 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.
- n. All disturbed areas in the project shall be revegetated and maintained in a predominantly weed free condition.
- 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 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.
- q. 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 public improvements has been received by the Town.
- r. The Applicant and Town reach final agreement on the form of an affordable housing covenant that includes definition of the number of restricted units, the calculation of below market rents, the workforce that qualify to live in the units,

and the term for which the affordable housing covenant shall be in force. The affordable housing covenant shall be finalized before consideration of the Final Plat by the town council. Recordation of the affordable housing covenant shall be accomplished at or before recording of the Final Plat.

- s. 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.
- t. Vested rights be granted for a period of __ years.

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 13th day of November, 2024, by a vote of ____ to ____.

TOWN OF NEW CASTLE
PLANNING & ZONING
COMMISSION

Chuck Apostolik, Chairman

ATTEST:

Remi Bordelon, Deputy Town Clerk

Exhibits:

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

EXHIBIT A Legal Description

A parcel of land being a portion of the 'Option Property', as described in that Quit Claim Deed, recorded September 21, 2009 as Reception No. 775392, and being situated in the SW1/4 of Section 29, SE1/4 of Section 30, the NE1/4 of Section 31, and the NW1/4 of SECTION 32, Township 5 South, Range 90 West of the 6TH P.M., County of Garfield, State of Colorado, said parcel of land being more particularly described as follows:

Beginning at the 1/4 corner, between said sections 29 and 30, a 3.25" brass cap on 2" iron pipe stamped "1/4 530/29 BLM 1988", thence N 89° 36' 48" E the assumed Basis of Bearings along the southerly line of the 2nd Amended Exemption Plat of Lakota Canyon Ranch, recorded February 4, 2008 as Reception No. 742257, a distance of 1308.59 feet to the Northeast corner of said 'Option Property', being a #5 rebar & 1.25" yellow plastic cap stamped "CLAYCOMB ENG L.S. 3174", said corner being coincidental with Westerly and Southerly lines of Reception No. 742257;

Thence S 00° 55' 44" E, along Easterly line of said 'Option Property', and the said coincidental Westerly line of Reception No. 742257, a distance of 1002.40 feet, to a point on the Northerly line of that parcel of land described in the Special Warranty Deed, recorded April 15, 2010 as Reception No. 784749;

Thence the following twenty-one (21) courses along the Northerly, Westerly, Easterly and Northerly lines of said Reception No. 784749;

1. N 89° 54' 27" W a distance of 116.87 feet;
2. S 54° 50' 38" W a distance of 173.10 feet;
3. S 00° 02' 34" E a distance of 167.50 feet;
4. S 32° 41' 48" E a distance of 88.46 feet;
5. S 00° 55' 44" E a distance of 289.40 feet;
6. S 14° 00' 12" W a distance of 22.45 feet;
7. S 28° 56' 08" W a distance of 541.68 feet;
8. 122.69 feet along a curve to the right, having a radius of 219.00 feet, a central angle of 32° 05' 54", the chord of which bears S 44° 59' 05" W, a distance of 121.09 feet;
9. 102.92 feet along a non-tangent curve to the left, having a radius of 481.00 feet, a central angle of 12° 15' 33", the chord of which bears S 54° 54' 14" W a distance of 102.72 feet;
10. N 51° 02' 22" W a distance of 247.25 feet;
11. 30.23 feet along a non-tangent curve to the right, having a radius of 275.00 feet, a central angle of 6° 17' 51", the chord of which bears S 42° 06' 34" W a distance of 30.21 feet;
12. N 44° 48' 48" W a distance of 174.82 feet;
13. N 56° 40' 07" W a distance of 55.13 feet;
14. N 63° 30' 38" W a distance of 55.33 feet;
15. N 71° 43' 03" W a distance of 57.57 feet;
16. 104.09 feet along a non-tangent curve to the right, having a radius of 970.00 feet, a central angle of 6° 08' 54", the chord of which bears N 11° 34' 51" E a distance of 104.04 feet;
17. N 16° 07' 55" E a distance of 50.00 feet;
18. N 18° 54' 59" E a distance of 221.52 feet;
19. N 30° 00' 58" E a distance of 50.41 feet;
20. N 67° 17' 36" W a distance of 131.42 feet;
21. 104.00 feet along a curve to the left, having a radius of 250.00 feet, a central angle of 23° 50' 05", the chord of which bears N 79° 12' 39" W, a distance of 103.25 feet, to a point on the Northeasterly line of North Wild Horse Road, as described in that Special Warranty Deed recorded September 25, 2007 at Reception No. 733780;

Thence the following four (4) courses along said Northeasterly line of North Wild Horse Road, being situated parallel to and 67.50 feet Northeasterly of the westerly line of said 'Option Property', also a coincidental line with the North Park Parcel recorded April 17, 2007 at Reception No. 721291;

1. 38.30 feet along a non-tangent curve to the left, having a radius of 491.25 feet, a central angle of 4° 28' 00", the chord of which bears N 04° 02' 01" W a distance of 38.29 feet;
2. N 06° 16' 01" W a distance of 314.42 feet;
3. 263.68 feet along a curve to the left, having a radius of 281.25 feet, a central angle of 53° 43' 01", the chord of which bears N 33° 07' 31" W, a distance of 254.13 feet;
4. N 59° 59' 02" W a distance of 338.00 feet, to a point on the westerly line of said 'Option Property';

Thence the following three (3) courses along the westerly lines of said 'Option Property';

1. N 21° 44' 01" E a distance of 132.03 feet;
2. N 02° 06' 39" E a distance of 226.38 feet;
3. N 00° 23' 12" W a distance of 381.09 feet, to a point on the North line of the TO A SW1/4 of Section 30;

Thence S 89° 47' 18" E along said North line SW1/4 of Section 30, a distance of 308.87 feet, To the Point of Beginning,
County of Garfield, State of Colorado.

and containing 50 ACES more or less, here by these covenants laid out, plotted and subdivided the same into lots and blocks as shown hereon and designate the same as BLOCKS

EXHIBIT B

Final PUD Application Materials

- A. Applicant Final Plan Application & Appendix – September 30, 2024
- B. CRFR Fire Marshal Referral, Orrin Moon – October 18, 2024
- C. Town Engineer Comments, Jefferey Simonson – October 18, 2024
- D. Town Public Works Director Comments, John Wenzel – October 21, 2024
- E. Town Attorney Comments, Michael Sawyer – November 5, 2024
- F. Temporary Easement Access Referral, TC Midwest, LLC – October 28, 2024
- G. Public Hearing Notice, with Legal Description for Final Plan P&Z – November 13, 2024
- H. Notarized Affidavit of Public Hearing Notice – November 5, 2024
- I. List of Adjacent Property Owners within 250 Feet