

1
2 **New Castle Planning and Zoning Commission Meeting**
3 **Wednesday, April 27, 2016, 7:00 p.m., Town Hall**

4
5 **Call to Order**

6 Commission Chair Chuck Apostolik called the meeting to order at 7:05 p.m.

7
8 **Roll Call**

9 Present Chair Apostolik
10 Commissioner Borgard
11 Commissioner Gates
12 Commissioner Metzger
13 Commissioner Urnise

14
15 Absent Commissioner Slack
16
17
18

19 Also present at the meeting were Town Planner Tim Cain, Assistant Town Attorney
20 Haley Carmer, Deputy Town Clerk Mindy Andis and members of the public.

21 **Meeting Notice**

22 Deputy Town Clerk Mindy Andis verified that her office gave notice of the meeting
23 in accordance with Resolution TC-2016-1.
24

25 **Conflicts of Interest**

26 Commissioner Urnise said the civil engineering company that was working on the
27 Lakota Ridge Senior Apartments employed him. He asked to be recused from the
28 public hearing regarding their application. The Commission agreed. Commissioner
29 Urnise left the council chambers at 7:06pm.
30

31 **Citizen Comments on Items NOT on the Agenda**

32 There were no citizen comments.
33

34 **Public Hearing**

35 Preliminary Planned Unit Development
36

37 Purpose: Application for Preliminary Planned Unit Development (PUD)
38

39 Legal description: Lot 2A, Amended Final Plat, Lot 2, Lakota Canyon Ranch, Phase
40 7, According to the Plat thereof Recorded July 30, 2010
41 Under Reception No.789213
42

43 Common Address: T.B.D. Castle Valley Blvd., New Castle
44

45 Applicant: Lakota Ridge Senior Apartments, LLC
46

47 Landowner: Town of New Castle

1 Resolution PZ 2016-2 A Resolution of the New Castle Planning and Zoning
2 Commission Approving Lakota Ridge Senior Apartments, LLC's Preliminary PUD
3 Development Plan Application.

4
5 Chair Apostolik opened the Public Hearing at 7:07p.m.

6
7 Town Planner Tim Cain reported that Community Resources & Housing
8 Development Corporation (CRHDC) had submitted their application for Preliminary
9 PUD Development, and that the application met the minimum standard of
10 completeness. He said the applicant had requested that final construction
11 documents, complete civil plans and drainage calculations be deferred until CRHDC
12 was awarded grant funds. CRHDC stated that they had a very limited operating
13 budget until they receive a grant from Colorado Housing Financing Authority in
14 early summer 2016. He asked that the Commissioners consider the
15 recommendations of the Town Engineer and Public Works Director.

16
17 The application requested 50 affordable senior dwelling units. Proposed are 40 one-
18 bedroom, one-bath units and 10 two-bedroom, one-bath units, located in six
19 buildings. One-bedroom apartments will be 708 square feet with an 85 square foot
20 individual private balcony. A two-bedroom apartment will be 950 square feet, each
21 with a 61 square foot private balcony. Each unit will have washer and dryer hook-
22 ups and more storage space than the other senior housing complex in New Castle.

23
24 There will be a 1650 square foot community center, which will include a manager's
25 office, storage, gathering place, and laundry facilities. The manager for the town's
26 other senior housing complex had arranged for Garfield County Department of
27 Human Services to offer the Senior Nutrition Program, community health fairs,
28 Meals on Wheels and the Roaring Fork Transit Authority Traveler Program.

29
30 Buildings will range in elevation from one to three stories, utilizing the slope of the
31 land. An elevator will be installed to allow access to the upper units. There will be
32 internal pathways throughout the parcel with extensive landscape and green open
33 space, which meets the 15% of coverage as required by code. A community garden
34 will also be the focal point of senior gatherings and social interaction.

35
36 The proposed parking in the development is double the amount required by code
37 for residential parking. The code requires 1/2 off-street parking space for each unit,
38 but fifty (50) spaces are proposed. There will be ample parking for guests and
39 family members, however the Town Council has the authority to increase or
40 decrease the number of off-street parking spaces.

41
42 The applicant will construct a public street that complies with the Public Works
43 Manual. This will access the two major parking lots located within the perimeter of
44 residential buildings. The grade of the street at the northeast corner of the parcel at
45 Castle Valley Boulevard goes from 4% and increases to 8% at the top end of the
46 road. The street will end with a "hammerhead" turn-around large enough for fire
47 trucks.

48
49 Pedestrian pathways will be diverted away from the street and parking areas for the
50 purpose of resident safety. The site plan also shows snow storage, however the

1 Public Works Director, John Wenzel suggested enlarging the parking islands to
2 provide for additional snow storage. Director Wenzel also recommended that
3 concrete sidewalks be five feet wide with a green belt placed between the edge of
4 the sidewalk and back of the curb to provide improved walkability and additional
5 snow storage. The applicant will also be required to construct a 10-foot wide
6 asphalt foot trail on the northern boundary of the property. It will be determined
7 whether the applicant will be required to construct the foot trail from the northeast
8 corner of the lot southeast along Castle Valley Boulevard to the Fire Station.
9

10 The Town of New Castle currently owns the land and Lakota Senior Apartments has
11 a Lease with Option to Purchase for a minimum of two years and a maximum of
12 three years. At that time, Lakota Ridge Senior Apartments would be able to
13 purchase the land from the Town of New Castle.
14

15 The application demonstrated substantial compliance with the Comprehensive Plan.
16 Section 5 – Housing, Goal HO-1 of the Town’s Comprehensive Plan is to “preserve
17 and create affordable housing” for our community. Part A and B of this goal states
18 the Town would like to collaborate with non-profit agencies to promote and create
19 affordable housing. CRHDC is working to utilize low-income housing tax credits for
20 this development as outlined in part B of this goal.
21

22 Section 5, Housing, Goal HO-2 aligned well with the development because the
23 applicant is proposing a housing density that will vary from the surrounding
24 community. The density also exceeded the allowable number of units by close to 15
25 units. Without 50 dwelling units, the project would not be able to obtain funding.
26

27 The applicant expressly noted Policy HO-2E of the Town’s Comprehensive Plan in
28 which the Town supports development that provides housing for those with special
29 needs such as seniors. The section also stated that the Town would like the Garfield
30 County Housing Authority (GCHA) to be more engaged in affordable housing
31 development. The applicant is in current partnership with GCHA as a Special
32 Limited Interest, which will allow the property to be property tax exempt. This
33 would help with the operating budget and help ensure the rent will remain
34 affordable.
35

36 The Town has the capacity to serve the proposed senior housing project with water,
37 sewer, fire and police protection. The Fire Marshall and Town Police Chief are
38 supportive of the application. The fire station is located less than 300 feet from the
39 proposed senior housing project and will be able to respond extremely quickly to an
40 emergency call.
41

42 The proposed use is a permitted use within the zone district. The subject property
43 is zoned Mixed Use (MU) in the Lakota Canyon Ranch Subdivision. The purpose and
44 intent of the zone district is “To provide standards and criteria for development of a
45 compatible mix of conventional and clustered commercial, service, entertainment,
46 low impact business and residential uses. And to also encourage clustered
47 development...” The proposed development is a “use by right.”
48

49 There are a total of 827 dwelling units approved for Lakota Canyon Ranch. Of the
50 827 units, 345 residential units are allowed in the MU zone district. The Town

1 Council has the authority to increase the amount of MU dwelling units if another
2 development project is proposed that would exceed the 345 residential unit limit.
3 The senior housing project does not exceed the number of dwelling units allowed in
4 the MU zone district.

5
6 Planner Cain stated the PUD utilized the natural character of the land, included
7 compatible land uses, provided for fire and police protection, off-street parking,
8 vehicular, pedestrian, and bicycle circulation, outdoor recreation, is of overall
9 compatible architectural design, achieved adequate screening, buffering and
10 aesthetic landscaping, avoided development of areas of potential hazard, ensured
11 compliance with performance standards, and met all other provisions of the
12 applicable ordinances of the Town.

13
14 The staff recommended approval of the Preliminary Development PUD Plan with the
15 following conditions:

16
17 1. All representations of the applicant in written and verbal presentations
18 submitted to the Town or made at public hearings before the planning commission
19 or Town Council shall be considered part of the application and binding on the
20 applicant.

21
22 2. The applicant shall reimburse the Town for any and all expenses incurred by the
23 Town regarding this approval, including without limitation all costs incurred by the
24 Town's outside consultants such as legal and engineering costs.

25
26 3. The applicant will provide a detailed response to the March 23, 2016
27 Memorandum from Public Works Director, John Wenzel at least three weeks before
28 the Final PUD Development hearing before Planning and Zoning Commission which
29 is projected to be June 8, 2016 although this date is not certain.

30
31 4. The applicant will provide a detailed response and/or request a waiver of certain
32 items noted in the March 11, 2016 Preliminary Plan Review from the Town Engineer
33 at least three weeks before the Final PUD Development hearing before Planning and
34 Zoning Commission which is projected to be June 8, 2016 although this date is not
35 certain.

36
37 5. The applicant will respond accordingly to the recommendations dated April 21,
38 2016 as provided by Colorado River Fire & Rescue Fire Marshall, Orrin Moon.

39
40 Carly Johansson, Director of Real Estate Development for CRHDC presented the
41 project to the commission. Ms. Johansson stated CRHDC would be the developer,
42 owner, and property manager.

43
44 Ms. Johansson briefly described that CRHDC provided pathways to housing
45 resources and asset building opportunities. She said that CRHDC had five lines of
46 service: Counseling, Lending, Real Estate Services, Real Estate Development and
47 Asset Management. CRHDC owned properties all over the State of Colorado were
48 not jurisdictionally tied like a housing authority would be, but did work primarily in
49 rural communities.

1 Currently CRHDC owned and operated the senior housing in New Castle that had 24
2 one-bedroom units and one two-bedroom unit. That senior housing development
3 was financed differently than the Lakota project, however, it will be managed and
4 operated the same way. The goal was for the property to be a nice place for people
5 to live.

6
7 The primary source of financing for the Lakota development will be Low Income
8 Housing Tax Credits (LIHTC) from the Colorado Housing and Finance Authority
9 (CHFA). The program will bring a large amount of equity to the project. Investors
10 bring through the equity, and then the investors will benefit by getting a tax
11 deduction over 15 years, based on the depreciation of the property. Garfield County
12 Housing Authority and Colorado Division of Housing are partnering with CRHDC on
13 the project. The timeline for development of the project relies on when the project
14 was awarded the financing. CRHDC had already applied once and was denied the
15 award. CRHDC plans to apply again in May of 2016 and anticipate that it will be
16 awarded in June 2016. If awarded, construction will begin by March of 2017.

17
18 The Senior Housing Development will be restricted to individuals who are 55 years
19 of age or older. Households must be 60% of the Area Medium Income (AMI) or
20 less. For a household of one person their annual income cannot exceed \$29,280.
21 For a household of two people their combined annual income cannot exceed
22 \$33,480. For a household of three people their combined annual income cannot
23 exceed \$37,680. For a household of four people their combined annual income
24 cannot exceed \$41,820. These are the 2016 income limits by HUD.

25
26 The rent will be as follows: 60% AMI renter, rent will be \$900 for a two-bedroom
27 unit or \$750 for a one-bedroom unit. 50% AMI renter, rent will be \$785 for a two-
28 bedroom unit or \$653 for a one-bedroom unit. 40% AMI renter, rent will be \$523
29 for a one-bedroom unit. 30% AMI renter, rent will be \$392 for a one-bedroom unit.
30 The project will partner with Garfield County Housing Authority to serve eight
31 project-based vouchers for community members at the 30% and 40% AMI level.
32 The vouchers will allow those renters to only pay 30% of their income to rent no
33 matter what their income is, and the voucher will make up the difference. 30 units
34 will be available to the 60% AMI and below renter, 10 units will be available to 50%
35 AMI and below renter, five will be available to 40% AMI and below renter and five
36 will be available to 30% AMI and below renter. These percentages are based off the
37 current market study and need. The rent will be established once the funding has
38 been awarded.

39
40 Currently there are 37 people on the waiting list for the existing senior housing. The
41 individuals on the waiting list would qualify for the proposed senior housing
42 development. Most of the senior housing throughout the valley have a zero vacancy
43 rate. There is need for senior housing, and some of the waiting lists exceed three
44 years.

45
46 Ms. Johansson explained that CRHDC requested a waiver with respect to the civil
47 plans, but noted that the basic layout of the site was not expected to change. She
48 said the design team felt the public improvements associated with the internal
49 roads were defined but may need some minor revisions as they move forward. Ms.
50 Johannssen requested that the land be annexed into the HOA after the project is

1 complete. She also said that CRHDC hoped that the public improvements shown
2 satisfy the requirements of §17.100.050, sub-section (A) (1) (c) and (f) specifically.

3
4 Ms. Johannssen said that the amount of pre-development capital CRHDC had to
5 move the project forward was limited due to the fact that they were still in the
6 application process for the funding that was needed to develop. After CRHDC is
7 awarded the funds, final construction documents will be completed, including a full
8 set of civil plans with drainage calculations.

9
10 Additionally, CRHDC would like to request that the land required for the public road
11 be subdivided as part of the PUD, however, they wanted to deed the land to the
12 town after the road was complete. Structuring the transfer of the ROW in that way
13 will help with the feasibility of the development.

14
15 Ms. Johannssen reiterated that CRHDC requested that the Right of Way (ROW) be
16 deeded over to the Town of New Castle after the public road build out was
17 complete; and that CRHDC was also asking to be excluded from the Lakota Canyon
18 Ranch HOA requirements, to not be annexed into the HOA until after the project
19 was complete.

20
21 Elaina Scott, Land Scape Architect, explained the layout for the site. There is 50-
22 foot grade change from the North East corner to the South West corner of the
23 property. Grade changes always present a challenge, especially for senior housing
24 that needs an easy, walkable environment. She said she wanted to create a
25 southern facing courtyard and be able to step the buildings and the parking into the
26 site. She also considered the orientation of the buildings to take advantage the
27 views that each unit would have.

28
29 Ms. Scott said the main public access road would be from Castle Valley Boulevard
30 from North to South that will connect both parking lots. An asphalt pedestrian path
31 will be along Castle Valley Boulevard per the Lakota Canyon PUD. There would also
32 be an internal trail system connecting the residents to the courtyard, community
33 garden and community center. In addition, there will be a trail connection to the
34 Jolley Trail.

35
36 Ms. Scott said there would be perimeter landscaping which will incorporate the
37 natural landscape of the area. With doing this, the buildings and landscape will feel
38 like it is one and fits in.

39
40 Ms. Scott said the courtyard landscape would be more formal. It will be friendly for
41 walking dogs, meeting friends, arts and crafts, etc.

42
43 There will be 50 parking spaces, which more than what the town code requires.
44 There will be five on-street parking spaces, 25 spaces in the lower lot and 20
45 spaces in the upper lot. Most of the parking would be concealed by the courtyard
46 and the buildings and not visible from Castle Valley Boulevard. What would be seen
47 are buildings that sit within the landscape, which is in keeping with the building
48 guidelines of Lakota Canyon Ranch PUD neighborhood to the North.

49
50 JV DeSousa, Architect, described the building layout. He said that in designing the

1 layout of the buildings, CRHDC kept the footprint of buildings 1, 2, and a portion of
2 3 the same size as a single family residence in Lakota Canyon Ranch Subdivision.
3 Building number one will be 1400 square feet, and smaller than the first home on
4 the corner of Blackhawk Drive and Castle Valley Boulevard. The largest building,
5 number four, is not as long or as big as the existing firehouse.
6

7 Buildings 1, 2, and 3 are two stories tall on both the North and South side.
8 Buildings 4 and the end of 3 are three stories tall on the North side, and 2 stories
9 tall on the south side. Building 5 is two stories tall on both sides, and building 6 is
10 two stories tall on the North side and 1 story tall on the South side. The one story is
11 important so there will not visible rooftop from above the ridgeline and from the
12 interstate off ramp. The top two floor end units of building 3 will be moved to the
13 end corner of building 6 per the request of Orrin Moon, Fire Marshal of Colorado
14 River Fire Rescue, to provide access for emergency vehicles.
15

16 There will be one elevator at the community center. The community center will
17 connect to all the buildings by bridges and egress balconies. A resident will be able
18 to access any unit or building from any other unit or building within the complex by
19 a level path. There will be no stairs or steep paths. The elevator will accommodate
20 a gurney per the request of the fire department.
21

22 The proposed units are larger than the existing senior housing units. Each will have
23 a large storage space within a large closet and the living and dining rooms will be
24 larger. Each unit will also have a private outdoor balcony or patio, which will be
25 located right outside the living room. Then, the top floor units that have pathways
26 will have a small indentation that creates a small space along the public walkway.
27 This will make the front door the units own door. All the units are designed to be
28 ADA compliant. Not all the units will be ADA units, but can be converted easily.
29 When a senior moves in, the units can accommodate aging in place and they would
30 not have to move if they become mobility impaired.
31

32 Sunny Black, 882 Ute Circle. Mr. Black asked about the AMI rate and if the rents
33 would change with the AMI. He also asked how often that would take place.
34

35 Ms. Johansson explained that HUD calculates the AMI annually, and the rent will
36 change. However, it does not align with market increases. Also, the utilities (water,
37 sewer, trash, gas and electric) will be included in the rent. Tenants will be
38 responsible for cable, internet, etc.
39

40 Nancy Ransfeld, at 201 Castle Valley Boulevard. Ms. Ransfeld asked if there were
41 no turn-around at the end of the parking lot, how the fire trucks and ambulances
42 would turn around.
43

44 Mr. DeSousa said the drive isles were much bigger than the street at the other
45 senior housing. The fire department required a maximum backing up of 150 feet
46 including the turn-around. Both proposed parking lots are specially designed to
47 meet that maximum requirement.
48

49 Commissioner Borgard asked how the landscaping would be established.
50

1 Ms. Johansson said the landscaping will be maintained by CRHDC and they would
2 replace any vegetation that died. Most of the landscaping will be self-sustaining.

3
4 Commissioner Borgard also asked if the outside patios or balcony were included in
5 the square footage of each unit.

6
7 Mr. DeSousa said no. The square footage of each unit is livable interior space. The
8 one-bedroom units are 708 square feet and two-bedroom units are 950 square
9 feet.

10
11 Chair Apostolik asked if the buildings would be on boilers or a central system.

12
13 Ms. Johansson said each unit would have its own forced air system furnace and air
14 conditioning.

15
16 Chair Apostolik asked how the public walkways would be maintained.

17
18 Mr. DeSousa said that since the proposed development was affordable housing,
19 senior housing staff would maintain the sidewalks.

20
21 Chair Apostolik closed the Public Hearing at 8:24p.m.

22
23 Assistant Town Attorney Haley Carmer said that one main issue was that the
24 project being subject to the Lakota Canyon Ranch HOA. The applicant recently
25 organized a neighborhood meeting with the HOA, Lakota homeowners, and other
26 interested parties, including Town staff. At that meeting, the HOA expressed some
27 concern that the Property is not subject to the Master Declaration or the HOA. If the
28 Property is not incorporated into the HOA, the HOA will not collect dues from
29 Applicant, the Property will not be subject to the HOA's design review process, and
30 the HOA's architectural guidelines will not be binding on the Property or the
31 Applicant. Also note that, as explained more fully in the staff report, Applicant's
32 proposed development counts against the density of the PUD as a whole as well as
33 the individual phase in which it was developed (Phase 7, which was allocated a total
34 of 70 dwelling units).

35
36 Attorney Carmer said that pursuant to the Master Declaration of Protective
37 Covenants, Conditions and Restrictions for Lakota Canyon Ranch and amendments
38 thereto, the Property was part of what is defined in the Master Declaration as the
39 "Expansion Property." The same is true of the fire district lot. As part of the
40 Expansion Property, the Property was not automatically incorporated into the area
41 governed by the Lakota Canyon Ranch Master Association ("HOA") and the Master
42 Declaration does not encumber the Property. Under the Master Declaration,
43 Warrior, as Declarant, has the option to incorporate the Property into the
44 community governed by the HOA or to waive that right. To date, Warrior had not
45 exercised its right to annex the Property into the community governed by the HOA
46 or to record the Master Declaration against the Property. As such, the Property is
47 not currently subject to the covenants, conditions, or restrictions included in the
48 Master Declaration nor is it governed by the HOA.

49
50 Attorney Carmer said that the purpose of the senior housing project was to provide

1 affordable housing to seniors. The applicant represented to Town staff that they had
2 not included HOA dues in its operating budget because they were not subject to the
3 Master Declaration or the HOA at the time of application. Additionally, senior
4 housing residents will likely use few, if any, of the Lakota community amenities that
5 were funded by HOA dues because the Applicant's project included its own
6 community center. Moreover, if architectural consistency is the primary concern,
7 Section 16 of the First Supplement to 1999 Annexation and Development
8 Agreement required that the Town Building Department receive written proof that
9 construction plans had been approved by the Lakota Canyon Ranch Architectural
10 Control Committee ("ACC") before issuing a building permit. Applicant intended to
11 be a good neighbor and has scheduled an appearance before the ACC on May 4th.

12
13 Attorney Carmer said the Commission should consider whether Applicant should be
14 a part of the HOA. Warrior has stated that the Property need not be subject to HOA
15 governance, and Town Council expressed a similar opinion at its April 19th meeting.
16 One option for the Commission to consider is requiring, as a condition of approval
17 of the Application, that Applicant receive approval of its project design from the
18 ACC.

19
20 Attorney Carmer said the applicant had also requested a cost recovery agreement
21 regarding the costs of construction of the public street to the extent that in the
22 future it may serve the adjacent property owned by Jim Colombo. Any
23 recommendations or insight the Commission could provide would be appreciated.

24
25 Mr. Black, Board of Directors President for Lakota Canyon Ranch, said there had
26 been discussion regarding the incorporation of the project into the Lakota Canyon
27 Ranch HOA. Lakota Canyon Ranch waived the HOA Covenants but asked that
28 CRHDC continue with the proposed design of the senior housing and that they work
29 with the HOA.

30
31 Attorney Carmer said the senior housing units would affect the number of units in
32 the Lakota Canyon Ranch Phase 7 and the development by reducing the number of
33 units.

34
35 **Motion: Chair Apostolik made a motion recommending approval of PZ-**
36 **2016-02, A Resolution of the New Castle Planning and Zoning Commission**
37 **Recommending Approval of a Conditional Use Permit for Two-Family**
38 **Residential Use on Property Located in the Commercial Transitional Zone**
39 **District. Does not recommend that the Property become a part of the**
40 **Lakota Canyon Ranch HOA. Commissioner Borgard seconded the motion.**

41
42 **The motion passed on a roll call vote: Commissioner Gates: Yes;**
43 **Commissioner Metzger: Yes; Commissioner Borgard: Yes; and Chair**
44 **Apostolik: Yes.**

45
46 Commissioner Urnise returned to the council chambers at 8:30pm.

47
48 **Items for Consideration**
49 Consider Appointing Commission Chair and Vice-Chair
50 After a brief discussion the commission decided to table this item until the next

1 meeting or when there are no vacancies on the commission.

2
3 Consider Commission Appointment to Historic Preservation Commission.
4 Commissioner Metzger nominated Commissioner Borgard.

5
6 **Motion: Commissioner Metzger made a motion to appoint Commissioner**
7 **Borgard to the Historic Preservation Commission. Chair Apostolik seconded**
8 **the motion and passed unanimously.**

9
10 **Items for next Planning and Zoning Agenda**

11 There were no items.

12
13 **Commission Comments and Reports**

14 There were no comments or reports.

15
16 **Staff Reports**

17 Planner Cain reported First Baptist Church would be coming to P&Z for a Conditional
18 Use Permit (CUP) on May 11, 2016.

19
20 **Review Minutes from Previous Meeting**

21 **Motion: Chair Apostolik made a motion to approve the January 13, 2016**
22 **meeting minutes as amended. Commissioner Metzger seconded the motion**
23 **and it passed unanimously.**

24
25 **Motion: Chair Apotolik made a motion to adjourn the meeting.**
26 **Commissioner Borgard seconded the motion and it passed unanimously.**

27
28 The meeting adjourned at 9:05p.m.

29
30
31
32
33 Respectfully Submitted,

34
35
36
37
38
39 _____
40 Planning and Zoning Commission Chair
Chuck Apostolik

41 _____
42 Deputy Town Clerk Mindy Andis